

From: Clair Bell, Cabinet Member for Adult Social Care and Public Health

Penny Southern, Corporate Director of Adult Social Care and Health

To: Adult Social Care Cabinet Committee - 17 July 2019

Subject: **ANNUAL EQUALITY AND DIVERSITY REPORT**

Classification: Unrestricted

Past Pathway of Paper: Adult Social Care and Health Directorate Management Team – 10 July 2019

Future Pathway of Paper: None

Electoral Division All

Summary: This report sets out the position statement for Adult Social Care and Health regarding equality and diversity work and progress on equality objectives for 2018/19. The report is to provide assurance to Cabinet Committee members that the directorate is compliant with the Public Sector Equality Duty and provides accessible and appropriate services.

Recommendation: The Adult Social Care Cabinet Committee is asked to:

- a) **CONSIDER** and **COMMENT** on the current performance;
- b) **RECEIVE** this report annually in order to comply with the Public Sector Equality Duty; and
- c) **NOTE** that the directorate report be submitted as part of the Annual Equality and Diversity report for Kent County Council.

1. Introduction

1.1 Publication of equality and diversity information is compulsory in England for all public authorities, as stipulated in the Public Sector Equality Duty (PSED) 2010. Proactive publication of equality and diversity information ensures not only compliance with the legal requirements but also transparency for the public in how the Adult Social Care and Health (ASCH) Directorate ensures equality and diversity considerations throughout its work.

1.2 The Equality Act 2010 states that people should not be treated differently or unfairly because of:

- age
- disability
- sex changes
- marriage
- having a baby
- race

- religion
- being a man or a woman
- being lesbian, gay or bisexual

1.3 The principal responsibilities of the directorate include undertaking individual and population needs assessment, care and support planning, informing commissioning, arranging services to meet the eligible needs of people and safeguarding vulnerable children and adults. Adult Social Care and Health demonstrates its commitment by embedding equality throughout the organisation to ensure that the needs of all communities, including people with the protected characteristics, listed in Section 1.2 of the report, are considered in the commissioning and delivery of services.

2. Financial Implications

2.1 There are no financial implications in producing this annual report.

3. Policy Context

3.1 In 2016, Kent County Council published its Equality, Diversity and Human Rights Policy and Objectives 2016 to 2020. The objectives have been set against 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

3.2 The Policy Statement stipulates that Kent County Council (KCC) believe:

- people should be treated well
- people should be helped to be safe
- people should be able to have control of their lives

3.3 KCC must look at the need to:

- stop unlawful discrimination
- improve equal opportunities
- encourage good relationships

3.4 KCC Equality and Human Rights Objectives 2016-2020 are summarised as follows:

- All Members and Officers will be responsible for ensuring that the PSED is met in their day to day work and when making decisions
- Equality analysis will be used when procuring and commissioning

- Knowledge and information will be gathered and analysed, to get a clear understanding of the protected characteristics of service users
- KCC will continue to be an inclusive employer
- KCC will listen to and engage with employees, communities and partners to inform the way services are planned, designed and commissioned. Communities will have their say through consultations and engagement
- KCC will put residents and service users at the heart of all its work by embedding the PSED into everything we do so that we can continue to build strong and inclusive communities.

3.5 During 2018/19 the ASCH Directorate continued its work to deliver services in line with the KCC Equality, Diversity and Human Rights Policy and Objectives 2016 to 2020. In addition, there was an equality and diversity focus on specific areas of ASCH work, applying a strength-based person-centred practice approach, tailored to the characteristics of individuals, to achieve positive and sustainable outcomes across the following three areas of ASCH work:

- Safeguard vulnerable adults from harm
- Improve life chances and outcomes of vulnerable adults through service developments and modernisation
- Ensure the quality and range of services are improved through increasing engagement with service users and carers.

3.6 Full details of the relevant objectives and what was delivered against the three areas of ASCH work are contained within the divisional Operating Plans 2018/19. A summary of examples is contained in Appendix 1.

4. How we are working to meet Public Sector Equality Duty (PSED)

<p>4.1 The table below sets out the evidence which demonstrates how the Directorate is meeting the requirements of the KCC's Equality and Human Rights policy and objectives and meeting the Public Sector Equality Duty.</p>	
KCC Equality Human Rights Objectives	Evidence
<p>All Members and Officers will be responsible for ensuring that the Public Sector Equality Duty is met in their day to day work and when making decisions</p>	<p>Equality Impact Assessments (EqIA) are carried out for all service developments, projects and decisions relating to services and staff, to demonstrate that we understand our communities and ensure all activity is inclusive and responsive to customer needs. During 2018/19 12 Key Decisions were made, all of which were supported by an EqIA.</p> <p>The ASCH Equality and Human Rights Steering Group set up in 2017 continued to operate during 2018/19, to promote and monitor that staff and the people we support to have fairer outcomes. The group ensured that equality objectives were integral to annual service operating plans and outcomes. Group members supported their division with equality related information gathering and analysis eg reasonable adjustments for staff. The group has managed and delivered equality and human rights learning events for staff, to improve practice and decision-making in service delivery.</p>
<p>We will use equality analysis when procuring and commissioning</p>	<p>During 2018/19 assessment, analysis was undertaken as part of modernising and transforming services and designing new operating models. A business case and project plan was completed for each aspect of service transformation, including an EqIA in all cases.</p> <p>EqIAs were also integral for services procured and commissioned on behalf of ASCH. An example is the commissioning of Community Navigation services. The EqIA screening process resulted in an adverse equality impact rating of 'Medium'. A clear action plan was produced to address this rating, reflected in the contract and contract monitoring process, with specific objectives relating to people over age 55, people over age 55 with a disability and with regard to religion, on the impact of the contract on social and familial support systems. An extract from the EqIA for the Community Navigation service is attached as Appendix 2.</p>
<p>We will gather and analyse knowledge and information to get a clear understanding of the</p>	<p>The collection of 'About You' information is built into all assessment and data gathering processes in ASCH and the resulting information is routinely used to inform business planning, commissioning processes and the production of EqIAs. The client data for 2018/19 indicates no significant change in the profile for age, gender and ethnicity. Religion and sexual orientation remain underreported and information gathering from clients for these</p>

<p>protected characteristics of our service users</p>	<p>protected characteristics still requires improvement. An overview of ASCH client data for 2018/19 is attached as Appendix 3.</p> <p>An example of utilising data to ensure the needs of people with protected characteristics are met is in Mental Health services where service gaps first identified in 2017/18 have been developed during 2018/19. Using alternative buildings to meet authority services, such as the police, continues. Support plans are tailored around gender considerations such as using Mankind for men experiencing domestic abuse. This practice continues in the safeguarding enquiries context in accordance with the Care Act 2014. A Transgender support group set up in 2017/18 is now active as a social media group. The practice of having dedicated police officers within acute psychiatric settings continues, to oversee referrals made to the police, where alleged abuse occurs in a psychiatric inpatient setting.</p>
<p>We will continue to be an inclusive employer</p>	<p>As per the annual workforce data reported to Personnel Committee on 5.6.19, there are no significant changes in the ASCH workforce profile, with an exception regarding younger workers. During 2018/19 there was an objective in ASCH to address the low percentage of staff aged 25 and under and increase the number of staff in this age group. The number of staff aged 25 and under increased from 153 at 31.3.18 to 165 at 31.3.19. Work continues to maintain this momentum, retain younger staff and develop their skills and careers. The ASCH workforce profile is available in The Personnel Committee report via this link: https://democracy.kent.gov.uk/documents/s90575/Workforce%20Profile%20-%2004.06.19.pdf</p> <p>ASCH monitors fair employment practices on a regular basis at the Directorate Management Team (DMT) and the next level down Divisional Management Team meetings (DivMT), to ensure managers are engaged in and accountable for their responsibilities. ASCH has a Workforce and Organisational Development Group, operating as a subgroup of DMT, to oversee the strategy for inclusive employment eg allocation of learning and development funding and access to professional qualifications. Action Plans are in place including at the individual level and link with the overall Organisation Development Plan, to ensure that trends are reviewed and addressed. An annual review is carried out on the reasonable adjustments put in place to support staff. In 2018/19 reasonable adjustments were reported for 601 members of staff. Examples include specialist office equipment, flexible working patterns and leave to address mental health issues.</p> <p>While ASCH was modernising and transforming services during 2018/19, an inclusive approach was taken to realigning the workforce and transferring staff on to new structures. For example the EqlA for realignment of staff in Older People and Physical Disability service indicates 'low or no' adverse impact on staff, except in relation to age, which was rated 'medium' adverse impact. The EqlA confirms there is a high proportion of staff are in</p>

	<p>the 50-59 age bracket (14.8% age 50-54, 13.4% age 55-59). While there were no redundancies proposed, it was recognised that the change may encourage staff to retire early and therefore there would be a loss of skills and experience. The action plan to address this was to review succession plans and the approach to talent management to develop skills and experience across the service. As management roles became vacant due to retirement and turnover, it was possible to recruit managers with the appropriate skills and capabilities.</p>
<p>We will listen to and engage with employees, communities and partners to inform the way we plan, design, commission and deliver services. Communities can have their say through consultations and engagement</p>	<p>The annual Employment Value Proposition (EVP) survey took place September to October 2018. The full results for ASCH were presented to DMT for consideration in February 2019. The analysis of the key characteristics has revealed some interesting patterns emerging from this initial review of the data particularly for observed differences in attitudes relating to grade, age and length of service but also concerns by some groups such as disabled staff, part-time staff and carers. To preserve anonymity, the protected characteristics will not be analysed below directorate level. The following action was taken by ASCH:</p> <ul style="list-style-type: none"> • Extended Management Team reviewed feedback. • Action plans built into service plans. • Ongoing programme of staff engagement with change. <p>During 2018/19 all ASCH managers KR13 and above took part in a 360 feedback process to measure performance aligned to the KCC Leadership Capabilities. The results have been factored into ASCH redesign and senior leadership development planning and personal action plans for 19/20, to ensure leadership capability is positively impacting on how services are delivered and staff are managed eg creating a culture which encourages high quality customer service. The process will be repeated during 2019/20 for comparison and follow up at an individual level, to ensure leadership capability and development is on track.</p> <p>During 2018/19 work commenced in ASCH to embrace the digital revolution, as part of modernising services and exploring new, effective ways to provide customer access to information, services and support for self-management. The Being Digital Strategy was produced following engagement with the public to understand needs, requirements and potential blocks and barriers. The Equality Impact Assessment for the Being Digital Strategy addresses how access will be provided to all and the measures in place to ensure the needs of people with protected characteristics are met. The strategy can be accessed via this link: https://www.kent.gov.uk/about-the-council/strategies-and-policies/adult-social-care-policies/being-digital-strategy</p> <p>The strategy states that digital solutions will not be a replacement for care and support, instead people will have more choice about how they access services and information. Older people for</p>

	<p>example accessing adult social care services will still be able to access services and information through telephone or in person. Whereas some of the younger adult social care service users might prefer to use the internet. An Easy read version is published on the KCC web site, alongside the full Strategy and the EqIA.</p>
<p>We will put residents and service users at the heart of all our work by embedding the Public Sector Equality Duty into everything we do so that we can continue to build strong and inclusive communities.</p>	<p>There are examples contained above regarding residents and service users being at the heart of our work and embedding the PSED in everything we do. An additional example to demonstrate how we support strong, resilient and inclusive communities is the engagement and work that commenced in 2018/19 on the Carer's App. This is a new initiative hosted at the Design and Learning Centre www.designandlearningcentre.com on behalf of the Kent and Medway Sustainability and Transformation Partnership. The Carer's App is a digital tool for carers providing essential help, support and information. It is for both carers in a paid carers role and those who are not paid but care for a family member, friend or neighbour. The App builds on the success of the 'Look, Stop, Care' publication and enhances what is available to carers, recognising that:</p> <ul style="list-style-type: none"> • In Kent there are around 47,000 new carers every year • One in nine adults in Kent are Carers • Three in five people in Kent will become a Carer at some point in their lives • There are also over 10,000 Young Carers in Kent • There could be another 30,000 hidden Young Carers <p>Development work continues on the Carer's App for launch during 2019/20, to provide quick, easy and consistent access to the things that carers have identified as important to them.</p>

5. Key Challenges

- 5.1 Demographic changes and resource pressures continue to provide the biggest challenge for Adult Social Care. The people supported have increasingly diverse and complex needs. The population is living longer with complex needs putting further demand on social care, and people want better quality and choice in the services they use. Developing person centred, strengths-based approaches, utilising community assets, supporting people to be resilient and self-manage is key to addressing the challenge. Technological change and digital applications can support this if managed and developed in the right way.
- 5.2 Information gathering relating to religion and sexual orientation at the individual client level has improved but is still not being captured sufficiently and therefore remains under reported. The small improvement is due to work undertaken with staff, ensuring they understand the importance of accurate data collection. The importance of this information in relation to delivery of the ASCH strategy and providing responsive services through effective commissioning is understood at a strategic level. At an operational level there is a need for ongoing training,

and this will continue to be a feature of the Equality and Human Rights learning events for ASCH staff during 2019/20. The introduction of the Principal Social Worker role during 2018/19 will also help to address this, as part of the drive to develop a culture of good social work and social care practice in service delivery and employment.

6. Governance

- 6.1 The governance arrangements set in 2012 remain in place, when processes were agreed to ensure compliance with the PSED following an internal audit. The governance is based on decisions having an EqIA at both Departmental Management Team and Member levels. This is to avoid that decisions are taken without full equality analysis, leaving the authority open to potential Judicial Review.

7. Legal Implications and Risk Management

- 7.1 The Public Sector Equality Duty (Section 149 of the Equality Act 2010) requires the Council to publish its Equality Annual Report each year.
- 7.2 The configuration for the new Adult Social Care Management Information System (MOSAIC) has resulted in new operating models and realignment of the workforce. The design of new services and staffing structure was underpinned by Equality Impact Assessments, helping to ensure that we continue to not only meet the requirements of the equality and human rights legislation but also ensure that KCC is an inclusive place to work.

8. Equality Impact Assessment

- 8.1 There is no requirement to undertake an Equality Impact Assessment for this report as it contains performance monitoring on the previous year's work and internal governance arrangements.

9. Conclusion

- 9.1 The strategy for adult social care 2018-2021 'Your life, your well-being', sets out a clear vision for how we will help people improve or maintain their well-being and to live as independently as possible, putting the person at the centre of everything we do. While identifying and understanding individual needs and characteristics, we will continue to promote people's ability to improve and maintain their health and well-being and live independently, with personalised care and support, to achieve the outcomes that matter to them. We will work with our partners and make the best use of resources to deliver more person-centred care and support, keep people safe and help them have reasonable choice and control.
- 9.2 The Equality Act 2010 serves as a reminder and helps us to ensure we are inclusive in how we deliver our services, continue to apply change and modernisation to our services and that we do not overlook the needs of individuals, communities or staff.

10. Recommendation

10.1 Recommendation(s): The Adult Social Care Cabinet Committee is asked to:

- a) **CONSIDER** and **COMMENT** on the current performance;
- b) **RECEIVE** this report annually in order to comply with the Public Sector Equality Duty; and
- c) **NOTE** that the directorate report be submitted as part of the Annual Equality and Diversity report for Kent County Council.

11. Background Documents

Kent County Council Equality and Diversity page
<http://www.kent.gov.uk/about-the-council/strategies-and-policies/corporate-policies/equality-and-diversity>

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