

**EMPLOYMENT COMMITTEE – 2 DECEMBER 2010****EQUALITY AND DIVERSITY UPDATE****REPORT OF THE DIRECTOR OF CORPORATE RESOURCES****Purpose of Report**

1. The purpose of this report is to update Employment Committee on the Council's employment related equality and diversity activity.

**The Equality Framework for Local Government**

2. The Employment Committee received a report on the 11<sup>th</sup> February 2010 informing them of the Council's ambition of achieving the highest level, 'Excellent', of the Equality Framework for Local Government.
3. The Council is due to be assessed against this level in March 2011 through a process of peer assessment. If the Council achieves the 'Excellent' level it will be the first County Council in the country to have done so.
4. The Council's Equalities Board and departmental equality groups have been working on collating the evidence for this assessment for the past few months and by January 2011 will be required to submit all evidence to the Local Government Improvement and Development Agency.
5. The Equality Framework assesses Council's in the following 5 key areas:
  - Knowing your communities and equality mapping
  - Place shaping, leadership, partnership and organisational commitment
  - Community engagement and satisfaction
  - Responsive services and customer care
  - A modern and diverse workforce
6. In relation to the 'Modern and diverse workforce' section, the Human Resources function has provided a range of evidence and information establishing the Council's position against the 'Excellent' level of the framework. This includes details of the Council's employment policies and practices including work to understand and increase the employment of under-represented groups, learning and development in relation to equality and diversity as it relates to employment and the delivery of services and work on equal pay.

7. The Council is in the process of finalising its written submission to be sent to the assessors. This and the evidence being provided will form one part of the assessment process. In addition to this, assessors will visit the Council for three days and hold a series of interviews with selected employees, elected members and other stakeholders including representatives from the voluntary and community sector in Leicestershire. Whilst on site, the assessors may approach and speak to people outside of the organised interviews.
8. A follow up report will be sent to the Employment Committee prior to the assessment. The Cabinet are involved in the preparation for the assessment with Councillor Lesley Pendleton, cabinet portfolio holder for equalities, leading on this.

### **The Equality Act 2010**

9. On the 1 October 2010 the Coalition Government enacted significant elements of the Equality Act 2010, which gained royal assent on the 1 April 2010.
10. The law is the first major re-organisation of equalities related legislation in over 30 years and brings together the majority of all existing equality law into one Act of Parliament.
11. The law protects people from being discriminated against on the basis of one 9 'protected characteristics', which are:
  - Age
  - Gender
  - Disability
  - Ethnicity
  - Sexual Orientation
  - Religion or Belief
  - Marital Status or Civil Partnership
  - Pregnancy or Maternity
  - Transgender
12. Whilst the main focus of the Act is to rationalise existing legislation, it also builds on existing law in some key areas. The key changes and their implications for the County Council's employment practice are outlined below.

#### **(i) Pre-employment health related questions**

The Act makes it unlawful for any recruiter to ask job applicants about their health or any disability prior to offering them a job. This extends to any questions about sickness absence. The only exceptions to this provision are: where there is an essential element of the job that relates to someone's health, for the purposes of equality monitoring and to find out whether any adjustments need to be made to the recruitment process.

The Council has responded to this new provision by removing questions about previous sickness absence from the application form and issuing guidance to managers.

### **(ii) Associative discrimination**

This protects someone from being treated less favourably because of their association with someone on the basis of that person's protected characteristic. So if someone is discriminated against because they are the carer of someone that is disabled then they can make complaint under the Equality Act.

The Council has responded to this by ensuring that its relevant policies reflect this change.

### **(iii) Discrimination based on perception**

The Act makes it unlawful to discriminate on the basis of a perceived characteristic even if this characteristic is not held by the recipient of the discrimination. For example, if someone is the subject of homophobic or disability related harassment, they do not have to be gay or disabled to make a complaint of discrimination.

The Council has amended its Dignity at Work policy to reflect this change and issued guidance to managers.

### **(iv) Third Party Harassment**

Employers are responsible for ensuring that they respond to harassment experienced by employees as a result of the actions of people that are not employees, such as service users, contractors or members of the public.

The Council has amended its Dignity at Work policy so that it now reflects this change in the law.

## **Positive Action in Restructuring**

13. The Council, through its employment monitoring indicators, has identified that the proportion of employees leaving the organisation that are Disabled or from a BME background is reducing at a greater rate than the workforce is reducing as a whole.
14. To illustrate this point, for the first 2 quarters of 2010/11 the workforce as a whole reduced by 1.2%, whereas the BME workforce reduced by 3% and the Disabled Workforce by 4.5%.
15. The public sector equality duty places a requirement on the Council to take steps to address such disadvantage. Given the scale of downsizing that the Council is currently undertaking, there is a high likelihood that this trend will continue unless some specific action is taken.

16. The Council already has safeguards in place to ensure that restructuring does not disadvantage particular groups - equality impact assessments are undertaken as a part of any restructuring exercises and managers are also trained on equality in recruitment and selection. However, the data seems to demonstrate that this is not sufficient.
17. The Council's Equalities Board has therefore taken the decision to implement some further support for employees that are disabled or from a BME background. This will consist of some one to one specialist support to help them through the restructuring process, including help with CV preparation and interview skills delivered by coaches with a particular understanding of the challenges that these groups may experience.
18. It should be noted that all employees are able to access an interview skills workshop delivered by the Council's learning and development function. The support being provided to our Disabled and BME colleagues is in addition to what is available to all staff and specifically focuses on the particular challenges that these employees face.

### **Summary**

19. In summary, the Council is in a good position to achieve the 'Excellent' level of the Equality Framework by the end of March 2011.
20. A significant amount of work has been, and continues to be, undertaken to further improve and embed good equality and diversity process and practice and pursuing the achievement of positive outcomes for local people.
21. Specific action is being undertaken to ensure that our aim of achieving a representative workforce is achieved, despite the current economic climate and the significant financial challenges facing the Council.
22. The provision of targeted support to our Disabled and BME colleagues is one of the ways in which we are fulfilling our equality duties.

### **Recommendations**

23. It is recommended that the Committee notes:
  - (a) the Council's quest to become an 'Excellent' authority in respect of its equality and diversity practice and the work being undertaken in preparation for the assessment in March 2011;
  - (b) the changes in equalities legislation and in particular its effect on the Council's employment practices; and
  - (c) the actions being taken to provide further support to our Disabled and BME colleagues during the service redesign and restructuring process to ensure our aim of a representative workforce is achieved.

## **Background Papers**

24. The Committee considered a paper entitled “Equalities Update” on the 11<sup>th</sup> February 2010.

## **Circulation under the Local Issues Alert Procedure**

25. None

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## **Equal Opportunities Implications**

This report focuses on the progress made towards achieving the Council's equality and diversity aims and objectives.