

Equality and Diversity Policy 2019

Executive Portfolio Holder: Cllr. Jo Roundell Greene, Environment & Economic Development
Director: Netta Meadows, Director Strategy and Support Services
Service Manager: Jan Gamon, Lead Specialist Strategic Planning
Lead Officer: Dave Crisfield, Specialist – Strategic Planning
Contact Details: david.crisfield@southsomerset.gov.uk

1. Purpose of the Report

1.1 To seek Council approval of a new Equality and Diversity Policy.

2. Public Interest

2.1 The Equality and Diversity Policy sets out the Council's approach to promoting equality and meeting its equality duties to the public, customers, contractors/suppliers and staff in accordance with the Equality Act 2010.

3. Recommendations

3.1 That Council:

- a) Adopt the Equality and Diversity Policy
- b) Agree to delegate authority for future amendments to the Policy to the Director of Strategy and Commissioning and Equalities Portfolio Holder.

4. Background

Legislative Background

4.1 The Equality Act 2010 sets out the Public Sector Equality Duty (PSED) that includes the General and Specific Equality Duties.

4.2 The Public Sector Equality Duty means that public bodies have to consider all individuals when carrying out their day-to-day work – in shaping policy, in delivering services and in relation to their own employees. It also requires public bodies to:

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

4.3 These duties are supported by Specific Equality Duties. The specific duties require public bodies to publish relevant information showing compliance with the Equality Duty, and to set equality objectives at least every four years.

4.4 The Equality Act identifies who is protected under the legislation and refers to them as Protected Characteristics. These are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and Belief
- Sex
- Sexual orientation

Locally we also recognise the following characteristics:

- Carers
- Armed Forces Community
- Gypsies and Travellers
- Rurality
- Low income

This report does not change the status for any of the protected characteristics.

5. Policy adoption process

5.1 Under Section 1 of the council's Constitution, 'Decisions Reserved for the Full Council', Full Council are required to approve (or adopt) the 'Single Equality Scheme'.

5.2 Single Equality Schemes (SES) predate the Equality Act 2010 and were essentially where all the council's commitments to all the equality strands (what we now call the Protected Characteristics) covered by all the individual pieces of equality legislation at that time were brought together in one document.

5.3 The 'Single Equality Scheme' has now been superseded by the requirements set out in the Equality Act 2010.

5.4 In view of SES now being obsolete, legal advice was sought about the process for adopting a new Equality and Diversity Policy. This has confirmed that this is the responsibility of Full Council.

6. Current Equal Opportunities Policy

6.1 SSDC's current Equal Opportunities Policy was created in January 2007 and is now 12 years old. This has long since been superseded by Equality Legislation (particularly the 2010 Equality Act) and is, therefore, no longer fit for purpose.

7. New Equality and Diversity Policy

7.1 The Equality and Diversity Policy replaces the Council's previous equal opportunities policy and Single Equality Scheme. It takes account of the requirements of the Equality Act 2010, including the specific equality duties for the public sector. The legislation requires all public bodies, which includes the Council, to promote equality and tackle discrimination by treating people fairly, valuing differences, removing barriers that prevent people from participating fully in public life and helping everyone to realise their full potential. The policy sets out the approach the Council will take towards meeting these requirements.

8. Policy Development Process

- 8.1 As a consequence of the ongoing funding pressures on the public sector, public bodies in Somerset have been experiencing an incremental reduction in their specialist Equalities capacity; for example here at SSDC following the departure of the full-time Equalities Officer in February 2017 the function has been incorporated alongside the existing responsibilities of another post.
- 8.2 To address this diminution of individual organisational capacity, the Equality Officers from across the Public Sector in Somerset (District and County Councils, Health and Fire & Rescue) meet and work together under the auspices of the Somerset Equality Officers' Group (SEOG). This approach makes the most effective use of Public Sector resources for equality and diversity. The hope is that in addition to the added value and capacity benefits this would bring, it will also increase the overall impact of any changes on the community as a whole.
- 8.3 To this end SEOG have been working over the past 9 months to produce a single equality and diversity policy for the public sector in Somerset. The aim is to create consistency in what a member of the public, staff or potential employee can expect from Public Sector Bodies in Somerset.
- 8.4 Having produced a draft Policy this was subject to extensive consultation with a wide range of equalities stakeholders.
- 8.5 In order that the Policy commitments are both deliverable and achievable for SSDC, it was considered by Strategic Leadership Team (SLT) and was circulated to all members of the Leadership Management Team (LMT) for sense checking.
- 8.6 Following feedback from LMT the policy has been subject to a number of revisions to ensure it meets SSDC's local circumstances.
- 8.7 Prior to coming to Full Council the Policy was considered by District Executive Committee at its meeting on the 7th March 2019, at which the recommendation that the Policy be recommended for adoption by Full Council was approved.
- 8.8 The policy can be found in Appendix 1.

9. Monitoring Performance

- 9.1 Agreeing an appropriate performance management regime is currently the subject of discussion with the People, Performance and Change team in Strategy and Commissioning.

10. Financial Implications

- 10.1 There are no direct financial implications from this report. However it is important that the Council has a clear policy in this regard and can demonstrate compliance, to mitigate the risk of challenge and non-compliance which could lead to financial losses such as legal costs and recourse. The costs of adapting services to customers in line with the Equality Policy would ordinarily need to be met from existing budgets, with any increase in funding requirement to be addressed through the budget process.
- 10.2 Reasonable adjustments as an employer may incur costs, which would ordinarily need to be met from existing budgets. The Council may also access external financial assistance such as through Access to Work funding for eligible costs.

11. Council Plan Implications

11.1 The Equality and Diversity Policy is aligned to all six Values that underpin the 2016-21 Council Plan i.e.

- Putting the customer first when developing plans and services
- Supporting people and communities, enabling them to help themselves
- Being open, transparent and with greater accessibility to those that need to use council services
- Working with partners to improve services, efficiencies, resilience and influence
- Embracing innovation and improved technology to improve customer service and access
- Empowering a confident, flexible workforce

12. Carbon Emissions and Climate Change Implications

12.1 Consideration has been given to climate change implications, and there is no impact.

13. Equality and Diversity Implications

13.1 If members support the report's recommendations this will have a positive impact on the Protected Characteristics as the adoption of an Equality Policy contributes to the council's compliance with the Equality Act 2010 and helps ensure that the needs of all protected groups are taken into account in both service delivery and employment.

14. Privacy Impact Assessment

14.1 No implications

Background Papers

Equality and Diversity Policy, District Executive Report - February 2019
