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| Report to: | CABINET | <i>Exempt information paragraph number – if private report:</i> |
| Report of: | THE CHIEF EXECUTIVE | |
| Date of Decision: | 17th NOVEMBER 2015 | |
| SUBJECT: | 2015/16 COUNCIL BUSINESS PLAN MEASURES – APRIL TO SEPTEMBER 2015 PERFORMANCE MONITORING | |
| Key Decision: Yes / No | No | |
| If not in the Forward Plan: (please "X" box) | Chief Executive approved | <input type="checkbox"/> |
| | O&S Chairman approved | <input type="checkbox"/> |
| Relevant Cabinet Member(s): | Deputy Leader /ALL | |
| Relevant O&S Chairman: | ALL | |
| Wards affected: | ALL | |

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| 1. Purpose of report: |
| <p>To:</p> <p>1.1 Provide a summary of progress against our Council Business Plan (CBP) targets, and the Birmingham Promise measures, for the period April to September 2015 (unless otherwise stated).</p> <p>1.2 Seek Cabinet's approval to:</p> <ul style="list-style-type: none"> i. Suspend corporate monitoring of progress against the Birmingham Promise Measures (BP) 'missed bins collected within 3 days of the missed bin being reported for the remainder of 2015/16, and 'blue badge renewal' notices sent out by post 10 weeks in advance of the expiry date (section 5.1), and ii. Better align the children's services measures in the 2016/17 CBP measure set to those included in the Children's Improvement Plan for Early Help and Social Care, and the Education Improvement Plan (see section 5.4). |

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| 2. Decision(s) recommended: |
| <p>That Cabinet:</p> <p>2.1 Note the progress to date and the issues requiring attention.</p> <p>2.2 Approve:</p> <ul style="list-style-type: none"> i. The suspension of the BP measures identified in section 5.1; ii. The better alignment of the children's services measures described in section 5.4. |

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| 3. Consultation |
| <p>3.1 <u>Internal</u></p> <p>Cabinet Members, Strategic Directors and directorate staff have been involved in discussions around the performance against the targets of the Council Business Plan and Birmingham Promise measures contained in this report. Otherwise this paper is a factual report on progress and therefore, no other consultation has been required.</p> <p>3.2 <u>External</u></p> <p>No external consultation required.</p> |
| 4. Compliance Issues: |
| <p>4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>This report shows whether strategic and operational outcomes and policy priorities are on track, and it shows our targets for 2015/16 for tracking our further progress against our strategic outcomes and policy priorities.</p> <p>4.2 <u>Financial Implications.</u></p> <p>The Council Business Plan forms a key part of the budgeting and service planning process for the City Council that takes account of existing finances and resources and sets out the key strategic and operational outcomes that the City Council wish to achieve. Any decisions highlighted will be carried out within existing finances and resources unless otherwise stated.</p> <p>4.3 <u>Legal Implications</u></p> <p>Not applicable.</p> <p>4.4 <u>Public Sector Equality Duty. (see separate guidance note)</u></p> <p>The Council Business Plan (CBP) Measures, and Birmingham Promise, are designed to ensure significant improvement in service quality and outcomes for the people of Birmingham – some have a particular focus on disadvantaged groups. Non-achievement may have a negative impact on external assessments of the City Council and could put relevant funding opportunities at risk.</p> |

5. Relevant background/chronology of key events:

5.1 Birmingham Promise Measures

At the start of this year, we introduced **The Birmingham Promise**; a set of specific standards that our citizens could expect in relation to the seven most frequently requested services in the council. We agreed to monitor and measure how well we perform against these promises and that we would report on progress against achieving them every three months.

For the Birmingham Promise, **missed bins collected within 3 days of the missed bin being reported**, Cabinet is asked to approve the suspension of monitoring against this measure, to allow time for our reporting system to be aligned to the promise and process improvement to be put in place.

In addition, in relation to our promise to send out **blue badge renewal notices by post 10 weeks in advance of the expiry date**, the system for sending out renewal notices is operated by a third party on behalf of central government and we only receive notifications if a renewal notice has not been sent. Whilst we could assume that as no notifications have been received then we have fully met our promise, we cannot be absolutely sure as we do not have sight of the data. To date we have not been in a position to confirm a robust result as we are not in control of the system that provides this data. Therefore, following discussions at the last Performance Star Chamber meeting in September, it was agreed that this Promise be proposed for exclusion from future updates for the remainder of this financial year.

For the remaining 15 Promises, **87% (13) performed well (achieving 97% or above) with 7 (54%) of these being fully upheld**. Compared to the previous quarter (April to June 2015), all Promises either maintained or improved performance.

Some of the Birmingham Promise measures are contracted services and have contractual targets and penalties for non-compliance attached to them. These contractual targets usually allow for minimal service failures as it is accepted that human/technical errors etc. happen – this is normal commercial practice. In these instances it is difficult for the Council to insist on providers upholding the promises in all cases and it introduces confusion for service users (i.e. as there are 2 targets, a Birmingham Promise and a contractual target). Learning from this and in reviewing the Birmingham Promise for 2016/17 we will propose that where any promises are contractual we will aim to fully uphold the contractual target.

5.2 Council Business Plan Measures (CBP) Summary

The CBP measures, for 2015/16, reflect the key performance measures for the City Council for this financial year (unless otherwise stated), and include our key targets/forecasts for measuring success against our strategic priorities.

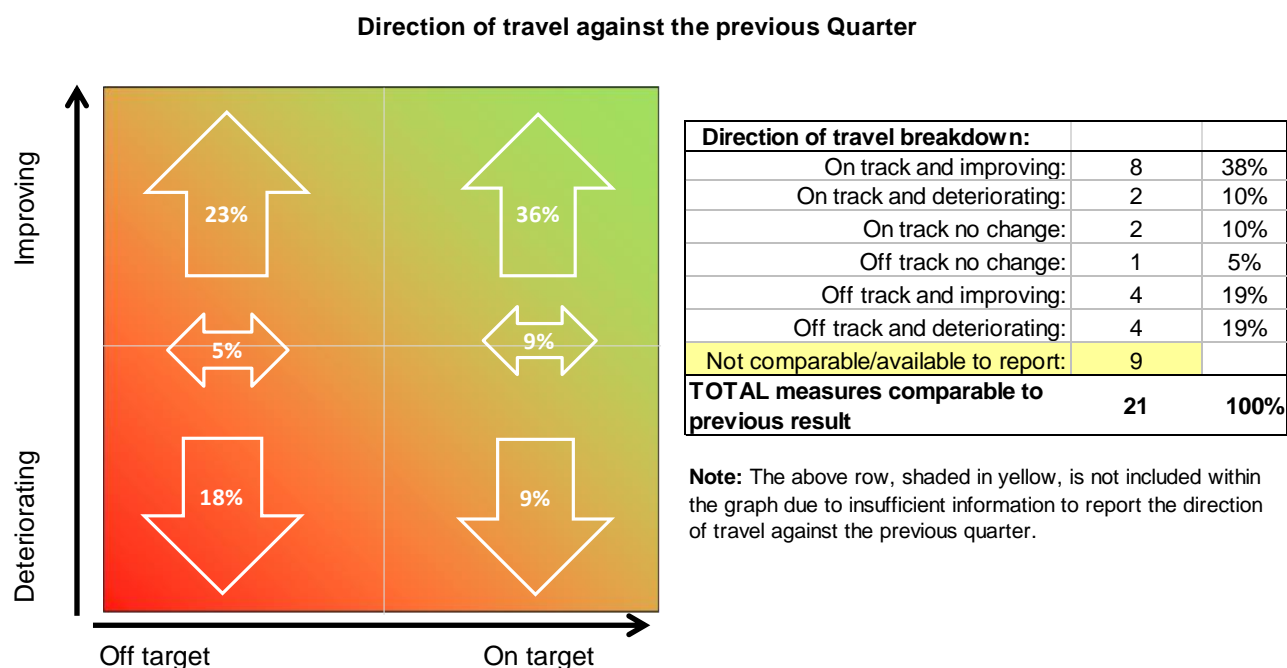
Overall, strategic performance analysis is made up of 30 key performance indicators, of which, results were **available for 25 measures. Of these, 56% (14) have either met, exceeded, or, are within acceptable tolerance levels of their target**. Overall, whilst performance is 8% behind that achieved at the same point last year (64%), we are still 4% above last quarter and are 16% above the 2014/15 year-end result.

Furthermore, if we remove the 8 Children's Services measures – our most challenging area

for improving performance - we can see that for our remaining service areas 65% were on track (11 of 17 measures).

Paragraph 5.2.3 details those measures where results were not available at the time of reporting.

For 21 of the 25 available measures, we are able to provide a direction of travel against the previous quarter. Of these, for 15 (71%), performance had either improved or stayed the same when compared to last quarter:



The table below provides our performance position against our primary goals and outcomes:

| Primary Goals and Outcomes | Number of Results Available | % Targets Available on Track/ Better |
|--|-----------------------------|--------------------------------------|
| A Fair City - Safety, Health and Wellbeing; Children, Young People and Families; Tackling Poverty. | 13 | 6 (46%) |
| A Prosperous City • Learning Skills and Local Employment; Enterprise; Infrastructure, Development and Smart; Green and Sustainable; Regional Capital and Reputation. | 9 | 6 (67%) |
| A Democratic City • Engagement, Influence and Contribution; a New Model of City Government; Modern Services that Service our Citizens. | 3 | 2 (67%) |
| | 25 | 14 (56%) |

5.2.1 Our most significant areas of concern, in relation to our Council Business Plan targets, are presented below, in the wider context for each directorate alongside other significant

successes in the year.

Council-wide and Economy Directorate Performance

The Council continues to operate in a tough fiscally challenged environment (locally and nationally), with some of our poorest and most vulnerable citizens continuing to be adversely affected by the Welfare Reforms and the cessation of key Government funding streams.

Our work in prioritising and determining fundamentally different ways for the Council to deliver services from 2016/17 onwards is on-track to move into delivery phase in the new year. This includes new ways of working internally, with partners and on a sub-regional basis, utilising more cost effective/ innovative delivery models and seeking out funding opportunities. These changes will support the whole council in minimising demands on services, whilst maximising the use of our resources in the most sustainable way. The outcomes of this work will be reflected in the budget process and Long Term Financial Plan.

The approach being taken around budget setting, as part of the Future Council Programme, has been scrutinised by the Birmingham Independent Improvement Panel. Their assessment is that the approach is sound and wider engagement on the emerging themes and likely policy shifts starts this month. This will lead to the formal budget consultation in December.

By the end of this second quarter of 2015/16 (i.e. for April to September) we've managed to achieve, or get close to many of our targets. The most significant areas where we need to do better and where we've had notable success are detailed below and in Appendix A (pages 2 to 6):

Where we need to do better

- **Council-wide average sick days per full time equivalent employee (fte).** The average number of sick days per employee reduced marginally in the quarter to 10.24 days (from 10.37days). Although the reduction is a move in the right direction, the year-to-date figure is 0.55 days worse than last year.

All directorates have had an increase in absence year-on-year, with the People Directorate having the highest absence rate at 11.33 days. Human Resources (HR) Business Partners are doing further analysis to identify any particular trends and areas where performance is the most concerning.

Since the previous quarter significant effort has been put into reducing absence rates through attendance panels and closer management attention. Experience has clearly shown that consistent, regular and timely management attention is the most effective way of reducing absence. Corporate HR are now providing increased support to managers through attendance panels, communications on health and well-being alongside earlier focused intervention from Occupational Health.

The roles and responsibilities of managers are being redefined as part of the cultural change within Future Council and the critical responsibility for managing absence is a key component of the work. Corporate HR recognises it has a crucial role to play in providing tools, support and training for managers to support them in this work.

Although the increased focus on absence has begun to show in minor improvements to the absence rates, this has to be embedded into every day managerial practice. Failure to do this will lead to a loss of attention and the very real risk that the downward trend will be reversed.

Where we are performing well:

- **Council-wide complaints with a full response in 15 working days** with performance, at 97%, being 7% above target and 10% better than at this time last year. Both Economy and Place directorates have performed well and although performance in People directorate is not as good, and performance hotspots are still being tackled, it has improved by 10% compared to last month.
- **Jobs created as a result of public sector interventions:** With an additional 873 jobs created between July and September, the year-to-date total of 1,322 jobs now exceeds target by 361.

Directorate for People Performance

Children's Services

We set out to significantly improve children's services over three years beginning April 2014, so we are still only halfway towards this goal. Also, in April Cabinet approved the Improvement Plan for Early Help and Children's Social Care 2015-17, setting out what we will do and what we aim to achieve over the next two years for children and families in Birmingham. This plan reflects our new vision and purpose for children's services and focuses on how we will support social workers to deliver more direct social work with families to bring about positive change for children. Likewise, we are only a quarter of the way through delivering this plan.

The **measures considered by the Quartet** indicate positive improvement (**see Appendix B**), but, concerns about practice and workflow remain. The main areas of concern are: timescales for family assessments; children not seen at Section 47/ Children in Need assessments; infrequent visit patterns to some children on child protection plans and assessment team caseloads. In addition, we are overhauling our Special Guardianship Order (SGO) Policy and processes, and improving our internal fostering and adoption service.

We had an **Ofsted improvement visit** on 16 and 17 September to look at our assessment teams. The report confirmed variability in practice and informed how we need to improve, which will be added to by the diagnostic work just begun with Essex Children's Services and the need to build stronger assessment teams in Areas.

The Department for Education (DfE) has agreed Essex Children's Services will be our **Improvement Partner** for a period of 12 months in order to support us on our improvement journey. A programme until July 2016 has been agreed with the DfE.

Education

We are moving to the new landscape of working with schools in the Birmingham Education Partnership and making steady progress on our education improvement plan.

Adult Services

We continue to respond to issues arising from the implementation of the Care Act. We've had some success in responding to the challenges of the Better Care Fund initiative,

where despite most hospitals experiencing ongoing increases in older adult accident and all-ages emergency admissions, levels of delayed transfer of care are now on target.

Consultation on how commissioning can develop to support the delivery of the Future Council programme is ongoing. However, our aspiration to take our performance in younger adult care into the top 5% in the country by the end of 2016/17 is now subject to review to incorporate re-provisioning of care packages for Adults too (see below).

Within this context the most significant areas where we need to do better and where we've had notable success are detailed below and in Appendix A (pages 7 to 15):

Where we need to do better:

- **The percentage of drug users who were in full time employment for 10 working days following treatment, or upon discharge of treatment.** Latest results, reported a quarter in arrears (i.e. for the period April to June 2015), show that at 26.1%, we missed our target (30%) by 3.9%. Whilst this dip in performance was expected as the new provider settled in, the Provider is fairly confident that the 30% target will be achieved by year-end (March 2016).
- At September, we had **moved another 4 younger adults from residential care into community settings**, bringing the year-to-date total to 11, against a target of 38. Whilst this is behind target, an additional 148 clients had their service package reduced, with savings for 2015/16 estimated to be £2,940,957. As stated above, this programme to take younger adult care into the top 5% in the country by the end of 2016/17 is now subject to review. Any proposed change to the target will be subject to Cabinet approval.
- **56 children's unallocated family assessments were open for more than 7 days.** Plans are in place to address the underperformance hotspot in the North West Central area of the city. There are now very few unallocated assessments - so, improvement is expected very soon.

In relation to those measures that relate to the child's journey, the implementation of the Multi Agency Safeguarding Hub saw a substantial increased level of demand that affected all aspects of the system. Safely managing service demands in a more sustainable system remains a high priority for our partnership. The following indicators were affected by increased demand levels.

- **Care leavers who are in education, employment or training at age 19** which, although at 50% is below target by 10%. Work continues to develop more apprenticeship schemes across the Council and with our partners, and it is hoped that this will help secure further improvement as we continue through this year.
- **The length of time taken to recruit adopters, from the initial enquiry to approval by the panel** remains as per last quarter, at 35 weeks, 9 weeks above our target. As reported last quarter, significant improvements are expected in the longer period of time, after the service has been overhauled and Government funding for adoptive placements from other authorities is maximised.
- **The average length of time taken, from admission to care, to be being placed for adoption** at 644 is over target by 97 days. As above, improvement is expected

in the longer term, allowing time for the new programme to embed and speed up matching children on placement orders with adopters. However, we are increasing the number of adoption placements being made. There were 95 children placed in 2013-14 and 120 children in 2014-15. The adoption service statistical information issued September 2015 shows that 77 children were placed in the first half of this year. Therefore, the trajectory is that the number of children being placed for adoption is rising. It should also be noted that only one adoptive placement broke - down last year – indicating that children in our care are being placed with the right families, despite longer timescales for placements.

- **Education, Care and Health Plans issued within 20 weeks** at 56%, has improved by 15% compared to the previous quarter, and, as a result of improved capacity, monitoring and management of cases, our backlog is reducing.
- **Children becoming the subject of a child protection plan for a second or subsequent time** has improved by 1% to 19% when compared to last quarter, demonstrating that our work with our improvement partner Essex Children's Services, is having a positive effect. Whilst the result is the same as at September 2014, we are now close to our target range of 13-18%.

Where we are performing well:

- **The percentage of completed adult safeguarding cases audited that were judged as 'good'**, which at 90.4% is up 0.9% from the previous quarter, exceeding target by 5.4% and up 10.3% compared to September 2014. Over the last six months we've filled all vacant safeguarding positions and have reinforced manager's responsibilities for ensuring staff carryout and record their safeguarding duties properly.

Place performance

The final phase of the wheelie bin roll out will commence at Lifford Lane on 16th November resulting in the programme being on schedule to be fully completed by December 2015. The benefits of introducing a wheelie bin system are starting to show positive results. This year has seen an increase in sales of green waste recycling bins (increasing from 50,000 in 2014 to 59,000 in 2015) and where wheelie bins have been introduced to date, an increase in recycling rates (Montague Street, an increase of 23.50% in kerbside multi materials and 17.22% in kerbside paper collections; Redfern Road, an increase of 36.02% and 4.07% respectively and Perry Barr*an increase of 19.42% and 9.17% respectively (*Perry Barr has only just started to stabilise following the roll out onto wheelie bins and so their impact is still unfolding)).

For our Housing services, a report is due to be presented to Cabinet in November with the recommendation for the proposed contract awards for the provision of Responsive Repairs & Maintenance Services, Gas Servicing, Capital Improvement Work Programmes including Major Adaptions to Council Housing Stock in the North, South, West-Central, and East areas of Birmingham. The contracts have been procured for an initial term of four years, with the option to extend for up to two periods of two years, subject to satisfactory performance against prescribed Key Performance Indicators. The contracts will commence on the 1st April 2016 with an estimated value in the region of £440m for the first four years of the contract and does not guarantee or will not commit the Council to any particular level of spend.

A programme of service improvements is also ongoing across Housing services.

Following a consultative ballot in July 2015 which voted in favour of a town council, the Council's all-party Community Governance Review Group agreed to recommend the creation of Sutton Coldfield Parish Council, the first step towards creating a Sutton Coldfield Town Council. This was passed at full Council in September. A steering group has been set up to start planning for the new parish council; this will culminate in elections taking place to Sutton Coldfield Parish Council in May 2016.

The implementation of the Sport and Leisure services transformation programme has seen the establishment of the new partnership with Serco. The North and South Contracts were awarded to Serco Leisure following Cabinet approval in March 2015. Mobilisation was successfully completed and contracts commenced on 1st June 2015 under temporary management services agreement until Admitted Body Status (ABS) of the West Midlands Pension Scheme is granted. Once ABS is in place the temporary management services agreement will drop out and the main Leisure Management Agreement will step in and staff will transfer under TUPE. This is currently expected to take place at the beginning of December. The award of these two contracts combined realises a saving of £17.2m over 15 years when compared to the current BCC operational costs of running the facilities over the same period. In addition, approximately £40m of capital investment is included within the contracts, including 5 major refurbishments and 4 new builds (3 replacement facilities and 1 brand new facility).

Within this context the most significant areas where we need to do better and where we've had notable success are detailed below and in Appendix A (pages 16 to 19):

Where we need to do better

- The estimated result for the percentage of **household waste that was reused, recycled and composted** was 31%, and whilst behind target by 7%, it is closer to the profiled target than last quarter (which was 9% below profiled target) and for September 2014 (8% below). Benefits of introducing wheelie bins are now starting to be realised with increases being seen in both kerbside multi materials and paper collections and the 130% increase in composting bins suggests efforts to encourage residents to compost their garden waste at home are working. To address increases in the cost of recycling wood Veolia are undertaking a market testing exercise to find a financially viable solution for next year.
- The percentage of **municipal waste that we send to landfill**, estimated at 11%, is below target by 3% and unfortunately is below that achieved both last quarter and in September 2014. Last quarter, we reported on the problems encountered with the Energy from Waste generator and confirmed that costs incurred as a result were the contractual responsibility of Veolia. Veolia are now working hard to keep waste landfill to a minimum and proposals for managing additional landfill costs are being considered.

Where we are performing well:

- During this second quarter, 109 **empty properties were brought back into use** bringing the year-to-date total (April to September) to 210, exceeding the 150 target by 60.

5.2.2 Summary of other notable achievements

- After much anticipation Birmingham's new premium shopping and dining destination,

Grand Central, home to over 60 shops including one of the largest John Lewis department stores in the UK, **opened on 24th September**. Officers from a range of departments within the Economy Directorate have been involved with Grand Central over a number of years, dealing with key elements such as property, legal and financial matters, as well as marketing and communications.

Our Employment & Skills Service (ESS) Team helped coordinate a campaign targeting areas of high unemployment, **helping almost 450 unemployed Birmingham residents into work** at our spectacular Grand Central development.

The £150 million shopping centre **created 1,000 new full-time jobs in total**. Through the efforts of ESS with its partners Department for Work & Pensions and National Careers Service many of those jobs went to people from Birmingham's high unemployment priority wards, and statistics showed that **almost 40 per cent of the new posts that went to the unemployed were taken by 16-24 year olds**.

The **Birmingham Growth Alliance Partnership (BGAP)**, comprising Birmingham City Council, Solihull Metropolitan Borough Council, John Lewis, Network Rail, Retail Birmingham, Skills Funding Agency, DWP, National Apprenticeship Service, National Careers Service, created a Talent Pool for the Grand Central project delivering a two-week training programme to unemployed individuals that required upskilling in retail or hospitality and catering.

The SMILE element of the training strongly focussed on delivering excellent customer service and selling Birmingham as a whole as a tourist destination - over 150 taxi drivers also received the SMILE training so that customers and visitors to Birmingham would experience the wow-factor customer experience from the pick-up point from New Street station.

ESS and its partners got involved right from the start at construction phase, **helping 290 unemployed Birmingham residents into employment and 116 Apprentices on site – exceeding the 100 Apprentices on site target**.

- Our **2014/15 Accounts** were approved at Audit Committee on 29 September. The External Auditor reported to Audit Committee that: "It is pleasing to report that this is the second year that the accounts have been delivered on time and we are grateful to the Financial Accounts Team for their hard work and support throughout the audit."
- We achieved **three awards, from the Centre for Public Scrutiny**, for two of our Scrutiny Office reports: Winners of the Involvement Award for our inquiry into dementia services; and 2 awards for Raising the Profile in Birmingham.
- Legal Services maintained their **Law Society Lexcel Practice Management and ISO Quality Management System accreditations** for the 11th consecutive year.
- Perry Hall Playing Fields and Victoria Common in Northfield recognising high standards and excellent facilities.
- **10 of our children in care received a Creative Skills award** for their help in designing 'Starlight', one of the owls created as part of the city's Big Hoot event.
- We were successful in being awarded **200,000 Euros from European Horizon 2020 Big Data fund** to take part in a case study in a partnership led by Sheffield University

which includes other European Cities and technology firms, for improving mobility using Big Data. The project aims are to gather huge volumes of data that record mobility within the city and use cutting edge Big Data computer science techniques to experiment and design ways in which the city can improve mobility for people.

5.2.3 Results that are not yet available:

The latest results for the following indicators are dependent on updates from external sources, are reported in arrears and will, therefore, be made available when the Quarter Three Performance Monitoring Report is presented to Cabinet in March 2016:

- Number of affordable homes that were built – results are half-yearly and reliant upon the Homes and Communities Agency release, which is not due until later in December 2015.
- Percentage increase in care home providers rated as moderate or good using the provider quality framework – due to a data lag, results are not available until a minimum of 6 weeks after the quarter end and so are expected in November 2015. This measure was on target in the first quarter.
- Percentage of fCAF's where the needs identified and desired outcomes for child and family are achieved. Due to problems with changing to a new system that merges with Carefirst, we are currently unable to provide a full result for this indicator. We are now investigating ways of providing the data required before the year-end and will update Cabinet on progress in our next monitoring report.
- Percentage of land highways with unacceptable levels of litter or graffiti – results are reliant on the outcome of a survey and are reported 3 times per year. The first result (for period April to July) was reported in June as part of the April to June Performance Monitoring Report. The next result will be for the period August to November, and will be reported as soon as it becomes available.

The attached Performance Monitoring Exception Report (Appendix A) gives a more detailed breakdown of performance, focusing on where we were well 'ahead of', or have 'missed', our target. Commentary is also provided which summarises any remedial actions taken or planned, to bring performance on track. The four symbol style for monitoring progress reflects the 'as at position' against targets. A 'Star' means performance was significantly exceeding the target, the 'Tick' indicates performance was on, or above target (but not significantly above), the 'Circle' shows performance was below target, but, within an acceptable tolerance level, and, the 'Triangle' tells us that performance is off target and worse than agreed tolerances. This style of reporting will enable services to better manage measures at lower risk and Members to focus on those areas that require particular attention.

5.3 General

Once approved by Cabinet, information of progress against all targets in this report will be published on the Council website: www.birmingham.gov.uk/performance in line with previous practice.

5.4 Proposal for the 2016/17 CBP measure set for children's services to be aligned to those in the Children's Improvement Plan for Early Help and Social Care, and the Educational Improvement Plan

This year we have three key sets of measures for Children's services: the 2016/17 CBP measure set (as included in Appendix A), and, those reported to the Improvement Quartet (see Appendix B). This has the potential to confuse where monitoring highlights different issues/direction of travel within any set, and this may deflect critical attention

away from our priorities for improvement.

We are seeking Cabinet approval for one aligned set of priority children's measures for 2016/17 to help secure focus and resources on the highest priority areas, as agreed with the Improvement Quartet.

6. Evaluation of alternative option(s):

This report provides progress against the council's strategic outcomes, and, the measures in place to achieve those strategic outcomes. If this report was not provided, Cabinet, in its entirety, would not have an overview of progress against the key Council Business Plan measures, or actions being taken to bring performance back on track. Nor would cabinet have an update on the Birmingham Promises made to our citizens.

7. Reasons for Decision(s):

To advise Members of progress against outcomes, including, any actions being taken, or planned, to bring performance on track.

Signatures

Date

Cabinet Member:

Chief Officer:

List of Background Documents used to compile this Report:

- 2015/16 Council Business Plan Measures – April to June 2015 Performance Monitoring
- Quarterly Performance Monitoring Report – April 2014 to March 2015

List of Appendices accompanying this Report (if any):

1. **Appendix A – Performance Monitoring – April to September 2015 Exception Report**
2. **Appendix B – Quartet Measures**

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| Report Version | | Dated | |
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PROTOCOL PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the standard section (4.4) of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost – and if not –
 - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - The equality duty – see page 9 (as an appendix).

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

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| 1 | <p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. |
| 2 | <p>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:</p> <ul style="list-style-type: none"> (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) 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; (c) 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. |
| 3 | <p>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.</p> |
| 4 | <p>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:</p> <ul style="list-style-type: none"> (a) tackle prejudice, and (b) Promote understanding. |
| 5 | <p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"> (a) age (b) disability (c) gender reassignment (d) pregnancy and maternity (e) race (f) religion or belief (g) sex (h) sexual orientation |