



EQUALITY GAP ANALYSIS REPORT
for
Standards Board for England July 2009
 by Jo Somerset

Overview

The purpose of this report is to provide an assessment of the Standards Board for England's (SBE) performance on equality and diversity. This is part of a programme of support to the SBE which will also provide training and guidance on Equality Impact Assessment for managers and the Diversity Steering Group.

The scope of this report covers:

- Assessment of performance against legislative requirements
- Assessment of organisational capacity to progress equality work
- Recommendations for improvement

Recommendations are detailed in the report and summarised below. A distinction has been made between legal requirements and good practice. However, any 'good practice' actions included within the revised Equality Scheme will become part of the Standards Board's legal obligations concerning equality.

- 1: Revise and update the existing Equality Scheme to ensure that it complies with current and forthcoming equality duties for public bodies. (*Legal requirement*)
- 2: Ensure that the procurement function scrutinises suppliers' equality and diversity policies. (*Legal requirement if Equality Bill is enacted*)
- 3: Designate a Corporate Director as the senior management diversity champion, who will chair the Diversity Steering Group. (*Good practice*)
- 4: That the board reviews the role of Diversity Champion and considers which board member should undertake this role. (*Good practice*)
- 5: Strengthen the role of the Diversity Group and revise its remit. (*Good practice*)
- 6: Collect equality monitoring data for selected areas of SBE's external and human resource functions. (*Good practice*)
- 7: Revise equality impact assessment guidance and procedures (*Legal requirement*)
- 8 Provide signposting to relevant bodies where complaints with equality implications fall outside SBE's remit. (*Good practice*)
- 9: Provide internal and external guidance on anticipating and meeting diverse needs and promoting equality. (*Good practice*)
- 10: Carry out a full equality impact assessment of the communications function. (*Good practice*)
- 11: Consider whether it is appropriate to commission research in any area on ethical aspects of equality and diversity in public life. (*Good practice*)
- 12: Devise action to overcome the greater dissatisfaction by female members of staff identified in the staff survey. (*Good practice*)
- 13: Set employment targets based on equality monitoring

14: Provide training and guidance for managers, to assist them in setting equality objectives for staff, which are linked to their work priorities. (*Legal requirement*)

15: Review the performance and gradings of staff against all equality strands and identify any barriers to progression of staff, on grounds of race, gender, disability or age. (*good practice*).

16: Revise and enhance equality and diversity training, to help managers and staff carry out their roles in the SBE's transformed functions. (*Good practice*)

1.0 Introduction

1.1 The Standards Board for England is a strategic regulator governed by a Board appointed by the Department for Communities and Local Government. Its mission is 'to champion and promote high standards of member conduct across local government' through monitoring local standards committees, providing advice and guidance, and carrying out investigations when they cannot be done locally.

1.2 The statutory Model Code of Conduct for councillors is a binding document which builds on the Ten General Principles of Public Life, both of which enshrine the obligation of councillors to treat others with respect and 'not do anything which may cause your authority to breach any of the equality enactments'. The 2007 Guide for Members outlines how this can occur via direct or indirect discrimination, harassment or victimisation; and that public authorities have positive duties to eliminate unlawful discrimination and promote equality.

1.3 The SBE relocated in 2007 from London to Manchester. It is now undergoing a further re-organisation and re-structuring exercise, to match the changed role since 2008 and to provide organisational capacity to deliver the new functions. The SBE's remit has changed from being primarily concerned with investigation of complaints to become a strategic regulatory body.

1.4 The management structure is headed by a Chief Executive and Senior Management Team. At 1st April 2009 there were 72 permanent and 8 fixed term staff. About 17% are from BME communities, 1 self-declares as disabled and around two thirds are aged under 40. Women outnumber men in the workforce, and out of the five salary bands 35% of posts in the top two bands are held by women. Flexible working is in place, with four wholly remote employees, plus various degrees of part-time and / or home-working practiced by other employees.

1.5 The SBE's values cover guardianship, robustness, positive leadership, ethical behaviour and diligence. The corporate plan commits the SBE to implementing its equality and diversity strategy in relation to staff and external stakeholders.

1.6 The SBE is implementing its Diversity Equality Scheme and action plan. However, it was felt that this was no longer fit for purpose, and Infrastruct was commissioned to carry out a gap analysis to:

- Identify the statutory duties for the organisation
- Assess current Standards Board for England procedures and guidelines against equality and diversity legislation to identify areas of compliance and gaps
- Make recommendations on what data the Standards Board for England should be collating to enable it to make appropriate decisions regarding diversity actions.

1.7 This report has been compiled following a documentary review of corporate documents, and 11 interviews with senior management, managers and staff representing the different functions of the organisation.

2.0 Statutory Equality Duties

2.1 The SBE is a public body within the scope of the Race Relations Amendment Act, the Disability Discrimination Act and the Equality Act, and therefore is required to have a current Equality Scheme for race, gender and disability, which covers both general and specific duties, is reviewed every three years and is reported on annually.

All public authorities have duties under race, disability and gender legislation. In anticipation of forthcoming legislation, it is accepted practice for a public authority to roll up its equality commitments into a Single Equality Scheme. The SBE's Diversity Equality Scheme intends to do this. The current scheme refers to existing Race, Disability, Gender and Age Equality Schemes. However, although a Race Equality Scheme was approved by the board in 2005 and a Disability Equality Scheme in 2007, there are no current schemes that match a public authority's legal requirements published by the Board and available on the website.

The legal requirements are summarised below,. The primary vehicle for meeting the general duties outlined in paragraphs 2.2 – 2.4 will be the Equality Scheme, which must contain the elements outlined in paragraph 2.5

2.2 Race Equality Duty

The Race Relations Act 1976, as amended by the Race Relations Amendment Act (RRAA) 2000, imposes a general statutory duty on public authorities:

- Eliminate unlawful discrimination
- Promote equality of opportunity
- Promote good relations between people of different racial groups

Specific duties outline additional requirements for policy development and implementation, employment, ethnic monitoring and service delivery.

2.3 Disability Equality Duty

The Disability Discrimination Act of 1995, amended by the Disability Act 2005, places similar duties to those for race equality, with an additional requirement to involve disabled people in the design and delivery of services.

The general duty requires public authorities to:

- Eliminate unlawful discrimination against disabled people
- Eliminate disability-related harassment of disabled people
- Improve equality of opportunity for disabled people
- Promote positive attitudes towards disabled people
- Encourage participation by disabled people in public life
- Take account of disabled people's disabilities, including when this means treating disabled people more favourably than others.

2.4 Gender Equality Duty

The gender equality duty covers both men and women, including transsexual men and women. The Equality Act 2006 amends the Sex Discrimination Act of 1975 and incorporates requirements on all public authorities to:

- Eliminate unlawful sex discrimination and harassment
- Promote equality of opportunity between men and women.

2.5 Specific Duties to produce Race, Disability and Gender Equality Schemes

The Specific Duties outlined in legislation require the SBE's Diversity Equality Scheme to set out its arrangements for meeting the general duties as follows:

Race

Publish a race equality scheme that:

- identifies all functions/policies that are relevant to race equality
- assesses and consults on the likely impact proposed policies will have on the promotion of race equality ('race equality impact assessment')
- monitors policies for adverse impact
- publishes the results of the impact assessments, consultation and monitoring
- makes sure the public has access to information and services
- trains staff on both the general and specific duties

In addition the employment duty requires monitoring the ethnicity of staff in post and applicants for employment, training and promotion

Disability

Publish a disability equality scheme that includes:

- involvement of disabled people in the development of any scheme
- gathering and using information, in particular to review the effectiveness of the action plan and in preparing subsequent schemes
- a method for impact assessment actions to meet general duty (the action plan)
- within three years of the scheme being published, take the steps set out within the action plan (unless it is unreasonable or impracticable to do so).

Gender

Publish a gender equality scheme and action plan, including objectives, which includes:

- collecting and using information to meet the duties
- using the information to review the effectiveness of its implementation of the duty and to prepare subsequent schemes
- information on how the public authority will gender impact assess existing and new policies and practices
- considering the need to take action on all the causes of the gender pay gap
- consulting relevant employees, service users and others (including trades unions)
- indicating how the objectives will be achieved.

2.6 Forthcoming Statutory Duties expected in 2010

The Equality Bill currently before Parliament will streamline the law by distilling nine pieces of legislation into a single Act. It will create a single new Equality Duty on public bodies to tackle discrimination, promote equality of opportunity and encourage good community relations. The new duty will cover race, disability and gender, as now, but also include age, sexual orientation, gender reassignment and religion or belief, replacing the three existing, separate duties with a single, more effective framework.

The SBE's Equality Scheme will therefore need to be reviewed and substantially updated to take account of these changes, which are expected to come into effect from 1st October 2010.

The Equality Bill will also strengthen the law by banning age discrimination in the provision of goods, facilities or services; extending the scope for positive action; allowing women-only shortlists, to increase the representation of women in Parliament and elected bodies; strengthening enforcement, for example, by allowing employment tribunals to make wider recommendations in discrimination cases.



It will also support wider work to promote equality which includes:

- Ensuring the public sector has due regard to equality when buying goods and services.
- Helping to increase the number of ethnic minority women councillors.

Recommendation 1: Revise and update the existing Equality Scheme to ensure that it complies with current and forthcoming equality duties for public bodies.

Recommendation 2: Ensure that the procurement function scrutinises suppliers' equality and diversity policies

3.0 Assessment of Current Practice

3.1 Arrangements for progressing equality and diversity

The Board identified equality and diversity as a priority for improvement in the March 2009 corporate scorecard. The corporate lead on equalities is held by the Chief Executive, and delegated at an operational level to the Diversity Steering Group. The Chair is the Board Diversity Champion. There needs to be a link between the strategy and leadership aspects of the SBE and those who are carrying out diversity tasks.

Recommendation 3: That a Corporate Director is designated the diversity champion and that s/he chairs the Diversity Steering Group.

Recommendation 4: That the board reviews the role of Diversity Champion and considers which board member should undertake this role.

3.1.1 Diversity Steering Group

The chair role of this group is delegated by the Chief Executive to the Performance and Quality Manager, and attended by a few staff from a large membership list. The group's primary focus over the past year has been to carry out Equality Impact Assessments (EIAs) on HR policies. A summary of outcomes from the EIAs has been produced. The group has struggled with this task, due to imprecise documentation and lack of data, as described in paragraph 3.1.3.

The group's role in relation to Equality Impact Assessment should be to draw up a three-year schedule of EIAs for the organisation, scrutinise individual EIAs produced by managers, and commission cross-cutting EIAs.

This group should be the engine house of equality and diversity work for the SBE. It is recommended that the level of importance accorded to equality and diversity improvement is upgraded and the group's remit and membership is revised as outlined in Paragraph 4.2. The group's minutes and actions should

be communicated to all staff, and the senior management team should make the work of the group more visible.

Recommendation 5: The role of the Diversity Group is strengthened and its remit revised.

3.1.2 Equality Monitoring

Monitoring the diversity of an organisation's stakeholders is a key tool to enable decision making which is targeted towards improvements in equality practice. Currently the SBE monitors the diversity of its workforce (this is dealt with in Paragraph 3.3) but does not collate equality and diversity information on its services.

In 2007, the diversity of attendees at the Annual Assembly was monitored, although it is unclear whether the subsequent information was analysed and used in any way.

The Standards Board monitors the diversity profile of its workforce and is undertaking an equal pay audit. The SBE should also use monitoring information to:

- See if there are differences in the way equality groups are treated;
- investigate the underlying reasons for the differences; and
- deal with any unfairness, disadvantage or possible discrimination

It is recommended that equality monitoring is undertaken consistently across a selection of the SBE's functions. Relevant data to be collected and analysed for equality should be identified and aligned with the business plan objectives. Para 4.3 suggests which data should be monitored on diversity grounds.

In addition, all public authorities with over 150 employees are required by the Race Relations Amendment Act to monitor the ethnicity components in staff training, progression, performance assessment, grievance and disciplinary, and exit procedures. Whilst not being bound by legislation, the SBE should decide whether to adopt this level of monitoring as an expression of good practice. This would also be useful data to consider for equality impact assessments.

It is good practice to mirror the government's proposed census categories for range of ethnic backgrounds, age bands, and disability as well as gender. Clustering of ethnic background monitoring should be in the following categories: White, Mixed, Black or Black British, Asian or Asian British, Other ethnic groups. The proposed census categories are found at the Office for National Statistics' White Paper on the 2011 census proposals <http://www.ons.gov.uk/census/2011-census/2011-census-questionnaire-content/index.html>

Information on religious belief will assist the SBE to take steps to meet diverse needs such as flexibility for religious observance by employees; to avoid clashes with religious festivals for the annual assembly; and to plan events with appropriate catering. The Diversity Steering Group should advise when it is appropriate to collect monitoring data on sexual orientation and religious belief. It is good practice to guarantee anonymity in these areas.

Once established, reports interpreting equality monitoring data should be provided to management and Board at agreed intervals, with recommendations for action. Accurate equality monitoring data is essential for the completion of meaningful equality impact assessments which will have an influence on future performance.

Recommendation 6: Collect equality monitoring data for selected areas of SBE's external and human resource functions.

3.1.3 Equality Impact Assessment

The Diversity Steering Group has concentrated its efforts on equality impact assessments (EIAs) on a range of human resource policies over the last year. Various approaches have been tried, using in-house and external EIA forms. The results have been limited, due to a lack of understanding of the purpose and processes of EIA, no differentiation between initial and full impact assessments, poor documentation and a lack of data. Paragraph 4.4 outlines proposals for an overhaul of equality impact assessment so that they are fit for purpose for the SBE and fulfil legal obligations.

Recommendation 7: Revise equality impact assessment guidance and procedures.

3.2 Services to Stakeholders

The culture of the SBE is based on fairness and its role is to uphold justice and probity. However, the depth of knowledge about equality as it relates to the six strands of diversity¹ in the work of the SBE is limited. Some individuals felt that their knowledge had remained the same since they started work with the Board. It is essential therefore to move beyond the view held by many employees that "we don't discriminate" to a much deeper understanding of what equality work entails.

The equality action planning that has taken place is mainly in the field of planning and human resources, and there is a substantial gap in terms of the core work of the Board. Many of those interviewed had suggestions, which are reproduced in the following sections.

3.2.1 Investigations

¹ Race, gender, disability, age, sexual orientation, religion/belief

Under the SBE's new remit, most complaints are dealt with by local standards committees. Complaints dealt with by SBE are referred to it by the local standards committees.

Several historic case files were examined in preparing this report where there was an equality-related dimension or issue. In most cases, the response was that it was outside the remit of the SBE. These cases were investigated in line with the 2001 statutory Code of Conduct. SBE actively pursued discrimination issues but a high court decision determined that it was outside the Standards Board's remit.

The new Code of Conduct (2007) enables discriminatory behaviour to be dealt with by the Code. Any conduct which may lead an authority to breach any of the equality acts falls within the remit of the new Code. It will only fall out of the remit where an expression of prejudice alleged in a complaint, or harassment or other forms of potential discrimination take place in a Member's private capacity, when they are not acting as councillors or in a public role.

The Legal department give advice or obtain legal opinion on a case by case basis for the benefit of investigators and ESOs on any cases that have equality and diversity implications.

If a complaint is judged to be outside the SBE's remit and therefore not a breach of the code, it can fulfil its public duty to promote equality by producing further guidance to clarify how the SBE or local Standards Committees should respond proactively in such instances, with clear signposting to the agency within whose remit it does fall, such as the Equality and Human Rights Commission, ACAS or the Employment Tribunal.

Recommendation 8: Provide signposting to relevant bodies where complaints with equality implications fall outside SBE's remit

3.2.2 Advice and guidance

In the past, SBE staff have responded to individual requests to facilitate communication by providing information in a particular format, or arranging face-to-face contact rather than by telephone. However, it is advisable to streamline this practice so that the Standards Board is geared up to meeting occasional requests for specific needs. It is recommended that guidelines are produced to help staff apply these standards consistently and communicate their availability to people contacting SBE. These would include provision of information on cd, electronically, in large print or Braille; use of Type Talk or British Sign Language interpreters; options for face to face interviews, whilst continuing a demand-led model of responding to individual requests.

Since the revision of the Code and devolution of decision-making to local standards committees, a factsheet on equality and diversity which expands on the Guide for Members should be written and available on the SBE website.

This should coincide with the enactment of the Equality Bill, highlighting the additional equality duties with which Members are required to comply.

Recommendation 9: Provide internal and external guidance on anticipating and meeting diverse needs and promoting equality.

3.2.3 Publications and communications

External communication is an increasingly important part of the SBE's function, and the Communications Team would benefit from a full equality impact assessment of their whole function. Whilst the commitment to plain English is strong, it is unclear whether there are standard response times for translation of materials or production in alternative formats (Braille, tape, cd etc). With an increasing remit to reach out to the wider public, the team should consider which materials should be in EasyRead format.

Having achieved Level 2 of the Web Accessibility Initiative, the new website should develop its accessibility further and introduce a 'speech-enabled' option, for example.

Recommendation 10: As part of the 3 year schedule of EIAs on all functions, policies and procedures, the SBE should carry out a full equality impact assessment of the communications function

3.2.4 Research

It is suggested that some equality and diversity-related research is undertaken with reference to the field of ethical practice. One topic that arose repeatedly is the distinction between expressions of prejudice and unlawful discrimination. This could be extended to defining the difference between general bullying compared with specific harassment on grounds of race, sex, religion, disability, age or sexuality. Does greater tolerance of divergence of opinion in the political sphere equate to freedom of speech or give benign approval to a culture where discrimination and harassment prevails?

Recommendation 11: Consider whether it is appropriate to commission research in any area on ethical aspects of equality and diversity in public life

3.2.5 Customer care

The Standards Board is taking a new approach to customer care, and this should incorporate the need for all employees to understand how to serve a diverse community that is fair to everyone and responsive to particular people's needs. Many of the suggestions in other parts of this report have a direct bearing on customer care.

3.3 Human Resources

The overwhelming response from employees at all level in the organisation is that the Standards Board is a good place to work, and that it compares favourably with experience in other public sector organisations and the private sector. This is borne out by the staff survey results: *'Around three-quarters or more employees agree that they are treated with fairness and respect'*. The work is generally interesting, working conditions are good and there are good relations between colleagues *'7 in 10 employees say they would recommend the organisation as a good place to work'*.

However, the staff survey also revealed some discrepancies which will need a response. 'Female employees tend to be less satisfied with many aspects of their work and the organisation, compared with male employees.' The reasons for this need to be clarified further and any actions determined and the SBE could for example set a Womans group to identify the issues raised and determine any possible solutions. However, there is a strong likelihood that it may simply be down to the fact that proportionately there are more females than males, in the SBE, which may account for some of the differences.

Recommendation 12: Devise action to overcome the greater dissatisfaction by female members of staff identified in the staff survey.

3.3.1 Composition of the workforce

Although basic monitoring of Black and Minority Ethnic people, disabled people, and women employees has taken place, as well as analysis by age, much more detailed work needs to be done in order to set meaningful targets.

Local authorities such as Manchester City Council can provide comparative population data against which to set employment targets. A basic set of targets would include:

- Percentage disabled people and BME people in whole workforce
- Percentage disabled people, BME, women and younger people at senior levels.

Further options could aim to redress imbalances in particular departments or job roles, e.g. IT team, or administrative roles.

Actions for meeting recruitment targets should then be incorporated into the Equality Scheme Action Plan and monitored by the People Group.

Monitoring of the workforce needs to become more sophisticated, using the census categories as recommended in Paragraph 4.3. The terms 'ethnics' and 'oriental' which are currently in use in the Personal Details form and the equal opportunities monitoring forms should be abandoned.

In addition to the statutory requirements in the Race Equality Duty, Human Resources should show annually how they have monitored requests for

reasonable adjustments on grounds of disability, cases of harassment, and requests for flexible working.

The SBE has achieved the 'two ticks' standard indicating that it is 'positive about disabled people'. It has also created a mechanism whereby staff can disclose a disability (using the definition from the Disability Discrimination Act). It was noted by several respondents, however, that no visibly disabled people had been recruited by the organisation, and people were unsure about the readiness of the SBE for this.

As the SBE has an employee who is partially sighted, reasonable adjustments have been implemented by providing appropriate equipment. Guidance has been issued that all staff emails should be made in font size 16 point bold arial.

Recommendation 13: To identify workforce levels according to the equality demographic of the local area and take positive steps in recruitment and retention practices to move towards them.

3.3.2 Performance Review

The SBE's competency dictionary currently contains only two references to diversity in a document describing 14 competencies. This is currently being reviewed. It is not necessary in every instance for the exact words 'equality' or 'diversity' to be inserted, but that the spirit of inclusive practice that seeks out and takes steps to meet individual need is included.

The Performance Review process itself contains statements that employees and managers should familiarise themselves with the equality and diversity policy. However, this had not happened in practice. One way in which the Board can embed equality and diversity in performance is to include guidance and examples of equality and diversity-style objectives that managers can set with staff and consequently monitor.

Recommendation 15: Provide training and guidance for managers, to assist them in setting equality objectives for staff, which are linked to their work priorities.

Recommendation 16: Review the performance and gradings of staff against all equality strands and identify any barriers to progression of staff, on grounds of race, gender, disability or age.

3.3.3 Training and development

The Board provides a half day diversity awareness course for all employees, typically as part of the induction process, and a further two-hour session for managers. While this was viewed positively by many staff, others felt that it had not added to their knowledge, or was insufficient for their needs.

It is recommended that the course content is reviewed, and revised aims and objectives are set that are more closely aligned with the business plan.

For example:

Aim

This workshop will enable staff to understand their role in providing a fair and equal service to both employees/colleagues and external contacts.

Objectives

By the end of the course, participants will be able to

- *Identify the diversity/equality needs of SBE stakeholders*
- *Explain how discrimination can arise*
- *Outline ways to challenge and eliminate discrimination in their work roles and customer care practice*
- *Promote diversity/equality good practice in their team and to customers*

Furthermore, additional training should be considered such as:

- Managing Diversity (to include performance review) – to enhance managers' capacity to manage diverse teams
- Equality legislation and the Public Duties on equality – for legal and investigation staff to enhance their ability to offer more effective advice
- Equality impact assessment – for managers and the Diversity Steering Group to streamline this activity within the SBE's business processes (see paragraph 4.2 and 4.4)
- Board members equality and diversity training – to establish clear responsibilities in the leadership of the SBE

Recommendation 17: Revise and enhance equality and diversity training, to help managers and staff carry out their roles in the SBE's transformed functions

4.0 Summary of gaps in equality practice

4.1 Equality Scheme

The overarching Diversity Equality Scheme that is currently in use is not compliant with the general and specific duties outlined in paragraph 2, and contains no reference to equality considerations in the core work of the Standards Board. There is therefore a need for a complete re-write of the Scheme, ensuring that it is produced in the context of the SBE's business objectives, having involved disabled people and the other diversity groups have been consulted on its content. A good practice template from the NHS is attached as a pdf document accompanying this report which shows the depth and scope required for the Equality Scheme.

4.2 Diversity Steering Group

The group does not currently fulfil its potential as the originator, driver and scrutiniser of equality and diversity achievement in the Standards Board. In the past year it has focused almost entirely on a flawed equality impact assessment process, at the expense of pursuing a robust action plan aimed at promoting equality for the six diversity strands. Attendance at meetings has dwindled to a committed few members of staff, many of whom lack the authority to drive change in the organisation.

The remit of the group should therefore be revised to cover the following:

- Champion equality and diversity throughout the organisation
- Submit the Single Equality Scheme to the board for approval, and oversee the implementation of its action plan
- Review the relevant functions for equality impact assessment, set a three-year schedule for initial or full EIAs, and scrutinise each EIA once completed and signed off by department head
- Produce an annual equality and diversity report to the board.
- Recommend actions to the People Group and Operations Group
- Increase its own capacity by developing members' expertise through training and benchmarking with best practice organisations

Membership of the group should consist of managers with authority to take action and representatives of other staff levels. The group should be chaired by a Director, and the board champion for equality and diversity should receive the minutes of meetings. The group should continue to be serviced jointly by the Quality and Performance Manager and the Human Resources Manager.

4.3 Equality Monitoring

The key principle related to monitoring is that it is a means to an end and should not take on a bureaucratic life of its own. Monitoring tells us how effectively and fairly the organisation is operating and whether all communities of interest are receiving the standard of experience in their contact with the SBE they require and should expect.

A best practice example of diversity monitoring, including the legal aspects and how to design an appropriate monitoring form, has been produced by Barnet Council and can be downloaded from

<http://www.barnet.gov.uk/diversity-monitoring-protocol>

The Diversity Steering Group should analyse the SBE's business plan objectives, plans and key processes and identify what equality data is required to enable the organisation to achieve its business objectives.

Equality monitoring at SBE could include

- Telephone enquiries, events, written enquiries, investigations, complainants / complainees, interviewees.
- Nature of complaints – analysed around broad categories, one of which is respect and diversity.
- Composition of local Standards Committees
- Recruitment enquiries and applications.

Collecting data in itself is of little use unless something is done with the data. Once collected it needs to be analysed for trends and patterns. An equality group may access the SBE in a differential way, or not access it at all. Finding out why this is may indicate evidence of discriminatory practice. The data may be the starting point for an Equality Impact Assessment (E.I.A).

4.4 Equality Impact Assessment

Equality Impact Assessments are thorough and systematic assessments of how functions, policies and procedures impact on different equality strands. The process has two stages, an initial or screening assessment to look at the impact on equality strands, and where a significant adverse impact is found, a full impact assessment will follow with a plan of action to redress the inequality.

All SBE plans need to be assessed for their equality impact, thus ensuring that each department considers diversity.

The current arrangements for equality impact assessment are confusing and imprecise. They are not serving the purpose for which they are intended, and there is no differentiation between initial (screening) and full EIAs. Evidence to support the EIAs has been sparse.

The Diversity Steering Group should initiate, guide and oversee the EIA process for the organisation; EIAs themselves should be conducted by managers, and scrutinised by the steering group. All those involved need to develop an understanding of both initial and full EIAs through training and support whilst undertaking an EIA.

This will be rectified in the second half of Infrastruct's assignment to the Board, with a new guidance and template, with training for managers and the Diversity Steering Group provided.

4.5 Benchmarking

The SBE's Diversity Equality Scheme commits the Board to 'monitor other organisations for best practice initiatives'. A benchmarking project would substantially help the Standards Board to revise its Equality Scheme and future action on equality. Other organisations with a similar function

(regulators), organisations within the main customer group (local authorities), and the Improvement and Development Agency for local government should all be examined.

The structure for the benchmarking project would be:

1. Examination of organisational arrangements for equality and diversity
Other regulators: General Medical Council and Independent Police Complaints Commission
2. Best practice in equality and diversity
Local authorities which have achieved Level 5 of the Equality Standard for local government: for example, several London boroughs, Wycombe District Council.
3. The Equality Framework for local government: *hosted by the Improvement and Development Agency for local government.*

5.0 Conclusion

The SBE has resolved to improve its achievement on equality. This report outlines the progress that the Standards Board to date, and where there are gaps against its legal obligations as a public authority, and against good practice in the sector.

The recommendations summarised in paragraph 6 form the basis for an action plan that, if implemented, will substantially address the gaps that have been identified.

6.0 Summary of recommendations

A distinction has been made between legal requirements and good practice. However, any 'good practice' actions included within the revised Equality Scheme will become part of the Standards Board's legal obligations concerning equality.

- 1: **Revise and update the existing** Equality Scheme to ensure that it complies with current and forthcoming equality duties for public bodies. (*Legal requirement*)
- 2: Ensure that the procurement function scrutinises suppliers' equality and diversity policies. (*Legal requirement if Equality Bill is enacted*)
- 3: Designate a Corporate Director as the senior management equality champion, who will chair the Diversity Steering Group. (*Good practice*)
- 4: That the board reviews the role of Diversity Champion and considers which board member should undertake this role. (*Good practice*)

- 5: The role of the Diversity Group is strengthened and its remit revised. (*Good practice*)
- 6: Collect equality monitoring data for selected areas of SBE's external and human resource functions. (*Good practice*)
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- 9: Provide internal and external guidance on anticipating and meeting diverse needs and promoting equality. (*Good practice*)
- 10: Carry out a full equality impact assessment of the communications function (*Good practice*)
- 11: Consider whether it is appropriate to commission research in any area on ethical aspects of equality and diversity in public life (*Good practice*)
- 12: Devise action to overcome the greater dissatisfaction by female members of staff identified in the staff survey. (*Good practice*)
- 13: Set employment targets based on equality monitoring. (*Good practice*)
- 14: Provide training and guidance for managers, to assist them in setting diversity objectives for staff, which are linked to their work priorities. (*Legal requirement*)
- 15: Review the performance and gradings of staff against all equality strands and identify any barriers to and progression of staff, on grounds of race, gender, disability or age. (*Good practice*).
- 16: Revise and enhance equality and diversity training, to help managers and staff carry out their roles in the SBE's transformed functions. (*Good practice*)

APPENDIX 1

DOCUMENTS REVIEWED

Standards Board

Corporate Plan 2008-11
Draft Business Plan 2009-10
Model Code of Conduct
Code of Conduct Guide for Members May 2007
The Case Review 2007
The Case Review: 2008 Digest
Staff Survey 2009
Diversity Equality Scheme
Internal Consultation Document
Corporate Scorecard Dashboard
Performance Review documents
Management Information report to Board March 2009
Code of Conduct for Employees
Diversity Steering Group Framework
Diversity Impact Assessment Schedule 2008-09
Summary of EIA results
Diversity Impact Assessments

- Email & Internet policy
- IT Security policy
- Equality & Diversity policy
- Whistle-blowing policy
- Maternity, Paternity & Adoption policy
- Performance Review Guidance
- Pay Review 2008-09
- Sickness/absence policy
- Probationary Policy & Review
- R&S

Draft Learning & Development Policy & Procedure
Corporate Ethnic Monitoring form (2007)
Case Files:

- 13265
- 18198
- 18199
- 21842
- 15053
- 14829
- 17393

Project Excellence Project Definition
Key Performance Indicators 2009-12 v3

Other documents

Equality Bill Factsheet – Government Equalities Office 2008

<http://www.equalities.gov.uk/pdf/Equality%20Bill%20fact%20sheet.pdf>

2011 Census proposals – White Paper: Helping to Shape Tomorrow – Office for National Statistics 2008

<http://www.ons.gov.uk/census/2011-census/2011-census-questionnaire-content/index.html>

Making Practice Happen – Equality and Human Rights Commission 2009

www.equalityhumanrights.com

Equality Guide for Government Departments – CLG and Government Equalities Office 2009

http://www.equalities.gov.uk/news/equality_guide_for_government.aspx

Diversity Monitoring Protocol – Barnet Council 2008

<http://www.barnet.gov.uk/diversity-monitoring-protocol>

Complaints Against Elected Councillors – Derbyshire County Council



APPENDIX 2

Interviews and focus groups were conducted between 23rd March and 15th April 2009 with:

Glenys Stacey – Chief Executive
Freda Sharkey – Acting Head of Legal
Trevor Norris, Performance and Quality Manager
Eleanor Drabble – Head of HR
Jennifer Rogers – Ethical Standards Officer
Colin Bardsley - Analyst (Strategy & Guidance)
Matt Richards – Investigator
Jabeen Mirza - Legal

Diversity Steering Group – Trevor Norris, Ashley Dobson, Katy Dulson, Tom Bandenburg, Ged Kirkpatrick and Hannah McHugh

Team Managers - Claire Harper, Louisa Fyans, Cara Afzal, Mark Jones, Jennifer Rogers

Staff Group - Paul Batey, Jim Cessford, Danny Caine, Katy Jones

APPENDIX 3

Key Equality and Diversity Legislation

- Equal Pay Act 1970 (Equal Value Amendment 1984)
- Rehabilitation of Offenders Act 1974
- Sex Discrimination Act 1975 (Gender Reassignment Regulations 1999; (Indirect Discrimination & Burden of Proof Regulations 2001; Employment Equality (Sex Discrimination) Regulations 2005)
- Race Relations Act 1976
- Race Relations Amendment Act 2000 – (race duties on public authorities)
- Disability Discrimination Act 1995
- Mental Capacity Act 2005
- Disability Act 2005 – (disability duties on public authorities)
- The Protection from Harassment Act 1997
- Human Rights Act 1998
- Employment Act 2002
- Flexible Working Regulations 2002 (Flexible working (Eligibility, Complaints and Remedies) Regulations 2006)
- Employment Regulations: Religion or Belief 2003
- Employment Regulations: Sexual Orientation 2003
- Carers (Equal Opportunities) Act 2004
- Civil Partnership Act 2004
- Gender Recognition Act 2004
- Work and Families Act 2006
- Employment Equality (Age) Discrimination Regulations 2006
- Equality Act 2006 – (gender duties on public authorities)