

CHESHIRE EAST COUNCIL

REPORT TO: Sustainable Communities Scrutiny Committee

Date of Meeting	10 th May 2012
Report of:	Strategic Director of Places & Organisational Capacity and Head of HR & Organisational Development
Subject/Title:	Equalities and Diversity
Portfolio Holder:	Councillor Brown

1.0 Report Summary

- 1.1 At its meeting on 1st March 2012, the Committee received a report on the requirements of the Equality Act 2010 to develop equality objectives for the Council and publish other key information. The draft objectives were noted and officers were asked to return to the Committee with the data from the consultation and also to provide examples of equality issues regarding employment procedures. This report contains information on these two issues.

2.0 Recommendation

- 2.1 Committee is requested to:
- 2.2 Note the information contained within the report

3.0 Wards Affected

- 3.1 Not applicable

4.0 Local Ward Members

- 4.1 Not applicable

5.0 Policy Implications including - Climate Change - Health

- 5.1 None

6.0 Financial Implications

- 6.1 None

7.0 Legal implications (authorised by the Borough Solicitor)

- 7.1 Failure to comply with equalities duties has formed the basis for successful judicial reviews of budget and service provision decisions.

8.0 Risk Management

8.1 None

9.0 Background

9.1 The statutory Public Sector Equality Duty came into force on 5 April 2011 as part of the 2010 Equality Act. The Equality Duty has three aims. It requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it
- foster good relations between people who share a protected characteristic and people who do not share it.

9.2 The 2010 Act lists the characteristics that are protected by the Act. These are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

9.3 Having due regard means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by the Council – such as in:

- how it acts as an employer
- how it develops, evaluates and reviews policy
- how it designs, delivers and evaluates services
- how it commissions and procures from others.

9.4 The Specific Duties came into force on 10 September 2011; these cover the publication of information and the setting of equality objectives.

9.5 The Council must publish the information that it deems necessary to demonstrate its compliance with the general equality duty by 31 January 2012 and at least annually thereafter (schools and pupil referral units must do this by 6 April 2012 and at least annually thereafter). This information must include information relating to people who share a relevant protected characteristic who are the

Council's employees or those affected by the Council's policies and practices. Workforce information has been published on the Council's website in order to meet this requirement.

- 9.6 Draft equality objectives were also published on the website with comments invited. These draft objectives were subsequently reported to this Committee and then, together with the results of the consultation, considered by Cabinet on 2nd April when the objectives, as appended, were finalised and subsequently published.

10.0 Consultation on Equality Objectives

- 10.1 Comments were invited through the website on the draft objectives during January and February. Two responses were received. One was from a member of staff and the other from a local resident. The responses are summarised as follows:

Respondent One – was concerned that the objectives were insufficiently SMART and therefore may not assist the authority in meeting its duty to advance equality of opportunity. Additionally, suggested a specific amendment of “ensuring the workforce feels valued, respected and is reflective of the diverse communities it serves” as being more tangible.

Respondent Two – again, there were concerns that the objectives were insufficiently SMART. This response focussed on:

Data & Analysis – suggested that there was already a considerable source of data available and questioned our need to better understand inequalities within the Borough. Also suggested that our aim should be to improve services for all rather than just hard to reach communities

Workforce Profiling – suggested that there is no evidence to suggest that a workforce reflective of the diversity of the Borough will result in improved service delivery

Engagement & Consultation – concern that our objectives were focussing on hard to reach communities

Embed Equalities throughout the Council – suggested a simpler statement

- 10.2 As a result of these comments, amendments were made to the draft objectives and these are highlighted on the appendix. In particular:

Hard to reach communities - reference was removed as our approach was intended to apply to all communities

Data and needs analysis – additional statements were added to better reflect our intentions

Engagement and consultation – the objective was strengthened by the addition of specific actionable statements

Workforce – an additional statement was added on developing a culture where staff understand their role and expected behaviours. This

will be actioned by the development of a compulsory equalities training module and through the behaviours framework adopted for personal development reviews

- 10.3 The general comments on the need for the objectives to be SMART is accepted and a corporate action plan is currently being developed which will focus on how these objectives are to be delivered. This will sit alongside the departmental action plans which detail how each directorate is taking action on specific service issues. These plans will be monitored by the Corporate Equality Group and periodic reports will be presented to Corporate Management Team.

11.0 Equality and Employment

- 11.1 Cheshire East Council's policy on equality is that no employee will be disadvantaged on the basis of their protected groups which are gender or transgender, marital status or civil partnership, racial group, religion or belief, sexual orientation, age, disability, pregnancy or maternity, social or economic status or caring responsibility.
- 11.2 This means that policies and procedures need to be flexible and may need adjusting to cater for the specific needs of an individual, including the provision of information in alternative formats where necessary.
- 11.3 Discrimination of individuals and employees in the protected groups can have a significant and detrimental impact and can be evident in a number of circumstances:
- Recruitment – being overlooked or treated less favourably on the basis of their protected group during the appointment process or in opportunities for promotion, e.g. on the basis of their age, whether young or old, maternity reasons, race, colour, religion or sexual preference.
 - Learning and development - being denied access to learning opportunities on the basis of a factor of their protected group, e.g. a training course that clashes with a religious festival or event
 - Lesbian, gay and transgender employees – may be bullied or harassed in the workplace as a result of homophobia, transphobia or stereotyping. This can result in low morale, anxiety/depression and poor performance.
 - Disability – individuals may be denied access to employment opportunities where the working environment is inaccessible or where the manager is unwilling to make reasonable adjustments.
 - Unfair treatment – for example not allowing traditional dress, related to an employee's religion to be worn in the workplace.
 - Lack of knowledge of religious traditions and norms leading to a misinterpretation of behaviour and may result in a belief that an

employee is unwilling to take part in or conform with a workplace culture.

- Lack of flexibility in allowing time off for employees with caring responsibilities.

11.4 In order to ensure that the Council's policy on equality is upheld and that none of the above issues arise in the workplace, a number of equality objectives have been agreed which include a complete review of the recruitment and selection processes. This review will also, include an analysis of the Council's recruitment data to help identify any protected groups that the Council is failing to attract and recruit. One of the objectives of the review is to identify barriers to employment and recommend positive measures that can be put in place to attract and recruit employees from all parts of the community.

11.5 A recent analysis of the workforce suggests that employees from the protected groups are indeed under represented in the Council's workforce, although there are some gaps in the data held about individual employees. An equality audit is currently underway and along with further development of the oracle system a key aim over the next year is to improve the quality of the workforce data held by the Council for both analysis, monitoring and to introduce more positive equality measures.

11.6 In the development of a suite of new HR policies and procedures as part of the review of terms and conditions, consideration of equalities implications and where necessary the completion of Equality Impact Assessments was of paramount importance. A number of additional policies were also introduced to support employees with some particular issues that may be related to one or more protected characteristic, for example:

Gender Reassignment

Dignity at Work (Harassment and Bullying)

Improved Flexible Working options and Time off provisions

Stress Management

Maternity and breastfeeding

Retirement – removal of the default retirement age

11.5 In addition to this, through the Council's Corporate Workforce Planning process, managers are required to put together workforce development plans that will both enable and assist them in having the right mix of skills, knowledge and experience in their service to ensure effective future service delivery. As part of this process and due to the Council's ageing workforce, consideration is being given to how older employees can be assisted to remain fully productive in the workplace in order to secure the retention of the knowledge, skills and experience of this valuable pool of employees. At the other end of the age range spectrum, the Council has a well developed Apprenticeship Scheme and National Graduate development Programme that has been

successful in attracting and employing younger talent in the organisation.

- 11.6 A key to ensuring the Council's commitment to equality and diversity is to embed these principles throughout all of its processes and to improve knowledge and understanding around equality issues for both managers and employees. In response to this, the Council's performance and appraisal process has been developed to embed these important and valuable principles and a new online e learning module on Equality and Diversity will be made available and mandatory for to all employees to complete during 2012/13.

12.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writers:

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Equality Objectives

Our Equality Objectives have been based on available equalities information through research, consultation and engagement and service-level Equality Impact Assessments. Our equality objectives identify specific internal and external targets that will enable the council to improve the collection of equality information, and address the most persistent areas of inequalities faced by both employees and residents. Where possible our objectives are SMART (specific, measurable, achievable, realistic and timed) or identify key milestones for improvement.

The equality objectives listed below have been developed at service level and have informed our business planning process. Although the main objective headings may not change over the next 4 years the specific actions listed beneath each objective will be reviewed annually in line with the business planning cycle to ensure they remain reflective of current developments and circumstances.

The Council has identified four equality objectives that address our main priorities for improving our understanding of and response to inequalities across all our services including our new Public Health responsibility which will shortly come into effect. All have been designed with the intention of achieving the following shared outcomes:

- Narrowing the gap between our communities
- Providing access to services for all our communities
- Understanding and reflecting the needs of all our communities
- Fostering good relations with all our communities and partners
- Ensuring our workforce is representative of the communities it serves

1 Improve Data and Needs Analysis

Where possible we will collect robust data in our interactions with customers and communities to generate detailed equality information ensuring our services are well balanced and proportionate. We aim to ensure that 100% of data is collected where appropriate for the listed equality protected characteristics over the next 4 years. This will enable us to improve access to services for all as we:

- Capture protected characteristic information at service level where appropriate, which is subjected to annual customer trend analysis
- Develop a robust council wide data set, which is reviewed annually and published on Centranet and used in the Equality Impact Assessments process across the organisation
- Produce directorate equality action plans that are reviewed annually to address data gaps and issues identified in Equality Impact Assessments
- **Place the needs of our customers at the heart of our service and business planning processes**
- **Design and implement policies and procedures that meet the needs of all our communities**

2 To Better Reflect Our Communities through our Workforce Profile and Training

We will aim to reflect the diversity of the Borough within our workforce with the aim to improve service delivery by reflecting the needs of everyone in the Borough. We aim to achieve a 5% shift in gaps on our employment profile from 2011-2012 over the

next 3 years. This will be delivered through staff and Member recruitment and development by:

- Improving workforce planning data to incorporate listed equality protected characteristic information
- Including equality awareness training in corporate staff and Member induction processes
- Introducing general equality awareness raising with all staff using an e-learning package
- Introducing targeted equality training for specific processes ie: staff recruitment and disciplinary

3 To Ensure Community Engagement and Consultation is Effective

Our organisation will improve its understanding of communities within our area, and their perceptions of ourselves, partners and our services. This will be achieved through effective and meaningful consultation and engagement activities. The aim is to foster strong relations allowing customers the opportunity to influence services by:

- Building relationships that enable effective engagement and consultation to be undertaken
- Sharing resources for consultation and engagement activities with our partners and the community and voluntary sector where appropriate
- Reducing the consultation burden through targeted consultation and engagement with our hard to reach communities where appropriate
- Sharing consultation and engagement outcomes and learning between services and partners by publishing results within a shared forum
- Demonstrating how we foster good relations within our communities by achieving excellent status in the Equality Framework for Local Government

4 Embed Equalities throughout the Council

Equality and inclusion will be considered at all levels within the Council to ensure that there is a clear and concise link between strategic thinking and service delivery. We aim to ensure we understand and address the needs of all our communities in all functions by:

- Giving due equality and inclusion consideration to all our decisions taken at both Officer and Member level
- Completing and regularly reviewing Equality Impact Assessments for all our systems, processes and policies including the business plan, service plans and corporate action plans
- Ensuring all commissioned services give equality and inclusion the same importance as the Council
- Developing a culture where staff understand their role in relation to equalities and behaviour in a way that illustrates this understanding