



MINUTES OF THE MEETING OF THE CABINET

TUESDAY 14 SEPTEMBER 2021
VIA A DIGITAL MEETING FACILITY

1

Committee Members Present:

Councillor S Akhtar
Councillor F Dugdale
Councillor J Goodfellow
Councillor N Hampshire (Convener)
Councillor J McMillan

Other Councillors Present:

Councillor A Forrest
Councillor C McGinn
Councillor F O'Donnell

Council Officials Present:

Ms S Fortune, Executive Director for Council Resources
Ms L Brown, Executive Director for Education and Children's Services
Mr D Proudfoot, Executive Director of Place
Mr T Reid, Head of Infrastructure
Ms M Sullivan, Head of Development
Ms W McGuire, Head of Housing
Ms J Tait, Head of Children's Services
Ms N McDowell, Head of Education
Ms F Ferguson, Head of Corporate Support
Ms J Fraser, Service Manager – Children's Services
Ms A Stubbs, Service Manager – Roads
Ms E Clater, Service Manager – Children's Services
Mr S Cooper, Team Manager – Communications
Ms R Crichton, Committees Officer

Clerk:

Ms A Smith

Apologies:

Councillor W Innes

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – CABINET 25 MAY 2021

The minutes of the meeting of the Cabinet of 25 May 2021 were approved.

2. KINSHIP CARE ALLOWANCES, CHILDREN'S SERVICES

A report was submitted by the Executive Director of Education and Children's Services seeking approval to changes in the allowances payable to kinship carers in relation to Part 13 of Children and Young People (Scotland) Act 2014.

Jen Fraser, Services Manager – Children's Services, presented the report. She informed Members that kinship care could be both formal and informal; the focus of this report was on informal care. Appendix 1 contained the Policy and Guidance. She drew attention to the existing position. She outlined the benefits of the proposal. It would ensure that all young people had the best start in life, were able to maximise their educational opportunities, reach positive destinations and avoid family breakdown, which might otherwise result in homelessness, and reduce opportunity for achieving a positive destination at such a crucial time in their development. She highlighted the financial implications, set out in the report.

Councillor Dugdale asked how this proposal would affect these kinship carers who looked after young people over the age of 16 but not yet turned 18. Ms Fraser advised that these carers had been contacted to check if their young people were staying on at school, so if they were eligible they would be allocated the allowance.

Responding to Councillor Hampshire, Ms Fraser confirmed that young people in part time employment would still qualify.

Councillor Dugdale thanked officers for this report; the importance of kinship care could not be overestimated. She gave thanks to all kinship carers for all they did. This proposal would provide benefits to the over 16s which would be of great assistance during a challenging life transition.

Councillor Goodfellow also expressed thanks to all kinship carers.

Decision

The Cabinet agreed, by roll call vote:

- i. to endorse and support the proposal to extend the length of time allowances were paid to some kinship carers with a kinship care order beyond the young person's 16th birthday to their 18th birthday (or date of leaving school if later), providing they were not in full-time employment; and
- ii. to note that this would align the Council with practice in other Scottish local authorities.

3. EAST LOTHIAN CORPORATE PARENTING PLAN 2021-2023

A report was submitted by the Chief Executive presenting the East Lothian Corporate Parenting Plan 2021-23 for discussion and approval.

Judith Tait, Head of Children's Services, presented the report. She took Members through the report outlining the legislative background and duties placed on Corporate Parents. The Corporate Parenting Plan detailed the Council's aspirations and actions to affect change for

care experienced community in the county over the next 2 years. It had been developed in partnership with the Champions Board and engagement had also taken place with partner agencies. The draft Plan had been out for consultation. The Corporate Parenting Board, chaired by the Council's Chief Executive, had approved the Plan on 10 August. She outlined the key priorities of the Plan, attached at Appendix 1. She concluded that a multi-agency steering group would lead implementation of the Plan along with the Champions Board.

Ms Tait and Emma Claton, Service Manager – Children's Services, responded to questions. In relation to a query from Councillor Akhtar, Ms Claton confirmed that considerable development work had been done on improving access to mental health services. Partnership work was ongoing with CAMHS and NHS Lothian. Work was also being carried out looking at how to address gaps in provision for young people in the older age group. There was recognition of the difficulties in accessing these services.

Councillor Dugdale asked for more details on how Children's Services and Housing were working together to meet the needs of care experienced young people. Ms Claton said there were a number of developments and partnerships ongoing. She referred to the My Place project which identified services that would best meet the needs of young people. Ms Tait stated that the essential, critical nature of housing to young people moving into adulthood was recognised. She informed Cabinet that the Who Cares Scotland Home and Belonging review report would shortly be lodged in the Members' Library Service. This was very much aligned to the Corporate Parenting Plan and to transforming the lives of young people.

Councillor Hampshire asked, in terms of engaging with communities, how links with organisations could be strengthened for these young people. Ms Tait said that the Champions Board already fulfilled this function; it was a meaningful voice and had made links with a range of partners, including the third sector. Further opportunities would however be explored. She added that a temporary post of Development Officer had been created and this officer would be pursuing this with partners.

Councillor McMillan welcomed this very worthwhile report and its aspiration. He referred to the link between numerous factors such as housing, employment, education, training and mental health to name but a few. He praised the Champions Board, thanking all involved.

Councillor Dugdale also welcomed this report. She was pleased to note the range and depth of all the aspirations. She acknowledged the range of Council and partner services involved. She expressed huge thanks to the Champions Board, stating this was a very important voice for young people. She looked forward to receiving further updates in due course.

Councillor Akhtar echoed her colleagues' comments. She welcomed the approach and priorities outlined. The Council was working closely with its partners. She wholly supported the Plan, especially the forum for young people. She noted that NHS Lothian had its own Corporate Parenting Plan, which aligned with the Council's one. She also commended the work of the Champions Board and the plethora of staff across the Council who worked with the Board to ensure services were supporting children and young people.

Decision

The Cabinet agreed, by roll call vote, to endorse and approve the Corporate Parenting Plan 2021-2023 and noted the responsibilities in the Children and Young People's (Scotland) Act 2014 to prepare, publish and review its Corporate Parenting Plan every three years.

4. FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 AND DATA PROTECTION ACT 2018 – COMPLIANCE STATISTICS IN 2020

A report was submitted by the Executive Director for Council Resources on the Council's compliance with *a*) the 20 working day timescale laid down by the Freedom of Information (Scotland) Act 2002 and *b*) the one month timescale laid down by the Data Protection Act 2018 (GDPR), both for the calendar year 2020.

Morag Ferguson, Head of Corporate Support, presented this annual report. She informed Members that the decrease in the number of Freedom of Information (FOI) requests for the period stated was attributed to the pandemic. Invoking Business Continuity Plans was also a contributing factor. Overall however since the Act had come into force FOI requests were increasing and becoming more complex. She gave details of the Data Protection (DP) statistics, which also showing a decrease from the previous year. She stressed that the response times were testament to work carried out by officers across the Council in managing to meet deadlines.

In response to questions from Councillor Goodfellow, Ms Ferguson confirmed that the Council had a statutory duty to assist people in framing their FOI request.

Councillor McMillan asked about suspended DP 'subject access requests'. Ms Ferguson advised that when one of these was submitted officers had to be satisfied with the enquirer's identity; the Council was also able to ask for a small charge. In cases where there were issues, in either category, the request would be suspended meantime.

Councillor Akhtar stated that it was reassuring for the public to know that even when the Council was in Business Continuity mode that staff still managed to achieve the level of responses detailed in the report. It was acknowledged that requests were becoming more complex. The report showed the Council was an open and transparent organisation.

Councillor Goodfellow echoed that FOI was part of an open and democratic society. Providing information that people could get advice on framing their request was worthwhile.

Councillor Hampshire endorsed comments made by his colleagues. It was important as a Council that as much information as possible was published; the work done over the last few years had helped to impact on the requests received.

Decision

The Cabinet agreed to note the report.

5. ROADS (SCOTLAND) ACT 1984 – STOPPING UP A SECTION OF THE C122 (FROM THE VIRIDOR LANDFILL SITE ACCESS ROAD NORTHWARDS TO (OXWELL MAINS) QUARRY, DUNBAR) AND THE U208 KILN COTTAGES ROAD

A report was submitted by the Executive Director of Place seeking approval to instigate the necessary procedures and approvals for the above stopping up Orders.

Alan Stubbs, Service Manager – Roads presented the report. He outlined the background to the recent request from Tarmac (Dunbar Cement Plant). He stated that the stopping up would allow Tarmac to introduce traffic calming measures and lower speed limits ensuring that the road was safer for their personnel, contractors and visitors alike. Access for public utility companies and Network Rail would be retained. To facilitate cyclists to still access the National Cycle Route (76) (NCN 76), Tarmac had agreed to provide a new shared use cycle path from the A1087 along the north boundary of their site in accordance with Planning Application 21/00895/P. This new shared use path would allow cyclists to access the NCN 76 without coming into conflict with motorised vehicles using a more scenic route.

Responding to a query from Councillor McMillan, Mr Stubbs clarified that discussions had taken place with Tarmac's Land Agent and work would commence on 24 September and take approximately 4 weeks. The shared cycle way would be constructed before the stopping up Order proceeded.

Councillor McMillan welcomed that work on this had been able to be progressed during the current pandemic.

Councillor Hampshire stated that this part of the cycle network was dangerous so provision of this new cycle path would be hugely welcomed by the local community, who had been requesting this for a long time. The new path would be an attractive route and was a good solution to the problem. He thanked officers for their work on this.

Decision

The Cabinet agreed, by roll call vote:

- i. that a section of the C122 was unnecessary as it only provided access to the Tarmac Cement Plant; and
- ii. that the U208 Kiln Cottages Road was unnecessary.

DRAFT

Signed

Councillor Norman Hampshire
Depute Council Leader and Depute Convener of the Cabinet

REPORT TO: Cabinet

MEETING DATE: 9 November 2021

BY: Executive Director of Place

SUBJECT: East Lothian Council Equality Plan 2021-2025

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1 PURPOSE

- 1.1 To seek Cabinet approval for the East Lothian Council Equality Plan 2021-2025.

2 RECOMMENDATIONS

Cabinet is asked to:

- 2.1 Approve the East Lothian Council Equality Plan 2021-2025.
- 2.2 Note that a detailed action plan based on the seven outcomes and 38 actions in the plan will be developed and progress will be reported on in bi-annual Equality Outcomes and Mainstreaming Progress Reports.

3 BACKGROUND

- 3.1 The Council adopted the 2017-2021 Equality Plan in September 2017. The plan, which incorporates the Equality Plan for the Education Authority and the Licensing Board has to be reviewed, and a new Plan adopted, every four years.
- 3.2 A new draft Equality Plan 2021-2025 was produced and issued for consultation in August 2021. The online consultation elicited very few responses. These have been analysed and taken into account in the final drafting of the Plan.
- 3.3 This Equality Plan for 2021 – 2025 builds on the work of the Equality Plan 2017-2021. It sets out what we will do over the next four years to ensure everyone who lives, works or receives a service in East Lothian should be free from discrimination, and able to achieve their fullest potential and no one is denied opportunities because of who they are. These principles underpin all of the work that the Council does and contribute to its vision of: *‘A prosperous, safe and sustainable East*

Lothian, with a dynamic and thriving economy that enables (all) our people and communities to flourish’.

- 3.4 The Equality Plan has been drafted at a time of unprecedented challenge caused by the COVID pandemic. The Council’s services have adapted swiftly to be COVID safe and the impact on both staff and service users has been immense. We know that there is an equality dimension to the pandemic, with women, disabled people and minority ethnic communities particularly affected. Children and young people have had their education disrupted, businesses have closed down, many people have lost jobs and many more people and families live in poverty.
- 3.5 The Plan sets out the Council’s commitment to equality and shows how we comply with the requirements of the Equality Act 2010 to ensure our decision making and day-to-day activities consciously consider how we address equality and to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act
 - advance equality of opportunity between people who share a relevant protected characteristic and those who don’t
 - foster good relations between people who share a protected characteristic and those who don’t.
- 3.6 The Plan also takes account of legislative and other developments that have come into force since the previous Plan was adopted including the Fairer Scotland Duty, under Part 1 of the Equality Act 2010, which came into force in Scotland in April 2018.
- 3.7 The Plan does not sit alone but is part of a suite of Council and partnership Plans, Policies and Strategies that contribute to this Plan’s, and the Council’s, objective to reduce inequalities. These include the Council Plan, the Local Housing Strategy, the Workforce Development Plan and the Education Improvement Plan, and specific sectoral equality plans and policies such as the British Sign Language Plan, the Education service Inclusion and Accessibility Policy and Respect for All (Anti-Bullying) Strategy.
- 3.8 Our statutory public sector partners, including NHS Lothian and Police Scotland will have their own Equality Plans which and set out how they aim to meet the objective of reducing inequalities. There are also plans adopted by the East Lothian Partnership (East Lothian’s Community Planning Partnership) and other partnerships such as the East and Midlothian Public Protection Committee (EMPCC), which address inequalities and set out how the respective partnerships aim to meet the objective of reducing inequalities. These include the East Lothian Plan (our Local Outcome Improvement Plan), the Children’s and Young Peoples Services Plan, the East Lothian Economic Development Strategy, the Community Justice Local Outcome Improvement Plan and the East Lothian Poverty Plan,

- 3.9 The East Lothian Council Equality Plan 2021-2025 identifies key priorities to improve equality outcomes across what we do as a Council, Education Authority, Licencing Board and employer. These priorities have been identified through reviewing progress with the previous Equality Plan, and through engagement with the public and with stakeholders and partners such as NHS Lothian.
- 3.10 The Plan sets out seven high level equality outcomes that the council will work towards during 2021 – 2025 to ensure it meets its statutory duties under the Equality Act and, also to, achieve its overarching commitment to **reduce inequalities within and across our communities**. These outcomes reflect the work that is being undertaken to mainstream equality into all areas of the Council’s work and the work we do in partnership with other statutory bodies and the voluntary sector.
- 3.11 The seven equality outcomes are:
- East Lothian Council services are accessible to, and will meet the needs of, all in the community including people who share protected characteristics.
 - The gap in educational outcomes for children and young people impacted by socio-economic disadvantage will be closed; and, the health and wellbeing of children and young people with protected characteristics will be improved.
 - Everyone in East Lothian has access to a decent, affordable, warm and dry home.
 - In East Lothian we live healthier, more active and independent lives.
 - People feel safe and experience less crime in their communities, and at home, there is zero tolerance of hate, abuse and violence against women and girls and people feel their communities are inclusive.
 - In East Lothian we are breaking the cycle of poverty so that fewer people experience poverty.
 - East Lothian Council is an Equal Opportunities employer and our workplace feels inclusive to staff with protected characteristics.
- 3.12 This Plan does not replicate the very many outcomes and actions set out in other strategic plans as detailed in paragraphs 3.7 and 3.8. It includes 38 actions that will be taken by the Council over the course of the five years of this Equality Plan to ensure that the council meets it duties under the Equality Act and achieves its overarching commitment to *reduce inequalities within and across our communities*.
- 3.13 A detailed action plan to deliver these actions will be drawn up. Progress in meeting the seven outcomes and 38 actions will be reported on in bi-annual Equality Outcomes and Mainstreaming Progress Reports.

4 POLICY IMPLICATIONS

4.1 The East Lothian Council Equality Plan 2021-2025 sets out the Council's commitment to equality and shows how we comply with the requirements of the Equality Act 2010 to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act
- advance equality of opportunity between people who share a relevant protected characteristic and those who don't
- foster good relations between people who share a protected characteristic and those who don't.

4.2 The Plan also takes account of legislative and other developments that have come into force since the previous Plan was adopted including the Fairer Scotland Duty, under Part 1 of the Equality Act 2010, which came into force in Scotland in April 2018.

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report has been through the Integrated Impact Assessment process and no negative impacts have been identified.

6 RESOURCE IMPLICATIONS

6.1 Financial – None arising from the Plan. Any actions that require resources that cannot be contained within existing budgets will be considered as part of the budget planning process.

6.2 Personnel – none.

6.3 Other – none.

7 BACKGROUND PAPERS

7.1 Appendix 1: East Lothian Council Equality Plan 2021-2025

AUTHOR'S NAME	Paolo Vestri
DESIGNATION	Service Manager, Policy, Improvement and Partnerships
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DATE	1 st November 2021

EAST LoTHIAN COUNCIL
EQUALITY PLAN
2021 – 2025

November 2021

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Introduction

Equality is at the heart of all that we do as a Council, Education Authority and Licensing Board. Our aim is to ensure everyone who lives, works or receives a service in East Lothian should be free from discrimination, and able to achieve their fullest potential. We recognise that we are not there yet.

This Equality Plan for 2021 – 2025 sets out our commitment to eliminate unlawful discrimination, promote equality of opportunity, foster good relations between different groups in our society, and aiming to ensure that no one is denied opportunities because of who they are. These principles underpin all of the work that the Council does and contribute to the vision of:

‘A prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy that enables (all) our people and communities to flourish’.

This new Equality Plan for 2021 – 2025 builds on the work of the Equality Plan 2017-2021. It sets out the high level equality outcomes that the council will work towards during 2021 – 2025 to meet its statutory duties under the Equality Act and, also to, achieve its overarching commitment to ***reduce inequalities within and across our communities.***

It contributes to achieving the strategic themes outlined in the [East Lothian Council Plan 2017-2027](#):

- Growing our Economy
- Growing our People
- Growing our Communities
- Growing Our Capacity.

The Council Plan 2012-2027 has nine strategic goals that are aligned to, and support, the key objective of reducing inequalities and poverty. These are to:

- Reduce unemployment and improve the employability of East Lothian’s workforce
- Reduce the attainment gap and raise the attainment and achievement of our children and young people
- Improve the life chances of the most vulnerable people in our society
- Extend community engagement and decision making and increase community and individual resilience
- Deliver transformational change and harness the opportunities that technology offers in the provision of services.

This Equality Plan has been drafted at a time of unprecedented challenge caused by the COVID-19 pandemic. The Council’s services had to adapt and reconfigure how they operated to ensure safety for staff and customers/ service users. The impact of COVID-19 on

on both staff and service users has been immense. We know that there is an equality dimension to the pandemic, with women, disabled people and minority ethnic communities particularly affected. Children and young people have had their education disrupted, businesses have closed down, many people have lost jobs and many more people and families have been affected by and are living in poverty.

There is also a link between the pandemic and equalities and trauma. While anyone is at risk of experiencing trauma and adversity, different factors can increase the risk and can impact people's safety, recovery and access to support, such as having one or more protected characteristics, and these risks and barriers have increased during the pandemic.

This Plan also takes account of legislative and other developments that have come into force since the previous Plan was adopted including the Fairer Scotland Duty, under Part 1 of the Equality Act 2010, which came into force in Scotland in April 2018¹.

East Lothian Council aims to be an Equal Opportunities employer and to be bold and innovative in planning and delivering services which meet the needs of our diverse communities and respond to the challenges posed by the COVID pandemic.

We look forward to reporting our progress in achieving the Plan's equality outcomes over the coming years.

¹ The final version of the Fairer Scotland Duty Guidance for Public Bodies was published in October 2021

1: What is the Equality Plan 2021-2025?

The Equality Plan sets out the Council's commitment to equality and shows how we comply with the requirements of the Equality Act 2010 (the Act) to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act
- advance equality of opportunity between people who share a relevant protected characteristic and those who don't
- foster good relations between people who share a protected characteristic and those who don't.

That is to ensure our decision making and day-to-day activities consciously consider how we address equality.

It also sets out our commitment to meeting the requirements of the Fairer Scotland Duty to actively consider (pay due regard) to how we can reduce inequalities of outcome caused by socio-economic disadvantage. In other words, to meet the Council Plan's overarching objective to 'reduce inequalities within and across our communities'.

This chapter, explaining what the Plan sets out to achieve is followed by a summary of the factors influencing the development of the Plan and the priority outcomes it sets out (Chapter 2). These have been developed as a progression of those that were established in the 2017-2021 Plan, building on our achievements and including new actions to reflect changing circumstances.

As an Education Authority, and an administrator of the Licensing Board the Council also needs to set out how each meets the requirements of the Act. The commitments of these bodies are set out separately in this Plan in Chapters 3 and 4.

Chapter 5 covers the Council's role as an employer and sets out how we aim to ensure we meet our duties and responsibilities to our employees. Chapter 6 provides further details on the equality outcomes of this Plan and sets out the key actions that will contribute towards achieving those outcomes. The concluding chapter outlines how the Council fulfils its duty to Mainstream Equality.

1.1 Our duties and responsibilities

The Equality Act 2010

The purpose of the Equality Act 2010 is to ensure that everyone, whether at work, receiving goods or services or using facilities, has the right to be treated fairly. It protects people from discrimination on the basis of certain characteristics known as protected characteristics.

The protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership (the law provides protection in the area of employment and vocational training only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation.

In addition to the provisions in the Act relating to employment, education and training, as a local authority, East Lothian Council is required to implement the Public Sector Equality Duty, which is comprised of two elements, the general and the specific duty.

Appendix 1 provides further detail of our duties and responsibilities under the Equality Act.

The Fairer Scotland Duty

This Plan takes account of legislative and other developments that have come into force since the previous Plan was adopted, including the Fairer Scotland Duty (under Part 1 of the Equality Act 2010), which came into force in Scotland from April 2018. This places a legal responsibility on public bodies in Scotland, including local authorities, to actively consider how to reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions.

This duty works in partnership with our equality duties, and provides us with a powerful impetus to deliver real and lasting positive change to meet the council's overarching objective of: 'reducing inequalities within and across our communities'. Draft guidance on the Duty was published shortly after it came into force but the final version of the guidance was not published by the Scottish Government until October 2021.

Appendix 2 provides further details of our responsibilities under the Fairer Scotland Duty.

The United Nations Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child (UNCRC) is an international human rights treaty which covers all aspects of children's lives. It includes civil, political, economic, social and cultural rights.

The Scottish Parliament passed the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill on 16th March 2021. The intention of the Bill is to incorporate the UNCRC into Scottish legislation. This would mean that public authorities, including local authorities, would be legally required to respect and protect children’s rights in all their work.

To facilitate meeting these responsibilities, East Lothian Council has aligned its work to tackle poverty, address socio economic inequality and mitigate social exclusion alongside work to promote equality and eliminate discrimination with children’s rights.

Appendix 3 provides further details of our responsibilities under the UNCRC.

1.2 What this plan sets out to achieve

The Equality Plan does not sit alone but is part of a suite of Council and partnership Plans, Policies and Strategies that contribute to this Plan’s, and the Council’s, objective to reduce inequalities.

The Council has a large number of other strategies and plans such as the Council Plan, the Local Housing Strategy, the Workforce Development Plan and the Education Improvement Plan, and plans and policies such as the British Sign Language Plan, the Education service Inclusion and Accessibility Policy and Respect for All (Anti-Bullying) Strategy, which address equalities and contribute to the objective of reducing inequalities.

Our public sector partners, including NHS Lothian and Police Scotland will have their own Equality Plans. There are also plans adopted by the East Lothian Partnership (East Lothian’s Community Planning Partnership) and other partnerships such as the East and Midlothian Public Protection Committee (EMPCC), which address inequalities and set out how the respective partnerships aim to meet the objective of reducing inequalities. These include the East Lothian Plan (our Local Outcome Improvement Plan), the Children’s and Young Peoples Services Plan, the East Lothian Economic Development Strategy, the East Lothian Poverty Plan, and the Community Justice Local Outcome Improvement Plan and the overarching.

For example, the **Children’s Service Plan 2020 – 2025**, sets out three key priorities for action to improve the lives of children and young people in East Lothian:

- improving children and young people’s mental health and wellbeing
- supporting parenting and strengthening family resilience
- reducing inequalities for our children and young people.

As is shown in Chapter 7, equality is mainstreamed into council plans and our day-to-day work. Therefore this Equality Plan does not replicate all of the various equality outcomes, objectives and actions that are set out in other plans.

The Equality Plan identifies key priorities to improve equality outcomes across what we do as a Council, Education Authority, Licencing Board and employer. These priorities have been identified through reviewing progress with the previous Equality Plan, and through engagement with the public and with stakeholders and partners such as NHS Lothian.

1.3 East Lothian Equality Plan Equality Outcomes

The Plan does not provide an exhaustive list of what we will do to progress equality and reduce discrimination over the next four years; but it sets out the key outcomes that define our focus and on which we will report and measure progress. It sets out seven high level equality outcomes that the council will work towards during 2021 – 2025 to ensure it meets its statutory duties under the Equality Act and, also to, achieve its overarching commitment to **reduce inequalities within and across our communities**. These are:

1. East Lothian Council services are accessible to, and will meet the needs of, all in the community including people who share protected characteristics.
2. The gap in educational outcomes for children and young people impacted by socio-economic disadvantage will be closed; and, the health and wellbeing of children and young people with protected characteristics will be improved.
3. Everyone in East Lothian has access to a decent, affordable, warm and dry home.
4. In East Lothian we live healthier, more active and independent lives.
5. People feel safe and experience less crime in their communities, and at home, there is zero tolerance of hate, abuse and violence against women and girls and people feel their communities are inclusive.
6. In East Lothian we are breaking the cycle of poverty so that fewer people experience poverty.
7. East Lothian Council is an Equal Opportunities employer and our workplace feels inclusive to staff with protected characteristics.

Progress in meeting these outcomes, including those that are delivered through other strategic plans, will be reported on in bi-annual Equality Outcomes and Mainstreaming Progress Reports.

2: Factors Influencing the Equality Plan 2021-2025

2.1 The COVID-19 Pandemic

It is not possible to consider actions to tackle inequality over the next few years without taking into account the impact of the Covid-19 pandemic. As noted in the Scottish Government's COVID Recovery Strategy ((October 2021):

'It is clear that the impact of the pandemic has not been felt evenly. It has both highlighted the inequalities in our society and made them worse. Those who were already the most disadvantaged have suffered disproportionately. They have been more likely to get seriously ill, more likely to be hospitalised, and sadly more likely to die from COVID. They have also been the hardest hit socially, educationally and economically, by the restrictions that were brought in to control the spread of the virus.'

It has become increasingly evident that there is an equality dimension to the pandemic, with older people, young people, women, disabled people and minority ethnic communities particularly badly affected. The disruption to education is likely to have long lasting and profound effects on our children and young people, particularly those who are more disadvantaged. As was highlighted in the Accounts Commission report on Improving Outcomes for Young People in School Education (March 2021): *'The effects of COVID-19, including the economic impacts and the public health measures which have been put in place, are likely to increase levels of inequality experienced by children and young people.'*

The economic impact of the pandemic has entrenched and widened inequalities. Individuals and families are experiencing greater poverty as a result of business closures and job losses, and there have been severe effects on those who are in insecure employment. Between March and July 2020, the number of people on Universal Credit in East Lothian more than doubled and those seeking work increased by over 60%. 8,700 jobs were furloughed at the height of lockdown in July 2020. UK wide, almost two thirds of those who lost their jobs as a result of COVID were under 25. More women were furloughed as retail and hospitality, female dominated sectors of the economy, had the highest furlough rates.

Reported incidents of domestic abuse increased in 2020 and 2021 and seeking safety was significantly more difficult during lockdown. Also, there was a 19.3% increase in recorded sexual crimes in 2020/21.

By the time this Equality Plan is published, we will have been living under restrictions of one kind or another for over 18 months. The impact on the mental health of our entire population is as yet uncharted, but can be anticipated to be very significant.

The council's Multiagency COVID 19 Recovery and Renewal Coordinating Group has included Equalities as one of the cross cutting themes of its Recovery and Renewal

Framework. This is in recognition of the widening inequalities arising from the pandemic and the need to take action. Adopting an equality approach will help to increase our understanding of how people with protected characteristics may have been disproportionately affected by the pandemic and identify the specific actions that need to be put in place to support their recovery.

2.2 Poverty

East Lothian Council established the East Lothian Poverty Commission in October 2015 to report on how the Council and East Lothian Partnership could reduce inequalities and poverty. The Commission's final report, which was presented to the Council in October 2016, highlighted the scourge of poverty on our society and the need to take concerted action to break the cycle of poverty. It included 56 recommendations, which became the focus of the 2017-2020 Poverty Action Plan.

Both the Council and the East Lothian Partnership adopted the Action Plan and embedded a strong commitment to tackling poverty and inequality into their plans in order to *'tackle the causes and effects of poverty in East Lothian and reduce the gap between the richest and poorest people.'*

A new Poverty Plan 2021-2023 was prepared in 2021 to take account of progress made with the 2017 Plan and the impact of COVID. The Poverty Plan is based around seven themes / outcomes:

- Working and free from in poverty
- Financially Included – people have access to income maximisation and money advice
- Having a decent, affordable and warm home
- Educated – reduce the attainment gap and raise the attainment and achievement of our children and young people
- Healthy and Well – people in East Lothian are enjoying healthier lives and health inequalities are eliminated
- Resilient and Well Connected individuals and communities; connected public services taking a prevention and early intervention approach to tackling poverty
- Empowered and Responsible – citizens and communities are empowered to influence policy and the council and partners take responsibility to reduce poverty.

The Plan sets out 49 actions that will contribute to achieving these outcomes; ensuring the Council meets its duties and responsibilities under the Fairer Scotland Duty.

2.3 What matters to you

As detailed in Chapter 7 the council engages with and consults East Lothian citizens, communities and representative groups and organisations extensively.

Consultation and engagement with the general public and service users and over the last two years have highlighted various concerns and issues relating to equalities including:

- sex equality, including the impact of domestic abuse, and issues such as increasing women's representation on boards, and access to maternity leave;
- the mental health of new parents
- the impact of poverty - particularly on women and children, including access to sanitary products; increase in demand for emergency food provision and the increase in referral to, and reliance on foodbanks
- addressing the needs of vulnerable families
- hate crime experienced by Black and Minority Ethnic (BME) communities, particularly business owners, people with physical and learning disabilities, and people targeted due to their sexual orientation or gender identity
- ensuring children with additional support needs are included in mainstream services and fun activities
- LGBTQi+ equality in local schools and communities, including support for transgender pupils
- ensuring local services are accessible to all
- identifying meeting spaces to meet religious needs during religious periods.

Council services have identified emerging issues include:

- supporting services including schools, housing services and care homes to consider transgender equality, and ensure a positive experience for those who need services
- concern at the high and growing levels of violence against women, including emerging issues of gender-based violence in dementia households
- facilitating interpretation and translation services across a broader range of services, including access to British Sign Language
- dealing with concerns about racism and victimisation in the community
- dealing with service users in distress as a result of the impact of welfare reform including expressing suicidal thoughts
- supporting sports clubs to consider equality and inclusion and encouraging them to think about these issues differently
- encouraging providers of Early Years services to think about inclusive play and the importance of equality in early years
- meeting the needs of resettled Syrian and Afghan refugee families
- people living with low income (lack of a living wage) and limited employment opportunities
- digital inclusion to ensure access to local and national support and information
- the need to take a Trauma Informed approach to policy and practice.

The Council's 2021 Employee Engagement Survey included a set of questions about how council employees feel the council addresses equality issues. The results of this survey are detailed in Chapter 6.

3: East Lothian Council's Duties as the Education Authority

East Lothian's Education Authority has a relentless focus on Inclusion, Achievement, Ambition and Progress for All. The Education Service aspires to Get it Right for Every Child and to ensure that our children and young people are Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included.

Across East Lothian we are ambitious for our children and young people and, working together, we aim to support them to be confident, resilient and to achieve within their schools and wider communities. During 2019, Education and Children's Services came together as one integrated service which now works together to ensure everything we do, starts with the child and family and builds the right support and services around them.

We seek to provide a wide range of high quality services to all, while giving priority to the most vulnerable and disadvantaged individuals and groups in our communities. We strive to make a positive difference to the lives of children, young people and their families, while we recognise the individuality and diverse needs of all children, young people and their families.

Working together, we:

- share common values, approaches, behaviour and a strong commitment to do the very best for East Lothian's children and young people
- are ambitious for our children and young people
- promote and prioritise early intervention and prevention
- take a relationship-based approach with each other, our children, young people and their families
- promote creativity and innovation
- want East Lothian to be an inclusive place to live.

Our curriculum, Curriculum for Excellence is a continuing process to encourage more learning through experiences to best ensure that children and young people are prepared for the complex world they will be living in when they leave school. Children and young people as individuals are at the centre of learning provision and our aspiration is that they should all develop the capacity to become:

- successful learners
- confident individuals
- responsible citizens
- effective contributors.

Our vision and values for Education in East Lothian align with the four capacities above, as well as the key priorities in the National Improvement Framework for Scottish Education,

‘Achieving Excellence and Equity’ (Scottish Government, January 2016) and Delivering Excellence and Equity in Scottish Education (Scottish Government, June 2016):

- improvement in attainment, particularly in literacy and numeracy
- closing the attainment gap between the most and least disadvantaged children
- improvement in children and young people’s health and wellbeing
- improvement in employability skills and sustained, positive school leaver destinations for all young people.

The East Lothian Poverty Plan 2021-2023 has recognised the importance of education to improving the life chances of all children and young people. Educated: reduce the attainment gap and raise the attainment and achievement of our children and young people, is one of the Plan’s seven outcomes. It is supported by eight actions which aim to support reducing inequality in schools, reduce the attainment gap, reduce the digital divide and digital exclusion, increase access to sport and leisure, give children the best start in life and provide additional support for families and children at particular risk of vulnerability and hardship.

The Education Service Progress and Improvement Plan 2021/22 captures all of the above and sets out the actions the service needs to take to improve outcomes for children and young people and the way in which it will measure success in delivering these improvements. The plan is informed by and links to the outcomes in East Lothian Council's Plan, the Integrated Children and Young People's Service Plan, The East Lothian Poverty Commission Report and the 2017-2021 Equality Plan.

Its aims are to:

- reduce inequalities of outcome for pupils experiencing them as a result of socio-economic disadvantage
- comply with the authority’s duty to consult with and advise specific persons specified in legislation when making decisions of a strategic nature about the carrying out of school education functions
- meet the priorities in the National Improvement Framework (NIF).

Steps taken annually by the Education Service to plan for improvement include:

- carrying out a self-evaluation audit of performance using the quality indicators in How Good Is Our School 4?
- involving key stakeholders in the review of current priorities, identification of new priorities and anticipated impact and outcomes
- preparing a Progress Report which reflects the results of the self-evaluation audit across the Service and all education settings, including recent evaluations from an external scrutiny agency such as Education Scotland

- identifying aspects of performance in which improvement is necessary
- taking account of new national guidance and policy.

The Education Authority's short-term equality outcomes are to:

- reduce the poverty-related attainment gap and progress in improving the health and wellbeing of children and young people with protected characteristics.
- reduce the attainment gap of looked after children and young people by implementing the Corporate Parenting Plan
- review the implementation of the new policy and accompanying Accessibility Strategy (2020-2023): Included, Engaged & Involved: Inclusion, Equality and Accessibility for all, with a particular focus on ensuring it meets the needs of all children and young people with protected characteristics.
- review the implementation of the Anti-bullying Policy: Respect for All: Promoting Positive and Respectful Relationships in our Schools, with a particular focus on ensuring it meets the needs of all children and young people with protected characteristics.
- review progress in achieving the eight actions under the 'Educated' theme in the Poverty Plan.

Specific actions are detailed in the Education Service Progress and Improvement Plan 2021/22. Information about all Education functions, including a copy of this Plan, Annual Reports and results of impact assessments will be published on the Council website and Edubuzz.

The East Lothian Council Education Authority will use the Integrated Impact Assessment Tool that has been developed by East Lothian Council. All reports presented to the Council committees proposing new policies or guidelines setting out new functions, or proposing any other changes with implications for equality strands will include details of the results of the impact assessment.

4: East Lothian Council Licensing Board

The East Lothian Licensing Board is constituted in terms of the Licensing (Scotland) Act 2005 and the Gambling Act 2005. The regimes under these Acts set out broad aims which the Board must and will support in all its functions.

The pursuit of these aims is a principal feature of the Board's statement of policy:

[Statement of Licensing Policy 2018-2023 | East Lothian Council](#)

and Statement of Gambling Principles:

https://www.eastlothian.gov.uk/downloads/file/28153/statement_of_principles_2019-2022

The Board's policies and decisions are governed by legislation in particular The Licensing (Scotland) Act 2005 and the Gambling Act 2005.

Under the Licensing (Scotland) Act 2005's the Licensing Board is directed to:

- prevent crime and disorder
- secure public safety
- prevent public nuisance
- protect and improve public health
- protect children from harm.

Under the Gambling Act 2005 the Board has duties to:

- prevent gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime
- ensure that gambling is conducted in a fair and open way
- protect children and other vulnerable young persons from being harmed or exploited by gambling.

Our Outcomes

In all the Licensing Board's work we will contribute to the long-term outcome: **'Fewer people are the victim of crime, disorder and abuse in East Lothian'**.

The Board Statement of Policy 2018-2023, adopted in November 2018, goes a long way towards demonstrating the progress made and the commitment to continuing equalities work, addressing public health issues, preventing crime and disorder, and the protection of children.

An Integrated Equalities Impact Assessment was completed in respect of the 2018-23 Statement of Policy. [Integrated Impact Assessment - Licensing | East Lothian Council](#)

The Board has three short-term priorities.

Developing the Licensing Application process to ensure fair access, including the development of electronic applications

- Following new legislation in March 2018, the premises licence application form was updated to include a disabled access statement.
- The application form was further updated to reflect a decision taken by the Board (as part of approving the 2018-2023 Statement of Policy) requiring applicants to include specific details of how they will comply with each of the five licensing objectives.
- In 2020 every alcohol licence application form was redesigned and has improved layout, font type, white space and page numbering. These are now in use where a paper-based application is requested.
- A redesign of the Licensing pages on the ELC website will take place as soon as possible in 2021 (this has been delayed so far due to prioritising COVID response and recovery work). Once the website work is complete, the new application forms will be uploaded and will be available for completion on line.
- A fully integrated online application and payment system is still to be introduced. A request to procure a new licensing system has been submitted to the Council's Digital Strategy Executive Group. This will be prioritised into the IT workflow.

Licensing Board works in partnership with a range of stakeholders to ensure the most effective decisions are made to meet the aims of the Board

- Police Scotland and the Licensing Standards Officer continue to be standard consultees for all alcohol licence applications.
- NHS Lothian receive papers for all Licensing Board meetings and have been regular attendees/contributors at Board meetings during the period 2017-21.
- The annual statutory joint Licensing Board and Local Licensing Forum meeting has taken place every September (although this was interrupted in 2020 as a result of the impact of COVID on the licensing trade).
- Community Councils receive the link to all papers for Licensing Board and are statutory consultees for all applications for premises licences and variations
- Licensing Board meetings are required to be held in public and up until March 2020 these took place in the Council Chamber. Due to COVID restrictions on face-to-face gatherings, these now take place via video conferencing facilities and are available to the public as a webcast.
- Alcohol Focus Scotland provided information to the Board to help inform the content of the Board Policy 2018-2023.
- The Board consulted widely when determining the 2018-23 Board Policy – this included the general public, the education service and the public protection office.

Licensing Board works with license holders and other Council services to support positive behaviour on and around license premises

- The Licensing Standards Officer regularly visits licensed premises, provides advice to current and prospective licensees and acts as a liaison between licensees and neighbours.
- Colleagues in the anti-social behaviour team and in Planning are amongst those who have contributed to supporting well run licensed premises.

Gathering Information

The Licensing Board works with a range of partners to ensure that they have the appropriate information they need to make the right decisions about applications presented. Key partners include police, health and fire services, anti-social behaviour team, community councils, and any other relevant stakeholders. Where relevant this can include information about equalities issues and experiences of equality groups in the community, such as women who have experienced commercial sexual exploitation.

The East Lothian Licensing Board will use the Integrated Impact Assessment Tool that has been developed by East Lothian Council. All reports presented to the Board proposing new policies or guidelines setting out new functions, or proposing any other changes with implications for equality strands will include details of the results of the impact assessment.

5: East Lothian Council as an Employer

East Lothian Council aspires to be *'an Employer of Choice'*, where our employees will:

- have the skills, knowledge, experience and motivation to deliver the highest quality services
- be flexible and adaptable around our changing organisational needs
- be resilient to change and instigate, as well as adapt to, changes in service delivery
- be satisfied and engaged and feel safe at work
- work in partnership across all services and with the Council's partners and communities to effectively deliver essential services and outcomes
- feel valued and recognised for the contribution they make to achieving the Council's vision and objectives
- be supported, empowered and trusted
- take personal responsibility and ownership to be effective in their jobs.

The key drivers which will enable us to meet this goal include:

- high achieving leadership and management
- building workforce capacity
- competitive recruitment and retention
- positive employment experience.

The council is committed to being an Equal Opportunities employer and all aspects of employment and employment policies are underpinned by equal opportunities. We aim to ensure that our workplace feels inclusive to staff with protected characteristics and is a positive workplace for all employees.

Relevant areas of work within the HR service include:

- fair and equitable Pay and Grading Structures
- equality in recruitment and selection
- conditions of service
- prevention of harassment and gender-based violence
- workforce development.

The Council supports equality in our work practices in a number of ways including:

- a comprehensive Employee Assistance programme including occupational health and physiotherapy provision
- use of Disability Confident Symbol
- taking the See Me campaign pledge

- Healthy Working Lives
- flexible employment policies and practices.

East Lothian Council is committed to the principle of equal pay for all our employees, as outlined in the Council's Equal Pay Statement. Job evaluation and pay grading processes underpin our journey towards pay equality.

The council carries out an Annual Equal Pay Audit, which reports on the gender pay gap and sets out the actions that are being taken to close the gap. The 2019/20 report, published on 31st March 2021, included the following actions:

- continue to report annually on equalities and gender monitoring
- review policies and practices, such Family Leave and Worksmart policy, to reduce any potential equal pay or gender pay gaps
- review the Job Evaluation scheme to ensure consistency and equality in its application
- continue to monitor equalities and address any issue via the Annual Equalities and Employment Action Plan.

We currently carry out an Annual Workforce Equalities Monitoring Audit and Report which includes detailed workforce, recruitment and training profiles and analysis.

Following the publication of the Scottish Parliament's Equalities and Human Rights Committee report, Race Equality, Employment and Skills: Making Progress? (November 2020), East Lothian Council has agreed to undertake work to ensure it meets the recommendations of the report. For example, we will carry out a review of our recruitment procedures and practice against the Scottish Government's Minority Ethnic Recruitment Toolkit and make the necessary changes.

The Council's Workforce Plan 2018-2022 sets out how the Council aims to achieve the workforce vision which is set out at the start of this chapter. The Plan is being reviewed to take account of progress and developments since it was adopted in 2018, in particular the impact of COVID-19 on the council's workforce and developments such as the aim of having a trauma informed workforce. The review will also reflect any requirements to take further action to ensure the Council is an Equal Opportunities employer and meets the specific needs of staff with protected characteristics.

The Council's 2021 Employee Engagement Survey included questions about East Lothian Council as an employer from an equalities perspective. The survey was completed by just over 1,400 employees – 32% of the total workforce.

The responses to the equalities questions showed that a large majority of employees are positive about how the council is addressing equalities issues.

Over eight out of 10 employees either strongly agree (24.6%) or agree (57.3%) that East Lothian Council takes equality seriously as an employer; whilst fewer than one in ten (6.7%) disagree. Just over 11% answered Don't Know. Eight out of ten employees do not think the council could do more to advance equality of opportunity.

More than eight out of ten employees strongly agree (27.4%) or agree (57.9%) that they feel able to disclose personal information such as religious belief, sexuality or any disability. Only 7.4% either disagree (5.6%) or strongly disagree (1.8%) that they feel able to disclose personal information. Just over 7% answered Don't Know.

Over nine out of ten employees (92.7%) feel that the council treats them fairly, whilst only around 100 from the total of over 1,400 respondents said they are not treated fairly. Around half of those who stated they are not treated fairly gave pay, terms and conditions and perceived manager's bias in recruitment practices as the reason. Fewer than half of the employees who stated they are not treated fairly suggested this was due to an equality related issue, predominantly, due to disability, sex and age.

Detailed analysis of the answers to the equalities questions by sex of the respondents showed very little differences in the views of female and male employees.

Further detailed analysis of comments and suggestions for what more the council could do to advance equality of opportunity is being carried out to identify any specific issues and concerns that need to be addressed at a council or service level.

6: The Equality Plan Outcomes

This Plan sets out the high level equality outcomes that the council will work towards during 2021 – 2025 to meet its statutory duties under the Equality Act and, also to, achieve its overarching commitment to ***reduce inequalities within and across our communities***.

East Lothian Council's seven high level equality outcomes are:

1. East Lothian Council services are accessible to, and will meet the needs of, all in the community including people who share protected characteristics.
2. The gap in educational outcomes for children and young people impacted by socio-economic disadvantage will be closed; and, the health and wellbeing of children and young people with protected characteristics will be improved.
3. Everyone in East Lothian has access to a decent, affordable, warm and dry home.
4. In East Lothian we live healthier, more active and independent lives.
5. People feel safe and experience less crime in their communities, and at home, there is zero tolerance of hate, abuse and violence against women and girls and people feel their communities are inclusive.
6. In East Lothian we are breaking the cycle of poverty so that fewer people experience poverty.
7. East Lothian Council is an Equal Opportunities employer and our workplace feels inclusive to staff with protected characteristics.

These outcomes reflect the work that is being undertaken to mainstream equality into all areas of the Council's work (see Chapter 7) and the work we do in partnership with other statutory bodies and the voluntary sector.

This Plan does not replicate the very many outcomes and actions set out in other strategic plans, including the Council Plan, the Education Service improvement Plan, the Poverty Plan, and the Local Housing Strategy, that contribute towards achieving the equality.

The 38 actions detailed below are specific actions that will be taken by the Council over the course of the five years of this Equality Plan to ensure that the council meets its duties under the Equality Act and achieves its overarching commitment to ***reduce inequalities within and across our communities***.

The following sections provide detail on these outcomes and actions. Progress in meeting the outcomes will be reported in bi-annual Equality Outcomes and Mainstreaming Progress Reports.

Additionally a number of joint actions to be delivered in partnership have been developed in partnership with East Lothian Integration Joint Board, Edinburgh, West Lothian and Midlothian Councils, and NHS Lothian. These actions are based on research and evidence from different sources, including a public consultation exercise and on conversations with services and organisations working to help and support people.

- Improve joint communications in minority languages
- Develop a joint approach to gathering/ sharing data and analysis of data on protected characteristics
- Establish a joint approach to housing pathways for offenders – each Community Justice partnership needs to have a pathway in place so a pan Lothian approach involving Police Scotland, NHS Lothian, the Scottish Prison Service, and ELC may be possible
- Support the development of services that tackle the high prevalence of Type 2 Diabetes among certain minority groups in our society such as Asian communities, and middle aged (35-55 years) men in deprived socio economic groups
- Develop a joint approach/ strategy to deal with hate crime
- Develop a Safe Spaces initiative (based on the Ayrshire & Arran Safe Spaces project) to change attitudes and behaviours so that everyone in East Lothian, including people who share protected characteristics, feel safe in their communities.

1. East Lothian Council services are accessible to, and will meet the needs of, all in the community including people who share protected characteristics

The Council must ensure there is no unlawful discrimination, and ensure equality of opportunity in how we plan for and deliver services. Our services must be accessible to all and we must consider potential impact on people with protected characteristics, taking steps to mitigate any potential detrimental impact. Services must be designed in a way that recognises and responds to the specific needs/ barriers that people who share protected characteristics such as sex, disability, sexual orientation or race, may experience.

We must also take steps to ensure those with protected characteristics can participate in their communities, and that those involved in public life and activities are reflective of our population. People cannot participate fully in society and receive the services they need without equitable access, including digital access to services. Due regard also need to be taken to how information about council policies and services is provided to ensure that it is accessible to everyone.

Actions we will take to achieve the equality outcome, East Lothian Council services are accessible to, and will meet the needs of, all in the community including people who share protected characteristics

1.1 Re-establish the East Lothian Diversity and Equality Network

- 1.2 Ensure that the Integrated Impact Assessment tool is used effectively so that protected characteristics and socio-economic disadvantage are taken into account when planning and designing services and when making policy decisions
- 1.3 Review the Translation and Interpretation service to ensure that communications is provided in minority languages
- 1.4 Review progress in implementing the recommendations of the Council's British Sign Language Plan
- 1.5 Review the accessibility of the Council website
- 1.6 Monitor Customer Feedback for complaints that raise concerns about inequality and discrimination and ensure that appropriate action is taken
- 1.7 Ensure the Digital Inclusion Strategy takes account of equality issues and the Fairer Scotland Duty
- 1.8 Review how the equalities and Fair Work clauses in the Council's procurement process are operating
- 1.9 Monitor the Scottish Government's review into the effectiveness of the Public Sector Equality Duty (PSED) in Scotland and take appropriate action if required
- 1.10 Update the Council's 'Guide to Monitoring Equalities in Council Services' to ensure it provides clear guidance on how to monitor equalities effectively
- 1.11 Update the Equality Training Plan
- 1.12 Review the Council's performance indicators and update the suite of Equality Outcomes Indicators that will report on progress in meeting this Plan's outcomes in bi-annual Equality Outcomes and Mainstreaming Progress Reports.

With our partners we will:

- 1.13 Improve joint communications in minority languages
- 1.14 Develop a joint approach to gathering/ sharing data and analysis of data on protected characteristics.

Several of the actions outlined above have been identified in Chapter 7 as actions to improve how the Council mainstreams Equality.

2. The gap in educational outcomes for children and young people impacted by socio-economic disadvantage will be closed; and, the health and wellbeing of children and young people with protected characteristics will be improved

As is detailed in Chapter 3, East Lothian's Education Authority has a relentless focus on Inclusion, Achievement, Ambition and Progress for All. The Education Service aspires to Get it Right for Every Child and to ensure that our children and young people are Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included.

The East Lothian Council Plan 2017-2022 and the Education Service Improvement Plan, both make clear the Council's commitment to, and focus on, reducing inequalities within and across our communities, raising attainment and reducing the poverty-related attainment gap.

The East Lothian Poverty Plan 2021-2023 has recognised the importance of education to improving the life chances of all children and young people. 'Educated – reduce the attainment gap and raise the attainment and achievement of our children and young people' is one of the Plan's seven themes outcomes. This is supported by eight actions which aim to support reducing inequality in schools, reduce the attainment gap, reduce the digital divide and digital exclusion, increase access to sport and leisure, give children the best start in life and provide additional support for families and children at particular risk of vulnerability and hardship.

Actions we will take to achieve the equality outcome, the gap in educational outcomes for children and young people impacted by socio-economic disadvantage will be closed; and, the health and wellbeing of children and young people with protected characteristics will be improved

2.1 Review progress being made in reducing the poverty-related attainment gap and improving the health and wellbeing of children and young people with protected characteristics

2.2 Review progress being made in reducing the attainment gap of looked after children and young people through the Corporate Parenting Plan

2.3 Review the implementation of the Accessibility Strategy (2020-2023): Included, Engaged & Involved: Inclusion, Equality and Accessibility for all, with a particular focus on ensuring it meets the needs of all children and young people with protected characteristics

2.4 Review the implementation of the Anti-bullying Policy: Respect for All: Promoting Positive and Respectful Relationships in our Schools, with a particular focus on ensuring it meets the needs of all children and young people with protected characteristics.

2.5 Review progress in achieving the eight actions under the 'Educated' theme in the Poverty Plan.

3. Everyone in East Lothian has access to a decent, affordable, warm and dry home

Having a home is a basic human right. This means a decent home in a good state of repair; an affordable home; a home that can be kept warm and dry without forcing the occupant into fuel debt or poverty.

The East Lothian Local Housing Strategy 2018-2023 sets out the strategy, priorities and plans for the delivery of housing and related services across East Lothian from 2018-23. The strategy plays a number of important roles, including, demonstrating how housing can contribute to improvements in health and wellbeing and influencing the effective integration of health and social care.

Some people who share protected characteristics are disproportionately affected by housing inequality. For example, The Scottish Government Working Group's Report on "Improving Housing Outcome for Women and Children" shows that domestic abuse is the main cause of women's homelessness in Scotland.

The strategic vision for housing is that by 2023 we will have: *'Healthy, sustainable homes in vibrant communities, that meet increasing levels of need, reduce inequalities and improve wellbeing across all stages of people's lives'*.

Equalities is one of the Principles that lie behind the Local Housing Strategy. It states that: *'provisions have been made for the mainstreaming of equalities in both preparing this LHS and in all aspects of planning for housing / delivery of LHS actions.... the principle of equalities underpins all aspects of the Local Housing Strategy.'*

Three of the Strategy's six priority outcomes are directly related to reducing inequalities:

- homelessness is prevented as far as possible, with appropriate support in place to promote positive health outcomes and tenancy sustainment
- a wider range of specialist housing is provided to enable independent living where appropriate
- fuel poverty is reduced and climate change targets exceeded.

The East Lothian Poverty Plan 2021-2023 recognises the importance of 'Having a Home' to tackling poverty and inequality. It includes eight actions under this outcome, including increasing the supply of affordable housing options, increasing the supply of appropriate temporary accommodation for people who find themselves homeless, reducing fuel poverty, and implementing the Improvement Plan for Gypsy Travellers.

Actions we will take to achieve the equality outcome, everyone in East Lothian has access to a decent, affordable, warm and dry home

3.1 Review how the Local Housing Strategy 2018-2023 meets the needs of people with protected characteristics, including ensuring that people with particular needs are able to get and sustain their choice of housing, including independent living

3.2 Review progress in achieving the seven actions under the 'Having a Home' theme in the Poverty Plan.

With our partners we will:

3.3 Ensure housing pathways for offenders by establishing a pan-Lothian approach involving the Community Justice Partnership, the Council, Police Scotland, NHS Lothian and the Scottish Prison Service.

4. In East Lothian we live healthier, more active and independent lives

The East Lothian Integration Joint Board's (IJB) Strategic Plan includes the golden thread: 'equality and diversity, including tackling health inequalities and discrimination'. One of the IJB Plan's priorities is '*to reduce inequalities, break the cycle and impact of deprivation and support and protect the vulnerable in our communities*'.

The East Lothian Poverty Plan includes a Health and Well theme with six actions that will contribute to the outcome of contributing towards eliminating health inequalities. These include supporting people with additional health needs or disabilities through person centred approaches and investment in modern technology which enable people to maintain their independence and self-esteem, improve access to mental health services, and tackle the growing problem of self-isolation.

Actions we will take to achieve the equality outcome, in East Lothian we live healthier, more active and independent lives

4.1 Review how the IJB's Strategic Plan meets the needs of people with protected characteristics

4.2 Review progress in achieving the actions under the 'Healthy and Well' theme in the Poverty Plan.

With our partners we will:

4.3 Support the development of services that tackle the high prevalence of Type 2 Diabetes among certain minority groups in our society such as Asian communities, and middle aged men in deprived socio economic groups.

5. People feel safe and experience less crime in their communities, and at home, there is zero tolerance of hate, abuse and violence against women and girls and people feel their communities are inclusive

No-one should experience violence, abuse or harassment because of who they are. One of the negative impacts of the COVID-19 pandemic has been an increase in domestic abuse and violence against women and girls. We are also aware that while there has been some increase in reports of hate crimes and racial abuse both following 'Brexit' and through social media. However, we are also aware that domestic abuse, verbal abuse and violence against women and girls, hate crimes and racial abuse are under-reported. So further action is required to both increase the reporting of such crimes and to promote zero tolerance of abuse, hate crimes and violence against women and girls. All citizens of East Lothian should be able to see themselves reflected in their communities. Put simply, everyone belongs here.

As is detailed in Chapter 4, the Licencing Board has a long-term outcome: 'Fewer people are the victim of crime, disorder and abuse in East Lothian' and has adopted three short term outcomes to contribute towards achieving the long term outcome.

The Lothian and Scottish Borders Local Police Plan 2020-2023 includes as one of its five themes 'Protecting the most vulnerable people'. Under this theme three actions will support the achievement of this outcome:

- implement a delivery model supporting a Violence against Women and Girls Prevention Strategy
- proactively target domestic abuse offenders
- develop partnership approaches to improve public confidence and to report incidents of harm and abuse.

Actions we will take to achieve the equality outcome, people feel safe and experience less crime in their communities, and at home, there is zero tolerance of hate, abuse and violence against women and girls and people feel their communities are inclusive

5.1 Implement Equally Safe Scotland Strategy to prevent and eradicate Violence Against Women and Girls and will undertake an analysis of how well we are delivering Equally Safe across all Council systems, policies and services and develop an action plan

5.2 Review the impact of the Licencing Board's policies in contributing to this outcome

5.3 Support events and programmes, such as religious festivals, Black History Month, International Women's Day and Pride events that celebrate diversity within our communities.

With our partners we will:

5.4 Support Police Scotland in developing a joint approach/ strategy to deal with hate crime

5.5 Develop a Safe Spaces initiative, (based on the Ayrshire & Arran Safe Spaces project) to change attitudes and behaviours so that everyone in East Lothian, including people who share protected characteristics, feel safe in their communities

5.6 Support the East and Midlothian Public Protection Committee in delivering the Violence Against Women and Girls strategy.

6. In East Lothian we are breaking the cycle of poverty so that fewer people experience poverty

The Council's 2017-22 Council Plan and the Partnership's 2017-2027 East Lothian Plan share the overarching objective of: **reducing inequalities within and across our communities.**

A new 2021-2023 Poverty Plan has been drawn up to act as a key part of East Lothian's building back better from the pandemic. It builds on the work of the Poverty Commission and its recommendations. It is a two year plan as it is recognised that we will need to review progress within that timescale and may need to develop a new Plan with new priorities to respond to the full impact of the pandemic and the new Government policies.

The new East Lothian Poverty Plan shows how the Council and its partners aim to meet their responsibilities under the Fairer Scotland Duty to reduce inequalities of outcome caused by socio-economic disadvantage.

The Plan has 49 actions based around seven outcomes which reflect the Equality Outcomes set out in this Equality Plan:

- Working and free from in poverty
- Financially Included – people have access to income maximisation and money advice
- Having a decent, affordable and warm home
- Educated – reduce the attainment gap and raise the attainment and achievement of our children and young people
- Healthy and Well – people in East Lothian are enjoying healthier lives and health inequalities are eliminated
- Resilient and Well Connected individuals and communities; connected public services taking a prevention and early intervention approach to tackling poverty
- Empowered and Responsible – citizens and communities are empowered to influence policy and the council and partners take responsibility to reduce poverty.

Some people are more at risk of poverty than others because of (multiple) protected characteristics. Women find it harder to escape poverty and are more likely to experience persistent poverty than men. There is a particularly high risk of poverty among disabled women, Black and Minority Ethnic (BME) women, lone parents, and refugee women due to the additional barriers to economic resources and support services they face. A key factor to this is the gender pay gap, occupational segregation and women's overrepresentation in lower paid work which puts them at a greater risk of poverty.

Action we will take to achieve the equality outcome, in East Lothian we are breaking the cycle of poverty so that fewer people experience poverty

6.1 Review how the Poverty Plan and its actions are being delivered to ensure that they take into account the specific needs of people with protected characteristics.

7. East Lothian Council is an Equal Opportunities employer and our workplace feels inclusive to staff with protected characteristics

As is detailed in Chapter 5, East Lothian Council is committed to being an 'equal opportunities employer'. It is committed to the principle of equal pay for all our employees as outlined in the Council's Equal Pay Statement.

The council is committed to being an Equal Opportunities employer and all aspects of employment and employment policies are underpinned by equal opportunities. We aim to ensure that our workplace feels inclusive to staff with protected characteristics and is a positive workplace for all employees.

Actions we will take to achieve the equality outcome, East Lothian Council is an Equal Opportunities employer and our workplace feels inclusive to staff with protected characteristics

- 7.1 Ensure the Council's Workforce Plan takes into account the specific needs of employees with protected characteristics
- 7.2 Review the Annual Equal Pay Audit to assess whether it should include information and actions to address pay gaps faced by employees with protected characteristic groups along with the gender pay gap
- 7.3 Review the Equality in Employment Monitoring Report to assess whether further actions are required to ensure the council is an Equal Opportunities employer and our workforce reflects the demographics of the population with protected characteristics in East Lothian
- 7.4 Undertake work to ensure the Council meets the recommendations of the Scottish Parliament's Equalities and Human Rights Committee report, Race Equality,

Employment and Skills: Making Progress, such as carrying out a review of our recruitment procedures and practice against the Scottish Government's Minority Ethnic Recruitment Toolkit and make the necessary changes

- 7.5 Carry out a stress and mental health audit of our employees which will include data disaggregated by protected characteristics of employees and use the results to inform further development of training and support services to improve the mental health and wellbeing of all employees
- 7.6 Seek Equally Safe at Work accreditation.

7: Mainstreaming Equality

Mainstreaming equality means integrating equality into our day-to-day working. This means equality is a part of everything we do, from our employment practices to the services we plan and provide. There are three high level priorities through which the council mainstreams equality:

- ensuring high level commitment and buy in to equality through all levels of the Council structures and planning procedures
- understanding the Impact of our work
- building Organisational Capacity.

7.1 Ensuring high level commitment and buy in to equality

Thinking about, and addressing, equality as part of our behaviours, culture and planning procedures comes from ensuring high level commitment to equality through all levels of the Council.

The Council vision is of ***a prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy that enables our people and communities to flourish.*** Although equality is not explicitly mentioned in the vision it is implicit since East Lothian will not be prosperous and safe and will not be a place where people and communities can flourish if it does not embrace equality of opportunity and tackle discrimination in all its forms.

Similarly the Council values of ***Enabling, Leading and Caring*** do not explicitly refer to equalities but equality of opportunity for all staff and equalities in respect of meeting the needs of all groups within society, including people who share protected characteristics is implicit in these values.

Reducing equality is a high level overarching outcome of the Council Plan and should be reflected and given due consideration in all strategic plans and service plans. In this way, plans are interconnected and work together to ensure that the desired outcomes are successfully achieved.

7.2 Understanding the Impact of our work

Integrated Impact Assessment (IIA)

East Lothian Council has adopted an 'Integrated Impact Assessment' framework and guidance to allow the Council to examine the impact of its decisions on people with protected characteristics. The framework brings together key social, environmental and economic priorities to highlight whether the decisions we make or the plans we put in place will have a positive, neutral or negative impact in the community and to identify whether

any mitigating actions are required. The process also helps the Council to be more transparent and accountable for the decisions we make.

East Lothian Council requires all reports to Council committees to include the findings of the Integrated Impact Assessment if proportionate and relevant. Integrated Impact Assessments are published on the Council's website.

We will ensure that the Integrated Impact Assessment tool is used effectively so that protected characteristics and socio-economic disadvantage are taken into account when planning and designing services and when making policy decisions. (Action 1.2)

Equality Monitoring

Equality monitoring involves gathering and analysing information on the personal characteristics of our service users. This helps us to understand the profile of our community, who is and who isn't using our services and what people think of those services. Equality monitoring allows us to determine:

- the nature or extent of inequality and barriers experienced
- the areas where action is most needed to encounter inequality
- whether or not measures aimed at reducing inequality are succeeding.

We will update the Council's 'Guide to Monitoring Equalities in Council Services' to ensure it provides clear guidance on how to monitor equalities effectively. (Action 1.10)

Self-evaluation

The Council's self-evaluation framework – How Good is our Service – is used across all services to assist services and the Council as a whole to evaluate how well it is doing in a rigorous, robust, systematic and consistent way. It provides a framework with which all services will be able to identify their strengths and areas of development, thereby allowing learning and improvement to take place throughout the Council. The framework, which uses both qualitative and quantitative information and encourages service areas to collect examples from practice to demonstrate and evidence their self-evaluation includes questions on how services are approaching equalities issues.

Reporting on equalities performance

The Council has developed a series of performance indicators which relate to equalities. These comprise both statutory performance indicators and indicators gathered through service plans or the Local Outcome Improvement Plan.

The Key Performance Indicators are reported to the Policy & Performance Review Committee for scrutiny by Elected Members. The Council has adopted 50 key performance indicators to measure progress in achieving the Council Plan. Sixteen of these Top 50 indicators relate to equalities.

We will review the Council's performance indicators and update the suite of Equality Outcomes Indicators that will report on progress in meeting this Plan's outcomes in bi-annual Equality Outcomes and Mainstreaming Progress Reports. (Action 1.12)

Gathering Information about the experiences of equality groups

East Lothian Council recognises that gathering evidence about the needs and experiences of those with protected characteristics is an important way for us to plan and deliver services that meet the needs of the community. Further, having this information also helps us to assess the impact of proposed and revised policies.

We seek to:

- identify what issues people in local communities are facing which might be stopping them from accessing our services or making it harder for them to access our services
- learn more about the diverse experiences of people in the community
- build trust and improve communication with harder to reach communities
- understand which issues are within the remit of the Council to address, together with our partners where relevant.

The Council does this in a number of ways including community engagement, research and working in partnership with other organisations.

Community Engagement

There is a range of opportunities for people living in East Lothian to connect with and influence the services they use. These include:

- contact with their local elected representatives
- Community Councils
- Area Partnerships
- the East Lothian Citizens Panel and Residents Survey
- East Lothian tenants and Residents Panel
- participation opportunities with individual council services
- Community and Policing Partnerships
- opportunities under the Community Empowerment Act.

East Lothian Partnership and its constituent organisations also engage with the business community and other communities of interest in a variety of ways, including: Area Partnerships; the Food and Drink Business Improvement District; Tenants and Residents Associations; and the Care Experienced Champs Board.

We recognise that for some equality groups there may be additional barriers to getting involved in their community. To address this, we will work with colleagues to raise awareness of how to increase participation from under-represented groups. This includes written guides and materials, community-based training and bespoke opportunities for

equality groups to get together. We will re-establish the East Lothian Diversity and Equality Network. (Action 1.1)

7.3 Building Organisational Capacity

Equality Training Plan

Equality and diversity training is a key way forward for all employees to understand more about the meaning and importance of equality and diversity, and the impact of prejudice and discrimination. The Council developed an Equality Training Plan in 2016 to identify and clarify how learning and development in relation to equality and diversity contributes to the achievement of the culture change described in the 'East Lothian Way'.

We will update the Equality Training Plan. (Action 1.11)

The aims of the Equality Training Plan are:

- to ensure that East Lothian Council is able to meet its general and specific duties under equalities and human rights legislation
- to provide employees with opportunities for learning and awareness of their role and responsibilities under Equality and Human Rights legislation
- to develop a skilled, motivated and culturally capable workforce that can bring about changes that will improve services and tackle inequalities.

Key aspects of the training plan include:

- training and development for Elected Members
- bespoke training opportunities, including inter-agency training
- E-Learning
- Equality Guides and Online Resources
- individual support and guidance.

Procurement to ensure that those who provide services on our behalf also consider equality

East Lothian Council ensures that all duties under the Equality Act will be integral to the procurement process. The tendering process includes equalities and Fair Work clauses.

We will review how the equalities and Fair Work clauses in the Council's procurement process are operating. (Action 1.8)

Fostering Good Relations

A requirement of the Equality Act is to foster good relations between those who have a protected characteristic and those who do not. There are two significant components to this work, tackling prejudice and promoting understanding.

East Lothian has strong and active communities with high levels of satisfaction about the places people live reported through local residents' surveys. However, despite a positive picture we are aware that there are pockets within our communities where tensions exist. East Lothian's population is changing and across the country we have seen increasing concerns about immigration, incidents of hate crime and global terrorist incidents. This highlights the importance of working towards community cohesion and it challenges us to build consideration about how our work can help to foster good relations in all aspects of our work.

We have included 'promotes good relations' as a core policy theme within the new Integrated Impact Assessment process to help us ensure we maximise our awareness of this area of work. We will continue to support events and programmes, such as religious festivals, Black History Month, International Women's Day and Pride events that celebrate diversity within our communities.

Appendix 1: Duties Under The Equality Act 2010

As a local authority, East Lothian Council is required to implement the Public Sector Equality Duty (PSED or specific duty) in addition to the provisions relating to employment, education and training. This is comprised of two elements, the general and the specific duty.

The general duty was developed for public bodies recognising the significant impact that the delivery of public services has on people's lives. The general duty is designed to ensure that services are able to meet the diverse needs of the community. The three general duties are to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not.

These are sometimes referred to as the three aims or arms of the general equality duty. The Act explains that having due regard for advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The specific duty is designed to help authorities to put the general duty into practice. It includes a requirement for the authority to:

- report on mainstreaming the equality duty
- publish equality outcomes and report progress
- assess and review policies and practices
- gather and use employee information
- publish gender pay gap information
- publish statements on equal pay
- consider award criteria and conditions in relation to public procurement
- publish in a manner that is accessible.

The broad purpose of the equality duty is to integrate consideration of equality and good relations into the day-to-day business of public authorities.

The Equality Act 2010 brought together existing equality legislation into a single Act introducing both a general and specific duty.

The Macpherson report into the murder of black teenager Stephen Lawrence identified institutional racism following failures in the investigation. As a result, a race equality duty was introduced which placed a responsibility on organisations to promote equality and address systemic practices which result in discrimination.

Following the introduction of the race duty, it was clear that progress could also be made on other areas of equality through the introduction of similar duties and the Equality Act was introduced

The Act introduced the term Protected Characteristic groups also referred to as Equality groups. The equality duty covers the nine protected characteristics: age, disability, gender reassignment, pregnancy and maternity, marriage or civil partnership, race, religion or belief, sex and sexual orientation.

The Act also states that compliance with the duty may involve treating some people more favourably than others to meet a legitimate aim.

More information can be found on the Equality and Human Rights Commission website [Public sector equality duty in Scotland | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/en/public-sector-equality-duty-in-scotland)

Appendix 2: Duties Under the Fairer Scotland Duty

The Fairer Scotland Duty came into force in April 2018, to ensure that public sector bodies consider how they can reduce socio-economic disadvantage when making important decisions.

It places a legal responsibility on particular public bodies in Scotland to actively consider ('pay due regard' to) how they can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions.

In broad terms, ' socio-economic disadvantage' means living on a low income compared to others in Scotland, with little or no accumulated wealth, leading to greater material deprivation, restricting the ability to access basic goods and services. Socio-economic disadvantage can be experienced in both places and communities of interest, leading to further negative outcomes such as social exclusion. It may arise from a range of factors, including:

- poverty
- health
- education
- limited social mobility
- housing
- a lack of expectations.

The Scottish Government issued interim guidance on the operation of the Fairer Scotland Duty in April 2018 and only published the final version of the guidance in October 2021.

More information on the Fairer Scotland Duty can be found at: [Fairer Scotland Duty: guidance for public bodies - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/fairer-scotland-duty-guidance-for-public-bodies/pages/1-introduction.aspx)

Appendix 3: The United Nations Convention on the Rights of the Child

Human Rights are the basic rights and freedoms that belong to everyone, including children and young people in the world simply because we are human. They are rights to a happy, healthy and safe life.

The UNCRC is an international human rights treaty that covers all aspects of children's lives. It includes civil, political, economic and cultural rights.

The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill

This Bill has now been passed by the Scottish Parliament. The main purpose of the Bill is to "incorporate" the UNCRC, which means it will make it part of Scottish law. The Bill says that:

- public authorities must not act in a way that's incompatible with the UNCRC requirements
- courts will have powers to decide if legislation is compatible with the UNCRC requirements
- the Scottish Government can change laws to make sure they are compatible with the UNCRC requirements
- the Children and Young People's Commissioner in Scotland would have power to take legal action if children's rights under the UNCRC are breached
- the Scottish Government must publish a Children's Rights Scheme to show how they are meeting UNCRC requirements and explain their future plans for children's rights
- the Scottish Government must review how the Scheme is working every year
- other public authorities mentioned in the Bill must report every three years on what they have done to meet the UNCRC requirements.

The Bill aims to ensure that:

- children's rights are respected and protected in the law in Scotland
- public authorities are legally required to respect and protect children's rights in all the work that they do.

The Bill aims to do this by incorporating the UNCRC into the law in Scotland. This would mean children's rights are legally protected. Children, young people and their representatives could use the courts in Scotland to enforce their rights. The Bill seeks to make sure children's rights are part of everyday life in Scotland.

Further information on the UNCRC can be found at:

[UN Convention on the Rights of the Child \(UNCRC\) - UNICEF UK](#)

REPORT TO: Cabinet

MEETING DATE: 9 November 2021

BY: Executive Director of Place

SUBJECT: Afghan Locally Engaged Staff (LES) Scheme and Afghan Citizens Resettlement Scheme

3

1 PURPOSE

- 1.1 To update Cabinet on the Afghan Locally Engaged Staff (LES) Scheme, also known as the Afghan Relocations and Assistance Policy (ARAP) and the Afghan Citizens Resettlement Scheme for the resettlement of 20,000 refugees from Afghanistan and East Lothian Council's plans to respond to this humanitarian crisis and support Afghan families.

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to note the updated position and details shared by the UK Government in relation to the Afghan Relocation Schemes (LES / ARAP) and Afghan Citizens Resettlement Scheme for the resettlement of 20,000 refugees from Afghanistan over the coming years.
- 2.3 Cabinet is asked to note East Lothian Council's plans to support Afghan families as part of these schemes.

3 BACKGROUND

Afghan Locally Engaged Staff (LES) Scheme / ARAP

- 3.1 Information has been provided to Council Leaders and Chief Executives throughout the summer of 2021 outlining the UK Government run schemes (LES / ARAP). These assist locally engaged staff in Afghanistan to relocate to the UK with their dependants, in recognition of the commitment and bravery they have shown in supporting UK forces. Due to the withdrawal of NATO forces in recent months, there has been a need to accelerate the relocation process and the UK Government has asked local authorities to urgently offer up accommodation to support the scheme. Local authorities accordingly agreed to consider their participation in the scheme and offer properties via COSLA to the Home Office.

Afghan Citizens Resettlement Scheme

- 3.2 In August 2021, the UK Government announced a new refugee resettlement scheme that will see 20,000 Afghan refugees being relocated to the UK over the coming years. Local authorities require to consider the role that they can play in supporting this new scheme. While a Scottish figure has not been formally discussed, a 5% share would broadly equate to Scotland assisting 1000 refugees and East Lothian taking 2%, which would equate to 20 refugees. The Afghan Citizens Resettlement Scheme anticipates resettling 5,000 refugees in year 1 of the Scheme. Further clarity is being sought with regard to how the Scheme will operate in practice and how this dovetails with the existing UK Resettlement Scheme (UKRS).

Housing Requirements

- 3.3 While the Home Office are currently gathering and analysing data, information to date indicates that larger properties are required. Given local challenges and constraints with regard to availability of properties, homelessness pressures and other priorities in relation to other vulnerable groups we have determined that our focus should be on families requiring 2 and 3 bedded properties. A range of housing options are currently being assessed across our Housing Partnership to determine our contribution towards this scheme.
- 3.4 After recent discussions with COSLA, we are aware that all families are now accommodated in bridging hotels awaiting relocation by the accepting local authority. 5,500 Afghans have relocated to the UK to date since June 2021 via LES / ARAP, including 62 families (237 individuals) placed in tenancies in twelve authorities across Scotland. 42 families are in the process of being matched to properties via the Home Office referral process and the arrival of a further 14 families (63 individuals) is anticipated over the coming weeks.

The transition to move these families into East Lothian should be less pressured, given the use of bridging hotels and will require us to identify suitable secure accommodation rather than further emergency accommodation. The Council have identified two properties and are assessing their suitability with another property in the pipeline. Discussions are also taking place with wider Housing partners to identify accommodation.

- 3.5 In the initial stages, we plan to commit to supporting three families. This will enable careful planning and ongoing review prior to accepting additional refugees.

Wider Integration and Support Requirements

- 3.6 Families may arrive in a phased approach, i.e. head male followed by remaining family members at a later date. This may affect benefit claims / enrolment in schools / health services etc. Discussions are ongoing across housing / health / education re the co-ordination of the arrivals process.
- 3.7 We will review ongoing capacity for service provision i.e. to accommodate children in schools and any additional learning support or health requirements, although participating authorities have flagged no significant concerns to date. There is no requirement in most cases for interpretation as males have a good standard of English. Reports are noted regarding lack of engagement with ESOL provision for women, with the culture not permitting married women to take lessons. There is also a requirement for families to have access to prayer rooms / mosques. Discussions are underway with regard to the role of DWP.

4 POLICY IMPLICATIONS

- 4.1 The rehousing of refugees on a proportionate basis can be established under the existing Council Allocations Policy. It should be noted that accommodating Afghan households could potentially impact upon the ability of the Council to meet its statutory homelessness duties from 01 October 2021 with regard to the Unsuitable Accommodation Order.
- 4.2 The Council participated in, and accommodated displaced Syrian refugee families under the Syrian Vulnerable Persons Resettlement Scheme (VPRS) from 2015 to 2020. This Scheme concluded in March 2020 and was replaced by the Global UK Resettlement Scheme, with the VPRS Scheme incorporated into the new Global Resettlement Scheme from April 2020. The Council's commitment to Syrian households in ongoing and the approach to rehousing Afghan households will reflect processes in place for VPRS, where appropriate.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 Participation in Schemes will be subject to the Integrated Impact Assessment (IAA) process, and where negative impacts are identified, mitigating actions will be put in place. It should be noted that an IIA was undertaken at the commencement of the VPRS scheme and also incorporated as part of the IIA for the new Allocations Policy approved by Cabinet in March 2019. It is proposed that existing IIAs are reviewed and updated for the purposes of accommodating Afghan refugees.

6 RESOURCE IMPLICATIONS

- 6.1 The Home Office provides a funding package to resource local authorities who come forward with offers to resettle Afghan LES and their families,

enabling delivery of integration support for families and further support on employment, welfare benefits, and access to health, education and other local services. This initially comprised four months' funding from arrival, as opposed to five years' funding for the existing VPRS Scheme, although this was extended from four to twelve months' funding and more recently extended further to funding over three years as part of a wider set of changes. A new Afghan LES Housing Costs Fund, of £5 million was announced in August 2021 to further enhance the existing package, offering security to those local authorities who may have previously had concerns around the impact of the benefit cap, in the form of a 'top up' grant to cover any identified rent shortfall.

The funding package comprises a local authority tariff (per person) of £20,520 (£10,500 in year 1, £6,000 in year 2 and £4,020 in year 3); up to £4,500 for education (per child); £850 for English language (per adult) and £2,600 to access mainstream health and mental health services (per person). All adults will have indefinite leave to remain, recourse to public funds and the immediate right to work. Exceptional costs can be applied for in respect of void costs, property adaptations, support for children with identified educational needs and social care provision. Housing is to be provided and furnished appropriately, including white goods. Individuals are required to pay rent costs themselves, using Universal Credit, Housing Benefit or other income. Where necessary, new arrivals will receive weekly cash and rent support up to the day prior to the first payment of Universal Credit due, to maintain continuity of support. The cash payment assistance sum varies depending on household composition.

The funding package will sit within / be administered from the Council's Homelessness budget and any shortfall in funding absorbed by the Homelessness budget. There may be a requirement to seek financial assistance from HRA funding where necessary and appropriate in respect of household goods and / or tenancy support. Spend will be closely monitored and reviewed on a monthly basis.

6.2 Personnel – No additional resources are required, with requirements being met from existing staff / services. The relocation of Afghan families will be co-ordinated by Community Housing and Homelessness.

6.3 Other – None

7 BACKGROUND PAPERS

None

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DATE	9 November 2021

REPORT TO: Cabinet

MEETING DATE: 9 November 2021

BY: Executive Director of Education and Children's Services

SUBJECT: Unaccompanied Asylum Seeking Children (UASC)

1 PURPOSE

To report to Cabinet on the National Transfer Scheme for Unaccompanied Asylum Seeking Children and seek approval for East Lothian Council's participation in the scheme.

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to endorse and support East Lothian Council's involvement in supporting Unaccompanied Asylum Seeking Children through the National Transfer Scheme as outlined in this report.

3 BACKGROUND

- 3.1.1 Unaccompanied Asylum Seeking Children (UASC) refers to children and young people under the age of 18 years old, who are unaccompanied when entering the country seeking asylum.
- 3.1.2 The National Transfer Scheme (NTS) refers to the Scheme that allows any area or region of the UK which is under strain due to the number of UASC's, to transfer to another area. The scheme arranges such a move. Local Authorities supporting more than 0.07% of their total child population is the threshold for application for dispersal to the scheme. This is to ensure that there is a fairer distribution across the UK of UASC and to ensure that this is done in a transparent manner. The rota scheme in England began on 26 July 2021 with all local authorities in England and Wales involved.

3.1.3 COSLA Leaders approved Scotland's participation in the NTS at its meeting at the end of August 2021 and that Scotland would only accept those young people over 16, but under 17 ½ years old.

3.2 Current proposals suggest a total number of UASC for Scotland will be 45 children and young people over each rota cycle and use the same weightings for allocation of numbers (ONS data) as suggested for English Local Authorities:

Child population	25%
Looked After Child per 10k	22%
UASC per 10k	10%
Former UASC care leavers per 10k	10%
Supported asylum population per 10k	33%

3.3 As noted, the Scheme began on 26 July 2021. By 9 August 2021 (14 days later) 114 young people had been referred through the NTS. Each rota cycle is 650, and it had been suggested it would take approximately a year to work through a cycle. The early figures suggest that this will be much quicker (11-12 weeks) for each cycle. Any UASC taken in Scotland since 26 July 2021 will count towards Scotland's overall number of 45. Many Scottish Local Authorities have already taken young people. To date East Lothian has not taken any UASC under this scheme.

3.4 The assessed position is that the rate of dispersals will slow down as the situation at the ports ease and the system embeds. However more Local Authorities will then reach the 0.07% and will be eligible to refer into the scheme rather than take from the scheme. This means that the impact on spontaneous arrivals may also be seen through this system although participation in the NTS, will not prevent the possibility of further spontaneous arrivals.

3.5 The proposed rota would see East Lothian take one young person per cycle. If the cycle remains at the current pace, that could mean one young person every 12 weeks. COSLA has advised that there may be advantages in taking more than one young person as services can be pooled, developed and utilised better for a small group, as opposed to the same support for only one young person.

3.6 It is therefore recommended that East Lothian Council accepts two UASC young people in the first cycle, resulting in us not being asked to take another young people in the next cycle. Most UASC are currently arriving by small boat, it is expected that this will reduce over the winter months.

3.7 The use of the My Place Project has been identified as a possible/preferred option for the UASC scheme. This is an accommodation with support option in East Lothian, with three bedded tenancies to house two care leavers and a peer flatmate in each house. Visiting support is currently provided by The Rock Trust. Our aim would be to transport young people from the port directly into accommodation and be settled within the community. Costs are covered through existing funding streams. We would plan to take two UASC young people in the first cycle which would allow us to carefully plan and review the

support and accommodation ahead of any future cycles. Alongside accommodation, we will need to ensure a cross-service support package that will also include support from the third sector and other partnerships.

- 3.8 A short life working group has been established to oversee this scheme and also the Afghan Resettlement Scheme. Housing have agreed to take the lead on setting this up given their expertise and experience with the Syrian Resettlement project. Although the UASC scheme is different, there is logic in the group discussing and agreeing our approach for both schemes together. This group will include representation from NHS Lothian, Police Scotland, Education, and Children's Services, East Lothian Works (ESOL), DWP, Housing, Tenancy Support, Interpretation, Connected Communities and the voluntary sector via VCEL.

4 POLICY IMPLICATIONS

- 4.1 There are no direct policy implications associated with the report recommendations.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does affect the wellbeing of the community and has a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – Local Authorities supporting children and young people through this scheme receive a contribution from the Home Office. For those under 18 this is £143 per day. For those over 18, this reduces to £270 per week. This will meet some but not all costs for young people depending on their age and how long the support is required.
- 6.2 Personnel - This area of work is specialist. We currently have some expertise in Children's Services, to provide age assessments and support. We also have other transferrable expertise across different services that has been utilised for the Syrian Families Resettlement Project. This group of young people require a high level of support initially which will require intense staff input.

7 BACKGROUND PAPERS

- 7.1 None

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DATE	9 November 2021

REPORT TO: Cabinet

MEETING DATE: 9 November 2021

BY: Executive Director for Council Resources

SUBJECT: Queen's Platinum Jubilee – June 2022

5

1 PURPOSE

- 1.1 To inform Cabinet of the UK Government's decision to have a four-day Bank Holiday weekend to celebrate the Queen's 70 year reign from Thursday 2 June until Sunday 5 June 2022.
- 1.2 To seek Cabinet approval to agree an additional day's annual leave (pro-rata) for all employees on Friday 3 June 2022 to mark the occasion.

2 RECOMMENDATIONS

- 2.1 That Cabinet agree to an additional day's annual leave (pro rata) for all employees on Friday 3 June 2022.

3 BACKGROUND

- 3.1 The UK Government announced a change in the date of next year's early May bank holiday from Monday 2 May to Thursday 2 June 2022 along with an additional Bank Holiday on Friday 3rd June 2022 to celebrate her Majesty the Queen's 70th anniversary as monarch. The holidays will form part of a four day weekend of celebration of the first British monarch to reach this milestone.
- 3.2 East Lothian Council does not have a general fixed holiday in May for non-school based employees so there is no opportunity to move any existing May holiday. The public holidays are agreed each year and taken to JCC for noting.
- 3.3 It is the Council's proposal that services (with some exceptions) will observe Friday 3 June as an additional fixed day's annual leave. Consultation has taken place with the Joint Trades Unions, who are supportive of the Council proposal to award an additional day's annual leave (pro rata) to all employees on Friday 3 June 2022 and leave the

public holidays as in previous years. Some employees due to the nature of the service they operate in may be required to work that day or because of their work pattern would not be due to be at work that day, will be given the day to take at some alternative time within their leave year.

3.4 Schools are required to provide 190 days employee teaching per year and any reduction in this number must be approved by the Scottish Government. Approval has been sought from and agreed by the Scottish Government to reduce the pupil teaching days from 190 days to 189 days in 2022.

3.5 At Cabinet on 10 September 2019 the Council Leave Policy was amended to grant Cabinet the powers to award additional leave in accordance with the para below:-

“3.3 On occasion, to mark events of significant national importance, the Council may decide to grant an additional fixed day as annual leave for all or specific employee groups as appropriate.”

4 POLICY IMPLICATIONS

4.1 The ability of Cabinet to grant an additional leave on special occasions was confirmed at Cabinet on 10 September 2019.

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

6.1 Financial – The costs of this additional days leave will largely be contained from within existing budgets.

6.2 Personnel - There may be some issues around shorter working days and changed shift patterns caused by the additional days leave. Information will be provided for all employees on the application arrangements of this change.

6.3 Other - None

7 BACKGROUND PAPERS

7.1 None

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