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**Meeting:** Executive  
**Date:** 4 May 2010  
**Subject:** Central Bedfordshire Council's Draft Single Equality and Diversity Scheme  
**Report of:** Cllr Stay, Portfolio Holder for Policy and Performance  
**Summary:** The report proposes that the Executive consider and approve the draft Single Equality and Diversity Scheme and recommends its adoption to full Council.

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**Advising Officer:** Richard Carr, Chief Executive.  
**Contact Officers:** Elaine Malarky, Head of Policy, and Clare Harding, Policy Adviser (Equality and Diversity), Office of the Chief Executive  
**Public/Exempt:** Public  
**Wards Affected:** All  
**Function of:** Council  
**Key Decision** Yes  
**Reason for urgency/ exemption from call-in (if appropriate)** Not applicable

## **CORPORATE IMPLICATIONS**

### **Council Priorities:**

Central Bedfordshire Council has stated in the Strategic Plan its desire to tackle inequalities and deliver services in such a way that people whose circumstances make them vulnerable are not disadvantaged. Tackling inequality cuts across every activity of the Council and relates directly to the achievement of the Council's five priorities:

- a) Supporting and caring for an ageing population
- b) Educating, protecting and providing opportunities for children and young people
- c) Managing growth effectively
- d) Creating safer communities
- e) Promoting healthier lifestyle

### **Financial:**

The proposals contained within this report will be met within existing budgets. At present the corporate approach is led by the Corporate Policy Adviser (Equality and Diversity) and there is a small revenue budget allocated in 2010/11 to develop and support corporate initiatives.

The aim of equality legislation is to ensure that resources invested in public services actually benefit all those they are aimed at or who need them. When developing proposals and making policy decisions, including those about finance and service provision, public authorities must comply with their statutory equality duties by ensuring that decisions are made in such a way as to minimise unfairness, and that they do not have a disproportionately negative effect on people from different ethnic groups, disabled people, and men and women.

**Legal:**

The current equality legislation we are required to comply with (see list below) fits within a framework of European directives designed to promote equality of opportunity.

- Equal Pay Act 1970;
- Sex Discrimination Act 1975 (Amended in 2006 by the Equality Act in the form of the Gender Equality Duty);
- Race Relations Act 1976 (Amended 2002);
- Disability Discrimination Act 1995 (Amended 2005);
- Employment Equality (Religion or Belief) Regulations 2003;
- Employment Equality (Sexual Orientation) Regulations 2003;
- Gender Recognition Act 2004;
- Employment Equality (Age) Regulations 2006;
- Equality Act 2006 (Part 2 introduced protection against discrimination on grounds of religion or belief in the provision of goods, facilities or services, etc); and
- Equality Act (Sexual Orientation) Regulations 2007.

This will be streamlined with the introduction of a single Equality Act which received Royal Assent on 8 April 2010 and is expected to come into full force from April 2011.

**Risk Management:**

Failure to comply with equality legislation can expose the Council to the risk of litigation and scrutiny by the Equalities and Human Rights Commission.

Individual employees or voluntary organisations have also brought legal action against councils which have resulted in very costly court judgements or out of court settlements. The latter can subsequently be investigated by the Audit Commission as a misuse of public funds.

Comprehensive Area Assessment will now test how well the Council knows and understands the nature and extent of inequality and disadvantage within our communities and how effectively it is working with partners to reduce or eliminate discrimination.

The development of a comprehensive, legally compliant Equality and Diversity Scheme and Action Plan helps to ensure that the Council is meeting these requirements, addressing any risks and taking the appropriate mitigating actions.

**Staffing (including Trades Unions):**

The Council has specific employment duties which are set out in equality legislation. The relevant commitments and actions in the Equality and Diversity Scheme must therefore also be reflected in the Council's People Strategy to ensure that these duties are met. A variety of learning opportunities must also be provided so that councillors and employees are knowledgeable about equality from both a service delivery and employment perspective.

Work is ongoing with Human Resources to ensure proper consideration is given to equality and diversity in the development of the Council's employment and training practices and procedures.

**Equalities/Human Rights:**

The draft Equality and Diversity Scheme and Action Plan must demonstrate the Council's awareness of all strands of equality legislation, the nature of inequality and the

action that will be taken across the Council to promote equality, tackle discrimination, eliminate harassment, and promote good relations and positive attitudes amongst different groups of people and encourage participation in public life.

### **Community Safety:**

Appendices 1 and 2 of the draft Equality and Diversity Scheme highlight a range of issues and barriers that different groups experience. In relation to community safety this can include violence against women (domestic violence, rape and sexual violence, sexual harassment, female genital mutilation, forced marriage, crimes in the name of honor, trafficking and sexual exploitation) and hate crime (any criminal offence committed against a person or property that is motivated by an offender's hatred of someone because of their race, colour, ethnic origin, nationality or national origins, religion, gender or gender identity, sexual orientation or disability). The statutory agencies that make up the Community Safety Partnership have a legal duty to investigate and address such crimes.

### **Sustainability:**

Compliance with equality legislation has a direct impact on a Council's ability to deliver against the sustainability agenda. Issues such as economic development, sustainable communities, quality of life and community cohesion are all factors which can be influenced by an individual's experience of inequality and discrimination.

These factors were highlighted by the findings of the Equality Review (commissioned by the Cabinet Office in 2006/07) which collected and analysed a wide range of evidence on inequality and concluded that the prosperity and cohesion of all communities are affected by differences in identity (for example gender, ethnicity and disability) and other factors such as changes in social mobility, migration and socio-economic conditions.

### **Summary of Overview and Scrutiny Comments:**

- At its meeting of 26 October 2009, the Business Transformation Overview & Scrutiny Committee (BT OSC) considered the report of the Portfolio Holder for Business Transformation, which set out the Council's statutory equality duties, the action that must be taken to meet these duties and provided the Committee with the opportunity to consider and comment on an early draft of the Council's Equality and Diversity Scheme.

Members of the Committee were fully supportive of the draft Scheme, and were content to endorse its submission to the Executive, subject to a number of comments and recommendations being incorporated within it before submission. Full details are set out in Appendix A.

- **Recommended** to the Executive to ensure this policy direction was followed through and delivered throughout the whole organisation and beyond. Members were firm in their view that the draft Scheme should contain sufficient enough detail regarding the provision of smart, targeted, Training & Development for both Members and officers to assist in the practical achievement of this policy direction.
- The draft Scheme should also highlight the responsibility of the individual to strive for self-reliance, a conviction which very much reinforced the concept of

Total Place and its primary theme of “from dependence to self-reliance”.

- The imperative to ensure the Council was legally compliant whilst striking the right balance between the costs and benefits arising from particular initiatives

## **RECOMMENDATION**

**That the Executive considers and recommends to full Council the adoption of the Draft Single Equality and Diversity Scheme for Central Bedfordshire.**

*Reason for Recommendation(s): To ensure that the Council complies with its statutory obligations.*

## **Executive Summary**

Public authorities have statutory duties to eliminate unlawful discrimination and promote equality of opportunity in respect of race, disability and gender. In recent years anti-discriminatory legislation has been extended to include age, religion or belief and sexual orientation. The government intends to streamline this legislation by introducing a single Equality Bill later this year which will also include provisions on age and access to services.

To comply with this legislation, local authorities must develop and publish Equality Schemes which clearly demonstrate:

- understanding of legal requirements;
- consideration of relevant evidence bases and local consultation findings; and
- a clear framework of actions that will be taken to meet these duties.

From the outset, Central Bedfordshire Council has brought together existing good practice from the legacy authorities and worked to mainstream equality across all its activities. In addition, as part of the development of the draft Scheme, careful consideration has been given to the prescriptive, statutory codes of practice, guidance and checklists which have been developed by the Equality and Human Rights Commission and which are used to test that local authorities are meeting all aspects of equality legislation. The Corporate Policy Team has also referred to best practice guidance including the new Equality Framework for Local Government.

To further inform this approach:

- consultation has been carried out with senior management and officers via Directorate Management Teams and officer workshops;
- third party input and guidance has come from the Equality Forum and an Equality Framework Assessor;
- the views of staff and residents have been considered as part of the Ipsos Mori Place Survey and Employee Survey;
- a further survey focusing specifically on the needs of disabled people has been conducted by the Disability Resource Centre; and
- in accordance with consultation requirements the draft Scheme has been published on our website and comments have been invited.

The draft Single Equality Scheme has three main dimensions:

- Central Bedfordshire vision and approach (See Appendix B - Sections 1-5)
- Action Plan (See Appendix B - Section 6). Many actions are already in progress.
- A toolkit of evidence and guidance to support managers in identifying issues and measuring outcomes (See Appendix C).

## **Introduction**

1. Promoting equality of opportunity is all about making life better for all our residents, especially some of the most vulnerable people living in our communities, such as older or disabled people, carers, people with low levels of literacy and people experiencing socio-economic disadvantage. It requires a focus on ensuring that everything we do in local government is accessible to everyone and recognition that people can experience the same situation differently. Success depends on the leadership embracing a strategic and coherent approach which makes equality and diversity principles an integral part of service design and employment practices.
2. Public authorities have statutory duties to eliminate unlawful discrimination and promote equality of opportunity in respect of race, disability and gender. In recent years anti-discriminatory legislation has been extended to include age, religion or belief and sexual orientation. The government intends to streamline this legislation by introducing a single Equality Bill later this year which will also include provisions on age and access to services.
3. To comply with this legislation, local authorities must develop and publish Equality Schemes which clearly demonstrate:
  - understanding of legal requirements;
  - consideration of relevant evidence bases and local consultation findings; and
  - a clear framework of actions that will be taken to meet these duties.
4. Progress in addressing these requirements will be tested by Comprehensive Area Assessment which includes tackling inequality as an underpinning theme of the assessment. The Council will need to demonstrate how well it knows and understands the nature and extent of inequality and disadvantage within local communities and how effectively it is working with partners to reduce or eliminate discrimination.

## **Central Bedfordshire Council's Approach**

5. From the outset, Central Bedfordshire Council brought together existing good practice from the legacy authorities and worked to mainstream equality across all its activities. The Corporate Policy Team, as the corporate facilitator and enabler, has placed a priority on:
  - assisting Directorate Management Teams to identify key issues and their support needs;
  - embedding statutory Equality Impact Assessment processes and informing the development of statutory plans and policies;
  - influencing the development of surveys with residents and employees;

- facilitating a variety of training and awareness raising opportunities;
  - supporting the Equality Forum to quality assure the Council's approach; and
  - developing a draft Single Equality Scheme which demonstrates the Council's awareness of all the equality duties and the actions that are being taken across the Council to meet these duties.
6. In developing these approaches the Corporate Policy Team has referred to best practice guidance including the new Equality Framework for Local Government. This was introduced by the IDeA in April 2009, and replaced the original Equality Standard. The Framework provides a more streamlined process for local authorities to ensure that they are addressing minimum statutory requirements and developing good practice across all parts of the Council.
  7. In developing the draft Scheme, careful consideration has been given to the prescriptive, statutory codes of practice, guidance and checklists which have been developed by the Equality and Human Rights Commission and which are used to test that local authorities are meeting all aspects of equality legislation.
  8. To further inform this approach:
    - consultation has been carried out with senior management and officers via Directorate Management Teams and officer workshops;
    - third party input and guidance has come from the Equality Forum and an Equality Framework Assessor;
    - the views of staff and residents have been considered as part of the Ipsos Mori Place Survey and Employee Survey;
    - a further survey focusing specifically on the needs of disabled people has been conducted by the Disability Resource Centre; and
    - in accordance with consultation requirements the draft Scheme has been published on our website and comments have been invited.
  9. The draft Single Equality Scheme has three main dimensions:
  10. Sections 1-5                      Central Bedfordshire Council's vision and approach  
 Section 6                              Action Plan. Many of these actions are already underway.  
 Appendices 1-8                      A toolkit of evidence and guidance to support managers in identifying issues and measuring outcomes.

### **Measuring Progress in Meeting Legal Duties**

11. The New Equality Framework has three levels which highlight the actions which must be taken and demonstrate the progress a Council is making in meeting the statutory duties:

Level 1 Developing – Understanding the importance of equality

Level 2 Achieving – Developing better outcomes

Level 3 Excellent. – Making a difference

12. The majority of continuing councils have been able to migrate their achievements from the old Equality Standard to the new Framework and have achieved Level 1 or 2. As we are a new unitary it has not been possible for Central Bedfordshire Council to directly migrate the legacy councils' achievements from the Equality Standard to the Equality Framework. The new council is in the process of developing its strategic plans and approach and therefore it would be assessed at present as working towards achievement of Level 1 of the Equality Framework. This means that continuing work is required to demonstrate a sufficiently robust approach towards meeting all of the legal duties.
13. The responsibility for complying with the new Equality legislation, meeting the 'Duty to Involve' and tackling inequality lies with all members and managers. If we are to demonstrate we are truly tackling inequality and embedding this in our strategic and operational approaches the Council will need to exhibit the following characteristics:
  - **Members and officers act as champions for equality**, understand the significance and take direct/personal responsibility for promoting greater equality.
  - **Engagement takes place** with all strategic partners and the third sector to achieve defined equality outcomes.
  - **Equality objectives** form an integral part of organisational planning.
  - **All services conduct Equality Impact Assessments**, identify good practice and take action to mitigate adverse impacts.
  - **Staff are well-trained** and understand the particular needs of customers.
  - **Inclusive consultation processes** engage stakeholders and provide opportunities to scrutinise and challenge performance on equality issues.
  - **Exemplary employment practices** can be seen.
  - **Evidence of real outcomes** - improved equality in services and employment.
14. A local authority may find that it can provide examples of excellent practice in certain service areas but can then be let down by poorer performance elsewhere. Poorer performing service areas also present a potential risk as they are more likely to attain poorer inspection outcomes or may be subject to external challenge and litigation. If they are not implementing the framework they will be unable to provide an adequate defence of their position and so could increase the likelihood of financial settlements being awarded.
15. In order to demonstrate good practice and legal compliance in tackling equality, the above characteristics must be exhibited across all parts of the Council. Emphasis therefore needs to be placed on ensuring that consistent practices are developed across all parts of the Council and that this is championed by senior managers.

## Conclusion and Next Steps

16. Central Bedfordshire Council is making good progress in setting in place the foundations which will be required to ensure a robust approach to tackling inequality. Upon publication, the Council's Equality and Diversity Scheme will clearly articulate to partners, stakeholders, local communities and employees our commitments and direction of travel on this agenda.

17. All councillors and employees have an important role to play in ensuring that we deliver this agenda. Ultimately, the Council's performance on equality will be measured, not by what we say, but by what we achieve in relation to delivering better outcomes for vulnerable groups.
18. The actions identified in the scheme and summarised in section 13 above, will help ensure the development of a solid platform on which we can continue to build.

**Appendices:**

Appendix A – Overview and Scrutiny comments

Appendix B - Draft Single Equality and Diversity Scheme (Sections 1 -6)

Appendix C - Draft Single Equality and Diversity Scheme Appendices 1-8 – Available electronically via the following link:

[http://www.centralbedfordshire.gov.uk/images/100504\\_Appendix\\_C\\_Draft\\_Single\\_Equality\\_and\\_Diversity\\_Scheme\\_Appendices\\_1-9\\_v1.0\\_tcm5-27280.pdf](http://www.centralbedfordshire.gov.uk/images/100504_Appendix_C_Draft_Single_Equality_and_Diversity_Scheme_Appendices_1-9_v1.0_tcm5-27280.pdf)

**Background Papers:** (open to public inspection)

Equality and Human Rights Commission Guidance – Developing Equality Schemes

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**Location of papers:**

Papers are held electronically or in hard copy at Melbourne House.