

# Birmingham City Council

## Report to Cabinet/Cabinet Committee

17<sup>th</sup> March 2020



**Subject:** Council Equality Objectives 2019 – 2023

**Report of:** Dr Justin Varney, Director of Public Health

**Relevant Cabinet Member:** Councillor John Cotton, Social Inclusion, Community Safety & Equalities

**Relevant O &S Chair(s):** Councillor Carl Rice, Co-ordinating O&S Committee

**Report author:** Suwinder Bains, Equalities and Cohesion Manager

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:		

### 1 Executive Summary

- 1.1 Birmingham City Council is determined to advance equality for all by demonstrating its commitment to promote equality, diversity and inclusion across all council policies, programmes and services. The Council's proposed Equality Objectives for 2019 to 2023 set out how this commitment will be delivered.
- 1.2 The Equality Act 2010 requires public bodies to show they are advancing the equality agenda under the Public Sector Equality Duty. In addition to the Equality Act, the Council has a statutory duty to reduce health inequalities many of which are associated with protected characteristics. Under the legislation Councils are required to produce at least one Equality Objective every four years to demonstrate how they will eliminate discrimination and advance equality.

- 1.3 This report recommends five Council Equality Objectives for 2019 – 2023 shaped by a strong evidence base that will help focus efforts on tackling inequality and social and economic disadvantage. The objectives (Appendix 1) aim to drive equality and inclusion across all areas of the council's work, as well as demonstrate the council's compliance with the Public Sector Equality Duty and the duty to address inequalities.
- 1.4 Each of the five equality objectives contribute towards achieving the Council's corporate outcomes and Birmingham's Community Cohesion Strategy.
- 1.5 The Council recognises that some residents, community groups and staff that share protected characteristics may have different experiences of access to public services and employment opportunities, as well as experiencing health inequalities. The Council Equality Objectives seek to tackle inequalities and the differences in outcomes related to the protected characteristics and/or socio-economic background, recognising the need to address the drivers of inequality and discrimination as well as the direct and indirect impact on citizens.
- 1.6 The progress against the Equality Objectives will be overseen by the Cabinet Member for Social Inclusion, Community Safety and Equalities. A Corporate Officer group chaired by the Assistant Chief Executive, on behalf of the Chief Executive, will have responsibility for the delivery of the action plan and support the Cabinet Member. The Officer Group includes the Director of Human Resources (HR) the Director of Public Health and the Cohesion & Equalities Manager.

## **2 Recommendations**

- 2.1 That Cabinet adopt the Equality Objectives 2019 – 2023 as part the Council's commitment to promote equality, diversity and inclusion.

## **3 Background**

### ***The Equality Act 2010 and the Public Sector Equality Duty***

- 3.1 The Equality Act 2010 and Public Sector Equality Duty (PSED) requires public bodies, in carrying out their services and functions, to have due regard to the need to:
  - Eliminate unlawful discrimination, harassment and victimisation and any other conduct that is prohibited under the Equality Act 2010.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not
  - Foster good relations between people who share a protected characteristic and those that do not.
- 3.2 It is unlawful to discriminate against someone because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. These are referred to as protected characteristics protected under the Equality Act 2010.

- 3.3 The PSED supports the Council in good decision-making by ensuring that it considers how different people will be impacted by policies and services. The Council is required to publish at least one Equality Objective every four years to fulfil its duty under the PSED.
- 3.4 The Equality Act also requires Councils and other public authorities to have due regard to ‘the desirability of exercising [their functions] in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage’.
- 3.5 In addition to the Equality Act, through the Health and Social Care Act (2012) the Council has a statutory duty to tackle health inequalities, many of which link to the same protected characteristic groups and socio-economic disadvantages.

#### **4 Proposed Equality Objectives for 2019 to 2023**

- 4.1 In compliance with the Act, the Council is refreshing its Equality Objectives for 2019 to 2023.
- 4.2 Equality objectives should be viewed as part of the council's business planning process, aligned to Council priorities and an integral part of business performance. These objectives support the delivery of the Council Plan and demonstrate the Council's commitment to addressing inequality and promoting fairness, diversity and inclusion.
- 4.3 The proposed Equality Objectives have been developed by drawing on best practice and the evidence base, together with Birmingham's Community Cohesion Strategy, the Council's current policies as well as a Local Government Association self-assessment equality gap analysis and workforce equality data.
- 4.4 The proposed Equality Objectives will help the Council to:
- Understand our diverse communities and embed that understanding in how we shape policy and practice across the Council.
  - Demonstrate inclusive leadership, partnership and a clear organisational commitment to be a leader in equality, diversity and inclusion in the City.
  - Involve and enable our diverse communities to play an active role in civic society and put the citizens' voice at the heart of decision-making.
  - Deliver responsive services and customer care that is accessible and inclusive to individual's needs and respects cultural differences.
  - Encourage and enable a skilled and diverse workforce to build a culture of equality and inclusion in everything we do.
- 4.5 Working in partnership is at the heart of advancing equality and eliminating discrimination. For this reason, the Council's Equality Objectives will be delivered by the Council working with partners in the public, community, voluntary and business to share learning and best practice.
- 4.6 A key element of implementation is the use of Equality Impact Assessments as a tool to help target resources and engage better with citizens and communities to co-

produce policy interventions that minimise disadvantage experienced by equality groups. Putting equality and fairness at the core of services and commissioning decisions is at the heart of the Council's ambition.

## **5 Monitoring Progress – The Equality Framework for Local Government**

- 5.1 The Equality Objectives for 2019 to 2023 are aligned to the strategic themes of the Equality Framework for Local Government (EFLG). The EFLG is a resource produced by the Local Government Association to help Councils think about how they can advance equality and eliminate discrimination. The framework enables understanding of how well we know communities, our commitment to diversity, the services delivered, customer care and a skilled workforce. This benchmarking tool will be used to measure the Council's performance on its delivery of the Equality Objectives to help identify areas of excellence, but also areas in need of further improvement.
- 5.2 The Council will continue to collect evidence by building on its internal self-assessment of performance against the proposed equality objectives for 2019 to 2023. This will help build, identify existing activity and any gaps in performance.
- 5.3 A key aim of the Council is to demonstrate 'excellence' in advancing equality by embedding equality, inclusion and diversity across all its functions and workforce practice. It is proposed that an external peer challenge and accreditation against the EFLG will be considered as part of the monitoring process.
- 5.4 The progress of the Equality Objectives will be overseen by the Cabinet Member for Social Inclusion, Community Safety and Equalities. A Corporate Officer group chaired by the Assistant Chief Executive, on behalf of the Chief Executive, will have responsibility for the delivery of the action plan and support the Cabinet Member. The Officer Group includes the Director of HR, the Director of Public Health and the Cohesion & Equalities Manager

## **6 Options considered and Recommended Proposal**

- 6.1 Subject to approval by Cabinet, the proposed Equality Objectives for 2019 to 2023, will be published on the Council website and embedded across all strategic policies and plans.

## **7 Consultation**

- 7.1 Neither the Equality Act 2010 nor the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (the regulations impose the duty to publish the equality objectives) require Councils to consult on the equality objectives before they are published; therefore, there is no statutory duty to consult. However, in consultation with the Cabinet Member a public consultation was undertaken to ensure full transparency and provide a further opportunity for community engagement.

- 7.2 The draft equality objectives were posted on the Council's BeHeard consultation portal and promoted widely to voluntary and community organisations. Consultations were held with trade unions, staff were encouraged to give their views by the Chief Executive via his weekly bulletin, Council staff networks were invited to consultation briefings. Analysis and evaluation of consultation responses is set out in Appendix 2.
- 7.3 Responses in the consultation were overwhelmingly positive and no substantive amendments were proposed to the content; some of the consultation responses focused on delivery actions and these will be considered by the officers responsible for implementation. Therefore, no further changes have been made to the draft objectives following consultation.

## **8 Risk Management**

- 8.1 If the draft Equality Objectives 2019 to 2023 are not approved, then the Council will be in breach of the Public Sector Equality Duty. This risk would have to be then mitigated through developing alternative objectives that addressed the issues raised in Cabinet for publication as soon as possible

## **9 Compliance Issues:**

- 9.1 *How are the recommended decisions consistent with the City Council's priorities, plans and strategies?*

The proposed Equality Objectives are fundamental to delivering the Council's corporate outcomes and are aligned to the Council Plan and the Community Cohesion Strategy.

- 9.2 *Legal Implications*

Section 149 of the Equality Act 2010 enacts a single general public sector equality duty (PSED) which applies to public authorities exercising public functions. The duty on public authorities to have "due regard" to the PSED in *section 149(1)* of the Equality Act 2010 is more than simply a requirement to have general regard. Real thought must be given to the PSED and its requirements.

Equality Act 2010 (Specific Duties) Regulations 2011 the council must prepare and publish at least one equality objective once every four years.

Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 impose a duty on specified public authorities with at least 250 employees to

publish gender pay gap information relating to employees, in order to demonstrate compliance with the public sector equality duty.

Health and Social Care Act (2012) the Council has a statutory duty to tackle health inequalities

The actions in this report and adoption of the proposed objectives will ensure the above legal requirements are met.

### **9.3 *Financial Implications***

Through 2019/20 the capacity to support the Council to deliver its statutory duties for cohesion and equality has been reviewed and an expansion of resource to support delivery has been proposed (£0.662m, £0.674m and £0.688 in financial years 2020/21, 2021/22 and 2022/23 respectively) which has been approved by Cabinet and Full Council as part of the 2020/21 budget, will establish adequate resource to ensure strategic support to deliver these objectives.

### **9.4 *Human Resources Implications***

As outlined above there is a proposed expansion of the resource and staff capacity to deliver the Council's strategic cohesion and equality function, currently 1.0 FTE. Subject to approval as part of the 2020/21 budget, the growth in the capacity of the team is being taken forward through the Council's normal HR processes.

### **9.5 *Public Sector Equality Duty***

The Council has statutory duties under the Equality Act 2010. Collectively referred to as the general duty to promote equality. The Council also has a specific duty to eliminate discrimination, advance equality of opportunity and foster good relations between different people.

The Council's proposed Equality Objectives for 2019 to 2023 help the Council to address the causes of inequality and promote fairness and inclusion across all its functions.

An Equality Impact Assessment has been undertaken (Appendix 3) which shows that the Equality Objectives will have positive impacts across all protected characteristics.

## **10 Appendices**

- 1 - Draft Equality Objectives 2019-2023
- 2 - Consultation Response to Draft Equality Objectives 2019-2023
- 3 - Equality Impact Assessment