

BRENT HOUSING PARTNERSHIP BOARD

Meeting: SMT	Date: 14th July 2011
Report Author: Linda Footer	Title: Equalities Update Report
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Contains Private and Confidential Information:	No

1. Matters for Consideration

- 1.1. This report provides an update for SMT members on steps taken to date to ensure BHP's staff and resident representatives understand the changes which have taken place in equalities legislation and to ensure BHP is fully compliant with the requirements of the Equalities Act 2010 and the Public Sector Equality Duty which came into force on 5th April 2011.
- 1.2. The Equality & Human Rights Commission (EHRC) specifically state that any organisation carrying out public functions is included within the 'General Equality Duty' and in meeting the general equality duty requires registered housing providers for example to identify and tackle persistent and long standing disadvantage within those public functions. BHP would most certainly come under the public sector general equality duty by virtue of the fact that it carries out public functions on behalf of Brent Council and also because we are now a registered housing provider in our own right.

Training for staff, resident reps and board members

- 1.3. In order to capture the maximum number of staff possible 11 briefing sessions were carried out by the Head of Corporate Services between 15th June and 4th July. The sessions were attended by a total of 165 staff.
- 1.4. Resident representatives were briefed on the Equalities Act 2010 by means of a report which was presented at the Area Housing Boards in June. In addition, copies of the powerpoint presentation given to staff in June and July were sent to the chairs of Kilburn Square and Watling Gardens TMOs. It would also be advisable for the Resident Involvement Officers to provide equalities briefings to both existing and any new residents association members during the coming months since the public sector general equality duty would also apply to organisations established to promote the interests of their members, such as formally constituted residents associations.
- 1.5. The Board will receive a briefing from the Head of Corporate Services at their next scheduled meeting on 28th July which includes a recommendation to change the format for board reports to include a section on equalities considerations. Although

there is no longer any legal requirement to carry out equality impact assessments (the government's aim is to reduce bureaucracy and focus more on outcomes), as has been seen in recent legal challenges it is good practice, if not essential, to record the fact that equalities considerations have been taken into account before any policy decision or service delivery is made affecting members of the public e.g. council residents. In order to achieve this we have produced an easy to use Equality Analysis template and guide which is now available on BHP's intranet under a new 'Equalities' section. There will also be information on frequently asked questions which came out of the briefing sessions with staff and a link to the EHRC website.

Data Capture

- 1.6. A meeting was held on 1st June with the Head of IT Business Support, WebSite Manager, Voids Manager, Head of Corporate Services, Complaints Manager, Head of People Services and an IT consultant to discuss data capture of the new extended protected characteristics e.g. gender reassignment and civil partnerships. We also discussed the ethnic origin categories as listed in the 2011 census and have agreed these will be used in future to ensure consistency with published council data on ethnic origins.
- 1.7. The IT consultant agreed to amend Northgate in order to include the additional protected characteristics and revised ethnic origin list which would be input by the Voids Team during sign ups for new tenants. This does mean of course that we will not have the extended protected characteristic or revised ethnic origin details for existing tenants but over time we will build up data from new tenants being signed up. However, it is important to note that we are well ahead of many other public sector organisations in that we have the ethnic origin (albeit in the old categories) details of 85% of tenants, 72% on disability, 72% on religion or faith, 72% on sexual orientation, and 95% on age.
- 1.8. It will be important to have up to date information on staff covering the extended protected characteristics and revised ethnic origin list since it is likely that BHP will be required to publish information under the 'Specific Equality Duty' which is referred to in the paragraph 1.11. The HR Manager is currently arranging to produce a staff questionnaire capturing this data which will be emailed to all staff in the next few days. Having received the training, staff will now be aware of the importance of returning the completed questionnaire to HR.
- 1.9. BHP's Job Application Form includes a question for all applicants on the number of days sick leave they had taken in the previous 12/24 months. The Head of Corporate Services has instructed HR to remove this since it is now illegal to ask applicants information about previous sick leave as part of the recruitment process. The EHRC states "*In general, you must not ask a job applicant questions relating to health or disability. So don't ask on the application form or ask someone to say anything in a covering letter with a CV or in a letter of application or on a separate questionnaire (unless this is a monitoring form) about their health or disability.*"

Specific Equality Duty

1.10. The specific equality duty applies only to those organisations listed in Schedule 19 of the Equalities Act 2010. Local Authorities are listed in Schedule 19, and although ALMOs are not listed, legal advice has been provided to suggest that because an ALMO is a wholly owned company of the Local Authority it is highly likely that they will come under the specific equality duty.

1.11. The specific equality duty is currently in draft form and was laid before Parliament on 27th June 2011. Subject to Parliamentary approval, it is expected to come into force around 20th July 2011.

1.12. The draft specific equality duty which is currently before Parliament states:

Publication of information

2.—(1) Each public authority listed in either Schedule to these Regulations must publish information to demonstrate its compliance with the duty imposed by section 149(1) of the Act.

(2) A public authority listed in Schedule 1 to these Regulations must publish the information—

(a) not later than 31st January 2012; and

(b) subsequently at intervals of not greater than one year beginning with the date of last publication.

(3) A public authority listed in Schedule 2 to these Regulations must publish the information—

(a) not later than 6th April 2012; and

(b) subsequently at intervals of not greater than one year beginning with the date of last publication.

(4) The information a public authority publishes in compliance with paragraph (1) must include, in particular, information relating to persons who share a relevant protected characteristic who are—

(a) its employees;

(b) other persons affected by its policies and practices.

(5) Paragraph (4)(a) does not apply to a public authority with fewer than 150 employees.

Equality objectives

3.—(1) Each public authority listed in either Schedule to these Regulations must prepare and publish one or more objectives it thinks it should achieve to do any of the things mentioned in paragraphs (a) to (c) of subsection (1) of section 149 of the Act.

(2) The objectives must be published—

(a) not later than 6th April 2012; and

(b) subsequently at intervals of not greater than four years beginning with the date of last publication.

(3) An objective published by a public authority in compliance with paragraph (1) must be specific and measurable.

Manner of publication

4.—(1) Each public authority listed in either Schedule to these Regulations must publish the information referred to in regulations 2 and 3 in such a manner that the information is accessible to the public.

(2) A public authority may comply with a duty to publish information imposed by regulation 2 or 3 by publishing the information within another published document.

1.13. Local Authorities and ALMOs therefore will be required to publish equalities data such as ethnicity groups, and groups of data on protected characteristics relating to its staff (only those with more than 150 staff) and residents by 31st January 2012 and annually thereafter. Equalities objectives will need to be published by 6th April 2012 and at least every 4 years thereafter.

- 1.14. Work has commenced on an updated Equalities Strategy for BHP which will include a number of equalities objectives. It is anticipated that this document will be ready, allowing for the holiday period, for consideration by the SMT by mid September 2011 for approval by the Board at their scheduled meeting on 29th September.
- 1.15. The measures we have already undertaken will ensure compliance with the requirements of the Equalities Act 2010 including those of the specific Public Sector Equality Duty.

2. Financial and/or Legal Implications

- 2.1 The legal implications have been set out in the body of the report. There are no financial implications since the data to be published as indicated above can be included on BHP's website, and summarised in the winter edition of Partnership News which will be delivered to residents around February 2012. Hard copies of the Equalities Strategy can be made available to all residents on request.

3. Recommendations

- 3.1 SMT members are requested to note the contents of this report.

4. Access to Information

No restrictions apply