
Report To:	Education and Communities Committee	Date:	7 March 2023
Report By:	Steven McNab, Head of Organisational Development, Policy and Communications	Report No:	SMcN/KB
Contact Officer:	Karen Barclay, Corporate Policy and Performance Officer	Contact No:	01475 712065
Subject:	Education Authority Equality Mainstreaming Report 2023 and Progress on Education Equality Outcomes Improvement Plan 2021/25		

1.0 PURPOSE AND SUMMARY

1.1 For Decision For Information/Noting

1.2 The purpose of this report is to present for noting the Education Authority Equality Mainstreaming Report 2023. More information is provided in the Appendices. Appendices 1 and 2

1.3 The Equality Act 2010 requires the Council, as a public body, to publish Equality Outcomes every four years and report on their progress via a Mainstreaming Report every two years. Additionally, Education Authorities are required to publish their Equality Outcomes and Mainstreaming Report separately from their local authority. Reports should be published by 30 April in the relevant year.

1.4 This report provides information on the Protected Characteristics of the Council's Education Service employees, together with details on the delivery of the Education Equality Outcomes Improvement Plan 2021/25.

2.0 RECOMMENDATIONS

2.1 It is recommended that the Committee notes the contents of the Education Authority Equality Mainstreaming Report 2023.

2.2 It is recommended that the Committee notes that the Education Authority Mainstreaming Report 2023 has been published on the Council's website, pending consideration by Elected Members.

Steven McNab
Head of Organisational Development, Policy and Communications

3.0 BACKGROUND AND CONTEXT

3.1 The Equality Act 2010 includes the Public Sector Equality Duty which covers the Protected Characteristics of Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation. The Equality and Human Rights Commission is the Regulator of the Public Sector Equality Duty.

3.2 The Equality Duty comprises a General Duty and Specific Duties. The General Duty requires the Council to have *due regard* to the need to:

- eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by The Equality Act 2010;
- advance equality of opportunity between people from different groups; and
- foster good relations between people from different groups.

3.3 *Due regard* means that, during decision making, conscious consideration is given to the three aims of the General Duty.

3.4 The Specific Duties require the Council to:

- set specific, measurable Equality Objectives and publish information about our performance on equality (in an easily accessible format);
- publish sufficient information to show we have considered the three aims of the General Duty across our functions;
- publish evidence of equality analysis undertaken to establish whether our policies and practices would further, or have furthered, the three aims of the General Duty;
- gather, use and publish employment information;
- publish Gender Pay Gap information;
- publish an Equal Pay Statement; and
- consider award criteria and conditions in public procurement.

3.5 The United Nations Convention on the Rights of the Child (UNCRC) is an international human rights treaty that grants all children and young people (aged 17 and under) a comprehensive set of rights. The UNCRC is the most widely supported human rights agreement in the world. It sets out a series of Articles, in one internationally recognised document, which outline the human rights that children (under the age of 18) should be entitled to. For example, Article 2 - non-discrimination, states that *Rights apply to every child without discrimination, whatever their ethnicity, sex, religion, language, abilities or any other status, whatever they think or say, whatever their family background.* The Council is committed to promoting and upholding the rights of children and young people and aims to translate to a local level the UNCRC and the work of the Scottish Commissioner for Children and Young People.

3.6 The Council's Equality Mainstreaming Report 2021, Progress on Equality Outcomes 2017/21 and Equal Pay Statement 2021 was considered by the Policy and Resources Committee at its meeting on 23 March 2021: [Equality Mainstreaming Report 2021](#) (agenda item 2, section 12).

Min Ref
P&R Cttee,
23.3.21,
Para 135

3.7 The last Education Authority Equality Mainstreaming Report was considered at the meeting of the Education and Communities on 9 March 2021: [Education Authority Mainstreaming Report 2021](#) (agenda item 5, paragraph 5.7).

Min Ref
E&C Cttee,
9.3.21,
Para 121

3.8 It should be noted that, where data in the tables in Appendix 2 is the equivalent of five or less, the information has been suppressed to protect the identity of current and historical employees.

3.9 EDUCATION EQUALITY OUTCOMES 2021/25

3.10 In terms of its obligations under The Equality Act 2010, the Council is required to devise a new set of Education Equality Outcomes every four years.

3.11 As the Committee will be aware, the following Education Equality Outcomes were approved for delivery during 2021/25:

Min Ref
E&C Cttee
9.3.21
Para 121

Outcome 1:	Ensure the curriculum meets the needs of black and minority ethnic pupils
Outcome 2:	Reduce identity-based bullying and harassment in our educational establishments
Outcome 3:	Reduce the attainment gap for pupils with additional support needs.

3.12 A Briefing has been arranged for the Elected Members on the Council's Mainstreaming Reports 2023.

4.0 PROPOSALS

4.1 Attached at Appendix 1 are details of progress made with delivery of the Education Equality Outcomes Improvement Plan 2021/25.

Appendix 1

4.2 Attached at Appendix 2 are details of the Protected Characteristic workforce profile for the Council's Education Service, covering the position as at 31 March in 2020/21 and 2021/22.

Appendix 2

5.0 IMPLICATIONS

5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

Subject	Yes	No	N/A
Financial		X	
Legal/Risk	X		
Human Resources		X	
Strategic (LOIP/Corporate Plan)	X		
Equalities and Fairer Scotland Duty	X		
Children and Young People's Rights and Wellbeing		X	
Environmental and Sustainability		X	
Data Protection		X	

5.2 Finance

One off costs

Cost centre	Budget heading	Budget year	Proposed spend this report	Virement from	Other comments
n/a	n/a	n/a	n/a	n/a	n/a

Annually recurring costs/(savings)

Cost centre	Budget heading	With effect from	Annual net impact	Virement from (if applicable)	Other comments
n/a	n/a	n/a	n/a	n/a	n/a

5.3 Legal/Risk

This report complies with the legislative requirements for the Council in its capacity as an Education Authority in terms of The Equalities Act 2010.

5.4 Human Resources

There are no direct human resources implications arising from this report.

5.5 Strategic

The content of this report is of relevance to the following Corporate Plan 2018/22 Priorities:

Priority 9: To deliver services that are responsive to community needs and are underpinned by a culture of innovation, continuous improvement and effective management of resources

Priority 10: To develop motivated, trained and qualified employees who deliver quality services that meet current and anticipated service needs.

5.6 Equalities and the Fairer Scotland Duty

(a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

	Yes – Assessed as relevant and an EqIA is required.
X	No – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, assessed as not relevant and no EqIA is required. However, the report aims to progress the Council's commitment to equalities and, in doing so, comply with the associated legislative requirements for the Education Authority.

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	Yes – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	No – Assessed as not relevant under the Fairer Scotland Duty.

5.7 Children and Young People

Has a Children's Rights and Wellbeing Impact Assessment CRWIA been carried out?

	Yes – Assessed as relevant and a CRWIA is required.
X	No – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children's rights.

5.8 Environmental/Sustainability

Summarise any environmental/climate change impacts which relate to this report.

Has a Strategic Environmental Assessment been carried out?

	Yes – assessed as relevant and a Strategic Environmental Assessment is required.
X	No – This report does not propose or seek approval for a plan, policy, programme, strategy or document which is likely to have significant environmental effects, if implemented.

5.9 Data Protection

Has a Data Protection Impact Assessment (DPIA) been carried out?

X	Yes – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
	No – Assessed as not relevant as this report does not involve data processing which may result in a high risk to the rights and freedoms of individuals.

6.0 CONSULTATION

6.1 The Head of Education and the Organisational Development, Policy and Communication Service were consulted on the contents of this report.

7.0 BACKGROUND PAPERS

7.1 DPIA.

