

Report to Finance and Performance Management Scrutiny Panel

Date of Meeting: 17 September 2013



Portfolio: Leisure and Wellbeing (Councillor E. Webster)

Subject: Equality Progress Report – Quarter 1 Performance Monitoring

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Recommendations/Decisions Required:

That the Scrutiny Panel note current progress in relation to the Equality Objectives Action Plan and other work to ensure the Council's compliance with its equality duties.

Executive Summary:

1. The terms of reference of the Finance and Performance Management Scrutiny Panel require the consideration of the Council's progress towards the achievement of its equality duties.
2. As part of the duty to progress against the public sector equality duty, the Council adopted four Equality Objectives with the capacity to make a difference to the communities of the district. This report reflects progress at the end of the first quarter 2013-2014.

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 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.

Report:

Equality Act 2010 - Public Sector Equality Duty

5. The Equality Act 2010 places a public sector equality duty on the Council to consider a range of people characteristics, known as protected characteristics, when we plan and deliver services. The duty requires 'due regard' to be taken when exercising Council functions, to the following three aims:

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

'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 public sector 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.

In addition to complying with the the public sector equality duty, the Council must also:

- (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) understand the effect of its decisions and practices on equality for people with protected characteristics. This understanding is acquired through equality analysis, and the use in decision making of information acquired through analysis, is evidence of due regard to the public sector equality duty;
- (c) publish sufficient information annually to demonstrate that the Council has complied with the general duty, and it must include:
 - i) information on the effect that policies and practices have had on employees and people from the protected groups;
 - ii) 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.

This report provides a summary of progress made against these requirements.

Equality performance measurement and reporting

6. 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 help local authorities to progress their equality work. In June 2011 it was reported to Scrutiny Panel that the financial implications of pursuing achievement formally against the EFLG were prohibitive. The adoption of Equality Objectives aligned with the EFLG however, served to ensure a continued focus on the achievement of its statutory duties, and allowed for informal measurement of progress against the EFLG. It is anticipated that the Council has now progressed to the 'achieving' level of the EFLG, although this cannot be confirmed.

7. The Equality Objectives form the focus of the Council's equality work for the four years from April 2012 – March 2016. It was reported to Scrutiny Panel in June 2012 that the broad range of the Equality Objectives meant that reporting progress via a Key Performance Indicator was not appropriate. Whilst progress was reported to the Finance and Performance Management Scrutiny Panel via an annual report, from 2013/2014 progress will be reported quarterly in line with quarterly Key Performance Indicator (KPI) performance reporting. The Equality Objectives have been added to the TEN performance management system to support this.

Corporate Equality Working Group

8. 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. Reviews of the operation of the Working Group were undertaken in January 2011 and in July 2013, the latter confirmed the purpose of the CEWG as 'the corporate bringing together of work to develop equality and diversity within the Council rather than individual pockets of good work'. The CEWG has met bi-monthly until June 2013, and quarterly from then in line with the move to quarterly equality performance reporting. In order to maintain high-level focus on the Council's statutory equality responsibilities, the Corporate Equality Working Group is chaired by the Deputy Chief Executive.

Equality Scheme and Equality Objectives

9. In March 2012 Cabinet agreed an Equality Scheme for the four years 2012 – 2016 which sets out the Council's responsibilities under the Equality Act together with its equality plans and information. 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.

10. The Equality Objectives help the Council meet one or more aims of the public sector equality duty and are focused on key areas where improvement in relation to equality has been identified, as follows:

- the use of equality intelligence
- ownership of equality
- engagement
- the workforce equality profile

The Equality Objectives and progress against them is set out below:

Equality Objective 1: *To develop existing customer and employee intelligence gathering systems and the use of intelligence gathered in service planning*

11. *Equality monitoring*

The Actions to deliver this Objective are based in equality monitoring and the use of information derived through equality monitoring to improve services for customers. Progress achieved with developing the necessary systems include:

- Equality Monitoring Policy and Guidance agreed by Cabinet in December 2012
- Completion of a pilot exercise around equality monitoring systems in May 2013

12. Whilst the Equality Monitoring Policy and Guidance is available to services and is being used in some service areas already, a delay in the completion of the pilot exercise has delayed its introduction. Whilst it had been intended that the Monitoring Policy and Guidance would precede the launch of the revised Equality Analysis Toolkit (see paragraph 13), the

Toolkit and its pilot's imminent launch means the Monitoring Policy and Guidance will be rolled out once the Toolkit pilot is established, which should be in December 2013/January 2014.

13. Actions concerning the use of intelligence in service planning are being addressed via the review of the existing Customer Impact Assessment Toolkit and committee report guidance in relation to equality implications. Progress made includes:

- a new Equality Analysis Toolkit and Guidance agreed by Management Board
- a pilot exercise planned to commence in October 2013 to evaluate a new system for ensuring that the equality implications of proposed courses of action are fully identified in relevant member/officer reports
- the provision of training sessions to support officers in the completion of equality analysis.

Equality Objective 2: *To ensure ownership of equality by those in a position to shape services e.g. Members and Managers*

14. Actions to deliver this Objective include a review of the delivery of relevant officer and Member training, and working in partnership to share peer knowledge where possible. Limited progress has been made in respect of this objective.

15. *Progress reporting*

Achievements include:

- The introduction of Directorate based equality information reporting from January 2013
- Quarterly reporting to Management Board of progress against the Action Plan and other equality work
- Directorate reporting of progress against the Action Plan via the TEN performance management system

16. Arrangements for directorate based equality achievement reporting for the annual Equality Information Report, have been introduced via the introduction of a template setting out what the information is required to demonstrate, and the co-ordination of the information and publication of the report by the Performance Improvement Unit. Most Directorates submitted their progress against the public sector equality duty in January in line with the legal deadline. To take account of end of year pressures for some Directorates, the CEWG moved reporting to July from this year, and then annually in July thereafter.

17. In March 2013 CEWG agreed that reporting of progress against the Equality Objectives Action Plan and other work to progress fairness for service users and employees would be reported to Management Board quarterly rather than annually, and therefore in line with performance reporting against KPI's. To better capture information about work going on across the Council to deliver the Council's equality duties CEWG agreed that arrangements be put in place for Directorates to update their progress against the Action Plan via the TEN performance management system similarly to the way KPIs are currently updated. This will commence from October 2013 to inform the report of the second quarter performance to Scrutiny Panel and it is anticipated the report will have a similar format to the KPI report.

Equality Objective 3: *To develop engagement across all the protected equality groups*

18. Actions to deliver this objective concern the production of an equality profile of the district; and the implementation of an Engagement Plan to bring coherence to engagement and ensure opportunities and groups are not missed. The development of opportunities for interaction between elected members and community groups will be included in the plan.

19. The production of an equality profile of the district forms part of the new Equality Analysis Toolkit and as a large piece of work, is in hand, whilst the engagement plan is yet to be developed.

20. Engagement with community groups has nevertheless continued and a brief outline of engagement with the protected groups is below, whilst more information can be found at paragraphs 31-37 of this report and in the annual Equality Information report:

- EFDC representation at the Essex International Day for People with Disabilities in December 2012
- EFDC representation at Essex Pride in June 2013
- Research with lesbian, gay, bi-sexual, and trans (LGBT) community via a local LGBT charity
- LGBT drop-in's
- Epping Forest Disability Forum on Facebook
- Sports disability project with a wide range of activities
- Sports disability project Parent Forum
- Various projects with 14-19year olds, women and girls, and on health inequalities
- Welfare surgeries to respond to the welfare changes
- Consultation on Gypsy and Traveller permanent sites licence conditions
- Funding for security for homes of over 60's

21. Management Board recently agreed a number of measures in relation to LGBT equality following the completion of the research with the LGBT community, which will be progressed over the coming months.

22. It is considered that appropriate engagement might be improved by the provision of a fully accessible meeting room at the Civic Offices. Discussion had been underway with officers from Building Control and Facilities Management last year with a view to commencing the funding application process to adapt one of the Committee Rooms to full accessibility. However staff changes since then have resulted in the process stalling. This will again be picked up by CEWG in the coming months.

Equality Objective 4: *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.*

23. With three distinct elements, actions for this objective focus on building a robust data evidence base, greater transparency in recruitment and selection systems and other employee related information, presenting a strong equality image of the Council, and reviewing employee engagement to ensure the Council engages with all its employees.

24. Achievements include the successful achievement of the 'two ticks' 'Positive about Disability' award which is awarded by Jobcentre Plus to employers who have made commitments to employ, keep and develop the abilities of disabled staff. Details of current progress against other actions to deliver the systems and culture aspects of this objective together with actions around working practices concerning transparency in relation to employee related information, cannot be reported as the information was unavailable at the time of the preparation of this report.

25. A review of employee engagement was considered by Management Board last year and a number of initiatives were agreed including a review of the terms of reference of the Joint Consultative Committee (JCC), bearing in mind levels of union representation within the Council and the need for non-union staff to have an opportunity to gain access to formal consultation mechanisms. Also agreed and to be pursued once the review of the JCC Terms of Reference had been completed, were the use of an 'i train' community for staff

consultation, together with a staff information bulletin and periodic engagement sessions. The progress of the JCC Terms of Reference review cannot be reported as the information was unavailable at the time of the preparation of this report.

26. The former equality newsletter, 'Fair Ground', is to be resurrected as an equality information bulletin for employees providing explanations about equality, updates and case law examples, together with other work to deliver fairness for service users and employees. It will be aligned to the Corporate Values and Behaviours, and form part of the Corporate Communications strategy.

Equality Analysis

27. The public sector equality duty requires that the Council understand the effect of its policies and activities on equality for people, and to use this understanding in its decision making at both strategic and service delivery levels. In order to deliver this understanding the Council introduced a three year programme of Customer Impact Assessment in April 2010, which included the identification and prioritisation of activities requiring equality analysis, together with the completion and reporting of the analysis. To ensure equality information is included in all Cabinet and Overview and Scrutiny reports to assist and inform decision making, guidance for the inclusion of equality related information in all Cabinet and Overview and Scrutiny reports was reviewed in 2010. Ongoing support in all aspects of equality analysis has been provided by the Performance Improvement Unit, and progress against the programme has been monitored by CEWG and Management Board, and reported to the Scrutiny Panel annually.

28. The three year programme was completed in March 2013 with a disappointing completion rate of 44%. Actions to improve the completion of relevant equality analysis and its subsequent reporting to decision making bodies to allow for due regard to be paid during decision making, have been added to the Equality Objectives Action Plan for Objective 1, and is set out more fully at paragraph 13 of this report.

29. The relevant Agenda Planning Groups chaired by the Chief Executive, have the responsibility to ensure that all reports identify relevant equality implications, and that equality analysis is undertaken prior to the consideration of reports by members where necessary.

Equality Information

30. 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. Some activities concerning publishing equality information form part of Equality Objective 2, and are set out at paragraphs 16-17 of this report.

Equality Information Report

In January 2013, 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 July 2013.

Equality Analysis

The Equality Analysis 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

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

Compliments and complaints

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

Engagement

31. Engagement is the subject of Equality Objective 3, and more information about engagement activities can be found at paragraphs 18-22 of this report, and the Equality Information Report published annually on the Council's website.

32. During the last year the Council has undertaken a range of engagement opportunities to increase its understanding of equality issues and community participation in the equality work of the Council.

33. In response to falling attendance at meetings of the Disability Equality Involvement Group, the Epping Forest Disability Forum has been set up on Facebook. Efforts are being made to recruit a volunteer with experience or knowledge of disability to discuss disability, and share information and support, and promote and develop the forum into a real resource for disabled people.

34. The 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 third consecutive year, undertook small-scale sponsorship of the 'Essex Pride' festival in June 2013, 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.

35. Research undertaken by Essex Gay, a local LGBT charity, into the views and experiences of LGBT people in the district has recently been considered by CEWG and a range of actions in response to the research have recently been agreed by Management Board. These will be taken forward in the coming months.

36. Essex Gay also established 'drop-in's' for LGBT people to meet and share information and support. A volunteer is also being sought to facilitate and run the group.

37. A general Employee Survey was conducted by the Human Resources Unit in 2013. The results were considered by Management Board, made available to the Joint Consultative Committee, and published in the Council's staff magazine, District Lines.

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 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

