

Report of: Director of Legal and Governance Services**Submitted to:** Executive Member for Communities and Education, 11 February 2021**Subject:** Corporate equality and inclusion policies – triennial refresh**Summary****Proposed decision(s)**

That the Executive Member approves the proposed revised corporate policies relating to equality and inclusion (Appendix 1), equality monitoring (Appendix 2), impact assessment (Appendix 3) and the monitoring of hate incidents (Appendix 4).

Report for:	Key decision:	Confidential:	Is the report urgent?
Decision	No	No	No

Contribution to delivery of the 2020-23 Strategic Plan

People	Place	Business
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The policies will ensure that the Council conducts its business and decision making in line with the requirements of the Equality Act 2010, ensuring that decision-making is fair, transparent and is based on clear evidence.

Ward(s) affected

There is no direct impact on any ward from the recommendations of this report.

What is the purpose of this report?

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

Why does this report require a Member decision?

2. 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.

Report Background

3. 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.
4. 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.
5. 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.
6. 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.
7. The protected characteristics set out in the Equality Act 2010 are:
 - age;
 - disability;
 - gender reassignment;
 - pregnancy and maternity;
 - race;
 - religion or belief;
 - sex; and
 - sexual orientation.
8. 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 objective it thinks it should achieve to enable it to meet the general PSED.

9. The Council has in place four corporate equality and inclusion policies 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 but ensures that the Council is able to understand the impacts of its decisions and services on different groups (including its employees) and communities. Consideration was given to expanding the range of options within the questions to give a richer range of responses. It is not recommended at this time because alignment with the Census which provides the most comprehensive demographic data set for the town. There will be occasions where the Council may choose 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.

10. These policies were approved in November 2017 and are reviewed every three years, unless there are changes to legislation in the intervening period that would require an earlier review. The policies were reviewed in late 2020 and the review resulted in the proposal of minor revisions to the existing policies:

- all policies have been revised to reflect organisational changes since November 2017; and
- the Equality Monitoring Policy has been revised to ensure that the standard questions align with the planned question structure within the 2021 Census.

What decision(s) are being asked for?

11. That the Executive Member approves the proposed revised corporate policies relating to equality and inclusion (Appendix 1), equality monitoring (Appendix 2), impact assessment (Appendix 3) and the monitoring of hate incidents (Appendix 4).

Why is this being recommended?

12. To ensure that the Council retains a framework that provides a structure for fair and transparent decision-making and ensure compliance with the PSED.

Other potential decisions and why these have not been recommended

13. The Council could decide not to adopt corporate policies on equality and inclusion, however legal duties would remain in place and in the absence of standard approaches there would be an increased risk of making decisions that fail to meet those legal duties. As such, this option is not recommended.

14. Alternatively, the Council could combine these policies into fewer than four documents. The number of corporate policies was streamlined at the last review and it is considered appropriate to have a short, overarching equality and inclusion policy for all stakeholders supported by more detailed specific policies for those that use them. As such, this option is not recommended.

Impact(s) of recommended decision(s)

Legal

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

Financial

16. There are no financial costs directly associated with the approval of the proposed revised policies.

Policy Framework

17. The proposed revised policies are aligned with the Council's policy framework.

Equality and Diversity

18. An impact assessment of the proposed revised policies is attached at Appendix 5 and found that the policies would have a positive impact on all groups in ensuring that the Council maintains a standard approach and continues to be compliant with the PSED.

Risk

19. Approval of the policies will retain a key mitigation of the following risk within the Council's risk registers: 08-035 failure to take proper account of equality legislation results in inequalities complaints and legal challenge.

Actions

20. Following approval the policies will be published on the Council's intranet and Open Data site.

Appendices

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

Background papers

22/11/17 Executive Member for Finance and Governance Equality and Diversity Policies – 2017 Refresh

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