

Equalities

Cabinet	25 th July 2024
By	Ingrid Brown, Head of Legal and Democracy & Monitoring Officer
Cabinet Portfolio Member	Cllr Rob Yates, Cabinet Member for Corporate Services
Key Decision	No
Decision classification	Unrestricted
Call in status	Subject to call-in
Ward:	All

Purpose of the Report

This report provides Cabinet with feedback from the outcome of the Cabinet Advisory Group set up to consider equalities and diversity issues within the Council (the CAG). The report also seeks Cabinet's approval of the Council's new Equalities, Diversity and Inclusion (EDI) Policy that was considered at the CAG and seeks approval in respect of recommendations made by the CAG.

Recommendation(s):

It is recommended that Cabinet:

1. Approve the Council's new EDI policy appended to this report;
2. Approve the Council's new Equalities Screening Tool and Equalities Impact Assessment;
3. Note the recommendations made by the CAG;
4. Agree that a report be presented to the Constitutional Review Committee to consider the proposal that a change be made to the Constitution making it mandatory for all Councillors to attend Equalities training.

1. Summary of Reasons

- 1.1 The first meeting of the Council's equalities CAG was held on the 17th June 2024. This was a positive meeting which made a number of recommendations as set out above and below in the background section of this report. One of those recommendations is that Cabinet approve the Council's revised EDI policy. This policy has been developed over a considerable period of time and embodies best practice in this area. Adoption of the policy will ensure that the Council not only meets its equalities duties but goes beyond and positively strives to ensure that equalities considerations are given the necessary regard in all decision making and are an integral consideration for the council in the exercise of all its functions.

2. Background

2.1 The Council is bound by a legal duty to ensure that in all its decision making the necessary regard is given to equalities considerations. This means that it must consider the impact of any decision it makes on those with protected characteristics as defined in equalities legislation, both positive and negative. It must have regard to that impact at the time of making its decision. This is referred to as the Public Sector Equality duty. The revised EDI policy demonstrates how the Council can best ensure that it meets this duty. The policy's purpose is twofold, both to ensure best practice and also to embrace equalities in regards.

2.2 At the first meeting of the Equalities CAG terms of reference were agreed. These include the following:

That the CAG will:

- Review council departments to understand how their services cater for those with protected characteristics.
- Ensure that the Council is fully and properly meeting its duties under the Equality Act.
- Consider action that the council and its departments may take to further advance equality of opportunity and eliminate discrimination over and above that which is required by Equalities legislation.
- To regularly review the council's Equalities, Diversity and Inclusion Policy to ensure it remains appropriate and fit for purpose.

2.3 As part of the discussion at the CAG it was felt that all Councillors and staff should take part in EDI training. Councillors are not under any obligation to undergo EDI training as mandatory. From the best practice perspective, from the perspective of supporting residents from diverse backgrounds as well as from the perspective of protecting the Council's interests and preventing the threat of any legal action for failing to give equalities considerations the necessary regard, the CAG felt that EDI training should be compulsory for Councillors.

2.4 The CAG also recommended that work continue amongst officers to glean more detailed information about the ethnic and religious backgrounds of residents in Thanet and also to glean other more detailed and helpful data of those with protected characteristics within the area. The CAG suggested that the Council's Corporate Management Team should agreed the first Head of Service to attend its next meeting for a discussion and detailed consideration of the way in which that particular service area reflects equalities and in all regards. A framework against which service areas will be assessed is to be drafted and circulated beforehand for members to agree and share in advance with officers attending.

3. Relevant Issues

3.1 These are set out in the section above.

5. Alternative Options

- 5.1 Cabinet could decide not to accept the revised EDI policy or to make amendments to it. A great deal of time and consideration has gone into drafting the policy. The Legal team and the Council's equalities officer have advised on this. The policy incorporates best practice and aims to ensure that Equalities considerations are integral to all its decision making and practices within the Council.
- 5.2 The revised Equalities Impact Assessment and Equalities screening tool are means by which evidence is provided to demonstrate that the necessary regard has been given to equalities. Cabinet could decide to approve these alongside the revised EDI policy or to amend them.
- 5.3 In accordance with the recommendation Cabinet could decide to recommend that the Constitutional Review Committee consider a proposal to make EDI training mandatory for all Councillors. This would ensure that all Councillors have a level of knowledge and understanding of EDI both from a legal perspective in terms of the requirement to consider equalities implications when making a decision. They will thus be best placed to make sound decision making. It will also assist Councillors to think about their actions and behaviours from an equalities perspective and ensure that the Council chamber is an inclusive environment where Councillors from diverse backgrounds are able to participate.

6. Consultation

- 6.1 There is no public law or statutory duty to consult in respect of the decision set out in this report.

7. Corporate Implications

7.1 Finance and Resources

- 7.1.1 There are no financial implications arising from the decision sought in this report.

7.2 Legal and Constitutional

- 7.2.1 The recommendations made in this report are consistent with the Council's duties under the Equality Act 2010. The necessary regard must be given to all equalities considerations at the time a decision is made.
- 7.2.2 Cabinet is not able to mandate that all Councillors should undertake mandatory EDI training. This is a decision that would have to be agreed at Full Council following consideration by the Constitutional Review Committee.

7.3 Council Policies and Priorities

- 7.3.1 This report relates to the following corporate priorities: -
- To create a thriving environment
 - To work efficiently for you]

7.4 Risk

- 7.4.1 There is a risk of successful legal challenge if the Council does not properly comply with its duties under the Public Sector Equality Duty.

7.5 Climate Change and Biodiversity

- 7.5.1 The decisions sought in this report will not have any impact on climate change or biodiversity.

8. Equality, Equity and Diversity Implications

- 8.1 There are no direct equalities implications arising from the decisions sought in this report. It is expected however by adopting the new EDI policy and by making it mandatory for all Councillors to attend EDI training, that there will be a positive impact on equalities across the Council and that the Council will be able to more fully demonstrate its compliance with the Public Sector equality Duty.

9. Crime and Disorder Implications and Community impact

- 9.1 There are no crime and disorder implications arising from the decision sought in this report.

10. Subject History

- 10.1 As indicated earlier in this report the Council's new EDI policy has been considered and approved by the Equalities CAG as well as the Council's Corporate Management Team.

Annexes

Annex 1 - The EDI Policy, Equalities Screening Tool and the new Equalities Impact assessment

Background Papers

There are no background papers.

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Report Sign Off

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