

Report to the Cabinet

Report Reference: C/135/2006-07.

Date of Meeting: 16 April 2007.



**Epping Forest
District Council**

Portfolio: Finance, Performance Management and Corporate Support Services.

Subject: Equality and Diversity - Disability Equality Scheme and Gender Equality Scheme.

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Recommendations/Decisions Required:

- (1) That the requirement for the Council to develop and publish a Disability Equality Scheme and a Gender Equality Scheme be noted;**
- (2) That the draft Disability Equality and Gender Equality Schemes for 2006/07 to 2008/09 be agreed, for the purposes of undertaking consultation and engagement with local disabled people and relevant stakeholders, and the development of appropriate equality action plans;**
- (3) That the results of the disability and gender consultation and engagement exercises, and the final versions of the Disability Equality Scheme and the Gender Equality Scheme, be considered at future meetings of the Cabinet for adoption; and**
- (4) That, following the adoption of the Disability Equality Scheme and the Gender Equality Scheme, progress towards the achievement of key actions to promote disability and gender equality be monitored on an annual basis by the Finance and Performance Management Scrutiny Panel.**

Disability Equality Scheme:

1. As part of the Equality and Diversity agenda, the Council is required to publish a Disability Equality Scheme setting out how it will meet the needs of disabled people in the district. The requirement for a Disability Equality Scheme builds on the equality work that started with the publication of the Council's Race Equality Scheme in 2005, and which has also continued with the development of the Gender Equality Scheme covered later in this report.

2. The Disability Discrimination Act (DDA) 1995 required all public authorities to make reasonable adjustments to their services and operations to end discrimination faced by disabled people, and the Council has made significant progress in this respect. The Disability Discrimination Act 2005 came into force during 2006, and amended the 1995 Act by placing a statutory duty on authorities to actively promote disability equality. The DDA 2005 imposed a General Duty (the 'Disability Equality Duty') requiring authorities to have due regard to the following when carrying out their functions:

- the promotion of equality of opportunity between disabled people and other people;
- the elimination of unlawful discrimination;
- the elimination of harassment of disabled people related to their disability;
- the promotion of positive attitudes towards disabled people;
- the encouragement of participation by disabled people in public life; and

- the taking of steps to meet disabled people's needs, even if this requires more favourable treatment.

3. The DDA 2005 defines 'due regard' as giving due weight to the need to promote disability equality in proportion to its relevance. The General Duty came into force on 4 December 2006 along with a range of Specific Duties designed to assist authorities to meet the General Duty, that centre on the production of a Disability Equality Scheme.

4. The Council's draft Disability Equality Scheme for 2006/07 to 2008/09 has been distributed to members of the Cabinet; further copies can be obtained from the contacts listed above. Although the Scheme was required to be published by 4 December 2006, this did not prove possible due to resource pressures and competing priorities within the Human Resources and Performance Management Unit. In the interim period however, the services of a consultant were engaged to assist the Council in formulating an approach to the development of a Disability Equality Scheme, and the staff structure of the Performance Management Unit has recently been reviewed to allocate dedicated staff resources to the equality and diversity issues.

5. The General Duty prescribes the essential elements of a Disability Equality Scheme and the issues that must be addressed by the Council. These include:

- a statement of how disabled people have been involved in developing the scheme;
- an Action Plan setting out what the Council intends to achieve in terms of disability equality over the next three years;
- the authority's arrangements for gathering information about its performance on disability equality;
- the authority's arrangements for assessing the impact of its activities on disability equality and improving these where necessary; and
- details of how the authority is going to use the information gathered, in particular in reviewing the effectiveness of its Action Plan and preparing subsequent schemes.

6. The Disability Equality Scheme must demonstrate commitment to disability equality at the very highest level of authority, and the Disability Rights Commission recommends that the Scheme should have the endorsement of the Chairman of the Council (or equivalent) and the Chief Executive.

7. The Disability Equality Action Plan must identify the key actions that the Council will take to promote disability equality over the three-year period of the Scheme, in order to address all areas of the General Duty. The Action Plan must also include elements such as the priorities of local disabled people, and the strategic disability equality priorities of the authority and the specific outcomes that it wishes to achieve. The Action Plan should be aimed at making practical improvements to equality for disabled people and include measurable indicators of progress towards outcomes, lines of accountability, ownership of specific actions, and realistic timescales.

8. At the heart of the Disability Equality Duty is a requirement to involve disabled people in the production of the Disability Equality Scheme, including the three-year Action Plan. In this regard, involvement should not be confused with consultation, and the Duty requires a much more active engagement of disabled stakeholders at all stages.

9. The draft version of the Disability Equality Scheme has been produced to enable the Council to undertake meaningful engagement with local disabled people, their carers, and groups and organisations that represent their interests. Through the further refinement of the Scheme and production of an Action Plan as part of this engagement process, the second phase of the development of the Scheme will set out how the Council will prevent discrimination against disabled people as service users or employees, and how it will promote equal opportunities in the delivery of services.

10. It is proposed that the further development of the draft Disability Equality Scheme and the production of a three-year Action Plan be undertaken in engagement and partnership with

appropriate groups and organisations that comprise and represent a broad and varied group of people with different disabilities across the district. This engagement and consultation process, which will take place over the next six months, will result in the identification of appropriate areas for improvement that will be incorporated into the Action Plan and the final version of this Disability Equality Scheme. Following the completion of the Action Plan, full consultation in relation to the Scheme will be undertaken with all organisations operating in the Epping Forest District that represent the interests of people with disabilities or who are the Council's partners in the provision of services.

Gender Equality Scheme:

11. The continuing Equality and Diversity agenda is also seeking to address issues of gender equality. The Sex Discrimination Act 1975, as amended by the Equality Act 2006, has imposed a General Duty (the 'Gender Equality Duty') requiring public authorities, when carrying out their functions, to have due regard (i.e. give weight to the need to promote gender equality in proportion to its relevance) to the need to:

- eliminate unlawful discrimination and harassment; and
- promote equality of opportunity between men and women.

12. The General Duty came into force on 6 April 2007 along with a range of Specific Duties designed to assist authorities to meet the General Duty, that centre on the production and publication of a Gender Equality Scheme by 30 April 2007. Requirements for the development and publication of Gender Equality Schemes are broadly similar to those for Disability Equality Schemes, and also include a requirement to consult appropriate stakeholders in the production of the Scheme, including the three-year Action Plan. The Council's draft Gender Equality Scheme for 2006/07 to 2008/09 has been distributed to all members of the Cabinet; further copies can be obtained from the contacts listed above.

13. The General Duty prescribes the essential elements of a Gender Equality Scheme and the issues that must be addressed by the Council. These include:

- consideration of the need to identify objectives to address the causes of any gender pay gap, in the in formulation of overall gender equality objectives;
- the authority's arrangements for gathering and using information on how its policies and practices affect gender equality in the workforce and in the delivery of services;
- the authority's arrangements for consulting stakeholders, and taking account of relevant information in order to determine its gender equality objectives;
- the authority's arrangements for assessing the impact of its current and proposed policies and practices on gender equality;
- the implementation of the actions set out in the Gender Equality Scheme within three years, unless it is unreasonable or impracticable to do so; and
- the authority's arrangements for reporting on progress against the Gender Equality Scheme every year and reviewing the Scheme at least every three years.

14. As with the Disability Equality Scheme, the Gender Equality Action Plan must identify the key actions that the Council will take to promote gender equality over the three-year period of the Scheme, in order to address all areas of the General Duty. The Action Plan must also include elements such as the priorities of relevant stakeholders, and the strategic gender equality priorities of the authority and the specific outcomes that it wishes to achieve, set against a realistic timetable.

15. The Gender Equality Duty requires the Council to consult stakeholders (i.e. employees, service users and others, including trade unions) in the production of the Gender Equality Scheme, including the three-year Action Plan. The Duty requires a less active approach to engagement than the Disability Equality Duty.

16. The draft version of the Gender Equality Scheme has been produced to enable the Council to undertake appropriate consultation with relevant stakeholders. Through the further refinement of the Scheme and production of an Action Plan as part of this engagement

process, the second phase of the development of the Scheme will set out how the Council, and how it will prevent discrimination and harassment towards people as service users or employees, and how it will promote equal opportunities. This engagement and consultation process, which will take place over the next six months, will result in the identification of appropriate areas for improvement that will be incorporated into the Action Plan and the final version of the Gender Equality Scheme.

17. The final versions of both the Disability Equality Scheme and the Gender Equality Scheme will be brought back to the Cabinet for formal adoption later in 2007, together with the results of the consultation and engagement exercises.

18. The Disability Equality and Gender Equality Duties will be enforceable by judicial review. From late 2007 a new Commission for Equality and Human Rights will replace the existing Disability Rights Commission and Equal Opportunities Commission, and have powers to issue compliance notices if public authorities are in breach of the Duties. The Council's compliance with the Duties will be assessed as part of its annual external audit and inspection arrangements. It is therefore proposed that, for both the Disability Equality and Gender Equality Schemes, the Finance and Performance Management Scrutiny Panel should monitor progress towards the achievement of key actions and objectives on an annual basis.

19. The Cabinet is requested to consider and agree the draft Disability Equality and Gender Equality Schemes for consultation and engagement purposes.

Statement in Support of Recommended Action:

20. To enable the publication of the Disability Equality Scheme 2006/07 to 2008/09 as a basis for consultation and engagement, and the initial development of a Gender Equality Scheme.

Other Options Considered and Rejected:

21. None. The Council is statutorily required to publish Disability and Gender Equality Schemes.

Consultation Undertaken:

22. The draft Disability Equality Scheme and Gender Equality Scheme have been agreed by the Finance, Performance Management and Corporate Support Services Portfolio Holder, and Management Board. The Senior Management Team has been consulted in relation to both draft schemes. The further development of the draft Schemes and the production of a three-year Disability and Gender Equality Action Plans will be undertaken in engagement and consultation with local disabled people and other relevant stakeholders.

Resource Implications:

Budget Provision: The development and publication of the Disability Equality and Gender Schemes can be met from within existing Performance Management Unit budgets.

Personnel: The development and publication of the Disability and Gender Equality Schemes can be met from within existing Performance Management Unit staff resources.

Land: Nil.

Council Plan/BVPP Reference: Council Plan Section 6 – 'Improving Our Performance'.

Relevant Statutory Powers: Disability Discrimination Act 2005, Equality Act 2006.

Background Papers: None.

Environmental/Human Rights Act/Crime and Disorder Act Implications: The Human Rights Act protects rights and freedoms and the principles of dignity, fairness and equality.

Key Decision Reference (if required): None.