

The Highland Council

**Resources Committee
08 June 2011**

Agenda Item	13
Report No	RES/58/11

The new Public Sector Equality Duty and the Council's Progress Towards a Single Equalities Scheme

Report by Assistant Chief Executive

This report updates Members on the legal requirements of the Equality Act 2010 and, in particular, the introduction a new single Public Sector Equality Duty in April 2011. It informs members of progress in combining three separate schemes into a single comprehensive scheme; the establishment of a Members Equalities Working Group, the inclusion of attitudinal questions in the Citizen's Panel survey and a proposed internal audit of the Council's equality impact assessment process.

1. Background

1.1 Since 2001, the public sector has been required to meet a number of legal equality duties including the publication of equality schemes. These were introduced by separate pieces of legislation and covered race, disability and gender. In response, the Council had developed equality schemes and action plans in response to each duty.

1.3 More recently, in anticipation of the Equality Act 2010 and a single equality duty, we have move towards a more integrated approach, by:

- Reporting on progress to Resources committee every 6 months across all equality characteristics
- Developing a working draft single scheme and action plan which combines the separate schemes
- Taking an inclusive approach to Equality Impact Assessments across all protected characteristics, not only race, disability or gender.

1.4 The Council is developing its single equality scheme to meet the requirements of the new public sector duty, which is described below. However, there are delays in the introduction of supporting specific duties from the Scottish Government and accompanying guidance from the Equality and Human Rights Commission (EHRC). It is planned that the Council will have its new approach in place by March 2012.

2. The Equality Act 2010

2.1 Introduced in October 2010, the Equality Act 2010 brings together previous equality legislation and applies across the public, private and voluntary sectors.

2.2 The groups under the protection of the Act (known as 'protected characteristics') are as follows: Age; Disability; Gender reassignment; Marriage and civil partnership; Pregnancy and maternity; Race; Religion and belief; Sex; and Sexual orientation. Protection for age and marriage and civil

partnership currently apply only at work or if someone is being trained for work. Age discrimination also applies only to those 18 or over. Otherwise protection applies to employment, education and access to goods and services.

- 2.3** The Equality Act protects the groups above from: direct discrimination, indirect discrimination, harassment, victimisation, failure to make a reasonable adjustment for a disabled person; and discrimination because of perception and association

3 Public Sector Equality Duty

- 3.1** On the 5th April 2011, the Equality Act 2010 introduced a new public sector general equality duty which became law across the UK. The general equality duty requires public bodies to pay 'due regard' to the need to:

- eliminate unlawful discrimination, victimisation and harassment;
- advance equality of opportunity, and
- foster good relations.

- 3.2** The new duty replaces and extends the three previous duties relating to race, disability and gender equality and applies across the 'protected characteristics' of age; disability; gender reassignment; pregnancy and maternity; race; religion and belief; sex and sexual orientation. It requires public authorities to consider the needs of these protected groups in, for example, employment and when designing and delivering services.

- 3.3** Further “specific duties” are due to be introduced to support Scottish public authorities in continuing to promote equality in their work. In the meantime, the EHRC in Scotland has produced interim guidance for the public sector. In the intervening period without specific duties, the Commission strongly recommends that public authorities continue to follow good practice, in particular in assessing equality impact and gathering and using relevant evidence and information.

4 Members Equalities Working Group

- 4.1** In response to the BV 2 Audit recommendation that elected Members should do more to engage in the Council's equalities agenda, a Members' Equalities Group has been established to ensure strong Member leadership and a strategic approach to progress equalities work.

- 4.2** The working group has 11 cross-party Members made up with the agreed political formula which is 3/3/2/1/1/1. The Chair of Resources has been appointed as Chair of the Working Group.

- 4.3** The group has agreed to additional meetings to the four initially proposed during 2011. Its role is to scrutinise performance of agreed actions to meet equality requirements and consider areas for improvements. In addition to reports from officers the group will hear from representatives of equality groups to share their experiences and provide evidence to help identify how the Council can continuously improve its performance in this area.

4.4 An introductory meeting took place in February, followed by a meeting in April which focused on issues of mental health inequality and stigma. A third meeting was held on 24th May with a focus on sexual orientation and gender reassignment which are two of the protected characteristics in the Equality Act.

5 Citizen's Panel: Attitudinal questions and focus groups

5.1 The Council has recently sent its 2011 Public Performance Survey to the Citizen's Panel. In addition to the standard performance topics, this survey asks a number of attitudinal questions related to discrimination and prejudice. These are based on the most recent version of the Scottish Government's survey of Attitudes to Discrimination.

5.2 In order to continue an approach taken in the 2010 budget consultation, five focus groups are to be undertaken to ensure that the views of people underrepresented on the panel are heard in relation to the Performance Survey 2011-12. These will provide additional qualitative information focusing broadly on the areas included in the questionnaire and will be with groups representing the following:

- Sight impaired
- Hearing impaired
- Mental health issues
- A Chinese group.
- Learning disability

5.3 When the performance survey results are analysed, this will include information on whether views differ significantly among different equality groups.

6 Equality Impact Assessment: Internal Audit

6.1 An Equality Impact Assessment (EQIA) is a process to determine how the Council's policies, services, practices, or new proposals will impact on or affect different communities - especially those groups or communities who experience inequality, discrimination, social exclusion or disadvantage. As well as helping us meet our statutory equality duties, EQIAs also help to demonstrate that we are considering equalities issues in all our services and functions.

6.2 Internal Audit has been asked to scrutinise that equality implications are properly considered through the EQIA process when the Council is introducing and reviewing policies and practices, and undertaking budget decisions. The audit will start in early summer 2011.

7 Improvement Service project: Improving Local Equality Data

7.1 The Highland Council is one of five local authorities selected in March 2011 to work with the Improvement Service on a project on Improving Local Equality Data (ILED). Other local community planning partners will also be involved in this project.

- 7.3** ILED is an action research project that will provide hands-on, practical and specialist support to five councils/Community Planning Partners to develop and use the equality evidence base in order to measure and evaluate progress towards equality. Part of the project will involve identifying, developing and piloting solutions and tools designed to address the local equality evidence base and inform outcomes.
- 7.4** A key aim of the project is to pilot the use of the national Equality Measurement Framework (EMF) as a practical tool at the local level. The project is due to complete in the Autumn 2011 with learning to be shared across the wider public sector in Spring 2012.
- 7.5** Through desk research and engagement work with local projects, the Improvement Service has already begun to build up a more detailed picture of what data is available, where there are gaps, and what kinds of sources it is possible to draw data from.

8 Current objectives and developing an outcome focused approach

- 8.1** The four activities described above will all contribute to the Council's commitment to develop its equality objectives and deliver outcomes that will make a difference to those affected by discrimination, prejudice and harassment.
- 8.2** In the draft single equality scheme the Council has identified 5 key overarching equality objectives to:
- Deliver accessible services and to treat customers fairly and with dignity and respect
 - Ensure that our employment practices and policies are fair and accessible
 - Increase engagement, involvement and representation of equality groups
 - Create a culture in the Council that promotes equality, and demonstrates that discrimination and harassment on equality grounds will not be tolerated
 - Demonstrate the continued progress of the Council to meet its public sector duties.
- 8.3** Progress against the actions under these objectives is presently reported to Resources Committee every six months. A copy of the current action plan is attached as Appendix 1. Previous progress reports since February 2008 are available on the [Equal Opportunities Pages](#) of the Council website. Additionally, minutes of the Members' Equalities Working Group are reported to Council.
- 8.4** Indications are that the new specific duties will expect equalities work in the public sector to be "outcome focussed" approach based on evidence and informed by the involvement of equality groups and communities
- 8.5** The new duties do not mean that the Council's current equality objectives and associated actions will change considerably, but will require a change of approach. There is already a range of evidence gathered and it is

recommended that equality and community groups are involved in developing our outcomes through a range of methods; including:

- face to face meetings, focus groups, and presentations to the Equalities Working Group
- specific surveys, such as the attitudinal questions in the Citizen's Panel
- working with partners on joint equality activities
- using existing consultation and service review opportunities, performance report and staff survey
- using networks such as the emerging disabled employee network.

8.6 The outcome focus approach should include the development of performance measures. The Council's new electronic performance management system will be used to monitor progress and there should be use of self-evaluation tools such as PSIF and the BV2 framework for equalities.

8.7 It is recommended that outcomes and indicators are finalised by March 2012.. Progress will continue to be reported to Resources Committee and the Member's Equalities Working Group.

Recommendation

That Members note the content of this report including:

1. the changing legislative context for equalities
2. the work of the Members' Equalities Working Group to help develop the Council's response to its new public sector duties
3. the progress in delivering the Single Equality Scheme Action Plan
4. That a final draft of the single equality scheme for the Council is planned for end of March 2012.

Signature:

Designation: Assistant Chief Executive

Date: 30 May 2011

Background Papers:

Appendix 1

G	Complete or on track
A	Some slippage but not concern
R	Significant slippage, or cause for concern
A	Amended or removed

Single Equality Scheme: Draft Action Plan 2010 – 2011, summary of progress

It is proposed that, until further guidance is available on the new public sector duties, the five key objectives from the previous three schemes will remain in place for 2010 – 2011. The revised action plan builds on and continues earlier activities. Where there are common activities across all or some of the protected characteristics these have been combined. Further work will be undertaken to streamline and prioritise actions and relevant actions from the previous separate schemes will be rolled forward.

Key Objective 1: Deliver accessible services and to treat customers fairly and with dignity and respect

	Measure or action	Equality Strand	Lead Service	Lead Officer	TYPE: Action, Indicator, Report	R A G	Frequency of collection/next update
	Policy development ensures that equality issues are considered						
1.1	100% of all new and reviewed Council policies, functions and practices are screened for relevance to equalities (and full assessment done where relevant)	All	CEXO	HoPP	PI	A	quarterly
1.2	Complete adaptation of accessibility guidance material for use by Council staff on good practice and procedures to meet language and accessibility needs	D,R	CEXO	HoP&P	Action	A	Dec-10

1.3	Develop Equalities monitoring guidance for staff.	All	CEXO	HoP&P	Action	R	Dec-10
1.4	Develop a system to gather evidence to provide an equality analysis of service use and customer experience	All	CEXO	HoPP	Action	G	Dec 2010
1.5	Collate and benchmark national and local demographic information relevant to equality.	All	CEXO	HoPP	Action	G	April 2011 then annually
	Services provided directly and service procured, commissioned and grant-aided are accessible and treat our customers with dignity and respect						
1.6	Relevant procurement contracts and grant awards include with an equal opportunities statement	All	Finance	Procurement Manager	PI	G	ongoing
1.7	Review of voluntary sector funding (service level agreements and grant awards) to take account of equality duties and appropriate statements included.	All	CEXO	HoP&P	Action	G	Dec-10
1.8	Aim to increase the number of disabled people represented in national sports squads.	D	ECS	Disability Sports Officer	Action	tbc	Ongoing
	Ensure our premises, facilities, services and information are accessible						
1.9	Review options to ensure services are accessible. Adjustments (other than physical) are identified and acted upon using checklist/guidance to be developed for Service Managers.	R, D		Service Managers	Action		Action TBC
1.10	Approach to land use planning should be deployed through new development plans - accessibility and suitability of sites and design standards and housing mix; approach includes consultation.	Disability, Age	P & D	Head of Planning & Building Standards		G	Dec 10
1.11	Develop protocols for prioritising applications for people with disabilities and to ensure that contact with disabled people making applications is appropriate to their needs and that applications for consent for urgent adaptations are processed quickly.	D	P & D	Head of Planning & Building Standards	Action	G	Dec-11

1.12	1. Web site will strive to maintain a minimum of Web Accessibility Initiative (WAI) AA standard and work towards AAA standard. Site is reviewed regularly for accessibility. 2. The Council will seek accreditation from the Shaw Trust. Any accessibility issues identified and considered for action	D	CEXO	Public Relations Manager	Action	G	1. Report to QPR 2. Dec 2010
1.13	Sustain the service provided through bi-lingual Community-Based Language Assistants (CBLAs) to work with families who do not have English as a first language.	R	ECS	Head of CLL	Action	G	Dec 10
1.14	Bids successful for EU funding for a range of work-streams related to migration.	R	CEXO	Head of P & P	Action	G	Dec 10
1.15	Monitor and review provision of T & I services on a regular basis through quarterly reports.	R	CEXO	Head of P & P	Report	G	Quarterly
1.16	Monitor and report on the multi-agency Gypsy/Traveller Action Plan	R	H & P	Director	Report	G	Annually
1.17	More accessible premises will be selected as Polling Places and a targeted improvement plan will be plan will be drawn up following a physical inspection of all polling places by Ward Managers and will involve consultation with groups representing the interests of people with a disability.	D	CEXO	Elections Officer	Action	G	Dec-10
1.18	Implement the Disabled Persons Parking Act	D	TEC	HoR&CW	Action	A	Oct-10
1.19	Improve accessible transport facilities	D	TEC	HoT&I	Action	G	ongoing
	Addressing disadvantage						
1.20	Increase the number of customers reached with money advice and welfare rights	All	CEXO	HoP	PI	G	Dec 2010
1.21	Increase the number of older people (and others in care) who can be supported in their own homes	A, D	SW	HoCC	PI	G	Dec 2010
1.22	We will enable people with Learning Disabilities to progress through personal development, training and education to careers and volunteering opportunities by working together with our colleagues in Education to improve access to Further Education and Training	D	SW	Learning Disability Network		tbc	Ongoing

1.23	Increase in the number of buildings that meet the Audit Scotland Statutory Performance Indicator "percentage of public service buildings that are suitable and accessible to disabled people".	D	H & P	Director	SPI	G	annual
1.24	Increase the number of new learners supported with English language tuition	R	ECS	HoCLL	PI	G	annual
1.25	Increase the number of inward migrants and their families, who have limited English language, to settle in to the Highlands - CBLAs.	R	ECS	HoCLL	PI	G	annual
1.26	Increase the number of houses suitable for older people and disabled people	A, D	H & P	HoH	PI	G	Dec 10
1.27	Women and men are supported through Early Years activities as identified in the Children's Service Plan (FHC3).	G	ECS		Action	G	Dec 10
	We will reduce isolation for people with sensory impairment by: 1. supporting 150 people to access signing classes in Highland in each of the next three years 2 increasing the numbers of interpreters trained in Highland over the next three years 3 providing deaf awareness training aimed at employers and service providers 4 providing improved access to low vision aids and services.	D	SW	HoO, CJS and Central Services,	Action	tbc	Annual review
	We will increase numbers of adults in need into jobs in each of the next three years.	D	P&D	Linked to National Employability Outcome			Action TBC

Key Objective 2: Ensure that our employment practices and policies are fair and accessible

	Measure or action	Equality Strand	Lead Service	Lead Officer	TYPE: Action, Performance Indicator,	R A G	Frequency of collection/next collection
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					Report/	
	Review current employment Policies and amend to ensure they meet the new Act	All	CEXO	HoP		
2.1	Review the Council's equal pay policy statement and report on progress	Gender	CEXO	HoP	Action	G every 3 years
2.2	Review relevant personnel policies in relation to the requirements of the Equalities Act and identify changes required	All	CEXO	HoP	Action	G Dec 2010
2.3	Maintain Double Tick symbol and monitor implementation	Disability	CEXO	HoP	Action	G annual
	Ensure that equalities are included in PDP, management and induction training	All	CEXO			
2.4	Review equal opportunities training and recruitment and selection training to reflect and address issues raised by employees and the Equality Act 2010	All	CEXO	ED manager	Action	G Dec 2010
2.5	All lead officers should be trained in R & S before undertaking lead officer role	All	CEXO	ED manager	PI	Action tbc
2.6	Design and introduce network meetings for HC and partner employees	Sexual orientation, Disability	CEXO	RM/KZ	Action	G at least one event per year
2.7	Introduce reporting system to Directors on management module undertaken by all members of "All Council Managers" list	All	CEXO	Cathy Christie	Action	Action tbc
2.8	Continue with Women in Management programme, review activities and amend as appropriate	Gender	CEXO	Cathy Christie	Action	G Dec 10
	Measure, understand and learn from current outcomes in employment practice	All	CEXO			
2.9	Analyse equalities workforce information in all occupational groups in the Council and review priority objectives	Age, disability, gender, ethnicity	CEXO	John Batchelor	Action	A Apr-11

2.10	Publish annual report on Equal Opportunities Monitoring in the workplace	Age, disability, gender, ethnicity	CEXO	John Batchelor	Report	A	Dec 10
2.11	Annual increase in the number and proportion of women in management in the Council: a) Increase % of head and depute head teachers who are women in secondary schools b) Increase % of head and depute head teachers who are women in primary schools c) Increase % of highest paid 2% earners among Council employees that are women d) Increase % of highest paid 5% earners among Council employees that are women	Gender	CEXO	John Batchelor	PI	G	annual
2.12	1. Collect relevant equality monitoring data from bi-annual employee survey. 2. Collect relevant data relating to employees' attitudes to equality 3. Analyse relevant data to allow action points to be identified	Gender, disability, age, ethnicity	CEXO	Cathy Christie	Action	G	2010 then biannual
	Monitor use of Child Care Vouchers scheme	Gender			report		annual

Key Objective 3: Increase engagement, involvement and representation of equality groups

	Measure or action	Equality Strand	Lead Service	Lead Officer	TYPE: Action, Performance Indicator, Report	R A G	Frequency of collection/next update
	Review our practices against the standards of engagement for all consultation and involvement						
3.1	Template will be introduced for Community Engagement will measure compliance with Standard of National Engagement.	all	CEXO	Corporate Managers CEXO	action	G	From March 2010

3.2	Ensure all relevant staff are trained in the Standards of Community Engagement	All	CEXO	Corporate Mangers	action	G	Review annually
3.4	The Council's Public Performance Survey continues to ask about facilities for disabled people. Aim to increase public satisfaction	D	CEXO	CEXO Head of Policy and Performance	action	A	Removed due to Citizen's Panel approach
3.5	Continue to monitor and analyse the Public Performance Survey by age, disability, gender and ethnicity	A,D, G. R	CEXO	HoP&P	action	G	Annually
	Ensure all policy development offers opportunities for equality groups to contribute						
3.7	Agree and develop range of methods for reaching equality groups and individuals in the Citizen's Panel methodology to gauge their views on services.	All	CEXO	Head of P & P	action	G	Dec-10
3.8	Refresh and maintain database of local equality organisations on behalf of the Council and Community Planning Partners	All	CEXO	Head of P & P	action	G	Apr-11
3.9	Equality groups are involved in policy development where appropriate and where indicated by EQIAs.	age	ECS	HYV	action	A	Ongoing
3.10	Youth Voice and Pupil Councils to encourage a representative balance in their structures which will promote future public participation.	All	ECS	Director ECS	action	G	Ongoing
3.11	Undertake involvement of equality groups in partnership activities as appropriate	All	CEXO	EOO & HCCP Equality and Diversity group	action	G	Annually

Key Objective 4: Create a culture in the Council that promotes equality, and demonstrates that discrimination and harassment on equality grounds will not be tolerated

	Measure	Equality Strand	Lead Service	Lead Officer	TYPE: Action, Performance Indicator, Report	R A G	Frequency of collection/next update
	Awareness raising and training for staff and members						
4.1	Raise awareness of the requirements of our equality duties and to promote the cultural change required through training and awareness raising.	All	CEXO	ACE	Action	G	Dec 2010
4.2	Year on Year increase in the number of staff attending Equal Opportunities and Diversity training and Disability awareness training	all	CEXO	ED manager	PI	G	twice yearly
4.3	Equal opportunities training is included in training for all elected members.	All	CEXO	ED manager	Action	A	Dec 10
4.4	Equalities issues included a minimum of twice per year in the Big Picture	All	CEXO	PR manager	action	G	twice a year
4.5	Twice yearly partnership equality and diversity newsletter circulated round local agencies, organisations and community groups.	all	CEXO	RM	Action	G	Nov 2010, then twice yearly
4.6	Awareness raising through publications, campaigns and other media	All	CEXO	HoP&P	Action	G	Dec 10
	Continue to contribute to the Highland Community Planning Partnership Equality and Diversity group and work with other partners						
4.7	Liaise with the Equality and Human Rights Commission, other local authorities and community planning partners to identify good practice		CEXO	HoP&P	Action	G	ongoing
4.8	Continue to attend Scottish Councils Equalities Network meetings.		CEXO	HoP&P	Action	G	4 times per year
4.9	To meet the Equal Opportunities requirements of Community Planning, partner agencies to work together where appropriate to create efficiencies, share good practice and mainstream equality in Community Planning.	All	CEXO & partners	HoP&P	objective	G	4 times per year
	Continue to work with partners to improve the recording of hate incidents						

4.11	Continue to work with partners to raise awareness of the occurrence and impact of hate incidents and to encourage and improve the recording of hate incidents	All	CEXO	HoP&P	Action	G	Dec 2010
4.12	Ultimately, reduce the number of recorded hate crimes. Racist incidents (forms recorded - reported to PF as crime) Other hate crimes (incident forms recorded - reported to PF as crime)	All	CEXO	HoP&P	PI	G	Monthly NC
4.13	Monitor reported incidents and analyse information to identify trends and improve practice in responding to incidents	All	Partners	HoP&P	Action	A	Dec 2010
Implement the Violence Against Women Strategy							
4.14	Continue to play an active role in the Highland Public Services partnership Violence Against Women Training Consortium and to work with partners to tackle and address violence against women and to raise awareness of gender based violence and the impact on women, children and families through training and guidance	G	SW	HoOCJ	objective	G	Dec 2010
4.15	Actions to protect children and young people from the effects of violence against women including domestic abuse are monitored through FHC3	G	SW	HoOCJ		G	Dec 2010
4.16	Increased numbers of Council staff participating in partnership VAW training and awareness raising	Gender	SW	HoOCJ	PI	G	Dec 2010
4.17	Implement the Council's policy for staff affected by gender based violence	G	CEXO	HoP	action	G	Dec 2010
4.18	Examine funding sources and mechanisms for ensuring long term sustainability of training and wider VAW work in Highland	G	HPSP		Action		Action TBC
4.19	Develop approaches for capturing feedback from staff and service users who have experienced violence and harassment.	Gender	SW	HoOCJ	Action	A	Action TBC

Key Objective 5: Demonstrate that the Council continues to meet its public sector duties

	Measure or action	Equality Strand	Lead Service	Lead Officer	TYPE: Action, Indicator,	R A G	Frequency of collection/next update
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					Report		
	Produce single equality scheme and review monitoring and reporting mechanisms in line with new duties						
5.1	Prepare for the introduction and requirements of the Equality Bill and the single equality duty on the public sector.		CEXO		objective	G	April 2011
5.2	Single Equality Scheme developed, published and implemented with targets reviewed					A	Dec 2010
5.3	Council to agree mechanism for members to more fully engage with the equalities agenda	All	CEXO	ACE	action	G	Dec 2010
	Revise all policies and equality impact assessment (EQIA) process in line with the new duties and embed action planning within Service Plan process						
5.4	EQIA processes to be reviewed and developed to work with new impact assessment process	All	CEXO	HoP & P	Action	R	Dec 2010
5.5	Ensure that all Services embed equalities in service and corporate priorities within service planning process	All	All	Directors	Action	A	April 2011
5.6	Ensure that CP partnership work programmes reflect and respond to equality issues by supporting EQIA across SOA local outcomes work	All	CEXO & partners	CPP E & D group	Action	A	Dec 2010
5.7	Ensure all relevant procurement contracts comply with an equal opportunities statement.	All	Finance	Head of Procurement	PI	G	Dec 2010
5.8	Produce single equality scheme for the Education Authority and review monitoring and reporting mechanisms in line with new duties	All	ECS			A	April 2011
	Dissemination of information to support the single equality scheme internally, externally to continue to work with partners. Investigate mechanisms to more fully engage with members on equality issues.	All	CEXO				

5.9	Progress Report at Senior Management Team and Council		CEXO	CE	Action	G	Dec 2010
5.10	Produce robust baseline information on equality in Highland using a range of sources	all	CEXO	HoP&P	Action	A	April 2011
5.11	Review equalities information on Council and Highland Life website		CEXO	HoP&P		G	Dec 2010
	Develop performance framework for the single equality scheme						
5.12	Introduce new electronic system to record, monitor and support annual progress report at Senior Management Team and Council		CEXO	HoP&P		A	TBC
5.13	Develop workplan for the Equalities Working group	All	CEXO	ACE	Action	A	quarterly
5.14	Regular meetings of the partnership Equality and Diversity Group and actions agreed and reported to HPSP performance board.	All	CEXO & partners	NHSH	Action	G	Dec 2010