

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

A13b4 ESOL 100%

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)

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

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)	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 1st 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.

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:

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.¹ 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.

Intended? No

Please explain

Removing the ESOL service will impact users negatively.

Mitigating action (see note 10)

¹ Participants could select more than one answer.

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)

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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:

Service	LLCS/Libraries
Department	Education & Social Care
Policy/activity subject to EIA	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)*

Describe the actions/measures you will put in place to reduce these negative impact(s).
Action/measure: 1
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?
Action/measure: 2
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?
Action/measure: 3
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?