

Committee: Cabinet

Date of meeting: 15 October 2020

Title of Report: Equality Objectives 2020-2024

Report by: Executive Director Corporate Customer and Community Services

Cabinet Member: Councillor Janet Willis Cabinet Member for Customers, Transformation and Fire and Rescue

What is the Report About? (Executive Summary)

1. Every four years Public Bodies are required to set Equality Objectives that set out how they plan to meet the requirements of the Public Sector Equality Duty. Setting four yearly objectives gives the Council an opportunity to restate its commitment to Equality and the approach it plans to take. Outlined in this report is a new set of objectives and the rationale for a change in approach that would enable the Council and partners to address the challenges and opportunities for the Equalities agenda in the 2020s.

Recommendation of the Executive Director

2. Cabinet are recommended to agree:
 - The proposed approach to promoting Equality through continuous improvement, co-production and embedding across partnership working
 - For this approach to be supported through the following overarching Equality Objectives:
 - Services and partnerships have clear information about Cumbria's diversity profile to inform public services;
 - People who share a protected characteristic are involved in shaping public policy in Cumbria;
 - Commissioning and prevention work reflects the needs of people who share a protected characteristic and can demonstrate outcomes in addressing structural inequalities;
 - Employment outcomes for people who share a protected characteristic demonstrate the benefits of a proactive approach to Equalities;
 - Ensure that COVID-19 recovery actively addresses structural inequalities, including those caused by socio-economic inequality.
 - To embed these Equality Objectives within the delivery of the Council Plan Delivery Plan and Cumbria's strategic partnerships.

Background to the Proposals

3. The Council Plan 2018-2022 sets out the direction of the Council and has been supported by the publication of a Customer Strategy and a Workforce Plan. The Council Plan aims to deliver by:
 - Putting customers at the heart of everything we do;
 - Supporting communities to thrive;
 - Focusing on the most vulnerable;
 - Managing demand.
4. Each year the Council Plan Delivery Plan sets out how these aims are being delivered, and the Council's approach to Equality has been to embed Equality across the way the organisation works with customers, communities and its workforce. Increasingly as society changes the organisation's approach to Equality needs to keep pace.

Diversity and emerging social trends: Equalities in the 2020s

5. As society becomes increasingly diverse expectations on public services are changing. Cumbria is seeing increasing ethnic and religious diversity, with the county's schools recording over 70 languages spoken. Traditional ethnic minority communities such as Gypsy Roma and Travellers and South Asians have increased, while new communities from Eastern Europe and the Middle East have been welcomed and supported. Looking forward there is likely to be a greater international spread of people coming to the UK from non-EU countries. Meanwhile Black Lives Matter has highlighted the ongoing structural impact of racism, and the need for an explicit focus on anti-racism, which will be a focus in public policy to come.
6. Cumbria now has a more visible Lesbian, Gay, Bisexual and Transgender (LGBT+) population who have played a greater part in civic life through Cumbria Pride. Looking ahead transgender and non-binary approaches to gender identity will play a bigger part in how society thinks about itself.
7. The participation of women in society will continue to be a focus – especially in terms of the changing nature of work and care giving, gender equality at work, representation in companies and public bodies. The #MeToo movement has also put the spotlight on sexual violence and harassment which will continue to be a focus.
8. Cumbria has one of the oldest population profiles in England, and has a significant number of disabled people of working age. These challenges and opportunities around increasing digital communication and accessibility of physical infrastructure will increase in the coming years.
9. Recently there has been increased awareness of neurodiversity, including conditions such as autism and dyslexia as well as a powerful movement to de-stigmatise mental health, along with greater demands for civic participation for people who identify with these conditions. This coupled with a predicted rise in

the numbers of people with dementia means that services and employers will have to broadening their approaches to inclusion.

10. Given these trends, work on Equality has shifted from focusing on groups in isolation to focus on intersectionality – where health, ethnicity, gender, age and socio-economic status interact. This approach also focuses upon tackling the structural discrimination which arises when long standing inequalities are reinforced by unconscious bias at the level of institutions. For public bodies this means an historic shift from a compliance based model, to one in which strategic partnership working is becoming increasingly important in addressing long term inequalities. Recent focus on COVID-19, and the Public Health England reports on disparities has highlighted this recent shift in public policy. This broader shift is reflected in the Equality Framework and supporting Equality Objectives set out in this paper.

National Policy and Legislative Context

11. Nationally the Equality Act (2010) sets out comprehensive legislation on anti-discrimination, which is enforced by the Equality and Human Rights Commission who publish a three yearly report on *Equality – How Fair is Britain?* Their report demonstrates the presence of structural discrimination in almost all spheres of public life from civic participation to education, employment, health, criminal justice and culture. While the main focus of the Equality Act is around providing rights to individuals who have a potential claim for discrimination, the recognition of structural discrimination means that public bodies have a particular role to play.
12. The Equality Act includes the Public Sector Equality Duty (PSED), which provides a statutory framework for public bodies to address structural discrimination. The PSED consists of a General Duty and a Specific Duty. The General Duty requires public bodies to pay due regard to equality when carrying out their functions and making decisions, while the Specific Duty requires public bodies to set four yearly Equality Objectives.
13. Since 2010 the PSED has mainly been used to address a number of challenges arising from austerity including:
 - Equality Impact Assessment of budgets in terms of workforce, people who use services and communities;
 - Managing increasing demand for acute services as prevention programmes have been stripped back;
 - Beginning to link together the Equality agenda with public health following the latter's transfer from the NHS to Local Authorities;
 - An increased focus on Gender Pay reporting following statutory changes on employers, and a greater focus on developing a culture of inclusion with developments such as unconscious bias training.
14. The combination of the social trends described above, the persistence of structural inequalities in society and the long term implications of COVID-19 provide an opportunity to reset the approach to Equality using the PSED and the Equality Objectives. This needs to be an approach that builds on the progress since the last set of Objectives were set, while setting out a new framework and set of Objectives that address the way society is changing.

Progress on Equality Objectives since 2016

15. The Equality Objectives run on a national four year cycle that began in 2012. In April 2016 Cabinet agreed the following objectives:
 - To provide equality of opportunity through access to services for all and delivering services which meet the needs of our customers;
 - To foster good relations by understanding the communities we serve and deliver meaningful engagement;
 - To eliminate discrimination through the systematic review of our operational and workplace policies and procedures
16. Following a Scrutiny Task and Finish review that reported to Cabinet in February 2018, the current Equality Plan was developed and agreed by Cabinet in September 2018. The Equality Plan brought together in one place the commitments to embedding Equality that had been worked into the Council Plan, the Council Delivery Plan, The Workforce Plan and the Customer Strategy that were agreed by Cabinet in May 2018.
17. The framework for the Equality Plan reflected the approach in these plans with a focus on Customers, Communities and Workforce. Since September 2018 there has been a number of achievements:
18. **Customers:** The Customer Strategy has resulted in more inclusive public access points, in terms of physical layout, digital access and staff trained to work with more diverse customers. This has seen a number of services migrating online making them easier to access.
19. **Communities:** The Cumbria Community Integration Programme has been delivered since 2019 with funding from the Government's Controlling Migration Fund and has developed models of good practice in bringing together people from migrant and host communities in Carlisle and South Lakeland that could be rolled out to other areas. The programme has also developed models for online engagement with Black and Minority Ethnic Populations (BAME) during the COVID-19 pandemic.
20. Following a scrutiny review into Autism every local committee has an Autism Champion and they meet as a network with officers to plan priority campaigns, actions and policy changes in relation to Autism in the community and in the Council's workforce. The Member Champions have worked directly with People Management and staff with Autism to develop the Council's staff Neurodiversity policy to support managers in working with staff with Autism and other neurodiverse conditions. The network has also been active in working with libraries and community services to address the needs of people with Autism.
21. The Council has developed a more strategic approach to supporting annual diversity events. The Council now has a calendar of communications and campaigns to coincide with key events ranging from Holocaust Memorial Day to International Women's Day. Working groups have been established to prepare for the Council's approach to the Cumbria Pride event and Black History Month, including projects and work across a range of services – including Cumbria's Registrars running a stall promoting wedding services at Pride, and Libraries hosting a roadshow on Black History.

22. **Workforce:** The recently established LGBT+, BAME and Disability Staff networks were set up as part of the organisation's staff engagement programme. These are active networks led by their members. The BAME network is working on a piece of peer to peer research in the experience of BAME employees in the Council. The Disability Network is looking at how policies relating to staff management are inclusive, while the LGBT+ network is focusing on the development of an information pack on gender identity to support staff. All three groups were involved in the development of the new Equality and Diversity e-learning that includes a stronger focus on Equality in relation to the wider social trends outlined above.
23. Annual Equality Impact Assessments show that the representation of BAME, LGBT+ and disabled staff is broadly in line with non-BAME, heterosexual and non-disabled staff at middle manager level, and there is a strong representation of women in senior positions. The annual Gender Pay Gap review shows a gradual narrowing of the pay gap between men and women, with targeted programmes in Fire and other services where males are over-represented in lower managerial roles. We have been working closely with Trade Union colleagues on all these issues, and have recently been playing an integral part in advising on the Equality Impact Assessment of COVID on the workforce. Their contribution will be vital in the delivery of the Equality Objectives over the next four years.
24. These achievements have helped place the Council in a better position to work with Cumbria's communities and the Council's workforce to move to the next stage in developing a more structural and outcomes focused approach to implementing the PSED over the next 4 years.

The Equality Agenda in Cumbria today

25. COVID-19 and the Black Lives Matter campaign have raised the profile of Equalities resulting in discussions at Cumbria Leaders Board and the COVID Strategic Recovery Co-ordination Group. This renewal of interest comes at a time when there is a greater focus on strategic partnership working, which offers an unprecedented opportunity to develop an approach to Equality that is shared by the LEP, the Children's Trust, the Health and Wellbeing Board and Safer Cumbria.
26. Capitalising on this requires the Council to use its Equality Objectives to implement an approach that consolidates internal continuous improvement (building on the last Equality Plan), while strengthening the kind of co-production activity begun through the Staff Networks, the Cumbria Community Integration Programme and the Autism Member Champions Network, and embedding Equality across strategic partnerships. In this way the Objectives will serve as a framework for judging the outcomes of this approach each year.

Approach to Equalities and Supporting Equality Objectives

27. The proposed approach and supporting Equality Objectives have been developed explicitly to meet the challenges and opportunities facing the Equality

agenda in the 2020s. In terms of the approach the table below sets out how this looks at an overarching level.

Continuous Improvement	Equality Impact Assessments Diversity data on employment and services Equality training and resources Positive action programmes and culture change Overview and scrutiny Service reopening post-COVID
Coproduction	Community networks Representation and voice in decision making The Equality narrative for Cumbria
Strategic Partnerships	Identification of Equality issues Demonstrating outcomes Post-COVID recovery and reimagining

28. With this approach the Equality Objectives can provide a framework for evaluating its effectiveness over the next four years. The following Equality Objectives are proposed:

- Objective 1: Services and partnerships have clear information about Cumbria's diversity profile to inform public services;
- Objective 2: People who share a protected characteristic or experience inequalities are involved in shaping public policy in Cumbria;
- Objective 3: Commissioning and prevention work reflects the needs of people who share a protected characteristic or experience inequalities and can demonstrate outcomes in addressing structural inequalities;
- Objective 4: Employment outcomes for people who share a protected characteristic or experience inequalities demonstrate the benefits of a proactive approach to Equalities;
- Objective 5: Ensure that COVID-19 recovery actively addresses structural inequalities, including those caused by socio-economic inequality.

29. The rationale for these Objectives are as follows:

- Objective 1: Cumbria's rurality and diversity profile can result in hidden communities and populations, which makes informed policy decisions more challenging than in urban areas with more visible populations and greater diversity.
- Objective 2: The increasing shift towards co-production across services, and the transition to greater digitally based services will require co-production. This will mean that for some groups additional steps would need to be undertaken to level the playing field.
- Objective 3: The increasing focus on prevention will require a more sophisticated grasp of structural inequalities, and why traditional models have tended to reinforce them. It also requires a grasp of emerging demographic trends and changes to people's sense of identity. This will require a high level of innovation in the way services are designed and delivered.
- Objective 4: The public sector remains a significant local employer, and opens opportunities for underrepresented groups and communities.
- Objective 5: The COVID-19 Community Equality Impact Assessment has highlighted the relevance of national research for Cumbria in terms of the

ongoing impact of COVID-19 on people who share a protected characteristic, and that structural inequalities are at risk of exacerbation.

30. The Council Plan Delivery Plan provides an opportunity to embed this approach during the first year and ensure there is robust performance management. On this basis further work will be undertaken with strategic partnerships and communities to define the longer term vision for Equality and how these Equality Objectives will be delivered over the coming years.
31. Scrutiny will also play a vital part both in holding the Council to account in the delivery of its Equality Objectives and in being able to inform their content and to work with Members to promote them. Working with Members in Scrutiny and Local Committees will be vital in ensuring the success of the approach.
32. The approach to Equality and the Equality Objectives marks a shift in approach that seeks both to build on progress, while recognising the new landscape for Equality – both in terms of longer term trends and through the impact of COVID-19. By adopting this approach and the supporting Equality Objectives, the Council will be able to demonstrate that it has moved from a compliance based model of Equality that was the main model in the 2000s and the 2010s to a model fit for the challenges of the 2020s.

Options Considered and Risks Identified

Option (a)

- To agree to the approach to Equality and the supporting Equality Objectives, and manage the delivery through the Council Plan Delivery Plan and the work of the Strategic Partnerships.

Option (b)

- To agree the Equality Objectives at a future date.

Risks

33. Without Equality Objectives the Council is at risk of enforcement action by the Equality and Human Rights Commission. During the COVID-19 outbreak the EHRC have suspended enforcement of the specific requirements of the Public Sector Equality Duty, though this could change at any time.
34. There is a risk that the Council does not pay due regard to the Public Sector Equality Duty, especially in relation to major decisions it will have to make in the aftermath of the COVID-19 outbreak. This applies equally at an individual service level, and in terms of workforce and procurement. The organisation risks successful challenge on the grounds of discrimination.

Reasons for the recommendation/Key benefits

35. Cabinet agreement to the Equality Objectives will result in the following key benefits:

- Demonstration that the Council is committed to and is meeting its Equality Duties in the light of COVID-19;
- Improvements in terms of accessibility of services, and developing a partnership approach to tackling the structural discrimination outlined in terms of the national policy discussion;
- Stronger more cohesive society in Cumbria.

Financial – What Resources will be needed and how will it be Funded?

36. There are no direct financial implications arising from the recommendations. However, embedding and embracing the Equality and Diversity objectives in how we work maximises the benefits available to the Council from human capital, both of staff and partners. This therefore, supports the implementation of the Council Plan Delivery Plan 2020-22 (considered elsewhere on today's agenda) and the Medium Term Financial Plan (2020-2025).

J. Wright, 12/08/2020

Legal Aspects – What needs to be considered?

37. Section 149 of the Equality Act 2010 provides that the Council must, in the exercise of its functions, have regard to the need to eliminate discrimination, advance equality of opportunity for those with a shared protected characteristic and those who do not share it and foster good relations between those with a shared protected characteristic and those who do not share it (the "General Duty").
38. The Equality Act 2010 (Specific Duties) Regulations 2011 provide that the Council must publish every four years one or more equality objectives which it thinks it should do in order to satisfy its General Duty under section 149 (the "Specific Duty"). The objectives must be specific and measurable.
39. The Equality and Human Rights Commission is responsible for ensuring compliance with both the General and Specific duty. In response to Covid 19 the Commission has suspended enforcement action with regard to the Specific Duty. However Councils are still encouraged to comply with these duties where possible. The requirements of the General Duty remain in force.

Health and Safety Aspects – What needs to be considered?

40. The Council has a responsibility under the Health & Safety at Work Act 1974 to ensure, as far as is reasonably practicable, that adequate health and safety provisions are in place for everything that it does.
41. Health and safety management is a clear commitment in the Council Plan, annual Corporate Health and Safety Policy Statement and wider equality objectives in corporate and service strategies and delivery plans.
42. As an integral part of all County Council activity, health and safety management can have a direct impact on health inequalities, equality and diversity issues. Any policies and procedures under the Council's health and safety activities will

be appropriately consulted on with equality implications assessed and reasonable adjustments implemented where practicable.

Council Plan Priority – How do the Proposals Contribute to the Delivery of the Council’s Stated Outcomes?

43. The Equality Plan is cross cutting covering all Council Plan outcomes:
- **People in Cumbria are Healthy and Safe,**
 - **Places in Cumbria are well connected and thriving,**
 - **The economy in Cumbria is growing and benefits everyone**

What is the Impact of the Decision on Health Inequalities and Equality and Diversity Issues?

44. The decision will enable the Council to address the issues raised in the Equality Impact Assessments of COVID-19 on communities, workforce and school opening. The decision also has implications in terms of how Council embeds due regard to the Public Sector Equality Duty in all its activities.

Appendices and Background Documents

Equality Impact Assessments:

- COVID-19 Community Impact
- COVID-19 Workforce Impact
- COVID-19 School Opening to all year groups

Key Facts

Electoral Division(s):

Executive Decision	Key Decision Included in Forward Plan	Exempt from call-in	Exemption agreed by scrutiny chair	Considered by scrutiny, if so detail below	Environmental or sustainability assessment undertaken?	Equality impact assessment undertaken?
Yes	Yes	No	N/A	Yes	No	Yes

Approved by the relevant Cabinet Member on 23 September

Previous relevant Council or Executive decisions

- Agreement of Equality Objectives (April 2016)
- Agreement of recommendations from Scrutiny Task and Finish Group on Equality Objectives (February 2018)
- Agreement of Equality Action Plan (September 2018)

Consideration by Overview & Scrutiny

Members of the Scrutiny Task and Finish Group who originally recommended the production of an Equality Plan were engaged on an early draft of the previous Equality Plan.

Background Papers

Report Author

Joel Rasbash, Strategic Policy and Scrutiny Advisor

Joel.Rasbash@cumbria.gov.uk

07825103565