

SCRUTINY COMMISSION – 23RD JUNE 2004

EQUALITY STANDARD FOR LOCAL GOVERNMENT

**REPORT OF THE CHIEF EXECUTIVE AND
THE DIRECTOR OF SOCIAL SERVICES**

PURPOSE OF REPORT

1. The purpose of this report is draw attention to the requirements of the Equality Standard for Local Government and to the Cabinet decision to adopt the Standard and approve the action plan that sets out how the Council will work to achieve it.

POLICY FRAMEWORK

2. The Medium Term Corporate Strategy to 2005 (MTCS) contains a target to reach level 5 of the Equality Standard by 2007. The recommendations in this report cover the actions needed to achieve level 1 of the Equality Standard.

BACKGROUND

3. The Equality Standard was published in 2001 by the Employers Organisation for Local Government, the Commission for Racial Equality, the Equal Opportunities Commission, the Disability Rights Commission and the Audit Commission. The stated purpose of the Standard is:

“To provide a generic framework through which local government can address its legal obligations under anti-discrimination law”.
4. The Medium Term Corporate Strategy to 2005 (MTCS) sets out the Council’s commitment to promote equality:

“To work to reduce disadvantages, discrimination and inequalities of opportunity, and promote diversity in terms of the people it serves, its workforce, the partners it works with and the services it delivers.”
5. The Guidance from the Employers Organisation supports the commitment in the MTCS for an active approach to anti-discrimination. Key influences

on the development of the Equality Standard were the findings of the Macpherson Inquiry Report, in 1999, into the death of Stephen Lawrence. This highlighted the way that institutional discrimination can affect the way that organisations operate and the way services are provided. The report provides the following definition of institutional racism:

“The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture and ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people.

6. The Guidance from the Employers Organisation suggests that this definition, with appropriate amendments, powerfully describes other forms of institutional discrimination and can be equally useful in respect of gender, age, disability and other groups who may be the subject of discrimination.
7. The level of the Equality Standard to which the authority conforms is part of a Best Value performance indicator, the other part relating to the implementation of the Race Equality Scheme. In the Best Value Performance Plan for 2003-04 the Council reported that it had not adopted the Equality Standard. It is an essential requirement of the Performance Indicator that authorities formally adopt the Equality Standard if they intend to report achievement of the levels within it.

CURRENT ACTION

8. Following a review of the Council's approach to equalities in 2003 an Equalities Board has been established, chaired by the Director of Social Services, who is accountable for overall equalities issues at Corporate Management Team level, reporting to the Cabinet Lead Member for equalities. The Board has membership at senior management level from each of the frontline service departments, plus the Head of Human Resources.
9. The initial priorities of the Equalities Board have been work on race equality and disability issues. Over time it will address the full range of equalities issues also covering gender, sexual orientation and religion or belief and age.

Race Equality

10. Public bodies have a statutory duty to publish a Race Equality Scheme (R.E.S.). Cabinet approved a draft in July 2002. This was reviewed and amended and the final Scheme approved by Cabinet on 9 December 2003. The action plan for 2004 is being implemented, including:

- i) ensuring that by May 2004 the Council is able to meet the statutory requirement to publish monitoring information on the ethnicity of its workforce covering:
 - baseline monitoring information on the ethnicity of employees – this was produced in November 2003; work is in hand to fill in identified gaps mainly relating to part time community, youth and adult education staff;
 - Applications for employment
 - Promotion
 - Training
 - Performance assessment
 - Grievance procedures
 - Disciplinary procedures
 - Staff ceasing employment
- ii) The Procurement Strategy and Human Resources Strategy both agreed by Cabinet in November 2003 include specific actions in relation to race equality
- iii) A local code of practice in relation to black and minority ethnic voluntary and community organisations is being developed with the Joint Compact Steering Group
- iv) Arrangements for employee forums for ethnic minority employees to cover the whole Council are being investigated
- v) A Racist Incidents Monitoring Officer, jointly funded by the County Council, District Councils and Police on a temporary basis) took up post in January 2004 and has reported to the Equalities Board on planned arrangements
- vi) Planning is taking place for a Citizens Jury for people from ethnic minority communities to be held in the Autumn – this is a commitment made by the Leicestershire Local Strategic Partnership – Leicestershire Together

Disability

11. In relation to disability, work is taking place on the following issues:

- i) PSA target for employing disabled people:
 - Awareness raising through training events for appointing managers (March – April)
 - Website improvements e.g. downloadable job packs and facility to email back

- Changes to recruitment arrangements identified by JobCentrePlus and Disability Discrimination Act Audit e.g. adverts, review job descriptions, interview arrangements
 - Review of policies including disability leave and redeployment
- ii) Refreshing the 'two ticks' commitment. (JobCentre Plus awards the 'two ticks' symbol to employers who make five commitments to the employment, retention, training and career development of people with disabilities, including mental health difficulties).
 - iii) Departmental audits on the accessibility of Council facilities have been completed and actions are being prioritised for access to the capital programme and for non-physical adjustments identified. County Hall access issues, including refurbishment of the reception area, is receiving consideration in this work.
 - iv) An ongoing programme of improvements to Council buildings to make them more accessible to disabled people. Examples include a ramp and widening of doors at Anstey Library; a ramp at Hinckley Registry Office; shower and toilet facilities at Humphrey Perkins School.
 - v) Planning is taking place for a Citizens Jury for disabled people to be held in the Spring or early Summer – this is a commitment made by the Leicestershire Local Strategic Partnership – Leicestershire Together
 - vi) Discussions are taking place with District Councils about the possibility of developing an access guide to public buildings in the County. Access guides already exist in some parts of the County.

EQUALITY STANDARD

12. The Equality Standard is essentially a business or service planning framework to enable an organisation to plan, monitor and report on its performance on equalities. The Standard emphasises the importance of key processes in the local authority and sets these out as five levels of achievement:

Level 1 - Commitment to a Comprehensive Equality Policy

13. The key element of Level 1 is the adoption of a Comprehensive Equality Policy by the authority, supported by a Corporate Equality Plan to show how it is to be implemented. A range of other evidence is required under the following 4 main headings:
 - Leadership and Commitment
 - Consultation and Community Development and Scrutiny

- Service Delivery and Customer Care
 - Employment and Training
14. The appendix to this report sets out the elements that authorities need to have in place to achieve level 1 of the Standard, together with a statement of the Council's current position and a summary of actions needed to achieve this level. Essentially the achievement of this level is about putting in place a robust framework throughout the Council, through which equalities work is to be taken forward and which is capable of systematic monitoring and reporting.
15. It is proposed that the detailed work takes place in the next 6 months and is drawn together in a Comprehensive Equality Policy and Corporate Equality Plan for consideration by the Cabinet in October 2004. The aim will be to have achieved level 1 of the standard once this work is completed.
16. The achievement of the subsequent levels of the Equality Standard then build on the framework established at level 1.

Level 2 - Assessment and consultation

17. This is a systematic assessment of how well the authority currently meets local needs and requirements in relation to service delivery and employment.

Level 3 - Setting equality objectives and targets

18. Based on the outcome of the assessment at Level 2 clear equal access objectives and targets are then set for employment and service delivery

Level 4 - Information systems and monitoring against targets

19. The monitoring system needs to be developed during earlier levels and implemented at Level 4

Level 5 - Achieving and reviewing outcomes

20. Progress in achieving targets is reviewed including a fundamental review of all elements in the process to determine what changes are needed.

ACHIEVEMENT OF LEVELS OF THE EQUALITY STANDARD

21. The Guidance on the Equality Standard makes clear that to achieve the successive levels, comprehensive progress is needed on the promotion of equality across all areas of the Council's activities. This does not mean that activity needs to be delayed where it is possible for some services or equality themes to progress more rapidly.

22. So, for example, an individual service area may reach a position in which it has established a clear framework for pursuing its equality activities, including monitoring and reporting, has carried out and reported on the outcome of equality impact assessments and is able to set clear equality objectives and targets. In principle such a service area would be operating within level 3 of the Standard.
23. Some themes within the Standard have already received more detailed attention e.g. the legal requirement to publish a Race Equality Scheme means that the Council already has in place a framework and action plan for progressing work in this area.
24. In contrast some areas of activity are the subject of new legislative requirements e.g. in December 2003 Employment (Equality) Regulations came into effect in relation to Sexuality and Religion or Belief. The implications of these are being evaluated and necessary action will be included in the Corporate Equality Plan.

RESOURCE IMPLICATIONS

25. One of the requirements of level 1 of the Equality Standard is a corporate commitment to earmark specific resources for improving equality practice. In the revenue budget for 2004-05 additional resources of £95k were approved to support the work of the Equalities Board set up to respond to equalities/diversity across the County Council to comply with anti-discrimination legislation and promote equalities.
26. It is expected that the costs of developing and implementing the Equality Standard will be contained within the resources already allocated, but that additional requirements are likely to arise as the Council takes forward its work to promote equality e.g.
 - The training, monitoring, additional publication and translation requirements arising from the duties under the Race Relations (Amendment) Act 2000. In addition, race equality impact assessments may indicate the need for service developments, with cost implications.
 - Other costs may arise from the duties under the Disability Discrimination Act 1995. In the 2004-05 capital budget the sum of £150k was allocated to continue the work programme arising from disability access audits.
27. If and when additional resource requirements are identified they will be fed into the budget planning process. The Director of Resources has been consulted in the preparation of this report.

EQUAL OPPORTUNITIES IMPLICATIONS

28. The purpose of this report and the Equality Standard is to develop the County Council's approach to promoting equality and eliminating discrimination. The Council's current Equal Opportunities Statement is attached at Appendix B

DECISION OF THE CABINET

29. The Cabinet at its meeting on 6th April:-
- a) adopted the Equality Standard for Local Government;
 - (b) approval be given to the Action Plan set out in Appendix A;
 - (c) requested that a draft Corporate Equalities Plan be submitted to it in November 2004 setting out in detail how the Council aims to progress through the 5 levels of the Equality Standard.

RECOMMENDATIONS

30. The Commission is asked to note the decision of the Cabinet and indicate what comments, if any, it wishes to make.

CIRCULATION UNDER SENSITIVE ISSUES PROCEDURE

None.

BACKGROUND PAPERS

The Equality Standard for Local Government
Race Equality Scheme – Leicestershire County Council – December 2003

LIST OF APPENDICES

Appendix A - Equality Standard Action Plan
Appendix B – Equal Opportunities Policy Statement

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