



Policy and Resources Committee

13 December 2022

Title	Equalities Report December 2022
Report of	Chair of Policy and Resources Committee
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix 1: Equalities Report December 2022
Officer Contact Details	<p>Chris Munday, Executive Director of Children's and Family Services chris.munday@barnet.gov.uk</p> <p>Anisa Darr, Executive Director of Strategy & Resources anisa.darr@barnet.gov.uk</p> <p>Liz Cowie, Assistant Director, Strategy, Communications & Engagement liz.cowie@barnet.gov.uk</p> <p>Linéa Heinonen, Strategy Manager, Strategy, Communications & Engagement Linea.Heinonen@barnet.gov.uk</p>

Summary

This report highlights how the council has approached its statutory responsibilities under The Equality Act and The Public Sector Equality Duty and our progress against our Strategic Equalities Objective. It brings into focus the changes within the councils overall Equality, Diversity and Inclusion (EDI) governance and highlights the significant change in our outlook on EDI activities. The report in appendix 1 demonstrates how the council is now working with an insight driven approach and in cross-collaboration across the council.

In light of the new proposed draft Corporate Plan and on-going journey to develop our EDI approaches, it emphasises that the council is now working within a different set of expectations. As such, it proposes to take this work forward through more in-depth reporting for April's Policy & Resources committee, including Draft EDI policy, "State of the Borough" report as well as Action Plans.

Officers Recommendations

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| 1. That the Committee approve this Equalities Report and subsequent publication on the council website. |
| 2. To approve the drafting of a new Equality, Diversity & Inclusion (EDI) policy, split between external and internal EDI activity. |

1. Why this report is needed

- 1.1** The Public Sector Equality Duty (PSED) 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. Public authorities also have specific duties under the Equality Act to help them comply with the public sector equality duty. Public authorities must:
- Publish equality information at least once a year to show how they have complied with the equality duty.
 - Prepare and publish equality objectives at least every 4 years.
- 1.2** The Equalities Report in Appendix 1 provides an update against our strategic equality objective (SEO): “All 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** Since the publication of the EDI Policy in June 2021, and the latest update in December 2022, the council has continued its journey to develop our EDI approach. As such, this report is a “stop-gap” on this journey and an opportunity to take stock of where the council is on its journey and what we have accomplished this far. The council recognises that addressing inequality and improving outcomes for residents are long-term goals. And while the council has come a long way from where we were, we have so much more to do to ensure we foster inclusion/fairness and promote diversity at all levels of the council organisation. The report in appendix 1 therefore sets out the council’s accomplishments this far, but also next steps in terms of developing our policy and strategy in 2023.
- 1.4** The Equalities report notes that an internal audit of the council’s equalities governance took place in autumn of 2021; the council agreed with the central message of the audit, that evidencing impact is difficult and that the structures needed to change to effectively address our challenges. In response, the council fundamentally reformed our approach to governance and action planning during 2022. The council now has two cross-council groups in place to address our challenges, one focused on residents and the other on the council workforce – together they aim to fight inequality in the council and in the borough.
- 1.5** The council established a Tackling the Gaps: Fighting Inequality Group to address inequalities in the borough by taking on an outward-facing, resident and partnership focused equality, diversity and inclusion agenda. This brings together officers across council services, to discuss and jointly challenge each other to address inequality and drive

forward cross-council activity. The aim of the group is to ensure that the council is both aware of and understand issues of inequality and disproportionality in the borough, and that it tackles these where applicable in policies, strategies, service delivery, procurement and so on. This year, focus has been to ensure that departments have evolving plans and activities in place to tackle inequality in their service areas, improving long-term outcomes for residents. The council has also:

- Implemented service changes to address these challenges, such as through introducing tools to improve accessibility and by introducing training and development opportunities to practitioners.
- Continued to develop an events programme to celebrate our communities, building on the success of Black History Month. For the first time, we made funding available for community groups to celebrate Black History Month, and we have either directly or indirectly supported more than 70 events across the borough.

1.6 The internal Workforce EDI Steering Group was also established, bringing together representatives from staff networks, Human Resources and managers from service departments. It focuses on improving equalities in our council and making a positive difference to our staff. The Group continues to develop the role of our various staff networks, and have worked closely with the networks to create an action plan for change. The council has set out six Equality and Inclusion commitments, that will steward all decision making and delivery throughout. This year, the council has also adopted the Race at Work Charter, have become a Disability Confident Employer Level 2, and submitted an application for Stonewall Indices.

1.7 To aid the new governance, and strategic delivery, reporting has been made clearer by defining outcome focused objectives in refreshed draft EDI Action Plans. The goal is to include fewer actions that are more targeted, with clear delivery planning and measures of success. As a result of this, the prior format of the EDI Action Plan, as outlined in the EDI Policy, has been decommissioned. The activities within the prior plan have largely been completed, but where required, as it is on-going activity, it is carried forward in future activities. Instead, two separate action plans have been introduced, with reporting against key activity included in this report. The plans will be further developed and published in the spring.

1.8 The Equalities Report outlines the key actions that will be developed over the next year. In particular, report authors want to draw attention to planned reporting for April Policy & Resources committee:

- Draft EDI policy/strategy to ensure alignment with the development of the vision for the borough and the priorities set out in the new Corporate Plan. In short, it is an opportunity to provide a more consistent, resident facing policy approach as well as to incorporate the evolving employee facing outcomes. To align with the new governance structure, it proposes that the policy/strategy is split between external facing policy focused residents, and separate reporting on our workforce policy.
- “State of the Borough” situational report that will set out at more depth the themes of this Equality report – focused on bringing together our insight on residents.
- EDI Action Plans – as referenced above – one resident focused, and the other

workforce focused.

- 1.9 In conjunction with this, the council will continue to fight inequality, including through carrying on developing internal activity, but also through further partnership working as well as through engagement and dialogue with residents.

2. Reasons for recommendations

- 2.1 The council is strengthening Equalities, Diversity, and Inclusion agenda in order to demonstrate its legal duty, implement best practice and ensure our workforce reflects communities we represent.
- 2.2 The Equalities Report illustrates a picture of what the council has done and what it will do in the future to tackle EDI issues, and this should be made public to promote cross collaboration with our partner, voluntary organisations and residents.
- 2.3 A new EDI Policy is required to ensure alignment with the development of the vision for the borough and the priorities set out in the proposed updated Corporate Plan, as well as show our continued commitment to EDI and build on current activity.

3. Alternative options considered and not recommended

- 3.1 There are no alternative reporting options considered.

4. Post decision implementation

- 4.1 Once the Equalities Report has been considered and approved by Policy and Resources Committee, it will be published on the equalities pages of the council's website.
- 4.2 As outlined in paragraph 1.7, as well as in appendix A – and subject to the approval of this committee – key next steps are focused on refreshing our EDI Policy.
- 4.3 The appendix report also highlights a number of other areas of on-going activity. It is hoped that these next steps will allow the council to continue to reduce inequalities within the borough and allow us to move further towards on our new corporate approach to tackling EDI based issues.

5. Implications of decision

5.1 Corporate Priorities and Performance

- 5.1 There has been a change in administration since the last Equalities Report. As a result, the council will refresh the EDI policy to ensure alignment with the development of the vision for the borough and the priorities set out in the new Corporate Plan.
- 5.2 The councils overarching Strategic Equalities Objective as included in our Equalities, Diversity, and Inclusion Policy 2021-2025, is to ensure:

“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.”

5.3 To transparently monitor our approach and achievements against our statutory responsibilities under The Equality Act 2010 and Public Sector Equality Duty (the report is included at Appendix 1 of this report).

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

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

5.6 Social Value

5.7 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.

5.8 Social value can be used to further equalities, diversity, and inclusion. The council has developed a menu of social value outcomes that commercial suppliers can contribute to. These include targets for ensuring equal opportunities in employment and activities that benefit disadvantaged groups.

5.9 Legal and Constitutional References

5.10 Article 7 of the Council's Constitution sets out the terms of reference of the Policy and Resources Committee which includes responsibility for strategic policy, risk management, oversight of the organisation, performance and operational working of the Council including the following specific functions/activities:

- Local Plans (except for matters reserved to Full Council)
- ICT and Digital
- Customer Services
- Emergency Planning
- Equalities, Diversity and Inclusion

5.11 The council has statutory obligations under the Equality Act 2010 - and s149 which sets out the Public Sector Equality Duty (PSED) - which came into force on 5 April 2011. Decision makers should have due regard to the public sector equality duty in making their decisions. The equalities duties are continuing duties they are not duties to secure a particular outcome. The equalities impact will be revisited on each of the proposals as they are developed. Consideration of the duties should precede the decision. It is important that the council has regard to the statutory grounds in the light of all available material such as consultation responses. The statutory grounds of the public sector equality duty are found at section 149 of the Equality Act 2010 and are as follows:

- 5.12** A public authority must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 5.13** 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:
- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
 - 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;
 - 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.
- 5.14** The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 5.15** 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:
- tackle prejudice, and
 - promote understanding.
- 5.16** Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act. The relevant protected characteristics are:
- Age
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race,
 - Religion or belief
 - Sex
 - Sexual orientation
 - Marriage and Civil partnership
- 5.17** Equality assessments were undertaken for the budget proposals. We undertake Equality Impact Assessments on changes to policy or services that could have an impact on people that share a protected characteristic under the Equality Act 2010.

5.18 Obligations to publish information and set out 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. This information has been set out in each 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.

5.19 In addition to assessing the impact of proposals on the nine protected characteristics, the council also assess the impact on certain other groups, whenever possible, who may be considered disadvantaged and/or vulnerable. These additional groups include; carers, people on a low income, those who are unemployed, young people who are not in education employment or training (NEET), people with mental health issues and some families and lone parents.

5.20 Risk Management

5.51 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.

5.52 We collaborate across the organisation and work in partnership with other organisations to ensure that we have processes in place to meet our obligations under the Equality Act 2010. Equalities impact assessments are required as part of contractual agreements.

5.6 Equalities and Diversity

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

5.8 Equality and diversity issues are a mandatory consideration in the decision making of the Council. Decision makers should have due regard to the public sector equality duty in making their decisions. The Equality Act 2010 and the Public-Sector Equality Duty require elected Members to satisfy themselves that equality considerations are integrated into day-to-day business and that all proposals emerging from the business planning process have taken into consideration the impact, if any, on any protected group and what mitigating factors can be put in place. The equalities duties are continuing duties they are not duties to secure a particular outcome. The statutory grounds of the public sector equality duty are found at section 149 of the Equality Act 2010 and are as follows

5.9 A public authority must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

- 5.10** 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 to the need to:
- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
 - 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;
 - 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.
- 5.11** The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 5.12** 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:
- Tackle prejudice, and
 - Promote understanding.
- 5.13** Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act. The relevant protected characteristics are:
- Age
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex
 - Sexual orientation
 - Marriage and Civil partnership
- 5.14** This is set out in the Council's Equalities Policy, that citizens will be treated equally with understanding and respect; have equal opportunities and receive quality services provided to best value principles
- 5.15 Corporate Parenting**
- 5.16** Age is a protected characteristic and Barnet's approach to Equalities is to ensure that the most vulnerable are protected.
- 5.17** In line with Children and Social Work Act 2017, the council has a duty to consider Corporate Parenting Principles in decision-making across the council, this includes ensuring that children in care and care leavers are not disproportionately impacted by any decisions the council may make.

5.18 Appendix 1 reports on on-going work addressing attainment and school exclusion gaps in schools, including through Education Improvement Plans as well as Special Educational Needs and Disabilities Strategy 2021-2024.

5.19 Consultation and Engagement

5.20 Consultation and engagement are a key component of our EDI activity. The report in appendix 1 gives examples of activity this year, such as development of My Say Matter's Child Participation and Family involvement Strategy 2022-2025

5.21 Related to this, the council is also informed by the resident perception surveys that allowed the council to hear residents thoughts on the borough, and highlighted inequalities that existed. Summary is provided in the Equalities Report.

5.22 The Equalities Report also highlights how the council understands that it needs to do more consulting and engagement to tackle the inequalities that exist within the borough. Future engagement includes (but is not limited to):

- Using the new Community Participation Strategy to set the parameters and ensure we consult and engage with residents effectively on EDI issues in the future.
- Further engagement activity with residents and communities on our EDI policy – this will be in two stages, initially focused on co-production of vision/principles, and then on consultation on draft EDI policy.
- Qualitative research to help inform the “State of the borough” report – this will be targeted at specific group, for example ethnographic research with residents that have disabilities.
- Holding “Leader Listens” events to ensure the council hears the voices of those that may not have been heard in the past.

5.23 Insight

5.24 This report demonstrates how Equality and Diversity Data is used by the council to meet its Public Sector Equality Duty, and illustrates how this data can help the council tackle inequalities within the borough.

5.25 An overview of the characteristics of Barnet residents can be found in JSNA Summary (<https://open.barnet.gov.uk/insight-and-intelligence/jsna/>). The population of the borough continues to grow, change and become increasingly diverse. The data is regularly updated, but a more in-depth update is planned in the new year in light of census 2021 data releases.

5.26 More information on our residents will be shared as part of April reporting on “State of the Borough”.

6. Background papers

6.1 None