

From: **Eric Hotson, Cabinet Member for Corporate and Democratic Services.**

David Cockburn, Corporate Director of Strategic and Corporate Services.

To: **Policy and Resources Cabinet Committee, 5 December 2017.**

Subject: **Annual Equality and Diversity Report 2016-2017.**

Summary

This report sets out:

The Annual Equality and Diversity Report 2016-17, which is a statutory requirement under the Equality Act 2010.

Recommendation(s):

Policy and Resources Cabinet Committee is asked to:

- 1) **Approve** the Annual Equality and Diversity Report 2016-17, attached at Appendix 1, for publication on www.kent.gov.uk

1. INTRODUCTION:

- 1.1 Section 149 of the Equality Act 2010 introduced the Public Sector Equality Duty (PSED) which came into force in April 2011. It requires public bodies to have 'due regard' to:
 - a) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act;
 - b) Advance equality of opportunity between people who share a protected characteristic and those who do not;
 - c) Foster good relations between people who share a protected characteristic and those who do not (the protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, marriage and civil partnership, sex and sexual orientation);
 - d) Publish an Annual Equality and Diversity Report by 31 January the following year.
- 1.2 This report discharges the council's statutory duty to produce and publish an Annual Equality and Diversity Report.

2. ANNUAL REVIEW OF PERFORMANCE AGAINST EQUALITY OBJECTIVES

2.1 The council published the existing equality objectives in 2011/12, which were:

- A. Working with all our partners to define and jointly address areas of inequality.
- B. Promoting 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. Improving 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. Improving the quality, collection, monitoring and use of equality data as part of the evidence base to inform service design delivery and policy decisions.
- E. Providing inclusive and responsive customer services
- F. Understanding and responding to the impacts on people when KCC is doing its work

2.2 In 2016 as part of the review of the KCC Equality Policy and Objectives, Directorate Management teams were asked to consider progress against existing objectives and their core business priorities in order to determine what the new equality objectives would be.

2.3 The new Equality and Human Rights Policy 2016-2020 was developed, consulted on and agreed in December 2016. The 2016-17 annual reports not only take the old objectives into account but also demonstrate where work has begun and progress made in relation to the new directorate equality objectives. Responsibility and accountability for delivery of the equality objectives remains with KCC directorates and services.

2.4 Each Directorate Management Team (DMT) has prepared their own annual equality and diversity report, which sets out the equality information for publication and progress against the corporate equality objectives. This is then agreed by the relevant Cabinet Committee. An executive summary of the directorate reports is then prepared and approved for the Policy & Resources Committee to approve, ahead of the 31 January deadline.

2.5 Directorate annual reports were considered at each of the Cabinet Committees through June-September 2017:

- Children and Young People Service Cabinet Committee
- Growth Environment and Transport Cabinet Committee
- Environment and Transport Cabinet Committee
- Adult Social Care and Health Cabinet Committee

3. MATTERS FOR CONSIDERATION

3.1 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 are in place.

- 3.2 The inclusion of directorate based objectives demonstrates that KCC is not simply 'ticking boxes' on equality and diversity but highlights an increasing understanding and embedding of equality outcomes as a core and beneficial part of delivering the work of the organisation.
- 3.3 With an increase in commissioning and alternative delivery models at KCC, it will be important for the authority to consider and ensure the line of accountability for the delivery of the PSED remains strong. The PSED is a 'non-delegable duty' and although Section 149 (2) of the Equality Act states that "person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1)", KCC is ultimately accountable for ensuring that those who deliver services on behalf of the authority understand how they will be measured and held to account.
- 3.4 There has been an improvement in the rate of EqIA's used as part of the Cabinet Committee decision making process. However the fact that there is an EqIA alone is not sufficient to discharge the "due regard" duty. Incorrect and poorly constructed EqIA's that are not consciously considered as part of the decision making process not only risk adversely impacting protected groups but also present a legal, financial and reputational risk to KCC.
- 3.5 Over the next year, there will be a greater focus in the quality of the EqIA's that are submitted for decision making. This will help the authority to identify the groups that appear to be most adversely impacted by decisions and changes, ensure that the decisions do not adversely impact protected groups and mitigate the risks identified above.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications as a consequence of producing an Annual Equality and Diversity Report.

5. LEGAL IMPLICATIONS AND RISK MANAGEMENT

- 5.1 Under the Public Sector Equality Duty (PSED) (Section 149 of the Equality Act 2010), the Council is required to publish an Annual Equality Report by 31 January the following year.

6. EQUALITY IMPACT ASSESSMENT (EqIA)

- 6.1 As the Annual Equality and Diversity report relates to performance monitoring on the previous years' work there is no requirement to undertake an EqIA.

7. APPENDIX:

- Appendix 1: Draft Executive Summary – Annual Equality & Diversity Report 2016/17

8. BACKGROUND DOCUMENTS

- a) Children and Young People's Services Cabinet Committee 7 September 2017
<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=894&MId=7726>
- b) Environment & Transport Cabinet Committee, 21 September 2017
<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=831&MId=7546>
- c) Growth Economic Development and Communities Cabinet Committee 6 September 2017
<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=833&MId=7556>
- d) Adult Social Care and Health Cabinet Committee, 9 June 2017
<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=896&MId=7748>
- e) Equalities and Human Rights Commission: 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/>

10. AUTHOR CONTACT DETAILS

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