

**Pre-Consultation Report on Darlington Borough Council draft Equality Scheme 2017-2021**

**Purpose of this Report**

The purpose of this report is to enable Darlington Borough Council to have details of feedback on the draft Equality Scheme from organisations representing protected characteristic communities as set out in the Equality Act 2010.

**Background**

Protected characteristics as defined in the Equality Act 2010 are defined in Annex 1 of the draft Equality Scheme and cover age, disability, race, sex, sexual orientation, religion and belief, gender reassignment, pregnancy and maternity and marriage and civil partnership. As everyone has at least one protected characteristic it is important to note that the Equality Scheme will affect all the residents of Darlington. It is not true to say that all groups will be affected in the same way and to the same extent.

The Equality Act 2010 established the Public Sector Equality Duty (PSED) which has two elements within it, a general duty and a specific duty. Under the general duty public bodies or organisations carrying out work on their behalf have to have due regard to the need to:

- a) Eliminate discrimination, harassment and victimisation and any other conduct prohibited by the Act.
- b) Advance equality of opportunity between persons who share a relevant Protected Characteristic and those who do not.
- c) Foster good relations between persons who share a relevant Protected Characteristic and those who do not.

As well as this general duty there is a specific duty that the Council must Comply with, namely:

- a) Publish information annually to show how it meets the General Duty and this is known as Equality Analysis
- b) To prepare and publish one or more objectives to meet the aims of the General Duty at least every four years.

The Council does not by law have a legal responsibility to have an equality scheme but it does have a legal duty to comply with the Public Sector Equality Duty as set out above. Having an Equality Scheme helps to ensure there is a clear vision for equality that underpins everything that the Council or organisations and individuals it works with do. It is a public document that sets out the way that the Council will operate to meet its PSED.

**Aim of the Pre-consultation Discussions**

The aim of this pre-consultation work was to talk to representatives of groups within the community who have a protected characteristic and ask their views on the draft Equality Scheme, equality issues generally and on potential objective(s) to be included within the scheme. Further consultation work is planned later in the year subject to Cabinet approval.

The timescale for discussion was limited and it was important therefore to provide several options and methods of consultation. For this reason, all of the organisations listed were contacted by e-mail appending the draft document and asking for their views on that and on the objective(s) that the Council should deliver in the next four years. The e-mails gave the option to have a face-to face discussions if this was preferred or people could respond by telephone or e-mail.

Despite the above options there have been several instances where people were on leave, groups closed for the holiday period or could not respond for other reasons including in some cases a lack of capacity in their own organisations. It will be important for the next stage of consultation to ensure that there is a wider spread of dialogue to include young people, maternity and pregnancy and a wider ethnic population including those from Eastern Europe. For example, the Polish Parents Group at Dodmire does not meet in the summer but will be an important group to talk to in the future.

### **Feedback on the draft Equality Scheme 2017-2021**

Not everyone spoken too gave feedback on the draft scheme itself although they were sent a copy. Feedback from those who did respond may give an insight into why this was less important than the discussion on the objective(s). All of the responses are attached as appendices to this report and as you can see several comments were made that the scheme was full of good intentions but how the scheme would be delivered in practice and how would it make a difference.

No-one was against having a scheme but they were more concerned about delivery and assessment of progress and the way the public, especially those from marginalised groups could see real positive change because of the way the scheme was implemented. A clear vision for equalities is important and this section should be moved to the very beginning of the document not wait until paragraph 13. One consultee noted that the definition for a social model of disability had been removed and were concerned that this be re-instated as it was important to show the cultural values of the council. This overarching vision could be followed by a section to highlight work going on already in relation to becoming a Dementia Friendly town, Breastfeeding Friendly Town, reducing hate crime etc that is work already taking place. This would show the practical difference that was being made now and could be built on in the future.

The section on the objective could identify the work that needed to continue and emphasise that the focus would be on delivery the objectives but that impact

assessment enabled the Council to evidence how it was meeting the PSED. Commitment should be made that these would be carried out across the Council.

Representatives asked where the Council was in delivering the objectives in the last Equality Scheme and felt that whilst some work had improved there was still a great deal still to do. Whilst there was a general understanding of the resources issues several groups made it clear that there was still a duty to comply with the Equality Act. Several groups also felt that they could be more involved and help the Council deliver its duty by participating in discussion, training, organising focus groups with service users and by working on activities to encourage different characteristic groups to meet together and understand each other. These groups were sometimes small and needed support to do this initially. This could come from bringing groups together with larger organisations to mentor each other. Consultees raised the importance of this ongoing relationship and challenge to ensure that staff understood issues faced by these marginalised groups

Several groups also stressed that there is a strong business case for having services and policies that have equality as a golden thread. This should be from design to delivery to performance management. Services designed with people who use them are often more cost effective. The Equality Scheme should set out a clear vision for Equality, acknowledging that partnership with the groups representing people with protected characteristics and more importantly service users would enable the Council to improve things in its community for all residents.

One consultee also asked why it was called the Equality Scheme as when this was looked up in the dictionary it defined it as 'a secret plot' or 'to behave in an underhand manner'. This and the repeated request to show an action plan and show what difference the Scheme and associated impact assessments made could suggest a move to a delivery focussed approach. People felt they did not see and hear about changes even when there were positive changes to be shared. The scheme should clearly set out where Impact Assessment work will be shared publicly and how it will be followed through in day to day performance reporting. If the Council truly want to fulfil their Equality Duty effectively they need to show how this has been done and work more closely with others to achieve this. If there are difficulties and tough issues the view was that the groups wanted to help although the point was also made that sometimes this help would be free but sometimes there would be a cost.

One organisation suggested that when they returned contract performance information there could be a free text box to identify how the organisations had helped with equality issues or if they had discovered an issue that needed to be addressed. Many providers work with specific protected characteristic groups so this could help the council to understand the challenges faced by local people and work with organisations to address them.

## **Feedback from Protected Characteristic Groups**

Representatives from all protected characteristic groups were contacted but feedback has only been received from some of these.

## **Objectives put forward**

There were over twenty objectives put forward but many of these are linked and here the report sets out the objectives, grouping them together as appropriate.

**The first group of Objectives** are based upon training for Members and staff in relation to equality issues and the what should be delivered.

- To make all Members and staff aware of their duties under the Equality Act 2010 and demonstrate how the Council has done this through training etc. and demonstrate in stages what they have achieved because of this knowledge. The Council should show Equality Impact Assessments to demonstrate how they are working in practice
- Engage with service users with early stage dementia and provide training to improve understanding of dementia right through to end of life care as social care and other services will be involved with families and individuals throughout.
- Training to be based on discussion with people who have real life experience and this needs to be a 'walk in my shoes' approach and be inclusive of grass roots staff and practical issues should be covered.
- To provide training for staff on, amongst other things, the difference between sexuality and gender, transgender, pansexual, agender etc to give staff knowledge to challenge inappropriate language or other hate crime.
- To undertake training of Members and staff to challenge perceptions and increase knowledge to inform future commissioning. Concentrate on the issues of isolation, drugs and alcohol and mental health affecting marginalised groups.
- Undertake impact assessments and include mental health for younger people and older people in these and publish the changes that these impact assessments have made.
- Awareness raising for staff so they can respond to young people when asked:
  - How do I know if my friend has a mental illness and what do I do to support them?

- How do I know if my friend has a drug problem and what do I do to support them?
- How do I know if my friend has a drink problem and what do I do to support them?
- Sexual health awareness and knowledge of the C card and where to get condoms.
- Need training for Darlington Borough Council staff to make sure they are more people friendly and talk to people in a way that shows respect and understanding.

**The second group of objectives** are about how Darlington Borough Council should engage with the various marginalised groups in the Borough and how it should engage with service users and those who support them. This will also require training initially as part of the equality agenda. Indeed, the cultural vision for equalities could be based on these objectives.

- For Darlington Borough Council to consult regularly with Experts by Experience – people with disabilities and mental health issues on what they want and how the Council can provide it.
- Darlington Borough Council to have regular consultation with stakeholders including Mind, Age UK and 700 Club working with them to arrange focus groups and consultation sessions on a variety of issues to make sure the Service User voice is heard.
- DBC will consult with every formally organised group with a commitment to a religion or secular world view (e.g. Humanism). Establish how each group thinks the Council can enhance equality of opportunity and inclusion and draw up an action plan based on recommendations.
- There should be more consultation with GOLD and other organisations to get ideas about how to improve things. Need to consult with people including younger older people who will need to have help as they get older.

**The third group of objectives** relate to the workforce of Darlington Borough Council and to recruitment, development and support for staff.

- That Darlington Borough Council look at creating a Dementia Friendly Workplace and training for staff to support those with early stage dementia and support for staff who are caring.

- To undertake the Workplace Equality Index (A free tool from Stonewall) benchmarking tool in year one and investigate how to improve this score in partnership with others.
- Make a bold commitment to increase BME staff representation in the council over 5-10 years to 1% in senior, middle and lower grades.
- To agree to positive action in relation to recruitment practices to ensure its workforce reflects the diversity of the population of Darlington. Advertise jobs more widely in GP surgeries, religious buildings and other places that people congregate.
- Consider parental rights for Men and also support all staff at times of separation to show understanding of issues such as stress and mental health.
- Enable freedom to practice religion including where possible 10-15 minutes for prayer or reflection.

**The final group of objectives** are those that are about the general duty to foster good relations. They are activities that will support community cohesion and reduce the risk of hate crime as they are about communities learning about each other. They are also about showing that Darlington as a place values diversity. Many of the groups expressed an interest in supporting this work themselves but they may need initial help to do this such as support for fundraising. It will be important that the Council participates in these activities and publicises them to show their value and that of the communities taking part. It will help to show they are complying with the PSED general duty.

- Bring a range of marginalised groups together in order to foster good relations as required in the Public Sector Equality Duty. Bringing them into the Council more will increase understanding of the needs of these communities and support service improvement.
- Bring groups from different communities together to learn about each other's culture and celebrate diversity by holding multicultural events and activities to raise awareness and increase knowledge of the community. Activities could take place in Black History Week for example with articles in One Darlington and work in schools.
- The Council should organise an annual conference to which it will invite organisations representing the interests of people from all nine protected characteristics. The Council can learn how to ensure discrimination against people with protected characteristics can be reduced.

- Organise a procession or fair to celebrate all aspects of diversity within the population of Darlington.
- Bring different communities together to work in partnership to improve services. Partnership across different groups and communities is important in design and delivery. Policies and strategies should be equality proofed and it must be open and transparent how this has been done and by whom.

Other issues were raised during the consultation and these can be found in the feedback sheets attached. However, there are some issues that specifically relate to equality and these are set out below under the protected characteristic that they relate to.

### **Age**

It was suggested that bringing smaller groups together with larger provider groups three times a year to discuss topics would improve skills in the voluntary and community sector. One organisation agreed to help to support this by providing a venue.

Concerns were raised that age-related disability needed to be treated the same as any similar impairment. People should be encouraged in the training to understand that old age need not mean ill-health and that prevention was important. People with brain cancer or dementia should receive appropriate care and respect and not be treated as though they were written off because of age.

Joint working should take place working with GOLD as an organisation and older people out in the community to develop activities to focus on prevention and delaying the need for care and health services.

Care and residential placements needed to be in homes of a good standard and unannounced inspections by organisations working with older people. Need to reduce inequality where some people get a poorer standard of care than others. Quality standards need to be applied across the board.

Young people wanted staff awareness training on mental health, drugs and alcohol so that if asked by a young person how they could help a friend, they had wanted to know how they could get clear advice. They also wanted staff to be trained in where condoms were available and the use of the C Card.

### **Disability**

Feedback from these groups highlighted that training needed to be given to all Members and staff. The training needed to be of high quality and to be delivered by people who understood the challenges of the different protected characteristic groups. Any training should set out the legal duties that all those being trained needed to comply with. That said, there was an understanding that a 'train the

trainer' approach may be the option chosen because of resource constraints. If this was the case it would be important to work with people who wanted to support this work rather than those press ganged into it. Training should be across the board including building control and regeneration as well as social care and the training should include practical activity based upon real-life scenarios and focus on practical issues for those being trained i.e. department specific. For example, it could include the protocol agreed with DAD and building control, dementia friendly training and how to work with service users in an effective and ongoing way.

In terms of the Council as a workplace several specific issues were raised:

- Disability Rights Campaign and Social Value Act were aiming to increase the number of individuals with a disability in employment and the council could incentivise this when commissioning.
- The Council could use its influence to encourage more employers to be dementia friendly and build it into partnership projects such as Healthy Towns.
- Equality Impact assessments need to be undertaken across the council including for staff redundancies, and individual packages of care.
- The Care Act as well as the Equality Act 2010 sets out requirements in terms of accessible information based upon the needs of individuals. Sending out the same information is not necessarily what is required. For example, sending an audio letter out requires editing to remove logos and unnecessary spaces.
- Learning from training and impact assessment work needs to be applied. Service users need to be involved in developments early in the process and need to be involved in assessing progress.
- Evidence needs to be used to improve equality of access such as the Iris Murdoch building in Stirling which could help inform capital projects.

### **Gender Re-Assignment and Sexual Orientation**

This is a protected characteristic where there is a vast amount of change and a new Gender Act is likely to go on the statute books shortly. Language is important and different sections of community may have different ways of expressing their identity. Members and staff need training to understand this, some of this training could be provided by LGBT+ community organisations, such as Stonewall, Unity Group and QuerKey.

Understanding the diversity of this community and the pressures members of this community face including drug and alcohol, mental health issues is important and this is best done through discussion with a range of individuals from this

community. This requires understanding of issues faced in the Council workplace and issues such as hate crime that may be faced in the wider community.

### **Race**

The West Indian Community are keen to meet with other groups. At present, they still face discrimination and do not feel engaged in the wider community despite wanting to belong. They would welcome people to their group to share learning. The group were concerned that there are still a lot of preconceptions that are wrong and cause distress. One lady said she had been asked her name by a member of staff and when she gave it she was met with the comment 'I didn't expect that name'. This caused the lady considerable distress and this action put a barrier up that means this individual does not engage with that service or civic life.

### **Religion and Belief**

Concerns were expressed about equality of opportunity especially for young people seeking placements, The Council have less influence over schools and colleges now but nevertheless they should do what they can to improve equality of opportunity.

Employers should encourage freedom to practice religion and the Council should set an example

Publicising what has changed because of impact assessment work, publicising jobs and training opportunities should take place through religious venues.

### **Sex**

The issue for men here is that the council needs work with public health to enable prevention messages to get to men. Many carers are women but policies should look at supporting all staff and those facing issues of domestic violence.

### **Recommendations**

Set out below are recommendations based upon the feedback received from consultees. The ultimate decisions will be made by Darlington Borough Council.

1. It is recommended that the Equality Scheme should include the social model of disability but also an undertaking to involve service users from protected characteristic groups in the development of impact assessments and when looking at service redesign.
2. It is recommended that the following objective(s) be included for consultation:

- i. “To make all Members and staff aware of their duties under the Equality Act 2010. Demonstrate how they have done this through training and through work with services users and organisations that support them. Publicise the differences that this engagement and impact assessment activity has made.”
3. It is recommended that the training is based upon a ‘train the trainer’ approach and that organisations with expertise in support to protected characteristic groups locally are involved in design and delivery where possible.
4. It is recommended that performance be measured by the number of Members and staff attending in each directorate and the number of trainers which should as a minimum be one for each Assistant Directors team.
5. It is recommended that the following Objective is also consulted upon:
  - i. “To undertake a baseline survey of staff to look at the level to which it reflects the make-up of the community it serves. That the Council will repeat this bi-annually to see what progress has been made. The Council commits to working with organisations that support individuals from protected characteristic groups to develop and implement an improvement plan.”
6. It is recommended that work takes place to look at capacity to support organisations to come together to share learning and celebrate diversity.