



Committee and Date

Cabinet 6th July 2020

Item

Public

REPORT HEADING

Shropshire Council Equality Objectives Action Plan 2020 to 2024

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1.0 Summary

- 1.1 Approval is sought for the 2020 to 2024 Equality Objectives Action Plan attached as Appendix A to this report. Shropshire Council is required to publish an Equality Objectives Action Plan at a minimum of four yearly intervals, in order to demonstrate continuing compliance with its Public Sector Equality Duty (PSED). This Duty set out in the Equality Act 2010.
- 1.2 The requirement provides an opportunity to not only set out our proposed actions for the next four year period, covering 2020 to 2024, but also reflect upon progress made over the course of the four year period 2016 to 2020, in terms of equality, diversity and social inclusion. Appendix B sets out these previously agreed actions in tabular form.
- 1.3 Emphasis placed by the Council upon these actions, and visible commitment shown by the Council in so doing, aids the Council to meet its general equality duty under the PSED. This may be described as the duty on a public authority, when carrying out its functions, to have what is called *due regard* to three national equality aims.
- 1.4 The national equality aims are:
 - Eliminating discrimination, harassment and victimisation;
 - Advancing equality of opportunity;
 - Fostering good relations.
- 1.5 Publication of an approved Equality Objectives Action Plan 2020 to 2024 will enable up to date positioning of the Council to assist in efforts to meet its PSED, seek to demonstrate and develop good practice in so doing, and facilitate timely links with other local and national policy and strategy development in the arena of equality, diversity, and social inclusion.

- 1.6 Members will be aware that national evidence to date has identified a disproportionate impact of the Covid-19 pandemic for groupings including Black, Asian and Ethnic Minority (BAME) communities, faith communities, younger people, older people, people with disabilities, and those for whom there is a gendered economic impact. These groupings all fall within what are termed Protected Characteristic groupings under the Equality Act 2010.
- 1.7 Considerations around social inclusion and access to services are also to the forefront of our minds as a large and sparsely populated rural county, as well as in the minds of national policymakers, as the impacts of the pandemic have thrown such inequalities into sharp relief.
- 1.8 The Equality Objectives Action Plan accordingly includes proposed actions for joint work to identify and seek to address the inequalities emerging to date across a range of groupings and communities affected by the Covid-19 pandemic. This should then facilitate tie in with national actions in response to a range of groupings affected, as well as to the recommendations made in the Public Health England report *"Beyond the data; understanding the impact of COVID-19 on BAME groups"*; PHE, June 2020

2.0 Recommendations

- 2.1 Cabinet agrees to the publication of Shropshire Council's Equality Objectives Action Plan for 2020 to 2024, in order to meet legal requirements for compliance with the Public Sector Equality Duty placed upon the Council through the Equality Act 2010. (Appendix A)
- 2.2 Cabinet notes the progress made in this policy arena over the last four years, and the necessary and optimum linkages to be made between this document and associated corporate and partnership documentation, as part of good practice approaches towards meeting the needs of the diverse communities served by the Council and partners. (Appendix B)
- 2.3 Cabinet agrees to receive a progress report on equality developments at local and national level at a timely future date, at which point further recommendations may be tabled, specifically with regard to the impacts of the Covid-19 pandemic upon groupings and communities in Shropshire.

REPORT

3.) Risk Assessment and Opportunities Appraisal

3.1 Equality Legislation

- 3.1.1 The Equality Act 2010 legislation states that a listed authority must comply with both a general equality duty and with specific duties, as set out in the Act and described as the Public Sector Equality Duty (PSED).
- 3.1.2 To demonstrate full compliance with the general duty, we are required to publish annual information about our workforce diversity and service user diversity. In order to demonstrate full compliance with the specific duties, we are required to publish one or more equality objectives which we think we should achieve. The frequency for these is a minimum of every four years.
- 3.1.3 The regulations also specify that an authority listed in the Act must publish its equality information and equality objectives in a manner which is accessible to the public and may publish this information within another published document. Diversity reports are therefore on the Council website, along with the equality objectives action plan 2016 to 2020 and other associated materials, within the section "Equality, Diversity and Social Inclusion".
- 3.1.4 If the Council did not publish an action plan for the period 2020 to 2024, it would not be in a position to readily demonstrate compliance with the PSED. This would represent a major risk, not least in reputational terms, as it would involve breach of legal obligation, affect more than one group of stakeholders, attract the medium-term attention of legislative or regulatory bodies and potentially attract significant adverse media interest. This is likely to be heightened already, given what is known to date about the disproportionate impact of the Covid-19 pandemic upon people in Protected Characteristic groupings
- 3.1.5 Publication of the Equality Objectives Action Plan for 2020 to 2024 will allow the Council to further collaborate with communities and partners at a local level, with stakeholders at a local and sub-regional level, and with Government at a national level, in order to maximise the opportunities to realise policy intentions as per core corporate values around equality.
- 3.1.6 One risk of not taking this opportunity to be up to date and compliant is that it could weaken the efforts we make to influence national policy around equality, diversity and social inclusion. Examples include leading social inclusion efforts through the Shropshire Voluntary and Community Sector Assembly and the Marches Local Enterprise Partnership (LEP), and collating and submitting evidence to parliamentary select committee inquiries around digital and social inclusion issues, the rural economy, and regional disparities. We have also engaged directly with Government Departments on such issues, for example with the Department of Health on the Industrial Strategy Grand Challenge of an Ageing Society.

- 3.1.7 Another risk, were the Equality Objectives Action Plan to not receive endorsement, is that the Council could be seen as ignoring the needs of the vulnerable and those at risk of social exclusion, despite the fact that such individuals form wider groupings of people who need to be identified and who may need support either as individuals or as groupings.

3.2 Equality and Social inclusion impact Assessments

- 3.2.1 A screening ESIIA has been undertaken for the Equality Objectives Action Plan. This indicates that a medium positive impact is anticipated for all groupings within the community and thus for the whole community, as the Council's equality objectives action plan sets out to meet the three national equality aims set out in the general equality duty placed upon local authorities under the Public Sector Equality Duty (PSED).
- 3.2.2 The workforce of the Council is a key target group in the Council's equality endeavours, as are the elected Members of the Council as community leaders. The assistance of all staff across all service areas, in taking account of equality considerations in their everyday actions and in applying such considerations to planned changes to services, for example through ESIAs, will help the Council to proactively meet its PSED as well as mitigate against any risks of non compliance.
- 3.2.3 We will continue to target efforts at identifying any gaps in equality and diversity data, and in finding out where there may be barriers to accessing particular services, and how this might be addressed, for people with one or more of the Protected Characteristics and for people at risk of social exclusion. This will be reported upon in the annual Service User and Workforce Diversity Reports published online.

4.0 Financial Implications

- 4.1 For 2019 to 2020 and future years, it is anticipated that the specialist staffing resource will be met from within existing commissioning unit budgets, and that staff time within service areas including Human Resources will be the main cost item for the Council.

5.0 Climate Change Appraisal

5.1 Carbon offsetting or mitigation

- 5.1.1 With regard to the planting of trees, there is a complementary action to carbon offsetting in that there is anticipated to be a low positive outcome in relation specifically to the growing of a Holocaust Memorial cherry tree orchard of remembrance across Shropshire. One tree is planted each year, with a primary school, and the aim over time is for a cherry tree orchard covering all quadrants of the county. This is by definition a gradual process, initiated in 2015, notwithstanding a growth spurt in 2016 that saw an additional five trees planted with secondary schools.

5.1.2 Each time a tree is planted, the children at the chosen primary school learn more about the natural environment and the need to care for the natural world that they see around them, as well as about the need to never forget the Holocaust and other genocides, and to care for the people around them. There are now twelve trees planted across Shropshire.

5.2 Other aspects of climate change mitigation

5.2.1 There is anticipated to continue to be a neutral to low positive outcome in relation to the following aspects of climate change mitigation, with efforts to introduce and maximise online resources matched by efforts to improve digital connectivity and reduce social isolation across the county. Any energy efficiency changes to the fabric of community assets and buildings that improves their energy and fuel outputs will be of benefit to the communities that make use of them, as well as to the wider environment, just as better use of local buildings that reduces or obviates the need to travel other than on foot or by bicycle will also be of benefit to the wider environment.

- Energy and fuel consumption
- Renewable energy generation
- Climate Change adaptation:

6. Background

6.1 National and international policy

6.1.1 Organisations are expected by national and international governments and bodies to have policies and practices that address equality and diversity effectively, and that place these matters at the heart of all decision making processes. For Shropshire Council, equality is about using national laws and policies alongside local commitments to protect human rights and to remove unfairness and discrimination.

6.1.2 In order to demonstrate proactive commitment to equality, the Council needs to be able to:

- Understand the social, economic and environmental context in which it operates;
- Forecast likely changes and challenges to any or all of the above;
- Ensure that the Council is equipped to continue to deliver on national and international equality aims and local policy drivers.

6.1.3 In so doing, the Council is mindful of **national and international policy and legislation**, including the Equality Act 2010. This Act, together with the Human Rights Act 1998 and the UN Convention on the Rights of the Child, forms a robust framework of protection for equality, diversity, social inclusion and human rights.

6.1.4 In complying with the Act, and in seeking to be proactive, we show that we meet what is called the **Public Sector Equality Duty (PSED)**. This legislation states that a listed authority must comply with both a general equality duty and with specific duties, as set out in the Act.

6.1.5 The **general equality duty** may be described as the duty on a public authority, when carrying out its functions, to have what is called **due regard** to the three equality aims.

These are:

- Eliminating discrimination, harassment and victimisation;
- Advancing equality of opportunity;
- Fostering good relations.

6.1.6 To demonstrate full compliance with the **specific duties**, the Council is required to publish:

- information about workforce diversity and about service user diversity, to demonstrate compliance with the general duty. The frequency for this is annual, with effect from 31st January 2012. The published information *“...must include, in particular, information relating to persons who share a protected characteristic who are: its employees (for listed authorities who employ 150 or more staff); and other persons affected by its policies and practices (for example, service users)”*

(“Technical Guidance on Public Sector Equality Duty for England”; Equality and Human Rights Commission, 2013; ISBN 978 1 84206 475 7; p.68, paragraph 6.7)

- one or more equality objectives which the Council thinks should be achieved to help with any of the things mentioned in the general equality duty. The frequency for these is a minimum of every four years, with effect from 6th April 2012.

6.2 Local policy

6.2.1 Equal opportunities form a core element of good policy making around communities and the places in which they live and work. This is partly in recognition that greater economic activity by all groups in society contributes to and boosts the local economy as well as aiding individual prosperity and physical and mental wellbeing. A society in which everyone feels valued, and where their skills and talents are used to the full, is a productive and resourceful society. It is also about social inclusion. A society in which everyone feels they have a part to play, and in which people respect the views of other people, is a resilient and caring society.

- 6.2.2 When we talk about **society**, we are talking about individuals and about the various or diverse groups who collectively make up society. This includes what we may call the vulnerable and those in need, as well as groups who happen to have something in common such as their age or their gender.
- 6.2.3 When we talk about **social inclusion**, the groups that we are thinking of in particular are: families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; and people considered to be vulnerable.
- 6.2.4 When we talk about people who are **vulnerable**, the definition that we are using to describe a vulnerable person is:

“An individual who is identified as having complex needs and/or requires additional support to enable them to access services and support”

- 6.2.5 **Complex needs** may be described as difficult personal circumstances and/or life events that affect individuals. The following list of circumstances and events is intended to be illustrative rather than exhaustive: alcohol and/or drug dependency; bereavements; adopted from care or leaving care; indebtedness; divorcing or terminating a civil partnership; experiencing redundancy, retirement or unemployment; experiencing homelessness; leaving the armed forces; leaving hospital; people who are victims of crime including domestic violence; people with one or more of the nine national Protected Characteristics.
- 6.2.6 When we talk about the **nine 'protected characteristics' groups**, these are something that we look at as well as social inclusion when considering the PSED obligations. The groups are, in alphabetical order:

- Age;
- Disability;
- Gender reassignment;
- Marriage and civil partnership;
- Pregnancy and maternity;
- Race;
- Religion and belief;
- Sex;
- Sexual orientation.

- . By interacting with all our communities and groupings within them, we also understand their needs better and include them more in our strategic thoughts and actions.

- 6.2.7 As with all of our communities of place and interest, we aim to involve people in ways in which they may want to be involved, can be encouraged to do so, and are able to do so, in order to support and sustain them as resilient communities. Our focus on developing our place- based approaches relates directly to this aim.

- 6.2.8 Considering equality, diversity and social inclusion enables us to plan and deliver services that are responsive to the needs of our diverse communities, with a workforce that is representative of those communities and that is sensitive to the needs of those communities. We do this in partnership not only with other public sector bodies but also with the business sector and the voluntary and community sector. Where this involves organisations arranging and delivering services on our behalf, for example where we have commissioned a service, they are expected to demonstrate that equality and diversity are similarly at the core of their own strategic thoughts and actions.
- 6.2.9 The needs of rural communities are also factored into this process and into other ways in which we develop and assess policy and strategy, such as through rural proofing and through joint work with other rural and unitary authorities, through the County Councils Network (CCN), the Rural Services Network (RSN), and the wider Local Government Association family. This is in recognition of the fact that Shropshire is a large, predominantly rural and sparsely populated county. There are therefore practical challenges and costs for the Council and partners in delivering services, and for communities in finding out about and accessing services, particularly in terms of physical and digital connectivity.
- 6.2.10 The recent PHE report has brought into sharp relief the additional challenges in BAME communities around finding out about and accessing service, in terms of the information and support that we provide, and the ways in which we seek to provide such help. This also brings in joint efforts across our area and work with other neighbouring authorities, public sector organisations, and the voluntary and community sector across our borders.

6.3 Local practice

- 6.3.1 Good practice suggests that a visible and coherent suite of documentation around equality, diversity and social inclusion demonstrates openness and transparency. It also provides an accessible route to the information and actions contained therein. The dedicated section on the external website may be found as follows: [Equality, diversity and social inclusion – Shropshire Council](#)
- 6.3.2 The Council sets out to visibly demonstrate equal treatment to people who are in Protected Characteristic groupings and people at risk of social exclusion, and to people who are not, through having what is termed 'due regard' to their needs and views when developing policy and strategy and when commissioning, procuring, arranging or delivering services.
- 6.3.3 This action plan represents one such way of demonstrating our open and transparent approach, since it provides a visible way in which to record and publish progress made in the four year period 2016 to 2020, and through which to set out proposals for meeting the national equality aims during the period 2020 to 2024.

6.4 Local progress 2016 to 2020

6.4.1 Over the course of the four year period, progress has been charted using three strands of activity

- Publish more visibly
- Collect data more proactively
- Work together more jointly

6.4.2 Examples of these activities have been reported in the annual service user diversity reports and workforce diversity reports published every December on the Council's website. These are in themselves an illustration of our approach to publishing what we do in this policy arena in a more visible and open way, with the reports now forming a library on the dedicated section of the website, and providing opportunity for trend analysis as well as a way in which to record examples of the efforts that are being made.

6.4.3 Turning to the actions around collecting data more proactively, and linking this to wider corporate efforts to establish and consolidating our evidence base around the needs of our communities and businesses, it is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. It is up to us as an authority to decide what form our equality impact assessment may take.

6.4.4 The decisions that we make when planning a service change need to be recorded, to demonstrate that we have thought about the possible equality impacts on communities and to show openness and transparency in your decision making processes. This is where Equality and Social Inclusion Impact Assessments (ESIAs) come in. Carrying out ESIAs helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision making processes.

6.4.5 The formal template is there not only to help the service area but also to act as a stand alone for a member of the public to read. Completed templates may be found within a library section on the dedicated web pages, as well as attached to committee reports, with an increasing usage of these as screening assessments over the last period.

6.4.6 The approach we use sets out to help to identify whether or not any new or significant changes to services, including policies, procedures, functions or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected

6.4.7 Service areas would ordinarily carry out a screening assessment, or Part One equality impact assessment. This enables energies to be focussed on review and monitoring and ongoing evidence collection about the positive or negative impacts of a service change upon groupings in the community, and for any adjustments to be considered and made accordingly.

- 6.4.8 Equality impact screenings are recommended at the start of a consultation process, and at the end, in order to utilise feedback from communities in shaping services. Where there have been low levels of response from particular groupings, eg younger people, further specific efforts may then be made to engage with them during development and implementation of the service change, as well as continuing ongoing engagement efforts and involving elected Members as community leaders.
- 6.4.9 In terms of working more jointly, this has been an area of real progress, within and external to the Council. Internal work involving staff across the Council enabled development and delivery of mandatory online equality training for all staff, complementing training for Members. An external work exemplar, referenced with regard to linkages with the natural environment, involves work with schools and interfaith forums to help children and young people to understand the messages of the Holocaust in ways that are age appropriate and meaningful, through the planting of a cherry tree orchard of remembrance across Shropshire..

6.5 Local proposals for 2020 to 2024

- 6.5.1 It is the policy intention to continue to work at weaving together a number of actions the three main activity strands. This includes a number of proposed actions.
- 6.5.2 Publish more visibly
- Refresh of online training materials and associated guidance, in order to equip the workforce and elected Members to build upon their understanding of equality, diversity and social inclusion issues, and their ability to help the Council to meet the three national equality aims. This will draw upon guidance from the EHRC and lessons arising from the Covid-19 pandemic.
 - Maintenance and development of the dedicated pages on the Council website, including links to guidance for groupings and for individuals.
- 6.5.3 Collect data more proactively
- Incorporation of health and well-being assessments into equality and social inclusion impact assessments for service areas, in order to equip service area to have due regard to the three aims when considering and planning service changes. This will draw upon best practice including experiences of other rural authorities
 - In specific reference to BAME communities, follow up on recommendations of the Runnymede Trust to the Women and Equalities Committee, and those within the PHE report “Beyond the data”, with regard to data collection. The latter is as follows:

“Research and data: to deepen our understanding of the wider socio-economic determinants, improve data recording of faith and ethnicity and greater use of community participatory research.”

6.5.4 Work more jointly

- Strengthen linkages with the community and voluntary sector and with interfaith forums, on initiatives including actions to enhance the positive as well as mitigate the negative equality impacts of the pandemic upon faith communities
- Continued support for national events and activities around HMD, Show Racism the Red Card, and World Mental Health Day, including proactive communications campaigns with other local authorities, and across sectors.

7.0 **Additional Information**

- 7.1 As a Council, we are very much being guided by and taking a lead from the Equality and Human Rights Commission (EHRC). They have been giving evidence to the UK Parliament Women and Equalities Committee Inquiry into Covid-19 (*“Unequal Impact: Coronavirus (Covid-19) and the impact on people with Protected Characteristics”*) about actions to be taken by central government and by local authorities. They are very keen to see the PSED used as the framework for such actions.
- 7.2 The most recent EHRC session with the Committee predates George Floyd’s untimely and awful death by a few days. However, the session was used by the EHRC to reiterate calls made by them in 2017 for a national race equality strategy, and it would be timely to make reference to this in developing a local proposed action for 2020 to 2024 around combating racism. This could usefully in itself point to our 2019 achieved action of supporting the “Show Racism the Red Card” campaign, and set out efforts to work through schools, other public sector organisations, etc on local positive action, and to draw upon any further guidance that also emerges from the EHRC following George Floyd’s death.
- 7.3 There is also an opportunity for us to submit evidence to the Women and Equalities Committee on behalf of the communities of Shropshire, as the Committee has launched three sub inquiries: one on impact for BAME communities, one on gendered economic impact, and one on disability and access to services.
- 7.4 Their separation of these strands bears out the importance of this approach in enabling a clear focus on the nuances of inequality for different groupings affected by the pandemic. The closing dates for these three sub inquiries are 10th July, 13th July and 13th July respectively.

Conclusions

The EHRC have been unequivocal in session with the Women and Equalities Committee about the usefulness of the PSED, urging that the PSED and equality impact assessments be utilised by Government Departments and by local authorities. Please see quotes below:

“...the Equality Act provides a useful framework, and the public sector equality duty in particular is something that we would be really keen for the Government, individual Departments and local authorities to use as a way forward. The template exists. What we do not want to do is to be issuing investigations in relation to why the public sector equality duty was not used as much or as effectively as it might have been; we would like to do that much more through dialogue.

“...We think it is an effective framework, but sadly we do not think that there is enough engagement, understanding or fear about the consequences of not using it. I would certainly like us to be in dialogue more, and also to demonstrate that the public sector equality duty is to be taken seriously and is a powerful tool to deal with the issues that we are all concerned about—not just saving lives but actually building back better to address these inequality issues that are particularly acute at the moment.”

It would be irresponsible of the Council not to approve the updated Equality Objectives Action Plan given its core role in assisting the Council to not only comply with the PSED but also proactively respond to and engage with our communities at this time of crisis.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr Peter Nutting, Leader of the Council
Local Member All
Appendices Appendix A: Equality Objectives Action Plan 2020 to 2024 Appendix B: Equality Objectives Action Plan 2016 to 2020 Appendix C: Equality and Social Inclusion Impact Assessment (ESIIA)