

## PFCC Decision Report

**Report reference number:** 060-21

**Classification:** Not protectively marked

**Title of report:** Equality, Diversity and Inclusion Strategy – revision of EDI Objectives

**Area of county / stakeholders affected:** Countywide

**Report by:** Darren Horsman (Strategic Head of Policy and Public Engagement)

**Date of report:** 29 April 2021

**Enquiries to:** Darren Horsman (Strategic Head of Policy and Public Engagement)

### 1. Purpose of the report

To approve the updated equality objectives within the Equality, Diversity and Inclusion Strategy 2020-2022.

### 2. Recommendations

That the updated Equality, Diversity and Inclusion Strategy, including the PFCC's updated equality objectives, attached as Appendix 1, is approved for adoption. In particular, the PFCC agrees to split the scrutiny objective within the Strategy in to two separate objectives one focused on Essex Police and the other on Essex County Fire and Rescue Service. This will provide a more tailored and focused approach to the scrutiny of each of the Services.

### 3. Benefits of the proposal

The Police, Fire and Crime Commissioner (PFCC) for Essex is responsible for securing and maintaining an efficient and effective police service for the people of Essex and since October 2017 has also been responsible for Essex County Fire and Rescue Service (ECFRS) as the Police, Fire and Crime Commissioner Fire and Rescue Authority.

The PFCC's vision is to create safe and secure communities which are the bedrock on which we build success and wellbeing for all. Embedded in this vision is a need to work with, alongside and for local communities and, at its heart, this vision relies on the successful implementation of the three general aims of the Public Sector Equality Duty.

This vision is set out clearly within both the Police and Crime Plan 2016-2020 (now extended until 2021) and the Fire and Rescue Plan 2019-2024 and is well integrated into the work of both services. This clear strategic focus has helped both services to attract a more diverse workforce and better reflect local communities, improving the services provided and increasing the confidence those diverse communities have in them. Beyond this, both services are also working hard on making their own contributions to eliminating discrimination, achieving equality of opportunity and fostering good relations within our communities.

To achieve the Police, Fire and Crime Commissioner's vision for Essex it is important that all communities and people within Essex work well together, share an equality of opportunity and that discrimination, harassment and victimisation are eliminated wherever possible. This puts equality, diversity and inclusion at the very heart of the work the Police, Fire and Crime Commissioner does.

This strategy sets out the equality, diversity and inclusion objectives the Police, Fire and Crime Commissioner has committed to in order to support this vision for Essex and how these will be implemented and measured.

Having reviewed the 2020-2022 strategy at the PFCC's Senior Management Team after the first year of implementation it was agreed that the first EDI objective which focuses on governance of Essex Police and Essex County Fire and Rescue Service should be split into two separate objectives to better reflect the distinct legal and governance relationships with both services. .

#### **4. Background and proposal**

As a public authority, the PFCC has a legal duty, known as the Public Sector Equality Duty, to support the aims of the Equality Act 2010. This is a duty on public bodies and others carrying out public functions. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, in delivering services, and in relation to their own employees.

The Public Sector Equality Duty supports good decision making. It encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effects of our activities on different people, and how inclusive public services can support and create opportunities for our communities, public bodies are better placed to deliver policies and services that are efficient and effective.

##### Public Sector Equality Duty Aims (General Duty)

The general equality duty is set out in the Equality Act 2010. Those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act. This is the only element of the Act that applies to marriage and civil partnerships.
- Advance equality of opportunity between people who share one or more protected characteristics and those who do not. This includes removing or minimising disadvantages suffered by people due to their protected characteristics, meeting the needs of people from protected groups and encouraging people with protected characteristics to participate in public life and in other activities where participation is low.

- Foster good relations between people who share one or more protected characteristics and those who do not. This involves tackling prejudice and promoting understanding between people from different groups.

Compliance with the duty may involve treating some people differently to others. Paying due regard requires the PFCC to consider the general equality duty when making decisions so that equality issues influence the outcome, whether about the PFCC's role as an employer; the development, evaluation and review of policies, or the design, delivery and evaluation of services.

The PFCC undertakes Equality Impact Assessments on policies and procedures, at a formative stage as a matter of good practice. The analysis carried out provides a means of considering the effect on protected groups and identifies practical steps to tackle any negative effects or discrimination. Any mitigating actions that have been identified will be monitored. The process is also an opportunity to identify ways to advance equality and foster good relations.

### Protected Characteristics

The Act covers individuals grouped together by their '**protected characteristics**'. The protected characteristics set out in the Act are:

- a) Age** - The act protects people of all ages, however different treatment because of age is not unlawful if it can be justified. Compulsory retirement at any age is unlawful unless it is objectively justified.
- b) Disability** - It is discrimination to treat a disabled person less favourably because of something connected with their disability. This discrimination is unlawful where the employer knows the person has a disability. It is only justifiable if the employer can show that it is a proportionate means of achieving a legitimate aim.
- c) Sex** - Both men and women are protected under the Act.
- d) Race** - For the purpose of the Act 'race' includes colour, nationality and ethnic or national origins. A racial group can be made up of two or more different racial groups.
- e) Religion or belief** - Religion includes any religion or lack of religion. A religion must have a clear structure and belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief.
- f) Sexual orientation** - The Act protects bisexual, gay, heterosexual, lesbian, transgender and non-binary people.
- g) Gender reassignment** - The Act provides protection for transsexual people, defined as those who are proposing to undergo, are undergoing or have undergone a process to change their gender. A person is not required to be under medical supervision to be protected.
- h) Pregnancy and maternity** - A woman is protected against discrimination during the period of her pregnancy and any statutory maternity leave to which she is entitled. An employee's period of absence due to pregnancy related illness must not be taken into account when making a decision about her employment e.g. redundancy.

- i) **Marriage and civil partnership** (not covered by all aspects of the duty) - The Act protects employees who are married or in a civil partnership against discrimination. Single people are not protected.

### Public Engagement

In developing this strategy, feedback was sought from Essex Police, the Strategic Independent Advisory Group (IAG) and specialists from Essex County Council. Views were also sought from the Essex Equality Network and from all staff in the Police, Fire and Crime Commissioner's office, including the Commissioner's Senior Management Team.

The Senior Management Team undertook a review after one year of implementation which has led to the specific change in this strategy, to separate the governance objective into two different distinct objectives.

## **5. Alternative options considered and rejected**

When looking at the development of the strategy in 2020 several different approaches were considered, including not having a specific strategy and instead integrating equality, diversity and inclusion elements into all existing strategies. This option was rejected as having a specific strategy means that staff and the public can be clearer on what will be delivered, by who and with what effect.

Once the decision to develop a full strategy was agreed we then considered several different equality objectives based on both the feedback from external groups and from externally facilitated workshops with the Commissioner's team. The objectives presented in the attached strategy were chosen as they will deliver the biggest initial benefit for the people of Essex; were well received by external stakeholders, and provide a pragmatic and achievable set of objectives for the first year of the strategy. It was recognised in considering the different objectives that these can be updated annually or earlier if appropriate.

In the recent review we did consider keeping the governance objective as a single objective however, our experience over the last year led us to discount this option as not providing sufficient clarity for the wider team to understand the effectively implement the objective.

## **6. Strategic Plans**

The proposals set out in this report contribute to the delivery of the Police and Crime Plan and the Fire and Rescue Plan by ensuring the Commissioner delivers against the Public Sector Equality Duty and that the services are effectively working to eliminate discrimination and build positive relationships between people, including those with different protected characteristics.

## **7. Police operational implications**

The policy was reviewed by Essex Police when it was developed in 2020 and considered alongside its own statutory responsibilities and the Equality, Diversity and Inclusion Strategy it developed. These documents are complementary and, as such, this strategy

will have no additional implications on operational policing beyond the increased scrutiny proposed as one of the four equality objectives.

## **8. Financial implications**

There are no new financial implications arising from the adoption of this strategy, which will be delivered within existing resources.

## **9. Legal implications**

Adoption of this strategy will provide reassurance that the PFCC is meeting their Public Sector Equality Duty as set out in the Equality Act 2010. The proposal will also support a more robust scrutiny process which will provide the Commissioner with stronger reassurance that both Essex Police and the Essex County Fire and Rescue Service are also meeting their Public Sector Equality Duty.

## **10. Staffing implications**

All staff will be required to comply with this strategy. Activity against the strategy will form part of the Police, Fire and Crime Commissioner's annual business plan and will be incorporated into relevant Professional Development Plans.

## **11. Equality and Diversity implications**

This strategy will help the Commissioner fulfil their Public Sector Equality Duty by clearly setting out the equality objectives they are committing to and how, in performing their functions, they will have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act. This is the only element of the Act that applies to marriage and civil partnerships.
- Advance equality of opportunity between people who share one or more protected characteristics and those who do not. This includes removing or minimising disadvantages suffered by people due to their protected characteristics, meeting the needs of people from protected groups and encouraging people with protected characteristics to participate in public life or in other activities where participation is low.
- Foster good relations between people who share one or more protected characteristics and those who do not. This involves tackling prejudice and promoting understanding between people from different groups.

## **12. Risks**

This strategy sets out pragmatic yet challenging objectives that require significant changes to be implemented across the Police, Fire and Crime Commissioner's team. While significant efforts have been made to ensure the team is committed to the strategy, including through their involvement in developing the strategy, it is vital that commitment to these objectives is maintained if the strategy is to be successfully delivered.

The risk if this strategy is not delivered is that the Commissioner will be unable to evidence how they have fulfilled their obligations under the Equality Act 2010. Further to

this the Commissioner may also lack the reassurance they require to be confident that their vision for Essex is being implemented.

### **13. Governance Boards**

The updated Equality, Diversity and Inclusion Strategy attached for approval at Appendix 1 was discussed by the PFCC's Senior Management Team on 30 June 2020 and approved in principle for adoption by the PFCC. The revised objectives were discussed at the PFCC's Senior Management Team meeting on the 14<sup>th</sup> of April as part of the review of our progress in delivering against these objectives, reviewed at the PFCC's team meeting on the 27<sup>th</sup> of April and agreed at the 28<sup>th</sup> of April.

### **14. Background papers**

Appendix 1 – Equality, Diversity and Inclusion Strategy

[Decisions Sheet 078-20 EDI Strategy](#)

**Report Approval**

The report will be signed off by the PFCC’s Chief Executive and Chief Finance Officer prior to review and sign off by the PFCC / DPFCC.

Deputy M.O.

Sign: 

Print: Darren Horsman

Date: 29.4.2021

Chief Finance Officer

Sign: 

Print: Julia Berry

Date: 4 May 2021

**Publication**

Is the report for publication?

YES

NO

If ‘NO’, please give reasons for non-publication (Where relevant, cite the security classification of the document(s). State ‘None’ if applicable)

.....  
.....N/A.....

If the report is not for publication, the Chief Executive will decide if and how the public can be informed of the decision.

**Redaction**

If the report is for publication, is redaction required:

1. Of Decision Sheet? YES   
NO

2. Of Appendix? YES   
NO

If ‘YES’, please provide details of required redaction:

.....  
.....N/A.....

Date redaction carried out: .....

**Treasurer / Chief Executive Sign Off – for Redactions only**

If redaction is required, the Treasurer or Chief Executive is to sign off that redaction has been completed.

**Sign:** .....

**Print:** .....

**Chief Executive/Treasurer**

**Decision and Final Sign Off**

I agree the recommendations to this report:

**Sign:** 

**Print:** ROGER HIRST

**Date signed:** 30 June 2021

I do not agree the recommendations to this report because:

.....  
.....  
.....

**Sign:** .....

**Print:** .....

**PFCC/Deputy PFCC**

**Date signed:** .....