



## **Report to the Overview and Scrutiny Committee**

**Subject:** Inclusion and Equalities Scrutiny Review. Final Report and Recommendations

**Date:** 5 August 2013

**Author:** Members Services Officer

### **1. Purpose of the Report**

To present the final report and recommendations of the Inclusion and Equalities Scrutiny Review.

### **2. Background**

The Performance Scrutiny Committee agreed to include in its programme of work for scrutiny a review which would consider how the authority is meeting the specific duties that enable it to comply with the Equality Duty introduced by the Equality Act 2010, and to determine if there is any action needed to strengthen the authority's commitment to equalities.

Members of the review:

- learnt about how the authority is meeting its legal obligations and how it complies with the three aims of the Equality Duty
- identified how the authority works to underpin its commitment to promoting equality and inclusion
- considered how and what can be done to create a more diverse workforce for the authority
- examined work undertaken to foster good relationships with people with protected characteristics in the wider community
- received information from the Deputy Leader, Corporate Director with responsibility for equalities, Service Managers Communication and Organisational Development and a representative from the voluntary sector.

Working Group Members:

**Councillors:** M Weisz (Chair), M Paling, P Hughes, M Lawrence, H Wheeler, B Andrews, N Brookes, S Ainley, S Tomlinson.

### 3. Information

Members were informed about the authority's commitment to equalities and how it attaches great importance to meeting the diverse needs of the people it serves and the people it employs. It is committed to treating all its customers and staff fairly, without discrimination and prejudice, providing equal access to services, participation and employment and training opportunities.

In order to progress this aim the authority has complied with the public sector equality duty contained in the Equality Act 2010 which replaced previous antidiscrimination laws. The Equality Duty has three aims and requires public bodies to have due regard to the need to:

- Eliminate unlawful discrimination
- 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.

The protected characteristics covered by the equality duty are:

- Age
- Disability
- Gender
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race
- Religion and belief
- Sexual orientation

Thus making it illegal to treat anyone less favourably than another in service delivery or employment if they fall within these groups. Discrimination, harassment, victimisation and other conduct prohibited by the Act includes:

- Direct discrimination
- Indirect discrimination
- Perceptive discrimination
- Associative discrimination
- Harassment and third party harassment
- Victimisation.

The general equality duty is underpinned by a number of specific duties including that of preparing and publishing every four years one or more equality objectives that are considered achievable in relation to the aims of the general duty. These objectives must be specific and measurable and be published in a way that is accessible to the public. The objectives should help focus attention on priority equality issues and assist in delivering service improvements. Each public body can decide which equality objectives it sets and how many there should be. A standalone report is not required and the objectives should be integrated within the organisations business and service planning. The Act seeks to generate equality objectives that are meaningful and tailored to local circumstances, mainstreamed and treated as part of the authority's core work.

The objectives prioritised by Gedling Borough Council cut across a wide range of council services and impact on a number of protected characteristics. Most of the objectives are included in the Council Plan which effectively mainstreams the equalities actions. Progress towards them will be managed by the Council's service and planning performance management arrangements.

The objectives selected to further the aims three aims of the equality duty are aligned with Council priorities

- Homes – to reduce homelessness
- Jobs – to reduce unemployment
- People – to reduce incidents of domestic violence and hate crime, encourage reporting and reduce repeat victimisation
- Diversity in the workforce – increase applications for employment from people with disabilities and from black and ethnic minorities
- Place – improve residents' quality of life in Netherfield and Newstead, reduce levels of child poverty across the borough, minimise the effects of welfare reform.

Equality objectives information has to be published in a format, and place, that is accessible to both members of the public, elected Members and internal staff. To comply with the specific duty the objectives are published in full on the Council website.

Compliance with the equality duty requires also having due regard for three aims of the Equality Duty and assessing the impact when making policy decisions. This requires that both Elected Members and officers have to consider equality issues prior to decisions being taken to assess the impact on people and identify practical ways to mitigate any adverse effects.

Departments formerly carried out Equality Impact Assessments to make sure service policies do not disadvantage any groups of people who are within the protected groups and the Committee felt this to be a good starting position to identify possible challenges. However Equality Impact Assessments are no longer required for each policy/strategy although it is still recommended they are completed for major policies/strategies for example for the Aligned Core Strategy.

### **Gedling Borough Equalities Employment policies and procedures**

The percentage of people from ethnic minority backgrounds employed by the authority is below target in correlation to BME residents in the borough. In March 2011 the proportion of employees from Black minority and ethnic background was 2.9%. 2.4% of employees meet the Equality Act 2010 definition of disability. Included in the Equality Objectives is an aspiration to increase applications for employment from people with disabilities and from black minority and ethnic backgrounds.

Members were informed that during the recruitment process job descriptions and adverts are reviewed in terms of Equal Opportunities. Vacancies are advertised in local papers, on the Council website and other professional sites including the Local Government portal. A current mailing list for cultural and religious organisations across the County who receive information about current vacancies was discussed.

The 'two tick positive' about disabilities symbol is included on the application form. If a disability is declared, adjustments can be made to enable a person to take up a job offer i.e. changes to working hours, alterations to buildings adjustment, provision of aids. Occupational Health advice is offered to enable workstations to be adapted to meet the needs of people with disabilities and adjustments made to enable people who have developed long term health conditions continue in employment. Candidates with a disability who have the minimum criteria are offered interviews. Medical forms are only now completed by successful candidates.

Family friendly working arrangements are available which include job share, flexitime, home working and term time working. Application forms include surname but not date of birth, ethnicity or gender. A separate Equal Opportunities Monitoring Form is included in the application pack. Temporary vacancies are recruited in the same way as permanent vacancies although agencies are used for short term staff. Currently the wording for the interview question relating to equal opportunities is being reviewed to prompt the applicant to think wider than the usual answer relating to font size etc. to consider how we can actively address inequality.

An Equality and Diversity Basic Awareness Training workbook, designed to ensure the Council works to the minimum Equality and Diversity standards, was introduced two years ago. Some employees complete the book on their own, others in facilitated groups. The completion rate is presently 75% against a target of 100%. Approximately 50% of non-returns were from Direct Services, 25% from Leisure and 25% from Civic Centre based staff. Managers have responsibility for encouraging the workbook to be completed.

The Corporate Equality group meets bi-monthly to lead on the implementation of the authority's equality and diversity strategy and to develop organisational knowledge, understanding and commitment to equalities. It is an expectation that group members will promote equalities in their departments and bring to the attention of the Corporate Equalities Group best practice and ideas and departmental barriers to making progress. Recent issues that have been discussed include alternative formats available for corporate documents, the Equality Impact Assessment for the Council Tax Reduction Scheme 2013/14, awareness raising events and equality checking of service plans.

### **Influencing the Community/Fostering Good Relations**

Members were informed by the Portfolio Holder who has specific responsibility for equalities about how the council fosters tolerance and inclusion of groups with recognised protected characteristics through:

- Communications and public relations
- Work to address crime and Community Safety

The authority communicates in a number of different ways including:

- The use of publicity/multimedia –promoting and informing our services
- Branding – consistency of message and accessibility of formats
- By elected Members acting as ambassadors in communities
- Through the delivery of priority services to address the causes of intolerance i.e. youth unemployment, address disadvantage in specific geographical areas.

Although advances have made including the establishment of a Cabinet Member with specific responsibilities for equalities, and equality objectives are included in the Council Plan to reduce poverty and disadvantage, Members are aware there is still much work to be done to ensure everyone has a fair chance and people from all backgrounds feel part of the community.

Included in the Equality objectives is an ambition to 'reduce crime against people who share the protected characteristics with a focus on domestic violence against women and race hate crime'

Hate crimes are any crimes that are targeted at a person or property because of hostility or prejudice towards that person's:

- disability
- race or ethnicity
- religion or belief
- sexual orientation
- transgender identity

This can be committed against a person or property.

There has been a slight increase in hate crime and Gedling has higher levels when compared to Broxtowe and Rushcliffe and over the past 12 months 47% of all hate crime in South Nottinghamshire occurred in Gedling borough, the average volume per month is 10 hate crimes. Much of the work to address this area of work is channelled through the Community Partnership. The proactive approach taken by public protection has indirectly had a positive impact on equalities by protecting vulnerable adults and young people.

Key to improving equal opportunity is treating people fairly and according to their individual need, to do this it is necessary to strengthen our knowledge about our customers. Two key staff roles are integral to this – the Performance Monitoring Officer and the newly appointed Customer Insight Officer who will be instrumental in researching the needs of protected groups. The 2011 Census will provide detailed data on a variety of issues on the equality agenda including demography, ethnicity and health. Information and analysis provided will be valuable when planning and developing policies.

Members were informed about whole range of very diverse services that are provided by the voluntary sector for people who were included in the protected characteristics range. Some of these are provided by large national charities for example MIND or smaller local organisations like Nottinghamshire Domestic Violence Forum and Women's Aid. Many churches have longstanding groups for men and women's fellowship and other groups are facilitated by the Gedling Council for Voluntary Services for example the Caribbean Elders Group and the Volunteer Driving Scheme. Some support groups are set up by individuals who have a need to connect with individuals in similar circumstance. Lesbian and gay groups are mainly based in the City and mental health groups are also predominantly City based. Separate groups for children and young people are available for example Debz for Coffee which provides support for young people

and families with learning disabilities. Access to support services and networking can, for some individuals who have protected characteristics, present a challenge. As some services are based in the City the lack of, and cost of, transport particularly in the rural parts of the borough could be a factor in some individual not being able to access provision. Gedling Council for Voluntary Service is currently creating a data base that will catalogue all groups and services available in the borough.

Members considered that where gaps in support in the borough are evident that grant aid provided by the authority could be used to assist groups to be established. To underpin this aspiration not only should equality and diversity issues should be built into criteria when grant aid applications are considered but that grant aid allocations are inclusive of all groups.

#### **4. Conclusions and Recommendations**

##### **Recommendations**

- 1. Simplify and standardise the format for the Equality Objectives published on the Council website.**
- 2. An annual review of the progress of the Equality Objectives should be undertaken as part of a monitoring process.**

Members acknowledged that the publication of the equality objectives met the requirements of the equality duty but considered the layout to be confusing, untidy and unclear for members of the public who were not used to information presented in this format. The inclusion of a named accountable manager and lead director was seen as unnecessary. Some of the objectives include both a target and action, others do not. Where targets are identified baselines are not always identified. The inclusion of the tables and graphs of differing sizes and design, although containing interesting and pertinent information further complicated the presentation. Members concluded a much simpler clearer format which standardises the different objectives and clearly demonstrates the action and target with a time line would be much more meaningful.

Members were also concerned that information about progress towards achieving the objectives should be available to demonstrate compliance with the equality duty. As new objectives can be published at any point during the following four years it was important to regularly monitor those objectives that had been originally published to meet the April 2012 deadline. Publication of the objectives should enable members of the public and staff to assess the performance and progress of the authority towards meeting the objectives a concise performance

report summarising work undertaken should be published at least annually, if not six monthly.

### **Recommendation**

- 3. Develop a process to indicate how equality and inclusion considerations/implications are taken into account when new policies are being developed.**

Members felt that the lack of an Equality Impact Assessment could lead to unforeseen detrimental consequences for some groups. They felt that it was important to ensure that the impact on all the people with protected characteristics was assessed and this should be undertaken during the decision making process. Whilst Members appreciated that where impact assessment is undertaken as part of service design this not always visible to members of the public due to sensitivities they concluded that a clear indication that protected groups had been considered during the decision making process should be available. The method used when undertaking this assessment should be standardised across all departments, be transparent, documented and explain any necessary adjustments that have been made to moderate any possible outcomes.

### **Recommendations**

- 4. Ensure the cultural breakdown of the borough identified through the census data is considered when identifying service need**
- 5. Develop mechanisms to target applications from minority groups by broadening the list of agencies that receive notification of vacancies.**

After considering the current list of cultural organisations that receive information Members concluded that the list was very City based and needed to be refreshed. The use of internet employment sites could be considered to increase dissemination and reach individuals and groups not currently included.

### **Recommendation**

- 6. Consider how job adverts and application forms can be improved to make potential applicants aware of the Council's policy that jobs are open to job share.**

Members were concerned that applicants may not be aware that job applications can be made on a job share basis and this should be made much clearer particularly in job adverts.



## **Recommendation**

- 7. Revise the Equality and Diversity basic awareness training for new employees and develop a process to refresh this information for existing employees on a regular basis. Techniques for delivering this could include briefings or the use of interactive soft wear.**
- 8. Undertake initiatives to promote awareness and understanding of diverse groups for existing employees by the use of themed displays and events.**
- 9. Remind staff of the need to use clear English on any printed material that is in the public domain.**

Members considered it essential that members of staff understood equality legislation and that it was important for the authority to demonstrate that they work to prevent discrimination, victimisation and harassment both in the community and within the workforce. Members were concerned about the poor return rate of the Equalities workbook. They agreed that should this method of training be continued, in services where completion rates are low, managers should be reminded that it is a requirement for new staff to complete the workbook. Members felt that other methods of informing staff about equality issues should be considered to determine if they would be more effective and that equalities awareness should not be a one off event but should be on-going. Consideration should be given to using interactive soft wear which may yield more participation in the training and a higher level of completion.

## **Recommendation**

- 10 Proactively work to counter negative perceptions about diverse groups in the community.**
- 11 Promote positive examples of community/multicultural action by publishing news stories/photo opportunities via the Gedling Borough web pages, Staff Intranet and Contact magazine.**
- 12 Consider what can be done at the Arnold and Gedling Shows to celebrate our diversity.**

It was considered important that all residents of Gedling feel they belong whether they have lived in the borough for many years, recently moved in or fell within the groups included in the protected categories. Members considered it important to support and advance community cohesion, work to promote different groups of

people to get on together and celebrate diversity amongst residents. They felt the authority had a role in promoting tolerance and good relationships and this could be strengthened to develop strong positive relationships in the community for people from different backgrounds.

### **Recommendation**

- 13 Create a link from the GBC web pages to the database the Council for Voluntary Services is currently developing which will catalogue voluntary and community groups.**

Members felt that by linking to this database the authority would be able to disseminate information more widely to groups and individuals to enable them to engage with and have access to other voluntary organisations. This may possibly remove duplication and possibly negate the need for travel to other areas.

### **Recommendation**

- 14 Evidence of applicants meeting equality criteria should be requested when applications for grant aid funding are considered. Monitoring should be undertaken to ensure that grant aid funding is allocated to a wide range of diverse groups.**

Members considered that equality and diversity issues should be built into criteria when grant aid applications are considered not only the equality policies of the applicant but that the grant aid application process is accessible by all groups and allocated so that it is spread fairly across all groups. Grant aid could be used to support and encourage groups to be started in Gedling for individuals who have previously had to travel into the City and build capacity to develop services for those that already exist.



## Scope

<b>Scrutiny committee:</b>	<b>Performance</b>
<b>Working Group:</b>	<b>Inclusion and Equality</b>
<b>Chair of group:</b>	<b>Councillor Muriel Weisz</b>
<b>Working group members:</b>	<b>Councillors: Paling, Hughes, Lawrence, Wheeler, Ainley, B Andrews, Brooks, Tomlinson</b>
<b>Portfolio holder/s:</b>	<b>Councillor Fox</b>

### (1) Scope

Why this review is being undertaken

(List the specific outcomes – **Specific, Measurable, Achievable, Realistic and Time bound**)

- To ensure that the authority is meeting the specific duties that enable them to comply with the Equality Duty introduced by the Equality Act 2010
- To establish that processes have been developed that will support officers in compliance with this obligation
- To find out what mechanisms exist to determine that equality issues are considered and implemented when new policies are developed.
- To determine if there any further action that need to be undertaken to strengthen the authority's commitment to equalities

### Aims

<b>Aim</b>	<b>Corporate Values</b>
To identify how the authority works to underpin this value.	<b>1. A caring and fair Council</b> that treats customers, residents, partners and staff well
	<b>2. A listening Council</b> that listens to and involves the people it serves
	<b>3. An ambitious Council</b> one that is never satisfied and constantly hungry for improvement

To establish that the three aims of the Equality Duty are complied with <ul style="list-style-type: none"> <li>• Eliminate unlawful discrimination</li> <li>• Advance equality of opportunity</li> <li>• Foster good relations.</li> </ul>	4. <b>A responsive Council</b> that is sensitive to different needs and acts accordingly
	5. <b>An efficient Council</b> that is responsible ; that avoids waste and makes the most of what it has

**(2) Timetable**

The review will commence in:	<b>September 2012</b>
Milestones:	<b>Evidence gathering completed by February.</b>
The review will report in:	<b>March</b>
Committee dates:	<b>TBC</b>
Frequency of meetings:	<b>Monthly</b>

**(3) Information gathering and consultees**

The working group has requested the following information:

Are we meeting our Equality Duty  
How are we putting the objectives into practice  
How do they relate to the three specific duties  
How are the targets set/ how are they measured and evaluated  
What about equality issues not in the objectives – how are they supported and communicated  
What specifically is being done to promote equality issues in the recruitment of the workforce?

What are the main questions to be asked and of what parties?

Stephen Bray/David Archer/ Cllr.Payne/CAB/David Jayne  
How were the current Equality Objectives chosen  
How do they relate to the three specific duties  
How are the targets set/ how are measured and evaluated.  
Will the format be standardised and will the information  
How do these objectives feed into policy making decisions  
Is the format for the presentation of the Objectives as clear as it could be?

Representative from the Corporate Equalities Team  
What is their role in promoting equality issues in the workplace?

Service Manager, Community Engagement

What work is being done in the community to foster good relationships between people who share protected characteristics and eliminate unlawful discrimination and victimisation and any other conduct prohibited under the Act.

**Communications**

How does the authority communicate with people who have communication difficulties – language, sight, and hearing?

The working group will be inviting the following persons/organisations to one or more meetings to help with the review:

Stephen Bray  
David Archer  
Corporate Equalities Group  
David Jayne  
Cllr Payne

**Visits**

The working group might need to consider a visit to:

**None**

**(4) How the community will be consulted, informed and involved**

The working group wishes to consult through:

No involvement but recommendations may change the way we communicate and interact with the public

**(5) Equality of opportunity**

The following Equality Impact Assessment method will be applied

Implicit in the review

**(6) Resources**

The working group is supported by:

Members Services Officer  
Members Services Team Leader

**(6) How the effectiveness of the review will be measured**

After the initial review the working group will...  
(Review date to be included in Scrutiny Forward Plan)

The impact of the recommendations arising from this review may be considered when future years Equality Objectives are published.