



# COMMUNITY OVERVIEW AND SCRUTINY COMMITTEE

## *Committee Report*

**Public**

**Date of Meeting:** 16th February 2006

**Title:** EQUALITIES

**Report of:** Acting Head of Strategic and Performance Services

**Report reference:** SP04/06

### **Summary:**

Report SP01/16, attached, and its recommendations was considered and approved by the Executive on the 23<sup>rd</sup> January 2006. One of the recommendations was that the report be referred to Community Overview and Scrutiny Committee to ask for assistance in monitoring progress on the following actions:

- ◆ Progression of the Impact Assessment pilot through to completion;
- ◆ Consultation with community groups and representatives on the content of a comprehensive equalities policy for the Council;
- ◆ Completion of an audit of current performance; and
- ◆ Establishing discussions with groups locally to develop a Disability Equality Scheme.

Each of these areas of work have more detailed tasks which are identified in the outline project plan, attached at Appendix 2.

### **Recommendations:**

The Committee is asked to agree to take on the task of monitoring the actions as part of its regular programme of meetings and in any other way that the Committee may feel is appropriate.

**Contact Officer:** Lesley Dixon

**Ext:** 7016

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

## **1.0 Background**

Report SP01/16, attached, and its recommendations was considered and approved by the Executive on the 23<sup>rd</sup> January 2006. That report outlined the Council's existing statutory responsibilities as regards race and flagged up the new responsibilities imposed by the Disability Discrimination Act 2005. It highlighted that there is a need to complete the impact assessment pilot as a matter of urgency and whilst the Council is catching up on the race agenda, completion of the pilot will put it ahead of the game in terms of age, disability and gender. The task list at Appendix 2 details the steps that need to be carried out to enable the Council to meet its statutory responsibilities.

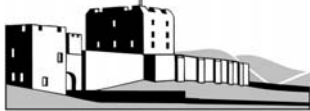
In addition to these responsibilities, the Council has made a commitment to achieving Level 1 of the Local Government equalities Standard by March 2006. Preliminary steps have been taken to facilitate this but further work is required. Again the key tasks are identified in Appendix 2.

To ensure that progress is made one of the recommendations was that report SP01/06 be referred to Community Overview and Scrutiny Committee to ask for assistance in monitoring progress on the following broad areas of work:

- ◆ Progression of the Impact Assessment Pilot through to completion;
- ◆ Consultation with community groups and representatives on the content of a comprehensive equalities policy for the Council;
- ◆ Completion of an audit of current performance; and
- ◆ Establishing discussions with groups locally to develop a Disability Equality Scheme following completion of the Impact Assessment Pilot.

## **Recommendations**

The Committee is asked to agree to take on the task of monitoring the actions as part of its regular programme of meetings and in any other way that the Committee may feel is appropriate.



# REPORT TO EXECUTIVE

## PORTFOLIO AREA:

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Date of Meeting: 23rd January 2006

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Public

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Key Decision: No

Recorded in Forward Plan:

No

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Outside Policy Framework

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Title: EQUALITIES

Report of: Acting Head of Strategic and Performance

Report reference: SP01/06

### Summary:

This report outlines the progress of the Council in meeting its statutory duties in relation to race and disability.

### Recommendations:

The Executive is recommended to:

1. Note the need for urgency in progressing the Impact Assessment pilot;
2. Approve the suggestion to consult community representatives and groups on the content of a comprehensive equality policy for the Council and a commitment to an audit of current performance.
3. Approve the suggestions to begin discussions with groups locally to develop a Disability Equality Scheme, once the Impact Assessment pilot has been completed.
4. Refer the report to the next Community Overview and Scrutiny Committee to ask for their assistance in monitoring progress on the actions at 1,2 and 3 above.

Contact Officer: Lesley Dixon

Ext: 7016

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

## **1. BACKGROUND INFORMATION AND OPTIONS**

### **Introduction**

Report SP 19/05 to Community Overview and Scrutiny on the 1<sup>st</sup> September 2005 outlined the importance of equality impact assessment as a tool for identifying the impact/ consequences of Council policies, processes and functions on race equality in the area. It further explained how the Council is working with Trinity Developments on a pilot project to identify a practical approach to impact assessment.

Report SP 19/05 further proposed an audit of current performance on equalities within the authority to enable us to properly identify the actions required to meet our targets for BV 2 a and b.

Today's report updates members on what has been achieved so far and what the Council still has to do to meet its statutory duties.

### **Equality Impact Assessment**

The objectives of the impact assessment pilot with Trinity are:

1. To identify an approach to impact assessment which will enable the Council to meet its ongoing duty to be proactive in delivering the commitments of the Race Equality Scheme. In practice this means that the Council must be aware of how all of its activities affect our duty to promote equality of opportunity, good race relations and prevent unlawful discrimination. This is a significant task for the Council and one which needs to part and parcel of everything we do rather than an add on extra.
2. To develop an internal resource by facilitating skills development within each Service Area. In order to mainstream impact assessment, the Council will need people in each service area who can advise and support the process. This should not mean that these individuals will have sole responsibility for the task of impact assessment in their service area rather they will act in an advisory capacity and disseminate sources of good practice.

Whilst the focus of the Council's work to date has been on race, the pilot is looking at impact assessment from a wider perspective and is considering and is considering each of the other diversity groups – gender, sexual orientation, disability, religion and belief and age. In terms of the Council's statutory responsibilities the pilot is helping us catch up on the race agenda and puts us ahead of the game on disabilities and age, although there is still a lot to do.

When it originally proposed, the pilot had an expected completion of early 2006. This is not achievable primarily because of issues in relation to consultation with affected groups.

Members will recall that there are three parts to the impact assessment process:

1. **Primary screening** – where policies are checked out for potential barriers. This is done by comparing the intentions of the policy or activity with the effect or impact on the ground, by checking against data.
2. **Secondary screening** – policies or activities which are identified at primary screening as creating potential barriers for particular groups of people go through to this stage. The Council then needs to ask different groups of service users if they experience any problems/ barriers.
3. **Final/full impact assessment** – where potential barriers are confirmed to exist by service users and action to overcome the barriers is identified as appropriate and agreed.

All 7 policies included in the pilot have been through the primary screening stage but the secondary stage is far from complete. The consultation aspect is the major stumbling block for the secondary screening stage. Currently SPS has limited contact with service user groups in ethnic minority communities and amongst other groups. Economic and Community Development Services have been making progress locally with ethnic minority representatives and whilst we are trying to make as much use as possible of the county wide partnership, the Council still needs to improve its contacts locally. This is an area where the Council may have to identify how additional resources could be made available at least initially to develop this area of work.

In order to facilitate this work and share the load SPS and ECDS hope to work more closely to give the community development aspect focus and, more importantly, to ensure that policy making on diversity is not taking place in a vacuum.

The secondary screening stage has identified a number of questions to be asked, but it will take time to identify who needs to be approached and when. It is likely to be another two months until this stage of the pilot can be completed, but it needs to be completed as a matter of urgency.

**Completion of the Impact Assessment Pilot has to assume a higher level of priority if the Council is to meet its Race Equality Duty, avoid enforcement action by the Commission for Race Equality and avoid a negative impact on CPA score.**

**The Executive is asked to note the need for urgency in progressing this matter and is recommended to refer to Community Overview and Scrutiny for monitoring progress to complete the pilot.**

## **The Equality Standard for Local Government – Level 1**

One of the requirements of level 1 of the Equality Standard, which the Council has targeted for achievement by March 2006, is to have agreed a commitment to formulate and adopt a comprehensive equality policy. This policy should covers how we run our services, how we employ people and how we exert influence. Ideally, the Council needs to consult the local community on the content of this policy. It is proposed that the Council seek the views of community groups as part of the Impact Assessment pilot to avoid repeated consultation with the same people.

In order to fulfil the requirements of Level 1 of the Equality Standard for Local Government, the Council needs to know at what level it is currently operating. The Audit Commission's Quality Assurance standards for BVPI s require evidence for any PI information we provide. An audit of current performance will not only provide the evidence base for the PI but will also identify what we need to do to meet our target.

A preliminary step has been taken to begin an exercise to identify those activities/ functions that the Council carries out that have an impact on the Council's race equality duties.

**It is recommended that the Executive approve the suggestion to consult community representatives and groups on the content of a comprehensive equality policy for the Council and a commitment to an audit of current performance. It is further suggested that Community Overview and Scrutiny monitor progress in developing this policy.**

### **The Duty to Promote Disability Equality**

The Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005, places a duty all public authorities when carrying out their functions to have due regard to the need to:

- ◆ Promote equality of opportunity between disabled persons and other persons;
- ◆ Eliminate discrimination that is unlawful;
- ◆ Eliminate harassment of disabled persons that is related to their disabilities;
- ◆ Promote positive attitudes to disabled persons;

- ◆ Encourage participation by disabled persons in public life; and
- ◆ Take steps to take account of disabled person's disabilities even where that means treating disabled persons more favourably than other people.

Rather than creating new individual rights for disabled people, the general duty provides a framework for public authorities, such as the Council to tackle discrimination more effectively and proactively. As with our responsibilities in terms of race, it means mainstreaming considerations of disability equality into all our decisions and activities. The duty is not only relevant to new policies and activities, but places a duty on the Council to tackle the consequences of decisions made in the past which failed to take account of disability equality. The way to do this is to identify those activities and policies that are relevant to the duty and to impact assess them.

Like the Race Relations (Amendment) Act, the DDA 2005 gives the Council a specific duty to draw up a Disability Equality Scheme, which should identify what we will do to meet the general duties of the Act. The scheme should include an outline of the Council's approach to Impact Assessment.

There are a number of groups locally with whom we will be seeking to work co-operatively to draw up our Disability Equality Scheme. One is Carlisle Access Group (a group of service users who meet on a quarterly basis, supported by Margaret Easton). Working with this group to draw up the scheme will help the Council to fulfil its obligations to work towards the general duty to encourage the participation of disabled people.

In addition to the Access Group, there are two agency groups with whom we may wish to draw up the scheme – one is the local sub-group of the Cumbria Race and Diversity Partnership and the second is the partnership itself. Many of the agencies involved have a specific duty to draw up a Disability Equality Scheme it makes sense to do this collaboratively and share resources.

**The Executive is recommended to approve the suggestions to begin discussions with groups locally to develop a Disability Equality Scheme, once the Impact Assessment pilot has been completed.**

## **2. CONSULTATION**

### **2.1 Consultation to Date.** None.

## 2.2 Consultation proposed.

Consultation with community representatives and groups on the content of a comprehensive equality policy for the Council.

## 3. **RECOMMENDATIONS**

The Executive is recommended to:

1. Note the need for urgency in progressing the Impact Assessment pilot;
2. Approve the suggestion to consult community representatives and groups on the content of a comprehensive equality policy for the Council and a commitment to an audit of current performance.
3. Approve the suggestions to begin discussions with groups locally to develop a Disability Equality Scheme, once the Impact Assessment pilot has been completed.
4. Refer the report to the next Community Overview and Scrutiny Committee to ask for their assistance in monitoring progress on the actions at 1,2 and 3 above.

## 4. **REASONS FOR RECOMMENDATIONS**

To ensure that the Council fulfils its statutory duties to promote equality of opportunity and good race relations and to prevent unlawful discrimination, and to meet its Local Government Equality Standard target by March 2006.

## 5. **IMPLICATIONS**

- Staffing/Resources – within existing staffing resources.
- Financial – none.
- Legal –The report sets out recommendations designed to enable the Council to be able to demonstrate its compliance with its statutory duties under relevant Race Relations and Disability Discrimination legislation. Failure to fulfill these responsibilities would leave the authority open to potential enforcement by the relevant regulatory agencies and adverse comment on any CPA inspection.
- Corporate – once the impact assessment pilot is completed the full implications for the Council will be better understood.



- Risk Management – if the Council fails to meet its statutory requirements then there is a risk that the CRE could take enforcement action against the Council, which would in addition attract negative media attention.
- Equality Issues – failure to complete the pilot and meet our target for the Local Government Equality Standard could mean that there are unnecessary barriers for some groups of service users.
- Environmental – none.
- Crime and Disorder – none.
- Impact on Customers – improved service user focus.

Equalities and Diversity Project Plan, February 2006

PROJECT DETAILS					
<b>Work Programme:</b>	To ensure the Council meets its statutory obligations under all relevant Equalities & Diversity legislation			<b>Statutory:</b>	Yes
<b>Work description:</b>	To enable the Council to meet its existing race equality duties and the disability equality duties (2006) and gender equality duty (2007), and To ensure the Council meets its targets for the Local Government Equality Standard BV2a and the Duty to promote Race Equality BV2b.				
<b>Responsible Officer:</b>	Lesley Dixon				
<b>Start date:</b>	Ongoing	<b>Planned end date(s):</b>	To be negotiated for various areas of activity	<b>Latest end date:</b>	Continuous responsibility

Key Milestones				
Activity	Target Date	Revised Target Date	Who?	Resources/ Support required
<b>A. Complete Impact Assessment Pilot</b>				
1. Identify secondary screening questions for consultation with community groups and community representatives.	May 2006			
2. Discuss how and when the consultation will take place.	March 2006			
3. Develop current contact with BME groups by establishing a regular formal reference group.	Sept 2006		Community Development	
3. Draft questionnaire and agree format with Trinity.	March 2006			
4. Meeting with Pilot Group to discuss learning so far. Issue paper prepared.	Feb 2006			
5. Identify mechanism for improved monitoring take-up of services.	March 2006			
6. Identify how Children's screening can be included.	May 2006			

Activity	Target Date	Revised Target Date	Who?	Resources/ Support required
<b>B. Update Race Equality Scheme</b>				
1. Schedule of Council functions, policies and activities.	April 2006			
2. Assess impact on diversity duties – race, disability, gender, age, etc.	May 2006			
3. Prioritise for impact assessment – identify a three-year rolling programme.	May 2006			
4. Identify how much is spent on equalities and identify as separate corporate budget.	Done			
<b>C. Completion of Disability Equality Scheme</b>				
1. Briefing note on responsibilities and implications.	Now			
2. Identify a joint agency working group to develop scheme	Feb/March 2006			
3. Develop contacts with community groups and representatives.	Ongoing			
4. Prepare and agree Disability Equality Scheme	March 2006			
<b>D. Comprehensive Equality Policy</b>				
1. Collect copies of policies from excellent Councils.	Now			
2. Prepare draft for Carlisle City Council.	Feb/March 2006			
3. Look at implications with SMT	June 2006			
4. Discuss with community groups and representatives.	May 2006			
5. Report to Community O&S	March 2006			
6. Report to Executive.	March 2006			
7. Report to Council.	March 2006			
8. Discussions with Directorates about implications on service areas.	June 2006			
<b>E. Achieve Level 1 of Local Government Equality Standard (BV 2a)</b>				
1. Analysis of staff consultation questionnaire from equalities perspective.	March 2006			

2. Conference 270406 re. Changes to standard and implications.	270406			
Activity	Target Date	Revised Target Date	Who?	Resources/ Support required
3. Audit of current performance – initial audit	March/May 2006			Application for support from ODPM Diversity in the Districts programme. Notification awaited.
4. Report on findings	June 2006			
5. Development of an equality action plan that will identify action required to move through the levels of the standard.	June 2006			Application for support from ODPM Diversity in the Districts programme. Notification awaited.
6. Programme of equality awareness training for all of the Council's employees.	Complete end March 2007/08			
<b>F. Communication barriers</b>				
1. Identify a corporate approach to translation services to include access to BSL interpreters.	June 2006			
2. Co-ordinate a countywide database of translation services.	End March 2006			
3. Examine opportunities to provide leaflets and other communication materials with other public sector agencies.	Preliminary discussion March 2006			
4. Review the Council's equality webpage.	June 2006			

RISK MANAGEMENT					
Date identified	Risk description	Probability	Impact	Action(s) to manage risk	Action owner
Overall risk assessment:					

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## **EXCERPT FROM THE MINUTES OF THE EXECUTIVE HELD ON 23 JANUARY 2006**

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### **EX.015/06    EQUALITIES (Non-Key Decision)**

**Portfolio**            Health and Community Activities

#### **Subject Matter**

The Acting Head of Strategy and Performance submitted Report SP.01/06 outlining progress of the Council in meeting its statutory duties in relation to race and disability.

- Equality Impact Assessment

The City Council was working with Trinity Developments on a pilot project to identify a practical approach to introducing equality impact assessments. This was to be undertaken in three stages and stage one had now been completed. The second stage requires consultation with service user groups in ethnic minority communities and amongst other groups. It was anticipated that this would be completed in two months.

- The Equality Standard for Local Government - Level 1

One of the requirements of Level 1 of the Equality Standard, which the Council has targeted for achievement by March 2006, is to have agreed a commitment to formulate and adopt a comprehensive equality policy. This policy would cover how we run our services, how we employ people and how we exert influence. Ideally, the Council needs to consult the local community on the content of this policy. The Council would seek the views of community groups on the content of any policy as part of the Impact Assessment pilot.

In order to fulfil the requirements of Level 1 of the Equality Standard for Local Government, the Council needs to know at what level it is currently operating. An audit of current performance will provide an evidence base for performance indicators and will also identify what is needed to meet targets.

Work has begun to identify those activities/functions that the Council carries out that have an impact on the Council's race equality duties.

- The Duty to Promote Disability Equality

There was a duty on all Public Authorities, when carrying out their functions, to have due regard to the need to:

- Promote equality of opportunity between disabled persons and other persons;

- Eliminate discrimination that is unlawful;
- Eliminate harassment of disabled persons that is related to their disabilities;
- Promote positive attitudes to disabled persons;
- Encourage participation by disabled persons in public life; and
- Take steps to take account of disabled person's disabilities even where that means treating disabled persons more favourably than other people.

The Disability Discrimination Act 2005 gives the Council a specific duty to draw up a Disability Equality Scheme, identifying what the City Council will do to meet the general duties of the Act, including an outline of the Council's approach to Impact Assessment.

There are a number of groups locally with whom the City Council will be seeking to work co-operatively to draw up a Disability Equality Scheme including the Carlisle Access Group, the local sub-group of the Cumbria Race and Diversity Partnership and the Partnership itself.

The Acting Head of Strategy and Performance further recommended that the Community Overview and Scrutiny Committee be requested to monitor progress with the above initiatives.

The Executive, in agreeing to the recommendations contained in the report, considered that it was essential for staff to be involved and trained in equality issues and for any relevant Council procedures to be amended. The Executive also wished for the training on equality issues given to the Community Overview and Scrutiny Committee to be offered to all Members of the Council.

### **Summary of Options Rejected**

None

### **DECISION**

1. That the need for urgency in progressing the Impact Assessment Pilot be noted.
2. That it be agreed to consult community representatives and groups on the content of a comprehensive Equality Policy for the Council and a commitment to an audit of current performance.
3. That it be agreed to begin discussions with groups locally to develop a Disability Equality Scheme, once the Impact Assessment pilot has been completed.
4. That the report be referred to the Community Overview and Scrutiny Committee with a request that the Committee assist in monitoring progress on the above actions.
5. That training on equality issues be offered to all Members of the City Council.

## **Reasons for Decision**

To ensure that the Council fulfils its statutory duties to promote equality of opportunity and good race relations and to prevent unlawful discrimination, and to meet the Local Government Equality Standard target by March 2006.