

This report will be made public on 9 March 2021



Report Number **C/20/83**

To: Cabinet
Date: 17th March 2021
Status: Non-Key Decision
Responsible Officer: Charlotte Spendley – Director for Corporate Services
Cabinet Member: Councillor Jennifer Hollingsbee - Deputy Leader & Cabinet Member for Communities

SUBJECT: EQUALITY & DIVERSITY POLICY (2021-25)

SUMMARY: This report presents the draft Equality and Diversity Policy for 2021-2025 for consideration by Cabinet. The existing Policy covered the period 2016-2020 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.

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:

1. To receive and note report C/20/83.
2. To consider and approve the draft Equality & Diversity Policy for 2021 – 2025 outlined in Appendix 1.

1. BACKGROUND

- 1.1 The Equality Act received royal assent on 6 April 2010 which includes 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)

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

- Religion or belief (including atheist beliefs and no religion or belief)
- 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 2021-2025

2.1 The Act requires local authorities to review their Equality & Diversity Policy every 4 years. The current Policy ran from 2016 to 2020.

2.2 The Policy itself remains largely unchanged as there have been no changes in legislation since 2010. The changes are mainly process-based such as:

- The Policy has been produced on a new corporate template to meet accessibility guidelines.
- Updating of local authority name from Shepway to Folkestone and Hythe.
- Updating of job titles.
- Updating the contact details associated with the policy.
- The supporting action plan (outlined in Appendix 1 of the Policy) has been updated.

2.3 An additional section has been added to the policy (Section 9 – Wider role in the community) to reflect the council's influence in promoting equality and tackling discrimination within the community through its work with partners. This section also draws links to the emerging Corporate Plan, 'Creating Tomorrow Together, 2021-2030', considered by Cabinet on 24 February 2021.

2.4 This section also sets out the council's denunciation of all forms of discrimination and commitment to eradicating hate crime, including the full adoption of the International Holocaust Remembrance Alliance's (IHRA's) definition of Anti-Semitism. This is intended to reflect the resolution to full

Council on 21 October 2020 that the council demonstrate that it is intolerant of racism and all forms of discrimination.

3. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

3.1 Legal Officer's Comments (NM)

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

3.2 Finance Officer's Comments (LW)

There are no direct financial implications associated with the report.

3.3 Human Resources Comments (RB)

There are no direct Human Resource implications emanating from this report. Our commitment to supporting equality and diversity within our workforce is stated within the draft policy and action plan.

3.4 Diversities and Equalities Implications (GE)

The adoption of the draft Equality and Diversity Policy 2021–25 is essential to enable the council to meet its statutory requirements and uphold its continued commitment to support and promote Equality and Diversity.

3.5 Communications (KA)

There are no direct communications implications associated with the report.

4. CONTACT OFFICER AND BACKGROUND DOCUMENT

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

Gavin Edwards

Performance & Improvement Specialist

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5. APPENDICES

Appendix 1: Draft Equality & Diversity Policy 2021-25