



Scottish Government
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Consultation on the socio-economic duty: Analysis of responses



EQUALITY, POVERTY AND SOCIAL SECURITY



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Introduction

This report provides a summary of the responses to the [Consultation on the Socio-Economic Duty](#)¹, and of what the Scottish Government plans to do as a result.

The consultation ran from 18 July to 12 September 2017. A total of 123 responses were received: 18 from individuals and 105 from organisations.

Table 1: Number of responses by category of respondent

Category	Number of responses
Third sector	36
Local government	20
Professional bodies and trades unions	9
Transport bodies	6
Health and social care partnerships	6
Universities / academic units	5
Territorial health boards	5
Colleges	2
Special health boards	2
Community planning partnerships	2
Enterprise bodies	2
Alcohol and drug partnerships	2
Other public sector	7
Political party	1
Total organisations	105
Individuals	18
Grand total	123

Of the 123 respondents, 120 gave permission for their response to be published by the Scottish Government. These responses can be viewed at <https://consult.gov.scot/social-justice/the-socio-economic-duty/>.

¹ <http://www.gov.scot/Publications/2017/07/8131>

Section 1 – Defining the key terms of the duty

General comments

General positive comments on the definitions were that:

- they are clear, comprehensive, reasonable, and pragmatic
- they are consistent with other frameworks/strategies e.g. the child poverty framework regarding the '3 Ps' (Pockets, Prospects and Places)
- the "easy read" version is particularly helpful

It was suggested that, where pre-existing definitions for these terms exist (for example within the Equality Act) it would be helpful if there was consistency with these.

Suggestions for improvement included changing the language to make it more user-friendly, and more positive – for example, re-naming it the 'Flourishing Duty', that aims to 'tackle social and economic disadvantage by removing barriers to people fulfilling their full potential', and avoiding terms such as 'service users' and 'deprived areas'.

There was concern that not everyone recognises that differences in income and wealth are unfair, and are the fundamental cause of inequalities of outcome. It was suggested that there is a need to ensure consensus across partners, politicians (local and national) and senior decision makers on the definitions.

Socio-economic disadvantage

There was confusion about whether a single definition will be used by all public bodies, or whether individual public bodies will devise their own. And there was no consensus on which of these would be more desirable. The argument for flexibility was that this would "enable public bodies to consider the impact of policies in their area of benefit and with respect to those affected by it". One respondent felt that this would work for staff with extensive knowledge of equalities, but may lead to others adopting too narrow a definition.

Some respondents highlighted that socioeconomic disadvantage is very complex, and that this complexity must be reflected in the definition. For example:

- Health outcomes get progressively poorer across the socio-economic gradient – actions to help those in poverty might increase the risk to groups just above the poverty line.
- A major and lasting reduction in inequality requires addressing what happens at the top of the income/wealth distribution, as well as the bottom. This implies a need to consider how decisions impact on or reinforce socio-economic advantage as well as contribute to reducing disadvantage.
- Socio-economic disadvantage is not necessarily a fixed state – for example, people can move in and out of poverty as their circumstances change e.g.

after the birth of a child. This means there is a need to prevent socio-economic disadvantage as well as tackling it.

However, others felt that the ultimate aim of the duty was being obscured by too many terms being used to describe the problems that should be addressed. These respondents wished to see a stronger focus on tackling the causes of poverty and wealth inequality, rather than ameliorating the consequences.

Being 'socio-economically disadvantaged' means living in less favourable social and economic circumstances than others in the same society. Features of socio-economic disadvantage can include low income and living in a deprived area.

Specific re-wording suggestions:

- Use the word “includes” rather than the word “means”, which suggests a closed definition.
- Change to: “...than the majority of others in the same society”.

There was some concern that the term society is unclear, as this could mean the whole of Scottish society, a local authority area, or a ward within that area. Residents who are more affluent than others in their local authority area may still have poorer outcomes than comparable populations in other parts of Scotland.

Socio-economic disadvantage is not always experienced in neat concentrations of people in recognisable communities - it may apply to particular communities of place, communities of interest or even individual households. We would therefore expect public authorities to focus on communities within particular disadvantaged places; but also within particular disadvantaged communities of interest - such as young people leaving care; disabled people; or people from minority ethnic communities. We would also expect public authorities to focus on the specific nature of socio-economic disadvantage for people in rural, remote and island areas.

Specific re-wording suggestions:

- “...or even individual households” is unnecessary

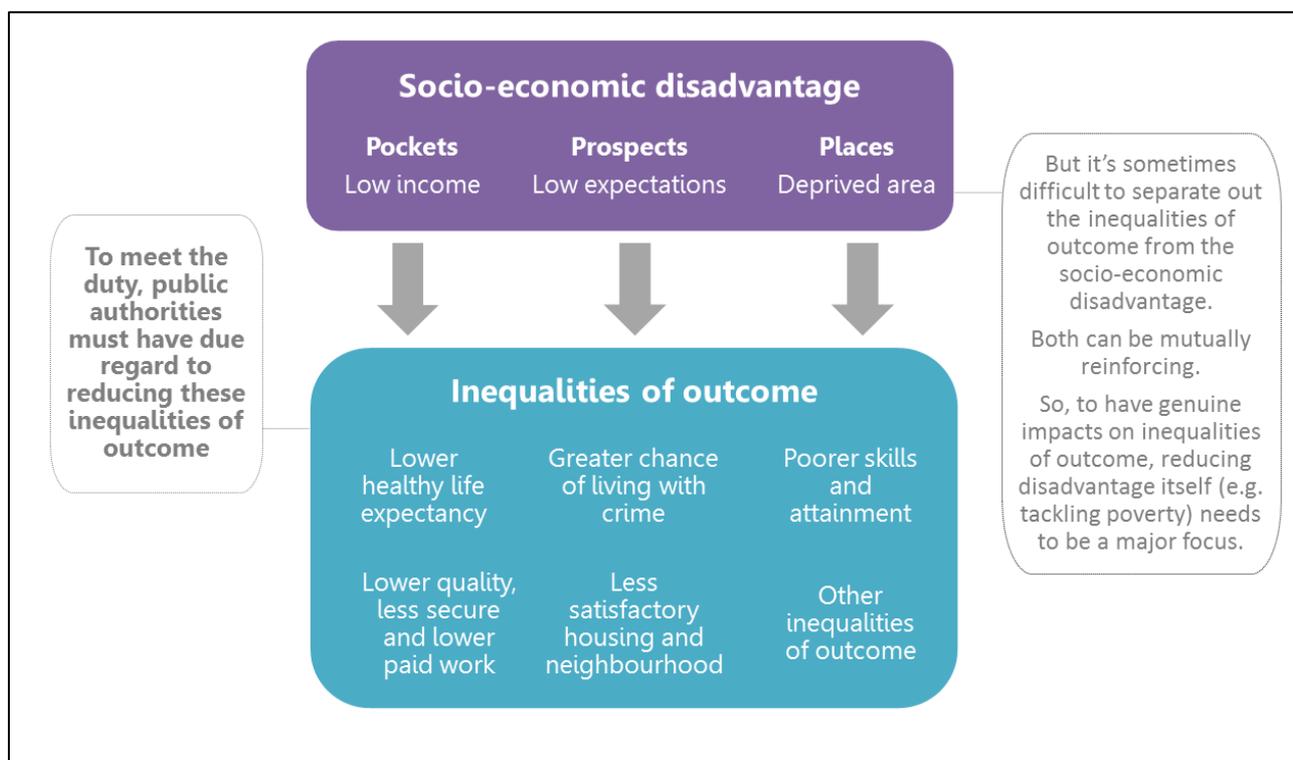
A number of additions were suggested by other respondents, including:

- Living in less favourable environmental circumstances
- People with mental ill health
- People with addictions
- Refugees
- Carers
- People who have been bereaved

However, it was noted that the definition of socio-economic disadvantage is significantly wider than the UK Government's original definition, and concerns were raised that it may be too wide, which could dilute its focus and make it more difficult to establish its impact.

Some respondents welcomed the focus on both disadvantaged places and disadvantaged communities of interest. However, there was an impression that the document placed more of an emphasis on the former. There was also concern that 'communities of interest' is less well defined, and perhaps not the most appropriate term, given that experiencing a similar type of inequality does not automatically bring people into a 'community of interest'. It was also noted that most of the examples in the guidance refer to less favourable economic circumstances, and few relate to disadvantaged social circumstances e.g. lack of opportunities to engage in community-led development, regeneration and decision making, and lack of access to community facilities and open spaces.

The need for a consistent definition of disadvantaged places was raised. For example, would this be the 15% most deprived Scottish Index of Multiple Deprivation areas? And which bands of the 6 bands of the Urban Rural Classification would be included in the definition of 'rural'? Limitations of relying solely on the Scottish Index of Multiple Deprivation were also described, particularly for rural areas.



The consultation document's recognition that socio-economic disadvantage and inequalities of outcome are mutually reinforcing was welcomed, and one respondent suggested that it may be helpful to reference the cycle of inequality

(setting out, for example, that the educational attainment gap is both a cause and effect of inequality), and the work needed to break this cycle.

One respondent queried whether the diagram on page 11 of the consultation document implies that deprived areas do not have low income/low expectation, and that everyone in a deprived area is deprived. Others highlighted that people's aspirations are often realistic in terms of the opportunities likely to be available to them, and that even those with high expectations may not be able to achieve them because they lack the networks and connections that others can draw on.

It was suggested that 'remote, rural Scotland' should be added under 'Places', and 'unlawful discrimination' added as a fourth aspect that leads to inequality of outcome.

Inequalities of outcome

Some respondents thought that an exhaustive list of inequalities of outcome would be helpful, and various additions were proposed. It was also suggested that it would be better if the term outcome was used in the definition, and that it should be 'significant measureable differences', not 'any', given the need for proportionality.

Outcomes for individuals are complex and derived from a range of interlinked factors. First, they can relate to the existing institutional, cultural and market structural factors that affect wider life chances (for example, levels of educational attainment; levels of unemployment; nature of employment, experiences of crime, life expectancy, levels of poverty and income inequality). Second, they can relate to decisions made nationally or locally about the availability of goods and services - for example, how money is spent locally, whether good quality affordable housing is available locally, the number of police allocated to a particular area, or the range of career progression opportunities in the local area. And, third, of course, particular equality considerations (age, disability, gender reassignment, race, religion, sex, sexual orientation) can lead to inequalities of outcome being widened further in some cases.

Comments were that this outline appears deficit based, and top down, and seems to imply that educational attainment is a cause of inequality but not the result of it. It was also suggested that 'particular equality considerations' should include those experiencing socio- economic disadvantage, and intersectional or multiple equality considerations. In relation to age, some respondents felt that, as the focus of existing related duties is on childhood and early life experiences, there needs to be similar consideration of addressing socio-economic inequalities in later life stages.

In some cases, an effective way to do this will mean tackling socio-economic disadvantage directly by, for example, reducing poverty.

Some respondents felt that there needs to be a stronger emphasis on public bodies tackling the causes of poverty (e.g. employment and social security), as opposed to its mitigating consequences (e.g. health inequalities and the educational attainment

gap). But there was also a strong view that local authorities lack the powers and financial capacity to tackle the causes of poverty.

Decisions of a strategic nature

Some respondents welcomed the focus on 'high-level decisions of a strategic nature', as these would have the greatest impact on outcomes. Others felt that this risked reducing the impact, were concerned about the mismatch between the scope of the socioeconomic duty and the equality duty, and gave examples of operational decisions that could have significant impacts on socio-economic disadvantage. It was also suggested that public bodies should monitor strategic decisions with regard to their impact on day to day decisions, and that the duty could focus on strategic decisions initially, and be extended to operational decisions in the future.

Some respondents were of the view that at least some of the decisions in the three case studies were operational rather than strategic. Various specific changes to the case studies were suggested.

Some respondents welcomed leaving it as a public authority's choice about what the Duty is applied to, so they can direct their resources to where they are most needed. However, others were of the view that a more prescriptive approach was needed, to ensure consistency across authorities of the same type. Proposed additions to the list set out in the consultation document included:

- Budgets
- Local Outcome Improvement Plans
- Workforce planning, pay and conditions
- Master planning for significant developments where there is a requirement to demonstrate that community engagement, sustainability and environmental factors are taken into account
- Local Housing Strategies
- Regional Transport Strategy
- Children and Young People's Services Plans
- Bills and policies being considered in the Scottish Parliament

Another suggested option is to set out well-defined screening criteria for determining whether a full assessment is required.

Due regard

There was a strong view that the definition of due regard should be the same as that for the equality duty, as this is already used by public authorities, and is supported by case law and technical guidance. There was also support for an approach that is not prescriptive, and that recognises, in line with the Explanatory Note published alongside the 2010 Equalities Act in relation to the socio-economic duty, that "It will be for public authorities subject to the duty to determine which socio-economic inequalities they are in a position to influence".

However, some respondents expressed concern about the high degree of variation in the way that due regard is applied in relation to the equality duty, and the risks of the socioeconomic duty becoming a tick box exercise. There was a request to elaborate on under what circumstances the duty could be overruled by other interests.

It requires that public authorities explore how they might reduce inequalities in outcome for those who experience socio-economic disadvantage.

There was concern that the wording 'explore how they might reduce' is too weak, is less ambitious than the language in the Fairer Scotland Action Plan commitment, and also fails to emphasise the need to address the causes of poverty.

They will need to balance the requirements of the duty - that they consider the desirability of reducing the unequal outcomes that result from socio-economic disadvantage - with their other objectives.

It was suggested that no public authority would find the objective of reducing unequal outcomes 'undesirable', and that this should be changed to 'viability of reducing' or 'opportunities for reducing'.

Scottish Government response

Ministers wish to respond positively to comments on the name of the duty, which some respondents found unhelpful and complex. With that in mind, aside from references in legal documents, the socio-economic duty will be renamed the 'Fairer Scotland duty' and this name used in future documentation, including guidance.

The comments made in response to the draft definitions are very helpful in their detail and will enable appropriate guidance to be developed over coming months. We will look to consult with individual stakeholders where we can to make sure final definitions are as clear and as useful as they can be, while recognising that there are some differences of view and so it won't be possible to meet every respondent's expectations. The key aim of the guidance is to help public bodies make better decisions that help tackle inequality – and that will be the priority consideration when developing the guidance.

Useful comments were made about the concept of due regard – our intention is to streamline the socio-economic duty processes and principles with those of the equality duties as makes sense to do so. There were also some helpful thoughts about strategic decision-making.

The Scottish Government intends to consider the effectiveness of the duty over an implementation period of three years – to enable public bodies to develop best practice and ensure they are fully compliant with the duty. If public bodies are not compliant, or if the duty is not having the effect Ministers wish to see, the Scottish Government will consider how the duty can be strengthened, which may include new primary legislation.

Section 2 – The public authorities covered by the duty

The consultation document proposed that the following Scottish public authorities be bound by the duty:

Scottish Ministers:

- The Scottish Government
- Accountant in Bankruptcy
- Disclosure Scotland
- Education Scotland
- Scottish Prison Service
- Scottish Public Pensions Agency
- Student Awards Agency for Scotland
- Transport Scotland
- Scottish Social Security Agency (once established)

Local Authorities

NHS Health Scotland

Integration Joint Boards

Regional Health Boards

The Scottish Police Authority

Highlands and Islands Enterprise

Scottish Enterprise

Respondents thought that the duty should apply to all of the listed public authorities, and various additions were also suggested.

Some respondents called for the duty to apply to all public bodies (see <http://www.gov.scot/Topics/Government/public-bodies/about/Bodies> for the full list of public bodies in Scotland), and others named specific public bodies that should be added, including:

- Cairngorms National Park Authority

- Care Inspectorate
- Community Justice Scotland
- Creative Scotland
- Highlands and Islands Enterprise
- Historic Environment Scotland
- Loch Lomond and The Trossachs National Park Authority
- Scottish Agricultural Wages Board
- Scottish Enterprise
- Scottish Environment Protection Agency (SEPA)
- Scottish Funding Council
- Scottish Futures Trust
- Scottish Natural Heritage
- Scottish Qualifications Authority
- Scottish Social Services Council
- Skills Development Scotland
- Sportscotland
- VisitScotland
- Scottish Water
- Special Health Boards
- Territorial Health Boards
- Revenue Scotland
- Scottish Fiscal Commission
- Audit Scotland
- Scottish Fire & Rescue Service

It was suggested that the organisations bound by the duty should be the same as for other related duties, such as the Public Sector Equality Duty, the Community Empowerment Act 2015, and the Human Rights Act 1998. This would mean extending it to, for example, Scottish Licensing Boards, Regional Transport Partnerships, colleges, universities, fire and rescue authorities, and private or voluntary sector bodies when carrying out public functions (as defined by the Human Rights Act 1998).

Other suggestions included applying the duty to the Scottish Parliament, and to UK Government bodies in relation to devolved functions.

Scottish Government response

The Scottish Government has considered views from respondents carefully and, where it is appropriate to add other public bodies to the list, we intend to do so. As the consultation made clear, the Equality Act 2010 restricts Scottish Ministers in determining which Scottish public bodies can be listed. Bodies must have similar or equivalent functions to one of the English public bodies set out in the Act. Note that in some cases bodies suggested by respondents led the Scottish Government to consider whether it would be possible to broaden the original list out to other public body types. In some cases, public bodies that are now likely to be listed have not been specifically suggested by respondents, because it is possible to do so. We want to make sure we get the final list right, however, and will be carefully checking to ensure that equivalence between bodies in the Act has been correctly determined.

As indicated in the response to Section 1, the Scottish Government intends to monitor carefully how the duty operates in practice over the next three years, in conjunction with the Equality and Human Rights Commission, which is the regulator of the new duty. Where there are emerging examples of gaps – for example, where poor decision making has been made by a body not listed under the duty – we will consider whether it would be possible to list other bodies via an alternative legislative approach.

Section 3 – Meeting the requirements of the duty

General comments on the steps

General positive comments on the steps were that they are proportionate, helpful, clear, reasonable and logical. Some respondents suggested slightly different steps, including:

- Determining what socio-economic inequalities exist in a community, and then consider which strategic decisions could conceivably affect that inequality, rather than considering all strategic decisions.
- Adding an initial step of understanding the broad, overarching terms about the potential for the public authority's work to impact on socio-economic inequality.
- Adding a step of 'oversight and accountability'

Other suggestions were to:

- Keep processes similar to those for the equality duty
- Align with poverty-proofing campaigns being championed by Oxfam Scotland and the Poverty Alliance
- Provide information to the Scottish public at all levels on how power, income and wealth affect health outcomes, to bring about an acceptance in Scottish society of the need to have policies that redistribute power, wealth and income (and of the need for the Scottish parliament to have the full range of powers necessary to that end).
- Ensure the focus is not exclusively on low-income
- Use small scale tests of change, to prevent well-intentioned but ineffective decision making.
- Use a logic model approach
- Alignment of processes nationally and locally, to limit duplication of effort (e.g. in identifying inequalities of outcome) and allow the cumulative impact of decisions to be examined

Data for identifying and monitoring inequalities of outcome

Indicators and data sources

Step 2 suggests three ways of identifying the inequalities of outcome caused by socioeconomic disadvantage. Respondents highlighted that these options should not be seen as mutually exclusive, and that there is a need to look at both quantitative and qualitative data, from a variety of sources, to build a comprehensive picture.

It was proposed that there should be an agreed set of indicators that measure inequalities of outcome, building on the outcomes listed on page 11 of the consultation document, and to have the data for these outcomes collected systematically at a local and national level. For example, using the same indicators as the Equality and Human Rights Commission's Equality Measurement Framework would mean a single set of data could be used for both duties. But it was also recognised that there should be flexibility to allow locally relevant issues to be exposed, and that public authorities should have the ability to use local data, knowledge and expertise to identify inequalities and disadvantage, if this provides a better solution than national datasets.

Respondents identified a range of gaps in, and/or weaknesses of, the existing data, including the need for data to be broken down to local level, and by socioeconomic status. It was highlighted that absence of data does not indicate a lack of need, and that data gaps must be proactively identified and filled. It was suggested that this could be done through the Scottish Government's core and harmonised data agenda, including household income and expenditure questions in the Census, and overcoming perceived barriers (e.g. data protection) to data sharing and linkage. The data should also be made readily available - for example, via the 'open data' initiative, or the Scottish Government's Equality Evidence Finder. And short and accessible briefings summarising the evidence could be produced.

It was suggested that decision makers would require guidance and support to help them make sense of the available data, including understanding its limitations.

Monitoring impact

Perceived benefits of using existing measurement frameworks to monitor outcomes were that this would increase consistency and avoid duplication of effort, allow comparison of 'before and after', and encourage integration of the duty within wider strategic and operational functions. It was also suggested that guidance must be clear on how the continuous improvement to existing monitoring systems could be achieved.

Some public bodies highlighted the importance of knowing what they would be expected to report on and when, and the possibility of a universal reporting method – and perhaps even a single IT system, building on existing systems – was raised.

Some respondents cautioned that many outcomes will take time to shift, and highlighted the difficulties in attributing changes in outcomes to particular decisions. The risk that focussing solely on a small number of quantitative indicators could lead to 'perverse incentives' and unintended consequences was also raised. It was suggested that monitoring of impact should include 'intermediary' outcomes (e.g. increased participation, social capital and socio-economic literacy) as well as longer-term outcomes, and that methods for evaluating programmes of complex interventions (e.g. Realistic Evaluation) should be used.

Poverty commissions

There was wide recognition of the benefits of the existing poverty commissions. The importance of learning from existing research into how they can work most effectively was also highlighted.

Some respondents expressed concern that establishing a local poverty commission should not be seen as mandatory, as there would be resource implications. Limitations of poverty commissions for non-geographically based public authorities and rural areas were also mentioned. It was noted that there are already alternative mechanisms in place that may be just as effective, and suggested that guidance could include examples of best practice and a brief self-assessment exercise, to help authorities decide whether their mechanisms are adequate.

Involving communities

Respondents provided a wide range of examples of, and methods for, making use of the expertise of people with direct experience of poverty and other forms of socio-economic disadvantage. These included:

- Poverty Truth Commissions
- Poverty Leadership Panel
- Service co-design
- Participatory budgeting, devolved to the lowest community level possible
- Community Grants
- The Place Standard tool
- Community Charrettes
- Community Forums
- Tenancy participation forums
- Online surveys
- Social media
- Collective Advocacy
- Participatory Action Research
- community development
- Locality Partnerships
- Citizens' Assemblies
- Citizens' Juries

One respondent felt that listing 'involving communities' as the third way of identifying inequalities of outcome suggests that it is lower priority than the other two methods. It was also proposed that community involvement should happen throughout the four steps, and not just as part of step 2, and that implementation of

the duties, and development of associated guidance, should be co-designed with people with direct experience of socio-economic disadvantage.

There was widespread recognition of the value of engaging with people with direct experience of socioeconomic disadvantage. However, it was also emphasised that this needed to be done in a meaningful way, including following the National Standards for Community Engagement. It was suggested that public bodies would require support – both financial and in-kind, through guidance and good practice examples – to allow them to engage in a meaningful way.

The important of proactively engage with ‘seldom heard’ groups was highlighted, to avoid deepening inequalities by further empowering the best organised communities at the expense of the most vulnerable and disadvantaged. This is likely to require community capacity building, as not all communities have the infrastructure in place that allows them to respond to demands to engage effectively or to become partners in local initiatives. It is also important to take into account practical barriers, through covering childcare and travel costs, and going to the people you want to engage with.

Some respondents also highlighted the advantages of deeper and longer-term engagement with a smaller number of people, as this allows them to build their knowledge of the evidence and the complex decision-making context, and their confidence and ability to influence decisions in that context. Stronger links with community organisations were also recommended.

Reporting and accountability

Public authorities covered by the duty must be able to show how they are meeting its requirements. This could be written up as a core component of the decision-making process or a separate report could be produced annually, showing how the authority has met the duty in the decisions it has reached.

Respondents were clear that all reporting should be provided in an accessible format and on an open access basis. There were differing views of suitable vehicles for reporting. Some respondents felt that a separate report was needed, while others suggested incorporating the duty into existing decision making and reporting processes, such as Annual Reports, Local Outcome Implementation Plans, Equality Outcomes and Mainstreaming reports, Public Services Reform Act annual statements on economic growth, and annual planning performance frameworks.

There were also differing views on frequency of reporting – ranging from: every two years, in line with the Equality Outcomes and Mainstreaming reports; to ‘quarterly at least’, reflecting the fact that strategic decisions will be taken on a rolling basis, justification after the fact must be avoided, and to allow potential challenge and decision to be amended.

Public authorities could also choose to produce and publish impact assessments, which may mean, for example, making adjustments to existing Equality Impact Assessments.

There was broad support for incorporating socioeconomic considerations into existing equality impact assessment processes, as these processes are already in place, and this would allow inter-relationships between socioeconomic and equality characteristics to be considered. It was suggested that a standard integrated impact assessment template may be helpful. Some respondents were of the view that publication of impact assessments should be mandatory, and there was also a concern that Equality Impact Assessments are not always carried out effectively or used to inform decision making, and that there needs to be more done to understand why this is the case, and to correct it.

Some respondents called for external scrutiny of how the duty is being exercised - by monitoring bodies (such as Audit Scotland, the Scottish Public Services Ombudsman, or the Equality and Human Rights Commission), an independent statutory commission, external research consultants, or community representatives. One respondent asked if the Equal Opportunities Committee would be tasked with assessing how Scottish Ministers are exercising the duty. There was also a call for a process that can be followed if someone wishes to challenge a decision made on the basis that it did not demonstrate due regard.

Budgetary analysis and reporting

A range of suggestions for improving budgetary analysis and reporting were provided. These included:

- Incorporate socioeconomic considerations into equality budgeting processes (although the need for improvements to these processes was also identified)
- Make more use of participatory budgeting and human rights budgeting
- Consider the cumulative impact of budget savings on communities
- Assess the impact of all strategic budget decisions on reducing child poverty
- Introduce outcome based spending (although a variety of challenges to doing so were identified, and it was suggested that this may be best applied to budgetary decisions that are long term and focused on generational change)
- Direct funding based on area deprivation
- Build a better evidence base about longer-term savings to the public purse and spending through effective early action and intervention.
- Cross-cutting, realigned budgets
- Further develop the Social Impact Tool developed by the Universities of Glasgow and Heriot Watt
- Learn from the process of considering community benefits in procurement

- Learn from Glasgow Caledonian University's use of qualitative methods to understand the social risks of spending cuts for three vulnerable population groups in a small area
- Learn from initiatives on budget analysis from other countries e.g. Newcastle City Council's 'A Fair Budget for a Fairer City'

A range of barriers were also identified, including:

- Local Authority budget setting processes happen in extremely tight timescales, due to external factors
- Most public authorities will not have the necessary expertise and resources to do this analysis
- Information is not currently available in a format (such as including unit costs) that allows for budget decisions to be fully scrutinised.

Guidance and support

The existing guidance on the equality duty was cited as a helpful model.

Respondents made a range of specific suggestions for what should be included in guidance on the duty, including:

- Mapping and explanation of all of the different acts / duties, their links and interdependencies, and desired outcomes to be carried out by Scottish Government. Prevents duplication of effort from all individual bodies having to do this, and is also likely to be helpful to citizens and communities.
- Clarifying what human rights are engaged by the delivery of this duty
- Easy read flow charts
- Laying out what is expected (mandatory), and what is suggested with scope for interpretation (optional).

It was suggested that there could be two formats of guidance – a more detailed one for analysts and a briefer training document for the wider workforce. It was also proposed that the guidance should be available online, the guidance should be consulted on separately, and it should be regularly reviewed to ensure its ongoing relevance.

Whilst some respondents stated that the guidance needed to be prescriptive, others emphasised that it should be descriptive rather than prescriptive, as different public authorities will need different approaches, and many organisations already have successful initiatives in place

Some respondents wished to see the establishment of an advisory body to undertake knowledge sharing, problem solving and the development of meaningful participation processes, either instead of, or in addition to, a fixed set of guidance. There was also a request for institutions to receive feedback on their reports.

Other suggested methods of support included:

- Cross-party working groups

- Roundtable discussions
- Best practice network or knowledge exchange facility
- Seminars and conferences - the annual conference organised by the Scottish Government for equality duty practitioners was cited as helpful

Many respondents welcomed the case studies provided in the consultation document, and asked that a wider range of examples could be developed, jointly with public authorities. It was suggested that these should cover:

- Decisions taken by Scottish Government departments
- More ambitious and stretching actions
- Examples of work using Citizens Juries and Participatory Budgeting
- The multi-dimensional approach needed to address the complex nature of socioeconomic disadvantage
- How positive interventions aimed at wide segments of the population can widen inequalities if no impact assessment is carried out e.g. rent increases following improvement of social housing
- A wider focus than just employment and employability

The Equality and Human Rights Commission advised that it is currently commissioning research into the socio economic duties currently in force under the Children & Young People Act 2014, the Community Empowerment Act 2015 and the Education Act 2016. The purpose of the research, due to be published in December 2017, is to learn from the operation and impact of these duties.

It was suggested that training and awareness-raising would be required for a variety of groups, including elected members, and public sector staff at both strategic and practice levels, across a diverse range of functions, including Directors of Finance and Directors of Planning. Public awareness-raising was also proposed.

It was also suggested that public authorities would need to be effectively resourced to implement the duty. The estimated staff resource set out in the Child Poverty (Scotland) Bill Financial Memorandum was cited.

Various practical tools that could potentially support the implementation of the duty were mentioned, including NHS Health Scotland's 'Informing Investment to reduce health Inequalities' and 'Maximising the role of the NHS Scotland in reducing health inequalities', and the Oxfam Humankind Index Policy Assessment Tool. One respondent provided a detailed 'Local Democracy Analysis Template'.

Scottish Government response

The comments made in relation to Section 3 are very useful and in some cases very detailed. We will use this feedback to inform the development of guidance. In particular, we would like to note now that it is our intention that training and awareness-raising will be provided to those public bodies subject to the duty to help develop and inform best practice. And, as requested, we will expand the set of case studies, in collaboration with stakeholders, to make the guidance more practical in focus.

We also note the comment about different types of guidance for different audiences, and the strong need for an analytical dimension. We will look at how the Equality Evidence Finder can be expanded to make socio-economic data and analysis more readily available; and of course the Scottish Index of Multiple Deprivation continues to provide a range of rich data and our analysts are committed to training and outreach to enable local groups and public bodies of all kinds to make the best use of this resource.

The comments on the importance of poverty commissions and local community input and feedback have been noted in particular. We will say more about this in the progress report on the Fairer Scotland Action Plan, which is to be published shortly.

Section 4 – Links between this and other duties

Respondents welcomed that the consultation document recognised the links between the various duties, though some stated that the links could be made more explicit. It was highlighted that not all of the duties apply to all public authorities, so a tailored approach would be needed.

Other duties, strategies and frameworks that should be added to those mentioned in the consultation document were suggested, including:

- Children and Young People (Scotland) Act 2014
- Standards in Scotland's Schools Act 2000
- Human Rights Act 1998
- Social Security (Scotland) Bill 2017
- Warm Homes Bill
- Planning Bill
- Climate Change Duty
- Biodiversity Duty
- The Town and Country Planning (Scotland) Act 1997
- The Planning etc. (Scotland) Act 2006
- Public Bodies (Joint Working) (Scotland) Act 2014
- Community Justice (Scotland) Act 2016
- Community Learning and Development Regulations 2013
- Children's Rights reporting
- Scotland's National Action Plan for Human Rights
- National Planning Framework
- National Marine Plan
- Land Use Strategy
- National Improvement Framework
- Best Value audit framework

The need for the Scottish Government to lead by example was highlighted, by ensuring that its own departments work cohesively together and that it better aligns its demands on public authorities. At present, most areas of new legislation come with a standalone reporting framework, which does not necessarily consider the synergies with other policy areas. One respondent called for an all ages anti-poverty strategy to bring this duty, other related duties, the Fairer Scotland Action Plan and child poverty targets together in a meaningful way.

It was also suggested that the implementation, monitoring and reporting on local outcome improvement plans may provide an opportunity to join activity and planning up across duties and community planning partners. And, more broadly, there was a call for recognition that public bodies are increasingly developing strategies, plans and monitoring frameworks jointly, and that reporting requirements from the Scottish Government should reflect this.

Public authorities were supportive of incorporating socioeconomic inequality in existing impact assessment processes, and some reported that they had already successfully done so. Some had also incorporated socioeconomic disadvantage into their equality outcomes and mainstreaming reports. It was suggested that there is also an opportunity to learn from the experiences of local authorities in England. For example, Newcastle City Council's Integrated Impact Assessment approach is informed by a Fairness Test, which shares significant similarities with the Scottish Government's pillars and principles for Public Service Reform.

Some respondents felt that there need to be improvements made to the implementation of the public sector equality duty, to make sure that processes are effective, before incorporating the socioeconomic duty. One response from a coalition of third sector equality organisations cautioned that introducing the socioeconomic duty as it is currently conceived risks undermining the performance of the equality duty. It was noted that the Equality and Human Rights Commission are currently carrying out a review of the equality duty, and the Equality and Human Rights Commission and the Scottish Human Rights Commission undertook a joint piece of work on integrating equality and human rights impact assessments.

Some respondents saw the proposed socioeconomic duty as a missed opportunity to meet some of Scotland's international human rights obligations. Along with others, they called for the duty to have a broader scope and stronger enforcement.

A number of suggestions were made for specific posts or groups that could be tasked with co-ordinating the implementation of the various duties, including:

- A designated officer within each public authority e.g. Equalities and Human Rights Officers
- An accountable group within each public authority
- An independent coordinator within each region
- An independent body or commission that public bodies would report to
- An officer level working group made up of representatives from Economic Development, Equalities, Education, Finance, Procurement, Community Planning etc
- The Non-Departmental Public Bodies Equality Forum

The need to co-ordinate community engagement across the various duties was also emphasised.

Scottish Government response

It was very useful to note that some public authorities had already had some success in incorporating socioeconomic inequality in existing impact assessment processes. We will consider this practice carefully as guidance is developed, particularly where socioeconomic disadvantage has been linked to equality outcomes and mainstreaming reports. The feedback about experiences of local authorities in England was also very helpful.

The comments about the equality duties and the Equality and Human Rights Commission review of the Public Sector Equality Duty are noted. As emphasised through the consultation paper, we will be looking for opportunities to maximise the links between equality and socio-economic issues and to ensure that introducing the new duty adds to rather than detracts from the quality of impact assessment and other processes in Scotland.

The comments about the Scottish Government being an example of best practice reflect Ministers' own ambitions to be a leader as regards implementation of the new duty.



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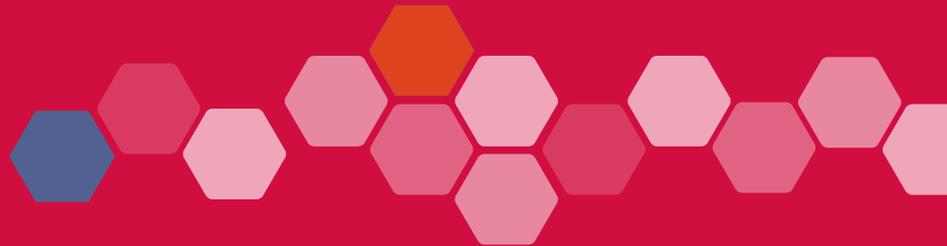
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