NOTICE OF MOTION  17 MAY 2011

The Council decision to close Scalloway Junior High School Secondary Department has left the Community disillusioned with the Council's obvious disregard of the clear opinions expressed throughout the consultation to support the maintenance of secondary education in Scalloway.

The Community's concerns as to the capability of the accommodation available at the Anderson high School to accept the pupils from Scalloway alongside current pupil numbers has not been alleviated. The effect on all pupils concerned will be detrimental.

I therefore move that the planned closure of Scalloway Junior High School Secondary Department be delayed and secondary education be continued at Scalloway Junior High School Secondary Department until the new Anderson High School is completed.

# Shetland
## Islands Council

# REPORT

**To:** Shetland Islands Council      **Date:** 17 May 2011

**From:** Chief Executive

## 1. Introduction

1.1 This Report presents the educational, legal, financial and staffing implications associated with the Notice of Motion submitted on the Scalloway Junior High School Secondary Department.

## 2. Links to Corporate Plan

2.1 There are no specific links to the Council's corporate priorities.

## 3. Risk Management

3.1 This Report is presented to ensure that the Council's statutory and professional officers (Head of Paid Service, Monitoring Officer, Section 95 (Finance) Officer and the Education Officer) can present the factual implications of the Notice of Motion, to fulfil their statutory obligations with regard to providing Members with advice and guidance prior to decisions being taken.

## 4. Background

4.1 On 7 December 2011, Services Committee agreed to recommend that:

- Education provision at Scalloway Junior High School secondary department (Secondary 1 to Secondary 4) be discontinued with effect from 30 June 2011 or as soon as possible thereafter; and

- The pupils of Scalloway Junior High School secondary department continue their education at the Anderson High School, from 17 August 2011, or as soon as possible thereafter.

4.2 These recommendations were accepted by the Council at its meeting on 8 December 2010.

4.3     The Scottish Government called in the closure decision under section 17 (2) (b) of the Schools (Consultation) (Scotland) Act 2010 on 12 January 2011.

4.4     Following consideration, the Scottish Government confirmed, on 11 March 2011, that the Council had fulfilled its obligations under the 2010 Act and therefore gave, "unconditional consent" to close Scalloway Junior High School Secondary Department with approval to implement the proposal with immediate effect.

4.5     An implementation plan was drawn up by the Schools Service to address all the educational aspects of the transfer, including appropriate transition arrangements.

4.6     On 3 May 2011, the Chief Executive received a Notice of Motion, which seeks to put on hold the decision, until the proposed new Anderson High School is complete.

4.7     In view of the significant progress which has been made in preparation for pupils transferring from Scalloway Junior High School secondary department to the Anderson High School, this Report sets out the educational, legal, financial and staffing implications associated with the Notice of Motion to assist Members in reaching a decision on this matter. Appendix 1 is a factual analysis of the position reached in implementing the Council decision and sets that alongside the issues which Members may wish to consider when debating the Notice of Motion.

**5.     Financial Implications**

5.1     The Financial Implications associated with the proposal are contained in Appendix 1 and relate to the potential ongoing revenue savings identified of £707,000 per annum associated with the closure of Scalloway Junior High School.

**6.     Policy and Delegated Authority**

6.1     This issue is not delegated to any committee or sub-committee.

**7.     Recommendations**

7.1     I recommend that Members note the contents of Appendix 1 when considering the Notice of Motion presented on the Scalloway Junior High School Secondary Department.


Ref: HAS/sa                                    Report No:  ESCD-43-F

| Consideration | Issues | Council Decision | Notice of Motion |
|---|---|---|---|
| Legal | Schools (Consultation) ( Scotland) Act 2010 | Decision to Close Scalloway Junior High School Secondary Department agreed by Shetland Islands Council (8 December 2010) and the Scottish Ministers (11 March 2011). | A new, separate statutory consultation exercise would be required to consider the proposal to close Scalloway Junior High School Secondary Department in accordance with the Schools (Consultation) (Scotland) Act 2010.  This would be carried out 2 years prior to opening of the proposed new Anderson High School (estimated 2015). |
| | Proposed New Anderson High School Statutory Consultation | Current Scalloway Junior High School pupils and parents consulted as cohort of the Anderson High School. | Ongoing consultation on proposed Anderson High School to also include current Scalloway Junior High School pupils and parents. |
| | Best Value | Test of "Best Value" met. | Test of "Best Value" could be subject to challenge, if Council adopts a more costly model of service delivery. |
| Finance | Estimated Ongoing Revenue Savings | Estimated £707,000 of ongoing revenue savings per annum from closure of Scalloway Junior High School Secondary Department. | Equivalent amount of savings required to be found from: <br> (a) a reduction of 15 FTE teaching posts elsewhere; or <br> (b) a reduction of £212 / pupil across all schools (all primary and secondary pupils); or <br> (c) an equivalent value of savings from another Council service. |
| | Future Efficiencies | Potential further efficiencies in use of Ancillary staff across schools.  Not yet quantified. | Limit the opportunities for further efficiencies across schools.  Not yet quantified. |

1

| Consideration | Issues | Council Decision | Notice of Motion |
|---|---|---|---|
| Finance | Accommodation | Anderson High School classroom converted (B1.1) from meeting / teaching space to additional social space. Nil cost. | Anderson High School classroom converted (B1.1) from meeting / teaching space to additional social space. Nil cost. |
| | | Additional social space in Anderson High School created by making use of units bought for previous Anderson High School Capital Project, alongside lower hall / link space.<br>Cost £53,135 | Additional social space in Anderson High School created by making use of units bought for previous Anderson High School Capital Project, alongside lower hall / link space.<br>Cost £53,135 |
| | | Additional social space to PE Link (approved by Services Committee February 2011). Estimated Cost £80,000 - £100,000. | Additional social space to PE Link (approved by Services Committee February 2011). Estimated Cost £80,000 - £100,000. |
| Size of Accommodation | Anderson High School<br>Teaching Space / pupil<br>Social/Dining Space / pupil | $6,132.7m^2$ / 874 = 7.0 $m^2$ / pupil<br>$1,202 \ m^2$ / 874 = 1.4 $m^2$ / pupil<br>Including pupils from Scalloway | $6,132.7 \ m^2$ / 758 = 8.1 $m^2$ / pupil<br>$1,202.7 \ m^2$ / 758 = 1.6 $m^2$ / pupil<br>Excluding pupils from Scalloway |
| | Comparisons:<br>Mid Yell Junior High School<br>Teaching Space / pupil<br>Social/Dining Space / pupil<br><br>Meldrum Academy, Aberdeenshire<br>Teaching Space / pupil<br>Social/Dining Space / pupil | $720m^2$ / 40 = 8.0$m^2$ / pupil<br>$230m^2$ / 40 = 5.8$m^2$ / secondary pupils only<br><br>$4732m^2$ / 930 = 5.1$m^2$<br>$722m^2$ / 930 = 0.8 $m^2$ | |
| | Condition | "B" Good | "B" Good |

| Consideration | Issues | Council Decision | Notice of Motion |
|---|---|---|---|
| Education | General | Transition plans well developed to implement decision.<br><br>Class groupings in Anderson High School nearly finalised for transfer.<br><br>Subject choices made by the Scalloway pupils going into S3 and commencing their Standard Grade courses.<br><br>Teachers allocated to classes.<br><br>Transition dates agreed for all classes:<br><br>Transition Scalloway S2 to Anderson High School S3 - 1 June 2011<br><br>Transition Scalloway P7 to Anderson High School S1, Scalloway S1 to Anderson High School S2, Scalloway S3 to Anderson High School S4 – 17 August 2011. | Anderson High School<br>Disruption to planning process, timetabling / teaching resource allocation.<br><br>New class groups and staff arrangements, incorporating Scalloway pupils have been devised and at present it is unknown what the impact will be on these year groups at the Anderson High School.<br><br>Scalloway Junior High School Secondary Department<br>Some Scalloway pupils would have subject choices limited as they have been able to choose from a broader range of courses at the Anderson High School.<br><br>A development plan will have to be written for the Secondary Department. This is a legal requirement under the Standards in Scotland's Schools etc Act 2000. |

3

| Consideration | Issues | Council Decision | Notice of Motion |
|---|---|---|---|
| Education | Transition Scalloway P7 to Anderson High School S1 | Transfer date 17 August 2011 | 17 August 2011<br><br>Anderson High School<br>New timetables would have to be devised.<br>New class groupings to be prepared.<br>New Teacher allocations to classes.<br>Additional unplanned work required.<br><br>Scalloway Junior High School Secondary Department<br>A timetable would have to be devised for pupils. |
| | Transition Scalloway S1 to Anderson High School S2 | Transfer date 17 August 2011 | 17 August 2011<br>Anderson High School<br>New timetables would have to be devised.<br>New class groupings to be prepared.<br>New Teacher allocations to classes.<br>Additional unplanned work required.<br><br>Scalloway Junior High School secondary department<br><br>A timetable would have to be devised for pupils. |

4

| Consideration | Issues | Council Decision | Notice of Motion |
|---|---|---|---|
| Education | Transition Scalloway S2 to Anderson High School S3 | 01 June 2011 | 01 June 2011<br><br>Anderson High School<br><br>Interim timetable for all S5 pupils for 6 June 2011.<br>New timetables would have to be devised across the school.<br>New class groupings to be prepared.<br>New Teacher allocations to classes.<br>Additional unplanned work required.<br><br>Scalloway Junior High School secondary department<br><br>A timetable would have to be devised for pupils. |
|  | Transition Scalloway S3 to Anderson High School S4 | 17 August 2011<br><br>Exercise to dovetail learning and teaching experiences in preparation for Anderson High School prelims in November 2011 (Scalloway had prelims in February). | 17 August 2011<br><br>Anderson High School<br>New timetables would have to be devised.<br>New class groupings.<br>New Teacher allocations to classes.<br>Additional unplanned work required.<br><br>Scalloway Junior High School secondary department<br><br>A timetable would have to be devised for pupils. |

5

| Consideration | Issues | Council Decision | Notice of Motion |
|---|---|---|---|
| Education | Transition Scalloway S3 to Anderson High School S4 | | Revert to Scalloway Junior High School prelim timetable for February 2012 instead of November 2011 as is in the Anderson High School. |
| | HMIe assessment | "The proposal ....may offer some educational benefits to pupils directly affected by the proposal and to the wider community of the Council.  Overall, there should be no detrimental impact on young people's educational experiences resulting from the proposal.  The proposal would not adversely affect the quality of education for children in Anderson High School." | The educational benefits of the proposal would not happen for Scalloway pupils. |
| Staffing | Scalloway Junior High School Secondary Dept all staff | 21 staff have been consulted on options for 17 August 2011.<br><br>Options include:<br>Voluntary early retirement<br>Voluntary redundancy<br>Transfer to another post<br><br>17 staff have been allocated an early retirement, redundancy or transfer option.<br><br>For 4 staff, options continued to be explored. | 21 staff remain in post and offers for movement / exit not progressed.<br><br>Recruit on a permanent basis to 25 posts currently filled on a temporary basis, which were for Scalloway Junior High School staff redeployment / transfer opportunities.<br><br>25 permanent posts have been filled on a temporary basis across 14 schools.  These were retained as possible options for Scalloway Junior High School staff.   These will now have to be advertised. |

6

# Shetland
### Islands Council

# REPORT

To: **Shetland Islands Council**                    **17 May 2011**

From: **Human Resources Manager**
**Executive Services**

**Report No: HR-001**

**Capability Policy**

## 1. Introduction

1.1  The purpose of this report is to obtain approval for the attached new Capability Policy which will apply to all staff including all Shetland College staff, including Lecturers but with the exception of those teachers covered under the SNCT GTC Code of Practice on Teacher competence.

1.2  This will be the first time a Capability Policy has been in existence within the Council. The Council does have an Ill Health Capability policy, which will remain separate to this policy.

1.3  Once implemented, the attached policy will ensure that the Council has a fair and coherent procedure which helps the Council and its employees deal with cases of under-performance.

## 2. Background

2.1  There is a statutory obligation upon the Council to make proper arrangements to secure economy, efficiency and effectiveness in its use of resources.

2.2  The Council recognises that its employees are its most important asset and is committed to ensuring that all staff have the appropriate skills, knowledge, competence and aptitude to undertake their role efficiently and effectively.

2.3  It is however recognised that situations may occur where an employee fails to perform the duties of his/her post to the minimum requirements and standards.

2.4 The purpose of the Capability Policy is to assist managers to discharge their responsibility to ensure satisfactory work standards, by advocating a fair and consistent approach when dealing with capability issues.

2.5 The aim of the Capability Policy is to provide support and encourage improvement to help employees reach and maintain required standards of performance.


**3.  Links to Corporate Plans and Priorities**

3.1 This policy makes a positive contribution to the commitments to staff set out in the Council's Corporate Plan by recognising and valuing employee's contributions and ensuring that we treat employees fairly and consistently.

3.2 The policy also supports the Council's Improvement Plan by helping develop an economy that is prosperous, competitive and diverse and ensuring that the Council is organised, efficiently run and sustainable.


**4.  Consultation, Communication and Training**

4.1 To raise awareness of and promote this policy consultation has taken place both formally and informally with Trade Union representatives and the Personnel Liaison Group.

4.2 This policy will be promoted and communicated electronically and Council-wide with the following:

- SIC Employees;
- SIC as an Employer;
- Trade Unions

4.3 The Council makes a commitment to take a positive approach in managing capability and therefore training will be developed to assist managers to effectively deal with performance management.

4.4 The College Joint Consultative Committee and the Employee's Joint Consultative Committee recommended some amendments were made to the Capability Policy (report CE 022) at their meetings on 20 April 2011 and 26 April 2011 respectively.  These recommendations have been taken on board and the policy has been amended accordingly.

4.5 The Employee's Joint Consultative Committee agreed to recommend that once the training is developed in respect of the Capability Policy, it should be mandatory for all managers to attend.


**5.  Risk Management**

5.1 This policy will ensure that capability issues are managed consistently across the Council and will minimise the risk of conflict.

## 6.    Financial Implications

6.1    All staff must fulfil all their duties in line with their assessed grades of pay to ensure that the workforce is working efficiently and effectively. It should be recognised that to ensure that all staff are able to do this, it may have cost implications where training is required.


## 7.    Policy and Delegated Authority

7.1    The determination of new or variation of existing policy has not been delegated, and therefore remains a decision of the Council, in terms of Section 8.0 of the current Scheme of Delegations.


## 8.    Conclusion

8.1    By approving the attached policy, the Council will be brought in line with best practice.


## 9.    Recommendations

9.1    It is recommended that the Council approve the attached policy.

9.2    It is also recommended that the Council make a decision as to whether the training, which will be developed in respect of policy, should be mandatory for all managers.


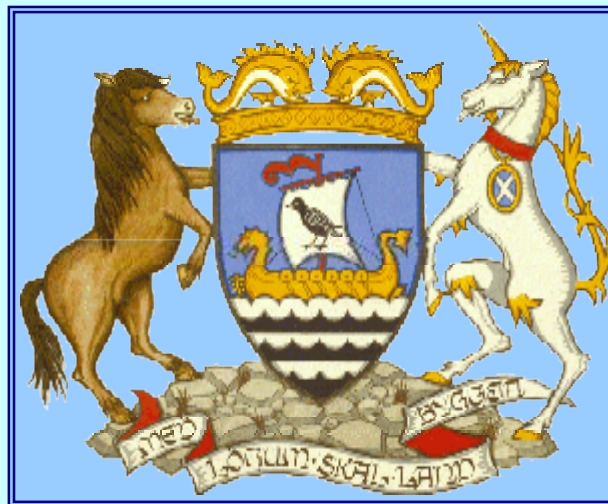64 St. Olaf Street                                                                        April 2011
Lerwick

Our Ref:  DT                                                                             Report No: HR-001

# SHETLAND ISLANDS COUNCIL

- 15 -

# Capability Policy

**Operational Date:** May 2011
**Applies to:** All staff groups, including all Shetland College staff but with the exception of those teachers covered under the SNCT GTC Code of Practice on Teacher Competence

# Shetland Islands Council

# CAPABILITY POLICY

Operational Date:  May 2011
Review Date:  November 2012

**Appendix 1**       **PEFORMANCE ACTION PLAN**

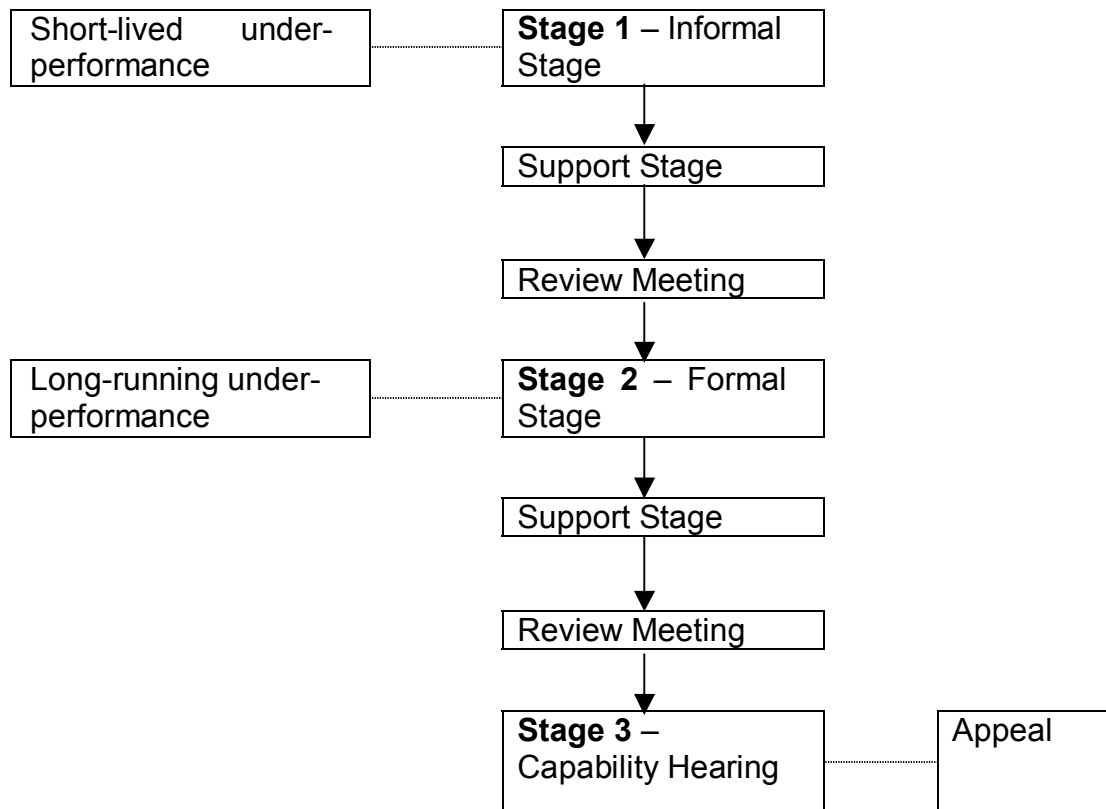**Appendix 2**       **THE MANAGER RESPONSIBLE FOR LEADING AT EACH STAGE**

# 1 INTRODUCTION

1.1 Shetland Islands Council and Trade Unions recognise that there is a statutory obligation upon local authorities to make proper arrangements to secure economy, efficiency and effectiveness in its use of resources. The Council recognises that its employees are its most important asset and is committed to ensuring that all staff has the appropriate skills, knowledge, competence and aptitude to undertake their role efficiently and effectively.

1.2 It is recognised that situations may occur where an employee fails to perform the duties of his/her post to the minimum requirements and standards. This may be due to;

- Performance related capability
- Lack of necessary qualifications/registration with professional body

1.3 Situations can occur where an employee's overall performance is below acceptable standards due to a lack of capability or competence rather than deliberate non-compliance with the required standards. Such situations may arise as a result of:

- o Organisational Change
- o Change of job content
- o Employee being redeployed or promoted
- o Lack of training
- o Lack of qualifications
- o Lapse/loss of registration with professional body
- o Lack of understanding of role and remit
- o Lack of ability to carry out the role and remit
- o Changes to the workplace environment
- o Personal factors affecting performance

1.4 Shetland Islands Council recognises the difference between:

- o a deliberate failure on the part of the employee to perform to the standards of which he/she is capable, in which case the Council will use its disciplinary procedure; and
- o a case of incapability, where an employee is lacking in knowledge, skill, ability, qualification or membership of a professional body and so cannot carry out his/her duties to the standard required, in which case the Council will operate this policy in an attempt to improve performance.

1.5    The stages to the policy are as follows:

| Short-lived under-performance | ┈┈ | **Stage 1** – Informal Stage |
|---|---|---|

                                           ↓

| Support Stage |
|---|

                                           ↓

| Review Meeting |
|---|

                                           ↓

| Long-running under-performance | ┈┈ | **Stage 2** – Formal Stage |
|---|---|---|

                                           ↓

| Support Stage |
|---|

                                           ↓

| Review Meeting |
|---|

                                           ↓

| **Stage 3** – Capability Hearing | ┈┈ | Appeal |
|---|---|---|

Appendix 2 gives details on the manager who should lead at each stage of the policy.

1.6    Short-lived under performance may be caused by many different factors such as illness, personal circumstances, lack of understanding, loss of confidence or external factors beyond the employee's control.  Long-running under-performance is the term used to describe the problem when stage 2 of the procedures is implemented.  By this stage, although support and guidance have been offered to the employee, this has not resulted in the employee maintaining the required level of performance.  Where appropriate, stage 2 can also be invoked following the outcome of a disciplinary procedure.

1.7    The purpose of this policy is to assist managers to discharge their responsibility to ensure satisfactory work standards, by advocating a fair and consistent approach when dealing with capability issues.

1.8    Training will be available to assist managers to effectively manage capability.

1.9    The aim is to provide support and encourage improvement to help employees reach and maintain required standards of performance.


**2    GENERAL PRINCIPLES**

2.1    <u>Meaning of Capability and Lack of Capability</u>

"Capability" refers to an employee's skills, ability, aptitude and knowledge in the job that he or she is employed to do.

"Lack of capability" will in most cases lead to unsatisfactory job performance, which is likely to cause problems both for the employee's manager and for the employee's colleagues.  The key feature of lack of capability is that it is not the employee's fault.  Very few employees choose to perform their work badly, make mistakes, fail to complete tasks or have poor relationships with colleagues or service users.

2.2     Shetland Islands Council's Expectations

The Council expects all its employees to be capable to perform in the role to which they are recruited into.  This includes delivering all actions and duties set out job profiles and performing to the appropriate level of any relevant Competency Framework.  In addition to this, the Council expects all its employee's to comply with; contracts of employment, the Code of Conduct, SIC policies and procedures and any relevant Codes of Practice.


3       SCOPE OF POLICY

3.1     This policy will apply to all employees of the Shetland Islands Council, including all Shetland College staff, but with the exception of those teachers covered under the SNCT GTC Code of Practice on Teacher Competence.


4       LINKS TO OTHER POLICIES

4.1     There are a number of existing Council polices which impact on the Capability policy.  These are: -

- Employee Review and Development Policy
- Training and Development Policy
- Code of Conduct;
- Redeployment Policy
- Recruitment and Selection Policy
- Disciplinary Procedure.  This procedure is separate to the Capability Policy but the two can be interlinked.  The disciplinary procedure may be invoked if it is found that an employee is deliberately failing to perform to the standards of which he/she is capable.  Likewise, if it is found that the outcome of a disciplinary case means it should now be dealt with as capability, the Capability policy will then be invoked.
- Ill Health Capability Policy.  The Capability policy is separate to the Ill Health Capability Policy but the two can be interlinked.  The Ill Health Capability policy covers a lack of capability due to ill health.  If a case is being dealt with as Capability but it is later found that health is a factor then the Ill Health Capability Policy will be invoked.
- Policy on Harassment and Bullying at Work

- Health & Safety Policy;

4.2 The Health and Safety Policy is available on the Safety and Risk intranet site. All other policies can be accessed through the Human Resources pages of the intranet. Copies of these policies are available from departmental administration staff.

4.3 It is important that advice is sought from Human Resources at an early stage.

# 5 LEGISLATION

5.1 This policy aims to achieve a consistent approach in order to comply with employment legislation and recognises best practice.

The main pieces of legislation that impinge on this policy and procedure are:

- Employment Rights Act 1996 as amended
- Employment Rights Act 2004
- Employment Rights Dispute Resolution Act 1998
- Employment Relations Act 1999
- Data Protection Act 1998 as amended;
- Human Rights Act 1998
- Health and Safety at Work etc. Act 1974;
- Management of Health and Safety at Work Regulations 1999;
- Equality Act 2000

# 6 PREVENTING A LACK OF CAPABILITY – THE COUNCIL'S RESPONSIBILITY

6.1 Careful recruitment and selection, using well written job profiles and person specifications followed by appropriate training and development plans agreed through a training needs assessment during the induction period and Review and Development sessions and ongoing reviews, will all minimise the risk of poor performance.

6.2 Interview candidates and employees who are new in post should be made aware of the exact nature of the job and left in no doubt as to what is expected of them. This should continue through the employment period when setting objectives which should be aligned to the delivery of the service's objectives.

6.3 All employees should have a clear understanding of the required standards of performance in all aspects of their job. The Employee Review and Development policy is an agreed means of communicating the Corporate and Service Plans to all employees by giving explicit objectives which contribute to the overall achievements of the Council. All managers have an ongoing responsibility to ensure that standards of performance are explained and understood by their employees.

6.4    Regular and open communication between managers and employee should enable performance issues to be addressed promptly using the informal approach.

6.5    Standards of performance should be specific, measurable, attainable, realistic and time bound and must be in relation to the competences set out in the job profile, person specification and any relevant Codes of Practice and/or Codes of Conduct.

6.6    In circumstances where the employee fails to achieve a satisfactory level of performance through the review system, it will be necessary to follow the Capability Policy.


# 7    PERFORMANCE MANAGEMENT- HOW TO DEAL WITH CAPABILITY

## 7.1    Identifying Capability Issues

7.1.1    In order to determine whether there is a capability issue the following questions should objectively be considered:

- What are the indications that the employee is not measuring up to the requirements of the job?
- Have there been any complaints or criticisms from colleagues/service users/other party?
- What factual grounds are there to indicate inadequate performance?
- Has the employee requested assistance to overcome a problem?

7.1.2    The test at the start of the process of capability should be consideration of whether there are any mitigating circumstances that could be applied to under performance.  Section 1.3 gives a list of possible mitigating factors which may impact on an employee's work performance.

7.1.3    The Capability Policy and the Disciplinary Procedure are separate to each other but the two can be interlinked.  If it is apparent that there are no mitigating circumstances and/or the under-performance is due to a deliberate failure on the part of the employee to perform to the standards of which he/she is capable, then the Disciplinary Procedure should be invoked.  Conversely, if during a disciplinary process it becomes apparent that there are mitigating circumstances which explains an employee's under-performance, then the Capability Policy should be followed.

## 7.2    Support

The type of support which is required to improve an employee's performance will be dependent on the reason why there is a capability issue.  Methods of improvement may include, but are not limited to;

- Training
- Mentoring, peer support, coaching

- Extra support and supervision
- A temporary or permanent adjustment to duties
- A temporary or permanent adjustment to hours
- Referral to the Council's welfare service

## 7.3 Employee Review and Development Meetings

7.3.1 All employees in the Council should receive at least one formal/recorded review and development (R&D) session each year. It is advisable that ongoing performance monitoring and feedback takes place throughout the year.

7.3.2 It is recognised that across the Council these systems may take different formats.

7.3.3 These meetings give managers and employees an opportunity to discuss what has gone well during the review period and identify areas that have been more challenging. It allows both sides time to share any concerns they might have regarding their work. These issues may be more effectively dealt with by focusing the conversation on ways in which they can be resolved and performance improved. Identification of these issues can allow them to be dealt with at an early stage. It provides a mechanism for identifying development needs and allows both parties to address these, where possible, as part of the annual Training Plan. It is important that managers and employees are committed to carrying out the sessions and following up on action points that were agreed during the review session, which is why it is vital that these sessions are conducted on a regular basis.

7.3.4 It must be emphasised that the Employee Review and Development Policy is not designed to be used to resolve issues regarding employee under-performance. Should an employee consistently perform below acceptable standards, this will be dealt with through the Capability policy. However, it should be recognised that it is good practice that employees are made aware of any concerns regarding their performance at R&D sessions and they have a chance to improve on any areas of underperformance, before the Capability policy is invoked.

7.3.5 Where performance is still a cause for concern, despite it being discussed and methods to improve performance agreed at R&D meetings, progression should be made to Stage 1.

## 7.4 Stage 1 – Informal Approach

7.4.1 The aim of Stage 1, which is designed to be an informal stage, is for the manager (see appendix 2) to make the employee aware of the issues which have arisen in respect of their under-performance, to discuss ways in which improvements can be made and to explore any assistance required to facilitate this process. It is not normally expected that H.R. or an employee's representative would be present at this stage but this can be arranged if either party wishes.

7.4.2 Where an employee is experiencing difficulties and this is affecting performance, the problem should be addressed informally when it first becomes apparent. Unless the employee is made aware of their poor performance, he/she cannot be expected to improve. It is important that the situation is discussed at an early stage and not ignored otherwise this may have an impact on likely improvement and on service delivery. A meeting should be convened to discuss the following:

- Clarify the standards of performance expected
- Raise concerns regarding poor job performance and any shortfalls in skills and/or abilities, examples should always be produced
- Gain agreement or an acknowledgement of the observations wherever possible
- Encourage the employee to participate fully in identifying the causes of under-performance and suggesting possible remedies.
- Agree how and when improvements should be achieved and develop a Performance Action Plan (Appendix 1) outlining targets, support (see s.7.2) and a timescale to review improvements
- Confirm consequences: if no improvement met within the timescale, it may be necessary to escalate to the formal procedure.

A record of the meeting should be agreed, signed and retained by both parties. If the employee indicates their disagreement with the comments made regarding their performance, the notes should reflect this but they should be made aware that the process will continue until the manager is satisfied.


### 7.4.3  Stage 1 – Informal Stage Review Meeting

At the end of the informal meeting, a suitable period should be agreed in which to review the performance. The timescales agreed should allow adequate time for improvement, taking into account the nature of the concerns raised and the support mechanisms which have been agreed.

The review meeting at the informal stage is to ascertain whether the performance targets agreed and outlined in the action plan have been met within the timescale.

If at the review meeting the required improvements have been achieved, this will be confirmed. The employee will be made aware of the need for this improvement to be sustained.

Should some improvement be evident, but the required standards have not yet been met, consideration should be given to extend the review period or adjust the support in place.

If there has been no discernable improvement and all mitigating circumstances have been considered, the formal procedure should be progressed.

A record of the meeting should be agreed, signed and retained by both parties.

### 7.5 Stage 2 - Formal Stage

7.5.1 Where either, the informal meetings have proved unsuccessful in improving performance or where appropriate, following disciplinary action, the performance of the employee continues to cause concern and falls below the level required for the post, a formal meeting should be arranged.

7.5.2 The Manager should write to the employee, advising him/her of the meeting giving 7 calendar days notice and confirming the formal capability procedure will commence. The employee should be reminded of their right to be represented. They should also be provided with details of previous informal actions and outcomes. The manager will advise Human Resources in all instances, when formal capability procedures are introduced.

7.5.3 The purpose of the meeting is to:

- Confirm previous informal discussions relating to a shortfall in performance.
- Outline the support that has already been provided
- Clearly identify how/why requirements for improvements discussed at the informal stage have not been met and provide clear examples of this.
- Confirm the level of performance that is expected and the impact of non-performance on the service.
- Reassure the employee that this is a supportive process and that their cooperation is key to resolving the problem.
- Give the employee the opportunity to respond and acknowledge the problems identified
- Discuss any underlying causes for the poor job performance
- A Performance Action Plan (example at Appendix 1) should be agreed detailing the areas for improvement, the required standards and the method of achieving and assisting improvement. Section 7.2 provides ideas for methods of improvement.
- Agree a programme of monitoring to achieve the desired improvement.
- A reasonable timescale should be set for a formal review (no longer than 3 months).
- Ensure an understanding of the consequences of not achieving the standards which may ultimately result in be redeployment to an alternative post or termination of contract.

7.5.4 Notes and conclusions will be recorded in writing and sent to the employee within 7 calendar days of the meeting. This will include;

- The purpose of the meeting and those in attendance
- The areas of improvement that are unsatisfactory

- The improvement required
- Details of the improvement programme, monitoring and support
- Timescale for improvement
- Consequences if no improvement is achieved
- The next formal review date and the right to be accompanied at the meeting

## 7.6  Stage 2 – Formal Stage Review Meeting

7.6.1  The review meeting is an important step in resolving any capability issues. This step ensures that the matter has been fully investigated and consideration has been given to any mitigating circumstances surrounding the poor performance and ensures that adequate opportunity is given for improvement.

7.6.2  The manager will conduct the formal review meeting with the employee. The employee has the right to be accompanied by a representative of a recognised Trade Union or some other person.  A representative from Human Resources should be invited to attend the meeting.

7.6.3  At this meeting previous targets and recent work performance are reviewed and discussed.

7.6.4  The details of the formal review meeting along with the outcome will be confirmed in writing to the employee within 7 calendar days of the meeting.

7.6.5  Improvement in Performance

Following a review of the action plan, if the desired improvement has been achieved the employee should be advised that a satisfactory standard of performance has been achieved and is expected to be maintained.  In order to ensure a satisfactory standard of performance is maintained, there will be a further period of monitoring of 3 months or other longer agreed period.

If performance is not maintained during the monitoring period, the employee will be notified of this in writing and a further formal review meeting will be held.

If a satisfactory standard of performance is maintained during this monitoring period the employee will be notified in writing and no further action will be taken.  In this case, the records in relation to the stage 1 and 2 capability meetings will be destroyed.

7.6.6  Improvement but not to an acceptable level/standard

If some of the areas identified have improved, but others haven't, consideration will be given to the probability of further improvement being achieved through extending the timescale or adjusting the support.

7.6.7 <u>No Improvement in Performance</u>

If the review of the action plan does not result in the required standards of performance being achieved, the employee should be advised clearly of the areas of under-performance.

Additional or alternative methods of improvement should be considered. The employee must be given the opportunity to answer points raised and explain any difficulties they may have.

The employee should be advised of the seriousness of the situation and of the potential implications of continued poor performance is as follows;

- Agreed redeployment to a post which is more suited to the employee's capabilities
- Referral to a capability hearing

## 7.7 **Stage 3 - Capability Hearing**

7.7.1 In all circumstances employees whose employment may be terminated in respect of Performance Related Capability will be referred to a formal capability hearing.

7.7.2 The hearing should be convened by the Executive Director and a representative from Human Resources should be in attendance.

7.7.3 The employee should be given 7 calendar days written notice of the date of the hearing and informed of their right to provide supporting papers and to bring a representative.

7.7.4 The manager progressing action previously in relation to the employee's performance will present management's case (i.e. this will be the manager who has met with the employee throughout the process). The presentation will include providing evidence of steps taken to assist the employee and confirmation of agreements reached, standards set and evidence of where and how the required standard was not achieved.

7.7.5 The employee or their representative has the opportunity to present their case. Questions may be asked as appropriate

7.7.6 On consideration of all the facts the Chairperson should, where possible, communicate their decision in person to the employee verbally and confirm this in writing within 7 calendar days.

7.7.7 <u>Outcomes of Capability Hearing</u>

On consideration of the facts of the case the main options could be:

a) <u>Improvements have been made or there are no capability issues</u>

Where it is found that improvements have been achieved to the required standard or where it is found that there are no capability issues, no further action will be taken. The proceedings will be deemed to be complete and the employee should be informed of this in writing.

b) <u>Seek further information/ Allow additional time and support for improvement</u>

If the Executive Director considers that the facts presented to him/her do not warrant the employee being dismissed on the grounds of capability, it is open to him/her to adjourn the hearing for a period of time to:

- o Give the employee an additional opportunity to improve their performance in order to meet further reasonable agreed targets within defined timescales, or
- o Allow for additional information/clarification to be obtained in respect of the points raised at the hearing

In such circumstances the Executive Director should confirm the reasons for the adjournment, clearly to those present, and confirm these in writing to the employee. S/he should include: the purpose of the adjournment, any targets which require to be met, how these will be measured and the timescales which have been agreed for review. Details of the support to be provided to the employee should also be documented.

The Executive Director should confirm the date when the hearing will be reconvened to all parties present. This should allow reasonable time for either a further investigation to be concluded or for the required improvement in performance to have been achieved.

On reconvening the hearing s/he should assess the additional information obtained or the details of the performance of the employee during the period of adjournment and take a decision as to the most appropriate course of action.

It may be the case that there is an improvement in performance, or additional information is obtained which leads him/her to the conclusion that dismissal is not appropriate. In such circumstances s/he should confirm the decision in writing to the employee, detailing the reasons for coming to this conclusion. S/he should also confirm the required level of performance expected in future.

If no additional evidence is provided to the contrary, or the required improvement in the employee's performance has not been attained during the monitoring, the reconvened hearing will normally result in the employee being dismissed on the grounds of incapability.

Redeployment will always be sought during the notice period of termination of contract.

AND/OR

c) Redeployment

Consideration will take account of an assessment of the capabilities of the employee.  It should be noted that redeployment may not always be available but should always be investigated and considered.

Where redeployment may be an appropriate option, a probationary period performance plan will be put in place.  This will outline performance targets, support and timescales.  The employee should be made aware that if this probationary period is unsuccessful a referral will be made back to a Capability Hearing and that a possible outcome may be dismissal.

Redeployment should be sought in line with the Council's Redeployment Policy.

OR

d) Dismissal

If the employee's performance still fails to meet the required improvements despite following measures outlined in the above stages and no suitable alternative employment has been identified via redeployment or reasonable adjustments, the outcome of the Capability Hearing may be dismissal.

If the outcome is dismissal the following will be confirmed in writing:
  o The reasons for the dismissal and justification
  o The notice period
  o The date the dismissal is effective from
  o Requirements of the notice period
  o The right to appeal and details of the appeal procedure

Where appropriate, if the employee is a member of a professional body that professional body will be formally notified of the outcome of proceedings.


**7.8  Appeal**

Employees are provided the right to appeal against any formal sanction or decision to dismiss at Stage 3.  In this instance the appeal mechanism will mirror the appeal arrangements for dismissals contained within the Disciplinary Procedure.  An appeal must be lodged with the Head of Legal and Administrative Services within two calendar weeks of the date on

which the letter issuing the employee with notice of the outcome at stage 3 is sent.


# 8 LACK OF NECESSARY QUALIFICATIONS / REGISTRATION WITH PROFESSIONAL BODY

## Requirement for Qualifications/Registration

8.1 Qualification means any degree, diploma, SVQ or other academic, technical or professional qualification, relevant to the position which the employee held or should hold.

8.2 Certain posts within Shetland Islands Council require individuals to hold relevant qualifications and/or professional registration. Managers are responsible for ensuring that successful candidates have the essential qualifications and/or professional membership for the post to which they are being recruited to, prior to the commencement of employment. Where relevant, it should also be recognised in the terms and conditions of employment that continued membership of a professional body is an essential condition of the employment.

8.3 It is acknowledged that there can be circumstances where an appointment is made subject to the employee gaining the essential qualification/registration for the post within an agreed timescale. Successful candidates should be made aware of this requirement at the verbal offer stage, and as part of the terms and conditions of employment this clause should be included in any letter of appointment and written statement of particulars issued to the employee. The consequences of not doing so should be clearly explained, i.e. that this could result in termination of their employment or, where appropriate, a re-evaluation of their post in accordance with the Scottish Council's Job Evaluation Scheme and a drop in grade/pay.

8.4 It is also acknowledged that whilst employees are in post there can be circumstances, out with the Council's control, which can mean that employees have to obtain new qualifications/registration within a specific timescale. Employees should be made aware of this requirement in early course and they should be given the appropriate support in order to obtain the qualification/registration.

8.5 **Support**

8.5.1 The employee should be given reasonable support by the Council to obtain the relevant qualification/registration. For instance, this could include agreeing with the employee about whether any study time, essential work experience, on the job training, peer support, supervisory assistance and coaching is required and then ensure that arrangements are put in place to accommodate this requirement.

8.5.2 The Council's Training and Development policy details various kinds of support which employee's may be entitled to.

8.6 **Unsuccessful Results**

8.6.1 Where an employee undergoes a course of study/examination/assessment and the result is unsuccessful, where possible the employee can be given one further opportunity to complete the course of study/undertake the assessment/re-sit examination again. For example, this action may be considered appropriate where the employee's performance has been affected by personal problems or circumstances relating to their employment. Consideration should also be given to the impact of this on service delivery.

8.6.2 Where an employee has not passed an examination/assessment and there is a chance of a re-sit/re-assessment, as soon as possible following the release of the initial results, but prior to the re-sit taking place, the manager should arrange to meet with the employee and their representative.

This meeting should:

- Discuss the need for the employee to hold the relevant qualification to undertake the duties of the post successfully
- Explore the reasons for the employee not attaining the qualification
- Offer appropriate assistance and support to the employee
- Confirm the terms of the offer of appointment (where appropriate) and the consequences of further unsuccessful examination results, i.e. that this could result in termination of their employment.

All discussions should be documented and confirmed to the individual in writing.

8.6.3 Where an employee does not have the appropriate qualifications to continue to perform his/her duties, consideration will be given as to whether or not adjustments can be made to existing duties so that employment can continue. Where the qualification in question is fundamental to the employee's duties and he/she cannot continue without them consideration should also be given to whether the employee can remain in post but on a reduced rate of pay. Consideration will also be given as to whether the employee can be returned to his/her original duties once the qualifications have been re/gained.

8.6.4 Where an employee is successful in obtaining the qualification, their employment position in respect of this should be confirmed to them in person, and then confirmed in writing.

8.6.5 If the employee is unsuccessful in obtaining the qualification and there is no further opportunity for them to re-sit the examination, a Stage 3 Capability Hearing (s7.7.7) should be arranged.

**8.7    Non-Registration**

8.7.1    Non-registration includes deregistration, failure to register or failure to evidence registration with a professional body.

8.7.2    In the circumstances of non-registration, consideration must be given to the appropriateness of the individual continuing to undertake the duties of the role, without registration.

8.7.3    Where redeployment on a temporary basis is not considered to be appropriate or possible, suspension of the employee on full pay, pending resolution of the situation, may need to be considered.

8.7.4    Consideration may also need to be given to the possibility of conducting separate disciplinary proceedings into the circumstances surrounding de-registration/non-registration.

8.7.5    As soon as possible, following notification of de-registration, or failure to evidence continued registration, the manager should arrange to meet with the employee.

The employee should be offered the right of representation at all subsequent meetings.  The meeting should be to:

- Discuss the need for the employee to hold and evidence the relevant professional registration to undertake the duties of the post successfully
- Explore the reasons for the employee non-registration
- Where appropriate, offer assistance to support the employee
- Confirm the terms of the offer of appointment and the consequences of failure to hold and/or maintain professional registration e.g. that this could result in termination of their employment.

All discussions should be documented and confirmed to the individual in writing.

8.7.6    If the employee is successful in their appeal against de-registration with a professional body, or can evidence their registration with the appropriate body, their employment position in respect of this outcome should be confirmed to them in person, and then confirmed in writing.

8.7.7    If the employee is unsuccessful in their appeal against de-registration with a professional body or is unable to become registered or evidence their continued registration within an appropriate timescale, a Stage 3 Capability Hearing (s7.7.7) should be arranged.

## PERFORMANCE ACTION PLAN

This document gives managers an idea about the information that a performance action plan should include.  Please note that there should be detailed and accurate records of each informal and formal meeting which should be kept as appendices to this plan.

| Name | |
|---|---|
| Post | |
| Manager | |
| Date | |
| Review Meeting Date | |
| Policy Stage | |

| Issues of Concern | Performance Target | Support employee requires to achieve target | Timescale to achieve target by | Review Meeting Outcome/s |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Signed ..................................................... (Manager)        Date ...............................................

Signed ..................................................... (Employee)        Date ...............................................

## THE MANAGER RESPONSIBLE FOR LEADING AT EACH STAGE

The table below outlines the manager who is responsible for leading at each stage of the Capability Policy

It is recognised that it will usually be the manager listed at number 1 who is responsible for leading at each stage.  The second manager listed in the table below can lead if it is deemed appropriate.

| STAGE | MANAGER TO LEAD |
|---|---|
| Employee Review and Development Meetings | 1.  Supervisor or Line Manager |
| Stage 1 (Informal) | 1.  Line Manager<br>2.  Service Manager |
| Stage 2 (Formal) | 1.  Service Manager<br>2.  Head of Service |
| Stage 3 (Capability Hearing) | 1.  Head of Service<br>2.  Executive Director |

# Shetland
## Islands Council

# REPORT

**To:  Shetland Islands Council**                                                                 **17 May 2011**

**From: Head of Organisational Development**

**Report No: CE-019-F**

**Equality and Diversity Framework 2011**

## 1.  Introduction

1.1     Up until now, legislation has required Equality Schemes to stand alone as single frameworks, but the implementation of the Equality Act 2010, which has aimed to harmonise previous equality legislation, provides the Council with the opportunity to draw together planning, implementation and reporting mechanisms for equality and diversity into one single framework.

1.2     This report provides an introduction to the Equality and Diversity Framework 2011 (see Appendix A) and sets out how Shetland Islands Council and its legally obliged services have ensured that equality outcomes are based on evidence and involvement of equality groups within the Shetland community, and sets out how they plan to meet the equality duties outlined in the Equality Act 2010[1].

1.3     In order to comply with legislation, an update of the Equality & Diversity Framework will be provided on a two yearly basis.  Each update will be preceded by an Equality and Diversity Consultation to assess progress and take into account community views.  The full Framework and its outcomes will be reviewed every four years.

## 2.  Link to Corporate Priorities & Risk

2.1     The Council's Corporate Plan 2008-2011 commits to deliver against Shetland's Single Outcome Agreement priority of: 'ensuring that equal opportunities exist for all, no matter an individual's age, race, gender, faith, sexual orientation or disability and we will decrease social inequalities'.

2.2     The content of this report aims to minimise risk to the Council as it outlines the actions in place in response to issues raised by the Shetland community and by its employees, and in response to the legislative requirements of the

---

[1] The Equality Act 2010 can be found at: http://www.opsi.gov.uk/acts/acts2010/pdf/ukpga_20100015_en.pdf

Equality Act 2010 and proposed characteristics of a Best Value Council[2]. There is a risk to Council if it does not meet its equality duties.

## 3. Background to Legislation – Equality Act 2010

3.1 The main change to equality legislation is the consolidation of all previous equality legislation into one single equality act. The Equality Act 2010 replaces the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995. It extends previous strands of antidiscrimination to produce what is now known as 'protected characteristics', now protected under equality law. These are: Gender (and Pregnancy and Maternity); Disability; Race; Age; Sexual Orientation (and Gender Reassigned); and Religion and Belief.

3.2 The Equality Act 2010 states that public authorities must have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

3.3 Implementation of Part 3 of this Act does not yet include ships. Council ferries are classed as ships in this respect and, therefore, are not yet covered. There has been a recent consultation on how Part 3 should be implemented on board ships. A separate report was submitted to the Inter-Island Ferries Board on the effect of the 2010 Act and the EU Regulation 1177/2010.

## 4. Introduction to the Framework

4.1 The Equality and Diversity Framework 2011 develops and updates the Council's understanding of equality and provides evidence of the gaps in terms of equality in Shetland's communities, the services that the Council provides, and within the Council's workplaces.

4.2 The development of the Framework is based on a number of consultation and research documents. The two consultations were carried out during the last quarter of 2010 and targeted both Shetland Islands Council staff and the wider Shetland community. It aimed to refresh understanding of race, disability and gender equality and extended it to include sexual orientation, religion and belief, and age. An additional research document provides a collection of statistics and data held by the Council, in terms of equality and diversity, prior to that consultation. Summaries of these documents can be found in Appendix 2, 3 and 4, retrospectively, of Appendix A, attached.

4.3 With reference to this up-to-date research and baseline information, Shetland Islands Council, and its legally obliged services[3] have developed the

---

[2] The BV2 Equalities Toolkit can be found at: http://www.audit-scotland.gov.uk/docs/best_value/2010/bv_100809_equalities_toolkit.pdf

Framework. This provides a number of equality outcomes, based on known equality issues, and sets out actions required to meet those outcomes. The Framework includes performance monitoring to be able to measure and report on progress. The main content of the Framework can be found at pages 1 to 16 of Appendix A. The appendices attached to that report (Appendix 1 to 3) provide summaries of the research and consultation documents that have informed the development of the Equality and Diversity Framework 2011.

4.4 Annual Reports will provide an opportunity to report on progress. In addition, a two-year update will take into account new consultation or research into equality and diversity in Shetland, ensuring that the Council's baseline information is up-to-date and relevant. The full Framework and its outcomes will be reviewed every four years.

4.5 In future years it is hoped that this framework will be developed in partnership with other organisations. Wherever possible, at this time, actions will be undertaken with partners.

## 5. Key Findings

5.1 Within the Shetland community, the majority of those who responded feel that discrimination is not a problem, and that equality and diversity is valued within the wider community and within Shetland Islands Council. The general impression is that Shetland is a welcoming community, and celebrates diversity.

5.2 However, a number of key issues exist, compiled from both the consultation and the research document (see Section 3, page 4 of Appendix A). These have informed the equality outcomes and action plan of the Framework. A brief summary of these are highlighted below.

Equality issues within the SIC workforce include:
- The perceived "face fits" culture in recruitment and selection, with "favouritism" and "preferential treatment" being a reoccurring theme throughout consultation responses;
- Conflict between Shetlanders and non-Shetlanders. Both groups felt that the other is preferred when it comes to recruitment and opportunity for promotion to more senior positions;
- Employee and employer being unable to find common ground in terms of suitable working arrangements. Poor communication between managers and employees, with unrealistic expectations around working arrangements; and
- Perceived inconsistencies in treatment by managers across the Council: support for flexible working, returning maternity, training opportunities and employee review and development meetings varies across departments.

Equality issues felt by the wider Shetland Community include:
- Traditionalism/gender roles in employment and decision making;

---

[3] SIC Schools Service, Shetland College, ZetTrans, Shetland Licensing Board

- Males and females in a parenting role unable to progress to senior positions;
- Lack of consistent information provided about support services for equality groups (i.e. inconsistencies in knowledge and poor signposting across reception/front line staff);
- Community perceptions around positive discrimination (i.e. individuals with protected characteristics receiving preferential treatment);
- Negative local attitudes towards 'people from elsewhere' (including those from elsewhere in the UK);
- Young people lacking the support to return and thrive in Shetland (limited employment opportunities and lack of affordable accommodation); and
- Lesbian, Gay, Bisexual and Transgender (LGBT) individuals not having the confidence to be themselves (fear of exclusion from peers and the wider community).

## 6. Summary of Actions

6.1 A number of equality outcomes and actions have been compiled in response to issues highlighted in the Equality and Diversity Consultation 2010.

6.2 The following actions are some of those to be undertaken within the next few years:
- Review Equality and Diversity Training for elected members, senior officers, management and all staff;
- Challenge gender stereotypes, using the Schools Service, Youth Service and Shetland College;
- Develop actions through the Skills and Learning Partnership and Youth Service to ensure young people are supported to return, remain and thrive in Shetland (for example review of Graduate Placement Scheme, development of volunteering opportunities, youth surgeries, politics days in schools and participatory budgeting event for young people);
- Schools Service to be more active in challenging perceptions of sexual orientation and combating homophobia and homophobic bullying through the Curriculum for Excellence.

## 7. Financial Implications

7.1 There are no direct financial implications arising from this report. Any costs occurring from the various actions set out within the Framework will be covered within existing service budgets and staff resources.

## 8. Policy and Delegated Authority

8.1 There is currently no delegated authority for equalities within the Shetland Islands Council, therefore it is necessary to report the Equality and Diversity Framework to Full Council.

## 9. Conclusion

9.1     This report introduces a single joint Equality and Diversity Framework for Shetland Islands Council and its legally obliged services, and sets out a number of equality outcomes based on evidence and from the involvement of equality groups within the Shetland community and Shetland Islands Council staff.  It sets out a number of actions that are to be achieved within the next few years in order to meet equality outcomes and achieve best value within the Council.

## 10. Recommendations

10.1    It is recommended that Council members agree the content of the Framework and the proposed actions as summarised in Section 6.


Date: 17 May 2011
Ref: LG/EP/JRS                                                    Report No:  CE-019-F

# Equality and Diversity Framework

### for

### Shetland Islands Council (SIC)
### SIC Schools Service
### Shetland College
### Shetland Islands Area Licensing Board
### ZetTrans

## March 2011

# Contents

# 1.    Introduction and Purpose

As a result of new equality legislation (see Section 2.0) and with the aim of ensuring equality outcomes are based on evidence and involvement of equality groups and Shetland's communities, this document provides a joint Equality and Diversity Framework for Shetland Islands Council (SIC), SIC Schools Service, Shetland College, Shetland Islands Area Licensing Board and ZetTrans.

The production of this framework establishes where the gaps are in the support and services provided to Shetland's communities.  It develops and updates understanding of equality and diversity in Shetland.  It forms a baseline from which performance can be measured and improvements can be made.  With reference to up-to-date research, data and community engagement, Shetland Islands Council and its legally obliged services have set out in this Framework how they will achieve their equalities duties.

This framework provides:
- A summary of equality issues taking into account baseline data and research under each protected characteristic;
- Establishes equality outcomes based on these issues;
- Establishes a set of actions required to meet outcomes; and
- Puts in place a performance monitoring framework to be able to measure and report progress.

In order to comply with legislation, an update of the Equality & Diversity Framework will be provided on a two yearly basis, providing an opportunity to report on progress and ensure continued dialogue between the organisations who have compiled this piece of work.  Each review will take into account new consultation or research into equality and diversity in Shetland, ensuring that the Council's baseline information is up-to-date and relevant.  The full Framework and its outcomes will be reviewed every four years.

## 2.   Context

## 2.1   National Context

Up until now, legislation has required Equality Schemes to stand alone as single frameworks, but the implementation of the Equality Act 2010, which has aimed to harmonise previous equality legislation, provides an opportunity to draw together the Council's planning, implementation and reporting mechanism into one single Framework.

Prior to the Equality Act 2010, the Council, SIC Schools Service, Shetland College, the Licensing Board and ZetTrans have produced joint Race, Gender and Disability Equality Schemes[1].  These have now been amalgamated, and extended to include a wider number of protected characteristics, to form the joint Equality and Diversity Framework for Shetland.

### 2.1.1   The Equality Act 2010

The Equality Act 2010, which has aimed to restate and simplify the various different pieces of equality legislation that has been produced over the last 40 years, replaces the Equal Pay Act 1970, the Sex Discrimination Act 1975, the Race Relations Act 1976, the Disability Discrimination Act 1995, and a number of sets of Regulations.

It extends previous strands of anti-discrimination to produce what is known as 'protected characteristics', which are protected under equality law.  These are:
- Gender (and Pregnancy and Maternity);
- Disability;
- Race;
- Age;
- Sexual Orientation (and Gender Reassigned); and
- Religion and Belief.

The Equality Act 2010[2] states that Local Authorities must have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### 2.1.2   Best Value 2

Equality and Diversity outcomes for Shetland (see Section 4), which are included in this Framework, have been formed with reference to the Best Value 2 Equalities Toolkit[3].

The objective of Best Value (BV) is to ensure that management and business practices in local government deliver better and more responsive public services.  Best Value in local government is about local authorities ensuring equal opportunities, being accountable and transparent by engaging with the local community, and continuously improving the outcomes

---

[1] All previous Schemes can be found at:
http://www.shetland.gov.uk/equalopportunities/documents.asp
[2] The Equality Act 2010 can be found at:
http://www.opsi.gov.uk/acts/acts2010/pdf/ukpga_20100015_en.pdf
[3] The BV2 Equalities Tooklit can be found at: http://www.audit-scotland.gov.uk/docs/best_value/2010/bv_100809_equalities_toolkit.pdf

2

of the services they provide. Best Value became a statutory duty following the Local Government in Scotland Act 2003.

Within the 'Proposed Characteristics of a Best Value Council' that would be looked for during a BV2 corporate assessment[1], local authorities must be able to demonstrate that:

- The Council understands the needs of its different communities and involves them in developing a local vision, setting priorities and shaping services. It has clear strategies for consultation, representation and participation, which reflect the national standards for community engagement.
- The Council is clear about the outcomes it wants to achieve from its community engagement activity and adopts appropriate engagement approaches to achieve them.
- The Council uses a range of approaches to inform the community about its services, activities, performance and decision-making, which are accessible to all.
- The Council provides relevant information in understandable and appropriate languages and formats. Information promotes positive images of all population groups in the community, avoiding stereotypes.
- The Council regularly evaluates its communication methods and adapts these in response to citizens' feedback.

The BV2 characteristics also state that all managers must be aware of their responsibilities under the equality legislation.

## 2.2  Local Context

### 2.2.1  Shetland's Single Outcome Agreement (SOA)

As a cross-cutting Community Planning theme for all partners, equalities forms an integral part of Shetland's Single Outcome Agreement. Throughout each of the six national strategic themes of the SOA, there are local outcomes that seek to promote equality of opportunity, with indicators developed to monitor progress. Through the Single Outcome Agreement approach, all Community Planning Partners have committed to embedding equalities in their service delivery.

3

# 3. What do we know?

## 3.1 Previous Achievements

Through previous Equality Schemes and Annual Reports[4] the Council has reported on a number of achievements that have been made in the effort to improve equality and diversity within Shetland's communities and within the Council's workforce. A few of the highlights are detailed below:

- A professional translation/interpreter service known as Language Line is now in use within Shetland Islands Council. Using a telephone based professional interpreter, Language Line allows staff within the Council and their clients to communicate confidentially, in over 170 languages, 24 hours a day. Accessibility to Council services for those who do not speak English has significantly improved.
- The 2011 Youth Conference and Community Planning Partnership brought together a number of young people and professionals from the public and private sector to explore the issues young people face in Shetland and discuss what support needs to be in place to allow young people to thrive in Shetland. A number of actions are now underway, as a result, including ensuring the Council assists with career developments and that young people are more involved in democratic processes.

## 3.2 Summary of Research and Consultation

Current research indicates that individuals believe progress has been made in terms of equality and diversity within Shetland[5]:

- Equality and Diversity Consultation of Shetland's Community 2010 (see Appendix 1);
- Equality and Diversity Consultation of Shetland Islands Council Workforce 2010 (see Appendix 2); and
- Research and baseline data held by the Council up until 2010 (see Appendix 3).

Therefore within the Shetland community, the majority feel that discrimination is not a problem, and that equality and diversity is valued within the wider community and within Shetland Islands Council. The general impression is that Shetland is a welcoming community, and celebrates diversity.

However, a number of issues have been raised, suggesting there are still problems, and that improvement can still be made. The following section states the main issues that individuals currently face in Shetland in terms of equality and diversity, and within the protected characteristics of the Equality Act 2010.

Many of the issues raised in each protected characteristic are not unique to individual equality groups, but affect the wider community as a whole. It is therefore constructive to take a comprehensive approach, working to improve barriers to access employment, services and other opportunities, for everyone in Shetland.

## 3.2.1 Issues within the Shetland Islands Council workforce

The following summarises the issues faced by the Shetland Islands Council (SIC) workforce. These include operational issues as well as public perception.

---

[4] All previous equality schemes and annual reports can be found at:
http://www.shetland.gov.uk/equalopportunities/documents.asp
[5] The original and full consultation and research documents can be found at:
http://www.shetland.gov.uk/equalopportunities/documents.asp

4

- The main issues are around **age, gender and race**.  Respondents felt that both indirect and direct discrimination can still be experienced when it comes to gender equality, and issues around race equality exists between Shetlanders and non-Shetlanders, with animosity, and perceived inequality in treatment of both groups in a number of situations.
- A '**face fits' culture** still persists within Shetland Islands Council workforce (i.e. favouritism in recruitment and selection, 'boys club' and the Shetlander versus non-Shetlander conflict).
- Barriers persist for those with **caring responsibilities**: parenting is seen by a number of individuals within the SIC workforce as an obstacle to employment, and there is a perceived lack of opportunity to progress to senior positions if in a parenting role.  Statutory Performance Indicators illustrate that Shetland Islands Council performs poorly in the promotion of women to senior positions.  However, it is recognised that this is skewed due to Shetland's marine staff.
- There are inconsistencies in the **monitoring of flexible working requests**, which means it is difficult to audit this activity and gauge whether equality in usage of this system exists across Council services.
- There are inconsistencies in **treatment of employees** by managers.  For example, a lack of consistency across the Council in carrying out employee review and development meetings, inconsistencies in the support for flexible working, and inconsistencies in support for returning maternity leavers across the Council.  As such, there is a lack of trust and confidence in management among a number of employees.
- **Poor people management**: employee and employer may be unable to find common ground for suitable working arrangements.  As well as improvements in communication between the employer and the employee, employees should have realistic expectations of working arrangements and understand why requests might be turned down.
- **Poor communications**: decisions are poorly translated back to employees.  For example, in terms of interviews, individuals may make their own conclusions for not being successful, perceiving an action to be discriminatory when a decision was based on merit.
- Lack of **support given to management** on having difficult conversations with employees (i.e. finding common ground in terms of expectations and communicating why decisions have been made that has affected their employment).
- Lack of training and support for implementing **policies** that promote equality and diversity, to assist in mainstreaming equalities into everyday activities.
- Limited opportunity for **professional development and access to training** for older age groups.

## 3.2.2    Issues within the wider Shetland Community

This section summarises the issues faced by the wider Shetland community.

The following points feature under a number of protected characteristics:
- Individuals do not have the **confidence to be different**.  For example, women or men entering or pursuing a traditionally male or female working role or young people feeling confident to be themselves no matter their sexual orientation.
- Lack of **understanding of people's capabilities**.  For example, in terms of treatment of disabled clients by staff, respondents felt that staff judgement can sometimes over or underestimate an individual's capabilities, therefore causing barriers to opportunities.  Understanding a person's capabilities is also relevant to both gender and racial equality, with traditionalism and perceived gender roles in employment proving a barrier to both men and women when pursuing careers, and immigrants

5

feeling discriminated against due to misunderstanding of foreign qualifications or of skills achieved elsewhere.
- Community perceptions around **positive discrimination** (i.e. individuals with protected characteristics receiving preferential treatment).
- Lack of **consistent information** provided about support services for equality groups (e.g. inconsistencies in knowledge and poor signposting across reception/front line staff).
- **Gaps in data/knowledge** of certain groups (e.g. sexual orientation).

In terms of gender equality, the issues raised by the Shetland community included:
- **Traditionalism/gender roles** still persist in employment and decision making. Invisible barriers, in terms of perceptions and attitudes of others, may prevent both males and females entering workplaces where one gender dominates. There is a lack of confidence to do something not the 'norm'.
- Suggestions included challenging gender stereotypes at an early age (i.e. in schools/college).
- Individuals feel those in a **parenting role are unable to progress to senior positions**. Barriers to flexible working and childcare, and the perception that senior positions are unattainable for those in a primary parenting role, or those who wish to work part-time, mean individuals are reluctant to pursue career routes. This highlights the importance of childcare.

In terms of disability equality, the issues raised by the Shetland community included:
- There is limited **support for those living outwith Lerwick**, in terms of accessing employment opportunities and transport to work or leisure and recreational opportunities.
- There is a lack of understanding of the **capabilities of individuals** with disabilities; understanding the activities they are or are not capable of carrying out.
- **COPE** is perceived as the only destination in terms of employment opportunities.
- People are not signposted well or quickly enough when accessing support services. **Individuals feel they are 'passed around' departments**. There is a lack of consistency in information provided about the support available and inconsistencies in the knowledge of front office/reception staff. Front office/reception staff and others need to have sufficient support in providing the correct information.
- Individuals with disabilities **lack confidence in accessing services** (e.g. transport and leisure and recreation), and in the support that will be provided.

In terms of race equality, the issues raised by the Shetland community included:
- **Media reporting can strengthen stereotypes** (e.g. troublemaker stereotype of Eastern Europeans in Shetland). This can influence their potential to be integrated into local communities.
- There can be a **negative local attitude towards 'people from elsewhere'** (including those from elsewhere in the UK). For example, there is a strong attitude, particularly among the younger generation, that incomers 'use up' opportunities for employment and accommodation. However, conversely some incomers believe locals are favoured and get preferential treatment over anyone that's 'not from here'. This seems to be particularly significant in terms of employment.
- **Services are perceived to be restricted to Lerwick** (e.g. ESOL). While the majority of provision is in Lerwick, ESOL actively support learners from rural Shetland to access their service to suit individual circumstances, and continue to promote their service and access solutions for those outside of Lerwick. Examples of provision include: transport provided for learners from the West Mainland and North of Shetland, a Saturday group for dispersed rural learners, and the use of Skype.

In terms of age equality, the issues raised by the Shetland community included:

6

- Young people **lack support to return and thrive in Shetland.** For example, limited employment opportunities, lack of support to move from graduate placements to permanent employment, and lack of affordable accommodation.
- **Shetland's ageing population** increasing the demand on support services.

In terms of sexual orientation equality, the issues raised by the Shetland community included:
- Young people do not always have the **confidence to be themselves**. This is particularly for those who are exploring their sexuality.
- **Gaps in data**: not enough is known about Shetland's lesbian, gay, bisexual and transgender (LGBT) community.

In terms of religion and belief equality, the issues raised by the Shetland community included:
- **Fairness in funding** (historic anomalies) for religious groups. There appears to be a lack of clarity and transparency on the criteria for funding[6].

Appendix 4 sets out how the issues raised will be addressed, either through the Equality and Diversity Framework, or how they are being addressed through other existing strategic documents.

In order to address the issues raised in this section, a number of outcomes have been developed. These are detailed in Section 4 below. The action plan in Section 5 sets out actions in order to achieve each of these equality outcomes.

---

[6] Grant Aid is provided to those groups that promote community cohesion. There are criteria that all groups applying for funding are required to meet. Those groups, including religious groups, that do not meet the criteria set will be refused funding.

7

## 4.    Equality Outcomes

To ensure that Shetland's equality outcomes are based on evidence and the involvement of equality groups a number of equality outcomes and actions have been compiled in response to the issues highlighted through the Equality and Diversity Consultation 2010.   This section outlines the outcomes that have been developed in the context of Best Value 2 equality indicators.

**BV2 Indicator 1: Shetland Islands Council knows the profile and needs of its diverse communities**
Outcome 1.1   Equality Outcomes are Based on Evidence and Involvement of Equality Groups

**BV2 Indicator 2: Shetland Islands Council and its Partners Lead Improvements in Equality Effectively**
Outcome 2.1   Shetland Islands Council provides Leadership to Equality and Diversity
Outcome 2.2   The Equality Impact Assessment (EqIA) Process is Up-To-Date and Reflects Changes to Equality Legislation
Outcome 2.3: Improvements in Equality and Diversity are Communicated Effectively and through the Appropriate Reporting Mechanisms

**BV2 Indicator 3: Shetland Islands Council Provides Equality of Opportunity within a Diverse Workforce**
Outcome 3.1: There is Consistent Treatment of Employees across Services
Outcome 3.2: There is Gender Equality in Employment (focused on work flexibility)

**BV2 Indicator 4: Shetland Islands Council Delivers Positive Outcomes for its Diverse Communities**
Outcome 4.1: There is Gender Equality in the Community
Outcome 4.2: All Individuals Feel Equally part of Shetland's Society
Outcome 4.3: Young People Feel Confident to be Themselves
Outcome 4.4: Information is Available to Access Services
Outcome 4.5: Transport Meets the Needs of our Local Communities

8

## 5. Where do we want to be?

This section covers the areas which require improvement, in terms of equality and diversity, for Shetland's communities and for Shetland Islands Council staff.

The table has been split into four sections according to the overarching indicators of Best Value:
1. The organisation knows the profile and needs of its diverse communities;
2. The organisation and its partners lead improvements in equality effectively;
3. The organisation provides equality of opportunity within a diverse workforce; and
4. The organisation delivers positive outcomes for its diverse communities.

| Action | Responsibility | Task | Timescales |
|---|---|---|---|
| **BV2 Indicator 1: Shetland Islands Council knows the profile and needs of its diverse communities** | | | |
| **Outcome 1.1: Equality Outcomes are Based on Evidence and Involvement of Equality Groups** | | | |
| 1.1.1  Systematically collect information (gathered on an ongoing basis). | Policy Unit | Contact services to update current understanding. | Every six months |
| 1.1.2  Collect systematic information through the Equality and Diversity Consultation. | Policy Unit | Review and implement questionnaire. | Every two years.  Next community consultation planned for November 2012. |
| 1.1.3  The Council and partner organisations approach to community engagement systematically includes all relevant equality groups. | Community Engagement Project Team (SIC and Partner Organisations) | Develop database of all organisations. | June 2011 |
| 1.1.4 Continue dialogue with LGBT forum, ensuring dialogue informs equality and diversity outcomes. | Policy Unit | Dialogue with LGBT forum coordinator, and attendance at meetings, as required. | Ongoing |
| **BV2 Indicator 2: Shetland Islands Council and its Partners Lead Improvements in Equality Effectively** | | | |
| **Outcome 2.1: Shetland Islands Council provides Leadership to Equality and Diversity** | | | |
| 2.1.1  Review Equality and Diversity Training for elected members, senior officers, and management. | Human Resources/Policy Unit | Review training and ensure issues raised in consultation are addressed. | June 2011 |
| 2.1.2  Equality and Diversity integrated | Human Resources | Review course material, using feedback | Front line management |

9

| | | from equality and diversity consultation to identify gaps in training. | training pilot to be held in March 2011. |
|---|---|---|---|
| 2.1.3  Ensure equality and diversity is incorporated into Management Development Programme. | Human Resources | Develop Management Development Programme through Improvement Plan. | March 2012 |
| 2.1.4  Equality and diversity is integrated into Policy Training. | Human Resources | Ensure training providers incorporate and highlight equality and diversity to a sufficient degree within training programme.  Mainstreaming equality aspects of policies into day-to-day management. | March 2012 |
| 2.1.5 Democratic bodies better reflect the diversity of Shetland's communities | Policy Unit and Communications Unit | Promotion of standing for election | From June 2011 onwards |
| **Outcome 2.2: The Equality Impact Assessment (EqIA) Process is Up-To-Date and Reflects Changes to Equality Legislation** | | | |
| 2.2.1  Review and update the Equality Impact Assessment (EQIA) process for Shetland Islands Council. | Policy Unit | Reflect on outcomes of recent consultation and changes to equality legislation and develop as part of Integrated Impact Assessment (IIA). | June 2011 |
| **Outcome 2.3: Improvements in Equality and Diversity are Communicated Effectively and through the Appropriate Reporting Mechanisms** | | | |
| 2.3.1  Ensure progress on equality and diversity outcomes are reported at least every two years. | Policy Unit/Human Resources SIC Schools Service Shetland College Shetland Islands Area Licensing Board ZetTrans | Report to relevant committee and to public through Public Performance Report (PPR). | November 2012 and two yearly thereafter. |
| **BV2 Indicator 3: Shetland Islands Council Provides Equality of Opportunity within a Diverse Workforce** | | | |
| **Outcome 3.1:  There is Consistent Treatment of Employees Across Services** | | | |
| 3.1.1  Review, monitor and record flexible working requests. | Human Resources, CHRIS project team | Explore use of CHRIS to record flexible working requests (recording home working, reduced hours etc). | March 2012 |
| 3.1.2  Employee and employer | Personnel Liaison Group | Continue to develop guidance and | September 2011 |

10

| | | FAQs on policies (including in plain English). | |
|---|---|---|---|
| 3.1.3  Creation of Managers' Handbook (inc. Practical application of policies – maternity/paternity, flexible working, training and employee and review development meetings, and people management). | Human Resources | Incorporate feedback from equality and diversity consultation. Promotion and training for managers. | September 2011 |
| 3.1.4  Explore guidance for managers on considering training requests. | Human Resources | Develop guidance note for managers handbook. | September 2011 |
| **Outcome 3.2: There is Gender Equality in Employment (focused on work flexibility)** | | | |
| 3.2.1  Explore gender specific management development programme. | Human Resources | Focused consultation on employment and promotion for those in a parenting role. | November 2012 |
| **BV2 Indicator 4: Shetland Islands Council Delivers Positive Outcomes for its Diverse Communities** | | | |
| **Outcome 4.1: There is Gender Equality in the Community** | | | |
| 4.1.1  Gender stereotypes are challenged and become less of a barrier to employment. | Schools Service Youth Service | Develop the successful presentations where people in non-traditional gender roles promote their work. | 2011 |
| | Shetland College | Shetland College to continue to work in partnership with SIC's Schools Service to meet learners' needs through Curriculum for Excellence (CfE) (i.e. delivery of the Employability training provision within schools). | 2011/12 |
| 4.1.2  Barriers to employment are lessened due to improved childcare. | Childcare Strategy | This is being achieved through the Childcare Strategy. | As set out in Childcare Strategy. |
| **Outcome 4.2: All Individuals Feel Equally part of Shetland's Society** | | | |

11

| 4.2.1  Young people are supported to return, remain and thrive in Shetland | Community Planning Partnership through Skills and Learning Partnership and Youth Empowerment role | Actions through Skills &Learning Partnership include review of Graduate Placement Scheme, and development of volunteering opportunities in schools and Shetland College.  Actions through Youth Service include youth surgeries, politics days in schools and participatory budgeting event for young people. | 2011/12 |
|---|---|---|---|
| | Shetland College | Improve approach to learner involvement, ensuring the views of students are heard through a Learners' Association. | |
| 4.2.2  Raise awareness that English for Speakers of Other Languages (ESOL) classes are available throughout the Shetland Isles. | Adult Learning and Shetland College | Technology and transport support in place. Further promotion of support available detailed within Welcome Pack. Improve referral system. | Ongoing actions and Welcome Pack to be finalised by June 2011. |
| 4.2.3  Shetland is challenged about its perceptions and stereotypes of incomers. | Policy Unit/Communications Team | Interesting and engaging articles on incomers (of different nationalities/non-Shetlanders). | Ongoing |
| 4.2.4  Ensure people with disabilities get the right information and services at the right time. | With You For You, Community Care Service | Continued effective implementation. | Ongoing |
| 4.2.5  Ensure people with disabilities are supported in accessing the outdoors. | Planning | Where terrain is suitable, core paths ensure accessibility for disabled groups. | Ongoing |
| **Outcome 4.3: Young People Feel Confident to be Themselves** | | | |
| 4.3.1  Parents are supported to allow their children to explore their identity, in terms of sexual orientation, and challenge negative perceptions. | Parenting Strategy | Incorporated into relevant actions within the Parenting Strategy. | Approval in June 2011 |

12

| 4.3.2 Shetland College learners are challenged about perceptions and stereotypes. | Shetland College | Delivery of equality and diversity awareness raising to learners. | 2011/12 |
|---|---|---|---|
| 4.3.3 Schools Service more active in challenging perceptions of sexual orientation through Curriculum for Excellence (CfE). | Schools Service Youth Services | Review of Personal Social Development programmes, delivered to pupils through PSE classes. Further promote sharing of resources between pupil support staff (e.g. Stonewall guidance on sexual orientation). | 2011 |
| 4.3.4 Complete review of the bullying policy, and ensure that homophobia and homophobic bullying is addressed. | Schools Service | Working group to complete review. | 2011 |
| 4.3.5 Ensure cyclical training opportunities for School staff to support them in addressing bullying issues. | Schools Service | Cyclical training on hold. | 2011 |
| **Outcome 4.4: Information is Available to Access Services** | | | |
| 4.4.1 Training of front line/reception staff in equality, customer care and improved signposting (including knowledge of hearing loop systems) | Human Resources | Review training and ensure feedback from consultation is incorporated. | June 2011 |
| 4.4.2 Consistent information is provided to all migrants to Shetland (on basic information, signposting, support services and language line). | Policy Unit, Economic Development Unit and Promote Shetland | Finalise Welcome Pack for Shetland and promote to services and communities. | June 2011 |
| **Outcome 4.5: Transport Meets the Needs of our Local Communities** | | | |
| 4.5.1 Ensure transport meets the needs of young people, disabled and other groups facing inequality of access. | Shetland Transport Strategy | Increase efficiency of services within Shetland through packaging service runs, and ensure equality and diversity consultation findings are fed in this process. Demand Responsive Transport pilot | September 2013 |

13

| | | project to augment the scheduled services in place. | |
| | | Carry out scoping exercise to establish potential for shared services between partner organisations to enable reduction in costs and provide additional services for access to healthcare as well as contributing to Outcome 4.5.1. | September 2011 |

14

# 6. How will we know when we have got there?

This section sets out the measures and current baseline to be used to monitor progress.

| Indicator | Source | Baseline |
|---|---|---|
| **Outcome 1.1: Equality Outcomes are Based on Evidence and Involvement of Equality Groups** | | |
| All community engagement includes equality strands as target groups, if relevant. | VOiCE | To be established |
| **Outcome 2.1: Shetland Islands Council provides Leadership to Equality and Diversity** | | |
| Consistent application of policies (fewer issues around recruitment and selection and flexible working requests). | Less complaints and grievances and improved feedback in future equality and diversity consultation. | To be established |
| Equality is built into decision making. | Council reports and strategies. | Not currently consistent |
| EqIA adequately assesses the impact on all protected characteristics. | Full EqIAs carried out on all service plans and strategic documents. | Not currently consistent |
| **Outcome 3.1: There is Consistent Treatment of Employees Across Services** | | |
| Uptake of flexible working amongst Shetland Islands Council employees. | Recording system to be established within CHRIS. Positive feedback through further equality and diversity consultation. | Recording system within CHRIS to be established. 20% of female respondents felt that there are obstacles that prevent parents continuing their employment with the Council. |
| **Outcome 3.2: There is Gender Equality in Employment (focused on work flexibility)** | | |
| Number of women returning to work following maternity leave. | CHRIS reports | Of those returning from Maternity leave during 2010, 56 returned to their post and 10 resigned. |
| Number of men taking up paternity leave. | CHRIS reports | To be established. Reporting to commence from April 2011 once amendments to maternity/paternity legislation in place. |
| Number of part-time posts with managerial responsibility. | CHRIS reports | 28% of females with managerial responsibilities are part-time. |
| Percentage of women in the highest paid 2% and 5% of earners among Council employees. | Statutory Performance Indicators | 2010: % of women in the highest paid 2% of earners within the SIC = **13%** % of women in the highest paid 5% of earners within the SIC = **20.3%** |
| **Outcome 4.1: There is Gender Equality in the Community** | | |
| Number of respondents that believe there are barriers to pursuing traditionally male/female roles. | Equality and Diversity Consultation (2-yearly) | **79.4%** of respondents felt individuals have opportunity to pursue or enter a career in traditionally male or female roles in Shetland. **20.6%** said |

15

| | | no. |
|---|---|---|
| **Outcome 4.2: All Individuals Feel Equally part of Shetland's Society** | | |
| Percentage of young people who feel supported to remain, return and thrive in Shetland | Equality and Diversity Consultation (2-yearly) | **50.8%** of respondents felt the Council is providing sufficient support to ensure young people are able to stay in Shetland to live and work. **47.6%** said no. |
| Percentage of respondents that have negative perceptions towards incomers to Shetland. | Equality and Diversity Consultation (2-yearly) | **87.5%** of respondents felt their local area is a place where people from different nationalities get on well together. **12.5%** said no. |
| Number of settled migrants (particularly Eastern Europeans) in schools. | 2010 Schools Census | 79 children whose main language is not English. 67 children from a minority ethnic group and a further 87 classed as 'white (non UK)'. |
| **Outcome 4.3: Young People Feel Confident to be Themselves** | | |
| Percentage of respondents who feel the local community is inclusive of LGBT individuals and incomers. | Equality and Diversity Consultation (2-yearly) | **59.7%** of respondents felt their local area is inclusive of lesbian, gay, bisexual and transgender individuals. **40.3%** said that it was not. |
| **Outcome 4.4: Information is Available to Access Services** | | |
| Percentage of respondents who are aware of the services available to them and feel there are no barriers to access. Consistency in information provided by services to members of the public. | Equality and Diversity Consultation (2-yearly) | **Disability:** 31.4% said of respondents felt the Council does not provides sufficient support to provide information to the visually or hearing impaired. **Race:** 12.9% of respondents felt there were obstacles[7] that prevented the black and ethnic community from using Council services. |
| **Outcome 4.5: Transport Meets the Needs of our Local Communities** | | |
| Percentage of respondents who feel transport is less of a barrier to opportunities (particularly for young people and for those with disabilities). | Equality and Diversity Consultation (2-yearly) | Unable to quantify, a qualitative assessment will be made following the equality and diversity consultation 2012. |

---

[7] Poor signposting, local intolerance of incomers, the Council has historically had a poor track record in systematically providing information about its services and activities

16

# Appendix 1: Equality and Diversity Consultation of Shetland's Community 2010

## 1.      Introduction and Background

### 1.1      Introduction

The following Section details the responses to Shetland Islands Council's Equality and Diversity Consultation, which took place in November and December of 2010.  The consultation consisted of two questionnaires, one sent to all Shetland Islands Council (SIC) staff, and another targeted at the wider community.  Questions differed in focus between the two surveys.  This Section forms one part of the consultation response; the community consultation.  The SIC staff consultation forms the second Section and can be found in Appendix 2.

The following details the information provided in each section of this report:
- Section 1 provides some background to the consultation, describes why the consultation was carried out, and details the recent changes to equality legislation and what that means for local authorities;
- Section 2 provides a breakdown of the respondents to the Community Questionnaire. The breakdown is in terms of a respondents' gender, race, age, sexual orientation, their religion or beliefs and whether they have a disability;
- Section 3 provides an overview of quantitative responses, under each protected characteristic (gender, disability, race, age, sexual orientation, and religion and belief); and
- Section 4 provides an overview of the qualitative responses; the issues and challenges, and what is working in terms of equality in the Shetland community[8].

The Policy Unit, at the Shetland Islands Council would like to thank all of those who responded to the survey, and the agencies that helped in the consultation process.

### 1.2      Background

The purpose of the Equality and Diversity Consultation 2010 was to seek any gaps in addressing equality in Shetland's local communities, and the services the Shetland Islands Council provides.  Shetland Islands Council needs to ensure that equality outcomes are based on evidence and involvement of equality groups and communities, and also ensure improvements in monitoring, in terms of equality and diversity, of Shetland's communities and within the Council's workforce.

### 1.2.1  The Consultation

The Equality Act 2010 covers a wider number of protected characteristics than previous discrimination law, therefore the Council, through consultation, has sought to fill the gaps in data (both qualitative and quantitative) to inform Shetland's equality outcomes.

Distribution of the community questionnaire targeted the wider public through local publications and media, through Council staff, and to the following groups:
- The Disability Forum;

---

[8] This consultation focuses on equality and diversity in Shetland's communities, any comments made on matters relating to internal Council business have been incorporated into the analysis of the SIC Staff Questionnaire.

17

- Adult Learning - ESOL (English for Speakers of Other Languages);
- Youth Voice;
- Shetland Interfaith; and
- Lesbian, Gay, Bisexual, Transgender (LGBT) Forum

## 2. Breakdown of Respondents

A total of 360 questionnaires were returned during the consultation process. Respondents were given the option to skip questions, answering those only relevant to them. Therefore, there was a variation in the number of respondents answering each section.

- 360 individuals answered the section relating to Gender equality
- 155 individuals answered the section relating to Disability equality
- 113 individuals answered the section relating to Race equality
- 152 individuals answered the section relating to Age equality
- 82 individuals answered the section relating to Sexual Orientation equality
- 98 individuals answered the section relating to equality in Religion and Belief.

There were more females than males completing the survey, 63% and 37% respectively.

Of the 155 individuals completing the disability section of the community survey:
- 70% did not have a disability;
- 17% described themselves as having a disability;
- 12% were carers for those with disabilities; and
- 1% were members of a disability group or organisation.

Of the 113 individuals completing the race section of the community survey:
- The majority were of white race (94%);
- 3% were of black or mixed race; and
- 4% of respondents preferred not to answer.

Of the 152 individuals completing the age section of the community survey, there was representation from all age groups:
- 18% were under 21;
- 4% were 22 – 24 years;
- 10% were 25 – 30 years;
- 13% were 31 – 40 years;
- 22% were 41 – 50 years;
- 27% were 51 – 60 years;
- 5% were 61 – 70 years; and
- 1% was over 70.

Of the 82 individuals answering questions relating to sexual orientation:
- 4% were bisexual;
- 7% were gay; and
- 77% were heterosexual.
- 12% preferred not to answer.

A wide number of religions were represented in the 98 individuals completing the section relating to religion and belief:
- The following religions/beliefs were represented: Atheist, Baha'i, Buddhist, Church of England, Church of Scotland, Hindu, Humanist, Jewish, Methodist, Muslim, Other Christian, Pagan, Roman Catholic, Sikh and Scottish Episcopalian.

18

- 31% of respondents answered as having no religion, 6% preferred not to say, 1% answered atheist, and the remaining 62% identified a particular religion or belief.
- Of the 62% the Church of Scotland and 'other Christian' were the religions that were most prevalent (21% and 23% respectively).

## 3.    Summary of General Questions

The following section provides an overview of questions that featured under each protected characteristic of the survey.  See full Community Consultation Analysis report for more detailed analysis of these responses: http://www.shetland.gov.uk/equalopportunities/documents.asp.

Section 4 will then provide an overview of the issues and challenges summarised into each protected characteristic.

**Summary**

There is a general feeling, from respondents to this questionnaire, that equality and diversity is valued, and progress has been made in terms of equalities in Shetland.  Relatively few individuals feel that discrimination is a problem in Shetland.

The majority of respondents, no matter which protected characteristic they were referring to, felt they were treated with respect all, or most of the time, in a variety of situations in Shetland (i.e. at work, school, using public transport, using Council services etc).

Although the majority of respondents felt that a protected characteristic does not affect opportunities, a number of individuals felt that a person's age, either young or older, was felt to positively affect a person's ability to influence decision-making, and feel valued for the work that they do, and a person's disability was felt to negatively affect their opportunity to choose the type of job you would like and are qualified to do.

The majority of individuals said they had not felt discriminated against in terms of seeking employment in Shetland.  Disability and race stood out with a higher, yet still reasonably low, percentage of respondents that had experienced discrimination.

## 3.1    Being Treated With Respect

All sections began with a question asking if they had been treated with respect, in regards to a protected characteristic[9], in the following settings:
- At work;
- At school, college or university;
- Using public transport;
- Dealing with Council staff;
- Using Council services; and
- In shops, pubs or in other premises providing goods or services.

Table 1 provides a breakdown of the percentage of respondents that said they had been treated with respect "all the time" or "most of the time" in various settings, in regards to a protected characteristic.

---

[9] their gender, disability, race, age, sexual orientation and religion or belief

19

For each of the protected characteristics, the majority of respondents (79% - 96%) said they had been treated with respect "all", or "most of the time" in each of the settings listed in Table 1. However, with regards to an individual's disability, a lower percentage of individuals (79%) compared to other protected characteristics felt they had been treated with respect all or most of the time "at work" and "in shops, pubs or in other premises providing goods or services".

**Table 1: Percentage of those who have been treated with respect all, or most of the time, with regards to the following protected characteristics, and in a variety of settings.**

| | Gender | Disability | Race | Age | Sexual Orientation | Religion or Belief |
|---|---|---|---|---|---|---|
| At work | 89% | 79% | 84% | 91% | 93% | 87% |
| At school, college, university | 90% | 88% | 89% | 88% | 88% | 88% |
| Using public transport | 87% | 84% | 87% | 87% | 94% | 93% |
| In dealing with Council staff | 89% | 81% | 86% | 85% | 94% | 88% |
| Using Council services | 89% | 84% | 88% | 90% | 96% | 93% |
| In shops, pubs or in other premises providing goods or services | 83% | 79% | 83% | 85% | 93% | 90% |

## 3.2 How a Protected Characteristic Affects Individual Opportunities

Respondents were asked whether each of the protected characteristics affected an individual's opportunity to:
- Influence decision-making in their local area;
- Choose the kind of job they would like and are qualified to do;
- Feel valued for the work that they do (paid or voluntary); or
- Participate in community activities.

The majority of respondents said no, or were not sure, that a protected characteristic affects individual opportunities, however, a number of individuals that a protected characteristic could have a positive or negative effect.

Table 2 provides a breakdown of the percentage of respondents that said a protected characteristic affects an individual's opportunity in a **positive way**.

In terms of "influence decision-making" and "feel valued for the work that they do", a person's age was perceived by a large proportion of respondents to have a **positive** effect (20% and 20% respectively).

Both younger and older age groups felt they have good opportunities to influence decision-making. Younger individuals noted that there has been a recent big increase in willingness to hear the views of young people, and older individuals felt that as an individual gets older they have more confidence in voicing their opinions and influencing decision-making. However, despite this positive view, a number of respondents felt that ageism in recruitment still exists for both older and younger generations. Respondents felt that young people are less likely to be favoured for employment or be valued for the work that they do, due to a perceived lack of ability to take on responsibility. Comments also highlighted that young people can sometimes be discriminated against due to the prevailing "trouble maker" stereotypes.

**Table 2: Percentage of respondents that feel their gender/disability/race/age/sexual orientation/religion or belief POSITIVELY affects their opportunities to influence decision-making, participate in community activities, pursue a career, or feel valued in the work that they do.**

20

| | Gender | Disability | Race | Age | Sexual Orientation | Religion or Belief |
|---|---|---|---|---|---|---|
| Influence decision-making in your local area? | 10% | 11% | 10% | 20% | 11% | 12% |
| Choose the kind of job you would like and are qualified to do? | 12% | 12% | 11% | 17% | 11% | 9% |
| Feel valued for the work that you do (paid or voluntary)? | 17% | 15% | 13% | 20% | 11% | 13% |
| Participate in local community activities? | 13% | 19% | 13% | 19% | 13% | 15% |

Table 3 provides a breakdown of the percentage of respondents that said a protected characteristic affects an individual's opportunity in a **negative way**.

25% of respondents who answered the disability section of the questionnaire felt that a person's disability **negatively** affects their opportunity to "choose the type of job you would like and are qualified to do". This was the highest percentage in the table below.

A number of respondents felt that individuals with disabilities are provided with the support and opportunities to use their skills. However, employment opportunities are often restricted to schemes such as COPE, which can sometimes be seen as a care setting rather than a workplace. There were also concerns about a lack of public transport and premises that do not provide the infrastructure to accommodate individuals with additional needs. It was felt that this gap in service prevented people with disabilities accessing the type of work they would like to.

**Table 3: Percentage of respondents that feel their gender/disability/race/age/sexual orientation/religion or belief NEGATIVELY affects their opportunities to influence decision-making, participate in community activities, pursue a career, or feel valued in the work that they do.**

| | Gender | Disability | Race | Age | Sexual Orientation | Religion or Belief |
|---|---|---|---|---|---|---|
| Influence decision-making in your local area? | 9% | 10% | 14% | 12% | 3% | 3% |
| Choose the kind of job you would like and are qualified to do? | 12% | 25% | 13% | 16% | 3% | 8% |
| Feel valued for the work that you do (paid or voluntary)? | 5% | 10% | 14% | 5% | 3% | 3% |
| Participate in local community activities? | 5% | 14% | 7% | 7% | 4% | 3% |

## 3.3   Seeking employment in Shetland

Respondents were asked whether they had ever felt discriminated against in terms of seeking employment in Shetland, because of a protected characteristic. Responses are provided in Table 4.

The majority of individuals said they had not felt discriminated against in terms of seeking employment in Shetland. The protected characteristics for which a higher proportion of respondents had experienced discrimination were disability and race (20% and 17% respectively).

**Table 4: Percentage of respondents that feel they have been discriminated against in terms of seeking employment in Shetland, due to a variety of protected characteristics.**

| | Yes | No | Number of respondents |
|---|---|---|---|
| Gender | 10% | 90% | 155 |
| Disability[10] | 20% | 80% | 45 |
| Race | 17% | 83% | 90 |
| Age | 12% | 88% | 114 |
| Sexual Orientation[10] | 4% | 96% | 53 |
| Religion or Belief | 6% | 94% | 72 |

In terms of disability, a large number of people feel that the discrimination was due to the recruitment decision made on the job they applied for. Others said they had felt discriminated against during job advertisement, or during the interview process, or felt the Council would not accommodate their needs whilst in employment. For example, one individual with mental health problems explained how she "normally gets told that she would not be able to cope with the job".

In terms of race, the largest number of people felt discrimination due to the recruitment decision that was made on the job they applied for.

For age, respondents felt ageism still exists in recruitment. Some individuals felt a person's age should not be included in job application forms, as this can wrongly sit too high in interviewers' priorities of whether to invite someone to the interview process.

For sexual orientation and religion or belief, discrimination in this area was not recorded as being as high, with only two to four individuals having felt discriminated against.

## 4. Summary of Questions under each Protected Characteristic

The following section provides an overview of what respondents felt were issues and challenges, in terms of equality in Shetland. It also sets what respondents felt is working. A full Staff Consultation Analysis document, with more detailed analysis of these responses is available here http://www.shetland.gov.uk/equalopportunities/documents.asp.

### 4.1 Gender

**79.4%** of respondents felt that individuals have the opportunity to pursue or enter a career in traditionally male or female roles in Shetland. 20.6% of respondents said no. Reasons for this include:
- Old-fashioned perceptions/traditionalism;
- Men and women get treated differently at work; and
- Few women in senior positions within the Council.

Respondents recognised that the Council supports equality and diversity within the Shetland community and its workplace, however, some issues still arose in terms of gender equality:
- Respondents felt the perception that certain jobs or roles are "for men" or "for women" still lingers in many workplaces. For example, comments noted the strong Masonic tradition in Shetland. This perception of traditionalism extended to roles within the

---

[10] A large number of individuals answered "not applicable" when asked to answer in terms of disability and sexual orientation, therefore making the sample size small.

22

community, with mothers expected to have surplus time to help with school activities, and concerns over the messages that Up Helly Aa send out.

- The majority of respondents felt that both men and women have the opportunity to pursue or enter a career in traditionally male or female roles (79% or respondents), and recognised the support available in terms of grants and training opportunities. However, although the opportunities are there, respondents felt that not many are brave enough to overcome the barriers that still exist when entering traditionally male or female roles.  For example, an individual may be able to pursue a traditionally male or female career, but the prejudice may only occur once they have entered that workplace through negative attitude from colleagues.  Respondents felt that more could be done at an early age in schools to eliminate occupational segregation.
- Respondents felt there are relatively few women that have held or currently hold senior positions in the SIC.  They felt that if you wish to work part-time or job share, there is less opportunity to progress to these senior roles.  Respondents also felt that men dominate local decision making.

## 4.2    Disability

**79.8%** of respondents felt there is sufficient support for those with disabilities to enter further education, training programmes or work placements in Shetland.  17.2% felt there was not. Reasons for those who felt support was insufficient include:
- Poor access for those out with Lerwick;
- Too dependent on people in charge of the workplace; some will be good, some bad; and
- Restricted to special schemes such as COPE.

**66.7%** of respondents felt the Council provides sufficient support to provide information to the visually or hearing impaired (i.e. documents or leaflets in Braille, large print, via sign language). 31.4% said no, while 1.9% were unsure.  Reasons for those who felt the support was insufficient include:
- Insufficient signposting/information sharing; and
- Not enough hearing loop systems in place, or access to portable hearing loops.

The points below identify some of the issue, as well as what is working in terms of disability equality:
- Respondents welcomed the opportunity to be involved in this consultation, noting that local disability groups are widely identified as a target group for public consultation.
- Whilst respondents recognised that the Council has ensured that its infrastructure is accessible to individuals with disabilities, respondents felt that access was still poor in terms of transport and access to the outdoors.  Respondents felt there were limitations on the type of community activities they can be involved in, and that very few beaches or footpaths are suitable for those with limited mobility.
- Respondents felt that in Shetland, as a small community, there is more social awareness and integration of individuals with disabilities. However, there was a perception that community awareness of mental health issues, or disabilities such as Aspergers, remains poor.  There were also examples of prejudice given towards those with learning disabilities, where individuals underestimated (or wrongly assumed) their capability in certain situations.
- The majority of respondents felt there is support for individuals with disabilities to pursue training/learning opportunities in Shetland (79.8%) as well as supported employment, but a number of individuals felt there were limitations, for example, these opportunities can be restricted to special schemes such as COPE, and access to opportunities are poor for those who live outside of Lerwick.
- There was a perception amongst a number of respondents that there is positive discrimination against those with disabilities, in terms of employment, access to

23

services and accommodation.  In terms of accommodation, respondents felt that unless you are in a specific need category, housing opportunities are not available.
- Although the majority of respondents felt the Council provides sufficient support to provide information to the visually or hearing impaired (i.e. documents or leaflets in Braille, large print, via sing language) (66.7%), a proportion of respondents felt that support for those with visual/hearing impairments was insufficient.  For example, perceived lack of portable hearing loop systems within the Council.
- Respondents felt there was not enough communication between departments to ensure that people with visual/hearing impairments are consistently and appropriately informed about the services and support available to them.

## 4.3   Race

**87.1%** of respondents felt there is adequate support for speakers of other languages to learn English in Shetland.  12.9% felt the support was not adequate.  Reasons for those who felt the support was not adequate include:
- Poor access for those out with Lerwick; and
- Lack of public transport in the evenings.

**87.1%** of respondents felt there are no barriers to the black and ethnic community using Council services. 12.9% felt there were.  Reasons for those who felt there were obstacles include:
- Poor signposting;
- Locals are intolerant of incomers; and
- The Council has historically had a poor track record in systematically providing information about its services and activities.

**87.5%** of respondents felt their local area is a place where people from different nationalities get on well together.  12.5% of respondents said no.  Reasons for those who felt their local area was inclusive include:
- Shetland is very welcoming and inclusive;
- Shetland is fairly inclusive; discrimination is dependent on individuals, on a one-to-one basis, rather than an entire community; and
- Shetland is a cosmopolitan community

Those who felt their local area was not inclusive noted:
- Discrimination towards immigrants from elsewhere in the UK;
- Locals are favoured over immigrants and those who are 'not from here';
- Cliquey community; and
- Suspicion towards Eastern Europeans.

The following points detail some of the issues, as well as what is working in terms of race equality:
- Respondents identified incomers from elsewhere in the UK as a group that faced discrimination.
- Respondents recognised that the majority of the Shetland population are welcome and accepting of new people to the isles; 87.5% of respondents felt their local area is a place where people from different nationalities get on well together.  However, a number of respondents felt that some individuals have a negative attitude towards incomers.  These include the suspicion targeted towards incomers (particularly Eastern Europeans), and the stereotypes that remain in people's perceptions of those who "aren't from here".
- Whilst a number of respondents felt that discrimination was targeted at "Soothmoothers", a number of respondents who described themselves as Shetlanders felt victimised.  These respondents felt that locals are disadvantaged through positive discrimination of those from elsewhere in the UK (for example, more

24

jobs given to incomers than local people); this survey highlighted the perception that incomers from "south" exhaust the job and housing supply to the detriment of locals.

- The majority of respondents felt there were no obstacles preventing the black and ethnic community using Council services (87.1%). However, a reoccurring theme was that signposting in terms of providing information on the services the Council provides, and providing information Council activities, needs to be improved. This related to both incomers and locals.
- The majority of respondents felt there is adequate support for speakers of other languages to learn English in Shetland (87.1%), however it was felt these opportunities are limited to Lerwick, and not enough support is given to people living in outlying areas.
- Some respondents noted that the race section of the consultation should have included questions about an individual's nationality, or an opportunity to state where they are from at a more localised level, rather than just their race.

## 4.4    Age

**91.7%** of respondents said that they have not felt discriminated against in terms of access to training in Shetland, because of their age. 7.6% said that they have. Reasons for those who have felt discriminated include:
- Too old to do training;
- Computer systems too difficult to understand; and
- People think young people are troublemakers and can't take on responsibility.

**95.6%** of individuals said that they had never felt discriminated against in terms of accessing services provided by the Council, because of their age. 4.4% of individuals said they had. Reasons for those who have felt discriminated focused on the difficulties in obtaining accommodation.

**50.8%** of respondents felt the Council is providing sufficient support to ensure young people are able to stay in Shetland to live and work. 47.6% said no. 1.6 % said this question was not applicable to them. Reasons for those who said no included:
- No housing for young people;
- Limited job opportunities or support to enter permanent placements;
- Poorly run graduate placement scheme;
- Poor variety of training opportunities;
- High cost of living;
- Poor public transport; and
- Limited social activities.

A number of respondents felt it was a combination of a number of the above factors. In particular, the lack of housing solutions for young people and lack of job opportunities preventing young people from returning to, or remaining in, Shetland.

The following points detail some of the issues, and what is working in terms of race equality:
- Respondents felt the Council has made a recent push to hear the views of young people in Shetland, with a number of respondents noting an increase in opportunities to be involved in the decision-making process of the Council.
- A number of respondents felt that ageism still exists in Shetland, particularly in recruitment for both younger and older individuals. Young people said it is generally more difficult for younger individuals to enter employment. For example, employers perceive a lack of experience or ability to take on responsibility. Conversely, a number of older individuals said in the current job climate, they are being pushed out of jobs to accommodate younger individuals.
- Respondents felt that older individuals do not have the same training opportunities as those who are younger. While other respondents felt the support for young people to

25

enter training opportunities is insufficient. This insufficiency was in terms of the variety of courses on offer at Shetland's Colleges, and the poorly suited Council graduate placement scheme. Respondents also felt there is little support to ensure young people can move into more permanent employment within Shetland after these schemes.

- Respondents felt the cost of accommodation and limited housing supply means it is very difficult for young people to get accommodation.
- Respondents felt disadvantaged due to poor public transport, particularly in the evenings. They felt this prevented them from accessing social/recreational opportunities in Shetland, and according to some respondents, proved a barrier for young people accessing employment (for example, young apprentices that rely on early morning, or late evening services).

## 4.5     Sexual Orientation

**59.7%** of respondents felt their local area is inclusive of lesbian, gay, bisexual and transgender individuals. 40.3% said that it was not. Reasons for those who said no included:

- Resistance in older generations;
- Insular/closed minded communities;
- Negative comments made by the public; and
- Lesbian, Gay, Bisexual and Transgender (LGBT) individuals are scared to express themselves, fearing the abuse they may face.

The following points detail some of the issues, and what is working in terms of sexual orientation equality:

- Respondents felt Shetland was "behind the times" when it comes to acceptance of LGBT individuals; homophobia and narrow-mindedness is believed to still persist in a large part of the Shetland community.
- Respondents noted that negative comments are made towards LGBT individuals in the Shetland community, and that LGBT individuals are scared to express themselves, fearing the abuse they may face. Respondents felt that negative attitudes, or closed-mindedness, towards LGBT individuals are more prevalent in older generations.
- Respondents indicated there are still young people moving south to the Scottish Mainland due to the intolerance experienced growing up in Shetland. As well as discrimination in the wider Shetland community, they highlighted that negative attitudes towards LGBT individuals are still prevalent amongst their peers at school.

## 4.6     Religion or Belief

**97.7%** of respondents said they had not felt discriminated against in terms of accessing services provided by the Council, because of their religion or beliefs. 2.3% said that they had felt discrimination. In this particular question reasons were not given on why.

**98.8%** of respondents said that there are no obstacles that prevent religious groups from using Council services. 1.2% of individuals said that there were. The only comment made following this question was the inappropriate use of Council funding by providing support to religious groups.

**89.7%** of respondents said that they have not felt disadvantaged or offended by Council actions, policies or procedures in regards to their religion or beliefs. 10.6% of respondents said they had. Reasons include:

- Good Friday and Easter Monday not recognised as public/school holidays; and
- Conflict between beliefs and other rights, such as gay rights.

26

- Historical anomalies in terms of funding for religious groups, namely between Christian groups (i.e. Guides, Boys Brigade and funding to maintain local churches), and those of other religions.
- A number of respondents felt the Council or Trusts providing funding to religious groups is an inappropriate use of funding.

27

# Appendix 2: Equality and Diversity Consultation of Shetland Islands Council Workforce 2010

## 1. Introduction and Background

### 1.1 Introduction

The following report details the responses to Shetland Islands Council's Equality and Diversity Consultation, which took place in November and December of 2010. The consultation was made up of two questionnaires, one sent to all Shetland Islands Council (SIC) staff, and another targeted at the wider community. Questions differed in focus between the two surveys. This report forms one part of the consultation response; the "staff consultation". The "community consultation" forms the second report and can be found in Appendix 1.

The following details the information provided in each section of this report:
- Section 1 provides some background to the consultation, describes why the consultation was carried out, and details the recent changes to equality legislation and what that means for local authorities;
- Section 2 provides a breakdown of the respondents to the Staff Questionnaire. The breakdown is in terms of a respondents' gender, race, age, sexual orientation, their religion or beliefs and whether they have a disability;
- Section 3 provides an overview of quantitative responses, under each protected characteristic (gender, disability, race, age, sexual orientation, and religion and belief); and
- Section 4 provides an overview of the qualitative responses; the issues and challenges, and what is working" in terms of equality in the Shetland community.

The Policy Unit, at the Shetland Islands Council would like to thank all of those who responded to the survey, and the agencies that helped in the consultation process.

### 1.2 Background

The purpose of the SIC Staff Equality and Diversity Consultation 2010 was to seek any gaps in equality within the Council's workforce. Shetland Islands Council needs to ensure that equality outcomes are based on evidence and involvement of equality groups and communities, and also to improve on the SIC's equalities monitoring of the SIC's workforce.

### 1.3 The Equality Act 2010

The Equality Act 2010, which aims to support progress on equality by harmonising and strengthening all previous discrimination law, extends the previous strands of antidiscrimination (race, gender and disability) to produce what is now known as ''protected characteristics''. The characteristics, which are now protected under equality law, are:
- Gender (and Pregnancy and Maternity);
- Disability;
- Race;
- Age;
- Sexual Orientation (and Gender Reassigned); and
- Religion and Belief.

The Equality Act 2010 states that Local Authorities must have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;

28

- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## 1.4    The Consultation

The Equality Act 2010 covers a wider number of protected characteristics than previous discrimination law, therefore the Council, through consultation, has sought to fill the gaps in data (both qualitative and quantitative) to inform Shetland's equality outcomes.

The questionnaire was targeted at all Council staff,

The staff questionnaire was made up of six sections, each focusing on one of the protected characteristics detailed in Section 1.3 above.  Questions sought to identify any issues and areas for improvement within each of the survey sections.

## 2    Breakdown of Respondents

A total of 476 questionnaires were returned during the consultation process.  Respondents were given the option to skip questions, answering those only relevant to them.   Therefore there was a variation in the number of respondents answering each section.

- 272 individuals answered the section relating to Gender equality;
- 140 individuals answered the section relating to Disability equality;
- 157 individuals answered the section relating to Race equality;
- 254 individuals answered the section relating to Age equality;
- 136 individuals answered the section relating to Sexual Orientation equality; and
- 158 individuals answered the section relating to equality in Religion and Belief.

Since the implementation of Single Status the Council does not have details of staff groupings as staff are either categorised as Local Government Employees (LGE), or Teachers, Lecturers or Instructors.  However, from the Quarterly Joint Staffing Watch figures from September 2010, the following Full Time Equivalent (FTE) breakdown by category is available:

**Table 1:  Full Time Equivalent (FTE) breakdown of SIC staff by Category**

| Category | FTE | Percentage |
|---|---|---|
| Education: Teachers | 415 | 14.62% |
| Education: Other Staff | 400 | 14.09% |
| Social Work | 871 | 30.69% |
| Other Staff | 1053 | 37.10% |
| Construction Staff | 99 | 3.49% |

The survey asked respondents to state which category best described their job, the results are summarised in Table 1 below.  There are a wide range of professions represented.

29
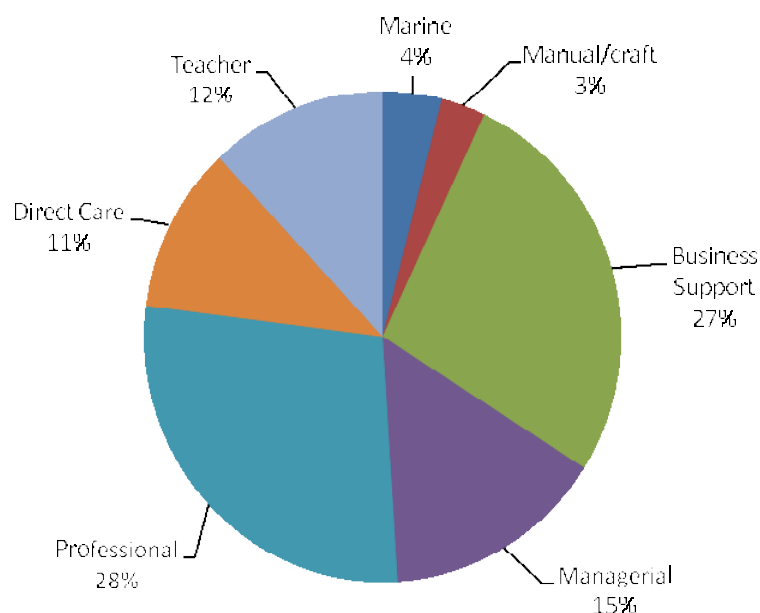
**Table 1: Occupational Category of all SIC staff**

65% of respondents were Female, with 35% Male. The Council's workforce comprises 70% Female and 30% Male, so the survey responses represent the gender profile of the Council.

Of the 165 individuals completing the disability section of the staff survey:
- 76% described themselves as not have a disability;
- 16% described themselves as having a disability;
- 7% were carers for those with disabilities, and
- 1% were members of a disability group or organisation.

This compares favourably with the Disability profile of Council staff: 6.41% of staff declared they have a disability and 4.86% did not disclose.

Of the 174 individuals that completed the race section of the staff survey:
- The majority described themselves as white (92%);
- Only 1% were of black or mixed race; and
- 7% of respondents preferred not to answer.

254 individuals completed the age section of the staff survey, with representation from all age groups. The table below compares the age range of those who completed the survey against the workforce of the Council. This is generally similar and therefore gives a good comparison to the Council workforce age range.

**Table 2: Age profile of survey respondents compared with the workforce of the Council**

| Age Range | Survey | Workforce |
|-----------|--------|-----------|
| Under 21 | 2% | 4% |
| Under 25 | 3% | 7% |
| 25-30 | 11% | 10% |
| 31-40 | 24% | 21% |
| 41-50 | 27% | 27% |
| 51-60 | 26% | 23% |
| 61-69 | 7% | 7% |
| Over 69 | 1% | 1% |

Of the 136 individuals answering questions relating to sexual orientation:

30

- 3% described themselves as bisexual;
- 5% described themselves as gay;
- 85% described themselves as heterosexual; and
- 8% preferred not to answer.

A wide number of religions were represented in the 158 individuals completing the section relating to religion and belief.

- The following religions/beliefs were represented: Buddhist, Church of Scotland, Humanist, Jewish, Other Christian, Pagan, and Roman Catholic.
- 34% answered as having no religion, 8% preferred not to answer, and the remaining 59% identified a particular religion or belief.
- The religions Church of Scotland and 'other Christian' were the most prevalent in (26% and 19% respectively).

The Council does not hold staff information on Sexual Orientation, or Religion/Belief, therefore it is not possible to make a comparison for those characteristics.

## 3.      Summary of General Questions

The following section provides an overview of questions that featured under each protected characteristic.

Section 4 provides an overview of the issues and challenges summarised into each protected characteristic.

### Summary

The majority of the staff feel that the Council is good at promoting equalities and that discrimination is a problem within the Council.

12.6% of respondents (33 staff) felt discriminated against during their employment within the Council because of their Gender.

30% of respondents (15 staff) felt that reasonable adjustments were not made to accommodate their disability during employment with the Council.

7 respondents felt that their gender had a negative impact on taking part in training or developing their learning potential.  8 individuals also felt that their age has a negative impact.

The majority of respondents were against monitoring of staff sexual orientation and religion/belief, 75.3% and 65.1% respectively.

14% of respondents (37 staff) felt that the Council did not promote gender equality, 69% (182 staff) thought it was promoted to a satisfactory level; and 16% (44 staff) thought it was actively promoted.

20% of female respondents (50 staff), and 18% of male respondents (37 staff) felt that there were obstacles that prevent both men and women in a parenting role continuing their employment with the Council.

31

## 3.1 Areas of Interest

At the beginning of each section, each respondent was given the option to answer the questions in that section or allow them to move onto the next section. This information can be used to assess the areas which people feel are the most important to them.

The table below summarises which areas staff wished to answer questions on:

**Table 3: Percentage of respondents who wished to answer questions relating to each protected characteristic (i.e. those who answered yes), and percentage of those who skipped each section (i.e. those who answered no).**

|     | Gender | Disability | Race | Age | Sexual Orientation | Religion / Belief |
|-----|--------|------------|------|-----|--------------------|-------------------|
| Yes | 62.5%  | 35.0%      | 40.5% | 65.5% | 36.6%            | 42.9%             |
| No  | 37.5%  | 65.0%      | 59.5% | 34.5% | 63.4%            | 57.1%             |

In the case of Age and Gender, more staff wished to answer questions on those areas than not, while for Disability, Sexual Orientation and Religion/Belief only 35% - 43% of respondents chose to answer.

## 3.2 Being Treated Fairly When Looking for Work, or for Gaining Promotion

All sections began with a question that asked staff if they felt they had been discriminated against in terms of seeking employment or for gaining a promotion in regards to their gender, disability, race, age, sexual orientation and religion or belief.

For each of the protected characteristics, the majority of respondents said they had never felt discriminated against during their employment with the Council.

The table below shows the percentages for each protected characteristic:

**Table 4: Percentage of respondents who have (or have not) felt discriminated against in terms of seeking employment or gaining a promotion in regards to a number of protected characteristics**

| Characteristic     | Yes   | No    |
|--------------------|-------|-------|
| Gender             | 8.8%  | 91.2% |
| Disability         | 9.5%  | 50%   |
| Race               | 5.4%  | 94.6% |
| Age                | 11.9% | 88.1% |
| Sexual Orientation | 0.7%  | 91.9% |
| Religion/Beliefs   | 1.2%  | 92.9% |

Of the 8.8% that felt discriminated against in terms of seeking employment/gaining a promotion in regards to their **gender**:
- 44.4% (8 individuals) said they had felt discriminated against whilst in interview; and
- 55.6% (10 individuals) felt discriminated against because of the recruitment decision that was made on the job that they applied for.

Of the 9.5% that felt discriminated against in terms of seeking employment/gaining a promotion in regards to their **disability:**
- 9.1% (1 individual) felt that there were no suitable positions;
- 9.1% (1 individual) said that they had difficulties with the job application form;
- 9.1% (1 individual) said that the Council would not accommodate their needs during the interview process;

32

- 18.2% (2 individuals) felt discriminated against because of the recruitment decision that was made on the job that they applied for; and
- 54.6% (6 individuals) said that the Council would not accommodate their needs whilst in employment with the Council.

Of the 5.4% that felt discriminated against in terms of seeking employment/gaining a promotion in regards to their **race:**
- 100% (5 individuals) felt discriminated against because of the recruitment decision that was made on the job that they applied for.

Of the 11.9% that felt discriminated against in terms of seeking employment/gaining a promotion in regards to their **age:**
- 22.7% (5 individuals) felt discriminated against whilst in interview; and
- 77.3% (17 individuals) felt discriminated against because of the recruitment decision that was made on the job that they applied for.

Of the 0.7% that felt discriminated against in terms of seeking employment/gaining a promotion in regards to their **sexual orientation**:
- 100% (1 individual) felt discriminated against because of the recruitment decision that was made on the job that they applied for.

Of the 1.2% that felt discriminated against in terms of seeking employment/gaining a promotion in regards to their **religion or beliefs**:
- 100% (1 individual) felt discriminated against whilst in interview.

## 3.3 Being Treated Fairly at Work

Staff were asked to indicated whether they had ever felt discriminated against during their employment with the Council, in relation to each of the protected characteristics.

The table below summarises the responses:

**Table 5: Percentage of respondents who have (or have not) felt discriminated against during their employment with the Council**

|  | Yes | No |
|---|---|---|
| Gender | 12.7% | 87.3% |
| Race | 6.8% | 93.2% |
| Age | 7.9% | 92.1% |
| Sexual Orientation | 2.0% | 98.0% |
| Religion/Belief | 2.4% | 97.6% |

It would appear that the characteristic which staff feel most discriminated against is Gender with 12.6% (33 staff) feeling they had been discriminated against. Age and Race is lower, at 7% and 8%, and Sexuality and Religion/Belief very low at around 2%.

Comments from staff feeling discriminated against because of their gender included:
- Being a mother of a child is a barrier to promotion;
- Poor male/female balance when it comes to employee benefits (i.e. maternity/paternity and reduced working hours);
- Women have to work harder to prove their worth; and
- Have felt in a vulnerable position whilst on maternity leave.

Comments from staff feeling discriminated against because of their race included:
- Not being from Shetland: "I have got picked on because I was a soothmoother"; and

33

- Being a Shetlander: "Shetlanders don't seem to get any high up officials' jobs. They are mostly given to incomers."

Comments from staff feeling discriminated against because of their age included:
- Young people aren't given jobs as they are deemed to be overqualified (i.e. degree) and under experienced in the workplace, and this puts us in a catch 22 situation; and
- I have been told that further training would be a waste of time at this stage in my career.

There was a slightly different question in relation to Disability, in order to determine if reasonable adjustments had been made to accommodate an employee's disability during employment with the Council. Those responses are summarised below:

**Table 6: Percentage (and numbers) of respondents who felt that reasonable adjustments had been (or had not been) made to accommodate their disability during employment with the Council**

|  | Yes | No |
|---|---|---|
| Disability | 70% (35) | 30% (15) |

Comments relating to why individuals felt that reasonable adjustments had not been made to accommodate their disability during employment included:
- Being dyslexic, employer was reluctant to support me in getting the right equipment and materials to ensure I was not struggling;
- My disabled colleague experienced difficulty in finding secure employment within the Council;
- Lack of understanding of mental health; and
- Purchase request for equipment denied, and asked to work from home rather than affect an open plan office.

## 3.4  Training and Developing Full Learning Potential

Staff were asked if they felt their opportunity to take part in training or develop their full learning potential had been affected by a protected characteristic:
- 2.8% (seven staff) thought that their gender had negatively impacted on this, while no-one thought that their gender had a positive impact.
- 3.2% (eight staff) felt that their age had a negative impact, while 1.6% (four staff) thought their age had had a positive impact.
- With regard to Sexual Orientation, of the staff who responded, no-one thought that their sexuality had impacted on this, either negatively or positively.
- 1.2% (two staff) thought that their religion/belief had had a negative impact, while no-one thought it had had a positive impact.

## 3.5  Monitoring of Protected Characteristics

Staff were asked whether they felt that the Council should ask individuals to disclose information on their protected characteristics on the Employee Equal Opportunities Monitoring forms. The table below summarises the responses:

**Table 7: Percentage of staff that felt the Council should (or should not) ask individuals to disclose information on the following protected characteristics: disability, sexual orientation and religion/belief.**

|  | Yes | No |
|---|---|---|
| Disability | 83.3% | 16.7% |
| Sexual Orientation | 24.7% | 75.3% |
| Religion/Belief | 34.9% | 65.1% |

34

A high proportion of staff felt that the Equal Opportunities Monitoring form should ask for employees disability, however, three quarters of respondents thought that Sexual Orientation should not be asked for. Similarly, 65% thought that Religion/Belief should not be asked for.

## 3.6    Promotion of Gender Equality

Staff were asked whether they felt that the Council promoted Gender Equality, and to what level:
- 14% (37 staff) thought that the Council did not promote Gender Equality;
- 69% (182 staff) thought that it was promoted to a satisfactory level; and
- 16% (44 staff) thought that it was actively promoted.

## 3.7    Obstacles Preventing Parents Continuing their Employment with the Council

Staff were asked whether they felt that there are any obstacles that prevent both men and women in a parenting role continuing their employment with the Council. The table below summarises the responses:

**Table 8:  Percentage of respondents who felt that there are (or are not) obstacles that prevent both men and women in a parenting role continuing their employment with the Council.**

|       | Yes | No  | Not Sure |
|-------|-----|-----|----------|
| Women | 20% | 43% | 37%      |
| Men   | 18% | 48% | 34%      |

Nearly half of those who responded thought that there were no obstacles to the parenting role for both genders. However, **20% of female respondents (50 staff)** and **18% of male respondents (37 staff)** felt that there were obstacles that prevented individuals in a parenting role from continuing their employment.

## 3.8    Flexible arrangements for Religious Festivals/Days of Worship

We asked staff whether they had ever felt discriminated against in terms of taking advantage of flexible arrangements to accommodate time off for days of worship and religious festivals whilst in employment with the Council:
- 6.7% said that they had felt discriminated against in terms of taking advantage of flexible arrangements for days of worship or religious festivals, and
- 93.3% said that they had not.

## 4.    Summary of Questions under Protected Characteristics

## 4.1    Gender

**91.2%** of respondents (271 staff) felt they had not been discriminated against in terms of seeking employment with the Council because of their Gender, or that their Gender had prevented them from gaining a promotion. 8.8% (26 staff) felt that they had been. Reasons included:
- Strong bias for females in Social Work Management; and
- Concerns about the lack of opportunity for women generally.

Below are some of the other comments made in relation to gender:

35

- There is a lack of childcare/crèche facilities in some areas, particularly in rural areas of Shetland;
- Perceived discrepancies between services in relation to making up time after taking time off for sick dependants;
- Managing flexi-time can be difficult, but it is recognised as an employee benefit;
- Lack of flexibility when returning from Maternity, options are limited forcing some to resign from post;
- Men do not get enough time off when a baby is born, and more flexible benefits for childcare;
- Policies and Procedures are just paying lip service and hide the real issues; and
- Low number of men employed in Social Care and Social Care Management.

## 4.2 Disability

Of those who answered whether they felt the Council had made reasonable adjustments to accommodate disability, 70% (35 staff) thought that the Council had, while 30% (15 staff) did not, among the reasons were:
- Interviews are unfair; alternatives could be made, but not widely known;
- Not all Council buildings have appropriate wheelchair access;
- Perception that Management do not make necessary adjustments for disabilities, and that more effort could be made; and
- Mental Health is lagging well behind Physical Disabilities in people's knowledge and understanding.

## 4.3 Race

93.2% of respondents (151 staff) said they had felt discriminated against during their employment with the Council. 6.8% (11 staff) felt they had. The reasons given were whether staff were (or were not) from Shetland:

"It appears to me that Shetlanders face discrimination in gaining promotion"

"I have felt that the fact that I am not a Shetlander has gone against me in the way I have been treated"

The two quotes above suggest that there were two distinct, opposing themes, with both Shetlanders and non-Shetlanders feeling that preferential treatment was given to the other in terms of getting jobs within the Council.

A conclusion is that there is a perception amongst some of the Council workforce that recruitment to jobs with the Council is unfair, and that Policy and Procedures, particularly in relation to Equal Opportunities are not complied with. Appointments to posts are not perceived as based on merit.

## 4.4 Age

88.1% of respondents (229 staff) said they had not been discriminated again seeking employment, or promotion. 11.9% (31 staff) felt they had. Comments included:
- Told bluntly at interview that panel were surprised someone of my age would apply;
- Training not seen as important for older people; and
- Felt age counts against staff for getting recognition.

Other general comments with regard to age included:

36

- Perception that there are certain jobs which are aimed at certain ages. For example: children and youth services are generally staffed by young people and community care by older women;
- Training is not always encouraged for older staff members, with some managers favouring younger people for training opportunities;
- Assumption that older staff are stuck in their ways and are not be open to new ideas, or new legislation. For example, care standards;
- Management tend to assume younger is better;
- Younger people feel as though they are made to carry out menial tasks and are perceived to not know as much so are treated differently; and
- Highly qualified younger people struggle to gain employment due to lack of experience.

## 4.5    Sexual Orientation

99% of respondents (137 staff) felt that they had not been discriminated against in terms of seeking employment or promotion, with regard to their sexual orientation. 1% (1 staff member) felt they had.

98% (144 staff) felt that they had not been discriminated against during their employment with the Council because of their sexual orientation, 2% (3 staff) felt they had.

There were no comments from any individuals who had, themselves been discriminated against, however, a few respondents said that they had been witness to some sexual orientation discrimination.

The issue of positive discrimination was raised here, with a member of staff member feeling that a bias is in place to make up gay numbers of staff, without appointing on merit.

## 4.6    Religion or Belief

97.6% of respondents (163 staff) felt that they had not been discriminated against during their employment because of their Religion or Belief, 2.4% (4 staff) felt they had. Comments given were:
- Being forced to work on Good Friday and Easter Monday; and
- Having to participate in school assemblies.

37

# Appendix 3: Summary of research and baseline data held by the Council up until 2010.

## 1.      Introduction and Background

### 1.1     Introduction

As a result of the Equality Act 2010, Shetland Islands Council wished to conduct a review of the data and research that the Council held on equality and diversity in Shetland.  This would assist in establishing, what is known, what has been achieved in terms of equality and diversity in Shetland, and what is still required.

The purpose of this document is to draw together all the research the Council holds on the following protected characteristics:
- Gender (inc. Pregnancy and Maternity)
- Disability
- Race
- Age
- Sexual Orientation (inc. Gender Reassigned)
- Religion and Belief

### 1.2     Background

Since the Equality Act 2010 covers a wider number of protected characteristics than previous discrimination law, undertaking a review of existing knowledge helped to determine where the gaps were in data (both qualitative and quantitative) and which areas required further research or consultation.

This report covers the six protected characteristics of the Equality Act (detailed in Section 1.1 above).  The draft duties of the Equality Act previously included a socio-economic duty, but this has since been excluded from the final Equality Act 2010.  Despite its exclusion, the Shetland Islands Council recognises the importance of socio-economic equality, and has produced a Fairer Shetland Framework which aims to develop understanding of poverty, social exclusion and deprivation in Shetland, and also update on progress and improvements in socio-economic equality. The Fairer Shetland Framework can be found here:

http://www.shetland.gov.uk/policy/Poverty.asp

### 1.3     Sources of Information

This report can be broken down into two sections: "what we know about the Shetland Community" and "what we know about the Shetland Islands Council workforce".

Data sourced to inform the community aspects of this report come from a variety of national and local sources.  These include the General Registry of Scotland, Scottish National Statistics and the Census, but also departments within the Shetland Islands Council, Your Voice citizen's panel, Jobcentre Plus and NHS Shetland, to name a few.  The data includes data on demographics, but also on softer data and perceptions of the Shetland population taken from consultation.

Shetland Islands Council workforce data has been taken from the most recent equality monitoring report.  Equality Monitoring Reports are compiled each year for the Shetland Islands Council and can be found via the following link:

<div align="center">38</div>

## 2.    What do we know about the Shetland community?

## 2.1    Summary of Population Structure

The following provides a summary of what is known about the population structure of the Shetland community, under each protected characteristic, as of December 2010.

**Gender**:
- There are more men than women in Shetland (50.5% are men and 49.5% are women)[2].
- The trend of an increasing skew in the male to female ratio is projected to continue.
- The gender profile found in Shetland is different from Scotland as a whole; in Scotland there are slightly more women than men across all age groups[3].
- The skew in gender found in Shetland is partly due to the out migration of women of childbearing age.
- There has been an overall increase in the number of births per year between 2002 and 2009 (209 and 273 respectively).  The birth rate in Shetland (12.3 births per 1000 population) exceeds the birth rate in both Orkney and the Western Isles (10.0 and 8.7 respectively) and the Scotland average at 11.4[4].

**Disability**:
- The number of individuals with disabilities living in Shetland is increasing year on year.  For example, those known to have a learning disability, those known to have a physical disability through the Blue Badge for Parking Scheme, and those who are visually impaired[5].
- The percentage of the population with a limiting long-term illness[11] is lower that the Scottish average (Shetland - 15.7%, Scotland - 20.3%)[6].
- A large number of households with a person with a limiting long-term illness have no carers living within the household (82.7%).  88.3% of all households with a resident above the age of 75 with a limiting long-term illness have no carer in the household (515 households)[7].

**Race**:
- Shetland has a low black and ethnic minority population (1% of the population)[8].
- 99% of Shetland's population are of White Ethnicity.
- Despite low numbers, Shetland has seen an increase in both the number of minority ethnic people, and the diversity of races[9].
- There are an increasing number of immigrants described as European or 'Other White'[10].
- The ethnic minority population tends to be widely spatially distributed[11].

**Age**:
- The breakdown of age as percentage of the total population is as follows[12]:
    - Children (aged 0-15) – **19.2%**
    - Working age (aged 16-64 (M), 16-59 (F)) – **61.0%**
    - Pensionable age (aged 65+ (M), 60+ (F)) – **19.8%**
- By 2033, there is expected to be:
    - A 33% decrease in 0-15 year olds;
    - A 18% decline in the number of working age; and
    - A rapid and continuing increase in the elderly of more than 50%[13].

---

[11] This figure includes both disabilities and chronic medical conditions

39

      o Projected population figures do not take into account the increase in working age population expected following recent developments in the oil and gas sector[12].

**Sexual orientation**:

- There is currently no statistical information available on sexual orientation in Shetland.  However, anecdotal evidence of people moving away rather than moving to Shetland suggest that numbers could be lower than the national average.
- There is no accurate data on Shetland's transgender population, or knowledge of the issues that they face.  Demographics may be of little use in progressing towards transgender equality; instead the focus should be on people's attitudes and openness to difference.

**Religion and belief**:

- 39% of the Shetland population state that they have no religion.  The Church of Scotland is the most prominent religion in Shetland, followed by 'other Christian'[14].

## 2.2    Summary of Issues Currently Known

The following section brings together a number of issues highlighted from previous community consultation, the majority of which are public perception, but others have been concluded from trends in statistical data.

Issues regarding **gender** equality include:
- The skew in gender found in Shetland is partly due to the out migration of women of childbearing age.
- A combination of negative net migration and negative natural change will further influence the population structure of Shetland.
- Certain workplaces are still dominated by either males, or females**[15]**.
- General perception that there is a lack of registered child minders throughout Shetland, and that there are gaps in childcare provision particularly for the 0-3 year age group.

The following details issues regarding **disability** equality.  These are perceptions of respondents to a disability survey carried out in 2009[16].
- There is insufficient support for those with disabilities wishing to transfer from School to College or work placement.  Respondents felt that support services are provided only to the young or the elderly, with gaps in provision for those between those age groups.
- The provision available for disabled applicants to the Shetland College is not widely publicised, and more needs to be done to encourage those with disabilities to take part in training and learning programmes.
- There are still gaps in provision for transport.  For those with more serious mobility problems a door-to-door service has been widely requested.
- There are some serious issues regarding external transport for those with hearing or visual impairments, i.e. lack of deaf translation for tannoy messages on the Northlink ferries.  Also, there is no logging system for passengers with mobility, deaf or hearing problems on ferries.  This causes problems in an emergency.
- There is insufficient support for unpaid/voluntary carers, particularly young individuals.
- Children who care for adults (siblings, parents or grandparents) are not normally given any official recognition as carers.

---

[12] TOTAL Laggan-Tormore Project: http://www.laggan-tormore.com/

40

The following points detail issues regarding **race** equality. These are perceptions of respondents to a survey carried by NHS Shetland in 2009[17] and the Your Voice citizen's panel[18].

- Communication and access to information; there is a marked rise in the number of people from the A8 states, and many do not have a clear grasp of the English language, or do not speak English at all.
- Level of English: long and unsociable working hours, transport and childcare prevent ethnic minorities from benefiting from the learning opportunities that are available to them.
- Feelings of isolation: networks of support need to be expanded in response to an increasing ethnic minority population.
- Inclusion of ethnic groups: some groups are not yet fully integrated into the community.
- Individuals are not aware how to raise concerns about public services, as many have no experience of taking part in public consultations and are unaware of the various mechanisms used by the Council to seek the views of local people.
- Some groups are still hard to reach, i.e. Asian women. A number of these women don't appear to access local services or be in employment locally and this may be down to their distinctive cultures. There are exceptions however, as most Thai, Filipino, Malay migrants are in the workforce and are accessing local services and ESOL. Some are married to Shetlanders which helps with integration.
- Many of the issues faced by black and ethnic minority populations are not unique to this group, but affect the wider community as a whole. These are housing, transport, childcare, provision of health and social care services.
- With the Indian/Bangladeshi community there are cultural difficulties that are the same as in other areas of the UK. Barriers include: childcare and caring responsibilities, perceived lack of skills and experience, poor experience of learning (and often limited initial education), family dynamics and expectations. Adult learning provides individual support for people who do not want to learn in a mixed class, but currently there are few Indian/Bangladeshi learners in Shetland, and their spoken English tends to be very good and their written English very poor.

Issues regarding **age** equality include:

- The projected demographic trends expected in Shetland in the next couple of decades will have a significant impact on service provision.
- The current low numbers of young adults will subsequently have an impact on future working age populations (16-74 age group) and therefore the fertility of the population.
- There will be a reduction in birth rate and an overall ageing population.
- The economic implications of these trends will need to be considered in order to promote equal opportunities for our ageing population, with particular attention to the impact on the housing market, the labour market, the delivery of public expenditure and the education system. These demographic trends are not unique to Shetland; an ageing population is expected across Scotland.

In terms of **sexual orientation** equality, the following details perceptions of respondents to a Stonewall Scotland community engagement carried out in 2010[19].

- A large proportion of respondents believe homophobia and transphobia is a problem in Scotland, and 80% of gay young people surveyed said they have experienced discrimination.
- 63% of respondents felt that religious attitudes are to blame for public prejudice against gays and lesbians. Over half of respondents would be unhappy if a member of their family married a transgender individual.

41

- The percentage of the Shetland population that is gay, lesbian, bisexual and transgender is not known. There is little knowledge of the issues that they face. This gap in knowledge is a major barrier in providing equal opportunities for this group.

Issues regarding **religion and belief** equality include[20, 21]:
- There is demand for a permanent place of worship particularly from the Muslim community. This is a significant issue for all religious groups. Lack of quiet space in primary and secondary schools for prayer continues to be a barrier to equality.
- Lack of information of the measures in place to ensure equal opportunities for different religious groups and beliefs.
- Celebrations that form part of an individual's culture or religion are typically held as family events in Shetland. More information is needed as to whether there is a demand for community led events.

## 3.    What do we know about the Shetland Islands Council workforce?

At the last Quarterly Joint Staffing Watch Survey (in the last quarter of 2009), the SIC had a total of 3,944 employees or 2,534 full-time equivalents[22].

**Gender:**
- 75.14% of the SIC workforce are female, and 24.86% are male (2009/10).
- Shetland ranks 32nd, the poorest performing Local Authority in Scotland, for the percentage of council employees in the top 5% and top 2% of earners that are women (20.3% of the top 5% of earners are women, and 13.0% of the top 2% of earners are women[13].
- Of the 5574 training applications received from SIC staff in 2009/10, 79.8% were from women, and 21.2% were from men.
- Of all job applications received in 2009/10, 70.65% were from women, and 25.22% were from men. Of successful applicants, 81.61% were women, and 16.09% were men.
- Of all employee review and development meetings that took place in 2009/10, 80.6% were with female employees, and 19.37% were with male employees.

**Disability:**
- 7.80% of SIC staff are known to have a disability in 2010, an increase from 6.21% in 2009.
- 2.17% of job applications received in 2009/10 were from individuals known to have a disability.
- 4.09% of training applications received from SIC staff in 2009/10 were from individuals known to have a disability.
- 5.41% of employee review and development meetings in 2009/10 were from individuals known to have a disability.

**Race:**
- The large majority, 76.92% of SIC employees are Scottish, 10.26% are English, and others include the following ethnicities (in order of highest percentage of staff):
  - Welsh
  - Irish
  - Pakistani
  - Chinese

---

[13] These figures are due to the merging of Shetland Towage with the Shetland Islands Council, which brought in a significant number of additional marine staff in the top pay bracket's, who were all male

42

- o African
- o Indian.
- 61.74% of all job applicants received in 2009/10 were Scottish, and 14.13% were English. Of the other 24.13% of job applicants the following ethnic origins featured:
  - o Other (11.09%)
  - o Undisclosed (6.52%)
  - o Irish (2.61%)
  - o Chinese (1.74%)
  - o African (0.87%)
  - o Indian (0.87%)
  - o Caribbean (0.22%)
  - o Welsh (0.22%).
- 69.78% of all training applications received in 2009/10 were from Scottish individuals.
- 82% of employee review and development meetings carried out in 2009/10 were with Scottish employees.

**Age:**
- Over 50% of the workforce is aged between 36 and 55.
- There is relatively few job applications received from the 36-65 age group[14], despite this age group making up the largest proportion of the SIC workforce. The largest proportion (29.35%) of job applications received in 2009/10 was from those aged between 16 and 25. The second largest proportion of job applications was received from those aged 26-35.
- For the age group 56 to 65, there are fewer training applications received than the proportion of the workforce that this group makes up. For all other age groups, the proportion of training applications exceeds the proportion of the workforce that each age group makes up.
- As with training applications, the proportion of employee review and development meetings that are carried out with the 56 to 65 age group under represents the proportion of the workforce that this age group makes up.

**Sexual Orientation (inc. Gender Reassignment)**
- There is no publicly available data at present on employee sexual orientation or gender reassignment for the Shetland Islands Council.
- The sexual orientation profile of the Shetland the SIC's workforce may be of little use in progressing towards equality. Monitoring factors such as: attitudes of employees towards providing services to lesbian, gay, bisexual, or transgender (LGBT) people, or working alongside LGBT colleagues, may better reveal progress towards equality in sexual orientation and the gender reassigned.

**Religion and Belief:**
- There is no publicly available data at present on employee religion or beliefs within the Shetland Islands Council.

---

[14] Compared to the 16-25 age group and the 26-35 age group.

43

## Appendix 4: Addressing the Issues

The table below sets out how issues raised in the consultation, and detailed in Section 3.2, Page 4, will be addressed in the Equality and Diversity Action Plan in Section 5, Page 9.

| Issues | To be addressed through: |
|---|---|
| **Shetland Islands Council workforce:** | |
| 'Face fits' culture (favouritism in recruitment and employment, 'boys club' and the Shetlander versus non-Shetlander conflict) | 2.1.2, 2.1.3, 2.1.4, 2.1.5 3.1.3 and 3.2.1 |
| Poor communication on decisions made after interview for those applying for work | 2.1.2 and 3.1.3 |
| Parenting seen as a barrier to employment and promotion | 3.1.2 |
| Inconsistencies in monitoring of flexible working requests | 2.1.4, 3.1.1, 3.1.2 and 3.1.3 |
| Inconsistencies in support for returning maternity leavers | 2.1.2 and 3.1.3 |
| Inconsistencies in employee review and development meetings | 2.1.2 and 3.1.3 |
| Lack of trust and confidence in management. | 2.1.3 and 3.1.3 |
| Poor people management; employer and employee unable to find common ground in terms of expectations | 2.1.2, 3.1.2 and 3.1.3 |
| Training and support for policies that promote equality and diversity | 2.1.4, 3.1.2, 3.1.3 and 3.1.4 |
| Promotion of opportunities for employees of older age groups to access training | 3.1.4 |
| **Shetland Community:** | |
| **Overarching:** | |
| Individuals not having the confidence to be different (sexual orientation and pursuing traditionally single gender careers) | 1.1.4, 4.1.1 and 4.3.1 to 4.3.5 |
| Lack of understanding of people's capabilities (disability, gender and race) | 4.4.1 |
| Perceived positive discrimination towards those who possess a protected characteristic | 2.1.1, 2.1.2, 2.1.4, 3.1.3 and 4.2.3 |
| Lack of consistency in information provided about the support available to individuals with protected characteristics (particularly disability and race) | 4.2.4 (WYFY), 4.4.1 and 4.4.2 |
| **Gender:** | |
| Traditionalism/gender stereotypes in employment | 4.1.1 |
| Barriers to accessing employment (childcare) | 4.1.2 (Childcare Strategy) |
| **Disability:** | |
| Support for those living outside of Lerwick (employment and recreation) | 4.2.5 and 4.4.1 (Shetland Transport Strategy) |
| COPE perceived as only destination | Employability Group (action to go in Action Plan still) |
| Individuals with disabilities lack confidence in accessing services | 4.2.4 (WYFY) |
| **Race:** | |
| Media reporting strengthening stereotypes and negative local attitudes towards 'people from elsewhere' | 4.2.3 |
| Support for those living outside of Lerwick (ESOL) | 4.2.2 |
| **Age:** | |
| Young People lack support to return and thrive in Shetland | 4.2.1 (CPP and S&LP) and 4.4.1 (Shetland Transport Strategy) |

44

| | |
|---|---|
| Out migration of young people | 4.2.1 |
| Ageing population | Single Outcome Agreement |
| **Sexual Orientation:** | |
| Young people are confident to be themselves | 1.1.4, 4.3.1 (Parenting Strategy) and 4.3.2 to 4.3.5 |
| Gaps in data | 1.1.1 and 1.1.2 |
| **Religion & Belief:** | |
| Fairness in funding (historic anomalies) | Dialogue with Interfaith |

45

## Appendix 5: VOiCE Analysis



## Analyse

**Title:** **Equality Consultation 2010**

**Start Date:** 01/11/2010
**Review Date:** 31/01/2010

1. **Background:**
   Under the new legislation, the Equality Act 2010, one of the key elements of the public duty placed on local authorities, is to promote equality. Shetland Islands Council wishes to ensure that equality outcomes are based on evidence, and that evidence is obtained through involvement of equality groups and communities. This consultation will form an indication as to where the gaps are in terms of equality, and confirm which areas are working well.

   **Contact:**
   Louise Gall, Policy Unit, Shetland Islands Council. Tel: 01595 743728
   Robert Erasmuson, Human Resources, Shetland Islands Council. Tel: 01595 744559

2. **Our purpose for engagement is:**
   Seek out and address any gaps in equality in our local communities, the services in which Shetland Islands Council provides, and within workplaces of the Council.

3. **Which is the right level of engagement for your purposes?:** Consult

4. **Before we plan the process of engagement - what do we need to think about?:**

   **What we know:**
   The information that the Council holds on equality is out of date and now that the Equality Act 2010 extends the public sector duty to include a wider number of protected characteristics, the Council's data and information base is incomplete.

   **What we need to know:**
   Information on issues faced by individuals in the community in terms of equality (i.e. within the following protected characteristics - race, gender, disability, age, religion and belief, pregnancy and maternity, sexual orientation and gender reassignment). We need to know where the gaps are in terms of equality in Shetland's communities, within workplaces and in the services that Shetland Islands Council provides.

5. **Who has an interest in our focus of engagement?:**

   **Agency Stakeholders:**
   Shetland Islands Council
   Human Resources
   ZetTrans
   Shetland Islands Area Licensing Board
   Shetland College

46

Schools Service

**Community Stakeholders:**
Males & Females
People with disabilities
Migrants to Shetland
Young people
Older people
Lesbian, Gay, Bisexual and Transgender (LGBT)
Religious groups
Shetland Islands Council staff

6. **Who needs encouragement?:**
   LGBT individuals.  Older people.  Younger people.  Black and ethnic minority.

7. **Are there any conflicts of interest that might emerge?:** No

8. **What locality or thematic group is this engagement targeted at?:**
   Equality groups within the Shetland Community, and SIC staff.

9. **Postcode(s):**
   ZE

10. **What is the engagement theme?:**
    Equality and diversity in Shetland

11. **What is the purpose of the engagement?:**
    Gain new understanding


## Plan

1. **What outcomes are Stakeholders looking for and what will success look like?**

   - *Outcome:* Equality outcomes are based on evidence and involvement of equality groups and communities.
     *Outcome indicators:*  All equality groups are contacted and fully represented in the survey response.  All responses are fed into Shetland's Equality Framework 2011, and inform the action plan and equality outcomes.
   - *Outcome:* Full and complete information, where possible, on the protected characteristics of the Equality Act 2010.
     *Outcome indicators:* Issues and areas for improvement are identified within each equality strand.

2. **What physical or financial barriers might affect anyone who should be involved?**

   - The forums (Disability, LGBT, ESOL, Youth Voice, Interfaith) will need more resources and time allocated in order to collect responses.  LGBT, ESOL, and Youth Voice have regular meetings with their members, but the Disability Forum and Interfaith does not.
   - We will try where possible to minimize cost by providing electronic copies of the questionnaire to individuals and equality groups, but it may be necessary to send out paper copies.
   - There has been experience of poor return rates when using paper copies to consult, but paper copies may be necessary for disabled or elderly individuals.

47

- The questionnaire is quite lengthy which means some groups may have difficulties completing the entire document (i.e. individuals with disabilities who require their carer to complete the survey for them, and ESOL learners who have a poor level of English).

### 3. What resources might be needed to overcome these barriers?

- Discussion will have to take place with the Disability Forum and Interfaith on how to distribute the surveys.
- An option to request a paper copy of the consultation will be provided.
- Respondents are encouraged to pass on the questionnaires to anyone they feel would like to provide their views, to widen distribution.
- Since the questionnaire is quite lengthy, individuals will be given the option/encouraged to answer only those sections relevant to them.

### 4. What resources are available to us? e.g. skills, experience, budgets, facilities, time etc.

- Robert Erasmuson will provide knowledge of Survey Monkey
- Commitment of time from Louise Gall (Policy Unit), Robert Erasmuson (HR), and the Equality Working Group (members: Emma Perring, Denise Bell, Louise Gall, Robert Erasmuson, Emma Manson)
- Cooperation of the equality forums (Disability, LGBT, ESOL, Youth Voice, Interfaith) during distribution and collection of surveys.
- We have until January 2011 to collect and analyse survey responses.

### 5. What methods will we use and what actions will be taken?

The consultation will take the form of two questionnaires, one targeted at Shetland's community and equality groups, and the other targeted at Shetland Islands Council staff. Robert Erasmuson will be responsible for carrying out the SIC staff consultation. Louise Gall will be responsible for the community consultation.

The community consultation will require contact will local equality groups (Disability, LGBT, ESOL, Youth Voice, Interfaith). Louise Gall will contact equality groups and make arrangements for discussion during November and December 2010. Paper copies and electronic copies will be distributed as appropriate.

**Gender (inc. pregnancy and maternity)**
Gender should be covered, through wide distribution with SIC staff and the Shetland community.

**Disability**
Contact: The Disability Forum
Sarah Johnston from the disability forum, the coordinator for this group, will help to distribute the questionnaire. Questions regarding disability, age and gender will be extracted from the questionnaire to form a smaller set of questions. These will be sent out by mail (and freepost return) to the mailing list for the disability forum. The reason for the shortened questionnaire was that, through the experience of the disability forum, it would largely be the carers that would fill out the questionnaire, and the initial 12 pages was thought too lengthy. The community consultation will feature as an item on the agenda of the next Disability Forum Panel meeting where open discussion of current issues would be encouraged.

**Race**

48

Contact: ESOL (English for Speakers of Other Languages)
As with the disability forum, the community questionnaire will be shortened to feature questions on race, gender and age. The reason for this is that a large number of ESOL learners are still limited in their understanding of the English language, and would have difficulties with some of the complex questions in the questionnaire. Nancy Heubeck and a teacher of ESOL will facilitate a meeting with their ESOL learners to discuss the issues that migrants and ethnic minority groups have in Shetland, and to help them fill out the questionnaire.

### Age
Contact: Youth Voice, SIC Graduate Group.
The equality questionnaire will form part of the agenda for the November (or December) Youth Voice meeting. Questions will be extracted from the questionnaire around age inequality to form the basis of this discussion, and attendees will each complete the full questionnaire. The community questionnaire, as well as the staff questionnaire will be sent to all 2009 and 2010 Shetland Islands Council Graduates.

### Sexual Orientation (inc. gender reassignment)
Contact: LGBT forum.
A meeting will be set up with the LGBT forum to discuss current issues and to encourage discussion over additional concerns that the LGBT forum and its members have around LGBT equality. Since information around this equality group is limited the discussions will be left open for broad discussion. This forum has only recently formed and is in its infancy, Louise Gall is in contact with the coordinator and will plan to have the consultation on the agenda at their next meeting (a date has not been set yet).

### Religion & Beliefs
Contact: Interfaith
The equality questionnaire will form part of the agenda for the November (or December) Interfaith meeting. Each of the members of the Interfaith steering group have agreed to distribute the questionnaire through personal relations, distributing either through the church they represent or through friends. Louise Gall will attend the next meeting of Interfaith (date not set yet) to collect questionnaires and discuss the main themes that arose during their discussions/the completion of the questionnaire.

# Do

1. **Method:**
   The consultation will take the form of two questionnaires, one targeted at Shetland's community and equality groups, and the other targeted at Shetland Islands Council staff. Robert Erasmuson will be responsible for the carrying out the SIC staff consultation. Louise Gall will be responsible for the community consultation.

   **What actions have we taken so far?**
   The questionnaires (both the staff and the community questionnaire) have been sent out, via Survey Monkey, to all Council staff. The Policy Unit has been liaising with local forums (Disability, ESOL, LGBT, Interfaith, Youth Voice) to distribute the questionnaire to their mailing lists/members. Meetings have been set up with the Interfaith group, Youth Voice and ESOL to discuss in general the issues that these equality groups face in Shetland.

   **What issues have arisen?**
   We have received good feedback for the staff equality questionnaire from members of staff. But there has not been as much response to the community equality questionnaire. The questions are much more complex to answer, with a large number of matrix style

49

questions. Almost half of those who have opened the survey have closed the survey before the questionnaire was complete.

**What remedial action are we taking?**
The community equality questionnaire has been sent to Shetland News to feature as an advert for a week on their public notices section of their site. This will hopefully target a larger audience, and so increase the number of individuals that complete the survey. The Disability Forum has sent out paper copies to their mailing list, Youth Voice have targeted their members through their monthly meetings, ESOL are working through the questionnaires with each of their learners, and Interfaith are distributing the questionnaire to the interfaith community through church, family and friends.

2. **Method:**
The community consultation will require contact will local equality groups (Disability, LGBT, ESOL, Youth Voice, Interfaith). Louise Gall will contact equality groups and make arrangements for discussion during November and December 2010. Paper copies and electronic copies will be distributed as appropriate.

**What actions have we taken so far?**
All equality forums have been contacted, and consultation is either complete, in process, or (in the case of LGBT forum) awaiting a date in which we can meet members. All actions detailed in the 'Plan' section of this report have been done.

**What issues have arisen?**
The community survey was too long for a number of forums (namely ESOL and Disability). The reasons for this is that ESOL learners would struggle with the language, and the ESOL teachers would not have time to go through the full questionnaire with each learner. A large number of the disabled respondents will have their carers filling the forms out for them, so a 12 page questionnaire would have been a lot to ask of these individuals.

**What remedial action are we taking?**
Due to the difficulties detailed above, the questionnaires have been shortened to feature only the most relevant sections of the questionnaire (I.e. disability section for the disability forum, and the race section for ESOL learners). This will mean the questionnaire will be easier to complete. The forums will communicate to their members that the full questionnaire will be made available to any individuals who wish to complete other sections of the questionnaire.

50

# Appendix 6: Equality Impact Assessment

**Equality Impact Assessment**

Examination of Available Data

Data collection could include: consultations; surveys; datashare site; Your Voice; Ethnic Minority Profile; in-depth interviews; pilot projects; reviews of complaints made; user feedback; academic publications; consultants' reports etc

**9.a)    What do we know from existing data and research?**

See Section 3.2.1 and 3.2.2, Page 4 and 5, and Appendices 1 and 2.

**9.b)    What gaps in knowledge are apparent?**

The aim of the Equality and Diversity Consultation 2010 was to improve the Council's knowledge and widen the information and data that the Council holds on the "protected characteristics" which are now protected under equality legislation. However, knowledge of the needs of Lesbian, Gay, Bisexual and Transgender (LGBT) groups is not extensive. This is perhaps due to respondents' hesitations in voicing personal issues around this protected characteristic. This group does face prejudice and discrimination within the Shetland community. Further consultation and dialogue with the LGBT forum should improve the Council's understanding of this group.

Another gap in data appears within the race section of the consultation analysis. Through consultation design, the analysis failed to pick up race/ethnicity to a meaningful level. Options for respondents to describe their race were limited to 'white', 'black', or 'mixed' race, whereas ideally, and in hindsight it should have been down to a more specific level, picking up nationalities such as Eastern European, or the various definitions of 'white people'. This will be kept in mind for future equality and diversity consultation.

**9.c) If there are any potential difficulties in getting the data to fill these gaps, please describe these.**

There are challenges around reaching LGBT groups, as the LGBT forum is in quite an early state of its establishment, and are not keen to allow Council representatives to sit in on their meetings.

**10. Use the table to indicate:**
 **(a) where you think that the service / strategy / project / policy could have a <u>negative impact</u> on any of the equality target groups i.e. it could <u>disadvantage them/unlawful racial discrimination.</u>**

(**b) where you think that the service / strategy / project / policy could have a <u>positive impact</u> on any of the groups or contribute to <u>promoting equality, equal opportunities or improving/promote good relations</u> within equality target groups.**

|  | Positive impact – it could benefit | Negative impact – it could disadvantage | Reason |
|---|---|---|---|
| **Gender** | | | |
| Women | Yes | | Improved gender equality within the workplace. Actions to improve gender equality within |

51

| | | | recruitment and selection, as well as consistent treatment of employees across departments. |
|---|---|---|---|
| Men | No specific impact | | |
| **Race** | | | |
| Asian or Asian British people | Yes | | Improved access to services, through Welcome Pack, promotion of ESOL, training of front line/reception staff and other initiatives to improve information. |
| Black or Black British people | | | |
| Chinese people | | | |
| People of mixed race | | | |
| White people | | | |
| People who's first language is not English | | | |
| **Disabled people** | | | |
| Learning Disabilities | Yes | | Improved access to services, for example, through With You For You, and training for all front line staff. |
| Physical Disabilities | | | |
| Sensory Impairment | | | |
| Elderly/ Infirm | | | |
| Mental Health | | | |
| **Lesbian, Gay, Bisexuals and Transgender individuals (LGBT)** | Yes | | Improved ways in which LGBT individuals can share their views, be confident to be themselves and hence for issues to be dealt with. |
| **Age** | | | |
| Older people (60+) | No specific impact | | |
| Younger people (17-25), and children | Yes | | Improved support to pursue careers in Shetland. |
| **Faith groups** | No specific impact | | |
| **Equal opportunities and/or improved relations** | Yes | | By ensuring all groups have equal status. Improved transport that meets the needs of Shetland's local communities. |

**11. If you have indicated there is a negative impact on any group, is that impact:**

N/A

**12. a) Could you minimise or remove any negative impact that is of low significance? Explain how:**

52

N/A

**b) Could you improve the strategy, project or policy's positive impact?  Explain how:**

Not with the information currently available.

**13) If there is no evidence that the strategy, policy or project promotes equality, equal opportunities or improved relations – could it be adapted so that it does?  How?**

Not with the information currently available.

**14) Do you have any further comments to make:**
N/A

Please sign and date this form, keep one copy and send one copy to the Policy Unit.

Signed:  Louise Gall

Date: 11 March 2011

# References

[1] Audit Scotland, 2010. *The Proposed Characteristics of a Best Value Council we would look for during a BV" Corporate Assessment – Consultation Version (March 2009).* [Online] http://www.audit-scotland.gov.uk/docs/local/2009/bv_090331_bv2_consultation_char.pdf

[2] GROS, 2010. *Mid-Year Population Estimates Scotland.* [Online] http://www.gro-scotland.gov.uk/statistics/publications-and-data/population-estimates/mid-year/index.html

[3] GROS, 2010. *Mid-2009 Population Estimates Scotland; Estimated population by sex, five year age group and administrative area: 28 April 2010. Table 2.* [Online] http://www.gro-scotland.gov.uk/statistics/publications-and-data/population-estimates/mid-year/mid-2009-pop-est/list-of-tables.html

[4] GROS, 2010. Population and birth statistics [Online]

[5] SIC, 2010. Education and Social Care. Transport.

[6] GROS, 2001. *Census, 2001.* [Online] http://www.gro-scotland.gov.uk/files1/stats/key_stats_chareas.pdf

[7] GROS, 2001. *Census, 2001.* [Online] http://www.gro-scotland.gov.uk/files1/stats/key_stats_chareas.pdf

[8] GROS, 2001. *Census, 2001.* [Online] http://www.gro-scotland.gov.uk/files1/stats/key_stats_chareas.pdf

[9] NHS Shetland, 2009. *Mapping Minority Ethnic Communities in Shetland.*

[10] Jobcentre Plus, 2010.

[11] NHS Shetland, 2010. Shetland GP Practice Registrations.

[12] SNS, 2010. Area Profile report for Local Authority Shetland Islands. [Online] http://www.sns.gov.uk/Reports/Report.aspx?ReportId=2&MetaIndicatorCode=GR-sapepensperc#Meta

[13] GROS, 2009. *Population Projections Scotland (2008-based).* [Online]

[14] GROS, 2001. *Census, 2001.* [Online] http://www.gro-scotland.gov.uk/files1/stats/key_stats_chareas.pdf

[15] GROS, 2001. *Census, 2001.* [Online] http://www.gro-scotland.gov.uk/files1/stats/key_stats_chareas.pdf

[16] Disability Shetland, 2010. *Disability Consultation Forum, 2009; Consultations with Disabled groups/individuals.*

[17] NHS Shetland, 2009. *Mapping Minority Ethnic Communities in Shetland.*

[18] SIC, Policy Unit, 2009. *Your Voice Spring 2008.* [Online] http://www.shetland.gov.uk/consultation/documents/shetland2008yourvoice.pdf

[19] Stonewall Scotland, 2010.

[20] NHS Shetland, 2009. *Mapping Minority Ethnic Communities in Shetland.*

[21] Shetland Interfaith, 2010.

[22] SIC, 2009. *2009 Equalities Monitoring Report.* [Online] http://www.shetland.gov.uk/equalopportunities/documents/2009EqualitiesMonitoringReport.pdf

54

This document can be made available in a variety of languages and formats (Braille, Large Print) on request.  Please contact Policy Unit (Shetland Islands Council), on:

Tel:    01595 743728
Email:         policy@shetland.gov.uk
Mail:  Policy Unit
        Town Hall
        Hillhead
        LERWICK
        Shetland
        ZE1 0HB

Or, for an electronic copy, download from the web at: [insert webpage]

Or if you require the services of an interpreter please also contact the Policy Unit.

55

# Shetland
## Islands Council

# REPORT

To: **Shetland Islands Council**                    **17th May 2011**

From:   **Assistant Chief Executive & Community Safety Officer**

## Consultation on the Future of Policing and the Fire & Rescue Service in Scotland

## Report No: CE-027 – F

### 1.    Introduction

1.1 This report provides Shetland Islands Council with copies of the draft responses, which have been prepared by the Shetland Community Safety Partnership (CSP) on the consultations on the future of policing and fire and rescue services in Scotland.

1.2 The Council may wish to concur with the draft response or provide amendments as the Council considers to be appropriate.

### 2.    Link to corporate priorities & risks

2.1    This report is in line with the general corporate priority of " Organising ourselves better and delivering on our vision and strategic direction.

### 3.    Background

3.1    The Community Safety Partnership met on Friday 22nd April 2011 to discuss and prepare a draft response to the two consultation exercises, which are running concurrently into the future of Policing and the Fire & Rescue Services in Scotland. These are high profile issues particularly in the current political climate and the CSP would welcome input and views from Shetland Islands Council.

3.2    The draft submissions were discussed at a meeting of the Community Planning Delivery Group on Monday 2nd May 2011.

3.3    Following this the responses will be sent on behalf of the Council and its partners to the Scottish Government. Although the initial date for response is given as 5th May 2011 it is our understanding that a number of organisations, including Local Authorities, have asked for a further period of time, which will tie in with reports being presented

to formal meetings. This is the case with Shetland where permission has been given for our response to be provided after 17th May.

**4        Proposals**

4.1      Members will note from the submissions attached as Appendices 1 and 2 that there are a variety of options and a number of views, which have been expressed through the Community Safety Partnership. It is for members of the Council to add their views to both of these documents, or if deemed appropriate for the Council to submit its own response to the consultations.

**5        Financial implications**

5.1      There are no direct financial implications for the Council arising as a result of this report.

**6        Policy and delegated authority**

6.1      This matter has not been delegated and is therefore submitted to Council for consideration and approval

**7.       Recommendations**

7.1      I recommend that members of Shetland Islands Council consider and provide comment, as they consider appropriate to the draft submissions.

# A CONSULTATION ON THE FUTURE OF THE FIRE AND RESCUE SERVICE IN SCOTLAND

## RESPONDENT INFORMATION FORM

<u>Please Note</u> this form **must** be returned with your response to ensure that we handle your response appropriately

### 1. Name/Organisation

**Organisation Name**

Shetland Community Safety Partnership

**Title** Mr ☐ Ms ☐ Mrs ☒ Miss ☐ Dr ☐ *Please tick as appropriate*

**Surname**

Wylie

**Forename**

Jenny

### 2. Postal Address

Shetland Islands Council

Community Safety

91 St Olaf Street

Lerwick, Shetland Islands

| **Postcode** ZE1 0ES | **Phone** 01595 744527 | **Email** |
|---|---|---|

### 3. Permissions - I am responding as…

| **Individual** | / | **Group/Organisation** |
|---|---|---|
| ☐ | *Please tick as appropriate* | ☒ |

**(a)** Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

*Please tick as appropriate* ☐ Yes ☐ No

**(b)** Where confidentiality is not requested, we will make your responses available to the public on the following basis

*Please tick ONE of the following boxes*

Yes, make my response, name and address all available ☐

*or*

Yes, make my response available, but not my name and address ☐

*or*

Yes, make my response and name available, but not my address ☐

**(c)** The name and address of your organisation *will be* made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your *response* to be made available?

*Please tick as appropriate* ☒ Yes ☐ No

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

*Please tick as appropriate* ☒ Yes ☐ No

# CONSULTATION QUESTIONS

**Question 1: Is this the right vision for the Scottish Fire and Rescue Service?**

Yes ☒  No ☐  Don't know ☐

The Scottish Fire and Rescue Service needs to change in order to make savings. However it is important that in doing so, frontline service is improved in Shetland to make it equitable with other Scottish regions.

The vision on the whole is satisfactory; however it needs to recognise the differences and difficulties of implementation in the remote rural verses the urban areas of Scotland.

**Question 2: Do you agree that these should be the key principles for the Scottish Fire and Rescue Service?**

Yes ☒  No ☐  Don't know ☐

However the key principals under-represent the services of the Scottish Fire and Rescue Services which are heavily engaged in multi-agency working to deliver on their community safety and operational functions.

**Question 3: Do you agree that the option to de-centralise the Scottish Fire and Rescue Service should be considered?**

Yes ☒  No ☐  Don't know ☐

The Retained Duty System firefighters in Shetland require suitable and sufficient training and management support to enable them to develop effectively and work safely. To reduce costs it is essential that the burdens of travel time and related costs are minimised. This can only be achieved by de-centralising training to suitable local training venues, providing effective I.T. links and ensuring the support of adequate local managers and quality training staff.

More effective collaboration between public sector organisations would facilitate the implementation of cost efficient local service delivery solutions. This could be best achieved by empowering local public sector managers to identify and implement these solutions.

**Question 4: How well is the Scottish Fire and Rescue Service performing against what you believe to be the key principles and what do you consider to be the priorities for improvement?**

The Scottish Fire and Rescue Services generally perform well, however we believe that the key principals need to include continued engagement with communities and community planning.

In Shetland, as with most rural areas in Scotland, the Fire and Rescue Service is primarily delivered by Retained Duty System personnel who are an actual representation of the local community. The majority of these part-time employees

have very limited availability for engagement in anything other than standard training and operational service delivery. Adequate support from sufficiently trained and empowered full time District managers is therefore essential for effective service delivery, partnership working and local governance.

**Question 5: Do you agree that these should be the desired benefits for the Scottish Fire and Rescue Service?**

Yes ☐ No ☐ Don't know ☒

**Are there others we should add?**

The consultation document does not provide sufficient information on how these desired benefits are likely to be delivered and therefore we do not feel able to comment on this.

Within Shetland there is a potential threat to the Retained status of some of the most remote and rural fire units. Changing their operational status could result in the removal of retaining fees which might damage the fragile income streams and sustainability of the smallest communities.

**Question 6: What are your views on an appropriate mechanism for Ministers and MSPs to hold the Scottish Fire and Rescue Service to account?**

The main issue here is that the Scottish Fire and Rescue Service must be accountable. Politicians need to be focused on relevant Scottish Fire and Rescue Service objectives, ensuring that adequate and relevant funding continues.

The local priority weighting of nationally set objectives is likely to be very different in urban areas compared with rural areas. Care should be taken not to burden regions with performing to, and reporting against, criteria which have little local relevance.

If de-centralisation is a desired outcome of restructure, then central government could hold the Scottish Fire and Rescue Services to account via Local Authorities and specific criteria within Single Outcome Agreements.

**Question 7: What are your views on an appropriate mechanism for local communities to hold the Scottish Fire and Rescue Service to account?**

Local accountability is essential and already works well in Shetland.

Shetland's fire service managers report against the objectives of the Highland & Islands Fire & Rescue Service Plan and other activities on a quarterly basis. These objectives are aligned with the Single Outcome Agreement of the Shetland Islands Council. Two elected council members report to the Shetland Islands Council and the Highlands & Islands Fire Board.

When necessary, Shetland's fire service managers report and consult with Community Councils to deliver local performance objectives. Although involved in the consultation, the Retained Duty System manager in charge of a local station would not ordinarily be seen as a suitable person to lead on this role due to their limited availability, training and understanding of the wider Fire and Rescue Service and Local Authority context.

Additional local accountability could be attained by providing the same reports directly to the Shetland Community Safety Partnership and Community Planning Partnership.

**Question 8: What is the right balance between the national and local mechanisms set out in questions 6 and 7?**

Local public sector managers and politicians have the greatest understanding of the local service delivery environment. It is important that they are empowered to find effective partnerships and solutions which will help deliver the most cost effective local services.

In consultation with local Fire and Rescue Services, it would be the role of national bodies to set performance standards which ensure some equity in service delivery outcomes across Scotland.

There are examples of circumstances when lack of effective collaboration between public sector organisations at the highest level has prevented the implementation of good locally identified service delivery solutions. Central government could facilitate and mediate the realisation of some of these common sense local collaborations.

**Question 9: Do you think that the number of fire and rescue services needs to be reduced?**

Yes ☐   No ☐   Don't know ☒

There is a lack of cost/benefit analysis for the various options within the consultation document. It is likely that there is some medium to long term benefit in reducing the number of Fire and Rescue Services but we do not feel sufficiently informed to comment further on this issue.

**Question 10: If so, which option do you think should be pursued and why?**

Single service ☒    Regional Structure ☐

> If the number of Scottish Fire and Rescue Services are to reduce then there is likely to be significant: implementation cost; resource reorganisation; temporary disruption; and distraction from current service delivery priorities. It would therefore be better to move directly towards a single Service rather than risk further upheaval in the medium term, should the regional option not deliver the cost savings envisaged.
>
> Any restructure must overcome the obstacles of geography, distribution and size of our communities whilst attempting to create more equality in Fire and Rescue service provision across Scotland.

**Question 11:  To assist with our Equality Impact Assessment process, please also describe any equality issues (in relation to race, gender, disability, age, sexual orientation, transgender people and religion) relevant to your chosen option?**

> Due to the geographical distribution of Shetland's remote islands and rural communities, access to services can sometimes be limited. An incident which would receive two fire crews within 10 to 15 minutes in an urban environment may only receive a single crew in the first 30 to 60 minutes in a remote Shetland location. Any removal or dilution of the roles of front line services would further weaken access to services by everyone in the community, including minority groups, as everyone's needs are dependent on a limited infrastructure.

**Question 12:  To assist with our Regulatory Impact Assessment, please also describe any financial and other impacts for business, charities and the voluntary sector relevant to your chosen option?**

> Shetland's remote location from the Scottish mainland can create a major delay to the arrival of support emergency services – particularly during the regular periods of extreme weather. The Fire and Rescue Service therefore requires sufficient local resilience to deal with any operational incident for an extended period. The impact of a major incident involving Lerwick Port, Sumburgh or Scatsta airports or the oil and gas terminals at Sullom Voe could have a major economic impact if not resolved quickly and effectively.
>
> The construction and commissioning of TOTAL's Lagan Toremore high pressure gas plant at Sullom Voe will bring 1200 incoming workers to a community of 22,000 residents. This has the potential to create pressure on the emergency services across Shetland and we must have the capacity to address any issues that may arise.
>
> Shetland's job market is unique, with a strong reliance on the voluntary sector.

**Question 13:  What aspects of collaboration and joint working between the Scottish Fire and Rescue Service and other emergency services do you believe should be a key focus in future?**

Joint working is one area where real savings can be made, e.g. sharing premises.

One example of a shared resource in the smaller communities of Shetland is that the same people are often engaged as two or more of the following: Retained Duty System Firefighters; Scottish Ambulance Service Contracted Drivers/First Responders; Auxiliary Coastguards; or Special Constables. Money might be saved by rationalising these different emergency responses into a single team capable of responding to any type of local incident.

**Question 14: Do you think local fire stations should be developed into community resilience hubs, and, if so, what new services would you see them deliver?**

Yes ☒   No ☐   Don't know ☐

Due to the number and distribution of Shetland's rural fire stations, they are strategically well placed to be emergency response hubs for all of the blue light services (Fire & Rescue, Ambulance, Coastguard and Police). However, some of the current buildings would require upgrading to provide suitable training, garaging and administrative functions.

# A Consultation on the Future of Policing in Scotland

## RESPONDENT INFORMATION FORM

<u>Please Note</u> this form **must** be returned with your response to ensure that we handle your response appropriately

### 1. Name/Organisation

**Organisation Name**

Shetland Community Safety Partnership

**Title  Mr ☐  Ms ☐  Mrs ☒  Miss ☐  Dr ☐**  *Please tick as appropriate*

**Surname**

Wylie

**Forename**

Jenny

### 2. Postal Address

| Shetland Islands Council |
| Community Safety |
| 91 St Olaf Street |
| Lerwick, Shetland Islands |

| **Postcode** ZE1 0ES | **Phone** 01595 744527 | **Email** |

### 3. Permissions  - I am responding as…

| **Individual** | / | **Group/Organisation** |
|:---:|:---:|:---:|
| ☐ | *Please tick as appropriate* | ☒ |

**(a)** Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

*Please tick as appropriate*  ☐ Yes  ☐ No

**(b)** Where confidentiality is not requested, we will make your responses available to the public on the following basis

*Please tick ONE of the following boxes*

Yes, make my response, name and address all available ☐

*or*

Yes, make my response available, but not my name and address ☐

*or*

Yes, make my response and name available, but not my address ☐

**(c)** The name and address of your organisation **will be** made available to the public (in the Scottish Government library or on the Scottish Government web site).

Are you content for your **response** to be made available?

*Please tick as appropriate*  ☒ Yes  ☐ No

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

*Please tick as appropriate*  ☒ Yes  ☐ No

# CONSULTATION QUESTIONS

**1. How could police reform improve services and the delivery of outcomes?**

Police reform can improve services by ensuring that any savings are put back into local policing throughout Scotland and not just put straight into central belt policing.

Reform can also enhance the resilience of the Police as they would have the ability to pull in assistance from neighbouring forces, for example, the Road Policing Unit - Northern Constabulary only has one RPU, based in Dingwall, and it would be hugely beneficial to be able to access resources from other areas, such as Grampain Police.

**2. What do you think are the greatest opportunities and challenges facing policing in Scotland today and how do you think they should be addressed?**

One opportunity for policing in Scotland could be to better utilise Special Constables (such as in England). The Fire & Rescue Services' use of reserve firefighters is an excellent example of volunteers being used in exactly the same way that regular firefighters are.

The challenges facing policing in Scotland are economic cutbacks, particularly cutting support staff, and the potential for fewer officers will lead to less visibility within our communities. Less officers will also mean less capacity for them to react to calls for assistance.

**3. How can partnership working between the police and other organisations be improved?**

Partnership working should only be done when it is beneficial to all organisations involved and that this is supported by strong evidence.

Local accountability is also crucial. If centralisation does go ahead, then it is imperative that ALL areas are represented at a national level.

Sharing resources among agencies.

**4. How can the police better engage with communities to help them be more resilient and self-reliant?**

In Shetland, policing is very much community-based. Officers attend community council meetings whenever possible and this enables them to gauge community concerns.

The Police must continue to have an open, clear policy and approach to the communities' concerns and continue to engage with communities. With less resources, it will prove even more difficult for officers to attend meetings.

It was also recognised that the Police, whilst are aware of partner agencies that can assist them, they could maybe utilise those agencies to better

effect, for example, Victim Support.

**5. What arrangements and relationships do you think would lead to the greatest improvements in national and local accountability?**

To ensure local accountability is maintained could the Police be funded through an independent funding stream?

We believe that it is crucial that police leaders are visible and kept in the local communities that they serve. The proposal for one Chief Inspector to cover Shetland and Orkney would mean that would not be achieved and would be hugely detrimental to policing within the island communities.

Police leaders are also vital in ensuring that work at a strategic level is maintained.

**6. Do you agree that change is necessary to protect frontline services?**

Yes ☒  No ☐  Don't know ☐

Yes, however our concern is that any savings made at the expense of the Shetland community, will be channeled into the central belt. By centralising services, the ability to respond to an incident will be considerably weakened. Local leadership and accountability must also be maintained.

Training is also a very important aspect for island officers, especially as many are trained in mulitple specialisms, and this must be maintained to enable officers to deal efficiently and effectively with an incident.

Any savings made locally will be negligible, however the impact on the community will be significant.

**7. Which option do you think should be pursued and why?**

**A single Scottish police force** ☒

**A rationalised regional force model** ☐

**Retain eight forces with increased collaboration** ☐

**Other (please specify)** ☐

**Don't know** ☐

If force numbers are to change the main issue is around geographical considerations and leadership/accountability. If this can be overcome for a regional force model, it can be done on a national level, providing that local accountability is maintained, with good levels of leadership and resources locally. By opting for a single police force, we are aiming to avoid continuous restructuring which is deeply unsettling for police staff as well as the wider community.

**8. How could we best improve accountability, deliver efficiencies and deliver service improvements at local and national levels?**

We would want to ensure that Shetland Area Command maintains the rank of Chief Inspector and that there is continued engagement by them in the community planning process.

As a remote island we, in Shetland, must retain police numbers and capabilities to function properly and be prepared for dealing with demand, especially the potential for major incidents.

There is capacity locally for shared premises, shared services and shared resources. Savings have already been identified locally with the closure of two stations, with an officer moving into an office at the airport being seen as a very positive move within the community.

**9. Do you have any views on how the process of change should be approached, including the extent and pace of change within a given option?**

Ensure this consultation process is transparent, and that the decision making process is open and shared. It is also important that it isn't just the financial implications that are taken into consideration, but the potential benefits to local communities, for example, the reinvestment of resources locally and clear accountability.

**10. To assist with our Equality Impact Assessment on the reform, please describe any equality issues (in relation to race, gender, disability, age, sexual orientation, transgender people and religion) relevant to each of the options.**

Due to our geographical location, access to services within our communities can, at times, be limited. However access to these services will be weakened even more so for minority groups living in these communities, as their needs can't always be met due to a lack of infrastructure.

**11. To assist with our Regulatory Impact Assessment, please describe any financial or other impacts for business, charities and the voluntary sector relevant to each of the options.**

Shetland's remote location from the Scottish mainland can create a major delay to the arrival of support emergency services – particularly during the regular periods of extreme weather. The Police, therefore, requires sufficient local resilience to deal with any operational incident for an extended period. The impact of a major incident involving Lerwick Port, Sumburgh or Scatsta airports or the oil and gas terminals at Sullom Voe could have a major economic impact if not resolved quickly and effectively.

The construction and commissioning of TOTAL's Lagan Toremore high pressure gas plant at Sullom Voe will bring 1200 incoming workers to a

community of 22,000 residents. This has the potential to create pressure on the emergency services across Shetland and we must have the capacity to address any issues that may arise.

Shetland's job market is unique, with a strong reliance on the voluntary sector.

**12. Do you think there needs to be any change to the existing roles and responsibilities of the key bodies responsible for policing?**

Local accountability must be maintained through Elected Member involvement in the Police Board.

Please email this response form to policereform@scotland.gsi.gov.uk or you can post it to :

Claire Pentland
Police Division
Scottish Government
1 West Rear
St Andrew's House
Regent Road
Edinburgh,
EH1 3DG

# Shetland
## Islands Council

# REPORT

To:        **Shetland Islands Council**                    **17 May 2011**

From:     **Head of Capital Programming**

Report No: **CPS-06-11-F**

Subject:  **Corporate Contracts Review Follow Up and Procurement Update**

## 1.0    Introduction

1.1    The corporate management team (CMT) considered a report on a corporate review of Council contracts and tendering by the Service Manager Internal Audit on 6 December 2010. The report identified potential breaches of Council Standing Orders relating to Tenders and Contracts (Standing Orders). A summary statement regarding the main findings was reported to the Audit & Scrutiny committee on 21 February by the Service Manager Internal Audit in his Interim Internal Audit Progress Report 2010/11 (Minute reference 20/11).

1.2    Internal Audit worked closely with the now Procurement Manager and the Head of Capital Programming whilst undertaking the initial Internal Audit Corporate Review. The report wording and findings were agreed subject to the information available at the time.

1.3    The work set out in this report was triggered by the work carried out by Internal Audit and this report builds on, and complements that initial exercise.

1.4    The matters within the Internal Audit report, as subsequently reported to Audit and Scrutiny, have also been commented upon by Audit Scotland in a letter to the then Head of Finance in March 2011.

1.5    At CMT the following actions were agreed:
- Recommendations were accepted;
- Resolving the issues would be led by the Head of Capital Programming on behalf of CMT;
- A memo would be issued to relevant staff by 31 Jan 2011 in the name of the Chief Executive;
- Training and awareness to be progressed that will include utilisation of a network of procurement contacts across the Council;

- CMT managers would take action to address issues in their areas although Chief Executive and Head of Legal and Administration wished to retain option for alternative course of action if required, e.g. monitoring reports;
- Reports would be submitted where relevant to Committees/ Council;
- Internal Audit will put interim report including contracts review to Audit & Scrutiny in February 2011;
- Investigating possibility of greater centralisation of procurement and changing de minimis levels would be part of Capital Programme's remit.

1.6 This report sets out the initial review work undertaken by the Head of Capital Programming to review the internal audit findings and the steps taken to date to address the main actions agreed by CMT.

## 2.0 Links to Corporate Plan 2010-12 and Risk Analysis

2.1 This contributes to the efficient operation of the Council's business. It also contributes to ensuring that the Council can meet its overall financial objective of maintaining reserves at £250m.

2.2 Failure to demonstrate the Council's ability to address the issues raised in the report to Audit and Scrutiny will put the Council at risk of a qualification on its accounts by Audit Scotland.

## 3.0 Background

3.1 In the latter part of 2010 the Council formally established a central procurement function as part of the Capital Programme Service. The section is led by the Procurement Manager who is line managed by the Head of Capital Programming.

3.2 The main remit of the section is to deliver a more efficient approach to procurement activity across the Council in accordance with related procurement policy and EU regulations and to realise significant savings in the purchase of goods, works and services. The section also provides advice and administrative support in relation to Council procurement policy and the EU procurement regime.

3.3 This report sets out the progress that is being made to develop a more corporate approach to procurement across the Council.

3.4 The actions agreed following the internal audit review of contracts and tendering were deemed to be worthy of closer scrutiny and action at the earliest opportunity. These priority actions and review findings are detailed in this report and its appendices.

**4.0    Review Findings and Actions Undertaken**

4.1    The Head of Capital Programming in conjunction with the Procurement Manager took steps to address the actions agreed at CMT, including a detailed review of the internal audit findings.    The initial review undertaken indicates that, although the internal audit identified several suppliers with significant annual expenditure against them, there are relatively few clear breaches of Standing Orders. It is the Council's Low Value Contract procedures that have not been complied with where the procurement of goods or services has not been progressed appropriately. This is set out in detail in Appendix B.

4.2    It has been found that, whilst significant expenditure can be attributed to one supplier in a given year this comprises many smaller payments that are either disbursements associated with one unique contract or others that relate to several individual contracts.

4.3    Contracts can take many forms, ranging from individual purchase orders to larger contracts progressed in accordance with Standing Orders governed by standard terms and conditions.    Contracts may also be concluded by the acceptance of quotes either in written form or indeed verbally.    Whilst the latter would not be the norm nor encouraged, it is nonetheless a contract. Many of the comments in Appendix A relating to no contracts being in place should therefore be considered in that context.    That said, framework arrangements and term contracts are being progressed as appropriate.

4.4    Notwithstanding the above, officers of the Council have a duty to observe Standing Orders, the Low Value Contracts procedure, Financial Regulations and to demonstrate best value.

4.5    I have not investigated every disbursement made, however I have obtained a breakdown of the payments made to six of the suppliers concerned for 2009/10 in order to gain an understanding of the volume and value of the transactions concerned.    These are detailed in Appendix C.    It can be noted that of the 1,337 transactions relating to these suppliers: 1,109 relate to disbursements of less than £1,000 (83%); 206 between £1,000 and £10,000 (15%); and 20 higher than £10,000 (2%).

4.6    Appendix B details the review findings where I have managed to gain additional background information in relation to the particular supplier and/ or issue raised.    This builds on the work carried out by Internal Audit and provides updates where available.

4.7    The Low Value Contract procedures were established in order to ensure that value for money was being obtained where contracts would not require to be advertised, whilst at the same time introducing greater transparency and probity to such lower value procurements.  The Low Value Contract procedures are supported by and are to be used along with an Approved List of service providers, suppliers and works contractors that includes technical evaluation of applicants.  The low

value procedures also state that: "in extreme situations, single sourcing can be considered subject to the provisions of Standing Orders and Senior Management Approval. In such situations the procuring officer must take advice from Contract Compliance and Legal". The role of Contract Compliance subsists within the remit of the Procurement Section.

4.8     When introduced, the procedures were communicated to senior management and all service heads. Prior to the establishment of the procurement section it has proved difficult to resource the administrative support necessary to maintain, raise awareness of and provide training in relation to the Approved List and the Low Value Contract procedures. This will, however, now be taken forward using a network of nominated procurement contacts across all Services.

4.9     It should also be noted that in relation to the Social Care service providers for off-island placements, Standing Orders and related procurement procedures do not sit well with each other, given other statutory obligations that can apply, the particular sensitivity of the services involved and the urgency sometimes involved. Typical costs of such placements can range from £4,000 to £5,000 per week and as each case is different it can prove difficult to determine how long the placement might last. Procurement of care and support services has been the subject of guidance published by the Scottish Government in the latter part of 2010 and was referred to in a report from the Head of Community Care to Services Committee on 7 October 2010 (Minute Reference 83/10). This guidance was to be cross-referenced to the existing social care commissioning strategy.

4.10    The following actions have also been undertaken by the Procurement Section:

- A procurement update memo was issued in January from the Head of Capital Programming to senior management and service heads;
- Preparation of a memo that was issued from the Chief Executive in February reminding Council management, amongst other things, to address the internal audit findings and to adhere to procurement policy and related procedures;
- The procurement pages on the Council's intranet have been updated to provide improved guidance and related web links;
- A network of procurement contacts has been established;
- The Approved List system has been updated and has been advertised locally;
- Procurement staff have met with Head Teachers and Devolved School Management Officers (DSMOs) in relation to establishment of the procurement network and raising awareness of national frameworks and other procurement options;
- Procurement staff have met with representatives of NHS Shetland to consider opportunities for collaboration;
- A workshop is scheduled to be held with Scotland Excel representatives and procurement contact officers in May 2011;

- A revised procurement strategy is currently being finalised to be considered by Council in the near future.

**5.0     Financial Implications**

5.1     There are no direct financial implications arising from this report. Addressing the internal audit findings coupled with a more efficient approach to procurement should realise significant savings.

**6.0     Policy and Delegated Authorities**

6.1     Section 8.0 of the Council's Scheme of Delegations state that there is no delegation of matters relating to the improvement plan so a report to the Council is required.

**7.0     Conclusions**

7.1     The actions agreed by CMT in relation to procurement on 6 December 2010 have already been addressed or are underway.

7.2     As set out in section 4.0 of this report and further detailed in Appendices B and C, there have been relatively few clear breaches of Council Standing Orders from the seventeen potential breaches that were identified in the report to Audit and Scrutiny on 21 February 2011 and it is the Council's Low Value Contract procedures that have not been complied with where procurement has not been progressed appropriately.   Remedial action has already been taken where Standing Orders have clearly been breached with the breaches of the Low Value Contracts procedure also being addressed.

7.3     Audit Scotland, in their letter to the then Head of Finance on 25 March 2011 expressed concern about potential "significant internal control weaknesses" resulting from the Internal Audit findings and general observations of activity in this area at a national level.   The raised awareness of legal and policy requirements relating to procurement, which came about from the Internal Audit work, and the improved systems and procedures which are now being developed and implemented, will go some way towards reassuring Audit Scotland that any risk of internal control weaknesses are minimised or avoided.

7.4     This review, along with the work carried out by Internal Audit, has highlighted a number of areas where the Council's current Standing Orders should be amended.   This will be progressed as part of the ongoing review and update of Standing Orders that is being led by the Chief Executive. The Council's Low Value Contract procedures should be reviewed alongside that process.

7.5     Much remains to be done in continuing to develop and raise awareness of Council procurement policy and practice.   The procurement strategy, currently being finalised, will provide the

framework for this.  The strategy will include a review of related policies and procedures to be supported by appropriate procurement systems and training.

## 8.0    Recommendations

8.1    I recommend that the Council:

8.1.1    Note the contents of this report, including the review findings detailed in Appendices B and C and the steps already taken, or underway, to address Internal Audit's findings;

8.1.2    Note that the Head of Capital Programming, in conjunction with the Procurement Manager, will continue to develop a corporate approach to procurement and that a revised Procurement Strategy will be presented to Council in the near future.

Report No. CPS-06-11-D2                                    17 May 2011

Enclosed:   Appendix A – Extract from the internal audit findings as reported to CMT
Appendix B -    Details of the initial follow up review findings
Appendix C -    Breakdown analysis of expenditure for six of the main suppliers highlighted for 2009/10

**Contracts Review 2010/11**
**Breaches identified**

| | Service | Supplier/Provider | Contract | Amount | Potential Breach |
|---|---|---|---|---|---|
| | | | | £ | |

**Infrastructure Services**

| | Service | Supplier/Provider | Contract | Amount | Potential Breach |
|---|---|---|---|---|---|
| 1 | Ferries/Ports | Malakoff | Dry-docking | n/k | Framework arrangement not yet developed |
| 2 | Transport | Irvine Contractors | Tingwall Airport Hanger | 165,416.75 | No contract is in place with the engineering consultant and subsequent work for the hangar door and fuel tank may not have been appropriately authorised/tendered. |
| 3 | Ferries | Ocean Kinetics | Emergency works | over 50k | Emergency works not reported timeously to committee |
| 4 | Building Services | Henry McColl | Care Home Fire Upgrades | 58,163.92 | No tendering/advertising |
| 5 | Building Services | Ness Engineering | Oil-fired Boilers | 31,748.17 | No tendering/advertising for a number of years |
| 6 | Building Services | Ness Engineering | Rural Care Home maintenance | 36,695.60 | No tendering/advertising for a number of years |
| 7 | Building Services | Westside Electrical Services | Care Home Fire Upgrades | £95,082, £23,092 and £52,850 | No tendering/advertising for a number of years |
| 8 | Ferries | AV Technology | Purchase of Vibration Monitor | 20,755.31 | Sole UK supplier.  No advice sought from Contract Compliance |

**Social Care**

| | Service | Supplier/Provider | Contract | Amount | Potential Breach |
|---|---|---|---|---|---|
| 1 | Children's Services | Rossie Secure Accommodation | Off-island placement | 274,580.00 | No tendering or reporting to committee of amounts |
| 2 | Children's Services | NAS Services | Off-island placement | 219,137.92 | No tendering or reporting to committee of amounts |
| 3 | Community Care | Northern Care | Off-island placement | 147,481.41 | No tendering or reporting to committee of amounts |
| 4 | Community Care | Leonard Cheshire Disability | Off-island placement | 109,039.91 | No contract or SLA in place and no reporting to committee of amounts |
| 5 | Occ Therapy | Woodalls | Mobility equipment | 204,635.55 | No contract in place |
| 6 | Various | Volker Healthcare | Specialist beds | 59,590.00 | No contract in place (although quotes received by individual care establishments) |

**Corporate**

| | Service | Supplier/Provider | Contract | Total spend in year | Potential Breach |
|---|---|---|---|---|---|
| 1 | Various | G & S Flooring | Supply and fitting of carpets | 185,702.81 | No advertising although quotes received from supplier |
| 2 | Various | Agmatek Engineering | Engineering goods and services | 132,034.35 | No tendering/ advertising |
| 3 | Various | Alexander | LEAN training | 57,010.87 | No tendering/ advertising |

| Department/ Service | Observations and Remedial Actions Taken |
|---|---|
| Infrastructure Services | |
| 1 | <ul><li>No corporate framework in place, but individual dockings are tendered, however this review has not provided evidence that the Low Value Contract procedures have been complied with in all cases</li><li>Typical dry dock requires to be booked two years in advance and circumstances can change at short notice</li><li>Framework arrangement being progressed – expected to be in place late 2011</li><li>Malakoff already have SVT jetty maintenance contract. The value expenditure for that contract (£1,271K) is included in the total spend for 2009/10</li></ul> |
| 2 | <ul><li>As stated in the Internal Audit report, there is no contractual issue with Irvine Contractors as their work was tendered by Mott MacDonald on behalf of the Council</li><li>The subsequent increase to the scope of the works was progressed under the contract with Irvine Contractors. Because that original contract was tendered there was no breach of either Standing Orders or the Council's Low Value Contract Procedures</li><li>The contract with Mott MacDonald was based on a fee proposal of less than £50k and did not contravene Standing Orders at the time of award, however it was not in line with the Council's Low Value Contract Procedures. It is understood that the contract was let during a period where the client was under-resourced and there was a degree of urgency to proceed.</li><li>The fact that the consultancy work escalated to a value of circa £70K is not a breach of procurement policy. Appointing a different project manager mid contract would have introduced additional delays, risks and costs</li><li>The contractual aspects of this project have been discussed in detail with the staff concerned. They have been made aware of Council policy and the procedures to be followed in future</li></ul> |
| 3 | <ul><li>There was a breach in terms of the lack of timeous reporting. Subsequently resolved once identified by Internal Audit. Staff reminded of correct procedure</li></ul> |
| 4 - 7 | <ul><li>At the time of the internal audit it is acknowledged that existing contracts had been extended for several years without re-tendering. It is likely that Standing Orders were breached in these instances</li><li>At the time of the internal audit, Building Services were already in the process of preparing term contracts for the packages described in sections 4-7 of Appendix 2 in the report to Audit & Scrutiny. These term contracts were advertised/tendered, are now in place and are due to subsist until 2014</li></ul> |
| 8 | <ul><li>Because the purchase of this equipment was classed as 'non-periodic', it contravened Standing Orders as the value exceeded the de minimis sum of £10K. This lower threshold for 'non-periodic' purchase of goods is not well known or understood throughout the Council and it is recommended that this is amended as part of the ongoing review of Standing Orders</li><li>Staff involved have received instruction from Procurement Manager</li></ul> |

| Department/ Service | Observations and Remedial Actions Taken |
|---|---|

| Social Care | |
|---|---|
| 1-4 | • No Framework Contracts currently in place<br>• Whilst the legislation and restrictions that govern Social Work do not sit well with Standing Orders and the Council's Low Value Contract procedure, it is accepted that the Council has a duty to secure best value<br>• Placements are progressed in accordance with Social Work procedures and related individual Care Plans<br>• Individual placements are typically based on agreed weekly rates of approximately £5k per week and may be progressed as urgent<br>• In some cases certain statutory obligations can apply that can determine the terms of the placement, i.e. the Council may have limited options as to which service provider can be used<br>• Procurement staff to work with Children's Services and Community Care to progress Framework Contracts as appropriate. These contracts will need to retain flexibility to accommodate nominations as explained above |
| 5 | • No individual purchases exceed £50K so no breach of Standing Orders but Low Value Contract procedures may not have been followed in all cases<br>• Framework contracts being progressed |
| 6 | • Quotes received for individual purchases so no breach of Council's Low Value Contract Procedures or Standing Orders<br>• Now being considered alongside the framework contract arrangements described in 5 above |

| Corporate | |
|---|---|
| 1 | • No individual purchases exceed £50K so no breach of Standing Orders<br>• Low Value Contract Procedures likely to have been breached but only one contract exceeded £10K (value £10,950)<br>• Limited number of local suppliers |
| 2 | • No individual purchases exceed £50K so no breach of Standing Orders<br>• Low Value Contract Procedures likely to have been breached but only one contract exceeded £10K<br>• Includes expenditure relating to the fire extinguisher maintenance contract<br>• Following Internal Audit's report and the review work carried out by Procurement staff, a request has been made by Ferry Services to progress some form of term maintenance framework/contract |
| 3 | • No individual purchases exceed £50K so no breach of Standing Orders<br>• Low Value Contract Procedures were breached but only two contracts exceeded £10K<br>• Original contract relates to a successful pilot project. Subsequent commissions and use of original service provider was agreed with the then Executive Management Team<br>• Those involved have received instruction/advice from the Procurement Manager |

## SUPPLIER SPEND BREAKDOWN

| Name | Transactions | Spend 09/10 (£) * |
|---|---|---|
| Malakoff Ltd * | 728 | 1,772,701.72 |
| Woodalls | 203 | 204,635.55 |
| G&S Flooring Ltd | 195 | 185,702.81 |
| Agmatek Engineering Ltd | 184 | 132,034.87 |
| Volker Healthcare Ltd | 9 | 59,590.00 |
| Alexander | 16 | 57,010.87 |

*Malakoff figure includes £1,271,240.36 for Jetty Maintenance

| Supplier Name | Number of Transactions | Value of Transactions** | Percentage of Transactions (%) | Overall Value (£) |
|---|---|---|---|---|
| Malakoff Ltd | 14 | £10k + | 2 | 303,330.19 |
| | 50 | Between £10k and £1k | 7 | 152,307.45 |
| | 664 | Less than £1k | 91 | 45,823.72 |
| | | | | |
| Woodalls | 0 | £10k + | 0 | 0 |
| | 49 | Between £10k and £1k | 24 | 163,809.87 |
| | 154 | Less than £1k | 76 | 40,825.68 |
| | | | | |
| G&S Flooring Ltd | 1 | £10k + | 0.5 | 10,950.36 |
| | 59 | Between £10k and £1k | 30 | 135,470.83 |
| | 135 | Less than £1k | 69.5 | 39,281.62 |
| | | | | |
| Agmatek Engineering Ltd | 1 | £10k + | 0.5 | 12,342.80 |
| | 34 | Between £10k and £1k | 19.5 | 88,416.42 |
| | 149 | Less than £1k | 80 | 31,275.13 |
| | | | | |
| Volker Healthcare | 2 | £10k + | 22 | 45,210.00 |
| | 3 | Between £10k and £1k | 34 | 12,460.00 |
| | 4 | Less than £1k | 44 | 1,920.00 |
| | | | | |
| Alexander | 2 | £10k + | 13 | 21,450.00 |
| | 11 | Between £10k and £1k | 68 | 33,498.68 |
| | 3 | Less than £1k | 19 | 2,062.19 |

**No single transaction, outwith Jetty Maintenance, exceeds £50k

# Shetland
## Islands Council

# REPORT

**To:**   Shetland Islands Council                     17 May 2011

**From:**   Chief Executive and Assistant Chief Executive

**Report:** CE-028-F

## Improvement Plan – Progress Report

### 1.0   In Production

1.1   This report provides an update on progress made on achieving the outcomes which were set out in the Council's Improvement Plan as approved at the council meeting on 10 November 2010.

### 2.0   Links to Corporate Priorities

2.1   The Council Improvement Plan builds on section four of the Councils Corporate Plan "organising ourselves better".  All three strands of this section namely "vision and strategic direction, governance and accountability and best value use of resources" are relevant.  These three key areas underpin our ability to support service delivery and to achieve best value for the community.

2.2   The Corporate Plan also specifically commits to "agree and then deliver a comprehensive improvement plan for the Council".

### 3.0   Risks

3.1   The Council as a corporate body has agreed to accept the recommendations of the Accounts Commission and has sent the improvement plan to the Commission in response to those recommendations.

## 4.0   Background

4.1   Following receipt of the Accounts Commission Report last August the Council resolved at it's meeting at 15 September 2010 that the development and implementation of the Improvement Plan was essential for the Council for the next 12 months.  The Council also agreed to the setting up of a Sounding Board which comprises members from all 7 ward areas to oversee the various workstreams of the Improvement Plan.  The final draft of the Improvement Plan was agreed by the Council at its meeting on 10 November 2010.  As part of that the Council agreed to regular report progress against the plan to the Audit and Scrutiny Committee and also to the Council.  This report is in line with that decision.

## 5.0   Progress against the Improvement Plan

5.1   Appendix 1 which is attached to this report sets out the various workstreams, which make up the Improvement Plan.  These workstreams are kept up to date on a regular basis and are available on both the Councils Internet and Intranet sites.

5.2   Through Audit Scotland the Accounts Commission are aware of the work which has been ongoing within the Council and a follow up report is scheduled for October/November this year.

## 6.0   Financial Implications

6.1   A provisional budget of £1m was approved by report ESC-23-F which was presented to the Council on 30June 2010 (MIN REF 106-10) to which all costs attributed to the development and delivery of the Improvement Plan will be charged.

## 7.0   Policy & Delegate Authority

7.1   All principal policy documents require approval by the council.  This report sets out the Council's progress in delivering against the Improvement Plan

## 8.0   Conclusions

8.1   This report provides an update on progress against the Councils Improvement Plan.  It shows continuing progress being made in a number of key areas and good progress in a number of others.

## 9.0   Recommendations

9.1   I recommend that the Council notes the progress which is being made on the Improvement Plan.

| REF | IMPROVEMENT ACTION | LEAD | PROJECT MANAGER | KEY DATES | LATEST UPDATE |
|---|---|---|---|---|---|
| LV01A | Create understanding of effective political leadership, role and purpose. | Chief Executive *Alistair Buchan* | John Smith | | - Continuing in line with the review of overall governance arrangements. |
| LV01B | Develop core competencies and a training programme for Members. | Head of Organisational Development *John Smith* | | Programme developed and implemented by September 2011. | - A number of informal Members' Seminars have been held in the areas of Financial Management and Governance.<br>- Initial meeting held and decision taken to run this work stream along with LV06 – Develop Management Training.<br>- Next meeting of Project Board scheduled for 12 May 2011. |
| LV02 | Create circumstances to support effective political leadership.<br><br>Body to be established at political level, responsible for effective leadership and strategic direction of the Council as an organisation and to work with Chief Executive and Corporate Management Team. | Chief Executive *Alistair Buchan* | | Proposals formally considered March/April 2011<br><br>Proposals Implemented by May / June 2011.<br><br>Effective succession planning implemented from March 2011 to May 2012. | - Special meeting of Shetland Islands Council held on Monday 7 March 2011; new committee structure approved and appointments made to the roles of Convener, Leader of the Council, and to the Chairs of the 4 new committees – Children, Families & Learning; Communities, Health & Well being; Economy & Development and Environment. Appointments to the Chairs of the remaining bodies and the Vice-Chairs in respect of the above took place at the Council meeting on 23 March 2011.<br>- A Members Seminar was held on 13 April to debate appointments to the Executive Committee and the detail of the revised Constitutional Documents. Final decisions were made at a Special Meeting of the Shetland Islands Council on 27 April. Make up of Executive Committee was decided upon and appointments made. Appointments also made to all other Committees. |
| LV03 | Fully embed Planning and Performance Management Framework (PPMF). | Executive Director – Education and Social Care *Hazel Sutherland* | Emma Perring | Reformed PPMF established June 2011.<br>SMART (specific, measurable, achievable, realistic and timely) Integrated Strategic and Service plans and budgets by Sep 2011 for 2012/13 budget process. | - Project Initiation Documents approved by Project Board and actions are underway.<br>- Workshop held with members of Project Team, who have responsibility for Service Plans, with draft PPMF. Workshop has be re-run in April with Extended Corporate Mgt Team.<br>- Exploration of software: option appraisal undertaken on Covalent vs. NHS Shetland system with recommendation being made.<br>- Draft PPMF arrangements presented to CMT and Wider Management Group, April 2011, to explain philosophy and seek comments.<br>- On target to achieve implementation by September 2011. |
| LV04A | Establish a communications office within the Chief Executive's Office, in order to support the elected Members, the Council's corporate message and Shetlands reputation.<br><br>Refresh the Communications Strategy. | Assistant Chief Executive *Willie Shannon* | Peter Peterson | March 2011 for refreshed strategy and proposals on staffing.<br><br>Implemented by September 2011. | - Temporary Communications Officer has been appointed for six months;<br>- Communications strategy to be at Full Council on 17th May.<br>- Communications Unit still to be established; as part of wider management restructuring report from the Chief Executive. |
| LV04B | Establish dedicated support services for Members. | Assistant Chief Executive *Willie Shannon* | | Proposals for design of services and staffing developed by March 2011.<br><br>Implemented by June 2011. | - Discussions ongoing with Members now that new committee structure has been agreed. |

| REF | IMPROVEMENT ACTION | LEAD | PROJECT MANAGER | KEY DATES | LATEST UPDATE |
|---|---|---|---|---|---|
| LV05A | Create new community engagement strategy based on principles of structured community engagement. | Assistant Chief Executive *Willie Shannon* | Emma Perring | Updated strategy designed by June 2011 | - Partners have approved Project Initiation Document.<br>- Principles approval by Community Planning Development Group on 7 March 2011, to be approved by partners.<br>- Community Engagement Guidelines developed, to CPDG on 2nd May and partners, including Council, in due course.<br>- Need for Guidelines and Training to be picked up by Members / Snr Manager Training programmes. |
| LV05B | Co-ordinated response to complaints with lessons being learned and disseminated throughout the organisation | Head of Legal and Administration *Jan Riise* | Shona Thompson | Aiming for approval of a new Complaints Policy at the first meeting of the Council following the summer recess. | - Project Initiation Document prepared to reflect SPSO principles of complaints handling. SPSO guidance on a Model Complaints Handling Procedure received on 11 March 2011.<br>- Workshop took place on 14 March 2011 with key members of staff from around the Authority.<br>- Draft Policy and guidance documents are in preparation and these will be consulted on shortly.<br>- System exploration underway, although this may be impacted upon depending on what is chosen to support the PPMF.<br>- Next Project Board scheduled for 13 May 2011. |
| LV06 | Develop Management Training | Head of Organisational Development *John Smith* | Denise Bell | Will be informed by management restructuring, which will be decided by Council at the end of May. Programme designed by end September. | - E-Learning package Brightwave being purchased from Clyde Valley Consortium. Research underway to identify best practice in use of package to ensure maximum efficiencies and effectiveness in how it is used. Options also being explored with other agencies, to support and supplement the e-Learning approach. Decision taken to run this work stream along with LV01B – Develop Core Competencies and a training programme for Members.<br>- Next Project Board meeting scheduled for 12 May. |
| LV07 | Deliver Management Training | Head of Organisational Development *John Smith* | Denise Bell | Implemented from June 2011 | - A shared leadership programme will be launched alongside new governance arrangements. |
| LV08 | Performance Appraisal | Executive Director – Education & Social Care *Hazel Sutherland* | Denise Bell | Design complete for Chief Executive and Chief Officers by December 2010 Full Implementation by December 2011 | - System in place for Chief Executive, supported by an external facilitator.<br>- In hand, as part of Planning and Performance Management Framework. Project Initiation Document completed. A draft revised Employee Review and Development policy has been produced and undergoing further amendments prior to wider circulation. Performance Management workshop for Heads of Service now being planned to outline existing people management framework and provide challenge to current practice. |
| LV09 | Reinvigorate the Council's policy of jobs dispersal. | Head of Economic Development *Neil Grant* | John Smith | Implementation from June 2011 | - Staff and Managers Survey carried out, feedback being analysed. Initial Projects identified and approved by Project Board. |
| LV10 | Share Best Practice | Executive Director – Infrastructure *Gordon Greenhill* | John Smith | 1st session December 2010 | - Project Initiation Documentation drafted – All managers session taking place late April. |

| REF | IMPROVEMENT ACTION | LEAD | PROJECT MANAGER | KEY DATES | LATEST UPDATE |
|---|---|---|---|---|---|
| LV11 | Benchmarking | Executive Director – Infrastructure *Gordon Greenhill* | Stephen Cooper | Aligned to Planning and Performance Management Framework (PPMF) timescales. June 2011 for agreement of structure implemented to support strategic and budgeting in September 2011 | - Working Group established and first meeting held.<br>- Data collection underway. |
| LV12 | External Engagement | Executive Director – Infrastructure *Gordon Greenhill* | Stephen Morgan | Full review of current activity with proposals for improvement by end May 2011 | - Audit of Elected Member's membership and attendance at National Fora completed.<br>- Template sent to Extended Corporate Management Team for completion to audit officer membership at National Fora. This information was to be returned by Friday 25th March for collation.<br>- The project team did not get a complete response to the request for information so this has been represented with responses due back by 22 April. It is hoped this will not delay analysis of the information. |
| LV13 | Review current chief officer structure. | Chief Executive *Alistair Buchan* | | Proposals developed for June 2011 | - Will be progressed between March 2011 and June 2011. |
| LV14A | Update Recruitment and Selection Policy for protocols governing the process for Chief Officer appointments. | Head of Organisational Development *John Smith* | Denise Bell | December 2010 | - Draft protocol produced and awaiting final comments before submission to SIC for approval. |
| LV14B | Robust and transparent procedures for creation and filling of posts | Executive Director – Infrastructure *Gordon Greenhill* | | December 2010 | - Fortnightly Vacancy Management Panel established to deal with all vacancies – established posts, temporary posts and extensions to contracts. First meeting was held on 13 January 2011. |
| G01 | Develop understanding of good governance standards. | Head of Legal and Administration *Jan Riise* | | March/April 2011 | - Underway as part of review of governance arrangements. |
| G02 | Revise governance structures. | Head of Legal and Administration *Jan Riise* | | Report proposals and options in December 2010.<br><br>Formal decision making March/April 2011<br><br>Implementation May / June 2011. | - Underway as part of review of governance arrangements. |
| G03 | Revise local codes of conduct for Members and officers. | Head of Legal and Administration *Jan Riise* | | Report to Council with proposals in April 2011. | - Underway as part of review of governance arrangements. |
| | Protocol on Member officer relations to be developed. | Chief Executive *Alistair Buchan* | | Formal approval of any changes March/April 2011. | - Underway as part of review of governance arrangements. |
| CP1 | Revise governance structures for community planning. | Executive Director – Education and Social Care *Hazel Sutherland* | Emma Perring | September 2011 | - Underway as part of PPMF.<br>- Awaiting implementation of Shetland Islands Council Governance. Being developed as part of LV03. |

| REF | IMPROVEMENT ACTION | LEAD | PROJECT MANAGER | KEY DATES | LATEST UPDATE |
|---|---|---|---|---|---|
| CP2 | Bring community planning within Planning and Performance Management Framework (PPMF). | Executive Director – Education and Social Care<br>*Hazel Sutherland* | Emma Perring | September 2011 | - Underway as part of review of PPMF.<br>- Project Initiation Document approved by Project Board and actions are underway. Being developed as part of LV03. |
| FM1 | The council will establish rigorous processes to ensure that its use of resources is on a footing consistent with implementing and sustaining its financial strategy, and demonstrate that it delivers services in a way which achieves Best Value. | Head of Finance<br>*Hazel Sutherland* | | September 2011 | - Links to FM2 below. |
| FM2 | The budget setting process will be developed with a shared commitment by members and management, to focus on efficiency and strategic priorities conducted in line with all good governance principles. | Head of Finance<br>*Hazel Sutherland* | Hazel Tait | September 2011 | - Eight Members' Seminars held 25/11/10 – 21/1/11, to progress a programme of savings comprising – efficiency, increases in income and reductions in service. The debate at these seminars informed the budget setting report, put before Members on 10/2/2011, where savings of £9.44M, or 7.7%, were agreed.<br>- Budget strategy and long term financial planning reports are to be produced in June/July which will frame the budget process for 2012/13.<br>- Initial timetable being developed to ensure continuous progress on achieving savings. |
| FM3 | The long running qualification of the Councils accounts by Audit Scotland will be resolved. | Assistant Chief Executive<br>*Willie Shannon* | | August 2011 | - This is being progressed and the Council is currently in discussion with external lawyers regarding the opinions on consolidation of accounts, and the Council's relationship with the Shetland Charitable Trust.<br>- Joint workshop was held on 14 April to discuss Legal Opinion regarding the constitutional issues between SCT and SIC. |
| FM4 | Adequate resourcing of the Financial Accounting function. | Head of Finance<br>*Hazel Sutherland* | | March 2011 | - Additional resources secured to co-ordinate and prepare the 2010/11 Final Accounts.<br>- Additional resources secured to complete the requirements of the IFRS code. |
| FM5 | Review of the Council's Financial Regulations. | Head of Finance<br>*Hazel Sutherland* | Hazel Tait | March 2011 | - Revised draft Financial Regulations prepared by Mr B Lawrie subject to review, approval and implementation from June 2011 cycle. |
| AS1 | Create a new strategy. | Head of Capital Programming<br>*Robert Sinclair* | | December 2011 | - Asset Strategy Manager in post as of 4th April 2011.<br>- Project Initiation Document completed. Sharing of property data with other agencies is underway. Other preparatory work is also underway. Staff consultation imminent. |