

North Lanarkshire Council Report

Youth, Equalities and Empowerment Committee

approval noting

Ref LMcM/AC

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Is Scotland Fairer? – The state of equality and human rights 2018 and the Council's response to the findings

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Executive Summary

This report presents for the consideration of members the Equality and Human Rights Commissions' Scottish-specific supplementary report to the 'Is Britain Fairer? 2018' review namely, 'Is Scotland Fairer? – the state of equality and human rights 2018'

'Is Scotland Fairer' sets out a clear, evidence-based assessment covering 6 themes; (education, work, living standards, health, justice and personal security and participation) as to where Scotland has made progress, where things have not changed or indeed have got worse, and any emerging concerns since the last review in 2015.

This report provides members with:

- a high level summary of the review findings for each theme;
- any recommendations for action pertinent to the Council; and
- the Council's response to those recommendations detailing the ways in which it is already addressing many of the areas of inequality highlighted within the Is Scotland Fairer Report; and
- the next steps for the Council.

Recommendations

It is recommended that the Youth, Equalities and Empowerment Committee

- (1) note the contents of this report and accompanying appendix;
- (2) note the work the Council is already undertaking to address the recommendations, pertinent to the Council, identified in the report, by:
 - (a) Progressing the work to achieve its equality outcomes
 - (b) Ensuring that the Council's equalities network group monitor progress and act as a conduit for services' activity and development; and
 - (c) Working with its partners in the public, private and third sector.
- (3) Note that the Council's Mainstreaming Equality Report will be published in April 2019. This statutory report will provide further analysis and details as to the ways in which advancing equality is integral to Council day to day business.

Supporting Documents

Council plan to 2020	This report and the Council's position supports the following Council plan priorities: <ul style="list-style-type: none">• Improve the health, wellbeing and care of communities;• Improve relationships with communities and the third sector; and• Improve the Council's resource base.
Appendix 1	NLC Equality Outcomes 2017-2021 – Performance Management Framework

1. Background

The Equality Act 2006 gave the Equality and Human Rights Commission (EHRC) the statutory duty to report regularly to the UK Parliament on the extent to which equality and human rights are improving in Britain. 'Is Britain Fairer? 2018' is the latest review of progress, following two previous reviews in 2010 and 2015. The subject of this report - 'Is Scotland Fairer? 2018' - is the Scottish-specific supplementary report to the 'Is Britain Fairer? 2018' review.

A copy of the full report has been made available in the Members Library and can be accessed via CONNECT <http://connect/CHttpHandler.ashx?id=43513&p=0>

2. Report

2.1 Is Scotland Fairer? 2018

Is Scotland Fairer? 2018 centres around six themes which reflect areas of life that are important to people and enable them to flourish. The themes are: education, work, living standards, health, justice and personal security, and participation.

The review provides a clear, evidence-based assessment of where Scotland has made progress, where things have not changed or have got worse, and any emerging concerns since the last review in 2015. The report also recognises that there are evidence gaps which require to be addressed.

2.1.1 Education

2.1.2 Educational attainment of children and young people

The review found that levels of attainment at school generally improved, although gaps persist in the following areas:-

- differences in attainment were evident by Primary 1 (age five to six) – both by sex and for children living in the most deprived areas;
- girls continued to do better than boys, and some ethnic minority pupils performed well above the national average;

- Gypsy/Traveller pupils, those with additional support needs, looked after children and pupils living in the most deprived areas had lower levels of attainment than average; and
- subject choices continued to show differences based on gender stereotypes for girls and boys, with likely implications for career paths in adult life.

2.1.3 Exclusions, bullying and NEET

Exclusion rates fell nationally but some groups continued to have much higher rates, specifically:-

- exclusion rates were higher for Gypsy/Travellers, disabled pupils, those with additional support needs and pupils living in the most deprived areas; and
- boys were more likely to be excluded than girls.

Bullying can have a serious impact in terms of health, wellbeing and educational outcomes:

- reasons for bullying include physical appearance, sex, having an additional support need or learning disability, sexual orientation, race, or faith; and
- there is no mandatory collection of information on bullying in schools, and no official data on the levels of bullying.

There was no change in the level of young people not in education, employment or training (NEET) however the review identified the following:-

- young people with no qualifications were at greatest risk of becoming NEET; and
- disabled young people were twice as likely to be NEET compared with non-disabled young people.

2.1.4 Recommendations for Education Sector

The review sets out the following recommendations:-

- address the attainment gaps for children sharing certain protected characteristics (including boys, children with additional support needs and Gypsy/Traveller children);
- reduce the high exclusion rates for children with certain protected characteristics (including boys, disabled children, children with additional support needs and Gypsy/Traveller children); and
- tackle and reduce bullying, including prejudice based bullying and sexual harassment by ensuring teachers throughout their careers receive ongoing support and development on how best to respond to , record and challenge such behaviours.

2.1.5 Council response

NLC will seek to address these recommendations through work already in place to achieve on its own equality outcomes ie:-

- the educational attainment for children and young people with disabilities and/ or additional support needs, Gypsy traveller children and young carers is improved;

- our schools, are safe, accessible and inclusive; and
- young women and disabled and black and minority ethnic young people are supported and leave school with positive destinations.

In order to ensure progress against these matters the Council currently:-

- monitors attendance, attainment and exclusions of young people with disabilities and/ or additional support needs and Gypsy traveller children;
- monitors and sets targets for schools participation in programmes such as the Mentors in Violence Prevention Programme and Rights Respecting Schools, LGBT Chartermark etc;
- provides continuous training and awareness raising opportunities for employees on equality related matters;
- monitors the:
 - % of ASN pupils participating post school
 - % of ASN pupils employed post-school
 - % of applicants, interviewed and appointed to Modern Apprenticeships (MAs) that are disabled
 - % of young people from ASN schools entering MAs and employment directly from school

Performance is carefully assessed so that the Council has an understanding of what is happening for particular groups of people. This then allows any corrective action to be taken if necessary.

North Lanarkshire Council's Anti-Bullying Policy and Prevention Guidelines set out how to respond to, record and challenge bullying, including prejudiced based bullying, in addition to outlining training opportunities.

2.2 Work

2.2.1 Employment

Although the review found that the number of people in employment increased, although experiences of work differed in the following ways:-

- disabled people were less likely to be in employment and more likely to be unemployed;
- women were less likely than men to be in employment and more likely to be in part-time work;
- young people were most likely to be unemployed and many were in insecure jobs; and
- women continued to experience sexual harassment and discrimination related to pregnancy and maternity in the workplace.

2.2.3 Earnings

There was a fall in earnings and little progress in tackling pay gaps, the review highlighted:-

- women continued to earn less than men on average, and the gender pay gap changed very little in recent years;
- disabled people continued to earn less than non-disabled people, and the disability pay gap widened; and

- women, young people aged 18–24, disabled people, black people and those in the Other White ethnic group were more likely to be in low-paid work.

2.2.4 Occupational segregation

Occupational segregation continued to be a key feature of work:-

- women continued to be under-represented in senior positions, even where women accounted for the majority of the workforce, such as education and health;
- women, people from ethnic minority groups and disabled people remained under-represented in Modern Apprenticeships; and
- reflecting the labour market, Modern Apprenticeships continued to show strong gender segregation within sectors.

2.2.5 Recommendations for Work

The review set out the following recommendations:-

- (i) to reduce the gender pay gap and close the disability employment gap employers should offer all jobs, including the most senior, as open to flexible or part-time working, unless there is a justifiable business reason to prevent it;
- (ii) to increase the numbers of women, people from ethnic minority groups and people from other under-represented groups in senior positions employers should:
 - set and report against targets;
 - seek advice from independent consultancies experienced in making diverse appointments;
 - advertise widely; and
 - use positive action and tiebreak provisions to promote or recruit equally qualified diverse candidates.

2.2.6 Council position

Through the gathering of employment data required by the Public Sector Equality Duty (PSED) the Council has taken cognisance of its Gender Pay Gap and the fact that women in particular are disproportionately under-represented in promoted posts and the low numbers of people from minority ethnic groups and disabled people in senior positions.

In terms of the Council's Gender Pay Gap, NLC applied and was successful in being chosen to be a pilot authority for the Equally Safe at Work accreditation programme. This will involve working with *Close the Gap* throughout 2019. Equally Safe at Work recognises the links between gender inequality (including workplace inequality) and violence against women and aims to support employers in creating an inclusive workplace culture including reducing the Gender Pay Gap.

Whilst the Council has a number of excellent examples of positive action in relation to supporting the employment of disabled people such as; the supported employment service, Project Search and the support for individual employees in relation to reasonable adjustments, there is still a disproportionately low number of disabled employees in the workforce. The Council has set up a working group specifically to look at how the Disability Confident Leader programme can improve the employment opportunities for disabled people.

In addition through the equality outcome - *NLC as an employer is accessible and all employees are valued and supported to work to their full potential* – the Council monitors and has set targets and actions in relation to applications and promotions for women, disabled people and people from ethnic minority groups.

The Employee Service Centre is currently considering what steps to take to encourage more accurate data recording for future monitoring purposes.

2.3 Living Standards

2.3.1 Housing

Homelessness and access to a secure home continued to be an issue, the following being highlighted through the review:-

- young women, households with children, lone parents and people with at least one support need were particularly at risk of homelessness;
- there was a slight decrease in the number of homeless applications to local authorities;
- the number of people, many of whom were children, being placed in temporary accommodation increased; and
- asylum seekers were at risk of destitution throughout the asylum process.

There were variations in the type and quality of housing people could access in particular:-

- people from White Scottish and Other White British groups were more likely to own their home compared with people from ethnic minority groups, who were more likely to rent from a private or social landlord;
- younger people were more likely to be in private rented accommodation than other tenures;
- the number of Gypsy/Travellers who were satisfied with their Registered Social Landlord management of their site decreased, whereas satisfaction with local authorities' management increased; and
- many disabled people lived in homes that did not meet their requirements to live independently.

2.3.2 Poverty

Nearly all poverty measures showed an increase in severity over time:-

- the number of adults and children living in poverty after housing costs increased;
- the number of adults and children being referred to a Trussell Trust Foodbank increased;

- wealth inequality increased, with single-adult households accounting for the majority of those living in low-wealth households; and
- fuel poverty decreased, but roughly a third of people still experienced it.

A wide range of people were highlighted as being affected by poverty:-

- disabled people, people with mental health conditions and people from ethnic minority groups were more likely to experience severe material deprivation;
- the majority of children living in poverty were from working households; and
- women and disabled people were more likely to experience severe material deprivation.

2.3.4 Social care

The review determined that the provision of high-quality, flexible social care was put at risk by a number of factors including; increasing demand, budget restrictions, the commissioning approach to social care and a lack of skilled staff.

Experiences of care varied considerably:-

- most people who received formal help and support rated this as good and said they were treated with compassion and understanding;
- despite the implementation of Self-directed Support, many people were not aware of their options, and were not always given choice and control;
- the overall number of guardianship orders increased; and
- the percentage of new guardianship orders granted on an indefinite basis continued to fall.

2.3.5 Recommendations for living standards

The review states that Local Authorities and Planning Committees should ensure that Gypsy/Traveller groups have access to a sufficient number of Gypsy/Traveller sites of suitable quality.

2.3.6 Council position

The Council is leading a multi-agency Gypsy Traveller Strategic Liaison Group to ensure that the housing, and other needs, of Gypsy/Travellers are considered and addressed as appropriate.

2.4 Health

2.4.1 Access to healthcare services

According to the review, people's access to and experience of healthcare services varied, specifically:-

- the number of people waiting more than 18 weeks from the point of referral for health services increased;
- some lesbian, gay, bisexual and transgender (LGBT) people experienced homophobic, biphobic and transphobic language and behaviour in health and social care settings;

- some transgender people, people who experienced homelessness and asylum seeking women reported that they experienced discrimination in accessing healthcare services; and
- the prison admissions process was found to be robust in helping to identify healthcare needs; however, there was variation in mental healthcare available to prisoners and inconsistencies in older prisoners' experiences of personal and medical care.

2.4.2 Health outcomes

People's health outcomes varied considerably:-

- the majority of adults and children reported good or very good health, yet older people and people with mental health conditions or physical disabilities were less likely to report having good or very good health;
- women had a higher life expectancy and healthy life expectancy compared with men;
- people living in the most deprived areas had lower life expectancy compared with those living in the least deprived areas;
- the overall suicide rate declined. The suicide rate was highest for those aged 35–44 and 45–54, and men were much more likely to die by suicide than women; and
- the mortality rate from diseases of the circulatory system declined, but the rate was much higher for men compared with that for women.

2.4.3 Mental health

The number of adults and children starting treatment for mental health conditions increased, yet experiences of mental health services and settings varied:-

- the number of adults who reported poor mental health has not changed since 2010. Women, disabled people, single people and people who had previously been in a long-term relationship were more likely to report poorer mental health and wellbeing;
- the number of referrals to Child and Adolescent Mental Health Services (CAMHS) increased, yet one in five referrals were rejected;
- the majority of individuals who died by suicide had been prescribed at least one mental health drug in the year prior to their death;
- the number of Compulsory Treatment Orders (CTOs) increased, and their use was higher for males compared with females. The number of CTOs for young people aged under 18 decreased; and
- the number of place of safety notifications increased, as did the proportion of incidents where the place of safety was a police station.

2.4.4 Recommendations for health

The review states that Health and Social Care Partnerships (HSCPs) should set out:

- (i) how they plan to tackle poor and unequal health outcomes, unequal access to healthcare, treatment times and discrimination; and
- (ii) ensure they comply with their Public Sector Equality Duty requirements to better recognise and tackle barriers to accessing all parts of the health services for people with different protected characteristics

2.4.5 Council position

The agreed One Plan for North Lanarkshire strategic planning mechanism provides a valuable opportunity to tackle many of the health and mental health outcomes identified in the *Is Scotland Fairer? 2018* Report in a collective and concerted way. Health & Social Care NL (HSCNL) is a key participant and contributor to the One Plan approach.

HSCNL has set out within its Achieving Integration 2018/19 document how it is developing preventative and anticipatory approaches to tackling health inequalities including:

- asking key questions in the generic assessment agreed for all staff in North Lanarkshire. Some questions will be core to all assessments (e.g. financial inclusion, mental wellbeing) and others will be tailored to the individual/family;
- continuing the extensive training of staff across health, social work and the third and independent sectors to support staff in this approach, including mental health literacy;
- continuing to develop Making Life Easier to increase the range of supports and services on offer and using 'champions' to provide training and briefings across North Lanarkshire;
- continuing to promote Voluntary Action North Lanarkshire's locator tool (<http://www.locatornl.org.uk/>) to support people to access local groups and activities; and
- Community supports and interest groups continuing to grow in a way that is accessible and stigma free and which improves the lives of people in North Lanarkshire.

The Council's Equality Network Group which monitors progress in relation to the Public Sector Equality Duties and acts as a conduit for services' activity and development has a representative from HSCNL. The recommendations specific to HSCNL will be considered by the Equalities Network Group with the intention of offering support and expertise if required.

2.5 Justice and personal security

2.5.1 Conditions of detention

The prison population fell marginally, but the following issues persisted according to the review findings:-

- the number of older prisoners increased, which presented challenges regarding the suitability of the prison estate;
- there was an increase in the number of incidents of self-harm and prisoner-on-prisoner assaults despite a reduction in prison overcrowding;
- while improvements were made to ensure young people were supported when leaving custody, some still left with no home to go to; and
- non-natural deaths across all detention settings were uncommon but remained a concern.

2.5.2 Hate crime, homicides, sexual and domestic abuse

Review data indicates that although the number of self-reported hate crimes and hate crime charges decreased overall, a mixed picture emerged:-

- there was a decrease in the number of racially aggravated harassment and behaviour charges, and charges for other offences with a racial aggravation;
- there was an increase in the number of charges aggravated by prejudice related to sexual orientation, transgender identity and religion;
- there was a large increase in the number of reported sexual crimes; however, conviction rates, particularly for rape and attempted rape, remained low. Changes have been made to improve the treatment and support for victims of sexual crime; and
- legal protection against abusive behaviour has been strengthened recently; however, the longer-term trend showed that the number of domestic abuse incidents recorded by police changed little over the last five years.

2.5.3 Criminal and civil justice

Employment tribunal fees, which were declared unlawful, have had an impact on the number of claims made. Most people did not know much about the criminal justice system, although they were confident the system treats people fairly. However, the review findings assert that this pattern was not the same for all groups:

- people from the most deprived areas were less confident that those accused of a crime get a fair trial, that everyone has access to the legal system if they need it and that those accused of crimes are treated as innocent until proven guilty; and
- disabled people were less confident that cases are dealt with promptly and efficiently and that the system gives the punishment which fits the crime.

2.5.4 Recommendations for justice and personal security

Public bodies should take steps under the PSED to:-

- (i) improve the treatment of disabled people, people from ethnic minority groups and other 'at risk' groups in the criminal justice system;
- (ii) strengthen the policy frameworks that protect people from identity based violence; and
- (iii) improve access to justice for victims of discrimination

2.5.5 Council Position

In response to incidences of hate crime and sexual and domestic abuse the Council works in partnership with colleagues across the public and third sector, for example:-

- the Council and Police Scotland have been working with learning disabled young people to develop town centre Safe Places as a response to disability hate crime; and
- the Council together with the Violence Against Women Working Group have been driving a campaign Pledge to eradicate gender based violence.

The Council has a raft of policies that support people's equality, diversity and inclusion

Through the Council's equality outcome - *Our communities and town centres are safe, accessible and inclusive* – the Council monitors the:-

- % of women who are repeat victims of high risk domestic abuse with the aim of reduction;
- % of cases of anti-social behaviour reported, resolved, and dealt with within locally agreed targets; and
- % of complaints to the Licensing Board on equality issues.

The Council through the Ethnic Minority Law Centre to provide culturally sensitive complainant, legal advice and representation for ethnic minority groups including in relation to hate crime and discrimination.

2.6 Participation

2.6.1 Political and civic participation and representation

Review analysis of the representation of different groups in political and civic life showed a mixed picture:-

- women, people from ethnic minority groups and disabled people continued to be under represented in all areas of public life, including in the Scottish Parliament;
- while there was improvement in the proportion of women on public boards, the proportion of disabled people on public boards fell; and
- Trades union membership continued to fall.

2.6.2 Access to services

Not everyone was able to access services that could enable them to participate in society, the reasons outlined in the review report were:-

- lack of access to affordable transport options negatively affected access to other essential services and employment; and
- older and disabled people, and those living in a deprived area or living in social housing were risk factors for exclusion from access to digital services;
- people living in poverty were less likely to have a bank account and more likely to pay more for essential goods and services;
- attendance at cultural events (includes attending a cinema, library, museum, theatre, or historical place) was much lower for people with a long-term physical or mental health condition, those with no qualifications and those living in the most deprived areas; and
- disabled people and LGBT people reported that they continued to feel discriminated against while participating in sport or attending sporting events.

2.6.3 Privacy and surveillance

Most people who used the internet were able to control their privacy settings, although some were concerned about online security:-

- internet use increased for older people, although they were more likely to give out their personal information online than younger people;
- security concerns had a greater impact on the use of the internet by people with a long-term physical or mental health condition, who were also less likely to shop and bank online.

2.6.4 Social and community cohesion

Most adults felt a sense of trust and belonging in their neighbourhood according to review findings, but this pattern was not consistent for all groups:-

- young people, single people, people from ethnic minority groups and people from urban areas reported lower levels of trust and belonging in their neighbourhood;
- disabled people were less likely to say most people in their neighbourhood could be trusted;
- people who had no religion or belief or were living in urban areas were less likely to feel they belonged to their neighbourhood;
- most people had positive attitudes towards young people; and
- less than half of young LGBT people said that there were enough places where they could socialise safely and be open about their sexual orientation or gender identity.

No recommendations were made within the Is Scotland Fairer Report in relation to this theme for the Council to consider. However, as part of the Council's 'One Plan' approach, the importance of effectively engaging with communities to assist the Council in better understanding the issues impacting on social and community cohesion is central to delivering more responsive Council services.

3. Conclusions

Across the different areas of life captured within the review report, evidence has been found of progress, but progress is not consistent or widespread. Despite efforts, the same problems and concerns highlighted in previous reviews are still evident. The evidence shows that women, disabled people, LGBT people, people from ethnic minority groups, and younger and older people experience the starkest inequalities, and that these cut across many areas of life.

Poverty drives or compounds inequality, and many of the worst outcomes are for people living in the most deprived areas. A lack of new available evidence published since 2015, alongside a lack of protected characteristic data from administrative data and surveys, mean that this is not a complete picture. A lack of new evidence does not mean a lack of issues, and work and effort to tackle these evidence gaps must continue.

However the Council must take heart that the work it is undertaking to reduce disadvantage and inequalities, guided by its strategic plan priorities and equality outcomes and which are peppered throughout this report, is making a difference to the people of North Lanarkshire.

4. Next Steps for the Council

The Council's Plan priorities and eight equality outcomes complement the six themes of this report. In April 2019 the Council's mainstreaming equality report, required by the Equality Act 2010 Public Sector Equality Duties, will be published. The mainstreaming equality report will set out the progress the Council is making towards meeting its equality outcomes and its plans for the subsequent two year period.

Within the mainstreaming equality report, the Council will further consider the evidence and recommendations contained within the *Is Scotland Fairer? 2018* report. The Council will identify where it knows it can, and is, contributing to reduce disadvantage and advance equality but where no recommendations for action for public bodies were made within the *Is Scotland Fairer* Report, for instance:-

- Housing and homelessness;
- Child poverty;
- Mental Health;
- Access to services ;
- Social and community cohesion; and
- Gathering information across our communities about how people with particular characteristics fair.

The Council will also:-

- continue the work to ensure progress against its equality outcomes as detailed in the Performance Management Framework, attached as Appendix 1;
- monitor that progress and respond to emerging issues through the Council's Equalities Network Group;
- Work with its partners to respond to and address inequalities through the One Plan for North Lanarkshire approach ; and
- advance the work begun in relation to:
 - Disability Confident Leader;
 - Equally Safe at Work; and
 - Increasing the recording of employees' characteristics for monitoring purposes.

5. Equality and Diversity

5.1 Fairer Scotland

This report is for information only. No assessment required.

5.2 Equality Impact Assessment

This report is for information only. No assessment required.

6. Implications

6.1 Financial Impact

There are no financial impacts.

6.2 HR/Policy/Legislative Impact

The report complements the Council's work in relation to the Public Sector Equality Duties.

6.3 Environmental Impact

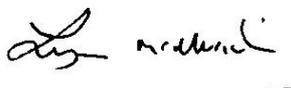
There is no environmental impact.

6.4 Risk Impact

The Council has an increased understanding of where disadvantage for particular groups of people persists.

7. Measures of success

- 7.1 The Council has an increased understanding of where disadvantage for particular groups of people persists.
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