

EXECUTIVE MEMBER FOR FINANCE AND GOVERNANCE

A meeting of the Executive Member for Finance and Governance was held on Wednesday 14 December 2022.

PRESENT: Councillors , S Walker

PRESENT BY INVITATION:

ALSO IN ATTENDANCE:

OFFICERS: S Blood, A Johnstone, N Mearns and J Savage

APOLOGIES FOR ABSENCE:

22/4

ANNUAL EQUALITY AND INCLUSION REPORT 2021

The Director of Legal and Governance Services submitted a report, which presented the Council's Equality and Inclusion Report 2020-21 and asked the Executive Member to agree a number of actions to improve outcomes for local communities and the Council's workforce.

The report outlined that the Equality Act 2010 placed a Public Sector Equality Duty (PSED) on local authorities and other bodies. The broad purpose of the PSED was to integrate consideration of equality and good relations into day-to-day business. It required equality considerations to be reflected into the design of policies (including internal policies) and the delivery of services, and for these issues to be kept under review. One way in which the Council meets this duty is that it has an impact assessment policy in place. This ensures that it considers the requirements of the PSED within its decision making processes.

This PSED was supported by specific regulations that place additional duties upon the Council. In particular the Council is required to publish a range of data to demonstrate its compliance with the PSED and on the composition and equality of its workforce.

The Council's Annual Equality and Inclusion Report ensures that these duties are met and that all relevant data is published, in line with statutory requirements.

The report covered at the meeting (Appendix 1) covers 2021 and:

- describes and compares the diversity of Middlesbrough's population and the Council's workforce, alongside appropriate comparators;
- sets out how the Council complies with its duties under the Equality Act 2010; and
- summarises progress to date in actions taken to improve equality and inclusion outcomes for local communities and the Council's workforce, and sets out further action to be taken in the next year.

The report and associated datasets would be published on the Council's Open

Data site following approval.

The report finds that:

- The town continues to be younger than national averages, with the percentage of the population under the age of 15 increasing, while it is decreasing nationally
- Middlesbrough continues to be one of the most deprived areas in England, with the highest proportion of children in the country living in income deprived households.
- The diversity of the Council's workforce continues to be broadly equivalent to local diversity, with the exception of ethnicity. Those from non-white backgrounds communities continue to be underrepresented and has dipped from 4.05% to 3.4% in 2021 although the diversity of applicants for vacant posts has increased.
- The Council continues to have an appropriate suite of policies in place to protect employees from discrimination, and there is no evidence of negative discrimination within the Council's operations.
- The Council supports staff at work to fulfil their potential. We recognise that staff are the happiest when they are supported. The Council has 5 networks including Disability and Wellbeing, Carers, Race, Religion and Belief including three newly introduced networks LGBT+, Gender and Menopause. The networks are a safe place for staff to voice any issues, help improve inclusivity and tackle discrimination. The Council's initiatives in support of its equality objectives and the wider inequalities agenda are embedded within its Strategic Plan. This ensures that it can continue to demonstrate compliance with its legal duties in the Equality Act.

The action plan for 2022/23 at the conclusion of report responds to these findings.

As previously reported to the Executive, the disproportionate impacts of the COVID-19 pandemic exposed the inequalities that exist within societies across the world, including within Middlesbrough.

OPTIONS

Other potential decisions and why these have not been recommended

The Council could choose to present the data within this report within two more separate reports (e.g. one regarding equality objectives and another on workforce data). However, this is not recommended, as bringing all data together in one report provides for coherent analysis and response and is in line with the Council's commitment to openness and transparency.

ORDERED

That the Executive Member notes the findings and progress outlined in the Equality and Inclusion Report 2021 (Appendix 1) and approves the proposed actions set out within the report to promote continuous improvement.

REASON

The decision was supported by the following reason:

To demonstrate the Council's compliance with the PSED and related requirements to publish related data, and to demonstrate to all stakeholders the Council's commitment to improving equality and inclusion within Middlesbrough and within its workforce.

22/5

SURVEILLANCE POLICY 2022/23

The Director of Legal and Governance Services submitted a report that sought approval of the proposed corporate Surveillance Policy for 2022/23.

Guidance underpinning the Regulation of Investigatory Powers Act (RIPA) 2000 states that elected members should review the Council's use of RIPA powers and set the RIPA policy at least once per annum.

Use of RIPA powers are considered annually by Corporate Affairs and Audit Committee as part of the annual report of the Senior Information Risk Owner. Statistical information on use of the powers will be reported to a future meeting of the Culture and Communities Scrutiny Panel.

The report provided background information, advising that RIPA was the law governing the use of surveillance techniques by public authorities, including local authorities. RIPA requires that when public authorities need to use covert techniques to obtain private information about someone, they only do so if surveillance is necessary, proportionate, and compatible with human rights. Typically this relates to suspected criminal activity that is likely to result in a custodial sentence of six months or more.

This policy is updated annually and was last approved by the then Executive Member for Environment, Finance and Governance in August 2021.

As reported in the last annual review of this policy, in late 2020 the Council was subject to a (periodic) inspection by the IPCO regarding its use of RIPA powers. In summary, the conclusions of this inspection (reported in full to Corporate Audit and Affairs Committee on 29 April 2020) were that the Council has a strong compliance regime for the use of RIPA powers, with the use of the Electronic Document and Records Management System highlighted as a particular strength.

No formal recommendations for improvement were made by the IPCO following this inspection, however the Council agreed with the IPCO that from now on it will maintain an overarching Surveillance Policy (Appendix 1), which will cover CCTV, RIPA, non-RIPA covert surveillance and the surveillance of employees. This continues to be reflected in the policy and content was reviewed as part of the 2022 annual review. The 2022 review has also had due regard to draft guidance published by the Information Commissioners Office in October 2022 'Employment practices: monitoring at work draft

guidance¹.

This was necessary to ensure that any covert surveillance undertaken by the Council that does not meet the RIPA threshold is lawful and that due regard is given to human rights and to data protection rights, and to clarify for the benefit of employees when and under what circumstances they will be subject to surveillance.

OPTIONS

Other potential decision(s) and why these have not been recommended

The Council could choose to restrict this policy to RIPA activity only and develop and implement separate policies relating to non-RIPA surveillance, employee surveillance and other issues not currently covered by policy. However, this is not recommended, as a single policy provides for a coherent and systematic approach and is in line with the Council's commitment to openness and transparency.

ORDERED

That the Executive Member approves the proposed corporate Surveillance Policy for 2022/23.

REASON

The decision was supported by the following reason:

To demonstrate the Council's compliance with all legal duties relating to surveillance and to provide clarity to all stakeholders in a single policy document the circumstances under which the Council will use surveillance and how this will be done.

22/6

CORPORATE FOOD POVERTY POLICY

The Director of Finance submitted a report to approve the adoption of the Corporate Food Poverty Policy. The purpose of this new policy was to provide clear guidance for all Council Officers on addressing the causes and effects of poverty whilst enhancing signposting of vulnerable residents and customers to the most appropriate existing free and discounted food provision throughout the borough. It forms a road map to help someone who is in food poverty to address their immediate situation and support them to become self-sufficient, food-secure and not reliant on temporary aid.

The report outlined that Middlesbrough's existing high levels of multiple deprivation factors have been exacerbated first by the impact of Covid-19 and more recently by the energy and cost of living crises, resulting in growing

¹ <https://ico.org.uk/media/about-the-ico/consultations/4021868/draft-monitoring-at-work-20221011.pdf>

numbers of residents presenting to the council and its partners in food poverty as a result of complex, diverse and manifold financial support needs.

In recognition of this impact on the town, the council's refreshed Strategic Plan 2021-2024 outlined a Priority to "address the causes of vulnerability and inequalities in Middlesbrough and safeguard and support those made vulnerable."

To support this Priority and address these local financial support needs, on 12 July 2022 Executive approved the council's Welfare Strategy. The overarching Strategy combines within a holistic single-touch approach a wide collective of support policies to help Middlesbrough's most vulnerable residents, incorporating debt management solutions, crisis support, Council Tax Reduction, benefits maximisation and hardship relief, facilitated by the Resident and Business Support Service.

This Corporate Food Poverty Policy forms the final segment of that Strategy, and links very closely to the Crisis and Vulnerability Policies in tackling food poverty in the borough.

The Council's food poverty policy has the following objectives:

- To help the council achieve its Strategic Plan 2021-2024 Priority to "address the causes of vulnerability and inequalities in Middlesbrough and safeguard and support those made vulnerable."
- To provide a structured approach to ensuring a professional, consistent and timely response to the identification and resolution of food poverty across all of the Council's functions.
- To fortify local food, financial and welfare support partnership links.
- To improve long-term food security for the residents of Middlesbrough in order to reduce dependency on temporary food aid.

The outcomes expected from this policy were:

- Promotion of understanding of the drivers of food poverty;
- Ensuring employees and partners are confident in identifying a food need;

- Creation and maintenance of clear signposting routes for residents experiencing food insecurity towards available immediate food aid within the borough;
- Addressing the underlying poverty cause by providing clear navigation for residents who access any of the Council's services presenting with an underlying food poverty situation, to be able to access existing council support mechanisms including the Welfare Strategy and associated financial assistance, advice and support;
- Development of a multi-agency Food Poverty Action Plan (FPAP) to build long-term food security for Middlesbrough.

OPTIONS

Other potential decision(s) and why these have not been recommended

N/A.

ORDERED

That the adoption of the Corporate Food Poverty Policy be approved.

REASONS

The decision was supported by the following reasons:

- 1. The Corporate Food Poverty Policy outlines the council's long-term role and approach in addressing the underlying poverty element of food need and insecurity (through the provision of financial assistance, advice and signposting support), in order to support individuals in freeing up disposable income to enable families to feed themselves and to therefore break the cycle of dependency on temporary and emergency food and crisis aid.**
- 2. The Policy clearly sets out how the Council will identify and holistically support residents who are in temporary and long-term food poverty, utilising the established Welfare solution. It provides structured guidance to employees about the council support services available to residents who access any food provision portals that can help with the root cause of the underlying poverty. It also covers how the council will improve signposting about the specific types of direct food support available locally.**
- 3. Adoption of the Policy will ensure a clear, consistent and individual-centred approach when responding to residents who present themselves in food poverty, and will help the council to achieve its Strategic Plan 2021-2024 Priority to "address the causes of vulnerability and inequalities in Middlesbrough and safeguard and support those made vulnerable."**

14 December 2022

The decision(s) will come into force after five working days following the day the decision(s) were published unless the decision becomes subject to the call in procedures.