

Integration Joint Board

Date of Meeting: 24 November

Title of Report: Revision of Guidance for Fairer Scotland Duty

Presented by: Charlotte Craig

The IJB is asked to:

- Note the revision of Guidance for Fairer Scotland Duty and requirement for Integration Joint Boards to comply when undertaking strategic decisions.
- Note that strategic decisions made by partners are also subject the duty and that the responsibility for those lies with the partner.

1. EXECUTIVE SUMMARY

Further to a consultation process Scottish Government published updated Fairer Scotland Duty Guidance for relevant public bodies including Integration Joint Boards on 4 October 2021. This updated guidance can be found at the following link:

[Fairer Scotland Duty: guidance for public bodies - gov.scot \(www.gov.scot\)](https://www.gov.scot/guidance/fairer-scotland-duty-guidance-for-public-bodies)

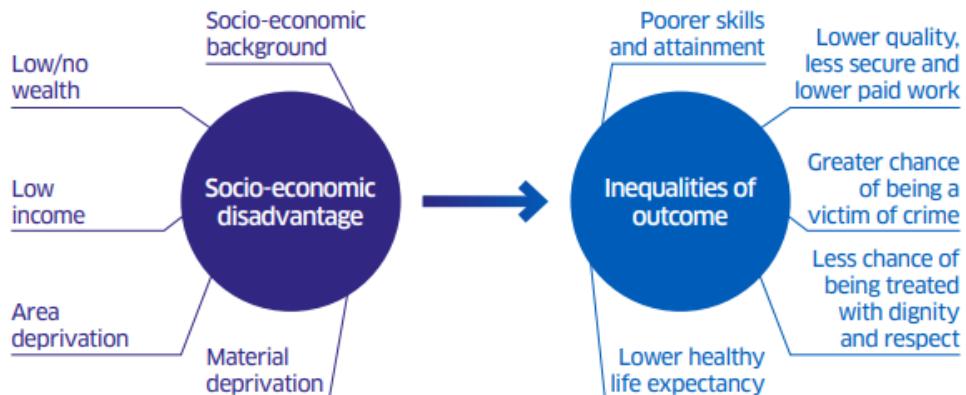
Unlike other duties which are delegated to the partner bodies the IJB must consider Fairer Scotland Duty directly as part of the business of the board and this will directly impact on the strategic decision making process.

The guidance provides a clear framework and template based approach to support assurance for the IJB that 'due regard' is given.

2 INTRODUCTION

The socio-economic duty (SED), part 1 of the Equality Act (2010), aims to deliver better outcomes for those experiencing disadvantage across all aspects of life including health, life expectancy and educational attainment. The duty states that certain public bodies must consider how their decisions might affect and reduce the inequalities associated with socio-economic disadvantage.

The SED came into force in Scotland as the Fairer Scotland Duty in April 2018. Following further consultation the duty was updated to reflect the steps to ensure success.



- The Duty applied from 1 April 2018 and does not cover decisions made before this date.
- The Duty also does not override other considerations – such as equality or best value.
- The Duty is nevertheless a key consideration, underpinned by statute.
- The Equality and Human Rights Commission (EHRC) is the Regulator for the Fairer Scotland Duty and is closely involved with monitoring and the development of best practice for the Duty.

3 DETAIL OF REPORT

Following the impact of the pandemic Fairer Scotland Duty was seen as more important than ever. The following key changes were proposed and consulted on:

1. The automatic inclusion of further public bodies including those bodies not in existence when the duty came into force e.g. Public Health Scotland and requested if further bodies should be identified.
2. Better guidance on the definition of a strategic decision.
3. New guidance on organisational readiness; these factors included leadership, awareness raising, training and development of a Fairer Scotland Duty Framework.
4. Ensuring the concept of ‘due regard’ is well understood by public bodies which included the following six questions:
 - i.What evidence has been considered in preparing for the decision, and are there any gaps in the evidence?
 - ii.What are the voices of people and communities telling us? (particularly those with lived experience of socio-economic disadvantage).

- iii.What does the evidence suggest about the decision's actual or likely impacts on inequalities of outcome that are associated with socio-economic disadvantage?
- iv.Are some communities of interest or communities of place more affected by disadvantage in this case than others?
- v.What does our Duty assessment tell us about socio-economic disadvantage experienced disproportionately according to sex, race, disability and other protected characteristics that we may need to factor into our decisions?
- vi.How has the evidence been weighted in reaching our final decision?

5. Use of an Evaluation Tool
6. Assessment not required declaration template
7. Data source section of the duty updated to be classified as follows:
 - Evidence on socio-economic disadvantage
 - Evidence on inequalities of outcome
 - Evidence on what is effective in targeting poverty and inequality
 - Resources on engagement to evidence the views of those with lived experience.
8. Case studies as examples

Revised Guidance

The updated guidance provides an update on the points above. Clear guidance, definitions and inclusion of a case study and data sources. It further provides a route for public bodies to undertake a Fairer Scotland Assessment for publication as illustrated in *Figure 1*.

The guidance also notes similarity in direction and goals with for example Child Poverty strategies and notes the Integrated Impact Assessment approach.

The document further goes on to provide case studies and the templates noted for use. Guidance will be implemented operationally to ensure that the IJB receives compliant documentation for decision making and to support assurance within a public body by an appropriate officer.



Figure 1

4 RELEVANT DATA AND INDICATORS

Report: Evaluating the Socio-economic Duty in Scotland and Wales published 2 March 2021

[Evaluating the socio-economic duty in Scotland and Wales | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://equalityhumanrights.com/evaluating-the-socio-economic-duty-in-scotland-and-wales/)

This report evaluated how the duty can be implemented effectively, the barriers to implementation, how the duty affects the behaviour of public bodies and the steps needed to ensure future success.

Data sources as identified in the guidance.

5 CONTRIBUTION TO STRATEGIC PRIORITIES

The Covid-19 pandemic exacerbated existing inequalities in communities with those already experiencing disadvantage- minority ethnic communities, disabled people, older and younger people and women disproportionately impacted. Continuing to address the Fairer Scotland Duty in the remainder of this Strategic Plan and within the development of the new Strategic Plan will aim to ensure significant action can be taken post COVID to mitigate any increase in inequality.

6 GOVERNANCE IMPLICATIONS

6.1 Financial Impact

No financial impact set out within this paper but the addressing of the duty may require consideration of financial impact.

6.2 Staff Governance

No impact within this paper and any risks in respect to access to services and resources is documented in the IJB Strategic Risk Register.

6.1 Clinical Governance

This will be considered in EQISEA to contribute to the safe and effective delivery of services in communities and communities of interest.

7 PROFESSIONAL ADVISORY

Professional advisory is required for service development and change prior to presentation through IJB governance. The corporate template supports evidencing this.

8 EQUALITY & DIVERSITY IMPLICATIONS

Fairer Scotland Duty requires that the IJB pay due regard to how they can reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions.

9 GENERAL DATA PROTECTION PRINCIPLES COMPLIANCE

No specific requirement for this paper.

10 RISK ASSESSMENT

No risk assessment was required for this paper but meeting the duty will be required as part of the overall risk assessment.

11 PUBLIC & USER INVOLVEMENT & ENGAGEMENT

The duty requires that due regard is taken and should inform any consultation planning. Public consultation in itself is governed by the National Standards for Community Engagement.

12 CONCLUSIONS

The IJB requires to be aware of the updated guidance to ensure continued compliance and effective implementation of the duty in supporting Strategic Decisions and provision of internal assurance.

13 DIRECTIONS

Directions required to Council, NHS Board or both.	Directions to:	tick
	No Directions required	x
	Argyll & Bute Council	
	NHS Highland Health Board	
	Argyll & Bute Council and NHS Highland Health Board	

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