

CABINET



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| Report subject | Equality and Diversity Policy |
| Meeting date | 9 October 2019 |
| Status | Public Report |
| Executive summary | <p>BCP Council is required to meet certain responsibilities which are set out in the Public Sector Equality Duty of the Equality Act 2010.</p> <p>A review of activity, process and procedure was undertaken in March '19 to determine how well the Council was meeting this duty and how performance compared to the Equality Framework for Local Government (EFLG).</p> <p>It was determined that the Council was meeting its legal duty and at the 'achieving' level of the framework.</p> <p>The EFLG has been used to inform the development of a high-level, council wide equality & diversity action plan.</p> <p>The action plan uses the criteria for achieving the 'excellence' level of the EFLG as a benchmark. It shows the Council has made good progress to date and proposes some next steps for action. Some of the headlines include:</p> <ul style="list-style-type: none"> • The Council's commitments to equality & diversity are embedded in the high-level priorities of the Corporate Strategy. This has been subject to wide stakeholder engagement over the summer. • An equality & diversity policy has been drafted and is attached for Member approval. <p>An internal Equality & Diversity Governance Framework is being implemented.</p> |
| Recommendations | <p>It is RECOMMENDED that Cabinet:</p> <p>(i) Approve the draft Corporate Equality & Diversity Policy & Governance Framework</p> <p>(ii) Note progress towards the development of a Corporate Equality Action Plan</p> |

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| Reason for recommendations | <ul style="list-style-type: none"> • The policy will contribute to improved equity in service delivery and ensure fairness in employment practices. • The policy supports the continuance of the good practice already underway, the robust Internal Governance Framework that has been put in place, the delivery of the equality objectives that are embedded within BCP Council's Plan and significantly contributes towards the Council meeting its obligations under the Equality Act 2010. • The high-level Equality Action Plan will enable BCP Council to move closer towards being an 'excellent' Council on equality, enhance its reputation and provide confidence of being compliant with the requirements of the Public Sector Equality Duty. |
| Portfolio Holder(s): | Councillor Vikki Slade (Leader of the Council) |
| Corporate Director | Julian Osgathorpe (Corporate Director for Resources) |
| Contributors | Bridget West - Head of Insight Policy & Performance Sam Johnson - Policy and Performance Manager |
| Wards | All Wards |
| Classification | For Decision |

Background

1. Section 149 of the Equality Act 2010 imposes responsibilities on all public authorities and consists of a general equality duty, supported by specific duties.
2. The Public Sector Equality Duty (PSED) states that local authorities and those who deliver services on their behalf must, in the exercise of their functions, have due regard (or take proactive measures) to:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
 - Advance equality of opportunity between people who share a protected characteristic and those who do not
 - Foster good relations between people who share a protected characteristic
3. An ambition for the Council is to place equality & diversity at the heart of everything it does. There is currently no proposal to develop a separate strategy or set of processes to measure how the Council discharges its PSED but rather a desire to routinely embed equality & diversity in all Council activities as a matter of course.

4. As a new council with developing policies and procedures, BCP Council has a great opportunity to achieve this.
5. Consideration of the PSED was integral to the decision-making processes of Phase 2 of LGR.
6. The Council's commitment to equality and diversity and its equality objectives are embedded in the proposed Corporate Strategy which is being presented to Cabinet for approval.
7. The duty requires the Council to prepare and publish a minimum of one equality objective that is specific and measurable, at least every 4 years. This is in line with the proposed review cycle of the Corporate Strategy.

The Policy

8. To demonstrate leadership and commitment to equality and diversity the Council is required to adopt an equality and diversity policy.
9. The policy at Appendix A has been developed with consideration of the approach and achievements of the legacy councils.
10. This policy will replace all legacy council equality & diversity policies and procedures.
11. Adherence to the policy will ensure the Council complies with legislation and effectively discharges its PSED.
12. The policy is a commitment to everyone who uses council information, facilities and services (including those provided by third parties) that the Council recognises that everyone has the right to be treated fairly and with dignity and respect.
13. It explains the Council's legal duty to service users and to staff, the roles and responsibilities of officers and Members and the consequences of non-compliance.
14. The policy includes an Equality and Governance delivery framework.
15. Implementation of the policy is supported by additional procedure, process and guidance which includes:
 - A single equality impact assessment screening process and template
 - A single full equality impact assessment process and template
 - A council wide equality action plan

The Action Plan

16. The high-level action plan at Appendix B is based on the Equality Framework for Local Government (EFLG). This framework is intended to help councils deliver accessible and responsive services, attract a representative workforce, promote equality of opportunity for staff and to ensure councils meet the requirements of the PSED.

17. The EFLG has three levels of attainment:

- Level 1 – Developing
- Level 2 – Achieving
- Level 3 – Excellent

18. Based on current activity and known process and procedure it was determined that BCP Council was likely to be at the 'achieving' level of the framework. The developing level requires recognition of the inequality in communities and the workforce, the setting up of systems and adoption of key policies to progress equality.

19. The achieving level requires the implementation of these systems, policies and procedures.

20. The excellence level requires the organisation to assess and demonstrate improved outcomes because of actions taken to address inequality.

21. The proposed high-level action plan, which has been shared with Service Directors for input and update, has been prepared against the criteria for reaching the 'excellence' level of the framework.

22. This is an evolving action plan, underpinned by a range of other actions and activities. Going forward it is proposed that the Strategic Equality Leadership Group monitor and review progress of the action plan.

The Internal Governance & Delivery Framework

23. An internal governance and delivery framework is included in the policy document. This is one of the key actions identified in the equality & diversity action plan.

24. The creation of BCP Council and the development or harmonisation of strategies, plans, policies and procedures presents an excellent opportunity to embed equality and diversity in all council activities from vestment day.

25. An equality and diversity governance and delivery framework has been developed to drive this agenda forward and to ensure the Council delivers its equality & diversity commitments both within and outside the organisation.

26. All equality and diversity contacts and/or service unit champions from legacy councils were asked for feedback on the proposed governance structure and if they would like to take a lead or support the development of roles, responsibilities or terms of reference for any elements of the proposed framework.

27. The idea of the governance framework was positively supported. There were several observations which included: the frequency of meetings; how to achieve support and buy-in from senior management to allow staff time to be part of E&D forums or groups; questions around the role of E&D champions and how they would be selected and the role of unions.

28. The framework was also shared with the BCP Equality Forum for comment at its meeting on 18th July '19 and it received broad support. The forum is managed and administered by Dorset Race Equality Council but it is a multi-characteristic group that aims to represent all protected characteristics.
29. Work is now well underway to develop the implementation groups. Over 60 employees have expressed an interest in being either an employee equality champion or a service unit equality champion.

Summary of financial implications

30. There are no known financial implications at present. However, failure to carry out a robust equality impact analysis could lead to the decision being challenged through the Judicial Review Process. The financial sanctions that can be applied in the case of breach of duty has no upper limit.

Summary of legal implications

31. Failure to comply with the PSED could lead to litigation and significant financial loss and damage to reputation. The law requires that the duty of due regard is met by the Council and that the impact of a potential decision has had meaningful consideration applied to it before being finalised.

Summary of human resources implications

32. Service Directors will need to identify appropriately skilled or trained individuals (Service Unit Equality Champions) to help ensure ensure services are developed and delivered in line with the requirements of the PSED and the EFLG.

Summary of environmental impact

33. No environmental impact is known. It will be the responsibility of Service Directors through governance and management to ensure that any changes that are required to advance equality in line with requirements under the PSED are sustainable and to consider any potential impact on the environment when making the change to a service, policy, practice or procedure.

Summary of public health implications

34. There are not any known implications to public health.

Summary of equality implications

35. These proposals support the advancement of equality and enables the Council to meet its responsibilities and discharge its duties under the Public Sector Equality Duty. An equality impact assessment can be found on the [Council's website](#).

Summary of risk assessment

36. Failure to comply with the statutory obligations imposed on BCP Council could lead to:

- Judicial Review to challenge decisions
- Litigious actions against BCP Council and/or its representatives
- Financial loss for the Council
- Reputational damage

Background papers

BCP Corporate Strategy

Medium Term Financial Plan

State of BCP Council Report

Equality Framework for Local Government

[Equality Impact Assessment](#)

Appendices

Appendix A - Equality Policy