



CABINET – 17TH JUNE 2016

**EQUALITY STRATEGY 2016-20 AND EQUALITY ACTION PLAN
2016-17**

REPORT OF THE CHIEF EXECUTIVE

PART A

Purpose of the Report

1. The purpose of this report is to inform the Cabinet of changes made to the draft Equality Strategy 2016-20 (attached as Appendix A) and the draft Equality Action Plan 2016-17 (attached as Appendix B) arising as a result of the consultation exercise which ran from 25th April 2016 to 27th May 2016. The detailed Consultation Report is attached as Appendix C and a brief overview of the changes made to the Strategy and Action Plan is given at paragraphs 50-53 below. The Cabinet is asked to approve the Equality Action Plan 2016-17 and to recommend that the County Council approves the Equality Strategy 2016-20 at its meeting on 29th June 2016.

Recommendations

2. It is recommended that -
 - (a) The views of the Scrutiny Commission are noted;
 - (b) The outcome of the consultation exercise is noted;
 - (c) That the County Council at its meeting on 28 June 2016 be recommended to -
 - (i) Approve the Equality Strategy 2016-2020 attached as Appendix A to this report subject to any amendments to be made by the Chief Executive arising from its consideration by the Scrutiny Commission;
 - (ii) Authorise the Chief Executive following consultation with the Cabinet Lead Member for Equalities to update and approve the Equality Action Plan annually, in line with the policies in the Equality Strategy.

Reasons for Recommendations

3. To inform the Cabinet of the results of the consultation and changes made to the Strategy and Action Plan, in accordance with the feedback received.
4. To provide a policy context for the Council's activity around equality, diversity, and human rights and set out how the Council will meet its legislative duty for the period up to 2020.
5. Reviewing the Equalities Action Plan each year will enable progress to be monitored regularly and work adjusted as necessary, in response to changing circumstances.

Timetable for Decisions (including Scrutiny)

6. The Scrutiny Commission will consider this report on 15th June 2016 and its comments will be reported to the Cabinet.
7. Subject to the Cabinet's approval, the Equality Strategy 2016-2020 will be considered by the County Council on 29th June 2016.

Policy Framework and Previous Decisions

8. The Equality Act received royal assent on 6th April 2010 but many of its provisions were brought into effect through the Public Sector Equality Duty in April 2011. The Act outlines three core duties which require public bodies to have due regard to the need to:
 - i. Eliminate discrimination, harassment and victimisation;
 - ii. Advance equality of opportunity between people who share a protected characteristic and those who do not;
 - iii. Foster good relations between people who share a protected characteristic and those who do not.
9. The Council is required to produce an Equality Strategy to demonstrate how it is meeting its statutory duties regarding equality and diversity. Various equality strategies, schemes and plans have previously been approved by the Council. The current Equality Strategy was approved in 2013. This revised Strategy builds upon each of these and also strengthens the Council's approach to using evidence to identify areas of need. This is to ensure that the work it does can be prioritised and people with different protected characteristics can be best helped in the most cost effective way.
10. The Cabinet approved the draft Equality Strategy 2016-20 and draft Equality Action Plan 2016-17 for consultation on 19th April 2016.

Resource Implications

11. There are no immediate resource implications arising from this report. In the short term the Strategy will be progressed utilising existing resources.

Circulation under the Local Issues Alert Procedure

None.

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PART B

Background

12. As explained in paragraph 8 above, the Equality Act sets out three core duties for public bodies.
13. The County Council is required to produce an Equality Strategy to evidence how it is meeting its statutory duties regarding equality and diversity.
14. Under the Equality Act 2010 (Specific Duties) Regulations 2011 local authorities must also:
 - Prepare and publish one or more objectives they think they should achieve to do any of the things mentioned in the aims of the general equality duty by 6 April 2012, and at least every four years thereafter.
 - Ensure that those objectives are specific and measurable.
 - Publish those objectives in such a manner that they are accessible to the public.

Equality Strategy 2016-2020

15. The proposed Equality Strategy 2016-2020 provides a policy context for the Council's activity around equality, diversity, community cohesion and human rights. It sets out how the Council will meet its legislative duty and the intention to develop equal and fair decision making processes, policies and services for all employees and residents.
16. The Strategy will be reviewed and refreshed in line with the Council's statutory duty to prepare and publish one or more equality objective/s at least every four years.
17. The Strategy takes into account the Equality Act 2010 and the Council's legislative requirements under the Public Sector Equality Duty (PSED), developments in relation to the contents of the previous Strategy, and the Authority's equality-related work over the course of the last three years.

Equality Action Plan 2016-2017

18. The proposed Equality Action Plan 2016-17 supports the overarching aims of the Strategy. It will be reviewed and updated annually, however there are some areas of long-term work which are likely to continue in future action plans.
19. An Annual Report on progress against the 2015/16 action plan will be presented to the Council's Equalities Board by the end of June and the Corporate Management Team, and reported to members as necessary. Authorising the Chief Executive to review and update Action Plan each year will enable progress to be monitored regularly and work adjusted as necessary in the light of changing circumstances. The Equalities Board will lead on the

operational review and delivery of the Strategy and Action Plan on behalf of the Chief Executive.

20. The Action Plan is largely based on areas of specific need which have been identified by, for example, workforce representation analysis, results of the Staff Survey 2015, feedback from the workers' groups, demographic information about the population of Leicestershire and feedback given during the consultation period.
21. The Council's aim is to strengthen an evidence based approach to identifying areas of work and specific actions, allowing it to target work where it is needed most and to monitor more effectively its progress in identified areas. By concentrating on areas of work where the equalities impact or risk is potentially higher, it can continue to maintain the highest standard of outcome in the most cost effective way.

Key areas covered by the Equality Action Plan 2016-2017

Equality monitoring

22. The Council has previously committed to annually reviewing workforce equality targets for disability, race, gender and sexual orientation with quarterly reporting of workforce representation targets to Chief Officers.
23. There are key improvements that can be made to the quality, accessibility, usefulness and comprehensiveness of the data available. The improved use of evidence to underpin Equalities policy work will ensure that any intervention, positive action initiative or training can be targeted at areas where there is a demonstrated need. The overall aim is to increase the likelihood that targeted interventions are effective and make a significant difference.
24. In some areas, more detailed analysis may be required. For example, workforce representation analysis highlights where there is disproportionate representation, but does not give reasons for this (for example, whether under representation is as a result of an issue in recruitment, opportunities for development, or retention). The Action Plan includes an on-going commitment to identify areas where more detailed analysis is needed and to respond to any issues that are identified.

Self-declaration

25. Without comprehensive data on the protected characteristics of the workforce, it is difficult to draw meaningful conclusions from workforce analysis. In order to improve such data the Council needs to improve rates of self-declaration, particularly for protected characteristics that has a low rate of declaration such as sexual orientation.
26. Engagement with the Workers' Groups highlighted the need to improve self-declaration rates as a priority. The three emerging themes identified were:

- The need to build trust, particularly in terms of confidentiality of information and how personal data is used.
- That a stigma might still be attached to declaring particular protected characteristics.
- A lack of understanding by staff as to why self-declaration is important.

27. The Action Plan identifies specific actions to respond to these concerns, for example, to develop and implement a communications plan and to develop a guidance and information sheet responding to the issues raised by the Workers' Groups in relation to self-declaration.

Gender Identity and Self Declaration

28. Currently, there is no workforce monitoring around gender identity. One of the areas of future work identified as part of Leicestershire County Council's 2015 Stonewall Equality Index submission was to increase levels of self-declaration around gender identity, a sensitive area of work which requires careful consideration. Therefore, the Action Plan commits to starting to build a foundation for addressing some of the inequalities faced by trans people (a trans person is a person whose gender identity does not match the biological sex that they were assigned at birth), by including gender identity as an option for self-declaration.

Supporting employees who have a disability

29. Evidence suggests that more support may be required to ensure that members of staff who have a disability feel equally valued. The Council plans to take an approach which champions the benefits of a diverse workforce, with a focus on disability. This includes actions around recruitment, positive action initiatives, awareness raising and the review of relevant policies and procedures.

Developing, delivering and reviewing services

30. The Council has maintained its commitment to EHRIAs (Equality and Human Rights Impact Assessments) as a means of identifying whether any new or significantly changed policies, practices, procedures, functions and services may have an adverse impact on a particular community or group of people and whether the human rights of individuals may be affected.

31. The Council values the basic human rights set out in the Human Rights Act 1998. A focus on human rights and key values, such as dignity and respect, can lead to better, more informed decisions. The Authority will continue to ensure that human rights are integral in the development, delivery and review of services, in particular when service reductions need to be considered.

32. The Human Rights Act 1988 sets out the fundamental rights and freedoms that individuals in the UK have access to. They include:

- right to life
- freedom from torture and inhuman or degrading treatment

- right to liberty and security
 - freedom from slavery and forced labour
 - right to a fair trial
 - no punishment without law
 - respect for your private and family life, home and correspondence
 - freedom of thought, belief and religion
 - freedom of expression
 - freedom of assembly and association
 - right to marry and start a family
 - protection from discrimination in respect of these rights and freedoms
 - right to peaceful enjoyment of your property
 - right to education
 - right to participate in free elections
33. There is an ever increasing emphasis being placed on the Human Rights agenda and its links to equality and diversity, with the expectation that authorities will be explicit as to how they are ensuring that people's human rights are being met. Human rights were a key component of the Equality Strategy 2013-2016 and the link between human rights agenda and equality and diversity has been strengthened with a human rights approach being embedded in the EHRIA process. The Action Plan re-states the Council's commitment to this.
34. The Action Plan also identifies the need to develop ways to support an understanding of and commitment to equality, diversity and human rights, where services which have previously been delivered by the Council have been taken on by voluntary community groups, for example libraries.
35. The Authority aims to strengthen its approach to scrutinising, signing off and quality assuring EHRIs by identifying good practice within its departments and extending and embedding this across the organisation. A template for the review of improvement plans will be developed which will be based upon the best examples from departments.

Commissioning services

36. The Council has included specific and measurable actions in the Action Plan, in order to ensure that requirements are rigorously applied in the commissioning of services. One key action will be to develop a template for procurement which includes Equality and Human Rights requirements and is used consistently as part of the procurement process. The Authority will ensure that equalities monitoring data is collected consistently by commissioned service providers and tested against mitigation actions recorded in EHRIs.

Access to information

37. An on-going area of work is to ensure that information about services continues to be accessible to all by providing information in a range of languages and

formats and promoting the interpretation and translation service. The Action Plan identifies the need to ensure that the Deaf Community is included in this.

Community engagement

38. The Action Plan makes a continued commitment to engage with communities, particularly those who may not typically choose or have the opportunity to engage, for example the gypsy and travelling community and the Deaf community.
39. The Council has an effective internal Communication Plan and is committed to replicating this externally. This may include opportunities for joint communications with 'shared hashtags' on Twitter which would increase the social media reach of key messages.

Safe and cohesive communities

40. This section of the Action Plan links to other areas of the Council's work, for example hate incident reduction monitoring and the Prevent agenda, and these will continue to be supported.

Partnership working

41. The Council will continue to work collaboratively with partners to achieve shared aims.

Organisational structures and leadership

42. Actions relating to organisational structures and leadership are identified throughout the Action Plan. The overarching principle is that the Council will demonstrate organisational leadership in all of its equalities work and has a strong commitment to the equalities and human rights agenda from staff at all levels throughout the organisation.

Consultation

43. The draft Strategy and draft Action Plan were the subject of a 5-week consultation exercise which took place from 25th April to 27th May 2016. The consultation was open to anyone who wished to comment on the Strategy and/or Action Plan. A detailed report on the consultation exercise is attached as Appendix C, and a summary is given below.

• Methodology

44. A questionnaire was available to respondents online on the Council's 'Have Your Say' consultation pages, accompanied by the draft Equality Strategy 2016-2020 document, the draft Equality Action Plan 2016-2017 document and an 'easy read' version of the draft Equality Strategy 2016-2020 and consultation questionnaire. The main part of the questionnaire consisted of a range of multiple-choice and open-ended questions.

45. There was also a link on the Council's 'Have Your Say' consultation pages to a British Sign Language Video explaining the main aims of the draft Equality Strategy 2016-2020. All the documents (draft Strategy, draft Action Plan and consultation questionnaire) were available in different formats and languages upon request.

- **Headline Consultation Results**

46. There were 50 responses to the consultation questionnaire. There was also one email response, as well as group meetings arranged with the Leicester/Shire Deaf Forum and over 50's Deaf group to gain peoples' comments.
47. Of the 50 respondents to the consultation questionnaire, 76% were responding in the role of an employee of Leicestershire County Council, 18% were responding in the role of member of the public and 4% were responding as a representative of a voluntary sector organisation, charity or community group and 2% chose 'Other' and commented that they were responding in the role of tax payer.
48. The aims of the Equality Strategy are to develop and support a diverse work force, develop commission and deliver inclusive and responsive services and foster good relations within the community. These were supported by the great majority of respondents. Responses generally reiterated the importance of actions already included in the draft Action Plan, reflecting the extent of engagement which had already taken place with Workers' Groups, Equalities Board and Leicestershire Equalities Challenge Group prior to the plan being drafted.
49. Examples of some of the comments from respondents to the consultation questionnaire which supported and affirmed the existing aims and content of the draft Strategy and draft Action Plan are as follows:

To develop and support a diverse work force

"Retaining and recruiting disabled people is paramount to this end [developing and supporting a diverse work force]"

"A representative work force is better placed to provide services to a diverse community"

"It is important for staff to feel valued and supported in order to achieve their full potential".

To develop, commission and deliver inclusive and responsive services

"Providing information is key and using appropriate sources to disseminate information too"

“Understanding the people that are accessing services is key to this aim”

“It is important to mitigate any issues from decommissioning services”

“With the shift to commissioning services rather than providing them it’s vital that commissioners and providers are fully aware of expectations”

To foster good relations with and within the community

“We work with our communities to provide services for service users, by having good relations with them we can communicate better to create more services that meet the direct needs of service users”.

Changes made to the Strategy and Action Plan

50. Consultation respondents largely agreed with the strategic aims of the draft Strategy and the majority of consultation responses concentrated on detail relevant to the draft Equality Action Plan 2016-2017, rather than the draft Strategy document. Therefore, no changes have been made to the Equality Strategy 2016-2020 arising from the consultation, however some minor changes to wording have been made as a result of legal advice.
51. The majority of consultation responses concentrated on detail relevant to the draft Equality Action Plan 2016-2017, rather than the draft Strategy document. Changes to the Action Plan have been made as follows:
52. *“EO1: To maintain or improve the Council’s workforce representation ~~in-line with targets~~ for gender, disability, sexual orientation and race **and age** by the end of March 2020” (page 9)* This change reflects comments that the use of ‘targets’ could be misleading as there is the perception by some that people may be employed not for their skills, qualifications and experience but to fulfil an organisation’s need to ensure certain groups are represented on its staff. However the Council will continue to use progress against targets as a measure of its performance. One respondent considered that there should be targets for the workforce representation of age, particularly under-25s, reflecting some comments from the Departmental Equalities Groups and Workers’ Groups during the informal engagement. It is therefore proposed to include age in the representation levels to be monitored during 2016/17.
53. *“EO1: Recruitment - Review job design of key positions in order to ensure that ~~opportunities are available to staff members with caring responsibilities~~ **they are not discriminatory**” (page 13).* This was amended to ensure that this was not confined to staff with caring responsibilities but inclusive of other circumstances or protected characteristics.

Background Papers

Leicestershire County Council Equality Strategy 2013 – 16

<http://ow.ly/108BqG>

Equality and Human Rights Commission 'The Essential Guide to the Public Sector Equality Duty'

<http://ow.ly/108Bvx>

Equality and Human Rights Implications

54. An Equality and Human Rights Impact Assessment Screening is attached as Appendix D). A full EHRIA was not required as it is anticipated that the Equality Strategy will have a positive impact as its purpose is to ensure that the Council fulfils its general and specific duties under the various equalities legislation and meets the requirements to provide a consistent and coherent approach to achieving equality and diversity for each of the protected characteristics.
55. The Council currently works with a number of partners across a variety of equality and diversity related activity. The Equality Strategy 2016-2020 will create opportunities to develop partnership working further around the equality, diversity, community cohesion, and human rights agenda.

Appendices

Appendix A: Leicestershire County Council Equality Strategy 2016-2020

Appendix B: Equality Action Plan 2016-2017

Appendix C: Draft Equality Strategy 2016-20 Consultation Findings Report

Appendix D: Equality and Human Rights Impact Assessment Screening

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