

**REPORT TO: COMMUNITIES COMMITTEE 16 FEBRUARY 2010**

**SUBJECT: EQUALITIES UPDATE**

**BY: CHIEF EXECUTIVE & CHIEF LEGAL OFFICER**

**1. REASON FOR REPORT**

- 1.1 The Communities Committee is asked to note the proposed introduction of a new Single Equality Duty and the establishment of an Equality & Diversity Advisory Forum to champion the requirements arising from this duty.
- 1.2 This report is submitted to Committee in terms of Section H(12) of the Council's Scheme of Administration relating to formulating, supervising the implementation of and reviewing as necessary the policies and practices of the Council in relation to its arrangements for promoting, fostering and maintaining equal opportunities.

**2. RECOMMENDATION**

- 2.1 **The Communities Committee is asked to note the proposed introduction of a new Single Equality Duty and are advised of the establishment of the Equality & Diversity Advisory Forum to champion the requirements arising from the proposal throughout the Council.**
- 2.2 **The Committee is also asked to agree to the development of a Training Strategy to meet the requirements of the legislation.**

**3. BACKGROUND**

- 3.1 The UK Government introduced the Equality Bill in April 2009. The legislation is intended to simplify, strengthen and where possible harmonise current equality legislation into a single approach. It will simplify the three existing equality duties on race, gender and disability into a new general Equality Duty which will require public authorities to be active in promoting equality, eliminating unlawful conduct and fostering good relations. The new Equality Duty also extends coverage to five new strands, sexual orientation, age, religion or belief, pregnancy and maternity and gender reassignment.
- 3.2 The main elements of the Bill are:-
- Introducing a new single equality duty
  - Using public procurement to improve equality through the public sector duties
  - Banning age discrimination in the provision of goods, facilities or services and public functions
  - Report on the gender pay gap and ethnic minority and disability employment rates

- Ban secrecy or “gagging” clauses which stop employees discussing their pay with their colleagues
- Extending positive action measures to allow employers to make their organisation or business more representative.
- Political parties will be allowed to use all-women shortlists beyond 2015 and until 2030
- Strengthening the powers of employment tribunals
- Protect carers from discrimination
- Strengthening protection from discrimination for disabled people
- Introducing a new duty on the public sector to consider reducing socio-economic inequalities in the planning and monitoring of the services (this does not apply to Scotland except where functions carried out in Scotland are reserved to the UK Parliament)

#### **4. REPORT**

- 4.1 In response to the new Equality Duty a Council-wide Equality & Diversity Corporate Advisory Forum (E&DCAF) has been established to discuss how to meet the requirements of the proposed Bill. One Senior Officer from each department is represented on this Forum and will agree on how to progress the equalities agenda.
- 4.2 The E&DCAF is producing for the Council a Single Equality Scheme in consultation with the Equalities Forum. This will replace the existing Race, Gender and Disability Schemes and set out in one document how the Council will meet its equality requirements whilst extending to the new equality strands. This scheme will highlight how we extend to the new strands our continuing requirements to:-
- Impact assess our policies and activities to identify improvements to services and to gather service users information
  - Consult with equality groups to ensure services are meeting the needs of the community
  - Train our staff on equality issues
  - Monitor the progress with regard to the equalities agenda
  - Report on our progress against the Scheme annually
- 4.3 Services continue to impact assess their policies and activities and this is closely monitored by the Equal Opportunities Officer (EOO). Representatives of the E&DCAF have agreed to ensure these assessments are carried out and that any delay in producing these assessments are reported to the EOO. All completed assessments will be scrutinised by the E&DCAF and those which are relevant will be sent to the Equalities Forum for consultation purposes. In addition the Equalities Forum will be provided with a list of all other completed assessments and can choose any they want to see. This process of scrutiny and consultation will ensure thorough assessments are carried out and enable challenging recommendations to be identified to improve services.
- 4.4 The E&DCAF are discussing the requirement to train all staff in equality issues. It has been agreed that an audit of equalities training already

completed within departments will be carried out. Managers will identify what training they believe is required for their staff, for example, role specific or general, face-to-face or on-line. A training strategy will be developed by the E&DCAF to meet legislative requirements and to ensure that a systematic programme of appropriate training is delivered. The financial and resource implications will be apparent at this time.

- 4.5 The E&DCAF will monitor progress against the equalities agenda. Reports will be prepared for Policy & Resources, Communities Committee and the Corporate Management Team to ensure we are meeting our duty and reporting any problems as they arise. Progress reports will be made available to the public annually by publishing reports on the Moray Council website.

## **5. SUMMARY OF IMPLICATIONS**

### **(a) Single Outcome Agreement/Service Improvement Plan**

Meeting the requirements of the proposed Single Equality Bill will assist the Council to achieve National Outcome 7 which states "We have tackled the significant inequalities in Scottish society". In addition, the Council has made a commitment to develop a culture, which encourages both equal opportunities and the observance of equal opportunities.

### **(b) Policy and Legal**

The Council will have a legal duty to meet the requirements arising from the Single Equality Bill if enacted. The risk of not meeting our duties is prosecution for non-compliance.

### **(c) Resources (Financial, Risks, Staffing and Property)**

There may be additional financial implications arising from the Single Equality Scheme in order to implement actions. The resources associated with the Training Strategy could be significant in terms of staff time and costs associated with trainers. There will be a requirement for staff to comply with equalities legislation. Managers will be required to identify and release staff for training. There is a requirement for managers to ensure equality impact assessments are carried out in depth. Once the implications have been quantified a report will be provided to Policy and Resources Committee if additional resources are deemed to be required.

### **(d) Consultations**

The E&DCAF has been consulted on this report.

**6. CONCLUSION**

- 6.1 The Communities Committee is asked to note the proposed introduction of a new Single Equality Duty and are advised of the establishment of the Equality & Diversity Advisory Forum to champion the requirements arising from the proposal throughout the Council.**

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Background Papers:

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