

THE HIGHLAND COUNCIL

RESOURCES COMMITTEE – 14 June 2006

Agenda Item	
Report No	

Maintaining a focus on Equal Opportunities Report by the Head of Policy and Performance

Summary

The recent report by Audit Scotland on Best Value and Community Planning regarding Highland Council's performance set an improvement agenda with a number of immediate and medium-term priorities. One of the immediate priorities is to maintain the focus on equal opportunities. This report updates members on legal requirements, highlights achievements and areas of concern in relation to equal opportunities and sets out how the Council's activities to support equalities can be more performance oriented.

1. Introduction

- 1.1 The Audit Scotland report states that equal opportunities issues need more attention from The Highland Council; this will require ongoing commitment and improved reporting on performance and progress. The specific comment of the report are:

The council is working to promote equal opportunities but it recognises it has more to do before its arrangements are fully effective. It has taken steps to communicate with Gaelic readers and is assessing the extent of DDA compliance (with improvement works already completed in some council buildings), but it recognises the need to do much more to meet accessibility targets and ensure that an updated race equalities plan is in place.

There is only limited evidence in service plans that equal opportunities are an important element of mainstream service delivery that is monitored and reported. However, the council makes a strong commitment to gender equality, and can point to significant improvements in the number of women in the highest two per cent (up from 18.7 per cent to 25.5 per cent compared to the Scottish average of 29.6 per cent) and five per cent (up from 29.7 per cent to 34.7 per cent compared to the Scottish average of 36.6 per cent) of earners between 2003/04 and 2004/05. The council acknowledges there is more progress to be made, but it is travelling in the right direction.

The council recognises that its approach to equal opportunities can be improved, and is currently in the process of refreshing its equalities strategy. As part of this, the council should set itself challenging, measurable targets that can be reported to members and to the public in due course.

- 1.2 The Council's activities to support equal opportunities need to be more performance oriented. The equal opportunities activities need to be more specific and measurable, with resources clearly defined. Performance against actions should be reported to Members and to the public.
- 1.3 To meet the requirements of new public sector duties in the strands of disability and gender, in addition to those already introduced for race equality, it is proposed to revise the existing Equal Opportunities policies and to merge current service delivery and employment policies. It is also proposed to incorporate the associated action plans and the Race Equality Scheme to develop a Single Equalities Scheme. In order to meet the individual public sector duties it

will be essential to identify arrangements and actions for each of the strands.

1.4 In addition, the Single Equalities Scheme should meet legislative requirements and be suitable for the Highland context.

1.5 This report provides an up-date for Members on the legislative requirements; summarises the progress made with the current equalities plan to 2006 and sets out the approach to develop a Single Equalities Scheme by April 2007 which is more specific and measurable.

2. **Legislative requirements and recent changes**

2.1 Since 2000, the implementation of EU directives and amendments to UK legislation has meant significant changes to the equal opportunities framework.

2.2 There are now six “equality strands” in the UK, these are:

- race,
- disability,
- gender,
- sexual orientation,
- age,
- religion and belief.

2.3 Equal Opportunities legislation is a reserved matter for Westminster, however, the Scottish Parliament can encourage equal opportunities and the observance of equal opportunity requirements. At UK level, antidiscrimination legislation covers equal pay, sex discrimination, race and disability. As a result of the EU Employment Directive, there are also regulations which protect against discrimination in employment and training on the grounds of sexual orientation, religion or belief, and by October 2006 age will also be covered. Other new equality legislation at UK level is the Civil Partnership Act 2004, which allows same-sex couples to legally register their relationship, and the Gender Recognition Act 2004 which allows transsexual people to obtain birth certificates in their acquired gender.

2.4 The Equality Act 2006 received Royal Assent on 16 February 2006 and will establish the Commission for Equality and Human Rights (CEHR). The current equality commissions, The Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission will be dissolved. The CEHR will be a UK wide body bringing together the six equality strands into a single equality body between 2007 - 2009. It will have duties to promote equality of opportunity, challenge discrimination and promote human rights. The CEHR will have an office in Scotland, as well as a Scotland committee.

2.5 The UK Discrimination Law Review panel is currently looking at inconsistencies in the legal framework. The aim is to create a Single Equality Bill, although this is likely to be in 2009 at the earliest, and it is anticipated a Green Paper will be published shortly.

2.6 Amendments to the Race Relation Act in 2000 introduced a new public sector duty to promote racial equality, promote equal opportunities and good race relations. Accompanying specific duties also came into force including the Council to produce a Race Equality Scheme and a Race Equality Policy for Education. Similar public duties are being introduced for Disability Equality requiring a Disability Scheme to be in place for December 2006 and Gender Equality requiring a scheme produced by April 2007. Key requirements of each of the public duties include assessing the impact of policies and practices on equality strands.

2.7 The Local Government in Scotland Act 2003 provides a statutory underpinning for

mainstreaming equality in the implementation of duties in Community Planning, as well as Best Value and the Power of Well-Being. The Act includes equalities as a cross-cutting theme and requires that local authorities, in their duty to initiate and facilitate Community Planning, should report on equal opportunities actions that have been taken to comply with these duties on behalf of Community Planning Partnerships. Mainstreaming equality is central to the duties in Community Planning, along with meaningful engagement with communities which embraces co-operation and participation to improve planning and delivery of services and making them more responsive to local needs.

2.8 It is helpful that legislation is bringing together the requirements for the different equalities strands. A single Commission and a Single Equality Bill should lead to better consistency in approach across community groups and to a more coherent and efficient approach to delivering and reporting on improvements.

2.9 The Council's equalities plan should also seek to bring activity for each of the equalities strands together to simplify processes. A Single Equality Scheme should be developed as part of that plan before April 2007 as both the disability the gender equalities schemes are required.

3 Equal Opportunities Implementation Plan (Service Delivery): Progress 2004 - 2006

3.1 In April 2004, The Council approved an Equal Opportunities Policy and Implementation Plan for Service Delivery to complement the existing Personnel Equal Opportunities Policy. The Implementation Plan identified 36 actions for improvement. A progress report is attached as Appendix 1 with this report.

3.2 Progress has been made in a number of areas, notably in developing and delivering Equal Opportunities and Diversity training for staff and for members, improving disabled access to Council's Public caller buildings, the development and review of the Council's Race Equality Scheme, increased engagement with a range of equality groups, developing tools to assess the impact of policies and practices on equalities groups and recent improvements to access to interpretation and translation. In Education, a Race Equality Policy and an Accessibility Strategy have been produced. A range of activities have also been undertaken as part of the Council's Women in Management initiative and there has been a notable improvement in the Council's position regarding the Statutory Performance Indicator in this area.

3.3 There are other areas of the implementation plan where progress has been slower than anticipated although inroads have been made, for example implementing protocols for reporting racist incidents, and assessing the impact of policies and functions.

3.4 The refreshed approach should not only pick up those activities which have slipped, but consider which can more efficiently be done in partnership, while still ensuring that the Council meets its statutory requirements. Accordingly, the Community Planning Partnership has established an Equality and Diversity working group, led by NHS Highland, to identify areas of work where joint working will be more effective and could be done more efficiently in partnership.

4 Maintaining a focus on Equal Opportunities

4.1 As part of the Best Value Improvement Plan reported to Council in May 2006, the following commitments were made for equalities:

1. To meet disability access targets (as recorded in the SPI)- with 30% of buildings fully accessible by March 2007¹, with a minimum improvement of 15% year on year;
2. To continue to improve the % of women in management in the Council (SPI)
3. To deliver the race equality scheme (actions for impact assessment training and workforce monitoring were included)
4. To ensure that equalities actions are reflected in service plans
5. To gather base-line figures on equalities during 2005-6 as required (e.g. on translation and interpretation, on support for community groups, racist incidents and support for inward migration).

4.1 In addition to consolidating equalities work across the different strands into one equalities scheme and the commitments made in the Best Value Improvement Plan, further work is required to:

1. Provide the Highland context or evidence base for equalities to help us to focus on priorities
2. To identify the total resource available for equalities work, including partner resources, to help us set realistic targets
3. To refresh the working arrangements for equal opportunities, drawing on officers from across services and steered by the Equalities Group.

4.2 A Single Equalities Scheme with targets will be developed over the next six months and brought back to Members for consideration. This work will fit with the timescale for the new legal duties to produce a disability equalities scheme for December 2006 and a gender equalities scheme by April 2007.

5 Resource Implications

5.1 The Single Equalities Scheme will identify resource implications. The cost of developing the plan can be accommodated within current staffing and budgets.

Recommendations

Members are asked to note:

1. the progress made with the current equalities plan from 2004 as outlined in the appendix;
2. the Best Value Audit finding that to maintain the focus on equal opportunities the council should set itself challenging, measurable targets that can be reported to members and to the public in due course;
3. Single Equalities Scheme with base-lines and targets will be developed over the next six months and brought back to Members for consideration. It will be suitable for the Highland context and identify resources for targets to be met. It will also show where work streams can be taken forward with community planning partners.

Signature:



Designation: Head of Policy and Performance

Author: Rosemary Mackinnon, Equal Opportunities Officer,

Date: 05 June 2006

¹ In 2004-5 the figure was 3%, rising to 24% in 2005-6.

Equal opportunities Service Delivery Action Plan Update of Progress June 2006

1. To ensure “mainstreaming” of equal opportunities. Through commitments in the Corporate Plan and Service Plans the Council will ensure that equalities is part its every day activities and will work towards achieving equal access to service delivery.

- The Corporate Plan includes a commitment to Equal Opportunities and has specific equality targets around improvements to access to the Council’s public caller premises, provision of translation and interpretation, recording racist incidents and women in management actions. These targets will be reviewed and improved
- Work has been undertaken to develop guidance for staff to undertake Equality impact assessments of policies and functions. As part of the requirements under the public duties for race equality the Council has identified policies that should be assessed for impact. New duties on disability equality and gender equality also have a similar requirement. Policies that are screened and identified as requiring to be assessed further are to be identified in Service Plans.
- Equal Opportunities Guidance is included in the Best Value Toolkit.
- Equal Opportunities is included in the Management Competency Framework.

2. To develop and foster consultation on equal opportunities and more direct engagement with communities of interest, building on the Council’s Working with Communities Strategy and including joint working with our partners in the Wellbeing Alliance and other statutory and voluntary agencies.

- The Council’s Education, Culture and Sport Service has the lead responsibility for rolling out the national Standards for Community Engagement. The standards focus strongly on Equality and Diversity issues.
- Examples of greater involvement with, and support of, diverse groups around equal opportunities and diversity include:
 - Community Participatory Appraisal with the Asian Community in Inverness facilitated by Council’s community Development staff.
 - Support for cultural activities and festivals including the Lion Dance at the Chinese New Year, an international tent at the Inverness Highland Games 2005, support for Heartstone conference addressing discrimination and xenophobia through dance and storytelling.
 - Involvement of community groups in activities such as the recent ESO open day for people who do not have English as a first language and in local Community Learning and Development partnerships.
 - An increase in the range of equality related community groups and a growing database of local contacts.
 - Involvement of Disability Access panels in the work to improve disabled access to the Council’s public caller buildings.
 - Consultation with people with sensory needs in the development of a Single Sensory strategy and involvement on the Strategic working group.
 - Involvement of communities of interest in a range of partnership groups including the Highland Gypsy/Traveller Partnership, local Gypsy/Traveller Forums in Inverness and Lochaber, Highland Alliance for Racial Equality, local race and diversity partnerships in Inverness and Ross and Cromarty.
 - to improve joint working and develop an Equal Opportunities and Diversity Strategy as committed in the Community Plan, a multi-agency strategy group has

been established.

3. To ensure the Council complies with the statutory requirements of equal opportunities legislation and adopts best practice. There are a number of corporate and service specific initiatives underway or planned to meet the requirements of legislation and adopts best practice to ensure access to services and information. The Council is committed to improving access to services and premises, as well as access to information on its policies and services for all in its community.

- As required by legislation the Council has published a Race Equality Scheme (and reviewed the Scheme in 2005), a Race Equality Policy for Education and an Accessibility Strategy for Education.
- The Highland Wellbeing Alliance Domestic Abuse Strategy has been published and is being implemented, the Council is a key partner.
- The Council is required to report on Equality Statutory Performance Indicators on the numbers and percentage of women in senior posts and on the proportion of accessible buildings. Following a low indicator on the number of women in senior posts in 2001, a positive action initiative has been introduced and this indicator has shown a consistent improvement in recent years. The indicator of the number and proportion of accessible buildings has only recently been introduced and similar improvements are expected.
- Improvements have been made to making the Council's information accessible. The Council subscribes to a telephone interpreting service and has recently contracted with an organisation to provide face-to-face interpretation services on a short term basis. A feasibility study has also been undertaken into the provision of longer term services and a report is being finalised. Guidance has been issued to staff on the use of interpreters (including BSL) and translators. This will allow for improved monitoring of use.
Following training from RNIB, the Council's Graphic Design Team produced good practice guidance on accessible design. All materials that are produced by the team following the guidelines, and include a statement that the information produced will be available in alternative formats and languages on request.
- The specifications for the Council's new website included the WCAG AA recognised accessibility standard, and disabled groups have been consulted on its design.
- The introduction of Civil Partnerships arrangements has required that a number of services examine and amend their policies and practices, for examples pension and benefit rights.
- While some progress has been made in the multi-agency commitment to report, record and monitor racist incidents further work is needed in the Council to ensure that members of the public can report a racist incidents to agencies other than the police, including clarification about information sharing protocols.

4. To ensure that the Council's partners, contractors and others who deliver services on its behalf are aware of, and operate in keeping with, its commitment to Equal Opportunities.

- Some amendments were made to the previous clause in standard procurement documents following the introduction of the Race Relations (Amendment) Act 2000 and associated guidance. Further consideration is required on how equalities can be included in the procurement process, especially in light of the introduction of the public duties for disability and gender.

5. To ensure that recipients of grant aid operate in keeping with the Council's commitment to promoting equality of opportunity

Further work is required to ensure that this aim is met consistently across services.

6. Promotion and raising awareness of equality of opportunity

Providing training and awareness on Equal Opportunities for all Council staff and Council Members is a key priority.

- The development of a one-day training course for Council staff was a priority action for the implementation plan. Training was developed during the first part of 2004 by the Equal Opportunities Officer and Principal Employee Development Adviser and training of trainers undertaken. Training has been rolled out since September 2004, initially to Service Management Teams and then to staff across services and areas, particularly those in front-line or policy development roles. By April 2006, 1159 staff have attended training.
- Recruitment and selection
- Women in management
- During 2005 – 2006, a briefing session on Equal Opportunities for Council Members was carried out in all areas.
- The Council's Equal Opportunities Policies and schemes are available on the Council Intranet and Internet.
- A monthly electronic Equality Bulletin is produced by the Council and is circulated to 650 recipients through the Highlands & Islands Equality Forum. The bulletin is on the Council website, and an extract is also circulated through the Women@Work Project.
- The Highland Council regularly attends the Local Authority Equalities Officer Network, and is the COSLA representative on a short term Scottish Executive Rural Race Equality sub-group.

7. To meet the commitment in the Council's Corporate Plan to being open, fair and accountable.

- Reports on activities are made on a regular basis to the Council's Equalities Group and to appropriate committees.
- Reports are made to Audit Scotland on Statutory Performance Indicators
- Equal Opportunities Monitoring is included in the Council's Public Performance survey.

8. To encourage a culture that values the diversity of people in the Highlands and responds to the needs of individuals. As a major employer and service provider the Council has an important leadership role to promote fairness, respect, tolerance and social inclusion.

- The Council makes its commitments through its Equal opportunities policies and schemes, and through the Community Plan, its Corporate Plan and Service and operational plans.
- The recent population summit stated a clear commitment to valuing the diversity of people in the Highlands and to improving services to meet the needs of new residents in the area.

Plans to address the immediate priority in the Best Value Report to maintain a focus on Equal Opportunities:

- Consolidate the Council's Equal Opportunities policies for Personnel and Service delivery to one policy.
- Consolidate the action and implementation plans of the above and the Race Equality Scheme, and the requirements of the forthcoming public duties on disability and gender to have a Single Equality Scheme.
- Within the Single Equality Scheme develop action plans to address the strands of gender, race, disability, sexual orientation, religion or belief and age.
- A Disability Equality Scheme, as part of the above structure, will be produced by December 2006.
- A Gender Equality Scheme, as part of the above structure, will be produced by April 2007.
- The actions will be developed to be outcome focused and measurable with clear lines of responsibility.
- Establish a cross-service working group to support this work.
- Action points arising will be built into the planning process at corporate, service and operational level where appropriate.
- The Equalities Group will continue to monitor and advise on activities.