

Diagnostic report: Kennet district council

This report provides a diagnostic assessment of the position of Kennet District Council on equality and diversity including the level of the Equality Standard (EsFLG) reached.

A. The Purpose of Project

This defined the task for Di Parkin, and her team: Graham Partridge and Caroline White (mapping aspect) the IDeA Consultants as:

- An assessment of how authorities are currently performing in terms of the ESFLG
- Identification of action taken or underway to address weaknesses identified in inspection reports
- Identification of ongoing weaknesses in mainstreaming equality and diversity
- Identification of areas where joint working could be explored
- Target date for achievement of next level of Equality Standard, with action plan
- Mapping of Equality and Diversity Initiatives

B. Report structure

1. The Kennet demographic and economic context
2. Review of Documentation on equality
3. Evidence of staff understanding of, and commitment to, Equalities
4. Level of Equality Standard reached

1. The Kennet context:

Wiltshire is a southwest county covering 150 square miles, within which sit four district councils. Kennet is one of the three northern districts, surrounding the market town of Devizes. **Kennet** is a large rural district which includes parts of Salisbury Plain and the designated an area of outstanding natural beauty. Population density is very low 3.78. Most of **Kennet**'s residents live in one of five population centres, Devizes, Pewsey, Marlborough, Tidworth and Ludgershall, s. Of the population of 74,000, the proportion of people from **black** and minority **ethnic** communities is 1.4%, compared to the South West average of 2.3%. 90% of employment is in the service sector, including 30% in the public sector: the Army has a significant presence at Tidworth Garrison, and the constant turnover of personnel has a major influence on the life of the district. Unemployment is very low, but average gross earnings are below the national and regional averages.

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There are 2,433 people previously registered as chronically sick and disabled.

2. Review of Documentation and Equality

This review examines the crucial documents and policies on equality as well as other significant policies, and the physical manifestation of notices.

2.1 Corporate Equality Policy, March 2003

This thorough policy is rooted firmly in the Macpherson notion of Institutional discrimination; however it does focus overmuch on 'promoting cultural diversity', which concept insufficiently recognises the centrality of objective inequalities, discrimination and disadvantage. In addition the notion is not one that underpins disability or gender equality. Indeed, mention of the latter is scant, there being no explicit recognition of gender inequality and discrimination.

The policy is dated and needs to include an update on recent Equalities law since 2003; this would oblige attention to be given to discrimination on grounds of:

- ❖ Sexual orientation
- ❖ Religion and similar belief
- ❖ Age

The section on race needs to include migrant workers.

In the section on consultation, the document priorities 'ethnic minority' and 'disabled groups'. However it is important that issues of gender, sexual orientation, age, religion/belief are also included.

In the employment section, the policy would benefit from:

- Requiring all managers who interview to be trained on Equality recruitment practice
- On Harassment, the policy needs to recognise that harassment can be unlawful discrimination and also a criminal offence;
- The section on pay and rewards needs to be updated to talk about equal pay, pay audits and the requirements of gender, equality
- It would be helpful to include mention of the lawful positive action steps that can be taken when groups (BME and women) are under represented at certain grades (SDA 1975, RRA 1976)
- The section on marketing needs to be stronger in the offer on translation – deleting 'where available'

2.3 Corporate Vision and priorities

This sets the Council's 4 key priorities as: Community Leadership, Strong safe and Healthy communities, Stewardship of the environment and improving council

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services. These priorities do not too readily lend themselves to a mainstreamed equalities focus. But service plans included within it (for example Information Services) include action points on equality.

The Procurement Section states 'all tenders have our Equalities Statement'. This would be insufficient for requirements under RES, DES, GES and Level 3 of Equality Standard

2.4 Community Plan

The plan is in general very thorough and does covers many issues that are relevant to traditionally excluded groups, but the material is presented in a largely neutral way; the issues are not mainstreamed throughout. For example, issues on lack of car ownership and poor rural transport impact more heavily on women. Or older women are less likely to hold formal qualifications, or men are more likely to suffer health problems (being nationally 10 times more likely to die to gender non-specific cancers) Women having lower incomes on average, having more difficulty accessing housing. The section on Equality/Diversity is very slight, only referring to the Wiltshire compact.

2.5 Race Equality Scheme

This is very thorough scheme; we have some questions:

- Why have the targets (e.g.: on % top 5% earners being BME) been reduced from 2004/05 so they are no longer a stretch?
- At some points in the scheme there is reference to 'ethnic community' people when what is meant is 'minority ethnic people' (as being white British is also an ethnicity)

2.6 Translation and Interpretation policy and practice

Kennet have very good practice, worth show casing, in this area; the language line poster is clearly displayed in reception, so that people can point to the language they need and reception staff are clear on how to use it. It is good to see the translated final sheet on leaflets, telling people that translation and interpretation can be provided. However, it does not explain how to contact the council (on which number)

2.7 Procedure for reporting Racial Incidents

Again this is very good and clear procedure worth show casing. Staff are aware of the existence of racial incidents logs and forms.

2.8 Disability Equality scheme

The scheme involved an appropriate amount of consultation with disabled people in the district and utilised other consultations to flag up issues relevant to the district. The council suspects, like others in the county, that there is under reporting of disability from the council's staff. A disability forum has been established. The

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council plans to complete equality impact assessments on the grounds of disability by September 2007 (This will be a good opportunity, in conjunction with the WIP project to introduce a simplified and second stage form) There is an action plan, but the target for employing disabled people to 2.8% seems un stretching.

2.9 Gender Equality Scheme

The scheme covers the issues but figures don't indicate where the "glass ceiling" is – above which the majority of staff are male and below which the majority female. There needs to be greater clarity on the law, for example on the legitimacy of genuine occupational qualification and positive action to recruit to under represented posts. There are some challengeable assumptions about women and heavy work, which could be stereotypical and a barrier to wider recruitment.

2.10 Equalities Monitoring Policy

This is an excellent good practice, worth show casing. In the Appendix on characteristic of the population it would be helpful to have % as well as absolute numbers so that comparisons can be quickly made.

2.11 Consultation procedure

This shows excellent good practice, worth show casing. An additional area where women (or men) could be reached is by talking to people in Council Receptions

HR policies

Kennet have a range of clear well produced policies and procedure notes; many of these were produced in 2002, which was before the Employment regulations on Sexual Orientation and Religion and Similar Philosophical Belief (2003) or Age (2006) but **after** the Disability Discrimination Act 1995.

A Policies benefiting for minor amendment

A number of policies are fit for purpose from an equalities perspective; however when they are next reviewed then the following amendments or additions could be considered:

2.13 Handling Discipline, Managers' guide

A clear guide; it states that a person disciplined can only be accompanied by another employee or trade union representative. However there could be circumstances where someone else should be able to attend: e.g. a BSL interpreter or other interpreter if the employee's English was poor.

2.14 Stress policy and guidance

A clear guide; it states that **stress (amongst other things)** can be caused by bullying and "staff treated with indifference". It doesn't mention that harassment or discrimination can also be a source of stress

2.15 Code of Conduct for Employees

The section on Equality merely refers to treating people with fairness and equity, rather than to recognising and challenging discrimination. As it was produced in 2000 it does not refer to the positive duties, under the Race Relations Amendment Act 2000, the Disability Discrimination Act (Amended) 2005 and the Equality Act 2006 (re gender) to promote equal opportunity on the grounds of race, disability and gender. In addition it would be worth referring to the Equality Standard as a key driver.

B Policies in need of significant review

2.16 Recruitment and Selection

This is a crucial policy from the Equal Opportunities perspective and is in need of serious amendment and update to bring it in line with equalities law and the requirements of the Standard (at levels 1 &2)

a) Equal Opportunities in employment

It says that recruiters should minimise discrimination against "members of ethnic minority groups". The Race Relations Act 1976 is clear that discrimination on the grounds of race, ethnic or national origin is unlawful against everyone, not just minorities. The section on shortlisting, interview and appointment procedures should also refer (at the end) to the need avoiding stereotyping.

The section in general needs amending, there is no "exemption" under the SDA and RRA, and the wording should read

"Provided there is no Genuine Occupational Qualification as defined by the SDA or RRA, or Genuine Occupational Requirement as defined by the employment regulations on Sexual Orientation and Religion and similar philosophical belief."

In the section on adverts, the policy precludes an "intention" to discriminate, however "unintentional" discrimination – on prohibited grounds (which is particularly prevalent in indirect discrimination) is also unlawful

The section on page four, which refers to disability, is not compliant with the Disability Discrimination Act 1995. It does not refer to the concept of "reasonable adjustment" to enable a disabled applicant to take up a post. The section as worded could lead the council open to legal challenge. In addition the definition of disability given is taken from the 1944 Disabled Persons Employment Act, which was abolished by the 1995 Act. The legally correct definition of disability is:

"A long term substantial impairment, with a significant impact on a person's ability to conduct normal every day activities."

However we are impressed with where the council advertises jobs, as this means it reaches out to a wide range of diverse applicants.

We have concerns over the use of Personality Profiles; has this profiling been gender, race and disability proofed to check if there is any bias in the profile?

When referring to written exercises in the recruitment process, consideration needs to be given to making reasonable adjustments for disabled candidates, e.g. those with sight impairment, impairments of their hands, dyslexia, or other impairments impacting on their ability to complete a written test

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The policy makes no reference to monitoring (even though this is carried out. It does not explain to managers the significance of completing or forwarding on any monitoring information at shortlist and appointment. This is so the authority can check for any bias in shortlist and appointment, take positive action if necessary and report figures as required by the RRAA and other duties.

This policy urgently needs review, as there are risks of legal challenge using it

2.17 Harassment and bullying

The definition of harassment used on page 3 refers to "dignity of men and women at work", rather than to harassment on other grounds.

The policy needs to be updated to prohibit harassment of people on the grounds of their sexual orientation or religion/belief (2003) Age (2006) and Gender Reassignment (2007)

The procedures for staff need to make specific reference to the grounds on which people might be harassed and that it might constitute an unlawful act of discrimination as prohibited on the various grounds.

3 Evidence of Commitment and knowledge

3.1 Leadership: Officer and Members

The arena is clearly lead at a senior level and people are aware that it is an issue, which is seen as important to Kennet.

"There is a desire to do the right thing; and staff are engaged with it; it is embedded within the culture at Kennet"

A steering group has existed since 1998 and has a representative from each service area; the group meets regularly and has, sensibly, been merged with the social inclusion group. This means there is a co-ordinated action plan, which is managed by exception reports.

Whilst some members were supportive; but it was seen as important to get a greater member buy in than at present.

However the challenges of local government reorganisation mean that focus is, at a leadership level understandably, taken away from this and other agendas.

3.2 Staff views on Equalities in Wiltshire.

Both in our interviews and in the comments of others we identified that it was difficult to engage some senior staff on the equalities agenda

We conducted three interviews and ran a focus group with staff, asking the following questions:

1. What do you perceive as Wiltshire's strengths on equalities?
2. What do you perceive as Wiltshire's challenges in this area?

3. What one thing would you wish to change

3.2.1 Strengths identified on equality

- ❖ Rolling programme (there is regular training and it is included within induction)
- ❖ Selection and Recruitment
- ❖ Incidents – clear reporting system
- ❖ Social inclusion policy
- ❖ Language line
- ❖ Equalities working group and social inclusion meets regularly
- ❖ Customer surveys include Equalities monitoring
- ❖ Consult with users e.g.: public conveniences/focus groups
- ❖ Hearing loops tested
- ❖ Taken seriously as an issue
- ❖ Equalities Action plans for each service reviewed annually
- ❖ Good practice shared between services
- ❖ Staffing issues, recruitment\advertisements, interview – deal with everyone equally bearing in mind part time, gender and race, family friendly lifestyle
- ❖ Partnership work with local communities – dealing with other organisations, individuals with equality
- ❖ Disability Access high on agenda – always considered

It is particularly important to note that in the short time available we have not been able to record all the strong points

Work with migrant workers in Tidworth and elsewhere was also praised, as were activities around rural needs (which is itself a diversity issue) and work with army families.

3.2.2 Challenges

- ❖ Hard to reach groups within Kennet, difficult finding groups
- ❖ Ethnicity questions on monitoring get– low response
- ❖ Equalities monitoring, using data, tiny numbers so not significant
- ❖ Engaging with 'hard to reach groups'
- ❖ Communication to staff and public
- ❖ Not seen as an issue in Kennet
- ❖ Service representatives given no training and role – is an add on to normal role
- ❖ Need dedicated Equalities officer to help other services with equality issues as they do not have enough time for detail in day jobs
- ❖ Difficult to fill in racial questionnaires/forms, because not a big issue in the area unless something arises, but are aware of other nationalities (races in community)

Consultation

Everyone (both within the County council and across the districts) it is said does consultation separately and differently and there is a weakness in the failure to feedback the results of the consultations and what has happened as a result; there is a lack of follow through of actions proposed; an ongoing conversation was wanted. The Hidden voices report points out that Wiltshire does not have visible minority ethnic communities living in close proximity to one another. However both this report and the Buffer zone Community safety detailed qualitative consultations spoke with large numbers of individual BME people across Wiltshire, including Kennet

4. Level of Equality Standard

The authority has reported at level three of the Equality Standard. However a (draft) gap analysis (with traffic lights) reveals that level two would be more accurate. There are some significant issues of concern, giving an amber traffic light, but some areas where the light remains at red and further work is needed (See appendix). These areas are:

- Corporate equality plan, including employment sections, needs updating for compliance with equalities law. (A level one requirement)
- Equality objectives not included in management performance appraisal system
- Impact assessment full pro forma does not exist; thus programme of impact assessments not fully underway

Robust process and plan for full equality impact assessments, including a quality check to ensure that those eias which have been completed are focussed on outcomes, identifying and redressing adverse impact, rather than ticking the box and saying there is no adverse impact, when this might not be the case.

The impact assessment process "EIA Section 1 Screening" form seems overly complex, it expects author to rank scale of impact numerically and to give political priority. It also asks if discriminatory impact is intended; we question the relevance of this question, as lack of intent is no defence against claims of discrimination. The form includes assessing the impact on people by virtue of their economic or social background, which we applaud.

There is no section 2 to give a full equality impact assessment form. This means that the council has not completed full equality impact assessments of any of its policies and functions. At level two of the equality standard, the requirement is

"Demonstrate corporate engagement in an equality impact & needs/requirements assessment process".

This requires having in place a system for the whole process, a stage one screening and a stage two full assessment. Then by level three of the equality standard, we would expect that a rolling programme of impact assessments (first required by the

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Race Relations Amendment Act from 2002) would have been in place and a large number of assessments completed in order for targets and objectives to be set

We have not, as with the other authorities, conducted the gap analysis for level two (as there was only time available to conduct this exercise once)

Level three of the equality standard is not subject to external validation before an authority can move on to declare at level four. There is at present one system for this validation, which is conducted by the Centre for Local Policy Studies, who were the authors of the standard and leads to the award of the **Equality Mark**. However the IDeA is piloting an alternative method of external validation, utilising a peer review approach.

In either event, we remain concerned, that Kennet would not go through external validation at level three, so could not move towards four by 2008; it would therefore be prudent to continue to work towards level three with a view to consolidating this achievement firmly by March 2008, when the levels of the standard are reported for BVPI. This would mean that Kennet was working to the same level as the other Wiltshire councils

Conclusion

There is some excellent practice, e.g. the availability of translation and interpretation, the policies on monitoring and consolation

However there are areas where attention is needed, in particular on equality impact assessment, aspects of the recruitment policy and the corporate equality policy, which needs up dating.

"A lot is going on across the council, but it isn't always consistent"

Di Parkin 2nd May 07 for IDeA