

From: **Gary Cooke- Cabinet Member for Corporate and Democratic Services.**

David Cockburn, Corporate Director of Strategic and Corporate Services.

To: **Policy and Resources Cabinet Committee 2 December 2016.**

Subject: **Annual Equality & Diversity Report and draft Equality & Human Rights Policy and Objectives 2016-20**

Decision Number: **16/00136**

Classification: **Unrestricted**

Future Pathway: **Cabinet Member Decision**

Summary

This report sets out:

The Annual Equality and Diversity Report 2015-16, which is a statutory requirement under the Equality Act 2010 and the Draft Equality & Human Rights Policy and Objectives 2016-2020.

Recommendation(s):

Policy and Resources Cabinet Committee is asked to:

- 1) Note the Executive Summary of the Annual Equality and Diversity Report 2015-16, Appendix 1
- 2) Review and make recommendations on the draft Equality and Human Rights Policy and Objectives 2016-2020

1. Introduction

1.1 Section 149 of the Equality Act 2010, and the Public Sector Equality Duty (PSED) requires public bodies to have 'due regard' to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

1.2 In October 2011 the Government Equality Office (GEO) issued guidance on what public bodies are expected to publish in order to show how they meet the Duty. The guidance states that public bodies:

- Must publish their first equality objectives by 6 April 2012, with subsequent objectives published at least every four years
- Must decide how many equality objectives it should set and what they should be
- Objectives should take into account evidence of equality issues across all of the authority's functions, consider issues affecting people sharing each protected characteristic, and take into account the three aims of the Duty.
- Must publish an annual report demonstrating the progress it has made by 31 January the following year.

2. Annual Equality and Diversity Report

2.1 Kent County Council (KCC) published its Equality Policy and Objectives in 2011-12.

The policy focused on developing core practices and systems that would help KCC to better expedite its legal duties relating to equality and diversity. The objectives focused on establishing good core equality practices which would help services to develop an understanding of the equality requirements within its business and to respond to them in a proportionate and relevant manner. The objectives were to:

- A. Work with all our partners to define and jointly address areas of inequality.
- B. Promote fair employment practices and creating an organisation that is aware of and committed to equality and diversity and delivers its Public Sector Equality Duty.
- C. Improve the way KCC listens to and engages with its employees, communities and partners to develop, implement and review policy and to inform the commissioning of services.
- D. Improve the quality, collection, monitoring and use of equality data as part of the evidence base to inform service design delivery and policy decisions.
- E. Provide inclusive and responsive customer services.
- F. Understand and respond to the impacts on people when KCC is doing its work

2.2 Directorate annual reports against the objectives were considered at each of the Cabinet Committees meetings between September and October 2016. The Annual Equality and Diversity Report Executive summary can be viewed in Appendix 1.

2.3 Evidence provided through the directorate annual reports suggests that overall the council has made good progress against equality objectives and the processes and procedures that are needed to mainstream equality activity into core business. They also highlight further actions which directorates intend to take over the forthcoming year to further improve their systems, processes and outcomes relating to equality. Some of these actions were considered and taken forward as part of Equality Policy and Objectives review.

3. Draft Equality and Human Rights Policy and Objectives 2016-2020

- 3.1 The draft Equality and Human Rights Policy and Objectives have been developed in consultation with directorates, equality leads, partners and the public. The draft Equality and Human Rights Policy and Objectives can be viewed in Appendix 2. This will be a Key Decision as it will affect a significant proportion of the community living or working within two or more electoral divisions.
- 3.2 The draft policy and objectives can be considered in three parts. The first section sets out the commitment and vision for Equality, Diversity and Human Rights. It articulates how KCC will make sure that the PSED is considered and met in its day to day work. Setting out expectations in relation to areas such as “due regard” commissioning, procurement and people management. The second part provides a clear framework for accountability in delivering the policy and the objectives. The third sets out the equality objectives that KCC will be working towards.

4. Consultation findings

- 4.1 Early engagement sessions with internal services, staff groups- representing the protected characteristic group and interest groups – focused on disability and race were undertaken.
- 4.2 The draft Equality & Human Rights policy and Objectives was published on www.kent.gov.uk/diversty and publicly consulted on from July 2016 to September 2016. In addition to this, qualitative methods such as focus groups and community meetings were used to engage protected groups.
- 4.3 Staff, Managers and Heads of Service were asked to discuss the draft Equality Policy and Objectives in Divisional and Team meetings the outcome of which should be fed back as part of the consultation. Staff were also invited to participate in the broader consultation through focus groups.
- 4.4 The consultation provided KCC with the opportunity to hear from the people who are most impacted by the equality objectives. From existing data annual equality and other performance reports, KCC knows that there are particular groups who are more likely to be adversely impacted by what it does and does not do. For example disabled people, older people and women have been mostly impacted by changes in the provision of public services since the last corporate objectives were set. As such through consultation we aimed to reach these groups in order to ensure that they are able to influence KCC’s new objectives.
- 4.5 The consultation also helped to raise the awareness KCC staff and the public has of the broader equality agenda in Kent.
- 4.6 Overall there were 43 responses to the online survey, 4 were received on behalf of organisations and KCC directorates and 39 responses were from individuals. A total of eight focus groups were arranged. Overall 33 people attended the focus groups. In addition to this the draft Equality and Human Rights policy and Objectives was shared at the Kent Race Equality Council which was attended by 25 people.

4.7 Changes have been made to the draft Equality and Human Rights Policy. They include clarity between the use of the words sex and gender to distinguish the Gender Identity characteristic.

You said	We did
The reporting mechanism for the objectives must be clear.	We have clarified how the objectives will be reported under the section 'Our Performance'.
We should use simple language.	<p>We have made the language and purpose of the policy as clear and simple as possible.</p> <p>We have developed an easy read version of the policy and it has been proposed that the widely published version of the policy and objectives should be in "Easy Read" supported by a more detailed policy.</p>
Objectives must be specific about which protected characteristic is being addressed.	Where possible we have stated which characteristics each objective seeks to address.
We must make sure that equality objectives are not lost when services are procured or commissioned.	<p>We have included contractors, procured and commissioned services in the section on accountability and have clarified our expectations in relation to the equality duty.</p> <p>We will share our equality objectives through our commissioning and procurement cycles and identify where those objectives will need to be delivered by those who are delivering services on our behalf.</p>
We must focus on areas of non-compliance.	We have made the policy clearer and have an entire section on accountability.
We should have a more positive position on Equality.	We have considered the language that we use and have worked to ensure that the objectives are positive serving to build on some of the excellent practice that is already in place.
Equality Objectives should make a real difference.	We have developed equality objectives that are based on our understanding of the equality priorities in services.
We must acknowledge the role that people outside KCC have in fostering good relations such as the voluntary sector and the wider	We have acknowledged the role the voluntary sector and the wider community plays in fostering good relations.

community.	
Mental health is an equality issue that concerns many people.	We have included an equality objective that addresses the mental health needs of specific groups.

4.8 To this end, the Equality and Human Rights Policy and Objectives have been changed in order to address the recommendations following consultation.

5. Financial Implications

5.1 Although there could be financial implications in the implementation of the Equality and Human Rights Policy and Objectives, no new funding is identified in the 2017-20 Medium Term Financial Plan. It is expected that any implementation costs will be relatively small and will need to be found from existing Directorate budgets.

6. Legal Implications and Risk Management.

6.1 KCC is required to publish Equality Objectives (Section 149 of the Equality Act 2010).

7. Equality Impact Assessment

7.1 Equality analysis has been undertaken and captured in the Equality Impact Assessment. At this stage no adverse impacts have been identified in relation to the implementation of the draft Equality & Human Rights Policy and Objectives and Protected Groups (Appendix 3).

8. Future Reporting

8.1 Progress against the new objectives will be reported annually to Directorate Cabinet Committees.

9. Recommendations:

9.1 P&R Cabinet Committee is asked to:

- Note the Executive Summary of the Annual Equality and Diversity Report 2015-16
- Review and make recommendations on the draft Equality and Human Rights Policy and Objectives 2016-2020

10. Appendices

- Appendix 1 – Draft Executive Summary Annual Equality & Diversity Report 2015-2016
- Appendix 2 – Draft Equality and Human Rights Policy and Objectives
- Appendix 3 – Draft Equality and Human Rights Policy and Objectives Equality Impact Assessment.
- Appendix 4 – Proposed Record of Decision

11. Background Documents

- a) Assessment of the performance of public authorities on the specific duty to publish equality information (England) <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/news-and-updates-on-the-equality-duty/>

- b) Annual Equality and Diversity Report for Education and Young People's Services 2015-16, Education and Young People's Services Cabinet Committee- 22 September 2016
<https://democracy.kent.gov.uk/documents/s72192/Item%20D2%20-%20Equalities%20Cover%20Report%202015-16%20Appendix.pdf>

- c) Annual Equality and Diversity Report 2015-2016, Growth, Economic Development and Communities Cabinet Committee – 12 October 2016
<https://democracy.kent.gov.uk/documents/s72475/Item%20D3%20Eqs%20and%20Divs.pdf>

- d) Annual Equality and Diversity Report 2015-2016, Environment and Transport Cabinet Committee - 7 September 2016
<https://democracy.kent.gov.uk/documents/s71822/Item%20B2%20-%20GET%20-%20Equality%20and%20Diversity%20Review.pdf>

- e) Annual Equality and Diversity Report 2015-16, Adult Social Care and Health Cabinet Committee – 11 October 2016
<https://democracy.kent.gov.uk/documents/s72516/D1%20-%20Annual%20Equality%20and%20Diversity%20Report.pdf>

- f) Annual Equality and Diversity Report 2014-15, Children's Social Care and Health Cabinet Committee – 6 September 2016
<https://democracy.kent.gov.uk/documents/s71792/ITEM%20D4%20-%20Equality%20and%20Diversity%20Report.pdf>

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