

THE HIGHLAND COUNCIL

Resources Committee
10 June 2009

Agenda Item	
Report No	

Equal Opportunities Update Report by Assistant Chief Executive

Summary

The Council's Programme aims to build a fairer and healthier Highland. This report updates members of the Council's progress in meeting its statutory public sector equality duties; the development of a single equalities scheme; outlines the requirements of the Equality Bill and the Best Value 2 framework for equalities.

1 Introduction

- 1.1** The Highland Council aims to create sustainable communities with more balanced population growth and economic development across the Highlands and to build a fairer and healthier Highland. The Corporate Plan and Single Outcome Agreement expand on these commitments and include targets to tackle discrimination, and to promote equality, participation and good relations. Equal Opportunities is a corporate priority for the Council and in recognition of this compliance with the associated legislation remains an item on our Risk Register.
- 1.2** The Council's [Race](#), [Disability](#) and [Gender](#) Equality schemes and the [Race Equality Policy \(Education\)](#) set out how the Council will meet its statutory public sector equality duties. The Council is also expected to meet legal requirements in respect of Age, Sexual Orientation and Religion or Belief. Duties are listed in Appendix 1.
- 1.3** Each duty has a statutory 3 year review cycle and an annual reporting requirement. The timescales below also apply to the duties on Education Authorities. Highland Council has committed to a single scheme for December 2009.

Scheme (introduced)	Current period	3 year review	Annual report
Race (2002)	2008 – 2011	30 Nov 2011	Employment monitoring
Disability (2006)	2006 – 2009	04 Dec 2009	Progress report
Gender (2007)	2007 - 2010	28 June 2010	Progress report

- 1.4** Equalities progress is reported on a six monthly cycle to the Council's Resources Committee. This report ties in with the statutory requirement to report annually In June on progress with the Council's Gender Equality Scheme.
- 1.5** Key equalities indicators and actions are embedded in the Single Outcome Agreement signed up to by the Council, its Community Planning partners and the Scottish Government. These are reflected in the Council's business planning arrangements and the three Equality Schemes.
- 1.6** Compliance with the public sector duties is enforced by a single Equality and Human Rights Commission (EHRC) which was established in 2007 and replaces the Equal Opportunities Commission, The Commission for racial Equality and the

Disability Rights Commission.

2 National Context: The Equality Bill

2.1 The Equality Bill had its first reading in Westminster on 24th April 2009 and was published on 27th April. It proposes some fundamental changes including extending the current duties to cover age, sexual orientation, religion or belief, pregnancy and maternity, gender re-assignment and reducing socio-economic inequalities.

2.2 The Bill proposes to reduce nine major pieces of legislation, and around 100 statutory instruments into a single Act, making the law more accessible and easier to understand. It will promote fairness and equality of opportunity; tackle disadvantage and discrimination; and modernise and strengthen our law to make it fit for the challenges that our society faces today and in the future. The main elements of the Bill are:

- Introducing a new single equality duty;
- Using public procurement to improve equality through the public sector duties.
- Banning age discrimination in the provision of goods, facilities or services and public functions;
- A requirement to report on the gender pay gap. It is anticipated that public bodies with over 150 employees will be required to publish annual details of their: gender pay gap and; ethnic minority and disability employment rates and ban secrecy or “gagging” clauses which stop employees discussing their pay with their colleagues;
- Extending positive action measures to allow employers to make their organisation or business more representative; expansion of the way positive action can be used so that employers can select a candidate from an under-represented group when they have the choice between two or more candidates who are equally suitable, provided they do not have a general policy of doing so in every case. In addition, political parties will be allowed to use all-women shortlists beyond 2015 and until 2030;
- Strengthening the powers of employment tribunals to allow them to make recommendations in discrimination cases which benefit the whole workforce and not just the individual who won the claim;
- Protecting carers from discrimination;
- Strengthening protection from discrimination for disabled people.
- Introducing a new duty on the public sector to consider reducing socio-economic inequalities in the planning and monitoring of the services (this does not apply to Scotland except where functions carried out in Scotland are reserved to the UK Parliament)

2.3 The majority of the Bill is expected to come into force in Autumn 2010. Certain parts such as the socio-economic duty and the single equality duty are likely to come into force in 2011.

2.4 Scotland

Equalities legislation is a reserved matter; however, Scottish Ministers can already impose specific equality duties on Scottish public authorities. The Sewel Convention provides that Westminster will not normally legislate with regard to devolved matters in Scotland without the consent of the Scottish Parliament. The Deputy First Minister of Scotland has indicated agreement to seek consent on a number of matters in the Bill, for example: the power to make procedural rules for

the hearing of disability discrimination claims by the Additional Support Needs Tribunals for Scotland.

3 Equality Schemes summary of progress and issues

3.1 The Council has prepared, published and reviewed its Equality schemes as required by legislation. Actions in the 3 separate schemes all broadly relate to five key aims below and are reported against them.

- **Deliver services that are accessible**
- **Create fair employment practices**
- **Increase involvement, engagement and participation**
- **A culture that will promote equality and tackle discrimination and harassment**
- **Ensure that the Council meets the public sector duties**

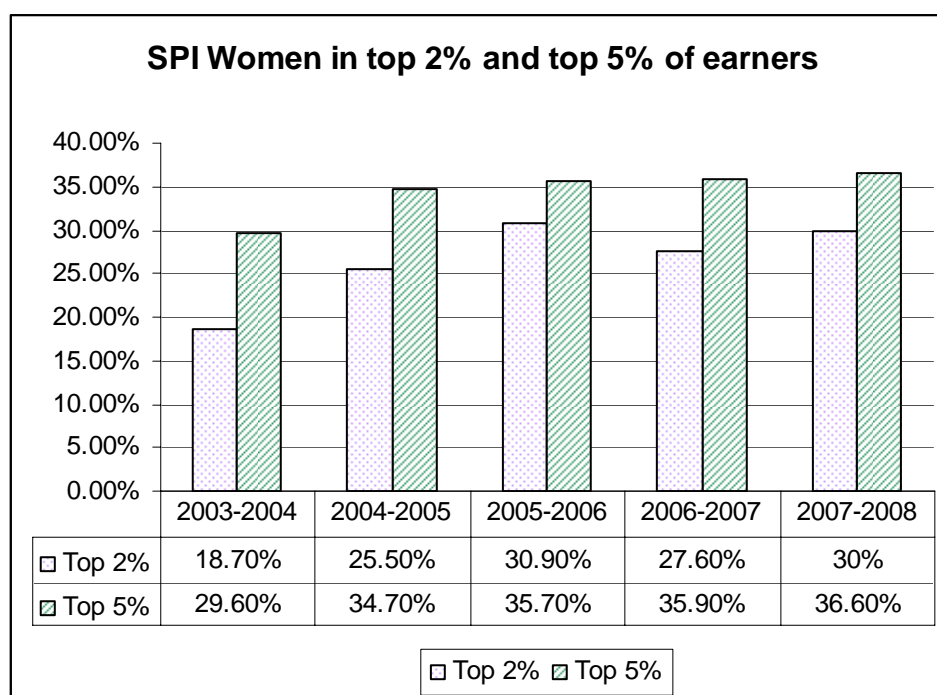
Where actions cut across all three strands (eg training, development of impact assessment guidance) they are combined. This approach will be continued in the development of a single equality scheme. The key areas of progress and any issues are highlighted below.

4 Progress to highlight

4.1 Gender Equality Scheme

Women in Management

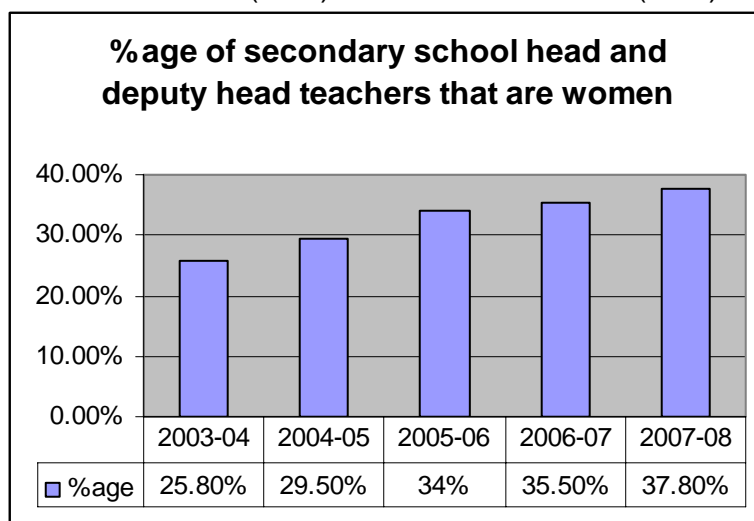
- The numbers and proportions of women in the top 2% and top 5% of earners in the Council has continued a general upward trend. However, the Audit Scotland Statutory Performance Indicator (SPI) shows mixed progress in comparison to other local authorities.



Comparison with other local authorities

	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
SPI rank					
Top 2%	28 th	21 st	17 th	26 th	23 rd
Top 5%	23 rd	16 th	20 th	24 th	25 th

- The proportion of the top 2% of earners who are women in rose from 27.6% (n.63) in 2006-07 to 30% (n.68) in 2007-08. Highland was ranked 23rd of 32 local authorities in the 2007-08 SPI, compared to 28th in 2003-04.
- The proportion of the top 5% of earners who are women rose from 35.9% (n.181) in 2006-07 to 36.6% (n.179) in 2007-08. Highland was ranked 25th of 32 local authorities in the 2007-08 SPI, compared to 23rd in 2003-04.
- The proportion of Head and Deputy Head women teachers in Secondary schools rose from 35.5% (n.33) in 2006-07 to 37.8% (n 34) in 2007-08.



- The Council has run activities to support the encouragement of more women into senior management since 2003 and continues to offer Women in Management workshops and a mentoring scheme.

Violence Against Women

- The Highland Community Planning Partnership has made significant progress in making sure we can fulfil our commitments as set out in the “Highland Violence Against Women Strategy, 2008-11” which was agreed by the Highland Council Housing and Social Work Committee in September 2008.
- In addition, the Council’s Resources Committee also approved the the introduction and implementation of a Supporting Employees Experiencing Domestic Abuse Policy and action plan in February 2009.
- Multi-agency structures have been established across localities in Highland during early 2009 with a Violence Against Women forum in each. The profile of the gender based violence has been raised by a high profile conference and a programme of training. The partnership approach has really made a difference in adding value to the gender equality goals of the partner agencies.

Fair employment practices

- The Council has implemented a fair and modernised pay and grading structure, backdated with effect from 01 April 2008 (a positive Equality Impact Assessment was received in February 2009).
- During 2009, the Council settled 2339 cases of potential equal pay liability totalling £3.5M.
- A Childcare Voucher scheme was introduced in 2007. During 2007- 08 the voucher programme was used by 146 staff. In 2008-09, it was used by 164

staff (71% female and 29% male).

- During 2008-09, another 250 families were assisted on a path from deprivation into education, training and employment through the Working for Families project. The project is now part of the national Fairer Scotland Fund and evolving into a mainstream service for the reduction and elimination of social deprivation (awaiting gender breakdown)

Increase involvement, engagement and participation

- The Council continues to work with partner agencies to engage and consult community groups with and interest inequality issues. With regard to gender issues, the Council maintains close links with the Highland-wide Women@Work project and with local Women’s Aid projects

4.2 Disability

- In April 2009, 80.1% of the total number of the Council’s public service buildings included in SPI Access Programme met the SPI criteria for disability access. This is an increase from 70.2% in the 2007-08. The Council aims to ensure 100% of our SPI buildings are accessible to people with disabilities by 2011
- Improved provision of interpretation services, and continued communication support for people who are deaf or hard of hearing to access Council services.
- The Council has retained its award of the Positive About Disabled People “Two Ticks” symbol in recognition of our commitments to ensure that disabled people are supported by employers and treated fairly.

4.3 Race

- The Council reviewed its Race Equality Scheme in December 2008 and the revised action plan was reported to Resources Committee.
- The provision of interpretation services for community languages was re-tendered in March 2009 and use of services continues to be monitored. Both use and costs of services have increased in the last 3 years:

Interpretation Services	2006-07	2007-08	2008-09
No of requests	108	232	329
Costs (£)	5,325	10,633	18,303

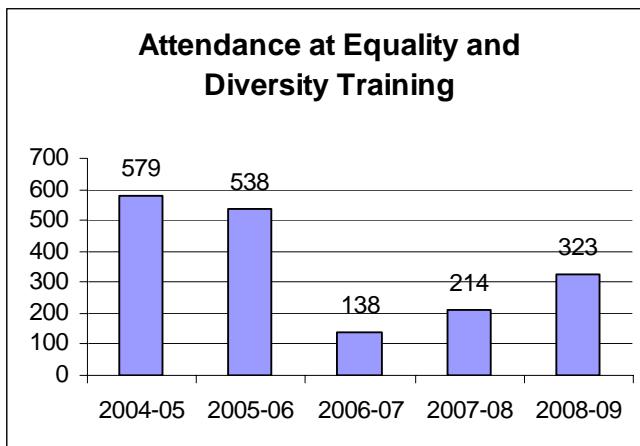
- During 2008-09, 1090 new learners were supported with English language tuition (ESOL) through partnership projects involving the Councils Community Learning and Development services. This was an increase from 758 individuals being similarly supported in 2007-08.
- During 2008-09, 285 inward migrants and their families, who have limited English, were supported by Community Based Language Assistants to settle in to the Highlands.

4.4 Cross-strand activities

- The Council’s Employee Survey 2007 included questions on perceptions of equality the first time. Results show that 19% of staff think that Council employees face discrimination on the basis of their age; 10% on account of gender and disability. However, a smaller proportion reported having directly experienced disadvantage related to any equality strand.
- Almost 50 staff have attended training on carrying out Equality Impact

Assessments; however, further work is required to ensure assessments are built in to the development and review of activities.

- Equality and Diversity training has been delivered in-house since 2004, and since then 1828 staff have attended. Following initial high numbers, attendance at training dropped during 2006-07 in particular. However, numbers have risen again and a target to reach 300 staff per year has been set.



4.5 Public Performance Survey 2008 Equalities monitoring and analysis

The Highland Council Public Performance Survey includes detailed analysis by age, gender and disability is provided, where appropriate, for most questions. The predominance of White British as a group, meant there was no scope for analysing survey data by ethnic and cultural origin. Where significant differences were apparent, these are noted throughout the report. For example, females were more likely than males to make contact with the Council. Females were also more likely to be satisfied with services generally and with the response to a complaint if they made one. The 16-24 age group was generally less likely than average to express satisfaction. Broadly, satisfaction increases in line with age. The 16-24 age group is more likely than other age groups to embrace IT to make contact with the Council and more likely want feedback from the Council by electronic means. The young displayed a lower level of community involvement and a lower sense of belonging to their communities. People's sense of safety and their worries followed more complex patterns of response by age, geographic area and, to some extent, gender. The elderly are clearly more concerned about certain issues and males displayed slightly higher levels of concern than females about certain issues.

4.6 Partnership activities

There are a number of agreed activities being undertaken by the Community Planning Partnership Equality and Diversity Group. Current work includes:

- re-tendering for Interpretation and Translation services
- establishment of an on-line reporting system and associated support to report and record Hate Incidents and ;
- proposals for joint engagement with equalities communities.

4.7 Additional related partnership activities include the publication of a Violence Against Women Strategy, Inward Migration activities and a multi-agency Gypsy/Traveller Action Plan, some of which have been referred to earlier.

5 Equalities and Best Value 2

As part of the development of BV2, Highland Council is to be one of five pathfinder authorities for the new style audit in 2009. The corporate assessment framework

proposed for Best Value audits includes a view on the extent to which Councils are achieving equalities. The audit framework for equalities is attached as Appendix 2.

6 Areas for future development for Highland Council

6.1 Equal Opportunities remains a corporate priority for Highland Council in terms of compliance with the public sector duties. To meet the requirements of the duties the following future developments have been identified:

- Despite considerable progress in implementing the new pay and grading structure and settling equal pay claims, there is still work to be done to manage outstanding claims
- Implementing harmonised terms and conditions of employment
- Addressing resource issues to ensure that the Council has the systems, processes and structures in place to meet its reporting duties across all areas of equality
- Further progress to ensure that equalities monitoring and profiling is carried out in the delivery of services
- Continued progress is required across the Council to evidence that our policies, functions and practices are being assessed for their impact on equality issues and:
- Work is ongoing to ensure that the specific duties on the Education Authority are being met.

Recommendation:

Members are asked to:

1. Note the proposals in the Equalities Bill.
2. Consider the above progress report against the Council's equalities schemes, in particular the issues and risks for the Council. The report will be highlighted on the Council's website as the most recent update on progress thus fulfilling our reporting duties.

Signature:

Designation: Assistant Chief Executive

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Date:

APPENDIX 1

General and Specific Duties on the public sector

DISABILITY:

General Duties

- Promote equality of opportunity between disabled persons and others
- Eliminate unlawful discrimination
- Eliminate harassment of disabled people that is related to their disability
- Promote positive attitudes towards disabled people
- Encourage participation by disabled people in public life
- Take steps to take account of disabled persons' disabilities even where this involves treating the disabled person more favourably than other persons.

Specific Duties

- publish a Disability Equality Scheme (including within it an Action Plan)
- involve disabled people in producing the Scheme and Action Plan
- demonstrate they have taken actions in the Scheme and achieved appropriate outcomes
- report on progress annually
- review and revise the Scheme every three years

Education authorities are also bodies subject to the duty to prepare a Disability Equality Scheme. The Council's Education elements in the scheme link to existing activities undertaken in the Education Accessibility Strategy and Additional Support for Learning.

RACE:

General Duties

- Promote equal opportunities
- Eliminate unlawful racial discrimination
- Promote relations between people of different racial groups

Specific Duties

- A Race Equality Scheme which sets out those functions or policies which have relevance to race equality, and include their arrangements for:
 - assessing and consulting on the impact of policy on race equality
 - monitoring policies for adverse impact
 - publishing the results of assessments, monitoring and consultations
 - ensuring public access to information and services
 - training staff in the new duty

Additionally, there are specific Employment Duties to monitor employees by ethnicity and Education Duties including producing a Race Equality Policy.

GENDER:

General Duties

- To eliminate unlawful discrimination and harassment on the grounds of sex
- To promote equality of opportunity between women and men.

Specific Duties

- Gather information on how its work affects women and men;
- Consult employees, service users, trade unions and other stakeholders;
- Assess the different impact of policies and practices on both sexes and use this information to inform their work;
- Identify priorities and set gender equality objectives;
- Plan and take action to achieve gender equality objectives;
- Report annually and review progress every three years.

In addition, the Council is required to:

- Publish an equal pay policy statement and report on progress every three years.

Education authorities are required to produce a gender equality scheme and equal pay statement and ensure that the schools they manage gather information on the effects of their policies and practices on gender equality, assess the impact of those policies and practices on gender equality, carry out steps to meet the duty in line with the education authority scheme, and report on these activities. These are included in the Council's scheme.

BV 2 Proposed Approach: Equalities audit framework

Evidence should be provided against the following questions	
Q 1	How well does the organisation know the profile and needs of its diverse communities?
a)	How effectively does the organisation understand the diversity and inequality within its communities?
b)	How effectively does the organisation engage its diverse communities to understand their needs?
Q 2	Does the organisation and its partners lead improvements in equality effectively?
a)	To what extent do senior officers and elected/board members promote and lead an equality improvement agenda?
b)	How well is the commitment to improving equality outcomes reflected in policies, strategic objectives and actions?
c)	How effectively is equality built into decision making and scrutiny arrangements?
d)	To what extent does organisational learning around equality support a culture of continuous improvement?
e)	How accessible are (public) reporting arrangements, and to what extent do they report on equality outcomes?
Q 3	Does the organisation have a modern, diverse workforce which reflects the community?
a)	To what extent does the organisation value diversity in its workforce and provide equality of opportunity for all?
	How well are staff supported in meeting the organisation's equality and diversity goals?
Q 4	Are services responsive to their diverse communities?
a)	How effectively are services delivered around the needs of diverse communities?
	How effectively do equality impact assessments improve the equality of outcome?
Q 5	Does the organisation deliver positive outcomes for its diverse communities?
a)	How satisfied are communities that services meet their diverse needs?
b)	How effectively has the organisation improved outcomes for its diverse communities?