
Meeting of the Executive

6 May 2008

Report of the Director of People and Improvement

Inclusion and Equality progress - Request for temporary resources

Summary

- 1 The report updates Members on progress with inclusion and equalities. It also requests use of funds for temporary resources to progress improvements in the collection and use of customer and staff data, profiled where appropriate in the Equality strands which are Gender, Age, Disability, Race, Religion and Belief, and Sexual Orientation.
- 2 Members are requested to approve the sum of £55,000 to be drawn from the contingency fund as follows:
 - £ 30,833 for financial year 2008/9 starting in June 2008
 - £ 24,167 for financial year 2009/10This is a total of £55,000 spread over two financial years

Background

Inclusion and Equality Progress

- 3 In 2005, when adopting the Equality Strategy “Pride in our Communities” (PIOC) for 2005-8, Council decided that inclusion and equality should underpin service improvement and staff development. The key aim of the strategy is to improve services and employment practices to ensure that outcomes are positive and fair for all the people in the City and all staff.
- 4 Pride in our Communities (PIOC) will be refreshed this summer as agreed by members when it was approved in 2005. PIOC has 6 inclusion and equality improvement themes: Leadership,

Community Involvement, Employment, Partnerships procurement and grants, accessible services, inclusive and innovative services.

- 5 Progress in these areas is as follows:
- a. **Leadership:** A governance structure to ensure that Inclusion and Equality are embedded in the culture of the organisation, is now in place and fully functioning. Annex 2 outlines the structure. A rolling programme of inclusion and equality training is being delivered across the Council.
 - b. **Community Involvement:** The Social Inclusion Working Group (SIWG) has been leading community involvement in inclusion and equality. The Chair and Vice Chair meet with community equality groups on a regular basis and groups are encouraged to bring issues to SIWG meeting. This work is further supported through engagement events aimed at people from the six equality strands. Recent examples include the Disabled People Together Day and a staff event to discuss gender issues, both held in March 2008.
 - c. **Employment:** Council employment practices are constantly reviewed to ensure that they contribute to inclusion and equality. Modernising pay and grading is expected to contribute greatly to equality and inclusion in employment. The Human Resources Strategy is currently being refreshed to incorporate inclusion and equality best practice
 - d. **Partnership, procurement and grants:** Work is developing with relevant Council departments to ensure that inclusion and equality are embedded in procurement and grant giving processes.
 - e. **Accessible services:** Most Council buildings have been brought up to date in terms of accessibility requirements. The Hungate, easy@york and Local Development Framework teams are engaged in ensuring these projects take on board inclusion and equality issues which arise. The Communications Policy currently being refreshed will take on board advances in inclusion and equality practice.
 - f. **Inclusive and innovative services.** There is a programme of Equality Impact assessments which ensures that key policies, strategies and practices are developed and refreshed in the context of inclusion and equality. These include the Sustainable Community Strategy, the LAA and the Corporate Strategy.

The role of data in progressing Inclusion and Equality

- 6 Although progress reported above is positive, continued improvement and success in inclusion and equality depend, amongst others, upon collecting and using relevant data. Currently this is an area where improvement is urgently needed across the Council.
- 7 Disaggregating data in the equality strands tells us how our strategy is working and provides evidence that Council meets its strategic objectives as well as the duties which arise from Equalities legislation. It also encourages improvement in equality outcomes, which then lead to improvement in people's everyday lives and residents' satisfaction with quality of life in the City. Lastly it contributes to enhanced data quality.
- 8 Customer and staff profiling stem from agreed Council values, namely: Delivering what our customers want, supporting and developing our people, encouraging improvement in everything we do.
- 9 Between Autumn 2005 and Spring 2007 legislation relating to inclusion and equality changed significantly and now focuses on an extensive range of duties imposed on public bodies. These "Duties" stipulate that public bodies must produce plans (called Equality Schemes) to show how they will meet their own inclusion and equality strategies and their duties under the legislation.
- 10 Actions to ensure that the Duties are met have been incorporated in the revised Equality Standard for Local Government.
- 11 To get to level 2 of the Standard a public body must have "*a particular working group or persons (to) ensure that all the needs around (equality) data collection are developed and implemented. This will involve mapping what to monitor and why, the process of monitoring and the system for monitoring. It will also mean that the group or persons will have to review existing monitoring arrangements to highlight gaps in data collection and work with department to find a solution*"¹

¹ Revised ESLG Guidance Notes, IDEA, November 2007

CPA, CAA, and LAA requirements

- 12 In addition to “tougher” legislation duties and standards, there is now a greater profile within the CPA, CAA and other public sector performance management and inspection frameworks for Inclusion and Equality data collection and analysis.
- 13 The recently published Handbook of Definitions for national performance indicators which apply to all local authorities and their partners from 1.4.2008, states:
 - a. “Local authorities and their partners are subject to a range of statutory equalities duties relating to race, gender and disability. They need to have suitable mechanisms in place, including collection and monitoring of information, to monitor and deliver on these duties.”
 - b. “Disaggregation of data by equalities strand could be used to identify groups of people within an area who are disadvantaged in relation to the outcome being measured by the indicator, and to enable local authorities and their partners to set targets aimed specifically at delivering improvement for those groups in the LAA.”
- 14 In addition, any disaggregated equalities data will be subject to data quality procedures, introduced as part of the new national Performance Framework. This requires local authorities and LSP partners to ensure that all performance data (especially statutory measures) are collected, calculated and reported accurately to inform effective decision making and comparative analysis.

The current position with Equality data

- 15 Currently some but not all Directorates collect data relating to some but not all of the equality strands. Also, there is very limited use of equality data to improve service and employment practice.
- 16 As outlined above, equality data is needed to demonstrate that we meet our own strategic improvement aims as well as the Equality legislation duties, both as service provider as well as employer.
- 17 Measurable improvement in equality and inclusion, evidenced by data is expected to be one of the key improvement themes in the

Corporate Performance Assessment report when published by the Audit Commission in early Summer 2008.

- 18 Currently there is no capacity within Directorates or in the Equalities team at corporate level, to map existing equality data and to assist in the development of performance management systems based on the collection and use of disaggregated data. It is therefore proposed that temporary staff resources are made available for the period June 2008 to March 2010 to help with this. A list of key tasks is in **Annex 1** of this report.

Consultation

- 19 The proposal in this paper has been discussed by and approved in the corporate Equality Leadership Group which includes the Executive Member for Youth and Social Inclusion.

Options

- 20 Option 1: To approve the provision of additional staff resources for an 18 month period.
- 21 Option 2: To maintain current status whereby inadequate staff and customer Equality data collection analysis and use, leads to inadequate information about improvement and amongst others exposes the Council to legal and financial risks (please see Risk Management below).
- 22 Option 1 is recommended. Reason: This is a task that will improve corporate performance management and evidenced-based decision making across the Council . It will also help to avert legal risk arising from lack of ability to demonstrate that the Council meets its equality duties.

Analysis

- 23 If members decide not make this additional investment, then the Council:
- Is unlikely to progress beyond Level 1 of the harder Equality Standard for Local Government with ensuing reputational, financial and legal risks. *Worth noting that achieving Level 3 and Level 5 of the new Standard now requires external accreditation. Unless we have evidence of collection analysis and use of disaggregated data relating to each of*

the Equality strands we cannot get accreditation at Level 3 of the Standard.

- Will be unable to demonstrate that priorities set-out in the Equality Strategy and statutory Equality Schemes and the Human Resources Strategy, are met.
- Will not be a position to make measure and evidence improvements for service users and staff in relation to the Race, Gender and Disability equality duties.
- Will have no evidence to defend legal challenges brought under Race, Gender and Disability legislation by users, staff, and other stakeholders such as the Commission for Equality and Human Rights.
- Will not be meeting audit requirements arising from the various local government inspection bodies including the Audit Commission.

Corporate Priorities

24 The recommendation will contribute to the effective performance management of all Corporate priorities.

Implications

25 These are as follows:

- **Financial** – The General Contingency for 2008/09 was set at £800k. Potential areas that might require funding during the year were identified as part of the budget process, and totalled almost £2m, which included up to £750k for costs connected with the Highways PFI bid. To date no funds have been released leaving £800k available. It is too early to know yet how many of the identified areas of financial pressure will be brought before Members for funding. The key pressures identified where there may be a need for additional funding included within the £1.943m, include: Concessionary Fares, reduced Penalty Charge Notice Income, increased costs of landfill tax, additional members allowances and increased children's social care costs. The request in this report was included in the £800k identified in the budget to the sum of £55k (over two years). Any release from the contingency will obviously reduce sums available for distribution during the

remainder of the year. The balance available, if this application is approved (£30.8k for 2008/09), will be £769.2k. Given the project is anticipated to last 18 months and only £24.2k will be required in 2009/10 a sum of £6.6k would be returned to the contingency in 2009/10.

The Council has reserves that can be used to fund non-recurring expenditure, which will leave the contingency available to fund recurring items. It is important that the Council maintain a minimum level of revenue reserves to deal with any unforeseen events. The value of the minimum level of these reserves is determined by a risk assessment undertaken by the Director of Resources and included in the annual Revenue Budget report. The resulting calculation indicates that the council should, as a minimum, hold general reserves of £5.219m for 2008/09 and £5.375m for 2009/10. The Director of Resources recommended that the Council looks to remain above this target for the next two years, although the current forecasts show the Council will move below these levels in the future, and that it is particularly important that the reserves are reviewed once the 2007/08 out-turn is known. It is estimated that there will be approximately £1.376m of other revenue reserves available, thus the level of the general fund balance should not fall below £3.843m. The current forecast level of the general fund balance at the end of 2008/09 is £4.575m, although there are also future commitments to use the general fund reserve amounting to £1.316m, which will take the level down to £3.259m. If this application is approved (£55k over two years) the balance will reduce to £3.204m.

- **Human Resources (HR)** – Any relevant Human Resources implications will be updated at the meeting, as necessary.
- **Equalities** – The post will contribute to the promotion of inclusive and cohesive communities and to Council Equalities aims and objectives.
- **Legal** – Data collection analysis and use is essential to help the Council demonstrate that it meets legal duties arising from Equality and Employment legislation
- **Crime and Disorder** - None
- **Information Technology (IT)** - None

- **Property** - None
- **Other** - None

Risk Management

26 Lack of consistent and coherent collection analysis and use of customer and staff Equality data, exposes the Authority to immediate financial and legal risks as evidenced in Equal Pay actions currently brought by previous members of staff against the Authority. The risk associated is therefore assessed at Level 19 which is categorised as “high”. Approving the recommendation will reduce and/or mitigate reputational, financial, service and regulatory risks which are outlined in paragraph 23 above.

Recommendations

27 Members are requested to approve the release of up to £55k from council reserves to fund the additional staff resources over 2008/09 and 2009/10.

Reason: To facilitate effective performance management and minimise legal and financial risk arising from legal challenges brought under Employment and Equality legislation.

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Report
Approved



Date

Wards Affected:

All



For further information please contact the author of the report

Background papers – None

Annexes:

Annex 1- Equality data improvement key tasks

Annex 2 – Council Equality governance structure 2008/9

Annex 1- Equality data improvement key tasks

- Working with Directorates and their partner bodies, map data which is currently disaggregated in each of the Equality Strands, starting with data disaggregated in Age, Race, Gender and Disability, including sexual orientation and religion and belief where available .
- Analyse mapped data per Directorate to establish baselines to be used in:
 1. Equality Impact Assessments which are required for and feed into the annual Use of Resources assessment
 2. Future service delivery planning
 3. Human resources planning and development
 4. The updates of key strategies and plans such as the Sustainable Community Strategy, the LAA, the Inclusion and Equality Strategy, the Human Resources Strategy
 5. The development of a single Corporate Equality Scheme which will contribute to the refreshed Inclusion and Equality strategy
- Support relevant managers in the analysis and use of data to consider service and employment improvements.
- Support the development of corporate guidance about Equality profiling and data collection for the 198 new National Performance Indicators which came into effect on 1.4.2008
- Support the provision of data to evidence improvement for Use of Resources assessment and other inspection regimes
- Contribute to the development of a Council-wide system for data capture analysis and use, which is compliant with performance management inspection and legal requirements
- At the end of the 18 month period Members and officers will:
 1. have functional sets of data about staff and customers from the equality strands.
 2. be able to identify gaps in service and employment which need to be addressed to ensure that inclusion and equality improvement is ongoing, our inclusion and equality strategies are effective, and our legal duties are met.

3. measure and demonstrate improvements for staff and customers from the equality strands.

Annex 2- Council Equality governance structure 2008/9

