

CHESHIRE EAST COUNCIL

REPORT TO: CABINET

Date of Meeting: 2nd April 2012

Report of: Strategic Director of Places & Organisational Capacity

Subject/Title: Equality and Diversity

Portfolio Holder: Councillor David Brown

1.0 Report Summary

- 1.1 This report sets out the current position on ensuring the Council complies with its general and specific duties under the Equalities Act 2010. The report highlights the requirement to develop and publish equality objectives for the Council and to publish other key information.

2.0 Decision Requested

- 2.1 To agree the Council's Equality & Diversity Objectives
- 2.2 To note progress in fulfilling the Council's general and specific duties

3.0 Reasons for Recommendations

- 3.1 To comply with the Public Sector Equality Duty as contained within the Equality Act 2010.

4.0 Wards Affected

- 4.1 Not applicable

5.0 Local Ward Members

- 5.1 Not applicable

6.0 Financial Implications (Authorised by the Director of Finance and Business Services)

- 6.1 None

7.0 Legal Implications (Authorised by the Borough Solicitor)

- 7.1 Failure to comply with equalities duties has formed the basis for successful judicial reviews of budget and service provision decisions.

8.0 Risk Management

- 8.1 Failing to take action to address the equality gaps in Cheshire East is recognised as a corporate risk.

9.0 Background and Options

- 9.1 The statutory Public Sector Equality Duty came into force on 5 April 2011 as part of the 2010 Equality Act. The Equality Duty has three aims. It requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it
- foster good relations between people who share a protected characteristic and people who do not share it.

- 9.2 The 2010 Act lists the characteristics that are protected by the Act. These are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

- 9.3 Having due regard means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by the Council – such as in:

- how it acts as an employer
- how it develops, evaluates and reviews policy
- how it designs, delivers and evaluates services
- how it commissions and procures from others.

- 9.4 The Specific Duties came into force on 10 September 2011; these cover the publication of information, the setting of equality objectives and engagement. More detailed information on the Specific Duties is set out below.

- 9.5 **Publication of Information** - Although there is no explicit legal requirement to collect and use equality information across the protected characteristics, the Equality and Human Rights

Commission's (EHRC) advice is that, in order to have due regard to the aims of the general equality duty, public authorities must understand the impact of their policies and practices on people with protected characteristics. The Council must publish the information that it deems necessary to demonstrate its compliance with the general equality duty by 31 January 2012 and at least annually thereafter (schools and pupil referral units must do this by 6 April 2012 and at least annually thereafter). This information must include information relating to people who share a relevant protected characteristic who are:

- the Council's employees
- people affected by the council's policies and practices (for example, service users)

The information must be published in a manner that is accessible to the public. This may be fulfilled by publishing information within another document.

- 9.6 **Equality Objectives** - The purpose of setting specific, measurable equality objectives is to help the Council to perform the general equality duty better, focusing on the outcomes to be achieved. EHRC advice suggests that equality objectives help focus attention on the priority equality issues within an organisation in order to deliver improvements in policy making, service delivery and employment, including resource allocation. To comply with the specific duty on equality objectives the Council must:

- prepare and publish, by 6 April 2012, one or more objectives they think they should achieve in order to do any of the things mentioned in the aims of the general equality duty. Review and revise the objectives at least every four years thereafter
- ensure that those objectives are specific and measurable
- publish those objectives in such a manner that they are accessible to the public.

The EHRC advise that equality objectives should be seen as part of the business plan and as supporting delivery of it. The Commission recommends that they are based on evidence of the effect of employment, service, policy and other functions on people with the protected characteristics and that there is a clear link between objectives and published equality information to demonstrate transparency.

- 9.7 **Engagement** - While there is no explicit legal requirement under the general equality duty to engage with people with different protected characteristics, the general equality duty requires public authorities to have an adequate evidence base for their decision-making, and the EHRC advise that engagement can assist with developing that evidence base.

The Commission point out that case law from the previous equality duties states that engagement is important in ensuring public authorities understand the impact of their decisions on different people. A failure to engage has been at the heart of findings that a public authority has not complied with equality duties.

The EHRC's non statutory guidance on information, equality objectives and engagement can be found at

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

9.8 **Progress** - The Corporate Equalities Group (CEG) has overseen work to comply with the general and specific duties. Progress to date is set out below.

- A full review of the Single Equality and Inclusion Scheme (SEIS) action plan has been carried out taking into account the requirements in the Equality Act Directorate Action Plans are currently being prepared and these will take the place of the SEIS overarching plan, giving clearer ownership of actions and progress.
- **Information** on the Cheshire East population can be found at <http://www.doriconline.org.uk/PowerSearch.aspx?txtQuery=lap%20information%20pack> . Information is also available in the refreshed Joint Strategic Needs Assessment (<http://www.doriconline.org.uk/ViewPage1.aspx?C=Resource&ResourceID=335>).
- A workforce profile has been published. It is recognised that there are gaps in the information but the Human Resources action plan addresses closing the gaps in information.
- The Council has also committed to publishing equality impact assessments and has done so since the summer of last year, where this has been appropriate.
- A review of the equality and inclusion pages on the Council's website has been carried out and the revised information has been published.
- Recommended **equality objectives** are attached at appendix 1. These have been developed taking into account the assessment of the Council's progress on the equalities agenda and the review and revision of the SEIS action plan. The draft objectives were published on the Council's website over February with comments invited. As a result, some changes have been made to the draft where the suggested revisions improved the objectives. The draft was also considered by Sustainable Communities Scrutiny Committee on 1st March.

- The Council carries out considerable and significant **consultation and engagement** with the public and service users. Results of this wide- ranging consultation have been used to inform the development of the draft equality objectives. Engagement and consultation information has also been used as part of the equality impact assessment processes.

10.0 Next steps

10.1 Over the coming months the Corporate Equality Group will have the following priorities:

- **Improve and enhance the publication of equality data.** This will include
 - updating the workforce profile as more data become available
 - setting up a cross-service data group, facilitated by the Corporate Research and Consultation Team. This will improve understanding of what data sets are held across departments that can be shared both internally and externally, what products are available and planned and what analytical skills are available. This will be a valuable resource not only for equality data but for data and intelligence generally.
 - developing a strategy for the interrogation, dissemination and publication of the 2011 Census information which is due to be released in the autumn of this year.
- **Equality objectives.** Once agreed, more detailed actions will be developed as part of the directorate action plans.
- **Closing the gaps.** This will include
 - Completion of the directorate action plans will need to be a priority. EHRC will be expecting to see that we have acknowledged where we need to improve and what plans we have to do so. Publication of the completed actions plans will help the EHRC to understand this.
 - Monitoring of the directorate action plans is critical. One of the failings of the SEIS action plan was that formal monitoring of the plan was minimal at best. CEG will develop a proportionate monitoring plan with clear reporting lines to the Corporate Management Team.
 - Reviewing and refining advice on impact assessments.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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Equality Objectives

Our Equality Objectives have been based on available equalities information through research, consultation and engagement and service-level Equality Impact Assessments. Our draft equality objectives identify specific internal and external targets that will enable the council to improve the collection of equality information, and address the most persistent areas of inequalities faced by both employees and residents.

Where possible our objectives are SMART (specific, measurable, achievable, realistic and timed) or identify key milestones for improvement.

The equality objectives listed below have been developed at service level and have informed our business planning process. Although the main objective headings may not change over the next 4 years the specific actions listed beneath each objective will be reviewed annually in line with the business planning cycle to ensure they remain reflective of current developments and circumstances.

The Council has identified four equality objectives that address our main priorities for improving our understanding of and response to inequalities across all our services including our new Public Health responsibility which will shortly come into effect. All have been designed with the intention of achieving the following shared outcomes:

- Narrowing the gap between our communities
- Providing access to services for all our communities
- Understanding and reflecting the needs of all our communities
- Fostering good relations with all our communities and partners
- Ensuring our workforce is representative of the communities it serves

1 Improve Data and Needs Analysis

Where possible we will collect robust data in our interactions with customers and communities to generate detailed equality information ensuring our services are well balanced and proportionate. We aim to ensure that 100% of data is collected where appropriate for the listed equality protected characteristics over the next 4 years. This will enable us to improve access to services for all as we:

- Capture protected characteristic information at service level where appropriate, which is subjected to annual customer trend analysis
- Develop a robust council wide data set, which is reviewed annually and published on Centranet and used in the Equality Impact Assessments process across the organisation
- Produce directorate equality action plans that are reviewed annually to address data gaps and issues identified in Equality Impact Assessments
- Place the needs of our customers at the heart of our service and business planning processes
- Design and implement policies and procedures that meet the needs of all our communities

2 To Better Reflect Our Communities through our Workforce Profile and Training

We will aim to reflect the diversity of the Borough within our workforce with the aim to improve service delivery by reflecting the needs of everyone in the Borough. We aim to achieve a 5% shift in gaps on our employment profile from 2011-2012 over the next 3 years. This will be delivered through staff and Member recruitment and development by:

- Improving workforce planning data to incorporate listed equality protected characteristic information
- Including equality awareness training in corporate staff and Member induction processes
- Introducing general equality awareness raising with all staff using an e-learning package
- Introducing targeted equality training for specific processes ie: staff recruitment and disciplinary

3 To Ensure Community Engagement and Consultation is Effective

Our organisation will improve its understanding of communities within our area, and their perceptions of ourselves, partners and our services. This will be achieved through effective and meaningful consultation and engagement activities. The aim is to foster strong relations allowing customers the opportunity to influence services by:

- Building relationships that enable effective engagement and consultation to be undertaken
- Sharing resources for consultation and engagement activities with our partners and the community and voluntary sector where appropriate
- Reducing the consultation burden through targeted consultation and engagement with our hard to reach communities where appropriate
- Sharing consultation and engagement outcomes and learning between services and partners by publishing results within a shared forum
- Demonstrating how we foster good relations within our communities by achieving excellent status in the Equality Framework for Local Government

4 Embed Equalities throughout the Council

Equality and inclusion will be considered at all levels within the Council to ensure that there is a clear and concise link between strategic thinking and service delivery. We aim to ensure we understand and address the needs of all our communities in all functions by:

- Giving due equality and inclusion consideration to all our decisions taken at both Officer and Member level
- Completing and regularly reviewing Equality Impact Assessments for all our systems, processes and policies including the business plan, service plans and corporate action plans
- Ensuring all commissioned services give equality and inclusion the same importance as the Council
- Developing a culture where staff understand their role in relation to equalities and behaviour in a way that illustrates this understanding