

COMMUNITY AND ENVIRONMENT COMMITTEE
30 NOVEMBER 2006

Report of the Chief Executive

PROMOTING EQUALITY

SUMMARY

The District Council has since 2002 had a duty to adopt a scheme for promoting race equality. Similar duties now apply to disability equality from December 2006 and gender equality from April 2007. These duties apply to the District Council's role both as an employer and as a service provider. A revised Race Equality Scheme and new Disability and Gender Equality Schemes have been developed to meet these duties.

RECOMMENDATIONS

1. The District Council's revised Race Equality Scheme and Action Plan is adopted.
2. The District Council's Disability Equality Scheme and Action Plan is adopted.
3. The District Council's Gender Equality Scheme and Action Plan is adopted.

WARDS AFFECTED

All

KEY DECISION

Yes

STRATEGIC LINK

Fairness and equality is a core value of the District Council. Meeting the equality duties will support the District Council's aims to lead the communities of the Derbyshire Dales, improve quality of life and provide excellent services. It also contributes directly to the achievement of our corporate priorities for 2003-2007.

1 BACKGROUND

- 1.1** The District Council has for many years had an equal opportunities policy which addressed our procedures for ensuring equality in employment. Since 2004, we have had a comprehensive Equality and Diversity Policy which promotes equality in service provision as well as employment. The Council has met the Equality Standard for Local Government (Level 1) since December 2004. The Equality Standard is important because it does not restrict itself to race equality: it also addresses disability, age, gender and other equalities issues. Our Corporate Equalities Action Plan has since December 2004 steered the Council's progress in furthering equalities in all these areas.

- 1.2** In recent years, a plethora of legislation has sharply stepped up the duties on local authorities. The Race Relations (Amendment) Act 2000 placed a duty on us to promote racial equality from 2002. As a consequence, the District Council adopted a Race Equality Scheme and Action Plan in September 2002, which it is required to review.
- 1.3** The Disability Discrimination Act 2005 places a new duty on various bodies including local authorities to promote disability equality from 4 December 2006; as a result we must now adopt a Disability Equality Scheme and Action Plan.
- 1.4** The Equality Act 2006 places a further new duty on various bodies including local authorities to promote equality of opportunity between men and women from 6 April 2007; as a result we must also adopt a Gender Equality Scheme and Action Plan.
- 1.5** Disability equality issues, as well as race and gender equality issues, must be considered in every decision taken by the Council.
- 1.6** In summary, the District Council:
- already has a Race Equality Scheme but needs to review it
 - must adopt a Disability Equality Scheme by 4 December 2006
 - must adopt a Gender Equality Scheme by 6 April 2007.

The three new Equality Schemes are appended to this report. Although they are contained in a single document for ease of reference, they are separate schemes. The three action plans, which set out how we will achieve compliance with the duties, are combined into a single Corporate Equalities Action Plan.

2 DUTY TO PROMOTE RACIAL EQUALITY

- 2.1** The Race Relations (Amendment) Act 2000 placed a general duty on a local authority to:
- promote racial equality
 - prevent racial discrimination in all its functions, whether carried out by the Council or by a contractor, agent or partner
 - promote good relations between racial groups.
- This is intended to make the consideration of racial equality a central part of the day-to-day activity of all local authorities.
- 2.2** The weight given to race equality should be 'proportionate to its relevance' - so it is of greater importance in people-focused services (such as benefits) than in property-based services (such as street cleaning). However, any interaction with the community is likely to have some race equality considerations. The general duty is enforceable through the Courts.
- 2.3** The Act also imposed certain specific duties on councils. The most significant of these was the duty to publish a Race Equality Scheme, which sets out how the council intends to meet its race equality duties. Another specific duty is to monitor employment by ethnic group (including job applicants, existing staff, training, grievances, and dismissals) and publish the results every year. The specific duties are enforceable through the Courts.

2.4 The District Council adopted a Race Equality Scheme and Action Plan in 2002 (Community and Environment Committee, 5 September 2002). However, it is a requirement that it be reviewed. A new Race Equality Scheme and Action Plan is therefore appended to this report for adoption.

3 DUTY TO PROMOTE DISABILITY EQUALITY

3.1 The Disability Discrimination Act 2005 places a new duty on local authorities to promote disability equality from 4 December 2006. There is a general duty for an authority when carrying out its functions to have due regard to doing the following:

- promote equality of opportunity between disabled and other people
- eliminate unlawful discrimination
- eliminate harassment of disabled people that is related to their disability
- promote positive attitudes to disabled people
- encourage participation by disabled people in public life
- take steps to meet disabled people's needs, even if this requires more favourable treatment.

3.2 The disability equality duty is unique in equalities legislation in requiring public authorities to treat disabled people more favourably than other people (not just on the same terms as other people). It is also unique in that there are no legal restrictions on positive discrimination in favour of disabled people. It is enforceable through the courts.

3.3 The regard given to disability equality should be proportionate to its relevance. There is a statutory Code of Practice on the Disability Rights Commission website (www.dotheduty.org.uk).

3.4 The disability equality duty must be built into the procurement of services from external contractors: even where services are contracted out, the council is required to meet the general duty to promote disability equality.

3.5 There is also a specific duty, enforceable by legal action, on councils to publish a Disability Equality Scheme by 4 December 2006. A Disability Equality Scheme must:

- include an Action Plan with targets, measures and deadlines
- involve disabled people
- map current performance of services in taking account of the needs of disabled people
- set out arrangements for gathering information in relation to recruitment, development and retention of disabled employees
- include arrangements for reviewing and updating the Scheme and Action Plan within three years, with annual progress reports
- be signed by the Chief Executive.

4 DUTY TO PROMOTE GENDER EQUALITY

4.1 The Equality Act 2006 places a further new duty on local authorities to promote equality of opportunity between men and women from 6 April 2007. There is a general duty to give due regard to the need to:

- promote equality of opportunity between women and men
- eliminate unlawful sex discrimination.

4.2 This general duty is also enforceable by legal action. There is a draft Code of Practice on the Equal Opportunities Commission website (www.eoc.org.uk). It is intended to build gender equality into the everyday thinking of an organisation to benefit men, women, girls and boys. It introduces a legal responsibility to demonstrate that we treat women and men fairly.

4.3 The gender equality duty applies to those functions which are carried out through procurement as well as those which are carried out directly by the council.

4.4 From 6 April 2007, a legally-enforceable specific duty will be placed on local authorities to publish a Gender Equality Scheme. The draft Code of Practice indicates that the Gender Equality Scheme must demonstrate how the District Council will:

- gather information on how our work affects women and men
- consult employees, service users, trade unions and other stakeholders
- assess the different impact of policies and practices on both sexes
- identify priorities and set gender equality objectives
- include an Action Plan with targets, measures and deadlines
- include arrangements for reviewing and updating the Scheme and Action Plan within three years, with annual progress reports.

4.5 In addition, the Equality Act requires local authorities to have equal pay schemes in force. The Job Evaluation and Pay and Grading exercises that the Council is currently undertaking already meet this requirement.

5 EQUALITY SCHEMES AND ACTION PLANS

5.1 Three Equality Schemes are appended and recommended for adoption along with their Action Plans. The Action Plans are combined into a Corporate Equalities Action Plan, which builds on the Council's original 2004 Action Plan. The Equality Schemes and Action Plans will continually evolve. Revised Action Plans will be prepared within 12 months, and the Equality Schemes will be revised within three years.

5.2 Our Equality Schemes will undergo extensive consultation in order that they may be refined and updated. This will involve working with employees and Members as well as voluntary and community groups. The Derbyshire Dales Council for Voluntary Service has agreed to coordinate stakeholder involvement in refining and updating the Equality Schemes and Action Plans. In addition, the programme of Impact Needs/Requirements Assessments (referred to in the Action Plans) to be carried out within the District Council, will help shape changes to the Equalities Schemes and Action Plans over the coming years.

6 CORPORATE EQUALITIES GROUP

6.1 The Equalities Best Value Review which reported in December 2004 set up a corporate mechanism for dealing with equalities work. The Corporate Equalities Group is co-ordinated by the Assistant Personnel Officer, who was recruited to be the District Council's main contact for equalities issues. It contains officers at all levels from each department, and it acts to share the workload on equalities issues between a group of keen volunteers. It is championed by a member of the Corporate Management Team to ensure its work is driven forward and integrated with the policies and decisions of the District Council.

7 RISK ASSESSMENT

7.1 Legal risk. The Council has statutory duties to promote race, disability and gender equality. All decisions taken by the Council, all services provided or enabled by the Council, and all personnel functions of the Council, are required to take account of the duties to promote race, disability and gender equality. Not taking account of race, disability and gender equality would render the Council open to legal challenge.

7.2 Financial risk. The Equality Schemes' action plans have resource implications. To ensure the District Council's services meet the requirements of equalities legislation they must be assessed. A consultant will be engaged to assist with these assessments, and the cost will be incorporated in revised budget estimates. The requirement on contractors to address equality concerns might also have a financial implication. No resources have been made available by the Government to support these new activities, and a proportionate approach is therefore entailed. However, the costs of not complying with the legislation could be severe.

7.3 Corporate risk. The risk register scores as 3 (medium risk) the Council's vulnerability to legal action due to equalities assessments not being carried out.

7.4 Other considerations. In preparing this report the relevance of the following factors has also been considered: prevention of crime and disorder, equality of opportunity, environmental, health, human rights, personnel and property.

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BACKGROUND PAPERS

Promoting Equality: report to Community and Environment Committee, 5 September 2002	Derbyshire Dales District Council
Dignity and Respect in the Community policy 2006	Derbyshire Dales District Council
Doing the Duty	Disability Rights Commission
Promoting sex equality in the public sector	Equal Opportunities Commission
Advancing equality for men and women	Department for Communities and Local Government