

**REPORT TO: AUDIT & PERFORMANCE REVIEW COMMITTEE 23<sup>RD</sup> APRIL 2008**

**SUBJECT: EQUALITIES LEGISLATION: PROGRESS UPDATE**

**BY: CORPORATE POLICY UNIT MANAGER**

**1. REASON FOR REPORT**

- 1.1 The Audit & Performance Review Committee is asked to review performance against the equalities agenda as led by the Chief Executive's Office.
- 1.2 This report is submitted to Committee in terms of Section A (35) of the Council's Administrative Scheme relating to the implementation of and review as necessary of the policies and practices of the Council in relation to its arrangements for equal opportunities as defined in Schedule 5 to the Scotland Act 1998.

**2. RECOMMENDATION**

- 2.1 The Audit & Performance Review Committee is asked to review performance against the equalities agenda as led by the Chief Executive's Office.**

**3. BACKGROUND**

- 3.1 A report was submitted to Policy Committee on 19<sup>th</sup> December 2007 highlighting progress with regard to meeting equalities legislation. Following scrutiny of the progress to date, the Chair of the committee asked for a report to be submitted to this meeting.
- 3.2 Though the duties have been placed on the Council for a number of years, over the last year alone, the Council has been required to:-
- Produce a Disability Equality Scheme and action plan
  - Produce a Gender Equality Scheme and action plan
  - Produce an Equal Pay Statement
  - Produce an Educational Services Gender Equality Scheme
  - Revise our Race Equality Scheme and Race Equality Policy
  - Provide interpretation and translation services
  - Collect statistics by racial group for all prospective and current employees
  - Produce an annual report on race equality monitoring
  - Produce an annual progress report for the Race Equality Scheme
  - Produce an annual progress report for the Disability Equality Scheme
  - Carry out equality impact assessments across all functions and policies
  - Participate in an Equality Audit
  - Train our staff in equality issues
- 3.2 In order to meet requirements of the Equalities Duties a number of tasks have been carried out. These include:-

- Schemes' have been written and reviewed for the Race, Disability and Gender duties.
  - Actions within the action plans continue to be carried out.
  - An audit of equalities work within departments has been completed.
  - The Happy to Translate Logo initiative has been launched within all services offering interpretation and translation services. The uptake of these services are recorded and monitored.
  - Guidance to staff on equality issues has been written and distributed to managers.
  - Leaflets with regard to minimum legislative requirements and facts on equality issues have been distributed to managers.
  - Training staff in equality issues began last year and will continue in April 2008.
  - Impact assessment guidance and a template has been created, with limited impact assessments having been carried out. High impact assessments which are mainly relevant to front-line services are now an urgent piece of work.
  - Performance indicators for recording progress against impact assessments and general equalities measures will be ready for recording as of April 2008.
  - Consultation with specific (but not all) equalities groups has been carried out. Groups have now been identified for consultation purposes.
  - Monitoring of policies and functions is being conducted via Racial Incidents Monitoring Forms, Grievance Procedure, Complaints Procedure
  - Annual progress reports are being published as and when required.
  - An equalities website has been created for the publication of impact assessments and results of consultations once available, in addition to other equalities work.
  - Welcome Packs have been produced in Polish, Portuguese, Chinese, Russian and English.
- 3.3 Despite this work above the equalities agenda is so vast that the Council has been criticised as to not complying with the legislation by the Equalities Commissions. Moray Council has received two letters of dissatisfaction.
- 3.4 Educational Services received a letter from the Equal Opportunities Commission in September 2007. This stated that the Commission was "minded to start formal legal enforcement proceedings against the Authority by serving a Compliance Notice". This was due to the Council failing to publish the Educational Services Gender Equality Scheme by 29 June 2007. The Draft Educational Gender Equality Scheme was considered and withdrawn for further consideration at Committee in August 2007. This Scheme was approved in November 2007 and has now been published.
- 3.5 In addition a second letter was received from the Commission for Race Equality, stating that the Council was not compliant with the order against the duty to monitor prospective and current employees by racial group as of 2002. A system is now in place to satisfy this requirement.

- 3.6 The work associated with the Race Equality Duty has now been outstanding since 2005. Requirements associated with the Disability Equality Duty covers a timespan of 2006 – 2009, and the Gender Equality Duty from 2007 – 2010.
- 3.7 Requirements for the Race, Disability and Gender Duty which need to be addressed imminently are:-
- Complete, consult and publish the results of the equality impact assessments.
  - Create an Equalities Forum with partner organisations
  - Populate, analyse and report existing and additional monitoring data
- 3.7.1 Carrying out impact assessments is a huge piece of work, with all existing, new and revised policies and functions having to be assessed. Consultation is needed to inform these assessments. Once assessments have been completed, collation of all recommendations to eliminate discriminatory practice is required and implemented within services. Impact assessments need to be published and progress monitored.
- 3.7.2 The current position in relation to impact assessments is:-
- The Chief Executive's Office and Estates Services have carried out all of their impact assessments to date and have created action plans
  - Finance & ICT and Legal Services have prioritised all their policies and functions and have only a few to complete.
  - Housing and Direct Services have prioritised all their policies and functions and are at early stages of assessment, with a few complete.
  - Personnel have completed all high impact assessments and have prioritised all policies of medium relevance.
  - Developmental Services and Children, Families & Criminal Justice have started to carry out impact assessments however further work still needs to be prioritised.
  - Educational Services are restructuring their framework for existing policies and have prioritised existing policies with regard to relevance for equality issues. Training Senior Officers and Head of Establishments will be carried out before June after which assessments will commence.
  - Community care, although having completed training for impact assessments have yet to prioritise or carry out any assessments.
- 3.7.3 Although consultations have been carried out with equalities groups this has been for specific projects rather than the requirement for consultation on impact assessments. An advertisement was placed with relevant organisations to gain involvement from individuals with disabilities when creating our Disability Equality Scheme, however we received no interest. This may be due to consultation fatigue, as recent consultations had been held by both the NHS and the Council.
- 3.7.4 We are now looking towards setting up an Equalities Forum with partner organisations. This forum will enable equalities groups to bring issues of concern to the Partnership in order to plan joint action. The forum will also

provide a resource that the Partnership can call upon to ensure an equalities perspective is included in the development of policies, strategies or services. A meeting is scheduled with representatives in April 2008 to discuss the best way forward.

3.7.5 Our monitoring data needs to be updated and additional monitoring data created. Work planned or undertaken by Personnel includes:-

- Implementing updated ethnic categories on the HR system
- Gathering of employee data, which will be completed by mid May
- Procedures are in place to monitor applicants for employment and the number of employees receiving training

3.7.6 Performance indicators for monitoring progress against impact assessments and measures for general equalities information are being set up within our data collection system. Some departments already collect equalities information, others need to update their monitoring data before accurate figures are available. Analysis of statistics needs to be carried out to identify any gaps within our services. Once all data is in place, we should be in a position to identify these gaps.

3.8 The requirements to meet our duties is creating huge work pressures on all those involved. Most departments have reported restricted capacity due to competing priorities and already overstretched workloads, which has delayed carrying out this work. The Equal Opportunities Officer is also reaching capacity due to the increasing equalities legislation.

3.9 The establishment of a Working Group lead by Elected members will be recommended to the next Policy Committee.

#### **4 SUMMARY OF IMPLICATIONS**

##### **(a) Corporate Development Plan/Community Plan/Service Improvement Plan**

The Council has made a commitment to develop a culture, which encourages both equal opportunities and the observance of equal opportunities. It will also seek to improve access to services by all sectors of the community.

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

The Council has a legal duty to address equality issues. The risk of not meeting our duties is prosecution for non-compliance.

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

The requirements to meet our duties is creating additional work pressures on all those involved. Most departments have reported restricted capacity due to competing priorities and already

overstretched workloads, which has delayed carrying out this work. The Equal Opportunities Officer is also reaching capacity due to the increasing equalities legislation.

**(d) Consultations**

All departments have been consulted on this report.

**5 CONCLUSION**

**5.1 The Audit & Performance Review Committee is asked to review performance against the equalities agenda as led by the Chief Executive's Office.**

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Background Papers:

Ref: