

Report to the Leader of the Council

Subject: Equalities Update

Date: 28 January 2021

Author: Director of Corporate Resources and s.151 Officer

Wards Affected

All wards

Purpose

To update the Leader following the public consultation on the draft Equality and Diversity Policy (Policy) and Equality Framework and Action Plan (Action Plan), and to seek approval to go out for a further period of consultation.

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 the Leader of the Council:

- 1) Notes the responses to the public consultation on the Equality and Diversity Policy and Equality Framework Action Plan.
- 2) Approves a further period of consultation on the Equality and Diversity Policy and Equality Framework Action plan at Appendix 2 and 3 and as detailed in this report.

1 Background

- 1.1 In November 2020, Cabinet considered a report which outlined the Council's public sector equality duty and responsibilities under the Equality Act 2010 (EA2010), detailed the Council's current Equality objectives as published in the Gedling Plan, updated on the work undertaken by the Equality Review Group which included the preparation

of a draft Equality and Diversity Policy (Policy) and Equality Framework and Action Plan (Action Plan) to be approved for a period of public consultation.

1.2 The Action Plan was developed taking into account the Local Government Association Equality Framework for Local Government 2020 (EFLG). The Action Plan, sets out the measures the Council already has in place to deliver good equality outcomes and the activity the Council needs to progress to secure further improvement.

1.3 The 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

1.4 At the November meeting, Cabinet approved a period of public consultation on the Action Plan and Policy. Members also approved the formation of a corporate Strategic Equalities and Diversity Group made 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 are 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.

1.5 The period of public consultation on the Action Plan and Policy ran from 11 November 2020 to 22 December 2020. The main aim of this consultation was to capture resident and community views that would

help shape the Council's Policy and Action Plan and explore the public's suggestions in relation to the Council's commitment to further develop its work in relation to equality and diversity in general. The consultation was conducted online and hard copies of the documents were available on request. The promotional activities for the consultation survey involved inviting local community groups to complete the survey, publicising the survey on Facebook, Twitter and GovDelivery, as well as on the Council's website. The survey was advertised in the Christmas Community E Newsletter and Health and Wellbeing newsletter which has a combined circulation of over 10,000 health and wellbeing contacts including community groups and voluntary organisations, individuals who have signed up to keep me posted and partner organisations who have signed up for the newsletter. The survey was also promoted to the Gedling Youth Council, Seniors Council, advertised through Councillor contacts and circulated to local sports clubs. The survey was sent out to all those signed up to Keep me posted through the latest news bulletins which advertise all live consultations, and was sent out to all local media outlets and parish councils through a press release.

1.6 The consultation survey captured three sets of comments relating to the following questions:

- What impacts (positive or negative) do you think our proposed policy and action plan will have on people in Gedling?
- Are there any additions or changes that you would suggest to the proposed policy and action plan?
- What other comments do you have about our proposed policy and action plan?

1.7 There were only **13** responses to this consultation survey and these full responses are attached at Appendix 1. This is a surprisingly low response rate to a borough wide consultation and as such, although these responses need to be carefully considered, they do not necessarily reflect a strong collective view on the Policy and Action Plan. Following the very low response rate, consideration has been given to the effectiveness of the consultation process and whether anything could be done to ensure that a more meaningful response to the consultation could be achieved. Given the nature of the documents being consulted upon, it is important to obtain as many and varied views as possible. Also in order to ensure compliance with our equality duty, the consultation should be accessible by as many as possible and in particular the views of those directly impacted by the Policy and framework such as those within protected characteristic groups should have the opportunity to engage. It is recognised that consultations in the usual way are

challenging during Covid-19. Normally, in order to engage with harder to reach groups, face to face focus groups would be organised, however, these are not possible in the current climate, as such efforts were made to target these groups through a community newsletter, however this does not appear to have engaged readers into responding to the consultation. This small number of responses could be a result of the fact that the respondents had to read an inevitably detailed document in order to write their responses, and some further marketing work around the consultation documents may make the survey more enticing to complete. The consultation period was 4 weeks which is not unreasonable but it ran during a period where the County were coming out of national lockdown but unsure of which tier would ensue. There is a risk that the significance of the consultation was lost amongst other more pressing news.

- 1.8 From the responses that were received the following has been concluded:

Main findings

In relation to the question regarding what impact the proposed policy and action plan will have on people in Gedling, the responses seem to include two main areas:

- The majority of respondents believe that the policy will have a positive impact on people in Gedling
- In order to see the positive impact, the council needs to demonstrate the delivery stage of the proposed action plan. The comments that support this idea are: 'Actions not just words are the key', 'More than lip service', 'Real examples of what is already being done'

- 1.9 In relation to the question of whether the respondents can suggest any addition or changes to the proposed policy and action plan, the responses seem to include the following five main areas:

- The council needs to make sure that the diversity in the workplace and particularly in senior positions is present because that will 'drive Equality and Diversity more generally throughout the borough'.
- The council should have a clear stand that any kind of discrimination will not be tolerated (e.g. homophobia, transphobia, racism etc.).
- The council should engage with the local residents groups when

carrying out an Equality Impact Assessment on, for example, a policy and take their views into account.

- The council should put the adequate mechanisms in place in order to demonstrate 'We will' commitments to residents, such as clear targets and any other tools to measure success
- Some wording in the policy should be changed in order to demonstrate a stronger commitment

1.10 In relation to 'Any other comments' that the respondents have regarding the proposed policy and action plan the comments such as 'clear commitment and transparency', 'real change' were mentioned, whereby the respondents were putting more emphasis on the importance of 'follow up' stages and delivery of the action plan.

1.11 Conclusion

In conclusion, there was an emphasis on the Council truly carrying out the Action Plan and delivering on the outcomes set out therein. There was also a clear message that the Council need to take a definite stand in relation to promoting and encouraging equality and diversity and that the language of the policy should demonstrate this. The reference to not just paying "lip service" to equalities is significant and relevant when considering the response to the consultation itself. To demonstrate a real commitment to equality in service delivery and decision making, there is a need to capture and consider the views of residents and those affected by the Council's policies and decisions. Whilst an effort to capture those views has been made, further consultation in a slightly different way, may result in a higher response rate.

1.12 With regard to comments made through the consultation in relation to equality in the workplace, as indicated at the November Cabinet meeting, work is already underway in relation to a revised inward facing equality policy in respect of staff and employment. Commencement of consultation on the proposed Equality Policy (Employment) was approved by Appointment and Conditions of Service Committee on 16th December 2020. Formal consultation on this document commenced on 30th December 2020 and will close at the JCSC meeting on 23rd February 2021. The Equality Policy (Employment) will then return to ACSC on 17th March 2021 for final approval with a view to it coming into effect from 1st April 2021.

1.13 With regards to the suggestion that residents should be consulted to determine the adequacy of equality impact assessments, it is already general practice that EIAs are completed on projects or decisions where

appropriate prior to public consultation on those particular decisions/projects. As such, the public would have an opportunity to comment on EIAs as part of the larger consultation on a particular matter in any event. It is already recognised as part of the proposed Action Plan that better collection and use of Equality Data is an action which will facilitate better engagement with residents within protected groups and better consultation and engagement with those groups. Indeed better consultation with groups within protected characteristics is something highlighted within the consultation responses. There was also a comment in relation to the consultation suggesting that the respondent had only just heard about the consultation, again this indicates that the first consultation may not have been as effective as it could have been.

- 1.14 There were also comments from the consultation about including more specific detailed references to certain protected groups within the policy such as specific actions around anti-racism, homophobia or transphobia. The Policy aims to encompass all protected characteristics and provides a broad commitment in respect of the Council's stance on equality. In practice, it is through the Action Plan that specific actions will evolve.

2 Proposal

- 2.1 It is proposed that the Leader notes the responses to the consultation on the Equality and Diversity Policy and the Equality Framework and Action Plan which are set out in full at Appendix 1 to this report and summarised within this report.
- 2.2 Having carefully considered the consultation responses, and the low response rate, it is proposed that the Leader approves a further consultation period on the Policy and Action Plan. It is proposed that the consultation is undertaken with more marketing of the consultation itself and with further emphasis on the significance of the documents to customers. It is proposed that the consultation runs for a slightly longer period of 6-8 weeks with further work undertaken to target specific groups and service users within the protected characteristic groups. Given the significance of the Policy and the Action Plan it is imperative that meaningful engagement is undertaken with residents and the community. Whilst the first consultation did reach a number of groups, and whilst Covid -19 has impacted on the ability to consult or promote consultation in the usual way, not only because of its priority in the media, but also through the loss of face to face focus groups, it is felt more work is needed to promote and encourage a response in a more innovative way. Once the consultation is concluded a further report with recommendations on the policy will be taken to Cabinet for determination.

- 2.3 It is proposed that whilst the consultation on the documents runs that work continues on equality work with oversight from the Strategic Equalities and Diversity group. Whilst public input on the Action Plan is still required, this document is a work plan and there is no reason that actions from that document cannot start to be timetabled and actioned where appropriate. The work to promote and deliver on equality objectives is ongoing and will continue through a second consultation.

3 Alternative Options

- 3.1 The Leader could choose to approve the documents without further consultation and just taking into account the limited responses received. As indicated in this report however, it is felt that a second round of consultation should be undertaken to try to capture a greater response to these documents and to really engage with residents in a more focused way.

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 was not statutorily required, it is best practice, and is in line with the public sector equality duty. The government has produced guidance on effective consultations which sets out a number of principles. In particular consultations should be targeted, should be clear and concise, should take account of the groups being consulted and should allow adequate time for responding. Whilst a consultation exercise has been conducted already, the response rate is very low. A further consultation with wider marketing and a more targeted approach to certain groups may yield a better response rate which will enable Members to be properly informed by residents prior to approval of the final Equality and Diversity Policy and Action Plan.

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. As part of the

consultation exercise, engagement was sought with community groups to ensure wherever possible that those within protected characteristics were contacted as part of the consultation. It is recognised that the response rate to the consultation was low and indeed even in the responses there was reference to accessibility to the consultation, as such it is considered appropriate to consult again and ensure that the consultation is made easily accessible to as many as possible.

7 Carbon Reduction/Sustainability Implications

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

8 Appendices

8.1 Appendix 1 – Consultation Responses
Appendix 2 – Equality and Diversity Policy (Original Draft)
Appendix 3 – Equality Framework and Action Plan

9 Background Papers

9.1 Local Government Association Equality Framework for Local Government 2020 (EFLG)

10 Reasons for Recommendations

10.1 To ensure the Leader considers the consultation responses and ongoing work to comply with the Council's public sector equality duty and equality obligations.

10.2 To enable better engagement with the consultation process and ensure as many residents as possible have the opportunity to input into the Policy and Action Plan.

Statutory Officer approval

Approved by:

Date: 28/01/2021
Chief Financial Officer

Approved by: Monitoring Officer

Date: 28/01/2021
