

Improving Equality Outcomes Project

Assessing Equality Outcomes: A tool for Scottish public authorities

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Introduction

In 2013/14 the Equality and Human Rights Commission (the Commission) carried out a programme of work called 'Measuring Up?' which aimed to monitor and report on how well Scottish public authorities had met key elements of the Public Sector Equality Duty (PSED) specific duties.

The Commission found many public authorities failed to measure up to the detail of the specific duty requirements. Only 1 in 3 had published robust equality outcomes that were clear and measurable. Many had produced equality outcomes which would be difficult or impossible to monitor and would make it difficult for them to report effectively on their progress in April 2015.

In a response to these findings, the Commission has committed to work in partnership with the Scottish Government to support the better performance of the Public Sector Equality Duty across Scotland. The Commission has created the **Improving Equality Outcomes Project** to work directly with public authorities whose equality outcomes would potentially benefit from improvement.

This self-assessment tool has been designed to:

1. Support public authorities to evaluate their methods for setting equality outcomes and the quality of the outcomes themselves
2. Identify areas where public authorities need to improve
3. Support public authorities to create their own improvement plan.

Please note: This tool has been devised for use by public authorities involved in the Improving Equality Outcomes Project. It will be evaluated and amended in the autumn of 2014 with the intention to publish it for a wider audience in 2015.

For further information about the Improving Equality Outcomes Project please contact Bill Stevenson on 0141 228 5982 or bill.stevenson@equalityhumanrights.com

What is an equality outcome?

An equality outcome is a result which an authority aims to achieve in order to further one or more of the three needs of the general equality duty, to eliminate discrimination, advance equality of opportunity and foster good relations.

By focusing on outcomes rather than objectives, this specific duty aims to achieve practical improvements for those who experience discrimination and disadvantage. In practice therefore, it is helpful to think of equality outcomes as results intended to achieve specific and identifiable improvements in people's life chances.

It is important not to confuse equality outcomes with *outputs*. Outputs describe actions, what an organisation or service produces or delivers, for example running training events. The measurement for this type of output might be the number of people attending the event. Outcomes, on the other hand, are the changes that result for individuals or communities as a consequence of the action you have taken for example changes and benefits from shifts in decision making or social and environmental conditions. For example:

People better recognise Hate Crimes and incidents and feel confident reporting them (Police Scotland, 2013)

Ministerial public appointments are more diverse reflecting broadly the general population by 2017 (Scottish Government, 2013)

The college community is at least representative of the local community and offers a model of good practice in the promotion of opportunities for individuals with protected characteristics (Scottish Borders College, 2013)

The council has a reduced level of gender based occupational segregation (West Lothian Council, 2013)

Improve access to the Scottish National Blood Transfusion Service (SNBTS) donor services for Deaf BSL users, Deaf-blind, Deafened and Hard of Hearing people. Participation will improve through: access to service information, communication, new technology and person centred, safe and effective services (NHS NSS, 2013)

Examples of good practice in identifying and setting equality outcomes

There is no single blueprint for equality outcomes; several options are possible. You must first identify what the inequality is that you want to address to be able to describe fully what you wish to achieve (the outcome). To do this the regulations require public authorities to involve people with protected characteristics and gather and use relevant evidence.

How you choose to present equality outcomes is up to you – there are several examples in the EHRC non-statutory guidance Equality Outcomes and the public sector equality duty: A guide for public authorities (Scotland) (page 21 – 30) which you may find useful <http://www.equalityhumanrights.com/about-us/devolved-authorities/commission-scotland/public-sector-equality-duty-scotland/non-statutory-guidance-scottish-public-authorities>

Some examples from public authorities who have demonstrated good practice in key aspects of equality outcomes duty are detailed below.

Stage 1a: Identifying equality issues – involvement

NHS Highland devised an involvement programme tailored to their unique geography; they were able to get high quality information and engagement from people with protected characteristics living in rural areas.

NHS Highland explains their approach within their equality outcomes report. They state that they adopted a three-pronged approach to the development of equality outcomes under 6 headings which were:

1. Access to Health Improvement Resources
2. Access to Health Services
3. Experience of Health Services
4. Participation & Involvement
5. A safe, inclusive and fairer community
6. A skilled and motivated workforce that reflects the communities it serves

The NHS Highland report states the following:

How we developed our equality outcomes

- *An extensive desk-based research exercise to review the evidence and the data relating to inequalities under each of these 6 headings, for each of the protected characteristics. We also considered how our work can promote equality for remote and rural populations and for people who experience socioeconomic disadvantage.*
- *A further desk-based exercise in collaboration with community planning partners to review and consider local comment, intelligence and evidence gathered from previous discussion and consultation with equality groups*
- *Extensive face to face discussion with equalities groups and individuals with protected characteristics - 30 local groups that cover all protected characteristics were invited to work in partnership with us to develop our outcomes. Some groups were not able/did not wish to be directly involved asked that the notes of previous discussions be used to inform our work, and 12 groups agreed to active involvement in the development of equality outcomes.'*

The report goes on to describe that 'a very positive additional 'outcome' of our involvement work was that a clear consensus emerged amongst local equalities groups that they would welcome the development of a forum, consisting of representation from each of the protected characteristics. This idea had been discussed on and off for several years with no consensus emerging until now.'

To read the full version of NHS Highland equality outcomes go to:

[http://www.nhshighland.scot.nhs.uk/Publications/Documents/Equality Outcomes Report 2013-2015.doc](http://www.nhshighland.scot.nhs.uk/Publications/Documents/Equality_Outcomes_Report_2013-2015.doc)

Stage 1b: Identifying equality issues – gathering evidence

University of Stirling demonstrate the critical role that gathering and using evidence played in setting their equality outcomes. The University of Stirling introduce their equality outcomes by stating that *‘The outcomes represent the areas that we regard as priorities for action, based on the evidence that we have analysed. The actions that we take to achieve these outcomes are those which we consider will best maintain a fair and inclusive working, studying and living environment in which diversity is welcomed and respected.’*

The university’s outcomes report then goes on to explain clearly how they used a range of evidence, relevant to the university’s purpose and function and focussed on people with protected characteristics.

To read the full version of the University of Stirling’s Equality Outcomes go to:

<http://www.diversityandequality.stir.ac.uk/documents/UNIVERSITYOFSTIRLINGEQUALITYOUTCOMES2013-2017.pdf>

Stage 2: Using evidence and involvement information

Police Scotland’s equality outcomes make clear reference to a strong evidence base; each outcome is presented alongside the evidence that informed it, for example:

‘Outcome 1: People better recognise hate crimes and incidents and feel confident reporting them.

Evidence base: National and local consultation feedback – identifies significant under reporting; feedback from community/lay advisors; How Safe Are You? (2010), Stonewall; Serves You Right, (2008), Stonewall; Hidden in Plain Sight, (2011), EHRC; issues regarding recording systems and identification of vulnerability; outcomes from national cases – Pilkington Inquiry, Simon San family complaint inquiry.’

To see a copy of the Equality Outcomes for Police Scotland go here:

<http://www.scotland.police.uk/assets/pdf/foi-documents/diversityandequalityinpolicescotlandreportfinal?view=Standard>

Stage 3: Setting clearly defined outcomes

Good quality equality outcomes are specific and measurable and there are a number of public authorities who have presented their outcomes specifying measures they intend to use.

Scottish Borders College have produced a very clear set of outcomes which are underpinned by an action plan which details measures that the college will use along with the impact that they expect to have.

To see a copy of the Equality Outcomes for Borders College go here:

<http://www.borderscollege.ac.uk/downloads/Equality%20Outcomes%20and%20Action%20Plan%202013-17v3.pdf>

Stage 4: Presenting equality outcomes

As stated above there is no set format for how equality outcomes should be presented. The regulations do require that public authorities publish a set of equality outcomes (more than one), that they enable better performance of the general equality duty, that all protected characteristics are included and if this is not the case that the authority provides an explanation for why this decision was made. Finally the regulation requires that the equality outcomes are published in an accessible manner.

NHS Ayrshire and Arran

NHS Ayrshire and Arran produced very detailed equality outcomes, covering all protected characteristics and was based on a strong evidence base. They also produced outputs and actions (with measures and timescales), and a named responsible action officer in charge of the process.

To see a copy of NHS Ayrshire and Arrans equality outcomes go here:

<http://www.nhsaaa.net/media/191538/eqocomes.pdf>

Aberdeenshire Council

Aberdeenshire Council's outcomes are very clear. They include a contextual statement setting out the issue being addressed, and examples of actions and outputs.

To see a copy of Aberdeenshire Council's equality outcomes go here:
<http://www.aberdeenshire.gov.uk/Equalities/MainstreamingReportanEqualityOutcomes.pdf>

Using this self-assessment tool

- Before you start please refer to the Scottish non-statutory guidance on equality outcomes and the public sector equality duty: A guide for public authorities (Scotland) which is available on the EHRC website <http://www.equalityhumanrights.com/about-us/devolved-authorities/commission-scotland/public-sector-equality-duty-scotland>
- This tool is intended to support public authorities to think about how they might improve their outcomes and areas for action. To do this effectively it will be important to think realistically about what it will be possible for your authority to achieve.

For education authorities and licensing boards

- If your authority is an education authority or licensing board you must think specifically about how your authority (as opposed to the local authority more generally) met each step of the outcomes process, for example involvement activity and evidence gathering undertaken in partnership with the local authority or other body, needs to include a particular focus on the functions of the licensing board or education authority.
- It is essential that where an education authority or licensing board chooses to present its equality outcomes as part of the local authority outcomes that these are clearly identifiable as directly relevant to the licensing board or education authority.
- The specific duty also requires that each authority publish a 'set' of equality outcomes and so publishing 1 outcome for a licensing board or education authority would be inadequate.
- Read the descriptions below and write down how you think your authority compares and areas where you could improve your practice and take steps to ensure your authority's compliance with the requirements of the specific duty.
- Create an action plan as you move through the assessment, including timescales and the personnel who will be responsible for the activity.

Step 1a: Identifying equality issues – involvement

You must take reasonable steps to involve people who share a relevant protected characteristic and their representatives.

Involvement covers a range of ways in which public authorities interact with service users and employees, over and above what they do in providing services or within a formal employment relationship. In order to be fully effective, involvement should be well - structured and focused, adequately resourced and accessible, influential and transparent, respectful of confidentiality and safety.

For further information about involvement please refer to the Scottish Non-Statutory Guidance on Involvement which is available on the EHRC website www.equalityhumanrights.com/scotland

Description	How does your authority compare?	Where could you improve?
<p>Planning involvement</p> <p>Involvement activity is planned and proportionate to the type, size and functions of the authority.</p> <p>For an authority in a Community Planning Partnership (CPP) or other strategic group, the authority works with other authorities in their CPP to create a plan that avoids duplication and meets the needs of each</p>		

authority.

Licensing boards and education authorities who are working with a local authority to produce outcomes identify specific involvement activity that is relevant to their size and functions.

The authority aims as far as possible to identify individuals or representatives from each protected group who can participate.

This activity is undertaken at the start of the equality outcomes process and is not retrospective.

Carrying out the involvement activity

In carrying out involvement an authority actively involves groups of staff and groups of service users and non-users.

The authority involves people with protected characteristics and is aware of the need to arrange involvement activity in a practical and accessible way. For example, venues are accessible, timings of meetings are appropriate to the people involved to get the best possible engagement.

The authority identifies that not all people with protected characteristics have had their views represented and takes steps to address these gaps.

Details of the involvement activity and findings are documented.

The authority provides feedback to the people who participated in the involvement activity.

Set out what actions you now need to undertake - include timescales and responsible personnel

Step 1b: Identifying equality issues – gathering evidence

When preparing your outcomes you must consider evidence related to people who share a protected characteristic.

Using evidence will help you to set equality outcomes which are likely to make the biggest difference in tackling inequality within your organisation’s sphere of influence.

For further information about using evidence please refer to the Scottish Non-Statutory Guidance on Gathering and Using Evidence which is available on the EHRC website www.equalityhumanrights.com/scotland

Description	How does your authority compare?	Where could you improve?
<p>Gathering evidence</p> <p>An authority examines its own evidence sources (for example monitoring information) and identifies what can usefully inform their thinking on equality outcomes.</p> <p>An authority examines external evidence sources both national and local to identify information to inform their equality</p>		

outcomes.

An authority identifies both qualitative and quantitative evidence in an effort to get a robust spread of information on all protected characteristics.

An authority identifies gaps in evidence, including gaps identified at the involvement stage and takes steps to fill these gaps so it has the fullest possible range of information.

Set out what actions you now need to undertake - include timescales and responsible personnel

Step 2: Using evidence and involvement information

Using the evidence gathered from involvement activity and analysis of evidence and considering the context of your authority, you create a set of potential equality outcomes to discuss internally and with stakeholders.

Description	How does your authority compare?	How could you improve?
<p>Identifying issues</p> <p>In shaping equality outcomes the authority identifies a team/mechanism/partnership to discuss key issues and areas of inequality that have been identified in evidence analysis and involvement activity.</p> <p>The authority looks at their own strategic outcomes to identify links.</p> <p>The authority uses all the information gathered and identifies key themes and trends.</p>		

Taking a proportionate approach to identifying potential equality outcomes

In discussing potential equality outcomes the authority considers the principles of proportionality and relevance – thinking about addressing the most significant inequalities and balancing that with their functions and resources.

In an effort to refine the list of potential equality issues the authority considers:

Scale – how many people does the issue affect?

Severity –does the issue lead to substantial inequality even though the number affected by it may be low?

Concern – do stakeholders, community groups or staff see it as a serious issue?

Impact - Is there potential for action from the authority to make a significant improvement/impact?

The authority starts to articulate its chosen issues as outcomes and consider how these might be measured and what indicators they could use.

Set out what actions you now need to undertake - include timescales and responsible personnel

Step 3: Setting clearly defined outcomes

Your authority will be required to report on the progress made to achieve equality outcomes at least every two years. It is important equality outcomes are specific and measurable and that there are mechanisms in place to monitor progress.

Description	How does your authority compare?	How could you improve?
The authority has written a clear set of equality outcomes – the issue or problem that they are trying to address is clear.		
The authority has identified a measure or set of measures for each equality outcome which will help the authority measure their progress.		

The authority has sought support and buy in from senior staff to agree and promote the equality outcomes.		
The authority has identified staff responsible for monitoring progress against each outcome.		
The authority has agreed timescales for reporting against progress and staff are aware of their responsibilities to report externally. There are mechanisms in place to support this.		

Set out what actions you now need to undertake - include timescales and responsible personnel

Step 4: Presenting your equality outcomes

There is no blue print for a set of equality outcomes, but the regulations set out key requirements which should be identifiable in a set of equality outcomes.

Description

How does your authority compare?

How could you improve?

Equality outcomes are written as outcomes – improvements to be achieved in people’s lives - not activities or outputs

The issue of inequality that the authority wishes to address is clear.

<p>All protected characteristics are included in the set of equality outcomes or reasons are given why this is not the case.</p>		
<p>Each outcome references one or more of the needs of the general duty that it is designed to address.</p>		
<p>The outcomes are published in an open and transparent way. They are easy to find and easy to read.</p>		

Set out what actions you now need to undertake - include timescales and responsible personnel

Appendix I

The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012

Duty to publish equality outcomes and report progress

4.—(1) A listed authority must publish a set of equality outcomes which it considers will enable it to better perform the equality duty—

(a) not later than 30th April 2013; and

(b) subsequently, at intervals of not more than 4 years, beginning with the date on which it last published a set of equality outcomes under this paragraph.

(2) In preparing a set of equality outcomes under paragraph (1), a listed authority must—

(a) take reasonable steps to involve persons who share a relevant protected characteristic and any person who appears to the authority to represent the interests of those persons; and

(b) consider relevant evidence relating to persons who share a relevant protected characteristic.

(3) If a set of equality outcomes published by a listed authority does not seek to further the needs mentioned in section 149(1) of the Act in relation to every relevant protected characteristic,

the authority must publish its reasons for proceeding in this way.

(4) A listed authority must publish a report on the progress made to achieve the equality outcomes published by it under paragraph (1)—

(a) not later than 30th April 2015; and

(b) subsequently, at intervals of not more than 2 years, beginning with the date on which it last published a report under this paragraph.

(5) In this regulation, “equality outcome” means a result that the listed authority aims to achieve in order to further one or more of the needs mentioned in section 149(1) of the Act.