
Report To:	Policy and Resources Committee	Date:	07 February 2012
Report By:	Corporate Director Education and Communities	Report No:	PR049/12/AH/WB
Contact Officer:	Wilma Bain (Head of Education)	Contact No:	01475 712824
Subject:	Corporate Equalities Group Update and Action Plan 2011-12		

1.0 PURPOSE

- 1.1 The purpose of this report is to update the Policy and Resources Committee on the work of Inverclyde Council's Corporate Equalities Group in light of the new Equality Act 2010.

2.0 SUMMARY

- 2.1 The Corporate Equalities Group was reconvened in September 2010 following a restructure of Inverclyde Council in April 2010. Much of the membership of the Corporate Equalities Group was refreshed including the chairing of the group which was taken over by the newly appointed Head of Education in September 2010.
- 2.2 Between September 2010 and December 2011, the Corporate Equalities Group has met on 12 occasions. The focus of these meetings has primarily been on the legislative requirements associated with the new Equality Act 2010 and the associated public Sector duties.
- 2.3 The Corporate Equalities Group has produced an Action Plan (see Appendix 1) for consideration and approval by the Policy and Resources Committee which aims to ensure a consistent approach to promoting equalities across all Directorates and in doing so meet the necessary legislative requirements.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that Policy and Resources Committee approve the Corporate Equalities Group's Action Plan 2011-12 for implementation across all Directorates and Services.

Albert Henderson
Corporate Director of Education and Communities

4.0 BACKGROUND

4.1 Background to Corporate Equalities Group

The purpose of the Corporate Equalities Group is to reinforce and progress the Council's commitment to Equalities and in doing so comply with associated legislative requirements.

The Corporate Equalities Group was reconvened in September 2010 although progress was still being made in a number of areas relating to Equality and Diversity. The membership of the group was refreshed and the newly appointed Head of Education took on the role of chairing the group. A list of current members of the Corporate Equalities Group is shown in Appendix 2.

The focus of the Corporate Equalities Group is to:

- drive the Council's commitment to Equalities consistently across all services to ensure better equality outcomes
- ensure we are meeting our legislative duties as outlined in the Equality Act 2010
- establish a robust performance and planning framework for Equalities

4.2 Equality Act 2010 – Key Messages

The Equality Act 2010 replaces previous anti-discrimination laws with a single Act. The majority of the Act came into force on 1 October 2010.

Prior to the Equality Act 2010, there were 3 separate public sector equality duties covering race, disability and gender. The Equality Act 2010 replaced these with a new single public sector equality duty covering the protected characteristics of race, sex, disability, sexual orientation, religion and belief, age, gender reassignment, and pregnancy and maternity.

The Equality Duty consists of a **general duty** and **specific duties**. The purpose of the specific duties is to enable the better performance of the general duty.

4.3 General Duty

The general duty has 3 aims. It requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups
- foster good relationships between people from different groups

Having *due regard* means consciously thinking about the 3 aims of the general duty as part of the process of decision-making.

Whilst there are many examples of work undertaken to tackle unlawful discrimination, the role of public bodies in advancing equality and fostering good relations is less developed. Greater emphasis will require to be placed on how we engage with people who may be experiencing barriers to accessing services or opportunities as a result of a lack of support or thought in relation to their particular requirements e.g. a disability, maternity.

The general duty came into effect on 5 April 2011.

4.4 Specific Duties

The specific duties require public bodies to set specific measurable equality objectives and to publish information about their performance on equality, so that the public can hold them to

account. All information must be published in a way that makes it easy for people to access it.

Public bodies covered by the specific duties must publish sufficient information to show that they have considered the 3 aims of the general duty across their functions.

Under the specific duties, public bodies must publish evidence of equality analysis they have undertaken to establish whether their policies and practices would further, or have furthered, the three aims of the general duty.

On 8 March 2011 the Scottish Parliament's Equal Opportunities Committee voted against introducing the proposed specific duties under the Equality Act 2010. A further national consultation exercise on 'Public Sector Equality Duty – Revised Draft Regulations' was undertaken towards the end of 2011 with a submission date of November 2011. Inverclyde Council's response to this exercise is shown in Appendix 3.

Despite the specific duties not having been introduced at the same time in Scotland as the rest of the UK, it is recommended that the Council works towards the duties until further advice is received. This is particularly important in terms of Equality Impact Analysis, as we will be unable to determine whether we are discriminating or advancing equality without some form of analysis of service delivery and policies/strategies.

4.5 Work of the Corporate Equalities Group (September 2010 – December 2011)

The Corporate Equalities Group has met on 12 occasions between September 2010 and December 2011. The focus of the meetings has primarily been on understanding the legislative duties arising from the Equality Act 2010 and what these mean for Inverclyde Council. In addition, meetings have focused on the response to the national consultation exercise on the Public Sector Equality Duty, and devising an Equalities Action Plan. An outline of the discussions and activities undertaken during each of these meetings is shown in Appendix 4.

Key outputs from the group include:

- facilitation of the Equality Impact Analysis of the budget decisions
- revision of the Equality Impact Analysis guidance and toolkit
- the inclusion of consideration of Equality and Diversity in the Directorate Planning guidance
- engagement with communities and groups representing people with protected characteristics eg ICOD, Polish Group, BME Women's Group
- development of Policy Development Framework, including Equality and Diversity
- development of Equality and Diversity e-learning

A revised Equality Impact Analysis Guidance and Toolkit, was approved by CMT for re-distribution to Services at the proposed launch event early in 2012. This documentation is also available through the Equality page on ICON.

4.6 Recommendations

To comply with the legislative requirements from the Equality Act 2010 and establish consistency across the Council, the Corporate Equalities Group has produced an Equalities Action Plan for 2011-12 which incorporates a series of recommendations which were approved by the Corporate Management Team in August 2011:

- A launch event be held for representatives from all services to raise awareness of the Equality Act 2010 and the public sector duty requirements
- A leaflet be produced for staff and elected members which summaries the Equality Act 2010, setting out the Council's commitment to Equality
- All services will require to undertake an Equality Impact Analysis for any new or

revised policies/procedures, and future budget savings exercises

- All Directorate Plans and Service Plans take into consideration the issue of equality and the requirements of the public sector duty including how they will advance equality of opportunity
- E-learning training on Equalities is made mandatory for all new staff, and linked with the Performance Appraisal process to monitor completion of the training course
- Training on the new Equality Act is given to all elected members
- A portal facility be established on ICON containing all Council equalities advice documents and associated templates
- A portal facility be established on the Council's website for public performance reporting on Equalities

4.7 Launch Event

The Corporate Equalities Group feel that the best way to take Equalities forward and ensure consistency across all Services is initially through an Equalities event. The suggested programme for this event is shown in Appendix 5.

4.8 Next steps for the Corporate Equalities Group

- Progress the Equalities Action Plan 2011-12 (if approved by the Policy and Resources Committee)
- Refresh and re-establish the Equality Champions Network
- Provide guidance to all Directorates/Services on monitoring the implementation of the public sector duty through the development of an Equalities Monitoring Framework
- Identify and disseminate examples of best practice in promoting Equalities across the Council
- Develop common approaches to Equality Impact Analysis with NHS colleagues through the CHCP
- Strengthen Community Engagement around the protected characteristics.

Appendix 1

DRAFT - Inverclyde Council Corporate Equality Action Plan 2011 - 12

Where are we now?	Where do we want to be?	How will we get there?	How will we know?	Who is leading/involved?	How does it fit?	When will we get there?
Little awareness of equality and diversity and new public sector duties	All staff and elected members have awareness of appropriate legislation, an understanding of how they should engage with customers with protected characteristics, and how to reflect this in their Service delivery	Launch event for equality and diversity for the Council (focus on team leaders and Service Managers)	Launch event held.	Corporate Equality Group	Vision and values in Corp Plan and SOA. Workforce Development Strategy.	By Feb/ March 2012
		Develop information leaflet for staff and elected members	Leaflet distributed to employees and elected members	Corporate Equality Group or sub group involving Corp Comms	Workforce Development Strategy	March 2012
		E-learning package to be rolled out across the Council	Package available on e-learning platform. This training will be mandatory for all new staff as part of their induction programme.	HR/OD Carol Reid	Workforce Development Strategy. Organisational Development	March 2012
		Elected member training to be carried out	Elected members have been trained	Members of Corporate Equality Group, Member Services	Elected Member Development	Induction post election (June or August 2012)

Appendix 1

Where are we now?	Where do we want to be?	How will we get there?	How will we know?	Who is leading/involved?	How does it fit?	When will we get there?
		Develop learning package for employees who have no access to e-learning	Package available for cascade to team through team meetings	HR/OD Carol Reid (use e-learning package to develop)	Workforce Development Strategy. Organisational Development	March 2012
		Develop Equality pages on ICON	ICON pages set up and information available for all employees	Corporate Policy/ Corporate Comms	Workforce Development Strategy. Organisational Development	By December 2011
No Corporate document setting out the Council's commitment to meeting the new Single Equality Act duties	Council clearly states what the Act means to it, how it will meet its duties to ensure a consistent approach to promoting Equalities across all Directorates	Develop a Single Equality Strategy document for the Council, including consultation.	Strategy published and publically available via Council website	Corporate Equality Group, Community Engagement and Capacity Building (CECBN) Network	Vision and values in Corp Plan and SOA.	First P&R Committee after recess in 2012
No consistent approach to equality impact analysis of policies and services	All new and significantly changing policies, services, and budget exercises will carry out an Equality Impact Analysis to determine positive and/or negative impacts on people with protected characteristics, linking to self evaluation	Develop common approaches to Equality Impact Analysis with NHS colleagues through the CHCP	Common impact analysis process established	Corporate Policy and Partnership Manager	Vision and values in Corp Plan and SOA.	March 2012
		Roll out refreshed Equality Impact Analysis training and Guidance	Number of Equality Impact Analysis reports increases	Corporate Equality Group	Vision and values in Corp Plan and SOA.	March 2012

Appendix 1

Where are we now?	Where do we want to be?	How will we get there?	How will we know?	Who is leading/involved?	How does it fit?	When will we get there?
	processes.					
No consistent approach to performance measurement of equality and diversity practice takes place across the Council	Guidance is available to all Directorates/ Services on monitoring the implementation of the public sector duty through the development of an Equalities Monitoring Framework	Develop an Equalities Monitoring Framework (including work force monitoring and Service user monitoring)	Performance Indicators are routinely reported to P and R Committee	Corporate Equality Group	CHRIS 21 system. Customer Service Strategy.	October 2012 with Strategy
		Develop Public Performance Reporting of Equalities (e.g. Evidence of engagement activities with diverse communities, Outcomes of these engagement activities, Changes made to Service(s) to meet needs of diverse communities where appropriate)	PPR reports contain more robust equality and diversity performance reporting.	Corporate Equality Group	Community Engagement Strategy. Public Performance Reporting Framework.	Annually in October/ November

Appendix 1

Where are we now?	Where do we want to be?	How will we get there?	How will we know?	Who is leading/involved?	How does it fit?	When will we get there?
Very little Community Engagement takes place with people with certain protected characteristics e.g. Minority Ethnic communities and LGBT communities	Community Engagement takes place with full representation of people with protected characteristics, which influences service development and delivery	Support IN/REN project with West of Scotland Regional Equality Council (WSREC). Develop ways of engaging with other protected characteristic groups.	CECBN and Council Services engaging with wider range of people with protected characteristics	Community Engagement and Capacity Building Network (CECBN) and all Services	Community Engagement Strategy. Customer Service Strategy.	INREN Project to March 2012. Engagement re Equalities Strategy to Oct 2012. Engagement development ongoing.
No agreed approach to translation and interpretation support	Services know how and where to access translation and interpretation services	Establish Translation and Interpretation support/information	Agreed list of suppliers available on ICON along with guidance.	Corporate Equality Network	PPR Framework. Customer Services Strategy.	End Dec 2011

APPENDIX 2

CORPORATE EQUALITIES GROUP MEMBERS

Education and Communities

Wilma Bain	Head of Education (Chair)
Iain Mills	Acting Quality Improvement Manager
Maggie Paterson	Service Manager, Community Learning & Development

CHCP

Andrina Hunter	Community Health & Care Partnership
Helen Watson	Community Health & Care Partnership

Organisational Improvement and Resources

Fiona Borthwick	Revenue & Benefits Manager
Tracy Bunton	Principal Benefits Officer
Miriam McKenna	Strategic Partnership Manager
Carol Reid	Employee Development Team Leader

Regeneration and Environment

Fraser Jarvie	Legal Services Manager
Elspeth Tierney	Facilities Manager – Cathcart House

ICOD

David Goldthorp	Inverclyde Council on Disability
Carol Hughes	Inverclyde Council on Disability
Johanna Stewart	Vice Chair, Inverclyde Council on Disability

Public Sector Equality Duty – Revised Draft Regulations

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Inverclyde Council

Title Mr ☒ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ *Please tick as appropriate*

Surname

Henderson

Forename

Albert

2. Postal Address

Corporate Director of Education and Communities

Municipal Buildings

Clyde Square

Greenock

Postcode PA15

Phone 01475

Email albert.henderson@inverclyde.gov.uk

3. Permissions

I am responding as...

Individual <input type="checkbox"/>	/	Group/Organisation <input checked="" type="checkbox"/>
Please tick as		

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

☒ Yes ☐ No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available ☒

Yes, make my response available, but not my name and address ☐

Yes, make my response and name available, but not my address ☐

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate

☒ Yes ☐ No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

☒ Yes ☐ No

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Consultation Questions

Question 1: Do you agree that if a public authority's equality outcomes do not cover all relevant protected characteristics, it should publish the reason(s) why?

☒ Yes ☐ No ☐ Don't Know

Please provide further information

We agree with this question for accountability and transparency purposes.

If we don't have capacity to build capacity with the community, how will we do this?

Also, some local authorities may not have community groups to link with eg LGBT group.

Detailed guidance on this requirement including a clear definition of 'Equality Outcome' would be welcomed.

Question 2: Do you agree that a public authority should publish the results of equality impact assessment?

☒ Yes ☐ No ☐ Don't Know

Please provide further information

This requirement is part of a routine process already. Published results should be available in a variety of accessible formats, including being made publicly available via libraries and Customer Service Centres for those members of the community who do not have home access to the internet.

Published results must show a clear link to our equality outcomes.

Question 3: Do you agree that a public authority's impact assessments should consider relevant evidence including any received from people with relevant protected characteristics in relation to the policy or practice in question?

☒ Yes ☐ No ☐ Don't Know

Please provide further information

Clarity is required here. What is the definition in this case of "relevant evidence"? There is a risk with this requirement of over-consulting with members of the

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community who have relevant protected characteristics.

Question 4: Do you agree that a public authority should make arrangements to review and where necessary change or revise existing policies and practices to ensure that these do not have a detrimental effect on its ability to fulfil the general duty?

☒ Yes ☐ No ☐ Don't Know

Please provide further information

We welcome the proposed review of existing policies/practices. However, how do we resource the capacity to ensure this requirement is fulfilled? This would have to be a progressive programme of policy/practice review. Timescales for this requirement would be helpful.

Question 5: Do you agree that a public authority should not be required to undertake an impact assessment where the policy or practice in question has no bearing on its ability to fulfil or otherwise the general duty (eg, purely technical or scientific matters)?

☒ Yes ☐ No ☐ Don't Know

Please provide further information

If the policy or practice in question does not affect people then a full equality impact assessment is not required. However, an appropriate screening process is required to determine whether people are affected or not. Advice on this requirement would be welcomed.

Question 6: Do you agree that authorities subject to the specific duties should be required to take reasonable steps to gather information on the relevant protected characteristics of employees, including information on the recruitment, retention and development of employees?

☒ Yes ☐ No ☐ Don't Know

Please provide further information

Clarification on "reasonable steps" would be welcomed.

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This information can easily be gathered from Equal Opportunities Forms issued as part of a recruitment pack for new employees. However, how do we gather the information relating to existing employees, particularly with regards to sensitive information?

Question 7: Do you agree that authorities subject to the specific duties should be required to use the employment information which they have gathered to assist progress on the general duty?

☒ Yes ☐ No ☐ Don't Know

Please provide further information

Guidance on what we are looking for would be helpful along with advice on how we should best collect and manage this information.

Question 8: Do you agree that authorities subject to the specific duties should be required to report on progress on gathering and using employment information, including an annual breakdown of information gathered, within the mainstreaming report.

☒ Yes ☐ No ☐ Don't Know

Please provide further information

We have the information. A template would be welcomed to assist with benchmarking.

Question 9: Do you agree that authorities with more than 150 employees should publish an equal pay statement, the first covering gender and the second and subsequent statements covering gender, disability and race?

☒ Yes ☐ No ☐ Don't Know

Please provide further information

We feel that the Scottish Government should take a lead in this as the Equal Pay Act is still not being fully applied across all employment sectors.

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Question 10: Do you agree that where a listed authority is a contracting authority and proposes to enter into a relevant agreement on the basis of an offer which is the most economically advantageous it must have due regard to whether the award criteria should include considerations relevant to its performance of the general duty?

☒ Yes ☐ No ☐ Don't Know

Please provide further information

We expect contractors to be fully aware of their role in supporting local authorities to meet the General Duty. This requirement should be built into the tender process.

Question 11: Do you agree that where a listed authority is a contracting authority and proposes to stipulate conditions relating to the performance of a relevant agreement it must have due regard to whether the conditions should include considerations relevant to its performance of the general duty?

☒ Yes ☐ No ☐ Don't Know

Please provide further information

The contract/Service Level Agreement should outline the clear expectations relating to delivery of the general duty.

Some guidance on performance indicators would be helpful.

Question 12: Do you have any other comments on the proposed draft Regulations?

Please provide further information

We feel that questions 10 and 11 are not particularly well-worded and could result in extreme confusion for members of the public who wish to participate in the consultation exercise.

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We are inviting responses by **25 November 2011**.

Please send this questionnaire with the completed Respondent Information Form to:

equalityduty@scotland.gsi.gov.uk

or by post to:

Graeme Bryce
Equality Unit
The Scottish Government
Area 2G
Victoria Quay
Edinburgh
EH6 6QQ

APPENDIX 4

CORPORATE EQUALITIES GROUP MEETINGS (SEPTEMBER 2010 – DECEMBER 2011)

Date	Focus of Meeting
20 September 2010	<ul style="list-style-type: none"> The Council's commitment to Equality – <i>Inverclyde Council Equality Statement</i> Best Value Toolkit: Assessment Matrix – Equalities Equality Act 2010 – New Public Sector Equality Duty
4 October 2010	<ul style="list-style-type: none"> Consultation on the new Public Sector Equality Duty
25 October 2010	<ul style="list-style-type: none"> New Public Sector Duty Draft Regulations and order – final look at response to consultation exercise before submission to the Scottish Government Equality Unit Taking forward the Best Value Toolkit: Assessment Matrix – Equalities – <i>moving from basic practice to better practice</i> Engagement with the LGBT Community
31 January 2011	Collated responses from Best Value Toolkit exercise <ul style="list-style-type: none"> Equality Act – 'What do we mean by Discrimination?' Workshop Equality Impact Assessment for Budget 2011/13
2 March 2011	<ul style="list-style-type: none"> Update on Equality Impact Assessment returns for Budget 2011/13 Equality Act 2010 – Public Sector Duty Equality Impact Assessment for Policies – <i>purpose, guidance and template, audit sheet</i> Group work: <ul style="list-style-type: none"> Update Equality Impact Assessment Guidance and Template Directorate/Service Plan Summary of general and specific duties – <i>leaflet for staff</i> Website update
18 April 2011	<ul style="list-style-type: none"> Public Sector Equality Duty update Follow-up from previous meeting: <i>Equality Impact Assessment update; Leaflet for staff update; Directorate Planning Guidance 2011/14 update</i> Best Value Toolkit Assessment Matrix – Equalities
17 May 2011	<ul style="list-style-type: none"> Equality Impact Assessment toolkit and template update Action Plan recommendations Launch event
13 June 2011	<ul style="list-style-type: none"> Report to CMT Equality Champions Network Inverclyde Anti-Stigma Partnership Education Equalities Advice Note
13 October 2011	<ul style="list-style-type: none"> Update on CMT Paper from Corporate Equalities Group Corporate Equalities Group Action Plan 2011-2012

Date	Focus of Meeting
	<ul style="list-style-type: none"> • National Consultation Exercise on Revised Draft Regulations – Specific Duties • In-Ren Project
31 October 2011	<ul style="list-style-type: none"> • Equality Act 2010: Specific Duties Consultation
21 November 2011	<ul style="list-style-type: none"> • Response to Consultation on Public Sector Equality Duty – Revised Draft Regulations • Feedback from SCEN (Scottish Council Equality Network) meeting – 16 November 2011 • Inverclyde Council's Corporate Equality Action Plan 2011-12
19 December 2011	<ul style="list-style-type: none"> • Launch event on Equality Act 2010 planning

APPENDIX 5

PROPOSED LAUNCH EVENT – EQUALITY ACT 2010

Proposed Date: March 2012

Proposed Venue: to be confirmed

Audience: Extended Corporate Management Team

Proposed Programme

- Opening remarks – J Mundell (Chief Executive) or Albert Henderson (Corporate Director of Education and Communities)
- Update on work of the Corporate Equalities Group
- Equality Act 2010 – key messages

Workshops (20 mins duration)

- 1 Requirement for Equality Impact Analysis
- 2 Interactive session on *What do we mean by discrimination?*
- 3 Legal Perspective – What if we don't comply?
- 4 Protected Characteristics – What does this mean for my Service?

Each workshop will be led by a member of the Corporate Equalities Group and a 2nd member of the Group will assist with note-taking etc.

- Demonstration of Equalities Information on ICON and E-learning Package
- Expectations/Next Steps
- Feedback Session