

REPORT TITLE: MEMBERS' EQUALITY, DIVERSITY AND INCLUSION FORUM

22 JUNE 2022

REPORT OF CABINET MEMBER: CLLR GORDON-SMITH - CABINET MEMBER
FOR SERVICE QUALITY AND LEAD MEMBER FOR EQUALITY, DIVERSITY AND
INCLUSION

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WARD(S): ALL

PURPOSE

This report presents a proposal to establish a Members' Equality Diversity and Inclusion (ED&I) Forum to engage and communicate with our communities and local organisations to better understand issues around equality, diversity and inclusion within the district.

RECOMMENDATIONS: That Cabinet agree:

1. To establish a Members' Equality, Diversity and Inclusion Forum.
2. To appoint to the membership of the Equality, Diversity and Inclusion Forum.
3. To nominate and approve a chair for the Members' Equality, Diversity and Inclusion Forum.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 Homes for all
- 1.2 The establishment of a Members' Equality, Diversity and Inclusion Forum will support the council to understand and respond to the needs of all our existing and prospective housing tenants and ensure that they are looked after appropriately.
- 1.3 Living Well
- 1.4 The Forum will support the council in understanding issues our residents face with equality, inclusion and diversity which in turn will feed into the design and implementation of both our council policies and services that we deliver.
- 1.5 Your Services, Your Voice
- 1.6 Supports the council to understand the needs of our residents and businesses as it continues to make services accessible to all.

2 FINANCIAL IMPLICATIONS

- 2.1 No direct financial implications.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The council has a statutory duty under section 149 of the Equalities Act 2010 that requires all public bodies to consider the needs of all individuals in their day to day work – in shaping policy; in delivering services and in relation to their own employees. The Public Sector Equality Duty is a duty on public bodies and others carrying out public functions.
- 3.2 Public bodies, officers and councillors who are subject to the PSED must, in the exercise of their functions, have due regard to the need to:
 - Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act;
 - Foster good relations between people who share a relevant protected characteristic and those who do not share it; and
 - Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
- 3.3 These three aims are sometimes referred to as the three aims of the general equality duty.
- 3.4 Having due regard means consciously thinking about the three aims of the PSED as part of the process of decision-making. This means that

consideration of equality issues must influence the decisions reached by public bodies – such as in how they act as employers; how they develop, evaluate and review policy; how policy is implemented, how they design, deliver and evaluate services and how they commission and procure from others.

3.5 Having due regard to the need to advance equality of opportunity involves considering the need to:

- Remove or minimise disadvantages suffered by people due to their protected characteristics;
- Meet the needs of people with protected characteristics; and
- Encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

3.6 Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

3.7 The PSED also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or positively discriminating towards disabled people in order to meet their needs.

3.8 The PSED covers the following protected characteristics age, disability, gender reassignment, pregnancy, maternity/ paternity, race, religion or belief (including non-belief), sex and sexual orientation.

3.9 The duty includes a requirement to review, refresh and publish up to date equality objectives and a policy stating how the objectives will be met for the city council in order to remain legally compliant with the PSED.

3.10 There are no procurement implications as a direct result of this report

4 WORKFORCE IMPLICATIONS

4.1 There are no additional workforce requirements to enable the establishment of an Equality, Diversity and Inclusion Forum other than those officers already driving this area of work and the action plan. Administrative support for the forum can currently be met from existing resources but will be kept under review while the real workload can be calculated as we progress the action plan.

5 PROPERTY AND ASSET IMPLICATIONS

5.1 None

6 CONSULTATION AND COMMUNICATION

- 6.1 Consultation on the content of the report has taken place with Executive Leadership Board (ELB).
- 6.2 The development of a Member's Equality, Diversity and Inclusion Forum will raise awareness of local inequalities and highlight the positive actions that the council, communities and partners can undertake to promote and educate people to reduce these, and as an enabler by engaging proactively with our communities and local partner organisations to enable a greater understanding of existing and emerging inequalities in the district and consider ways of collaborating to address these.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 None

8 PUBLIC SECTOR EQUALITY DUTY

- 8.1 This report proposes establishing a Members Equality, Diversity and Inclusion Forum which will support the council's statutory Public Sector Equality Duty.
- 8.2 The impact of the proposal on the protected characteristics groups and implications have been considered and concluded that the Forum would be a key group to promote equality and inclusion and eliminate decimation in the district.

9 DATA PROTECTION IMPACT ASSESSMENT

- 9.1 None required as there is no processing of personal data, or where there is processing it does not result in a high risk to the rights and freedoms of a person or persons directly or indirectly identified.

10 RISK MANAGEMENT

Risk	Mitigation	Opportunities
Financial Exposure	None	None
Exposure to challenge - Compliance with the PSED is a statutory duty and important aspect of public life	Establishing the Member ED&I Forum will allow the Council to learn about equality issues and set an action plan to reduce these	That instances of equality can be reduced through the work of the Forum
Innovation	None.	None
Reputation - unable to demonstrate compliance with the PSED sends out	The work of the Forum will demonstrate to residents, communities	Understanding the issues within our communities enables the council to

Risk	Mitigation	Opportunities
an inappropriate message to the wider community	and stakeholders how the council is conforming to the requirements of the PSED	take positive action and enhance its reputation
Achievement of outcome		
Property	None	None
Community Support	Consideration of ED&I issues in our communities enables better decision making	Communities are better supported through understanding of the issues
Timescales	None	None
Project capacity	None	None
Other	None	None

11 SUPPORTING INFORMATION:

11.1 The council recently updated its Public Sector Equality Duty Policy which was adopted by Cabinet on 25 January 2022 (report CAB3331 refers).

11.2 The following principles, drawn from case law, explain what is essential in order for the PSED to be fulfilled as public bodies should ensure:

- Knowledge – those who exercise the public body’s functions need to be aware of the requirements of the PSED. Compliance with the PSED involves a conscious approach and state of mind. To ensure knowledge both Members and officers should undertake proper and continuous training, and such training the content and timing of such training must be kept under constant review.
- Timeliness – the PSED must be complied with before and at the time that a particular policy is under consideration or decision is taken – that is, in the development of policy options, and in making a final decision. A public body cannot satisfy the PSED by justifying a decision after it has been taken.
- Real consideration – consideration of the three aims of the PSED must form an integral part of the decision-making process. The PSED is not a matter of box-ticking; it must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- Sufficient information – the decision maker must consider what information he or she has and what further information may be needed in order to give proper consideration to the PSED.
- No delegation – public bodies are responsible for ensuring that any third parties which exercise functions on their behalf are capable of complying with the PSED, are required to comply with it, and that they do so in practice. It is a duty that cannot be delegated.

- Review – public bodies must have regard to the aims of the PSED not only when a policy is developed and decided upon, but also when it is implemented and reviewed. The PSED is a continuing duty.
- 11.3 There are four performance areas in the new Policy as follows:
- (1) Understanding and working with our community;
 - (2) Leadership, partnership and organisational commitment;
 - (3) Responsive services and customer care; and
 - (4) Diverse and engaged workforce
- 11.4 These performance areas above have been taken from the Local Government Associations Equality Framework for Local Government 2020. This framework will be used to benchmark our equality success particularly as we drive forward with this refreshed approach.
- 11.5 To support undertaking of the council’s PSED responsibilities a Corporate PSED Panel has been formed. The Panel will monitor, manage and steer the implementation of the PSED policy which includes, training to increase understanding of PSED and where appropriate completion of equality impact assessments. All proposals going on to cabinet for decision are required to consider whether an Equality Impact Assessment is relevant.
- 11.6 The Panel will:
- Undertake independent reviews of equality impact assessments in relation to new council policies and projects and changes and implementation of existing policy and projects.
 - Provide advice and recommendations on PSED implementation.
 - Review general and specific arrangements for implementation of the PSED including equality impact assessments across the council.
 - Monitor agreed actions to address potential negative or positive impact on promotion of equality for protected characteristic groups and monitor progress of the Equality, Diversity and Inclusive Action Plan.
- 11.7 The Panel will consist of officers from across the council including representatives from the Policy Team, Human Resources Team, Community Team and Housing Team. The officers who sit on the panel will receive appropriate training from qualified professionals.
- 11.8 The Equality, Diversity and Inclusion Action Plan is a key document for setting out and recording how service areas and corporate related activity will work to deliver the council’s Equality Objectives and Equality Policy.

- 11.9 The plan will also be used to monitor progress and achievements against the activities in the plan, ensuring targets are on track and delivered.
- 11.10 To deliver this action plan effectively, it is important for all staff to understand clearly their role in the delivery of equality and diversity related activity and feel confident in embedding equality considerations in all they do.
- 11.11 The new action plan comprises of actions that are based on each of the four performance areas to be met as appropriate, as part of the council's commitment to providing better outcomes for all people.
- 11.12 Much of this work, whilst valuable and critical to the decision making process, is internal facing and more could be delivered and understood as a council if we looked externally and sought to learn from and engage with our community. It is proposed to do that through a Members Equality, Diversity and Inclusion Forum,
- 11.13 The Forum will engage with local communities and organisations to understand local inequalities and prepare a work programme to address these. The Forum will also lead on promoting equality, sharing ideas and raise awareness of equality and diversity.
- 11.14 At its meeting on 24 May 2022 (Report CAB3344 refers) Cabinet approved the nomination of Cllr Gordon-Smith as the lead cabinet member for Equality, Diversity and Inclusion. At the same time Cabinet appointed Councillor Becker as Equality, Diversity and Inclusion member champion to provide leadership on tackling local equality, diversity and inclusion issues which would contribute to supporting the city council to meet its Public Sector Equality Duty.
- 11.15 Elected members have a key role in making the district a more inclusive place for everyone to live, work and visit. Establishing a forum would provide the opportunity to consider relevant data sets, hear evidence of inequalities within the district and to understand the issues and barriers that impact on the lives of residents in our local communities and to devise a work programme and action list to address these.
- 11.16 The council works with a number of existing groups and forums to deliver services to residents and businesses. Regular liaison with these groups to facilitate communications, particularly in relation to equality and inclusion issues, will support the Forum to better understand the needs of these groups.
- 11.17 Working with other agencies such as Hampshire Constabulary and Hampshire County Council, the Forum will look to learn about incidents such as hate crime that occur in the district and then work with community groups to look at best practice at tackling related issues.
- 11.18 The Forum would be led by elected members, working in collaboration with local communities, forums and organisations and facilitated by council officers. The work of the Forum would form a key part of delivering the

priorities detailed in the Council Plan and contribute to making the district an inclusive place to live and work and where everyone is valued and respected for who they are.

- 11.19 The chair of the Forum will in the first instance be nominated by Cabinet. The group will consist of the shadow Cabinet Member and one representative from each of the other political groups, the Cabinet Member for ED&I the Member Champion for ED&I and lead officers for this area at the council.
- 11.20 The Forum's work programme arising from the initial discovery into any equality issues would be forwarded to Executive Leadership Board for consideration. An Issues Log would be created and updates forwarded to the Strategic Director: Monitoring Officer. Any actions or recommendations would be forwarded to Executive Leadership Board (ELB) for consideration and approval.
- 11.21 Through the day-to-day work of the council, there is already good practice of officers having due regard to the aims of the Public Sector Equality Duty via the undertaking of Equality Impact Assessments which is the primary evidence of compliance with the PSED. This statutory duty applies to council, officer and member decisions which may fall within the protected characteristics list.
- 11.22 Availability of completed Equality Impact Assessments will support the Forum to understand the impacts on protected characteristic groups before decisions are taken.
- 11.23 Supporting the work of the Members' Forum there are a number of other existing groups including the council's Housing Excellence Group (HEG) which supports the housing department to cover its equalities responsibilities and meet the PSED as well as providing a guide officers consider the PSED through impact assessment and how diverse needs will be met. Since approval of the Policy in January, an officer Equality, Diversity and Inclusion Panel and has been formed and will:
- Undertake independent reviews of equality impact assessments in relation to new council policies and projects and changes and implementation of existing policy and projects.
 - Provide advice and recommendations on PSED implementation
 - Review general and specific arrangements for implementation of the PSED including equality impact assessments across the council
 - Monitor agreed actions to address potential negative or positive impact on promotion of equality for protected characteristic groups and monitor progress of the Equality, Diversity and Inclusive Action Plan.
- 11.24 An annual report providing details of the progress of the group against its work programme and actions undertaken to tackle inequality would be presented and considered at Audit and Governance Committee, with the first report expected in twelve months' time. The report would also include an

update on the progress made against the Equality, Diversity and Inclusion Action Plan 2021 that was appended to the Public Sector Equality Duty report (CAB3331, 25 January 2022).

11.25 Attached as Appendix 1 to this report are the draft terms of reference for the Forum.

12 OTHER OPTIONS CONSIDERED AND REJECTED

12.1 The alternative option to progress without a member forum will disadvantage the council to understand and tackle local equality issues within the district and the work of officers as they comply with the statutory Public Sector Equality Duty.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

CAB3331 Public Sector Equality Duty, 25 January 2022

Other Background Documents:-

None

APPENDICES:

Appendix 1 – Members’ Equality, Diversity and Inclusion Forum – Draft Terms of Reference.

Members' Equality, Diversity and Inclusion Forum – Terms of Reference

Purpose

The main purpose of the Members' Equality, Diversity and Inclusion (ED&I) Forum is to engage with our communities and local partner organisations to understand existing and emerging inequalities in the district. It also aims to enhance the local councillors' role in tackling discrimination and help to create a more inclusive district.

Main objectives

The main objectives of the forum are to:

- Receive and understand evidence of inequalities in the district from Census data and partner organisations such as the NHS, Hampshire County Council and voluntary and community organisations.
- Listen to local people's lived experiences of inequalities and concerns around accessibility to local services and opportunities, such as employment, health and education.
- Understand from other organisations of examples of equality, diversity and inclusion best practice.
- Consider how the forum can promote further work towards tackling equality, diversity and inclusion issues.

Membership

- Cabinet Member for Equality, Diversity and Inclusion
- Member Champion for Equality, Diversity and Inclusion
- Shadow Cabinet Member
- Nominated Member from opposition
- Strategic Director
- Corporate Head of Strategic Support
- Senior Policy and Programme Manager
- Policy Officer

Partner organisations, local groups, community representatives and council officers will be invited to participate in relevant forum meetings to participate and/or present evidence of inequalities, current initiatives to tackle these and participate in discussions about further action that the City Council may be able to assist with.

Meetings and Work Programme

The Forum meets on a quarterly basis and follows a work programme that is set and agreed by members. Topics to be discussed will focus on priority issues that affect a range of groups including those with protected characteristics or living in deprived areas and align with the Council Plan priorities.

Responsibilities

Forum members are champions for equality, diversity and inclusion and take an inclusive and collaborative approach to this work.

Any local equality, diversity and inclusion issues that are identified by members in their own wards and communities can be forward to the forum for discussion as part of their work programme.

Monitoring and Reporting

Progress against the Forum's work programme is to be monitored and reported regularly to Executive Leadership Board to ensure that where there are agreed outcomes these are progressed.

The Forum will maintain its own issues log and actions list and monitor progress at its meetings.

An annual update report of the Chair of the Forum is to be presented to Audit and Governance Committee.

Members of the Forum can feed back on the work of the Forum, particularly evidence collation, to their own political groups so that all members are kept informed.