

Report to: Finance and Performance Management Scrutiny Panel

Date of Meeting: 27 March 2008



Portfolio: Finance, Performance Management and Corporate Support Services (Councillor C. Whitbread)

Subject: Race Equality Scheme and progress with general equalities work

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Committee Secretary: A. Hendry (Ext 4246)

Recommendations/Decisions Required:

That the Scrutiny Panel:

Race Equality Scheme

1. Notes the requirement to update the Race Equality Scheme (RES) on a three yearly basis;
2. Comments on the proposed redrafted Scheme set out at Appendix One;
3. Notes that the results of community consultation on the revised draft will be reported to Cabinet; and
4. Recommends to the Overview and Scrutiny Committee that a report be made to Cabinet proposing the adoption of the revised Scheme.

Equality Monitoring Policy

5. Notes the development of the Equality Monitoring Policy, and that Directorates will now consider which services should be monitored in fulfilment of the Council's statutory duties; and
6. Notes the outcomes from recent equality monitoring as set out in Appendix One to the RES 'Monitoring our Equality Duties 2007/08'

Equalities Impact Assessments

7. Notes that all Impact Assessments have been completed as required under the various strands of Equalities legislation, and that these form the basis for action planning in Directorates on equalities matters, and for the Corporate Equalities Action Plan.

Corporate Equalities Action Plan

8. Notes that this action plan has been updated to reflect progress with equalities work, and comments accordingly.

Consultation on the Gender and Disability Equality Schemes

9. Notes the consultation work taking place on the Gender and Disability Equality Schemes, and comments accordingly.

Report:

Race Equality Scheme

1. The Council is required under the Race Relations (Amendment) Act 2000 to take actions which:

- Eliminate unlawful discrimination;
- Promote equality of opportunity; and
- Promote good race relations.

2. In order to show how it will meet these duties, public bodies are required to produce a Race Equality Scheme (RES) and review it every three years. This also provides an opportunity for the Authority to explain the values, principles and standards that guide its approach to race equality. Our first RES covered the period 2005-2008, and is now therefore due for review.

3. The statutory guidance states that a RES must cover the following topics:

- a) Provide a statement of those functions and policies, or proposed policies, which have been assessed as relevant to the discharge of its duties to promote equality
- b) To set out its arrangements for –
 - Assessing and consulting on the likely impact of its proposed policies on the promotion of race equality;
 - Monitoring its policies for any adverse impact on the promotion of race equality;
 - Publishing the results of impact assessments and associated consultation and monitoring exercises;
 - Ensuring public access to information and services which it provides; and
 - Training staff in connection with its equalities duties.

4. The revised RES has been drafted with these considerations in mind and is attached at Appendix One. In addition to looking forward, the redrafted scheme also reports on actions that have been taken over the last three years in pursuance of the statutory duties, considering both our service delivery and employment functions.

5. The Scrutiny Panel is asked to consider the redrafted document, comment as appropriate and recommend that the Overview and Scrutiny Committee make a report to Cabinet proposing the adoption of the revised scheme. In tandem with this process it is proposed that the draft RES is sent to other Councils and relevant community groups for consultation purposes, and that any feedback received is reported to Cabinet and reflected as appropriate in the Scheme, prior to final adoption.

Equalities monitoring

6. As noted above, the Authority is required to monitor its policies and functions for any adverse impact on the promotion of race equality. Effective monitoring is seen as key to keeping track of how a policy is working, for example how different racial groups are affected by a service – how often and why people use a service, experience enforcement or legal action, or make complaints, and the nature of those complaints.

7. In addition to these service-related monitoring requirements, the Authority is also under a statutory duty to monitor employment outcomes concerning the numbers of people

who:

- Are in post, or who make applications for employment, training and promotion;
- Receive training or performance assessment procedures;
- Are involved in grievance procedures or subject to disciplinary procedures; and
- Cease employment with the Authority.

8. This employment monitoring information is to be published annually.

9. In order to ensure consistency in the collection of monitoring information, and to comply with data protection requirements, the Equality Monitoring Policy attached at appendix 4 to the RES has been drafted and agreed by Management Board. The Scrutiny Panel will note that this policy covers not only ethnic monitoring, but also gender, disability status and age. This is because the Authority has other monitoring requirements placed upon it by separate strands of equality legislation such as the Equality Act 2006 (the Gender Equality Duty) and the Disability Discrimination (Amendment) Act 2005 (the Disability Equality Duty). It is sensible to combine the various monitoring requirements in one overall process in order to avoid duplication and confusion.

10. Also attached to the RES, as Appendix One to it is a document called 'Monitoring our Equality Duties 2007/08'. This sets out information about how the Council has approached monitoring activity over the last three years, and the outcomes from this. It fulfils the statutory requirement to monitor and publish the results of monitoring. The Panel is asked to consider the outcomes from this and comment accordingly.

Equalities Impact Assessments

11. The Authority piloted its impact assessment process in 2004 and implemented a programme of carrying out assessments in 2005. In addition work has recently taken place to ensure that these are all up to date, and any new policies or functions have been properly assessed. To supplement this process the Performance Management Unit has also carried out a screening exercise of all Cabinet reports for equalities implications from January 2006 to the present. A process is currently being drawn up to ensure that all Cabinet reports consider the equalities implications of proposals being put forward, and that a new or updated impact assessment is completed where necessary.

12. The first RES set out priorities for the carrying out of impact assessments following the assessment of all Council functions for relevance to the duty to promote race equality. Attached to the RES at appendix 3 is a document called 'Schedule of completed Impact Assessments'. This shows the Council's success in carrying out this process, and the timetable for revisiting and updating completed assessments. These arrangements are complemented by the audit of Cabinet reports for equalities implications referred to above, ensuring that services and functions are assessed for relevance against the duty to promote race equality and their impact on minority groups is identified.

Corporate Equalities Action Plan

13. The impact assessment of Council policies and functions carried out in 2005 and thereafter led to the completion of a comprehensive appraisal of equalities issues across the Council. Services used the findings of the process to draw up individual equality actions that were fed into the business planning process. In addition, the assessment process identified a number of corporate issues, which were common to all, or the majority of Directorates. These formed the basis of the Corporate Equality Action Plan (CEAP).

14. The CEAP was agreed by Cabinet at its meeting of 11 June 2007, and it was also agreed that monitoring of progress against the plan would be the responsibility of the Finance and Performance Management Scrutiny Panel. In light of this decision an updated version of the CEAP is included as Appendix Five of the Race Equality Scheme. The Panel is asked to consider the progress made against the various actions and comment accordingly.

The Gender and Disability Equality Schemes

15. At its meeting of 16 April 2007 the Cabinet agreed a Disability Equality Scheme and Gender Equality Scheme, together with associated action plans. The legislation from which these schemes derive is similar to that pertaining to race equality, in that there should be an assessment of relevance of individual functions and policies followed by full equalities impact assessments where required, backed up by monitoring and consultation. In order to take equalities matters forward in a 'joined up' way, the Authority took the approach of carrying out combined impact assessments with respect to race, gender and disability when it commenced this process, thus avoiding duplication of effort. This approach has also been adopted with respect to the development of a corporate monitoring process as described above.

16. In addition to this process, both the Disability and Gender Equality Schemes require consultation with minority/disadvantaged/seldom heard groups. With respect to disability, officers have been meeting regularly with local disability groups to consult them on the issues and concerns they have. Each meeting has focused on a particular Directorate, with relevant Directors in attendance to both provide information and be challenged to make improvements. This process is yielding valuable information, and will inform an updated Disability Equality Action Plan in due course.

17. Consultation under the Gender Equality Scheme is about to commence, starting with a focus group session with delegates on 'Springboard', the Authority's Development Programme for Women.

18. The Panel is asked to note the consultation taking place on Gender and Disability Equality issues, and comment accordingly. A further, more detailed report on these schemes is also included elsewhere on this agenda.

Reason for decision:

19. To advise the Scrutiny Panel of progress with equalities work, and the fulfilment of the Council's statutory duties.

Options considered and rejected:

20. None. The Council is statutorily required to carry out these activities.

Consultation undertaken:

21. All Directors are involved in the development of Directorate level actions and relevant aspects of the CEAP. Consultation with disability groups is ongoing, and the revised RES will be sent for comments to a wide range of community groups in Essex.

Resource implications:

Budget/Personnel Provision: The actions set out in this report will be met within existing budgets.

Land: Nil

Council Plan/BVPP Reference: Council Plan Section 10 – 'Action Plan': action IP4.

Relevant Statutory Powers: Race Relations (Amendment Act) 2000, Gender Equality Act 2006, Disability Discrimination (Amendment) Act 2005.

Background Papers: None

Environmental/Human Rights Act/Crime and Disorder Act Implications: Breaches under the Acts described in the report may also be actionable under, or in conjunction with, the Human Rights Act

Key Decision Reference (if required): None