
EQUALITY SCHEME 2012-16

Responsible Cabinet Member – Councillor Andy Scott, Health and Partnerships Portfolio

Responsible Director – Murray Rose, Director of People

SUMMARY REPORT

Purpose of the Report

1. To seek agreement and formal sign off for the Equality Scheme 2012-16 (attached at **Appendix 1**) and the arrangements for implementing the scheme.

Summary

2. The Equality Scheme 2012-16 (ES) has been drawn-up to support the Council in meeting the Public Sector Equality Duty established in the Equality Act 2012. This Single Equality Scheme has contained within it a single equality impact assessment (EIA) tool bringing together and replacing the current multiple Council schemes and EIA tools with one process.
3. The ES has been developed to provide a simple and manageable framework for engaging with equalities stakeholders and focused on meeting the legal duty set out in the Equality Act 2012. The ES also provides a realistic and proportionate approach having regard to the Council's resources and capacity.
4. The policy has a four year review cycle but has a number of components within it that need to be reviewed on an annual basis. The Equality Analysis and Equality Objectives, roles and responsibilities, equalities training, performance management and action plan will also link and feed into the Single Needs Assessment and broader service planning cycle.
5. The Equality Act 2010 sets out nine groups defined as having protected characteristics to whom we need to have due regard when making decisions. These are listed and a definition given for these protected characteristics is set out in **Appendix 1, Annex1**.
6. Consultation and engagement has taken place with a range of stakeholders on the draft Scheme. There was broad agreement from those who engaged in the consultation that the Scheme was a positive approach that showed real commitment to the equalities agenda.

Recommendation

7. It is recommended that :-
- (a) Cabinet agrees the Equality Scheme 2012-16 and the associated EIA Tool as a framework for meeting the Public Sector Equality Duty as set out in the Equality Act 2010;
 - (b) Cabinet agrees to implement the engagement arrangements set out in the Scheme and to involve staff from across the Council to support embedding equality, within the resources that the Council has.

Reasons

8. The recommendations are supported by the following reasons :-
- (a) The Council needs to meet it's Public Sector Equality Duty set out within the Equality Act 2010
 - (b) The publication of a single equality scheme is the most efficient and effective way of delivering the Council's Public Sector Equality Duty.

Murray Rose
Director of People

Background Papers

Equality Act 2010
Single Needs Assessment 2012

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S17 Crime and Disorder	The Equality Scheme will support delivery of social cohesion and reduce the risk of hate crime as this is one of the Equality Objectives.
Health and Well Being	The ES will ensure equality of access to services delivered by or commissioned by the local authority.
Carbon Impact	No Impact
Diversity	The aim of the scheme is to spread best practice from the Disability Equality Scheme to all Protected Characteristics. Impact assessment work has highlighted that there is a risk that it will reduce capacity to support disability equality. Robust monitoring will help to mitigate this risk.
Wards Affected	All wards in Darlington are affected by the implementation of the Scheme.
Groups Affected	The Scheme will improve the equality of opportunity across Darlington as it will improve equality of opportunity for all Protected Characteristics.
Budget and Policy Framework	Activity set out in this report will make more efficient use of existing resources by using in-house expertise more effectively and efficiently. Effectiveness will also be improved by working in partnership with broader stakeholders.
Key Decision	Not a key decision.
Urgent Decision	Not an urgent decision.
One Darlington: Perfectly Placed	The ES will support delivery of the priorities set out in One Darlington: Perfectly Placed by providing a framework to ensure decision making is fair and open.
Efficiency	The Scheme will ensure that the approach to equalities is proportionate and efficient whilst meeting legal requirements and reducing risk of legal challenge.

MAIN REPORT

Information

9. The draft Equality Scheme has been drawn up to help the Council to meet the Public Sector Equality Duty established in the Equality Act 2010. This is set out on page 4 of the Scheme which is attached as **Appendix 1** of this report.
10. The key features of the Scheme are as follows:
 - (a) A single scheme with a single equality impact assessment (EIA) tool replacing the current multiple Council policies and multi-strand EIA and Disability EIA.
 - (b) The Equality Scheme setting out the Public Sector Duty and articulating the Council's Vision for Equality and how delivery will be supported by carrying out Equality Impact Assessments.
 - (c) Confirming the Council's commitment to a social model approach to equality and the core values relating to staff behaviours that are contained within the workforce strategy and describing how the Council will act towards the people the scheme is expected to protect.
 - (d) Implementation of an Action Plan to be reviewed on an annual basis to include the following:
 - (i) Equality Analysis, which the Council has to publish annually as part of the Equality Duty;
 - (ii) Equality Objectives, of which the Council has to publish one or more of these at least every four years;
 - (iii) Leadership and co-ordination to ensure equalities and inclusion are part of mainstream activity;
 - (iv) Equalities and inclusion training to provide staff across the Council with the skills to carry out EIA and respond appropriately to the diverse people that they come into contact with;
 - (v) Engagement of stakeholders to represent the range of people sharing Protected Characteristics;
 - (vi) Performance Management of the scheme through a framework that ensures the scheme guides Council activity to ensure it is fair and effective

Equality Analysis and Equality Objectives

11. An Equality Analysis and set of four Equality Objectives were published on the Council website to meet statutory deadlines of 31st January 2012 and 6th April 2012 respectively. The Scheme proposes that these be reviewed and updated on an annual basis.
12. Whilst the first Equality Analysis has been prepared as a stand alone exercise, it is proposed in future the gathering of data and information to support the analysis will be integrated into the Single Needs Assessment and will be published on the Local Information System. The first published analysis is available at **Annex 4** and at www.darlington.gov.uk/Living/equalityanalysis/equality_analysis.htm
13. The Equality Objectives relate to areas of specific and measurable improvement arising from the Equality Analysis and reflect resource constraints in their scope and ambition. These will be reviewed annually to reflect the issues and needs coming out of the Single

Needs Assessment and in particular the Equality Analysis. The published objectives are available at **Annex 5** and at

www.darlington.gov.uk/Living/equality/equalityobjectives.htm

Vision for Equality

14. The Equality Act 2010 requires public bodies to advance equality of opportunity between and within the various groups with Protected Characteristics and in particular between disabled and non-disabled people. This may mean treating disabled people more favourably than others, and making reasonable adjustments to enable disabled people to benefit or participate. This is limited to specific activities that are set out the Equality Act 2010 and associated guidance. The Scheme has an important role in underpinning the advancement of the equality of opportunity.
15. The Equality Scheme is part of the Council's commitment to building a fairer, inclusive community, reducing the gap between more vulnerable and disadvantaged communities and the Darlington community as a whole.
16. The EIA tool that forms part of the scheme concentrates on the impacts for those groups who are legally protected because these groups must always have precedence over those whose risk of inequality is caused by other (non-legally protected) characteristics such as living on a low income.
17. The Equality Principles define a social model that inequality is caused by social and organisational barriers rather than the medical, economic, cultural or other circumstances of the individual.
18. The principles also set out a list of core values which are:
 - (a) Customer and outcome focussed – giving people a voice to express their views and experiences.
 - (b) Innovative and creative - using the EIA approach to strive for fairness encouraging insight, creative thinking and innovation to achieve meaningful engagement and outcomes.
 - (c) Teamwork - bringing together partners with various perceptions, experience and skills to explore impacts in a spirit of trust and honesty.
 - (d) Valuing people - showing respect, trust and recognition and appreciation to reinforce the social model principle.
 - (e) Openness and honesty - applying the scheme consistently and transparently, being open to challenge and being willing to engage and learn.

Equality Impact Assessment – The Fairness Test

19. The EIA is the key tool to ensure that the Council pays 'due regard' to all three parts of the Public Sector Duty. The objectives of the EIA are to identify the following:
 - (a) Can an activity be done in such a way that it will have a positive impact on people at risk of discrimination or disadvantage because of their Protected Characteristics?
 - (b) Is there an impact on people in terms of their Protected Characteristics?
 - (c) Can the Council avoid, minimise or mitigate any negative impact?

(d) Will the activity help to promote areas of good practice in Equality across the Protected Characteristics?

20. The application of the EIA in Darlington will mean:

- (a) Staff across all areas of the Council should be thinking about their actions and the impact on those people with Protected Characteristics.
- (b) Managers are ensuring appropriate EIA are carried out within their work programmes and that they are integral to all policy development and improvements. They should ensure that the scale of EIA work is proportionate to the anticipated effects and that engagement takes place with those affected by activity.
- (c) A major effect on a small number of people may be as important as a small effect on a large number.

21. Crucially, the EIA should lead to action and monitoring of action. As well as helping to design and modify improvement and change the EIA will provide Members/decision makers with the full information about the potential effects of their decisions before they make them.

Impact Assessment and Consultation on the Equality Scheme 2012-16

22. An impact assessment on the Equality Scheme contains details of some of the potential impacts and issues raised both by officers of the Council but also by stakeholders from each of the Protected Characteristics.

23. The overall assessment of impacts are that the Scheme will have a positive impact by embedding equality throughout the Council and spreading good practice developed through the Disability Equality Impact Assessment work.

24. Some representatives of disabled people were, however, keen to highlight the risk that this good practice could be diluted to the detriment of disabled people. Whilst this is a risk the implementation of the scheme will be monitored and reviewed by the Corporate Equalities Group that will include the Chair of the Stakeholder Reference Group.

25. Almost 300 stakeholders were contacted about the draft Scheme and offered the opportunity to comment using a range of communication methods. As the scheme covers a range of protected characteristic groups a stakeholder event was held on 25 July 2012. Representatives from a wide range of Protected Characteristic groups were represented including Unison, Stonham Housing Group, Darlington Maternity Services Liaison Group, Gay Advice Durham and Darlington.

26. In addition discussions were held directly with the Black and Minority Ethnic Network, Inter-faith Forum, Islamic Society of Darlington, DAD and Young Leaders.

27. Following the consultation a number of changes have been made to the scheme and these have been set out in the Equality Impact Assessment carried out as part of the Scheme development. Most, though not all, of the points raised have been adopted and the comments raised about issues not directly linked to the scheme have been forwarded to the appropriate officer.

28. A number of comments were made during the consultation that stressed the need for the Scheme to have external challenge via some form of external engagement with stakeholders. The Council's response to this is set out in paragraphs 33-40 of this report. This response is based upon the need to ensure effective engagement and challenge whilst following an approach that is proportionate and takes into account the resources available.

Internal Leadership and Co-ordination

29. Leadership and co-ordination is crucial to the successful implementation of this scheme and the following key roles have been identified:
- (a) A Cabinet Member lead, vesting overall accountability for the Equality Scheme in a Cabinet Portfolio;
 - (b) The Chief Executive will have overall officer accountability for the Scheme at Chief Officer Executive (COE) level
 - (c) Chief Officer Board will raise any performance issues with COE following receipt of a quarterly performance report.
 - (d) An equality lead manager to lead development and implementation of the Scheme;
 - (e) An equality co-ordinator, responsible for day-to-day co-ordination and support across the Council;
 - (f) Equality support officers within service groupings to support and guide managers in their service areas;
 - (g) A Corporate Equalities Group made up of the equality lead, equality co-ordinator and equality support officers to support the formulation of corporate initiatives, learning from EIA and commissioning/delivering equalities training. This group will need to bring in additional capacity including finance, HR and legal expertise, particularly when dealing with major equalities programmes such as the Medium Term Financial Plan.
30. The Equality Support Officer Role will be key to the provision of training to support effective delivery of this Scheme. Training will focus on giving people the insight and understanding to carry out EIA and to make appropriate judgements.
31. Frontline staff are also a training priority to ensure they have the skills and awareness to respond appropriately to the diverse community within Darlington. It is also important that an understanding of the Public Sector Duty and the Scheme is maintained, particularly amongst Chief Officers, Heads of Service and Council Members.
32. Equalities training will be reviewed in the context of this scheme and the resources available.

External Engagement

33. Securing the involvement of representatives of people who share legally protected characteristics will be important for the effectiveness of the ES.
34. The Council does not have the resources to continue regular separate engagement arrangements with disabled people as was the case in the past to support the delivery of the Disability Equality Scheme.

35. During consultation on the development of the ES it was clear that people representing various Protected Characteristic groups would welcome the opportunity to support (and challenge) work on the Scheme.
36. It is proposed that the purpose of such engagement will include:
 - (a) Involvement of representatives in the provision of expertise to advise on equality impact assessments;
 - (b) Providing a perspective on local issues to inform the Equality Analysis;
 - (c) Reflecting on regional and national guidance and good practice and its application in Darlington;
 - (d) Involvement of representatives in reviewing Equality Objectives and the ES itself;
 - (e) Facilitating early, informal discussion about views on emerging equalities issues.
37. A stakeholder reference group, comprising representatives covering the full range of Protected Characteristics would be established. It would be chaired and serviced by Council officers. Precise membership, frequency and location of meetings would be finalised by the group itself under the Chair's direction and driven by the needs of the Scheme. Any expenses arising would be met from within existing resources.
38. The reference group would link through the Chair to the Corporate Equalities Group. It may wish to communicate to other groups, organisations and individuals, including Members, from time to time, which it would do through the usual channels.
39. These proposed arrangements supersede previous arrangements for the Disabled Equality Scheme Steering Group and the Disability Equality Scheme Impact Assessment Sub-group.
40. Performance management of the Scheme will be the responsibility of the Corporate Equalities Group. It will focus on:
 - (a) Delivery of the Equality analysis
 - (b) Effectiveness of the Scheme in guiding and embedding equality within the Council
 - (c) Effectiveness of support to carry out EIA
 - (d) Monitoring and responding to key outcome indicators in improving equality.

Conclusion

41. The Equality Scheme enables the Council to meet the requirements of the Public Sector Duty within the Equality Act 2010. The Scheme also incorporates work with all Protected Characteristic groups identified within the Equality Act. Whilst there are some concerns about the risk that the good practice developed in recent years around disability impact equality may be diluted, the aim is to spread this good practice to other groups. Performance management will ensure that the Scheme is applied and actions implemented in a fair and transparent manner.
42. Implementation of the Scheme will embed equality to improve the development of policy, strategy, budget proposals, procedures, service review and design, commissioning and capital projects. This will not only eliminate unlawful discrimination, harassment and victimisation but it will advance equality of opportunity and foster good relations across and within the various Protected Characteristics.