



Policy and Resources Committee

16 June 2021

Title	Equalities, Diversity, and Inclusion Policy 2021-25
Report of	Chairman of Policy and Resources Committee
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix 1: Equalities, Diversity, and Inclusion Policy 2021-25 Appendix 2: Equalities, Diversity, and Inclusion Action Plan Appendix 3: Equalities, Diversity, and Inclusion Policy Consultation Report
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Summary

This report seeks approval on the council's Equalities, Diversity, and Inclusion (EDI) Policy 2021-25 which demonstrates how the council will comply with the Public Sector Equality Duty in the Equality Act 2010, as well as going beyond our legal duty to implement the best practice, create a culture where diversity is celebrated and ensure that Barnet is an inclusive borough. The publication of our EDI Policy forms part of that process.

Promoting equality, diversity and inclusion both internally and externally is a top priority for the council and we are committed to building on the momentum for change that we have seen in Barnet recently. Over the last year, more Barnet Equalities Allies (BEA) staff diversity networks have been established, Members have received training about equalities, and unconscious bias training for senior managers has taken place. The EDI Action Plan sets out more ways in which we are committed to improving our approach to equalities and diversity.

The EDI Policy looks at ways in which the council will approach its statutory responsibilities under The Equality Act and the Public Sector Equality Duty. It describes our approach to implementing our equalities policy and our new Strategic Equalities Objective.

The policy incorporates our legal duties as well as areas for improvement and best practice across the council. The policy will be incorporated into all work across the council and the action plan will be overseen by the council's cross-cutting steering group on Equalities, Diversity, and Inclusion, chaired by the Council Management Team (CMT) Sponsors for this agenda.

The policy supports the council's Barnet Plan 2021-2025 and existing documents such as the Statement of Community Involvement, Joint Health and Wellbeing Strategy, Growth Strategy, and Transport Strategy.

The draft EDI Policy was developed in consultation with external stakeholders through the Communities Together Network and we also engaged staff through the EDI steering group.

Full public consultation on the draft EDI Policy was undertaken following approval from Community Leadership and Libraries Committee on 16 September 2020.

The consultation took place from 20 October to 15 December 2020 and received an overall positive response (the consultation report can be found in Appendix 3). 90 responses were received via the questionnaire (82 online and eight easy read paper questionnaires) and a further 32 participants took part in virtual qualitative workshops and meetings.

The policy has been reviewed and updated taking into consideration the consultation responses and Members and Officers across the Policy and Resources Committee are asked to approve this final amended version of the EDI Policy and note the consultation report findings that have informed the changes.

Officers Recommendations

1. That the Committee agrees to adopt the Equalities, Diversity, and Inclusion Policy (at Appendix A to this report)
2. That the Committee authorises officers to implement the Equalities, Diversity, and Inclusion Policy Action Plan (as set out in Appendix B)
3. That the Committee delegates authority to the CMT Equalities, Diversity, and Inclusion Policy sponsors, Director of Finance and Resources & Director of Public Health and Prevention, to make any subsequent non-material changes to the policy and its supporting documents.

1. WHY THIS REPORT IS NEEDED

- 1.1 The Public Sector Equality Duty requires public bodies and others carrying out public functions to have due regard to the need to eliminate discrimination, to advance equality of opportunities and foster good relations.
- 1.2 The council has a Strategic Equalities Objective (SEO) that states how it will meet the duty. The new EDI Policy has updated this SEO which states: *All our communities will be treated equally, with understanding and respect. Both our council and our borough will be places where diversity is celebrated, and inequality is actively tackled, where people have equal opportunities and equal access to quality services.*
- 1.3 The council produces an Equalities, Diversity and Inclusion Annual Report which provides a detailed view of how the objectives have been met through the EDI Action Plan. This report provides an update on the principles of how we will meet these actions.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The council is strengthening its equalities, diversity, and inclusion agenda to demonstrate compliance with its legal duty, implement best practice and ensure our workforce reflects the communities we serve.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 There are no alternative reporting options considered.

4. POST DECISION IMPLEMENTATION

- 4.1 If the committee approves the recommendations in this report the Equalities, Diversity and Inclusion Policy will be formally published.
- 4.2 The action plan will be a live document, with lead officers updating their areas and adding actions over the year. Progress against the 20/21 action plan will be reported in the Annual Equalities Report 20/21, brought to committee, and published on the council website.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The council's Barnet Plan 2021-2025 makes a commitment to consider equalities in all that we do. It commits to the borough being a strong cohesive community, where diversity is celebrated, and everyone has equal opportunity regardless of their background. A place with fantastic facilities for all ages, enabling people to live happy and healthy lives.
- 5.1.2 The new EDI Policy Action Plan is designed to integrate equalities into all the Barnet Plan themes (Thriving, Healthy, Family Friendly, Clean Safe and Well Run).

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 There are no resource implications as a result of this report.

5.3 Social Value

- 5.3.1 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic, and environmental benefits. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders.
- 5.3.2 Social value can be used to further equalities, diversity, and inclusion. The council is in the process of developing a menu of social value outcomes that commercial suppliers can contribute to. These will include targets for ensuring equal opportunities in employment and activities that benefit disadvantaged groups.

5.4 Legal and Constitutional References

- 5.4.1 The Equality Act 2010 replaced and consolidated previous discrimination legislation and provides protection from discrimination in the workplace and in wider society. The council has statutory obligations under the Equality Act 2010 - and is subject to the General Public Sector Equality Duty (PSED) in s149 of the Act as a public body.

5.4.2 General Public Sector Equality Duty

The Public Sector Equality Duty (PSED) consists of a general duty, with three main aims. The general duty requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups; and
- foster good relations between people from different groups.

The Act sets out what due regard means for each aim.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to

- (a) tackle prejudice, and
- (b) promote understanding.

5.4.3 Obligations to publish information and set objectives

By the Equality Act 2010 (Specific Duties and Public Authorities) Regulations, SI 2017/353 the council is required to publish information to demonstrate its compliance with the Public Sector Equality Duty. The information must include information relating to persons who share a protected characteristic, who are its employees, or who are affected by the council's policies or practices. Publication is required annually. This information has been set out in each Annual Equalities Report published since 2014. Under the same regulations the council is also required to set and publish equality objectives to comply with the Public Sector Equality Duty, at least every four years.

5.4.4 Protected Characteristics

The 2010 Equality Act identifies the following protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation.

5.4.5 In addition to assessing the impact of proposals on the nine protected characteristics, the council also assesses the impact on certain other groups, whenever possible, who may be considered disadvantaged and/or vulnerable.

5.4.6 Under the Council's Constitution, Article 7 - Item 7.5 (Responsibility for Functions) sets out that the Policy and Resources Committee responsible for the overall strategic direction of the Council including responsibility for Equalities

5.5 Risk Management

5.5.1 Progress will be monitored against the council's Strategic Equalities Objective, to mitigate against a range of equalities risks, and to ensure that the council meets its statutory obligations under the Equality Act 2010 and the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.

5.5.2 The Independent Government Review into PSED (September 2013) recommended that public sector bodies should take a proportionate approach to the requirement to pay due regard to equalities and not seek to 'gold plate'.

5.6 Equalities and Diversity

5.6.1 The legal requirements of the 2010 Equality Act outlined above describe the requirement for public bodies to pay due regard to equalities.

5.6.1 The EDI Policy will strengthen the council's ability to meet the Act and the PSED. The EDI action plan sets out a new programme of activities that are designed to meet the current needs of the borough and tackle issues such as the disproportionate impact of the COVID-19 pandemic.

5.7 Corporate Parenting

5.7.1 In line with the Children and Social Work Act 2017, the council has a duty to consider Corporate Parenting Principles in decision-making across the council. Age is a protected characteristic and Barnet's approach to Equalities is to ensure that the most vulnerable are protected.

5.8 Consultation and Engagement

5.8.1 As a matter of public law, the council has a duty to consult on proposals to vary, reduce or withdraw services in the following circumstances:

- where there is a statutory requirement in the relevant matter's legislative framework
- where the practice has been to consult or where a policy document states the council will consult then the council must comply with its own practice or policy
- exceptionally, where the matter is so important that there is a legitimate expectation of consultation.

5.8.2 Consultation is also recommended in other circumstances, for example to identify the impact of proposals or to assist with complying with the council's equalities duties.

5.8.3 Regardless of whether the council has a duty to consult, if it chooses to consult, such consultation must be carried out fairly. In general, a consultation can only be considered as proper consultation if:

- comments are genuinely invited at the formative stage
- the consultation documents include sufficient reasons for the proposal to allow those being consulted to be properly informed and to give an informed response
- there is adequate time given to the consultees to consider the proposals
- there is a mechanism for feeding back the comments and those comments are considered by the decision-maker / decision-making body when making a final decision
- the degree of specificity with which, in fairness, the public authority should conduct its consultation exercise may be influenced by the identity of those whom it is consulting
- where relevant and appropriate, the consultation is clear on the reasons why and extent to which alternatives and discarded options have been discarded. The more intrusive the decision, the more likely it is to attract a higher level of procedural fairness.

Consultation on the Equalities, Diversity, and Inclusion (EDI) Policy

Overview

5.8.4 The Equalities, Diversity, and Inclusion (EDI) Policy consultation began after Council Leadership Committee on the 16 September 2020 where the committee agreed to consult on the policy for 2021-2025.

5.8.5 The following paragraphs set out the approach to the consultation and the headline findings from the full public consultation which are presented to this Committee. The detailed findings can be found in Appendix 3 of this report.

Summary of pre-engagement

5.8.6 Prior to the formal consultation, the draft policy was subject to pre-engagement to ensure it was developed in collaboration and consultation with other key stakeholders, including LBB staff and the voluntary sector:

- a workshop was held with LBB staff, through the Equalities, Diversity and Inclusion Steering Group and representatives from the staff Barnet Equalities Allies (BEA) groups

- an online questionnaire was sent to the Communities Together Network (CTN)¹ asking for their views on the draft principles and approach to be included in the draft policy.

5.8.7 The findings and recommendations from this pre-engagement was used to adapt the draft policy further.

Full public consultation

The full public consultation on the draft EDI Policy began on 20 October 2020 and concluded on 15 December 2020.

Summary of the consultation method

5.8.8 The consultation consisted of three elements:

- quantitative: an online questionnaire published on [the](#) council's Engage Barnet platform together with the draft EDI Policy and EDI Action Plan
 - paper copies and an easy-read version of the questionnaire were also made available on request
 - the easy-read questionnaire was also taken to Barnet MENCAP's user forum for adults with learning difficulties.
- qualitative: a virtual workshop was held with residents
- qualitative: a virtual meeting was held with the Barnet Multi-Faith Forum.

5.8.9 A comprehensive communications plan ensured the consultation reached our different communities. The plan consisted of the following elements and was extensively promoted via these mechanisms throughout the consultation period:

- news article in the council's residents' e-newsletter, Barnet First
- consultation placed as a 'featured consultation' on the homepage of the barnet.gov.uk website
- news release issued on the Communications Hub of barnet.gov.uk website
- social media posts via Twitter and targeted Facebook ads
- e mail sent to partners inviting them to take part in the consultation
- news items placed in the School Circular and other service user mailing lists
- widely promoted via staff communications mechanisms: First Team, the Chief Executive's weekly message, and BEA staff networks
- news item included in the Communities Together Network newsletter
- leaflets placed in library books of the click and collect service
- posters placed in public places.

5.8.10 The consultation asked for views on the new policy's:

- vision
- proposed Strategic Equalities Objective
- principles and approach

¹ Communities Together Network (CTN) is a network of community and voluntary groups in the borough.

- proposals for how we plan to measure success
- corresponding EDI action plan.

5.8.11 Response to the consultation

The table below gives an overview of the number of responses received for each of the different elements of the consultation.

Consultation method	Element	Number of responses/ participants
Quantitative	Main questionnaire	82
	Easy Read questionnaire	8
Qualitative	Resident's workshop	28
	Consultation meeting with Barnet Multi-Faith Forum (BMFF)	4
TOTAL		122

5.8.12 The full response to the consultation by each protected characteristic can be found in the Consultation Report, Section 5, paragraph 5.5, Appendix 3.

Key findings from the consultation.

5.8.13 Overall, the feedback from the consultation was very positive with high levels of agreement for the vision, the new SEO, the principles, and how we will measure the success of the new policy.

5.8.14 There were some suggestions for change and actions taken as a result of these consultation responses are set out in the following paragraphs.

Actions taken as a result of the consultation

5.8.15 **EDI Policy Vision:** Some of the consultation responses asked for clearer clarification on the role of the council and its partners to be added into the policy's vision and throughout the policy.

Updates on the EDI Policy Vision as a result of this consultation feedback:

- the vision has been updated to further clarify the council's role and to make it clearer that the policy will be achieved in partnership with community groups and residents. The whole policy has also been reviewed to ensure there is enough emphasis on the council's role and how the council will deliver the policy

- the council's strategic partners have also been referenced more and the policy has been updated to make it clearer that this is a policy that will be delivered in partnership with other agencies who we expect to share our values
- another section has been added on partnership working in particular with further reference on the Voluntary, Community and Faith Sectors (VCFS)
- to help address some concerns around a lack of clarity on how we will achieve these aims, and how success of the approach will be measured, more detail has been included on the EDI Policy's approach and what we are doing to achieve the aims set out within the policy
- there were also a few comments within the different consultation strands that the vision should state how the council will deal with structural inequalities; however, after careful consideration it was felt there is sufficient emphasis on this.

5.8.16 **Strategic Equalities Objective (SEO):** There were some comments that the SEO was too vague with a call to reinstate the wording 'Access to quality services' which was included in the previous SEO

Update on the SEO on as a result of this consultation feedback:

- 'Access to quality services' has now been reinstated into the new SEO.

5.8.17 **Faith:** Some of the consultation responses asked for more emphasis on faith to be added throughout the policy.

Update on policy as a result of this consultation feedback:

- as part of this consultation feedback, the Barnet Multi-Faith Forum (BMFF) suggestion of including 'play and pray' into the council's EDI vision has been incorporated and further references to this have been added to the rest of the policy.

5.8.18 **Disability:** There were some comments to include more references to disability in the policy, and further references to the needs and rights of disabled people.

After careful consideration of these comments it was felt that references are balanced and equally addressed across each protected characteristic. Also, Section 3: Our Legal Duties outlines all the protected characteristics that are encompassed within the policy. However, the EDI Action Plan will be regularly reviewed and further actions for each protected characteristic will be addressed through this monitoring process.

5.8.19 **Action plan:** some respondents wanted to see more actions around: anti-racism campaigns; reaching out to all communities; supporting, and encouraging partners, and actions around making information accessible.

Update on policy as a result of this consultation feedback:

- the action plan has been reviewed to address these comments and will be updated over the life of the policy to ensure it includes more actions covering these areas.

The full consultation report can be found under Appendix 3.