

POLICY AND PERFORMANCE SCRUTINY PANEL

Thursday, 15 October 2020

EQUALITY STRATEGY RENEWAL

Report of the Strategic Planning Manager

Recommendation(s)

It is recommended that the Panel

- (1) comment on the report; and**
 - (2) contribute to the development of a new Strategy and Action Plan.**
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Summary

The Council has general and specific public sector duties under the Equality Act 2010. The previous Equality Action Plan expires this year and needs to be renewed and updated.

Focus for Scrutiny

Policy development at an early stage.

Statutory Powers

Equality Act 2010

Strategic Implications

1. The Equality agenda relates closely to the Council's objectives to Enable Health and Wellbeing and Tackle Deprivation, but also forms a key component of the way that the Council addresses all of its corporate objectives and delivers many of its services and projects.

Introduction

2. The current Equality Action Plan (2016-2020) is attached at Appendix A. Information and a demographic profile of Eastleigh Borough and the different protected characteristics as at 2016 is available on the Council's website: <https://www.eastleigh.gov.uk/media/2348/equality-action-plan-2016-2020-data.pdf>.

3. The Council will be renewing its approach to Equalities and setting new objectives in an updated Action Plan.
4. The current health and public policy context includes:
 - (a) The possible inequalities in risks and outcomes from Covid-19
 - (b) Black Lives Matter demonstrations
 - (c) Increased use of digital technologies
 - (d) An ageing population
 - (e) Economic recession and disruption to young people's education.

Protected Characteristics

5. The following characteristics are protected in the Equality Act 2010
 - (a) age
 - (b) disability
 - (c) gender reassignment
 - (d) pregnancy and maternity
 - (e) race – this includes ethnic or national origins, colour or nationality
 - (f) religion or belief – this includes lack of belief
 - (g) sex
 - (h) sexual orientation
 - (i) marriage and civil partnership (in respect to the need to eliminate discrimination).
6. The Council also considers socio-economic deprivation as part of its current approach to assessing Equalities Impacts.

The Equality Act – the general duty

7. The Equality Duty has three aims. It requires public bodies to have due regard to the need to:
 - (a) eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
 - (b) advance equality of opportunity between people who share a protected characteristic and people who do not share it; and

- (c) foster good relations between people who share a protected characteristic and people who do not share it.
- 8. Having due regard means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies – such as in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others.
- 9. Having due regard to the need to advance equality of opportunity involves considering the need to:
 - (a) remove or minimise disadvantages suffered by people due to their protected characteristics;
 - (b) meet the needs of people with protected characteristics; and
 - (c) encourage people with protected characteristics to participate in public life or in other activities where their participation is low.
- 10. Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.
- 11. Complying with the Equality Duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic – such as providing computer training to older people to help them access information and services.

The Equality Act – the specific duty

- 12. Public sector bodies are required to:
 - (a) Publish information to demonstrate its compliance with the general equality duty annually. This information must include, in particular, information relating to people who share a protected characteristic who are:
 - (i) its employees, and
 - (ii) people affected by its policies and practices.
 - (b) Prepare and publish, at least every four years, one or more objectives that it thinks it needs to achieve to further any of the aims of the general equality duty. The objectives must be specific and measurable.

New Strategy and Action Plan

13. The Council will review its performance as a first stage of renewing its objectives and action plan. The Council has already identified that, while some significant progress has been made, it needs to improve performance further in relation to the quality and quantity of Equality Impact Assessments and reporting on these. The Council also plans to improve its engagement with different communities and people with protected characteristics.
14. A cross-service officer working group, including a Corporate Management Team champion, is being formed to steer and carry out the work to develop a new Strategy and Action Plan and then support and monitor its implementation.
15. Groups representing people with protected characteristics will be consulted on areas of Council activity where improvements could be made, and how they would like to be involved in informing service and project design in future.
16. The Strategy and Action Plan will relate to Council staff as well as Borough residents, in line with the general and specific duties.
17. Some progress has been made in recent years in relation to both Councillor and staff training, and this is likely to be continued and included in the next Action Plan.
18. An initial draft timeline indicated that work to develop a new Strategy and Action Plan might conclude by December 2020; this is subject to review due to staffing resource currently available for this work and a new timeline will be established following recruitment to a key vacant post.
19. The format of the new Strategy may include:
 - (a) Demographic and inequalities data for the borough
 - (b) Links to our strategic objectives and other EBC strategies
 - (c) The aim of the approach e.g. “To make Eastleigh an inclusive borough where people’s hopes and aspirations can be realised and that everyone has a voice and all communities are considered to ensure a good quality of life can be achieved by all.”
 - (d) Objectives such as
 - (i) Meet the Public Sector Equality Duty – general and specific
 - (ii) Embed equalities into all areas of our work
 - (iii) Ensure our staff and Councillors are able to address equality issues
 - (iv) Collaborate with protected characteristics groups to make our services more accessible to everyone.

- (e) Action Plan including performance indicators and measures
20. A Task and Finish Group was held with some members of this Panel on 17 August 2020, at which an initial discussion about Equalities issues took place. The Panel as a whole is invited to contribute to policy development in this area at an early stage. Issues to consider include:
- (a) The diversity and size of different groups with protected characteristics in Eastleigh Borough.
 - (b) The usefulness of obtaining detailed customer profile data for different services.
 - (c) Service areas where Equalities issues are particularly relevant
 - (d) Unconscious bias and systemic or structural forms of discrimination.
 - (e) The extent to which services should be the same for everyone or different for different groups.
 - (f) Access to services as the Council seeks to encourage greater use of digital technology in order to provide good customer service for everyone.

Financial Implications

21. Work to develop a new Strategy and Action Plan can be carried out within existing resources. Any costs of implementing the Action Plan will be included within planned future budgets.

Risk Assessment

22. The Council risks only partially fulfilling its mission of 'Supporting Communities and Improving Lives' if it does not take an inclusive approach to all of the communities it serves.
23. The Council is at risk of enforcement by the Equalities and Human Rights Commission if it does not fulfil its general and specific equalities duties.

Equality and Diversity Implications

24. The Equality Act is relevant to the decision in this report as it relates entirely to the way the Council meets its duties under the Act and carries out other activity to address inequality and have a positive impact on all communities.

Climate Change and Environmental Implications

25. There are no climate or environmental implications of this report. It is not envisaged that the future Strategy and Action Plan would have any negative climate or environmental implications. Improved engagement with all the

Council's residents will assist in promoting behaviour change and action to reduce climate change.

Conclusion

26. The Panel is invited to comment on the report and contribute to the development of the Strategy and Action Plan.

DICCON BRIGHT
STRATEGIC PLANNING MANAGER

Date: 1/10/2020
Contact Officer: Diccon Bright
Tel No: 07788 790729
e-mail: diccon.bright@eastleigh.gov.uk
Appendices Attached: Appendix A – EBC Equality Action Plan 2016-2020

LOCAL GOVERNMENT ACT 1972 - SECTION 100D

The following is a list of documents which disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report. This list does not include any published works or documents which would disclose exempt or confidential information.

None.