



Report of the Cabinet Member for Better Communities (People)

To the Equalities Scrutiny Inquiry Panel – 11 October 2018

Overview of Equalities

Purpose:	To provide the Inquiry Panel with an overview of Equality legislation and the Strategic Equality Plan
Content:	Information to assist the Panel in their inquiry into equalities
Councillors are being asked to:	To consider and use this information as part of their scrutiny inquiry into equalities
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1. Legal Background

- 1.1 Prior to the Equality Act 2010 there was inconsistent and complex anti-discrimination laws ie Race Relations Act 1976 and Disability Discrimination Act 1995. So when the new Act came into effect most of it was already in place but it did introduce some new changes such as discrimination being extended to disability and gender reassignment for the first time and there were some new provisions including prohibition on discrimination arising from a disability.
- 1.2 Section 149 of the Equality Act sets out the general Public Sector Equality Duty (PSED). The aim of the equality duty was to ensure that public authorities can consider how they can positively contribute to a fairer and more equal society through advancing equality in their day to day activities. The duty ensures that equality considerations are built into both policy making and service design ensuring better outcomes for citizens.
- 1.3 The three aims of the equality duty are to give due regard to the need to :

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act;
- 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 who do not.

1.4 The general duty covers the following protected characteristics:

- Age
- Gender
- Race – including ethnic or national origin, colour or nationality
- Disability
- Gender reassignment
- Pregnancy and maternity
- Sexual orientation
- Religion or belief – including lack of belief
- Marriage and civil partnership

1.5 On 6 April 2011 the specific duties in Wales came into effect. The specific duties in Wales are set out in the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011. The Regulations sought to focus on outcomes rather than process and provide evidence based equality objectives.

1.6 In summary the specific duties placed on the authority are:

- Produce a Strategic Equality Plan
- Set and publish equality objectives
- Publish a statement setting out the steps it has taken to achieve the equality objectives
- Review the equality objectives within 4 years from when first set
- Comply with engagement provisions
- Identify and collect relevant information about compliance with the general duty
- Publish information in an accessible way
- Assess and monitor the impact of policies, and changes to service provision
- Gather employee related data on an annual basis
- Have due regard to award of contract conditions in procurement should include considerations to comply with general duty

- Publish an equality objective in relation to addressing any gender pay difference identified and take steps to address any pay gap.

2. What we do

2.1 The Council's Equality Objectives have been designed to cover both whole-authority opportunities and specific services or themes, which are of particular importance to protected groups. They were established following a review of evidence and engagement with groups of people with protected characteristics. These objectives are set out in our Strategic Equality Plan (*attached*). Progress meeting our Equality Objectives is supplied by responsible departments and services and is published in our Annual Equality Reports. Some highlights from our other work relevant to the PSED includes:

- **Councillor Champions** providing a voice for traditionally under-represented groups or issues.
- The recent appointment of staff **Equality Champions** within departments to support our implementation of the PSED.
- An expanded **Equality Impact Assessment (EIA)** process, which incorporates groups with protected characteristics and also includes the United Nations Convention on the Rights of the Child (UNCRC), carers, community cohesion, poverty, social exclusion, Welsh language and Human Rights.
- Continued development of our relationship with local community groups, including **The Swansea Bay LGBT Forum, Regional BME Network, Disability Liaison Group** and engagement around our **Ageing Well** work with older people.
- Developed a **Swansea Hate Crime Stakeholder Action Plan** with key partners.
- Continued to have due regard duty for embedding the **United Nations Convention on the Rights of the Child (UNCRC)**.
- Published a new **Swansea Violence against Women, Domestic Abuse & Sexual Violence (VAWDASV) Strategy** and operated a **Domestic Abuse One Stop Shop (OSS)** and **Domestic Abuse Hub (DA hub)** to support victims of domestic abuse.
- Continued to have a co-ordinated approach to all interpretation and translation through membership of the **Wales Interpretation & Translation Service (WITS)** partnership.
- Made grant funding available to provide a pilot support service to **LGBT young people aged 13 to 25**. This service has been successful and will be reviewed in 2018 to ensure

this support continues in the future.

2.2 Our HR policies are designed to ensure equality of opportunity for all employees. We collect information from the workforce for all of the protected characteristics when they commence employment, but the collection is voluntary. We have made attempts to get all protected characteristics information from employees but this has not provided us with more information.

2.3 We have reported on our gender pay gap this year, as required. We publish pay data in line with the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 On our website and on .GOV website, as required by regulations.

2.4 We have taken steps to improve workforce diversity through HR policy updates, current review of the recruitment process, and provision of equalities training through e-learning and face-to-face training. We champion part time working and agile working to support families dealing with care, parental or health issues.

2.5 The Council runs a course on Equality issues, which aims to raise awareness around the Equality Act 2010 and the 9 protected characteristics. It explores the expected responsibilities and conduct of our organisation, managers and employees and how this will have a direct impact on the work that we all do.

3.0 Enforcing the Public Sector Equality Duty

3.1 The Equality and Human Rights Commission (EHRC) are responsible for enforcing the Public Sector Equality Duty and can take steps to “encourage” compliance prior to commencing formal enforcement processes ie issuing of a compliance notice.

3.2 EHRC will often enter into formal agreements where breach has been found:

- A profoundly deaf patient spent 6 days in hospital without access to a sign language interpreter despite repeated requests for one.
- A Recruitment business advertised that applicant had to hold a UK passport.

4.0 Access to Services Team

4.1 Due to a reduction of staff within the team last year the Access to Services role was reviewed. As a result it was felt that equality considerations needed to be embedded into departments and so volunteers were sought to become equality champions. The response was overwhelming and as a result 19 equality champions exist in all areas of the authority. The champions have

recently undertaken external training and some attended the recent Disability Liaison Group meeting.

- 4.2 The Access to Services team members now focus on equality impact assessments and engagement/consultation work.

5.0 Issues to consider

- 5.1 The scrutiny panel may wish, while looking at our Duties under the Act strategically, to also consider looking in more detail at a few specific Duties.

- 5.2 It is a well known fact that more robust and effective policies and services are conceived and delivered when the groups doing so are more diverse and where public bodies reflect the communities they serve. The scrutiny panel may wish to consider how this could be best achieved.

- 5.3 It is also anticipated that there will be a number of national reports which may have useful recommendations for the panel to consider reflecting on local implications. For example, Diverse Cymru have been commissioned by the Equality and Human Rights Commission in Wales to undertake an analysis of progress and performance against the public sector equality duty in Wales. As part of their annual monitoring exercise this year they will be focusing on identity biased bullying in schools, workforce diversity and gender pay/equal pay.

- 5.4 The WLGA at their recent conference discussed a paper on gender equality developments and initiatives to build on their commitment to gender equality in local government focusing on the need for a diverse democracy leading to better engagement and trust. A copy of the paper is attached at Appendix 2.