

Report to Finance and Performance Management Scrutiny Panel

Date of Meeting: 19 June 2012



Portfolio: Leisure and Wellbeing (Councillor E. Webster)

Subject: Equality and Diversity - Progress Report 2011/12

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Recommendations/Decisions Required:

- (1) That current progress in relation to a range of equality requirements and initiatives, be noted; and**
- (2) That the Council's outturn performance for 2011/12, in relation to the Equality Framework for Local Government, be noted;**

Executive Summary:

1. (Acting Chief Executive) The terms of reference of the Finance and Performance Management Scrutiny Panel require the consideration of an annual report on the Council's progress towards the achievement of its equality duties and performance against the equality related key performance indicator. This report reflects progress for 2011/12.

Reasons for Proposed Decision:

2. 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:

3. None. The Council is statutorily required to comply with a range of equality duties. Failure to monitor and review performance against the Public Sector Equality Duty and to take corrective action where necessary, could have negative implications for judgements made about the Council, and might mean that opportunities for improvement were lost. The Council has previously agreed arrangements for monitoring progress against the Equality Framework through a Local Performance Indicator.

Report:

Equality Act 2010 - Public Sector Equality Duty

4. The Equality Act 2010 places a general duty on the Council to consider a range of people characteristics when we plan and deliver services. The characteristics are referred to

as 'protected characteristics' and are:

Age;
Civil Partnership;
Disability;
Faith or belief;
Gender;
Gender reassignment;
Pregnancy and maternity;
Race; and
Sexual orientation.

5. The Council's general duty, also known as the Public Sector Equality Duty, requires 'due regard' to be taken when exercising Council functions, to the need to the following three aims:

- (a) to eliminate unlawful discrimination, harassment and victimisation;
- (b) to advance equality of opportunity between people who share a protected characteristic and those who do not; and
- (c) to foster good relations between people who share a protected characteristic and those who do not

6. 'Due regard' means consciously thinking about the need to do the things set out in the general equality duty as an integral part of the provision of services. The general equality duty is a continuing duty which applies from the decision making stage right through to implementation of the decision and the delivery of the service.

7. Due regard to eliminate unlawful discrimination, harassment and victimisation means that consideration of equality issues must influence the decisions reached by public bodies, in how they act as employers, how they develop, evaluate and review policy, how they design, deliver and evaluate services, and how they commission and procure services.

8. Having due regard to the need to advance equality of opportunity involves considering the need to remove or minimise disadvantage suffered by people due to their protected characteristics, meet the needs of people with protected characteristics, and encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

9. Having due regard in fostering good relations involves tackling prejudice and promoting understanding between people from different groups.

10. In addition to the general duty the Council is also subject to specific duties which are designed to help public bodies meet the general duty. In summary, in order to meet the general duty the Council must:

- (a) prepare and publish appropriate equality objectives which focus the Council's equality related work towards those areas which can make a real difference to the communities of the district, and can best enable us to make improvements to our service design and delivery. Equality Objectives must be published every four years from 6 April 2012. They must be specific and measurable, and set out how progress will be measured.
- (b) Equality analysis must be carried out on the Council's activities to assess the effect of its policies and practices on equality. Equality analysis and details of information considered when carrying out analysis, must be published.

- (c) Sufficient information to demonstrate that the Council has complied with the general duty must be published annually from 31 January 2012, and must include:
- information on the effect that policies and practices have had on employees and people from the protected groups;
 - evidence of the analysis undertaken to establish whether policies and practices will (or have) furthered the three equality aims of the general equality duty, and details of the information used in that analysis; and details of the engagement undertaken in conducting that analysis.
- (d) Publish information about the engagement it has undertaken, including that used in the development of equality objectives.

11. This report provides only a brief summary of requirements for the Council arising from the introduction of the Public Sector Equality Duty, together with progress made against those requirements.

Equality Framework for Local Government

12. Until April 2012 the Council measured its equality performance against the Equality Framework for Local Government (EFLG), which is a performance management tool designed to enable local authorities to mainstream equality and to ensure that discriminatory barriers are identified and removed. It focuses on a number of key areas which were set out in the progress report made to the Scrutiny Panel in June 2010.

13. The EFLG assesses performance at three levels - Level 1 – ‘Developing’; Level 2 – ‘Achieving’; and Level 3 – ‘Excellent’, with progression to levels 2 and 3 requiring validation via a formal peer challenge. In March 2010 The Council undertook an informal external evaluation of its performance against the EFLG, which indicated that it might be in a position to seek accreditation to Level 2 towards the end of 2010/11, and a target of the achievement of Level 2 was set for KPI 01 for 2010/11. An action plan was developed to progress the recommendations arising from the challenge exercise with a view to pursuing formal assessment against the ‘Achieving’ level of the EFLG in early 2011. This KPI Level 2 target was retained for 2011/12 whilst consideration was made whether expenditure for accreditations could be justified in the current financial climate.

14. In June 2011 it was reported to Scrutiny Panel that the cost (£4300) of peer challenge to evaluate the Council’s performance for achievement of Level 2, was indeed considered an unacceptable expense in the current financial climate. Progress with equality however, continued to be aligned with the EFLG to ensure a continued focus on the achievement of its statutory equality duties in the absence of any formal accreditation against the EFLG. The KPI was also retained whilst alternative peer accreditation or ‘critical friend’ assessment approaches were explored to determine improvement against the EFLG however these have not come to fruition. It is informally anticipated that the Council has now achieved Level 2 of the EFLG, although this cannot be confirmed. Following the introduction of Equality Objectives it is planned that progress will be monitored and reported inline with achievement against those Equality Objectives which form the focus of the Council’s equality work for the next four years. Considering the broad range of the Equality Objectives it is not intended to report progress via a KPI. Progress will continue to be reported to the Finance and Performance Management Scrutiny Panel via an annual report.

Corporate Equality Working Group

15. The Corporate Equality Working Group was established in May 2009, to provide input and support to develop and implement the Council’s approach to equality. A review of the

operation of the Working Group was undertaken in January 2011, in light of almost two years experience, and a number of matters have been taken forward to focus the work of the Working Group, including the development of an annual work program. In order to maintain high-level focus on the Council's statutory equality responsibilities, the Corporate Equality Working Group is chaired by the Acting Chief Executive.

16. The Staff Equality Group established in September 2009 provides an opportunity for staff across the authority to engage with the Council as an employer in relation to equality issues. The Staff Equality Group is also a source of information and advice for the Council, helping to develop initiatives and to progress positive change. The Staff Equality Group is responsible to the Corporate Equality Working Group and is governed by terms of reference which are reviewed annually. The Staff Equality Group has been engaged in a number of activities since its inception, and led the refurbishment of the Staff Recreation Room at the Civic Offices. The refurbishment to make the facility a more welcoming space for all staff and to address disability access concerns, was formally opened in February 2011 by the Acting Chief Executive.

Equality Scheme and Equality Objectives

17. In March 2011, the Cabinet agreed an Equality Scheme for the four years from 2012 to 2016, which sets out the Council's responsibilities under the Equality Act together with its equality plans and information. This is the Council's first integrated equality scheme and builds upon the earlier Race Equality Scheme 2007, the Disability Scheme 2007 and the Gender Equality Scheme 2007. As an overarching scheme it sets out the Council's equality and diversity commitments and goals, and is a strategy and set of objectives to promote equality in the Council both as an employer and service provider.

18. The Equality Scheme includes a set of Equality Objectives selected to help the Council meet one of more aims of the general duty and help bring about positive improvements to the Council's service design and delivery. The Equality Objectives have been identified from evidence based on customers or employees and analysis of services, and have links with the Council's medium-term aims for 2011-2015 for transparency, community involvement, and leadership. The Equality Objectives were the subject of public consultation in January 2012 and will form the focus of the Council's equality related work for the next four years when a new set of equality objectives are required to be set. The Equality Objectives are:

- (a) To develop existing customer and employee intelligence gathering systems and the use of the intelligence gathered in service planning;
- (b) To ensure ownership of equality by those in a position to shape services e.g. Members and Managers;
- (c) To develop engagement across all the protected equality groups; and
- (d) To ensure a culture, systems and working practices which allow for the development of a senior management profile representative of the Council workforce as a whole.

19. The Equality Objectives are supported by an Action Plan which sets out how the Equality Objectives will be achieved and measured, and will provide information to allow those persons interested in the work of the Council to see the progress being made.

Equality Analysis and Assessment

20. Under the Equality Act 2010 the Council must assess and analyse the effect of its policies and practices on equality. The purpose of the analysis is to ensure that the Council has paid due regard to the aims of the public sector equality duty when carrying out its functions. The analysis is an important element of the public sector equality duty and therefore a written record of the analysis is produced and published on the Council's website.

21. A screening exercise of the Council's activities and policies was conducted during 2009/10 in order to identify and prioritise services and activities for impact assessment through a system of Customer Impact Assessments (CIA's) over a three-year period commencing from April 2010. Progress against the first two years of the three-year program of CIA's has been monitored by the Corporate Equality Working Group, and support and guidance has continued to be provided to staff engaged in equality impact analysis by the Performance Improvement Unit.

22. The Council's decision making processes are required to be inclusive of equality information which identifies the equality implications of new or amended policies and activities. Formal requirements were therefore introduced in May 2009 and the guidance reviewed in 2010, to ensure equality information is included in all Cabinet and Overview and Scrutiny reports to assist and inform decision making. The relevant Agenda Planning Groups chaired by the Deputy Chief Executive, have the responsibility to ensure that all reports identify relevant equality implications, and that impact assessment is undertaken prior to the consideration of reports by members where necessary.

Equality Information

23. The Council has a duty to publish information to show that it is complying with its equality duties and to show how much progress it has made with its equality work.

Equality Information Report

24. In January 2012, the Council produced and published on its website, an Equality Information Report providing an illustration of what the Council has achieved in recent years, including projects, activities and achievements across all of its service areas. This report demonstrates how the Council meets the requirements of the Public Sector Equality Duty and will be updated annually from January 2013.

Equality Analysis

25. The Customer Impact Assessment reports are also published on the Council's website and provide evidence of equality analysis together with identified actions to improve the equality of our services and activities. The reports contain details of information used in that analysis; and details of the engagement undertaken in conducting that analysis

Workforce Equality Information

26. A range of equality related data and information about its employees including a workforce profile providing data on age, disability, ethnicity, faith, gender, and sexual orientation is published on the Council's website. Other data published includes sickness absence and leavers / turnover information.

Compliments and Complaints

27. Compliments and complaints equality monitoring information is collated each year for reporting to Members and the return is published on the Council's website

Outreach

28. During the last year, the Council has undertaken a range of engagement opportunities to increase its understanding of equality issues and to inform the development of its equality objectives.

29. The Council continues to support the Disability Equality Involvement Group who work with the Council to further develop equality for disabled people within the Council's services and activities. The minutes of the meetings are published on the Council's website.

30. In May 2011, the Council held an event designed to raise awareness of disability and to promote services and the opportunities available for disabled people. It was coordinated by the Council's Disability Equality Involvement Group, in conjunction with other local groups and organisations for people with disabilities. The event, Disability Aware?, aimed to highlight the work of the Council and other organisations in securing equality for disabled people, and opportunities for them to become involved in the community. 'Disability Aware?' also offered an opportunity for the Council to undertake a survey of local disabled people which was used to help identify priorities for disabled people and provide information to help the Council identify its Equality Objectives.

31. The Corporate Equality Working Group (CEWG) remains keen to establish links with local Lesbian, Gay, Bi-Sexual, and Transgender (LGBT) communities, to ensure that the Council's services meet their needs. To this end, the Council for the second consecutive year, undertook small-scale sponsorship of the 'Essex Pride' festival in September 2011, with a view to making contacts with the LGBT community. Essex Pride aims to promote inclusion, equality and diversity, encourage acceptance and eliminate discrimination in relation to LGBT people throughout Essex. The CEWG has also engaged Essex Gay, a local LGBT charity, to undertake a survey of LGBT people during 2011/12 as part of the work associated with its engagement related Equality Objective and with a view to establishing consultation opportunities with the LGBT communities. The results of the survey should be available later this year.

32. A general employee survey was conducted by the Human Resources Unit in April/May 2011 which received a response of 43%. The results were considered by Management Board, made available to the Joint Consultative Committee, and published in the Council's staff newsletter, 'District Lines'.

Resource Implications:

The achievement of the Council's corporate equality responsibilities is currently supported by existing resources of the Performance Improvement Unit. Additional resources may be required in other service directorates to meet service specific activities.

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 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