

Overview and Scrutiny Performance Board

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

| | | Minutes |
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| Present: | | 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 |
| Also attended: | | Mr A C Roberts, Cabinet Member with Responsibility for Transformation and Commissioning Jodie Townsend (Democratic Governance and Scrutiny Manager), Alyson Grice (Overview and Scrutiny Officer) and Sandy Bannister (Corporate Equality and Diversity Manager) |
| Available Papers | | The members had before them: A. The Agenda papers (previously circulated); B. The Minutes of the meeting held on 25 May 2016 (previously circulated). Copies of documents A and B will be attached to the signed Minutes. |
| 930 | Apologies and Welcome | No apologies were received. |
| 931 | Declaration of Interest and of any Party Whip | None. |
| 932 | Public Participation | None. |
| 933 | Confirmation of the Minutes of the Previous Meeting | The Minutes of the Meeting held on 25 May were agreed as a correct record and signed by the Chairman. |
| 934 | Equalities and Diversity | The Cabinet Member with Responsibility for Transformation and Commissioning and the Corporate Equality and Diversity Manager had been invited to the |

meeting to discuss how well the County Council was meeting its statutory duties.

By way of introduction, the following main points were made:

- The Corporate Equality and Diversity Manager welcomed Members' interest in this area of the Council's work.
- The Equality and Diversity function was located in the Commercial and Change Directorate as part of the Strategic Change team, something which often surprised people as traditionally the function had been part of Human Resources.
- Each Directorate within the Council had its own approach to Equality and Diversity and the Corporate E&D Manager attended each Directorate's Senior Management Team on a quarterly basis. This was an opportunity for her to raise issues of interest and to receive feedback from senior managers.
- The current legislation governing equality was the Equality Act 2010, which consolidated previous legislation. Since 2011 there had been a single Public Sector Equality Duty covering all 9 of the Protected Groups listed in the Equality Act.
- The General Equality Duty required public sector bodies 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.
- There was no detailed guidance from central Government on how to achieve the aims of the equality duty.
- The Corporate E&D Manager was currently looking at concept documents prior to Corporate Strategy Week to identify issues that needed to be taken into account at a strategic level. She also had an input into the annual budget report.
- General screening had been built into the Council's business cases and project plans and this mainstreaming of equality awareness should be seen as a positive development.
- Equality Impact Assessments allowed the Council to evidence how it had taken equality into account.

- Equality analysis was dependent on effective engagement with actual and potential service users. In general, this was proving challenging as more services were provided by external providers, and engagement groups did not always exist as they had in previous years. This was an issue nationally, not just in Worcestershire.
- Members were reminded that the equality duty could not be delegated and so the wording of contracts and service specifications was important. The Commercial Team had developed a robust equalities clause which was included in all contracts which was a further positive development.
- In relation to the Specific Equality Duty, Members were informed that, although progress was reviewed annually, this was not currently published. Again this was an issue for many authorities and not just Worcestershire County Council.
- It was suggested that now was a good time to review equality objectives to ensure they were more clearly aligned with the Corporate Plan.
- The Cabinet Member with Responsibility for Transformation and Commissioning informed Members that he had initially been concerned about where the role of Corporate E&D Manager sat within the organisation, as he had expected it to be part of HR. However, he could now see that the role was fully integrated into the Council's structures. He acknowledged that it was the CMR's role to provide challenge on Equality Impact Assessments. He saw the publishing of an Equality and Diversity Plan as being similar to the Health and Well-Being Board's Health and Well-Being Strategy. However, the 'missing link' was the needs assessment that the Health and Well-Being Board carried out. It was suggested that a similar needs assessment was needed for Equalities and Diversity.

Members were given an opportunity to ask questions and the following main points were made:

- With reference to the Quality Assurance report which would be discussed by the Board later on the agenda, it was important to remember that Equality and Diversity was part of this.
- The Corporate E&D Manager confirmed that she was kept in the loop with regard to changes in the Medium Term Financial Plan.

- The Vice Chairman suggested that the agenda report should be shared with District Councils to ensure consistency across the County. The E&D Manager welcomed this and confirmed that she did have contact with District Councils.
- It was confirmed that the 9 Protected Characteristics listed in the Equality Act were age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- The E&D Manager confirmed that she had never come across an example at the County Council of someone being appointed to a job because they had a disability. The Council had robust recruitment procedures in place. In fact, in her experience most people were reluctant to refer to their disabilities as they did not want people to think they had an unfair advantage. The Council aimed to have a sensitive and pragmatic approach to Equality and Diversity and did not feel it was necessary to go down a 'politically correct' route.
- The E&D Manager confirmed that she had been involved in drawing up contracts for externally provided services in a variety of ways. For example, for the Learning and Achievement Babcock contract, she had drafted references to equality of outcome for inclusion in the service specification and also looked at the bids during the tendering process. Some service areas were quite proactive in asking for advice, whereas others were less so. It was important that Equalities and Diversity were taken into account for all services that were commissioned out and the Council was heading in the right direction on this.
- In response to a question about how the Board could support equality work through its comments to the Cabinet Member, the Corporate E&D Manager suggested there were two areas:
 - User engagement with hard to reach groups was an ongoing concern
 - Member awareness (both current and future Members) was also important.
- The intention to publish the Equality and Diversity Plan was welcomed and it was suggested that this should also be circulated to the Voluntary and Community Sector as they may be able to help with user engagement. It was acknowledged that the objectives should be proactively publicised and it would not be sufficient to simply publish them on the Council's website.

- The fact that the Council's Cabinet and SLT were both very male dominated was highlighted. It was also suggested that an analysis of staff salaries would show that the average wage of female employees was lower than the average wage per male employee. It was suggested that cultural change that was needed rather than action plans.
- It was acknowledged that central Government had introduced a lot of changes and had moved away from the 'box ticking' culture of previous governments. The Equalities Commission now had fewer resources and was not able to hold the public sector to account. The challenge was to adapt and keep pace to ensure that equalities issues were considered as the organisation changed. The E&D Manager retained strong links with HR, and recruitment and supporting existing staff remained a big part of the role.
- It was suggested that the aim should be to recruit the best person for the job whatever their gender or ethnicity. The E&D Manager confirmed that the Council had never subscribed to a quota system with proscribed percentages for categories.
- It was suggested that those living in areas of economic disadvantage were also discriminated against in that they often did not have access to a computer. Educational underachievement was also more common in economically disadvantaged areas. It was confirmed that the Council's approach to digital inclusion was to support people to learn the skills to get online. At the same time, it was acknowledged that there was a subset of people who would never go online. There was a need to recognise that we are not all the same and the Council should be prepared to do things differently for different groups of people.
- A question was asked about whether the Council had ever advertised a job specifying that applications would be particularly welcome from a certain group of people. It was suggested that this was insulting to those not included in that group. The E&D Manager suggested that on very rare occasions this might be appropriate (such as if a job required the candidate to work within a particular culture and to have background cultural understanding) but, generally, this would not happen.
- The Cabinet Member suggested that, ethically, the Council had a duty to reduce the gap in opportunities.

- It was suggested that a key recommendation could be that, when services are outsourced, contracts should include a measurement of a sensitive and pragmatic approach to equality and diversity. Members were reminded that this was a comparatively new area of expertise and it was early days in terms of whether equality of opportunity could be measured. Evidence to date suggested that commissioners were taking equal opportunities into account when considering performance indicators.
- The Cabinet Member for Transformation and Commissioning was asked how he intended to raise the profile of equalities and diversity and whether he was confident that the Council was meeting its statutory duties. In response, he informed Members that he had been surprised that the Council did not currently publish the outcomes of its objectives and as an immediate goal he would wish to change this. He also wanted to be confident that, in commissioning services, the Council was looking at the equalities impact as well as achieving the best deal. Although he did not feel able to say that the Council was perfect he felt that it was moving in the right direction.
- In response to a question about which areas caused most concern, the Corporate E&D Manager suggested that she was quite realistic about what the Equality Duty could achieve as it was not a very proactive duty. Also, it was difficult to measure the cumulative impact of a series of service changes. It was important to remember that most service users had one of the protected characteristics.
- The Chairman expressed surprise that the Council had no data available in relation to the gender pay gap. The E&D Manager confirmed that, although the data was not routinely produced, she was happy to make enquiries about this after the meeting.
- It was suggested that there was currently no consideration of the accessibility of services to some residents, such as those who were educationally disadvantaged, or who had poor mobile coverage or broadband provision, or those suffering social isolation. Currently it was down to the local Member to raise the issue of poor mobile coverage and there was a need for a more corporate approach. The Corporate E&D Manager agreed to consider this issue further

outside of the meeting.

In considering its conclusions, the Board made the following main points:

- Issues raised could be divided into two categories – recommendations for the Cabinet Member and recommendations for scrutiny.
- Suggested recommendations included:
 - OSPB should ask the Cabinet Member to examine whether there was a gender pay gap in the Council;
 - OSPB should consider how best the Council can be held to account on its equality and diversity duties;
 - The Corporate and Communities O&S Panel should be asked to monitor performance of commissioned services in relation to the equality clause in contracts and accessibility of services.
 - The agenda report should be shared with District Councils who should be encouraged to work with the County Council to align priorities.
 - Equality and Diversity should be built into the Council's complaints procedures and Member training programme.
 - The three aims of the General Equality Duty should be aligned with the Council's Corporate Plan.
 - User engagement with hard to reach groups should be improved.
 - Evidence should be gathered on how equality and diversity is considered in the actual implementation of contracts.
 - The cumulative impact of service changes should be monitored.
- It was suggested that work should be undertaken to look at accessibility issues, including access to mobile coverage and broadband. The Cabinet Member agreed to reflect further on this, suggesting that he would not wish to dilute the importance of ongoing Equalities and Diversity work.
- It was suggested that the Council should also consider economic deprivation alongside the 9 Protected Characteristics named in the Equality Act.
- The underachievement of white working class boys should also be considered.
- It was suggested that it was inevitable that there

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would be a gender pay gap given that, in general, women were in lower paid jobs. As one of the biggest employers in Worcestershire, the Council should set an example to other employers and ask why there were more men in senior positions than women. There was a need to question why average female pay was lower and what were the barriers to women getting into more senior roles.

- It was disappointing that equalities had not been included in the Member Induction programme following the last Council elections and it was suggested that it should be included following the 2017 elections.

The Board agreed that the Chairman and Vice Chairman should be asked to develop a list of recommendations in the light of the Board's discussions. This list would then be finalised in consultation with the Board.

The Chairman thanked the Corporate Equality and Diversity Manager and the Cabinet Member with Responsibility for Transformation and Commissioning for attending the meeting.

The Overview and Scrutiny Performance Board was asked to consider the update on scrutiny and quality assurance.

In the course of the discussion, the following main points were raised:

- In the light of the Board's previous discussion, equality and diversity should be added as an aspect of quality assurance.
- In terms of initial training, there was a need for directors to be invited to Panel meetings to have a common sense conversation about basic quality assurance, so that Members were aware of what they needed to ask. This should happen between now and March.
- Learning from these Panel meetings could then be fed back to new members as part of the induction programme.
- It was suggested that the foundation of most scrutinies was not as solid as it should be. Information on staffing and finance should be requested at an early stage as this helped to narrow down the questions.
- Members were reminded that different directorates approached QA in different ways. It

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Forward Plan**

was suggested that Quality Assurance was most effective when it was an integrated part of how the directorate was run.

Members confirmed that they were content with the report as a basis for the way forward.

The Overview and Scrutiny Performance Board was asked to:

- (a) Receive an update on emerging issues and developments within the particular remit of each member of the OSPB, including an update on each Overview and Scrutiny Panel and Task Group;
- (b) Consider the Council's latest Forward Plan in order to identify:
 - Any items it would wish to consider further at a future meeting; and
 - Any items it would wish to refer to the relevant Overview and Scrutiny Panel for further consideration;
- (c) Agree the 'Children's Champion' to feed back relevant discussions on matters relating to children's health to Children and Families Overview and Scrutiny Panel.

Adult Care and Well-being Overview and Scrutiny Panel

On behalf of the Board, the Chairman welcomed the Chairman of the Adult Care and Well-Being O&S Panel back to his first Board meeting since his recent accident.

Children and Families Overview and Scrutiny Panel

The Chairman of the Children and Families O&S Panel confirmed that the Cabinet Members with responsibility for Children and Families, and Health and Well-Being would be attending the Panel's next meeting on 15 July to discuss the 0-19 Starting Well Service and the Future Use of Children's Centre Buildings.

Economy and Environment Overview and Scrutiny Panel

The Chairman reported that the Panel had recently received a presentation on bus services.

The Footways Scrutiny Task Group had been delayed while additional information was requested.

Corporate and Communities Overview and Scrutiny Panel

The Panel had recently considered proposed changes to library opening hours and, following that meeting, additional information had been circulated to Panel members. The issue was due to come back to the Panel's next meeting.

The Commissioning: Staff Terms and Conditions Scrutiny Task Group had now received information requested from Unison. The Chairman informed Members that it was his intention to now bring the scrutiny to a conclusion and a final report would be brought to the Board's next meeting.

Health Overview and Scrutiny Committee

The Chairman reported that:

- He had recently chaired a meeting of regional HOSC chairs in Birmingham which had focused on mental health services.
- He was due to chair his first meeting of HOSC next week.
- His programme of induction meetings was continuing.
- In terms of the HOSC work programme, he was keen to ensure there was sufficient flexibility to deal with issues as they arose, for example the recent issue of the closure of St Johns dental practice.
- He would wish the Committee to consider the following issues in due course:
 - The administration of GP appointments
 - Public health
 - Use of e-cigarettes.

The Chairman of HOSC was reminded that any changes to the Committee's work programme would need to be agreed by OSPB.

Members were informed that the Future of Acute Hospital Services in the County would be coming to a future HOSC meeting.

Vice Chairman

The Vice Chairman reported to the Board that:

- Complaints: Wychavon District Council had recently changed its complaints procedure and

she was looking to see whether there was any learning from this for the County Council.

- Communications: She would be looking for a Member to assist on this work. It would be useful if this was someone from the north of the County or from an urban division.
- Commissioning: Work on this was ongoing and would be reported back to the Board's November meeting.

A question was asked about the attendance of the Church and Parent Governor Representatives. It was confirmed that they were invited to all meetings of the Board.

Cabinet Forward Plan

The Vice Chairman asked why the Shared Museum Service was not county-wide. She agreed to discuss this with the Chairman of the Corporate and Communities O&S Panel outside of the meeting.

Consideration of Health Issues

The Chairman of the HOSC informed the Board that he would like Councillor June Griffiths to act as 'Children's Health Champion', as she was a member of both HOSC, and Children and Families O&S Panel. Councillor Griffiths was currently on holiday and this was subject to confirmation once he had been able to discuss the matter with her.

The meeting ended at 11.45 am

Chairman