

Compulsory Equalities Training

Council	10 October 2024
By	Ingrid Brown, Head of Legal and Democracy & Monitoring Officer
Cabinet Portfolio Member	Cllr Heather Keen
Key Decision	No
Decision classification	Unrestricted
Call in status	Not subject to call-in
Ward:	All

Purpose of the Report

This report seeks to amend the constitution to extend the mandatory training to be provided to all Councillors to include Equalities, Diversity and Inclusion (EDI) training.

Recommendation(s):

The Constitutional Review Committee recommended that Council:

1. Agrees the proposal that a change be made to the Constitution making it mandatory for all Councillors to attend Equalities, Diversity and Inclusion training.

1. Summary of Reasons

- 1.1 The first meeting of the Council's equalities CAG was held on the 17th June 2024. One of the recommendations of the CAG was that equalities training be made compulsory for all Councillors. This will assist Councillors to have a greater understanding of equalities and the Public Sector Equality duty. This will support good governance and decision making and also a more inclusive environment within the Council. The Constitutional review Committee also considered this recommendation on 24 September 2024.

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.

3. Relevant Issues

- 3.1 As part of the discussion at the CAG it was felt that all Councillors and staff should take part in EDI training. At the Constitutional Review Committee (CRC) the views regarding the approach to make the training compulsory were divergent. Some members indicated the need to make the training compulsory, whilst members of the committee felt that although all members should attend this training, it should not be made compulsory. Councillors are not currently 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. Ultimately both the CAG and CRC recommended that EDI training should be compulsory for Councillors.

4. Constitutional Review Committee Recommendations

- 4.1 The Constitutional Review Committee met on 24 September 2024 and considered the options detailed in section 5 of the report.
- 4.2 There were divergent views regarding making EDI training compulsory. However all members of the committee were in agreement that it was important that all members of the Council attend EDI training.
- 4.3 The committee therefore recommended that Full Council agrees the proposal that a change be made to the Constitution making it mandatory for all Councillors to attend Equalities, Diversity and Inclusion training.

5. Alternative Options

- 5.1 In accordance with the recommendation from the Constitutional Review Committee, Full Council could decide to agree that EDI training be made 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.
- 5.2 Full Council could agree to a different approach to the one recommended by the Constitutional Review Committee.

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. Any Training costs will come out of the budget assigned specifically to Councillors.

7.2 Legal and Constitutional

7.2.1 Section 9P of the Local Government Act 2000 provides that:

(1) A local authority must prepare and keep up to date a document (referred to in this section as its constitution) which contains—

- (a) a copy of the authority's standing orders for the time being,
- (b) a copy of the authority's code of conduct (if any) for the time being under section 28 of the Localism Act 2011,
- (c) such information as the Secretary of State may direct, and
- (d) such other information (if any) as the authority considers appropriate.

7.2.2 A local authority has considerable discretion as to the content of its constitution though it should reflect relevant statute, regulation and guidance. There is nothing in either of the aforementioned to prevent the amendments sought being agreed.

7.2.3 The Constitutional Review Committee is not able to mandate that all Councillors should undertake mandatory EDI training. This is a decision that has 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 This matter was considered by the Cabinet on 25 July 2024.

Annexes

None

Background Papers

There are no background papers.

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Report Sign Off

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