



Public Document Pack

Cambridge City Council

EQUALITIES PANEL

To: Councillors: Brown, Marchant-Daisley, Shah, Walker

Public Members: Graham Lewis, Nicky Wrigley, Bintou Niangane, Norah Al-Ani

Staff Members: Bridget Keady, Nacer Dali, Christine Leonard, Jackie Hanson

Officers - Toni Ainley (Chair), James Goddard, Alison Kemp, Elaine Midgley, Helen Reed, Deborah Simpson, Trevor Woollams

Despatched: Friday, 4 June 2010

Date: Monday, 14 June 2010

Time: 3:30pm

Venue: Browns Field Community Centre, 31a Green End Road, Cambridge

Contact: James Goddard **Direct Dial:** 01223 457015

AGENDA

1 WELCOME AND INTRODUCTIONS

- Apologies
- New members

2 MINUTES OF 23 NOVEMBER 2009 MEETING AND MATTERS ARISING (Pages 1 - 4)

3 EQUALITIES PANEL TERMS OF REFERENCE (Pages 5 - 6)

4 EQUALITIES IMPACT ASSESSMENT PROGRAMME

(Elaine Midgley 01223 457592)

Verbal update to be given at meeting

5 ACCOMMODATION FOR GYPSIES AND TRAVELLERS - THE CITY'S APPROACH

(Helen Reed 01223 457842)

Data to be tabled at meeting

6 EQUALITIES ACT KEY SUMMARY *(Pages 7 - 12)*

(Alison Kemp 01223 457043) *(Pages 7 - 12)*

7 EQUALITY MEASURES IN THE COALITION PROGRAMME FOR GOVERNMENT *(Pages 13 - 16)*

(Alison Kemp 01223 457043) *(Pages 13 - 16)*

Exclusion of the Public

Before considering the next item on the agenda, the Equalities Panel is recommended to exclude members of the public from the meeting on the grounds that, if they were present, there would be disclosure to them of information defined as exempt from publication by Category 2 as defined in the Local Government (Access to Information) (Variation) Order 2006.

8 HUMAN RESOURCES REPORT / MONITORING DATA

(Deborah Simpson 01223 458101)

Data to be tabled at meeting

Information for the public

Public attendance

You are welcome to attend this meeting as an observer, although it will be necessary to ask you to leave the room during the discussion of matters which are described as confidential.

Public Speaking

You can ask questions on an issue included on either agenda above, or on an issue which is within this committee's powers. Questions can only be asked during the slot on the agenda for this at the beginning of the meeting, not later on when an issue is under discussion by the committee.

If you wish to ask a question related to an agenda item contact the committee officer (listed above under 'contact') **before the meeting starts**. If you wish to ask a question on a matter not included on this agenda, please contact the committee officer by 10.00am the working day before the meeting. Further details concerning the right to speak at committee can be obtained from the committee section.

Fire Alarm

In the event of the fire alarm sounding (which is a continuous ringing sound), you should pick up your possessions and leave the building by the route you came in. Once clear of the building, you should assemble at the assembly point and await further instructions. If your escape route or the assembly area is unsafe, you will be directed to safe areas by a member of staff.

This page is intentionally left blank

EQUALITIES PANEL

23 November 2009

4.00pm to 6.00pm

PRESENT

Chair: Toni Ainley

Councillors: Lynn, Shah, Smith and Walker

Staff Members: Jackie Hanson, Bridget Keady and Christine Leonard

Public Members: Norah Al-Ani, Graham Lewis, Sigrid Fisher and Nicky Wrigley

Presenting papers: Sally-Jane Papworth, Manager, Ditchburn Place and Stanton House; Deborah Simpson, Head of Human Resources; Paula Rae, Strategy Officer (Equalities) and Trevor Woollams, Head of Strategy and Partnerships

In attendance: Vicki Davidson, Organisational Development Manager and Anette Grinsted, HR Diversity Adviser.

1 ATTENDANCE, APOLOGIES FOR ABSENCE AND WELCOME

and

2 Introductions took place and the Chair welcomed all those present.

Apologies were received from Nacer Dali

Cllr Shah declared a personal interest as he is a member of Cambridge Ethnic Community Forum and a Director of CINTRA.

3 MINUTES & MATTERS ARISING

The minutes of the meeting held on 15th June 2009 will be signed outside the meeting with the following additional wording to item 6: The Council continues to be committed to Diversity Days at the highest level subject to officer and member availability.

Domestic Violence and No Recourse to Public Funds: This matter is being progressed at a County level by Simon Kerss (County Domestic Abuse Partnership Manager) through the County wide strategic partnership.

Equalities Newsletter: This has been produced by Adriadne Henry in Community Development and is to be circulated very soon.

PR

Single Equalities Scheme & Equalities Action Plan: This was considered by the October Strategy and Resources committee and will be available on the website very soon. Currently on Intranet –

PR

<http://intranet/equalities/documents/Single%20Equality%20Scheme%202009%20-%202012.doc>

CEAP -

<http://intranet/equalities/Documents/Comprehensive%20Equalities%20Action%20Plan%20July%202009-2010.doc>

AG

Feedback from staff groups: Staff groups are uncomfortable about sharing their discussions as they are intended to be support groups and some of the issues they discuss are confidential. However, it might be possible to capture the themes of discussions and report these back to the Panel.

Anette to pursue.

4 60+ PROJECT: MANAGING SUPPORT IN HOUSING FOR OLDER PEOPLE

The Manager of Ditchburn Place and Stanton House, outlined the 60+ project and progress so far. The project has developed as a response to funding challenges that the service faces. There is an acknowledgement that there are residents living in sheltered housing and automatically receiving a support service that may exceed their needs. At the same time there are elderly people living in the community whose needs are not being met. The service has identified a potential to target resources more efficiently. For every ten residents of sheltered accommodation who relinquish the support service until such time as they may need it, and additional five individuals could be supported in the community.

The initial phase of the project has been targeted at City Homes tenants using the Community Alarm Service. Further work is needed on what services will be offered and at what cost. The potential to pool resources and for a multi agency approach will also be considered at a later date. The initial intention is to keep the service small until the funding is secure and the level of demand has been mapped.

SJP then detailed some case studies where low level support had produced a marked improved the quality of life for individuals.

5 EXECUTIVE SUMMARY FROM THE JOINT STRATEGIC NEEDS ASSESSMENT (JSNA) ON MIGRANT WORKERS

TW introduced the report. Members asked about the intended audience of the report and who will be taking action on the recommendations. This work is on-going and action is being taken at County level by Cambridgeshire NHS and partners. Detailed information about the JSNAs can be found on the NHS Cambridgeshire website. Further work is needed on the quality of housing in multiple occupation and work is on-going with landlords.

TW outlined the work of "Making Cambridgeshire Count". Making Cambridgeshire Count' is a new initiative designed to transform partnership working and public services across Cambridgeshire. Its aim is to make

each pound spent by the public sector count. There is a need to create the right culture in order for the partnership to work together to find improved ways of delivering services for communities.

6 EQUALITY MEASUREMENT FRAMEWORK (EHRC)

PR introduced the paper for discussion. The viability of additional measures of equality in future were discussed. At present there is no clear picture of how such information would be gathered. TW is working on area profiles which will help to give a picture of equality issues at a local level in the future.

Members agreed that individuals are now much more comfortable divulging information on issues such as religion or sexuality.

7 EqIA PROGRAMME

TW introduced the report. EqIA's will need to be carried out when changes are planned to services. Members considered holding an interim equalities panel meeting to review some EqIA's with the view to the panel being a critical friend. Members would like to see evidence of the entire process from initial EqIA through the action plan and an end result with measurable results.

GL suggested that there is still some way to go in some services in equalities awareness. He was invited to a City Council tenant consultation event and complained that this had been poorly thought through in terms of timing. It was a Friday lunch-time during Ramadan and therefore excluded some faith groups and those who are in employment.

ALL

TW invited panel members to recommend two or three priorities from EqIAs for the Equalities Panel to focus on in future. The panel could act as a critical friend for departmental EqIAs. Panel Members to let Trevor know the 2 or 3 EQIAs that they would like to see reviewed by the Panel. Trevor will then arrange for the 3 EQIAs with the most 'votes' to be brought to an interim Panel meeting where those Panel members who were interested could give their views.

TW

8 MOD CONSULTATION PAPER: THE NATION'S COMMITMENT TO THE ARMED FORCES COMMUNITY – FOR INFORMATION

TW introduced the paper for discussion. Officers within the Council had been consulted on the MOD's proposals but they didn't think this would be a particularly significant issue for Cambridge. Panel members felt better joint working was required between local authorities and the Ministry of Defence (MoD) as the current/former employer of armed service personnel; to cover a broad range of issues, one of which being the disadvantages service personnel face concerning housing allocation. A

response has already been submitted to MoD's 'The Nation's Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans' paper, but an additional response on behalf of the Equalities Panel was suggested, even though the deadline for responses had passed. This could set out a view that any additional costs incurred by local authorities should be met by the MOD.

SF questioned if military service personnel should get special treatment over other groups of workers such as miners?

It was agreed that PR should draft a statement from the Panel that will be circulated to the panel for comment. If there was agreement to the text, this would be sent to the MOD on behalf of the Panel. PR will also check the original MoD response from the Council was shared with Councillors. PR

EXCLUSION OF THE PUBLIC

Before considering the next item on the agenda, Chair of the Equalities Panel explained the need to exclude members of the public from this part of the meeting on the grounds that, if they were present, there would be disclosure to them of information defined as exempt from publication by Category 2 as defined in the Local Government (Access to Information) (Variation) Order 2006.

11 HR REPORT / MONITORING DATA

Panel members noted the Officer's confidential report on employee numbers broken down by age, gender, ethnicity and number of people declaring disabilities. Apprenticeships and exit questionnaires were also discussed.

DATE OF NEXT MEETING

Panel members noted that GL had served three terms on the group and expressed their thanks for his efforts to date. Membership will be reviewed in future to ascertain if a vacancy will arise for a public member of the panel.

Date of next meeting TBC, but May/June 2010 proposed immediately following the Diversity Forum.

The venue may change from Browns Field Community Centre.

Chair

TERMS OF REFERENCE

- a) To monitor the Council's progress against the implementation of the Council's Race Equality Scheme
- b) To monitor relevant national and local performance indicators and the Council's progress against the Equality Standard for Local Government
- c) To monitor the Council's progress against the implementation of present and future equalities legislation
- d) To evaluate the equalities implications for the Council of the results of Council consultation
- e) To evaluate the work the Council is undertaking to help communities directly affected by equalities issues become more fully engaged in the work of the Council

PRINCIPLES AND OBJECTIVES

The Panel will support Council-led initiatives that:

- ★ Play a leading role in the promotion of equalities and diversity
- ★ Celebrate the diversity of lifestyles, faiths and cultures of the local population
- ★ Respect and value differences
- ★ Challenge and aim to eradicate discrimination
- ★ Encourage the identification and sharing of good practice
- ★ Establish networks and joint/partnership working internally and externally
- ★ Develop and implement positive action to achieve cultural change
- ★ Improve workforce representation in recruitment, training and promotion
- ★ Promote positive relations and tolerance in the workplace and community

Focus on the equality target groups:

- ★ Black and Minority Ethnic communities, including Gypsies/Travellers, refugees and asylum seekers
- ★ Women and transgendered people
- ★ Disabled people
- ★ Lesbian, gay and bisexual people
- ★ Older people
- ★ Children and young people
- ★ Faith or belief groups

This page is intentionally left blank

CAMBRIDGE CITY COUNCIL

REPORT OF: Alison Kemp, Performance Manager

TO: Equality Panel

14/6/2010

WARDS: All

THE EQUALITY ACT 2010

1 INTRODUCTION

- 1.1 The Equality Act received Royal Assent on 8 April 2010. The main parts of the Act are due to come into force in October 2010, with full implementation by April 2012.
- 1.2 The Act brings together all the existing strands of equality and discrimination legislation, with the aim of clarifying existing law, extending it to cover some anomalies in existing discrimination law, and creating a stronger set of obligations on public bodies to promote equality.

2. RECOMMENDATIONS

- 2.1 That the Equality Panel notes the provisions under the Act and in particular those that will impact on or require action by the City Council and its partner organisations.

3. BACKGROUND

- 3.1 The Equality Act 2010 was passed in the last days of the old Labour Government. The Act received the support of all parties and the new Coalition government has pledged to implement it, though not necessarily to exactly the same timetable. It is also unclear whether all the provisions will be implemented.
- 3.2 The Act is underpinned by some basic concepts:

Protected characteristics

There are nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Act sets out the principles that need to be applied in considering whether one or more of the 'protected characteristics' apply to an individual or group.

Prohibited conduct

The Act confirms the existing definitions of: direct discrimination (including that arising from a combination of two relevant protected characteristics – 'dual discrimination'); discrimination arising from disability; indirect discrimination; and harassment and victimisation.

These concepts do not, however, apply uniformly to all provisions of the Act. For example, the requirement that public service providers do not discriminate against an individual requiring the service does not apply to under-18s, age discrimination is not a factor in schools, and marriage and civil partnership status is not relevant in certain contexts.

4. THE PROVISIONS OF THE ACT

4.1 Provision of Services and Public Functions

4.1.1 It is unlawful for a service provider to discriminate against, harass or victimise a person when providing a service (which includes the provision of goods or facilities) or when exercising a public function. The person is protected both when requesting the service and while receiving the service. Public functions that involve the provision of a service include medical treatment on the NHS, or services like housing or planning or benefits payment in the City Council.

4.1.2 It is also unlawful to discriminate against, harass or victimise a person when exercising a public function that does not involve the provision of a service. For example, law enforcement or revenue raising and collection (e.g. Council Tax).

4.1.3 These provisions will replace the existing law and extend protection so that it is generally the same across all nine protected characteristics. As under existing law though there is no protection for harassment related to religion or belief or sexual orientation in either the provision of services or in the exercise of public functions.

4.2 Equalities at Work

4.2.1 It is unlawful to discriminate against, harass or victimise a person at work or in employment services, including recruitment. Other provisions in the Act relate to:

- equal pay between men and women
- pregnancy and maternity pay
- provisions making it unlawful for an employment contract to prevent an employee disclosing his or her pay to a colleague
- a power to require larger private sector employers to publish gender pay gap information between men and women.

4.2.2 *Enquires about disability and health*

Except in specified situations an employer must not ask about a job applicant's health until that person has been either offered a job (on a conditional or unconditional basis) or been included in a pool of unsuccessful candidates to be offered a job when a suitable position arises (e.g. redeployment pool). The Act allows a range of reasonable and practical questions to be asked – the new provision is intended to deter employers from directly discriminating on the grounds of disability but recognises that disability can be a relevant and limiting factor in the recruitment process.

4.2.3 *Local Authority Members*

Elected members are protected from discrimination, harassment or victimisation in the way they access training or other support services.

4.3 Contracts

Terms in contracts, collective agreements or the rules of undertakings will be unenforceable or void if they result in unlawful discrimination, harassment or victimisation.

4.4 Public Sector Equality Duty

4.4.1 The existing duties to eliminate discrimination and advance equality of opportunity and foster good relations between different groups in the fields of race, disability and gender will be replaced by a single duty that is extended to cover eight of the protected characteristics, marriage and civil partnerships being the exception.

4.4.2 The Equality Duty will require public authorities like the City Council, to consider the way their employment practices, spending decisions and service delivery affect different disadvantaged groups in the community. The duty will lie behind policies promoting social cohesion and public participation, and will require authorities to take

account of the need to tackle prejudice and promote understanding in their communities.

4.4.3 *Commissioning and procurement*

The duty applies to much more than just the provision of services. Public authorities will have to ensure that contractors can show that they can contribute to the delivery of the Equality Duty both as part of the tender process and throughout the contract period.

4.4.4 *Public bodies*

The public bodies affected by the duty are the same as for the Human Rights Act. This is to make sure that the main public sector partners involved in Local Strategic Partnerships (LSPs) and Local Area Agreements (LAA's) are all bound by the duty.

4.5 Socio-Economic Duty

4.5.1 The Act places a new duty on certain public bodies to consider socio-economic disadvantage when making strategic decisions about how to exercise their functions and provide services. Disadvantage could include inequalities in areas such as education, health, housing, crime rates, employment or other matters where poverty or social class may result in disadvantage. Along with councils, government ministers and departments, primary care trusts and police authorities will also be included within this duty.

4.5.2 The new duty doesn't create any rights for private individuals and it will not be possible for an individual to claim damages. It will though, be possible for an individual to challenge a local authority through judicial review on the basis that socio-economic disadvantage has not been taken into account when making a strategic decision.

4.6 Positive Action

4.6.1 This provision allows the use of positive action measures to:

- lessen or remove disadvantage experienced by groups who share a protected characteristic,
- reduce their under-representation in relation to particular activities e.g. in particular types or levels of employment; and
- meet their needs e.g. access to specific health services.

This provision applies both to the private and public sector and the action taken must be proportionate to the extent of the disadvantage.

4.6.2 *Recruitment and promotion*

The provision for positive action measures allows an employer to take any one of the nine protected characteristics into account when deciding who to recruit or promote where people who have the protected characteristic are at a disadvantage or are under-represented in their workforce. However, this can only be done where in all other respects the candidates are equally qualified. Each case has to be considered on its merits, an employer cannot have a policy of automatically treating people with a protected characteristic more favourably than those who do not have it.

4.7 Other Provisions

4.7.1 *Association and Perception*

The Act strengthens the law by protecting people from discrimination when they are associated with someone who has a protected characteristic e.g. as their partner or carer. It will also protect from discrimination people who are wrongly perceived to have a particular protected characteristic e.g. to belong to a particular religion or belief or to have a particular sexual orientation.

4.7.2 *Transport for Disabled People*

The Act allows for a regulatory system to be developed that covers taxis, public service vehicles and rail to ensure that transport systems are accessible to disabled people, including those with wheel chairs.

4.8 There are other provisions in the Act relating to education and further education and also the selection of candidates for political parties, but the provisions outlined above are likely to have the greatest relevance to the City Council and the Equality Panel.

5. **TIMETABLE FOR INTRODUCTION**

5.1 The current timetable for the introduction of the provisions in the Act, and publication of the practical guidance and legal codes of practice is as follows:

Employment, equal pay and services, public functions and associations

- ◆ Comes into force: October 2010
- ◆ Guidance published: July 2010
- ◆ Draft code of practice laid before Parliament: June 2010

Public sector equality duty

- ◆ Comes into force: April 2011
- ◆ Guidance published: December 2010
- ◆ Draft code of practice laid before Parliament: January 2011

Age protection outside the workplace

- ◆ Comes into force: expected April 2010
- ◆ Guidance published: December 2011
- ◆ Draft code of practice laid before Parliament: January 2012

Non-statutory guidance is to help employers, service providers and others abide by the law. Codes of Practice set out the statutory provisions of the Act to ensure that the law is applied consistently by lower courts and tribunals.

Previous legislation remains in force until the provisions of the new Act are implemented.

6. CONCLUSION

- 6.1 The Equality Act 2010 represents a considerable tidying up of equalities legislation and should make it both easier to understand and implement. However, until the non-statutory guidance is published it will not be wholly clear what the practical implications are for the City Council or what resources will be required to implement the new provisions.

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

LGIU Policy Briefing: Equality Act 2010 - 23rd April 2010

To inspect these documents contact Alison Kemp, Performance Manager on extension 7043.

The author and contact officer for queries on the report is Alison Kemp, Performance Manager on extension 7043.

Report file: N:\Strategy & Partnerships\Equalities\Equalities\Equalities Panel\JUNE 2010\The Equality Act 2010 Report.doc

Date originated: 02 June 2010

Date of last revision: 02 June 2010

CAMBRIDGE CITY COUNCIL

REPORT OF: Performance Manager
TO: Equality Panel 14/6/2010

WARDS: All

COALITION PROGRAMME FOR GOVERNMENT: EQUALITY MEASURES

1 INTRODUCTION

- 1.1 The Coalition Programme for Government was published on 20 May 2010. It sets out commitments across the equalities agenda and will form the basis of work that the Government Equalities Office will now take forward.

2. RECOMMENDATIONS

- 2.1 Equality Panel are asked to note, in particular, those aspects of the Coalition Programme that will have implications for the City Council and its partner organisations.

3. BACKGROUND

- 3.1 The new Liberal Democrat - Conservative government has set out its position on equality in Britain today in its Coalition Programme for Government published on 20 May 2010. Its approach is built around an intention "to remove barriers to social mobility and equal opportunities".
- 3.2 Specific commitments included in the programme that will have implications for the City Council and its partners and are likely to require action are:
- to promote equal pay and take a range of measures to end discrimination in the workplace
 - to undertake a fair pay review in the public sector to implement the proposed "20 times" pay multiple i.e. that the highest paid

employee will receive a salary of no more than 20 times that of the lowest paid employee

- To promote improved community relations and opportunities for Black, Asian and Minority Ethnic (BAME) communities
- To implement the Equality Act 2010.

3.3 Other commitments include:

- extending the right to request flexible working to all employees in consultation with business
- looking to promote gender equality on the boards of listed companies
- stopping the deportation of asylum seekers who have had to leave particular countries because their sexual orientation or gender identification puts them at proven risk of imprisonment, torture or execution
- using relationships with other countries to push for unequivocal support for gay rights and for UK civil partnerships to be recognised internationally.

3.4 Equalities as a policy area now comes under the remit of the Home Office headed by two ministers The Right Hon Theresa May MP (Conservative) Home Secretary, and Lynne Featherstone MP (liberal Democrat) Minister for Equalities.

4. CONCLUSIONS

4.1 It is clear that the passing of the Equality Act in April this year has not brought to an end further policy and practical action on equalities. What is not yet clear is what resources will be available to take this programme forward nor where this fits into the Government's priority order.

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

Equality and Diversity Forum Blog Archive: 24th May 2010.

To inspect these documents contact Alison Kemp, Performance Manager, on extension 7043.

The author and contact officer for queries on the report is Alison Kemp,
Performance Manager on extension 7043

Report file: Document2

Date originated: 02 June 2010

Date of last revision: 02 June 2010

This page is intentionally left blank