

Decision maker:	Cabinet member finance and corporate services
Meeting date:	Tuesday 13 October 2020
Title of report:	Equality Policy 2020-2023
Report by:	Equality Compliance HLN Manager

Classification

Open

Decision type

Key

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

(All Wards);

Purpose and summary

The council's previous Equality Policy expired in January 2020, and this new policy is designed to run from 2020-2023. It is a key decision because it is significant in its impact on the community.

The policy sets out our commitment to equality and details some of the main initiatives that we already undertake, and some actions to which we are committing. Its audience will be both internal (members of staff) and external (public). It will be published on our website and on our intranet. An internal communication will promote it to staff.

Recommendation(s)

That:

- (a) **the Equality Policy and associated appendices are approved for publication.**

Alternative options

1. There is no legal obligation to produce an equality policy, so we have the option not to publish. However it is considered good practice to have a comprehensive policy in place.
2. Amend the policy and/or appendices, and publish an amended version.

Key considerations

3. The policy sets out our commitment to equality and details some of the main initiatives that we already undertake, and some actions to which we are committing.
4. The equality objectives detailed in the policy are:
 1. Address social issues that impact on equality
 2. Promote our values and acceptable standards of behaviour
 3. Make fair and equitable decisions
 4. Recruit fairly and support our workforce
 5. Make our services accessible
 6. Provide tailored support
5. There has been a delay in publishing this policy due to the council operating in an emergency situation, which has allowed us the opportunity to reference the recent protests against racism, and the health inequalities highlighted by the Covid-19 pandemic.
6. The policy includes a section for the first time on peer-on-peer abuse. For the purposes of this policy, the definition of peer-on-peer abuse is any form of physical, sexual, emotional, financial, and/or coercive control exercised between children and young people.
7. In drafting this policy, some consideration was given to the request by the Communities Secretary (in September 2019 and again in January 2020) that local authorities adopt the [International Holocaust Remembrance Alliance](#) (IHRA) Working Definition of Antisemitism (non-legally binding). The UK government adopted the definition in December 2016, and approximately 136 out of England's 343 councils have adopted it. However it is proposed that Herefordshire Council do not formally adopt this definition, as current UK legislation is sufficient to provide protection to victims of anti-semitism and any other type of hate crime. However it is acknowledged that the detailed definition might prove useful if a specific incident required clarification.
8. In line with the pledges in the council's Armed Forces Covenant, one of the proposed objectives set out in this policy is to support Herefordshire's armed forces community. The actions associated with this objective are:
 - (a) That the armed forces community is identified as a distinct group and becomes a key consideration in the council's governance and decision making process when developing policies and strategies.
 - (b) That all front line staff routinely ask customers whether they are a current or ex member of the armed forces, related to, or a carer of either.

9. The policy reiterates the council's gender pay gap (published annually in our [Workforce Diversity Analysis](#)) and commits the council to developing actions to address it.
10. The policy supports the "Community" ambition in the County Plan (2020-2024) to strengthen communities to ensure that everyone lives well and safely together.

Community impact

11. The most vulnerable people in our society are often voiceless or unheard. Setting out our commitment to equality in this policy is a reassurance to those people that we care about creating an inclusive society and taking their needs into account.

Equality duty

12. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
13. This policy directly supports the general duty, in particular through its targeted work to eliminate discrimination (eg. recruitment practices, GRT community) and advance equality of opportunity (eg. digital access to services, children who speak English as an additional language).
 14. This policy sets out our duty under the Equality Act 2010, and details the corporate standard for values and behaviours. It demonstrates that the council takes its duty seriously and it could be used to support or inform grievances, disciplinarys or formal complaints.

Resource implications

15. There are unlikely to be any resource implications arising from the policy.

Legal implications

16. The Equality Act 2010 protects people from unlawful discrimination in the provision of services and public functions, employment, premises, education and associations. Its broad purpose is to integrate consideration of equality and good relations into the day-to-day business of public authorities.

17. The act brought into law the **public sector equality duty** which requires that, when exercising public functions, public service providers must have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the act
 - Advance equality of opportunity between people who share a protected characteristic and people who do not share it
 - Foster good relations between people who share a protected characteristic and people who do not share it

Risk management

18. There is a low possibility of reputational risk as a result of not adopting the IHRA Working Definition of Antisemitism. However the council may decide to take this initiative at a later date, and it isn't dependent on the publication of this Equality Policy.

Consultees

19. The Head of Information Compliance and Equality consulted in person with the Women's Equality Group (Hereford based). Several of their attendees then sent in written responses with suggestions for new or revised content for the policy. Their particular areas of interest were domestic abuse, sexual violence and peer-on-peer abuse. While some of their suggestions were incorporated, the majority of it was not appropriate in the context of this policy, and a written response has been sent to the group to explain our decisions.
20. A political group consultation was carried out, with only one insignificant change requested.

Appendices

Equality Policy

Appendices to Equality Policy

Background papers

None

Glossary of terms, abbreviations and acronyms used in this report.

Gender pay gap:

The gender pay gap is a measure of the difference in pay between the average earnings of males and females. It is expressed as a percentage of men's earnings. The gender pay gap is different to equal pay. Equal pay relates to men and women receiving equal pay for carrying out the same jobs, similar jobs or work of equal value.

GRT:

Gypsy, Roma and Traveller

IHRA:

[International Holocaust Remembrance Alliance](#)