

17 October 2017

Report of	Assistant Director of Communities	Author	Andrew Harley
Title	Equality and Safeguarding - Annual Update Report		☎ 282880
Wards affected	All		

The Committee is asked to review this annual report on Equality and Safeguarding

1 Decision Required

- 1.1 Committee is asked to review progress made in meeting the Council's legal duties and objectives in regard to both Equality and Diversity, and Safeguarding, and to endorse the approach set out at paragraph 8 below.

2. Reasons for Decision

- 2.1 By reviewing the approach in these key areas, the Committee will assist the Council in meeting its legal duties.

3. Supporting information

- 3.1 The following appendices have been included at the end of this report to assist Committee in its task:
- Appendix A – Key improvements and initiatives
 - Appendix B – A case study to show one such initiative in greater detail

4. Continuation of a Combined Approach

- 4.1 The last annual update report (2015-16) saw the introduction of a combined approach to scrutiny which was approved by Governance Committee on 22 November 2016. This approach has been continued here. Its rationale remains the same:
- The two areas of work are mutually supportive and reinforcing.
 - They both involve the principle of proportionality and having "due regard".
 - Each area helps to support, and prevent harm occurring to, vulnerable groups.
 - An approach that reviews these two areas together can help to deliver maximum benefit for customers, the most effective management of risk and the most efficient use of resources.

5. National and Local Developments

Equality and Diversity

- 5.1 During the period, there have been no changes to legislation or guidance in regard to how the Council should meet its [Public Sector Equality Duty](#). Nevertheless, there have been some notable developments in policy areas relevant to Equality and Diversity.
- 5.2 In August 2016, the Prime Minister announced a [Government audit to tackle racial disparities in public service outcomes](#). Whitehall departments have been required to identify and publish information showing how outcomes can differ in a range of areas including health, education and employment. The findings will influence government policy to address these and related issues.
- 5.3 In April 17, the Government published guidance on [Employing disabled people and people with health conditions](#). It “provides a summary of information for employers to help increase their understanding of disability, to enable them to recruit and support disabled people and those with long term health conditions in work”. In June, the LGA published a report titled [Being Mindful of Mental Health](#) which sets out the important role that councils play in the mental wellbeing of their communities.
- 5.4 In the area of Safeguarding, there have been further significant developments over the period, which reflect the continuing priority given to this area of public policy
- 5.5 In August, 2016, [Care Act Statutory Guidance](#) was updated to take account of regulatory changes, feedback from stakeholders and developments following the postponement of social care funding reforms to 2020.
- 5.6 The new benefit cap came into force in November. The cap limits how much money a working age household (living outside Central London) can receive in benefits to £20,000 a year. [Research](#) from the Institute for Fiscal Studies (IFS), summarised [here](#), has suggested this new cap will affect 88,000 households.
- 5.7 The [Policing and Crime Act 2017](#) came into force in February. It includes key provisions to protect vulnerable individuals from harm.
- The Act extends existing provisions against CSE to include the streaming of images.
 - It introduces licensing reforms to include guidance to be issued by the Secretary of State as to how “licensing functions under taxi and private hire vehicle legislation may be exercised so as to protect children, and vulnerable individuals... from harm”.
 - The Act provides for anonymity for victims of forced marriage (as has been the case in respect of FGM) in order to encourage victims to come forward.
- 5.8 The [Homelessness Reduction Act 2017](#) became law in April and has been accompanied by an [LGA Guide](#). It places new duties on local authorities to prevent homelessness whether they are classed as being in priority need or not.
- 5.9 On 21 June 2017, the [Queen’s Speech](#) included measures on a draft Domestic Violence and Abuse Bill to include the establishment of a Commissioner and the creation of a specific Civil Prevention Order. Mental health reform was also announced with the aim of helping to ensure that mental health is prioritised in the NHS in England.
- 5.10 The [Wood Report](#) (published in May 2016) and the [Government’s Response](#) was noted in the Council’s previous annual update report. The move towards local child safeguarding boards becoming non-statutory (whilst local adult safeguarding boards have become statutory) has prompted a review of local arrangements. The Government is shortly expected to put out for consultation new guidance on [Working Together to Safeguard Children](#), which should assist in clarifying local requirements.

- 5.11 There have also been changes over the relevant period in terms of national Governance: On 12 June, the new Government published a full list of new ministerial and government appointments. Justine Greening has overall responsibility for the [Government Equalities Office](#) as Secretary of State for Education and Minister for Women and Equalities. Within the Department for Education, Nick Gibb MP is [Minister for Equalities](#) and Anne Milton MP is [Minister for Women](#). Across other Government departments, Penny Mordaunt MP is the Minister of State for [Disabled People, Health and Work](#) and Lord Bourne is [Parliamentary Under Secretary of State for Faith and Integration](#). Responsibility for Safeguarding is shared across multiple Government departments including the Department for Education, the Home Office, the Department of Health and the Department for Communities and Local Government.
- 5.12 At Essex County Council, Raymond Gooding has responsibility for Equality and Diversity (as Cabinet Member for Education) whereas Dick Madden has responsibility for Safeguarding (as Cabinet Member for Children and Families). In terms of local Safeguarding Board arrangements, Phil Picton continues to be the independent Chair of both the Essex Safeguarding Children Board (ESCB) and the Essex Safeguarding Adults Board (ESAB), following his appointment in June 2016.

6. Meeting the Duties

Overall Arrangements at Colchester Borough Council

- 6.1 Equality and Safeguarding are each integrated into the day-to-day operations of the Council. However, arrangements are also in place to ensure strategic focus and operational co-ordination. The Assistant Director for Communities provides the strategic lead whereas the Equality and Safeguarding Co-ordinator provides the operational lead. The relevant [Cabinet Portfolios](#) are Housing and Communities and Public Safety and Licensing.
- 6.2 In the area of Equality and Diversity, the Diversity Steering Group (DSG) provides an active forum for 'advancing equality' for both customers and staff. Its members are service 'representatives' who play a key role in reviewing progress and disseminating best practice. In a similar way, Designated Safeguarding Officers attend quarterly 'workshops' to review safeguarding referrals and improve processes. Each service area has between two and four officers who have an enhanced level of training to provide expertise and assistance to officers.
- 6.3 Partnership working is key to meeting the Council's safeguarding duties. The [Safer Colchester Partnership](#) (SCP) is led by a Responsible Authorities Strategic Group (RASG) which consists of Chief Officers representing local statutory partners and organisations. It aims to achieve sustainable solutions following the identification of local needs and priorities. It does this by delivering initiatives and engaging with local communities on issues including domestic violence and hate crime.
- 6.4 Colchester Borough Council also engages positively with the relevant 'Stay Safe' group which now comes under the ESCB's governance. This group helps to put into practice effective partnership working to keep children safe from harm including abuse. The Council attends local 'MACE' (Missing and Child Exploitation) meetings which facilitate joint approaches and key information sharing to help protect children from exploitation. Since July 2017, following agreement between local CSPs, Domestic Homicide Reviews has been administered centrally in Essex under a new team set up by the Essex Domestic Abuse Board.

- 6.5 The Council works closely with both the Essex Safeguarding Adults Board and the Essex Safeguarding Children Board. Support from, and representation to, both the ESCB and ESAB for District Councils is by way of Board Membership. Colchester Borough Council Executive Director Pam Donnelly sits on the ESAB, whilst Maldon District Council Chief Executive Fiona Marshal sits on the ESCB. Each feedback to the Chief Executives Group and Designated Leads for District and Borough Councils.

Equality and Diversity

- 6.6 The Equality Act 2010 imposed a Public Sector Equality Duty (PSED) upon local authorities including district councils. Under its 'general duty', the Council must "integrate consideration of the advancement of equality" into its "day-to-day business, and across all... functions". Councillors and staff must have "due regard" to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the 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.

The 'protected characteristics' are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The duty also covers marriage and civil partnership, but not for all aspects of the duty.

- 6.7 The Equality and Human Rights Commission's [Technical Guidance](#) to the PSED (2013) continues to be best guide to the practical operation of the PSED. In addition, the Council takes due account of the Government's [Review](#) of the PSED which endorsed the so-called "Brown Principles". These confirmed that the 'due regard' duty must be fulfilled before and at the time that a particular policy is being considered; it must be exercised in substance, with rigour and with an open mind; and that it is non-delegable.

- 6.8 The PSED 'specific duties' require us to publish information to demonstrate that we are meeting both the 'general duty', and one or more published [equality objectives](#). During the period 2016-17 we have continued to meet both of these requirements. Information published on the Council website includes:

- [Equality Impact Assessments](#)
- The Council's [Strategic Plan](#) and its Year End Performance Report (including its Strategic Plan Action Plan).
- The Council's website pages on [Equality and Diversity](#)
- The Council's [equality information](#) section contains all required information
- Workforce statistics: [Equality monitoring information](#)
- Work undertaken by the Council's Research and Engagement team about service users, customers and the borough's population.
- The Council's independent, external accreditation as an '[achieving](#)' organisation under the Equality Framework for local government.

- 6.9 The Council's 'equality objective' remains, which is to:

'Ensure Colchester is a welcoming and safe place for residents, visitors and businesses with a friendly feel that embraces tolerance and diversity'.

This objective is reflected in the new [Strategic Plan 2015-18](#) within the 'Welcoming' Priority. The specific actions required to meet the objective are included within the associated Action Plan, which is subject to six monthly monitoring.

- 6.10 The Council remains committed to the use of Equality Impact Assessment process. Despite not being a legal requirement, these remain a vital framework through which the Council can continue to identify, evaluate, and mitigate against, disproportionate negative impacts upon the 'protected characteristics'. It allows us to make the right judgements on the basis of sound information and data, in an open and transparent way.
- 6.11 The Council works with a host of agencies and organisations in order to meet its duties and advance equality more generally. Many of these are included in Appendix A.

Safeguarding

- 6.12 Under Section 11 of the [Children Act 2004](#), local authorities "must make arrangements for ensuring (that)...their functions are discharged having regard to the need to safeguard and promote the welfare of children." The Act required district councils to supply information to enable the Local Safeguarding Children Board to perform its function to co-ordinate activity. There are agreed [SET Procedures](#) (covering Southend Essex and Thurrock) for child safeguarding which district councils are required to follow, and which are integrated into the Council's Safeguarding Policy.
- 6.13 Under Section 42 of the [Care Act 2014](#), the local authority must make enquiries to co-ordinate action to support an adult who: (a) has needs for care and support (whether or not the authority is meeting any of those needs), (b) is experiencing, or is at risk of, abuse or neglect, and (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it. Although Essex County Council is the *investigating authority*, the Act requires district councils to supply information to enable the Local Safeguarding Adults to perform its function to co-ordinate activity. There are also agreed [SET Procedures](#) for adult safeguarding, integrated into the Council's Safeguarding Policy.
- 6.14 The Council passes concerns to the Children and Families Hub (in regard to children) and to Social Care Direct (in regard to an adult). A secure record of contacts and referrals (via the [Request for Support](#) and [SETSAF1](#) forms) with any feedback received are retained in a secure area of the Council network, and are reviewed at quarterly Designated Officer Workshop meetings.
- 6.15 The Council, as chair of the local Community Safety Partnership, has responsibilities under [Section 9 of the Domestic Violence, Crime and Victims Act 2004](#). During the period, the Safer Colchester Partnership has continued work on two Domestic Homicide Reviews and has provided relevant information following 'scoping enquiries' on Partnership Learning Reviews, Serious Case Reviews and Domestic Homicide Reviews.
- 6.16 Partnership working remains key to the Council being able to meet its statutory duties more generally. On 30 November 2016, the Safer Colchester Partnership hosted its *Hidden Harms Conference* for partner organisations in order to raise awareness, share approaches and deepen joint working. It included presentations and workshops around key issues such as Gangs, CSE and Modern Slavery. The Council regularly attends the Essex County Council *Missing and Child Exploitation* (MACE) strategic meeting which facilitates the sharing of intelligence and best practice between partner agencies.

- 6.17 The local Safeguarding Boards audit the approach and performance of partners including Colchester Borough Council in regard to: (a) senior level commitment, and accountability; (b) core policies and procedures; (c) safer recruitment; (d) service development; (e) learning, development and staff support; (f) preventative work and inter-agency working; and (g) information sharing. In January 2017, the Council completed a remote audit on its adult safeguarding responsibilities. Although 70% of criteria were met, specific areas where improvement can be made were identified. In January 2018, the Council will submit its Section 11 audit on child safeguarding.
- 6.18 Modern slavery encompasses sexual exploitation, labour exploitation, forced criminal exploitation and domestic servitude. To meet its legal duties under Section 43 of the [Modern Slavery Act 2015](#) the Council has published on its website its second Modern Slavery Transparency Statement.
- 6.19 [Sec 26 of the Counter Terrorism and Security Act 2015](#) placed a new duty upon local authorities to have “due regard to the need to prevent people from being drawn into terrorism.” Although the Council’s response was detailed in its 2015-16 annual update report, the challenge is ongoing. More than 70 staff have received PREVENT training to date and this programme is continuing.
- 6.20 Continued training and development remains a key way in which the Council seeks to ensure that vulnerabilities are correctly identified and internal processes are closely followed. The Council substantially updated its safeguarding e-learning course (to include new information on Modern Slavery, Domestic Abuse, Mental Capacity, Forced Marriage, FGM, and PREVENT) in 2016, and this course has been successfully rolled out for all staff with network access. External training was accessed for the Council’s Designated Officers in June and ‘Level 2’ equivalent face-to-face safeguarding training was delivered ‘in-house’. Further significant safeguarding training is planned for 2017-18 for over 300 front line staff on a rolling monthly basis on key safeguarding topics including CSE, Gangs, Modern Slavery, Domestic Abuse and Elder Abuse.

7. Overview

- 7.1 The Council believes that its approach to meeting its duties in both the areas of Equality and Safeguarding is appropriate and proportionate. An intelligent approach that recognises where and how these legally distinct areas intersect can offer efficient and effective working.

8. Going Forward

- 8.1 Under the [Equality Act 2010 \(Gender Pay Gap Information\) Regulations 2017](#), voluntary, private and public sector employers with 250 or more employees will be required to publish gender pay gap figures by April 2018. Requirements will include the need to publish median gender pay gap figures and the proportion of men & women in each quartile of the pay structure. The Council will publish the required information on its website, on [Datashare](#) and on a new "digital portal" that the Government is planning to launch.
- 8.2 Continued further financial challenges are anticipated over the next 12 months. Vulnerable individuals are likely to face increasing pressures as a result of the continued impact of welfare reform. The Council will need to continue to exploit the benefits offered by digital platforms, whilst retaining the ability and commitment to respond to individual customer needs. Meeting the Public Sector Equality Duty will continue to require working closely with voluntary organisations representing specific ‘protected characteristics’.

- 8.3 As the Safeguarding agenda has developed, the Council will respond with a significant programme of face to face training for front line staff. The Council should continue to deepen partnership working with agencies and voluntary organisations, including through the [Safer Colchester Partnership](#), in order to deliver for residents.

9. Strategic Plan References

- 9.1 The Council's [Strategic Plan](#) is a key mechanism through which the Council monitors how it is meeting its equality and safeguarding responsibilities. In particular, it contains the Council's current 'equality objective'.
- 9.2 Progress towards the Council's Strategic Plan Action Plan is reviewed within the Council's [Year End Performance Report](#).

10. Consultation

- 10.1 Extensive consultation preceded the publication of the Council's Strategic Plan 2015-18.

11. Publicity Considerations

- 11.1 The Council's approach to Equality and Safeguarding has the potential to affect everyone who lives, works or visits the borough. It can play a key role in the daily lives of individuals and communities by helping to safeguard vulnerable groups from harm as well as tackling prejudice and advancing equality of opportunity.
- 11.2 The [equality information](#) section on the Council's website continues to provide updated information as required by legislation and guidance, along with related content of use or interest to customers, staff and councillors. This helps with openness and transparency, with everything 'in one place'. The Council's website also includes a section dedicated to [Safeguarding children and 'adults with needs for care and support'](#) which contains key information for residents along with links for further information.

12. Financial Implications

- 12.1 The Council continues to face significant financial pressures. As part of its strategic response, the Council has sought to mainstream a "business culture" focused on commercialisation and income generation. In this context, special attention will continue to be paid to 'advancing equality' and safeguarding children and 'adults at risk'.
- 12.2 It is important to understand that our obligation to have "due regard" to the three aims of the 'general duty' does not mean that decisions which have a disproportionate impact upon one or more 'protected characteristics' cannot necessarily be taken. The Council must nevertheless always seek to remove or reduce negative impacts.
- 12.3 The Council's approach must continue to be proportionate, with key decisions being given due priority. Equality Impact Assessments must remain an integral part of the decision-making process when addressing changes to policies and practices.

13. Equality, Diversity and Human Rights Implications

- 13.1 This report is an annual update about Equality and Diversity, and Safeguarding. The importance that the Council attaches to these areas helps to protect vulnerable groups from harm and exploitation and promotes the human rights of all.

14. Community Safety and Health and Safety Implications

- 14.1 The Council's approach to Equality and Safeguarding involves working closely with partners and communities. The [Safer Colchester Partnership](#) plays a vital role in helping the Council to meet its legal duties around safeguarding.
- 14.2 By meeting its Public Sector Equality Duty, the Council will help to ensure that employees do not suffer discrimination, harassment or victimisation. This will in turn create a safer working environment, and one which is consistent with the Council's Health and Safety policies.

15. Risk Management Implications

- 15.1 As an employer and provider of public services, the Council could face legal challenges from individuals or groups who have been unlawfully discriminated against, however unintended. Legal cases brought on grounds of discrimination do not have upper financial limits like those brought through employment tribunals. The Council must meet its responsibilities to ensure it does not discriminate, and this will also help to avoid the potential for significant financial claims.
- 15.2 The Council could suffer significant reputational damage should its staff or councillors fail to comply with their Safeguarding responsibilities. This paper details the Council's strategic and operational approach in this area.