

REPORT TO: Corporate Services Scrutiny

Date of Meeting: 28 June 2018

Report of: Director – Communities, Health, Wellbeing, Sport & Leisure
Title: Equality and Diversity Policy

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

To seek approval for an updated Equality and Diversity policy.
To note actions to implement the Policy.

2. Recommendations:

That Corporate Services Scrutiny approve the updated Equality and Diversity Policy and note the recommendations in the report.

3. Reasons for the recommendation:

The Equality and Diversity policy provides a clear framework for the council to meet its legislative duties.

4. What are the resource implications including non financial resources:

The policy will require a heightened awareness from staff in their day to day work to take account of equality considerations which may require additional time. There will also be a requirement for training and awareness raising programmes to ensure all staff understand their responsibilities.

5. Section 151 Officer comments:

There are no financial implications arising from this report.

6. What are the legal aspects?

- 6.1 The Equality Act 2010 public sector equality duty comprises a general duty supported by specific duties. The general equality duty requires public authorities, in the exercise of their functions, to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.
 - Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
 - Foster good relations between people who share a relevant protected characteristic and those who do not.
- 6.2 The Equality Act brought together and harmonised all previous nine main pieces of equality legislation covering service provision and employment, protecting individuals against discrimination.

7. Monitoring officer Comments

As set out in the legal comments above, the Equality Act 2010 imposes statutory duties on local authorities concerning the exercise of its functions. The proposals in this report seek to address these statutory duties.

8. Report Details:

8.1 Policy

8.2 Executive approved the current Equality and Diversity Policy in November 2016 and recommended that delegated authority be given to the Portfolio Holder with responsibility for Equality and Diversity, and Corporate Manager Legal & Human Resources for making any further amendments to the policy.

8.3 A review has now been undertaken to ensure the policy is up to date. The main amendment made is the addition of sections 7.16 to 7.21 relating to accessible services and information.

8.4 Corporate Services Scrutiny and Executive are asked to approve the revised policy and note actions to be undertaken to implement the policy.

8.5 Implementation of the policy

8.6 It has been 17 months since the policy was agreed at committee but since then little progress has been made on implementation. An action plan was drawn up to support section 7 of the Equality and Diversity Policy 'Actions to ensure the council meets its duties'. While all of these actions are necessary and many are linked to each other, there are some which may need to be prioritised over others, given the limited resources available. The following priorities were agreed with the then Portfolio Holder for Communities and Neighbourhoods:

- Undertake one off project to compile statistics from current sources about demographic of city and customers and set up system of periodic monitoring – these actions along with work already happening around community engagement will help us to get a picture of need and the impact of our work.
- Develop a process for ensuring that equality impact assessments are carried out in a timely way and which involves communities in the process. Linked to the above, this is a key activity to help the organisation understand Exeter's communities and the impact of its work. Given this and the inclusion as an item on the risk register this would need to be highlighted as a key priority area of work.

8.7 In order to achieve these Strategic Management Board have agreed the following actions:

1. Procure a training package to be delivered to SMB, Corporate Managers, Service Leads and their direct reports, scrutiny chairs, portfolio holders and member services staff to enable them to carry out Equality Impact Assessments confidently. This would need to cover approximately 120 staff with 8 sessions of 15 people each taking between ½ and 1 day each. The Policy Officer will work with Learning and Development lead to find a suitable trainer. To be delivered in autumn 2018 – officers trained up would be able to start developing impact assessments in time for the next committee cycle.
2. Revise the format of the committee report and include a separate section on equality and diversity. This should include a prompt "where positive or negative impacts have been identified an Equality Impact Assessment should be attached to this report". The current committee report process includes equality and diversity in a section along with

a number of other priorities. Although the policy states that impact assessments should be identified in the Forward Plan, in practice this does not happen and often the impact assessment is only considered at the report writing stage. For example a survey of the last meeting of each of the three scrutiny committees shows that no impact assessments were carried out despite four of the reports suggesting that there were equality implications. To be delivered by April 2019 to be ready for 2019/2020 committee cycle.

3. Introduce a mechanism to identify the implications of key pieces of work at an early stage in their development. GDPR requires that we carry out a Privacy Impact Assessment therefore it makes sense that this is developed in tandem with the Equality Impact Assessment. The Corporate Plan could include an additional column in the implications checklist for Equality. The checklist should also be expanded to include information on how the implications manifest and link to the risk sheet if necessary. Consideration will also need to be given as to how the impact assessment process will be adopted when several different services are involved in the development of a piece of work. For example the current Air Quality Action Plan involves Environmental Health & Licensing, Planning, Fleet, Corporate Communications and Executive Support, with the delivery of the consultation being outsourced to a private company. This should be agreed by May 2018 as the Corporate Plan will need to be finalised by June/July 2018.
4. Ask Public Health Devon to include a break down of protected characteristics in the Joint Strategic Needs Assessment. If agreed this should be promoted to staff who will be carrying out Equality Impact Assessments to assist them in identifying issues.

8.8 In addition to these actions, as part of the development of the Corporate Plan, the council will need to refresh its equality objectives. It is a requirement of the Equality Act that as an organisation we prepare and publish one or more objectives to achieve any of the things mentioned in the aims of the general equality duty. This had to be done for the first time by 6 April 2012, and then at least every four years thereafter. The last time the council's objectives were reviewed was in 2014 and these are included in appendix A of this report.

9 How does the decision contribute to the Council's Corporate Plan?

In promoting equality and diversity the policy contributes directly to three strands of the Corporate Plan:

- An active and healthy City
- Empowered communities involved in the design and delivery of our local services and facilities
- A well run Council with effective, efficient, person-centred services

10 What risks are there and how can they be reduced?

Failure to meet duties under the Equality Act 2010 risk challenge from the public and community groups. A clear framework of policy and programme of awareness raising with officers and councillors will help to mitigate this. The proposed priority implementation plan will need to be undertaken as a minimum to meet the duties.

11 What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, Economy safety and the environment?

The policy and associated work has a direct impact on equality and diversity, health and wellbeing and safeguarding. An equality impact assessment on the policy has been developed and is attached to this report.

12 Are there any other options?

No.

Jo Yelland, Director – Communities, Health, Wellbeing, Sport & Leisure

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:

None

Contact for enquiries:

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Equality Objectives 2014

Objectives 1 to 7 were developed during the process of writing the corporate plan and are also listed in that document.

Objectives 8 and 9 have arisen from Equality Impact Assessments that were carried out on internal policies so have not been included in the corporate plan.

1. Seek to deliver at least 5% of all new affordable housing stock to meet the Council's wheelchair design standards.

2. Ensure that no-one spends a second night sleeping on the streets and establish a hotline number and provision for extreme weather periods.

3. Work with communities to tackle hate crime and continue to be an active partner in the Devon Hate Crime Prevention Task Group.

4. Fund voluntary sector groups to meet the needs of the more vulnerable and continue to support existing joint work with community groups, charities, community associations and faith groups across the city.

5. Work with local partners to explore how we can join up services to help residents to find or get back into employment.

6. Ensure that affected residents are aware of the changes under the Welfare Reform Act and support them in dealing with these.

7. Help people into employment through an Exeter City Council Apprenticeship Scheme equipping them with skills and vital work experience.

8. Improve monitoring and analysis of the impact of employment policies on our staff.

9. Develop appropriate training programmes to encourage a supply of potential future female senior managers and investigate ways of targeting and encouraging more women to apply for management posts.