

Cabinet

16 October 2024



Public Sector Equality Duty annual review 2023-2024 and Equality Policy

Ordinary Decision

Report of Corporate Management Team

John Hewitt, Chief Executive

Cabinet Portfolio Holder for Equality and Diversity, Cllr Alan Shield

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 This report seeks agreement of the updated Equality Policy (2024-2028) and review of the Public Sector Equality Duty (PSED) annual update 2023-24, prior to publication. The report also includes an update on staff networks and the Changing Places Toilets funding programme.

Executive summary

- 2 The corporate equality, diversity and inclusion programme is broad and cross cutting, necessary to ensure that the council continually addresses its legal responsibilities under the Equality Act 2010, in particular, discharge of the public sector equality duty (PSED).
- 3 All services, staff and members must take responsibility for equality and inclusion in the delivery of excellent council services and in their working relationships with colleagues and the public. The corporate equality and diversity (E&D) team focusses on the key drivers of equality, legal compliance, supporting services to deliver projects and/or embed measures which advance equality, especially widening inclusion for disproportionately marginalised groups. They also lead on specific initiatives which require a more coordinated or corporate approach.
- 4 The E&D team works closely with and are supported by HR and Employee Services on many projects. They also work closely with Partnerships and Community Engagement.

- 5 As part of the specific equality duties under the Act we are required to set equality objectives at least every four years. During consultation on the Council Plan 2024-28 we sought feedback on refreshing and extending our current equality objectives for a further four years (2024-28). This will allow us to build on and broaden the work already achieved under each objective. The refreshed equality objectives form part of the updated Equality Policy 2024-28, as at Appendix 2.
- 6 We are also required to publish information on how we meet the public sector equality duty on an annual basis. The annual review 2023-24 is at Appendix 3.
- 7 Performance monitoring of equality and inclusion is embedded within the service planning framework, which includes quarterly reporting to CMT and Cabinet. As well as mandatory reporting requirements such the annual public sector equality duty publication and gender pay gap reporting.
- 8 As regulator of the Equality Act 2010, compliance in meeting the requirements of the specific duties, including publication of the annual review, is monitored by the Equality and Human Rights Commission.

Recommendation(s)

- 9 Cabinet is recommended to:
 - (a) Adopt the refreshed Equality Policy 2024-28 as at Appendix 2.
 - (b) Review and approve the Public Sector Equality Duty annual update 2023-24 as at Appendix 3.
 - (c) Note the content of this report including updates in two key areas:
 - (i) Staff Networks as at Appendix 4.
 - (ii) MHCLG funded Changing Places Toilets programme as at paragraphs 28-32 and Appendix 5

Background

- 10 The Equality Act 2010 protects people from being treated less favourably because they have a protected characteristic. The relevant protected characteristics are;
 - (a) age
 - (b) disability
 - (c) gender reassignment
 - (d) marriage and civil partnership
 - (e) pregnancy and maternity
 - (f) race
 - (g) religion or belief
 - (h) sex
 - (i) sexual orientation
- 11 The legislation applies to service delivery, employment, education, procuring goods and services, accessibility and adjustments for people with disabilities, pay gaps and much more. It also applies where council functions are carried out by a third party such as a contractor.
- 12 As a public authority, we must pay due regard to the public sector equality duty (PSED). The broad purpose is to integrate consideration of equality and good relations into the day-to-day business of public authorities. It consists of a general equality duty and specific duties:
 - (a) General Duty
 - (i) Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act;
 - (ii) Advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (iii) Foster good relations between people who share a protected characteristic and those who do not.
 - (b) Specific Duties
 - (i) To publish information to demonstrate how we are complying with the Public Sector Equality Duty, and

(ii) To prepare and publish equality objectives (at least every four years).

- 13 Discharge of the public sector equality duty has many implications including evidencing compliance and the conscious awareness of decision makers, for example, by making equality analysis (impact assessment) integral to decision making and policy development where there is a high relevance to equality. We also need to ensure we continually optimise opportunities to advance equality and promote good relations in service delivery and employment. The specific duties to publish equality information annually and prepare and publish equality objectives, help decision makers to perform the general duty more effectively by improving focus and transparency.
- 14 The government has set out proposals for new equality legislation in the Kings Speech on 17 July 2024. The draft Bill will tackle inequality for ethnic minority and disabled people by:
- (i) enshrining in law the full right to equal pay for ethnic minorities and disabled people, making it much easier for them to bring unequal pay claims.
 - (ii) introducing mandatory ethnicity and disability pay reporting for larger employers (those with 250+ employees)
- 15 We will monitor developments and assess the expected draft guidance once this is issued for consultation which will set out expected mandatory reporting requirements and pay gap calculation parameters. We already publish gender pay gap information however it needs to be noted we have 100% employee data for women and men, meaning pay gap calculations and analysis are accurate and easy to compare with other reporting organisations. Ethnicity information and disability status are voluntary for employees to provide. Currently, 68.8% of staff have provided ethnicity data and 47.2% have provided their disability status. We will therefore issue further communications over the coming months to remind all staff to update their personal information as per [intranet](#) guidance to ensure we have robust data in preparation for mandatory reporting.
- 16 Further legislative changes are expected as set out in the new government's 2024 manifesto, such as enacting section one of the Equality Act for public authorities to have due regard to reducing the inequalities of outcome which result from socio-economic disadvantage. We will monitor developments closely.

Refresh of equality objectives and the Equality Policy 2024-28

- 17 We must develop and deliver equality objectives at least every four years, as set out in the specific equality duties. These help us to focus our attention on specific equality issues to deliver real improvement.
- 18 Our current equality objectives (2020-24) were initially identified through public consultation in 2019 with a wide range of stakeholders and partners for a shared vision for the county. The objectives support the 2035 vision that County Durham is a place where there are more and better jobs, people live long and independent lives and our communities are well connected and supportive. Public consultation¹ on a refreshed Council Plan (2024-28) sought feedback on our equality objectives. The consultation feedback was supportive of continuing the objectives and no additional objectives were identified. Therefore, we have agreed to update their focus and continue with them until 2028 in line with the Council Plan. Extending the period of our equality objectives will allow us to build upon the progress made to date.
- 19 The refreshed objectives, as set out below, are now embedded in the Council Plan² and form part of the refreshed Equality Policy 2024-28 as at Appendix 2:
- (a) **We will improve employment opportunities for disabled people:** As a Disability Confident Leader, we will improve recruitment and retention rates of disabled people within the council. The Disability Staff Network underpins our approach to inclusion and has ambitious plans including the implementation of a buddy system to provide tailored support for any employee with a disability who needs this. Our employability programmes, such as DurhamEnable and work with jobseekers and local employers, to break down the barriers to paid work faced by people with disabilities, neurodiversities and long-term health conditions, further supports our leadership status.
- (b) **We will build inclusive communities:** We will work with our communities to support their development and give them more control over the factors and decisions which affect their lives. As our communities have differing needs, strengths and potential, and we recognise one size does not fit all, we will target support towards those most in need and help to build capacity and resilience. By working more effectively with other organisations and interested parties such as parents, carers and service users, to collectively shape services and initiatives that matter, means

¹ [Consultation on our Council Plan 2024 to 2028 - Durham County Council](#)

² [Durham County Council, Council Plan 2024-28](#)

we are doing things with communities rather than to them. This is known as our Approach to Wellbeing.

- (c) **We will build an inclusive and welcoming employee culture:**
We are committed to creating and sustaining a modern and supporting working environment for our employees and tackling inequalities, prejudice and discrimination. We aim to be an inclusive organisation, with improved staff engagement and effective staff networks.

- 20 Equality Policy 2024-28 highlights that equality and inclusion are at the heart of the council's vision and core values. Our policy applies to every elected member, employee, volunteer and any other person or organisation employed by the council to work or to deliver services on its behalf. This includes contractual and commissioning arrangements. The policy applies to all work-related situations including social events and the use of electronic communications and social media. The policy highlights our commitment to prevent discrimination and how we will deal with any allegations of discrimination, harassment and/or unfair treatment.

Annual public sector equality duty reporting

- 21 As part of the specific public sector equality duties, we are required to publish proportionate equality data each year and our annual review 2023/4 is attached at Appendix 3 for review and approval prior to publication on the council's Equality and Diversity webpage.
- 22 The publication provides an update of progress against our **equality** objectives and examples of how we meet the public sector equality duty across service delivery and our mechanisms for inclusive engagement and consultation. Also, activities and events that promote inclusion such as events for International Women's Day, Holocaust Memorial Day, mental health awareness, Pride and LGBT+ History Month. The publication includes an analysis of the diversity of our workforce, and our workplace activity to foster inclusion and advance equality of opportunity.
- 23 As regulator of the Equality Act 2010, compliance in meeting the requirements of the specific duties, including publication of this annual review, is monitored by the Equality and Human Rights Commission.

Staff networks

- 24 We now have several staff networks, which include nearly 500 members in total. The networks are open to all staff (including allies) and include:
- (a) LGBT+ and allies – 51 members

- (b) Disability and allies – 65 members
- (c) Carers – 71 members
- (d) Menopause – 235 members
- (e) Race, equality and diversity – 20 members
- (f) Armed forces – 42 members

25 The Director of Resources undertakes the role as leadership champion for the staff networks and meets with all network chairs bi-annually to discuss their agendas, provide the necessary ongoing support to progress their agendas and raise awareness of the work of the networks at a leadership level.

26 The networks act as peer support groups for staff with protected characteristics and their allies but also provide a key staff engagement mechanism. Each network has a work plan and collaborate and support one another's activities where relevant.

- (a) Activities include:
 - (i) Providing feedback in terms of HR policy, recruitment and selection, ways of working, building access and council service delivery improvements
 - (ii) Training – content development and review of training
 - (iii) Awareness raising – supporting internal/external promotion, activity and events. Attendance at management briefings at EMT and T4/5 level
 - (iv) Meet and greet – network chairs support onboarding of all new employees including apprentices
 - (v) Establishment of a disability buddy system to ensure disabled staff have workplace adjustments in place and seek access to work funding if applicable
 - (vi) Supporting corporate accreditations: Disability Confident Leader, White Ribbon, Armed Forces Covenant, Mind Mental Health Commitment, Better Health at Work
 - (vii) Attendance at regional network chair meetings to share resources and learn from staff networks across the region

27 An update report on the achievements of each network and plans going forward is at Appendix 4.

Changing places toilets funding programme

- 28 The government wants to see a step change in the number of Changing Places toilets³ (CPT) across the country. These facilities provide sanitary accommodation for people with multiple and complex disabilities who have one or two assistants with them. CPTs are larger and in addition to standard accessible toilets with equipment such as hoists, privacy screens, adult-sized changing benches, peninsula toilets and space for carers. Provision of such facilities greatly improves access and allows people with complex needs and their carers to plan ahead and enjoy days out.
- 29 We were successful in securing grant funding over two rounds (2021 and 2022) from the Department of Levelling Up, Housing and Communities (now called Ministry of Housing, Communities and Local Government - MHCLG) for the provision of Changing Places Toilets in community and council buildings. The grant funding allocation was distributed across five qualifying projects:
- (a) Locomotion, Shildon
 - (b) Raby Castle, Staindrop
 - (c) Teesdale Leisure centre, Barnard Castle
 - (d) Hardwick Park, Sedgefield
 - (e) Dunes Café, Crimdon
- 30 A project summary of expenditure is provided at Appendix 5.
- 31 Cllr Shield, portfolio holder for Equality and inclusion, attended the CPT opening event at Locomotion⁴ earlier in the year. Promotion of the new facilities is key to project success to ensure they are well utilised and to raise awareness of improved access across the county. We marked CPT Awareness Day on Friday 19th July 2024 with some social media, to raise awareness of the life changing difference Changing Places toilets can make to people's lives. Further promotional activity will take place over the coming months to highlight all CPT facilities across the county as further new DCC facilities, outside of this funded programme, are now also available at Durham Bus Station and The Story. This provides an opportunity to promote our commitment to disability inclusion and access improvements more broadly.

³ <https://www.gov.uk/government/collections/changing-places-toilets-fund>

⁴ [New accessible Changing Places toilet opens at Locomotion | Locomotion](#)

- 32 We will carry out a project evaluation in the autumn. At the start of the project, County Durham was ranked in the index of need as being in the highest quartile. This was based on the supply (number of registered CPTs) and demand (number of disabled people living in the area, sourced from Census 2011). Subject to the availability of data from MHCLG we will examine the outcome of the national programme to understand the wider context of our improved CPT provision within the county compared with other local authorities and regions.
- 33 Registered CPT facilities nationally can be found at: [Changing Places Toilets \(changing-places.org\)](http://Changing Places Toilets (changing-places.org)) This programme brings the total number of registered CPT facilities across the county to 19:

DCC owned and managed CPT facilities	Non-DCC owned and managed CPT facilities
<ul style="list-style-type: none"> • Durham Bus Station • The Story, Durham • Hardwick Park, Sedgefield • Dunes Café, Crimdon <p>Leisure Centres:</p> <ul style="list-style-type: none"> • Chester le Street • Consett • Freemans Quay, Durham • Louisa Centre, Stanley • Newton Aycliffe • Spennymoor • Teesdale (not open to public yet) 	<ul style="list-style-type: none"> • Beamish Museum • Durham University (Mathematical Sciences and Computer Science Building), Durham • Durham University (Science block), Durham • Haystax Inclusive Farm Experience, Knitsley • Locomotion, Shildon • Morrisons, Seaham • Raby Castle, Staindrop • Tesco, Bishop Auckland

Main implications

- 34 Our Equality Objectives (2024-28) help us to discharge the public sector equality duty. The refreshed objectives are embedded in the council plan and the updated Equality Policy 2024-28. The updated policy as at Appendix 2 is required to be published on the council website.
- 35 We are required to publish proportionate information and data on an annual basis on how we meet the public sector equality duty. The annual review is at Appendix 3 and provides an update of progress against our equality objectives, examples of how we meet our duties in wider service delivery and an analysis of our employee profile.

- 36 The report includes an update on two specific areas of inclusion; staff networks and the changing places toilets funded programme.

Conclusion

- 37 The report seeks to provide an update on equality, diversity and inclusion activity and adoption of the Equality Policy 2024-28.
- 38 The Equality Policy 2024-28 and Public Sector Equality Duty annual review 2023-24 will be published on the council website.

Background papers

- None

Other useful documents

- None

Author(s)

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Appendix 1: Implications

Legal Implications

Adherence to the Equality Act 2010 and requirements of the public sector equality duty.

Finance

Consultation

Refresh of equality objectives included in Council Plan consultation.

Equality and Diversity / Public Sector Equality Duty

The report outlines how the council's approach to equality continually addresses our legal responsibilities under the Equality Act 2010 and due regard to the Public Sector Equality Duty.

Climate Change

None

Human Rights

Equality Agenda has some cross over with Human Rights.

Crime and Disorder

Equality agenda includes partnership working on hate crime.

Staffing

Equality considerations help us to ensure we adhere to employment legislation and are an inclusive employer.

Accommodation

Equality agenda includes support to meet building access standards.

Risk

Equality agenda helps to evidence due regard to the public sector equality duty and minimise risk of legal challenge and reputational damage.

Procurement

Procurement process helps us to adhere to legislative requirements and drive equality and inclusion through the supply chain.