

Report to Finance and Performance Management Scrutiny Panel

Date of Meeting: 10 June 2010



Portfolio: Leisure and Wellbeing (Councillor B. Rolfe)

Subject: Equality and Diversity - Progress Report 2009/10

Officer contact for further information: B. Copson (01992 564042)
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, and with regard to specific equality initiatives, 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. A further progress report was made to the Scrutiny Panel in April 2009.
2. The terms of reference of the Scrutiny Panel require the consideration of an annual report on the Council's progress towards the achievement of its equality duties and performance in relation to other equality and diversity issues, and this report therefore reflects progress for 2009/10.

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 specific responsibilities to tackle discrimination, promote equality of opportunity, and encourage good community relations.

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 have been subject to a range of duties to promote equality and diversity in respect of race, disability and gender equality for some time. Since the last progress report made to the Scrutiny Panel in March 2009, the Government has introduced new equality legislation in the Equality Bill 2010, which both extends and simplifies the Council's responsibility towards equality and diversity.

6. The Equality Bill has extended the range of groups covered by equalities legislation to include age, faith/belief, sexual orientation, and gender reassignment, and has placed two new duties on public bodies. The first of these new duties is the 'Equality Duty', which requires that people must be treated fairly and equally. The second duty is The 'Socio-Economic Duty', which requires public bodies to consider an individual's background and where they were born when providing services. The Equality Bill also requires public bodies to tackle discrimination, promote equality of opportunity and encourage good community relations across each of the seven equality strands.

7. The Council currently measures its equality performance against the Equality Framework for Local Government (EFLG), through a local performance indicator (LPI 01). The EFLG replaced the former Equality Standard For Local Government in April 2009, and is a tool designed to enable local authorities to mainstream equality and to ensure that discriminatory barriers are identified and removed. The EFLG focuses on five key areas:

- knowing your community and data mapping;
- place shaping, leadership, partnership and organisational commitment;
- community engagement and satisfaction;
- responsive services and customer care; and
- a modern and diverse workforce.

8. The EFLG measures equality performance against three levels of attainment: 'Developing', 'Achieving', and 'Excellent', and encourages a proportional approach and 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 definition 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. The Council is currently at the 'Developing' level of the Framework, and is working towards the 'Achieving' level.

9. To help its progression towards the 'Achieving' level, the Council participated in a funded support programme on equalities provided by the East of England Regional Assembly and Improvement East. Through this programme, Stuart Elrick a former equality lead for the Improvement and Development Agency who is accredited by East of England Regional Assembly in terms of its support programme, made a presentation to the Scrutiny Panel in February 2010, to explain the Equality Framework and its context in respect of Comprehensive Area Assessment.

10. The Scrutiny Panel was also advised in February of arrangements for an informal 'Peer Review' to be undertaken to establish the Council's base-line position against the EFLG and to enable the development and prioritisation of appropriate action to take the Council forward to the 'Achieving' level of the Framework. The process for the Peer Review involved the Council submitting a self-assessment identifying its progress under the five themes of the Framework, followed by an on-site assessment in March 2010 (also undertaken by Stuart Elrick), involving a range of interview sessions with relevant officers and members including the Leader of the Council and the Leisure and Wellbeing Portfolio Holder.

11. The report of the informal Peer Review was presented to Management Board in April 2010. The main finding of the report was that Council was further along its journey towards being assessed as an 'Achieving' authority than it gave itself credit for. As a result, an action plan has been developed to progress the recommendations of the report, and it is intended to pursue formal assessment against the 'Achieving' level of the Equality Framework in November/December 2010.

Comprehensive Area Assessment and Use of Resources

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

- better outcomes for individuals, families and communities, including tackling unequal outcomes;
- stronger and more cohesive communities; and
- 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.

13. Equality and diversity considerations are also mainstreamed in the methodology for the Use of Resources (UoR) assessment. From 2008/09 there were no explicit equality Key Lines of Enquiry (KLoE) for the assessment, and equality issues have been integrated across all themes. The UoR methodology requires that equality good practice is embedded and showing outcomes, and use of the EFLG should assist the Council to demonstrate relevant and robust evidence to support the equality aspects of both CAA and UoR. The Council is addressing the equality related recommendations that arose from the UoR assessment for 2008/09, and the report of the 2009/10 assessment will be published by the authority's external auditors later in 2010.

Customer (Equality) Impact Assessments

14. The first round of Equality Impact Assessments (EqIA) was conducted in 2005, 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. Although the timing for the repeat of the original EqIAs slipped as a result of capacity issues in the Performance Improvement Unit in early 2008, a return to full staffing has enabled a review of the Equality Impact Assessment Process to be conducted and a new round of Impact Assessments to commence. In line with the Equality Framework and best practice the Equality Impact Assessment procedure has been renamed as Customer Impact Assessments (CIA), in order to ensure that the focus of the process is on the customer.

15. The review of the CIA process resulted in the production of a revised CIA toolkit geared towards providing maximum value. CIA awareness raising sessions have been held on a number of occasions during 2009/10, and will continue to be provided annually, allowing staff likely to be involved in the CIA process the opportunity to focus on the understanding and thought processes necessary to produce an effective CIA. A screening exercise has been conducted in order to identify and prioritise those activities and services for CIA within the three year period commencing in January 2010. Support and guidance is provided to staff engaged in the CIA process by the Performance Improvement Unit, and it is anticipated the intensive initial support will assist relevant staff to become knowledgeable and confident with the process in order to take it forward independently.

16. Formal requirements for the 'identification' of equality implications on all Cabinet and Overview and Scrutiny reports were introduced in May 2009, following the identification of relevant case law, which ruled (Kaur and Shah v London Borough of Ealing - July 2008) that in relation to race, it is illegal to introduce a policy without having conducted an EqIA. The relevant Agenda Planning Groups lead by the Chief Executive and the Deputy Chief Executive take a robust approach to ensuring that all reports identify relevant equality implications, and that CIAs are undertaken prior to the consideration of reports by the Cabinet and the Overview and Scrutiny Committee where necessary;

Corporate Equality Working Group

17. An equality steering group known as the Corporate Equality Working Group (CEWG) was established in May 2009, comprising senior managers from across the authority and Union representatives, to provide input and support to in implementing the Council's Corporate Equality Action Plan, and progressing the overall equality agenda. The CEWG is to be developed to line with the recommendations of the Equality Peer Challenge, and has the following responsibilities:

- to promote equality within the Council;
- to progress the Corporate Equality Action Plan;
- to provide support and guidance to the Staff Equality Group (SEG) and to commission pieces of work from the SEG;
- members of the CEWG to act as Equality Champions;
- to identify, support and provide guidance to Equality Champions;
- to monitor and progress of the Customer Impact Assessment programme and the quality of impact assessments;
- to equality map the Council's customers and the district;
- to promote compliance with the Equality Duty and Social/Economic duty for local authorities;
- to provide support to appropriate Portfolio Holders.

Staff Equality Group

20. A Staff Equality Group (SEG) was established in September 2009 to provide a confidential space for staff to discuss equality related concerns, and to provide an opportunity for staff across the authority to engage with the Council as an employer in relation to equality issues. The SEG is also a source of information and advice for the Council, helping to develop initiatives and to progress positive change. The SEG is responsible to the CEWG and is governed by terms of reference which are reviewed annually. All staff are eligible to attend the meetings in work time subject to line manager approval, and administrative support is provided by the Performance Management Unit.

21. The SEG has been engaged in a number of activities since its inception, the main area of focus so far being the refurbishment of the Staff Recreation Room at the Civic Offices, in order to make the facility a more welcoming space for all staff and to address disability access concerns, for which the SEG have gained agreement from the CEWG to co-ordinate the project. Ring-fenced funding has been established for the project and agreed by CEWG, and staff and other stakeholders have been consulted regarding priorities for the improved facility. Support for the project has been gained from the Joint Consultative Committee, and draft plans are in the process of being produced. Further consultation is planned with staff once firm proposals have been developed.

Staff Equality Survey

22. In line with the Equality Framework theme concerning the achievement of a 'modern and diverse workforce', the CEWG conducted a Staff Equality Survey during 2009/10 to seek the experiences and perceptions of staff about working for the Council. The survey covered themes including what staff valued about working for the Council, their thoughts and experiences regarding development, training and promotion opportunities, their work/life balance, and their thoughts about the culture of the Council. All fulltime and part-time Council staff were surveyed, resulting in 209 responses, or 30% of all staff. The results of the survey will be considered by the CEWG in June 2010, in order to identify issues and themes, and to establish appropriate actions to address issues and concerns raised through the survey. It is intended that any areas identified within the Staff Equality Survey which require further examination, will also be included in a further Staff Survey to be conducted by the Human

Resources Unit later in 2010.

Corporate Equality Action Plan

23. The Corporate Equalities Action Plan (CEAP) supports the Council's existing key equality documents, including the CIA 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. Following the informal Equality Peer Review in March 2010, the CEAP has been further revised to ensure that it is aligned with the structure and focus of the Equality Framework.

Customer Equality Mapping

24. In line with the Equality Framework theme of 'knowing your community and community mapping' the CEWG has reviewed existing data collection systems across the Council and is currently researching best practice into the most efficient and useful mechanisms to collate, manage, and share appropriate data internally and with partners. This process is to be moved forward by a presentation to Management Board in June 2010, around the value of the a customer mapping system as a means to secure service improvement for customers, and the requirement under the Equality Framework to be moving towards having an appropriate system in place. The presentation will be followed with a workshop for relevant staff to establish, on a directorate appropriate basis, which types of equality data would be useful in planning services, together with how, when and from whom the data should best be collected. An appropriate system to facilitate customer mapping would have the following characteristics:

- data and intelligence collection systems are developed and fit for purpose;
- data and intelligence is shared with the Local Strategic Partnership and other stakeholders via a two-way process;
- data and intelligence is shared internally under a 'COUNT' principle; and
- information and monitoring systems are developed that allow data to be disaggregated where appropriate, assess progress in achieving objectives and targets and review them in the light of changing needs, when necessary.

25. In 2009 the Council purchased 'Mosaic', a customer classification tool providing information about customer activity. Mosaic provides data across a number of the equality strands and will be a useful tool to assist with service planning. The development of the use of Mosaic is being co-coordinated via a user group of relevant staff.

Disability and Gender Equality Schemes

26. The Disability Equality Involvement Group (DEIG) established in 2007 to help progress the development of an action plan for the Council's Disability Equality Scheme has continued and developed in terms of representation and areas of focus. The DEIG membership includes local residents with disabilities and representatives of partner organisations and local groups. Following progress with the Disability Equality Scheme Action Plan, the group agreed early in 2010 to assist the Council with CIA 'reality checking' to make sure that assessments are appropriately focused, and to help with other work to progress equality for people with disabilities which had arisen through the new equality duty.

27. The Gender Equality Scheme has not received much specific progress, however gender relevant issues have been incorporated into the Corporate Equality Action Plan and the Staff Equality Survey. The general progress made against the Equality Framework results in improved equality for all people and those who may fall into more than one equality strand.

28. The Equality Bill 2010 does not require specific Disability, Gender (and Race) equality schemes to be produced. However in order to ensure the integration of equality related

practices to achieve service improvement is maintained, and in order to reflect the streamlining of equality legislation and requirements for local government, the Council will produce a Single Equality Strategy in 2010/11, to replace the existing separate Disability, Gender (and Race) Equality Schemes.

Outreach

Disability Awareness Day

29. Each year, the third day of December is observed as the International Day of Disabled Persons, and is intended to promote understanding about disability issues and to increase awareness. The initiative is to promote equal access to employment, education, information, goods and services, and advance the rights and protecting the dignity of persons with disabilities. In 2009, in line with a number of local authorities around the eastern region, the Council hosted a disability awareness raising event in conjunction with the voluntary sector. Capitalising on the LSP 'Shaping The Future' stakeholder conference on 11 December 2009, the Council and partners held an event highlighting services available for people with disabilities. Positive feedback was received by those attending the event, and plans are underway for a more ambitious event in December 2010, to be co-coordinated by the DEIG

Essex Pride

30. The CEWG is keen to establish links with local Lesbian, Gay, Bi-Sexual, and Transgender (LGBT) communities, to make sure that the Council's services meet their needs. To this end the CEWG has agreed small-scale sponsorship of 'Essex Pride 2010', which takes place on 5 September 2010, with a view to making contacts and establish a working relationship with representatives of the LGBT community. Essex Pride is an outdoor entertainment festival held annually in Chelmsford, for the whole community which aims to promote inclusion, equality and diversity, encourage acceptance and eliminate discrimination in relation to LGVT people throughout Essex.

Equality Monitoring

31. The Council is required to monitor its policies and functions for any adverse impact on the promotion of equality. Effective monitoring is 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:

- 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.

32. This employment monitoring information is to be published annually by the Human Resources Unit. In order to ensure consistency in the collection of monitoring information, and to comply with data protection requirements, the Council's Equality Monitoring Policy is being updated to ensure that it covers each of the equality strands appropriately. It is sensible to combine the various monitoring requirements in one overall process in order to avoid duplication. The Council's equality monitoring report was last considered by the Scrutiny Panel in March 2009. The next report is to be produced by the Director of Corporate Support Services shortly, to cover 2008/09 and 2009/10 and provide comparative data for two full years.

33. 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, Management Board and the Corporate Equality Working Group. The Council's current approach to disability equality has been endorsed by the Disability Equality Involvement Group.

Background Papers:

None.

Impact Assessments:

Risk Management

Risk management issues arising from proposals to address the development and coordination of a corporate approach to the Council's statutory equality duties, or specific equality initiatives, will be identified as specific actions are progressed.

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications?

No. However, issues arising from proposals to address the development and coordination of a corporate approach to the Council's statutory equality duties, or specific equality initiatives, will be identified as specific actions are progressed

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? N/A

What equality implications were identified through the Equality Impact Assessment process?
N/A

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group? N/A