

CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: DEVELOPING EQUALITIES SCHEMES FOR THE CNPA

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Purpose

The purpose of this paper is to highlight the CNPA's statutory obligations to prepare Equality Schemes for disability, race and gender. It also seeks Board endorsement of action taken to date and agreement to next steps.

Recommendations

It is recommended that the Board:

- a) Agree that, in due course, the CNPA produce one generic equalities document covering all equality strands, with each section distinct and specific covering all parts of the CNPA's statutory duties.
- b) Note the actions required, including impact assessment and monitoring of the scheme(s), and endorse the CNPA's Disability Equality Scheme.
- c) Agree that it is appropriate for the Staffing and Recruitment Committee to consider the detail of the draft Scheme(s) before they are presented to the Board for final endorsement.

Executive Summary

Since its inception, the CNPA has been committed to ensuring that its policy is shaped by the views and advice of those with disabilities and other groups who face barriers to benefiting from the Park.

Under the requirements of the Disability Discrimination Act 2005, the CNPA must prepare a Disability Equality Scheme (DES).

DEVELOPING EQUALITIES SCHEMES FOR THE CNPA – FOR DECISION

1. The draft DES had originally been developed by staff with advice from “Inclusive Cairngorms” (previously the “All Abilities Communication Network”). It has recently been revisited and worked on at some length by this group and is now at a stage where it is ready to be endorsed by the CNPA Board.
2. Other equalities schemes that will need to be developed and endorsed by the Board in 2007 are a Gender Equality Scheme (GES) by 29 June 2007 and a Race Equality Scheme (RES) by 31 October 2007.
3. It is proposed that these schemes should be pulled together into a single umbrella scheme in due course and that the detail of the draft scheme(s) should be considered by the Staffing and Recruitment Committee before they are brought to the Board for endorsement.

Background

4. The CNPA has previously made a commitment towards achieving a “Park for All”, through the development and promotion of ways of working and of specific actions that promote inclusivity (see Park for All Board papers of August 2004, May 2005 and October 2006 for more detail). Developing Equalities Schemes is another way of mainstreaming equal opportunities within CNPA and building on existing examples of best practice in both policy development and activity.
5. The legislative framework behind the development of Equalities Schemes includes The Race Relations (Amendment) Act 2000, The Disability Discrimination Act 2005 and The Equality Act 2006. This legislation places new duties on the CNPA as a public authority, to undertake positive and proactive measures to promote equal opportunities. The term ‘public authority’ is defined as any organisation which exercises some functions of a public nature
6. The equality strands currently protected by legislation and highlighted by the Scottish Executive include race, gender, faith, disability, age and sexual orientation.
7. Under this legislation, the CNPA has a **general** duty to eliminate unlawful discrimination and promote equality of opportunity and good relations between disabled persons and other persons, between persons of different racial groups and between men and women. The CNPA also has **specific** duties to assess, consult on (and involve with regards to disability) and monitor policies, practices and procedures, and to publish the results in a Disability, Race, and Gender Equality Scheme, and to train staff in the duties.

8. Developing Equalities Schemes essentially package the general and specific duties (in regards in the first instance to disability, gender and race) into an overarching strategy and action plan. The equality schemes must make clear how the Cairngorms National Park Authority plans to meet both its general and specific duties and ideally should summarise the Authority's overall approach to disability, racial and gender equality and how these link to both the Corporate and Park Plan. They are public documents and the Park Authority will be answerable to the public for delivering the action plans set out in the schemes.
9. To assist in developing, implementing and reviewing the Schemes, it is proposed to involve the relevant interest groups. At the time of the "Park for All" conference (November 2006), the All Abilities Communication Network expanded its remit to include other under represented groups such as young people, people on low income, women's groups and black and ethnic minority groups. At its last meeting in February 2006, the reconstituted "Inclusive Cairngorms" elected three sub-groups: one to re-work the existing Disability Equalities Scheme the other two to draft the race and gender documents.

Presenting the CNPA's Equalities Schemes

10. As outlined in the background there are three separate schemes (disability, race and gender) that require action, and other schemes will follow in the near future (age etc.) Some authorities have chosen to produce a generic "equalities scheme" covering all the strands. It is acceptable to take this approach as long as the different equality sections are distinct and specific and cover all parts of the statutory duties. Once the various schemes have been developed it may therefore make sense to pull them together into a single overarching scheme of this nature.

Recommendation:

11. **That the Board agree that, in due course, the CNPA produce one generic equalities document covering all equality strands, with each section distinct and specific covering all parts of the CNPA's statutory duties.**

Endorsing the CNPA Disability Equality Scheme

12. The general statutory duty of the CNPA in regards to ensuring disability equality is that in carrying out its functions it has due regard to the need to:
 - a) Eliminate unlawful disability discrimination
 - b) Eliminate disability related harassment
 - c) Promote positive attitudes towards disabled people
 - d) Encourage participation by disabled people in public life
 - e) Take steps to take account of disabled people's disabilities even where that involves treating disabled people more favourably than others.

13. The specific duties, as laid down in the Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005 SI No.2966, and the Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005 SI 2005 No565 set out the requirements that public authorities must meet to meet the general duty, including a duty to:
 - a) Publish a Disability Equality Scheme demonstrating how it intends to fulfil its general and specific duties
 - b) Involve disabled people in the development of the scheme
 - c) Carry out impact assessments
 - d) Make arrangements for gathering relevant information
 - e) Develop an action plan
 - f) Take steps set out in action plan, within three years
 - g) Publish a report
14. In order to fulfil the above requirements CNPA officers developed and published a Disability Equality Scheme in December 2006. This was based on dialogue with the All Abilities Communication Network, set up in 2003 to advise the CNPA on sensory and physical disability issues. The Local Outdoor Access Forum is another arena where the views of people with disabilities have been elicited and used providing advice on outdoor access issues.
15. **Since then**, CNPA officers, in collaboration with Inclusive Cairngorms and the Highlands and Islands Equalities Forum, have worked to revise and strengthen the CNPA's Disability Equality Scheme to meet the standards as required by the Disability Rights Commission. (Appendix 1)

Recommendation

16. **That the Board note the actions required, including impact assessment and monitoring of the scheme, (that will be reported back through the annual "Park for All" Board update paper) and endorse the CNPA DES.**

Feedback and Endorsement on Future Equalities Schemes

17. The CPNA will be developing Equality Schemes on Gender (by 29 June 2007) and Race (by 31 October 2007) and will need both of these to be endorsed by the CNPA Board. Given that accountability for compliance with the Equality duties rests with the Board, it must approve the CNPA's schemes. There are two options to consider as to how this could be achieved:
 - a) *Option One*: That each Equality Scheme is formally brought to the Board for detailed consideration and endorsement.
 - b) *Option Two*: That drafts of future Equality Schemes are considered in detail by the Staffing and Recruitment Committee before being brought to the Board for endorsement. This second option allows the drafts to be examined in detail in advance of Board meetings and should provide the full Board with a degree of comfort that the Schemes that they are endorsing properly comply with the duties.

Recommendation

18. **That the Board agree that it is appropriate for the Staffing and Recruitment Committee to consider the detail of the draft Scheme(s) before they are presented to the Board for final endorsement.**

Policy Context

19. Relationship with the National Park Plan the development of a “Park for All” culture should ensure that an inclusive attitude is applied, as standard practice to the delivery of the Park Plan by the CNPA and its partners.
20. The guiding principles that set out how the CNPA and its Partners should address inequality within the Park Plan are:
 - a) **“Social Justice - a Park for All”** the benefits of the National park should be accessible to all, regardless of economic, physical or social restraints.
 - b) **“People Participating in the Park - A National Park for People”** People within and outside the Park should be actively involved in shaping the National Park and its management, building their capacity to do so and encouraging active citizenship.
 - c) **“Managing Change - A National Park Open to Ideas”** In an ever-changing environment, the management of the National Park should be informed by the best available information to identify and effect positive change, and prepare for and mitigate the potential negative consequences of change that cannot be influenced.
21. The DES has strong links to the CNP Outdoor Access Strategy in particular through transport, health improvement and access issues for people with disabilities.

National Policy

22. The Scottish Executive policy favours a broad and inclusive use of the term ‘social justice’, as in the strategy document ‘A Scotland Where Everyone Matters’. Equalities issues are considered in some milestones in the Social Justice Strategy but most equalities legislation i.e. Disability Discrimination Act 2005 comes down through Westminster. The Executive’s first Social Justice Annual Report speaks of groups that ‘experience exclusion by discrimination on the grounds of, for example, race, religion, gender, ability, age or sexual orientation...’ and ‘Better Communities in Scotland: Closing the Gap’ (2002), states the need to ‘tackle the inequalities between communities by narrowing the gap between the disadvantaged and everyone else”.

Delivering Sustainability

23. Developing an equality scheme with clear action plans with monitoring built in will mean that resources can be dedicated in a more effective manner ensuring greater impact. Involving a wide range of Partners in the development of these schemes increases a sense of collective ownership.

Delivering Economy, Effectiveness and Efficiency

24. Producing equalities schemes will encourage a wider range of visitors to the Park. It is important to build on the existing visitor demographic base and encourage the development (and marketing) of a diverse range of transport, accommodation and activities geared to a variety of budgets and requirements.

Financial Implications

25. Developing, implementing and reviewing Equalities Schemes will take time, resources and commitment from the CNPA and its key partners (particularly Inclusive Cairngorms and Highlands and Islands Equality Forum) Currently there are not the internal resources to cover all this work and a local consultant will be contracted to cover some of the co-ordination of the work required to draft the schemes. Resource requirements for ongoing monitoring and evaluation are being reviewed to identify what can be done in-house and what may need to be outsourced.

Presentational Implications

26. Developing Equality Schemes ensures that the CNPA meets its statutory duties in regards to disability, race and gender. Working in partnership with under represented groups to build a more equal, fairer and diverse Scotland, specifically, in creating opportunities for a wider sense of ownership and access to its National Parks.

Implications for Stakeholders

27. Producing Equalities Schemes is a statutory requirement for all public authorities. This will ensure a uniform approach and a heightened priority on equalities issues not only for the CNPA but for many of its key partners, both users of the Park and service providers.
28. The schemes will create a clear benchmark for not only the authority by its partners to work towards. Encouraging greater representation of more marginalised groups and sharing of best practice in the area.

Next Steps

29. Impact assessment and monitoring and evaluation of the schemes are vital to their success. Reporting back on the schemes will happen on an annual basis as a core section in the "Park for All" update paper.

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