

Summary Sheet

Cabinet and Commissioners' Decision Making Meeting - 11th July, 2016

Title

RMBC Corporate Equality and Diversity Policy

Is this a Key Decision and has it been included on the Forward Plan?

Non-key decision, included on Forward Plan for decision on 11th July or later

Strategic Director Approving Submission of the Report

Assistant Chief Executive, Shokat Lal

Report Author(s)

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Ward(s) Affected

All (Corporate Policy)

Summary

1. The corporate "Fresh Start" Improvement Plan for the Council, as first agreed with Government in May 2015, included specific actions (reference 4.3) to re-establish a clear vision, values and strategic direction for the entire council in relation to equalities and diversity (E&D) issues.
2. The first step during phase one of the Improvement Plan (from May 2015 to May 2016) was to recruit a new corporate officer to provide dedicated oversight of the Council's work with regard to its equalities and diversity duties. This new post, created as part of Commissioner's Manzie's "Laying the Foundations" report in June 2015, was recruited to during the autumn of 2015 and the officer took up post from January 2016.
3. Work to deliver the Improvement Plan has now entered the second phase of activity, through to May 2017, and as part of this the Council has committed to ensuring that the Council's corporate equalities and diversity policy was reviewed and a new, revised policy in place by July 2016, to be published

alongside the finalised 2016/7 Corporate Plan. A copy of this revised Policy is enclosed at Appendix A.

4. The Policy itself helps to ensure that the Council is compliant with its statutory equalities duties; but, beyond this, work on a wider, strategic approach to E&D issues across the Council is also being developed, in line with the aims and objectives of the Improvement Plan. Further elected member input to this process will be critical and timetabled over the summer of 2016. This will set out a strategic approach and action plan for *how* the Council will work to achieve the ambitions set out within the new Policy, and requires input from all Council service areas, as well as pro-active engagement with partners and external equality and diversity groups across Rotherham. A cross-cutting corporate working group has been established to develop this work further, alongside external engagement.
5. Responsibility for equalities and diversity issues must not be seen as something that rests only at the corporate centre of the Council. It must be embedded within all that the Council does, supported through the performance management process (including service business planning).
6. Work to establish this new strategic approach and monitor the effectiveness of the new Policy will continue to feature as a headline action in phase two of the Improvement Plan, with the required regular reporting to the Improvement Plan Joint Board (supported by reports to the responsible Cabinet Member and Senior Leadership Team). It is also envisaged that the Council's Scrutiny function may wish to engage in the process to finalise the new strategy and action plan.
7. Conversations are also underway with the Local Government Association (LGA) to timetable a peer review to support the council reaching the required standards of the Equalities Framework for Local Government (EFLG) during the coming year. Positive engagement is also taking place with neighbouring local authorities and others identified by the LGA as having excellent practice, to learn from others and collaborate on shared issues as this work is taken forward.

Recommendations

Cabinet is asked to

- note and endorse the enclosed revised corporate RMBC Equality and Diversity Policy, prior to it being formally presented for agreement at the Council meeting on 13th July 2016.

List of Appendices Included

Appendix A – RMBC corporate Equality and Diversity Policy

Background Papers

- RMBC corporate 'Fresh Start' Improvement Plan, 26th May 2015
- Organisational Review of Rotherham Council - Laying the Foundations, 3rd June 2015
- RMBC corporate 'Fresh Start' Improvement Plan, Phase Two Action Plan (RMBC Cabinet Report), 23rd June 2016
- Equalities Framework for Local Government, Local Government Association, 2014

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Possibility of pre-scrutiny consideration prior to Cabinet (1st July 2016)

Council Approval Required

Yes

Exempt from the Press and Public

No

Title (Main Report)

RMBC Corporate Equality and Diversity Policy

1. Recommendations

- 1.1 Cabinet is asked to note and endorse the enclosed revised corporate RMBC Equality and Diversity (E&D) Policy prior to it being formally presented for agreement at the Council meeting on 13th July 2016.

2. Background

- 2.1 The Corporate Governance Inspection (CGI) report by Louise Casey (4th February 2015), which followed the report of the independent inquiry into Child Sexual Exploitation (CSE) in Rotherham by Professor Alexis Jay (26th August 2014) highlighted a number of concerns about the Council's approach to its equalities and diversity duties. The CGI report noted in particular that there was a:

“disconnection between vision, plans and practice [illustrated by] the Council's equalities plan and single equality scheme. The documents are clear, aspirational and include a summary of good practice. However, we found that this was not rooted in the day-to-day experience of staff.”

- 2.2 One of the key tasks of the Commissioners appointed to Rotherham by Government in the light of the CGI findings was to prepare an improvement plan to set out the key corporate improvement priorities for the Council in the light of the Casey and Jay Reports. This Improvement Plan, agreed with Government in May 2015, included a specific action (4.3) to set out *“a clear strategic statement of policies and values in relation to equalities issues, including race (a key issue identified in the CGI report)”*.
- 2.3 In addition, a further action taken by Commissioners following their appointment was to review the management structure of Rotherham Council. The *“Laying the Foundations”* report by Commissioner Manzie, agreed by Council on 3rd June 2015, made a number of recommendations, including with regard to corporate E&D focus; namely the recreation of the corporate equalities and diversity function.
- 2.4 In previous years there had been a recognised and dedicated equalities and diversity function within the Council, ensuring that it met legislative requirements and served all communities fairly. For example, in 2009 there was a team of four officers in a Corporate Equalities Team; however, in the light of budget and re-structure related decisions taken at that time the corporate team was dismantled in 2010, with two officers transferring into service roles and two posts deleted. These moves had the effect of removing a dedicated corporate focus to ensure coordinated attention to E&D issues, including the provision of advice on Equality Impact Assessments (EIAs), an essential part of policy-making.

- 2.5 The proposal within *Laying the Foundations* was that the Council re-created the equalities function, to provide a dedicated resource that would work to help ensure the Council's compliance with its duties. The function was recommended to be located in the corporate centre of the Council, integrated with existing policy and partnerships teams, and with a need to also support work on community cohesion (where attention is also being focused through an ongoing review of the Council's neighbourhood and engagement function and priorities).
- 2.6 Following Council approval of *Laying the Foundations* a process began in the autumn of 2015 to recruit to a new post of Corporate Equalities and Diversity Officer. The post-holder was appointed in late 2015 and took up their role in early 2016, with an initial focus on supporting service teams with the EIA process linked to setting the Budget for 2016/17 onwards. Work also began in early 2016 on responding to the wider E&D-related actions within the Corporate Improvement Plan, including to "review and revise Council equalities policies and strategies" (i.e. action 4.3.2).
- 2.7 A copy of a revised RMBC Corporate Equalities and Diversity Policy has therefore been developed and is enclosed at **Appendix A**.

3. Key Issues

- 3.1 This revised corporate Policy makes clear that the Council is committed to preventing anyone being held back or discriminated against because of who they are or because of their background. This is not simply because the law sets out that it is illegal to do so, but because the Council upholds that equal opportunities and equal treatment are necessary underpinnings of ensuring the life of every person in Rotherham is improving. This does not mean that the Council's other duties (e.g. those relating to safeguarding) would be outweighed by its commitment to equality – instead the Council will commit to a policy of transparency and openness.
- 3.2 The Corporate Policy has been developed in consultation with officers across the Council and also in the light of advice from Cllr Alam as Cabinet Member with responsibility for equalities issues. A corporate working group of officers has been established to support this initial renewal of the corporate Policy, as well as help provide cross-cutting leadership on wider, strategic work to improve the Council's approach to E&D issues across all of its services (see paragraph 3.7 below).
- 3.3 Advice has also been taken from the Local Government Association (LGA) in the development of the Corporate Policy, including in terms of ensuring that it complies with a wider ambition (as set out in the Phase Two Corporate Improvement Plan) for the Council to again meet the standards set out by the national Equalities Framework for Local Government (EFLG). The LGA has also helped sign-post to other authorities' policies around the country that are recognised as good practice through the EFLG; and the new Corporate Equality & Diversity Officer has also re-established networking links with other

E&D leads in neighbouring authorities, to further draw on policies and practices across South Yorkshire in the production of this new Policy.

- 3.4 The new Policy also links directly to the vision for the Council, set out by the Leader in October 2015 and which will rest at the centre of the Council's new Corporate Plan for 2016/17 (due to be considered by Council on 13th July), to help shape and steer all that the Council does. This vision states that:

“Rotherham is our home, where we come together as a community, where we seek to draw on our proud history to build a future we can all share. We value decency and dignity and seek to build a town where opportunity is extended to everyone, where people can grow, flourish and prosper, and where no one is left behind “. To this end we set out four priorities:

- *Every child making the best start in life*
- *Every adult secure, responsible and empowered*
- *A strong community in a clean, safe environment*
- *Extending opportunity, prospects and planning for the future”*

- 3.5 Promoting greater equality and celebrating the diversity of Rotherham's local communities, so that the Council can develop a stronger understanding of its residents, is fundamental to the Council delivering this vision. The Corporate E&D Policy has been developed to inform how the Council works as an organisation, with partners, and with local communities in meeting its duties and promoting understanding and awareness.

- 3.6 Specifically, through the delivery of the policy, the Council will:

- Work to provide an environment for everyone that is free from discrimination, harassment and violence.
- Encourage and support people to be active in community life, volunteering and local decision making
- Work to build a strong, cohesive community where people from different backgrounds develop positive relationships.
- Encourage other organisations to adopt similar policies on fairness, equality and diversity, including those that provide goods and services on behalf of the council.
- Celebrate the diversity of people within the Rotherham area.

- 3.7 Alongside the new Policy, and in line with the Improvement Plan's focus on improving the Council's wider, strategic approach to E&D issues, work is also taking place on a complementary E&D “strategy”, further promoting and embedding understanding and specific activity across the entire Council. This new strategic approach will set out *how* the Council will work to achieve the ambitions set out within the new Policy, and it will be critical to ensure elected member input to this process and their ongoing oversight of its implementation (particularly the lead Cabinet Member). Establishing this new approach also requires input from all Council service areas and Directorates, as well as proactive engagement with partners and external equality and diversity groups across Rotherham. The cross-cutting corporate working group noted above

(paragraph 3.2) has a key role in developing this work further, alongside external engagement, to ensure a co-produced strategic approach can be established and agreed over the summer of 2016.

- 3.8 Work to establish this new strategic approach and monitor the effectiveness of the new Policy will continue to feature as a headline action in phase two of the Improvement Plan. Associated regular performance reports on progress will therefore be reported to the Improvement Plan's Joint Board. It also envisaged that the Council's Scrutiny function will wish to consider how it may wish to play a role in the establishment of this new strategic approach and supporting action plan.
- 3.9 Conversations are also ongoing with the LGA to timetable a peer review to support the Council formally reaching the required standards of the EFLG (see paragraph 3.3 above) during the coming year.
- 3.10 It also proposed that, during the coming year, this ongoing work on embedding a stronger focus on E&D issues across the Council and in its work with partners and communities also takes account of wider reviews taking place of the Council's neighbourhoods and community engagement function, in order to develop a better understanding of localities and the potential for a more holistic "Community Impact Assessment" approach to future policy development across the Council. Again, this is an ambition included within the Phase Two Corporate Improvement Plan.

4. Options considered and recommended proposal

- 4.1 Given that the decision to approve the new RMBC Corporate E&D Policy rests with full Council, the Cabinet is asked at this stage to provide its initial endorsement of the new Corporate Policy, prior to it being considered at the Council meeting on 13th July 2016.

5. Consultation

- 5.1 Internally within the Council, consultation has taken place on the new Corporate Policy through the Corporate Equalities & Diversity Group (see paragraph 3.2), as well as discussion with the Senior Leadership Team. Advice on its development has also been sought from the responsible Cabinet Member for Equalities issues, Cllr Alam.
- 5.2 As noted above, the LGA has also been consulted, which has provided best practice examples in other local authorities which have been investigated and considered; as have lead E&D officers in neighbouring authorities.
- 5.4 There will be more proactive awareness, both internally within the Council and with partners, when the Policy is formally agreed; in parallel with the developing work on a wider, more strategic approach to E&D issues noted at paragraphs 3.7 to 3.9 above).

6. Timetable and Accountability for Implementing this Decision

- 6.1 The meeting of Council on 13th July will be asked to formally approve the new Corporate Policy. This will be followed by further awareness raising amongst the Council's middle ("M3") managers, including targeted training and development opportunities (linked to the more strategic approach). Elected member training will also be provided, as has taken place in previous years, but now directly reflecting the new Corporate Policy, what this means for the organisation, and for the roles of councillors.
- 6.2 As noted above (paragraph 3.8), as an Improvement Plan priority in phase two, progress reports on the implementation of the Policy via the supporting strategy and action will be provided on a regular basis to the Joint Board; as well as to the Lead Cabinet Member (Cllr Alam) and Senior Leadership Team.

7. Financial and Procurement Implications

- 7.1 There are no direct financial implications arising from this Corporate Policy update, as it simply re-iterates existing duties and responsibilities placed upon Council services (see section 8 below). Resources to implement and monitor the impact of the Policy will be met via existing resources.
- 7.2 Ensuring compliance with this new Corporate Policy in how the Council procures and commissions services will need to be a key focus of the new strategic approach to embedding E&D issues across the authority going forward.

8. Legal Implications

- 8.1 As noted within the Corporate Policy document itself, the Council has a commitment to equality and diversity, underpinned by the legal requirements set down in the Equality Act 2010. This requires the Council to promote fairness and equality through community leadership, in employment practice and by the delivery and commissioning of services, where relevant.
- 8.2 Accordingly, in law, the Council must to have 'due regard' to the need to:
- eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the act;
 - advance equality of opportunity; and
 - foster good relations between those who share a protected characteristic (as defined in the Equality Act 2010) and those who do not.
- 8.3 All councils are under a duty to promote equalities and diversity in the work they do and the services they deliver but the renewed Corporate Policy is not simply about responding to a legal obligation. It is about making Rotherham are more a prosperous place with better quality of life.

9. Human Resources Implications

- 9.1 There are training implications for all RMBC staff, which will be defined as part of the corporate training and Workforce Development programme, in development.
- 9.2 Equality and diversity issues are also critical elements of workforce management and planning. Current legislation sets the legal context and requirements in relation to ensuring fairness within the work place and the Council must operate within this framework.
- 9.3 Attracting a balanced and representative workforce, to work in a non-discriminatory environment, ensures that the Council can utilise the talents and skills of people from all communities in order to deliver good quality services that meet the needs of all the people of Rotherham.
- 9.4 The new Policy will help to define the Council's commitment to equalities and diversity within the workforce and as a provider of local services.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 Ofsted require that help and protection for children and young people is sensitive and responsive to age, disability, ethnicity, faith or belief, gender, gender identity, language, race and sexual orientation. Furthermore, children's services, as with all council departments, have a duty to fulfil their requirements under the Equality Act 2010 (see section 8 above).
- 10.2 A focus on equalities and diversity is also reflected in the priorities of the Children's Services Improvement Action Plan. Specific actions are required by the Plan as follows:
 - Clear expectations of providers with regard to equalities are embedded within all contracts and service specifications, including for in house services;
 - Ensure the equalities measures specifically relating to Equalities in the Quality Assurance Framework are progressed in accordance with timelines set;
 - Equalities Impact Analysis is deployed universally to underpin all service reviews and new contracts, to ensure all vulnerable and protected groups are given due consideration;
 - Develop an equalities strategy that is underpinned by staff that are culturally competent.
- 10.3 The attached policy will therefore further support Children and Young People's Services to ensure that no child or young person in Rotherham is disadvantaged as a result of any equality and diversity considerations.

11. Equalities and Human Rights Implications

- 11.1 Ensuring that the Council meets its equalities and human rights duties and obligations is central to how it manages its performance, sets its priorities and delivers services across the board. This new Policy aims to set out these duties and obligations within a single, corporate document and it will be important to ensure an ongoing focus on the adherence of services to the Policy, as part of embedding a more strategic approach to equalities and diversity.

12. Implications for Partners and Other Directorates

- 12.1 Partnership working is a central part to the Corporate Equality and Diversity Policy. The Council's aim with regard to equalities and diversity is to make sure that all people have the same right of access to services and employment and benefit from them equally well. It is important that we remove barriers that prevent or limit people from accessing services; or from participating in employment; learning opportunities; social and leisure activities; or community and public life.
- 12.2 A Rotherham Together Partnership Action Plan was launched in March 2016 and partners will be developing a longer-term Community Strategy over the course of 2016, to come into force from 2017. The Community Strategy will describe how local partners plan to work together to deliver effective, integrated services in line with all partners' respective Equality and Diversity duties.

13. Risks and Mitigation

- 13.1 Key risks are assessed to include the following:

- That the policy is not adhered to, if this happens then the council is not undertaking its statutory and legal obligations. All reports include a requirement to state Equalities and Human Rights implications which will require attention by SLT and Cabinet.
- That the policy is not understood and embedded across the council, if this happens then again the council's duty to promote equalities and diversity in the work they do and the services they deliver is not adhered to. To mitigate this training will be provided to M3 managers who will then disseminate the information to their teams. Sessions will be provided to Members so they are fully equipped when making decisions that affect services.
- If the Voluntary and Community Sector (VCS) don't engage with the E/D policy then it will be a stand-alone policy. The policy itself is internally focussed but work with partners is crucial to develop and implement this policy. The Voluntary Community Sector (VCS) consists of a very diverse range of people and communities across the range of protected

characteristics therefore it is important that VCS is supporting people to access council and other services and they can advocate on behalf of the communities they work with. The Corporate E&D officer will therefore work with the VCS Liaison Officer to raise the profile of the policy and engage with issues as they arise. Engagement with the VCS networks and consortium will ensure the policy is meeting the needs of the communities.

- 13.2 In addition, the ongoing work to develop a more strategic approach with regard to E&D issues, as set out at paragraphs 3.7 to 3.9, will support and embedded this approach

14. Accountable Officer(s)

Shokat Lal – Assistant Chief Executive

Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:- **Stuart Booth – Assistant Director of Financial Services**

Director of Legal Services:- **Dermot Pearson – Assistant Director of Legal Services**

Head of Procurement (if appropriate):- **Helen Chambers, Interim Head of Procurement**

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