

REPORT TO EXECUTIVE

Date of Meeting: 9 January 2024

REPORT TO COUNCIL

Date of Meeting: 20 February 2024

Report of: Director Net Zero and City Management

Title: Review of Equality and Diversity Policy

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 To seek approval for the adoption of the revised Equality and Diversity Policy.

2. Recommendations:

2.1 That Executive recommends that Council approves the adoption of the revised Equality and Diversity Policy.

3. Reasons for the recommendation:

3.1 The Equality and Diversity Policy has been reviewed and updated to ensure it reflects current good practice.

4. What are the resource implications including non financial resources

4.1 The report is an update on the policy. The policy will require a heightened awareness from staff in their day-to-day work to take account of equality considerations which may require additional time. There will also be a requirement for training and awareness raising programmes to ensure all staff understand their responsibilities

5. Section 151 Officer comments:

5.1 There are no financial implications contained in the report.

6. What are the legal aspects?

6.1 Section 149 of the Equality Act 2010 imposes the public sector equality duty. This is a legally binding duty which requires public authorities in the exercise of their functions to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7. Monitoring Officer's comments:

7.1 The Monitoring Officer is supportive of the recommendations set out in this report.

8. Report details:

8.1 This policy was last reviewed in 2020. In this review the following key amendments to the policy have been made to bring the document up to date:

- Updates throughout to reflect internal organisational changes as well as those to external partners.
- The title of the policy has been extended from 'Equality and Diversity' to add 'Inclusion'. The term 'equality' relates to the Equality Act 2010. The term 'diversity' relates to an acknowledgment of the different life experiences and backgrounds of the Council's customers and staff. The term 'inclusion' also recognises the importance of enabling all staff and customers to have a voice that is listened to and to be able to fully participate in the work of the Council.
- The scope of the policy (paragraph 4.4) has been reduced to cover the nine protected characteristics under the Equality Act 2010 and references to class, caste, political or other opinion, national origin, and locality have been removed. This is because case law has shown that the Council must have due regard to the Public Sector Equality Duty in relation to any characteristics included in the policy as well as those included in the legislation. This means the Council needs to assess the impact of any decision on these characteristics and treat any case of discrimination in the same way as for the main nine protected characteristics. There are practical difficulties in doing this including consideration of the appropriateness for officers of the council to be considering the impact of decisions on a person's political opinion.
- Paragraph 4.8 sets out the Council's proposed adoption of the International Holocaust Remembrance Alliance working definition of Antisemitism.
- Paragraph 4.9 and Appendix A set out the Council's an Anti-Racism Statement.
- Paragraph 7.46 sets out a new process for dealing with complaints of discrimination from customers. These will be dealt with at a more senior level than other complaints in order to ensure we have a strategic overview of any issues raised.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 In promoting equality and diversity the policy contributes directly to three strands of the Corporate Plan:

- Lead a well-run council;
- Building great neighbourhoods; and
- Supporting active and healthy lifestyles

10. What risks are there and how can they be reduced?

10.1 Failure to meet duties under the Equality Act 2010 risk challenge from the public and community groups.

10.2 The Strategic Management Board provides governance to the policy and resulting actions.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal potential impact has been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment has been included in the background papers for Member's attention.

12. Carbon Footprint (Environmental) Implications:

12.1 No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

None

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Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

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