

BABERGH DISTRICT COUNCIL

TO:	Babergh Council	REPORT NUMBER:	BC/19/13
FROM:	Councillor John Ward, Leader of the Council	DATE OF MEETING:	23 July 2019
OFFICER:	Kate Parnum – Project and Research Officer (lead officer for equality and diversity)	KEY DECISION REF NO.	N/A

EQUALITY AND DIVERSITY POLICY

1. PURPOSE OF REPORT

- 1.1 To consider the Equality and Diversity Policy which is designed to meet the Council's responsibilities under the Equalities Act 2010 and to continue to embed best practice. This policy is in line with the Council's corporate priorities and underpins their delivery.

2. OPTIONS CONSIDERED

Two options are to be considered:

- 2.1 To continue with the current position of delivering services under the direct auspices of the Equality Act 2010 and its supporting documents. The Council will continue to meet its responsibilities under the Act and specifically in regard to the public sector duty which is the key duty for Councils.
- 2.2 To embed best practice of equality and diversity across the Council through an Equality and Diversity Policy. This will cement activity, provide a framework and offer straightforward guidance to all staff to ensure that the Council's responsibilities are met under the Equality Act 2010. The policy will over arch supporting documents to help facilitate the Council's duties.

3. RECOMMENDATION

That Full Council discuss the Equality and Diversity Policy (Appendix A) and recommend to Cabinet that it be adopted.

REASON FOR DECISION

To recommend Cabinet adopts the Equality and Diversity Policy which meets the Council's responsibilities under the Equality Act 2010.

4. KEY INFORMATION

- 4.1 The Equality Act 2010 brought together over 116 separate pieces of legislation into one single Act. This new Act provided the legal framework to protect the rights of individuals in advancing equality of opportunity for all.

Within the 116 separate pieces of legislation it included nine main pieces of legislation including the Equal Pay Act 1970, Sex Discrimination Act 1975, the Race Relations Act 1975, the Disability Discrimination Act 1995, the Employment Equality (Religion or Belief) Regulations 2003, the Employment Equality (Sexual Orientation) Regulations 2003, the Employment Equality (Age) Regulations 2006, the Equality Act 2006, Part 2, and the Equality Act (Sexual Orientation) Regulations 2007.

4.2 The Equality Act 2010 introduces the public sector equality duty requiring public authorities, in the exercise of their functions, to have due regard to the need to:

- Eliminate determination, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

4.3 Additional guidance documents underpin the draft Equality and Diversity Policy in relation to embedding equalities through policy-making and in service delivery. This is to ensure that everyone in the Council is meeting the statutory equality requirements.

4.4 A stand-alone Equality and Diversity Policy is considered important for a number of reasons:

- Since the Equality Act 2010 was first introduced there has been a number of additional changes which further expand the rights of individuals to be treated equally and fairly.
- The Council is committed to providing equality of opportunity for people, and for communities, that are becoming more diverse.
- In the workforce, everyone needs to feel included and to play their part in making the Council great places to live work and visit.

4.5 The aims of the Equality and Diversity Policy are to:

- a) Promote equality of opportunity between people who share a protected characteristic and people who do not share it.
- b) Eliminate unlawful discrimination, harassment and bullying.
- c) Promote understanding, tackle prejudice and foster positive relations between different communities.
- d) Make reasonable adjustments.
- e) Take steps to remove barriers or inequalities that may already exist.
- f) Promote a workforce culture that values and respects difference.
- g) Engage with local communities fairly and proportionately

- h) Encourage people who share a protected characteristic to participate in public life or in any other activity in which their participation is disproportionately low.
- 4.6 To ensure that the Council can demonstrate discharging its responsibilities under the public sector equality duty, there is a duty to publish one or more equality objectives at least every four years, these are currently under review.
- 4.7 Equality screening and Equality Impact Assessments (EIAs) are in use across the organisation as an effective way of considering, informing and consulting on any impacts, of proposed changes, to people according to their characteristic. They enable the Council to demonstrate that due regard has been paid in coming to key decisions.
- 4.8 The Council's recruitment policy ensures that the Council doesn't treat anyone less favourably on the grounds of any protected characteristics except when such treatment is within the law and determined by lawful requirements.

5 LINKS TO JOINT STRATEGIC PLAN

- 5.1 The Equality and Diversity Policy supports and embeds the Council's statutory equality requirements in the delivery of the Joint Strategic Plan.

6 FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications arising from the policy as there are no additional requirements on any service within the Council.

7 LEGAL IMPLICATIONS

- 7.1 The Equality Act 2010 and the associated public sector duty is a basic requirement of the Council which eliminates unlawful conduct, advances equality of opportunity and fosters good relations between people from different groups. The Equality and Diversity Policy isn't a legal requirement but provides officers of the Council with guidance to ensure statutory equality requirements are met.
- 7.2 Information collected to monitor equality and fairness includes personal data. Therefore, the council's policy on this activity must comply with the current data protection legislation, namely the General Data Protection Regulation (GDPR) (2016/679) and the Data Protection Act 2018.
- 7.3 The GDPR sets out how personal information can be used by government, companies and other organisations and places a strong emphasis on being accountable for and transparent about our lawful basis for processing data.

8 RISK MANAGEMENT

- 8.1 This report does not link to any of the Council's significant risks, however it does link to Risk No.5G09 on the Business Support Operational Risk Register as below:

Risk Description	Likelihood	Impact	Mitigation Measures
If we do not implement our duties within the Equality Act 2010, then our services may not be inclusive of people with protected characteristics and may not demonstrate 'due regard' within our decision-making processes leading to reputational risk'	3	3	<ul style="list-style-type: none"> • Equality and Diversity Policy • Objectives under review • Effective screening and Equality Impact Assessments • Transparency of suppliers of our services having 'due regard' • Training of staff and Councillors

9 CONSULTATIONS

9.1 This policy underpins the Equality Act 2010 and hence no external consultation is required. Consultations will be undertaken during the review of the Council's equality objectives.

10 EQUALITY ANALYSIS

10.1 An Equality Impact Assessment screening has been completed and there are no impacts on any of the protected characteristics.

11 ENVIRONMENTAL IMPLICATIONS

11.1 There are no environmental implications in recommending Cabinet to approve this policy.

12 APPENDICES

Title	Location
(a) Equality and Diversity Policy	Attached
(b) Equality Impact Assessment	Attached

BACKGROUND DOCUMENTS

The Equality Act 2010 and the essential guide to the public sector equality duty.