1.0 INTRODUCTION BY COUNCILLOR PETER PAPWORTH – LEAD MEMBER OF THE WORKING GROUP

1.1 In an ever changing world, with global finance, insurgency, terrorism and wars, it is easy to look back with the rose tinted view of the world that nostalgia brings to mind. Yet despite all the troubles in the world there are some principles that always seem to hold true, and that especially fit the British way of life: fair play, and offering a helping hand to those in need. So it is, in our local community, we want to see all of our citizens treated fairly, young and old, making sure that the services being offered to them from health to education, housing to social care are of the best quality we can provide at an affordable price.

1.2 At the first meeting of the Working Group it became obvious that whilst there were a vast range of matters deserving our attention, we would be wise to place strict limits on the scope of our work. Accordingly, we decided to concentrate on how we could help ensure that Sefton Council would progress smoothly to a praiseworthy rating for its efforts to promote ‘equality’. At the time this meant the swift attainment of Level 4, to be followed by progress towards the (top) Level 5, of the Equality Standard for Local Government. During the course of the review, the equality standard was changed to the new Equality Framework for Local Government (EFLG), which has 3 levels and we decided that we would focus our work on the Council’s progress from the new Level 2 to the top Level, now 3.

1.3 Also, during the course of the review, the Government introduced the new Equality Act 2010 which was given Royal Assent on 9 April 2010. It was imperative that in our review we ensured that we examined how ‘prepared’ the Council was to meet this new piece of legislation.

1.4 Early on in our work, we thought we should consider procurement. A well known, much loved local sole trader (Bob Wright, wished to tender for the planting of street-side trees and we wanted to ensure that equality requirements in procurement are not over burdensome.

1.5 We need to use our power of procurement to create employment opportunities and of employment and small business growth and insist that whenever large contracts are on the cards, that certain tasks are ‘parcelled’ in to contracts that are suitable for sole traders and SMEs and that the ‘paper work and bureaucracy’ is proportionate to the size of the company, taking down barriers to inclusion. We also need to use our spending power to regenerate areas and develop better life chances and as the Local Authority we must continue to work in partnership with other agencies, like the NHS and the police etc. to ensure we are connecting and simplifying our services and provisions, making life more straight forward for our citizens.
1.6 Ultimately, we have to make sure that our resources are being used effectively. To this end we have to ensure that our work on equalities is not too onerous and that we have lean teams, fit for purpose driving home quality of service for all of our departments and with all of our partners.

1.7 All of this work continues and it will be the constant focus of the Working Group. However, I would like to thank; Angela White (Chief Executive of Sefton CVS), Sue Holden (Director of Sefton Equalities Partnership), Barrie Stanhope (Equalities Consultant – Sefton Equalities Partnership) and Andy Woods (Sefton Equalities Partnership Manager), for their time, advice and information. I would also like to thank my colleagues Councillors Jim Byrne, Darren Hardy and Simon Shaw, and also Ruth Appleby (Overview and Scrutiny Officer), for their work.

Councillor Peter Papworth,
Lead Member,
Scrutiny and Review Committee
(Performance and Corporate Services).
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<td>17.0 LIST OF APPENDICES</td>
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</tr>
</tbody>
</table>
2. BACKGROUND

2.1 The Overview and Scrutiny Committee (Performance and Corporate Services) at its meeting held on 24 June 2008 (Minute No 13 (3) refers), resolved that a Working Group be established to consider the equality of access to services provided to members of the public with a start date of November/December 2008 and a deadline date of April 2009. It was agreed that Councillors Brennan and Shaw would be members of this Working Group.

2.2 At a subsequent meeting held on 16 December 2008, (Minute No. 45 (2) refers), Councillor Papworth was appointed as a member of the Working Group, with a view to its commencement ‘early’ in 2009.

2.3 The Overview and Scrutiny Committee (Performance and Corporate Services) at its meeting held on 17 February 2009 (Minute No 53 (2) refers), resolved that Councillor Hardy replace Councillor Brennan on the Working Group.

2.4 On 31 March 2009, (Minute 60 refers), the Committee considered the report of the Equalities Director on the draft Single Equality Scheme and revised Comprehensive Equality Policy, indicating that the Sefton Single Equality Scheme would combine the Council’s legal requirements on race, disability and gender equality with an opportunity to integrate work and priorities on equality and diversity with all partners in Sefton across all the equality strands. The Single Equality Scheme would essentially provide the delivery of the Comprehensive Equality Policy.

2.5 At this meeting, Members also referred to equality and diversity within the context of procurement / commissioning, under the draft Sefton Single Equality Scheme and expressed a wish to consider equality and diversity issues in relation to procurement and the expectations placed on small businesses in particular. To this effect, the Head of Procurement was invited to attend a future meeting.

2.6 Further, the Overview and Scrutiny Committee (Performance and Corporate Services) held on 31 March 2009, also considered the report of the Equalities Director which provided a summary of the findings from the Equalities Monitoring Weeks, which had taken place during November 2008, and indicated that the Council needed to develop work around improving the accessibility of services to all sections of the community in order to support its requirement in equalities legislation to promote equality and diversity to all, and the commitment to develop best practice in relation to service delivery. Equalities monitoring and understanding who was accessing Council Services was seen as a vital part of this work.
At its meeting on Tuesday 28 April 2009, the Overview and Scrutiny Committee (Performance and Corporate Services) considered the report of the Legal Director on the progress made by the Equality of Access to Services Working Group, together with an outline of its aims and objectives. The report indicated that the Working Group had committed to achieving Level 5 of the Local Government Equality Standard and had also identified a number of aims to be achieved during 2009/10 regarding the following:

- Small businesses and their equality and diversity requirements
- Consultation / engagement with representative groups in Sefton MBC
- Training and development for Members and Officers
- An amendment to the template for Committee reports, to reflect whether equality and diversity issues had been taken into consideration in reaching conclusions and recommendations.

The appointment of new members to Committees by Cabinet on 7 May 2009 meant that Councillor Shaw was no longer a member of the Overview and Scrutiny Committee (Performance and Corporate Services) and could therefore no longer be a member of the Equalities Working Group.

On 12 August 2009, the Overview and Scrutiny Committee (Performance and Corporate Services) held its Work Programme Session, at which the Equalities Director provided an update on the progress of the Sefton Borough Partnership between January and July 2009. She indicated that a new Equalities Framework for the assessment of the Council's progress on equality and diversity was being introduced which would mark a step change in the way in which the Council would seek to improve the outcomes for under represented groups in Sefton, in line with the Comprehensive Area Assessment (CAA) and other inspection requirements. Also, that the statutory Single Equalities Bill would have implications on the way the Council’s future work would be shaped and delivered and that the key issues here were being addressed by the development of the Single Equality Scheme for Sefton.

Following the August Work Programme Session, the Overview and Scrutiny Committee (Performance and Corporate Services) held on 1 September 2009, reconsidered the work of the Equalities Working Group and resolved that a new member be appointed to replace Councillor Shaw, and that the Group should consider the Council’s performance under the Single Equalities Scheme. Subsequently, Councillor Byrne was appointed to replace Councillor Shaw as a member of the Equalities Working Group (O&S Committee (P&CS) 6 October 2009. (Minute No. 15 (3)).
2.11 On 16 February 2010, the Overview and Scrutiny committee (Performance and Corporate Services) resolved that the Working Group should conclude their scrutiny of the Equalities Framework, stating that the Council’s

“………work on equality and diversity is to be mainstreamed back into a corporate approach within the Council and a new performance process, linked to the new Equality Framework, is to be developed. As a consequence of these changes it has been agreed that the Equalities Working Group will conclude its scrutiny of this area, with a view to examining future areas of work once the transformation had bedded down’. (Minute No. 61).
3. **MEETINGS**

The Members of the newly formed Equalities Working Group comprised:

- **Councillor Byrne (Liberal Democrat)**
- **Councillor D. Hardy (Labour)**
- **Councillor Papworth (Conservative)**

The Working Group determined at its first meeting that Councillor Papworth would be the Lead Member.

Details of the Working Group Meetings are as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 November 2009</td>
<td>Follow-up presentation and information provided by Andy Woods, Sefton (CVS) Equalities Partnership. Councillor D. Hardy unable to attend this meeting due to last minute work commitments.</td>
</tr>
<tr>
<td>1 December 2010 to 31 January 2010</td>
<td>No meetings held during this period because of non-availability of Members due to unforeseen work commitments and illness.</td>
</tr>
<tr>
<td>3 February 2010</td>
<td>Agreement to conclude the Working Group and determination of recommendations.</td>
</tr>
</tbody>
</table>

Working Group Members and the Overview and Scrutiny Officer attended the following events and conferences:

<table>
<thead>
<tr>
<th>Date</th>
<th>Conference / Event</th>
<th>Attendees</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 November 2010</td>
<td>Annual North West Equalities Conference, Liverpool Echo Arena</td>
<td>Councillor Papworth</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Councillor Byrne</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ruth Appleby (O&amp;S Officer)</td>
</tr>
</tbody>
</table>
4. RESEARCH

For reasons given above, the Working Group was unable to meet as often as they would have wished. However, extensive research was undertaken and the Working Group members became increasingly aware of the legal implications of not incorporating equality and diversity into policy and day to day work. Invaluable support and advice on this research was provided by Sefton Equalities Partnership staff - Andy Woods (Equality and Diversity Partnership Manager), Barrie Stanhope (Equality and Diversity Consultant) and Sue Holden (Director of Equalities) and also by Tommy Crawford, Head of Procurement and Sue Varga, (Senior Corporate Support Officer, Performance and Partnerships Unit).

Appendix 2 to the report provides a list of references and sources used to inform the research.

In undertaking their research, the Working Group came across a number of terms and phrases commonly used in equalities parlance. The table below contains a glossary of such terms and acronyms:

<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>BME</td>
<td>Black and Minority Ethnic</td>
</tr>
<tr>
<td>LGB</td>
<td>Lesbian, Gay and Bisexual</td>
</tr>
<tr>
<td>Transgender</td>
<td>Transgendered people feel they belong to the gender opposite to the one assigned at birth and may have gender reassignment surgery</td>
</tr>
<tr>
<td>Intersex</td>
<td>Intersex people are born with a recognised biological condition of ambiguous genitalia</td>
</tr>
<tr>
<td>CEN</td>
<td>Community Empowerment Network</td>
</tr>
<tr>
<td>ABILITY</td>
<td>Network for disabled people</td>
</tr>
<tr>
<td>SAF</td>
<td>Sefton Access Forum – consultative group of disabled people who advise the Council on access issues</td>
</tr>
<tr>
<td>In-Trust</td>
<td>Network for Transgender people</td>
</tr>
<tr>
<td>Embrace</td>
<td>Network for Lesbian, Gay and Bisexual people</td>
</tr>
<tr>
<td>Equal Voice</td>
<td>Network for Black, Minority and Ethnic people</td>
</tr>
<tr>
<td>DED</td>
<td>Disability Equality Duty</td>
</tr>
<tr>
<td>DES</td>
<td>Disability Equality Scheme</td>
</tr>
<tr>
<td>SEP</td>
<td>Sefton Equalities Partnership</td>
</tr>
<tr>
<td>GES</td>
<td>Gender Equality Scheme</td>
</tr>
<tr>
<td>SES</td>
<td>Single Equality Scheme</td>
</tr>
<tr>
<td>RES</td>
<td>Race Equality Scheme</td>
</tr>
<tr>
<td>SCVS</td>
<td>Sefton Council for Voluntary Services</td>
</tr>
<tr>
<td>PEC</td>
<td>Public Engagement and Consultation</td>
</tr>
<tr>
<td>Fawcett Society</td>
<td>Network for Women in Sefton</td>
</tr>
<tr>
<td>Talking Men</td>
<td>Network for Men in Sefton</td>
</tr>
</tbody>
</table>
5. DEFINITIONS OF EQUALITY AND DIVERSITY

In undertaking scrutiny of Sefton’s approach to Equality and Diversity, the following statements emerged as a recurring theme:

- equality is an issue for us all;
- we don’t all start from the same place; and
- to create a fairer society we need to recognise different needs

**Equality** is about making sure people are treated fairly and given fair chances. Equality is not about treating everyone in the same way, it recognises that their needs are met in different ways.

Equality focuses on those areas covered by the law, namely the key areas of **race, gender, disability, religion or belief, sexual orientation, transgender and Age.**

**Diversity** is about recognising that our customers and employees come from different backgrounds. If we welcome diversity as colleagues, value each other and treat each other fairly, we will work better together. In doing so, we will provide better inclusive services to all the people of Sefton.

Equally, if these services are to be effective, some people may need to have them delivered differently and receive help in locating and using them.

Failure to understand and address these points is likely to result in poorly designed services which are neither efficient nor effective, and indeed, might cost more in the long run.

“Supporting people – such as young people leaving care, people with mental health problems, people with learning difficulties, offenders, or frail older people to live independently in the community is more cost-effective and efficient than placing them in an institution or being unable to release them from a hospital bed. It is also a more effective way of maintaining their independence and quality of life. The Department for Communities and Local Government estimates that the exchequer has accrued £2.77 billion in net savings from investment in housing and supporting these vulnerable groups’. (1)

This report considers the ways in which Sefton Council, together with its partners is striving to make it possible for all members of its community to fully participate in the economic, social and political life of Sefton, providing equal services and opportunities for accessing services, in line with current legislation and guidance and within available resources.
6. STATISTICS / DEMOGRAPHY OF SEFTON

Information collected in respect of the Sefton Equalities agenda comes from a wide range of sources. Relevant data for the purposes of this review has been taken largely from the Office of National Statistics and uses the most up to date data available.

<table>
<thead>
<tr>
<th>Demographic</th>
<th>Number</th>
<th>Percentage</th>
<th>Additional known factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Population</td>
<td>275,100</td>
<td></td>
<td>June 2008: Office National Statistics</td>
</tr>
<tr>
<td>Sex</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>130,500</td>
<td>47.4%</td>
<td>June 08: Office of National Statistics</td>
</tr>
<tr>
<td>Female</td>
<td>143,700</td>
<td>52.6%</td>
<td></td>
</tr>
<tr>
<td>Age</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0-15</td>
<td>48,000</td>
<td>17.7%</td>
<td>June 08: Office of National Statistics</td>
</tr>
<tr>
<td>16-29</td>
<td>46,300</td>
<td>16.8%</td>
<td></td>
</tr>
<tr>
<td>30-34</td>
<td>49,600</td>
<td>18.0%</td>
<td></td>
</tr>
<tr>
<td>Mid 40 to retirement:</td>
<td></td>
<td></td>
<td>N.B. the term 'retirement and retirees' denotes 'traditional' cut-off points for work and pensions. It is accepted that some people will continue to work, but nonetheless the % of population within these groups will still hold. 23% of Sefton’s population are post retirement age.</td>
</tr>
<tr>
<td>45-64 Males &amp; 45 -59 Females</td>
<td>65,000</td>
<td>24%</td>
<td></td>
</tr>
<tr>
<td>Retirees:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>65+ Males &amp; 60+ females</td>
<td>64,600</td>
<td>23.5%</td>
<td></td>
</tr>
<tr>
<td>Ethnicity</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White British or Other</td>
<td>278,540</td>
<td>98.44%</td>
<td>June 01: Office of National Statistics</td>
</tr>
<tr>
<td>Mixed Heritage</td>
<td>1,583</td>
<td>0.56%</td>
<td></td>
</tr>
<tr>
<td>Asian or Asian British</td>
<td>1,217</td>
<td>0.43%</td>
<td></td>
</tr>
<tr>
<td>Chinese</td>
<td>903</td>
<td>0.32%</td>
<td></td>
</tr>
<tr>
<td>Black or Black British</td>
<td>432</td>
<td>0.15%</td>
<td></td>
</tr>
<tr>
<td>Other Groups</td>
<td>276</td>
<td>0.10%</td>
<td></td>
</tr>
<tr>
<td>Disability</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limiting long term illness</td>
<td>62,839</td>
<td>22.21%</td>
<td>June 01: Office of national statistics</td>
</tr>
</tbody>
</table>

Of the total number with limiting long term illnesses: Those of working age = 29,800 (10.5%) Those >65 = 25,690 (9.1%) Claiming Benefits due to mental illness = 6,910 (2.4%)
<table>
<thead>
<tr>
<th>Total Incapacity benefit claimants</th>
<th>12,390</th>
<th><strong>May 2009: Office of National Statistics</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total severe disability allowance claimants</td>
<td>1,630</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Religion</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christian</td>
<td>238,773</td>
<td>84.38%</td>
</tr>
<tr>
<td>Buddhist</td>
<td>370</td>
<td>0.13%</td>
</tr>
<tr>
<td>Hindu</td>
<td>483</td>
<td>0.17%</td>
</tr>
<tr>
<td>Jewish</td>
<td>699</td>
<td>0.25%</td>
</tr>
<tr>
<td>Muslim</td>
<td>903</td>
<td>0.32%</td>
</tr>
<tr>
<td>Sikh</td>
<td>95</td>
<td>0.03%</td>
</tr>
<tr>
<td>Other</td>
<td>338</td>
<td>0.12%</td>
</tr>
<tr>
<td>No Religion</td>
<td>22,933</td>
<td>8.10%</td>
</tr>
<tr>
<td>Not stated</td>
<td>18,364</td>
<td>6.50%</td>
</tr>
</tbody>
</table>

Again, data may now be affected by migrant and international workers (as above).

<table>
<thead>
<tr>
<th>Languages</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mandarin</td>
<td>9</td>
</tr>
<tr>
<td>Cantonese</td>
<td>6</td>
</tr>
<tr>
<td>Polish</td>
<td>5</td>
</tr>
<tr>
<td>Bengali</td>
<td>3</td>
</tr>
<tr>
<td>Lithuanian</td>
<td>3</td>
</tr>
</tbody>
</table>

Top 5 most used non-English languages based on usage of NIS across Sefton MBC in 2005. Again, data may be affected by the presence of international workers.
7. THE SEFTON EQUALITIES PARTNERSHIP (SEP)

The Sefton Equalities Partnership plays a crucial role in supporting and guiding the Council and its partners work towards the development of equality. It is staffed by a multi–agency team based at Sefton CVS and works in partnership with the public, private and voluntary and community sector to deliver change across the Borough.

In addition to Sefton Council, the partners are:

- Sefton Council for Voluntary Service
- Merseyside Police
- Merseyside Fire and Rescue Service
- Sefton Primary Care Trust
- Connexions Greater Merseyside
- National Probation Service, Merseyside
- Merseytravel
- One Vision Housing
- The North West Learning Skills Council (now disbanded)

The priority of SEP is to:

“Enable all members of Sefton’s diverse community to fully participate in the social, economic and political life of the borough, through improving access to services, increasing employment rates and promoting community cohesion, with specific reference to key areas of the equalities agenda the 7 strands (or pillars) of Equality of age, disability, ethnicity, gender, religion/belief, sexual orientation and transgender.”
The Seven strands of Equality

The Single Equality Bill, expected in 2010 will pull all the above regulations together and simplify equality law.
SEP works closely with **Community Empowerment Network** which comprises the following groups representing each of the equality strands.

- **Ability Network** - representing the Sefton Disability Community
- **Faith Community Network (FCN)**
- **Fawcett Society** - supporting women who live or work in Sefton
- **Talking Men Network** - Supporting men who live or work in Sefton
- **Embrace** - Consultative group for consideration of matters affecting the LGB community (lesbians, gay men or bisexuals) in Sefton
- **Equal Voice** - Black and Racial Minority (BRM) network for Sefton
- **InTrust** - Network to support men and women with an intersex or transgendered history

The SEP acts a conduit for consultation and engagement with these groups.
8. LEGISLATION

THE EQUALITIES ACT 2010

During the period in which the Equalities Working Group was undertaking its research, the Single Equalities Bill was being considered and being passed through the various Parliamentary stages (House of Commons, Lords, etc.), and was finally given Royal Assent to become Law on 9 April 2010. The Equalities Act 2010 unifies and augments previous equalities legislation.

(Appendix 3 provides a summary of previous equalities legislation).

The Equalities Act 2010 has brought in the following measures which have implications for the Council and its partners. Namely:

- a new public sector duty to consider reducing socio-economic inequalities;
- a new public equality duty that will extend the public duties to age, sexual orientation, religion or belief, and also pregnancy and maternity;
- the use of procurement to improve equality;
- the banning of age discrimination for those over 18 in the provision of services; and
- a requirement for public bodies to publish annual details of:
  - their gender pay gap
  - their ethnic minority employment rate; and
  - their disability employment rate

(Appendix 4 to the report provides a summary of the Equalities Act 2010 and its implications for the Council as reported to the Corporate Equalities Group on 28 April 2010).
9. THE EQUALITY FRAMEWORK FOR LOCAL GOVERNMENT (EFLG)

The EFLG has been developed by the Improvement and Development Agency (IDeA), working with the Department of Communities and Local Government (DCLG), to help local authorities make progress in mainstreaming equality in to their key performance management systems so that equality objectives do not sit apart from the core business of the Council and its partners.

Why a new Equality Framework for Local Government?

- **simplification**: less process, fewer indicators, emphasis on self assessment and peer challenge
- **relevance**: relates to new performance framework for local government and Comprehensive Area Assessment (CAA)
- **aspiration**: highlights role of local authorities and partners in challenging inequality in their communities.

The EFLG replaces the old Equality Standard which was based on five levels of achievement - Level 5 being ‘Excellent’. In June 2009 the Council self assessed itself as being at 95% of Level 4.

The new EFLG is based on three levels of achievement: ‘developing’, ‘achieving’ and ‘excellent’. The Council is moving towards ‘excellent’ and is currently at 67% completion to this rating.
The EFLG specifies five areas against which authorities can measure their performance:

1. **Knowing your community – equality mapping** – the use of local and national data to understand the profile of communities and to measure inequalities

2. **Place shaping, leadership, partnership** – understanding the importance of equality in visions of place, political and officer leadership, working with partners to challenge inequality

3. **Community engagement and satisfaction** – involving ‘equality’ groups in decision making, and assessing satisfaction

4. **Responsive services and customer care** – providing personalised services that meet the needs of people from differing backgrounds, reflecting differing needs in commissioning and procurement, measuring access

5. **A modern diverse workforce** – measuring diversity of the workforce, setting appropriate objectives to improve performance, equal pay and flexible working

It is important to note that the EFLG has also been developed to assist local authorities in meeting the requirements of the various inspection processes, such as CAA and inspections undertaken by Ofsted and the Care Quality Commission.

The challenge for the Council is to develop better outcomes for individuals, families and communities and to do this it needs to understand the differing needs of communities, the differing live chances of individuals and families and the barriers to good outcomes.

The EFLG helps the Council and its partners to:

- Improve the services they provide so they are more representative, relevant and efficient, whilst also improving satisfaction and trust;

- Ensure that policies and strategies deliver for everyone and improve our accountability to local people; and

- Combat inequalities and avoid expensive litigation as a consequence of discrimination.
9.1 COLLECTION OF EVIDENCE – EQUALITY FRAMEWORK: EVIDENCE COLLECTION TOOL (EF:ECT)

The collection of evidence to support the Council’s work in achieving the levels under the Equality Framework is done by using the Equality Framework: evidence collection tool EF:ect.

This is an online data management and referencing tool developed by IDeA which measures progress against the Framework by creating an evidence library. Information is ‘tagged’ so that a search and reporting facility can navigate and retrieve evidence from the Library.

The Council ‘places’ evidence against the five performance areas to demonstrate how well it feels it is delivering services or provisions. This takes place both at a local Departmental level and at an overall Council strategic level.

This evidence is then ‘evaluated’ and given a score:

1. Nothing in place
2. Processes being developed
3. Systems in place but not efficient
4. Systems in place and effective.

Against these ‘scores’ the Council produces a rating.

As indicated above, these ratings are:

1. A Developing Authority
2. An Achieving Authority
3. An Excellent Authority

Importantly, the Framework embodies the ‘COUNT’ principles - Count Once and Use Numerous Times; and highlights by way of colour codes, actions that:

- aid compliance with the equality public duties
- provide self-assessment evidence for the Comprehensive Area Assessment and the IDeA’s ‘Locality self evaluation: a toolkit for partnerships’.
- help meet high standards of customer care
- provide evidence on equality and diversity for the Council’s organisational assessment
9.2 PEER CHALLENGE

The EFLG encourages self-assessment and sector-led learning on equality through peer assessment. It consists of two parts:

(i) a review by peers of the authority's own self-assessment, including appropriate supporting evidence; and

(ii) an on-site visit by peers to conduct interviews and focus groups with employees, councillors and other stakeholders.

'Achieving' and 'excellent' authorities are expected to apply for re-evaluation every three years, or in accordance with their business cycles, whichever is the more sensible. This is to ensure that continuous improvement is taking place and that the authority's performance has not stagnated or declined.

From April 2009, those claiming to be either 'achieving' or 'excellent', but have not had any external assessment will have two years before they will be expected to undertake a peer challenge.
10. THE PERFORMANCE AREAS

10.1 KNOWING YOUR COMMUNITIES AND EQUALITY MAPPING.

As with all communities, the prosperity and cohesion of Sefton is affected by differing age, gender, disability, religious and sexual orientation profiles and it is important to understand differences within communities. The experience of all groups will be affected by socio-economic factors and it is crucial that we keep track of the composition of our communities.

This work (together with equality mapping) helps the Council and its local strategic partners to identify and analyse equality priorities for inclusion in the Local Area Agreement (LAA); it provides the evidential base for other work on community cohesion and customer care; and is the basis for work on the public duties and Comprehensive Area Assessment (CAA).

Equality mapping helps us understand difference in the context of other major issues such as education, health, community safety, access to work and identifying where the equality gaps are for different groups. In this way the Council is able to identify local priorities and key outcomes – providing core evidence for the development of a focused approach to formulation of policy and provision of services.

- Collection Of Monitoring Data

The Council collects monitoring data for both employment and service provision to ensure that the diverse members of our local community have equality of access to both employment opportunities within the Council and in respect of the services it provides.

Under the new Equalities Act 2010, monitoring covering the seven equality strands of **age, disability, ethnicity, gender, religion/belief, sexual orientation and transgender** is a legal requirement and persons accessing the following areas are among those requested to complete monitoring forms.

- Face to face /frontline services
- Customer complaints / contact services
- Services that require assessment of entitlement or priority (e.g. homelessness)
- Services for traditionally under served or under represented people (e.g. services for people with poor mental health)
- Services for which there is a national or local history of unequal impact.
- Council employees (potential, existing and leavers)

The Diversity Monitoring Form (attached at Appendix 5) provides the categories that are considered when collecting monitoring information for the equality strands.
Service Provision Monitoring
The monitoring of service provision is to ensure a positive take up of services by all sections of the community, and depending on the service includes persons who are not residents of Sefton. This includes services contracted out and links with the commissioning and procurement guidance for partner agencies.

Employment Monitoring
The monitoring of equalities in employment is to ensure a productive workforce that demonstrates the Council and its partners’ commitment to human rights through the development of an equal and diverse workforce.

All managers undertake equality and diversity training and actively participate in this process as a means of addressing any inequalities that exist in the workforce.

Use of data collected

- Sefton uses service data collected as follows:
  - Reports to relevant Boards/Committees (Cabinet Member, Cabinet and O+S Committees, etc) and/or Departments identifying any inequalities that the service monitoring has identified.
  - Identifies actions to address the inequality in service provision
  - Commits to following up monitoring to ensure that actions taken have enabled the key under represented groups identified to access a service.
  - Report on the development of this work to the networks and organisations that represent the needs and views of under represented or under served groups.

With employment monitoring the Council takes the following action

- Identifies actions and training that can be developed to redress inequalities
- Sets targets for the workforce
- Identifies priority areas for action – for example in relation to under represented groups, developing positive action training with key partners, and/or addressing issues around harassment and bullying.

Monitoring outcomes

- The new Equality Act 2010 (Section 1) explicitly states that activity to tackle socio-economic inequalities must demonstrate clear outcomes, showing how resources have made a positive contribution in tackling disadvantage, improving life chances and quality of life.
• Departments that provide services (or contractors providing services on Sefton’s behalf) must be able to collect evidence that shows the outcome and clear impact of that service provision. The results can then be evaluated and unsuccessful programmes/activities can be cut from service provision, eliminating waste and focusing remaining resources on the most needy. This process links with targets set in order to meet Local Area Agreement (LAA) national indicators.

• Role of the Comprehensive Area Assessment (CAA)

The CAA examines how well the Council works together with other public bodies to meet the needs of people it serves by bringing together a wide range of performance information on important local issues such as reducing crime and unemployment, improving health, social care, people’s quality of life and children’s education.

The CAA has good quality evidence of the equalities profile of Seton’s communities and their changing needs; and equality objectives and outcomes are reviewed and evaluated regularly, corporately and at service level based on updated equality data.

A large quantity of the information comes from the National Indicator Set (NIS), which is a set of 188 performance indicators that the government has set and that all areas in England are measured on.

Further CAA performance information is sourced from a survey of local people known as the Place Survey. This is a postal questionnaire sent out by the Council to a sample of adults across the Borough every two years, asking what they think of the area they live in and the services they get. The survey collects information on 18 National Indicators (NIs) used to measure local government performance for 152 County Councils, London Boroughs and Unitary Authorities. A summary of the results of the Place Survey conducted in 2008 is indicated below:

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Sefton Result</th>
<th>Reason for Result</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NI 1:</strong> % of people who believe people from different backgrounds get on well together in their local area</td>
<td><img src="image" alt="Smiley" /></td>
<td>Majority of respondents (81%) are in agreement and this compares well with other authorities</td>
</tr>
<tr>
<td><strong>NI 2:</strong> % of people who feel that they belong to their neighbourhood</td>
<td><img src="image" alt="Smiley" /></td>
<td>Majority of respondents (64.2%) are in agreement and this compares well with other authorities</td>
</tr>
<tr>
<td><strong>NI 3:</strong> Civic participation in the local area</td>
<td><img src="image" alt="Frown" /></td>
<td>Low percentage (10.8%) and compares badly to other authorities.</td>
</tr>
<tr>
<td>Indicator</td>
<td>Sefton Result</td>
<td>Reason for Result</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------</td>
<td>---------------</td>
<td>-----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>NI 4: % of people who feel they can influence decisions in their locality</td>
<td>😞</td>
<td>Low percentage (23.2%) and compares badly to other authorities.</td>
</tr>
<tr>
<td>NI 5: Overall/general satisfaction with local area</td>
<td>☺️</td>
<td>Majority of respondents (79.2%) are in agreement and this compares well with other authorities.</td>
</tr>
<tr>
<td>NI 6: Participation in regular volunteering</td>
<td>😞</td>
<td>Low percentage (18.3%) and compares badly to other authorities.</td>
</tr>
<tr>
<td>NI 17: Perceptions of anti-social behaviour</td>
<td>☺️</td>
<td>Low percentage (22.6%) compared to many other authorities.</td>
</tr>
<tr>
<td>NI 21: Dealing with local concerns about anti-social behaviour and crime issues by the local council and police</td>
<td>☺️</td>
<td>Percentage who agree (29.4%) compares well with other authorities.</td>
</tr>
<tr>
<td>NI 22: Perceptions of parents taking responsibility for the behaviour of their children in the area</td>
<td>☺️</td>
<td>Percentage who agree (30.3%) compares reasonably well with other authorities.</td>
</tr>
<tr>
<td>NI 23: Perceptions that people in the area treat one another with respect and consideration</td>
<td>☺️</td>
<td>Percentage who disagree (32.5%) compares reasonably well with other authorities.</td>
</tr>
<tr>
<td>NI 27: Understanding of local concerns about anti-social behaviour and crime issues by the local council and police</td>
<td>☺️</td>
<td>Percentage who agree (27.6%) compares reasonably well with other authorities.</td>
</tr>
<tr>
<td>NI 37: Awareness of civil protection arrangements in the local area</td>
<td>😞</td>
<td>Low awareness (12%) and compares badly to other authorities.</td>
</tr>
<tr>
<td>NI 41: Perceptions of drunk or rowdy behaviour as a problem</td>
<td>😞</td>
<td>High percentage (33.3%) and compares badly to other authorities.</td>
</tr>
<tr>
<td>NI 42: Perceptions of drug use or drug dealing as a problem</td>
<td>😞</td>
<td>High percentage (38.7%) and compares badly to other authorities.</td>
</tr>
<tr>
<td>NI 119: Self-reported measure of people’s overall health and wellbeing</td>
<td>☺️</td>
<td>Majority of respondents (74.6%) report good health and this compares well with other authorities.</td>
</tr>
<tr>
<td>NI 138: Satisfaction of people over 65 with both home and neighbourhood</td>
<td>☺️</td>
<td>Majority of respondents (88.3%) are in agreement and this compares well with other authorities.</td>
</tr>
<tr>
<td>Indicator</td>
<td>Sefton Result</td>
<td>Reason for Result</td>
</tr>
<tr>
<td>-----------</td>
<td>---------------</td>
<td>-------------------</td>
</tr>
<tr>
<td><strong>NI 139:</strong> The extent to which older people receive the support they need to live independently</td>
<td>😞</td>
<td>Low percentage (30.2%) and compares badly to other authorities.</td>
</tr>
<tr>
<td><strong>NI 140:</strong> Fair treatment by local services</td>
<td>☺</td>
<td>Majority of respondents (74.1%) are in agreement and this compares well with other authorities.</td>
</tr>
</tbody>
</table>

The Council and its partners are regularly contacted by other local authorities for advice and the Council has been commended by the Audit Commission for its work in this area. Most importantly, the CAA evidence shows where progress is still required in relation to equality and diversity with clear actions set to achieve more positive outcomes in key areas.

Full evidence of findings from CAA inspections can be found on the Direct.Gov oneplace website which was launched on 9 December 2009.

- **Sefton's Performance Reporting And Information Network (SPRINT)**

SPRINT is a computerised performance management system which enables the Council to measure its performance and improve the services it provides allowing it to record and monitor progress towards achieving goals and helping it to strive for continuous improvement on the good quality of services provided for its customers.

The Performance and Partnerships Team configure the site which allows each department in the authority to use SPRINT - inputting their department plans onto the system and monitoring achievement of objectives during the year. It is a requirement of the Equality Framework that Councils build into their service plans, actions to improve equality.

The Performance Reports for each Council Department produced by SPRINT are considered by the respective Cabinet Members on a quarterly basis - identifying successful performance and flagging up problem areas.
10.2 PLACE SHAPING, LEADERSHIP, PARTNERSHIP AND ORGANISATIONAL COMMITMENT

Strategic leadership – both political and managerial is vital for improving equality outcomes.

Knowledge of the needs of different communities and key equality gaps informs strategic priorities like the Sustainable Community Strategy, local development framework and LAAs.

The Framework also requires the Council to provide evidence of organisational commitment in terms of resource allocation, compliance with public duties, democratic engagement, scrutiny, service planning and procurement.

The Council has established the Corporate Equalities Group, to take the lead on policy formation. The Group comprises of the Chief Executive as Chair, the Assistant Chief Executive and other senior managers.

The Comprehensive Equalities Policy (CEP) is a key document which has been created in consultation with the Sefton Equalities Partnership, outlining corporate responsibilities for dissemination and adoption by the Council’s workforce, local Councillors and the public at large.

The CEP is presently being redrafted in line with the new Equalities Act and in conjunction with the Single Equality Scheme. The latter promotes cross cutting themes / working closely with our partners from the NHS, the Children’s Trust, One Vision Housing, Merseyside Police and Merseyside Fire and Rescue Service, in developing joint procedures and staff training programmes for areas such as procurement.

Local Councillors also have a significant role to play in ensuring that equality issues are integral to the Council’s performance and strategic aims. Ward Councillors are in the pivotal position of having the greatest understanding of the needs of the different sections of the community and changes in the population of their local area.

The Equality Framework also emphasises the importance of working closely with our local partners such as Sefton Primary Care Trust, Merseyside Police Authority, Merseyside Fire and Rescue Authority and other local voluntary and community sector organisations. Narrowing equality gaps and improving life chances of different groups requires a pooling of evidence, resources and action planning.
10.3 COMMUNITY ENGAGEMENT AND SATISFACTION

Communities of place are not always synonymous with communities of interest and it is important to have the means to involve these communities of interest in decision making as well as service and workforce planning. The CAA framework emphasises the importance of the involvement of groups who may experience disadvantage and inequality.

10.3.1 The Sefton Community Empowerment Network
(usually known as Sefton CEN)

Is a 'network of networks', bringing together voluntary and community organisations that provide services to Sefton's communities. (See also Section 7 above, which lists the groups which comprise the CEN).

The primary purposes of the CEN are to:

- Enable the Voluntary Community Sector (VCS) alongside traditionally under-represented communities, to have a voice in local decision-making.
- Enable VCS representation on the Sefton Borough Partnership.
- Enable the VCS to help shape and improve local public services
- Support capacity-building within the VCS (through enabling networking and information sharing around funding, employment support, planning services and quality assurance, etc).

10.3.2 The Public Engagement and Consultation Framework

Explains how we work with our communities as part of the Sustainable Communities Strategy.

It aims to ensure that we support our communities to get involved in the public services they receive by:

- knowing and working with our communities and understanding their needs, in particular those who may experience discrimination or who are vulnerable (such as people who have an illness, disability, or who are elderly);
- making sure that we involve our communities in identifying issues that are important to them;
- asking our communities whether or not we have achieved the things that are important to them; and
- working with other partners in listening to our communities and report back to our communities on our findings

10.3.3. **A Vision for Sefton - The Community Strategy**

A key document that identifies the vision and strategic objectives for the future of Sefton. It does not offer short term solutions but rather is a working document that is ultimately focused on achieving realistic improvements in the economic, social and environmental well-being of Sefton over the next 5-10 years.
It has been drawn together by the **Sefton Borough Partnership (the Local Strategic Partnership for Sefton)** and reflects the shared vision and commitment of key partners who are committed to working together 'to make Sefton a great place in which to live, work, learn, visit and do business'.

The Sefton Borough Partnership (SBP) is working towards the government's vision of Sustainable Communities that deliver sustainable development at local level and is working to:

- balance and integrate the social, economic and environmental components of Sefton's communities;
- meet the needs of existing and future generations; and
- respect the needs of other communities in the wider region

All partners are committed to the delivery of priorities and targets set out within the Community Strategy. These priorities and targets have been agreed to improve the quality of life for those residing and visiting Sefton and are presented as 4 main themes:

- Children and Young People
- Economic Development and Sustainability
- Safer and Stronger Communities
- Healthier Communities and Older People

The SBP has spent 6 months reviewing the priority outcomes and targets within the Strategy. This review has been influenced by central policy across all the thematic areas, local strategies and plans, and has been informed by local residents through consultation mechanisms and shared data available across partners.

The Community Strategy also builds on the strong foundations of other plans and programmes such as the Cultural Strategy, Crime Reduction and Community Safety Strategy, Children and Young People's Plan. It has been influenced by the principles that underpin the Partnership's approach to the development of the Community Strategy: Neighbourhood Renewal and Sustainable Development.
10.4 RESPONSIVE SERVICES AND CUSTOMER CARE

Service provision, whether provided directly or procured/commissioned, remains a central function for the Council. The Equalities Framework helps the Council personalise its services to meet the needs of people with different backgrounds and ensure fair access.

Of particular importance is a robust process for Equality Impact Assessments and Procurement:

10.4.1 Equality Impact Assessments

The Equalities Act 2010 continues to place a legal requirement on the Council to carry out Equality Impact Assessments.

An Equality Impact Assessment (EIA) is a way of finding out whether a policy or proposed policy affects different groups of people in different ways. It should be part of the normal policy making process. (The term policy refers to any activity the Council does – be that, a service we provide, an initiative we run, a policy we write or a procedure we observe).

The purpose of EIAs is to examine proposed or existing policies, plans, strategies or projects in order to identify what effect their implementation may have on different groups in the community and improve the services we provide to under represented groups on the grounds of race, gender, disability, faith, sexuality or age. They can also improve and promote our understanding of the needs of different groups.

A properly conducted EIA will enable a department to identify within its work areas, the need to change its process and procedures to avoid unlawful discrimination. Conversely it may also demonstrate, based on evidence, that a department is fully complying with the equality legislation and its work needs celebrating.

A flow chart providing an overview of the steps required for conducting an EIA is attached as Appendix 6, together with an example of an EIA undertaken by the Environmental Protection Department - Appendix 7.

Training is an essential part of the successful introduction and implementation of EIAs and Council Departments. The Council offers a number of different training sessions on EIA’s and EIAs in relation to procurement. Over the past year a total of 39 staff have undertaken training, however, uptake across departments is variable, with some departments showing more commitment to training than others.

The EIAs are monitored, reviewed and incorporated into the Council’s Service Plans – to enable any resource implications to be identified and addressed in accordance with Council policy. It is also important that the results of EIAs are published.
10.4.2 The Role of Procurement

“With an annual expenditure of over £150 billion, public procurement has an important role to play in furthering the Government’s agenda for tackling social issues”. (2)

One of the key features of the legislation is the mainstreaming of equality and diversity into the way that Sefton Council procures goods and services and it is important to ensure that procurement and equality are appropriately integrated to ensure compliance with the Council’s statutory obligations and to promote its vision of valuing diversity throughout its partnership and contractual working.

The Council provides a wide range of services to the community and businesses in the Borough. In some cases these are provided directly by the council, in other cases on our behalf by contractors and partners.

Each year the Council enter into contracts worth millions of pounds for buying goods, works and services on behalf of the Sefton community. Therefore, the services provided to the community should be geared towards their diverse needs and requirements.

Spending by the Council sustains and maintains a significant number of jobs within the Borough. The Council has a statutory duty to ensure that public money is spent in a way that ensures value for money and does not lead to unfair discrimination and social exclusion.

The promotion of equality within procurement is helping the Council to:

- Improve the overall value for money for the Council in terms of the goods, works and services it purchases;
- meet its duties under equalities legislation;
- **Provide opportunities for Small and Medium Enterprises (businesses with 5 employees or less) to competitively tender for contracts**;
- Improve the quality, responsiveness and appropriateness of its services;
- Ensure that public money is not spent on practices which lead to unfair discrimination to sections of the Borough;
- Create a diverse and integrated workforce;
- Deliver more response and flexible services in combating social exclusion and building stronger and cohesive communities; and
- Encourage other organisations to promote and practice the Council’s policies on equality

Equality has essentially three aspects in procurement:

(i) **Ensure that all contractors are working within equalities legislation**

This takes place at the tendering stage when contractors must provide proof that they are complying with equalities legislation by completion of an Equalities Questionnaire (attached at Appendix 8).
So as not to overburden the sole trader and Small to Medium Enterprise (SME), the Council has adopted and adapted established guidance developed by the Commission for Racial Equality and in this respect rather than completing a detailed equalities questionnaire, firms with less than 5 employees are asked to complete a ‘statement of commitment’ to work within an equal opportunities framework – by signing up to Sefton’s Equality Principles. (3)

(ii) The identification and monitoring of contracts which contain significant equalities elements
This is done by undertaking an EIA to flag up any potential for discrimination, and by then acting on the results of the EIA through implementing robust procedures to monitor contract delivery/outcomes

In delivering such an approach corporately, procurement activity needs to be coordinated from the centre, with the relevant infrastructure and resulting processes implemented to assist in this. This forms part of the wider review into procurement activity across the authority and is essential to allow Sefton to control its ‘equalities in procurement’ activities in an efficient and risk managed manner.

(iii) Ensure that sole traders, SMEs, Third Sector and Voluntary Sector organisations are encouraged to apply for tenders.
It is also important that larger organisations, when working in partnership with smaller organisations, treat the smaller partner fairly.

As part of an ongoing dialogue, the Council works closely with under represented groups / the Community Empowerment Network, recognising the importance that these groups play in terms of contributing to the wider social and economic benefits to local communities across the Borough. The Head of Procurement also sits on the board of the Merseyside Change-Up Tendering & Procurement Support (TAPS) Group, which is in place to provide support and advice to third sector organisations within the region.

Thus, the powers of procurement, when buying in services can be used to ensure that inequalities are being driven from our society by ensuring that the service specifications when put out to tender cover the needs of the community that are to be serviced and that specific and particular concerns are written into the specification. In addition, monitoring performance in service delivery from the company or organisation working on Council’s behalf can be written in to the contract. (Section 148.2. of the Equalities Act 2010), instructs that those delivering services on public bodies behalf also have to perform against the duties laid out in Section 148. Departments who ‘outsource’ services have to ensure that full impact assessments are made and that the findings of these assessments are written into the service specification.
In order to ensure that all procurement is undertaken to meet the above requirements a more corporate and centre led approach needs to drive relevant procurement activity.
10.5. A MODERN AND DIVERSE WORKFORCE

The ability to deliver responsive, personalised services depends in a large part on the composition, skills and understanding and commitment of the workforce – and using the Equality Framework the Council looks at ensuring:

- that relevant equality objectives are built into workforce strategies
- an understanding of the local labour market and the barriers faced by equality groups, to inform the setting of equality employment objectives
- impact assessments of all major employment policies
- policies are in place to improve representation at senior levels of women and Black Asian and Ethnic Minority officers
- training and development programmes address equality issues
- there is effective action to address equal pay
- there is a workplace culture in which staff are treated with dignity and respect

10.5.1 Positive Action Development Plan

The Positive Action Development Plan has brought in a number measures to eliminate or reduce discrimination / its effects in recruitment and selection and develop a more balanced and diverse workforce.

The Commission for Racial Equality states:-

_The aim of positive action is to ensure that people from previously excluded ethnic minority groups can compete on equal terms with other applicants. It is intended to make up for the accumulated effects of past discrimination. Selection itself is to be based on merit and treat all applicants equally. The law does not compel employers to take positive action, but it allows them to do so._ (4)

Some examples of positive action include:-

- Encouragement to particular under-represented groups to apply for positions or providing training so that they can compete equally with other applicants.
- To target recruitment adverts in specific media.
- To use positive action statements in recruitment adverts.
- To run specific mentoring programmes for under-represented groups.
- To offer training/trainee posts.
- To promote and support staff networks.
- To hold open days/attend jobs fairs.

A copy of the Council’s Positive Action Plan is attached as Appendix 9.
The legislative basis for undertaking positive action is based on equalities monitoring figures of staff. This information is needed to support the identification of priority groups in terms of positive action measures as well as to identify progress against targets set around positive action and recruitment.

On a six monthly basis, the Cabinet Member for Corporate Services (and also the Corporate Equalities Group) considers the Monitoring Report of the Personnel Director which raises awareness on the make-up of the Council's workforce, to identify areas which may need some attention in respect of equalities and assist in setting appropriate targets.

The latest figures are indicated in the table below:

<table>
<thead>
<tr>
<th>Ref</th>
<th>Description</th>
<th>2008/09 Actual</th>
<th>2009/10 Target</th>
<th>2009/10 Q1</th>
<th>2009/10 Q2</th>
<th>2009/10 Q3</th>
<th>2009/10 Q4</th>
</tr>
</thead>
<tbody>
<tr>
<td>11a</td>
<td>% of top 5% earners that are women</td>
<td>44.49%</td>
<td>46%</td>
<td>43.49%</td>
<td>42.74%</td>
<td>46.22%</td>
<td>46.55%</td>
</tr>
<tr>
<td>11b</td>
<td>% of top 5% of earners from black &amp; ethnic minorities</td>
<td>1.98%</td>
<td>2.64%</td>
<td>1.98%</td>
<td>1.99%</td>
<td>1.85%</td>
<td>2.01%</td>
</tr>
<tr>
<td>11c</td>
<td>% of top paid 5% of staff who have a disability New indicator introduced 05/06</td>
<td>2.52%</td>
<td>3.15%</td>
<td>2.54%</td>
<td>2.55%</td>
<td>2.37%</td>
<td>2.56%</td>
</tr>
<tr>
<td>16a</td>
<td>Staff with disabilities</td>
<td>2.08%</td>
<td>3%</td>
<td>2.05%</td>
<td>1.99%</td>
<td>1.95%</td>
<td>1.92%</td>
</tr>
<tr>
<td>17a</td>
<td>Staff from ethnic minorities</td>
<td>1.29%</td>
<td>1.50%</td>
<td>1.26%</td>
<td>1.25%</td>
<td>1.33%</td>
<td>1.29%</td>
</tr>
</tbody>
</table>

The benefits of developing a diverse workforce for the delivery of effective services and ensuring a healthy and productive workforce is summarised in the following statement:

‘The business case for equality and diversity is strong – good equality and diversity practice leads to benefits for all, including a wider talent pool of potential recruits, new and expanded markets, more committed workers, more creative and innovative service development.’ (Lifelong Learning UK)

There are several studies including Perry-Smith and Blum 2000 and Woodland et al (2003) that demonstrate an increase in performance connected with a greater offering and take up of work life balance initiatives. Several studies also demonstrate a relationship between diversity in the top team and improved organisational performance e.g. Singh 2004 and Kilduff et al.2000.
Whilst the business case is a strong driver in promoting equality and diversity and the positive action initiatives in this plan, it is important to note that these practices also meet the legal requirements placed on the council and respond to the moral obligations a large employer like Sefton Council has for the promotion of equal and fair employment.

As indicated in Appendix 9, there is a commitment in the action plan to review and revise some of the targets, and in particular the gender target, that will be impacted on by the job evaluation process.

This review and revision of the plan and the targets takes place annually in January each year. The review engages representatives from all Directorates in the Council and includes:

- Discussion on progress made and identification of strengths and weaknesses in the diversity of the Council’s workforce.

- Revision of targets in the light of the above discussion to ensure the targets are stretching and demonstrate a clear commitment to further develop the diversity of the workforce.

- A revised plan to be represented Annually to the Corporate Equalities Group and appropriate Cabinet Members.
11. ACHIEVEMENTS OVER THE PAST 3 YEARS

Over a relatively short time Sefton Council has progressed from level zero of the Equality Standard for Local Government to Level 3 of the new framework. In delivering on its commitment to equality and diversity, the list below provides a snapshot of the work undertaken:

- Establishment of the Corporate Equalities Group to drive improvement.
- Production of a Race Equality Scheme, a Disability Equality Scheme and a Gender Equality Scheme, with review and development processes in place for these schemes.
- Recruitment and selection procedures re-written in consultation with key groups and employment targets set.
- Equalities monitoring of the Council's employees and persons accessing its services established.
- Equalities training for Sefton employees put into place.
- Achieved and maintained the ‘Positive About Disabled Symbol’.
- Established a range of Community Empowerment Networks for under-represented groups.
- Increased levels of translation and interpretation services e.g. at local elections, development of registration for homeless people and ensuring the availability of postal votes for people in care homes.
- Staff training for Registrar staff on Civil Partnerships to ensure sensitivity and knowledge when delivering work in this area.
- The Council’s website is now at the Triple A compliant (AAA national standard) for accessibility.
- Improved access by the public to services via the One Stop Shops – with service monitoring.
- Promotion of access to Leisure Centres for people in day care services
- Review of taxi licensing procedures to ensure accessibility to under represented groups
- Monitoring and improvements to the number of pedestrian crossings that have appropriate facilities for disabled people (77.6% are currently compliant)
- Refuse collection – Introduction of an Assisted Wheelie bin collection service for persons with mobility problems
- Disability Equality Schemes for improved equality for disabled children and their parents/carers in schools
- Racist and bullying / harassment incident procedures in place for schools
- Monitoring of children’s achievement in schools according to gender and race to ensure that all pupils are achieving similar levels in schools
- Consultation with disabled children and their parents/carers to improve access to schools and training opportunities
- Introduction of policies and measures to deal with Hate Crime incidents in Sefton.
- Allocation of resources to develop and promote employment opportunities for disabled people in Sefton
- Development and promotion of new technology to ensure safety and independence for vulnerable adults
11.1 AWARDS

Sefton has achieved a number of awards in recognition of its achievements in equality and diversity.

- 2007 - commendation from the Cabinet MJ Awards Office for the establishment and work of the Sefton Equalities Partnership
- 2009 – Award from Merseyside Police for work on cohesion and hate crime.
- HSJ Awards with NHS Sefton for volunteering programme for under represented groups.

North West Employers Awards:

- 2007 • For the establishment of the Sefton Equalities partnership
- 2008 • Celebrating Diversity, Dispelling Myths Gypsy and Travellers
- 2008 • In Trust Network
- 2008 • First Children’s Workforce Development Council
- 2009 • The ABILITY project - ensuring that Sefton Council and its partners place disabled people at the heart of their Disability Equality Duty (Disability Discrimination Act 2005) through effective involvement. The project has enabled disabled people and people with a limiting long term illness to participate in shaping Sefton Council’s and its partners’ services at the design, planning and implementation stages. Through this project the Council is better equipped to deliver fair, inclusive and equal services where disabled people can reach their full potential; and

- 2009 • The Holocaust Memorial Project - a creative project that commenced in the summer of 2008 and involved the participation of Schools and Community Groups across Sefton, working with Professional Artists (visual artists, musicians, actors and dancers) to explore this harrowing event in history and its influence to present day race hate crime.

Scrutiny of Health Inequalities

The Council has recently been successful in its bid for Scrutiny Development Area status and had received funding from the Centre for Public Scrutiny to undertake scrutiny of health inequalities across Sefton. This is an important cross-cutting exercise with the Council working closely with Sefton PCT and NHS Sefton.
12. ACHIEVEMENT OF EXCELLENCE

As previously indicated the Sefton Council is 67% towards achieving Excellence under the EFLG.

**Departmental progress towards ‘excellence’ under the ‘EF:ect’ system**

In line with Improvement and Development Agency (IDeA) specifications of Excellence, Sefton Council is able to demonstrate the following characteristics:

- members and officers have a reputation for championing equality issues and ensure that the equality issues relevant to their communities are embedded in strategic plans.
- It works with all strategic partners and the third sector to achieve defined equality outcomes
- it has good evidence of the equalities profile of its communities based on national and local data that is regularly reviewed
• it is measures progress on equality outcomes, is able to disaggregate data on relevant performance indicators and can demonstrate real outcomes that have improved equality in services and employment

• it identifies the changing nature of its communities and their expectations and then prioritises its activities and explains its decisions

• it provides good customer care by ensuring that services are provided by knowledgeable and well-trained staff, who are equipped to cater to particular needs of clients where necessary

• it has improving satisfaction and perception indicators from all sections of the community

• it uses Equality Impact Assessments to review all major new changes in policy and regularly conducts service Equality Impact Assessments

• all relevant data on service access is monitored against the equality strands

• equality groups are integrally involved in community engagement programmes

• there are forums for all equality stakeholders to share experiences and evaluate the authority's progress

• all parts of the authority can show tangible progress towards achieving outcomes which address persistent inequalities

• the authority has implemented action for equal pay outcomes and demonstrates progress on under representation, flexible working, access to training and development and promotes an inclusive working culture based on respect

• it reviews its equality strategy and public duty equality schemes every three years and seeks innovative, improvement challenges

• through its achievements it is an exemplar of good practice for other local authorities and agencies and works with others to share best practice.

• members, officers, key stakeholders and community members are confident about equality issues and their relevance for the authority and their own responsibilities.
13.0 CONCLUSIONS

13.1 Under the guidance of the Sefton Equalities Partnership the work of the Council and its partners in progressing equality and diversity toward achieving Excellence under with the Equalities Framework for Local Government in a relatively short space of time (3 years) is to be commended.

13.2 The Council is working to develop a clear understanding of the new ‘Equalities Act 2010’ in order that it can implement the duties contained therein and avoid litigation.

13.3 It should be borne in mind that the new act is ‘outcome focused’ and that actions and activities have to be ‘evidenced’. Therefore, it is crucial that Departments within the Council develop and use strong evidence based systems of analysis to ensure resources are targeted fairly, and they are able to deal with the issues of inequalities in meaningful and proportionate ways.

13.4 The Council continues to develop effective and efficient equality processes and tools to help deliver good quality services and departments and partners play a central role in ensuring equality of outcomes for residents and are active within these processes.

13.5 Impact Assessments continue to play an important role in determining targeted based services and tackling inequalities, these. The Working Group suggests that the Council’s Committee Report front sheets should be amended to ensure legal compliance for equality impact assessing.

13.6 There is a lack of consistency in the take up for training on Impact Assessments across Council Departments which needs to be addressed.

13.7 The current economic climate and the reduction in public spending and the impact this will have in relation to poverty and economic exclusion, will present real issues for the Council in seeking to improve outcomes for local people.

13.8 The Council’s Procurement function for the integration of equality and diversity is to be commended. However, in respect of its use in helping to generate business opportunities for sole and small businesses, the Working Group feels that the level of bureaucracy for ensuring that contract holders comply with the Equalities Act should be kept to a minimum and to this effect suggests that the Head of Procurement be requested to consider making a minor change to the Equalities Questionnaire in respect of SME’s as indicated in the red highlighted section in Appendix 10 to the report.
13.9 Procurement activity also needs to be coordinated from the centre, with the relevant infrastructure and resulting processes implemented to assist in this. A wider review into procurement activity across the authority is essential to allow Sefton to control its ‘equalities in procurement’ activities in an efficient and risk managed manner.

13.10 The economic climate poses potential issues in relation to growth of extremist groups which can result in hate crime.

13.11 The Council needs to understand national equality data and where this can be supplemented by local data sources. Accessing and analysing this information is crucial to delivery on a number of key national indicators (NIs).

13.12 Whilst conducting their research, the Working Group acknowledged the substantial external (and internal) changes / challenges requiring review and revision of equality and diversity policy and organisation. For example, the need to refresh the Sefton Single Equality Scheme in line with recent guidance received from the Equality and Human Rights Commission and the restructure of the Council.
## 14.0 RECOMMENDATIONS

14.1 The work of the Sefton Equalities Partnership is to be commended for its achievements to date in progressing the Equality Framework for Local Government.

14.2 To ensure compliance with the Equality Act 2010, the Council is recommended to:

(i) develop the mainstreaming of equality and diversity into the core business of departments; and  
(ii) develop a more consistent approach to training in the application of Impact Assessments across all Council departments

14.3 The Head of Procurement be recommended to amend the Procurement Equalities Questionnaire Form, as indicated in Appendix 10 to the report, in order to reduce unnecessary bureaucracy and simplify procedures for small businesses of 5 employees or less, wishing to tender for work with the Council.

14.4 It is recommended that consideration be given to the inclusion of an Equalities Impact Statement on the Council’s Committee Report template and the Sefton Equalities partnership be requested to give guidance on the suggested content of such statement.
15.0 ACKNOWLEDGEMENTS

15.1 The Working Group is grateful to all those witnesses and other persons who assisted it with its research and provided it with information.

15.2 The Working Group would like to thank Sue Holden, Director of Equalities, staff in the Sefton Equalities Partnership, in particular, Barrie Stanhope and Andy Woods, June McGill, Partnerships PA, Tommy Crawford, Head of Procurement, Jane Taylor, Central Purchasing, Norma Georgeson, Learning and Development Officer, Angela White, Chief Executive of Sefton CVS, and Sue Varga, Performance and Partnerships Unit.

16.0 SUPPORTING INFORMATION

16.1 During the process of this review, the Working Group has gathered a substantial amount of information and data, which has been invaluable in helping it to form its conclusions and recommendations. A list of sources is attached as Appendix 2 to the report.

16.2 Any background information required is available on request from Ruth Appleby Support Officer (telephone 0151 934 2666), e-mail: ruth.appleby@legal.sefton.gov.uk
17.0 LIST OF APPENDICES

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APPENDIX 1

SEFTON COUNCIL

SCOPING EXERCISE
EQUALITIES WORKING GROUP
NOVEMBER 2009
MEMBERSHIP

Councillor Peter Papworth (Lead Member)
Councillor Jim Byrne
Councillor Darren Hardy

TERMS OF REFERENCE AND OBJECTIVES

To consider the progress of Sefton Council and its partners in complying with forthcoming equality legislation, with particular focus on the Equalities Framework, and the obligations of small businesses under the Council’s procurement process.

METHODS OF ENQUIRY

Discussions with staff from the Sefton Equalities Partnership

Off-site meetings / discussions with representatives from Sefton’s Community Empowerment Networks (CEN):

- Ability Network - representing the Sefton Disability Community
- Faith Community Network (FCN)
- Fawcett Society - supporting women who live or work in Sefton
- Talking Men Network - Supporting men who live or work in Sefton
- Embrace - consultative group for consideration of matters affecting the LGB community (lesbians, gay men or bisexuals) in Sefton
- Equal Voice - Black and Racial Minority (BRM) network for Sefton
- InTrust - network to support men and women with an intersex or transgendered history

Attendance at any conferences, events and relevant courses relating to equality and diversity which take place within the proposed timescale.

Interview with the Head of Procurement

Interviews with Sefton Council Officers with responsibility for Equality Impact Assessments

Research
TIMESCALES
See Planning Chart

OFFICER SUPPORT

Named Officers:
Lead Officer: Andy Woods (Sefton CVS) Equalities Partnership
Other Named Officers: Barrie Stanhope (Sefton CVS) Equalities Partnership, Tommy Crawford (Head of Procurement)
Overview and Scrutiny Officer: Ruth Appleby

OTHERS WHO WILL BE INVOLVED

Sefton Council Committee Section staff
Sefton Council Policy and Performance staff
Relevant Council Officers

ARRANGEMENTS FOR REPORTING TO CABINET/COUNCIL

Overview and Scrutiny Committee (Performance and Corporate Services) 27 April or 25 May 2010.
PLANNING CHART

The Planning Chart is an example of the way reviews could/should be planned.

**It is recommended that realistic time frames in which to carry out tasks should be considered including possible delays for public holidays and Council business. Effective planning suggests that more planning time be built into the chart.**

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<th>Activity</th>
<th>Nov 09</th>
<th>Dec 09</th>
<th>Jan 10</th>
<th>Feb 10</th>
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<th>Apr 10</th>
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Committee agrees Working Group membership and appoints Chair.

Working Group complete scoping document determining terms of reference & timetable.

Working Group submit scoping paperwork to Scrutiny Committee for approval.

Background research undertaken and evidence collected.

Working Group meet to determine questions they wish to ask witnesses.

Working Group make any necessary visits & additional evidence obtained.

Witness hearings take place & responses written up by support officer.

Working Group review headings for the final report.

Working Group and support officer draft final recommendations and approve final report.

Scrutiny Committee receives final report and recommendations and how they should be taken forward.
## APPENDIX 2

### REFERENCES AND SOURCES

#### Publications

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Page No.</th>
<th>Publication</th>
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<tbody>
<tr>
<td>9</td>
<td></td>
<td>Audit Commission – Value and Diversity for All 2009-2012</td>
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<tr>
<td>(2)</td>
<td>29</td>
<td>‘Buy and make a difference’, How to address Social Issues in Public Procurement, May 2008 (OCG Publication)</td>
</tr>
<tr>
<td>(3)</td>
<td>30</td>
<td>Sefton Council – Integrating Equality and Diversity into Procurement and Commissioning Activity – Guidance for Officers with Procurement, Commissioning and Contracting Responsibility</td>
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<tr>
<td>(4)</td>
<td>31</td>
<td>The Commission for Racial Equality</td>
</tr>
</tbody>
</table>

#### Sources/ websites

- Sefton Equalities Partnership
- Sefton Community Engagement Network
- Sefton Borough Partnership
- Improvement and Development Agency (IDeA)
- Audit Commission
- Sefton Council Meeting Agendas and Minutes 2006 to present
- Lifelong Learning UK
- Equalities and Human Rights Commission
- Government Equalities Office
- Sefton MBC website (e.g. Safer, Stronger Communities
- North West Employers
- North West Equalities Network
- Greater Merseyside Learning and Skills Council
- NHS Sefton
- Merseyside Police Authority
APPENDIX 3

PREVIOUS LEGISLATION

Prior to implementation of the Equalities Act 2010, the following legislation was in place in the UK:

Equal Pay Act 1970
To prevent discrimination between men and women in terms of their contract for employment, including pay.

There are however, some occupations, which are exempt from this act e.g. Chartered Accountant, Solicitors.

Sex Discrimination Act 1975
It is illegal to discriminate directly or indirectly against men and women in the selection for appointment, promotion of training.

Sex Discrimination Act (Amendment) 1999 – Gender Reassignment
It is illegal to discriminate against a person who is undergoing a gender reassignment in terms of employment or training.

Race Relations Act 1976
It is illegal to discriminate, directly or indirectly, on the grounds of colour, race, ethnic or national origin.

Race Relations (Amendment) Act 2000
All public bodies must eliminate unlawful racial discrimination; promote equality of opportunity; and promote good race relations. Local authorities have a specific duty to publish a Race Equality Scheme and monitor HR procedures and practices in terms of ethnicity.26.

Disability Discrimination Act 1995
It is illegal to discriminate against disabled people (physical or mental illness) in employment, provision of goods and services and buying or renting of land or property.

Employers and service providers are required to make reasonable adjustments to overcome barriers.

The Employment Equality (Sexual Orientation) Regulations 2003
It is illegal to discriminate, directly or indirectly on grounds of sexual orientation in terms of employment and vocational training.

The Employment Equality (Religion or Belief) Regulations 2003
It is illegal to discriminate, directly or indirectly on grounds of religion or belief in terms of employment and vocational training.
1. **Introduction**

1.1 Legislation is clear that discrimination (direct & indirect), bullying & harassment must not occur when delivering ‘any service’ from ‘any’ organisation (private, public, and third sector). This rule also applies to ‘employment practice’.

1.2 Discrimination occurs when someone with a protected characteristic is treated unfairly and that unfairness is linked to the protected characteristic. The Act (section 4) defines protected characteristic and lists them as:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation.

1.3 This replaces the notion of ‘strands’. The Act recognises ‘intersectionality’ - being discriminated against due to a ‘multiple’ or ‘combined’ set of protected characteristics.

1.4 In addition to the above, public bodies are also put under ‘additional duties’:

   a) **Section 1**

      Public sector duty regarding social-economic inequalities (NEW)

   b) **Section 149 (1) (a) (b) (c)**

      The Public Sector Equality Duty (replaces the old ‘general duties’)
1.5 In addition the Public Sector Equality Duty: 148 (3) (a)(b)(c) and 148 (4) (a)(b) clarifies what ‘due regard’ would mean in order to meet 149(1) (a) (b) & (ii) The identification and monitoring of contracts which contain significant equalities elements
This is done by undertaking an EIA to flag up any potential for discrimination, and by then acting on the results of the EIA through implementing robust procedures to monitor contract delivery/outcomes

(iii) Ensure that sole traders, SMEs, Third Sector and Voluntary Sector organisations are encouraged to apply for tenders.
It is also important that larger organisations, when working in partnership with smaller organisations, treat the smaller partner fairly.

As part of an ongoing dialogue, the Council works closely with under represented groups / the Community Empowerment Network, recognising the importance that these groups play in terms of contributing to the wider social and economic benefits to local communities across the Borough. The Head of Procurement also sits on the board of the Merseyside Change-Up Tendering & Procurement Support (TAPS) Group, which is in place to provide support and advice to third sector organisations within the region.

Thus, the powers of procurement, when buying in services can be used to ensure that inequalities are being driven from our society by ensuring that the service specifications when put out to tender cover the needs of the community that are to be serviced and that specific and particular concerns are written into the specification. In addition, monitoring performance in service delivery from the company or organisation working on Council’s behalf can be written in to the contract. (Section 148.2. of the Equalities Act 2010), instructs that those delivering services on public bodies behalf also have to perform against the duties laid out in Section 148. Departments who ‘outsource’ services have to ensure that full impact assessments are made and that the findings of these assessments are written into the service specification.

1.6 Specific duties are set by the EHRC (waiting to be published).

2. The Duties and Related Issues

2.1 The following information details what the Act says and what this means for the Council.

<table>
<thead>
<tr>
<th>What the Act Says</th>
<th>What it means for Sefton</th>
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<tbody>
<tr>
<td>Section1 (1) Public body socio-economic duty</td>
<td>This fits with Local Government Act 2000 (section 2/3/4 promotion of ‘well being’)</td>
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<tr>
<td>“An authority to which this section applies must, when making decisions of a strategic nature about how to exercise its</td>
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Image: Overview and Scrutiny
functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage”.

<table>
<thead>
<tr>
<th>What does this mean?</th>
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<tr>
<td>Strategic plans have to ‘address’ the issue of socio-economic inequalities and that departmental plans need to show whether it is relevant to the department, how it will take action to address it and ‘the outcomes’ it expects to see.</td>
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<tr>
<td>It will become part of the ‘pre-thinking’ in risk &amp; service assessments</td>
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<tr>
<th>What will we have to do?</th>
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<tr>
<td>1. Understand how socio-economic inequalities play out in our community.</td>
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<td>2. Highlight and prioritise main inequalities (also across partnership)</td>
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<tr>
<td>3. Advance proportionate strategies and actions that address the inequalities and also be able to monitor and evaluate outcomes of the actions.</td>
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<tr>
<td>What the Act Says</td>
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<tr>
<td><strong>148 Public Sector Equality Duty</strong></td>
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<tr>
<td>1. A public authority must, in the exercise of its functions, have due regard to the need to:-</td>
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<td>(a) eliminate discrimination, harassment, victimization and any other conduct that is prohibited by or under this Act;</td>
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<td>(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</td>
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<tr>
<td>(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</td>
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<tr>
<td>2 A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).</td>
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### What the Act Says

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<th>What it means for Sefton</th>
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<tr>
<td><strong>3.</strong> Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-</td>
</tr>
<tr>
<td><strong>a)</strong> remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;</td>
</tr>
<tr>
<td><strong>b)</strong> meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;</td>
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<tr>
<td><strong>c)</strong> encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.</td>
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<tr>
<td><strong>4.</strong> Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-</td>
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<td><strong>a)</strong> tackle prejudice, and</td>
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<td><strong>b)</strong> promote understanding.</td>
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### Subsection paragraph 3 & 4

**What is this about?**

3&4 are clarifications on what it means to meet 148 (b) & (c), that is what ‘advance and promote’ equality and ‘foster and connect the community’ means.

**What do we have to do?**

If we are saying that we meet our Public Body Equality Duty then, effectively we will have to show evidence of how we have met 3(a) (b) (c) & 4 (a) (b)

**What will this look like?**

Service plans will highlight statistical and evidence from consultation which will have ‘base line’ data and then how progress has (or needs to) occur(ed) from this base line.

Actions will show clear steps (or projects) addressing these stages.

Typically they will be highlighted by some form of Impact Assessment. Monitoring of outcomes (and being able to understand they type of outcomes that need capturing) will be essential.
<table>
<thead>
<tr>
<th>What the Act Says</th>
<th>What it means for Sefton</th>
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| 4. The steps involved in meeting the needs of disabled people that are different from the needs of persons who are not disabled, include, in particular, steps to take account of disabled person’s disabilities. | Subsection Paragraph (4) & (5) 
The old DDA had a duty that allowed people with disability to be treated ‘more favourably’ in particular circumstances – implying ‘reasonable adjustments’ or putting in greater resources to tackle particular troublesome barriers. Subsection (4) echoes this instruction. (Section 20 and schedule 1 & 2 give further information on disability and adjustment)
Sub-section 5 mirrors the ‘reasonable adjustment clause’ across all protected characteristics.
There are caveats within the act to make this ‘proportionate’.
What does this mean for us? Firstly: Extra resources can go towards tackling problems of disability but also, if our data persistently identifies chronic disproportion across any of the protected characteristics, then resources should be re-allocated to meet this need. |
| 5. Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act. | |

158 Positive action: general
1. This section applies if a person (P) reasonably thinks that—
a) persons who share a protected characteristic suffer a disadvantage connected to the characteristic,
b) persons who share a protected characteristic have needs that are different from the needs of persons who do not share it, or |

What does this mean?
Where persistent or difficult barriers exist that relate to protected characteristic or a socio-economic situation, then (a) directed measures can be taken in order to ‘level the playing field’. (b) those that have or belong to protected characteristics and have particular needs also can have extra measures in place to meet these needs. (c) Where evidence shows disproportionality then specific measures can be taken to address the imbalance.
c) participation in an activity by persons who share a protected characteristic is disproportionately low.

2. This Act does not prohibit P from taking any action which is a proportionate means of achieving the aim of:-
   a) enabling or encouraging persons who share the protected characteristic to overcome or minimise that disadvantage
   b) meeting those needs, or
   c) enabling or encouraging persons who share the protected characteristic to participate in that activity.

6. This section does not enable P to do anything that is prohibited by or under an enactment other than this Act.

<table>
<thead>
<tr>
<th>What the Act Says</th>
<th>What it means for Sefton</th>
</tr>
</thead>
<tbody>
<tr>
<td>c) participation in an activity by persons who share a protected characteristic is disproportionately low.</td>
<td>Subsection Para (2)</td>
</tr>
<tr>
<td>This Act does not prohibit P from taking any action which is a proportionate means of achieving the aim of:-</td>
<td>These are acceptable means of positive action.</td>
</tr>
<tr>
<td>a) enabling or encouraging persons who share the protected characteristic to overcome or minimise that disadvantage</td>
<td>Subsection Para (6)</td>
</tr>
<tr>
<td>b) meeting those needs, or</td>
<td>There is a limit to Positive action (unless otherwise stated in the act) that positive action must not cross into positive discrimination.</td>
</tr>
<tr>
<td>c) enabling or encouraging persons who share the protected characteristic to participate in that activity.</td>
<td>What do we have to do?</td>
</tr>
<tr>
<td>This section does not enable P to do anything that is prohibited by or under an enactment other than this Act.</td>
<td>Service plans need to identify where persistent inequalities occur, and address these with course of action – especially 2(b)</td>
</tr>
<tr>
<td></td>
<td>Monitoring of outcomes to service delivery is crucial in order to identify resistant forms of discrimination.</td>
</tr>
<tr>
<td>What the Act Says</td>
<td>What it means for Sefton</td>
</tr>
<tr>
<td>-------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td><strong>29 Provision of services, etc.</strong></td>
<td><strong>What does this mean?</strong></td>
</tr>
<tr>
<td>1. A person (a “service-provider”) concerned with the provision of a service to the public or a section of the public (for payment or not) must not discriminate against a person requiring the service by not providing the person with the service.</td>
<td>All our service delivery comes under this (everything we do is under that act). 'Service' also means (subsection 31(2)) 'goods and facilities'</td>
</tr>
<tr>
<td>2. A service-provider (A) must not, in providing the service, discriminate against a person (B):-</td>
<td>Subsection (2) lists 3 areas in which a service providers have to ensure it's not discriminating. <strong>(2)(b) is particularly important</strong> as it means that we can not put anyone with the protected characteristics into a discriminatory position by ceasing services.</td>
</tr>
<tr>
<td>a) as to the terms on which A provides the service to B;</td>
<td><strong>What does this mean in practice?</strong></td>
</tr>
<tr>
<td>b) by terminating the provision of the service to B;</td>
<td>Our services are designed not to discriminate or they are targeted at 'particular groups' (e.g. children or Older people)</td>
</tr>
</tbody>
</table>
| c) by subjecting B to any other detriment. | However, when a provision is closed an impact assessment has to be carried out ‘prior’ to closure. If the assessment shows that individuals with a protected characteristic are at risk, then alternatives have to be in place **before closure**.
<table>
<thead>
<tr>
<th>What the Act Says</th>
<th>What it means for Sefton</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>15 Discrimination arising from disability</strong></td>
<td></td>
</tr>
<tr>
<td>1. A person (A) discriminates against a disabled person (B) if:-</td>
<td>What does this mean?</td>
</tr>
<tr>
<td>a) A treats B unfavourably because of something arising in consequence of B’s disability, and</td>
<td>Someone who is disabled has been discriminated against if clause (a) and/or (b) are met.</td>
</tr>
<tr>
<td>b) A cannot show that the treatment is a proportionate means of achieving a legitimate aim.</td>
<td></td>
</tr>
<tr>
<td>2. Subsection (1) does not apply if A shows that A did not know, and could not reasonably have been expected to know, that B had the disability.</td>
<td>Subsection (2) has the caveat that discrimination does not occur if the disability was not known or could not have been expected to be known - essentially saying that if there is an ‘obvious factor’ (e.g. someone’s walk or appearance’) then it is not a defence to say that the person did not ‘reveal it’ or ‘inform us’.</td>
</tr>
<tr>
<td></td>
<td><strong>What do we have to do?</strong></td>
</tr>
<tr>
<td></td>
<td>In order to avoid breaching section 15 (1) (a) 7 (b) then we have to show how we have taken ‘due regard’. Due regard essentially means how have we applied the situation to the legislation and what have we done to try and meet the legal requirements.</td>
</tr>
</tbody>
</table>
## What the Act Says

<table>
<thead>
<tr>
<th>20 Duty to make adjustments</th>
<th>What it means for Sefton</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Where this Act imposes a duty to make reasonable adjustments on a person, this section, sections 21 and 22 and the applicable Schedule apply; and for those purposes, a person on whom the duty is imposed is referred to as A.</td>
<td>Section 20 describes three clauses: (3) (4) (5) These qualify what ‘due regard’ looks like when making a decision concerning reasonable adjustments. If we fail to take account of these subsections when making a decision then section 21 (1) instructs that this means there has been a ‘failure to comply’. i.e. breach of the act and discriminatory behaviour.</td>
</tr>
<tr>
<td>2. The duty comprises the following three requirements.</td>
<td>There are ‘qualifications’ to section 20’ within the schedules (2, 4, 8, 13, 15, 21) to help interpret exemptions and proportionality.</td>
</tr>
<tr>
<td>3. <strong>The first</strong> requirement is a requirement, where a provision, criterion or practice of A’s puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.</td>
<td></td>
</tr>
<tr>
<td>4. <strong>The second</strong> requirement is a requirement, where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.</td>
<td></td>
</tr>
<tr>
<td>5. <strong>The third</strong> requirement is a requirement, where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to provide the auxiliary aid.</td>
<td></td>
</tr>
<tr>
<td>What the Act Says</td>
<td>What it means for Sefton</td>
</tr>
<tr>
<td>-------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td><strong>21 Failure to comply with duty</strong></td>
<td></td>
</tr>
<tr>
<td>1. A failure to comply with the first, second or third requirement is a failure to comply with a duty to make reasonable adjustments</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>109 Liability of employers and principals</strong></th>
<th>What does this mean?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Anything done by a person (A) in the course of A’s employment must be treated as also done by the employer.</td>
<td>This is the section that informs ‘vicarious liability’ (there is a similar section for employees covering harassment and bullying within the work place).</td>
</tr>
<tr>
<td>2. Anything done by an agent for a principal, with the authority of the principal, must be treated as also done by the principal.</td>
<td>Essentially it says, that unless there are reasonable precautions put in place, then any behaviour or an employee or any one acting on our behalf, their behaviour remains our responsibility.</td>
</tr>
<tr>
<td>3. It does not matter whether the thing is done with the employer’s or principal’s knowledge or approval.</td>
<td><strong>What do we do?</strong></td>
</tr>
<tr>
<td>4. In proceedings against A’s employer (B) in respect of anything alleged to have been done by A in the course of A’s employment it is a defence for B to show that B took all reasonable steps to prevent A:-</td>
<td>Subsection (4) is our only defence. This means in reality we have to ensure that:</td>
</tr>
<tr>
<td>a) from doing the thing, or</td>
<td>• Staff are trained on their rights and responsibility and can deliver services and work with colleagues in an agreed manner</td>
</tr>
<tr>
<td>b) from doing anything of that description.</td>
<td>• Senior managers have to set the tone and be exemplars</td>
</tr>
<tr>
<td></td>
<td>• Contractors working on our behalf will have to have ‘service levels of behaviour’ build in to the specification of contracts.</td>
</tr>
</tbody>
</table>
SEFTON EQUALITIES MONITORING FORM 2009

The information that you provide on this form will be kept in accordance with the Data Protection Act 1998 and used for the purposes of monitoring. We monitor this information to ensure that our services are available to all members of our community.

Q1: Which of these activities best describes your situation? (Please mark an ‘x’ in one box only)
- □ Full time work
- □ Part time work
- □ Self Employed
- □ Government Scheme
- □ Full time education
- □ Unemployed but available for work
- □ Unable to work due to illness/disability
- □ Wholly retired
- □ Looking after the home
- □ Other (please specify)

Q2: What is your age? ___ years
Q3. Your postcode

Q4: What is your gender? (Please mark an ‘x’ in one box only)
- □ Male
- □ Female

Q5: Do you currently live in the gender you were given at birth? (Please mark an ‘x’ in one box only)
- □ Yes
- □ No

Q6: Disability: Do you consider yourself to have any of the following impairments?
- □ Physical Impairment
- □ Visual Impairment
- □ Learning Disability
- □ Mental Health/Mental distress
- □ Hearing Impairment/Deaf
- □ Long term limiting illness
- □ Other (please specify)

Q7: Do you consider yourself to have a disability?
- □ Yes
- □ No

If you have recorded you have an impairment or you have an illness such as AIDS, cancer, diabetes or a heart condition which affects your ability to carry out day-to-day activities, this would be classed as a disability under the Disability Discrimination Act 1995. Therefore, do you consider yourself to have a disability?

Please turn over
Q8: Sexual Orientation
How would you define your sexual orientation?
(Please mark an 'x' in one box only)

☐ Gay
☐ Lesbian
☐ Bisexual
☐ Heterosexual

Q9: Religion/Belief
Do you have a religion or belief?
☐ Yes ☐ No

If yes, please select:
☐ Buddhist ☐ Christian
☐ Hindu ☐ Jewish
☐ Muslim ☐ Sikh
☐ Other religion (please specify)

☐ Other belief (please specify)

Q10: Racial Origin/Nationality
Are you:
Asian:
☐ Bangladeshi ☐ Chinese
☐ Indian ☐ Pakistani
☐ Other Asian (please specify)

☐ Gypsy ☐ Traveller

☐ Any other nationality (please specify)

Mixed Dual Heritage:
☐ White & Asian ☐ White & Black African

☐ White and Black Caribbean
☐ Other mixed background (please specify)

White:
☐ English ☐ Welsh
☐ Scottish ☐ Irish
☐ Polish ☐ Portuguese

☐ Other White European (please specify)

Thank you for taking the time to complete this survey. Please hand it back when completed.
Equality Impact Assessments

<table>
<thead>
<tr>
<th>Department</th>
<th>Section</th>
<th>Person Responsible for assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Protection Department (EPD)</td>
<td>Public Health &amp; Housing</td>
<td>Peter Moore</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Policy</th>
<th>Date</th>
<th>Is this a new or existing policy?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management of Broad Lane Gypsy Caravan Site</td>
<td>April 2008</td>
<td>Existing Policy</td>
</tr>
</tbody>
</table>

Briefly describe the function being assessed

Sefton Council provides a 16-pitch residential caravan site for Gypsies and travellers. This site is managed by the Environmental Protection Department (EPD).

It is understood that the site was originally established as a “Transit Site” on land that had traditionally been occupied in that way by gypsies/travellers with the acceptance of the landowner.

In more recent years the population on site has become increasingly stable and the site is now much more of a “Residential Site” with several families remaining on site for prolonged periods (in some cases several years). This has lead to or facilitated greater access to and use of other mainstream services (e.g. schools, health care etc.) by the site residents.

The function being assessed is the operation/management of the site.

Who are the main stakeholders in relation to this function?

Staff within EPD
Site Residents, including the resident Site Warden
Staff of Technical Services who undertake/oversee the maintenance works on the site.
<table>
<thead>
<tr>
<th>What available data exists?</th>
</tr>
</thead>
<tbody>
<tr>
<td>No detailed demographic data is available for the site. It is understood that most of the site’s residents originate from two extended family groups, actual numbers on site vary as families or family members travel to and from the site</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Who will be consulted as part of this EIA?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Considerable consultation has been undertaken with site residents in recent years. This includes consultation to identify priorities for three applications for Gypsy Site Refurbishment Grant (2000; 2001 and 2007) the first of which was unsuccessful, the latter two of which were successful and some excellent deeper engagement work by Sefton Voices in particular.</td>
</tr>
<tr>
<td>As part of the EIA and Action Plan the following further consultation will occur:</td>
</tr>
<tr>
<td>- With residents around the introduction of a new site licence and pitch lease agreement; and</td>
</tr>
<tr>
<td>- With the Sefton Traveller Strategy Group and Traveller Practitioner Group around the findings of the EIA and the wider review of site management.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>What types of consultation will be carried out?</th>
</tr>
</thead>
<tbody>
<tr>
<td>The consultation with residents will be through meetings on site, whilst the consultation with the Strategy Steering and Practitioner groups will be through the submission of written reports to the meetings of those groups.</td>
</tr>
</tbody>
</table>
## Differential Impact Table

**Title of Function** OPERATION/MANAGEMENT OF BROAD LANE GIPSY/TRADELLER SITE

<table>
<thead>
<tr>
<th>Activity</th>
<th>Group</th>
<th>Potential for Differential Impact</th>
<th>Existing Mitigating Actions</th>
<th>Existing Differential Impact</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accommodation</strong></td>
<td>Disabled people</td>
<td>Difficulties for disabled access - no DDA compliant facilities</td>
<td>Portakabin facility does have ramped access. Disabled Gypsies tend to move into brick-built accommodation, as even if they can access the facilities/caravan movement within the caravan is restricted.</td>
<td>None</td>
<td>Investigate action taken on other sites. Options appear to be to make some/all utility blocks DDA compliant (likely to be a disproportionate response) or to react and adapt facilities to suit the disability presented if and when presented.</td>
</tr>
<tr>
<td><strong>Females and Young People</strong></td>
<td></td>
<td>Remote nature of site with long unlit lane and no public transport makes independent access to facilities off site very difficult.</td>
<td>- None</td>
<td>Due to the cultural context females and young people are reliant upon others who drive to access facilities. Improve access to taxis. Subject to the determination of response to the “4-District” Gypsy and Traveller Accommodation Assessment. If sufficient alternative residential site provision were made, this site could become a transit site.</td>
<td></td>
</tr>
<tr>
<td><strong>Marketing</strong></td>
<td>Race</td>
<td>Reference to “Gipsy” Site discourages other “travellers”</td>
<td>- None</td>
<td>No non-Gypsy occupants Rename site in line with residents’ wishes “Red Rose Caravan Site”.</td>
<td></td>
</tr>
</tbody>
</table>

<p>| All               | Lack of awareness of how to obtain a pitch on the site | - None | Not known | Promote greater awareness of site and how to apply for pitch through: - External Site Sign with Contact number - Information on Website - Provide information as part of the “Unauthorised Encampments Procedure” |</p>
<table>
<thead>
<tr>
<th>Issue</th>
<th>Affected Group</th>
<th>Details</th>
<th>Possible Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pitch allocation</td>
<td>All (subject to need)</td>
<td>May not access services due to limited awareness amongst service providers. May not get a pitch on the site or may get poorer standard pitch.</td>
<td>- Improved engagement between service providers through Strategy Group and Operational Group. Engagement with residents through Selton Voices work. Not known</td>
</tr>
<tr>
<td>Main Facilities (differential)</td>
<td>Non-Gypsy Travellers and Gypsies from other unconnected families</td>
<td>Difficulties for disabled access: - no DDA compliant facilities. Portakabin facility does have ramped access. Disabled Gypsies tend to move into brick-built accommodation, as even if they can access the facilities/caravan movement within the caravan is restricted.</td>
<td>Majority of occupants are from two extended Gypsy families</td>
</tr>
<tr>
<td>Licence agreement</td>
<td>All</td>
<td>Inadequate procedures for issuing and renewing licence agreement. Licence agreement out of date.</td>
<td>Not all residents understand what is expected of them and what they can expect.</td>
</tr>
<tr>
<td>Site rules</td>
<td>All</td>
<td>Not clearly stated and commonly understood</td>
<td>Suggestions of inconsistent “enforcement” of site rules.</td>
</tr>
<tr>
<td>Additional facilities</td>
<td>All</td>
<td>Some pitches are larger than others and some have access to a “private” garden area. Pitch allocation criteria not transparent and commonly understood.</td>
<td>Suggestions of unfair/unequal pitch allocation.</td>
</tr>
<tr>
<td>Management</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Supervision</strong></td>
<td>All</td>
<td>No written definition of responsibilities (Warden or Officers). Limited accountability and monitoring for the actions of the on-site Warden.</td>
<td>None</td>
</tr>
<tr>
<td><strong>Monitoring &amp; Inspection</strong></td>
<td>Site, Utility Blocks</td>
<td>No written definition of responsibilities (Warden or Officers).</td>
<td></td>
</tr>
<tr>
<td><strong>Reporting procedures</strong></td>
<td>All</td>
<td>Residents report problems through Warden</td>
<td>None</td>
</tr>
<tr>
<td><strong>Financial matters</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Rent setting</strong></td>
<td>Low Income and those not receiving Housing Benefit</td>
<td>Limited awareness and access to Benefits Advice and Supporting People services. Access to available benefits may be inconsistent.</td>
<td>Most families currently in receipt of Housing Benefit As above</td>
</tr>
<tr>
<td><strong>Utility price setting</strong></td>
<td>Low Income</td>
<td>Lack of transparency over utility price setting</td>
<td>None</td>
</tr>
<tr>
<td><strong>Utility collection</strong></td>
<td>Limited supervision and monitoring of utility usage checks and charge collection</td>
<td>Records are maintained and supplied by Warden at normal residential accommodation and perceived differences between pitches.</td>
<td>Monitoring of utility usage and usage checks.</td>
</tr>
<tr>
<td><strong>Refuse Collection</strong></td>
<td>All</td>
<td>Absence of green waste or recycling facilities. Refuse collection service in place Differential service level</td>
<td>Review refuse collection arrangements</td>
</tr>
<tr>
<td><strong>Consultation</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maintenance</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Identifying</strong></td>
<td>All</td>
<td>Unclear/limited inspection regime for routine maintenance</td>
<td>Review, clarify, publicise and monitor process</td>
</tr>
<tr>
<td><strong>Prioritising</strong></td>
<td>All</td>
<td>Unclear process and responsibility for repair &amp; maintenance prioritisation</td>
<td>Review arrangements for reporting/prioritisation &amp; increase transparency. Review adequacy of maintenance budget.</td>
</tr>
<tr>
<td><strong>Undertaking (contractor control)</strong></td>
<td>All</td>
<td>Potential for contractors not to follow acceptable equalities policies and practices whilst on-site. Requirement to follow acceptable equalities policies and practice required by procurement processes.</td>
<td>None confirmed - very occasional anecdotal complaints about contractor practice/attitudes. Ensure monitoring of contractor performance complies with procurement policy relating to equalities. Investigate any allegations of non-compliance.</td>
</tr>
<tr>
<td>Fostering Positive Relations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>On site</strong></td>
<td>All</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential for isolation of a family or individual. No transparent process for dispute resolution.</td>
<td>Site relatively “trouble-free” Not known – some suggested and reported occasional problems</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Embodys respect for others in site rules and provide a fair and transparent dispute resolution process.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Between Communities</strong></td>
<td>All</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Discrimination against residents</td>
<td>Increased access to local services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Some isolated reported examples</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continue to encourage inclusion, promote cultural diversity. Change of postal address to remove “Gypsy” from site name. Reinforce Hate Crime protection available to residents.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Action Plan Table

Items in this plan are taken from the above Differential Impact table where there are known or possible issues and will arise from the “Existing Differential Impact” column.

This (and other) EIA action plans will feed into the Departmental Service Plan (Equities).

<table>
<thead>
<tr>
<th>Issue</th>
<th>Planned Action(a)</th>
<th>Timetable</th>
<th>Lead Officer(s)</th>
<th>Outcome/Success</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disabled access to facilities on site</td>
<td>1. Investigate action taken on other sites to address the needs of disabled people. 2. Develop an action plan to address the issues at Brook Lane.</td>
<td>April 2008 – May 2008</td>
<td>Clare Taylor</td>
<td>- Range of site providers contacted. - Action Plan developed and agreed</td>
</tr>
<tr>
<td>Remote location of site</td>
<td>3. Improve access to Taxis. 4. Review primary purpose of site (residential or transit) as part of action plan to address the outcomes of the “Merseyside Gypsy and Traveller Accommodation Assessment”.</td>
<td>June 2008 – July 2008</td>
<td>Peter Moore &amp; Jim O’Hren</td>
<td>- Range of Service Providers available from site. - Purpose of site clearly defined in “Merseyside G&amp;T Accommodation Needs Assessment” Delivery Plan</td>
</tr>
<tr>
<td>Ensuring fair, equitable and non-discriminatory allocation of pitches on site</td>
<td>5. Promote greater awareness of site, how to apply for pitch and the criteria for pitch allocation.</td>
<td>May 2008 – June 2008</td>
<td>Clare Taylor</td>
<td>- Information on Sefton Council Website - External Site Sign with contact number - Information provided as part of the “Unauthorised Encampments Procedure”</td>
</tr>
<tr>
<td>6. Transfer responsibility for management of “waiting list” and pitch allocation to Council Officers.</td>
<td>May 2008 – May 2008</td>
<td>Sefton G&amp;T Operational Group</td>
<td>- Council serves as contact point for all pitch enquiries and holds “waiting list”</td>
<td></td>
</tr>
<tr>
<td>7. Set clear criteria for pitch allocation and increase awareness of criteria.</td>
<td>April 2008 – May 2009</td>
<td>Peter Moore &amp; Clare Taylor</td>
<td>- Criteria for pitch allocation published and shared with residents</td>
<td></td>
</tr>
<tr>
<td>8. Continue to improve engagement with residents and provision of information about service provision</td>
<td>April 2008 – Ongoing</td>
<td>Sefton G&amp;T Operational Group</td>
<td>- Ongoing process of consultation and engagement centred on needs and service provision</td>
<td></td>
</tr>
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<td>12. Provide direct access to EPC so that residents can report defects and other maintenance issues directly.</td>
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<td>June 2008</td>
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<td>Clare Taylor</td>
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<td>13. Review rent setting methodology</td>
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<td>Peter Moore</td>
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<td>14. Improve linkages to Benefits Advice and Supporting People services</td>
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<td>Sefton G&amp;T Operational Group</td>
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<td>15. Introduce open systems for Utility usage price setting and payment collection, with systematic audit and monitoring of utility usage and usage checks</td>
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<tr>
<td>April 2008</td>
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<td>Steve Smith</td>
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<td>16. Review refuse collection arrangements with a view to introducing recycling opportunities for residents</td>
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<td>17. Review and improve transparency of arrangements for identifying, reporting, prioritising and reviewing maintenance</td>
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<td>18. Review adequacy of maintenance budget</td>
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<td>19. Ensure monitoring of contractor performance complies with procurement policy relating to equality</td>
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<td>23. Change postal address of site to remove reference to “Gypsy” from site name</td>
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<td>24. Reinforce Hate Crime protection available to residents</td>
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<td>27. Reinforce Hate Crime protection available to residents</td>
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Overview and Scrutiny
Integrating Equality and Diversity into Procurement

Guidance for Contractors and Suppliers
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1. **Overview**

This guide for potential contractors and suppliers has been published to help understand how we are working towards the integration of equality into procurement. This guide gives information and advice on how we will promote equality in the procurement of goods, works and services and what we expect from contractors and suppliers during the procurement process.

2. **Why include equality and diversity in procurement?**

“With an annual expenditure of over £150 billion, public procurement has an important part to play in furthering the Government’s agenda for tackling social issues”. **Source:** ‘Buy and make a difference’, *How to address Social Issues in Public Procurement, May 2008 (OGC Publication)*.

As a public body Sefton Council has a responsibility and a duty to create a fairer Sefton for everyone by promoting equality of opportunity. We also have a duty to support those who may experience disadvantage, improve the well being of our citizens and a responsibility to use taxpayers money wisely in the pursuit of improved employment and service outcomes. Public procurement provides an ideal opportunity to bring these responsibilities together so that they can work in tandem to deliver value for money and improved outcomes for our citizens. To achieve this we have committed ourselves to the principles of fairness and valuing diversity for everyone who lives, works, studies, invests in or visits Sefton. We have produced a Comprehensive Equality Policy which sets out the details of this commitment. This includes:

- Our principles, values and standards
- Our strategic aims and objectives
- Our structures
- Our goals in employment and service delivery
- And our undertaking in respect of Partners and Contractors

**Context**

The public sector, in general, and local government in particular are increasingly involved in joint working with partner organisations from the public, private and voluntary sectors.

The Council’s responsibilities for leadership within the Borough and for the provision of quality services which are responsive to individual and community needs underline the importance of working with partner organisations and contractors to promote the values for which we stand and bring about our vision of valuing diversity.
In particular we commit ourselves to:

Meeting obligations under The Disability Discrimination (Amendment) Act 2005 and the Disability Equality Duty; the Sex Discrimination Act 1975 (as Amended) and the Equal Pay Act 1970 (as Amended) and the Gender Equality Duty; the Race Relations (Amendment) Act 2000 and the Race Equality Duty. By paying due regard to promoting equality of opportunity and eliminating discrimination in our procurement activities.

- Where public services are contracted out and an equality duty applies to part of that service, considering whether relevant obligations should be passed onto the contractor.
- Considering equality issues before procurement starts by undertaking Equality Impact Assessments and ensuring the requirements of diverse customers are addressed, as well as relevant opportunities pertaining to suppliers as below.
- In specifications, ensuring relevant equality requirements are addressed e.g. access to buildings for disabled people.
- At selection stage, asking suppliers for evidence of professional or technical ability e.g. for services to older people, disabled people and people with differing cultural or language needs.
- Utilising where feasible a host of contract conditions that can be used to further equality outcomes where they relate to the performance of the contract and are indicated in the contract notice or specification e.g. the obligation to recruit a number of disabled people to be employed for the duration of the contract.
- Consider whether it is appropriate on the basis of their user requirement and specification to reserve a contract for organisations providing supported employment opportunities for disabled people.
- Reducing barriers to, and improving the opportunities for, diverse suppliers (including small and medium sized enterprises, third sector organisations, women-owned, ethnic minority owned and disabled-owned businesses) that wish to compete for Government contracts, particularly by reducing the bureaucracy involved in competing for delivering such contracts.
- Where appropriate, working with suppliers on a voluntary basis to promote the importance of equality to their suppliers and supply chain, for example including suppliers’ workforce on internal equality and diversity training courses.

(adapted from OGC Guidance on Public Procurement, 2008)

3. **The role of procurement in promoting equality**

Sefton MBC provides a wide range of services to the community and businesses in the Borough. In some cases these are provided directly by us, in other cases on our behalf by contractors and partners.

Each year we enter into contracts worth many millions of pounds for buying goods, works and services on behalf of the Sefton community. Therefore, the services provided to the community should be geared towards their diverse needs and requirements.
Spending by us sustains and maintains a significant number of jobs within the Borough of Sefton. We have a statutory duty to ensure that public money is spent in a way that ensures value for money and does not lead to unfair discrimination and social exclusion.

The promotion of equality in procurement will help to:

- Improve the overall value for money for the Council in terms of the goods, works and services they purchase
- Improve the quality, responsiveness and appropriateness of our services.
- Ensure that public money is not spent on practices which lead to unfair discrimination to sections of the Borough.
- Create a diverse and integrated workforce.
- Deliver more responsive and flexible services in combating social exclusion and building stronger and cohesive communities.
- Encourage other organisations to promote and practice the Council’s policies on equality.

4. **Legal Background**

The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, the Sex Discrimination Act 1975, the Equal Pay Act 1970, the Disability Discrimination Act 2005, and the Employment Equality (Age) Regulations 2006 contain various prohibitions on discrimination on the grounds of race, sex and disability in the provision of goods, facilities and services. Sefton MBC expects contractors to comply with all relevant legislation, and incorporates this as a requirement in all contracts.

We take a generic approach to equality and we are making every effort to ensure equal treatment in all respects, such as sexual orientation, age, religion and caring status, and not just those covered by legislation.

**Sefton Council’s Statutory Duties and Legislation**

**The Race Relations Act 1976**

The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000 imposes a statutory duty on local authorities, in carrying out their various functions, to have due regard to the need to:

- Eliminate unlawful racial discrimination
- Promote equality of opportunity
- Promote good relations between people from different racial groups.
This includes Gypsies and Irish Travellers, who are recognised ethnic groups. The amended Race Relations Act now outlaws discrimination in all Council functions, including procurement.

The Disability Discrimination Act 2005

Since 2\textsuperscript{nd} December 1996 the Disability Discrimination Act has outlawed any less favourable treatment for a reason related to a person’s disability that cannot be justified. This is defined as:

- promote equality of opportunity between disabled persons and other persons
- eliminate discrimination that is unlawful under the Act
- eliminate harassment of disabled persons that is related to their disabilities
- promote positive attitudes towards disabled persons
- encourage participation by disabled persons in public life; and
- take steps to take account of disabled persons’ disabilities, even where that involves treating disabled persons more favourably than other persons.

And we need to pay particular attention to the following:
- By refusing to provide, or deliberately failing to provide any service which it provides or is prepared to provide to the public.
- In the standards of service or manner in which it provides the service.
- The terms of which it provides the service.
- In terms of employment, access to employment, promotion or any employee benefit.

From 1\textsuperscript{st} October 1999, all service providers have had to make reasonable adjustments to enable disabled people to access goods and services. From 1\textsuperscript{st} October 2004, this was extended to include any physical feature which made it difficult or impossible for disabled people to use a service should be altered, avoided or measures taken to deliver the service in an alternative way.

The Disability Discrimination Bill, which became law in 2006, has significant added power when combined with the ‘social considerations’ provisions of the new Public Sector Procurement Directive. The Bill introduces a new, positive duty on the public sector to eliminate discrimination against, and harassment of disabled people and to promote equality of opportunity for disabled people.
The Sex Discrimination Act 1975 and the Equal Pay Act 1970

This legislation outlaws discrimination on grounds of gender. The Gender Equality Public Sector Duty came into place in April 2007, as part of the Equality Bill. Part 3 of the Bill creates a duty on the Council to promote equality of opportunity between women and men, and to prohibit sex discrimination in the exercise of public functions.

The Equality Bill also outlaws discrimination in the provision of goods, facilities and services on the grounds of religion or belief and sexual orientation.

The Human Rights Act, 1998

The European Convention on Human Rights (1950) has been incorporated into domestic law by virtue of the Human Rights Act 1998. Basic civil and political rights are now enforceable in courts of law. There is a proviso for discrimination proposed under Article 14, which provides:

'The enjoyment of the rights and freedom set forth in this convention shall be secured without discrimination on any grounds such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status.'


This legislation outlaws discrimination on the grounds of sexual orientation and religion or religious belief. This legislation refers specifically to employment and training, and service provision in these areas will be covered with the introduction of the Equality Bill.

The Employment Equality (Age) Regulations 2006

This legislation bans age discrimination in terms of recruitment, promotion and training, removes the current age limit for unfair dismissal and redundancy rights, and bans unjustified retirement ages of below 65. They also introduce a right for employees to request working beyond retirement age and a duty on employers to consider that request, and require that employers give at least six months notice to employees about their intended retirement date to enable individuals to plan better for retirement and be confident that ‘retirement’ is not being used as a cover for dismissal.
The Equality Standard for Local Government (ESLG)

The Equality Standard for Local Government (ESLG) is a framework adopted by Sefton Council to benchmark an authority’s progress towards mainstreaming equality and diversity into employment and service delivery. The local Government Equality Standard will:

- Provide a systematic framework for the mainstreaming of diversity
- Help the Council to meet their obligations under the law
- Encourage the development of anti-discrimination practice appropriate to local circumstances.
- Provide a basis for tackling forms of institutionalised discrimination.
- Over time, provide a framework for improving performance.

One of the key features of the ESLG is the mainstreaming of equality and diversity into the way that Sefton Council procures goods and services.

5. Contract Procedure Rules

Contract Procedure Rules is the Council primary procurement document, detailing all the procedures to be followed throughout the procurement process. This guidance note is a supplement to Contract Procedure Rules for use by contractors and suppliers.

It is important to ensure that procurement and equality are appropriately integrated to ensure compliance with our statutory obligations and to promote our vision of valuing diversity throughout our partnership and contractual working. This is to ensure that:

- Our vision for equality and diversity, as outlined in the Comprehensive Equality Policy, is reflected in service design, delivery and review.
- The Comprehensive Equality Policy is reflected appropriately in the process and procedures associated with tendering and procurement generally.
- Community needs are reflected in service design, delivery and review.
- Contractors fulfill their own equal opportunity obligations as employers and service providers in respect of equality areas when carrying out work for the Council.
6. Process for checking contractors’ compliance

A basic summary of the procurement and equality process is as follows:

- All contracts will be required to adhere to the Council’s standard terms and conditions, which contain a specific clause on equality.
- We will advise contractors, at the pre-tender stage, what relevance the contract is deemed to have to equality and what contractors need to complete as a result. This is described in Appendix IV.
- All contracts with a value of £1 million or over will be considered of high relevance to equality.
- The successful contractor will be required to submit and complete particular tasks at each contract review session depending on the assessed relevance of the contract to equality (see Appendix V).

Each contractor will be provided with a pack to assist with meeting the requirements for equality. This pack will consist of:

- A copy of the “Integrating Equality into Procurement - Guidance for Contractors”
- A list of Frequently Asked Questions
- A list of useful websites
Appendix I

Three Aspects of Equality & Procurement

It is important to realise that equality has essentially three aspects in procurement.

The first is to ensure that all contractors are working within the equalities legislation.

We can ask, within the tendering stage, of any contractor for proof that they are complying with equalities legislation. Obviously we have to be mindful of not ‘overburdening’ the sole trader and SME. To this extent we can adopt and adapt established guidance developed by the Commission for Racial Equality as our template.

The details below help us to understand the types of information we need to check against contractors when an application for tender is being made. Appendix II lists the actual questions we will ask.

Firms with less than 5 employees = a statement of commitment to work within an equal opportunities framework. We can simply ask contractors to sign up to Sefton’s Equality Principles.

Level 1: Minimum standard (5 or more employees)

All firms with 5 or more employees must achieve criteria 1 – 4.

1. Written equality policy, covering at least:
   a) recruitment, selection, training, promotion, discipline, and dismissal;
   b) victimization, discrimination, and harassment as disciplinary offences;
   c) a senior staff member responsible for effective implementation of the policy; and
   d) communication of the policy to staff.

2. Effective implementation of the policy in the firm’s recruitment practices, to include open recruitment methods such as the use of job centers, careers service, or press advertisements.

3. Annual reviews of the policy.

4. Equalities monitoring of job applicants.
Level 2 (50 or more employees)

All firms with 50 or more employees must achieve criteria 1 – 8.

5. Written instructions to managers and supervisors on equality in recruitment, selection, etc (see criterion 1(a)).

6. Training in equal opportunities for managers and staff responsible for recruitment and selection.

7. Equalities monitoring of (i) job applicants and (ii) employees (by section and grade).

8. Where monitoring indicates under-representation of particular groups, action is taken to ensure that criteria 1 – 3 and 6 – 7 are being used effectively, making changes if necessary.

Level 3 (250 or more employees)

All firms with 250 or more employees must achieve criteria 1 – 8, and would also be encouraged to achieve criteria 9 – 12.

9. Consultation on equality issues within the workforce.

10. Regular equalities monitoring of selection, transfer, training, promotion, discipline, and dismissal.

11. Mention in recruitment advertisements and corporate literature of arrangements for equal opportunities.

12. Where monitoring indicates under-representation of any group, the following action is taken:
   a) check that criteria 1 – 3, 5, 6, 9, and 11 are being used effectively;
   b) take advice from Sefton Equality Partnership and
c) take appropriate action (including positive action) as a result of that advice.

The second aspect of Equalities within procurement is to ensure that any contract which has a significant equalities element in the servicing of the contract is clearly identified and monitoring is put in place within the terms and conditions of the contract.
Appendix IA deals with equalities aspects within contracts. It is worth keeping in mind that an Equalities Impact Assessment should have been conducted as part of generating the contract specification. The EIA should have been conducted by the department responsible for the service area of work, but it may be incumbent of procurement staff to make sure that they understand the Equality requirements within the contract.

This is important for two reasons:
1. Ensure that the right monitoring is put into place to ensure that service user needs are being met and that they are satisfied with the service providers
2. Ensure that companies tendering for the contract have the necessary infrastructure to deal with any equality requirements within service provision of that contract.

The Third aspect of equalities within procurement is to ensure that sole traders, SME’s, Third Sector and Voluntary sector are encouraged to apply for tenders and to ensure that larger organisations, when working in partnership with smaller organisations, treat the smaller partner fairly.

As part of an ongoing dialogue Sefton Financial services are continually developing, working with and embracing new partnerships from under represented groups. In this respect Sefton MBC recognises the importance such groups play in terms of contributing to the wider social and economic benefits to local communities across the borough.
Determining whether equality is a core contractual requirement?

One of the first tasks that will have to be undertaken when placing a contract is to determine whether the contract has an impact or relevance to equality. This will be achieved through conducting an Equality Impact Assessment. The Equality Impact Assessment will flag up any potential for discrimination, highlight any opportunities to promote equality of opportunity and identify if any monitoring needs to be undertaken as part of the contract to ensure inclusive service delivery.

The following questions, based on the Commission for Race Equality Guidance, will help determine whether equality is a core requirement in any contracts for goods, works, or services.

When looking to place a contract Sefton MBC contracting personnel will be required to identify whether equality is a core requirement; to help in this respect SMBC contracting personnel should ask the following questions about the contract:

1. What is to be provided under the contract?
2. Is the purpose of the contract to provide services directly to the public and is it considered relevant to equality?
3. Is the provision of goods, works or services in question likely to affect, directly or indirectly, your ability to meet the duty to promote equality?
4. Is the contract value £1 million or over?

Equality is not a core requirement

If the answer is “no” to question’s two, three and four, equality will not be a core requirement of the contract and will have little relevance to equality issues.

If this is the case, there is a requirement to:

1. Ensure that the Council’s standard terms and conditions are used. These are available from the Council’s website or from the Central Procurement Department.
2. Ensure that all potential contractors complete the Equalities Questionnaire (Appendix II).
Equality is a core requirement

If the answer is “yes” to either question two, three or four, equality will be a core requirement of the contract.

If this is the case you Sefton MBC contracting personnel will be required to:

1. Ensure that the Council’s standard terms and conditions are used.

2. Ensure that all contractors complete the Equalities Questionnaire (Appendix II).

3. Establish that the contract has clear service delivery monitoring processes – to ensure that service users are satisfied with service provision and provider.

4. That the tendering organisation can clear demonstrate how it will meet the equalities needs within the contract, how it will measure and monitor service output and outcomes.

5. In the advent of complaints from service users how these will be dealt with and folded back in to the contract specification.

If the contract value is £1 million or over, the contract must be considered as having an ‘equality’ core requirement.

Assessing the relevance of a contract

Promoting equality will be more relevant to contracts for some goods, works or services than others. In assessing relevance to equality it is important to look at the totality of what is to be provided, since many technical functions may also involve some interaction with members of the public or Council employees, where equality would be relevant.

Below is a list of considerations for assessing whether equality is of high or medium relevance to a contract. The lists are not exhaustive and it will be in part a judgment by the procuring officer to assess the relevance (medium or high) to equality. However, officers should feel comfortable to approach the Central Procurement Unit if they have any particular concerns.
Contracts for Services

Equality is relevant to a contract when:

1. It involves direct contact with the public, as in parking control, revenue collection or the protection of property, social care, council tax or debts, or security services.

2. A service combines technical performance with direct service provision to the public, as in transport services or communication services.

3. Services involve the repair, maintenance or cleaning premises, equipment, or plant that the Council owns or controls, where the service requires awareness of different languages, religious, cultural factors, or accessibility of services to disabled people.

4. Services, such as staff canteen, staff sports facilities, and staff training which are provided for the benefit of Council employees.

5. Staff are transferred to a contractor under TUPE (Transfer of Undertakings Protection of Employment Regulations 1981)

Contracts for Goods

1. The primary concern is likely to be that the goods are ‘fit for purpose’ and that they meet quality standard.

2. In certain contracts, to be fit for purpose, it will be relevant to equality when the goods have to be capable of meeting the needs of particular groups e.g. people with a disability or the need to consider different cultural or religious dress codes or food requirements.

3. Requirements concerning quality, and possibly, arrangements for delivery could also have implications for equality.
Contracts for Works

In any contracts for works, core requirements are likely to be the completion of the works within specified timescales, at optimum quality standards. However, consideration still needs to be made in terms of how relevant the contract is to equality.

1. In contracts for works, the conduct of contractor’s employees towards Council staff and towards members of the public is relevant.

2. Works must comply with the Disability Discrimination Act on ensuring access for disabled people.

Once the relevance of the contract has been determined SMBC contracting personnel need to make it clear to those who may wish to tender for the contract what will be required of them in terms of equality.

SMBC contracting personnel should provide the supplier with a “contractor’s pack” and inform suppliers of how relevant equality is to the contract.

A contractor’s pack contains:

- A guidance note for contractors
- A copy of Sefton Council’s Valuing Diversity Policy statements
- A list of Frequently Asked Questions
- Useful websites and contact list

It is important that in your covering statement or letter that accompanies your tender information that you state all documentation requires completion. This statement would extend to include the Equalities Questionnaire (Appendix II).

Non-completion of paperwork would have to be taken into consideration when reviewing submissions, particularly if equality is of high relevance to the contract. If you are in any doubt about the content contained within the returns you should contact the Central Procurement Unit.

Sefton Council takes a multi-strand approach to equality and diversity and as such as well as the guidance provided in Appendix I officers involved in tender specification process will also undertake Equality Impact Assessment Training in order to help them determine whether equality is a core contractual requirement and what needs to be potentially monitored.
## Appendix II

### Equalities Questionnaire

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This questionnaire must be completed satisfactorily in order for any company to be considered for any Approved List or to tender for any Council contract. The equality legislation consists of the Race Relations Act 1976, the Sex Discrimination Act 1975, the Equal Pay Act 1970, the Disability Discrimination Act 2005, the Employment Equality (Sexual Orientation) Regulations 2003, the Employment Equality (Religion/Belief) Regulations 2003, and The Equality Act 2006, all amendments to these Acts and all relevant regulations made under them.

[Please tick appropriate box to answer questions and if you wish to provide additional information please attach supplementary sheets, but keep this to a minimum]

Are you a sole trader or organisation with less than 5 employees?

If yes see below. If No go to question 1

If yes: Are you willing to sign up to Sefton’s equality Principles and work in a fair and respectful manner

Yes

NO

(there is no need to complete any other sections of this form)

All other organisations need to go through the check list below and provide any relevant details.

1. In employment and provision of service delivery, do you comply with the following statutory obligations that apply in Great Britain, or any statutory modification or re-enactment thereof, or equivalent legislation in the countries in which your organisation employs staff?

   Employment Equality (Sex Discrimination) Regulations 2005
   *(Which extends the statutory rights stated in the Sex Discrimination Act 1975 and Equal pay act 1970)*

   Yes
   No
Sex Discrimination (Gender Reassignment) Regulations 1999  
Yes  No

Employment Equality (Sexual Orientation) Regulations 2003  
Yes  No

Employment Equality (Religion or Belief) Regulations 2003  
Yes  No

Race Relations Act 1976 (Amendment) Regulations 2003  
Yes  No

Disability Discrimination Act 1995 (Amendment) 2005  
Yes  No

Employment Equality (Age) Regulations 2006  
Yes  No

2. Accordingly, do you have policies in place to ensure that you do not discriminate directly or indirectly in breach of equality legislation which applies in Great Britain and legislation in the countries in which you employ staff:

- In relation to decisions to recruit, select, remunerate, train, transfer and promote employees?
  
  Yes  No

- In relation to delivering services?
  
  Yes  No

3. Do you have a written equality policy?

Yes  No
4. Does your written equality policy cover:

- Recruitment, selection, training, promotion, discipline and dismissal?
  
  Yes No

- Victimisation, discrimination and harassment making it clear that these are disciplinary offences?
  
  Yes No

- The identity of the senior position for responsibility for the policy and its effective implementation?
  
  Yes No

5. Is your policy on equality set out:

- In documents available and communicated to employees, managers, recognised trade unions or other representative groups?
  
  Yes No

- In recruitment advertisements or other literature?
  
  Yes No

- In materials promoting your services?
  
  Yes No

If you answered NO to any part of questions 4 or 5 please provide list evidence to show how you promote equality in employment and service delivery
If you answered YES to any part of questions 4 or 5, detail list evidence that can support your answers below

---

6. In the last three years, have any findings of unlawful discrimination been made against you or your firm by the Employment Tribunal, the Employment Appeal Tribunal or any other court or in comparable proceedings in any other jurisdiction?

   Yes  
   No

7. In the last three years, has any contract with you or your firm been terminated on grounds of your failure to comply with:

   • Legislation prohibiting discrimination?
     
     Yes  
     No

   • Contract conditions relating to equality?
     
     Yes  
     No

8. If the answer to question 6 or 7 is YES please provide details below and specify what steps you or your firm have taken as a result (continue on an additional sheet if required)

---

9. In the last three years, have you or your firm been the subject of formal investigations by the Commission for Racial Equality, the Disability Rights Commission, The Equal Opportunities Commission or a comparable body, on grounds of alleged unlawful discrimination?

   Yes  
   No
10. If the answer to question 9 is YES please provide details below and specify what steps you or your firm have taken as a result (continue on an additional sheet if required)

   

11. If you are not currently subject to UK employment law please supply details of how you or your firm comply with equivalent legislation that is designed to eliminate discrimination and to promote equality of opportunity (continue on an additional sheet if required)

   

12. Are members of your staff with managerial responsibilities required to receive equalities training?

   Yes  No

   If you have answered YES to question 12, please provide a list of such training along with training provider details. (continue on an additional sheet if required)

   

13. Do you issue your written equality policy to managers and supervisors concerned with recruitment, selection, remuneration, training and promotion?

   Yes  No

14. Do you have procedures in place to protect members of your staff from unlawful discrimination by other members of staff or by members of the public?

   Yes  No
If you have answered YES please list the procedures below (continue on an additional sheet if required)


For firms who sub-contract

15. Do you require sub-contractors to demonstrate evidence of their equality policies and practices?

Yes
No

If you have answered YES, please provide details of what kind of evidence sub-contractors are required to submit (continue on additional sheet if required)


16. If you have any other information regarding your policies on equality and practices that you wish to be considered, including information on work you have done in previous or existing contracts, and references, which cover equalities please detail below (continue on additional sheet if required)


Appendix III

Guidance in answering the Equality Questionnaire

All contractors will be required to complete the Equality Questionnaire. When completing the questionnaire, all companies must answer each question fully. Failure to fully answer each question required may lead us to consider the answer unsatisfactory.

Question 1 and 2

If your firm has implemented an effective equality policy, you will be able to answer yes to these questions. It will be important to ensure that your policies are consistent with our position on equality.

If your firm does not have equality documentation but wish to tender, documentation on templates is available for all contractors to access. You will need to contact the Procurement Officer who has placed the contract out to tender.

Question 3 and 4

To ensure that you can answer these questions confidently you will need to ensure that your policy covers:

- Recruitment, selection, training, promotion, discipline and dismissal
- Victimisation, discrimination and harassment
- Identifies the senior position responsibly for the policy

Question 5

Documents available and method of communication to staff

You will be required to detail any documents, which explain your firm’s policies in respect of recruitment, selection, remuneration, training and promotion outside of the equality policy asked for in Question 3 and 4. You will also need to provide details of how your firm has communicated this document to staff i.e. notice boards or issue individual employees with a copy.

In recruitment advertisements or other literature

You will need to provide details that show your firm’s commitment to equality in employment and service delivery.
Small firms you may not have detailed procedures but you must ensure that evidence is provided which demonstrates that personnel operate in accordance with a written equality policy that includes:

- Open recruitment practices such as using job centres and local newspapers to advertise vacancies
- Instructions about how the firm ensures that all job applicants are treated fairly.

**In material promoting your services**

This relates to how your firm provides information in materials promoting your services e.g. in different languages, making information accessible to people with hearing and visual impairment and physical access for disabled users.

**Question 6**

This question’s concern is whether any court or industrial tribunal has found your firm guilty of unlawful discrimination in the last three years. It is important to be honest with your answers. The Council may check your responses.

If the answer is yes, you may wish to insert additional information which details the actions your firm has undertaken to prevent a repeat occurrence. Answering yes will not automatically mean that you do not get the contract; you need to ensure that the Council feels confident that you have sufficient measures put in place to prevent a re-occurrence.

**Question 7**

This question’s concern is whether your firm has ever had a contract terminated for non-compliance with equality legislation or equality contract conditions.

If the answer is yes, your firm may wish to submit additional information will details the actions they have taken to prevent a repeat occurrence.

**Question 8**

This asks for supplementary evidence to questions 6 and 7 should it be required.

**Question 9**

If your firm has been found guilty of unlawful discrimination, you will need to provide evidence that details the steps your firm has taken to correct the situation.
The Court, Industrial Tribunal or CRE will have made recommendations about steps your firm should take to eliminate the discrimination. If no action or inadequate action has been taken in this respect, only then will your firm be considered refusal onto the tender list.

**Question 10**

This asks for supplementary evidence if you answered “yes” to question 9. You should provide as much information as you deem necessary.

**Question 11**

If your firm is not subject to UK employment law you must ensure that you supply details of equivalent legislation that you adhere to.

**Question 12**

You will need to provide details of the equality training managers have received in your firm.

**Question 13**

You will be required to supply details of any documents, which explain your firm’s policies in respect of recruitment, selection, remuneration, training and promotion as issued to and used by managers, supervisors, personnel officers etc.

If you are a large firm, you are likely to have detailed procedures for recruiting staff, which may be included in a Code of practice, which you can mention.

If you are a smaller firm, you may not have such detailed procedures but you should still submit details that provide evidence that personnel operate in accordance with a written equality policy.

**Question 14**

This should be detailed in your firm’s equality policy. You should detail any complaints procedures or harassment policies and guidelines that your firm has produced.
Appendix IV

The Procurement Process for Contractors

Tender Information

- Check what relevance your contract has been given to equality and whether equality is deemed a core requirement to the contract.
- Make sure you understand in broad terms what this means for you
- Check your equality policy is up-to-date and covers employment and service delivery issues
- Check your equality policy is compatible with the Council’s Selection
- You will be asked to complete an Equalities Questionnaire.

Invited to tender

Yes   No

Invitation to tender

- Make sure you are aware of the parts of the specification relating to compliance with equality legislation.
- Consider what you need to do to meet the requirements
- Check that you fully understand the contract conditions and confirm acceptance
- Use all the information provided by the Council. All details on equality and procurement are held on the Council’s website at www.sefton.gov.uk
- Outline how you will fulfill all the elements of the contract

Awarded Contract

Yes   No

After you have won a contract

- There will be specific monitoring requirements depending on the relevance of the contract to equality. The specific details are contained in Appendix V.
Appendix V

Contract Review – Equality Check Sheet

Name of contractor:  
Contract Review Date: 

<table>
<thead>
<tr>
<th>Sole traders SME’s (less than 10 employees)</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Submission of equality policy for review</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Contract officers need to check whether there has been any new equality legislation and if there has that the contractor’s equality policy has been reviewed in light of it. Has the equality policy been reviewed?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Has the equality policy been reviewed to reflect changes to any of the firm’s procedures?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Organisations with over 10 employees</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Submission of information detailing service delivery and take-up, (where appropriate)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Submission of information detailing the number of job applicants from different equality groups (race, disability and gender as a minimum)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 Submission of information detailing the number of employees from different equality groups (race, disability and gender as a minimum)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 Does the information supplied reveal any under-representation of particular equality groups</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 If yes, please detail the proposed action to be taken:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>High Relevance &amp; organisations with over 50 employees</td>
<td>Yes</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>9</td>
<td>Has the contractor regularly consulted with its staff on equality issues?</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>If yes, please provide details of the consultation:</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Submission of information detailing the monitoring of selection, training, transfer, promotion, discipline and dismissal figures (race, gender and disability as a minimum)</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Have the firm’s recruitment advertisements and publicity material mentioned and offered equal opportunities?</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Does the information supplied reveal any under-representation of particular equality groups?</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>If yes, please detail what actions have been or will be taken:</td>
<td></td>
</tr>
</tbody>
</table>

If you have answered NO to any question, please can you state the reasons why and what actions you plan to take:

Name of Procurement Officer:
Signature: ____________________________

Name of contractor:
Signature: ____________________________

Date of review:
Appendix VI

Sefton Council: Equality & Diversity Representatives for Procurement

In the first instance contact the Central Procurement Unit.
Glossary

core requirement

In the context of an individual contract, a requirement which the public authority has determined the contractors must meet, to provide effectively and efficiently the goods, works, or services that are the subject of the contract.

firm or business

any private or voluntary organisations, such as company, partnership, charitable trust, or other type of body, which can enter into a contract to provide goods, works, or services.

procurement

the process by which a public authority enters into a contract with an external supplier to carry out works or provide goods and services. The term encompasses the full range of public authority contracts, including private finance initiatives (PFI) projects and public private partnerships (PPP). It does not include the decision to ‘buy’ from an external supplier.

promote equality

to eliminate unlawful discrimination and to promote equality of opportunity and good relations between people from different social groups.

discrimination

direct discrimination means less favourable treatment on equality grounds.

indirect discrimination means applying a requirement or condition which only a considerably smaller proportion of people from one social group can meet.

services

all the activities of a public authority, whether carried out directly or by others on its behalf, excluding activities defined as ‘works’. ‘Services’ includes the exercise of a public authority’s powers of regulation, inspection and law enforcement. It includes activities provided to members of the public or a section of the public, as well as services provided to the authority itself.
**supplier**

a private or voluntary organisation that is interested in providing goods, works, or services to a local authority.

**tenderer**

a supplier who has been selected to submit a tender for a contract

**value for money**

the optimum combination of whole life cost and quality to meet the requirements of the public authority.

**works**

the construction or demolition of buildings, both residential and non-residential, repair to the fabric of these buildings, construction of roads, bridges, tunnels, and the installation of gas, electric, and plumbing services.

Produced by: Sefton Council, Head of Procurement

Jan 2009
## Sefton Positive Action Development Plan

<table>
<thead>
<tr>
<th>Target</th>
<th>Planned Actions</th>
<th>Timescale</th>
<th>Performance/Outcome Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender – Top 5% of the workforce who are women. 46% - 09/10 46% -10/11 46% - 1/12 To be reviewed annually.</td>
<td>Mentoring Project (Key focus disability/race)</td>
<td>Dictated by Merseyside Training Group &amp; allocation of resources</td>
<td>Plan for Sefton involvement</td>
</tr>
<tr>
<td>Management Training – monitoring/encouraging take up by women</td>
<td></td>
<td></td>
<td>Monitor take up of women on the course</td>
</tr>
<tr>
<td>Promotion of flexible working guide</td>
<td>Baseline set April 2009</td>
<td></td>
<td>Report on evidence of greater take up of flexi working by men and women</td>
</tr>
<tr>
<td>Monitor gender breakdown across top 10/15/20% of the workforce as job evaluation is introduced</td>
<td>Incorporate d annually into Personnel report</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equality Impact Assess the outcome of the job evaluation process</td>
<td>Dictated by timescale for job evaluation</td>
<td></td>
<td>Equality Impact Assessment completed &amp; appropriate actions developed</td>
</tr>
<tr>
<td>Actions from Fawcett Concrete Ceiling meeting</td>
<td>TBA by Fawcett</td>
<td></td>
<td>Raise awareness of employment/discrimination issues for women in Sefton</td>
</tr>
<tr>
<td><strong>Target</strong></td>
<td><strong>Planned Actions</strong></td>
<td><strong>Timescale</strong></td>
<td><strong>Performance/Outcome Measure</strong></td>
</tr>
<tr>
<td>-----------</td>
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<td>-------------------------------</td>
</tr>
<tr>
<td><strong>Race</strong></td>
<td>Meeting to be held to review and develop work with L8 job centre</td>
<td>Ongoing</td>
<td>Progress towards target</td>
</tr>
<tr>
<td>Top 5% of workforce who are BME</td>
<td>Recruitment monitoring –Develop more specific guidance in relation to person specifications and short listing and long listing</td>
<td>March 2009</td>
<td>Progress towards target</td>
</tr>
<tr>
<td>2.64 % 2009/10</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.64% 2010/11</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.64% 2011/12</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Workforce</td>
<td>Staff Support Group Actions</td>
<td>Ongoing</td>
<td>Progress made on action plans</td>
</tr>
<tr>
<td>1.50% - 2009/10</td>
<td>Mentoring Project</td>
<td>See above</td>
<td>See above</td>
</tr>
<tr>
<td>1.71% - 2010/11</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.92% - 2011/12</td>
<td>Children’s Services to improve recording of BME staff in the workforce</td>
<td>By July 2009</td>
<td>Number of staff completing monitoring information increased</td>
</tr>
<tr>
<td>To be reviewed annually.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Target</td>
<td>Planned Actions</td>
<td>Timescale</td>
<td>Performance/Outcome Measure</td>
</tr>
<tr>
<td>------------------</td>
<td>-----------------------------------------------------</td>
<td>-------------------------</td>
<td>------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Disability</strong></td>
<td>Staff Support Group Action Plan</td>
<td>Ongoing</td>
<td>Progress made against actions</td>
</tr>
<tr>
<td></td>
<td>Two Ticks Symbol</td>
<td>Ongoing – next review June 2009</td>
<td>Symbol maintained with positive reviews</td>
</tr>
<tr>
<td></td>
<td>Recruitment monitoring</td>
<td>See above</td>
<td>See above</td>
</tr>
<tr>
<td></td>
<td>Respond to Sickness Procedure review by Merseyside Equalities Officer Group</td>
<td>March 2010</td>
<td>Sickness procedure reviewed and revised as appropriate</td>
</tr>
<tr>
<td><strong>Sexuality</strong></td>
<td>Staff Support group – Attendance increased and action plan set</td>
<td>March 2010</td>
<td>Group developed &amp; action plan produced</td>
</tr>
<tr>
<td></td>
<td>Training/awareness raising on managers guide</td>
<td>Ongoing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Improved ranking on Stonewall Index</td>
<td>January 2009 and January 2010</td>
<td>Improved ranking recorded on Stonewall Index improved</td>
</tr>
</tbody>
</table>

**Disability**
- Top 5% of the workforce who are Disabled.
  - 3.15% - 09/10
  - 3.15% -10/11
  - 3.15% -11/12
- Total Workforce
  - 3% - 2009/10
  - 3.52% - 2010/11
  - 4.02% - 2011/12
- To be reviewed Annually.

**Sexuality**
- Target to be set in 2010/2011.
Equalities Questionnaire

Compulsory Questions
To be completed by all those contractors invited to tender

This questionnaire must be completed satisfactorily in order for any company to be considered for any Approved List or to tender for any Council contract. The equality legislation consists of the Race Relations Act 1976, the Sex Discrimination Act 1975, the Equal Pay Act 1970, the Disability Discrimination Act 2005, the Employment Equality (Sexual Orientation) Regulations 2003, and The Equality Act 2006, all amendments to these Acts and all relevant regulations made under them.

[Please tick appropriate box to answer questions and if you wish to provide additional information please attach supplementary sheets, but keep this to a minimum]

Are you a sole trader or organisation with less than 5 employees?

If Yes see below. If No go to question 1

If Yes:  Please sign below to indicate that you are aware of Sefton's Equality Principles and prepared to work in a fair and respectful manner.

Signed:……………………………………………

Print Name:………………………………………

Position in Organisation:……………………………

Name of Organisation/Business………………………………

(There is no need to complete any other sections of this form)

All other organisations need to go through the checklist below and provide any relevant details.
For further Information please contact:-

Ruth Appleby
Scrutiny Support Officer
0151 934 2666
ruth.appleby@legal.sefton.gov.uk