

CABINET MEETING – 14 JULY 2022

EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

Approach to Equalities and Socio-Economic Considerations

Author(s):

Executive Director of Corporate Services

Purpose of Report:

The purpose of the report is to update Cabinet on progress in relation to equality and socio-economic considerations, and to approve:

- i. Governance arrangements in relation to how the Council manages its equality and socio-economic considerations in its operations and decision making;
- ii. The Council's statutory equality objective 2022-2026; and
- iii. The use of an Integrated Impact Assessment tool.

Description of Decision:

Cabinet is recommended to:

- i. Approve the governance arrangements in relation to the discharge of the Council's equality duties under the Equality Act 2010 and the adoption, as set out in this report, of socio-economic considerations in its decision making;
- ii. Agree the draft equality objective for 2022-26: *"Progress equality performance through the Equality Framework for Local Government"*;
- iii. Approve the use of an Integrated Impact Assessment; and
- iv. Receive annual updates on progress in relation to points ii and iii above, with an interim report in the first year of implementation to provide assurance and approve further detail on the objective

Is the decision consistent with the Budget/Policy Framework? *Yes

If not, Council approval is required to change the Budget/Policy Framework

Suggested reason(s) for Decision:

To ensure the Council remains compliant with the Public Sector Equality Duty; and goes beyond compliance to progress work in relation to equalities and socio-economic considerations.

Alternative options to be considered and recommended to be rejected:

There are no alternative options recommended for consideration.

Impacts analysed;

Equality ☒ Privacy ☒ Sustainability ☒ Crime and Disorder ☒

Is the Decision consistent with the Council's co-operative values?	Yes
Is this a "Key Decision" as defined in the Constitution?	Yes
Is it included in the 28 day Notice of Decisions?	Yes

APPROACH TO EQUALITIES AND SOCIO-ECONOMIC CONSIDERATIONS

Report of Executive Director of Corporate Services

1. Purpose of the Report

- 1.1 The purpose of the report is to update Cabinet on progress in relation to equality and socio-economic considerations, and to approve:
- i. Governance arrangements in relation to how the Council manages its equality and socio-economic considerations in its operations and decision making;
 - ii. The Council's statutory equality objective 2022-2026; and
 - iii. The use of an Integrated Impact Assessment tool.

2. Description of Decision (Recommendations)

- 2.1 Cabinet is recommended to:
- i. Approve the governance arrangements in relation to the discharge of the Council's equality duties under the Equality Act 2010 and the adoption, as set out in this report, of socio-economic considerations in its decision making;
 - ii. Agree the draft equality objective for 2022-26: *"Progress equality performance through the Equality Framework for Local Government."*;
 - iii. Approve the use of an Integrated Impact Assessment; and
 - iv. Receive annual updates on progress in relation to points ii and iii above, with an interim report in the first year of implementation to provide assurance and approve further detail on the objective

3. Introduction/Background

- 3.1 The Council's Equality Scheme 2017-2021 set out our approach to equalities and contained information that helped us meet needs of the Equality Act 2010 and Public Sector Equality Duty (PSED).

The PSED requires public authorities, like the Council, to have "due regard" to:

- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; and
- The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This 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; and
 - 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 protected characteristics defined by the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Since the Council's previous scheme was published in 2017 there have been significant changes to the social and policy context of equalities, and a range of organisational changes. Therefore, review of our approach is required.

- 3.2 Key events over recent years have highlighted ongoing issues in society related to inequality and discrimination, not least the Covid-19 pandemic. This clearly demonstrated how inequalities can create disparities in outcomes. Further, there is significant concern in society about how the current cost of living crisis will widen inequalities further for people who already face socio-economic deprivation and existing disadvantage. These issues often intersect with protected characteristics (for example, minority ethnic groups, disabled people, women and young people) to exacerbate inequalities further.
- 3.3 In Sunderland, the Council has always recommended an approach that extends beyond the protected characteristics to include other characteristics such as deprivation. This approach was extended in November 2021 when Council agreed a notice of motion to adopt the socio-economic duty which is set out in part one of the Equality Act 2010 but has not been enacted by Parliament. This duty, if enacted, would require organisations such as the Council to have due regard to reducing the inequalities that result from socio-economic disadvantage (e.g. inequalities in occupation, education, place of residence, health, social class, housing etc.). It is important to note that the socio-economic duty, when adopted voluntarily rather than being imposed by law, must complement and not overshadow the existing duties outlined in the Equality Act 2010 and PSED (set out under s.149 of the Equality Act 2010). It is helpful to distinguish between what is a statutory duty and what the Council adopts voluntarily into its practice and decision making; therefore, this reference is made to socio-economic *considerations*, rather than a socio-economic *duty*.
- 3.4 Work relating to both equalities and socio-economic considerations is closely linked with the ambitions set out in the Healthy City Plan, which recognises that our greatest health challenges are complex and influenced by the social determinants of health (which are heavily linked to socio-economic considerations). There is therefore advantage to linking equality and socio-economic considerations with work to improve health and reduce health inequalities.
- 3.5 This report sets out a framework for a reviewed approach with associated assurance and governance. The approach will support consistent consideration of these key themes throughout our work and when decisions are taken.

4. Current Position

- 4.1 The Equality Framework for Local Government (EFLG) is a Local Government Association (LGA) self-assessment tool that aims to help organisations deliver on the PSED, review performance and make improvements for people with characteristics protected by the Equality Act 2010. The framework was updated in November 2021 to better reflect socio-economic and health considerations. The LGA recognise that use of the self-assessment is likely to reference other locally appropriate characteristics evidenced as suffering inequality (other than those required in the PSED). The framework also focuses on being intelligence and community led, and therefore allows adaptation to focus on local issues. The EFLG has four improvement modules:

- Understanding and working with your communities
- Leadership and organisational commitment
- Responsive services and customer care
- Diverse and engaged workforce

Within the modules, there are three levels of achievement: developing, achieving and excellent and a range of criteria within each level for self-assessment. Full details of the EFLG (2021) can be provided to Members on request or can be accessed through [Equality Framework for Local Government \(EFLG\) 2021 | Local Government Association](#).

- 4.2 Appropriate governance arrangements are currently being established so that responsibility for strategic leadership and operational delivery is clear and defined. It is proposed to create a Strategic Equalities Group that will develop clear aspirations against each of the modules and determine resources within a range of services to support delivery. The Strategic Equalities Group will be chaired by the Executive Director of Corporate Services and involve a range of Assistant Directors. The group will also provide assurance reports to Cabinet so they can be confident that their responsibilities in relation to the PSED are being discharged and that the motion agreed by Council in relation to socio-economic considerations is being progressed and monitored by Cabinet. It is important to note that the majority of (if not all) the equalities related matters fall within the Cabinet's remit for final decision, rather than full Council. Therefore, it is proper to provide updates on progress to Cabinet as the appropriate decision-making body of the Council.
- 4.3 In addition, an Operational Equalities Group will help to determine the initial baseline against the self-assessment framework then determine and deliver detailed improvement actions. This group will also become service-based first points of contact in relation to equality and socio-economic considerations.
- 4.4 In order to aid compliance with the PSED, the Equality Scheme 2017-2021 has been replaced with [online information setting out our approach to equality](#), including a single Equality Objective for 2022-26:

“Progress equality performance through the Equality Framework for Local Government.”

Once benchmarking against the framework has been undertaken and aspirations are clear, further detail will be published to demonstrate that the objective is specific and measurable.

4.5 In addition to the objective(s), the PSED requires organisations to publish information to show compliance with the duty, at least annually. This has previously been done by providing annual progress updates on the objective(s) (the final update for 2017-2021 can be found at [Equality Progress - Sunderland City Council](#)). In future, it is proposed that Cabinet receive an interim assurance report outlining detailed improvement actions against the EFLG (prior to publication) and progress in relation to integrated impact assessment (see below). These two pieces of work will cover both equalities and socio-economic considerations. After an initial interim report, it is proposed that reports are annual, showing progress against detailed milestones and drawing on case studies or good practice examples to bring the report to life. Following Cabinet approval, the annual updates will be published on the council's website.

4.6 A key piece of work to ensure the PSED and socio-economic considerations are embedded in decisions, plans, policies, projects and our 'business as usual' approach is the development of Integrated Impact Assessment (IIA). IIA is intended to streamline a number of impact assessments with one process that can improve outcomes throughout service delivery, strengthen decision-making and ensure a robust, transparent, whole council approach. It will help us to:

- meet our Public Sector Equality Duty;
- deliver on the Notice of Motion agreed by Council in November to embed socio-economic considerations; and
- support corporate commitments in relation to health, reducing health inequalities, community wealth building and the low carbon/sustainability agendas.

Early completion of the IIA as part of service planning and policy development will help to minimise negative impacts, maximise opportunities and help ensure a reasonable depth of consideration in relation to a wide breadth of activity. For example, questions relating to low carbon are consistent with the Sunderland Low Carbon Framework strategic priorities and questions relating to health and health inequalities are aligned with the Sunderland Healthy City Plan priorities.

4.7 An IIA tool has been developed and is currently being piloted. Work on phase one of implementation has an initial focus on information, advice and guidance frameworks being built on the intranet including a simplified digital tool. The planned date for phase one to go live is September, following which there will be a 3-6 month period of gathering feedback and intelligence, which will inform next steps and implementation. It is expected phase two will include an enhanced digital tool with case management, and sophisticated reporting functions. The Executive Director of Corporate Services will be the project sponsor for implementation of IIA.

5. Reasons for the Decision

5.1 It is recognised that the activity needed to support the PSED and socio-economic considerations is complex and organisation-wide. However, it is important to support delivery of partnership work including the City Plan and Healthy City Plan. The revised governance arrangements will allow corporate co-ordination of the agenda, ensuring the Council remains compliant with the PSED and also go beyond compliance to progress work in relation to equalities and socio-economic considerations.

- 5.2 Agreement of the draft equality objective for 2022-26 will provide structure for improvement activity across the organisation and will support our PSED. Using the EFLG allows a holistic approach that spans a wide range of activity, supports the PSED and integration of socio-economic considerations.
- 5.3 The IIA is a way of linking the aims of the PSED with other key agendas and priorities (e.g. socio-economic considerations, health/health inequalities, community wealth building and carbon reduction/sustainability).
- 5.4 The governance arrangements and the reporting cycle set out in the report will provide a clear route for officers to provide assurance to Elected Members that progress is being made. Annual updates to Cabinet are suggested as this will align with the publication requirements of the PSED. It also recommended that there is an interim report in the first year of implementation so that Cabinet can be provided with assurance and approve more detailed improvement actions to ensure the council's equality objective is specific and measurable.

6. Alternative Options

- 6.1 No alternative options are recommended for consideration. We must refresh our equality objective to remain compliant with the PSED.

7. Impact Analysis

(a) Equalities – The Council must comply with the PSED and this includes having due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010;
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a protected characteristic and those who do not.

This is known as the “general equality duty.”

The “protected characteristics” are age, disability, gender re-assignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation and marriage or civil partnership.

A separate Equality Analysis has not been undertaken as the specific activity that will be undertaken is not yet fully planned. However, the content of the report is fundamental to meeting our PSED and progressing activity that advances equality of opportunity across all protected characteristics and beyond. Use of the EFLG will ensure that equalities is embedded in the areas of work addressed in the four modules listed in the report. It is recommended that once benchmarking activity has taken place, the improvement plan is subject to IIA. Implementation of IIA will influence the way equalities considerations are presented in future decision reports.

- (b) **Sustainability** – Although sustainability is not directly impacted by the recommendations in the report, the work to implement an IIA outlined in the report has integrated sustainability and carbon reduction considerations. The IIA questions on sustainability and low carbon are aligned with the Sunderland Low Carbon Framework strategic priorities. The IIA tool will therefore inform decision reports to highlight sustainability / low carbon implications and opportunities.
- (d) **Reduction of Crime and Disorder – Community Cohesion / Social Inclusion** – The EFLG contains a section that focuses on ‘fostering good community relations’ which includes understanding community tensions and promoting or fostering good relations. In addition, the work to implement an IIA includes inclusion, fostering good relations and designing out crime.
- (e) **Health and health inequalities** – The IIA questions relating to health and health inequalities are aligned with the Sunderland Healthy City Plan priorities. Many of the questions in the tool are prompts to consider the wider determinants of health and support our ‘living well’ Healthy City Plan priorities of: create fair employment and good work for all; ensure a healthy standard of living for all; and create and develop healthy and sustainable places and communities.

8. Other Relevant Considerations / Consultations

- (a) **Co-operative Values** – Equality and equity are fundamental to co-operative values and as such the recommendations in the report support these values. The work outlined will also help them to be further embedded in future decision-making and council activity.
- (b) Additional considerations:
 - (i) **Financial Implications** – There are no direct additional costs arising from this report. Resources required can be contained within existing service and transformation budgets.
 - (ii) **Risk Analysis** – If the recommendations in the report are not adopted there would be a risk that we do not meet our PSED. In addition, there is a social risk if we fail to identify, consider and address inequalities in our city beyond the protected characteristics (e.g. considering socio-economic factors in the course of our work).
 - (iii) **Employee Implications** – The EFLG contains a section on ‘diverse and engaged workforce’. Therefore, an equality objective that focuses on this framework for improvement will ensure best practice in relation to: workforce diversity and inclusion; inclusive strategies and policies; collecting, analysing and publishing workforce data; learning, development and progression; and health and wellbeing.

The updated text, which has been published to replace the Equality Scheme 2017-21, now only contains a brief reference to our approach to employment (previously this was covered in some detail). A separate Workplace Equality Policy is therefore being drafted by People Management to ensure an up-to-date policy document is in place, reflecting all stages of employment.

- (iv) **Legal Implications** – The recommendations support compliance with the Public Sector Equality Duty. Law and Governance have been consulted on the text for sunderland.gov.uk/equality, including the draft equality objective as well as the content of the draft IIA. Law and Governance will also be included in the strategic and operational equalities groups.
- (v) **Policy Implications** – Use of the Equality Framework for Local Government (updated November 2021) will ensure there is a holistic approach that reflects recent policy developments. The approach is aligned with our City Plan and Healthy City Plan. There are additional workplace policy implications, as outlined at (iii). The approach to IIA supports wider policy priorities to be considered in a holistic manner, for example, the approach includes consideration of the council's low carbon priorities and supports a Health in All Policies approach.
- (vi) **Health & Safety Considerations** – The Equality Framework for Local Government promotes positive working practices in relation to equality and health. Following good practice in this area could therefore promote both healthier and safer workplaces.
- (vii) **Implications for Other Services** – There are implications for all other services as the approach to equalities must be corporate in order to comply with the PSED. However, the detail will only be understood once full benchmarking and improvement planning has taken place. IIA is a corporate tool to be used by all services, as appropriate.
- (ix) **The Public / External Bodies** – Public consultations have not been undertaken at this stage. However, “understanding and working with communities” is a key part of the Equality Framework for Local Government. As benchmarking and improvement planning takes place, it will be appropriate to engage with communities on some areas of the work.
- (x) **Compatibility with European Convention on Human Rights** - The recommendations in the report don't interfere with Human Rights. However, the IIA had Human Rights considerations integrated into it.
- (xi) **Project Management Methodology** – Phase one of the IIA implementation has been brought in with the Corporate Services Review and will be in line with the Thinking Operating Model, supported by a Transformation Project Manager.
- (xii) **Procurement** – Commissioning and procuring services is an element of the Equality Framework for Local Government and so following the framework would encourage best practice. Conversations have already taken place with the Senior Manager – Procurement regarding the potential integration of IIA into procurement practices and will be included in the operational equality group.

9. List of Appendices

Appendix one: Motion agreed at Council in November 2021

11. Background Papers

This section must provide a detailed, itemised list of background papers used in the preparation of the report, not included in the appendices. Details of where these papers can be inspected and a contact telephone number should be included in the cover sheet.

All background papers must be stored securely so they can be made available for inspection by members of the public if required, for 6 years from the date of the meeting.

Where all or part of a report or background paper contains confidential information, advice should be sought from the Head of Law and Governance.

Appendix One

Motion to Council in November 2021

Addressing Government Failure to Reduce Inequality

This Council notes that since 2010 successive Conservative led governments have

- failed to address inequalities in society, noting that levels of deprivation and poverty have significantly increased despite the introduction of the 2010 Equality Act.
- continually refused to enact section 1 of the Equality Act that would place a legal duty on governments to address these inequalities and reverse this rise in poverty and deprivation.

This Council now requires to further provide leadership in supporting struggling families in this City and therefore resolves, with immediate effect:

- to voluntarily adopt the socio-economic duty, as stated in Section 1 of the Equality Act 2010, which Conservative-led Governments have refused to enact.
- to ensure strategic decisions are designed to reduce and/or mitigate the inequalities of outcome which result from disadvantage.

That in adopting this duty the council will:

- incorporate poverty and socio-economic disadvantages, into equality impact assessments, equality plans, and the wider decision-making process and all strategic planning.
- use a range of quantitative and qualitative data to inform the implementation of this duty and develop clear success criteria to measure the impact in reducing levels of inequality.
- recognise the value of engaging with struggling families directly impacted by these inequalities, working together to find new and sustainable ways to support them and reduce poverty.
- in addition, work with stakeholders and voluntary/community sector organisations, to build awareness and understanding of this new duty adopted by this Council.
- Receive reports on a six-monthly basis on progress in achieving clearly defined and actionable targets both for this new duty and for the nine existing protected characteristics defined in the Equality Act of 2010.

