

MEETING:	CABINET
DATE:	29 OCTOBER 2009
TITLE OF REPORT:	COMPREHENSIVE EQUALITY POLICY AND DISABILITY EQUALITY SCHEME
PORTFOLIO AREA:	CORPORATE AND CUSTOMER SERVICES & HUMAN RESOURCES

CLASSIFICATION: Open

Wards Affected

County-wide.

Purpose

- To brief Cabinet on the progress made against the Council's Comprehensive Equality Policy (2007-2010);
- To seek Cabinet's approval in the development of a Single Equality Policy that will cover the Council, NHS Herefordshire and Hereford Hospitals Trust; and,
- To advise Cabinet on the progress made in developing the first joint Disability Equality Scheme (DES) (2009-2012) across the Council, NHS Herefordshire, and Hereford Hospitals Trust.

Key Decision

This is not a Key Decision.

Recommendation(s)

THAT:

- the progress and work that has been achieved through the Comprehensive Equality Policy be acknowledged;**
- the development of a single equality policy across Herefordshire's Public Services be agreed; and**
- the progress to date in developing the Disability Equality Scheme and the timescale for publication be acknowledged.**

Key Points Summary

- The Council has a statutory obligation under equality legislation to eliminate unlawful discrimination, both direct and indirect, against everyone regardless of individual circumstances.

- The statutory requirements include the duty to publish how it is going to fulfil its duties and demonstrate its commitment to equality and diversity and its community leadership role.
- These are being extended as a result of the Equality Act 2009. As a result, we must ensure that our policies meet the new requirements.
- Now that the Council is working in close partnership with NHS Herefordshire it makes sense to meet our statutory requirements together – this will be more cost effective than by doing it separately.
- It is therefore proposed that the updated Comprehensive Equality Policy and the Disability Equality Scheme are developed jointly between the Council, NHS Herefordshire and Hereford Hospitals Trust; to be in place by the time the relevant parts of the Equality Act come into force in April 2010.

Alternative Options

- 1 That each of the three organisations takes responsibility for producing their own individual policies and action plans to ensure their compliance with legislation. This would not be cost effective.

Reasons for Recommendations

- 2 The Comprehensive Equality Policy (CEP) has outlined much of the work Herefordshire Council has undertaken in regards to Equality and Diversity, and there have been a number of significant successes which include:
 - a. Achieving **level 3** of the Equality Standard for Local Government and the **“Achieving Level”** of the Equality Framework for Local Government following a successful peer challenge by the Improvement and Development Agency (IDeA).
 - b. Successfully completing a three-year programme of Equality Impact Assessments which have enabled the organisation to mainstream the equality agenda throughout the organisation.
 - c. Developed and implemented a community consultation group **“Herefordshire 100”** specifically targeted at getting views from minority groups.
 - d. The introduction of Equality and Diversity training for Members and employees, including bespoke training sessions on Disability, Race and LGBT¹ issues.
 - e. A programme of events to encourage social cohesion including LGBT History Month, Holocaust Memorial Day, Safe Sound & Sorted (safeguarding event), and the “No Prejudice in Herefordshire” campaign.
- 3 Organisationally the Council has changed since the last CEP and there is now a Joint Management Team that covers the Council and NHS Herefordshire. We are also working in closer partnership with Hereford Hospitals Trust.
- 4 The draft Disability Equality Scheme (DES) (2009-2012) is the first joint policy designed to span the Council, NHS Herefordshire, and Hereford Hospitals Trust.

¹ LGBT – Lesbian, Gay, Bisexual, Transgender

Introduction and Background

- 5 The changing and diverse nature of the community of Herefordshire should be recognised and acknowledged, along with the challenges this brings. The Comprehensive Equality Policy (CEP) is the umbrella document that sets out the Council's commitment to achieving excellence and meeting its responsibilities to promote and implement equality.
- 6 The Disability Discrimination Act 2005 requires organisations across the public sector to be proactive in ensuring that disabled people are treated fairly. However, this duty is not necessarily about changes to buildings or adjustments for individuals, it's all about including equality for disabled people into the culture of public organisations in practical and demonstrable ways. The tool used to demonstrate how public sector bodies will achieve this duty is the DES.
- 7 The Council has had a CEP in place since 2005 which has set out its commitment to equality and diversity. It has also detailed the actions that it would take to ensure, not only legal compliance with our statutory duties as a public body, but also how the Council will go that step further working in partnership with local leaders to drive the equalities agenda in Herefordshire. It provides a focus to ensure that the detailed requirements of the Equality Standard for Local Government are fully met (CEP Action Plan at Appendix A).
- 8 It is proposed that the CEP is revised to set out the shared commitment of the three partners to the general and specific duties in regards to equality legislation, and produce a Single Equality Policy (SEP) (proposed time line at Appendix B)

Key Considerations

- 9 Over the years we have had to incorporate many new workstreams into the CEP, including new diversity strands², equality schemes, equality impact assessments, community cohesion issues and tension monitoring. With the new Equality Bill (2009) we will be expected to strengthen our equality policies and incorporate a number of new work programmes including the "Prevent agenda", health inequalities, the new Equality Framework and world class commissioning.
- 10 The DES is currently in draft format, with additional content awaited from colleagues and partners before intended publication in November 2009.

Community Impact

- 11 It is vital that the Council demonstrates its commitment to implementing equality across the county and ensures equitable access to all its service.
- 12 The DES will set out our commitment to disability equality, and details how we plan to respond to the feedback given to us through the consultation process carried out earlier this year.

Financial Implications

- 13 There are no financial implications for the Council.

² Diversity Strands; Age, Religion and Belief, Race, Gender, Disability, Sexual Orientation, Transgender

Legal Implications

- 14 Public bodies have a duty to eliminate all discrimination, both direct and indirect, against everyone regardless of individual circumstances, in the promotion of their services and in the employment of their workforce. There are additional duties relating specifically to the Disability Discrimination Act (DDA), namely to:
- Eliminate discrimination that is unlawful under the DDA
 - Eliminate harassment that is unlawful under the DDA
 - Promote equality of opportunity between disabled persons and other persons
 - Take steps to take account of disabled person's impairments, even where that involves treating disabled persons more favourably than other people

Risk Management

- 15 All three organisations have a statutory responsibility to ensure that equality and diversity are adequately embedded within their organisation. Failure to do this could leave the organisation vulnerable to litigation, unwitting discriminatory practice and reputational risk.

Consultees

- 16 Joint Management Team
Joint Corporate Diversity Group
Diversity working groups (re. the Disability Equality Scheme)
Service managers from across all three organisations (re. the Disability Equality Scheme)

Appendices

- A) Comprehensive Equality Policy - Action Plan (2007-2010)
- B) Proposed timeline for the development of a Single Equality Policy

Background Papers

Draft Disability Equalities Scheme