

---

## **EQUALITY POLICY**

To: **Cabinet – 20 June 2013**

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

By: **Sophie Chadwick, Contracts and Partnerships Relationship Manager**

Classification: **Unrestricted**

---

**Summary:** **To receive the outcome of the public consultation and approve the adoption of the proposed Equality Policy and Objectives Action Plan.**

### **For Decision**

---

#### **1.0 Introduction and Background**

- 1.1 Further to the introduction of the Equality Act 2010 and Public Sector Equality Duty (PSED) a draft Equality Policy and action plan methodology was produced by officers in consultation with the Portfolio Holder for Business, Corporate & Regulatory Services and Member Lead for Equality and Inclusion.
- 1.2 At its meeting held on 28 March 2013, Cabinet approved the release of the draft Equality Policy for full public consultation for the period 2-30 April 2013.
- 1.3 The consultation directly targeted over 400 community groups, Members and staff in addition to open consultation with the Thanet community via the website and in hard copy at local libraries.
- 1.4 Overview and Scrutiny Panel received the draft documents at its meeting held 23 April 2013 and Members' observations have been included within the report in addition to recommended actions to progress the valuable feedback we have received as part of the consultation.

#### **2.0 Consultation Feedback**

- 2.1 As part of the consultation, 44 responses were received. In summary, the significant majority of responses were in favour of the proposed policy content with only a small minority disagreeing or strongly disagreeing. It is, therefore, recommended that the policy and action plan methodology text remain unchanged aside from using consistent terminology to describe the beneficiaries of the policy as appropriate.
- 2.2 A summary of the consultation results is attached at Annex 1.
- 2.3 However, some of those providing further comment have given useful ideas, supported by personal accounts of how they feel the council can develop its equality and inclusion agenda.
- 2.4 Specific feedback covered a number of themes and recommended actions are included for addition to the action plan as follows:

## Recommendations Arising from Consultation Feedback

Theme Ref	Respondee	Feedback Theme	Proposed Action
1	Overview & Scrutiny	“Members observed that there were some legislative changes on the way regarding additional characteristics that the proposed policy would need to take into consideration and these included the issues relating to discrimination of individuals by caste”. (ref min no: 323.)	The policy states that it is designed to reflect the Equality Act 2010. To ensure on-going legislative compliance, officers will ensure the policy is amended to reflect any changes in The Equality Act 2010 as they arise. Members will also receive an update to raise awareness. Any amendments will also be captured in the annual equality progress report.
2	Overview & Scrutiny	“Members suggested that there should be clarity in the policy document on creating an understanding between people with different characteristics”. (ref min no: 323.)	Aim three of the PSED requires fostering good relations between those who share a protected characteristic and those who do not – this includes promoting understanding between those with different protected characteristics. This wording is contained within the ‘Legal context’ section of the policy document and as such addresses the issues raised by O&S.
3	Overview and Scrutiny	“Other Members observed that Council staff were working excessive overtime. This may affect the health and wellbeing of staff. They suggested the Council should identify the number of services that can be delivered with the current staff complement”. (ref min no: 323.)	This subject has been raised at a number of forums in recent months. Propose this is covered at a future Managers’ Forum in conjunction with HR, focusing on employee health and wellbeing.
4	KCC Member	You refer to service users and customers; believe that reference should be made to the public.	Amend policy wording to use a consistent and clearer language for the reader when discussing beneficiaries of the policy. Identify residents, visitors, Members and staff as appropriate to ensure clarity (see track changes in annex 2 and 3).
5	Resident	Suggestion that data should also be processed in accordance with Section 22 of the Gender Reassignment Act 2004.	Legal advice has been sought and it is felt that the wording within Section 3, clause 2.3 is sufficient for the purposes of the Equality Policy. Wording to remain unchanged.
6	Resident	Suggestions that TDC has no right to monitor partners, contractors and third party service providers for compliance with the PSED on services they provide on our behalf.	We are legally required to ensure our partners, contractors and third party service providers can comply with the PSED on services they provide on our behalf and this is an essential part of the proposed equality policy. Wording to remain unchanged.

7	Resident	<p>Representations around awarding of contracts and whether equality issues should have a bearing – limited number of suggestions that contracts should be awarded on the basis of cost only.</p>	<p>The council will encourage potential suppliers to demonstrate a commitment to equality in terms of meeting customer needs and employment practices. All organisations wishing to provide services on our behalf must be able to demonstrate that all reasonably practicable steps are taken to allow fair access and equal treatment in employment and service delivery for all.</p> <p>During our tendering processes at the pre-qualification stage, suppliers wishing to be considered will be required to demonstrate that they meet minimum operational, technical and financial criteria necessary for the satisfactory performance of the contract. As part of this process suppliers are asked to submit relevant equality information which we will assess according to the nature and value of the contract and taking account of the size of the company, before a shortlist of companies is agreed. By asking these questions we are seeking to gauge an external provider's policy and practice not to discriminate. Standard clause covering equalities will be included in all contracts for goods, services and works valued £10,000 and over.</p> <p>This is a vital component of our equality policy and as such wording should remain unchanged.</p>
8	Resident	<p>Some in protected characteristic groups feel unable to raise issues that are important to them about council services unless they are members of a representative group.</p>	<p>As part of our commitment to continuous improvement we will regularly review our customer feedback and public engagement procedures to ensure they are accessible and enable those in protected groups raise issues specific to their needs in a safe environment. This feedback will be used to inform future reviews of these processes.</p> <p>It is also proposed to use anonymised examples arising from customer feedback to inform future staff and member development on equality issues.</p>
9	Resident	<p>Some in protected characteristic groups are concerned that some services may not meet their needs due to fear that staff may not be able to deal with sensitive issues specific to their characteristic.</p>	<p>Customer/Member feedback will be used to inform service improvement and/or raise awareness of how to access our services.</p> <p>This representation will be used to inform the development of TDC's approach to Equality Impact Analysis. Learning outcomes from Equality Analysis of services will also be used to inform future staff and member development.</p> <p>It is also proposed to use anonymised examples arising from direct customer/Member feedback be used to inform future staff and member development on equality issues.</p>
10	Visitor	<p>Questions around how TDC can ensure that road safety issues for those with disability living in and visiting Thanet are progressed by the county highway authority.</p>	<p>Feed any transport/road safety issues raised with TDC by disabled residents into the Joint Transportation Board and work with the Communications Team to ensure that there is a simple and clear way of doing this on our website.</p>

11	Resident	Concern regarding the reasons for data collection and whether it is meaningful.	<p>As stated in the policy, data is processed and stored in accordance with the Data Protection Act. We use a combination of quantitative and qualitative data to inform service improvement and corporate priorities reflecting the feedback from our residents. This is clearly reflected in the documents to reassure the public that confidentiality and their views are taken seriously.</p> <p>Qualitative information supplied by our customers, such as that provided as part of the equality policy survey, has been a valued and essential element of informing the development of the equality agenda and this will be built into any future development of customer feedback and consultation/engagement processes.</p>
12	Residents	Concern regarding crime and safety issues relating to their specific characteristic	Refer the anonymised issues to the Community Safety Team for action/development.
13	Resident	Representations in respect of Member conduct and awareness of equality issues	The Chief Executive and Monitoring Officer to raise this issue with the political group leaders and incorporate equalities into the Member Development Programme.
14	Residents	Concern regarding resources involved in producing the policy and whether the policy is needed.	Thanet is a diverse community; the equality and inclusion agenda is a vital component in ensuring that our services and Corporate Plan priorities are delivered in an inclusive way. Once approved, this policy will be embedded within the organisation informing and developing existing procedures, service improvement and staff/member development as part of our commitment to continuous improvement and providing accessible services for our residents, visitors, Members and staff.
15	Resident	Suggestion that TDC should consider how they encourage people with protected characteristics to participate in public life, especially in circumstances where they rarely self-identify.	Continue to progress corporate plan projects which increase participation and inclusion. Use data from equality analysis to ensure that services are accessible and develop staff and Member training programmes to ensure service delivery and resident/visitor contact reflects our commitment to fair and equal treatment and the requirements of the PSED and Equality Act 2010.

### **3.0 Corporate Implications**

#### **3.1 Financial and VAT**

3.1.1 There are no financial implications arising from this report.

#### **3.2 Legal**

3.2.1 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.

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

#### **3.3 Corporate**

3.3.1 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.

3.3.2 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.

#### **4.4 Equity and Equalities**

4.4.1 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.

4.4.2 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.

4.4.3 The policy is subject to an equality impact assessment (annex 4) which reflects work to date.

### **5.0 Recommendation**

5.1 Formally approve the adoption of the proposed Equality Policy and Action Plan (Annexes 2 and 3) to replace the former Comprehensive Equality Policy.

### **6.0 Decision Making Process**

6.1 This decision is outside of the policy framework and is, therefore, within the remit of Cabinet. Overview and Scrutiny Panel have provided valuable feedback as key consultees and this has been incorporated into the report and policy action plan.

Contact Officer:	Claire Grant, Corporate Support Officer
Reporting to:	Sophie Chadwick, Contracts and Partnerships Relationship Manager

## Annex List

Annex 1	Breakdown of survey results
Annex 2	Draft Equality Policy
Annex 3	Draft action plan methodology and initial actions
Annex 4	Equality Impact Analysis

## Corporate Consultation Undertaken

Finance	14 <sup>th</sup> February 2013
Legal	November 2012, April 2013 and May 2013
Procurement and Contracts	29 <sup>th</sup> January 2013 and April 2013
Portfolio Holder & Member lead for Equality and Inclusion	On-going
SMT	October 2012, February 2013 and May 2013
Corporate Communications	On-going
Corporate Equality Group	29 <sup>th</sup> October 2012
Employee Council	11 <sup>th</sup> February 2013 and 8 <sup>th</sup> April 2013
Overview and Scrutiny Panel	23 <sup>rd</sup> April 2013