
REPORT TO:	FINANCE & MANAGEMENT COMMITTEE	AGENDA ITEM: <u>8</u>
DATE OF MEETING:	21ST JUNE 2012	CATEGORY: DELEGATED
REPORT FROM:	HEAD OF CORPORATE SERVICES	OPEN
MEMBERS' CONTACT POINT:	KEVIN STACKHOUSE kevin.stackhouse@south-derbys.gov.uk	DOC:
SUBJECT:	CORPORATE EQUALITIES & FAIRNESS ANNUAL REPORT 2011/12 & ACTION PLAN 2012/13	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 That Members approve the new Corporate 'Equalities' Policy Statement shown in Appendix A.
- 1.2 That Members approve the Action Plan for 2012/13 shown in Appendix B and accept the Corporate Equalities and Fairness Scheme Annual Report for 2011/12. The Annual Report is available on the Council's intranet page:

<http://harvey/corporate/organisationaldevelopment/policy/equalities/folder.2010-01-27.4311156997/>

2.0 Purpose of Report

- 2.1 This report looks back at the achievements in 2011/12 and the changes proposed to the Council's approach to Equalities following the implementation of the Equalities Act 2010.
- 2.2 It also proposes a new Corporate Equalities Policy Statement for the Council to replace the Corporate Equalities and Fairness Scheme and the new requirement to publish Equalities data and Council's Equalities Objectives.
- 2.3 The report also details how we have revised our approach to Equality Impact Risk Assessments with the new Equality Impact Assessments.

3.0 Background

- 3.1 At the end of March 2012, the Council reviewed its existing Corporate Equalities and Fairness Scheme to take account of recent changes in legislation and best practice.

- 3.2 In particular, consideration has included the changes arising from the requirements of the Equality Act 2010, the completion and outcomes from Equality Impact Risk Assessments (EIRAs) and the recommendations made by the independent peer assessors following the Council's successful accreditation to 'Achieving ' status under the previous Equality Framework for Local Government (EFLG) in March 2010.

Equality Act 2010 (the 'Act')

- 3.3 The Act places a (Public Sector) Duty on the Council that came into force on the 6th April 2011, to have due regard to the need to:

- **Eliminate unlawful discrimination**, harassment and victimisation;
- **Advance equality of opportunity** between all persons i.e. removing or minimising disadvantages suffered by 'protected' groups; taking steps to meet the needs of people from 'protected' groups where these are different from the needs of other people and encouraging people from 'protected' groups to participate in public life or other activities where participation is disproportionately low; and,
- **Foster good relations** between all people, for example tackling prejudice and promoting understanding between people from different groups.

- 3.4 The Duty covers the following 'protected' groups:

- age
- all forms of disability set out in the Act
- race
- sex (gender)
- pregnancy and maternity
- religion or belief (and non-belief)
- sexual orientation
- gender re-assignment
- marriage and civil partnership (with regard to eliminating discrimination)

- 3.5 The Duty ensures that the Council plays its part in making society fairer by tackling discrimination and providing equality for all. For instance, by considering how its policies, the decisions reached and the services and other functions it delivers affect people from different 'protected' groups.

- 3.6 There is no longer a requirement for the Council to produce equality schemes, action and engagement plans, staff training schedules, annual reports and equality impact risk assessments. The emphasis is now being placed on reducing these bureaucratic processes with a focus on transparency and performance for the general public. However, as a community leader it is important that the Council clearly outlines its approach to meeting the Public Sector Duty within the Equality Act.

Autism Act 2009

- 3.7 The Act made two key provisions:

- that the Government produce an adult autism strategy by 1 April 2010
- that the Secretary of State for Health issue statutory guidance for local authorities and local health bodies on supporting the needs of adults with autism by 31 December 2010.

- 3.8 The guidance sends a clear message that local councils and local NHS bodies in England must improve:
- training for their staff
 - identification and diagnosis of autism in adults
 - planning of services for people with autism, including the transition from child services to adult services
 - local leadership.

Demonstrating Compliance

- 3.9 There is no explicit legal requirement to collect and use equality information across the 'protected' groups, in order to have '**due regard**' to the aims of the general Equality Duty. Instead the Council needs to understand the impact of its policies and practices on those people with 'protected' groups.
- 3.10 Therefore, the Council must publish relevant and appropriate information to demonstrate compliance with the general duty. This can be evidenced in a variety of ways, such as minutes of a meeting, in a committee report, or by the publication of the data that supported a key decision. However, the information must be published in a manner that is accessible to the public. The published information may be contained within another document.
- 3.11 The publication of this Annual Report and Action Plan demonstrates the impact of the Council's employment functions on people with different 'protected' groups and how service users are affected by its policies and practices.

4.0 Progress made during 2011/12

- 4.1 Outlined below are some of the key outcomes achieved during 2011/12

Equalities Act 2010

A review of all the documentation, policies and procedures has been undertaken, in light of the requirements and complying with the Equalities Act 2010. These include:

- **Equalities Policy Statement** – this was revised in March 2012 and sets out clearly our commitment to advancing equality and celebrating fairness within South Derbyshire. (See Appendix A)
- **Corporate Equalities & Fairness Scheme Annual Report 2011/12 & Action Plan 2012/13.** This document now informs the Council's work in terms of local and national data, equalities monitoring information about the way we deliver our services and in our employment practices. Case studies are included to highlight work in support of meeting the Public Sector Duty. An Action Plan is also included to address shortfalls in information, future reporting and to demonstrate continuous improvement. (See Appendix B.)
- **Equality Analysis (EqIAs)** – Draft documentation and an accompanying 'toolkit' for managers have been prepared. This will be launched with training during 2012/13. EqIAs are a simplified 'fit for purpose' externally focussed process that is in line with current best practice. This will ensure that relevant equality issues are considered when decisions are being made regarding the provision of services for the Community and employment practices.

- **Equalities Objectives** – These have been taken from the Council's current Corporate Plan and Sustainable Community Strategy and are the outcomes of extensive consultation exercises. The following three equality objectives were published on the Council's website 6th April 2012 and progress against these will be monitored over the next 4 years.

These are:

- a) Provide services which reflect the communities of South Derbyshire and accessible to users.
- b) Work with Partners to help enable younger people to access employment opportunities in South Derbyshire.
- c) Enhance opportunities for vulnerable people to access suitable housing to live independently at home for longer.

Equality Impact Risk Assessments (EIRAs)

EIRAs have been completed on all the Council's policies and procedures, in accordance with the planned schedule for 2011/12. The EqlA as outlined above will now replace this process. Details of the completed EIRAs are to be published on the council website.

Training

An e-learning module has been prepared on the requirements of the Equality Duty and its related impact on employees and will be rolled out during 2012/13.

Consultation and Engagement

The Council continues to work with the Communities and Equalities Group, chaired by the Equalities Member Champion, Councillor Mrs. Patten; as well as working with our partner organisations such as the South Derbyshire Council for Voluntary Service and Derbyshire County Council.

Community Events

Over the last year we have provided support for a number of community events such as Liberation Day, Healthier South Derbyshire Day, Festival of Leisure and South Derbyshire Day at Pride Park.

Workforce Profile

The Council also publishes its Workforce Profile on annual basis.

4.2 Actions planned for 2012/13

Activities in 2012/13

During 2012/13, the Council will look to deliver a number of activities to continue to improve Equalities and Fairness across the district, some of these activities include:

- An updated Equalities Profile of the District using the 2011 Census data to develop our knowledge and understanding of the communities we serve.
- Working in partnership with the South Derbyshire Council for Voluntary Service to increase awareness of other communities in South Derbyshire.
- Providing a range of training activities that raise awareness of responsibilities under the Equality Act 2010 and the Autism Act 2009.

5.0 Financial Implications

- 5.1 There are no specific financial implications arising from the report. Any training requirements, for example will be contained in existing budgets.

6.0 Corporate Implications

- 6.1 The Council's commitment and approach to Equalities and Fairness is set out in its revised Policy Statement which will be implemented through the Council's Performance Management Framework.
- 6.2 As an employer, and a provider of services, the Council is committed to advancing equality of opportunity and providing fair access and treatment in employment and when delivering services.

7.0 Community Implications

- 7.1 In supporting the Council's vision of making '*South Derbyshire a better place to live, work and visit*' the Council has a number of 'values' that lie at the core of everything it does, that help us make a difference for people and our communities within South Derbyshire.
- 7.2 The Council wants all of its communities whether they are large or small, rural or urban to be strong places of togetherness and belonging. In particular, the Council will support every person and employee in realising their full potential, to exercise genuine choice and control over their lives, and in participate fully in the community life of South Derbyshire.

8.0 Equalities Implications

- 8.1 This report demonstrates that the Council commitment to equality issues and compliance with the Equality Duty.

9.0 Conclusions

- 9.1 The Council continues to make positive progress in line with its Equalities Policy. In particular, by meeting the three main aims of the Equality Duty, which are:
- to have due regard to eliminate unlawful discrimination;
 - advance equality of opportunity; and,
 - foster good relations between people who share a protected characteristic and those people who do not.
- 9.2 The revised Corporate Equalities and Fairness Scheme Annual Report informs the work of the Council by providing equality information on the District's demography; its workforce; the way we deliver services service users, and then identifying gaps in information and future reporting. These gaps are addressed within the Report's 2012/13 Action Plan.

10.0 **Background Papers**

Corporate Equalities and Fairness Scheme Annual Report

<http://harvey/corporate/organisationaldevelopment/policy/equalities/folder.2010-01-27.4311156997/>

Equality & Human Rights Commission, '*Equality Information and the Equality Duty: A Guide for Public Authorities*,' 2nd Edition (December 2011)

Equality & Human Rights Commission, '*The Essential Guide to the Public Sector Equality Duty*,' 2nd Edition (January 2012)