

Worcestershire County Council

Item 5: Equalities and Diversity  
Item 6: Quality Assurance

# Agenda

## Overview and Scrutiny Performance Board

Thursday, 23 June 2016, 10.00 am  
County Hall, Worcester

All County Councillors are invited to attend and participate

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[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)

## DISCLOSING INTERESTS

There are now 2 types of interests:  
**'Disclosable pecuniary interests'** and **'other disclosable interests'**

### WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3<sup>rd</sup> party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

**NB Your DPIs include the interests of your spouse/partner as well as you**

### WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days and
- **Declare** it where you have a DPI in a matter at a particular meeting
  - you must **not participate** and you **must withdraw**.

**NB It is a criminal offence to participate in matters in which you have a DPI**

### WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:  
You/your family/person or body with whom you are associated have a **pecuniary interest** in or **close connection** with the matter under discussion.

### WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

### DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests OR** relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

### DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorded' is insufficient
- **Declarations must relate to specific business** on the agenda
  - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

## **Overview and Scrutiny Performance Board**

### **Thursday, 23 June 2016, 10.00 am, County Hall, Worcester**

#### **Membership**

##### **Councillors:**

Mr R M Udall (Chairman), Mrs E A Eyre (Vice Chairman), Mr A T Amos, Mr C J Bloore, Ms L R Duffy, Mr C B Taylor, Mr P A Tuthill and Mr T A L Wells

##### **Co-opted Church Representatives (for education matters)**

Bryan Allbut (Church of England) and Francis Mohan (Roman Catholic)

##### **Parent Governor Representatives (for education matters)**

Ms C Richardson ((Parent Governor)) and Vacancy (Secondary)

#### **Agenda**

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Date of Issue: Wednesday, 15 June 2016

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## **OVERVIEW AND SCRUTINY PERFORMANCE BOARD**

### **23 JUNE 2016**

## **EQUALITIES AND DIVERSITY**

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### **Summary**

1. The Cabinet Member with Responsibility for Transformation and Commissioning and the Corporate Equality and Diversity Manager have been invited to the meeting to discuss how well the County Council is meeting its statutory duties.

### **Background**

2. The Council's Equality and Diversity function is located in the Commercial and Change Directorate (COaCH). It is delivered by the Corporate Equality and Diversity Manager, supported by a part-time Administrator. They ensure that, as the Council undertakes major transformation, equality governance and processes evolve to support the Council in paying due regard to the requirements set out in Equalities legislation.

3. Each of the Directorates has developed its own approach for identifying, monitoring and reviewing equality objectives and priorities. Some have internal equality groups whereas others do not. The Equality and Diversity Manager attends Directorate Leadership Teams to report on a quarterly basis. As a result of strategic change within the Council, the current equality governance structure is under review and will shortly be adjusted to better support achievement of equality priorities.

4. The principle legislation governing equality is the Equality Act, 2010. This Act consolidates a significant body of previous legislation governing, for example, equal pay and unlawful discrimination. From 2011 onwards, there has been a single Public Sector Equality Duty covering all 9 of the Protected Groups listed in the Equality Act.

5. While the whole act is of relevance in promoting equality for Protected Groups, the Public Sector Equality Duty (Set out in s149 of the Act) is of particular relevance within the Public Sector and underpins much of the Council's approach to Equality.

### **The General Equality Duty**

6. The General Duty requires public sector bodies as employers, in the design and review of policies and in procurement, design and delivery of services, to have "due regard" to 3 aims:

- Advancing equality of opportunity between people who share Protected Characteristics and those who do not;

- Eliminating unlawful discrimination, harassment and victimisation;
- Fostering good relations – tackling prejudice and promoting understanding between differing groups within Worcestershire.

7. Although not legally required to do so, the Council has both equality relevance screening and more detailed assessment procedures in place to identify which of its projects, policies and plans are of particular relevance in the lives of protected groups. The more detailed assessments facilitate analysis of potential impact and identification of steps which could mitigate any potential negative impact.

8. All strategic programmes are screened for equality relevance and the Council's annual budget proposals are also screened, with findings appended to the budget report. Equality screening has been included in business cases and project templates. This works well and is an innovative and practical approach to mainstreaming consideration of equality among officers.

9. The Equality Duty requires public sector bodies to pay proportionate and timely regard to potential equality implications in their decision-making, and to be able to evidence that they have done so. Key equality findings are summarised in reports to Cabinet and the full assessments are appended to those reports. In general this works well, though there have been instances where robust equality analysis has not been available. This does not often occur.

10. Robust equality analysis is, at times, dependent on effective engagement with actual and potential service users who belong to one or more of the Protected Groups. This engagement is proving increasingly challenging as services are provided by alternative providers and the Council's own consultation groups are becoming less relevant. Effective Service User engagement is a challenge for many Public Sector organisations and is by no means limited to Worcestershire.

11. The Duty cannot be delegated to external organisations. It is consequently important that service specifications and contracts with external service providers clearly set out our requirements in respect of equality of outcome for protected groups and that performance is robustly monitored and reviewed. As the Commercial Team standardise contract clauses and further develop good practice, Equality considerations are increasingly incorporated in our contracts. Many current contracts clearly set out our requirements and legal obligations in respect of Equality.

### **The Specific Equality Duty**

12. The Specific Duty does not require public sector bodies to have equality schemes or action plans but it does require them to develop a proportionate number of equality objectives which support achievement of the 3 Equality Duty aims. The Council is required annually to review and publish progress in achieving its specified objectives together with relevant employment diversity data. Progress has been reviewed annually but is not currently published. The Equality Objectives have been amended, over time, for some directorates to better reflect progress and changing priorities. Relevant employment data is also available and is reviewed both quarterly and annually. It is worth noting that, while Equality Objectives are undoubtedly of value there is currently little national guidance or direction regarding this element of the Equality Duty.

13. A review of the way in which our Equality Objectives are identified and progressed is currently under way with the intention of increasing Corporate ownership and Directorate accountability. Future objectives will be linked more clearly with areas of the Council's Corporate Plan.

## **Conclusions**

14. To conclude:

- The Council has developed a range of tools which support effective analysis of equality impact (with reference to the 3 Equality Duty aims).
- In most instances proportionate, timely and informed regard is paid to equality during decision-making.
- The Council is making good progress in including appropriate equality requirements in its service specifications and contracts.
- A weakening of links with some service user and voluntary sector groups poses challenges in respect of user engagement which could result in less well-informed understanding of potential equality impact and a review of how we should approach engagement with relevant Protected Groups would be helpful.
- The Council's Progress in achieving current Equality Objectives should be published.
- While areas for further action have been highlighted the Council's existing Equality processes support decision-makers in paying Due Regard to the Equality Duty aims. Equality consideration is rightly acknowledged as an area of corporate responsibility and is included in planning and design of infrastructure and services.

## **Purpose of the Meeting**

15. The Board is asked to:

- consider the information in the report
- determine whether it would wish to carry out any further scrutiny, and
- agree whether it would wish to make any comments to the Cabinet Member with Responsibility for Transformation and Commissioning.

## **Contact Points**

### County Council Contact Points

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Email: [worcestershirehub@worcestershire.gov.uk](mailto:worcestershirehub@worcestershire.gov.uk)

### Specific Contact Points for this report

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## **Background Papers**

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) there are no background papers relating to the subject matter of this report:

- [All agendas and minutes are available on the Council's website here.](#)



## **OVERVIEW AND SCRUTINY PERFORMANCE BOARD 23 JUNE 2016**

### **QUALITY ASSURANCE**

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#### **Summary**

1. The Overview and Scrutiny Performance Board (OSPB) is asked to consider the update on scrutiny and quality assurance.

#### **Background**

2. On 7 July 2015, the Vice Chairman circulated a briefing paper to Board Members outlining a suggested mechanism for carrying out the Panels' quality assurance role. At the time, the Board acknowledged that involvement in quality assurance might look different for each Panel.
3. It was agreed that the Vice Chairman would work in conjunction with Overview and Scrutiny Panel Chairmen and Directors to establish a way forward, and would report back to the OSPB in due course.
4. On 17 March the Overview and Scrutiny Performance Board (OSPB) agreed an approach to Quality Assurance as developed and proposed by the Vice Chairman. In making this agreement they agreed the following recommendations:
  - i. An initial training session on Quality Assurance should be held for Panel Chairmen, Vice Chairmen and other Members of OSPB to help Members lead cultural change in the authority in relation to quality assurance. This should take place before the 2017 Council elections.
  - ii. Councillor Induction Programme 2017/18 to include the importance of understanding service budgets, service scope, Key Performance Indicators and QA data, an introduction to the current Directorate QA, and a brief familiarisation with the Council's complaints procedure and reports to facilitate interpretation of the quarterly complaints data.
  - iii. Within 2 months of the training, each Panel should meet with the Director and the CMR so that Members could check their understanding of the information available from the Directorate and be given appropriate examples. (This should not be a public meeting - a closed session is suggested to allow for the sharing of detail which is either resident/individual sensitive or commercially sensitive with respect to contractual arrangements.)
  - iv. The Councillor working group, in identifying the skill set required for Members of scrutiny panels, should recommend that QA training is made compulsory for scrutiny panel members.
  - v. The Corporate and Communities Overview and Scrutiny Panel should discuss with the Director whether their overview of a specific provider's planned quality arrangements prior to commissioning might add value.

5. The Democratic Governance and Scrutiny Manager has discussed the above recommendations with the Leader of Council who welcomed the report and had no objections to the recommendations that OSPB had agreed.

6. As a result recommendation ii. will be included in the new induction for Councillors in 2017. As part of ongoing Scrutiny development, recommendation iii. will be arranged following acceptance of the 2017/18 scrutiny work programmes.

7. The Council Working Group has decided not to include skill sets required for Members of Committees within its terms of reference, therefore a further decision is required in relation to recommendation iv.

8. Recommendation v. has not yet been discussed by the Corporate and Communities Panel but can be added to the 2016/17 work programme as an item.

### **Purpose of the Meeting**

9. The Board is asked to consider and comment on the information in this report and agree the way forward concerning recommendations i. iv. and v.

10. The Board is asked to consider how and when it would like to receive a training session on Quality Assurance for Panel Chairmen, Vice Chairmen and other members of OSPB, to help Members lead cultural change in the authority in relation to quality assurance. It is advised that OSPB agree clear parameters on what they would and would not like included within this training session and who it should be delivered by.

11. The Board is asked to consider how it wishes to take forward recommendation iv. given the decision not to include Member skill sets in the terms of reference of the Council Working Group.

12. The Board is asked to consider how it wishes to take forward recommendation v.

### **Contact Points**

#### County Council Contact Points

County Council: 01905 763763

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Email: [worcestershirehub@worcestershire.gov.uk](mailto:worcestershirehub@worcestershire.gov.uk)

#### Specific Contact Points for this report

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### **Background Papers**

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

- Agenda and minutes of the Overview and Scrutiny Performance Board meetings held on 7 July 2015 and 17 March 2016
- [All agendas and minutes are available on the Council's website here.](#)