

Report to Cabinet

Subject: Equalities Update

Date: 12 November 2020

Author: Director of Organisational Development and Democratic Services

Wards Affected

Not applicable

Purpose

To update Members on work surrounding equalities, to seek approval to go out for public consultation on a new Equality Framework and Action Plan and Equality and Diversity Policy: and seek approval to put in place a clear structure to demonstrate leadership and organisational commitment, challenge inequalities and drive an improvement agenda

Key Decision

This is a key decision as the Equality and Diversity Policy is likely to be significant in terms of its effect on communities living or working in an area comprising two or more wards of the Borough.

Recommendation

THAT Cabinet:

- 1) Approves the Equality Framework and Action Plan at Appendix 1 to go out for wider consultation as detailed in this report.
- 2) Approves the draft Equality and Diversity Policy at Appendix 2 to go out for wider consultation as detailed in this report.
- 3) Approves the formation of a corporate Strategic Equalities and Diversity Group as detailed in this report.
- 4) Notes the work undertaken to date in relation to the Equality Policy (Employment).

1 Background

- 1.1 Members will be aware of the public sector equality duty and requirements placed on the Council in respect of equality through the Equality Act 2010 (EA2010).
- 1.2 Under EA2010 the Council has a statutory duty to eliminate discrimination and promote good relations and equality of opportunity for its service users and workforce.
- 1.3 Specifically, the statutory grounds of the public sector equality duty are found at section 149 of the EA2010 and, in summary, require the Council to, in the exercise of its functions, have due regard to the need to:
 - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are:

- Age
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race,
 - Religion or belief
 - Sex
 - Sexual orientation
 - Marriage and Civil partnership
- 1.4 The EA2010 places a statutory duty on the Council to publish at least one objective, at least every four years aimed at achieving the above.
 - 1.5 The Council's equalities objectives are now embedded in the Gedling Plan and, as such, are subject to review, monitoring and publication in line with this.
 - 1.6 The current Gedling Plan was approved by Cabinet on the 13 February 2020, full Council on 5 March 2020 and has been reviewed in light of the Covid-19 pandemic. The specific equalities objectives published within the Plan are as follows:

Priority

Objectives

Cohesive, Diverse and Safe Communities Healthy Lifestyles

- Reduce poverty and inequality and provide support to the most vulnerable
- Improve social mobility and life chances

Healthy Lifestyles

- Improve health and well-being and reduce health inequalities
- Reduce levels of loneliness and isolation.

1.7 Further statutory duties required are for the council to publish equality information and to publish a report detailing its gender pay gap annually. The latest gender pay gap report was approved for publication by Senior Leadership Team on the 4 August 2020 and, along with the latest equality information, is published on the Council's website.

1.8 In 2019 an Equalities Review Group, comprising of key officers, was progressing a review the Council's current approach to equality and diversity and considering how the Council could further promote and deliver the equality objectives. This work was halted as a result of the Covid-19 pandemic, but re-started earlier this year.

1.9 As a result of the review, an Equality Framework and Action Plan has been developed, taking into consideration the Local Government Association Equality Framework for Local Government 2020 (EFLG). The EFLG is designed to help organisations, review and improve their equalities performance and meet the public sector equality duty. The EFLG consists of four 'improvement modules';

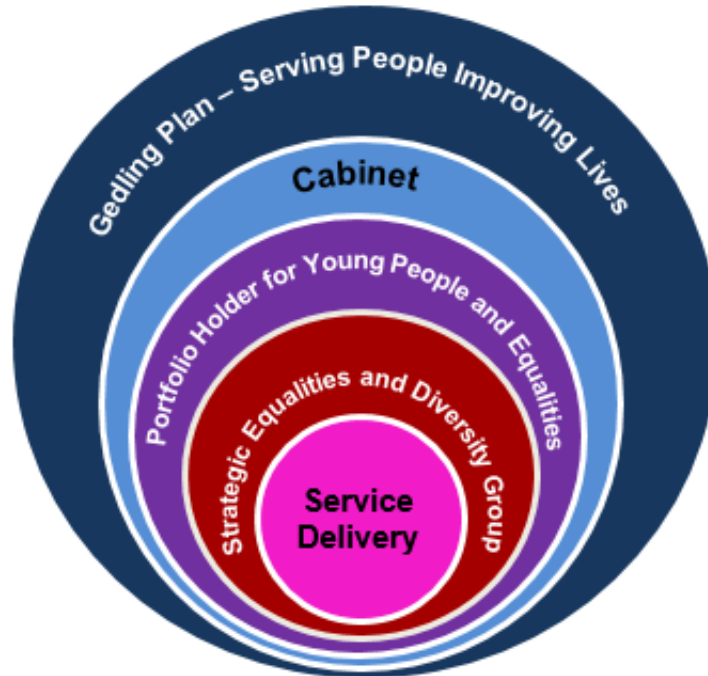
1. Understanding and Working with your Communities
2. Leadership and Organisational Commitment
3. Responsive Services and Customer Care
4. Diverse and Engaged Workforce

In addition, it uses a self-assessment process against three levels of achievement;

- Developing
- Achieving
- Excellent

The levels of achievement are progressive and cumulative so an organisation can plan and chart its progression against different priorities.

- 1.10 The Equalities Framework and Action Plan, which can be found at Appendix 1, assesses the Council against the 'Developing' level criteria and sets out the measures the Council already has in place to deliver good equality outcomes and the activity the Council needs to progress to seek further improvement.
- 1.11 A key and significant task arising from the equality review was the need to develop a new cohesive Equality and Diversity Policy for the Council. Whilst there are already several separate guidance and policy documents that reflect the Council's commitment to equality and diversity, it was felt that an overarching Equality and Diversity Policy was necessary. A draft of this policy document has been prepared and is attached at Appendix 2. This draft policy, sets out clearly the commitment that the Council has to promote equality and diversity both within the organisation and through service delivery. The policy highlights the legislative requirement to comply with the EA2010 and sets out how we will demonstrate our commitment and compliance with the legislation across four areas:
- Developing plans, policies, practices and decision making
 - Providing Services
 - Employment
 - Partnership, procurement and commissioning
- 1.12 This policy highlights and links to a number of other supporting documents, guidance and policies which are already approved or in the process of being approved, such as guidance on Equality Impact Assessments, the Gedling Plan and the Compliments, Complaints and Comments policy. The Equality and Diversity Policy sets out the Council's commitments and responsibilities in relation to equality, and highlights the need to ensure all staff are aware of and comply with the policy. The policy also sets out the Council's responsibilities in respect of reasonable adjustments, including detail of when such adjustments must be made and when they may not.
- 1.13 The draft policy also sets out how equalities and diversity will be further embedded across the Council. This includes senior leaders, Members and officers, acting as ambassadors for equalities and diversity and putting in place a clear structure, represented in the diagram below, to demonstrate leadership and organisational commitment, challenge inequalities and drive an improvement agenda. This includes establishing a corporate Strategic Equalities and Diversity Group, chaired by the Portfolio holder for Young People and Equalities.



1.14 In terms of the group mentioned at paragraph 1.13, it is proposed that membership will be comprised of the Leader, Deputy Leader, Portfolio holder for Young People and Equalities, Policy Advisor for Young People and Equalities, one representative from each of the opposition groups, the Chief Executive, the Director with lead responsibility for equality and diversity and any other Cabinet Member who may wish to attend. The group will be responsible for the following;

- Providing leadership and acting as ambassadors for equality and diversity issues, leading by example and encouraging the integration and embedment of equality and diversity in all of the council's functions. This may involve setting up and overseeing the work of sub-groups (Diversity Action Groups) as required
- Oversee, support and monitor progress of the Equality Framework and Action Plan.
- Consult and seek representation from staff, Members, user groups, service users, residents, businesses and partners.

1.15 In accordance with the draft policy, and our public sector equality duty, a consultation on both the Equalities Framework and Action Plan and the draft policy is advised to ensure that we can obtain the views of our communities prior to any final approval. This framework and policy need to reflect our statutory responsibilities but also our wider ambitions for

promoting equality across the borough. Both documents are for our residents and service users, so they should feel engaged in the process of developing them. Following consultation and the subsequent approval of any final version of the framework and policy, it is proposed that a more user friendly, shorter version of the policy is prepared in plain English for service users.

1.16 Alongside work on the “outward facing” Equality and Diversity Policy, a review has also been undertaken of the Council’s Equality Opportunity Policy in respect of staff and employment, which forms part of the Employee Handbook. This policy is more inward facing, and focuses on the responsibilities the Council has to staff in relation to equality of opportunity. This policy has been reviewed and updated and is now referred to as the Equality Policy (Employment). This policy provides clarity on statutory responsibility and organisational responsibilities in relation to equality. As it relates to staff, approval is required through a separate route, through the Appointments and Conditions of Service Committee, following Senior Leadership Team and Joint Consultative and Safety Committee approval, following consultation with the Unions.

1.17 In addition to the work of the Equality Review Group, there is work going on across the organisation which contributes towards achievement of the Council’s equality objectives including;

- the Council is assessed as a Disability Confident Employer
- adoption of the Menopause in the Workplace Policy
- the creation of a specific equalities lead within Cabinet and supporting policy advisor role
- continuing support of both the Senior and Youth Council
- the requirement for service areas to highlight equalities implications within reports
- completion of Equalities Impact Assessments when proposing new services or changing the way existing services are delivered
- regular consultation with the public and stakeholders on plans eg development of Arnold Market and Carlton Square

2 Proposal

2.1 The Equality Review Group have prepared an Equality Framework and Action Plan to ensure that the Council’s equality objectives and statutory duties are fulfilled and continually reviewed. This is a useful framework to ensure that equality and diversity remains intrinsic in our service delivery and workforce. It is proposed that Cabinet approve the Equality Framework and Action Plan at Appendix 1 to be published for a period of consultation of four weeks. During the consultation the policy will be available on the Council’s website and we will contact partners,

stakeholders and community groups to ensure awareness of the consultation across the Borough. Members will note as part of that Equality Framework and Action Plan that an annual report on the plan will be brought to Cabinet in 2021/22.

- 2.2 The Equality and Diversity Policy at Appendix 2 has been prepared to provide clear guidance to staff and residents in relation to our commitment to promoting equality and diversity. The draft policy requires further input from service users, as such, it is proposed that the policy be approved to be published for a period of consultation of four weeks. During the consultation the policy will be available on the Council's website and we will contact partners, stakeholders and community groups to ensure awareness of the consultation across the Borough.
- 2.3 It is proposed that Cabinet approve the formation of a corporate Strategic Equalities and Diversity Group as detailed at paragraphs 1.13 and 1.14.
- 2.4 It is proposed that members note the ongoing work in relation to the Equality Policy (Employment) which will be subject to separate approval as detailed in this report.

3 Alternative Options

- 3.1 Members could choose not to approve the attached Equality Framework and Action plan, or approve a different plan. This action plan has been prepared taking into account EA2010 and our statutory responsibilities as well as the LGA Equality Framework for Local Government and other guidance in respect of equalities, and having considered work done by other neighbouring authorities. It is considered a sound plan to support our objectives and promote equality and diversity.
- 3.2 Members could choose not approve the draft policy at Appendix 2 to go out to consultation. At this stage, the policy is only in draft and as such, before a final version can be approved the views of service users, residents and stakeholders is considered to be necessary to ensure the policy is fit for purpose.

4 Financial Implications

- 4.1 To fully support the commitment to delivering the framework and further improvements in respect of equalities and diversity, and embedding it across the Council, additional officer resource may be required.

5 Legal Implications

- 5.1 As detailed in the report, the Council has a statutory duty to comply with

the requirements of the EA2010. The Equality Framework and Action Plan, draft Equality and Diversity Policy, Equality Policy (Employment) and all other work detailed in the report demonstrates how the Council seeks to comply with its responsibilities under the EA2010. Whilst consultation on the draft Equality and Diversity Policy may not be statutorily required, it is best practice, and is in line with the public sector equality duty to include the views of those impacted by the policy to ensure that it is fair and fit for purpose. The consultation responses should be considered before any final policy is brought back to Cabinet for approval.

6 Equalities Implications

- 6.1 By its nature the work undertaken within this area is aimed to strengthen equality of access to services for all residents and staff.
- 6.2 As the Equality and Diversity Policy will be consulted on, this will give the opportunity for consideration of the views of residents and staff to be taken into account.

7 Carbon Reduction/Sustainability Implications

- 7.1 There are no Carbon Reduction/Sustainability Implications arising from this report.

8 Appendices

- 8.1 Appendix 1 – Equality Framework and Action Plan
Appendix 2 – Equality and Diversity Policy (Draft)

9 Background Papers

- 9.1 None

10 Reasons for Recommendations

- 10.1 To ensure progress towards achieving the Council's set equalities objectives and meeting compliance with relevant legislation.
- 10.2 To ensure the views of service users, residents and stakeholders are obtained.
- 10.3 To keep Members updated on the progress of the Equality Policy (Employment) which will be subject to separate approval.

Statutory Officer approval

Approved by: Chief Financial Officer

Date: 30 October 2020

Approved by: Monitoring Officer

Date: 23 October 2020