

**Report to: Finance and
Performance Management Scrutiny
Panel**

Date of Meeting: 31 March 2009



Portfolio: Finance and Performance Management

Subject: Equality and Diversity - Progress Report 2008/09

Officer contact for further information: S. Tautz (01992 564180)

Democratic Services Officer: A. Hendry (01992 564246)

Recommendations/Decisions Required:

That current progress in relation to the development and implementation of the Council's approach to Equality and Diversity issues be noted.

Executive Summary:

1. (Deputy Chief Executive) At its meeting on 28 March 2008, the Scrutiny Panel received a comprehensive report on the Council's progress towards meeting its statutory equality duties.
2. The Council's Performance Improvement Unit (PIU) is responsible for equality and diversity issues. As a result of establishment vacancies and the transfer of staff resources out of the PIU following the corporate restructure in 2008, limited progress on equality and diversity issues was made over the first half of 2008/09. However, the PIU is now fully staffed and this report details current progress on various matters, and proposals for further action.

Reasons for Proposed Decision:

3. The Council is responsible for the development and coordination of an approach to its statutory equality duties, particularly in relation to the specific responsibility for promoting equality and diversity.

Other Options for Action:

4. None. The Council is statutorily required to carry out a range of equality and diversity activities.

Report:

Background:

5. Local authorities and other public bodies are currently subject to a range of duties to promote equality and diversity in respect of the race, disability and gender equality strands. The Council has developed Equality Strategies for each of these areas, progress against which was considered by the Scrutiny Panel in March 2008.

6. In the Queens Speech in December 2008, the Government announced a new Equality Bill which is due for introduction in 2010. The Equality Bill extends the range of groups covered by equalities legislation from race, disability and gender, to include age, faith/belief, sexual orientation, and gender reassignment. The Bill also introduced a single new equality duty for public bodies, which requires them to tackle discrimination, promote equality of opportunity and encourage good community relations across all seven equality strands.

7. The Council currently measures its equality performance against the Equality Standard for Local Government (ESLG), through a local performance indicator. The Equality Standard is a tool designed to enable local authorities to mainstream equality and to ensure that discriminatory barriers are identified and removed. The ESLG has helped to make equality an integral part of service delivery. To reflect recent demographic changes and emerging thinking on the nature of equality and diversity, a revised equality standard known as the Equality Framework for Local Government (EFLG) is to be introduced in April 2009.

8. The EFLG takes account of criticisms that the former standard was too process orientated, unnecessarily resource intensive and therefore burdensome. The EFLG has simplified the measurement of equality performance by reducing the previous five levels of attainment down to three, encouraging a proportional approach, and favouring critical self-assessment rather than external auditing. The EFLG also adopts the practical definition of equality as used in the 2007 Equality Review of 'equal life chances for all'. This overcomes the limitations of traditional interpretations of equality and focuses on what really matters to people, whilst recognising that people have different needs and that some may need more or different resources to have access to the same outcomes as others.

9. The Council has currently attained Level 2 of the ESLG, which equates to the 'Emerging' first level of the new framework. Performance to date on the ESLG will automatically count towards the new EFLG, and the simplification of the standard has the potential to bring the next level of the standard, that of 'Achieving', within the grasp of the authority and work to progress this will take place accordingly. The local performance indicator that measures the Council's equality performance has been retained for 2009/10, as part of a proposed suite of 'key' performance indicators for the year.

Comprehensive Area Assessment and Use Of Resources

10. Equality, diversity and human rights are likely to be integral to the Comprehensive Area Assessment process to be introduced from April 2009, informing ambitions for:

- (a) better outcomes for individuals, families and communities, including tackling unequal outcomes;
- (b) stronger and more cohesive communities; and
- (c) better understanding of the needs and aspirations of communities, including the differing needs and life chances of individuals, families and communities and the barriers to equality.

11. Equality and diversity considerations are also mainstreamed in the methodology for the new Use Of Resources (UoR) assessment. From 2009/10 there are no explicit equality Key Lines of Enquiry (KLoE) for the assessment, and equality issues have been integrated across all themes. For example, there will be an expectation that the Council can demonstrate that it has taken account of the equalities profile of the local community when identifying priorities.

12. The new UoR methodology requires that equality good practice is embedded and showing outcomes. Use of the EFLG should assist the Council to demonstrate relevant and robust evidence to support the equality aspects of both CAA and UoR.

Equality Impact Assessments

13. In 2005 the Council implemented its Equality Impact Assessment (EqIA) programme according to the requirement to monitor policies for any adverse impact on the promotion of race equality, as required by the Race Relations (Amendment) Act 2000. In early 2008 work was done to ensure that EqIAs were undertaken for new policies or functions, and progress in this respect was also considered by the Scrutiny Panel in March 2008.

14. EqIAs are required to be reviewed every three years, and a programme for this exercise is currently being developed. Although the timing for the repeat of the original EqIAs has slipped as a result of the capacity issues identified at paragraph 2 of this report, it is intended that this exercise will be taken forward over the next few months.

15. In order to help meet the requirements of CAA, the EFLG and in order to address its responsibilities under the Equality Bill, the Council's EqIA toolkit has been revised to ensure that it can provide maximum value. The revised toolkit has recently been agreed by the Corporate Executive Forum (CEF), and is currently being subject to CEF piloted in several service areas, prior to being rolled out across the authority.

16. In line with the objective of mainstreaming equality into the authority and therefore service provision, the EqIA enlists the knowledge and input of staff actively engaged in providing services. Relevant staff training in the EqIA process is being provided, using service specific examples and performance orientated language to convey the message, followed up with active support and guidance in the completion of EqIAs. Arms length support is provided by the PIU on an ongoing basis where necessary, however it is anticipated the intensive initial support would assist relevant staff to become knowledgeable and confident with the process in order to take it forward.

Corporate Equalities Action Plan

17. The Corporate Equalities Action Plan (CEAP) supports the Council's existing key equality documents, including the EqIA process, and sets out key corporate equality responsibilities, objectives and actions. The CEAP was reviewed by the Scrutiny Panel in March 2008, and contains a number of actions that are being taken forward with the endorsement of CEF.

- (a) An Equalities Working Group (EWG) is to be established of Assistant Directors or managers from across the authority to provide support to Directors in implementing the CEAP and thereby progressing the overall equality agenda. The EWG will be engaged in the following equality activities:
 - 'equality mapping' the organisation's plans and activities and identifying equality mainstreaming, for service improvement and CAA purposes;
 - monitoring and reviewing the EqIA cycle;
 - ensuring that EqIAs are subject to 'reality checking' with service users;
 - supporting staff with EqIA process;
 - promoting the message that diversity is everyone's responsibility;
 - sharing best practice and community intelligence; and
 - providing support to an equality staff group.
- (b) Impact Assessments for proposed new policies The CEAP identifies the need to produce procedures and guidance to ensure impact assessments and formal consultation are carried out for relevant proposed policies and the outcomes reported before decisions are made and published. Formal requirements for the 'identification' of equality implications on all Cabinet and Overview and Scrutiny reports were introduced in May 2008. Case law (Kaur and Shah v London

Borough of Ealing - July 2008) has ruled that in relation to race, it is illegal to introduce a policy without having conducted an EqlA. With this in mind, the relevant Agenda Planning Groups led by the Chief Executive and Deputy Chief Executive will in future take a more robust approach to ensuring that all reports identify relevant equality implications, and that EqlAs are undertaken prior to the consideration of reports by the Cabinet and the Overview and Scrutiny Committee and Panels where necessary;

- (c) An equalities staff group is to be created to provide an opportunity for minority or disadvantaged groups or members of staff across the seven equalities strands to engage with the Council as an employer in relation to equality issues. Staff equality focus groups have been identified as good practice, and the new UoR methodology requires the Council to demonstrate that it operates positive diversity practices, and receives positive feedback by staff on workforce diversity. The staff group will be a source of information and advice for the Council, helping to develop initiatives and to progress positive change, and will provide an opportunity for personal development for staff, making available a supportive environment to address issues of concern and to create opportunities to learn about the equalities agenda. Interest in participation in the focus group will be sought from amongst those staff who have declared themselves to have a disability, and the group would be supported as necessary by the PIU.

Disability and Gender Equality Schemes

18. A Consultative Group comprising local people with disabilities was formed in respect of the Council's Disability Equality Scheme (DES) met regularly throughout 2007/08 in order to progress the development of an action plan for the Scheme. As a result of the previous staffing position within the PIU, little progress has been made in this respect, although the Consultative Group was reconvened during early March 2009 to consider a draft action plan drawing together a number of issues raised to date. The terms of reference and membership for the group are to be revised in line with the proposed new legislation to embrace the new general duty, to facilitate the similar development of an action plan for the Council's Gender Equality Scheme.

Disability Awareness Day

19. Every year December 3 is observed as the International Day of Disabled Persons, and is intended to promote understanding about disability issues and to increase awareness. Stemming from The United Nations General Assembly's Programme on Disability, the programme aims to do a number of things including promoting equal access to employment, education, information, goods and services, and advancing the rights and protecting the dignity of persons with disabilities. In 2008 a number of local authorities around the eastern region hosted disability awareness raising events in conjunction with the voluntary sector, and it is intended to investigate the holding of a similar type of event for the Epping Forest District in 2009 to promote awareness and services for the disabled. Local recognition of the International Day of Disabled Persons could provide the following advantages to the authority, its employees and the local community:

- (a) an opportunity to work towards meeting the General Duty under the new Equalities Bill;
- (b) an opportunity to promote council services for the disabled;
- (c) an opportunity to promote services within the voluntary sector for the disabled;
- (d) an opportunity to raise awareness within the council regarding disability equality;
- (e) an opportunity to promote the local government employer brand to under-represented groups; and
- (f) to meet specific actions in the Corporate Equality Action Plan around improving the impact and accessibility of the Council's services.

20. Further details of the Council's for recognising the International Day of Disabled Persons in December 2009 will be published in the Members' Bulletin.

Equality Monitoring

21. The Council is required to monitor its policies and functions for any adverse impact on the promotion of equality. Effective monitoring is seen as key to keeping track of how a policy is working, for example how different 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. In addition to these service-related monitoring requirements, the Council is also under a statutory duty to monitor employment outcomes concerning the numbers of people who:

- (a) are in post, or who make applications for employment, training and promotion;
- (b) receive training or performance assessment procedures;
- (c) are involved in grievance procedures or subject to disciplinary procedures; and
- (d) cease employment with the authority.

22. This employment monitoring information is to be published annually. In order to ensure consistency in the collection of monitoring information, and to comply with data protection requirements, the Council's Equality Monitoring Policy covers each of the equality strands. It is sensible to combine the various monitoring requirements in one overall process in order to avoid duplication.

23. The Council's equality monitoring report was last considered by the Scrutiny Panel in March 2008. The next report is to be produced by the Director of Corporate Support Services in June 2009, to cover 2007/08 and 2008/09 and provide two full comparative data for two full years. The report will be made to the Scrutiny panel early in the next municipal year, and thereafter will be reported each April/May.

24. The Scrutiny Panel is requested to note current progress in relation to the development and implementation of the Council's approach to the range of Equality and Diversity issues set out in this report.

Resource Implications:

The achievement of the Council's corporate equality responsibilities can currently be met from within existing resources.

Legal and Governance Implications:

There are no legal implications or Human Rights Act issues arising from this report, which seeks to ensure the development and coordination of a corporate approach to the Council's statutory equality duties, particularly in relation to the specific responsibility for promoting equality and diversity.

Safer, Cleaner and Greener Implications:

There are no legal implications arising from this report in respect of the Council's commitment to the Nottingham Declaration for climate change, the corporate Safer, Cleaner and Greener initiative, or any Crime and Disorder issues within the district.

Consultation Undertaken:

The actions proposed in this report have been reviewed and considered by the Corporate Executive Forum and Management Board. The Council's current approach to disability equality has been endorsed by the Disability Equality Consultative Group.

Background Papers:

None.

Impact Assessments:

There are no risk management issues arising from this report. This report seek to ensure the development and coordination of a corporate approach to the Council's statutory equality duties, particularly in relation to the specific responsibility for promoting equality and diversity.