

EAST HERTS COUNCIL

COMMUNITY SCRUTINY COMMITTEE – 21 OCTOBER 2008

DIRECTOR OF CUSTOMER AND COMMUNITY SERVICES

8. DEVELOPING THE COUNCIL'S EQUALITIES AGENDA

WARD(S) AFFECTED: ALL

'D' RECOMMENDATION - that (A) the attached Comprehensive Corporate Equality Policy Scheme and Action Plan be noted; and

(B) the Executive be recommended to approve the Policy, Scheme and Action Plan for adoption and implementation.

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1.0 Purpose/Summary of Report

1.1 The purpose of this report is to inform members of the Council's statutory obligations in reference to equalities and the measures we currently take and propose to take to address the identified gaps in service provision

1.2 The report proposes that the Council adopt a generic approach to equalities. This would be achieved through an updated Comprehensive Corporate Equality Policy (Appendix 'A8', pages 8.6 - 8.14) , a unified Comprehensive Corporate Equality Scheme (Appendix 'B8', pages 8.15 - 8.23) and a Comprehensive Corporate Equality Action Plan (Appendix 'C8', pages 8.24 - 8.36)

2.0 Contribution to the Council's Corporate Priorities/Objectives

2.1 **Promoting prosperity and well-being; providing access and opportunities**

*Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.*

**Fit for purpose, services fit for you**

*Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.*

## **Leading the way, working together**

*Deliver responsible community leadership that engages with our partners and the public.*

### 3.0 Background

3.1 The Race Equality Duty, Disability Equality Duty and Gender Equality Duty impose statutory obligations on public authorities. Under this legislation all local authorities, including district, parish and town councils, are required to promote equality of opportunity and access by mainstreaming equality into all decisions and activities.

3.2 For larger authorities such as East Herts Council, the vehicle for this process is through the publication of a Disability Equality Scheme [DES], Race Equality Scheme [RES] and Gender Equality Scheme [GES], which the Council already has in place.

3.3 Each of these schemes must have an accompanying action plan stating how the Council will meet its duties. The central tenant of these schemes is a prioritised timetable of Equality Impact Assessments [EIA's] to be conducted on all Council Services. EIA's identify potential disparities in service provision and outcome through the analysis of service data. They require consultation with service users to establish suitable remedial action.

3.4 The Council has also signed up to the Equality Standard for Local Government. This is a voluntary best value performance indicator that provides a framework for local authorities to mainstream age, disability, gender, race, religion or belief and sexual orientation into council policy and practice.

### 4.0 Report

4.1 East Herts Council has a number of equality documents that have been produced over the last 5 years at different times and by different officers. These include an Equality and Diversity Policy and the statutorily required Race, Disability and Gender Equality Schemes.

4.2 The existing Equality and Diversity Policy was produced in 2004 and is now dated by the introduction of new legislation. It is suggested that the document be replaced by a EHC Comprehensive Corporate Equality Policy [Appendix 'A8', pages 8.6 - 8.14] to make the document relevant.

- 4.3 The RES, DES and GES vary in quality and have been progressed to different stages. It is proposed that the aims and commitments of these three documents be brought together into a Comprehensive Corporate Equality Scheme [Appendix 'B8', pages 8.15 - 8.23] with an accompanying Comprehensive Corporate Action Plan [Appendix 'C8', pages 8.24 - 8.36]. Many of the actions required are common to each scheme, including the process of impact assessment. The Corporate Action Plan will set out both a prioritised timetable for impact assessment and other relevant actions. This single document will be easier for services to manage.
- 4.4 A training course in EIA's from Astar consultancy has highlighted a number of gaps in relevant data required to inform the EIA process and consequently these EIA's have stalled at the initial screening phase. This was anticipated and importantly has begun the process of impact assessment in EHC. The Council will have to address how data is collected corporately with a view to informing the impact assessment process.
- 4.5 The involvement of service users is paramount in the EIA process. EHC have been using several consultation forums, including the Access Advisory and Valuing People Groups, and the 'Have your Say' project but these do not directly inform the EIA process. It is proposed that an internal Equalities Officers Group be established to assist a more robust system of impact assessments.
- 4.6 The EHC Valuing Diversity Action Group has not met for some time and no longer has relevant terms of reference. It is proposed that the Corporate Management Team oversees the Council's progress against the Corporate Equality Plan and critique completed EIA's through the Equalities Officer Group .
- 4.7 At the beginning of 2007 all employees and Councillors were asked to undertake an online training course in Equalities. This was undertaken by approximately 90% of employees and 30% of Councillors. The training was a one time resource and has not been rolled out to new employees or Councillors.
- 5.0 Consultation
- 5.1 Consultation and involvement are key requirements outlined in the Race, Disability and Gender Equality Duties. To ensure active participation of all and a robust and relevant process of Equality Impact Assessment the Council's capacity to consult with user groups should be improved through all services actively undertaking consultation as

appropriate working closely with the Community Projects Team and Strategic Direction.

## 6.0 Legal Implications

6.1 The Race, Disability and Gender Equality Duties are legal requirements for local authorities. Methods of enforcement are discussed under 'Risk Management Implications' below.

## 7.0 Financial Implications

7.1 User involvement is a key aspect of the duties, and will incur consultation costs that should take into consideration the need for language and sign language interpretation as well as advocates for people with learning difficulties or mental health issues.

7.2 It is likely that the consultation will highlight areas in which the council must seek to address equality of opportunity. The costs incurred will vary depending on the shortfall identified and the remedial action required.

## 8.0 Human Resource Implications

8.1 The equality duties extend to opportunity of employment and training and will involve the consultation of council employees in relation to recruitment, development and retention.

## 9.0 Risk Management Implications

9.1 The RED, DED and GED are statutory duties and failure to comply can result in legal enforcement action. Any interested party who feels a public body is failing to comply with their duties can apply to the High Court for a judicial review.

9.2 The Commission for Equality and Human Rights can take legal action against public authorities that have failed to carry out their responsibilities under the RED, DED or GED by issuing compliance notices.

9.3 The policies are open to scrutiny by inspection and audit commissions.

## Background Papers

Appendix 'A8' Comprehensive Corporate Equality Policy  
Appendix 'B8' Comprehensive Corporate Equality Scheme  
Appendix 'C8' Comprehensive Corporate Equality Action Plan

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