

MIDDLESBROUGH COUNCIL	
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Report of:	Director of Legal and Governance Services
Relevant Executive Member:	Executive Member for Finance and Governance
Submitted to:	Executive Member for Finance and Governance
Date:	20 March 2024
Title:	Corporate Equality and Inclusion Policies – triennial refresh
Report for:	Decision
Status:	Public
Strategic priority:	All
Key decision:	No
Why:	Decision does not reach the threshold to be a key decision
Subject to call in?:	Yes
Why:	Not urgent

Proposed decision(s)
That the Executive Member for Finance and Governance approves the triennial review of the Corporate equality and inclusion policies. Equality and Inclusion Policy (Appendix 1), Equality Monitoring Policy (Appendix 2), Impact Assessment Policy (Appendix 3) and the Monitoring of Hate Incidents Policy (Appendix 4).

Executive summary
The report seeks approval for proposed revisions to four of the Council’s corporate equality and inclusion policies following their scheduled triennial review in order to ensure continued compliance with the Equality Act 2010.

Purpose

1. This report presents and seeks approval of the proposed revisions to four of the Council's equality and inclusion policies following their scheduled triennial review in order to ensure our continued compliance with the Equality Act 2010.

Recommendations

2. That the Executive Member for Finance and Governance approves the triennial review of the Corporate equality and inclusion policies. Equality and Inclusion Policy (Appendix 1), Equality Monitoring Policy (Appendix 2), Impact Assessment Policy (Appendix 3) and the Monitoring of Hate Incidents Policy (Appendix 4)..

Rationale for the recommended decision(s)

3. Consideration of policies required to ensure compliance with the Equality Act 2010 is a duty reserved to the Executive Member for Communities and Education within the Executive Scheme of Delegation.

Background and relevant information

4. The Equality Act 2010 places a Public Sector Equality Duty (PSED) on the Council and is supported by specific equality regulations that the Council must also comply with.
5. The PSED requires that when taking decisions the Council must have due regard to the need to:
 - eliminate discrimination, harassment and victimisation;
 - 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.
6. Furthermore, the Act states that compliance with this duty may involve:
 - removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
 - Encouraging persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

7. The PSED states consideration should also be given to the steps involved in meeting the needs of disabled persons where they are different from the needs of people who are not disabled including, in particular, steps to take account of disabled persons' disabilities.
8. The protected characteristics set out in the Equality Act 2010 are:
 - age;
 - gender reassignment;
 - race;
 - sex; and
 - disability;
 - pregnancy and maternity.
 - religion or belief.
 - sexual orientation
9. The Act is supported by specific regulations, which place additional duties upon the Council. It is required publish information to demonstrate compliance with the PSED. The Council must also prepare and publish one or more specific and measurable objectives it thinks it should achieve to enable it to meet the general PSED.
10. The Council has in place the following corporate equality and inclusion policies as part of a range of measures to ensure compliance with the PSED:
 - **Equality and Inclusion Policy:** This policy sets out how the Council will ensure customers, employees and job applicants are treated fairly and in line with the protections set out for relevant characteristics within the Equality Act 2010.
 - **Equality Monitoring Policy:** This policy establishes a consistent approach to the collection of user equality and diversity data within the development and delivery of Council services. Provision of this data is discretionary in some cases, but ensures that the Council is able to understand the impacts of its decisions and services on different groups (including its employees) and communities. The policy was amended to align with revisions to equality monitoring questions used within the latest Census, conducted in 2021. This will enable toe council to be able to compare data gathered using this policy to wider population level data within the Census. The policy continues to contain provisions to enable the Council to expand question sets within targeted consultation to gain richer feedback.
 - **Impact Assessment Policy:** This policy sets out the process to be followed to ensure officers developing recommendations fully understand and weigh the consequences of possible and actual interventions and articulate these effectively to decision-makers. It ensures that appropriate consideration is given to the PSED.
 - **Monitoring of Hate Incidents Policy:** This policy sets out how the Council will collate details of hate incidents either witnessed by its staff or reported to them. Hate crimes will also be reported to the Police. The process underpinning the policy has been amended as part of the review to strengthen it and includes an appendices of support services available locally to those who need support and or have been affected by a hate incident.

11. These policies are reviewed every three years unless there are changes to legislation in the intervening period that would require an earlier review.

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

12. The Council could choose not to adopt corporate policies on equality and inclusion, however legal duties would remain in place and in the absence of a standard approach there would be an increased risk of making decisions that fail to meet those legal duties. Given these duties are in place this option is not recommended.

Impact(s) of the recommended decision(s)

Financial (including procurement and Social Value)

13. There are no additional financial costs associated with the approval of these recommendations.

Legal

14. The policies will continue to ensure that the Council conducts its business and decision making in line with the requirements of the Equality Act 2010.

Risk

15. Approval of the policies will positively impact on risks within the Council's risk registers, primarily the risk that the Council fails to comply with the law.

Human Rights, Public Sector Equality Duty and Community Cohesion

16. The proposed policy has been subject to Level 1 (screening) impact assessment (at Appendix 3). This assessment identified that no negative differential impacts on diverse groups and communities within Middlesbrough is anticipated from the implementation of the policy. It is found that these policies would have a positive impact on all groups in ensuring that the Council maintains a standard approach in continuing to be compliant with the PSED.

Climate Change / Environmental

17. There are no climate or environmental impacts associated with the proposed policy.

Children and Young People Cared for by the Authority and Care Leavers

18. There are no direct implications arising from this Policy on this group as identified in the equality impact assessment (Appendix 2).

Data Protection / GDPR

19. These policies aim to protect individual rights against the legislation in relation to their protected characteristics.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Publication of the policies on the MBC Website and Intranet pages	L Hamer	31/03/2024

Appendices

1	Equality and Inclusion Policy
2	Equality Monitoring Policy
3	Impact Assessment Policy
4	Monitoring of Hate Incidents Policy
5	Impact Assessment Level 1: Initial screening assessment – all policies

Background papers

Body	Report title	Date
Executive Member for Finance and Governance	Equality and Diversity Policies	11/02/2021 Refresh

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