

Cabinet
10 February 2023

Establishing an Equalities Commission

Report of the Director of Legal and Democratic Services

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

1) Recommendation

That the Cabinet:

- (a) Approve the formation of the Devon Equalities Commission and its Terms of Reference as set out in Appendix 1.
- (b) Approve the Equality statement of intent as set out at Appendix 2
- (c) Acknowledges the considerable work that has already been undertaken to date, that highlights the council's commitment to advancing equalities.

2) Background / Introduction

2.1 The purpose of this report is to agree the council's approach to tackling inequalities and discrimination across the council and the wider County through establishing a Devon Equalities Commission.

2.2 Appendix 1 sets out the Terms of Reference for the Equalities Commission, Appendix 2 sets out the statement of intent.

2.3 The Equality Commission will agree the Diversity and Inclusion Action Plan and the Equality Strategy and monitor progress.

3) Main Body / Proposal

3.1 Equality, Diversity and Inclusion continues to remain a key priority for the council and this has been made even more evident by the race audit in 2021 and movements such as Me Too challenge and Black Lives Matter, that demonstrated some of the inequality in our society. These issues have been further exacerbated and laid bare by the pandemic, starkly highlighting the socioeconomic crisis as well as the injustice and discrimination that persists today.

3.2 As a Council we have a duty to respond to these challenges by accelerating our efforts to mainstreaming equality, diversity and inclusion in all our council-based activities and collaborating with our partners to ensure that the whole County is championing these values. Thereby, the authority can become a beacon of best practice, and positive change.

3.3 Along with the global issues, the regional and workforce figures show why it is important to the council as one of the largest employers in the region to lead by example. Only then can we have an open, fair and inclusive County that embraces and celebrates Devon's rich and diverse communities and traditions, where everyone is treated fairly and given opportunities to make the most of their talents. This can be achieved through our policies and programmes that improve residents and families' social and economic circumstances and remove discriminatory practices.

3.4 The council has already undertaken a considerable amount of work to get to a stage where it can launch an Equalities Commission, with dedicated staff groups and investment in resources, it is intended that the staff groups will work with and assist the Commission to devise the Diversity and Inclusion Action Plan which will be key to making a real difference to the County we serve and our valued workforce.

3.5 Devon County Council is committed to driving improvement with regards to the equalities agenda which is underpinned by the Equality Act 2010 ("the Act"). Under section 149 of the Act - 'the Public Sector Equality Duty', public bodies like the council need to have 'due regard' in everything they do to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The council's ambition is to not only meet these obligations but exceed them through the work that will be carried out by the Equalities Commission and inter alia the delivery of the Diversity and Inclusion Action Plan.

Equalities Commission

3.6 The terms of reference have been drafted for the Commission to highlight the scope, which is intended to be as wide-reaching as possible to ensure its contribution and impact is as significant as it can be. The Commission's work will form the cornerstone of equalities, diversity and inclusion standards and best practice to which the council's services, policies, procedures and work will strive to adhere to.

3.7 The terms of reference set out the key strategic objectives to meet the Council's vision in particular,

1. To promote embed and protect the rights of Devon's residents to fairness, dignity and respect along with encouraging community cohesion across the County.

2. To challenge ignorance and intolerances in relation to all protected characteristics by being a leading voice that promotes and celebrates the multi-cultural heritage of the County and the diverse nature and geographical diversity of the local population.
3. To understand, involve and enable our diverse communities to play an active role in civic society and put citizen's voices at the heart of decision making.
4. To review and recommend changes (as necessary) to council policies, procedures and practices to ensure the authority complies with its legal obligations, fosters best practice and its workforce reflects the diversity of the people and communities it serves.
5. To champion and further embed equality in education (including career development) and employment for all residents of the County regardless of race, disability, gender, religion or belief, sex, sexual orientation, age, marriage and civil partnership, pregnancy and maternity.
6. To work with partners, the business community, voluntary/faith sectors, and other stakeholders to challenge harmful prejudices, stereotypes and biases that undermine equal opportunity.
7. To engage and work regionally with councils and other stakeholders, and national bodies and Government, to help ensure inequality concerns and issues in Devon are heard, understood, and addressed (including the encouragement and fostering of excellent relations with the policy and decision makers).
8. To monitor, analyse and evaluate relevant data and benchmark information to inform and drive new initiatives to meet the strategic objectives.

3.8 Public authorities are legally required to set at least one equality objective every four years to help focus attention on priority areas. The Commission is proposing eight objectives to help drive equality and inclusion across all areas of the council's work, as well as demonstrating compliance with the Public-Sector Equality Duty.

Governance Arrangements

3.9 The Commission will remain in place for two years and report to the Leader of the Council and Chief Executive. The key role of the Commission will be to work with internal council departments, trade unions and external organisations to help achieve the 8 equality objectives (see Appendix 1 for the Equality Commission Terms of Reference).

3.10 The Commission's membership will consist of six cross party Devon Elected Members. This will be determined by the Leader of the Council (or Deputy Leader) and appointees will remain on the Board whilst the Commission remains in place. The Leader of the Council will appoint the Chairperson and Vice-Chairperson from amongst the membership of the Board.

3.11 The Commission will have the authority to invite any individual or organisation from inside or outside the council to attend meetings of the Board as it deems necessary to best inform and progress its work. It will also be able to seek relevant information held by the council in order to progress its work, subject to legislative requirements, restrictions/limitations that are applicable.

3.12 The Action Plan will be agreed by the Commission and provide a road map to help embed diversity and inclusion across our workforce. Gaps identified in the workforce diversity data as well as best practice put forward by other public-sector organisations have been considered. The Action Plan will align closely to the Commissions eight equality objectives.

3.13 Critical to implementing the Diversity and Inclusion Action Plan is a robust governance framework to help monitor and review the objectives and actions. The framework, will include roles and responsibilities for Staff Forums (many of which are already well established), Trade Unions, and a Corporate Delivery Team and Steering Group who will report directly into the Commission.

4) Options / Alternatives

4.1 The alternative option would be to remain with the status quo and not have a dedicated commission. The commission will add pace and direction and accountability to the equality agenda. The Council may not meet its ambitious quality agenda if the recommendation is not approved.

5) Consultations / Representations / Technical Data

5.1 Simply meeting our Public-Sector Equality Duty alone is insufficient to address the issues our communities are facing today. Therefore, it is imperative that the council go beyond our immediate statutory obligations in order to identify and dismantle the structures that discriminate against or limit opportunities for too many of our residents because of their race, disability, age, religion, sex, sexual orientation – or concerns associated with intersectionality.

5.2 These issues hold particular gravitas as the County's population is becoming more ethnically diverse, with a rich cultural and religious heritage. The 2021 Census data estimates 7.13% (57,855) of residents living Devon were not born in Britain and 3.75% (30,414) of residents are Black, Asian and other Minority Ethnic background. This report therefore proposes that a Devon Equalities Commission is established as catalyst to drive forward the council's equalities agenda.

5.3 The Commission will promote equality and challenge discrimination in all its forms. To achieve this, it aims to break down barriers prohibiting an inclusive society, tackle unfairness caused by inequality and encourage community cohesion through increased understanding and awareness. For this reason, the scope of this project is extensive and far reaching.

5.4 The work of the Commission will assist and monitor the Diversity and Inclusion Action Plan and strategy, which will address inequalities that may exist within the workforce, whereby the primary objective is to ensure our employees mirror the citizens and communities they serve. This work then be overseen by the Equalities Commission.

5.5 From a workforce perspective, it is important that the council is an inclusive employer with a diverse workforce that reflects all the communities living in Devon. This will help bring a wealth of perspectives and ideas to ensure we are an excellent performing council. It is recognised that when people from diverse backgrounds are involved in creating the public services we all rely on, we will get better services that work for everyone.

5.6 Significant work is taking place to collect accurate workforce data to form the Diversity Action Plan and Strategy.

5.7 The Leader and Cabinet member for Public Health, Communities and Equality has been consulted on the Terms of Reference for the Equalities Commission, along with the Leadership Team.

6) Strategic Plan

6.1 The proposal, aligns closely with the vision and priorities in the Council's Strategic Plan 2021 – 2025. The establishment of an Equality Commission will ensure that Devon is the best place to live well and prosper. The commission has an ambitious agenda to embed equalities in all that we do creating a fairer Devon which is inclusive, compassionate and caring where everyone is safe, connected and resilient.

6.2 The equality agenda contributes to the voice of children and families ensuring that our community is connected and resilient. It is important that the council is an inclusive employer with a diverse workforce that reflects all the communities living in Devon. This will help bring a wealth of perspectives and ideas to ensure we are an excellent performing council. It is recognised that when people from diverse backgrounds are involved in creating the public services we all rely on, we will get better services that work for everyone.

7) Financial Considerations

7.1 There are no financial implications in relation to establishing an Equality Commission.

8) Legal Considerations

8.1 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.

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

8.3 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 PSED.

8.4 Any information shared with the Commission will need to be consistent and compliant with council policies, procedures, relevant legislation such as the Data Protection Act 2018,

General Data Protection Regulation, Freedom of Information Act 2000 and other associated legislation.

9) Environmental Impact Considerations (Including Climate Change)

9.1 There are no identified environmental considerations with the proposals in this report.

10) Equality Considerations

10.1 The proposals in the report will have a positive impact on people with protected characteristics across the workforce and the County. This will support the council meeting its PSED. Any actions undertaken will include an EIA as necessary to ensure all relevant considerations are taken into account.

10.2 The Commission is not a decision-making body but any recommendations will be informed by EIAs as deemed necessary.

11) Risk Management Considerations

11.1 No risks have been identified in the proposals in this report.

12) Summary / Conclusions / Reasons for Recommendations

12.1 Devon County Council is committed to driving improvement with regards to the equalities agenda which is underpinned by the Equality Act 2010 ("the Act"). Under section 149 of the Act - 'the Public Sector Equality Duty', public bodies like the council need to have 'due regard' to equalities in everything they do to.

Name

Director Maria Price, Director of Legal and Democratic Services

Electoral Divisions: All

Cabinet Member for : Public Health, Communities and Equality Councillor Roger Croad

Local Government Act 1972: List of background papers

N/A

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Appendix 1



Equality Commission

Terms of Reference

Context

Devon County Council is committed to celebrating and promoting the rich and diverse backgrounds, cultures, and abilities of its residents and employees across the whole of the County, challenging inequality and imbedding equality in all that it does.

In line with many public bodies across the United Kingdom, Devon County Council recognises that it is time to have a fundamental look at equality and Diversity and what that means for Devon, how inequalities and discrimination are addressed and where it can make improvements for the benefit of all Devon's residents, especially with recent events such as the Me Too agenda, black lives matter, re-claim the night and our race equality audit.

The Devon Equality, Diversity and Inclusion Commission has been established to drive and support this endeavour, and its focus is intended to be as far reaching as possible to ensure its contribution and impact is as significant as it can be.

The Commission's work shall form the cornerstone of and diversity standards and best practice to which the County Council's policies, procedures and work will strive to adhere to.

Vision

"An open, fair and inclusive County that embraces and celebrates Devon's rich and diverse communities, cultures and traditions and where everyone is treated fairly and given opportunities to make the most of their talents and realise there aspirations making Devon the best place to grow up, live well and prosper.

Mission Statement

To:

- advance equality by encouraging participation, understanding people's different needs, disabilities, situations and goals and removing or minimising disadvantage and the barriers that limit what people can do and can be at any stage in their life.
- uphold the human rights of everyone and work to eliminate unlawful discrimination, harassment and victimisation, and unfair discrimination.
- Foster good relations by promoting understanding and tackling prejudice.

- value human diversity, recognising that diversity brings a range of skills, knowledge, values, styles, perspectives and ideas that secure Devon's future as a place where people want to live, work and prosper.

Values

A Commissions that is:

Open and honest

Acts with integrity

Inclusive

Listens

Is brave, bold and confident.

Strategic Objectives

The Commission has the following Strategic objectives

9. To promote embed and protect the rights of Devon's residents to fairness, dignity and respect along with encouraging community cohesion across the County.
10. To challenge ignorance and intolerances in relation to all protected characteristics by being a leading voice that promotes and celebrates the multi-cultural heritage of the County and the diverse nature and geographical diversity of the local population.
11. To understand, involve and enable our diverse communities to play an active role in civic society and put citizen's voices at the heart of decision making.
12. To review and recommend changes (as necessary) to council policies, procedures and practices to ensure the authority complies with its legal obligations, fosters best practice and its workforce reflects the diversity of the people and communities it serves.
13. To champion and further embed equality in education (including career development) and employment for all residents of the County regardless of race, disability, gender, religion or belief, sex, sexual orientation, age, marriage and civil partnership, pregnancy and maternity.
14. To work with partners, the business community, voluntary/faith sectors, and other stakeholders to challenge harmful prejudices, stereotypes and biases that undermine equal opportunity.

15. To engage and work regionally with councils and other stakeholders, and national bodies and Government, to help ensure inequality concerns and issues in Devon are heard, understood, and addressed (including the encouragement and fostering of excellent relations with the policy and decision makers).
16. To monitor, analyse and evaluate relevant data and benchmark information to inform and drive new initiatives to meet the strategic objectives.

Governance of the Commission

The Commission will remain in place for a minimum period of 2 years with the Commission's progress assessed and future work considered by no later than January 2025.

The Commission will report directly to the Chief Executive and the Leader of the Council.

The Commission will provide regular progress reports/briefings to the Cabinet and Senior Leadership team.

Cabinet and Senior Leadership Team shall receive regular reports and briefings from the Chairperson of the Commission to keep them updated on its work, progress and developments (on a bi monthly basis).

The Commission will provide a progress/update report to full council on a bi annual basis concerning its work, impact and outcomes.

The chairperson of the Commission (or the Chairperson's nominee) shall attend meetings with Cabinet, Directors and full council to present the Commission's updates and or briefings.

The Commission may request and receive documents/data held within the Council, request documents/data from external third parties and invite persons both internal or external to the Council to assist with its work, subject to any legislative restrictions or obligations or other limitations arising (i.e data protection requirements/ UKGDPR, FOI or contractual obligations).

The work of the commission as (subject to any legal limitations), will be open to public accountability.

The Equalities Commission Board

The Board is responsible for all of the functions of the Commission.

Responsibilities include;

- Leadership and direction, to provide strategic and operational direction to achieve the Commission's Objectives

- Receiving and agreeing the Council's Equality, Diversity and Inclusion Action Plan and Strategy
- Monitoring the County's Equality, Diversity and Inclusion Action plan and strategy and ensuring its delivery
- Listen to individuals, departments, focus groups, organisations, whether internal and or external to understand the Council's equalities and diversity progress and compliance and future improvements
- Determine the focus and priorities of the Equalities Commission having regard to the Commission's Objectives
- Work with the recognised Trade Unions to promote the equalities agenda and address any concerns
- Consider and propose amendments to the Council's Equality Policy and make recommendations to Cabinet for consideration and onward recommendations to full council for approval where appropriate.
- Approve the Commission's engagement and Communication strategies and plans
- Determine outcome and achievements
- Monitor progress of Council equalities action plans
- Approve new initiatives and ideas to further the objectives of the Commission
- To make recommendations to key decision makers in relation to equalities agenda
- To act as consultee on equalities matters and issues in Devon

Operational functions and powers of the Equalities Commission Board

The Board of the Commission shall

- Progress and action identified priorities
- Gather insight and undertake research
- Review the Council's compliance with the Public Sector Equality Duty and its Equalities Policy and recommendations to Cabinet
- Assess the Council's compliance with the Equality Act 2010 and any other relevant legislation, applicable statutory instruments and other such regulations
- Consider and recommend proposals on how the Council can better utilise its role, position, functions and powers to address inequality in the County
- Develop and endorse equality strategies and policies to be recommended to Cabinet
- Assess the effectiveness and ability of people with protected characteristics to access council services
- Promote and review civic participation and the involvement of diverse communities in the decision making processes of the Council
- Review relevant council policies and procedures to help address inequality issues/ concerns within the council
- Develop new ideas, initiative, approaches to celebrate the varied diversity and heritage of Council employees
- Assist in the implementation of the Council's Diversity and Inclusion Action Plan and strategy (any other relevant action plans)

- Implement the Commission's engagement and communication plans
- Prepare equalities related consultation responses on behalf of the Council
- Consider national and regional policy development and initiatives in respect of the County and determine its inclusion in the Devon Equality Commission recommendations
- Consider and recommend proposals in how the rich cultures, traditions and values within the County can be promoted and celebrated
- Identify good practice in addressing inequality issues and raising awareness of good practices across the County
- Support the fostering of good relations between and diverse communities in Devon
- Help facilitate networks and coalition between community equality interest groups, decision makers in the Council and partners in the business and voluntary sectors
- Provide assistance to external bodies in receipt of Council support within the County to help understand inequalities issues and how they can be effectively addressed.
- Consider and support initiatives that tackle inequality for our children, within our schools and our wider education forums and settings where the Council have jurisdiction.

The Commission may choose to establish Task Groups to conduct further work in respect of equalities imperatives such as race equality, tackling disability discrimination, tackling homophobia, tackling sex discrimination, celebrating the County's diversity and other such groups as it deems necessary in pursuit of its objectives. The Commission will embrace the already well established staffing groups and networks.

The Commission may establish any other task groups, enquiry days, and undertake other forms/models of engagement as deemed necessary to progress its work.

Membership

The Commission's membership shall consist of 6 Devon elected members from a diverse range of backgrounds, to be determined by the leader.

The Commission's membership shall be determined by the Leader and the appointees shall remain on the Board whilst the Commission remains in place (or unless the Board Member resigns or is removed by the leader).

Where a member of the Commission resigns, the Commission shall appoint their replacement who must be an elected member of Devon County Council.

The Leader of the Council, or deputy in the Leader's absence shall appoint a chair person and vice chair from the membership amongst the Board.

The Commission may invite any individual or organisation from inside or outside the Council to attend meetings of the Board as it deems appropriate to inform and progress work.

Frequency

Bi monthly meeting unless agreed otherwise by the board

A meeting can be called by the Chairperson as deemed necessary by given 5 working days notice to Board members.

The Board shall be quorate providing 3 or more voting members of the Board are present.

Meetings may be held remotely, in person or hybrid provided all board members who attend are able to hear the meetings and engage in the discussions.

Decision Making

The Commission and its Board shall make recommendations to Cabinet for consideration.

Support

The Commission shall be supported by the Director of Legal and democratic services and the Equality Diversity and Inclusion Team.

The Commission shall receive administrative support from the EDI team and from within the Legal and Democratic Services Directorate.



Statement of Intent for Equality, Diversity and Inclusion

Challenging Inequality and Celebrating Diversity

1 Our Commitment

Devon County Council is committed to eliminating discrimination, providing equality of opportunity and challenging prejudice in order to advance the achievement of equality and foster good relations between diverse groups in Devon.

Equality brings quality for everyone and the creation of a fairer society where everyone can participate and achieve their potential.

Equality is about valuing a person 'as an equal' and treating people according to their needs and characteristics to achieve an equal or fair outcome – it's not necessarily about treating everyone the same.

An equal society values human diversity, recognising that diversity brings a range of skills, knowledge, values, styles, perspectives and ideas that secure Devon's future as a place where people want to live, work and prosper, and challenges the inequalities that destroy this diversity in our society and organisations.

2 How we will meet this commitment

Our goal is to ensure that this commitment is embedded in our day to day working practices, in everything we do including when working in partnership.

We will ensure that services are provided in a way that embraces diversity and promotes fairness and access. As an employer, we will enhance and value diversity within our workforce through inclusive practice.

We will provide equality of opportunity in all that we do and assess the impact of our proposals and decisions on diverse communities.

We will not tolerate discrimination and harassment on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation or socio-economic standing.

Devon County Council is committed to being a trusted, inclusive and innovative council. We have strengthened and integrated equality, diversity and inclusion considerations through our strategic objectives to make Devon the best place to grow up, live well and prosper.

[The best place - Strategic Plan \(devon.gov.uk\)](https://www.devon.gov.uk/strategic-plan)

3 Outcomes

[Devon County Council is signed up to the Devon Joint Declaration for Equality.](#)

a) Our Vision of Equality and Fairness

- People achieve their own potential and a good quality of life
- Everyone can access our services, facilities or information
- There is public involvement and influence in decision-making, planning, policy and service delivery
- Devon is a strong, safe and inclusive community
- People have trust and confidence in us to report incidents of abuse or discrimination
- Our workforce, at all levels, is supported and broadly reflects the diversity of the community.

4 Our Equality Objectives

Our equality objectives demonstrate our commitment to eliminating unlawful discrimination and harassment, advancing equality of opportunity and fostering good community relations..

We will work with the principles of continuous improvement to influence innovation, learning and organisational development.

[Our corporate equality objectives - Equality and Diversity \(devon.gov.uk\)](#)

The equality objectives will be reviewed on a regular basis informed both by changes within the council, and through engagement and feedback from customers, staff, key partner organisations and voluntary and community sector organisations in Devon. This will ensure they remain relevant and are fit for purpose as the council moves forward towards achieving excellence.

All members of staff working for the council have a personal responsibility for implementing the equality duties in their day-to-day dealings with customers, with each other and with partners. This includes the need to provide services which have been planned and delivered around people's needs and to represent value for money on behalf of people of Devon.