
CARDIFF COUNCIL STRATEGIC EQUALITY PLAN 2016 - 20

Reason for this Report

1. To provide Committee with an opportunity to inform consultation on the Council's draft Strategic Equality Plan for 2016/20. The meeting will take place at the start of a two month consultation programme to shape the final Scheme, which will be presented to Cabinet in March 2016 and published soon thereafter.

Background

2. The UK Parliament has passed the Equality Act 2010 into law, requiring the Council to have due regard to the three limbs of the General Equality Duty, namely:
 - *Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act.*
 - *Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.*
 - *Foster good relations between people who share a protected characteristic and those who do not.*
3. Welsh Government has also set out further Specific Duties for public bodies (set out at **Appendix C**), including one to develop Equality Objectives and a Strategic Equality Plan (SEP) every four years. The Council's first SEP (titled "*Everyone Matters*") expires on 31 March 2016, and the Council will need to replace it with a new SEP for 2016 – 2020.

4. The Equality and Human Rights Commission (EHRC) is the body empowered to regulate the Council's compliance with the Equality Act 2010, and has a range of powers to enforce compliance.

Issues

5. The Council has prepared a draft Strategic Equality Plan for 2016/20 titled "Equality: Making the 'difference for Cardiff", which is attached for Members' information at **Appendix A**. The Plan has been informed by a range of relevant information to enable the organisation to judge how far it meets the General Duty, and what equality objectives it needs to identify to bridge any gaps in compliance. The information includes:
 - The EHRC's publication "*How Fair Is Wales*" (2011) which sets out the Commission's statistics and views on the most serious issues of inequality in Wales. A companion document "*Is Wales Fairer?*" will be published in October 2015, and will inform the Council's consultation on its SEP.
 - The 2011 Needs Assessment that underpinned Cardiff's "*What Matters*" Strategy.
 - Past Equality Schemes produced by the Council.
 - A range of documents produced by local charities including Race Equality First and Diverse Cymru on local issues and campaigns.
 - The views of some key local stakeholders including the Chairs of the Council's four Equality Networks, the Chief Executive of Cardiff Third Sector Council and several other local groups.
6. The Council intends to arrange a two month programme of consultation on the draft Scheme during October and November. The consultation will be channelled through a consultation form, which will be provided on the Council's website and promoted by Twitter, FaceBook and other Council communications. Printed versions will also be available, and support provided to people who would like

assistance in completing the survey. A draft of the Consultation Form is set out at **Appendix B**.

7. A selected range of key stakeholders, including the Cardiff Council Access Focus Group, Cardiff Youth Council, Diverse Cymru, Race Equality First and Cardiff 50+ Forums will be directly engaged, and efforts will be made to ensure that a wide range of local organisations and campaigning groups are given the opportunity to make their views known.
8. Plans are being developed for the Council to work with the Cardiff University Health Board in hosting a joint engagement event to consult on both organisations' draft Plans.
9. Any relevant information coming to the Council's attention during this period (for instance the outcomes of the *What Matters!* Strategy annual review and refresh, and the publication of the report from Diverse Cymru's March 2015 "*Breaking The Barriers*" conference) will also inform the consultation feedback.
10. After the consultation programme, officers from the Council Equality Team will work with Council Directors and relevant staff to seek to translate consultation feedback into appropriate and achievable SMART objectives to be included in an action plan to accompany the SEP when it is published in April 2016.
11. The draft SEP and action plan is intended to be presented for consideration and adoption at Cabinet's 10 March 2016 meeting.

Scope of Scrutiny

12. The Cabinet Member and officers will welcome any questions and observations from Committee Members. They will in particular, however, welcome lines of inquiry around the topics set out in paragraphs 13 to 16 below.

13. Questions about the Council's draft Equality Objectives:

- a. Do Members consider that the ten objectives chosen are the right ones?
Are there any significant gaps? Are any inappropriate?
- b. If Members had to rank the objectives, which ones would they prioritise?
- c. What actions do Members consider necessary as a minimum to deliver the objectives? What additional actions could stretch performance?
- d. What would success look like?
- e. What are the risks of non-completion?

14. Questions about consultation on the Plan:

- a. Do Members have any specific views on arrangements being made to consult on this Plan, or any suggestions for organisations to approach, or methods of engagement?

15. Questions relating to implementation of equality actions:

- a. *Organisational Buy-in:* Do Members have views on the consistency of the delivery of equality across Council Directorates? What do they feel might make a difference in securing organisational buy in?
- b. *Partnership Context:* Do Councillors feel that effort should be invested by the Council in delivering its objectives in partnership with Health, Police etc? Should it pursue this agenda even if it meant reducing the amount of time working on the equalities agenda within the organisation?
- c. *The relative influence of Spatial, Socio-Economic and Protected Characteristics issues on poverty and deprivation:* What balance do Members consider that the Council should strike in its investment of effort in addressing issues connected with service delivery around people's "Protected Characteristics" (Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race, Religion and Belief; Sex; and Sexual Orientation) as required by the Equality Act 2010, and how far around geographic and socio-economic factors also shaping inequalities?

- d. *Financial and resource constraints:* Given the evident constraints facing the Council in terms of its ability to deploy financial and personnel resources to equality delivery, do Members consider that the Plan is sufficiently ambitious or over ambitious, and how far should this constrain its expectations of progress?

16. Members' advice on how the Council can best achieve the Specific Equality Duties set out at Appendix C.

Way Forward

17. At the meeting, Councillor Daniel De'Ath, Cabinet Member for Skills, Safety, Engagement and Democracy, may wish to make a statement. Director of Governance and Legal Services Marie Rosenthal will be in attendance, along with Paul Keeping (Operational Manager with responsibility for Equality and Scrutiny), and Equality Officers Andrew Lucas and Caryle Alleyne to give a short presentation, facilitate questioning, and answer Member's questions.
18. Martyn Jones, Chief Executive of local third sector charity Diverse Cymru, has been also invited to provide his independent view on the draft Strategic Equality Plan, and to answer Members' questions.

Legal Implications

19. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person

exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

20. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

Recommendation

The Committee is recommended to

- (1) note the draft Strategic Equality Plan;
- (2) provide views in response to the lines of inquiry set out in paragraphs 13 to 16 above, along with any other observations and recommendations; and
- (3) decide whether it wishes to take any further actions, or request any further information.

MARIE ROSENTHAL
Director of Governance and Legal Services
30 September 2015