



North Tyneside Council

Briefing note

To: Overview and Scrutiny Committee **Author:** Anne Foreman and Cait Foley

Date: 23 May 2012

Title of Briefing: Role of Overview and Scrutiny in Council Equality and Diversity Decision-Making

1. Introduction

The Equality Act 2010 brought together all previous equality legislation. It includes a new general public sector equality duty, which came into force on 5 April 2011. The general duty is underpinned by a specific duty which requires the council to publish equality information that demonstrates its understanding of the impact of its policies and practices on people with protected characteristics (age, gender, disability, race, religion, sexual orientation, gender reassignment, maternity and pregnancy, and marriage and civil partnership).

This will be of particular interest to councillors and officers involved in business planning, procurement, analysis, human resources, grant making, governance and scrutiny.

2. The Equality Duty

The aims of general equality duty require the council to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

The specific duty requires the council to demonstrate its compliance with the general equality duty by publishing information relating to people who share a relevant protected characteristic who are:

- its employees
- people affected by its policies and practices (for example, service users).

The information was published by 31 January 2012 (and by 6 April 2012 for schools and pupil referral units) in a manner that was accessible to the public, and then will be published annually thereafter.

3. Purpose and benefits of collecting and using equality data

Publishing equality information:

- enables service users, staff, the EHRC, regulators and other interested parties to assess the equality performance of the council
- helps the council to explain how and why it has reached certain conclusions and made certain decisions
- provides a clear picture of how the council has complied with the general equality duty
- makes decision-making more transparent.

The overall purpose being to demonstrate how the council has used its evidence base to have due regard to the aims of the general equality duty.

Collecting and using equality data in this way can help the council to:

Identify key issues

- Understand the impact of its policies, practices and decisions on people with different protected characteristics, and thereby plan them more effectively.
- Identify any unlawful discrimination.
- Identify what the key equality issues are for the council.

Assess performance

- Benchmark performance and processes against those of similar organisations, nationally or locally.

Take action

- Identify steps to meet the needs of staff and service users who share relevant protected characteristics.
 - Identify actions that can be taken to avoid discrimination and harassment, advance equality of opportunity or foster good relations.
 - Make informed decisions about policies and practices which are based on evidence about the impact of council activities on equality.
 - Inform the development of equality objectives to meet the specific duties.
 - Have due regard to the aims of the general equality duty by ensuring that staff have appropriate information for decision-making.

4. Requested Equality Data

The Commission would normally expect to see the council publish the following information about its **employees**:

- the race, disability, gender and age distribution of its workforce at different grades, and whether they are full or part time
- an indication of the likely representation on sexual orientation and religion and belief, provided that no-one can be identified as a result
- an indication of any issues for transsexual staff, based on engagement with transsexual staff or equality organisations
- gender pay gap information

- information about occupational segregation
- grievance and dismissal information for people with relevant protected characteristics
- complaints about discrimination and other prohibited conduct from staff
- details and feedback of engagement with staff and trade unions
- quantitative and qualitative research with employees e.g. staff surveys
- records of how the council has had due regard to the aims of the duty in decision-making with regard to your employment, including any assessments of impact on equality and any evidence used
- details of policies and programmes that have been put into place to address equality concerns raised by staff and trade unions.

In addition they say that publication of the following disaggregated information would also be useful:

- return to work rates after maternity leave
- success rates of job applicants
- take-up of training opportunities
- applications for promotion and success rates
- applications for flexible working and success rates
- other reasons for termination, like redundancy and retirement
- length of service/time on pay grade
- pay gap for other protected groups.

With regard to **services**, the EHRC would expect to see the information the council routinely publishes on services disaggregated by protected characteristic as far as possible, in order to ensure policy and other decisions based on clear evidence and transparency about progress on equality. Service information would usually include:

- access to services or participation rates for people with the different protected characteristics
- customer satisfaction with services including any complaints (and the reasons for complaints)
- performance information for functions which are relevant to the aims of the general equality duty, especially around service outcomes (e.g. attainment, recovery rates)
- complaints about discrimination and other prohibited conduct from service users
- details and feedback of engagement with service users
- quantitative and qualitative research with service users e.g. patient surveys
- records of how the council has had due regard to the aims of the duty in decision-making about service provision, including any assessments of impact on equality and any evidence used
- details of policies and programmes that have been put into place to address equality concerns raised by service users.

5. Next steps

The Overview and Scrutiny Committee needs to be aware of the Council's duty to comply with all aspects of the Equality Act. The information the council collects around the equality needs of customers, potential customers, staff and visitors must be used, as an evidence base for decision-making processes.

This briefing acts as an introduction to this agenda. We would welcome the opportunity to attend a future meeting of Overview and Scrutiny Committee, to discuss this in more detail.