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## **Moray Council**

Wednesday, 25 September 2019

**NOTICE IS HEREBY GIVEN** that a **Special Meeting** of the **Moray Council** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Wednesday, 25 September 2019 at 14:00.**

### **BUSINESS**

**1 Sederunt**

**2 Declaration of Group Decisions and Members Interests \***

**3 Resolution**

Consider, and if so decide, adopt the following resolution:  
"That under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Items 5, 6 and 7 of business on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act."

**4 Financial Planning 2019-20 - Consultation Update -  
Revised**

**5 - 68**

Report by Corporate Director (Economic Development, Planning and Infrastructure)

**Item(s) which the Committee may wish to consider with  
the Press and Public excluded**

## **5 Management Restructure: Consultation Feedback**

- Information relating to staffing matters;
- Information relating to any consultations or negotiations in connection with any labour relations;

## **6 Management Restructure - Voluntary Early Retirement Application**

- Information relating to staffing matters;
- Information relating to any consultations or negotiations in connection with any labour relations;

## **7 Budget 2019/20 - Voluntary Severance/Voluntary Early Retirement Applications**

- Information relating to any consultations or negotiations in connection with any labour relations;
- Information relating to staffing matters;

**Any person attending the meeting who requires access assistance should contact customer services on 01343 563217 in advance of the meeting.**

<b>GUIDANCE NOTES</b>
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- \* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

# **THE MORAY COUNCIL**

## **Moray Council**

### **SEDERUNT**

Councillor Shona Morrison (Chair)  
Councillor Graham Leadbitter (Depute Chair)  
Councillor George Alexander (Member)  
Councillor James Allan (Member)  
Councillor David Bremner (Member)  
Councillor Frank Brown (Member)  
Councillor Theresa Coull (Member)  
Councillor John Cowe (Member)  
Councillor Gordon Cowie (Member)  
Councillor Paula Coy (Member)  
Councillor Lorna Creswell (Member)  
Councillor John Divers (Member)  
Councillor Tim Eagle (Member)  
Councillor Ryan Edwards (Member)  
Councillor Claire Feaver (Member)  
Councillor Donald Gatt (Member)  
Councillor Louise Laing (Member)  
Councillor Marc Macrae (Member)  
Councillor Aaron McLean (Member)  
Councillor Maria McLean (Member)  
Councillor Ray McLean (Member)  
Councillor Derek Ross (Member)  
Councillor Ron Shepherd (Member)  
Councillor Amy Taylor (Member)  
Councillor Sonya Warren (Member)  
Councillor Walter Wilson (Member)

Clerk Name: Moira Patrick  
Clerk Telephone: 01343 563016  
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**REPORT TO: SPECIAL MEETING OF MORAY COUNCIL ON 25 SEPTEMBER 2019**

**SUBJECT: FINANCIAL PLANNING 2019-20 – CONSULTATION UPDATE - REVISED**

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT, PLANNING & INFRASTRUCTURE)**

## **1. REASON FOR REPORT**

- 1.1 To provide Council with further information as requested on 8 May 2019 (paragraph 7 of the minute refers) in relation to the Equalities Impact Assessments, to enable them to make final decisions on the reduction of opening hours in Burghead, Dufftown, Fochabers and Lossiemouth libraries; the removal of the Essential Skills Service and the removal of the English for Speakers of Other Languages (ESOL) Service.
- 1.2 This report is submitted to Committee in terms of Section III (A) 2 of the Council's Scheme of Administration relating to considering the Capital and Revenue Budgets and long term financial plan.

## **2. RECOMMENDATION**

### **2.1 It is recommended that the Council:**

- i) **considers the information in the equalities impact assessments at Appendices A (ESOL), B(Essential Skills) and C(Libraries);**
- ii) **agrees to proceed with the savings in relation to reduced opening hours in Burghead, Dufftown, Fochabers and Lossiemouth libraries;**
- iii) **agrees to proceed with the removal of the Essential Skills service;**
- iv) **agrees to proceed with the removal of the communities based ESOL service from within the Council. The overall responsibility rests at Community Planning level and the impact of this change has been considered by the Community Planning Board; and**
- v) **note that arrangements are being made to provide ESOL classes for the Syrian refugees through the project funding provided, the**

**method of delivery being dependant on the decision made at (iv) above.**

### **3. BACKGROUND**

- 3.1 At the meeting of Moray Council on 27 February 2019, the Council agreed a number of savings subject to further equalities consultation (paragraph 4 of the minute refers). These savings related to reduced library opening hours, removal of the Essential Skills service and removal of the English for Speakers of Other Languages (ESOL) service.
- 3.2 The meeting of Moray Council on 8 May 2019 (paragraph 7 of the minute refers) deferred a decision on each of these proposals to enable further investigation to take place with regards to funding arrangements for Essential Skills and ESOL. Separately, clarification was sought on whether these services were statutory or discretionary, on alternative providers and on the position which other authorities were taking on Essential Skills as the Scottish Adult Learning Partnership (SALP) were doing a survey on this. This report provides that information in so far as it is currently available.
- 3.3 Equalities consultation is in respect of the Equality Act 2010 and involves service users affected by the changes. This work was led by the services manager and supported by the Community Support Unit and the Equalities Officer. The equality impact assessments are attached as **Appendices A (ESOL), B (Essential Skills) and C (Libraries)** to this report
- 3.4 Information on the findings of the consultation with service users was contained in the report of 8 May 2019 (Item 7 of the Minute refers) which is produced as **Appendix D**.

#### **Reduced Opening Hours in Libraries**

Library	Current hours open	Proposed hours open
Lossiemouth	34	16
Burghead	11	8
Dufftown	16	10
Fochabers	35	10

- 3.5 The results of the consultation in the communities of Burghead, Dufftown, Fochabers and Lossiemouth led to an updated EIA which indicates that the proposed reduction in library opening hours would enable a minimum level of service to continue in these communities.{Please discount the final bullet point on page 2 of the EIA which is not relevant for this saving}
- 3.6 Previous budget savings, resulting in the reduction in school librarian hours at Milne's High School, has resulted in the public library service having to bear the burden of the increased staff cover for the opening hours in this joint school and public library. In its existing budget, the public library service allows for 17 hours of staff cover for Fochabers. The service is currently incurring an overspend to

pay for the 18 hours previously provided by the school librarian, resulting in payment of 35 hours of staff cover.

### **Common Community Learning and Development Background for ESOL and Essential Skills**

- 3.7 Whilst there are duties on local authorities in terms of auditing need, as well as consultation and planning of Community Learning and Development (CLD), there is no *direct statutory duty* for local authorities to deliver CLD to meet that identified need, the direct obligation as regards CLD instead being one to secure CLD within the overarching duty to provide an adequate and efficient education provision. The Scottish Government is pursuing a “legislative basis” for CLD. However there is a plethora of standards and policies which clarify *expectations* around CLD. Failure to meet guidance and policy would result in adverse inspection reports and impact on educational outcomes.
- 3.8 There is no national definition of what “adequate and efficient” means – that is to be defined at Community Planning Partnership (CPP) level with partners. There is a clear expectation that other providers and partners will be active in this area and so delivery is not limited to Local Authorities (LAs), but LAs are expected to drive progress and provide leadership.
- 3.9 The Regulations make it clear that the level of disadvantage and the level of existing resource already available are relevant when making decisions about priority. This may allow a targeting of resource on a ‘communities of interest’ or place basis as a preventative measure rather than making a Moray wide provision.
- 3.10 Moray Council has an obligation to provide ESOL to the resettled Syrians for 5 years, of which 2 years still remain. A new Syrian learner arrived at the end of April to whom we have so far provided no services, although this is part of the expected provision.

### **Essential Skills**

- 3.11 Alternative Providers - Research indicates that there is no duplication of service in Moray. Skills Development Scotland, Lifeskills and Moray College cannot replicate these services. There is some dubiety about LEAD’s (Linking Education and Disability) delivery of literacy tuition, in that they have been accepting literacy learners in Moray. We have been unable to gain a clear response to this. However LEAD only has guaranteed funding for a one year period.
- 3.12 Alternative Funding -There is some potential to access funding with SALP funding bids of around £43k under consideration. There is also limited potential of accessing Individual Training Accounts but the current funding closed on 20th September, 2019 as the funding has been oversubscribed and this may be the experience in later years. Whilst introducing a charging model might assist, at a nominal session rate of £5, with only 13% of learners in full or part time work this is unlikely to contribute significant sums. Even assuming all these funding opportunities are realised, a significant funding gap is likely to remain.
- 3.13 The Scottish Government’s new Adult Learning Strategy will be delivered later this year. No funding commitment has been announced however it is expected

that existing spend on young people may be diverted to adult learning. In terms of employability, national employability funding streams will now be channelled through the Council although the roll out of this has now been postponed. This is not new money, but the new process may increase the control which the council can exert over how funding is applied. Employability funding is unlikely to allow the council to provide an equivalent service to the present one, but it may allow the employment of a literacies adviser or similar once funding is channelled in this way.

- 3.14 Current Situation - Learner numbers have started to decline for Essential Skills' literacy and numeracy tuition and support and there are fewer referrals from other agencies due to the uncertainty of the service provision. The SALP FOI results are not yet available but SALP has indicated that of the 26 responses to date, no authority has yet indicated an intention to remove adult learning or ESOL funding, although one authority which has protected these budgets to date is considering a 42% reduction..

### **ESOL**

- 3.15 The post of ESOL Project Co-ordinator has recently become vacant. This vacancy, the loss of central funding from Moray College to support ESOL in the community and the uncertainty of the future of this service in terms of council funding has resulted in a delay to the start of the new term of ESOL classes across Moray. Moray College are considering the provision of two mixed ability community based classes, one in Elgin and one in Forres, to mitigate against the loss of central funding and removal of council funding. This will be considered by the Community Planning Board on 18.9.19. If agreed, this would provide some measure of mitigation which is not mentioned in the current EIA at **Appendix A**. Should the decision be taken instead to continue this service, additional council funding to compensate for that removed centrally from Moray College would also require to be found to cover the cost of the tuition.
- 3.16 Funding for ESOL currently has 3 strands – funding of £23,381 for the ESOL Project Co-ordinator which is 100% funded by Moray Council; grant funding previously provided through Moray College for the provision of community ESOL classes and provision for refugees through the Syrian Vulnerable Persons Resettlement Scheme. This balance for Syrian provision currently stands at £14,256.
- 3.17 It is understood that there is a requirement by the Home Office for local authorities to provide English language classes to the Syrian Refugees for a period of 5 years per individual. 2 years remain of this provision for the original families and one new Syrian learner arrived in April 2019. This provision could be commissioned from an external supplier and exploratory discussions have taken place with Moray College. If Moray College are commissioned, through economies of scale this may allow a small expansion of the community based provision described at paragraph 3.15 above, but this is not yet clear and may only be possible for two years while the higher level funding continues.

## **4. SUMMARY OF IMPLICATIONS**

- (a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**



These savings form part of the Council's financial planning that supports the council priority of working towards a financially stable council.

**(b) Policy and Legal**

The proposals contained in this report form part of the suite of savings that ensure that the council is able to meet its statutory responsibilities. In summary, in relation to revenue budget:

Section 95 of the Local Government (Scotland) Act 1973 requires that every local authority must make arrangements for the proper administration of its financial affairs.

Section 1(1) of the Local Government in Scotland Act 2003 requires that each local authority makes arrangements to secure Best Value in the performance of its functions, which includes financial stewardship.

The legal position regarding CLD is set out in the report.

**(c) Financial implications**

*Corporate Management Team Additional Expenditure Warning*  
*When the council approved the budget for 2019/20 on 27 February 2019 (para 4 of the Minute refers), the three year indicative budget before the council showed savings required in 2020/21 of £12.2 million and £6.7 in 2021/22. Although the final figures will vary, it is clear that the council will have to reduce its costs significantly across all services in future years. All financial decisions must be made in this context and only essential additional expenditure should be agreed. In making this determination the committee should consider:*

- *Is there a statutory requirement to incur the expenditure?*
- *Are there any alternative actions available to avoid or reduce the cost?*
- *Are there alternative ways in which the service could be provided?*
- *What are the risks and consequences of not allocating the funding?*
- *Does the expenditure contribute to long term financial stability?*

*If in light of these factors the spend is considered essential, Committees should consider how it could be accommodated within the service budget, including what other activity would have to cease or diminish with what impact and risk. Only following these considerations should request be made to the Council for additional budget allocation.*

*If the savings recommended in this report are approved, this will reduce the savings target by:*

The financial value of the savings in this report are set out below and the service implications were set out in the budget templates that were provided as part of the reference papers for the council report on 27 February 2019.

The savings will be as follows:

- ESOL Project £23,381.
- Essential Skills £172,110
- Reduction in library opening hours £21,000

	2019/20 [£]	2020/21 [£]
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*While in isolation these figures may not be significant, the cumulative impact of all new pressures will require to be taken into account for future years. If the committee recommends additional budget to be allocated this recommendation will be considered in the next quarterly budget monitoring report in the context of the current overall financial position of the council and in particular in the overall context of spend beyond affordable limits that impinges on the Council's reserves policy position.*

*If ESOL funding were to be retained, additional funding to cover the central funding removed from Moray College would be required to provide the service. This would amount to at least £10,000 if not more.*

*A number of applications for Voluntary Early Retirement (VER) / Voluntary Severance (VS) from staff within the Essential Skills and ESOL Services are presented for consideration at today's council meeting. The costs associated with approving these applications are contained within the relevant report.*

**(d) Risk Implications**

The delay in reaching a decision on these potential savings has resulted in a reduction in the savings made during 2019/20 and any further delay will further reduce this saving. At this stage no alternative savings are identified and the difficulty of identifying new savings should not be underestimated.

**(e) Staffing Implications**

The staffing implications of these proposals have been the subject of consultation with the workforce and their trade union representatives and were considered as part of the previous reporting to the Council.

Should the proposals contained within this report and the associated VER/VS applications be approved then there will be a requirement for one compulsory redundancy from within the ESOL Service.

In relation to the Essential Skills and Libraries Service proposals, should these be approved, then there will be no requirement for any compulsory redundancies.

**(f) Property**

There are no property implications arising from this report.

**(g) Equalities/Socio Economic Impact**

Under the equality duty (set out in the Equality Act 2010) the Council must, in its decision making, have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation, the need to advance equality of opportunity and the need to foster good relations between people who are in a protected group and those who are not. Groups protected by the Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation and marriage and civil partnership.

Since April 2018 there is also a duty to consider, at a strategic level, the desirability to reduce inequalities of outcome that are a result of socio-economic differences.

**(h) Consultations**

The Principal Librarian, Equalities Officer, Nicky Gosling, Accountant, Tracey Sutherland, Committee Services Officer and the Acting Head of HR & ICT have been consulted in the preparation of this report and their comments have been incorporated into the report.

**5. CONCLUSION**

- 5.1 The Council agreed a range of savings to set a balanced budget in 2019/20. Council deferred a decision on savings in relation to reduced opening hours in libraries, the removal of the Essential Skills service and the removal of the ESOL service and required additional information on Essential Skills and ESOL. This has been provided as far as available and the council should now take decisions on the funding to provide clarity for users and alternative providers where available.**
- 5.2 It is now recommended that the Council agrees to proceed with the savings for Libraries.**
- 5.3 It is recommended that the Council agrees to consider relevant information on equalities impact assessments for Essential Skills and ESOL along with the additional information now provided following the council meeting in May, and decides to take the saving on the view that this meets the legal tests about being a proportionate response as set out in the EIAs.**
- 5.4 The Council is required to deliver ESOL classes to the Syrian refugees using the balance of funding remaining and will continue to apply for grant funding, for this purpose, on an annual basis.**

Author of Report: Rona Stephen, Acting Principal Librarian  
Background Papers:  
Ref:



## SECTION 1 - DO I NEED AN EIA?

**DO I NEED AN EIA?** *(see note 1)*

<b>Name of policy/activity</b> A13b4 ESOL 100%
Please choose one of the following:  Is this a: <ul style="list-style-type: none"> <li>• New policy/activity?</li> <li>• Existing policy/activity?</li> <li>• Budget proposal/change for this policy/activity? ✓</li> <li>• Pilot programme or project?</li> </ul>

<b>Decision</b> Set out the rationale for deciding whether or not to proceed to an Equality Impact Assessment (EIA)  Remove the post of ESOL Project Coordinator.  Alternative methods of delivery will be pursued.  May impact on protected groups, already disadvantaged citizens of Moray (through their inability to access social services, health care, education and job opportunities due to their lack of English skills) and staff.  Deletion of this post may have a knock-on effect on more than 100 local residents and 5 tutors (who are funded from non-Moray Council funds). This means that the service will no longer be delivered by Moray Council.  EIA Required – YES  <b>Date of Decision:</b> 12/04/2019
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**If undertaking an EIA please continue onto the Section 2. If not, pass this signed form to the Equalities Officer.**

## SECTION 2: EQUALITY IMPACT ASSESSMENT

### **General Information**

#### **Assessment undertaken by** *(please complete as appropriate)*

Director or Head of Service	Graham Jarvis, Acting Director of Education and Social Care
Lead Officer for developing the policy/activity	Sheila Campbell, Principal Librarian
Other people involved in the screening (this may council staff, partner or others i.e contractor, partner or community)	Lorna Ross, ESOL Project Co-ordinator

#### **Brief description of policy/activity**

Describe the policy/activity *(see note 2)*:

Reduce post of ESOL Project Co-ordinator by 100% = 19.6 hours per week.

Who are your main stakeholders? *(see note 3)*

Moray residents who do not have English as their first language and wish to learn, or improve, their English reading, writing, listening and speaking skills.

These include:

- Parents with children at school who are unable to:
  - communicate with teachers, other parents and specialist services
  - assist children with their assigned schoolwork
- Employable people who are unable to secure work due to poor language skills, and are therefore a burden on social services and DWP
- Social services, who's workload is increased (and cost increased) through working with adults with poor language skills. (We provide lessons specifically around reporting repair requirements in housing and completing forms.)
- Local health services (GPs, midwives, nurses, pharmacists etc.). The improvement of language skills reduces the reliance for the health services on language line (at great cost) and enables adults to be more confident in seeking health care. (We have pregnant students where we have provided specific skills on the language needed around birth. We provide specific lessons around understanding instructions on pharmacy labels, making appointments with doctors and dentists)

etc.)

- Skilled workers who are unable to contribute their skills to the local community due to inadequate language skills (e.g. foreign qualified nurses, midwives and skilled staff). We have doctors and nurses who currently are either not working or are working, for example, in laundries and the fishing industry, despite the critical situation locally requiring healthcare workers.
- Socially isolated older people who are unable to communicate with their neighbours, participate in social groups or perform daily life skills such as shopping, attending the doctor etc. (We have elderly learners who have been able to have simple conversations with their neighbours as a result of classes. Likewise we have learners with learning difficulties who's only interaction with people outside of the home, is at their ESOL class)

(Information gathered during initial language assessment interviews when students are asked the reason for wanting to improve their language skills, and through the annual survey of the service)

Although all students are over the age of 16, the demographic profile ranges from younger students with lower-education in their home country to students who are highly-qualified to people who have moved with family. The reasons for moving are mixed between migration for economic purposes , safety for their children, better life opportunities etc.

The ability to speak English promotes wider participation in the local community, reduces barriers and promotes understanding of different religious and cultural beliefs. In a relatively rural environment such as Moray, this is critical. People are naturally suspicious due to our relatively low exposure to "outsiders" therefore the benefit of enabling people to even be able to communicate socially should not be underestimated.

#### **Evidence base for assessment** *(see note 4)*

Please cite any quantitative and qualitative evidence relating to groups having different needs, experiences or attitudes in relation to this policy/activity. What baseline evidence do you have already for this policy/activity?

Describe briefly the evidence you will draw on to inform this EIA.

- Existing service user profiles
- Requirements and skills identified from initial language assessments
- Annual service surveys
- Adults (over age of 16) who do not have English as their 1<sup>st</sup> language but who's

language capabilities are assessed as below National 4 (Intermediate 1)

- Highly educated and poorly educated
- Disabled and not-disabled
- Black, Caucasian, Asian, Hispanic

A consultation was held with service users and referral agencies during March/April 2019. The purpose of the consultation was to get a better insight into how removing the service would affect service users and to identify ways of mitigating the impacts. The council's Community Support Unit led the consultation in order to ensure that this was carried out in accordance with the national standards for community engagement as set by the Scottish Community Development Centre. The council's Research and Information Officers gave support with the survey design and analysis. The results have been used to inform this EIA.

### **Engagement and consultation** *(see note 5)*

Thinking about people inside the council, partners and the wider community use the table below to outline any previous engagement or consultation which is relevant to this policy/activity.

<b>Protected groups</b>	<b>Engagement and consultation</b>
Race	√
Disability	
Carers (for elderly, disabled or minors)	
Gender or gender identify/gender reassignment	
Pregnancy and maternity (including breastfeeding)	
Sexual orientation	
Age (include children, young people, midlife and older people)	
Religion, faith and belief	√
Marriage or civil partnership	



Human rights	√
Socio- economic disadvantage (low income, deprived area, rural or remote area)	√
Inequalities of outcome (poorer outcomes for certain people or communities)	√
Staff	
Partners/contractors	
Other	

**Procurement and partnerships** *(see note 6)*

Is this policy/activity currently or anticipated to be carried out wholly or partly by contractors or other partners? Are they aware of their obligations to address equalities?

Briefly explain:

No.

Currently Moray College and Moray Council are the only providers of ESOL in Moray (other than private individuals). Moray College specifically offers ESOL classes to more advanced learners (i.e. individuals who have a higher level of English language skills) which one could argue are less needy as they are already able to converse, work and integrate. Moray College also only offer classes in the evening due to both teacher and classroom shortages which would not accommodate our students who are shift workers or parents of children at school or nursery – the most needy group of individuals for ESOL in Moray. Moray College also only currently offers classes for larger numbers of learners.

It does not currently provide a community-based learning offering.

Moray Council provides the co-ordination of the ESOL service and Moray College provides the tutors. Following discussion the College has confirmed it will not undertake the co-ordination if the Council withdraws this part of the service.

**Evidence gaps** *(see note 7)*

Are there any significant gaps in the known evidence base, engagement or procurement that would prevent this EIA being completed? If so, you will need to address the gaps before finalising this EIA. Please go to Appendix 1 to assist you in developing a work plan to address the gaps.

**NA**

**Who is affected and what is the impact?** (see note 8)

From this evidence or engagement you have already, list how this policy/activity might impact equality and/or the elimination of discrimination for each of the equality groups. The impacts on the groups below are as noted above in this EIA.

Protected Groups	Positive	Negative
Race		√
Disability		
Carers (for elderly, disabled or minors)		
Gender or gender identify/gender reassignment		
Pregnancy and maternity (including breastfeeding)		
Sexual orientation		
Age (include children, young people, midlife and older people)		
Religion, faith and belief		√
Marriage or civil partnership		
Human rights		
Socio- economic disadvantage (low income, deprived area, rural or remote area)		√
Inequalities of outcome (poorer outcomes for certain people or communities)		√
Whole population (universal service)		
Staff		
Partners/contractors		
Other		

**Summary of impacts** (see note 9)

Summarise the impacts of the policy/activity and resulting activities affect different communities and groups.

***Does it create positive impacts? No***

Please explain

There is no service advantage to eliminating the role of the ESOL project coordinator and by virtue of eliminating the coordinator role, the entire ESOL program, which is funded by the SFC.

However, the saving assists the council in managing its budget within the funds available to it.

***Does it create negative disadvantage or inequalities? Yes***

Please explain

The following people will be impacted by this change:

- Parents with children at school who are unable to:
  - communicate with teachers, other parents and specialist services
  - assist children with their assigned schoolwork
- Employable people who are unable to secure work due to poor language skills, and therefore rely on social services and DWP
- Social services, whose workload is increased (and cost increased) through working with adults with poor language skills. (We provide lessons specifically around reporting repair requirements in housing and completing forms.)
- Local health services (GPs, midwives, nurses, pharmacists etc.). The improvement of language skills reduces the reliance for the health services on language line (at great cost) and enables adults to be more confident in seeking health care. (We have pregnant students where we have provided specific skills on the language needed around birth. We provide specific lessons around understanding instructions on pharmacy labels, making appointments with doctors and dentists etc.)
- Skilled workers who are unable to contribute their skills to the local community due to inadequate language skills (e.g. foreign qualified nurses, midwives and skilled staff). We have doctors and nurses who currently are either not working or are working, for example, in laundries and the fishing industry, despite the critical situation locally requiring healthcare workers.
- Socially isolated older people who are unable to communicate with their neighbours, participate in social groups or perform daily life skills such as shopping, attending the doctor etc. (We have elderly learners who have been able to have simple conversations with their neighbours as a result of classes. Likewise we have learners

with learning difficulties who's only interaction with people outside of the home, is at their ESOL class)

The above information was gathered during initial language assessment interviews when students are asked the reason for wanting to improve their language skills, and through the annual survey of the service.

These impacts were confirmed during the consultation with the ESOL service users. Of those interviewed, 22 were currently in employment and 22 were not. Of those who are in employment 63% stated that ESOL helped them get a job and 59% that it helped them get a better job.<sup>1</sup> 86% of them said that they needed to be able to speak or read English at work.

There was a strong feeling among the ESOL participants that, where applicable, ESOL had helped them

- Communicate with their child's teacher
- Understand their child's homework
- Meet and integrate with other parents
- Participate in local activities
- Communicate with neighbours and/or work colleagues
- Feel more involved with the community

These responses indicate that ESOL has an impact not only on the public sector duty of promoting equality of opportunity, but also on the duty to foster good relations between groups who differ on the grounds of race.

In 2017 Moray Council stated as one of its equality outcomes to support Syrian families in being able to successfully pass their citizenship test by the end of their 5 residence in Moray. This is currently supported by ESOL. At present, none of the families are at a stage where their command of English is sufficient to achieve this.

***If you have indicated there is a negative impact on any group, is that impact*** (see note 8):

**Legal? Yes**

Please explain

**Local authorities have discretion as to how to deliver this service.**

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<sup>1</sup> Participants could select more than one answer.

**Intended? No**

Please explain

Removing the ESOL service will impact users negatively.

**Mitigating action** (see note 10)

*Can the impact of the proposed policy/activity be mitigated?* **NO**

Please explain

The tutors that Moray Council uses for ESOL are not funded by Moray Council. The only post that is funded by Moray Council is the 19.6 hours/week for the Coordinator.

There are currently 2 distinct groups of learners and 2 distinct sources of finance that provide the funding for tutors.

- 1) The funding that flows from the Scottish Funding Council (SFC) through the college to Moray Council is used for the general migrant population and funds the classes provided in Buckie and Elgin.
- 2) The funding that comes via Syrian Vulnerable Person Resettlement Scheme (SVPRS) to fund the refugees that settled in Moray is paid directly to Moray Council and is apportioned over the total needs of the refugees, including an apportionment for ESOL tuition. This currently provides 8 hours of teaching across 3 classes for the refugees remaining in Forres.

It was requested that Moray College provide the community ESOL classes to the groups currently serviced in Elgin, Forres and Buckie. They have stated that they are unable to accommodate the flexibility that the council provides, the council cannot influence whether the college would sustain the service in the long-term.

Impact on people with poor English language skills. Will affect employment opportunities and access to vital services. Talks were held with Moray College to see if it could take on the ESOL tutors. Moray College have indicated that they may take on the one class that is at a higher level (National 4) and could fit with their delivery and feed into their courses. The possibility of charging for this service is being considered but will depend on the terms and conditions of the funding that is provided for the delivery of ESOL through Scottish Funding Council to Moray College.

There is no alternative offer for entry level English classes for speakers of other languages.

What practical actions do you recommend to reduce, justify or remove any adverse/negative impact? If more than one action, please list them in the action plan in appendix 2.

There is likely to be a greater reliance on interpretation and translation in order to ensure that those with a limited command of English still have access to our services and information.

Language line, where interpretation is offered over the phone, is often the cheaper and easier alternative for short, unscheduled meetings. Many ESOL users have, however, expressed they're not comfortable using this for more private issues, such as medical appointments.

1. Other alternatives that were discussed with the ESOL users were: Paying for the service. The majority of those interviewed said that they would be prepared to pay for the service, depending on the cost. It is unlikely that it would be feasible to do this on a cost-recovery basis. Also, half of those interviewed are currently not in employment.
2. Restricting ESOL classes geographically, for example Elgin only. This means that people would have to travel more in order to be able to attend classes. Only a third of those interviewed indicated that they would be willing to travel to Elgin.
3. Restricting class timings (evenings or daytime only). Some ESOL users currently attend during the day, others at night. The responses indicate that if classes were held during the day only, about 25% would be unable to attend. If classes were to be held during the evenings only, about 40% would be unable to attend.

**Justification** (see note 11)

From the evidence you have and the impacts identified, what are the key risks (the harm or 'adverse impacts') and opportunities (benefits and opportunities to promote equality) this policy/practice/activity might present?

The risk to reducing this post is:

- Increased cost to other services: Increased use of language line by health services and education services
- Increased reliance on social services and DWP: Reduced opportunity for adults to contribute to the local economy
- Poorer experience of education and impact on children: Reduction in the quality of interaction between parents and schools
- Reduced potential to contribute to the local economy: Lost opportunity for skilled workers to find employment

The cost of interpretation services was around £24,000 for 2018. There could be an increased requirement if service users do not find another means to learn English and choose not to or cannot ask a friend or family member to assist.

The proposals offer opportunities to promote equality through this service as they would lead to the removal of the service. However, other council services can continue with this role.

Keeping in mind the proportionality of any action proposed to mitigate the impact, describe the scale and likelihood of these risks.

- The impact will affect a relatively small but very vulnerable group.

If nothing can be done to reduce the negative impact(s) but the proposed policy/activity must go ahead, what justification is there to continue with the change?

- A reduction in the council budget in order to assist in reaching a balanced budget, although this excludes any potential follow-on impact to other services (internal and external)

There could be a greater reliance on interpretation and translation in order to ensure that those with a limited command of English still have access to our services and information.

Language line, where interpretation is offered over the phone, is often the cheaper and easier alternative for short, unscheduled meetings. Many ESOI users have, however,



expressed they're not comfortable using this for more private issues, such as medical appointments.

1. Other alternatives that were discussed with ESOL users were: Paying for the service. The majority of those interviewed said that they would be prepared to pay for the service, depending on the cost. It is unlikely that it would be feasible to do this on a cost-recovery basis. Also, half of those interviewed are currently not in employment.
2. Restricting ESOL classes geographically, for example Elgin only. This means that people would have to travel more in order to be able to attend classes. Only a third of those interviewed indicated that they would be willing to travel to Elgin.
3. Restricting class timings (evenings or daytime only). Some ESOL users currently attend during the day, others at night. The responses indicate that if classes were held during the day only, about 25% would be unable to attend. If classes were to be held during the evenings only, about 40% would be unable to attend.
4. Service users may find alternative to assist with learning English and / or interpretation e.g. families, friends, employer, other community contacts.

The proposal to remove the co-ordinator post has been made as part of the Council's overall package of savings to balance its budget. The ESOL service is not statutory and so the Council can determine whether and the extent to which it provides this service. This service affects relatively a small number of the local community (around 100). The Council has relied on several, low financial value proposals to be able to generate sufficient savings to meet its statutory duty to set a balanced budget. Given the extent of the financial challenges this savings makes a vital contribution to that position and taking account of the equality impact it is considered to be a proportionate measure to achieve the Council's need to balance its budget.

## SECTION 3 CONCLUDING THE EIA

### Concluding the EIA *(see note 12)*

Summarise your findings and give an overview of whether the policy will meet the council's responsibilities in relation to equality and human rights referring to the four possible outcomes.

The savings to Moray Council, equal to 19.6 hours/week of a Grade 8 employee, impacts the income of 5 further employees of Moray Council (who are funded by the SFC in their entirety) and approximately 100-120 Moray residents, on a rolling basis. If service users do not find alternative means to learn English or be supported with their language skills, it is possible that there would be increased language costs to the council and other external services in the form of interpretation and translation cost as well as indirectly in that it will be more difficult for users of ESOL services to progress to more independence from services and benefits.

The proposals have a negative impact on the public sector equality duty to

- promote equality of opportunity on the grounds of race
- foster good relations between groups that are different on the grounds of race.

We have been unable to identify mitigating actions that remove the impacts fully.

Consideration must be given to whether this proposal is a proportionate response to the Council's financial situation given the equality impact.

Given the impact on relatively low numbers; the potential for users to self-support and the non-statutory nature of the service, the proposal to remove the co-ordination post is considered proportionate and reasonable in the circumstances.

### Decision

Set out the rationale for deciding whether or not to proceed with the proposal(s)

**Date of Decision:** 12/...04/2019

**Sign off and authorisation:**

<b>Service</b>	LLCS/Libraries
<b>Department</b>	Education & Social Care

<b>Policy/activity subject to EIA</b>	ESOL
We have completed the equality impact assessment for this policy/activity.	Name: Sheila Campbell Position: Principal Librarian Date: 12 April, 2019
Authorisation by head of service or director.	Name: Graham Jarvis Position: Acting Director of Education & Social Care Date: 12/4/19
Please return this form to the Equal Opportunities Officer, Chief Executive's Office.	

## Appendix 1: evidence gaps

### **Evidence gaps** *(see note 13)*

Have you got a 'baseline' position and understanding of the service users and their views? If not what would be needed to complete that baseline? How do you plan to obtain that evidence?

### **Engagement and consultation** *(see note 14)*

Do you need to further engagement with your stakeholders before the policy/activity can be considered? If so, what is needed and how do you plan to undertake the engagement?

### **Procurement and partnerships** *(see note 15)*

Have you done any work to include equality and human rights considerations into the contracts already? If not, consider steps you can take to build into all stages of the procurement process the requirement to consider the general equality duties and equality more broadly.

### **Additional research**

Do you need any additional research or data to fill any gaps in your understanding of the potential or known effects of the policy? Have you considered commissioning new data or research?

## Appendix 2: mitigating action – action plan

### Action plan *(see note 16)*

<b>Describe the actions/measures you will put in place to reduce these negative impact(s).</b>
<b>Action/measure: 1</b>
Describe how this action/measure will reduce impact.
1) .
State whether this action/measure will completely or partially reduce impact.
Describe how you will know whether this action/measure has had the desired effect i.e. how will you be able to demonstrate that the negative impact(s) has been reduced?
When will the impact of this action/measure be reviewed?
Who will be responsible for this action/measure?
<b>Action/measure: 2</b>
Describe how this action/measure will reduce impact.
State whether this action/measure will completely or partially reduce impact.
Describe how this action/measure will reduce impact.
Describe how you will know whether this action/measure has had the desired effect.

Who will be responsible for this action/measure?
When will the impact of this action/measure be reviewed?
<b>Action/measure: 3</b>
Describe how this action/measure will reduce impact.
State whether this action/measure will completely or partially reduce impact.
Describe how this action/measure will reduce impact.
Describe how you will know whether this action/measure has had the desired effect.
Who will be responsible for this action/measure?
When will the impact of this action/measure be reviewed?

**SECTION 1 - DO I NEED AN EIA?****DO I NEED AN EIA?** *(see note 1)***Name of policy/activity**

A13a4 Essential Skills 100% Savings

Please choose one of the following:

Is this a:

- New policy/activity?
- Existing policy/activity?
- Budget proposal/change for this policy/activity? ✓
- Pilot programme or project?

**Decision**

Remove the Essential Skills Service.

The service is aimed at adults who have no qualifications at national level 4 and above, a level that is needed to access further education. During 2017-18 the service supported 256 adults.

EIA Required – YES

**Date of Decision:** 12/04/2019

**If undertaking an EIA please continue onto the Section 2. If not, pass this signed form to the Equalities Officer.**

## SECTION 2: EQUALITY IMPACT ASSESSMENT

### **General Information**

#### **Assessment undertaken by** *(please complete as appropriate)*

Director or Head of Service	Graham Jarvis, Acting Director of Education and Social Care
Lead Officer for developing the policy/activity	Sheila Campbell, Principal Librarian
Other people involved in the screening (this may council staff, partner or others i.e contractor, partner or community)	Moirra Strathdee, Essential Skills Development Officer

#### **Brief description of policy/activity**

Describe the policy/activity *(see note 2)*:

Already approved:

Remove 18 hr post of Youth Literacies Worker - This post has been deleted

Remove 18.7 hr post of Adult Learning Co-ordinator (Forres and Lossiemouth)- This post is still in place due to the agreed consultation process

Additional:

Remove 15.3 hr post of Adult Learning Co-ordinator (Keith and Speyside)- This post is vacant

Remove 22 hr post of Adult Learning Co-ordinator (Buckie)

Remove 30 hrs Adult Learning Co-ordinator post for Elgin (0.83 Fte)

Remove full-time post of Essential Skills Development Officer (1.0 Fte)

Remove supplies and services

Who are your main stakeholders? *(see note 3)*

The Essential Skills Service provides an adult literacies learning service which is not offered by other providers. Our main stakeholders are adults with no qualifications at national 4 and above. This service offers learning in skills for everyday life for employment, health and wellbeing as an individual as well as a family member, worker and community member.



This includes:

- Reading with understanding
- Writing so others can understand
- Communicating, using a variety of media for everyday life
- Using numbers e.g. managing money, making informed choices
- Making informed choices and expressing ideas and options
- Gaining the confidence to support children's learning

As an SQA centre, Essential Skills offers support to learners to work towards SQA accreditation which can open the door to further education at college well as help with increasing employability. It provides support to adults working towards other types of accreditation to increase their employability e.g. SVQs, driving theory and Construction Skills Certificate Scheme.

The ES service is not just about delivering a course, it is person-centred and helps adults who have had previous negative learning experiences develop the skills to become reliable, organise their time, overcome barriers, become independent learners as they learn to make time for study and practice their developing skills, develop the motivation to succeed and make plans for positive change in their lives.

Other stakeholders are partners who currently refer their clients to this service. The majority of learners are referred by DWP, Employment Support, Health, Social Work and Criminal Justice. The removal of the service will limit the opportunities available to their clients.

#### **Evidence base for assessment** *(see note 4)*

Please cite any quantitative and qualitative evidence relating to groups having different needs, experiences or attitudes in relation to this policy/activity. What baseline evidence do you have already for this policy/activity?

Describe briefly the evidence you will draw on to inform this EIA.

13% of learners fit in learning around a full time job, 7% work parttime; 28% are right at the beginning of the employability pipeline where they need to work on their skills before being ready to work and 28% are unemployed, looking for work and working on their skills to improve the options available to them. Essential Skills offers learning opportunities not provided by other agencies.

Consistently over the last three years an average of 43% of learners are aged 16-25. This service is helping young adults learn how to learn; how to enjoy learning and the benefits of it.

70% of learners make progress and achieve their learning goals.

The Essential Skills Service delivers adult learning across Moray with 54% of learners living outwith Elgin.

Information on service users and evidence of achievement/outcomes

The census 2011 highlighted that 26.7% of the adult population in Moray have no qualifications.

A consultation was held with service users and referral agencies during March/April 2019. The purpose of the consultation was to get a better insight into how removing the service would affect service users and to identify ways of mitigating the impacts. The council's Community Support Unit led the consultation in order to ensure that this was carried out in accordance with the national standards for community engagement as set by the Scottish Community Development Centre. The council's Research and Information Officers gave support with the survey design and analysis.

The results have been used to inform this EIA.

### **Engagement and consultation** *(see note 5)*

Thinking about people inside the council, partners and the wider community use the table below to outline any previous engagement or consultation which is relevant to this policy/activity.

<b>Protected groups</b>	<b>Engagement and consultation</b>
Race	
Disability	√
Carers (for elderly, disabled or minors)	
Gender or gender identify/gender reassignment	
Pregnancy and maternity (including breastfeeding)	
Sexual orientation	
Age (include children, young people,	

midlife and older people)	
Religion, faith and belief	
Marriage or civil partnership	
Human rights	
Socio- economic disadvantage (low income, deprived area, rural or remote area)	√
Inequalities of outcome (poorer outcomes for certain people or communities)	√
Staff	
Partners/contractors	
Other	

**Procurement and partnerships** *(see note 6)*

Is this policy/activity currently or anticipated to be carried out wholly or partly by contractors or other partners? Are they aware of their obligations to address equalities?

Briefly explain:

N/A

**Evidence gaps** *(see note 7)*

Are there any significant gaps in the known evidence base, engagement or procurement that would prevent this EIA being completed? If so, you will need to address the gaps before finalising this EIA. Please go to Appendix 1 to assist you in developing a work plan to address the gaps.

NA

**Who is affected and what is the impact?** (see note 8)

From this evidence or engagement you have already, list how this policy/activity might impact equality and/or the elimination of discrimination for each of the equality groups. Impact across groups identified below is set out in the next section.

Protected Groups	Positive	Negative
Race		
Disability		√
Carers (for elderly, disabled or minors)		
Gender or gender identify/gender reassignment		
Pregnancy and maternity (including breastfeeding)		
Sexual orientation		
Age (include children, young people, midlife and older people)		
Religion, faith and belief		
Marriage or civil partnership		
Human rights		
Socio- economic disadvantage (low income, deprived area, rural or remote area)		√
Inequalities of outcome (poorer outcomes for certain people or communities)		√
Whole population (universal service)		
Staff		
Partners/contractors		
Other		

**Summary of impacts** (see note 9)

Summarise the impacts of the policy/activity and resulting activities affect different communities and groups.

***Does it create positive impacts?*** No

Please explain

The proposal means the removal of a service.

***Does it create negative disadvantage or inequalities?*** Yes

Please explain

Essential Skills gives adults the skills they need to access further education, employment or even basic services. It will be almost impossible for individuals who need support with basic literacy and numeracy to source an alternative provider unless they are already literate and numerate and require additional support to undertake a college course.

LEAD Scotland advertise that they provide support to adults over 16, resident in Moray, who identify as disabled or a carer, to improve their reading, writing and number handling. The focus of their work is digital literacy. The needs of the users of Essential Skills are more diverse and the Essential Skills service is set up to provide a person-centred service.

53% of users of Essential Skills services are looking for work.

Over the last 3 years the number of service users in the age group between 16 and 24 has been consistently high at just over 40%. There has recently been a significant drop in the number of pupils staying on in secondary education beyond S4.

The consultation highlighted that a high proportion (more than half) of the service users interviewed had left school with limited or no qualifications.

Many of those interviewed indicated that their ability to learn was affected by lack of confidence or anxiety issues. Almost all of those interviewed said that their contact with the Essential Skills Service had improved their confidence, their self esteem, given them a purpose in life and helped them to gain qualifications.

A significant proportion also said it helped them gain independence, be better organized in life and helped support their child with their learning.

***If you have indicated there is a negative impact on any group, is that impact*** (see note 8):

**Legal?** Yes/No

Please explain

**Local authorities have discretion as to how to deliver the service.**

**Intended?** ~~Yes~~/No

Please explain

The impact is a result of the need to make financial savings across all council services.

**Mitigating action** (see note 10)

*Can the impact of the proposed policy/activity be mitigated?* No

Please explain

This is not a service that is available free of charge unless an individual is registering for a college course or eligible to access support through LEAD Scotland. College courses require qualifications at national level 4 or above.

Mitigation through other organisations such as LEAD is unlikely. There was some consideration given to the possibility of charging for the service. Nearly half of those service users interviewed have indicated that they are prepared to pay for the service. However, the literacy learners would be unable to pay for their support/learning. Generally speaking they are unemployed people who are trying to improve their literacy and numeracy skills in order to improve their chances of gaining employment or to gain credits towards the base level entry requirements for access to college.

Service users would have to find means of self-support such as family, friends or other community support. However, this is likely to be less formal and less effective.

What practical actions do you recommend to reduce, justify or remove any adverse/negative impact? If more than one action, please list them in the action plan in appendix 2.

In the long term, one way of removing any negative impact would be to reduce the number of pupils who leave education at 16 without suitable qualifications. The information from this EIA will be passed to the schools service for consideration and appropriate action but recommending actions to make this happen is outwith the scope

of this EIA.



**Justification** *(see note 11)*

From the evidence you have and the impacts identified, what are the key risks (the harm or 'adverse impacts') and opportunities (benefits and opportunities to promote equality) this policy/practice/activity might present?

Recent staying-on rates for secondary pupils show a significant drop in pupils in Moray staying on in S5.

Individuals who do not have basic literacy and numeracy skills will be unable to learn or improve these skills to support their children's learning, fully function in everyday life, improve their life and employment chances and complete essential forms. They will be unable to fully participate in society.

The proposals offer no opportunity for promoting equal opportunities.

Keeping in mind the proportionality of any action proposed to mitigate the impact, describe the scale and likelihood of these risks.

The risks are very high given that no alternative provision is in place for the users of Essential Skills Service.

If nothing can be done to reduce the negative impact(s) but the proposed policy/activity must go ahead, what justification is there to continue with the change?

Financial challenge faced by the council, however, consideration should be given to the potential follow-on impact to other services (internal and external).

The proposal has been made as part of the Council's overall package of savings to balance its budget. The Essential Skills service is not statutory and so the Council can determine whether and the extent to which it provides this service. This service affects relatively a small number of the local community (around 250). The Council has a statutory duty to set a balanced budget. Given the extent of the financial challenges this saving makes a vital contribution to that position and taking account of the equality impact it is considered to be a proportionate measure to achieve the Council's need to balance its budget.

## SECTION 3 CONCLUDING THE EIA

### **Concluding the EIA** *(see note 12)*

Summarise your findings and give an overview of whether the policy will meet the council's responsibilities in relation to equality and human rights referring to the four possible outcomes.

The proposal has negative impacts on people with a disability and on the need to reduce inequalities that are a result of socio-economic differences. It particularly affects those who have low attainment in education.

There are limited local authority led service alternatives in place to remove the negative impacts.

Consideration must be given to whether this proposal is a proportionate response to the Council's financial situation given the equality impact.

Given the impact on relatively low numbers of the community; the potential for users to self-support and the non-statutory nature of the service, the proposal to remove the service is considered proportionate and reasonable in the circumstances.

### **Decision**

Set out the rationale for deciding whether or not to proceed with the proposal(s)

**Date of Decision:** 12/04/2019

### **Sign off and authorisation:**

<b>Service</b>	Lifelong Learning, Culture and Sport
<b>Department</b>	Education and Social Care
<b>Policy/activity subject to EIA</b>	Essential Skills
We have completed the equality impact assessment for this policy/activity.	Name: Sheila Campbell Position: Principal Librarian Date: 19
Authorisation by head of service or director.	Name: Graham Jarvis Position: Acting Director of Education & Social Care Date: 12/4/19
Please return this form to the Equal Opportunities Officer, Chief Executive's Office.	



## Appendix 1: evidence gaps

### **Evidence gaps** *(see note 13)*

Have you got a 'baseline' position and understanding of the service users and their views? If not what would be needed to complete that baseline? How do you plan to obtain that evidence?

### **Engagement and consultation** *(see note 14)*

Do you need to further engagement with your stakeholders before the policy/activity can be considered? If so, what is needed and how do you plan to undertake the engagement?

### **Procurement and partnerships** *(see note 15)*

Have you done any work to include equality and human rights considerations into the contracts already? If not, consider steps you can take to build into all stages of the procurement process the requirement to consider the general equality duties and equality more broadly.

### **Additional research**

Do you need any additional research or data to fill any gaps in your understanding of the potential or known effects of the policy? Have you considered commissioning new data or research?

## Appendix 2: mitigating action – action plan

### Action plan *(see note 16)*

<b>Describe the actions/measures you will put in place to reduce these negative impact(s).</b>
<b>Action/measure: 1</b>
Describe how this action/measure will reduce impact.
State whether this action/measure will completely or partially reduce impact.
Describe how you will know whether this action/measure has had the desired effect i.e. how will you be able to demonstrate that the negative impact(s) has been reduced?
When will the impact of this action/measure be reviewed?
Who will be responsible for this action/measure?
<b>Action/measure: 2</b>
Describe how this action/measure will reduce impact.
State whether this action/measure will completely or partially reduce impact.
Describe how this action/measure will reduce impact.

Describe how you will know whether this action/measure has had the desired effect.
Who will be responsible for this action/measure?
When will the impact of this action/measure be reviewed?
<b>Action/measure: 3</b>
Describe how this action/measure will reduce impact.
State whether this action/measure will completely or partially reduce impact.
Describe how this action/measure will reduce impact.
Describe how you will know whether this action/measure has had the desired effect.
Who will be responsible for this action/measure?
When will the impact of this action/measure be reviewed?

**SECTION 1 - DO I NEED AN EIA?****DO I NEED AN EIA?** *(see note 1)*

**Name of policy/activity**  
**A12 Libraries**

Please choose one of the following:

Is this a:

- New policy/activity?
- Existing policy/activity?
- Budget proposal/change for this policy/activity? ✓
- Pilot programme or project?

**Decision**

Set out the rationale for deciding whether or not to proceed to an Equality Impact Assessment (EIA)

Range of proposals including reduced hours at libraries, reduced budgets for supplies and services, staff changes and reductions.

Impact within overall staff EIA. Other impacts may affect protected groups and socio-economic factors.

EIA Required – YES

**Date of Decision:** 01 /02 /2019

**If undertaking an EIA please continue onto the Section 2. If not, pass this signed form to the Equalities Officer.**

## SECTION 2: EQUALITY IMPACT ASSESSMENT

### **General Information**

#### **Assessment undertaken by** *(please complete as appropriate)*

Director or Head of Service	Graham Jarvis, Acting Director of Education and Social Care
Lead Officer for developing the policy/activity	Sheila Campbell, Principal Librarian
Other people involved in the screening (this may council staff, partner or others i.e contractor, partner or community)	N/A

#### **Brief description of policy/activity**

Describe the policy/activity *(see note 2)*:

- Reduction in opening hours at Burghead, Dufftown, Fochabers and Lossiemouth libraries resulting in reduced staff hours.
- Reduction in book fund of £40,000
- Reduction in licence costs of £10,000
- Reduction in Audio Visual budget by £10,000
- Reduction in budget for reference books and online resources of £10,000
- Reduce advertising and promotions budget by £4,000
- Removal of Third Party Payments of £6,250 – payment to Aberdeen City Council for previous storage of archives but material now stored in Elgin library.
- Reduction in staff transport costs of £1,000 (end of disturbance allowance to 2 staff)
- Reduce staffing in Elgin Library by 1 x Library & Information Assistant (14 hours at Grade 3)
- Further reduction in Learning Centre staffing of 1 x Learning Centre Adviser (0.5 Fte at Grade 5)
- Further reduction in professional staffing of 2 Senior Librarian on Grade 9. This proposal would require re-allocation of responsibilities across the Service Development Team.
- Reduction in opening hours at Buckie, Forres and Keith Libraries resulting in reduced staff hours

Who are your main stakeholders? *(see note 3)*



Staff, including other Council services.

Library users, profiles vary from library to library but include those from registration of birth to 106 year olds; schools; playgroups; nurseries; childminders; those with a disability; housebound; rurally isolated; unemployed and those on a low income; computer and internet users; tourists and researchers and those requiring travel entitlement cards.

Partners who use libraries to deliver or promote their services.

**Evidence base for assessment** *(see note 4)*

Please cite any quantitative and qualitative evidence relating to groups having different needs, experiences or attitudes in relation to this policy/activity. What baseline evidence do you have already for this policy/activity?

Describe briefly the evidence you will draw on to inform this EIA.

Footfall; age profiles; profiles of types of borrower; use of libraries across Moray for a range of service activities; PC and wifi use and customer surveys.

A consultation was held during March and April of 2019 with users of libraries affected by reduced opening hours.

- 372 People took part in the consultation.
- Around 75% of participants were female.
- Almost 2/3's of participants were aged 16-65
- Half had no caring responsibilities, 35% cared for children 83% stated that they had no disability.
- 18% of those aged 65+ stated they had a disability.
- For 96% of participants English was their first language, in total 8 survey participants stated that English was not their first language.

**Engagement and consultation** *(see note 5)*

Thinking about people inside the council, partners and the wider community use the table below to outline any previous engagement or consultation which is relevant to this policy/activity.

Protected groups	Engagement and consultation
Race	
Disability	√
Carers (for elderly, disabled or minors)	√
Gender or gender identify/gender reassignment	
Pregnancy and maternity (including breastfeeding)	√
Sexual orientation	
Age (include children, young people, midlife and older people)	√
Religion, faith and belief	
Marriage or civil partnership	
Human rights	
Socio- economic disadvantage (low income, deprived area, rural or remote area)	√
Inequalities of outcome (poorer outcomes for certain people or communities)	√
Staff	√
Partners/contractors	
Other	

**Procurement and partnerships** *(see note 6)*

Is this policy/activity currently or anticipated to be carried out wholly or partly by contractors or other partners? Are they aware of their obligations to address equalities?

Briefly explain:

N/A

**Evidence gaps** *(see note 7)*

Are there any significant gaps in the known evidence base, engagement or procurement that would prevent this EIA being completed? If so, you will need to address the gaps before finalising this EIA. Please go to Appendix 1 to assist you in developing a work plan to address the gaps.

N/A

**Who is affected and what is the impact?** *(see note 8)*

From this evidence or engagement you have already, list how this policy/activity might impact equality and/or the elimination of discrimination for each of the equality groups.

The impact across these groups is set out in the relevant section below

Protected Groups	Positive	Negative
Race		
Disability		√
Carers (for elderly, disabled or minors)		√
Gender or gender identify/gender reassignment		
Pregnancy and maternity (including breastfeeding)		√
Sexual orientation		
Age (include children, young people, midlife and older people)		√
Religion, faith and belief		
Marriage or civil partnership		
Human rights		
Socio- economic disadvantage (low income, deprived area, rural or remote area)		√
Inequalities of outcome (poorer outcomes for certain people or communities)		√
Whole population (universal service)		√
Staff		√
Partners/contractors		
Other		

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### **Summary of impacts** (see note 9)

Summarise the impacts of the policy/activity and resulting activities affect different communities and groups.

#### ***Does it create positive impacts?*** No

The proposals mean a reduction in the service that is currently delivered.

#### ***Does it create negative disadvantage or inequalities?*** Yes

Please explain

The reduction in opening hours may result in inequality in relation to the socio-economic duty of the Council, particularly for those with carer responsibilities if they are unable to use the service during the revised opening times. During the consultation, 43% of respondents in the age group 16-64 indicated that the opening hours were not suitable. For those over 65, 33% indicated that the opening hours didn't suit. When reconfiguring the opening hours, special attention was given to ensure that the opening hours coincide with the higher visitor numbers. However, it is recommended that footfall is monitored and that opening hours are amended if necessary.

There will be a reduction in support for Early Years' Service delivery to parents and families and support to schools, with the reduction in dedicated time of a senior librarian dedicated to Young People's Services.

Reduction in audio-visual resources available for public borrowing and these are heavily used by those with a disability or the housebound.

The support and delivery of learning and support for Universal Credit claimants will be severely reduced with the removal of another Learning Centre Adviser. It was difficult to gauge from the consultation how many people would be affected and to what extent. What the consultation did suggest was that around 50% of adults using the computers and WiFi at the libraries are of working age and about a third of all users use support from library staff to use the computers.

***If you have indicated there is a negative impact on any group, is that impact*** (see note 8):

**Legal?** Yes/No

Please explain

Local authorities have a statutory duty to provide an “adequate” library service. There is no clear definition of what constitutes an adequate library service, but the Scottish Library and Information Council (SLIC) have produced an audit tool: *How good is Our Public Library Service* to assist local authorities in determining what is an adequate service.

*“An adequate service is delivered through a planned strategic network of public libraries reflecting core functions:*

- *Providing universal access to hardcopy and electronic resources which is free, consistent and customer focused*
- *Enabling access to resources for reading, information and learning*
- *Creating social capital by encouraging community involvement and community based activity*
- *Helping to minimize social and digital exclusion*
- *Supporting learning and information needs in the information society and knowledge economy*
- *Promoting access to Scotland’s cultural heritage and promoting cultural and creative activities*
- *Encouraging the public to pursue individual interests*
- *Promoting social justice, civic engagement and democracy*
- *Working in partnership with other agencies and organisations to offer value added services*
- *Strategic network provision”*

**Intended?** Yes/No

Please explain

**Mitigating action** (see note 10)

*Can the impact of the proposed policy/activity be mitigated? Yes*

Please explain

Revised opening hours of remaining libraries and public transport availability will need to be widely publicised. In revising the opening hours, we have tried to accommodate users, as much as possible, by focusing on those hours where footfall is highest. However, it is

recommended that footfall is monitored and that opening hours are amended if necessary.

Outreach to schools, playgroups and other local community groups will need to be planned and promoted.

Online library services will be actively promoted.

Possibility of housebound delivery services will be explored.

What practical actions do you recommend to reduce, justify or remove any adverse/negative impact? If more than one action, please list them in the action plan in appendix 2.

Active promotion of the revised opening hours of the network of libraries; ensuring the opening hours of the remaining libraries enable opportunities for families, working population, elderly and school pupils to visit a library during hours that suit a range of personal circumstances

**Justification** *(see note 11)*

From the evidence you have and the impacts identified, what are the key risks (the harm or 'adverse impacts') and opportunities (benefits and opportunities to promote equality) this policy/practice/activity might present?

Keeping in mind the proportionality of any action proposed to mitigate the impact, describe the scale and likelihood of these risks.

This will be determined by the user and community profiles in each town.

If nothing can be done to reduce the negative impact(s) but the proposed policy/activity must go ahead, what justification is there to continue with the change?

Mitigation provided.

Current financial position and existing uptake of services. The proposal reduces the cost of providing the service at and contributes to the council being able to set a balanced budget for 2019/20

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## SECTION 3 CONCLUDING THE EIA

### Concluding the EIA (see note 12)

Summarise your findings and give an overview of whether the policy will meet the council's responsibilities in relation to equality and human rights referring to the four possible outcomes.

The consultation identified some impacts on people, particularly in the 16-64 age group, who raised concerns that the revised opening hours might not be suitable. The majority of those who responded were women. It is thought that the impacts can be mitigated by:

1. Ensuring that the opening hours are guided by visitor numbers for the various times
2. Monitoring footfall in the libraries and take action if there is a significant drop in visitors.

Taking account of the potential equality impact and the mitigation available, it is considered reasonable to proceed with the proposed savings in the library service given the very difficult situation the council faces in setting a balanced budget for 2019/20.

### Decision

Set out the rationale for deciding whether or not to proceed with the proposal(s)

**Date of Decision:** .../.../20...

### Sign off and authorisation:

<b>Service</b>	Lifelong Learning, Culture and Sport
<b>Department</b>	Education and Social Care
<b>Policy/activity subject to EIA</b>	Libraries
We have completed the equality impact assessment for this policy/activity.	Name: Sheila Campbell Position: Principal Librarian Date: 01/02/2019
Authorisation by head of service or director.	Name: Position: Date:
Please return this form to the Equal Opportunities Officer, Chief Executive's Office.	

### Appendix 1: evidence gaps

**Evidence gaps** *(see note 13)*

Have you got a 'baseline' position and understanding of the service users and their views? If not what would be needed to complete that baseline? How do you plan to obtain that evidence?

**Engagement and consultation** *(see note 14)*

Do you need to further engagement with your stakeholders before the policy/activity can be considered? If so, what is needed and how do you plan to undertaken the engagement?

**Procurement and partnerships** *(see note 15)*

Have you done any work to include equality and human rights considerations into the contracts already? If not, consider steps you can take to build into all stages of the procurement process the requirement to consider the general equality duties and equality more broadly.

**Additional research**

Do you need any additional research or data to fill any gaps in your understanding of the potential or known effects of the policy? Have you considered commissioning new data or research?

## Appendix 2: mitigating action – action plan

### Action plan *(see note 16)*

<b>Describe the actions/measures you will put in place to reduce these negative impact(s).</b>
<b>Action/measure: 1</b>
Describe how this action/measure will reduce impact.
State whether this action/measure will completely or partially reduce impact.
Describe how you will know whether this action/measure has had the desired effect i.e. how will you be able to demonstrate that the negative impact(s) has been reduced?
When will the impact of this action/measure be reviewed?
Who will be responsible for this action/measure?
<b>Action/measure: 2</b>
Describe how this action/measure will reduce impact.
State whether this action/measure will completely or partially reduce impact.
Describe how this action/measure will reduce impact.

Describe how you will know whether this action/measure has had the desired effect.
Who will be responsible for this action/measure?
When will the impact of this action/measure be reviewed?
<b>Action/measure: 3</b>
Describe how this action/measure will reduce impact.
State whether this action/measure will completely or partially reduce impact.
Describe how this action/measure will reduce impact.
Describe how you will know whether this action/measure has had the desired effect.
Who will be responsible for this action/measure?
When will the impact of this action/measure be reviewed?

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**REPORT TO: MORAY COUNCIL ON 8 MAY 2019**

**SUBJECT: FINANCIAL PLANNING 2019-20 – CONSULTATION UPDATE**

**BY: CORPORATE DIRECTOR (CORPORATE SERVICES)**

## **1. REASON FOR REPORT**

- 1.1 To inform the Council of the outcome of the equalities and workforce consultation on budget options considered at the Council meeting on 27 February 2019 and to agree how to proceed.
- 1.2 This report is submitted to the Council in terms of Section III (A) 2 of the Council's Scheme of Administration relating to considering the Capital and Revenue Budgets and long term financial plan.

## **2. RECOMMENDATION**

### **2.1 It is recommended that the Council:**

- i) **considers the information in the revised equality impact assessments (Appendices A, B and C) and the mitigations proposed in response to the consultation;**
- ii) **agrees to proceed with the savings relating to reduced library opening hours, Essential Skills and English for Speakers of Other Languages (ESOL) services; and**
- iii) **notes that alternatives savings proposals have emerged from the workforce consultation in relation to Janitorial savings and remits further consideration of the saving to the service committee, subject to any variation in the amount saved being reported to a future meeting of the council.**

## **3. BACKGROUND**

- 3.1 The meeting of the Moray Council on 27 February 2019 agreed a number of savings subject to further workforce or equalities consultation (para 4 of the minute refers). These savings related to janitorial services, subject to workforce consultation and reduced library opening hours, Essential Skills and English for Speakers of Other Languages (ESOL) services, subject to equalities consultation.

- 3.2 Workforce consultation is in respect of potential contractual changes and changes in working practices and is required under the terms of the relevant legislation, contracts of employment and the council change management procedures and takes place with the trade unions and employees affected.
- 3.3 The janitorial proposals have been consulted upon at meetings with the workforce, Trade Unions and management representatives with additional information being circulated thereafter. An extended consultation deadline was provided and responses have been received suggesting alternative means of achieving savings. These are still under consideration by service management. Therefore, it is proposed that a further report on the outcome of the consultation and the options for delivering a saving is taken to the service committee, with any variation in the financial value being reported to a future meeting of the Council.
- 3.4 Equalities consultation is in respect of the Equality Act 2010 and involves service users affected by the changes. This work was led by the service manager and supported by the Community Support Unit and the Equalities Officer. The outcome is further developed equality impact assessments, which are attached as **Appendices A, B and C** to this report.

### Essential Skills

Particular issues identified as a result of the consultation work include that for the Essential Skills Service the proposal has negative impacts on young people, people with a disability and on the need to reduce inequalities that are a result of socio-economic differences. It particularly affects those who have low attainment in education. As the service is being removed, with limited local authority lead alternatives in place to remove negative impacts, service users would have to rely on family members and others in the community for support.

While there were 12 people who reported as having a disability, the main impact on a protected group is on young people aged 16-24 who comprise 43% of the 256 users (110). The impact is that there is less opportunity for them to gain literacy and numeracy skills because the service is being removed and this impacts on life skills and employment opportunities. Most of the service users also come under the socio-economic duty as they are not working or are in low paid employment. For both circumstances, given that the service is being removed, there is limited mitigation that can be put in place. For the young people, there could be some communication with the Schools service to request additional essential skills support preceding young people leaving school in an effort to reduce the need for an adult essential skills service. The issue to be determined by the Council is whether a proposal that generates £164k is a proportionate means to achieve the council's business requirement to balance its budget given the impact on young people using the service.

### ESOL Service

- 3.5 In respect of the ESOL Service, the risk to reducing this service is:



- Increased cost to other services: Increased use of language line by health services and education services
- Increased reliance on social services and DWP: Reduced opportunity for adults to contribute to the local economy
- Poorer experience of education and impact on children: Reduction in the quality of interaction between parents and schools
- Reduced potential to contribute to the local economy: Lost opportunity for skilled workers to find employment

The proposals offer no opportunities to promote equality as they would lead to the removal of the service. However, funding through the Syrian Vulnerable People Resettlement Scheme has been agreed for 2019/20.

- 3.6 All of the 100 service users fall under the protected characteristic of race. The impact is on the users day to day life as their opportunity to learn English is much reduced by the removal of this service. As the service co-ordination is being removed, it is unlikely that the tutors who are funded elsewhere and employed by Moray College will continue. Therefore, it is assumed the service will cease and there would be no real scope for mitigation although a small number of users may be able to access alternative service provision, for example if they access higher level learning through Moray College. Work continues to identify whether there may be options to charge for a language service but at this time that has not reached a conclusion. The consideration, therefore, is whether the proposal (to save £23k) is a proportionate means to balance the council's budget taking account of the equalities impact on the citizens using the service. While this amount seems small, it is of note that balancing the Council's budget was extremely challenging and there were a number of relatively low value savings that contributed to the total required to reach a balanced position.

#### Library Opening Hours

- 3.7 Consultation on reduced library opening hours involved 372 people, 75% of whom were female and 2/3rds of whom were aged 16-65. The feedback was that the proposed opening hours were not suitable for between 33% and 43% of participants from different age groups. This potentially means there will be reduced numbers able to access the service. However, the revised opening hours have been configured to match up with peak user times and it is hoped that will mitigate some of the impact. In addition, as further mitigation it is proposed to continue to monitor footfall and to review opening hours and adjust them as necessary. It is considered that it is reasonable to proceed with these savings given the mitigation that has been put in place (as set out in the EIA) and the further monitoring of opening hours/footfall.
- 3.8 In determining how to proceed with the savings referred to in this report, the Council's duty is to have "due regard" to equalities considerations. While it is not necessary to eliminate or entirely avoid equalities impacts, the Council should be aware of what these are and consider whether they are proportionate and reasonable measures in all the circumstances, with particular regard to possible mitigation or alternatives that would reduce or avoid the impact.

#### **4. SUMMARY OF IMPLICATIONS**

##### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

These savings form part of the Council's financial planning that supports the council priority of working towards a financially stable council.

##### **(b) Policy and Legal**

The proposals contained in this report form part of the suite of savings that ensure that the council is able to meet its statutory responsibilities, which were set out in the previous reports to the Council on financial planning. In summary, in relation to revenue budget:

Section 95 of the Local Government (Scotland) Act 1973 requires that every local authority must make arrangements for the proper administration of its financial affairs.

Section 1(1) of the Local Government in Scotland Act 2003 requires that each local authority makes arrangements to secure Best Value in the performance of its functions, which includes financial stewardship.

##### **(c) Financial implications**

The financial value of the savings in this report are set out below and the service implications are set out in the budget templates that were provided as part of the reference papers for the council report on 27 February 2019

	2019/20 £000s	2020/21 £000s
Essential Skills	164	-
ESOL	22	1
Janitors contractual overtime	36	37
Reduced opening hours in libraries	21	-

##### **(d) Risk Implications**

There are a number of risks associated with financial planning that have been set out in previous reports, including the range of variables and unknowns that influence the position. There is also a risk that 100% of the savings that have been approved to date may not all be delivered. This is being monitored and will be incorporated into future financial monitoring reports.

Given the financial position that has been reported to the council in a series of financial planning reports, most recently on 27 February 2019, should the council be of a mind to reduce or remove the savings in this

report, depending on the extent of the financial impact there may be a requirement to identify additional alternative savings in order to continue to deliver a balanced budget for 2019/20. At this stage, no alternative savings are identified and this would have to be addressed through a further report to the council. The difficulty to identifying new savings should however, not be underestimated.

**(e) Staffing Implications**

The staffing implications of these proposals have been the subject of consultation with the workforce and their trade union representatives and were considered as part of the previous reporting to the council. The implications are:

- Janitorial services – contractual changes to reduce contractual overtime by 100 hours per employee per year (i.e. a two thirds of the total annual contractual overtime)
- ESOL and essential skills proposals were part of earlier consultation reported to the council on 27 February 2019. The workforce impact for both services is accommodated by voluntary measures.

There is a separate report on the council agenda that seeks approval of voluntary early retirement and voluntary severance applications under these schemes subject to the relevant savings proceeding. There are six VER/VS cases supported and the cost of these voluntary departures would be £102,934. This would deliver ongoing annual salary savings of £129,830. The Council's policy is that severance costs should be recouped from the annual savings they generate over a period of up to 3 years. The overall cost of these exits would comply with that policy.

**(f) Property**

There are no property implications arising from this report.

**(g) Equalities/Socio Economic Impact**

Under the equality duty (set out in the Equality Act 2010) the Council must, in its decision making, have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation, the need to advance equality of opportunity and the need to foster good relations between people who are in a protected group and those who are not. Groups protected by the Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation and marriage and civil partnership.

Since April 2018 there is also a duty to consider, at a strategic level, the desirability to reduce inequalities of outcome that are a result of socio-economic differences.

Councillors need to consider the effects of budget proposals on these protected groups as part of the budget decision making process and the Equality Impact Assessments for these savings are a recognised means of enabling this.

**(h) Consultations**

The Libraries Manager, Equalities Officer, Head of Financial Services, Head of Legal and Democratic Services and the Joint Acting Head of HR&ICT have been consulted in the preparation of this report and their comments have been incorporated into to the report.

The outcome of equalities and workforce consultation are included in the body of the report.

**5. CONCLUSION**

- 5.1 The council agreed a range of savings to set a balanced budget in 2019/20. Savings in relation to janitorial services were approved subject to workforce consultation and Essential Skills, ESOL and Libraries required equalities consultation to be undertaken and incorporated into the EIAs. This work has been completed and taking into account the outcomes. It is now recommended that the council agrees to proceed with the savings for Libraries, ESOL and Essential Skills. For Janitorial services, consultation is continuing and it is proposed to take a report to the service committee.**

Author of Report:	Denise Whitworth
Background Papers:	
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