

Equality and Human Rights Commission
Summary Report

Socio-economic
Requirements

Wellside Research Ltd

Introduction

The Fairer Scotland Duty came into force in April 2018 with the aim of ensuring that public sector bodies consider how they can reduce socio-economic disadvantage when making key strategic decisions. Socio-economic disadvantage involves a complex interaction of a wide range of factors from poverty to health, education, limited social mobility, housing and a lack of expectations¹.

The Equality and Human Rights Commission (EHRC) commissioned research ahead of the Fairer Scotland Duty in order to identify any useful learning that could be taken from the Scottish Government's, public bodies, and any relevant regulatory bodies' experiences in implementing requirements to address inequalities linked to socio-economic disadvantage already contained within existing legislation, referred to hereafter as socio-economic requirements. In their Consultation Paper on the socio-economic duty, the Scottish Government identified four pieces of legislation that contain such related requirements². These pieces of legislation provide the focus for this research and are:

- Children and Young People (Scotland) Act 2014
- Community Empowerment (Scotland) Act 2015
- Education (Scotland) Act 2016, and
- Child Poverty (Scotland) Act 2017

The research also sought to understand what expectations and hopes stakeholders had in relation to the implementation of these existing requirements and how those expectations and hopes compare to the actual impact that has been seen so far.

The aims of the research were to:

1. Provide EHRC Scotland with evidence about the impact of socio-economic requirements in existing legislation, especially the requirements incorporated into the Children and Young People (Scotland) Act 2014 and the Community Empowerment (Scotland) Act 2015.
2. Better understand the approach of public bodies and individuals who have to implement the relevant legislation in relation to compliance or the assessment of progress.

¹ Government Equalities Office (2010), The Equality Bill: Duty to reduce socio-economic inequalities: A guide. Available at: http://www.equality-ne.co.uk/downloads/512_equality-bill-duty.pdf.

² Scottish Government (2017), The Socio-Economic Duty: A Consultation. Available at: <https://www.gov.scot/Resource/0052/00522478.pdf>.

3. Better understand the kind of change that Parliamentarians and inspection bodies expected and to assess the extent to which the implementation of these requirements has created that change.
4. Identify what specific issues, opportunities, threats, advantages or disadvantages are linked to the socio-economic duty.

Methodology and sample profile

Various organisations were identified as eligible to participate, with the EHRC providing a contact database listing eligible organisations, departments and contacts where available. Organisations were sampled as follows, with separate interview topic guides developed for each respondent group:

- legislators (generally consisting of Members of the Scottish Parliament (MSPs))
- Scottish Government directorates or teams
- public bodies who are subject to any of the four Acts outlined above
- regulatory bodies who are subject to the Acts themselves and/or fulfil a regulatory/inspection role, and
- charities and voluntary organisations.

In the main, telephone interviews were conducted with respondents. However, in order to facilitate wider participation an online response form was developed for public bodies subject to the Acts, and organisations were also able to complete their responses directly onto the topic guide and return this via email.

The work was conducted under two main strands, consisting of a survey with public bodies that are subject to the Acts, and interviews with all other stakeholder groups. A total of 63 public bodies provided a survey response. This consisted of 40 telephone interviews, five who provided a written response via email, and a further 18 who completed an online survey form. Meanwhile, nine interviews were conducted with other stakeholder groups³.

Overview of the socio-economic requirements

The Scottish Government identified four pieces of legislation that contain requirements linked to the Fairer Scotland Duty⁴. These four pieces of legislation provide the focus for this research and are further described below.

³ This included four parliamentarians, four representatives of the Scottish Government, and one representative from the charity and voluntary sector.

⁴ Scottish Government (2017), [The Socio-Economic Duty: A Consultation](#).

The Children and Young People (Scotland) Act 2014 is not explicit in terms of the socio-economic responsibilities, as it makes no direct reference to ‘socio-economic disadvantage’. However, it does have clear socio-economic intentions and implications. The Act imposes a requirement for local authorities and health boards to prepare, review, and report on progress of their Children’s Services Plan with the aim of safeguarding, supporting and promoting the wellbeing of children. Children’s Services Plans need to reflect national outcomes set by Scottish Ministers, including the Child Poverty Strategy.

The Community Empowerment (Scotland) Act 2015 is more explicit in the inclusion of socio-economic considerations, and includes references throughout the Act. In particular, it requires that inequality linked to socio-economic disadvantage must be a focus for Local Outcome Improvement Plans and Locality Plans prepared by Community Planning Partnerships (Part 2), and that this must be a consideration (among other factors) when public bodies are deciding the outcome of Participation Requests (Part 3) and Asset Transfer Requests (Part 5). The Act also contains requirements for Scottish Ministers (Part 1); they must determine national outcomes and have regard to the reduction of inequalities of outcome which result from socio-economic disadvantage, they must also publish regular reports on the progress toward these outcomes and review the national outcomes at least every five years.

The Education (Scotland) Act 2016 also makes explicit provision to address the inequalities linked to socio-economic disadvantage, setting out duties for both Scottish Ministers and education authorities. Scottish Ministers must, when exercising their powers relating to school education, have due regard to the need to exercise the powers in a way that is designed to reduce inequalities of outcome for pupils who experience those inequalities as a result of socio-economic disadvantage. Similarly, for education authorities, there is an identical ‘due regard’ duty placed on them when taking strategic decisions and/or when considering steps to implement such decisions. Both Scottish Ministers and education authorities must also publish an annual plan to reduce inequalities. Further, the Act introduces the National Improvement Framework (NIF) which must be reviewed annually.

Finally, the Child Poverty (Scotland) Act 2017 sets targets relating to the eradication of child poverty in Scotland and thereby aims to address a vital part of the socio-economic disadvantage faced by children across Scotland. It requires the Scottish Government to develop three Delivery Plans (each covering different timescales), and report annually on progress against these plans. It also requires local authorities and health boards to jointly prepare annual Local Child Poverty Action Reports to review progress made over the past year and outline proposals for activities in the coming year.

Intent of the socio-economic requirements

Common across all four Acts, parliamentarian and Scottish Government respondents considered that the overall intent of the socio-economic requirements was to force the consideration of socio-economic issues and impacts within the delivery of policy, to embed a rights based approach in legislation and policy, and to improve the situation for those experiencing socio-economic disadvantage. It was also considered beneficial by some (including parliamentarians, the Scottish Government, and public bodies alike) to include socio-economic requirements across various legislation to help promote and reinforce the Government's intention to tackle such issues. It was felt that including socio-economic requirements across various legislation helped to reinforce the direction of travel that the Government wished to set.

Most public bodies felt that the intent of the socio-economic requirements was clear to them. Although the main exception to this was for those organisations which did not deliver a front/public-facing service. Such organisations generally found it challenging to identify what their roles and responsibilities were in terms of socio-economic requirements specifically, and also in relation to other aspects of the Acts as well.

Expectations regarding impact

Discussion around the expected impact of the socio-economic requirements were restricted to the Children and Young People (Scotland) Act 2014 and the Community Empowerment (Scotland) Act 2015.

In relation to the Children and Young People (Scotland) Act 2014, one parliamentarian noted that embedding socio-economic responsibilities within legislation generally was the right approach, however, they also highlighted the risks of not implementing appropriate levels of scrutiny. Two other parliamentarians focused their expectations on outcomes for particular groups (mainly care experienced young people), and noted that the Act raised the age of leaving care from 16 to 21 which they expected would have a considerable positive impact upon these young people. It was expected that the legislation would assist care experienced young people to have stable accommodation, stability of carers, better health and mental health, be able to continue in education, and foster greater hopes and expectations.

In relation to the Community Empowerment (Scotland) Act 2015, two Scottish Government respondents indicated that this Act had limited expectations to some

extent in relation to socio-economic impact. In relation to Parts 3 and 5 in particular, the expectation was simply that public bodies would consider socio-economic implications within the wider context and alongside other criteria. Meanwhile, expectations were slightly higher in relation to Part 2, where Community Planning Partnerships had to develop a Local Outcomes Improvement Plan and Locality Plans which were focused upon reducing inequalities driven by socio-economic disadvantage. However, they noted that it did not provide a panacea solution and that by prioritising a limited number of localities this would inevitably miss socio-economic issues in others.

Guidance and training provision

Various statutory and non-statutory guidance documents are available to public bodies to support them in delivering the Children and Young People (Scotland) Act 2014 and the Community Empowerment (Scotland) Act 2015. Guidance is also currently being prepared for the Child Poverty (Scotland) Act 2017, but at the time of writing this had not been published.

In addition, Scottish Government respondents indicated that they would provide support and advice on any parts of the relevant Acts as required. This would be dealt with on an individual basis as and when they were approached for such advice by a partner organisation.

Impact of the socio-economic requirements on public bodies

The impact of the existing socio-economic requirements on public bodies, their work and working methods was varied. There have been no standard models adopted for the implementation and delivery of socio-economic requirements either within or between sectors. Some public bodies have dedicated teams working on these socio-economic requirements, whereas others stressed that everyone across the organisations is required to consider equality and socio-economic impacts on their work and procedures. Most public bodies interviewed indicated that responsibility for socio-economic requirements was dispersed between a number of staff and/or teams who also had other responsibilities.

Some organisations indicated that they were already focused on socio-economic issues and addressing poverty. For these respondents the impacts included providing a formal framework, aligning partners' priorities, and providing greater

opportunities for partnership working and increased opportunities for some organisations to provide support to partners.

For other public bodies much greater impacts were noted. Some indicated that the Acts and associated socio-economic requirements had resulted in the organisations having to refocus their strategic direction. While for others, they had to update or prepare new policies, procedures and/or working practices. In some cases, new documents were created to directly address the requirements (such as the Local Outcome Improvement Plan (LOIP) required by the Community Empowerment (Scotland) Act 2015), while existing documents were also revised in order to provide greater focus on socio-economic issues and activities, and to reflect the new requirements in the overall agenda.

It was also highlighted that there has been a change in the use of data by some public bodies. Many indicated that they now disaggregate data further, and consider locality level information. Some are also trying to map socio-economic deprivation across their area in order to identify priority areas.

Positive outcomes

A number of respondents stated that it was still too early to identify outcomes, and that outcomes in relation to poverty levels would only be identifiable in the long-term. However, some noted that the Acts had encouraged public bodies to focus on poverty, inequality and community empowerment to a greater extent.

A wide range of other, more immediate and short-term positive impacts, outcomes and actions were identified. These included:

- public bodies are now encouraged to focus on poverty, inequality and community empowerment to a greater extent
- improvements to working practices
- improvements and increased opportunities for partnership working
- improvements in the support available to vulnerable children and young people, and
- communities increasingly involved in identifying needs and driving local decisions.

However, it should be noted that some of the stated outcomes were largely attributed to work that was already ongoing within some public bodies and/or areas, and were not always considered to be a direct result of the Acts.

Reporting, monitoring and evaluation, and regulation

The picture that emerged against all elements of reporting, monitoring and evaluation, and regulation was mixed.

In relation to reporting, the only reporting activities that have occurred as a result of the Acts or socio-economic requirements to date are those initial plans required by the legislation (for example the Children's Services Plan, the Corporate Parenting Plan, the Local Outcomes Improvement Plan (LOIP) and the Locality Plans). No progress reporting has been undertaken as yet, although this is planned for future reporting strands. In the absence of formal progress reporting as yet, many other forms of progress reporting were outlined, largely including reporting back to their own or partner's Boards, sub-committees and/or working groups at regular intervals, Annual Reports, Financial Accounts, completed Asset Transfer Requests and Participation Requests to be hosted online, and Standards and Quality Reports. It was also noted that in many cases, while this progress reporting may include socio-economic content it is not typically focused on these requirements alone, but rather on wider requirements, activities and progress.

In relation to formal monitoring requirements or the existence of any evaluation work conducted to review the effectiveness of the socio-economic requirements, typically respondents were not aware of any legal framework for the Government to conduct such monitoring in this respect and confirmed that no evaluations had taken place to date. However, it was noted by Scottish Government respondents that, following the publication of progress reports in the required legislative areas, the Scottish Government intends to conduct a review of these.

No dedicated regulatory bodies were identified in the course of the research that were responsible for regulating public bodies' implementation of the socio-economic requirements specifically within the four Acts. It was confirmed by Scottish Government respondents and parliamentarians that there had been no intentions at the outset to formally regulate these elements of the various Acts, other than perhaps within the existing remits of current regulatory bodies. This was largely confirmed by the responses of the regulatory bodies themselves, where two felt that the socio-economic requirements in these four Acts were not relevant to them, (although one did note that they may identify issues which had a socio-economic element as a consequence of fulfilling their main remit, and would seek to tackle such issues as relevant to their specific regulatory powers), and only one indicated that they did have a role to play in regulating the socio-economic requirements, although again this was incorporated within their wider remit of ensuring bodies were compliant with the full scope of relevant legislation.

Extent that progress meets expectations

Parliamentarians and Scottish Government respondents were asked to comment on the extent to which they felt that initial expectations for the impact of the socio-economic requirements had been met to date.

In relation to the Children and Young People (Scotland) Act 2014, all four parliamentarians felt that this had not really met their expectations thus far. One noted that this was because services were not felt to be as open and accessible as had initially been expected, while two felt that their expectation for children's rights to be taken more seriously had not fully transpired within the implementation as yet. One parliamentarian also noted that, a common risk with such legislation is that, in practice, it can result in a requirement to report/note issues rather than also addressing them. When asked if more could have been done in the legislation or if it was more a problem with implementation, two parliamentarians felt it was mostly an implementation/delivery issue, with one noting shrinking resources/staffing in relevant sectors and the other noting the lack of formal mechanisms to ensure appropriate delivery and a need for statutory or a ring-fenced funding stream. In relation to the Community Empowerment (Scotland) Act 2015, the Scottish Government respondents noted that it was too early to identify whether expectations were being met as the first round of progress reporting had not been undertaken/published as yet. It was noted by one respondent, however, that (in relation to the LOIP) good work was in progress even before the Act formalised the requirements.

In relation to the two most recent Acts, that is the Education (Scotland) Act 2016 and the Child Poverty (Scotland) Act 2017, it was generally considered too early to tell whether expectations would be met.

Challenges

The Scottish Government respondents and public bodies subject to the Acts were asked to identify any challenges that the socio-economic requirements had presented for their organisation. Encouragingly, a few public bodies stated that they had not experienced any new challenges as a result of the socio-economic requirements, while others maintained that it was still too early to identify challenges.

One of the main challenges discussed by public bodies and the Scottish Government however, was in relation to resources, both staffing and funding, as it related to their ability to effectively prioritise and tackle socio-economic disadvantage.

Challenges were also noted by many public bodies around accessing and using relevant data, and in identifying and targeting activities due to the differences in demographics, SIMD, and need within local authorities, as well as around their ability to effectively monitor and evaluate the impact (and how best to incorporate qualitative feedback and not simply statistics). Other challenges noted by public bodies included:

- Challenges adapting traditional engagement approaches in order to target hard-to-reach groups and in identifying any elements of hidden need/ inequalities/ deprivation.
- That the time available to develop the Local Outcomes Improvement Plan and Locality Plans required by the Community Empowerment (Scotland) Act 2015 had been challenging.
- Challenges in interpreting the requirements and identifying their organisations role were noted for those that do not have front/public-facing services.
- Despite parliamentarians and Scottish Government respondents finding that the requirements across various legislation helped to reinforce the direction of travel that the Government wished to set, some public bodies felt that a lack of cohesion and linkages between the various Acts and socio-economic requirements made work in the area challenging.
- A risk in prioritising one group or piece of legislation ahead of others, for example socio-economic issues competing for resources against equality work focused on protected characteristics such as gender or disability.
- It was felt that confusion still existed over the terminology and, in some cases, respondents considered that more guidance was required for public bodies, with some suggesting that examples of socio-economic benefit would be helpful.
- It was felt that there was a need to consider impacts and outcomes over the longer term.

Suggestions for changes

Following on from the challenges outlined, some respondents felt there was scope to allow for greater linkages to be made between the various pieces of legislation containing socio-economic requirements, and also with other pieces of legislation, such as the Equality Act 2010. Others, suggested tightening up the language and terminology, and those organisations who do not provide front-facing services again indicated that greater clarity, guidance and support was required in order to help them understand their role and how they can affect change. Additional suggestions

included widening the number and types of organisations subject to the socio-economic requirements and the Fairer Scotland Duty.

Some felt that, while there may be no changes required to the Acts themselves, more practical guidance and support regarding how to implement the requirements would be welcomed. Similarly, while not strictly connected to changes to the legislation itself, there were calls for increased budgets and resources in order to implement the requirements effectively.

Conclusions

The research has addressed each of the research aims as follows:

Research Aim 1: Provide EHRC Scotland with evidence about the impact of socio-economic requirements in existing legislation, especially the requirements incorporated into the Children and Young People (Scotland) Act 2014 and the Community Empowerment (Scotland) Act 2015.

Impacts of the socio-economic requirements contained within the existing legislation tended to focus on impacts to working practices and the revision of strategies, planning, policies and procedures. In some cases, new documents have been created to directly address the requirements, while existing documents have also been revised in order to provide greater focus on socio-economic issues and activities. Public bodies also appear to be disaggregating socio-economic data to a greater extent in order to identify priority areas. The socio-economic requirements appear to have provided a formal framework, assisted in aligning partners' priorities, provided opportunities for partnership working, and encouraged working practices that consider and seek to address local socio-economic disadvantage/issues.

Research Aim 2: Better understand the approach of public bodies and individuals who have to implement the relevant legislation in relation to compliance or the assessment of progress.

The research has shown that there is no standard approach within public bodies for the implementation of the socio-economic responsibilities across the various Acts, either within or between sectors. Likewise, there is no consistent approach to team/staff structures with responsibility for socio-economic responsibilities, or in monitoring and reporting mechanisms. While impacts to working practices were noted by public bodies subject to the existing legislation, it was generally considered too early for measurable socio-economic outcomes to be identified.

Research Aim 3: Better understand the kind of change that Parliamentarian and inspection bodies expected and to assess the extent to which the implementation of these requirements has created that change.

The intentions for the socio-economic requirements within the Children and Young People (Scotland) Act 2014 and the Community Empowerment (Scotland) Act 2015 were to address socio-economic disadvantages. In order to achieve this, the Acts imposed requirements to consider such issues when considering policy and activities. Many public bodies indicated that they already focused on addressing socio-economic disadvantages prior to the implementation of these requirements, or that they have begun to refocus their priorities in line with these requirements.

In relation to the wider intention to improve the situation for people experiencing socio-economic disadvantage, this is harder to evidence. A reduction in poverty and increased outcomes in health, education and social mobility, for example, are only likely to be measurable over a longer time period. Also, as progress reporting has not been undertaken yet, there is little evidence available regarding local and national level outcomes to date.

The extent to which the situations of people experiencing socio-economic disadvantage can be expected to improve over time as a result of the existing requirements, however, is difficult to predict. Having all partners focused on the same priorities was seen as a benefit of including socio-economic requirements across different strands of legislation. The complex myriad of partners and activities however, along with the dilution of socio-economic considerations within the early legislation (by not specifically mentioning socio-economic responsibilities in the Children and Young People Act 2014 and including it as one consideration alongside a wide range of others in the Community Empowerment Act 2015) creates difficulties for the formal monitoring, evaluation and regulation of the requirements. However, the lack of an external monitoring and evaluation framework and the mixed provision for regulation risks some sectors or organisations not prioritising this issue and simply paying lip-service to the requirements.

Research Aim 4: Identify what specific issues, opportunities, threats, advantages or disadvantages are linked to the socio-economic duty.

The opportunities and advantages for the Fairer Scotland Duty include public bodies across all sectors now increasingly focusing attention on the reduction of inequalities arising from socio-economic disparities when considering strategic planning and development, as well as good partnership working being developed, with all partners now more focused on the same priorities and outcomes.

However, issues, threats or risks could arise should there be no formal and effective reporting structures, no formal monitoring or evaluation framework, and/or no formal regulation. The lack of any of these elements risks organisations not effectively fulfilling their obligations.

Further opportunities and challenges also exist for the Fairer Scotland Duty in the Scottish Government and public bodies subjected to the Duty trying to clearly link together the various pre-existing socio-economic responsibilities as well as wider equality legislation. This relates to both implementation strategies and reporting requirements, and will be important to ensure that no other equality based work is compromised. In addition, as with the requirements already implemented before the Fairer Scotland Duty, opportunities exist to provide clear guidelines⁵, along with examples of good practice and assistance to relevant organisations that do not have a front-facing service provision so that they gain a greater understanding of their role and how they can affect change.

Overall, the research highlights the impact that the socio-economic requirements contained within existing legislation have had to date, and outlines the opportunities and challenges such legislation creates.

⁵ Interim guidance for the Fairer Scotland Duty was published prior to the publication of this report, and can be found at <http://www.gov.scot/Publications/2018/03/6918>. This guidance will be reviewed and revised towards the end of the three year implementation period.

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Please contact the Research Team for further information about other Commission research reports, or visit our website:

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