

OVERVIEW AND SCRUTINY PERFORMANCE BOARD

23 JUNE 2016

EQUALITIES AND DIVERSITY

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

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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.](#)