

Update report for Governance and Audit Committee

Equality legislation changed in October 2010 with the launch of the Equality Act 2010, replacing the previous anti-discrimination laws with a single Act.

Contained within the Act is the Public Sector Equality Duty. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, in delivering services, and in relation to their own employees.

The new Duty covers the following protected characteristics:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race – this includes ethnic or national origins, colour or nationality
- Religion or belief
- Sex (Gender)
- Sexual Orientation

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

The Duty came into force in April 2011 and is divided into two parts, the General Duty and the Specific Duties.

The General Duty

The General Duty has three 'aims'. It requires public bodies to have **due regard** to the need to:

1. **Eliminate unlawful discrimination** – harassment, victimisation and any other conduct prohibited by the Act;
2. **Advance equality of opportunity** – between people who share a protected characteristic and people who do not share it by;
 - removing or minimising disadvantages suffered by people due to their protected characteristics;
 - meeting the needs of people with protected characteristics; and
 - encouraging people with protected characteristics to participate in public life or in other activities where their participation is low.
3. **Foster good relations** – between people who share a protected characteristic and people who do not share it, by tackling prejudice and promoting understanding between people with a protected characteristic and others.

Having **due regard** means consciously thinking about the three aims of the Duty as part of the process of decision making. Some council's have been challenged in the Courts where they have failed to do this resulting in decisions being delayed or overturned and fines imposed.

Specific Duties

The Specific Duties support good decision making by ensuring we consider how different people will be affected by our activities, helping us to deliver policies and services which are efficient, effective and accessible.

Good decision making is reliant on quality data and under the Specific Duties we are required to publish:

- **Staff Equality Data** – this must be published by no later than 31st January 2012 and then annually thereafter. This is on target for completion, a staff equality census will take place from 1st December 2011 for a period of four weeks. The Council will publish anonymous statistics by the statutory deadline.

- **Service User Equality Data** – this must be published in the same way as staff data, with the same deadlines. In response to this, the State of the District report has been broadened out to include data on all of the protected characteristics as defined within the act (where data is available). This is on track for publishing by the deadline of 31st January 2012.
- **Equality Objectives** – this must be published by no later than 6th April 2012 and then at least every four years thereafter.

Framework for Progressing Equalities

A new corporate framework has been designed to help officers understand the Duty and what information and options must be put to Members so that equalities issues can be fully discussed and considered at the time of making decisions.

To support compliance with the Act and Duties at operational level an officer group has been established to embed equalities working practices within the culture of the organisation.

The Group's main remit is as follows:

- 1 To review the Council's Equality Policy on an annual basis or as Legislation changes and make recommendations to SMT thereon.
- 2 To develop, review and monitor the Council's Equality Objectives Plan, ensuring actions are completed to time and the plan remains populated.
- 3 To produce reports to SMT on the Group's activity (including recommendations arising from meetings).
- 4 To champion the work of the Corporate Equalities Group within their own service areas ensuring all processes and procedures are fully embedded within standard practice.

Training on the Public Sector Equality Duty and the legal and decision making system was secured and delivered to key managers within the organisation.

This training was tailored to ensure officers are able to provide Members with the information they need to demonstrate the Duty was in their minds at the time of making decisions. Focus was around how the Courts are treating the Duty, using evidence and data to add quality to the options put before decision makers in order to comply with the Duty and contribute towards intelligence led decision making.

Additionally, the same training providers will be producing a pod cast of the session which we will use as a training resource to give Members and officers the chance to benefit from the learning in an effective and cost efficient way.

An online toolkit is being developed for our intranet (TOM), this will serve as a further training and support resource for officers. Sections within the toolkit include: legislation, the corporate framework, forms, tools, guides and completed examples, officers that can give guidance to their colleagues, FAQs, case studies, process maps, links to relevant sites etc.

Report templates, new Equality Impact Assessment templates are all being developed with guidance notes.

The toolkit and templates will be circulated to officers once finalised.

These improvements address issues arising from both the Audit of the Council's previous Equalities Framework and examples of case law. Feedback from both Audit and the training providers on our 'cultural' approach has been extremely positive in enabling Thanet Members and Officers to effectively participate in the Duty to the benefit of the community.