

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM:

REPORT TO CABINET

30TH NOVEMBER 2006

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION

Social Inclusion & Neighbourhoods – Lead Cabinet Member- Councillor E Johnson

SINGLE EQUALITY SCHEME 2007-10

1. Summary

This report outlines first edition of the council's Single Equality Scheme and Disability Action Plan which must be published by 4th December 2006.

2. Recommendations

Cabinet are recommended:

1. To agree the first edition of the council's Single Equality Scheme
2. To agree the Disability Equality Action Plan
3. To delegate authority to make any necessary amendments to the draft scheme to the Assistant Chief Executive in conjunction with the Cabinet Member for Social Inclusion and Neighbourhoods
4. To delegate authority to the Director of Law and Democracy to embed equality impact assessments into the decision making process from the beginning of the 2007/08 municipal year and to make any necessary amendments to the constitution to reflect the requirements of the equalities legislation referred to in the report
5. To delegate agreement of the impact assessment programme to the Corporate Management Team

3. Reasons for the Recommendations/Decision(s)

The Disability Discrimination Act 2005 places a specific duty on public bodies, including councils to publish a Disability Equality Scheme by December 4th 2006. The scheme requires the approval of Cabinet.

4. Members Interests

Members (including co-opted members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (paragraph 8) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgment of the public interest (paragraph 10 of the code of conduct).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting is being held, whilst the matter is being considered; not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (paragraph 12 of the Code).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc.; whether or not they are a member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting, and if their interest is prejudicial, they must also leave the meeting room during consideration of the relevant item.

CABINET DECISION

SINGLE EQUALITY SCHEME 2007-10

SUMMARY

This report outlines the council's Single Equality Scheme and Disability Action Plan which must be published by 4th December 2006.

RECOMMENDATIONS

Cabinet are recommended:

1. To agree the first edition of the council's Single Equality Scheme
2. To agree the Disability Equality Action Plan
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BACKGROUND

1. The suite of Equality legislation that public authorities have a duty to comply with is large and complex. Public authorities, including councils have, since 2002, had a duty to "promote race equality". In 2005 the Disability Discrimination Act was extended to place a duty on public authorities to "promote disability equality", and the Equality Act 2006 requires councils and other public bodies to "promote gender equality". Each of these three key pieces of legislation requires us to publish an equality scheme.
2. Stockton Council first published its Race Equality Scheme in 2002 and revised it in 2005 to meet the requirement to review at least every three years. The deadline for publishing a Disability Equality Scheme is 4th December 2006 and the deadline for a Gender Equality Scheme is April 2007. It is vital that we have a joined up, proportionate and workable approach to meeting our duties in these three areas and one which is flexible enough to accommodate any future requirements to publish schemes on the other equality strands (religion/belief, age, sexual orientation). To achieve this aim a Single Equality Scheme is under development.
3. The Single Equality Scheme approach places Stockton in a strong position to respond to the new legislation. It means that we set out how we will meet the general and specific duties placed upon us in one document with a suite of linked action plans on each strand.

Developing such a scheme is a big undertaking – particularly as despite the proximity of the deadline for producing a Gender Equality Scheme the Statutory Code of Practice has yet to be published. The Scheme presented to Cabinet today, is therefore, a “first edition” and it focuses on our duties under the Statutory Code of Practice on the Duty to Promote Disability Equality as this is the most immediate deadline. A “second edition” will be presented to Cabinet for approval ahead of the April deadline on gender equality and will also encompass a review of our Race Equality Scheme.

The Duty to Promote Disability Equality

- 4 In relation to disability, there are two duties which apply to councils. The first is the “general duty” which requires us to:
 - Promote equality of opportunity between disabled persons and other persons
 - Eliminate discrimination that is unlawful under the Act
 - Eliminate harassment of disabled persons that is related to their disabilities
 - Promote positive attitudes towards disabled persons
 - Encourage participation by disabled persons in public life; and
 - Take steps to take account of disabled persons’ disabilities, even where that involves treating disabled persons more favourably than other persons.
- 5 This general duty provides a framework for public authorities to carry out their functions more effectively and to tackle discrimination and its causes in a proactive way. It requires us to adopt a proactive approach, mainstreaming disability equality into all decisions and activities.
- 6 The second duty that applies to councils is to publish a Disability Equality Scheme which must include a statement of:
 - The way in which disabled people have been involved in developing the scheme
 - The authority’s method’s for impact assessment
 - Steps which the authority will take towards fulfilling its general duty (the action plan)
 - The authority’s arrangements for gathering information in relation to employment
 - The authority’s arrangements for putting the information to use, in particular in reviewing the effectiveness of its action plan and in preparing subsequent Disability Equality Schemes
- 7 In addition we must, within three years of the scheme being published, take the steps outlined in the action plan and put into place our arrangements for gathering and making use of information. We must also publish a report containing a summary of the steps taken under the action plan, the results of our information gathering and the use to which we have put the information.

The Stockton Equality Scheme

- 8 The Stockton Equality Scheme is appended to this report and sets out the overall framework for Equality in Stockton. The Disability Action Plan is also appended. Key issues include:
 - The scheme has been developed collaboratively with disabled people. A key action is to introduce a Disability Advisory Group to work with services to implement the action plan, to “mystery shop” our improvements to test their effectiveness and to consult in future.
 - Equality Objectives linking to the Community Strategy and Council Plan have been developed and the action plan has been developed around these so that progress in achieving the objectives can be monitored and publicly reported
 - Impact assessments will need to be carried out on our existing policy and practice and on our decisions. A proportionate methodology for carrying these assessments out will be developed and implemented in April 2007 with a programme to be agreed by the Corporate Management Team. To reduce the potential for bureaucracy and for an

impact assessment focusing on one group of people to cause a negative impact on another group, the process will encompass all six strands (race, religion/belief, disability, gender, age, sexual orientation). It will be important to incorporate impact assessment findings in the decision making process and it is proposed that these be incorporated into delegated decision records and into Cabinet reports.

- An equality and diversity training programme for officers and members will be developed and implemented.
- Although remedial work to improve the accessibility of our facilities for disabled people has previously been carried out, a second audit will to be completed to ensure we continue to provide services from accessible facilities. It is proposed that this audit is carried out in partnership with the Disability Advisory Group.
- Our Equality related employment policies and codes of practice will be reviewed and their application across the authority monitored.

The Disability Action Plan

- 9 The action plan has been developed following discussions with disabled people including through a targeted “tell us what you think” event. It details the key actions that we will take as part of achieving our equality objectives. The actions will also be included in the appropriate service improvement plans and heads of service will be held to account for their achievement through the council’s performance management arrangements. Progress against the action plan will be reported annually and published on the council’s website.

Next steps

- 10 As previously outlined there is further work to do to develop the Single Equality Scheme including updating and incorporating the Race Equality Scheme and developing a Gender Equality Scheme before a final Single Equality scheme can be published. Officers will also be developing the impact assessment process and delivering the Disability Action Plan.

FINANCIAL AND LEGAL IMPLICATIONS

- 11 The Disability Discrimination Act 2005 places a general duty on public authorities including councils to “promote Disability Equality” and a specific duty to publish a Disability Equality Scheme. The scheme has been developed in line with the statutory code of practice for England and Wales on the Duty to Promote Disability Equality.
- 12 There are no specific financial implications from the Single Equality Scheme. The financial implications of the actions in the Disability Action Plan will be either met from existing resources or subject to funding applications.

RISK ASSESSMENT

- 13 Meeting our Equality duties has been assessed as medium risk. The control systems that are in place, including implementing the Council’s Equality Scheme are considered sufficient to minimise the likelihood of failure, however should we not comply with our duties the impact could be significant in reputation, legal and financial terms.

COMMUNITY STRATEGY IMPLICATIONS

- 14 The Equality Scheme supports all Community Strategy themes and includes equality objectives for each theme

CONSULTATION INCLUDING WARD/COUNCILLORS

- 15 The Disability Action Plan has been developed following consultation and engagement with disabled people through surveys, meetings and a “tell us what you think” event

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Background Papers

The statutory code of practice for Promoting Disability Equality is available at
http://www.drc.gov.uk/employers_and_service_provider/disability_equality_duty/getting_started/codes_of_practice.aspx

Ward(s) and Ward Councillors:

All

Property