

Title:	<b>Diversity &amp; Equality Position Report</b>
To/on:	<b>Executive – 12 June 2006</b>
By:	<b>Divisional Head Human Resources</b>
Portfolio:	<b>Community Safety</b>
Status:	<b>Report for Action</b>

## **1. STRATEGIC FACTOR CHECKLIST**

The Council's Corporate Management Team has confirmed that the Strategic Factor Checklist has been applied to the development of this report, and there are no key issues, over and above those set out in the body of the report, that need to be brought to Members' attention.

## **2. SUBJECT MATTER AND PURPOSE**

The Council is opposed to all forms of unlawful or unfair discrimination on the grounds of colour, race, nationality, ethnic or national origin, disability, gender, marital status, sexual orientation or religion. The Council has an equality of opportunity and access to services policy as well as a comprehensive dignity at work policy and a racial equality strategy.

Derwentside is committed to the principle of equal opportunities in employment and ensuring equality of access in service delivery. Progress in achieving national standards has been limited, mainly due to the lack of resource investment in this area of activity.

The purpose of this report is to provide Executive with a position statement in relation to how it is achieving its obligations both legally and within the corporate aims and objectives it has set itself with regard to diversity.

The attached position statement and action plan has been formulated by the Equality Network using the Race Equality Standards as a template, but should be seen as applying to all aspects of equality and diversity within the Council.

## **3. CONTEXT**

The District has a small minority ethnic (ME) population which accounts for 0.6% of the total population. This population is spread across the District with no clear community base in existence. However, this does not include the emerging Eastern European migrant communities, particularly in the Consett area.

The Government has heavily emphasised equality and diversity issues in recent years and is now setting up the Commission for Equality and Human Rights, which will start to function in October 2007. The Disability Discrimination Act has enhanced the legal requirements in this area. The Sex Discrimination Acts 1975 & 1986, Human Rights Act 1998, Race Relations Act 2000 (Amendment) and the Race

Equality Scheme have also imposed legal duties on the Council, as will the new Age Discrimination laws, which will come into effect in October this year.

The Council has introduced a new corporate objective: To ensure that the district's ethnic minorities are enjoying the same quality of life as the other residents of the district. The Council has recently received a number of external reviews such as BV reviews, CPA and Peer Challenges, which stress the importance of the Council making progress in the equality and diversity agenda. The Audit Commission has just published a new guideline for district councils, which states that user focus and diversity will be a core element of the corporate assessment, with Audit Commission judgments threaded throughout the key lines of enquiry from ambition through to achievement.

In the Audit Commission Report, produced as a result of the Best Value Inspection of the Repairs and Maintenance Service carried out in January 2005, the following comments were made:

*“Overall, while the council is aware of weaknesses in its approach to diversity and is moving in the right direction, it still has substantial work to do. It lacks an understanding of the diversity of its customers and diversity data is not routinely sought or recorded. It has done some work with hard-to-reach groups but does not yet have the information to do this consistently. It does not know if it is communicating appropriately with tenants, nor if its services are suitable for everyone's needs. It does not comply with the Commission for Race Equality (CRE) code of practice for rented housing, though has developed a generally sound plan to achieve compliance. As a consequence of its lack of understanding of diversity, the council is unable to clearly identify how it needs to tailor services to meet specific needs and has therefore made only limited progress in doing this. It has Language Line available and clearly advertises this service. It has a policy on translation and a leaflet on that policy is sent with all documents. However, while it has started to compile a register of tenants with language or alternative media needs, this is not complete and the council cannot routinely identify where such needs exist.*

*At corporate level, the council's actions are setting the right course for future diversity development. The council's Race Equality Scheme (RES) provides a clear corporate commitment to racial equality and diversity. Positively, the council does not try to minimize its responsibility in the light of a having a relatively low (1.36 per cent) black and minority ethnic (BME) community. There is a detailed action plan to address the council's duties.”*

An Action Plan has been developed and is currently being implemented to ensure compliance with the Commission for Racial Equality's code of practice in rented housing.

The Council had achieved level 1 of the Equality Standard for Local Government and aimed to achieve Level 2 (BVPI 2a) by the end of year 2004/5, with level 3 being achieved by April 2008. The initial target for level 2 has not been achieved and there is still work that needs to be undertaken to achieve this, as can be seen from the position statement/action plan attached (Appendix 1).

## 4. CURRENT POSITION

### 4.1 Leadership

**Political Leadership** - Councillors have a key role in ensuring that the Council adheres to its legal obligations. It has adopted an equality policy and confirmed its commitment to equality issues. A member of the Executive has responsibility for equal opportunities and diversity, under the Community Safety Scrutiny Portfolio.

**Officer Leadership** - The Head of Paid Service is responsible for implementing and monitoring the operational effectiveness of equality and diversity, with individual directors having responsibility for implementing policy issues relating to service delivery. The Divisional Manager Human Resources is currently responsible for assisting in the development and implementation of diversity issues within the Council.

Managers have a particular duty to ensure that fair treatment of both employees and customers occurs in work areas for which they are responsible. Employees also have a clear role to play in helping to create a fair environment and developing an equality culture. Employees can contribute to preventing unfair treatment through an awareness of and sensitivity to equality issues and by ensuring appropriate standards of conduct for themselves and for others.

**Equality Network** - Currently the key driver for change is the Equality Network, which consists of representatives from most divisions within the Council. This group has acted as a sounding board for diversity issues and has assisted in the development of diversity material, the development of Language Line and sharing best practice both within and from outside the Council. Members have been engaged in consultation with the Darlington and Durham County Race Equality Council (DDCREC) and have been the key drivers in pulling together the position statement, which is attached to this report.

**Strategic Planning** - Whilst the Equality Network has worked well and would still have a role within the Council, it is recommended in accordance with the CRE Code that a Senior Management Group be established to ensure that service decisions include equality issues both corporately and at a divisional level and that they contribute to the continual development and monitoring of the equality action plan. A decision will have to be made as to whom the lead officer should be and it is my **recommendation** that it should be a member of CMT.

### 4.2 Consultation and Community Development

The Council has introduced a new corporate objective:

*'To ensure that the district's ethnic minorities are enjoying the same quality of life as the other residents of the district.'*

The Council has been working with the DDCREC for 2 and half years, under the service level agreement. The Director of DDCREC was invited to our lunch-time

seminar to give a talk to senior management within the Council. DDCREC has conducted an ethnic community survey for the Council. However, the report proved to be of limited value and the Council has subsequently conducted its own consultation exercises.

The Equality Network has been set up since March 2004 and has made some progress in taking the equality and diversity agenda forward.

The Council has conducted three consultation exercises this year. One is with a Japanese mother and toddler group which regularly uses Stanley leisure facilities. A second consultation exercise was undertaken by postal questionnaire in August 2005. The report of this survey has several recommendations and they were already sent to the relevant service managers for improvement actions. An example of a positive outcome from the questionnaire was that 22 respondents expressed an interest in getting involved in the Derwentside Citizens' Panel. This will potentially bring up the percentage of Citizen's Panel members with a ME background from 0.2% to 1.3%.

A third exercise invited young people with an EM background to a focus group in November 2005, where the Chair of the Young People's Forum (YPF) gave a presentation. This was organised together with Connexions and Durham County Council. Three EM young people came along to this event. All of them expressed an interest in getting involved in future with the YPF's work.

### **4.3 Service Delivery and Customer Care**

Progress has been made with regard to communication with ME groups. All information and leaflets can be made available in different languages, Braille, audiotape and large print. Information is disseminated via the website, Key Issues and Inside Derwentside to ensure as wide an audience as possible is reached. All tenants have received a welcome pack, which includes a wide range of information regarding their tenancy. For those whose first language is not English, the council subscribes to Language Line. For the hard of hearing, signed interviews can be arranged on request. Information is available in a variety of forms and languages and the Council endeavours to promote diversity within the district through events and publicity material. The Council also operates a translation service via Language Line.

Leisure Services has organised a series of events over summer 2005. These include the Hindu story RAMAYANA in partnership with a professional theatre company, Jack Drum Arts at the Lamplight Arts Centre; an aboriginal music performance; an Afro-Cuban dancing session; a West African mask-making session; sessions on Brazilian folklore and learning Samba drumming; and a Chinese percussion session. In addition, foreign films were shown in two cinemas for children and adults, and an Indian cultural event was organised in partnership with Kalapremi.

Since March the Council has organised two outreach events for Eastern European workers in partnership with Community Empowerment Network, the PCT and local volunteers both events have proven to be very successful.

The Directorate of Housing and Capital Works has, under the tenancy agreement, a provision that action will be taken if anyone is found to be guilty of discriminatory behaviour. There is ongoing development of mechanisms to monitor the customer base and service usage by ethnic minority, age, and disability etc., which will enable the Directorate to identify need based on minority, disadvantaged or hard to reach group. In addition, regular service user satisfaction surveys using the VISION system are carried out and the feedback is used to monitor performance and shape service delivery. Customer surveys, e.g. the STATUS Survey, the Housing Needs Survey are more formal surveys carried out in line with Government guidelines and are used to identify need and also shape service delivery.

Adaptations are provided to tenants subject to an assessment of need by Social Services; they are free of charge to enable older, less able and vulnerable people to remain independently in their own homes to improve their quality of life. Sheltered Accommodation is provided to older people who are vulnerable and require the services of a Support Worker to enable them to remain in independent living. All sheltered accommodation for older people has been surveyed and work has commenced, to meet the requirements of the Disability Discrimination Act 1995.

Although the Directors identified within the Race Equality Scheme what they saw as key policies and procedures, there is little evidence that this has been translated in action plans or included within annual service plans as key strategic activities.

There is a requirement to complete Equality Impact Assessment, which is part of the requirement for reaching Level 2 of the Equality Standard, and this has made little progress. To complete this assessment, each service area needs to undertake an equality self-assessment scrutiny and audit on its service delivery. An equality risk assessment requires assessing all policies, procedures or functions regarding service delivery and employment. The policies are examined for their effectiveness in service delivery, making sure there are no barriers on the basis of race, gender, disability or age. This is a significant task that will need to be undertaken throughout the whole of the Council.

A key part of the whole process of monitoring and review will require close liaison and consultation with minority groups and the establishment of base line data and the development of quality monitoring procedures. Again, progress on this within directorates has been limited and little validation information re service use or requirements is available.

#### **4.4 Employment**

The Council has a well-established recruitment process that is applied consistently with policies and procedures, produced to support good practice and meet equality requirements. Recruitment documentation is co-ordinated by the Human Resources Division, with new employees being provided with a copy of the Council's procedures on appointment.

Vacancies are advertised internally and externally simultaneously. Adverts are placed on employee notice boards and are sent to the Employment Service Call Centre, the Disability Employment Advisor and, depending upon the nature of the

vacancy, local and national press, as well as professional publications. Local ME bodies are also sent copies of vacancies and via the Sector One web site, which is used by the Council. Jobs are linked to partner sites including 'yourable.com' to improve access for diverse communities in the area.

Information to candidates and the application forms, etc. have been validated by both Disability North and the local representative of the CRE. Application forms are available in large print and also through computerised systems. Copies of job descriptions and person specifications are supplied to all candidates and the language and content of such documentation is audited by the HR Division to ensure that non-discriminatory language and criteria are used. In addition, the customer survey includes a question on clarity and relevance of this material.

The recruitment procedures have been designed to meet statutory requirements and the Council has adopted the 'double tick' symbol as a commitment to disabled applicants.

As part of the requirement to meet national performance indicators, data is collected and provided for scrutiny on an annual basis. Part of this process includes a report of existing employees profiled by race, gender and grade with any actions required to address problems which have been identified. Currently however, despite developing work life balance procedures, the Council is still not achieving upper quartile figures in relation to employment of women and ME employees at a senior level, which is in part due to the low level of turnover at a senior level.

#### **4.5 Training**

Training provision has been made within the corporate training and development plans for both members and officers in relation to diversity and equality and a pilot programme on impact assessment has been run for Directors, Senior Managers and Managers in Revenues and Benefits. Training and development records are maintained on individual employee files and the computerised personnel system. Training needs are identified via the appraisal system where managers and employees discuss training needs and how they fit into the corporate aims of the Council. Training is provided through a variety of methods, with funding being provided from corporate budget. Consideration is currently being made to purchasing an online development programme to assist ease of access to employees.

#### **4.6 Procurement**

Potential contractors are requested to supply their equal opportunities policies for auditing by the Human Resources Division. In accordance with the Race Relations Amendment Act, racial issues will need to be given specific consideration by contracting managers and within the procurement process.

## **4.7 Strategic Policy Planning**

**Race Equality Scheme** - The Council published the first version of the Statutory Race Equality Scheme in May 2002. This now needs to be reviewed, as one of the specific duties set out in the Race Relations Act 1976.

**Corporate Equality Plan** - This is in essence a summary of existing procedures, with the addition of an action plan to ensure compliance with the Equality Standards. Not having a corporate equality plan does not directly breach any law. The three equality commissions - namely Equal Opportunities Commission, Commission for Racial Equality and Disability Rights Commission - can however take action to enforce the equality standard framework. Without a corporate equality plan, we cannot follow the guideline of the Equality Standard, which forms one of the best value indicators, therefore the Council will be unable to fully achieve indicator BV2a, Equality Standard for Local Government.

A corporate equality plan (CEP) requires:

- A timetable for impact and needs/requirements assessments
- An overview of setting equality objectives, targets and action plans
- A timetable for moving through levels
- Oversight of target review process
- The corporate equality review/assessment as part of a regular cycle of equality planning
- A clear system of accountability for the implementation of the plan
- Self-assessment framework for department/service areas.

As stated above, the policies and procedures are mainly in place and need refining. This will also be assisted via the gap analysis/action plan attached to this report.

## **Other Developments**

In addition to the above legislation the Council is now required to promote disability in accordance with the Disability Discrimination Act 2005. This requires a similar process to be covered as to that which is required under the Race Relations (Amendment) Act. This requires to Council to publish a Disability Equality Scheme by December 2006. In addition to this with effect from October of this year Age discrimination also comes into force placing additional duties upon the Council in relation to employment and service delivery.

## **5. OPTIONS AVAILABLE**

The option to do nothing in relation to equality is not practical and could potentially place the council in a litigious situation. There needs to be a re-emphasis and alignment of the issues surrounding diversity within the Council to ensure it is a key part of everything that we do. To move this key issue forward, I consider there are a number of options available:

- ◆ Appoint a new officer who can dedicate her/his time to the equality agenda, initially for a fixed term contract
- ◆ Share an officer between two or more authorities
- ◆ Link with the University of Durham for a 2 year paid placement
- ◆ Appoint a consultant to do the job.

### **Option 1\* To appoint a new officer**

The advantage of this option is that it will allow the Council to move forward on the issue of equality and diversity. The officer will lead a whole range of issues including race, gay, lesbian, religion, disabilities, ethnic minorities and social inclusion.

The officer can proactively work with members and officers on issues relating to:

- The development and implementation of the Council's equality plan.
- Driving forward the implementation of the Council's diversity agenda.
- Work with Derwentside Homes and other externalised services to ensure compliance with Council aims and vision.
- Develop and maintain diversity monitoring procedures and protocols.
- Assist in developing and implementing equality audits within service areas.
- Work with the Equality Network to ensure that best practice is embedded across the Council and that all service users and staff are fully informed about key diversity issues.
- Provide advice to members and officers on diversity issues and changes in legislation.
- Monitor policies and procedures to ensure compliance with regard to diversity.
- Link with other agencies and local authorities with regard to diversity matters.
- Co-ordinate qualitative and quantitative data regarding service use and access to Council services.
- Assist in providing training and development for employees and members on diversity issues.
- Audit equality action plans and performance targets at both an operational and strategic level.

### **Option 2\* Shared Appointment**

This option would be more cost-effective than Option 1, although this could affect the timeframe within which outcomes could be achieved. Initial indications are that Wear Valley District Council may be interested in a joint appointment.

\* The transfer of key front-line services to Trust must form part of the consideration relating to resourcing, as these new bodies may not want to support these proposals. This will influence allocation of cost and the size/timeframe of the project itself.



### **Option 3 Knowledge and Training Programme**

Following discussions with the university of Durham there is an opportunity to have a post-graduate placement with the Council for a period of 2 years (Appendix 2). This would provide a time limited resource that could either be used by the Council or in conjunction with Wear Valley District who have expressed an interest in partnering the project.

The cost would be part funded from external funding as explained in the attached report and would cost the Council in the region of £15,000 for a full year if undertaken in partnership with Wear Valley. Obviously within year one cost would be £10,000 including set up costs. This could be met from re allocating monies identified for diversity support from the Durham and Darlington REC (£5,000) and from the Corporate Training Budget for training activities by the secondee (£5,000). This will require £15,000 funding for the full year 2007/8.

### **Option 4 To appoint a consultant**

Commissioning the work to consultants is another option to consider. A number of quotes have been received and the daily rate for developing and undertaking impact assessments would be in the region of £1,000/800 per day. Looking at the amount of work involved in an equality impact assessment and the continuous nature of the work involved, the costs would be considerable and this does not take into account other areas of activity that require investment. Whilst this is an option, it does not appear to be financially viable.

## **6. RECOMMENDATION**

Executive is asked agree to Option 3 and to the allocation of existing funding for the current year and additional funding of £15,000 for the year 2007/8.

## **Potential Knowledge Transfer Partnership Derwentside District Council and Durham University**

### **Knowledge Transfer Partnerships**

Knowledge Transfer Partnerships are government-funded collaborations that enable business to access the resources of UK universities for strategic advantage. High-calibre graduates (KTP Associates) work in companies on knowledge transfer projects that give academic benefits to the university and valuable industrial experience to the Associate. The Associate is employed by the university and works for most of their time at the company partner. Most partnerships are between two and three years in length. More information is available at [www.ktponline.org.uk](http://www.ktponline.org.uk).

### **Aims and Objectives**

The KTP will address required changes to the council policies and strategies arising from new legislation on Diversity and Equality. Assist in implementing the new strategies across a local authority including developing training materials and training delivery to ensure that diversity and equality are an integral part of the authority's work. It will also help in the evaluation and development of impact assessments of the interventions both within the authority and in the wider community amongst our stakeholder groups

### **Benefits to the Partners**

#### **Derwentside District Council (the "Company" Partner)**

An analysis of work to date both in Derwentside and in neighbouring council areas  
Develop and implement robust systems for introducing an authority-wide series of interventions to improve performance on equality and diversity.

One particular challenge in Derwentside is to work with the recently arrived migrant workers from Eastern Europe and integrate their needs and expectations into council services

Development and delivery of an authority-wide training programme and communication strategy to embed equality and diversity issues in "the every-day life" of council staff

Sharing of best practice across a number of local authorities in County Durham

A dedicated, high calibre graduate to carry out the project with the support of academics from Durham University

Fulfilling part of the Concordat between Derwentside District Council and Durham University agreed to develop closer links

**Durham University (The “Knowledge Base” Partner)**

KTP Associate registering for an M.Res. degree  
 3 research papers on diversity and equality interventions, evaluation, validation and impact assessment, focussing on the migrant worker community.  
 3 student projects per annum at Masters level – MA Management, MA Human Resource Management, MBA  
 Updated teaching materials for use in lectures, 1 major case study  
 Fulfilling part of the Concordat between Derwentside District Council and Durham University agreed to develop closer links

**The KTP Associate**

The experience of working at Senior Officer Level on a highly strategic project for Derwentside District Council  
 Registering for an M.Res. degree  
 NVQ Level 4 in Management  
 Professional membership of an appropriate institute e.g. CIPD  
 Wider personal and professional training package

**Outline costings**

The following table gives an indication of costings for a project with Durham Business School giving both two-year and three-year figures. The grant would provide 50% of the total project cost.

	<b>Two Year Costs</b>	<b>Three Year Costs</b>
Costs eligible for support	Partnership Budget £	Partnership Budget £
<b><u>Directly Incurred Costs</u></b>		
Associate(s) Gross Employment Costs	48000	72000
Associate(s) Personal and Professional Development incl. Higher Degree	3500	5250
Travel and Subsistence	4500	6750
Consumables	3000	4500
<b><u>Directly Allocated Costs</u></b>		
Knowledge Base Supervisor	21431	32146
<b><u>Indirect Costs</u></b>		
Additional Associate Support	44058	66087
<b><u>TOTAL PROJECT COST</u></b>	<b>124489</b>	<b>186733</b>

