

Equality Update

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1. Summary and Recommendation:

This report sets out how the changes to government thinking on Equality, the Public Sector Equality Duty, and issues arising from recent case law will influence the approach CBC will take to ensure compliance with both the Equality Act 2010 and the Public Sector Equality Duty.

2. Background

2.1 In 2010 the Equality Act was passed which harmonises and extends previous Equality legislation and EU directives. The Equality Act sets out a list of characteristics that are protected under the act including:

- Gender
- Maternity and paternity
- Transgender
- Marital status
- Ethnicity
- Disability and carers
- Age
- Sexual Orientation
- Religion and belief.

2.2 In April 2011 the Public Sector Equality Duty came into force. The General Duty requires that public authorities pay 'due regard' to:

- Preventing discrimination, harassment and victimisation.
- Advancing Equality of Opportunity.
- Promoting good relations between people who share a protected characteristic and people who do not.

2.3 The General Duty covers all aspects of a public authority's activities including:

- Functions, policies and strategic plans
- Budget setting
- Operational decisions
- Procurement
- Decisions made in the past that are still in force.

2.4 In addition to the Public Sector Equality Duty, the Government have set out Specific Duties including:

- Publication of diversity data on the profile of the workforce for organisations with more than 150 employees, as well as users of key public services – deadline 31 January 2012.
- Publication of four year Equality objectives in relation to service delivery – deadline 6 April 2012.

2.5 The Government's intent with the Specific Duty is to maximise transparency by focusing Equality on specific decisions, and provision of information to enable people to scrutinise decisions in relation to Equality.

2.6 The previous government put in place requirements for Public Authorities to publish Race, Gender and Disability Equality Schemes, and to use Equality Impact Assessments for all policies, functions and strategies. The current government has increased flexibility by making Equality Schemes and Equality Impact Assessments optional – as long as the outcomes pay 'due regard.'

2.7 With declining public sector spending, the Equality Act is being used to challenge decisions that affect service users. Recent challenges that Local Authorities have lost include:

- Cuts to Third Sector budgets in Birmingham.
- Closure of libraries in Gloucestershire
- Charging for Blue Badge holders in Norwich.

The case from Birmingham showed that citing the existence of an Equality Impact Assessment was an insufficient defence, and that the decision had to demonstrate that it had understood the effects of the decision and taken reasonable steps to mitigate the effects prior to implementation.

2.8 However, the risk of interpreting the law too literally would be to create a separate EIA for every decision that Councils make. This would pose serious risks in terms of sustainability, acceptance of Equality and potential to retreat to a tick box approach. The Duty clearly gives Local Authorities flexibility to determine a method for how they would meet the Duty, and legislation focuses on the principle of proportionality.

Given the Council's track record on Equality the recommended approach taken by Copeland Borough Council should be as follows:

- EIAs to be in place for major functions and service areas. These should be limited in number and reviewed in conjunction with the service planning process. The aim is to understand the overall effects of a service and key issues that would need to be factored into any decisions.
- Equality to be integrated into the budget planning cycle by being considered at the proposal stage and then corporately screened prior to going out to consultation. A limited number of EIAs will be completed for budget proposals based on the outcome of the Screening and advice to Corporate Leadership Team.
- Directorates to decide whether specific EIAs are required of decisions that fall outside the service planning and budget setting cycles.

- Legal Services and the Head of Policy and Transformation (the lead officer on Equality) to examine the forward plan for Executive decisions and highlight potential risks to the Lead Officer. Directorates will then be responsible for making sure that these are being factored into decisions.
- 2.10** As part of the legacy of the CIEP Achieving Equality Project, an EIA tool kit and guidance about thematic EIAs, to assist CBC with the equality improvements and legal compliance along with a suite of key documents.
- 2.11** Additional and ongoing support will be available from the Cumbria Equality Steering Group but CBC will by March 2012 have the following :
- Online access to the proforma, guidance and a library of EIAs.
 - Advertise to staff the updated version of the Cumbria Atlas with Equality data.
 - Completed case studies and findings from Service Level EIAs uploaded to website
 - Co-ordination of the Council's relationship with infrastructure organisations representing people who share a protected characteristic under the Equality Act.

3. Conclusion

- 3.1** CBC along with the other local Authorities in Cumbria are in a good position to ensure that Equality is being addressed and that it should play a positive role in delivering services.
- 3.2** With the ending of the CIEP Achieving Equality project, it will be important to ensure that good work to date is not lost, and that CBC has a robust approach that will protect people from unfair treatment.

Copeland Borough Council

LGEF Achieving Status Action Plan 2010/2011

Aim		Action	Responsibility	Action by Date	Risk (RAG)	EFLG Assessment Criteria*	Questions and Issues*
						* The LGEF Action Plan for 2010/2011 has been developed to help Copeland BC reach the 'achieving' level of the Equality Framework for Local Government. For this reason the EFLG criteria and prompt questions for this level of the Framework are reproduced in the two columns.	
Knowing our communities - equality mapping							
Current, useful and relevant local information on equality issues is used to inform service delivery and development.	1.1	Publish an Equality Profile for each of the protected characteristics in Copeland Borough. Introduce the Data Store using sharepoint enabling greater access for managers.	√			Relevant and appropriate information is gathered efficiently using a range of techniques, across the local community, to inform the authority: corporate policy and strategy, sustainable community strategy, local area agreements and to identify key equality gaps	Are different techniques being deployed to gather data? How often is data gathered? Are national and regional data used and analysed? What systems are in place to assess the changing nature of local communities? Is information from ward councillors gathered in a systematic way? How are equality gaps identified and measured?
	1.2	The introduction of the Data Store will ensure data is more accessible for managers. Updating of equality profiling data is essential. Issues identified in Equality Impact Assessments should be reflected in the Council's Corporate Aims and Key Priorities, and in service level plans and budgets. Still need to embed Equality in some areas.	√			Information and data are disaggregated and analysed corporately and at service/unit level to monitor and assess and set equality objectives. (Links to 2.4, 2.17 and 2.25)	Is information disaggregated and analysed on a regular basis? What changes have been made as a result? Need to Evidence the Outcomes
	1.3	Corporate Equality Objectives and Targets to be established published and monitored in accordance with the Public Sector Equality Duty. Need to Evidence the consultation and ensure outcomes are achievable.	√			Relevant and appropriate information and data (including data relating to the National Indicator Set) is mapped, disaggregated and used with partners, to assess and set equality objectives.	What information is available across partnerships? Is data disaggregated using the same or similar categories? How is the information being used to inform and achieve equality outcomes?
Place Shaping, Leadership, Partnership and organisational commitment							
A robust and comprehensive statement of our commitment to Equality is in place. This can be articulated by members and officers at all levels of the organisation and is reflected in our business and service delivery plans.	2.1	A Single Equality Scheme is under development, membership of the West Cumbria Equality & Diversity Partnership will allow collaborative working on issues that are common across all Partners. All Action plans to be monitored by the WCEDP	√			Clear organisational and partnership equality priorities have been set and are owned and understood by all key stakeholders, including the voluntary and community sector.	Is there evidence of a link between equality schemes, equality objectives, corporate and service plans, and the corporate performance management system? Are equality objectives integrated into partnership strategies? What evidence exists to demonstrate challenge by all stakeholders? Does this challenge contribute directly to the development of the authority's targets and objectives?
	2.2	Progress against the Action Plan to be reported to and monitored by CLT, OCS, WCEDP.	√			Equality and cohesion priorities are monitored regularly by partners, the authority's political and senior managerial leadership, and appropriate resources are being allocated. (Links to 2.20)	In what ways do partners and the authority's leadership demonstrate that they continuously monitor, review and evaluate the performance of equality objectives? Is equality integrated into performance management frameworks? Do councillors/partners scrutinise EqlAs and action plans which lead to major new policies or initiatives?
	2.3	Progress against the Action Plan to be reported to and monitored by CLT, OCS, WCEDP.	√			Action is being taken to implement commitments within the equality schemes and monitored regularly by political and senior managerial leadership.	How are the schemes monitored and reviewed? How often? What steps are taken if deficiencies are identified? Is the community involved in the monitoring? How?
	2.4	Service Plans now include an EIA confirming continuing improvement in the embedding process	√			Appropriate resources have been allocated and action has been taken to mitigate adverse impact and improve equality outcomes where shortfalls have been identified.	Are the outcomes of all EqlAs fed into service planning processes? Are there targets with specific accountabilities and timescales? Are there indicators of how success will eventually be measured? How have targets been integrated into service plans? Have resource implications been properly assessed?
	2.5	OSC now have the Equality Agenda included in their annual workplan.	√			Political overview and scrutiny processes review equality impacts and objectives.	How does the overview and scrutiny function scrutinise equality issues? How are the public involved? How challenging is the scrutiny? Is information available on the website? How do councillors scrutinise EqlAs and action plans or other equality issues? Is progress on equality issues included in scrutiny reports?

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	2.6	A new Equality Scheme is currently being produced. Work in partnership with locality working in their structure and strategy; this should be able to collate information on the Council's behalf and feedback to localities. Using existing medias to inform progress on a regular basis. Update website.	√			The authority communicates effectively about its equality and cohesion priorities, how it is responding to its communities' needs and promoting good relations.	Improve the way the authority communicates effectively about its equality and cohesion priorities, how it is responding to its communities needs and promoting good relations. (How is 'equality' success defined and communicated? What methods are used? How does the authority promote good relations across the whole community?)
Our commitment to Equality is reflected in our choice and management of suppliers	2.7	Need to set up a standard contract for all partners and contractors on Equality & Diversity issues; they will need to be made aware that they may be audited on occasion.	√			The authority ensures that contractors, commissioned services and grant receivers regularly review their services and access to them to ensure they continue to be appropriate and accessible. (Links to 2.19)	How does it ensure that contractors, grant receivers and others continue to meet the changing needs of clients? What is written into the contract? How is the contract managed over time to support good practice and continuing service improvement? Need to identify responsible officer in light of the Procurement Officer Vacancy.
All groups are appropriately represented and have equal opportunities to participate fully in civic and public life	2.8	Need to look at all areas of life e.g. opportunities and barriers of taking the post of a councillor. Support civil society groups in the consideration of their constitutions. Review member training to increase member awareness. Continue the Borough Council's participation in the county-wide elected members Equality Group.	√			Work is being undertaken to promote equality of opportunity in terms of the participation of under-represented groups in civic and public life, including as elected representatives.	How is the community being made aware of the opportunities that are available? Has any outreach work or public campaigning been undertaken? This will continue to be an on going process.
The public, and our employees have confidence in the Council's willingness and ability to respond	2.9	Need to use the WCEDP to analyse data to identified best practice and share experiences. Need to Relaunch and advertise the Service to the wider public.	√			The quality of community relations and harassment and hate crimes are monitored and analysed regularly. Appropriate action is taken to address the issues that have been identified.	What data is available? How frequently is it analysed and acted upon? Have there been any changes? Are relevant stakeholder groups and customers involved in the monitoring? How?
Community engagement and satisfaction							
Our community engagement procedures and standards ensure that our engagement is effective and accessible to all.	3.1	Gain feedback following all consultation, Evaluate engagement structures and host joint Community events. Ensure all staff are aware of the Consultation Strategy and internal/external processes available. All consultation should be uploaded to the Data Store to avoid duplication.	√			Community engagement structures are working efficiently and effectively.	Does community engagement take place on an ongoing basis? How is its effectiveness monitored? Are there inclusive, open, and participative forums where community groups can participate? What arrangements are made to meet special needs? What ESOL (English for speakers of other languages) provision is there? How are interpretation services organised? Are there facilities for disabled people who are attending? What is the experience of the community and the voluntary and community sector?
	3.2	Following consultation ensure all feedback is recorded on a Data Store and use existing medias for reporting back to consultees.	√			Involvement and consultation influences and informs equality priorities and feedback is given to those consulted. Provide information on implementation	Are there processes and plans throughout the authority to ensure stakeholder and voluntary and community sector involvement in informing equality priorities? How is feedback given? How often? How are people in the community able to challenge? How are their views taken account of?
	3.3	Use existing Locality working groups and partnerships to improve consultation and feedback.	√			Consultation influences and informs equality priorities and feedback is given to those consulted.	Are there processes and plans throughout the authority to ensure stakeholder and voluntary and community sector involvement in informing equality priorities? How is feedback given? How often? How are people in the community able to challenge? How are their views taken account of?
	3.4	Produce evidence of the effectiveness of partnership working in relation to the Locality Working group, CSP (CDRP), investigate setting up additional SLA's with local equality and diversity partnerships, etc.				Partners work together to balance diverse, but sometimes conflicting interests, in the locality.	Are there any examples where the authority and its partners have had to take unpopular decisions to prioritise but still managed to keep local communities on board?
Responsive services and customer care							
Our services services meet the diverse needs of our customers	4.1	Ensure a rolling program of review, EIA's to be produced for all policies and decisions recommended to Council	√			A set of equality outcomes/ objectives/goals have been produced at service/unit level to meet the needs of identified equality target groups, and those who are most vulnerable.	How have these objectives been arrived at? What will the outcomes for users be? How are the objectives addressing inequality and equality gaps?

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	4.2	Monitor through Covalent the Progress of the Service Plans and EIA'S to ensure any adverse impacts are being mitigated.	√			Appropriate resources have been allocated and action has been taken to mitigate adverse impact and improve equality outcomes where shortfalls have been identified.	Are the outcomes of all EqlAs fed into service planning processes? Are there targets with specific accountabilities and timescales? Are there indicators of how success will eventually be measured? How have targets been integrated into service plans? Have resource implications been properly assessed?
	4.3	Action at 2.7 Ensure Audit process installed to ensure a Monitoring, Recording and Reporting process is embedded.	√			Mechanisms are in place to ensure that service equality objectives are delivered by contractors and providers through contract management, and that they are monitored properly.	Are there monitoring requirements built into contracts to ensure equality issues are addressed? Is there evidence that provision is being monitored using quantitative and qualitative analysis, and the results considered and analysed by both contractor and client? How do authorities ensure that contractors, grant receivers and others continue to meet the changing needs of clients? What is written into the contract? How is the contract managed over time to support good practice and continuing service improvement?
	4.4	Action at 2.2 and 2.3 Covalent Reporting system implemented	√			Equality and cohesion objectives are monitored regularly by portfolio holders and departmental management teams (DMTs).	In what ways do portfolio holders and DMTs demonstrate that they continuously monitor, review and evaluate performance for equality objectives? Is equality integrated into the service performance management framework
	4.5	Action at 1.2 . Increase staff awareness to the E&D Issues through training.	√			The identified needs of vulnerable and marginalised groups are addressed and services are designed to ensure that customers and citizens are treated with dignity and respect.	How are the needs of vulnerable and marginalised groups taken account of? What specific initiatives have been taken?
	4.6	Action at 1.2. Repeat Human Rights Training to all staff	√			Human rights issues are considered and addressed when delivering services to customers and clients.	How are human rights issues taken into account? What guidance is available for staff? Are manuals updated regularly with regard to changing case law?
	4.7	Action at 2.2, 2.3 Roll out Mosaic to all Managers to assist them with understanding the communities we are serving and ensure this is taken into consideration when Service plans are drawn up.	√			Access to and appropriateness of services is monitored regularly by portfolio holders and DMTs.	How do portfolio holders and DMTs demonstrate that they continuously monitor, review and evaluate access to services?
A modern, diverse and reflective workforce							
Our commitment to equality is evidenced through the delivery of our workforce strategy and our recruitment, management and treatment of staff.	5.1	Update workforce strategy to include clear reference to equality and diversity issues in the workforce	√			The equality aspects of the workforce strategy are implemented and monitored.	How are the equality aspects of the workforce strategy being implemented and tracked? Are specific actions being taken? How are processes changing?
	5.2	Set equality and diversity objectives in the workforce strategy	√			Employment objectives have been set based on internal monitoring, staff consultation and the assessment of the local labour market and barriers.	What objectives have been set? Where workforce data indicates that targets or objectives are not being met, are there appropriate examples of positive action to ensure they can be met? Where there is evidence of disproportionality, what action is being taken to reverse the trends?
	5.3	Publish employment data and historical data on Borough Council website, update 1/2 yrly	√			The authority regularly monitors, analyses and publishes employment data to fulfil its statutory duties.	Is there evidence that workforce data is analysed and published to help establish targets and objectives? What information is published and where? Are trends identified? What action has been taken as a result of the monitoring? Is monitoring SMART (specific, measurable, achievable, relevant and timely)? What has been the councillor/scrutiny response?
	5.4	All employment procedures be subject to Equality Impact Assessment under action at 4.1	√			All employment procedures have been impact assessed and action has been taken to mitigate adverse impact and promote equality outcomes.	Have people management processes been impact assessed against all the equality strands? What action has been taken to ensure equality outcomes?
	5.5	Publish progress report on Job Evaluation Scheme in Workforce Strategy	√			The authority has made significant progress on its equal pay review and is working towards reaching agreement with unions.	Has the review checked for equal pay gaps? Has a new pay structure been agreed, even if not all issues and grading have been finalised? Have the new proposals been impact assessed? Has an offer been made to the unions in good faith? Are negotiations continuing where final agreement has not been reached? Have managers and employees received information about equal pay?

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	5.6	Deliver an Equality & Diversity Training programme	√			It delivers a range of learning and development opportunities to support councillors and officers to deliver equality outcomes.	Are different methods used to promote learning to a wide audience? For example standard courses, coaching, mentoring. Does equality and diversity form part of councillor training and development? What evidence is there that that equality issues are mainstreamed into all training (eg training on customer care and segmentation)?
	5.7	Publicise Harassment and Bullying Procedures and Reporting facilities	√			Harassment and bullying incidents are monitored and analysed regularly. Appropriate action is taken to address the issues that have been identified.	Are harassment and bullying incidents monitored? What action is being taken to address problems? What information/ support is available to staff?
	5.8	Develop appropriate mechanisms for ensuring that equality is built into individuals performance management and staff appraisals.	√			Equality implications inform the setting of objectives in management and individual appraisals.	How do appraisal processes ensure staff and managers are aware of their responsibilities and accountabilities? How are employees made aware of equality objectives or any changes or improvements?
	5.9	Choosing to Change(C2C), Service reviews to include staff engagement.	√			Staff are engaged positively in service transformation and in developing new roles and ways of working.	What evidence is there that staff have been proactively engaged? Are there any improvements?