

TITLE:	Public Sector Equality Duty
FOR CONSIDERATION BY:	Overview & Scrutiny Management Committee on 24th January 2017
WARD:	None specific
REPORT BY:	Andrew Moulton, Head of Governance and Improvement Services
LEAD MEMBER:	Pauline Jorgensen, Executive Member for Resident Services

OUTCOME / BENEFITS TO THE COMMUNITY

A strong commitment to equality and the ongoing achievement of the Council's Equality Objectives will:

- improve the quality of life for our residents through better access to services and the development of more sustainable local communities;
- enhance social cohesion through positive relationships and a sense of civic responsibility;
- promote the rights and responsibilities of our residents and staff through leadership and effective partnership working;
- enable the most vulnerable members of our communities to be more independent through training, employment opportunities and support for independent living.

RECOMMENDATION

That the Committee:

- 1) considers and comments on the report (including the Equality Monitoring Workforce Report 2016/17) and the proposed Equality Objectives set out in Section 9 before formal approval by Executive later this year; and
- 2) considers any communication and training issues arising out of the Council's duties under the Equality Act 2010.

SUMMARY OF REPORT

The Equality Act 2010 placed a general duty on public bodies to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between people who share a protected characteristic and those who do not. The protected characteristics are age, sex, race, disability, gender reassignment; pregnancy and maternity, marriage and civil partnership, religion or belief, and sexual orientation. In order to demonstrate compliance with the Equality Duty public bodies have a further specific duty to publish supporting information and set and monitor Equality Objectives. The report provides demographic information about the Borough and gives examples of steps taken by the Council to comply with the statutory duty. It refers to the accompanying Equality Monitoring Workforce Report and proposes five Equality Objectives relating to access to services, support for vulnerable people, effective consultation and engagement, workforce development and embedding equality and inclusion within the 21st Century Council programme.

1 Background

The Equality Act 2010 came into force in April 2011. The Act replaced previous anti-discrimination laws relating to race, disability and gender equality. It created a new Public Sector Equality Duty. The Act requires public authorities to publish relevant information to demonstrate compliance with the Equality Duty and to report progress on locally agreed, specific, measurable equality objectives.

This report sets out the Council's equality objectives and gives details of progress made on equalities issues in relation to service delivery and work with our partners across the Borough. A separate report by the Council's Human Resources team gives details of progress made in developing a high performing and innovative workforce which reflects our local communities.

Finally, the report highlights how the Council's major organisational change programme – 21st Century Council – will seek to embed the principles of equality, diversity and inclusion into all aspects of the programme.

2 Public Sector Equality Duty

The public sector Equality Duty is made up of a **general duty** which is supported by specific duties. The general duty requires public organisations to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (the protected characteristics relate to all aspects of a person's identity: age, sex, race, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, religion or belief, and sexual orientation);
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

Having due regard to the need to advance equality of opportunity is defined further in the Equality Act as having due regard to the need to:

- Remove or minimise disadvantages;
- Take steps to meet different needs;
- Encourage participation where it is disproportionately low.

The **specific duties** require public bodies (including local authorities and schools) to:

- Publish information to show their compliance with the Equality Duty, at least annually. The information published must include information relating to employees who share protected characteristics and information relating to people who are affected by the organisation's policies and practices (e.g. service users);
- Set and publish equality objectives, at least every four years. The objectives should take into account evidence of the equality issues across the organisation's functions and consider issues affecting people who share the protected characteristics.

3 Wokingham Borough – Demography

Demographic information, collected through the Census, is analysed to produce the Wokingham Borough Joint Strategic Needs Assessment (JSNA). The information is used to identify local needs and the demand for public services. It also provides data to improve the understanding of local communities and emerging equality and diversity issues. The most recent Census took place in 2011. In addition to the Census data, the ongoing work of the Council's Public Health team and the local Clinical Commissioning Group (CCG) has delivered further updated information on local needs and priorities.

4 Population Profile

The most recent population estimates indicate a local population of 159,097 for 2014. The Borough's population profile differs from the national population profile in a number of ways:

- A larger proportion of children aged 5 to 19;
- A smaller proportion of younger adults aged 20 to 34;
- A larger proportion of adults aged 35 to 54.

The 2011 Census data indicated a number of key facts which are set out below:

- The Borough's population in 2011 (154,380) was made up of 76,464 men (49.5%) and 77,916 women (50.5%);
- 11.6% of the local population were from a Black and Minority Ethnic (BME) background (up from 6.1% in 2001);
- 4.8% of the local population were from a White non-British background;
- Religious beliefs included Christian (59.5%); Muslim (2.8%); Hindu (2.1%); Buddhist (0.4%); and Jewish (0.3%);
- 26% of the population indicated that they had no religious beliefs;
- 9% of the population were carers (13,900 people);
- 1.5% of the population provided over 50 hours of unpaid care each week;
- 857 people could not speak English well or at all;
- 4.9% of the population (7,325 people) stated that their day to day activities were limited by their health;
- There were 60,332 households within the Borough boundary with 23% occupied by people who lived alone;
- 26% of people aged 65 and over lived on their own;
- 70% of the population were in employment (aged 16 to 74);
- 35% of unemployed people were long-term unemployed;
- 1.6% of the population were not in employment due to being long-term sick or disabled (1,742 people).

Other key facts include:

- Within the Borough's state-funded schools 26% of children were from minority ethnic backgrounds (Schools census 2014);
- Life expectancy for men is 81.8 years compared to 79.5 years nationally (CCG);
- Life expectancy for women is 84.7 years compared to 83.2 years nationally (CCG);

- Wokingham Borough Council is the least deprived unitary local authority in the country (Government Indices of Multiple Deprivation – IMD - 2015);
- Pockets of relative deprivation are found in some Wards: e.g. Shinfield North, Arborfield, Bulmershe and Whitegates, Norreys and Finchampstead South (IMD);
- An estimated 22,000 people living in the Borough were born outside the UK – 14% of the population (JSNA 2015).

5 Emerging Priorities

The Borough’s Joint Strategic Needs Assessment has identified key emerging trends and priorities, as follows:

Sustainable Development Locations and Housing Growth – due to the large scale housing development over the next ten years there is some uncertainty over the shape of the associated population growth in terms of age mix and population profile. There is a projected increase in the number of families which will result in an increased number of births.

Number of Older People – there is a projected increase in the number of older people (over 65s and over 85s). This is likely to increase demand for health and social care services as residents live with one or more long-term health conditions. This trend highlights the need for effective prevention services to reduce dependency and maximise independent living.

Early Years – a focus on prevention in early years helps to ensure that every child gets a good start in life, including a focus on improved readiness for school. The Council is committed to supporting schools in closing the gap for educational attainment for disadvantaged pupils.

6 Complying with the Equality Duty

The Council’s Vision for the Borough is “A great place to live, an even better place to do business”. The Borough is recognised as one of the most desirable places to live in the country. We aim to maintain this position whilst improving our residents’ quality of life and providing opportunities for individuals, groups and businesses to engage in the achievement of the Vision. We recognise that strong communities will grow and prosper if everyone is treated fairly and all our residents are treated with respect.

The Council is committed to the principle of equality of opportunity and to the delivery of high quality services which meet the needs of all our residents. We seek to ensure compliance with the Public Sector Equality Duty through our policy development, staff training, service delivery and work with our partners and stakeholders. Set out below are examples of our ongoing achievements which are underpinned by the Equality Duty:

- The Borough has the lowest premature mortality rate of all local authorities in the country. This follows extensive work to manage and reduce the number of people with long term conditions and the provision of high quality care for people who need it.
- We have seen fewer repeat referrals to Children’s Social Care and an increase in the number of looked after children being cared for within 20 miles of their home.

- Housing Services have improved the quality of temporary and permanent housing which means that fewer families have to be placed outside the Borough in crisis situations.
- We have developed a policy on personal budgets and established joint planning and delivery arrangements with Health for services for children with Special Educational Needs or disabilities.
- We developed a joint Health/Council Emotional Health and Wellbeing Strategy for children. Working with Health we have secured additional investment to support improved Child and Adolescent Mental Health Services (CAMHS).
- We have set up the Elevate Wokingham careers information and advice hub (supported by the European Union Social Fund) which delivers a supported employment service offering work experience and apprenticeships to vulnerable young people aged 16 to 24. The project aims to reduce the number of young people who are not in employment, education or training (NEETs), disadvantaged young people and those who are underemployed.
- Major developments across the Borough are required to provide employment skills plans as part of the planning process. These plans provide additional work experience, employment and apprenticeship opportunities for our most vulnerable young people.
- The Council continues to use Equality Impact Assessments (EIAs) in order to improve services and policy development. EIAs help us to consider policies or services in terms of their impact on different groups, including groups with protected characteristics. They help to remove barriers and open up services to new groups.
- A number of the Borough's schools have adopted the Young Interpreters Scheme. The scheme involves training children as mentors for their peers who are learning English as an additional language.
- The Council's Children's Services Overview and Scrutiny Committee is looking at the way in which local schools handle transgender issues. Members have sought reassurance that procedures were in place to ensure that gender-variant young people and their families received appropriate support, and that schools were aware of their duties under the Equality Act.
- The Council continues to support the "Two Ticks" positive about disability recruitment initiative which guarantees an interview for disabled applicants who meet the minimum criteria for a job vacancy and seeks to ensure that employees who become disabled stay in employment.
- We have established a Staff Employment Equalities Group with representatives from across the organisation in order to ensure that our workforce reflects our community and that we develop a working environment which is free from harassment, bullying and intimidation.

- The Borough's BME Forum is in its twelfth year and continues to meet every three months. The Forum considers a range of issues such as educational attainment, the Care Act, Healthwatch and briefings from the police.

7 Workforce

A separate document has been published setting out details of the Council's achievements relating to its employees: Equality Monitoring Workforce Report 2016/17. The Council's non-schools workforce is around 1,000. We monitor the composition of the workforce along with those applying for jobs across a range of factors which involve several of the protected characteristics (age, gender, disability, ethnicity, religion and sexual orientation).

The 2016/17 monitoring report indicates that the current workforce is broadly representative of the local community. It also sets out a number of initiatives aimed at improving the Council's performance in relation to the Equality Duty. These include:

- Ensuring that all staff are trained in equalities and diversity when they start working for the Council, with a periodic refresh to ensure that local context is maintained;
- Continuing to utilise vacancy advertisement routes that promote the widest possible audience;
- Enhancing the collection, monitoring and reporting of equality data across the workforce to reflect the range of protected characteristics;
- Increasing staff confidence in disclosing personal information to increase the accuracy of workforce monitoring by ensuring confidentiality and anonymity (particularly in relation to sexual orientation);
- Introducing monitoring of job applicants in order to identify if there are any equality issues in the recruitment process;
- Increasing the take up of Apprenticeships in order to encourage younger people to work for the Council;
- Investigating the development of internal support groups for different cohorts of employees with a protected characteristic in order to share experiences and help inform further action and improvements.

8 21st Century Council

The Council has responded effectively to significant funding reductions in recent years, delivering £30m in efficiency savings whilst maintaining high quality front line services. Further dramatic funding reductions over the next four years have resulted in the decision to implement a radical, whole-Council approach to transformation. This transformation programme, 21st Century Council, involves major organisational changes alongside a fundamental review of priorities, income generation opportunities, service delivery options and asset disposals.

The organisational change programme will deliver service improvements through greater self-service, improved customer service and case management and greater alignment with key partners such as the police, health services, the voluntary and community sector and Town and Parish Councils. The programme involves a reduction

of up to 150 posts and an investment of £6.2m to fund improved IT capacity and training for staff and managers.

Compliance with the Equality Duty will be built into the 21st Century Council programme through the:

- Development of detailed Equality Impact Assessments to ensure that new service delivery models and customer services are focussed on fairness, access and inclusion;
- Embedding awareness of and training relating to the Equality Duty into the new organisational structure;
- Investment in IT systems which improve the capability to monitor and report on issues relating to the Equality Duty, covering both service delivery and workforce improvements.

9 Equality Objectives

As part of the Equality Duty the Council is required to publish measurable objectives which demonstrate how the duty will be met. The Council's proposed objectives are to ensure that:

Objective 1 - Services are easily accessible for all our residents and are capable of responding to the changing needs of our communities.

This objective will be met through:

- Using Census, JSNA and other data sources to map future trends and demand for services;
- Developing our presence within local communities to provide more joined up service delivery with key partners, local intelligence and early intervention;
- Developing the Council's website and use of social media to improve 24/7 access to services and information and greater capacity for self-service;
- Ensuring that residents who are less comfortable with new technologies have alternative methods of contacting and interacting with the Council.

Objective 2 - Vulnerable individuals and groups are supported and looked after.

This objective will be met through:

- Utilising the ongoing review of community and voluntary activity to develop more joined-up working with Town and Parish Councils and community groups to promote resilience and self-help for local communities;
- Developing more joined-up prevention services to promote healthier lifestyles and more independent living;
- Working with parents and schools to close the educational attainment gap for disadvantaged pupils;
- Providing targeted support for vulnerable younger people to increase opportunities for employment and self-help.

Objective 3 - Consultation and engagement are effective and inclusive for all our communities:

This objective will be met through:

- Ensuring that all our residents are able to input into key decisions facing the Council, e.g. through our public Budget engagement exercise and consultation on the updated Local Plan;
- Providing targeted information and briefings to specific groups, e.g. our ongoing work with the BME Forum;
- Strengthening our links with the voluntary and community sector and Town/Parish Councils to improve local intelligence and the Council's presence within local communities;
- Refreshing our approach to Overview and Scrutiny to ensure that our services are meeting local needs and delivering value for money.

Objective 4 - The Council's workforce is committed to equality and reflects the communities it serves.

This objective will be met through:

- Utilising staff communications, surveys and team meetings to raise awareness of the Equality Duty and the Council's equality objectives;
- Ensuring that equality and diversity training is provided for new starters and is followed up by appropriate refresher training and support;
- Harnessing improved IT systems to improve the collection, monitoring and reporting of data relating to job applicants, new starters and established staff.

Objective 5 - The 21st Century Council programme will deliver on the Council's commitment to equality through service commissioning and delivery, improved procurement and partnership working.

This objective will be met through:

- Developing Equality Impact Assessments for service changes, customer contact improvements and new ways of working;
- Working with contractors and suppliers to ensure that their approach to equality issues is documented and reported and is consistent with the Council's approach, as detailed in this report;
- Working with our partners to improve understanding of the needs of our local communities and developing a more joined-up approach to meet those needs.

10 Performance Management and Scrutiny

Delivery against the Council's Equality Objectives will be monitored through the quarterly Council Plan Monitoring Report and progress reports on the 21st Century Council programme. The Council's Overview and Scrutiny Committees and the Employment Equalities Group will also review specific issues during the year.

11 Risks

The Council's commitment to equality underpins its Vision for the Borough and its plans to become a high performing 21st Century Council. Failure to comply with the relevant general and specific duties carries the risk of damage to our communities, reputational damage to the Council and enforcement action by the Equality and Human Rights Commission which is the regulator with responsibility for the Equality Duty.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next four years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Nil	NA	NA
Next Financial Year (Year 2)	Nil	NA	NA
Following Financial Year (Year 3)	Nil	NA	NA

Other financial information relevant to the Recommendation/Decision

None. Any financial implications arising out of meeting the proposed Equality Objectives will be met from existing budgets.

Cross-Council Implications

The Equality Duty impacts on public bodies which includes the Council and local schools. The Council's obligations relate to the ways in which we recruit and train staff, deliver services and work with partners across the Borough.

List of Background Papers

Equality Act 2010 – Briefing Papers

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