

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET COMMITTEE EQUALITIES

**REPORT OF THE ASSISTANT CHIEF EXECUTIVE – CORPORATE
DEVELOPMENT & PARTNERSHIPS**

5 OCTOBER 2009

**REPORT ON WELSH ASSEMBLY GOVERNMENT CONSULTATION ON
SPECIFIC EQUALITY DUTIES ON THE PUBLIC SECTOR IN WALES**

1. Purpose of report: -

- 1.1 To seek the views of the Cabinet Equalities Committee about the Welsh Assembly Government's proposals to develop specific equality duties for public sector organisations in Wales.

2. Connection to Corporate Improvement Plan / Other Corporate Priority: -

- 2.2 The information set out in this report will help ensure that the Authority is aware of proposals to amend its statutory equality duties and will be able to continue to mitigate the risk of failure to meet these duties as recognised in its Corporate Improvement Plan 2008-11.

3. Background:-

- 3.1 It is anticipated that the Equality Bill will be passed by the UK Government in Spring 2010. The aim of the Bill is to simplify the law and make it more consistent by introducing a new generic public equality duty across protected equality characteristics (race, disability, gender, age, sexual orientation, religion or belief, gender reassignment, pregnancy and maternity). It will also introduce new strategic duty on local authorities and other public bodies to reduce socio-economic inequalities. The Bill will make the equality duties covering goods, services, employment and community relations more purposive by requiring public authorities to have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and to foster good relations.

- 3.2 When the Equality Bill becomes law Welsh Ministers will be given powers to impose specific equality duties on certain public authorities in Wales. This is likely to be in 2010. The purpose of these duties will be to help advance the general equality duty introduced by the new Act. The Welsh Assembly Government wants to ensure that any new specific equality duties will add value to the policy objectives currently being taken forward and deliver improved outcomes for citizens in Wales.

3.3 In considering the framing and scope of any specific equality duties the Welsh Assembly Government is undertaking a listening exercise to get views and suggestions from stakeholders and citizens based on a discussion paper (Appendix 1). The paper sets out the distinctive equality and human rights developments that are happening in Wales, such as rights of children, young people and older people; the Communities First programme; and policy developments on financial inclusion, gender inequalities and child poverty.

3.4 Responses to the listening exercise should be received by the Welsh Assembly Government Equality, Diversity and Inclusion Division by Monday 16th November. A summary of responses will be published and further public consultation on detailed proposals will take place in early 2010.

4. Current situation / proposal :-

4.1 It is considered appropriate to seek the views of the Cabinet Equality Committee to the points raised in the discussion paper. These views will be included in the Authority's formal response to the Welsh Assembly Government, following further consultation with relevant officers across the Authority. The committee should be mindful that the Welsh Assembly Government has framed the discussion points in wide terms, but this exercise provides an opportunity to highlight priorities identified at the local level during consultation when developing the new Corporate Equality Scheme and Community Strategy.

4.2 It is proposed that the following issues be raised in our response to the discussion paper:

4.3 How can we use the opportunity offered by specific duties to advance equality and make a real difference for our citizens?

The introduction of specific equality duties for public authorities in Wales will help to promote coherent, collaborative and complementary approach to policy delivery across the public sector. It will help to ensure that a variety of policy areas that contribute to tackling social inequality and foster good relations can be brought together to achieve equality outcomes for our citizens. This approach will also help to mainstream understanding about equality and community relations as essential to building sustainable, cohesive communities.

We welcome an approach that will ensure that any specific equality duties that are introduced are flexible and proportionate not only in terms of function and size of organisation, but also proportionate to local context and evidence. A great deal of work has already been undertaken to identify these issues in developing existing equality schemes by public organisations and this information should be utilised to identify specific equality duties that will be effective and measurable at the national level.

For example, key public sector partners in Bridgend County Borough collaborated to run a joint involvement event for local disabled people. This event highlighted issues that impact on local disabled people that require strategic policy responses at the national level, such as access to transport networks, access to employment opportunities and action to tackle harassment and bullying of disabled people.

4.4 How best can public authorities publish equality objectives, based on relevant evidence and set out the steps they intend to achieve?

It is suggested that setting and publication of equality objectives in the public sector should be linked to the statutory mechanisms for service improvement and strategic planning, the Wales Programme for Improvement (WPI) and the Local Government (Wales) Measure, currently before the National Assembly for Wales. This will help to ensure that community planning for improving the social, economic and environmental well-being for local areas produces equality outcomes for citizens.

Considerable work has already been undertaken in developing the Council's new Community Strategy and single Corporate Equality Scheme which are based on consultation with local people and partners. In addition the Council is working towards attaining improving authority status under the new WLGA Equality Improvement Framework, which has been designed to fit within the WPI framework. The introduction of alternative means and different timetables for publication and improvement measure, such as those suggested in the discussion paper, would not be advantageous at this time.

4.5 How could public authorities involve people in setting equality objectives in the design of policies and delivery of services?

The Council is already very mindful of its existing duties to involve and engage its community when designing policies and delivering its services. This has been reflected in the approach taken in developing the Council's Corporate Equality Scheme. For example, key public sector partners run joint involvement events for local disabled people to develop and review their respective equality schemes. This event gave local disabled people and organisations an opportunity to come together to communicate their views to key public partners, identify common issues and share good practice in a cost-effective way. Such a collaborative approach should be encouraged in the future.

4.6 What should the employment reporting requirements include? (For example, gender pay gap figures, black minority ethnic and disabled people's employment rates)? How do we build on this, potentially including other equality strands?

Reporting requirements need to be proportionate and meaningful based on robust and verifiable data that is available at the national and regional level. This will be fundamental to any proposals to identify the factors that contribute to pay gaps and occupational segregation. It is possible that employment audits may prove more effective in identifying factors that contribute to pay inequity and child poverty, but careful

consideration will need to be given to the research capacity and resource implications for public sector organisations if such audits are to be undertaken to produce meaningful benefits.

4.7 Should public authorities be subject to a specific equality duty that seeks to reinforce the progressive approach being promoted by Value Wales in public procurement?

The use of public procurement as a lever for achieving equality and sustainability outcomes has increasingly been recognised and pursued in the public sector. The approach taken by Value Wales has been positive but there are considerable issues to be overcome to ensure that a workable specific equality duty could be developed based on such good practice.

4.8 What role can inspectorates play in securing equality outcomes for citizens?

The regulatory and inspection bodies already have an important role to play in measuring performance under the statutory mechanisms for service improvement. Capacity building and additional resourcing may be required for such bodies in order for them to carry out this role effectively and make a positive contribution to achieving equality outcomes for citizens in Wales.

4.9 How can we ensure that equality reporting by Welsh Assembly Government Ministers is meaningful and provides a genuine opportunity for a discussion on progress on equality in Wales?

Ministerial reports should bring together actions being taken across the public sector as part of their equality schemes or Community Strategies. Ministers' reports should enable organisations, communities and people to be involved in an ongoing dialogue regarding equality and community relations. Such reports should draw on good practice being developed across Wales and elsewhere in the UK in order to cascade information about how to advance equality across the public sector in Wales.

5. Effect upon Policy Framework & Procedure Rules:-

- 5.1 The report has no direct effect upon the policy framework or procedure rules but does support the effective implementation of the Council's statutory duties in relation to equalities and human rights.

6. Legal Implications :-

- 6.1 There are no legal implications at this stage.

7. Financial Implications :-

- 7.1 There are no financial implications.

8. Recommendation: -

- 8.1 That the Cabinet Equalities Committee consider the issues raised in this report and identify any changes or additional comments they would like to contribute to the Authority's response.

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5th October 2009

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10. Background documents:-

- Equality Bill: Advancing equality across the public sector in Wales (July 2009)
- A Fairer Future: the equality Bill and other action to make equality a reality, Government Equalities Office (April 2009).
- The WLGA Equality Improvement Framework for Welsh Local Government.
- The Wales Programme of Improvement Guidance for Local Authorities 2005 (Circular 28/2005).
- Proposed Local Government (Wales) Measure 2009.