

## **Equalities Update**

### **1. INTRODUCTION**

- 1.1 SEStran falls within the public bodies covered by the Equality Act 2010 (“the 2010 Act”) and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 (“the Regulations”).
- 1.2 The purpose of this report is to inform the Board of some of the key statutory obligations and responsibilities upon SEStran and the relevant timescales.
- 1.3 The Board should note that SEStran Officers are consulting with the Partnership’s Legal Advisers at Anderson Strathern LLP throughout this process.
- 1.4 We refer throughout this report to the general equality duty. This means SEStran’s duty, set out in the 2010 Act, when exercising its functions, to have due regard to the following needs:
  - a. to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 2010 Act;
  - b. to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c. to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 1.5 The protected characteristics under the 2010 Act are:
  - age
  - disability
  - gender reassignment
  - marriage and civil partnership
  - pregnancy and maternity
  - race
  - religion or belief
  - sex
  - sexual orientation

### **2. EQUALITIES MAINSTREAMING REPORT**

- 2.1 The Regulations require a listed authority to publish a report on the progress it has made in making the general equality duty in the 2010 Act integral to the exercise of its functions. These reports are to be published at intervals of no more than two years.

- 2.2 SEStran last published a report in April 2017 - Mainstreaming Equality 2015-2017<sup>1</sup> and is due to publish a report for the period 2017-2019 by no later than 30 April 2019.
- 2.3 The Mainstreaming Report must include:
- An annual breakdown of the information that the public body has gathered about its employees in terms of their composition, recruitment, development and retention with reference to the protected characteristics in the 2010 Act. Due to the size of the organisation, and the fact that individuals would be very likely to be easily identifiable if we published the composition, recruitment, development and retention of our employees with reference to their protected characteristics, we are not required to publish this. Owing to changes in personnel at SEStran the approach to collection and retention of protected characteristic data about our employees during the last reporting period has been inconsistent. We are undertaking staff training to increase and improve our understanding and to make our equalities records management more robust going forward;
  - Details of the progress that has been made in gathering and using that information to enable the public body to better perform the general equality duty in the 2010 Act; and
  - The gender composition of members (or board of management) and information on the steps taken or intended to be taken towards ensuring diversity in relation to the protected characteristics of those members.
- 2.4 The Regulations set out that the Scottish Ministers are required from time to time, to gather information about members' protected characteristics and that the Ministers will forward those to the public bodies covered by the duties for inclusion in their mainstreaming reports.
- 2.5 At the time of writing this report, Officers' were awaiting confirmation from colleagues in Scottish Government as to when this information will be gathered and shared.

### **3. EQUALITY OUTCOMES 2017 – 2021, progress report in April 2019**

- 3.1 Under the 2010 Act and the Regulations SEStran has a requirement to publish a set of Equality Outcomes, which it considers will enable it to better perform the equality duty.
- 3.2 SEStran published a set of Equality Outcomes 2017-2021<sup>2</sup> in April 2017 and is required to publish a biennial progress report, by no later than 30 April 2019.

## **4 ASSESSING IMPACT AND STAFF TRAINING**

- 4.1 The Regulations set out that SEStran must, where and to the extent required to fulfil the general equality duty, make an assessment of the

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<sup>1</sup> <https://www.sestran.gov.uk/publications/equalities-mainstreaming-report-2015-2017/>

<sup>22</sup> [https://www.sestran.gov.uk/wp-content/uploads/2017/04/2017\\_04\\_27\\_Equality\\_Outcomes.pdf](https://www.sestran.gov.uk/wp-content/uploads/2017/04/2017_04_27_Equality_Outcomes.pdf)

impact of applying any proposed new or revised policy or practice against the needs that form part of the general equality duty.

- 4.2 The results of such assessments must be published. The Equality and Human Rights Commission are of the view that publication of the results of assessments will increase transparency and accountability. The Commission suggests that impact assessment results are published as soon as possible after any decision to implement a policy/procedure is reached.
- 4.3 In light of changes in personnel within SEStran, we are keen to ensure that our staff have comprehensive knowledge of our obligations under the equalities legislation. We are arranging for training to be provided to staff by our legal advisers before the 30 April 2019 reporting deadline described here and will report back when this has been undertaken.

## **5. BOARD MEMBER TRAINING**

- 5.1 It is proposed that a training workshop on Unconscious Bias will be arranged for Members.
- 5.2 The workshop will run for approx. 3 hours and will be delivered by Equate Scotland<sup>3</sup>
- 5.3 The workshop will be scheduled to follow on from either the 21 June or 27 September Board meeting and Members are asked to confirm their preferred date.
- 5.4 Members should note that further training opportunities will be identified by the Succession Planning Committee and that a meeting of the SEStran Succession Planning Committee<sup>4</sup> will be arranged before summer recess to complement the organisation's commitment to achieving greater diversity and a report will be brought to a future Partnership Board meeting.

## **6. CONCLUSION**

- 6.1 For the reports to be collated, the Partnership is asked to agree to provide Officers' with a mandate to finalise and publish the reports, in consultation with the Chair, by 30 April 2019.

## **7. RECOMMENDATIONS**

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<sup>3</sup> <https://equatescotland.org.uk/unconscious-bias-training/>

<sup>4</sup> <https://www.sestran.gov.uk/wp-content/uploads/2017/03/1487862617-1.pdf>

The Board are asked to:

- 7.1 Approve a mandate for Officers to collate and publish Mainstreaming Equality 2017-2019 and Equalities Outcomes 2017-2021 Progress Report, and;
- 7.2 Agree a date of either 21 June or 27 September for Unconscious Bias training, and;
- 7.3 Note that information on members protected characteristics will be addressed once confirmation is received from Scottish Ministers.
- 7.4 Note that the Succession Planning Committee will meet before the summer recess and a report will be presented to a future Board meeting, and;
- 7.5 Note that equalities training will be provided to staff before the reporting deadline.

Angela Chambers  
**Business Manager**  
15 March 2019

Policy Implications	As outlined in the report
Financial Implications	Cost of training.
Equalities Implications	As outlined in the report
Climate Change Implications	None