

| | |
|----------------------------|--|
| Report subject | Equality & Diversity Policy Review |
| Meeting date | 14 December 2022 |
| Status | Public Report |
| Executive summary | <p>As a Public Authority BCP Council have legal obligations under the Equality Act 2010 and the Human Rights Act 1998.</p> <p>The commitment to equality is embedded in the Big Plan and Corporate Strategy which together set out our vision, mission, ambition, priorities and values that underpin the council and the delivery of its services.</p> <p>An agreed review of the Equality and Diversity Policy first adopted by the Cabinet on 19 October 2019 has been undertaken.</p> <p>In July 2021 BCP Council introduced an Equalities Footprint that contributes to monitoring and measuring progress on equality, and how well the responsibilities of the PSED and HRA are being met.</p> <p>Key changes to the policy for Cabinet to note is the inclusion of the Equalities Footprint, and extensions to the local characteristics to now include children in care and care experienced young people, local business, community organisations, Military veterans, and Socio-economic status.</p> <p>The Internal Governance Framework is further strengthened and has been expanded. The roles and responsibilities within it have been subject to change to reflect the increased commitment and adjustments that have been made to the framework.</p> |
| Recommendations | <p>It is RECOMMENDED that Cabinet:-</p> <p>(a) Approve the draft Corporate Equality & Diversity Policy and Governance Framework.</p> <p>(b) Note the changes to roles and responsibilities</p> |
| Reason for recommendations | <ul style="list-style-type: none"> • To reduce the equality gap and improve quality of life. • To make the governance framework and inclusive • To provide added assurance of compliance with statutory duties. |

| | |
|----------------------|--|
| Portfolio Holder(s): | Leader of BCP Council – Councillor Drew Mellor Councillor Bobbie Dove Portfolio Holder for Community Safety and Regulatory Services |
| Chief Executive | Graham Farrant - Chief Executive |
| Report Authors | Sam Johnson - Policy and Performance Manager |
| Wards | Council-wide and 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. The Council is committed to embedding equality & diversity at the heart of everything it does.
4. In July 2021 BCP Council introduced its Equalities Footprint which contributes to monitoring and measuring its progress on equality as a public authority, as community leaders, service providers and a major employer.
5. Consideration of the PSED is central to the Council's commitment to embed its equality objectives within the Corporate Strategy.
6. The Council is required 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

7. To demonstrate leadership and commitment to equality and diversity the Council is required to adopt an equality and diversity policy.
8. The policy at Appendix A has been developed with consideration to BCP Councils Equality Footprint and improved practice commitment and progress over the past 3 years.

9. This policy will replace the previous BCP Council equality & diversity policy and procedures.
10. Key changes are the inclusion of the Equalities Footprint and an extension of the local protected characteristics to further include:
 - Children in care and care experienced young people
 - Local business and community organisations
 - Military veterans
 - Socio-economic status
11. Adherence to the policy will ensure the Council complies with legislation and effectively discharges its PSED reducing financial and reputational risk in the process.
12. Adherence to the policy will ensure the council complies with legislation and effectively discharges its responsibilities under the Human Rights Act 1998
13. 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.
14. The policy explains the Council's legal duty to service users and to staff, and the changes to roles and responsibilities of officers and Members and the consequences of non-compliance.
15. The policy includes a stronger Equality and Governance delivery framework.
16. Implementation of the policy is supported by additional procedure, process and guidance which includes:
 - BCP Councils Equality Footprint
 - A single equality impact assessment screening and full process and templates
 - A council wide equality action plan

Measuring Progress

17. Performance is set against the highest level of 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 improve trust and confidence to ensure councils meet the requirements of the PSED.
18. The EFLG has three levels of attainment:
 - Level 1 – Developing
 - Level 2 – Achieving
 - Level 3 – Excellent
19. Based on current activity and known process and procedure the council are likely operating within the higher levels of achieving or lower levels of excellent.

20. 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.
21. The achieving level requires the implementation of these systems, policies and procedures.
22. The excellence level requires the organisation to assess and demonstrate improved outcomes because of actions taken to address inequality.
23. Outcomes are measured against improvements across the 6 areas of the Equality & Human Rights Commissions Equality Performance Framework which are:
 - Education
 - Health
 - Justice & personal security
 - Living conditions
 - Participation
 - Work

24. The Equality & Diversity Progress Reports from 2019-2022 identify the significant progress has been made from October 2019 to date.

The Internal Equality & Diversity Governance Framework

25. An internal governance & delivery framework is included in the policy document.
26. The new equality and diversity governance and delivery framework has been developed to drive performance upward and to ensure the Council continues to deliver on its commitments to reduce inequality within the organisation and within the communities it serves.
27. Service Unit Equality Champions, Staff Network Groups and other stakeholders have been engaged during the development of the new framework.
28. The idea of a broader governance framework was positively supported.
29. Several observations including, 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; have been responded to and each staff network group now has a member of the Corporate Management Board assigned to it as an Equality Champion. This provides a voice at the top table for the relevant protected characteristic.

Summary of legal 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 a case in which breach of duty is established has no upper limit.

Summary of human resources implications

31. Service Directors are required to identify appropriately skilled or trained individuals (Service Unit Equality Champions) within their business area to help ensure services

are developed and delivered in line with the requirements of the PSED and managers need to support staff who wish to attend staff network group meetings.

Summary of sustainability impact

32. 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 a change to a service, policy, practice or procedure.

Summary of public health implications

33. There are no known implications detrimental to public health.

Summary of equality implications

34. (a) 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. The equality impact assessment for the policy will be updated and is to follow.

Summary of risk assessment

35. 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

Corporate Equality Action Plan

Equality Framework for Local Government

Equality Impact Assessment Templates

Equality & Diversity Progress Reports 2019-2022

Medium Term Financial Plan

State of BCP Council Report

Appendices

1. BCP Council Equality & Diversity Policy Version 2