



## **SOUTH KESTEVEN DISTRICT COUNCIL**

**DRAFT**

# **GENERIC EQUALITY SCHEME**

**Version 2**

**January 2005**

Document enhancement for the visually impaired or translation from English is available on request. Telephone 01476 406200 or e-mail

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## **FOREWORD**

*To be written by Leader and Chief Executive.*

## **INTRODUCTION**

### **Context**

1. The Council first published a Generic Equalities Scheme in March 2003. That was South Kesteven District Council's first response to new statutory responsibilities placed upon it by the Race Relations (Amendment) Act 2000. This act places certain positive responsibilities on the Council in relation to race equality. In order to satisfactorily discharge our responsibilities arising from the Act the original scheme requires development hence the publication of this revised scheme.
2. The publication of a Race Equality Scheme in itself is a specific requirement of the Act. The Council has chosen to publish its Race Equality Scheme within a wider Generic Equality Scheme which includes fair treatment and equal access to services and employment regardless of race, disability, gender, religious belief and sexual orientation.
3. The Council also aspires not to discriminate on the basis of age. The current state of UK legislation however, prevents the Council from meeting an absolute undertaking to not discriminate on the basis of age in the provision of some of its services. The UK government is required by the European Directive to outlaw age discrimination in UK legislation.
4. The specific aim of this first review of the Council's equality scheme is to develop the Council's responsibility with respect to race equality and the promotion of good race relations. It also incorporates the Employment Equality Regulations 2003 relating to sexual orientation and religious belief which have come into operation since the last scheme was published.

## **Content**

5. The contents of this scheme are those required of a race equality scheme. This will form the strategic framework for the development of equalities. The scheme is laid out as follows:

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## **POLICY STATEMENT**

6. The council's overall vision is:

To ensure that the residents of South Kesteven are proud of their district and their Council.

7. To underpin our vision of a Council which is regarded with pride by all its stakeholders the Council's equality vision is:

**The Council aims to deliver services and employ people in such a way as to**

- (1) Avoid unlawful discrimination**
- (2) Promote equality of opportunity**
- (3) Promote positive relations between groups particularly different racial groups.**

## **DEFINITIONS**

8. It is useful to articulate exactly what the Council means by the terms 'equality and diversity'.
9. **Equality** means equal treatment irrespective of gender, race, disability, religious belief, sexual orientation and (aspirationally) age. Equal treatment does not necessarily mean the "same" treatment. It does mean treatment that will lead to the same outcome.
10. **Diversity** - an explanation of what we mean by diversity requires a more complex explanation.

Our society has always been made up of people who are different in one way or another - old and young, able bodied and those with a disability, men and women, poor and rich, differences in racial and ethnic origin, sexual orientation and religion among others. There are also those vulnerable people whose plight (or 'difference') remains hidden because of perceived stigma. Victims of domestic violence for instance.

Without meaning to do so it is likely that the council is providing better services for some groups than others. Perhaps even more importantly some groups feel included in our society whilst others feel excluded. It may be that access to services is likely to be better for the able-bodied than those with a disability, better for those who can speak English than those who cannot, better for those from a background attuned to

officialdom and form filling than those who are not, and increasingly better for those adept at utilising electronic communication than those who cannot. Additionally some minority groups of people tend to remain 'invisible' to the Council and other public agencies. In short, some feel 'included' and some feel 'excluded'.

In summary dealing with diversity involves:

- Recognising different groups which includes identifying those who are hard to reach
- Finding out how well we are serving their needs
- Ensuring our policies impact fairly on different groups
- Promoting good relations between groups particularly where difference is racial.

## **LEGAL FRAMEWORK**

### **Acts and Directives**

11. The Council's commitment to securing genuine equality of opportunity and anti-discriminatory practices is underpinned by the following legislation:-

#### Equal Pay Act 1970

To prevent discrimination between men and women in terms of their contract of employment, including pay.

#### Sex Discrimination Act 1975

It is illegal to discriminate directly or indirectly against men or women in selection for appointment, promotion or training.

#### Sex Discrimination Act Amendment 1999 – gender reassignment

It is illegal to discriminate against a person who is undergoing a gender reassignment in terms of employment or training.

#### Race Relations Act 1976

It is illegal to discriminate, directly or indirectly, on the grounds of colour, race, ethnic or national origin.

#### Race Relations (Amendment) Act 2000

All public bodies, including this Council, must eliminate unlawful racial discrimination; promote equality of opportunity; and promote good race relations. Local authorities have the specific duty to publish a Race Equality Scheme.

### Disability Discrimination Act 1995

It is illegal to discriminate against disabled people (with physical or mental impairments) in employment, provision of goods and services and buying or renting of land or property. Employers and service providers are required to make reasonable adjustments to overcome barriers.

### Human Rights Act 1998

Local authorities are legally required to consider the impact of people's human rights when setting policies and making decisions.

### Freedom of Information Act 2000

The act introduced a general right of access to information that is held by a range of public bodies, including the Council, with the aim of ensuring decision-making is open and accountable (comes into force 1<sup>st</sup> January 2005).

### Employment Equality (Sexual Orientation) Regulations and Employment Equality (Religion and Belief) Regulations 2003

The above regulations make it unlawful to discriminate against workers because of sexual orientation or religion or their beliefs.

## **General Duty**

12. Under the Race Relations (Amendment) Act 2000 the District Council has a general duty to have due regard to the need:-
  - To eliminate unlawful discrimination
  - To promote equality of opportunity
  - To promote good relations between persons of different racial groups

## **Specific Duties**

13. Again under the Race Relations (Amendment) Act 2000 the Council has the following specific duties:-
  - To prepare and publish a Race Equality Scheme with specific content
  - To identify the relevance of their current and proposed functions and policies to the general duty to promote race equality
  - To monitor for any adverse impact policies have on promoting race equality
  - Make arrangements for assessing and consulting on the likely impact of proposed policies on promoting race equality
  - Make arrangements for publishing the results of assessments, consultation and monitoring

- Make arrangements for ensuring people have access to information and services
- Make arrangements for training of staff on issues that are relevant to the general duty
- To comply with a number of responsibilities as an employer relating to race equality

## **POLICY FRAMEWORK**

### **The Council's Priorities**

14. The Council has recognised diversity as one of its priorities following the consultative exercise in examination of national priorities last year. It was significant that a well established ethnic minority group (the Grantham Chinese Association) chose diversity as their most important priority for the Council.
15. The Council has also established access to services as a priority. This is an important equality and diversity issue which will help prioritise the creation of strategies to improve access to services for hard to reach members of our community, people with a disability, people whose first language is not English etc.

### **Employment Equal Opportunity Policy**

16. The Council has an established Equal Opportunity Policy in its role as an employer. This policy underpins many of our corporate employment activities such as recruitment, provision of reasonable adjustments in the workplace, dealing with harassment, flexible working etc.

## **THE COUNCIL'S EQUALITY AND DIVERSITY AIMS AND OBJECTIVES**

17. The Council has the following equality and diversity aims:-
 

(For the purposes of these aims 'relevant groups' are those based on gender, race, disability, religious belief, sexual orientation and age.)

  - i. To have a more representative workforce at all levels in the Council
  - ii. To have no significant differences in satisfaction among staff based on their race, gender, disability, religious belief, sexual orientation or age.

- iii. To have no significant differences in public confidence in the Council based on people's race, gender, disability, religious belief, sexual orientation or age.
- iv. To have no significant differences in service outcomes between people of different race, gender, disability, religious belief, sexual orientation or age.
- v. To have no significant differences in people's satisfaction with services based on their race, gender, disability, religious belief, sexual orientation or age.

18. To help achieve these aims the Council has a number of specific objectives: -

- i. To reach Level 2 of the Local Government Equality Standard by the end of December 2005
- ii. To reach Level 3 of the Local Government Equality Standard by the end of December 2007
- iii. To improve diversity performance indicators as set out in the Council's Best Value Performance Plan
- iv. To have in place a well used and recognised process for consulting with minority ethnic and disability groups by December 2005
- v. To demonstrate good relations within the rapidly changing demographic composition of South Kesteven
- vi. To establish full single status as an employer by March 2006

## HOW THE COUNCIL WILL ACHIEVE ITS EQUALITY AIMS AND OBJECTIVES

### Roles and responsibilities

19. To ensure that the Council translates its objectives into actions it will ensure that relevant participants in the management of the Council are aware of their responsibilities in relation to equalities. The following responsibilities will be discharged as far as reasonably practicable.

#### **Elected Members will:**

- Be familiar with the Council's Generic Equality Scheme and understand the extent to which it has an impact on their role in the Council
- Observe and promote the Council's equality policies in the performance of their roles and duties
- Ensure adequate resources are available for the Council to meet its legal responsibilities concerning generic equality
- Contribute toward driving forward change and scrutinise activities to comply with our responsibilities where such actions are relevant to their role within the Council.

#### **The Chief Executive and Corporate Management Team will:**

- Serve as role models to the organisation and wider community
- Provide direction and create corporate policies and plans in relation to equalities
- Encourage the integration of equalities into all the services provided by the council
- Ensure that we fulfil our stated aims and responsibilities as an employer and service provider with respect to equalities
- Ensure that all policy amendment proposals carefully consider equality issues in the widest sense and highlight areas where the council may not comply with our equalities aims and objectives

#### **Service Managers will:**

- Carry out impact assessments, monitoring and reporting of outcomes in their service areas and in accordance with this scheme
- Reflect the council's equalities aims and objectives in service plans
- Ensure that all employment related issues are dealt with in accordance with the council's equal opportunity policy

- Identify specific training needs associated with equalities arising from appraisal meetings.
- Ensure that they carry out the council's procurement activities in accordance with the procurement strategy (relating to equalities).
- Ensure that all policy amendment proposals carefully consider equality issues in the widest sense and highlight areas where the council may not comply with our equalities aims and objectives.
- Act as or nominate a service champion to represent their section on the Equalities PMG and to champion equalities within the section.

**Staff will:**

- Be familiar with the Generic Equality Scheme and understand the extent to which it has a bearing on their role
- Demonstrate commitment to equalities by taking active steps to challenge discrimination and disadvantage
- Undertake appropriate training in equalities

**Assessment of Functions for Relevance**

20. The Council has a duty to identify its functions and policies that are relevant to the general duty relating to race equality. An assessment has been undertaken and is shown at Appendix 1. Functions were examined one by one against the following criteria:

- Could the duty to eliminate discrimination be relevant?
- Could the duty to promote equality of opportunity be relevant?
- Could the requirement to promote good race relations be relevant?
- Is there evidence or reason to believe that some racial groups could be differently affected? (The answer to this question is "yes" where no measurement currently takes place.)

21. Functions are then categorised as being of high, medium or low relevance according to the following criteria:

Three or more "yes" answers	- HIGH relevance to race equality
Two "yes" answers	- MEDIUM relevance to race equality
One "yes" answer	- LOW relevance to race equality
No "yes" answers	- No relevance

**Impact assessment of existing functions**

22. For higher relevance functions further analysis was undertaken to develop a high level action plan to enable the functions to be assessed through monitoring and consultation. This involved identifying policies relevant to functions, identifying how consultation is undertaken currently, identifying

monitoring requirements and arriving at a high level simple action plan for each function in order to assess impact of the policy on equalities in the future and address any adverse impact that is found. The outcome of this exercise is shown at Appendix 2 and forms an important action plan for the development of equalities function by function.

### **Assessment and consultation on proposed future policies**

23. The Council is committed to assessing impact on equalities and properly consulting on proposed changes in policy or new policy. The results of this process will be recorded on the current standard template for report writing under equal opportunities. The process for carrying out such assessments is shown at Appendix 3.

### **Three year action plan**

24. This Generic Equality Scheme contains a number of corporate actions which need to be undertaken in order to carry out what we promise to undertake to achieve our equality aims and objectives. The action plan is an essential tool for monitoring and organising the Council's progress on equalities. It is shown at Appendix 4.

## **MONITORING AND SCRUTINY ARRANGEMENTS**

25. The Council is committed to implementing effective monitoring encompassing service equality measures (action and targets) and workforce recruitment. Monitoring will take place at different levels in the organisation as illustrated in the following chart.

<b>ACTIVITY TO BE MONITORED</b>	<b>BY WHOM</b>	<b>FREQUENCY</b>
Three-year action plan (incorporated into Change Management Action Plan).	CMT Cabinet Communications and Engagement DSP	Monthly 3 monthly Annually
Service and employment targets and actions (within service plans).	Cabinet/CMT Head of Service Appropriate scrutiny panel	Bi-annually Quarterly Annually
Equality Performance indicators	CMT/Cabinet Communications and Engagement DSP	Quarterly Annually

26. Service and employment monitoring is particularly important as it is at the cutting edge of equalities action. For each high relevant policy it will be necessary to:-

- Monitor its affect on different groups
- Check whether there are any differences in its impact on different groups and
- Assess whether these differences have an adverse impact on some groups. Where there are differences there will be a need to either review the Policy or review how the Policy is being applied.

## **CONSULTATION ARRANGEMENTS**

27. The Council has an agreed consultation strategy. The strategy gives guidance on how the Council will go about reaching people who may be under represented in consultation exercises including young people, people with disabilities and people from ethnic minority groups. Through the strategy the Council has developed the concept of a Local Area Assembly through which consultation can be undertaken with local representatives including those from groups identified by the local assembly as being hard to reach. The concept of youth consultation groups (YELLS) has also been introduced by the strategy.

### **Race Equality Consultation Forum**

28. Recently the Council has begun to develop a Race Equality Consultation Forum for the district. At its inception this forum intends to be simply a meeting of representatives from ethnic minority groups living within the District. Amongst other things this panel will be consulted on policies and functions which have a high relevance to race equality and race relations.

29. The Council is mindful that the setting up of consultation machinery, however helpful, may not achieve a desired level of inclusiveness because of the composition of consultative panels. Within the equalities three year plan the Council is committed to reviewing its consultation strategy both to include the development of an ethnic minority forum within the strategy but also the composition of consultative groups with respect to gender, age, race and disability.

## **PROCUREMENT**

30. The Council is committed to identifying those of its functions provided by private companies or voluntary bodies that are relevant to the general duty. Where there is high or medium relevance found we shall ensure that future contracts include provision for race equality elements in accordance with this scheme and the Race Relations (Amendment) Act 2000. In cases where a contract already exists the Council will seek to amend those contracts in order that the function meets the general duty.
31. Within the National Procurement Strategy milestones the Council must develop a policy for dealing with small/medium-sized firms. The Council is committed to developing such a policy that will help facilitate equality of opportunity to such organisations. Ethnic minority organisations (as defined by the commission for Race Equality) are predominately small/medium sized.
32. A number of actions have been identified for the procurement function contained in the impact action plan at appendix 2 (actions 10.1 – 10.4)

## TRAINING

33. Equal opportunity training already forms part of the Council's standard induction training for both staff and members. In order to fulfil the general duty required by statute a far deeper understanding of equalities is required by many staff. The following scheme outlines the different levels of training which will be provided by the Council.

<b>Training Need</b>	<b>Who</b>	<b>When</b>
General awareness	All staff and members	At induction and whole authority as soon as possible.
Managing assessment, consultation and monitoring of functions	Heads of section CMT equalities champion	Part of management development programme or upon appointment to post with periodic refreshers.
To develop an understanding of the general and specific duties and the introduction of equal opportunity policy in large organisations	Member champion CMT Member support staff	Upon appointment and a whole authority programme as soon as possible. Periodic refreshers.
Managing frontline issues including monitoring and consultation	Customer Services staff and specific relevant managers	As above
Planning for consultation with hard to reach groups and research into the changing demographics of the district	Relevant Cabinet/CMT members and policy authors	Following the outcome of research to be carried out in Lincolnshire sponsored by District Councils.
Equal opportunity issues relating to employment and recruitment monitoring and relevant legislation.	HR Staff	Already part of CIPD qualification and annual provision of employment law training.
Specialist equality training	CMT equalities champion	As required and identified through appraisal

## **EMPLOYMENT**

34. The Council will continue monitoring recruitment activities in relation to equality and report outcomes to Cabinet on an annual basis. Where significant differences are identified positive action plans are created and pursued. The Council also monitors workforce composition figures relating to gender, disability and race. The Council is committed to continuing positive action where workforce composition figures show an imbalance in composition of the workforce at different levels in relation to the demographics of the local population.
35. The Council is committed to achieving full single status for its staff and this has been achieved in all areas other than for craft employees.
36. The Council has a number of other employment initiatives designed to fulfil the specific duty relating to employment. Details of these are contained within the Council's approved HR Strategy.

## **PUBLICITY AND ACCESS TO INFORMATION**

### **The Scheme**

37. The scheme will be made available in both electronic and printed form. The Council is committed to giving the scheme as wide publicity as possible in order that it can reach all parts of our community. The scheme is available in Braille, large print, audio tape and languages other than English on request. Such requests are likely to take some days to fulfil.
38. The Council will utilise its consultation processes to keep this scheme under review.

### **Results of Impact Assessments, Consultation and Monitoring**

39. The Council is committed to open government and scrutiny. In developing new policies the results of the impact assessments and consultation will be made fully available.
40. Observations and suggestions for improvement to the scheme are welcome and should be addressed to:

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## APPENDIX 3

### ASSESSING AND CONSULTING ON PROPOSED POLICIES

1. The Policy is subject to examination of relevance to equality by applying the procedure shown at Appendix 2 of the Scheme.
2. Where a Policy is considered **high relevance** then a full impact assessment should be carried out consisting of the following steps.
  - (1) Identifying the aims of the Policy and how it will work.
  - (2) Examining the data and research available.
  - (3) Assessing the likely impact on race/gender/disability equality.
  - (4) Considering other ways of achieving the same policy goals.
  - (5) Consulting people who are likely to be affected by the policy.
  - (6) Making arrangements to monitor and review the policy and its impact.
  - (7) Publishing the results of the assessment.
3. Where **medium relevance** is found a partial impact assessment should be undertaken. As follows:-
  - (1) Estimate potential unequal impact.
  - (2) Supplement the estimate of impact by seeking advice from experts and interested groups.
4. Where **low relevance** is found it will be sufficient to carry out an initial estimate of potential unequal impact based on current data.