

<b>Meeting:</b>	Executive
<b>Meeting date:</b>	18 <sup>th</sup> April 2024
<b>Report of:</b>	Director of Customer & Communities
<b>Portfolio of:</b>	Executive Members for Finance, Performance, Major Projects and Equalities, and Housing, Planning and Safer Communities

## **Decision Report: Consultation on an Equity, Diversity and Inclusion Strategy 2024-27 and Next Steps**

### **Subject of Report**

1. This report presents the results of an externally facilitated assessment against the recently refreshed Equalities Framework for Local Government (EFLG) as shown in full at Annex A.
2. This work has directly fed into the drafting of an Equity, Diversity and Inclusion (EDI) Strategy 2024/27 (Annex B) in response as well as directing immediate actions over the next few months. Members will be asked to approve a recommendation to consult on the draft strategy to inform the final document for adoption and a detailed action plan.
3. The council is committed to meeting its priorities around EDI and this set of recommendations builds on others around the Social Model of Disability, Anti-Racism and Human Rights. The work ongoing in the city to provide a warm welcome to those seeking sanctuary and the partnership working that is evident in this and other recent inclusion work, is reflected in the 'Achieving' elements of the EFLG assessment. This sets the standard for all other elements of the Framework and the programme of work to deliver significant improvements across all areas by 2027.

## Benefits and Challenges

4. This work sits alongside other recent areas of development and action including re-establishment of the Human Rights Equality Board, the council's adoption of the Social Model of Disability and its Anti-Racism Action Plan.
5. It builds on the city's designation and partnership working with regard to City of Sanctuary, Human Rights City and pledge to be an Anti-Racist City and recognised growing cross partnership strengths in these areas.
6. The key challenge will be in the plan development to work towards achieving Excellent in the EFLG for local government within three years, at a time of constrained and reducing resources. The feedback in the EFLG report gives helpful direction in how the council can build on skills in the workforce to develop capacity to support and embed a whole organisation shift in equity, inclusion and diversity.

## Policy Basis for Decision

7. The Council Plan One City, For all 2023-2027 states:  
**Equalities and Human Rights - Equality of opportunity**  
'We will create opportunities for all, providing equal opportunity and balancing the human rights of everyone to ensure residents and visitors alike can benefit from the city and its strengths. We will stand up to hate and work hard to champion our communities.'  
With a specific priority to deliver:  
*'Be recognised by LGA as "excellent" in Equalities, Diversity and Inclusion'.*
8. The impact of this work however will affect every element of the Council Plan and associated policies.
9. This work will contribute to the council's core commitments around:

- a) **Equalities & Human Rights** – this report is fully focussed on meeting this core commitment.
- b) **Affordability** – inequity and exclusion can impact on access to jobs, skills development and economic opportunity and so any improvements made will have direct benefits of the financial and economic wellbeing of the community.
- c) **Climate & Environment**– there are no likely direct impacts on the Environment of this report although celebration of diverse cultures will bring a positive contribution to our community places and spaces.
- d) **Health** – there are known health disparities for people from all equality groups, both nationally and seen in data on the health of people in York, and any improvement in opportunity impacting on health and wellbeing will have a positive impact on the community. Regarding *Understanding and working with your communities* more work is planned around disaggregating data to understand equalities impacts of population health data; this will be in the action plan to be completed in the next 3-6 months.

## Financial Strategy Implications

- 10. The costs relating to this report will be contained within existing budgets. Some elements of workforce monitoring may be limited or otherwise by the nature and capability of systems in use and data available which require further investment as part of ICT development plans. Resources within the Communities Team are being reviewed to create some capacity to support EDI and Human Rights work corporately utilising the £50k growth built into the 2024/25 budget strategy. The work across all directorates could be considerable in terms of meeting statutory equalities and human rights responsibilities, including the need for additional training resources to support the delivery of these responsibilities.
- 11. Considering the council's current financial challenge, funding any growth in this area of work will require compensatory savings to be identified elsewhere across the Council.

## Recommendation and Reasons

- 12. Executive is asked to:

- a) note the results of the externally produced assessment against the requirements of the Equalities Framework for Local Government (EFLG) and areas of achievement and development which will feed into the action plan at Recommendation c), below;
- b) endorse the draft Equity, Diversity and Inclusion Strategy 2024-27 at Annex B which will be used as an interim strategy pending the outcome of consultation, as the equality objectives are required as part of meeting the council's Public Sector Equality Duty;
- c) approve officers to carry out a public consultation on the draft strategy to inform the final three year strategy and action plan for approval in autumn 2023, noting this will not hold up of delivery of critical core actions needed to start the work of improvement as identified. A further report will be brought to Executive with the results of this consultation.

Reason: To demonstrate the City of York Council's core commitment to becoming a more equal, diverse and inclusive council.

## **Background**

### **EFLG Assessment**

13. This work was undertaken between October 2023 and January 2024 by an experienced assessor against the refreshed version 2 of the EFLG. The analysis was extensive and informed by interviews with a wide range of people within the council and external stakeholders, alongside document reviews.
14. The EFLG sets out four modules for improvement, underpinned by a range of criteria and practical guidance that can help a council plan, implement and deliver real equality outcomes for employees and the community. The four modules are:
  - Understanding and working with your communities;
  - Leadership, partnership and organisational commitment;
  - Responsive services and customer care; and

- Diverse and engaged workforce.
15. As described in the Assessment Report, for each module there are three levels of achievement: *Developing*, *Achieving* and *Excellent*.
  16. The levels are progressive and cumulative so an organisation can plan and chart its progression against different priorities. Councils can be at different levels of the framework for different modules or themes.
  17. The levels are:
    - **Developing** - The developing level criteria contain the basic building blocks for each priority. An organisation at the Developing level has made an organisational commitment to improving equality. It is putting in place processes to deliver on equality issues and is working towards meeting or is meeting the statutory requirements.
    - **Achieving** - An organisation at the Achieving level has policies, processes and procedures in place and is delivering some good equality outcomes. It is not only meeting but can demonstrate exceeding statutory requirements.
    - **Excellent** - An organisation at the Excellent level has mainstreamed equality throughout the organisation and can demonstrate that it is delivering significant outcomes across its services that are making a difference in its communities. The organisation not only exceeds statutory requirements but is an exemplar council for equality and diversity in the local government and wider public sector.
  18. Sitting beneath each module are a number of themes, each with a short descriptor at each level of the framework. Each theme has a set of indicators or criteria that can be used to self-assess or plan activity.
  19. In summary the assessment shows the following results for City of York Council:

<b>Module/Theme</b>	<b>Assessment Level 2024</b>
<b>Understanding and working with your communities</b>	<b>Developing</b>

- collecting and sharing information	Developing
- analysing and using data and information	Developing
- <i>effective community engagement</i>	<i>Achieving</i>
- <i>fostering good community relations</i>	<i>Achieving</i>
- participation in public life.	Developing
<b>Leadership, partnership and organisational commitment</b>	<b>Developing</b>
- political and officer leadership	Developing
- priorities and working in partnership	Developing
- using equality impact assessment	Developing
- performance monitoring and scrutiny.	Developing
<b>Responsive services and customer care</b>	<b>Developing</b>
- commissioning and procuring services	Developing
- integration of equality objectives into planned service outcomes	Developing
- service design and delivery	Developing
<b>Diverse and engaged workforce</b>	<b>Developing</b>
- workforce diversity and inclusion	Developing
- inclusive strategies and policies	Developing
- collecting, analysing, publishing workforce data	Developing
- learning, development and progression	Developing

## Development of a Draft EDI Strategy

20. There are a number of recommendations contained in the assessment report in Annex A and they form the basis of:
- the draft EDI Strategy at Annex B of this report which describes the type of EDI organisation the council wants to be and its key objectives; and
  - a more detailed action plan that will secure a route to Excellence under the EFLG over the next three years.
21. The draft Strategy contains the council's proposed equality objectives for 2024-27 which are:
- Developing and promoting anti-discrimination policies and practices at all levels of the council and in delivery of our services to the public.
  - Improving equity practice at corporate, service and individual levels throughout the council.

- Develop a systematic process of conducting equality impact analysis and needs/requirements assessments, across all protected characteristic groups across all service areas as part of business and decision-making processes.
- Provide ongoing training and support for staff and members to help them to meet their duties under the Equality Act of 2010, raise awareness of this Policy and ensure residents of York are treated with dignity and respect, and continue to report on progress.
- Implement our Equity, Diversity & Inclusion Action Plan 2024 – 2027 and seek to achieve ‘Excellence’ against the Equalities Framework for Local Government (EFLG) by March 2027.

### **3 Year Action Plan**

22. The Action Plan is under development building on the EFLG assessment, and like the Strategy, will be reviewed in light of the outcomes of consultation. Key actions will be built on reaching *Achieving* status within 18 months of this report and *Excellent* within the 18 months afterwards.

### **Proposed Consultation**

23. To shape the final strategy and action plan the intention is to consult with CYC employees and a wide range of representative resident groups, and residents directly representing all protected characteristics under the Equalities Act. The newly re-established Human Rights and Equalities Board will also have the opportunity to feed into the Strategy.

### **Consultation Analysis**

24. The EFLG assessment was conducted through an extensive set of conversations with the council’s management team, other key officers, councillors, staff and staff group representatives, members of the community and community groups.

### **Options Analysis and Evidential Basis**

25. There is no other recommendation but to accept Recommendation a), the report at Annex A is for noting and informing next steps.
26. Regarding the interim strategy at Recommendation b) the Executive could put the draft strategy on hold pending consultation but given that the Public Sector Equality Duty requires the council to publish its equality objectives every four years, these at least should be published. These will give a line of sight for all the council's work which need to have EDI and Human Rights considerations and implications embedded into its values, processes plans and decision-making mechanisms.
27. Consultation (Recommendation c) on the draft strategy to inform it further and help build an action plan to meet the city's needs as well as the requirements of the EFLG framework, is essential if the council is serious about engaging with those who are affected most by barriers the strategy and action plan seek to remove. Executive can choose not to consult and adopt the Strategy 'as is', and separately receive and approve the Action Plan or delegate the approval of the Action Plan to officers.

## Organisational Impact and Implications

- **Financial** - The financial implications are described in paragraph 10 above and outline that, in light of the council's continued financial challenges, any additional costs will be managed by reprioritising existing budgets. Whilst the staffing costs incurred in doing this work will remain within existing budgets, further resources may be needed for training purposes across all equalities responsibilities. Considering the council's continued financial challenges, any additional costs will need to be managed by making compensatory budget cuts elsewhere within the Council or through reprioritising existing budgets.
- **Human Resources** – An additional post will be created to lead EDI in the council taking forward the operational actions in the action plan. Human Rights and equalities training / awareness will be undertaken to embed actions into all aspects of everyday working at the council. Resources will be built into the Equalities, Access & Inclusion Team in the coming months. HR will work alongside this team to review the outcome of the risk assessments



and resulting policy/process implications referred to in the report and annexes.

- **Legal:**
  - The Council needs to take into account the Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions).
  - Under the Human Rights Act 1998 it is unlawful for a public authority to act in a way which is incompatible with the rights set out in the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950 ("the Convention"). In particular, the enjoyment of the rights and freedoms set out in the Convention must be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
  - The report gives an update on how the council is seeking to meet its obligations under Equalities and Human Rights Acts with regard to all people protected under those Acts.
- **Procurement** - There are no direct procurement impacts contained in this report. However, protected characteristics under the Equalities Act can be focused on when considering social value in procurement.
- **Health and Wellbeing** - Health implications are covered in paragraph 9 above included as one of the council's core commitments. Public health and the Director of public health support the intentions within this report. Overall, promoting equality contributes to the creation of healthier, more resilient communities where individuals can thrive and enjoy a higher quality of life.
- **Environment and Climate action** - The design and implementation of services to achieve our climate change ambition

will follow the principles of the EDI Strategy. The negative impacts of climate change are most likely to be experienced by disadvantaged and vulnerable groups; EDI is therefore essential in ensuring a just transition towards net zero and that appropriate adaptation measures are delivered to support these groups.

- **Affordability** – Inequity and exclusion can impact on access to jobs, skills development and economic opportunity and so any improvements made as a result of this report will have direct benefits of the financial and economic wellbeing of the community.
- **Equalities and Human Rights** -There will be a need to ensure resources are dedicated to all equalities work across all protected characteristics under the Equalities Act. An Equalities Impact assessment for final approval of the strategy will inform approval and the final action plan presented back to Executive.
- **Data Protection and Privacy** –
  - Data protection impact assessments (DPIAs) are an essential part of our accountability obligations and is a legal requirement for any type of processing under UK data protection and privacy legislation. Failure to carry out a DPIA when required may leave the council open to enforcement action, including monetary penalties or fines.
  - DPIAs helps us to assess and demonstrate how we comply with all of our data protection obligations. It does not have to eradicate all risks but should help to minimise and determine whether the level of risk is acceptable in the circumstances, considering the benefits of what the council wants to achieve.
  - The DPIA screening questions were completed for this report and as there is no personal data being processed for the options set out in this decision report, there is no requirement to complete a DPIA at this point. However, we will review the need for a DPIA where required, such as if consultation is to be carried out.
- **Communications** - Building on work already done in internal communications around the Council Plan's Equalities commitment, and in the ongoing annual communications plan, visible and consistent communications approaches will be required to support and demonstrate the City of York Council's core commitment to becoming a more equal, diverse and inclusive council.

- **Equalities and human rights** – This is one of the four core commitments in our Council Plan- One City, for all. Communications support will be needed as we seek to deliver the EDI strategy and action plan.
- **Economy**- Like the affordability implications, the report will have a positive impact on access to jobs, skills development and economic opportunity if equitable and inclusive policies are embedded and diversity is baked into the council's culture.

## **Risks and Mitigations**

28. Should the actions in this report not be delivered, the council will fail to make progress and to be taken seriously with regards to any and all aspects of equalities and inclusion. As such the council will remain unrepresentative of its communities, nor will be seen as a fair and inclusive employer. It will also fail to achieve in its ambition to be Excellent against the EFLG. Management of resources, capacity and close monitoring of action plans will need to be in place to mitigate these risks.
29. Impacts for the city as a whole could be significant, impacting on the city's reputation as a welcoming and safe city in which to live, work, visit and do business. The actions in this report will seek to support the hard work of partners and council teams in relation to city wide work.

## **Wards Impacted**

All wards

## Contact details

For further information please contact the authors of this Decision Report.

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<b>Report approved:</b>	Yes
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### Background papers

Executive 13<sup>th</sup> July 2023: Minute 18 – Anti-Racism & Inclusion Strategy & Action Plan:

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=13919&Ver=4>

Full Council 20<sup>th</sup> July 2023 Minute 20 – Anti-Racism & Inclusion Strategy & Action Plan:

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=331&MId=13925&Ver=4>

Executive – 14<sup>th</sup> September 2023 - Approval of the Council Plan 2023-2027

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=13930&Ver=4>

Executive – 14<sup>th</sup> December 2023:

- Refreshed Governance Arrangements for York's Human Rights & Equalities Board
- City of York Council Actions in Response to the York Anti-Racism and Inclusion

## Strategy

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=13933&Ver=4>

Decision Session - Executive Member for Finance, Performance, Major Projects and Equalities 24<sup>th</sup> January 2024 - Implementing The Social Model of Disability

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=1060&MId=14294&Ver=4>

## Annexes

- **Annex A:** City of York Council – Equality Framework for Local Government (EFLG) Assessment
- **Annex B:** Draft Equity, Diversity & Inclusion Strategy 2024 - 2027

## Abbreviations

CYC	City of York Council
DPIA	Data Protection Impact Assessment
EDI	Equity, Diversity & Inclusion
EFLG	Equalities Framework for Local Government
EIA	Equalities Impact Assessment
HREB	Human Rights and Equalities Board
ICT	Information, Communications & Technology Services
LGA	Local Government Association