

Equality and the Budget

A Guide to Making Informed Spending and Budget Decisions: Resource Pack



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SCOTTISH GOVERNMENT

Equality and the Budget

A Guide to Making Informed Spending and Budget Decisions: Resource Pack

Context of the Report

Please note that this Resource Pack was distributed to all Scottish Government Directorates in summer 2010 and was designed for internal use only. The Pack was developed quickly for the budget preparations (to ensure equality was considered in spending and budget decisions) and is therefore not a comprehensive resource, including sources. The Pack includes some narrative on impacts of spend reductions, however this is part of early considerations and the Equality Budget Statement 2011-12 should instead be considered as the latest account of informions, iTc2mion. TH

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FOREWORD

Why Consider Equality?

How we spend our money and the decisions we take in Government will have a major impact on those who are providing services and those who receive them; to the communities and people we aim to serve and the outcomes we expect to realise. In this coming spending round and for the foreseeable future, there will be significant pressure on public spending and difficult choices and decisions will have to be made. Assessing the equality impact of spending proposals is a way of ensuring that we make informed spending decisions.

The public sector in Scotland is large so reductions in public spending have the potential to seriously impact on our economic and social wellbeing and to adversely affect those working for it and those dependent on its services – high amongst these are equality groups and vulnerable communities.

Of course tough decisions will have to be made about spending priorities, reductions and changes but these should be informed by how they meet strategic objectives and the impacts they have on equality groups and vulnerable communities. Ministers have stated that spending in this coming period should focus on supporting economic recovery, protecting frontline services that people value, and continuing to move forward on climate change. They have also indicated that equality needs to be considered as part of the development of spending proposals – recognising this not only as a legal responsibility but the right approach to take. Ministers will therefore be looking at spending proposals for their equality, economic and environmental impacts - the three 'E's.

The public sector equality duties will help us in our approach to the budget and spending review. We can build on the experience and knowledge already acquired in undertaking equality impact assessments to develop the equality analyses needed for this and future demands.

This guidance will help us prepare for the forthcoming budget and spending review. It will also lay a basis for more long-term work which may need to be undertaken as the public sector seeks to redesign its services and reshape their delivery and we consider linking budgeting to outcomes.

HOW TO USE THIS GUIDE

It starts with some **contextual information** which will help you to understand the relevance and importance of considering equality within the budget process. This is followed by some brief information on the statutory equality responsibilities which underpin this work and links to more detailed information.

The guide then outlines **some data and information** which reveal the extent of the exclusion and discrimination that particular groups experience and provides links to other sources which you might find helpful. Knowing about the inequalities faced by particular groups can help you to identify the possible impacts of policy or spending proposals.

The guide goes on to give **practical advice** and pointers on where to start and identifies a number of critical questions which you might consider in developing your spending proposals including an example of how these might be applied to an important strategic policy framework. We have also added in a high level checklist of questions which should help you in preparing advice for Ministers on spending proposals and options in the run up to the November draft budget and in your support of equality impact assessment more generally.

The guide also provides some useful background information contained in an annex which might be useful to frame your thinking. This includes positive and negative **case studies** of how equality has/has not been taken into account in decision making.

If you follow this guide you will be on the right path to ensuring that you have given due consideration to equality, to considering the diverse needs of communities and helping to realise informed spending decisions.

CONTEXT

We have a legal responsibility to consider equality in developing our policies and spending plans.

The public sector duties provide a helpful tool for ensuring that the decisions we take and the policies we develop take account of the needs and experiences of the communities affected. They encourage us to be active in promoting equality, working to eliminate discrimination and fostering good relations. They expect us to base our activities on evidence and engagement with communities and are an integral part of good policy making and decision-taking. They also enable us to focus on outcomes and in so doing support the delivery of the Scottish Government's National Purpose and Performance Framework.

There are currently three public sector equality duties for race, gender and disability. They place a responsibility on public bodies to have due regard to equality in their everyday business – this, for the Scottish Government, includes policy making and spending. We demonstrate this through the process of equality impact assessment.

Failure to comply with the requirements of the duties can open a public authority to compliance procedures from the Equality and Human Rights Commission and to potential judicial review. As can be seen from the current challenge being mounted by the Fawcett Society on the UK Government Emergency Budget, organisations and interests are prepared to use the legislation with regard to spending decisions.

The new Equality Act 2010 consolidates the 3 existing duties into a new single equality duty and expands its scope to include age, religion and sexual orientation, gender reassignment and pregnancy and maternity. The new single equality duty will not come into force until April 2011 at the earliest. Until then, the requirements of the existing race, disability and gender duties remain.

Ministers have recently published their proposals for the new specific duties to be placed on public authorities to help deliver on the equality duty and these are currently out for consultation. These include requirements to equality impact assess policies and practices.

For further information on the public sector equality duties:

<http://www.scotland.gov.uk/Publications/2010/09/13094828/0>

The following provides some background and context to the work to incorporate equality into the budget process:

Recession and Spending Cuts: Who is affected?

The recession has had a massive impact on the UK, with job losses in the private sector and more demand on public services. The Emergency Budget has brought significant cuts in public spending and key changes in tax and social benefits. The expectation is that the Comprehensive Spending Review will bring further major reductions and changes. The impact on Scotland will be acute.

Analysis from the Office of the Chief Economic Adviser suggests it could take until 2025/26 for the Scottish Government Budget to return to 2009/10 levels - a total adjustment period of 16 years. During this period the cumulative loss, compared to a scenario where the Scottish Government Budget was assumed to remain at its 2009/10 level in real terms, is estimated to be approximately £39 billion.

Job losses in the public sector are expected to be large with particular impacts on some geographical areas such as Glasgow and more rural areas and on groups such as women, disabled people, young people aged 16 -24, some ethnic minorities and older pension age people. Lower skilled workers are likely to be more vulnerable in the labour market than higher skilled workers. Women's already disadvantaged employment position is likely to get worse given the high proportion working in the public sector – 64% of public service workers are women. In local government women comprise 71% of the workforce concentrated in education and social service sectors. The public sector workforce is also older than the private sector – 32.3% of employees are aged 50+ compared to 23.3% in private sector.

As well as workforce implications, public sector cuts are likely to have an impact on the users of these services in particular those in receipt of lifeline services to the community. Women are not only more dependent on these services but will have to pick up the burden of their removal e.g. in terms of caring services. Disabled people will be acutely impacted and their position will be compounded by cuts to benefits and tightened eligibility criteria for care and social support.

Early Intervention and Reducing Demand: Why is it needed? How can Equality analysis help?

Demand in the short term is likely to be displaced to the voluntary sector, to the community or to self support – where there may be significant issues of resource and capacity particularly if support is also cut to the third sector and income levels are depressed in individual households.

The current and projected demographic profile of Scotland means that demand for public services will not diminish and the gap between resource and demand will not be met by efficiencies alone – work will need to be undertaken on service redesign and delivery. This is already beginning and equality analysis will be a crucial part of the process. A focus on early intervention and prevention is key to reducing demand.

The impact of spending decisions on equality groups is closely linked to their impact on vulnerable individuals due to the over-representation of equality groups among the most disadvantaged in our society. The three social frameworks *Equally Well*, *Achieving our Potential* and *Early Years Framework*, set out our early intervention and prevention approach and the need to refocus services and resources accordingly.

Why is Equality important for delivering on our Purpose?

Measures to promote equality and address inequality are necessary in the drive for economic growth and wellbeing, productivity and participation. Our economic strategy states that *'as well as being a desirable outcome and a characteristic of growth, addressing social, regional and intergenerational equity is a key driver of growth.'*

Inequalities in training, employment, education and health can affect productivity and performance of the economy. For example:

- Productivity is constrained by reduced access to employment opportunities – we know of the barriers experienced by equality groups in accessing the labour market.
- Participation rates are placed at risk by the number of people who are economically inactive
- Population targets are challenged by the impact of recession on migration flows
- Solidarity target is affected by the reduction in growth of incomes and reduced employment opportunities that are more likely amongst equality groups.

There are deep rooted and structural inequalities such as occupational segregation, gender pay and minority ethnic employment gaps which result from factors beyond economic performance and will therefore require more than a return to growth to resolve.

What is the Ministerial focus?

Cabinet Secretary for Finance and Growth has made it clear that the focus for this budget and spending review period will be on economic recovery, frontline services which people value and climate change. Ministers expect equality to be considered in the development of spending proposals.

Ministers have agreed to publish an equality statement on the draft 2011/12 budget.

There will be considerable scrutiny of the budget proposals and their impact on equality groups and vulnerable communities by the Parliament and the range of equality interests and stakeholders.

Who has been involved, so far?

Budget Strategy Group

The process of developing this year's Budget phase was led by our internal Budget Strategy Group (BSG).

On 5th May the BSG Group agreed:

That it would build equality considerations into the budget process and the next spending review.

That equality assessment and analysis would focus on:

- 1) Priority spending areas particularly those that have a high relevance for equality groups
- 2) Proposals for material reductions or increases in resources

That consideration should be given to how best to incorporate equality consideration in the strategic decisions around the allocation of resources and the determination of priorities.

Equality and Budget Advisory Group (EBAG)

The process has been informed by the Equality and Budget Advisory Group

EBAG is a group, chaired by Scottish Government and comprising internal and external members, which provides support and advice to the SG on the process and approach to equality analysis and assessment of policy and spending plans. It helped shape the approach to the Equality Statement published last year on the draft 2010/11 budget. Scottish Ministers commissioned it to provide advice on this budget and spending review. A report¹ was provided to Ministers in August 2010 and this has informed the equality approach to the budget process.

What has the outcome been?

Equality has been integrated into the main budget process:

- a) part of commissioning letter from finance to Director Generals (DGs) in first phase of the process
- b) budget proposals to be considered for their economic, equality and environmental impacts
- c) Equality to be covered in the budget documentation.

¹ Equality Analysis in the Budget and Spending Review 2011 Onwards – a report by the Equality and Budget Advisory Group, (<http://www.scotland.gov.uk/Topics/People/Equality/18507/13477>)

The Independent Budget Review Group

The Independent Budget Review Group (IBR) has published a report² looking at issues to be considered when making budgetary decisions, particularly in light of the cuts to overall budgets that are inevitable. The suggested approaches outlined in the report have some implications for equalities, which are outlined briefly below:

- The move from targeted to universal services will impact equality groups as principal beneficiaries in many instances. The nature of the change would need to be considered carefully. As soon as a service becomes means-tested, less than 100% of those eligible for it will claim it. This means that the effect of any move away from universality will be greater than it appears at first glance, exaggerating the effect upon certain equalities group.
- Redesign and reconfiguration of public services will impact on equality groups but may not necessarily be detrimental – redesign may offer opportunities for improvement in provision as has been argued in submissions to the IBR from those involved in the moves to increase Independent Living for disabled people. Equality analyses and impact assessment across the relevant public authorities will be important to advancing this approach.
- Charging for existing free services may have equality implications but this would depend on the areas chosen and the scope of the charges.

Scottish Parliament

The Parliamentary Finance and Equal Opportunities Committees have undertaken pre-budget scrutiny and been particularly interested in the impacts on public services; on equality and vulnerable communities.

The Parliament has a long standing interest in how the Scottish Government is integrating equality analysis into its policy and budget decisions. There is likely to be very detailed scrutiny of the spending proposals and their equality impacts.

Equality Challenge to the UK Government's Emergency Budget

The Fawcett Society, a NGO campaigning in favour of greater gender equality, has launched a legal challenge seeking a judicial review of the UK Government's recent Emergency Budget. This was on the alleged grounds that inadequate consideration of equalities matters had been undertaken. The Fawcett Society claims that 72% of the impact of the budget will be on women, and only 28% will be on men. This is based on analysis done by the House of Commons Library, on behalf of Yvette Cooper, the shadow Secretary of State for Work & Pensions.

² <http://www.scotland.gov.uk/About/IndependentBudgetReview/Resources/final-report/>

DATA AND INFORMATION

Budget impacts on Scotland's Equalities Groups

Communities Analytical Services Division of the Scottish Government conducted research in 2009/10 on the impact of the recession, its consequences and reduced spending in Scotland on equality groups³. The following salient messages have emerged strongly from the data and evidence review and qualitative fieldwork.

1. It is clear that in the same way as certain individuals and groups are positioned to thrive in times of prosperity, so are we **unevenly positioned** to 'cope' in times of economic difficulty. The report draws out some of those differences in terms of Scotland's main equality groupings.
2. Scotland, like the UK, continues to carry **deep rooted and systemic inequalities** in how its people flourish and make progress. Despite some important progress, certain inequalities, especially in income and health, are persisting and deepening.
3. This recession threatens to **deepen existing inequalities**, further distance certain individuals and groups from opportunity and prosperity, and even create new inequality as differential impacts take hold.
4. In particular, **young people** with few skills are likely to be differentially and adversely affected by the displacement of opportunity in the course of this recession.
5. It appears that individuals and households furthest from the workplace are of **low resilience** in terms of financial capability and skills, and generally do not consider themselves to be 'coping well financially' either. Combined with certain cost differentials experienced in areas of deprivation, these people are having to pay more, with less, and with little 'back-up'.
6. In the workforce, there are some signs that the 'hard-won ground' of women, ethnic minority and disabled people might be easily lost in a more competitive workplace. Whether this is a '**stalling**' of progress in these areas or a regression is not yet clear.
7. Disabled people, the low skilled and young unemployed have **suffered a more substantive 'set back'** in this recession, and carry fewer 'protective factors' into the future in order to reclaim ground.
8. Adopting a **person-centred** approach to service delivery allows better consideration of an individual's multiple equality characteristics. The way in

³ Scottish Government (Communities Analytical Services, with contributions from ScotCen, the Coalition for Racial Equality and Rights and Napier University), 2010, *Coping with change and uncertainty Scotland's equalities groups: a scoping study*, <http://www.scotland.gov.uk/Topics/Research/by-topic/equalities/publications>).

which services are adjusted or cut may inadvertently deliver several, layered differential and negative impacts on one individual.

9. Where there is a clustering of such individuals in **a place**, there is likely to be a substantive effect on social cohesion.
10. There is **deep anxiety and uncertainty** based on a lack of information and consultation about how changes to funding will affect service users and their families.
11. The **public and voluntary sectors where women and disabled people** are employed most are those facing uncertainty and loss of security.
12. Scotland's public sector represents **more equal employment opportunity** than other sectors: budget adjustment consequences here need to be understood for their differential impacts on equality individuals and their households, and for the overall impact on Scotland's progress on inequality. As such, the public sector represents the best **opportunity to redress inequalities that are deepening** elsewhere in the workforce.
13. There is a potential '**double whammy**' for equality groups, especially women, and disabled people and older workers, when both their services and their employment are reduced in budget adjustments.
14. Maintaining **investment in the protective factors** that deliver resilience to equalities groups (financial capability training, bank accounts, encouraging saving, skills training, confidence raising, widening access to opportunity) is critical for the especially disadvantaged.

DATA AND INFORMATION.

Scotland's Communities: Sample of Key Facts

Whilst the issues in your area are discussed specifically later in this resource pack, the following are general points about the Equalities profile of Scotland's communities that you may wish to be aware of.

Minority Ethnic Communities

- Only 30% of the working population are white, male and below age 45⁴
- Around two-thirds of the minority ethnic population in Scotland are below the age of 35⁵.
- Children from all minority ethnic groups outperform their White counterparts at school⁶ and are more likely to go onto higher and further education⁷. However they are less likely to go to prestigious universities or get good degrees⁸. They are then less likely to be in paid employment⁹ and more likely to live in poverty¹⁰.
- There were 5,123 reported racist incidents in Scotland in 2008/9¹¹.

Disability

- There are over 1 million disabled people in Scotland¹²
- By 2020 nearly 40% of the population will be over 50 and a majority of them will be disabled or have long term health problems¹³
- A third of households has a disabled person or a person with a long term illness¹⁴
- 14% of households have someone who needs care¹⁵
- 39% of households with a disabled person have an income of less than £10K¹⁶
- Disabled people are twice as likely to be unemployed. This isn't saying the same thing as what we provided about this, which was: "Of the working age population, 48 per cent of disabled people are in employment compared to 82 per cent of non-disabled people"¹⁷

⁴ Labour Force Survey 2008

⁵ Annual Population Survey 2009

⁶ SQA Attainment and School Leaver Qualifications, Scottish Government 2010

⁷ Destination of School Leaver, 2009, Scottish Government.

⁸ Coonor, Tyers Mahod and Hillage (2004), *Why the difference? A closer look at higher education, minority ethnic students and graduates.*

⁹ Labour Force Survey 2008

¹⁰ Households Below Average Income based on 2002/3-2007/08

¹¹ Justice Analytical Services: Racist Incidents Recorded by the Police in Scotland, 2008/9

¹² Scottish Household Survey 2007-8

¹³ Project Population of Scotland (2008-based) General Register Office for Scotland, October 2009.

¹⁴ Households Below Average Income, 2007/08

¹⁵ Scottish Household Survey, 2007/08

¹⁶ Scottish Household Survey 2007/8

¹⁷ Data relates to GB. Wealth and Assets Survey, 2006/08

- 58% of disabled people have no qualifications¹⁸
- Disabled children are 1.6 times more likely to be excluded from school¹⁹

Gender

- Girls outperform boys in school²⁰, are more likely to enter higher education and to achieve good degrees²¹ but earn less than men²² The gap between men and women's pay is 18%²³
- Women are under-represented in many areas of public life²⁴
- Men are more likely to die early than women²⁵
- 90% of lone parents are women – should read “90 percent of single parent families in Scotland are headed by a woman”²⁶
- There were 53,681 number of reported incidents of domestic abuse in Scotland in 2008/09²⁷
- Estimated cost of domestic abuse in Scotland is £2.3 billion²⁸

¹⁸ Scottish Household Survey 2007/8

¹⁹ Exclusions from School 2010, Scottish Government

²⁰ SQA Attainment and School Leaver Qualifications, Scottish Government 2010

²¹ Students In Higher Education At Scottish Institutions 2008-09, Scottish Government

²² Based on the difference between full and part time male and female median hourly pay rates, Annual Survey of Hours and Earnings, 2009

²³ Ibid

²⁴ IPPR 18 March 2007

²⁵ General Register Office for Scotland 2007-9

²⁶ Scottish Household Survey 2007/8

²⁷ Justice Analytical Services: Domestic Abuse Recorded by the Police in Scotland, 2008/9

²⁸ *Safer lives: changed lives. A shared approach to tackling violence against women in Scotland, 2009*: Scottish Government

PRACTICAL POINTS

What is this about?

The purpose of the guide is to allow you to ensure you fulfil your equalities responsibilities by ensuring equality considerations have been captured in your proposals for the Spending Review and Budget process. These notes focus on assessments needed for the draft budget and spending review process 2011-12.

Why bother, why now?

We have entered an era of pressure on public spending. As public servants we are called to ensure we provide the best analysis and support we can to Ministers so that cuts and reprioritised spending will deliver best value for the public; meet strategic objectives and avoid the creation or exacerbation of inequalities in our society. Never before has it been as important to consider the impact of our spending proposals to be sure that we are making informed decisions.

Whose responsibility is this?

Directors with their Analytical Services Division (ASD) leads should ensure that equality has been incorporated into local mechanisms for appraising options. The Equality Unit and Communities ASD can offer advice and support.

How should it be used?

The analysis should feed into the Portfolio proposals being developed in Directorates and issued to Cabinet and headline impacts should be included in any advice to Ministers issuing from Directors and ASDs

How does this connect to Equality Impact Assessment (EQIA)?

This analysis is at a high strategic level. EQIAs that have been done on established policies in your area will be useful background data.

Will this stop hard decisions being taken?

No, it is clear that Ministers can and should be able to make the decisions they need to. It is a legal responsibility to be mindful of the potential impact of how a decision may impact **before** a decision is taken.

Where do I begin?

You may wish to focusing initially on the areas outlined as being particularly important by the Budget Strategy Group as requiring particular equalities analysis:

- a) Priority spending areas - particularly those which are deemed highly relevant for equality groups.
- b) Areas where there are significant changes proposed in resources.

PRACTICAL POINTS

Critical Questions

Before starting the process you will first need to determine what type of spending decision you have – a total cut, a percentage reduction of spend, a potential refocusing, a total increase. Acknowledging that in some cases the responsibility for detailed spending decisions will be with other authorities, for example NHS or local authority partners, we still need to consider the implications of the frameworks we set for those spending decisions.

This process is about asking searching equalities questions: these should not be thwarted by a lack of specific equalities data or analysis

- To take account of **differential impacts** upon any equality individual/group/community
- To consider whether differential impacts **'stack up'** on any individuals, carrying several equality characteristics
- That existing inequalities should not be **deepened**

There may be different questions needed for different types of situation however some general questions you might wish to ask are:

Type of spend

What kind of spending decision is this i.e. a cut, a budget refocusing?

Aims of spend

What are the aims of the spend?, What are the aims of the change?

Levels of spending decision

Are there different levels of spending decision and who is ultimately taking the spending decision? For example Local Government or NHS or other public spending partner. If the detailed spending decision is by others what do you need to consider in the frameworks to steer that spend. Consider whether to involve spending partners in the process.

Evidence and Impacts

What do you know already about how this might potentially impact?

What type of evidence or analysis do you have available about the different needs and experiences of communities who are covered by this spend? What analysis is available to your ASD? What consultation has been carried out previously? You may also wish to look at existing EQIAs, ask the Equality Unit for information they may hold.

The following questions may help you work through the equalities characteristics to be considered.

Are any of the following individuals or groups affected *differentially*?

- **Gender: will men or women experience an impact as a result of this decision?**
(within this, thinking also of men and women in particular equality groups and of transgender, maternity and pregnancy considerations)
- **Disability: will people with a disability experience a differential impact as a result of this decision?**
(think carefully of what constitutes disability; it isn't necessarily visible, not limited to mobility, includes mental health)
- **Ethnicity: will any particular ethnic group experience a differential impact as a result of this decision?**
(think carefully about ethnicity; not only visually identifiable ethnicities)
- **Age : is there any particular age group that will experience a 'differential impact' as a result of this decision?**
(within this, thinking of younger and older groups in particular)
- **Religion: will any particular individual group of a particular religion experience a differential impact as a result of this decision?**
(think carefully, are certain services allocated via religious distinction, are any areas 'by default' of a religious characteristic)
- **Sexual orientation: will LGB individuals or groups experience this impact differentially?**
(within this, think of younger and older LGB also)

- **Rural : will people dwelling in the rural, Island and remote parts of Scotland experience a particular impact as a result of this decision?**
(within this, think particularly of access to services and the impact of rural isolation on particular groups)
- **Socio-economic: will any particular socio-economic group experience**

Impact

Who is affected by the change and in what way? Which groups in the community will the budgeting decisions ultimately impact upon Ask yourself what does the information you have tell you about how this spending plan might impact. Are there positive or negative impacts on different groups of people?

Is this spending decision going to have a knock-on effect on another area of policy. Would this displacement have a negative or positive impact on particular groups or service delivery? Does this open up opportunities to collaborate with other areas?

You might also find it useful to consider the following three ‘types’ of impacts

Outcomes questions:

What kind of impact will your decision have upon the equalities individuals/groups you have identified? Will those with equality characteristics realise equal outcomes as a result of your decision? Will your decision affect the outcome achieved? Is your decision enabling or preventing achievement of equal outcomes?

Process questions:

What processes and means are in place (in relation to your decision) to allow those with equality characteristics to realise equal outcomes? Will your decision inadvertently permit unfair treatment for those with equality characteristics? Will your decision remove the support that has been in place to ensure they are treated fairly, and are able to access equal opportunities? Does your spend decision relate to an enabling ‘link’ that is essential for equalities groups to access of realise better outcomes?

Autonomy questions:

Does your decision impact upon building the capacity among those experiencing inequality to effect choice and control over the processes they undertake in pursuit of better outcomes? Will your decision promote capacity-building among those with equalities characteristics? Does your decision support systems that promote autonomy and choice?

Socio-Economic Impacts

Where you think your spending decision is likely to have an impact on individual or household income, the following prompts may help set out the different range of poverty impacts you anticipate. Consider carefully whether the impact will be via increased expenditure, reduced income or through loss of income in-kind (such as school meals, or exemption from charges).

Where available, provide tangible evidence that the budget line will have **no impact on poverty**

Where available, provide tangible evidence that the budget line will **improve the quality of life - as lived - for people experiencing poverty**

Where available, provide tangible evidence that the budget line will **prepare people to live poverty-free lives**

Where available, provide tangible evidence that the budget line will **remove people from poverty**

Should you anticipate a negative impact, these further prompts may assist:

Increase the number of people living in poverty and/or increase income equality..

- Where available, provide tangible evidence that the budget line will increase the number of people living in poverty and/or increase income equality
- Where possible, explain how the budget line will increase the number of people living in poverty and/or increase income equality
- Explain why the decision has been taken to support a budget line that will increase the number of people living in poverty and/or increase income equality

PRACTICAL POINTS

The following is a check list for Directors to evaluate Directorate readiness for incorporating equality considerations within the Spending Review and Budget process

- You have identified the key spending priorities for the Directorate and the areas where significant cuts or shifts in resources are likely
- You have identified who is covered or affected by the proposed spending plan
- You have engage ASD in the gathering of evidence and supporting staff in their analysis of policy and spending decisions
- You have sought out the evidence about specific needs or experiences and identified any differential impact
- Where there is negative impact you have considered the options for mitigating this impact
- You have considered the opportunities for promoting greater equality of opportunity
- You have considered the knock on effect of pursuing the spending decision - i.e. does a saving in one area create an increased demand in another area
- You have considered the accumulative impact of the decisions you have taken on particular groups
- You have made sure that policy and finance leads who will be advising Ministers on spending decisions are aware of the equality issues for your Directorate

PRACTICAL POINTS

*Some points about **Leadership and Capacity**. What you could do into the medium and longer term on equality*

- Your Directorate knows that considering equality and diversity in making policy and spending decisions is important to you because you take a visible lead in this area
- You encourage and enable your staff to find out more about the equality issues in your area and to develop their understanding and confidence.
- You support and facilitate staff in the process of equality impact assessment
- You develop the confidence of your stakeholders, including equality groups, that the policies and services that you are responsible for have taken account of equality considerations.

ANNEX

BACKGROUND CASE STUDIES

The following case studies are designed to act as a prompt during budget planning. They highlight both the benefits and gains that can be made from building equalities into the process “with the bricks” and genuine engagement with the Equality Impact Assessment (EQIA) process, and also the pitfalls and penalties which failing to consider equalities can bring.

Scottish Government: National Drug Strategy

The issue

In developing their EQIA²⁹ for The Road to Recovery – the National Drug Strategy, the Drug Policy Unit identified a lack of evidence about ethnic minority communities’ use of drugs and use of treatment centres. Anecdotal evidence suggested that drug taking patterns amongst ethnic minority communities were different to the “white” communities, which along with the shame associated with drug taking in many ethnic minority communities, meant that people were prevented from accessing services.

What they did

Officials set up a working group to consider and explore the potential gaps, barriers and needs in service provision for people from ethnic minority communities. It transpired that drug use amongst these communities was as prevalent per head of population as white communities. However, of the 227 drugs services operating in Scotland, only 1 claimed to specialise in supporting people from minority ethnic communities. Further, the Drugs Misuse Database statistics for 2006 show that 99% of individuals, identified as new individuals using services, where asked, reported that their ethnicity was “white”. It was clear that mainstream services were not well used – if at all - by those from ethnic minority communities.

The strategy states that the Scottish Government is required by law to consider the impact of its policies on equality and at risk of exclusion from mainstream services, but goes further and says:

However, as well as fulfilling these duties, the Scottish Government, in keeping with its vision of One Scotland, want to go beyond this. It wants to proactively address the issues surrounding the provision of advice and support to address problem drug use, to those members of excluded communities who may be in need of help.” (The Road to Recovery, p.64)

²⁹ Published on the Scottish Government website <http://www.scotland.gov.uk/Publications/Recent>

The result

The group concluded that to encourage and enable these communities to access services, a sum of money should be made available to services through an open bidding process to raise awareness in their communities regarding:

- ◆ How the learning from their Project can enable [ethnic minority] communities to understand and make use of the knowledge, skills and resources that are already available via 'mainstream' services to help them to overcome either their own or a family member's drug problem."

The Drug Policy Unit spent £115,558 on 5 year-long Special Initiatives, designed to meet the need to make services more accessible and acceptable to ethnic minority communities. (For example, one initiative is designed to offer parents and carers' information and advice on how to support a member of their family who might be experimenting with drugs.) The outcome of this work will be an uptake in accessing services by minority ethnic communities. Evaluation Support Scotland is working to ensure the initiatives receive appropriate support to evaluate their work and identify ways in which their learning can be disseminated across Scotland.

Local Government: faith communities

The issue

Oadby and Wigston Borough Council in Leicestershire were approached for some time by a number of different faith groups asking for help in identifying and securing planning permission for new or expanded places of worship. Given the small size of the borough and competition for development coupled with rising land costs, the council was concerned that it had not always been able to provide faith communities with appropriate long-term solutions.

The Council stated that the Borough's faith communities played an important and distinctive role in the voluntary and community sector, and were crucial in the provision of local and neighbourhood services, often in areas of long-term disadvantage. The lack of sustainable long-term solutions to accommodate these faith communities' needs required to be addressed, as the Council "recognises that meeting the needs of the diverse cultures of its residents contributes to the well-being and cohesiveness of all communities".

What they did

In 2008, the Council appointed consultants to undertake and prepare a "faith community profile" to provide the council with a comprehensive and evidence-based places of worship needs assessment. The outcome of the study was to "inform planning policy formulation, including the preparation of the Town Centre Masterplans for Oadby and Wigston".

The research comprised two main strands: a detailed engagement process with faith communities to map worship space needs; and an in-depth planning analysis to develop the worship space needs assessment. The research concluded that

although traditional Christian denominations were well catered for, the needs of Muslim, Sikh and Hindu worshippers were not being met. It also found that almost all the faith groups undertook a range of community services that brought benefits to their local communities, and lack of worship space hindered this.

The result

As a result of this work, the Council has been able to take the needs of faith communities into account in formulating its planning Core Strategy (a strategic document setting out the vision, objectives and spatial strategy for the Borough with policies that facilitate sustainable delivery. It will identify the amount of major new built development proposed in the Borough up to 2026.) The strategy also states that the Town Centre Masterplan Area Action Plans, development briefs and Supplementary Planning Documents should seek to meet any identified needs for community facilities or places of worship. The outcome is that the needs of faith communities, with the identified benefits of community service and cohesion, are built into the planning strategy and process.

Local Government: London Borough of Harrow, importance of taking public sector equalities duties into account

The issue

To make savings in light of budget deficits, the London Borough of Harrow proposed to restrict the provision of adult care services to people with critical needs only. A person's needs are defined as "critical" when, for example life is, or will be, threatened; and/or significant health problems have developed or will develop; serious abuse/neglect has occurred or will occur etc.

What they did

A consultation and an EQIA were carried out regarding the proposed change. Through this, identified concerns included that the proposed decision would have a differential impact on particular groups of disabled people. A report, including the analysis of the proposed changes, was then considered at the Council's cabinet meeting, where it was decided to proceed with the changes.

However, the Disability Equality Duty, and the specific obligations it places on the Council, was not explicitly brought to the Councillors' attention when they made the decision.

The result

In 2007, three local residents who received community care services challenged the decision. The Court held that elected members could not come to a balanced conclusion without being aware of what their responsibilities were under the Disability Equality Duty. Judge Mackie QC stated that:

- ◆ It is important that Councillors should be aware of the special duties the Council owes to the disabled before they take decisions. It is not enough to accept that the Council has a good disability record and assume that somehow the message would have got across. An important reason why the laws of discrimination have moved from derision to acceptance to respect over the last three decades has been the recognition neither of the importance nor only of respecting rights but also of doing so visibly and clearly by recording the fact”.

The decision to restrict adult care services was held to be unlawful.

Local Government: Ealing Council and Southall Black Sisters, importance of EQIAs

The issue

Southall Black Sisters was founded in 1979 and for nearly 30 years has provided specialist services to Asian and Afro-Caribbean women, particularly in relation to issues arising from domestic abuse. Since the mid-1980s it has been funded by the London Borough of Ealing and received £102,000 for the years 2007-8 under a three year rolling sponsorship agreement.

In June 2007, Ealing decided that rather than funding individual organisations under sponsorship agreements, it would commission borough-wide services from community and voluntary organisations by open competition according to published criteria. The aim was that the service provider (with an award of £100,000) would have to provide the service, to “all individuals irrespective of gender, sexual orientation, race, faith age, disability resident within the borough of Ealing experiencing domestic violence”.

What they did

Southall Black Sisters expressed concerns during the consultation process that the criteria would have a disproportional impact on black and minority ethnic women and that there had been no racial EQIA.

In September 2007 Ealing agreed to withdraw its decision in order to prepare a draft EQIA, and consulted voluntary organisations including Southall Black Sisters on it. In February 2008, Ealing decided to press ahead with the proposals only to fund an organisation which provided such services to all in the borough. In addition, the council proposed to set aside £50,000 should monitoring show that funds were

needed in relation to the provision of specialist services to those of a minority background.

The result

Following Ealing's decision to proceed with their plans, two SBS service users launched a Judicial Review of the decision which they claimed had been reached by offending section 71 of the Race Relations Act and also that the decision failed to follow Ealing's own policy for assessing the impact of its proposal on ethnic minorities.

On the second day of the hearing, Ealing conceded that it could not maintain its decision and withdrew from the case. It agreed to continue to fund Southall Black Sisters pending a further fresh decision as to the criteria it would adopt for the commissioning of services to assist those experiencing domestic abuse.

Lord Justices Moses stated:

- ◆ As a result of the protests at the absence of an EQIA, on 18 December 2007 the defendant [Ealing] confirmed that its decision would be to withdraw its earlier decision of 18 September 2007 and would extend the consultation process to the end of January. That letter stated: "the council does not accept that the absence on an EQIA assessment renders the decision unlawful. The decision to proceed with the proposal was clearly contingent on the EIA being undertaken"...That was a clear error. The authority was not entitled to formulate policy before any EQIA. Thus it is unlawful to adopt a policy contingent on an assessment. Time is needed to consider the impact of any assessment. The suggestion that a policy can be adopted contingent on such assessment smacks – as Miss Mountfield put it, in adopting the words of the Chief Inspector of Prisons – of policy-based evidence rather than evidence-based policy."



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