

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 - 20 Sept 2019**

Subject: **Annual Equality and Diversity Report 2018-19**

## **Summary**

This report sets out:

Progress against the Equality and Human Rights Policy and Objectives 2016-2020, which is a statutory requirement under the Equality Act 2010.

### **Recommendation(s):**

Policy and Resources Cabinet Committee is asked to:

- 1) Note progress against the Equality Objectives 2016-2020.
- 2) Note the review of the Equality and Human Rights Policy 2016-2020 policy to develop a new policy framework and corporate equality objectives within the new strategic statement.
- 3) Approve the Annual Equality and Diversity Report 2018-19, attached at Appendix 1 for publication on [www.kent.gov.uk](http://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**

- 2.1 In 2016 the new KCC Equality Policy and set of equality objectives were agreed and responsibility and accountability for delivery remains with KCC directorates and services. Directorate Management Teams (DMT) have been asked to consider and report progress against the agreed objectives.
- 2.2 The objectives have been set against the six domains recognised by the Equality and Human Rights Commission (EHRC) as having a significant impact on the quality of life of individuals. The domains are:
- Education
  - Work
  - Living standards
  - Health
  - Justice and Personal Security
  - Participation
- 2.3 Each DMT has prepared its own Annual Equality and Diversity report, which sets out the equality information for publication and progress against the corporate Equality Objectives. This is considered by the relevant Cabinet Committee. An executive summary of directorate reports is then considered by the Policy & Resources Cabinet Committee, ahead of the 31 January publication deadline.
- 2.4 Directorate annual reports have been considered at the following Cabinet Committees:
- Adult Social Care Cabinet Committee (17 July 2019)
  - Children Young People and Education Cabinet Committee 28 June 2019
  - Environment and Transport Cabinet Committee 3 June 2019
  - Growth Economic Development and Communities Cabinet Committee 26 June 2019
- 2.5 Areas of note can be seen in CYPE where following a series of change programmes, there has been a clear drive around the prioritisation of issues relating to disadvantage and equality both in relation to the delivery of services, outcomes for children young people and their families and staffing profile and structures.
- 2.6 The Growth, Environment and Transport (GET) Directorate continues to improve compliance with the Equality Duty by improving year on year the volume, depth and underpinning data of completed equality impact assessments. GET can demonstrate the systematic use of the online portal of completed EqlAs as a 'temperature check' and 'tool' for driving forward the equality agenda.
- 2.7 In the Adult Social Care and Health Directorate (ASCH), there continues to be a focus on staff development and ensuring that changes particularly in relation to digital access do not create greater inequality in terms of access and outcomes for services users.

### **3. Matters for consideration**

- 3.1 Evidence provided through the directorate annual reports suggests that overall the council has made progress against some of the equality objectives and the processes and procedures that are needed to mainstream equality activity into core business are increasingly in place.
- 3.2 In 2017-18 there was a considerable decline in the publication of equality analysis with Cabinet Committee reports. 63% of all Key Decisions considered by Cabinet Committees referred to equality but only 19% had an EqIA attached for consideration. This was a considerable decline from the previous year. Measures were agreed by the Corporate Management Team and put into place by Democratic Services.
- 3.3 2018/19 has seen a considerable improvement with 72% of reports mentioning equality considerations and 53% with EqIA's appended to committee reports. However, this means that 47% of all reports are still without analysis attached for decision-makers to consider or debate equality implications where they may exist, and as such the risks associated with non-compliance remains.
- 3.4 This risk is also evident through work undertaken to develop the Strategic Delivery Plan (SDP). Analysis from the SDP highlighted poor early consideration of the need to undertake equality analysis at a policy development stage. Of the 27 priority activities, 4 had undertaken a screening, 1 was in progress and the remaining 22 stated that equality analysis was not applicable or that it was applicable but had not been started. These issues will be reviewed by CMT and further measures put in place to continue to drive up performance in this important area.
- 3.5 The protected groups that have been most adversely impacted or whose impacts are not easily determinable or are unknown from analysis are *Age, Gender identity, Religion and belief and Sexual Orientation*. Where possible mitigating actions were put into place by services.
- 3.6 Gender identity presents an on-going challenge in relation to understanding positive and negative impacts as there is no systematic data collection for the protected group across the authority.
- 3.7 The third element of the PSED is the duty to 'Foster good relations between people who share a protected characteristic and those who do not'. In October 2018, The Equality and Human Rights Commission released a report on prejudice and discrimination in Britain. The report highlighted that there is still a broad range of prejudice-based attitudes in Britain today and one of the most effective ways to combat this was through contact and communication between groups. This can also be enhanced through shared goal and institutional support.
- 3.8 For example, in 2018/19, KCC supported the development of local interfaith work through providing an online resource facilitating local knowledge and join up between faith groups. An event was held during Interfaith week which gave the opportunity for people for people of different faiths to talk about and discuss their faith beliefs. Faith groups also provided the opportunity for people to visit places of worship in a series of 'Diverse Open Doors' days. The work has also led to the establishment of the Maidstone

Interfaith Forum which has not only proved a useful resource for KCC but has resulted to greater interfaith activity in Maidstone.

- 3.9 KCC's Consultation and Engagement team has effectively advised on consultations to a wide range of services users. However, beyond direct consultation on specific issues, it is difficult for KCC to demonstrate where there is broader engagement with residents on issues relating to equality and the delivery of services. The way in which KCC engages diverse communities both in and beyond the delivery of services will likely come into increasing focus as a result of the Integrated Communities Action Plan published in February 2019. KCC needs to continue the drive towards developing meaningful and efficient engagement mechanisms within and across communities in Kent in order to reach a broader, more representative demographic.

#### **4. Future priorities**

- 4.1 2019/20 will be the last year of KCC's Equality and Human Rights Policy 2016-2020, as such KCC has a statutory obligation to review the objectives. It is suggested that the Equality Objectives should be based on strategic measurable outcomes and aligned to the new Strategic Statement.
- 4.2 Despite making progress against the objectives, KCC has not been subject to any external review or scrutiny of the work it has done relating to equality and diversity. It is proposed that an equality Peer Challenge under the Equality Framework for Local Government (EFLG) is commissioned from the Local Government Association to assess how well KCC delivers equality outcomes across the range of domains as defined by the framework in 2021.
- 4.3 Local authorities such as Essex County Council have used the Equality Peer Challenge process to gain assurance into the work that they do and to further mainstream equality work into the day to day practices. Undertaking the Peer Challenge will allow the organisation to embed the new equality objectives and highlight areas of both good practice and areas for further improvement.

#### **5. Financial Implications**

- 5.1 There are no financial implications.

#### **6. Legal Implications and Risk Management**

- 6.1 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.

#### **7. Equality Impact Assessment**

- 7.1 As the annual equality and diversity report relates to performance monitoring on the previous years' work there is no requirement to undertake an EqIA.

However, it is anticipated that the report will have a positive impact for all Protected groups under the Equality Act 2010.

## 8. Conclusion

8.1 Policy and Resources Cabinet Committee is asked to:

- Note progress against the Equality Objectives 2016-2020.
- Note the review of the Equality and Human Rights Policy 2016-2020 policy to develop a new policy framework and corporate equality objectives within the new strategic statement.
- Approve the Annual Equality and Diversity Report 2018-19, attached at Appendix 1 for publication on [www.kent.gov.uk](http://www.kent.gov.uk)

## 9. Appendix

Appendix 1: Draft Executive Summary – Annual Equality & Diversity Report 2018-19

## 10. Background Documents

- a) Adult Social Care Annual Equality & Diversity Report, 17 July 2019  
<https://democracy.kent.gov.uk/mgConvert2PDF.aspx?ID=91403>
- b) Children Young People and Education Annual Equality & Diversity Report, 28 June 2019  
<https://democracy.kent.gov.uk/mgConvert2PDF.aspx?ID=91062>
- c) Growth Economic Development and Communities Annual Equality & Diversity Report, 3 July 2019  
<https://democracy.kent.gov.uk/mgConvert2PDF.aspx?ID=91023>
- d) Environment and Transport Annual Equality & Diversity Report, 17 July 2019.  
<https://democracy.kent.gov.uk/documents/s91301/Item%2010%20-%20Report%20-%202018-19%20GET%20Directorate%20Equality%20Review.pdf>
- e) Equality 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/>

## 11. AUTHOR CONTACT DETAILS

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