

This report will be made public on 7 April 2017

Folkestone

Hythe & Romney Marsh
Shepway District Council



Report Number **C/16/116**

To: Cabinet
Date: 19 April 2017
Status: Key Decision
Chief Executive: Alistair Stewart
Cabinet Member: Councillor David Monk – Leader of the Council

SUBJECT: EQUALITY & DIVERSITY POLICY AND ANNUAL REPORT 2016

SUMMARY: This report presents the draft Equality and Diversity Policy for 2016-2020 for consideration by Cabinet. The existing Policy covered the period 2012-2016 and therefore a refresh was required. The duties with regard to equality and diversity have not changed and therefore the proposed changes to the Policy are minor. The aim of the Equality and Diversity Policy remains the same; to ensure everyone has the right to be treated fairly at work or when using the council's services.

In addition, as part of the duties the council is required to prepare and publish an Annual Equality Report that provides information about the work we are doing in relation to equality and diversity.

REASON FOR RECOMMENDATIONS:

The council is committed to ensuring that everyone has the right to be treated fairly at work or when using council services. In addition, the council needs to ensure that it meets its requirements under the Public Sector Equality Duty. The recommendations made in this report are aimed at achieving these measures.

RECOMMENDATIONS:

Cabinet is asked to consider and approve the following recommendations:

1. **To receive and note report C/16/116.**
2. **To consider and approve the draft Equality & Diversity Policy for 2016 – 2020 outlined in Appendix 1.**
3. **To consider and approve the draft Annual Equality Report for 2016 outlined in Appendix 2.**

1. BACKGROUND

- 1.1 The Equality Act received royal assent on 6 April 2010 which include general duties for all public organisations and other specific duties to listed public organisations (including local authorities) that were brought into effect through the Public Sector Equality Duty (PSED) in April 2011.
- 1.2 The Public Sector Equality Duty is made up of a general equality duty which is supported by specific duties. The 'public sector equality duty' is the formal title of the legislation, the 'general equality duty' is the overarching requirement or substance of the duty, and the 'specific duties' are intended to help performance on the general equality duty¹.
- 1.3 The general equality duty requires public authorities, in the exercise of their functions, to have due regard to the need to:
- Eliminate discrimination, 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.
- 1.4 The Equality Act explains that having **due regard** for advancing equality involves:
- Removing or minimising disadvantages suffered by people due to their protected characteristics.
 - Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
 - Encouraging people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

Public authorities are required to have due regard to the aims of the general equality duty when making decisions and when setting policies.

- 1.5 The Equality Act 2010 outlines the following protected characteristics that must be considered when referring to equality and diversity:
- Age
 - Disability
 - Gender reassignment
 - Marriage and civil partnership (this is only in regard to the first general equality duty of eliminating discrimination).
 - Pregnancy and maternity
 - Race (including colour, nationality and ethnic or national origins)
 - Religion or belief (including atheist beliefs and no religion or belief)

¹ <https://www.equalityhumanrights.com>

- Sex
- Sexual orientation (gay, lesbian, bisexual and heterosexual)

1.6 The Public Sector Equality Duty requires us to demonstrate 'due regard' to equalities through the:

- Production of an Equality Policy every 4 years outlining how we will meet our statutory duties in regard to equality and diversity.
- Assessment of the impact on the protected characteristics in relation to how the council acts as an employer, how it develops, evaluates and reviews policy, how the council designs, delivers and evaluates services and how the council commissions and procures from others. Although no longer specifically required by the legislation, the council will continue to use Equality Impact Assessments as a process to demonstrate how the council consciously considers the aims of the Equality duty in the development of our services, functions and policies.
- Analysis of equality information to help inform decision making including the publication of Equality Impact Assessments.

2. THE EQUALITY & DIVERSITY POLICY 2016-2020

2.1 The Act requires local authorities to review their Equality & Diversity Policy every 4 years. The current Policy ran from 2012 to 2016.

2.2 The Policy itself remains largely unchanged due to no changes in legislation since 2010. The changes are mainly process based such as:

- How equalities is overseen within the council. The Diversity group has been disbanded and this role is now the responsible of Operational Management Team (which includes all Heads of Service and Direct Reports to CMT).
- Progress updates will be published annually as part of the Annual Equality Report (previously this was 6 monthly and part of the performance management process).
- Updating the hyperlinks to other relevant council policies including complaints and Whistleblowing.
- Updating the contact details to Leadership Support Team.
- The support action plan (outlined in Appendix 1 of the Policy) has been updated.

3. THE ANNUAL EQUALITY REPORT 2016

3.1 The Annual Equality Report has been updated to reflect the following changes:

- To provide a range of demographic and socio-economic information to better understand the needs of our local communities and customers.
- To demonstrate how the council is a fair employer that promotes equality of opportunity amongst both officers and members.

- To illustrate the progress that has been made by the council over the past year to promote equality and diversity.

4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

4.1 Legal Officer's Comments (AK)

The report sets out the council's duties, the legal implications are therefore set out in the report.

4.2 Finance Officer's Comments (PM)

There are no direct financial implications associated with the report.

4.3 Diversities and Equalities Implications (ST)

The adoption of the draft Equality and Diversity Policy 2016–20 is essential to enable the council to meet its statutory requirements and uphold its continued commitment to support and promote Equality and Diversity.

5. CONTACT OFFICER AND BACKGROUND DOCUMENT

- 5.1 Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

Suzy Tigwell, Leadership Support Manager
Tel: 01303 853232,
Email: suzy.tigwell@shepway.gov.uk

6. APPENDICES

Appendix 1: Draft Equality & Diversity Policy 2016–2020
Appendix 2: Draft Annual Equality Report 2016