
EQUALITY POLICY PUBLIC CONSULTATION

To: **Overview and Scrutiny Panel – 23rd April 2013**

Main Portfolio Area: *Business, Corporate & Regulatory Services*

By: **Sarah Carroll – Strategic Organisational Development Manager**

Classification: **Unrestricted**

Ward: **N/A**

Summary: **This report provides Members of the Overview and Scrutiny Panel with the draft Equality Policy and requests feedback.**

For Recommendation

1.0 Introduction and Background

1.1 In the Autumn of 2010 the Equality Act (2010) (The Act) came into force. The Act brings together all previous equality legislation in England, Scotland and Wales; the Act identifies nine protected characteristics:

- | | | |
|------------------------|----------------------------|--|
| 1. Age | 2. Disability | 3. Sex |
| 4. Sexual Orientation | 5. Race | 6. Religion or belief |
| 7. Gender reassignment | 8. Pregnancy and maternity | 9. Marriage and civil partnership ¹ |

¹ only in respect of the requirement to have due regard to the need to eliminate discrimination.

1.2 The Act includes a Public Sector Equality Duty (PSED) replacing the separate duties relating to race, disability and gender equality. The General Duty has three aims (also known as the three arms of the Duty). It requires public bodies, when exercising their functions, to have due regard 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.
- 1.3 In October 2010 East Kent Audit Partnership undertook a review of the Council's compliance with the emerging legislation and, what was then, level three of the 'Equality Standard for Local Government'. A number of recommendations arose from the review and these have been addressed as part of a focussed programme of work.
- 1.4 In the period February 2011 to present much work has been undertaken to address all of the action points arising from the audit including, but not limited to:
- Training was given to key officers upon the Duty, compliance and application of new legislation within the courts.
 - Modules on the new legislation have been added to our e-learning package for staff to complete.
 - Members were given a briefing session upon the Act, Duty and due regard in decision making in June 2012.
 - Officer toolkit produced and uploaded to TOM, assisting officers in demonstrating due regard to the Duty, compliance with the Act and sign-posting them to help and assistance.
 - All staff and service user equality data required by the Specific Duties has been published within statutory deadlines as have initial equality objectives. However, equality objectives will be revisited as the policy develops and staff, Member, partner and public feedback from the consultation has been received and analysed.
- 1.5 The equality analysis process is being reviewed to ensure streamlined process that adds value to service and policy design and delivery.
- 1.6 The Policy and action plan is the final action arising from the audit. It is essential for the Council to have a policy that aligns to the current equality legislation and an action plan to support its delivery.

2.0 Progress to Date

- 2.1 In consultation with the Portfolio Holder for Business, Corporate & Regulatory Services and Member Lead for Equality and Inclusion, the approach taken has been to develop a policy that is concise and easy to understand and apply, focusing on the compliance requirements of the Equality Act 2010, Public Sector Equality Duty and supporting the delivery of Corporate Plan Priorities and Vision 2030.
- 2.2 The policy will be supported by an action plan that is guided by the 'Developing' level of the Equality Framework for Local Government (EFLG). This is a nationally recognised framework of best practice and an excellent means of informing our work.
- 2.3 Each action will be referenced against the: Corporate Plan Priorities, EFLG Criteria, aim(s) of the PSED furthered and protected characteristics that will benefit. This approach will enable service users, Members and staff to see what we are doing and more importantly, why.

2.4 The action plan will be a rolling and live document which will be updated as soon as items come forward. To reflect the fact that the action plan will be both inward and outward looking, items for inclusion will come from a variety of sources including:

- service plans
- corporate projects
- customer/Member feedback
- results of public engagement
- central government initiatives
- emerging best practice
- outcomes of equality/service user impact analysis
- ongoing service activity

2.5 It is proposed that the action plan be reported upon annually to enable Members, stakeholders and the public to see how projects and actions are progressing. This approach will allow for greater Member and public scrutiny.

2.6 The draft policy and action plan was produced in consultation with the Portfolio Holder for Business Services, Member Lead for Equality and Inclusion, SMT and key officers. It was agreed to take an early and proactive approach to public engagement upon the draft equality policy to facilitate the community's ability to shape the document from a very early stage.

2.7 As part of this initial engagement, the council contacted a number of voluntary/community organisations that represented a wide section of the protected characteristic groups in addition to partners and staff unions to explain our approach and seek their input prior to full public consultation.

2.8 All groups were asked to comment on the draft policy in addition to sharing with us the good work they are doing to promote equality and inclusion within the district.

3.0 Pre-consultation Outcomes

3.1 In summary the stakeholder responses were extremely positive and our partners and Unions have affirmed their commitment to working with us in progressing the equality and inclusion agenda in Thanet.

3.2 A number of stakeholders made comments on the draft policy or provided information upon their ongoing work. Details of those contacted as part of the pre-consultation can be found within the equality impact analysis appended to this report.

3.3 Some points raised are live streams of work, for example, a full public consultation and ongoing assessment of equality impacts of our services and proposals.

3.4 Following the pre-consultation the draft policy was amended to incorporate the following feedback which was agreed to go out to full public consultation by Cabinet at its meeting held 28th March 2013:

Comment	Proposed action
<p>Do you carry out any kind of equality analysis?</p>	<p>We do undertake regular analysis of our services and proposals and these are published online and within agenda papers to facilitate Member and public scrutiny.</p> <p>However, we will be developing our approach to further enhance other planning and design processes.</p>
<p>I would ask that you get an outside body or some other local body to satisfy themselves that evidence you have gathered that claims to have met objectives, is in fact, provable.</p>	<p>1) Action Plan: To create a database of equality and inclusion stakeholders collated from responses to the pre and full public consultations (see also action 4).</p> <p>2) Action Plan: Equality and diversity is a planned area of review activity for the East Kent Audit Partnership in 2013/14.</p>
<p>Is there any public scrutiny of your objectives or your findings?</p>	<p>3) Action Plan: To produce an annual equality report to coincide with the annual review of the policy to be placed before SMT and Cabinet. The report will be subject to Member Scrutiny in accordance with the council's decision making protocols.</p> <p>4) Action Plan: To provide the following with the annual report:</p> <ul style="list-style-type: none"> • Stakeholders on the Equality and Inclusion database. • Employee Council and the wider workforce. • East Kent Audit Partnership. • The annual report will be a public document and available to the community.
<p>Suggest the addition of wording 'working with partners to meet the aims of the duty by tackling equality issues that affect all residents across the district. More specifically how partners can work together in:</p> <ul style="list-style-type: none"> • Sharing profiling data • Use of shared resources • Consistency of approach with regard to service information and accessible formats. • Accessible buildings • Working together on issues that affect staff using Thanet's offices. 	<p>5) Policy: The draft policy reflected our commitment to working with our partners and those providing services on our behalf to comply with, and further the aims of the Duty.</p> <p>However, the wording in paragraph 5.2 of the policy has been amended to strengthen this commitment.</p> <p>Some of the suggested actions, we are already undertaking. However, we will explore further opportunities for joint working with our partners and actions will be added to the plan accordingly.</p>

4.0 The Current Situation

4.1 The draft Policy is currently being consulted upon for the period 2nd – 30th April 2013 utilising the following methods:

- Direct contact with all Members inviting input and encouraging their support in ‘spreading the word’ within their communities.
- Direct contact with staff through staff development sessions and online survey.
- Direct contact with voluntary and community groups who represent the interests of those within protected groups identified within the Act. Members are also asked to support officers in this work by engaging with their communities and groups with whom they have contact and encourage their participation in the survey.
- Overview and Scrutiny Panel.
- Employee Council (GMB and Unison)
- Contact with Parish Councils, partners, third party service providers, contactors and the business sector.
- Communication with the wider Thanet community will comprise: copies of the draft policy posted on the Council’s website along with a link to participate in the on-line survey. Copies of the document will also be placed on deposit in a variety of public locations along with feedback forms.

4.2 Once all feedback is analysed, the draft policy will be updated before the final report is presented to Cabinet in June for final recommendation to Council in July.

5.0 Options

5.1 This report is presented to the Overview and Scrutiny Panel as part of the consultation process. The Panel is asked to provide feedback on the draft Equality Policy at this meeting.

6.0 Next Steps

6.1 The final draft policy will be placed before Cabinet at its meeting to be held 20th June 2013 for recommendation to Council.

6.2 If agreed, the Policy will be presented to Council for formal adoption at its meeting to be held 11th July 2013.

7.0 Corporate Implications

7.1 Financial and VAT

7.1.1 Costs arising from public consultation will be met within existing budgets.

7.2 Legal

7.2.1 The Council is subject to the Equality Act 2010 and the Public Sector Equality Duty (both General and Specific Duties). The proposed draft policy reflects the requirements of the above legislation and will serve as a means for the council to ensure compliance.

7.2.2 Legal Services have quality checked the draft policy and have confirmed that it is compliant and fit for purpose.

7.3 Corporate

7.3.1 The council is required to comply with the Equality Act 2010 and Public Sector Equality Duty, the proposed policy is the council's response to this legislation and our commitment to furthering the equality and inclusion agenda in Thanet. Non-compliance could result in intervention by the Equality Human Rights Commission and/or Judicial Review. Compliance with the Act and PSED are risks identified on the council's Risk Register.

7.3.2 The proposed Equality Policy seeks to support the delivery of the Corporate Plan 2012-16 and Thanet 2030 vision, including other departmental policy and strategy documents.

7.3.3 Overview and Scrutiny Panel is a key consultee in the development of the policy.

7.4 Equality and Inclusion

7.4.1 The proposed Equality Policy seeks to comply with legislation and support the delivery of the Corporate Plan 2012-16 and Thanet 2030 vision, to ensure that our priorities are delivered in a fair and inclusive way and by highlighting specific equality issues to be addressed.

7.4.2 The Equality Policy will also help guide and inform the design of departmental specific policies and strategies to ensure they meet the changing needs of our diverse community.

7.4.3 The policy is subject to an equality impact assessment (annex 3) which reflects work to date. The impact assessment will be updated as the policy progresses through public engagement and the council's decision making process and this will be made available to Members as part of the agenda publishing process.

8.0 Recommendation

8.1 That Overview and Scrutiny consider the draft Equality Policy and provide feedback as suggested in option 5.1.

9.0 Decision Making Process

9.1 This is a policy framework decision to go to Council and has been included on the Forward Plan. The report will be provided to Cabinet 20th June 2013 to go to Council 11th July 2013

Future Meeting:	Cabinet (20 th June 2013) and Council (11 th July 2013)
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Contact Officer:	Claire Grant – Corporate Support Officer
Reporting to:	Sarah Carroll – Strategic Organisational Development Manager

Annex List

Annex 1	Draft Equality Policy
Annex 2	Draft Equality Objectives Action Plan (including methodology)
Annex 3	Equality Impact Assessment

Background Papers

None	N/A
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Corporate Consultation Undertaken

Finance	Sarah Martin, Financial Services Manager
Legal	Harvey Patterson, Corporate & Regulatory Services Manager