

<b>Meeting:</b>	<b>Cabinet</b>
<b>Meeting date:</b>	<b>19 January 2017</b>
<b>Title of report:</b>	<b>Equality Policy 2017-2019</b>
<b>Report by:</b>	<b>Cabinet member, economy and corporate services</b>

## **Classification**

Open.

## **Key decision**

This is not a key decision.

## **Wards affected**

Countywide.

## **Purpose**

To approve the draft Equality Policy 2017-2019, including the proposed equality objectives.

## **Recommendation(s)**

**THAT:**

- (a) the draft Equality Policy (including the equality objectives) – at appendix 1 - are approved for publication in January 2017**

## **Alternative options**

- 1 It is not a statutory requirement for local authorities to have an equality policy, however it is a statutory requirement of the Equality Act 2010 to publish at least one equality objective. An alternative option would be to publish the objectives in isolation. This is not recommended because a comprehensive document is helpful in demonstrating our values and commitment to equality.

## **Reasons for recommendations**

- 2 To comply with the statutory requirement to publish equality objectives for the council and to demonstrate the commitment of senior managers and elected members to supporting the equality policy and objectives.

## Key considerations

- 3 Whilst it is not a statutory requirement for councils to have an equality policy, publishing such a document demonstrates our commitment to equality for our employees, residents and service users, and is considered good practice. The proposed new policy details six “key equality principles” to which we will adhere. They are:
- Principle 1: Promote our values and acceptable standards of behaviour for members and employees
  - Principle 2: Make fair and equitable decisions
  - Principle 3: Recruit fairly and support our workforce
  - Principle 4: Make our services accessible
  - Principle 5: Understand the needs of the community that we serve
  - Principle 6: Provide tailored support to vulnerable groups
- 4 In previous years, our equality objectives have been published separately in April each year. However we now consider it to be simpler and more streamlined to incorporate our objectives into one policy document. The appendix to the draft Equality Policy details the objectives we published in 2016, along with the progress we have achieved. New objectives for 2017-2019 can be found in section 6 of the draft Equality Policy. In brief, they are:
- Ensure that a further 40 refugees are safely accommodated in the community
  - Ensure that a further 22 unaccompanied asylum seeking children are safely accommodated in the community
  - Establish a comprehensive picture of what constitutes mandatory equality training for staff and managers
  - 100% of our staff and managers complete their mandatory equality training
  - Analyse diversity data of job applicants to highlight any notable anomalies between the protected characteristics of applicants versus successful candidates
  - Capture the diversity data of 95% of all council employees
  - Analyse diversity data of all candidates standing for election for Herefordshire Council, to highlight any notable anomalies between the protected characteristics of successful candidates versus unsuccessful candidates
  - Agree on a location, and develop a transit site/temporary stopping place for Gypsies, Roma and Travellers in Herefordshire
  - Produce a Gypsies, Roma and Travellers strategy with associated actions to improve facilities and services for Gypsies, Roma and Traveller communities
  - Publish our employees’ pay by gender

- 5 Our current equality policy is the “Equality & Human Rights Charter 2013-2016”, which was a document signed up to by members of the Herefordshire Partnership and local charities. It is now due to be renewed, and the scope of the document concerns Herefordshire Council alone – although it is open to other service providers to adopt our policy if they choose. This enables the council to own the policy and monitor its implementation more effectively.
- 6 Progress on the equality objectives are monitored by the equality officer on an on-going basis, and an update is published annually. In 2017, a new “Health, Safety & Equality Board” is being established by the chief executive. It is anticipated that progress, issues, challenges, etc. will be discussed in that forum.

## **Community impact**

- 7 An equality policy is a document that some members of the community will expect us to produce, and it will help them to understand what our statutory responsibilities are and how we are achieving them.
- 8 Whilst much of the proposed equality policy is focused on the internal processes within Herefordshire Council, it makes specific reference to certain groups and communities, for example:
- Gypsies, Roma & Travellers
  - victims of domestic abuse, sexual exploitation, female genital mutilation (FGM), honour-based violence and forced marriage
  - refugees and unaccompanied asylum seeking children
  - members of the armed forces
  - people who live in the most deprived neighbourhoods and experience poor health
- 9 The proposed equality policy makes reference to other documents and strategies which do have a significant community impact, such as Herefordshire’s Health & Wellbeing Strategy, the strategic plan for education for children and young people, and Gypsy, Roma & Traveller (GRT) strategy.
- 10 When our internal processes are fair, equitable and transparent, then this has a positive follow-on impact on our local community. Examples might include:
- recruitment of a more diverse workforce
  - procurement of services from smaller, local organisations
  - better customer service and fewer complaints

## **Equality duty**

- 11 The publication of an equality policy clearly sets out our commitment to the Equality Duty and shows that we take our responsibilities seriously. It constitutes evidence that the organisation understands the requirements of the General and Specific Duties to pay due regard to:
- a. eliminating discrimination, harassment, victimisation and any other conduct prohibited by or under this Act;

- b. advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c. fostering good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 12 The publication of equality objectives is a requirement of the Equality Act 2010, and therefore complies directly with legislation.
- 13 It is worth noting that the courts have said that, even in times of limited financial resources, this does not excuse non-compliance with the Duty, and “indeed there is much to be said that in straitened times, the need for clear, well informed decision making when assessing the impacts on less advantaged members of society is as great, if not greater”<sup>1</sup>.

## **Financial implications**

- 14 There are no direct financial implications to this policy or its objectives.
- 15 Indirectly, there is likely to be an impact on the time spent by some individuals on equality issues as a result of some of the equality objectives, where we commit to:
- a. Reviewing, monitoring and improving our mandatory training
  - b. Analysing diversity data of job applicants versus successful applicants and those who stand for election

## **Legal implications**

- 16 Herefordshire Council is not legally obliged to publish an equality policy, but it is considered good practice.
- 17 We are required by the Equality Act 2010 to publish at least one equality objective.

## **Risk management**

- 18 If we fail to publish at least one equality objective, then the council is in breach of the Equality Act 2010.
- 19 An equality policy is a useful way of setting out what we understand to be our responsibilities under the Equality Act 2010, and also how we see our moral obligation to our employees and service users. Without an equality policy, we risk not being seen as a fair and transparent organisation. Without an equality policy, it would be harder for potential or current employees to understand the standards of behaviour that are expected of them. This, in turn, could lead to a greater incidence of bullying or discrimination.
- 20 If we choose not to publish an equality policy, we could instead strengthen existing policies (such as Dignity at Work, or Code of Conduct) to make specific reference to our Equality Duty as they pertain to the protected characteristics.

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<sup>1</sup> R. (W) v. Birmingham City Council [2011] EWHC 944, Blake J at para 45.

## **Consultees**

21 Internal only.

## **Appendix**

Appendix 1: Draft Equality Policy 2017-2019.

## **Background papers**

None identified.