

## **East Sussex County Council Equality Scheme – November 2006**

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## 1. Introduction

1.1 The Equalities Scheme 2006 (“the Scheme”) sets out how the Council, through all relevant aspects of service delivery and employment, will:

- eliminate unlawful discrimination;
- promote equality of opportunity;
- promote good race relations and community cohesion, and
- promote disability equality

1.2 This is in line with the duties set out in the Disability Discrimination Act 2005 to establish a Disability Equality Scheme (see Appendix 1) and the duties set out in the Race Relations Act 1976 (Statutory Duties) Order 2001 (RRA) to establish a Race Equality Scheme.

1.3 This Scheme, like our 2002 Scheme, without prejudice to the duties with regard to race and disability, extends the RRA duties so that they promote equality for everyone living or working in or visiting East Sussex. In particular, this Scheme extends the RRA duties to all current and future strands of equality discrimination legislation that are not separately covered by an equivalent or greater statutory duty:

- age;
- gender - including transgender (a statutory duty comes into effect in April 2007);
- religion or belief, and
- sexual orientation.

1.4 The Scheme supports the Council’s desire to promote and value diversity in all aspects of life. The Scheme supports the Council’s:

- “Equality of Opportunity and Diversity Statement” (“the Statement”);
- “Promoting Equality and Diversity in Employment”;
- "Equality Standard for Local Government Level 3 Action Plan";
- Corporate Health Best Value Performance Indicators - covering Black and Minority Ethnic (BME) people, disabled people and women, and
- service delivery performance indicators set out in the Council Plan.

1.5 The Scheme explains the Council’s commitment towards equality in its many roles as:

- an employer;
- a service provider;
- a service procurer and partner; and
- a leader for the community.

1.6 The Scheme shows how the Council puts into effect statutory duties, which include: addressing discrimination; assessment; consultation; monitoring; publishing and training.

1.7 The Scheme supports the implementation of:

- “Every Child Matters” and the Children Act 2004;
- the Disability Discrimination Acts 1995 and 2005;
- White Paper ‘Our health, our care, our say: a new direction for community services’;
- the new approach to Corporate Performance Assessment (CPA); and
- the Equality Act 2006 and the establishment of the Equality and Human Rights Commission which will come into place in October 2007.

1.8 This Scheme is not static and comments are actively sought to refine and improve it. Action plans will be updated at least annually and the Scheme will be reviewed and modified as:

- the Council develops understanding of the needs of individuals, groups and communities in East Sussex;
- assessment of performance against the duties is undertaken;
- new legislation and codes of practice are introduced; and
- the management of equality of opportunity and diversity issues are developed across the Council.

1.9 The Scheme is supported by the Council's commitment to the Equality Standard for Local Government and by our intention to be recognised as an "Excellent" authority through Corporate Performance Assessment (CPA).

1.10 Comments and suggestions for improving on the Scheme are actively sought, please send them to:

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## **2. Foundations of the Scheme**

2.1 The 2005 Scheme builds upon the Council's first Scheme published in 2002. There have been significant developments in how equality issues are managed in the Council since 2002.

2.2 An external review of equalities work within the Council has been commissioned. The outcome of the review will inform decisions about the structure to support equalities work in the future.

2.3 This Scheme is set in the context of the Council's recently revised "Promoting Equality and Diversity in Employment" and "Equality of Opportunity and Diversity Policy Statement" (Appendix 3). The principles set out in the Statement are:

"East Sussex County Council recognises the diverse needs of our community and is committed to promoting equality of opportunity and diversity in employment and service delivery.

We will challenge unlawful discrimination and encourage respect, understanding and dignity for everyone living, working and visiting East Sussex. We will do this through our influence in the community, strategic planning and policy formation in employment and service delivery."

### **3. National guidance and legislation**

3.1 The Scheme 2006 is set in the context of how we will meet our duties under UK equalities legislation and national good practice recommendations, including:

#### **3.2 The recommendations for public bodies by the Stephen Lawrence Inquiry Report 1999**

3.3 The report gave definitions of racist crime and institutional racism which were subsequently used to inform revisions to race related legislation and good practice guidelines. Essentially, the purpose of an Equality Scheme is to minimise and remove institutional racism, institutional discrimination against disabled people, and other forms of discrimination, from all of the Council's functions and to promote equality of opportunity and good relations in everything the Council does.

#### **3.4 The Race Relations Act 1976, The Race Relations (Amendment) Act 2000 and the Race Relations Act 1976 (Statutory Duties) Order 2001 - collectively referred to as "RRA" in this Scheme.**

3.5 The Race Relations (Amendment) Act was developed from the report into the Stephen Lawrence Inquiry. The Act strengthened and extended the Race Relations Act by placing on all public authorities a new positive duty to promote race equality and good race relations as well as outlawing racial discrimination in any of the authorities' functions. It covers employment and provision of goods, facilities and services.

### **3.6 Disability Discrimination Act 1995 (DDA) and DDA 2005**

3.7 The DDA 1995 established legal rights for disabled people, making it unlawful for public authorities to discriminate unreasonably against disabled people in the provision of services and employment.

### **3.8 Disability Equality Duty**

3.9 The 2005 Act extends the 1995 Act by placing a general duty on public authorities in all of their functions to promote disability equality. The general duty with regard to disability differs in some important respects from other equalities duties. Disability legislation differs from other equalities legislation in that it offers protection to disabled people only and not to non-disabled people. The disability equality duty makes provision that a disabled person may be treated more favourably than another person where that is required to achieve an equitable outcome for disabled people. The Council's Disability Equality Scheme is set out in Appendix 1.

### **3.10 The Equal Pay Act 1970 and Sex Discrimination Act 1975**

3.11 The Equal Pay Act requires that men and women receive equal pay and conditions for similar work. The Sex Discrimination Act made it unlawful to discriminate directly or indirectly on grounds of gender, or marital status, in the provision of employment, goods and services. The Equal Opportunities Commission (EOC) was set up under the Act with power to issue codes of practice and monitor its implementation.

### **3.12 Sex Discrimination (Gender Reassignment) Regulations 1999; the Employment Equality (Sexual Orientation) Regulations 2003; the Employment Equality (Religion or Belief) Regulations 2003; and expected employment equality Regulations on age.**

3.13 These Regulations outlaw discrimination in employment and vocational training on the grounds of sexual orientation, religion or belief and on the grounds that a person has, is, or intends to undergo gender reassignment.

### **3.14 Employment Equality (Age) Regulations 2006**

3.15 The Regulations apply to employment and vocational training. They prohibit unjustified direct and indirect age discrimination, and all harassment and victimisation on grounds of age, of people of any age, young or old.

### **3.16 Equality Act 2006**

3.17 The Gender Equality Duty [GED] comes into force in April 2007 and it requires public authorities to promote gender equality and eliminate sex

discrimination. Instead of depending on individuals making complaints about sex discrimination, the duty places the legal responsibility on public authorities to demonstrate that they treat men and women fairly. The duty will affect policy making, public services, such as transport, and employment practices such as recruitment and flexible working.

#### **4. The Council – its role, function & policies**

4.1 The Council is the major supplier of local services to a population of almost half a million people. The Council exercises a vital strategic role in identifying economic, social and environmental challenges and takes a lead in producing solutions to these challenges. There is a commitment to high quality services, delivered effectively to the people of East Sussex.

4.2 The Council is the democratic voice of the local community in terms of:

- acting as their advocate in local, regional, national and international arena;
- strategic formulation, co-ordination and management of the Council's priorities, policies and resources; and
- ensuring “best value” services are delivered to the people of East Sussex either directly by the Council, or indirectly, through partnership with others.

4.3 In the performance of the above roles the Council carries out functions in the following areas:

- economic strategy and development;
- education and training;
- care and support for older people and those with physical or learning disabilities or mental health difficulties;
- care and support for children and their families, including disabled children;
- strategic environmental planning, development and protection (including waste management and disposal);
- safe and adequate roads, rights of way and public transport;
- consumer protection and trading standards;
- library services;
- emergency planning;
- support for the arts;
- community safety; and
- County archives and records.

4.4 To enable the Council to provide the above services and perform its other functions, the Council must levy an annual charge and has the power to:

- acquire and dispose of land and/or property;

- borrow money;
- employ staff; and
- procure goods and services.

## **5. Organisational structure and decision making process**

**5.1 Structure of the Council** - The Council consists of 49 elected Councillors. The full Council usually meets every 2 months and is responsible for agreeing the main policies and priorities for all services. Officers, who provide support to the Council and implement its policies, are organised into five Departments.

**5.2** The Chief Executive oversees the work of the Departments through the Chief Officers' Management Team (COMT). The Chief Executive, Deputy Chief Executive and Chief Officers are responsible for; implementing the policy of the Council by providing strategic direction and advice; the day to day management of services; and longer term planning and resource.

**5.3 The Cabinet and Committees** - The Cabinet makes most of the day to day decisions and is elected by, and must answer to, the Council. It consists of a Leader, Deputy Leader and seven other councillors who have lead responsibility for different areas. The Cabinet meets approximately once a month and is responsible for making recommendations on the Council's budget and strategic plans and policies. In addition, Cabinet members hold separate decision-making meetings, Lead Member meetings, for their area of special responsibility.

**5.4 Cabinet** - The Council agrees the portfolios of Cabinet members, and the Cabinet assigns the portfolios to individual members of the Cabinet. The current portfolios broadly mirror the Council's departmental structures, and are as follows:

- Strategic Management and Economic Development;
- Corporate Resources;
- Community Services;
- Transport and Environment;
- Economic Development Projects
- Children's and Adults' Services:
  - Learning and School Effectiveness
  - Children and Families
  - Adult Social Care

**5.5 Scrutiny Committees** - There are six scrutiny committees made up of councillors who are not on the Cabinet. Scrutiny committees assist the Council and the Cabinet in the development of the budget, and carry out in-depth analysis to ensure we are providing the services people need as effectively as we can.

**5.6 Governance Committee** - The Council has a Governance Committee which includes the Leaders of all three main political groups. The Governance Committee advises the Council on various constitutional matters, including membership and terms of reference of committees and is also responsible for:

- corporate personnel policies
- approval of the Statement of Accounts
- pension fund
- members' allowances.

**5.7 Decision making process** - Proposals to amend existing policies or adopt new policies are generally considered by Cabinet and the relevant Scrutiny Committee or the Governance Committee where appropriate. In many instances there will have been consideration of the issue by COMT in advance of the meeting of Cabinet or Scrutiny Committee. Important changes to policy may need to be referred to a full meeting of the County Council.

**5.8** The Council requires assessment (Equality Impact Assessment or EIA) to be made on each proposal to adopt or amend a policy or function that is relevant to the duties set out in this Scheme.

## **6. Managing Equality of Opportunity and Diversity**

**6.1 Statutory responsibility** for meeting the requirements and duties of the RRA, the DDA, any other current or future equalities legislation and the extended duties set out in the Scheme 2005, lies with the Council. All Councillors have signed a Code of Conduct which includes a general obligation to carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people. All members of staff are expected to support the duties set out in the Statement, the Scheme and the employment policies.

**6.2 Departmental officers with lead responsibility for equalities** have responsibility for ensuring that consideration of equality issues, and meeting the duties in particular, are considered throughout all relevant aspects of work within their own departments, and are responsible for providing advice, guidance and support on policies, strategies and actions to promote statutory duties to ensure diversity, inclusion and equality across all functions of their departments.

**6.3** Departmental officers with lead responsibilities for equalities report to COMT and to Departmental Management Teams. The outcome of the current external review will inform decisions about the future coordination of the management of equality and diversity issues across the Council

6.4 Equalities representatives also attend, and support, the County wide Race and Equality Scheme Group - this group brings together officers responsible for promoting equality of opportunity in the County, District and Borough Councils, Primary Care Trusts, Police and representatives from Sompriti - a prominent organisation representing BME people locally.

## **7. Assessment, Monitoring Training and Consultation**

**7.1 Equality Impact Assessments (EIAs)** - The Council started the process of assessing how it meets the duties in the 2002 Equality Scheme. Since that Scheme was introduced, more detailed and thorough assessments have been undertaken covering the areas of the Council's work where the impact of the duties was assessed as being the greatest, i.e. personnel, social care and children's services.

7.2 Building upon this experience, the Council committed to a revised approach to EIA in 2005. The functions of the Council, relevant to the duties - as assessed against an approach based on the principles set out the Commission for Race Equalities "A Guide for Public Authorities" – were re-assessed and further training was provided to lead officers within all departments to support EIAs of all relevant functions. The full list of functions in these areas is set out at Appendix 4.

7.3 The process of EIA aims to identify the effectiveness of policies or functions in meeting the equality duties. Broadly, EIAs consider the aims of each function or policy; assess the extent to which they support the duties; involve customers and the community in assessing whether they tend to have the effect of advantaging or disadvantaging any group of people and consider how to remove any discriminatory impact. Importantly, each EIA is subject to consultation and contains commitments for review and monitoring.

7.4 The process of EIA follows the above principles but is also expected to be flexible to allow consideration of the very broad range of functions exercised by the Council. A sample EIA template is set out at Appendix 5.

**7.5 Training and Development** - The Council is conscious that effective training and briefing is required on the meaning of the legal duties in general, and as part of equalities legislation in particular, covering race and disability and the policy responsibilities additionally brought into the scope of the Scheme. An extensive programme of training was introduced through the 2002 Scheme and equalities will continue to be supported through the Corporate Training Plan.

7.6 The Induction Programme, which applies to all staff, introduces the equality duties, the Council's policies and the expectations on every manager and member of staff to work towards the duties and within the Council's policies. An equality and diversity e-learning package has been developed by Personnel

and Training as part of a new e-learning suite for staff and managers. It builds upon the content of the new e-learning induction for all new employees and provides a basic understanding of equality and diversity; staff and managers responsibilities; and the Council policies and procedures in place to ensure all staff and service users receive equity of provision. The training is mandatory for all staff and includes a final test. A range of training workshops for managers and staff will provide more depth in specific areas including equality in recruitment and selection and Equality Impact Assessment. This is supported by an incremental training programme aimed at staff who have specific requirements for more specialist equalities training i.e. those working directly with specific user groups.

7.7 Training on undertaking and reviewing EIAs is provided for managers with responsibility for conducting EIAs.

**7.8 Consultation** - It is a key objective for the County Council to listen and communicate with the people of East Sussex. The Council is committed to consulting with all members of the local population to seek their opinions on how well the Council is delivering its services. Consultation gives local people an opportunity to express their opinions and views and have them considered by members and officers before a change or decision is made. Therefore, consultation with organisations representing BME people, disabled people and other representative groups is seen to be important if these groups are to develop and influence how the Council meets the duties set out in this Scheme.

7.9 The ten East Sussex County Council Consultation Standards are in place to ensure that consultation activities comply with the principles of Best Value and that any consultation activity is a worthwhile exercise for the service, the Council and those being consulted. These standards, which have been informed by good practice, national and local thinking, have been developed to ensure that consultation is accessible and inclusive to all. East Sussex County Council actively seeks to identify and remove barriers to participation and encourages wider participation in line with its equalities policies.

7.10 While the Council is committed to consulting with the organisations that represent the groups covered by this Scheme it also recognises that there are issues of capacity within these organisations. The Council is therefore working with local voluntary organisations including Sompriti, who represent BME people and the East Sussex Disability Association (ESDA) to develop codes of practice which set out procedures and expectations for consultation activities.

7.11 The following examples demonstrate how the Council intends to further its engagement with the community:

- A continued commitment to the Connecting Communities project which aims to develop further understanding between vulnerable BME people and public authorities across East Sussex.
- The Sussex Traveller Forum which provides a forum for Gypsies and Travellers to discuss their needs with public authorities in East Sussex and the surrounding areas.
- A research project initiated by the Council to consider how it can make more effective links with the different ethnic groups through key contact points.
- A usability study of the Council's website consulting, among others disabled residents. The insights gained from this project will help to shape the future development of the website make it accessible to all.
- Ensure that the Council's Residents Panel (a panel of 1,000 residents) has adequate representation of minority groups and that views and feedback from specific groups can be analysed.
- The Social Services Consultation Framework which outlines the context within which all consultation activity in Social Services takes place. This framework which seeks to coordinate activities will help to identify all groups who are under represented and seek ways in which they can be involved in the future.
- The Social Services Research Governance Approval Panel which reviews all applications for research projects to ensure that the Council's legal requirements with regard to equal opportunities are complied with.
- The Disabled Employees' Forum through which the Council can involve disabled members of staff in equalities impact assessment

7.12 To help coordinate these activities the Council has recently appointed a Consultation Officer. A major part of the Consultation Officer's role is to assist with the development and co-ordination of the Council's strategic objectives on community consultation and to ensure that consultation activities support its business needs. The Consultation Officer will also advise the Council on how it can improve engagement with hard to reach groups through consultation and market research activities.

7.13 The Council also aims to make greater use of the experiences of its own diverse workforce to inform policy making. By employing a workforce whose demographic mix is similar in make up to that of the local population the Council is able to gain a greater insight into the needs, wants and expectations of the community. A disabled employees' forum was established in October 2005 and online forums for disabled, BME and Lesbian, Gay, Bisexual and Transsexual (LGBT) employees were set up in November 2006. These provide channels through which the Council can seek the views of employees when undertaking Equality Impact Assessment.

## **8. Reporting and Publishing**

8.1 The Council has published information, in line with the statutory requirements on race monitoring on its web-site and a copy of that information is contained in Appendix 7a, 7b and 7c. The report provides statistical information on ethnic origin, disability, gender and age in the region, county, and within the Council itself.

8.2 The Council published the outcome of EIAs during 2005 and, as these are developed, updated versions will be published on the Council's web-site. The Council has published a review of key initiatives and development since the introduction of the 2002 Scheme and will publish updates annually.

## **9. Mainstreaming Diversity**

**9.1 Equality Standard for Local Government** - In line with the expectations of the RRA, and the Equality Standard for Local Government (the Standard), the Council aims to mainstream equalities into all relevant function. EIAs are the primary driver behind this process and for ensuring that the Council meets the duties set out in this Scheme.

9.2 Chief Officers have confirmed their commitment to advancing in relation to the Standard. The Council is operating at Level 2 of the Standard and, through the planned work to extend and develop the approach to EIA, expects to set targets for all relevant functions and to move to performance in line with Level 3. Assessment will be made against Level 3 in March 2008.

### **9.3 Corporate Performance Assessment (CPA)**

The Council has welcomed the new approach to CPA and, in particular, that one of the three imperatives - the attention given to "diversity, human rights and user focus" - will be central to the corporate assessment. This is very much in line with the expectations of this Scheme and the Standard.

## **10. Further Information**

10.1 Further information on this Scheme is available from:

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