

Taunton Deane Borough Council

Corporate Governance Committee – 11 March 2013

TDBC Response to the Equality Act : Current Performance, SWAP Audit and Proposed Action Plan

Report of the Strategy and Performance Lead Officer

(This matter is the responsibility of Executive Councillor Jane Warmington)

1. Executive Summary

We have recently undertaken a review of our performance in delivering both statutory and locally defined responsibilities relating to equality and diversity. This report considers progress against:

- Equality Act – General Duty & Specific Duty
- Corporate Equalities Objectives
- Equality Action Plans (EAP) for each Theme.

Included are the findings of the recent audit by SWAP (South West Audit Partnership) into the adequacy of the procedures and controls to support equality and diversity.

Whilst we are on track and making good progress against our three Corporate Equality Objectives, significant inconsistencies and risks have been identified by the SWAP audit. Our performance is rated as poor with high inherent risks against each of four key issues identified by SWAP. Subsequent performance monitoring has confirmed these conclusions.

In response we have prepared a Corporate Equality Action Plan (CEAP). Compliance with the CEAP should address this situation. Senior managers will need to ensure that responsibility and action is taken across the authority.

2. Background

The Equality Act 2010 introduced a new Public Sector Equality Duty and seeks to ensure that people are not discriminated against because of certain characteristics. These are known as 'protected characteristics' and there are nine of them:

- Age	- Pregnancy and maternity
- Disability	- Race
- Sex	- Religion or Belief
- Gender reassignment	- Sexual Orientation
- Marriage and civil partnership	

The Equality Act imposes both a General Duty and two Specific Duties on each local authority.

A pictorial summary of the requirements of the Equalities Act and how Taunton Deane Borough Council is responding is shown at Appendix 1.

The General Duty

The General Duty has three strands which are to:

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
2. Advance equality of opportunity between people who share a protected characteristic and those who do not
3. Foster good relations between people who share a protected characteristic and those who do not

The Specific Duties

There are two requirements under the Specific Duties:

1. Publish Equality Information - Annually

Sufficient information to demonstrate compliance with the Equality Duty across its functions, specifically information about

- Council employees
- The wider community i.e. people affected by our policies and practices

To fulfil this Duty we should have:

- Evidence of equality analysis (we are using Equality Impact Analysis – EIA) to do this)
- Details of data and evidence used when considering equality issues
- Details of engagement undertaken while considering equality issues

2. Prepare and Publish Equality Objectives

Develop objectives at least every 4 years that will help the authority to meet one or more aims of the Equality Duty.

These were prepared in 2012 and are:

- 1: Councillors will fully consider the equality implications of all decisions that they make.
- 2: Information about the protected characteristics of our service users should be used in the planning and delivery of services.
- 3: Actions are taken to identify and to reduce or remove any inequalities faced by employees.

The measures used to assess compliance and performance against them are shown at Appendix 2

The actions required to meet both the General and Specific duties should be set out within individual Theme-specific Equality Action Plans, (EAP) and in the Corporate Equality Action Plan (see Appendix 3).

In addition to the above, each Theme's EAP should show any actions that need to be taken as a result of having carried out any Equality Impact Analysis (EIA) on the Themes' services or new policies.

The Equality Act still requires that EIA are carried out however it no longer uses this term. The Act intentionally is moving the emphasis from the process of preparing an EIA to the analysis of the findings and their use in decision making.

3. Performance Monitoring and Results

Corporate Equality Objectives

The three **corporate equality objectives** were developed and agreed in 2011. Progress against these is on track and a summary is given at Appendix 2.

Performance by Theme

As this is the first **review since the new requirements** came into place we have asked each theme manager five questions:

1. Have you prepared an Equalities Action Plan (EAP) as part of the service planning process?
2. Within the EAP is progress against the identified actions on track? (using RAG Status)
3. Do all reports going to the Executive have Equality Impact Analysis?
4. Do you have a profile of your Service Users, with particular reference to the protected characteristics? - There is a requirement to prepare one and review it every two years. The target is March 2014.
5. Are the profiles used to inform service delivery plans?

The responses from theme managers are shown at Appendix 4

The findings clearly show that whilst there is awareness of the need to consider equalities, and all services do, we do not yet comply consistently across the authority. There appears to be mixed levels of understanding about what is required and how to achieve it. Also we have not previously been monitoring the quality of EIA and from spot checks we see further training is required.

Specific Duty

- Publication of information relating to employees

Human Resources (SouthWest One) publish reports using equalities data that is held on the SAP system.

The equality data collection is included within the HR Workforce Plan as an annual event happening each autumn.

- Publication of information on the wider community

We have prepared a profile of Taunton Deane, which is available on the Council's website. This must be refreshed annually and in 2013 has been enhanced by the availability of information from the 2011 Census.

General Duty

Compliance with the General Duty is harder to evidence. However, these requirements must be given consideration. This should occur when EIA and Service Plans are being prepared. It is suggested that any actions required to ensure compliance should be included within each Theme's EAP.

SWAP Report

The **SWAP report** is available at Appendix 5 with a summary of significant findings given below.

- . Wide spectrum in Officers understanding of equality requirements. No refresher training is currently planned.

- . There was a lack of evidence to back up equality considerations undertaken during the decision/policy making process.
Lack of evidence that equality analysis is used to help inform officer recommendations, but appears equalities is an afterthought in the decision making process.

- . Equality analysis not included on all reports, and an effective quality monitoring framework is not in place.

Monitoring of Equality Impacts and mitigations is not fully embedded.

Each of these findings is given a Priority Rating of 4 i.e. they are important findings that need to be resolved by management.

The audit concludes that whilst systems are in place, the key risks are not well managed and systems require the introduction or improvement of internal controls to ensure the achievement of objectives.

4. Response

The above findings have been considered and have helped shape the Corporate Equalities Action Plan (CEAP) that is proposed for implementation during 2013/2014. An initial draft has already been considered by CMT and further consideration will be given by CMT on 4th March 2013. The CEAP is included at Appendix 3.

Progress against the CEAP will be monitored and reported on twice a year, normally in June and December. The findings will be circulated to all members as an Information Report.

Progress against the Theme specific EAPs will be considered quarterly by CMT at their performance monitoring meetings. The template for this monitoring is shown at Appendix 6

5. Finance Comments

There are no significant financial implications.

The costs of compliance will for example come from the need to obtain information and engage with service users. This should however lead to delivery of services better matched to customer needs. Failure to comply could lead to costly legal challenges.

6. Legal Comments

If we fail to comply with the requirements of the Equalities Act there is potential for legal challenges.

7. Links to Corporate Aims

In the 2010-2013 Corporate Strategy the vision and aims were set out along side the Corporate Equalities Scheme. The Corporate Equalities Scheme will no longer be viewed as a separate document; instead the action plans will be the responsibility of each Theme.

The Equalities Duties will have implications for all aspects of the council's work and all sections of the Corporate Business Plan.

8. Environmental Implications

There are no environmental implications

9. Community Safety Implications

Given the aims of the Equalities Act, in particular the general duties placed upon the council, it would be anticipated that there should be positive implications for community safety as greater community cohesion is sought.

10. Equalities Impact

See screening sheet – No assessment required for this report however an equalities impact assessment has been carried out for the new Corporate Equalities Action Plan.

11. Risk Management

The table below shows the inherent risk (the risk of exposure with no controls in place) and the Auditors assessment of the risk exposure at corporate level.

Risks		Inherent Risk Assessment	Auditors Assessment
Risk 1	Decision makers and contractors are unaware of their responsibilities under equalities legislation.	High	Medium
Risk 2	Equality analysis is not used to inform decisions and policies.	High	Medium
Risk 3	Irrelevant and insufficient evidence is used for equality analysis.	High	Medium
Risk 4	Actual impacts are different to those expected.	High	Medium

12. Partnership Implications

Yes – As we pass on our duty to those we engage to carry out services or grant funds to we will need to ensure they are advised of this shared responsibility and include monitoring of their response within any monitoring arrangements.

13. Recommendations

Councillors are recommended to:

Note our performance against requirements and targets.

Consider the proposed response in the form of the Corporate Equalities Action Plan (Appendix 3) and comment/ support as appropriate.

Mark Leeman

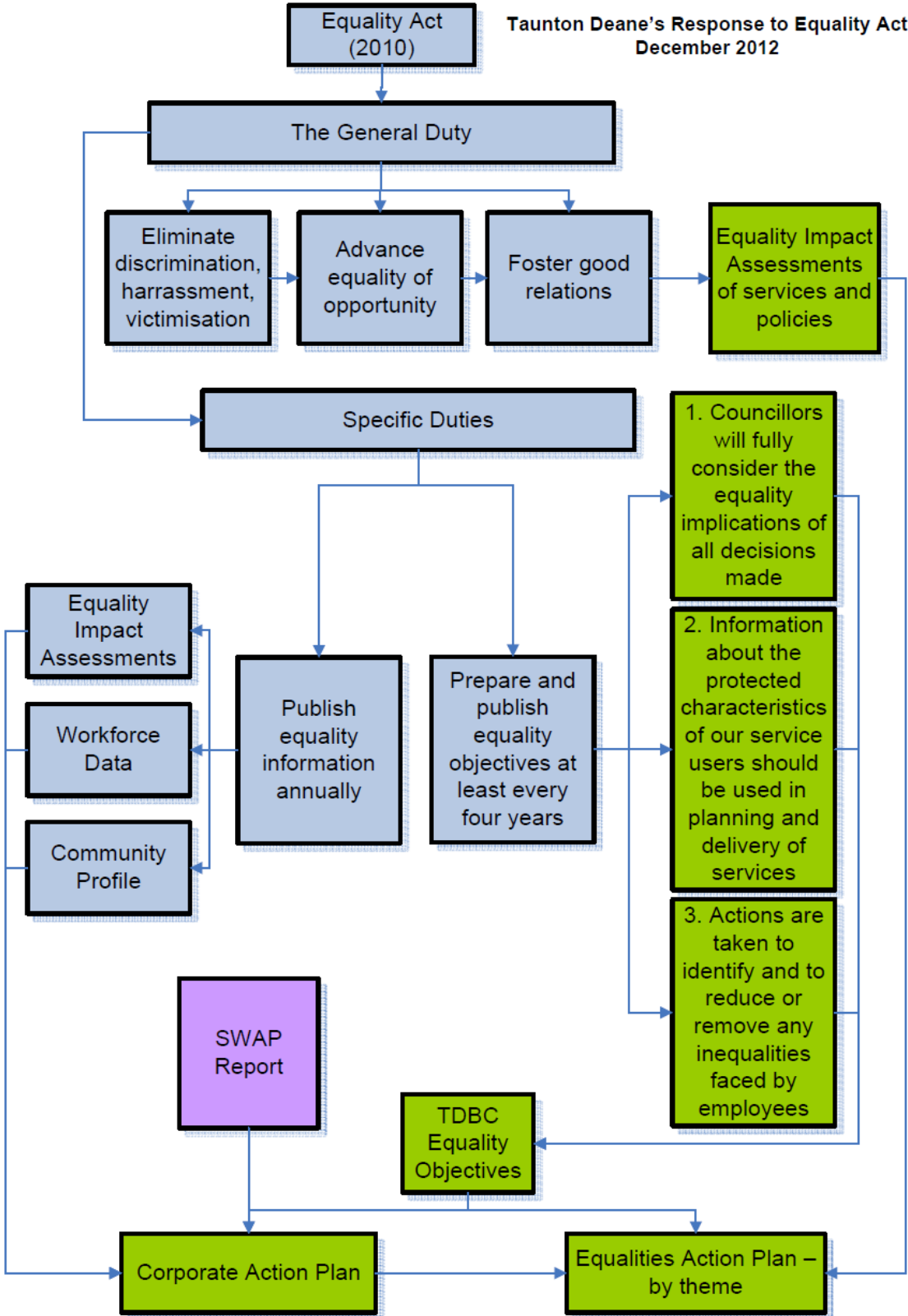
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Appendices

1 - Taunton Deane's Response to the Equalities Act (2010)



2 – Corporate Equalities Objectives

Objective 1: Councillors will fully consider the equality implications of all decisions that they make.

Activity	Response	
a) Ensure that 100% of reports that go to the Council Executive have accompanying Equality Impact Assessments.	Reports to the Executive that should have had an EIA attached or contained a full summary that did = 89% (8/9 reports). As at Q2 2012/13	Amber
b) Provide equality and diversity awareness training to 100% Councillors on Scrutiny Panels, Planning Committees and Executive	Being checked	
c) Make sure that 95% of all councillors have received equality and diversity awareness training.	A high proportion of Members have received this training although newer members and some others have not. Further training sessions required.	Amber

Objective 2: Information about the protected characteristics of our service users should be used in the planning and delivery of services.

Activity	Response	
a) Service areas will publish profiles every two years which describe the protected characteristics of their service users in order to inform service delivery	Due March 2014	NA

Objective 3: Actions are taken to identify and to reduce or remove any inequalities faced by employees.

Activity	Response	
a) Ensure 100% of employees are contacted annually to ensure their employee equalities monitoring data is up to date	Staff with access to SAP have been asked to update their details. Those without SAP have completed forms and their information is being input. Oct 2012	Green
b) Where cases of bullying and harassment arise, we undertake to consult with staff and trade unions to identify and treat the causes	There is a robust policy in place and HR meets on a fortnightly basis to consult with Unison on a one to one basis, which would be forum for discussing such issues	Green

3 – Corporate Equalities Action Plan

Key Equality Actions			
Ref	Actions	Frequency / Deadline	Lead Officer
1.	Equality Impact Assessments / Screening (Services/Policies/Changes/Budget reductions)	All reports	Theme/Service Managers, Lead officers
2.	Publishing EIAs on website (includes those within committee reports)	Monthly	Business Support
3.	Liaison with Finance on EIA of MTFP	Autumn	Paul Fitzgerald
4.	Equality Action Plans (EAPs)	Annually	Theme Managers
5.	Publishing Equality Action Plans (EAPs) on website	Annually	Business Support
6.	Web site – maintaining equality pages to ensure meet legislation	Quarterly	Strategy Unit
7.	Performance Scorecard Reports: Monitoring EIAs in Exec Reports	Quarterly	Business Support (R Bryant)
8.	Monitoring EAPs within Theme Scorecards	Quarterly	Dan Webb
9.	Service User Profiles	Biennial – due March 2014	Service Managers
10.	Staff Equality Profiles and equality objective #3	Annually	SWOne (Martin Griffin)
11.	Community Equality Profile	Annually	Helen Phillips
12.	Publishing Equality Profiles on website	Annually	Business Support
13.	Establishing and Publishing Equality Objectives (renew every 4 years)	2016	Mark Leeman
14.	Equality Performance Report	Biannual	Helen Phillips
15.	Performance Monitoring Equality Objectives (publish in Equality Perf Report)	Biannual	Helen Phillips
16.	Keeping up to date with legislative changes and sharing information	As required	Helen Phillips / Mark Leeman Hub / SEOG
17.	Responding to FOI requests	As required	Mark Leeman
18.	Staff Inductions	Biannual	Lisa Redston/Vikki Hearn

19.	Translation Briefing Sheet	January 2013	Lisa Redston
20.	CMT Training	January 2013	Lisa Redston / Mark Leeman
21.	Leads Meeting – awareness raising	Jan – Jun 2013	Mark Leeman/ LR/ HLP
22.	Equalities surgeries	Monthly	Lisa Redston / Mark Leeman
23.	Organising Cllr training (Awareness and EIAs)	4 years	Business Support
24.	Organising Staff training (Awareness and EIAs – new and 3 year refresh)	As required	Service Managers
25.	Liaison with Taunton Disability Group	Quarterly	Lisa Redston
26.	Liaison with Gypsy and Traveller Forum and Working Group	Quarterly	Ann Rhodes, Vikki Hearn, Lisa Redston
27.	Attendance at SEOG	Every 2 months	Mark Leeman
28.	Attendance at SW1 Equalities Group	Quarterly	Mark Leeman
29.	Communicating and Coordinating Equality Work (S and P team meetings, and after SEOG meetings)	Monthly	Mark Leeman

4 - Performance Monitoring Table – by Theme

Theme	Equalities Action Plan?	RAG status - Overall	Executive reports have EIA?	Service user profile available	Profile information in use?
Strategy & Performance (SL)	Yes	Amber	Yes – mostly	Partial	Yes
Corporate & Client Services (RS)	Yes	Amber	Yes – where applicable	Partial	Partial
Democratic Services (TM)	No	Red	Yes – where applicable	Partial	Partial
Health & Housing – (JB)	Yes	Amber	Yes	Yes – partial and on-going	
Economic Dev & Regeneration (MG)	Yes	Amber	Partial -	No	No
Growth & Development	Yes	Amber	Yes	No	No

(TB)					
Community & Commercial Services (CH)	No	Red	Yes	No	No

5 - SWAP - Equality Analysis Integration Final Report - Nov 2012



SWAP Audit Report
Dec 2012.pdf

6 - Equalities Action Plan Monitoring – Quarterly review by CMT

OBJECTIVES	MEASURES & TARGETS	ALERT (RAG)	RESULTS, COMMENTS* & ACTIONS (* Issues, Risks & Achievements)
Equality Action Plan Complete, implement, monitor & review EAP	Action Plan is updated with new actions from EIAs as completed. Progress against actions reviewed min quarterly		<ul style="list-style-type: none"> No. of actions in EAP % actions 'on / off track' Date EAP last reviewed

7 - Equalities Action Plan Template – Proposal



DRAFT EAP
Worksheet.xls

Additional relevant reports available from Strategy Unit:

- Staff Profile 2012
- Equality Information Report 2012 – A Profile of Taunton Deane