

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

**David Cockburn, Corporate Director of Strategic and Corporate Services**

To: **Policy and Resources Committee 12 December 2014**

Subject: **Annual Equality and Diversity Report 2013/14**

Classification: **Unrestricted**

**Past Pathway of Paper:**

Corporate Management Team 30 September 2014

Growth Environment and Transport Cabinet Committee 16 September 2014

Environment and Transport Cabinet Committee 17 September 2014

Children's Social Care and Health Cabinet Committee – 23 September 2014

Education and Young People's Service Cabinet Committee 24 September 2014

Adult Social Care and Health Cabinet Committee – 26 September 2014

**Future Pathway of Paper:**

**Electoral Division:** All divisions

**Summary**

**This report sets out:**

1. An evaluation of compliance with the Equality Act 2010 and areas for further improvement.
2. Plans for future reporting

**Recommendation(s):**

1. Agree that equality objectives be reviewed and included as part of the new Strategic Statement and new Commissioning Plan in 2015
2. Agree that future equality reporting will be included within the performance framework supporting the new statement and commissioning plan
3. Agree the strengthening of equality governance and to receive the updated arrangements from Governance and Law and Corporate Equality Teams

**1. Introduction**

- 1.1 All public authorities in England are obliged to publish equality information. . Proactive publication ensures not only compliance with the legal requirements, but also a greater understanding by the public of the difficult

decisions being faced by an authority, and why they are being taken. Gathering equality information and using it to inform decision-making can also enable authorities to achieve greater value for money in the services they deliver through better targeting of services.

- 1.2 Departmental Management Teams have received the annual equality reports for their own Directorates. Each report sets out the equality information that is required for publication and progress against the Corporate Equality Objectives.

## **2. Areas of Concern**

- 2.1 Good progress in embedding equality into the provision of services has been made within KCC's service directorates, however, it is recognised that the authority can be put at risk if decisions are made which do not fully comply with the policy position. To help mitigate this risk, the following further improvements have been identified:

### **2.1.1 Equality Analysis**

- 2.1.2 It is important that Members and Officers have the right information from Equality Impact Assessments (EqIAs) before decisions are made. In some instances (EqIAs) are not being undertaken at the right time which creates risks for the organisation in relation to the provision of services and Judicial Review.
- 2.1.3 Some officers have raised concerns about the amount of time spent on undertaking Equality Analysis. It is worth noting that equality analysis should always be proportionate to the decision that is being made and does not slow the pace of change down if it is done as part of the core evidence base of any proposal. All services need a clear understanding and know who their customers are and their needs, especially those with a protected characteristic. This is particularly so in the increasingly commercially driven market environment that the public sector is now operating in. Failure to understand customer profiles and needs will lead to poor commissioning and procurement decisions, poor contract management, poor service delivery and the failure to deliver against the Public Sector Equality Duty.

## **2.2 Cumulative impacts of changes**

- 2.2.1 The relationship between the Corporate Equality & Diversity Team, the Facing the Challenge Team and the Corporate Portfolio Office (CPO) has been strengthened in order to mitigate the risks associated with lack of compliance. The Facing the Challenge Team and the Corporate Portfolio Office (CPO) play an important role in ensuring compliance during the period of change and are therefore instrumental in ensuring KCC is able to demonstrate that Members and Officers have the relevant equality analysis at the formative stage of the decision making process.

2.2.2 Furthermore the authority is looking at the cumulative impacts of change on customers and this will be coordinated by the CPO team.

### **2.3 Governance arrangements**

2.3.1 In 2012 an internal audit report recommended that all decisions should be based on completed EqlAs and to date there has been wide compliance with this recommendation. However, there are still some gaps which potentially could open the authority to potential challenge.

2.3.4 It is proposed that arrangements are strengthened to ensure that all decisions have the outcomes of an EqlA embedded within the reports. This will be achieved through the new model report standards that have proposed by the Law and Governance team.

## **3. Directorate Equality Reports 2013/14**

3.1 The Council published its equality objectives in 2011/12. Each service was asked to provide equality information and to demonstrate compliance with equality legislation for the period 1 April 2013 – 31 March 2014, to identify the performance measures in place to achieve the KCC Equality Objectives and to identify areas for improvement. The reports have been presented to Directorate Management Teams and to Cabinet Committees in September 2014. An Executive Summary of the reports can be found in Appendix 1. Examples of practice are highlighted below.

### **3.2 The Growth, Environment and Transport Directorate (GET)**

3.2.1 GET have a good equality record with EqlAs used as good practice examples across the authority.

3.2.2 The Household Waste Recycling Centre (HWRC) service has asked contractors to deliver a 'meet and greet' service, with assistance available to customers for the lifting and carrying of waste. Contractors running the HWRCs are also required to comply with the access scheme for customers. In addition, service information is made accessible to customers through a range of formats e.g. Easyread, Braille, alternative languages when requested.

3.2.3 Over the last year adults with learning disabilities have made 1,529 visits to Libraries to attend activities. A key aim of the service is to ensure that adults with learning disabilities feel comfortable and secure in attending regular library activities. For example adults with learning disabilities attend Talk Times, author events, Knit and Natter sessions, Time2Give volunteering, IT session and the Six Book Challenge -over 80 adults with learning disabilities received a certificate after completing the challenge (50 adults in 2012-2013.)

3.2.4 The marriage script has been rewritten to be totally inclusive of all couples. Also in the Jewish and Muslim faiths, burial has to take place within 24 hours of death. A duty registrar is available 24 hours a day to register the death to issue appropriate paperwork for a funeral to take place.

- 3.2.5 Economic Development identified and evidenced spatial inequalities across the county to inform the distribution of economic development activities. Examples of this in 2013/14 include the preparation of the Kent and Medway Economic Review, which provided the basis for Kent's contribution to the Strategic Economic Plan. This evidence has helped KCC to identify areas where investment is required to overcome economic disparities at sub-county level, and to ensure that KCC enables growth in locations where the market will not deliver alone. In practical terms, this means a particular focus on East Kent and North Kent.
- 3.2.6 Kent Highways work closely with Highway contractor Amey to run an apprenticeship scheme which encourages greater numbers of young people into work. Working with Kent Police KCC ensures that our Driver Diversion Courses are accessible with reasonable adjustments made on request.

### **3.3 Social Care Health and Wellbeing Directorate**

- 3.3.1 During 2012-13 particular shortfalls were identified in 'Gathering and analysing equality information' and the use of information relating to protected characteristics particularly for adult social care, to inform the commissioning and provision of services.
- 3.3.2 Performance management reporting is now in place to monitor the gathering of information from customers on protected characteristics. The quarterly reports show a small improvement but further work is needed to encourage staff to ask the relevant questions at the point of assessment and this will continue to be an objective for 2014-15. These reports are currently presented to the Directorate Equalities Group for subsequent sharing with Divisional Management Teams (DivMTs). It is proposed that in future this information is provided direct to DivMTs, as part of routine performance management reporting.
- 3.3.3 There are on-going Training and development needs for staff in order to continue to raise awareness and support staff to meet expectations. Proficiency in producing Equality Impact Assessments continues to be an important training and development need. Training is still needed to help overcome reluctance to ask relevant questions relating to certain protected characteristics at the point of assessment and understand why this data is being collected. These training needs have been logged for inclusion in the Workforce Development Plan for 2014-15.
- 3.3.4 At the start of 2013/2014- Public Health became part of the Local Authority and issues relating to Health Inequalities/ Equality will be published as part of the Public Health Annual Report in autumn 2014.

### **3.4 Education and Young Peoples Services Directorate (EYPS)**

- 3.4.1 Reducing inequality in education and learning outcomes, reducing achievement gaps and championing the needs of the most vulnerable children and young people is a vital part of the Local Authority's role and purpose in relation to education inequality.

- 3.4.2 Kent's Special Educational Needs and Disabilities (SEND) Strategy, launched in January 2014, anticipates the statutory changes for children and young people with SEN (Special Educational Needs) and or who are disabled aged between 0-25 and their families and carers. EYPS are creating more capacity in mainstream schools to support pupils in their local communities, through the development of SEN resourced provisions in a number of schools, embedding the Kent Core Standards in every school and ensuring that there is good access to workforce development and training through the specialist support available at the Local Inclusion Forum (LIFT).
- 3.4.3 More than 20 schools, early years settings and colleges are participating in a multi-agency pilot working towards externally accredited Inclusion Awards which will establish a culture of inclusive practice for other providers to follow from 2015. EYPS have undertaken public consultation to increase capacity to support Autistic Spectrum Disorder (ASD) and Behavioural Emotional and Social Needs (BESN) at Furness and Goldwyn Special Schools, and have consultation plans in place to increase unit places for speech & language impairment, ASD and satellite provision attached to special schools for severe and complex needs.
- 3.4.4 Free early education became a statutory entitlement for eligible two years olds from 1 September 2013, with the local authority having a duty to secure provision. Around 20% of two years olds were eligible for free early education from September 2013. The programme will be extended from September 2014 to include around 40% of two years olds. KCC was given a target to secure 3,095 Free for Two places by September 2013 with an increase to 6501 places by September 2014 (this being the second largest target nationally). The target to develop 3095 places was achieved by September 2013 and the progress on the target of developing 6501 places is ongoing.
- 3.4.5 In 2013, 177 Primary schools and 43 Secondary schools narrowed the FSM achievement gaps. EYPS are taking active steps to disseminate this best practice. All Senior Improvement Advisers (SIAs) and Heads of Service are clear which schools which demonstrate best practice and which schools need to improve and they will match support. All SIA's, Area Education Officers (AEO's), and Heads of Service will submit case studies of schools in their districts that have significantly narrowed the gap
- 3.4.6 From January 2013 to 2014 participation for Year 12 vulnerable learners has increased by 3.1%. This modest improvement is encouraging as it reflects the impact of the increased focus on supporting vulnerable young people by KCC, in particular through the 14-24 Skills and Employability Strategy, the SEN Review, the PRU review, the reorganisation of Preventative services through KIASS and Troubled Families.

### **3.5 Strategic and Corporate Services Directorate**

- 3.5.1 The teams within the Directorate provide an important role regarding equality governance and in the main provide the internal controls to help achieve compliance of The Equality Act 2010.
- 3.5.2 KCC developed an Equality Analysis (EqIA) Partnership Protocol in 2012/13. The Localisation of Council Tax was used as one of the pilots for this work. Finance took the lead and worked with the Districts to produce a model report. Procurement ensures there is equality analysis for every specification to cover any additional needs required to complete the contract and promotion of equality in procurement. They have revised their documents and introduced controls to ensure that specifications have EqIAs. The equality analysis covers any additional needs required to complete the contract.
- 3.5.3 Property and Infrastructure have ensured that buildings and equipment are accessible and usable. Following a difficult setting up phase, Property and Infrastructure have embedded equality into their core business process by adapting the standard templates to suit their needs. This has reduced the number of calls regarding KCC properties and office moves to nil.
- 3.5.4 The Employment Policy Team (EPT), in the HR Division, is responsible for promoting and ensuring the equality and diversity outcomes in employment. A full report on KCC's Workforce is available in Appendix 4. In 2013 the EPT took over the responsibility of Staff EqIAs from E & D Team.
- 3.5.5 Governance and Law ensure that decisions follow 'due diligence. The Forthcoming Executive Decisions (FED) list, which has replaced the Forward Plan, includes a request for information about the equality impact of all decisions, as does the model report template.
- 3.5.6 Since 2013, Customers Services have started recording complaints about potential discrimination in quarterly monitoring reports. The authority is identifying these complaints and taking further action where appropriate. Not every complaint received is upheld but it is positive that people feel they are able to complain if they feel they have been discriminated against. The Customer Services Strategy is being updated to include equality objectives and outcomes for service users.

### **4 Future Reporting**

- 4.1 It is proposed that KCC revises and consults on its equality objectives during 2014/2015. The objectives will be incorporated in to the new Strategic Commissioning Plan and the accompanying Outcomes Framework so that KCC can embed equality monitoring in to the core performance framework. This will result in greater compliance in relation to the delivery of organisational priorities and core services. Critically outcomes will be monitored through core performance management frameworks which will

result in greater efficiency and accountability in relation to the delivery and outcomes of the objectives and services to customers. Performance monitoring is to be reported to Cabinet and relevant Cabinet Committees and this will meet the relevant statutory duty under the Equality Act 2010.

- 4.3 Duplication has been reduced through streamlining KCC's equality duty by including public information within other published reports. For example Social Care, Health and Wellbeing Directorate publish Active Lives and the Public Health Annual Report and some equality information is already included in these and they are both reported to the relevant Cabinet Committee.
- 4.4 The Annual Equality Work Profile Report will continue to be considered by the Personnel Committee then published on kent.gov.uk as part of the Annual Equality & Diversity Annual Report Executive Summary

## **5. Financial Implications**

- 5.1 There are no financial implications in producing an annual report.

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

- 6.1 The Council is required to publish its Equality Annual Report each year in accordance with the Public Sector Equality Duty (PSED) (Section 149 of the Equality Act 2010).

## **7. Equality Impact Assessments**

- 7.1 As this decision is regarding performance monitoring on the previous year's work and internal governance arrangements there is no requirement to undertake an Equality Impact Assessment.

## **8. Conclusions**

- 8.1 Progress has been made in embedding equality across KCC with some services finding the task easier than others. Further work needs to be undertaken to strengthen governance arrangements and to identify and assess meaningful equality activity and for KCC customers.

## **9. Background Documents**

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/>

Annual Workforce Profile Report, Personnel Committee 4 June 2014

## **10. Contact details**

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