

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 – 13 September 2018

Subject: Annual Equality and Diversity Report 2017-18

Classification: Unrestricted

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:

- a) note the recommendations agreed by the Corporate Management Team on Equality Analysis/Impact Assessments set out in paragraph 3.4; and
- b) approve the Annual Equality and Diversity Report 2017-18 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 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 have been asked to consider and report progress against the agreed objectives.
- 2.2 The objectives have been matched into 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 There is a move towards using the domains across the range of public services as seen in the publication of the national Race Audit which considered race inequality across a range of public services in England and Wales. The KCC Annual Equality and Diversity Executive Summary 2017-2018 will use this framework.
- 2.4 Each Directorate Management Team (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 then considered and agreed by each 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:
- Adult Social Care Cabinet Committee 4 July 2018
 - Children Young People and Education Cabinet Committee 10 July 2018
 - Environment and Transport Cabinet Committee 13 July 2018
 - Growth Economic Development and Communities Cabinet Committee 3 July 2018

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. In the context of changing leadership, vision and priorities, directorates must remember the focus of their equality objectives and continue to consider if the equality priorities remain the same. This will help the organisation to

effectively track improvements and to ensure the needs of protected groups are still being met.

3.2 The 2016/17 Annual Report noted an improvement in the rate of EqIA's used as part of the Cabinet Committee decision making process. However, there has been a notable decline in the publication of equality analysis with Committee decisions. In 2017-18, 63% of all Committee decisions referred to equality and 19% had an EqIA attached for consideration. In 2016-17, 79% referred to equality and 55% had EqIA's attached to Committee decisions.

3.2 Failure to include equality analysis is a breach of KCC's Equality and Human Rights Policy and suggests that KCC may not be able to evidence paying due regard to the PSED. Further the requirement for publication of EqIA's with decisions is a specific equality objective against which KCC is not sufficiently performing. The information is publicly available as all Committee meetings are webcast with papers and minutes publicly available and may be easily investigated by the EHRC and other interested parties.

3.3 Since the decline in performance in relation to Equality Impact Assessments was reported to the Corporate Management Team, it has been agreed to review existing processes and ensure greater awareness of the risks associated with non-compliance.

3.4 The following recommendations have been agreed by CMT to make sure that adverse impacts to protected groups are identified, addressed and ensure the PSED is met:

- EqIA's must be undertaken to ensure and evidence that "due regard" to the PSED is met in the development of:
 - key and significant decisions;
 - consultations;
 - policy and strategy development;
 - infrastructure projects;
 - commissioning and procurement activity.
- EqIA's must be undertaken for all organisational change programmes and restructures. Analysis of impact must be undertaken both in relation to staff (to the individual level) and the services which may be affected.
- Directorate Management Teams and the Corporate Management Team must not agree to decisions where they have no evidence of the "due regard" duty being undertaken.
- Cabinet Committees will not receive papers/ decisions that require an EqIA and do not have one ready when they are submitted.
- Corporate Directors are accountable and responsible for ensuring that Equality Impact assessments/ Equality Analysis is undertaken when it is required.

3.5 The authority is committed to improving the quality of equality analysis undertaken across the authority. It was noted that incorrect and or poorly

constructed EqIA's not only risk adversely impacting protected groups but also present a legal, financial and reputational risk to KCC.

- 3.6 The quality of equality analysis was variable with some assessments going into detail and others not sufficiently evidencing the equality impact due to poor quality data, poor analysis and poor early consideration. Poor quality assessments present as much of a risk of challenges the information provided may not be sufficiently strong enough to evidence that decision makers have paid due regard to the PSED. The protected groups most impacted by change were age, disability, sex and race. Where possible mitigating actions were put into place by services.
- 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'. The way in which KCC engages diverse communities both in and beyond the delivery of services may come into increasing focus following the publication of the Integrated Communities Strategy Green Paper 2018.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications.

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

7. CONCLUSION

Recommendation(s):

Policy and Resources Cabinet Committee is asked to:

- a) note the recommendations agreed by the Corporate Management Team on Equality Analysis/Impact Assessments set out in paragraph 3.4; and
- b) approve the Annual Equality and Diversity Report 2017-18 attached at Appendix 1, for publication on www.kent.gov.uk.

8. APPENDIX:

- Appendix 1: Draft Executive Summary – Annual Equality & Diversity Report 2017/18

9. BACKGROUND DOCUMENTS

- a) Adult Social Care Annual Equality & Diversity Report - 4 July 2018
https://kent.public-i.tv/core/portal/webcast_interactive/355670
- b) Children Young People and Education Annual Equality & Diversity Report - 10 July 2018
https://kent.public-i.tv/core/portal/webcast_interactive/356934
- c) Environment and Transport Annual Equality & Diversity Report -13 July 2018
https://kent.public-i.tv/core/portal/webcast_interactive/357101
- d) Growth Economic Development and Communities Annual Equality & Diversity Report - 3 July 2018
https://kent.public-i.tv/core/portal/webcast_interactive/355552
- 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/>

10. AUTHOR CONTACT DETAILS

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