

<b>DECISION-MAKER:</b>	CABINET COUNCIL
<b>SUBJECT:</b>	REVISION OF THE COUNCIL'S EQUALITY POLICY AND OBJECTIVES
<b>DATE OF DECISION:</b>	13 NOVEMBER 2012 14 NOVEMBER 2012
<b>REPORT OF:</b>	CABINET MEMBER FOR COMMUNITIES
<b>STATEMENT OF CONFIDENTIALITY</b>	
Not Applicable	

### **BRIEF SUMMARY**

The current Equality Scheme expires in December 2012. Since the Scheme commenced, the Equality Act 2010 has placed different requirements on public bodies (the majority of its provisions came into force from 1st October 2010, the remainder from April 2011). This report recommends approval of a revised Equality Policy and approval of the Council's Equality Action Plan (January 2013 to March 2016) to meet these requirements and strengthen existing arrangements to monitor Equality and Safety Impact Assessments.

### **RECOMMENDATIONS:**

#### **CABINET:**

- (i) To endorse and recommend to full Council approval of the revised Equality Policy (Appendix 1) and the new Equality objectives to be monitored through an Equality Action Plan (Appendix 2).
- (ii) To agree delegated authority to the Director of Environment and Economy, in consultation with the Cabinet Member for Communities, to approve the final Equality Action Plan and subsequent amendments in light of future changes to the Council's priorities and resources.
- (iii) To note the continued use of the existing system of Equality and Safety Impact Assessments to support informed Council decision making and publication of the assessments online, as appropriate.
- (iv) To note the creation of the Equalities Information webpage.

#### **COUNCIL:**

- (i) To approve the revised Equality Policy (Appendix 1).
- (ii) To approve the new Equality objectives, to be monitored through an Equality Action Plan (Appendix 2).

### **REASONS FOR REPORT RECOMMENDATIONS**

1. To ensure that the Council continues to have a due regard for equalities in all aspects of its work and fulfil its obligations under the Equality Act 2010.

### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

2. None

## **DETAIL (Including consultation carried out)**

### **Current Equality Scheme**

3. The Council's current Equality Scheme, which commenced in 2009, is due to expire in December 2012 and is available in Members' Rooms and on the Council's website:

[http://www.southampton.gov.uk/Images/Web%20Scheme\\_tcm46-250404.pdf](http://www.southampton.gov.uk/Images/Web%20Scheme_tcm46-250404.pdf)

Since the Scheme commenced, different legal obligations have been placed on local authorities through the Equality Act 2010 and it is therefore recommended that the Council revises its current Equality Policy and objectives.

### **Legal Requirements**

4. The Equality Act 2010 covers nine protected characteristics: - Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.
5. The Act places an ongoing legal duty on organisations to:
- Eliminate unlawful discrimination, harassment and victimisation
  - Advance equality of opportunity
  - Foster good relations
6. In addition, Public Bodies have Specific Duties (Section 149) to:
- Publish relevant, proportionate information, at least annually, that demonstrates compliance with the Equality Duty and ensures decision making is transparent and accountable
  - Set specific, measurable equality objectives – at least every four years.
  - Policy makers also need to have a due regard to the Act when considering new policies and practices.

### **Equality Policy**

7. The Council's current Equality Policy offers a broad vision and statement of intentions and needs to be updated in the light of the new legislation. The implementation of this Policy will link with the work of the proposed Fairness Commission. It is therefore recommended that the Council approves the proposed revised Equality Policy attached at Appendix 1.

### **Equality objectives**

8. Based on current information, national best practice and feedback from previous consultations the following revised objectives are recommended:

#### Strategic planning:

- To consider the needs of and impact on diverse communities and clients in developing Council strategies, policies and plans

#### Service development and delivery:

- To provide customer focussed and accessible services, taking into consideration the changing diversity of the City's population profile and needs.

- To ensure commissioning, contracting and grants decisions of the Council take into account the diverse needs of City's population

Performance:

- To monitor regularly relevant service performance in relation to the groups identified in the Equality Act and embed equalities measures in the Council Plan

Workforce:

- To ensure that policies and practices in place are fair so that they do not discriminate against anyone and the Council's workforce is reflective of the population

Communications:

- To ensure all Council communications reflect the diversity of the City's communities

Partnerships:

- To ensure that partnership activities, plans and initiatives take into consideration relevant equalities issues.

9. These Equality objectives will be reflected in the Council Plan so that they can be included in the Council's overall performance management arrangements. Full Council is recommended to approve new Equality objectives which will be monitored through an Equality Action Plan (Appendix 2).

**Equality Action Plan (January 2013 to March 2016)**

10. A draft of the Equality Action Plan is in Appendix 2. This Action Plan details how the Council will deliver its equality objectives over the next three years, from January 2013 to March 2016. Cabinet is recommended to agree delegated authority to the Director of Environment and Economy, following consultation with the Cabinet Member for Communities to approve the final Equality Action Plan and subsequent amendments in light of future changes the Council's priorities and resources.

**Equality and Safety Impact Assessments**

11. The new Equality Duty supports good decision-making – it encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs.
12. Having *due regard* to the need to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act, means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies – such as in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others.
13. However, the Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. But it does require public bodies to show how they considered the Equality Duty and that they have been consciously

thinking about the aims of the Equality Duty as part of the process of decision-making. That will entail evidencing that the Council has an understanding of the potential effects of its activities on different people and maintains a record of how decisions were reached. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

14. Equality and Safety Impact Assessments are already embedded in the Council's decision making systems although there is potential to improve their implementation and quality. They are designed to provide an effective way to ensure that the Council can evidence its compliance in respect of its legal duty to have a due regard to equalities and safety in decision making. The process has been simplified and is robustly applied to some aspects of the Council's decision making e.g. decision making on Council budget setting. However, further improvement is required in the quality and diligence with which managers complete the assessments.
15. As we need to have a consistent Council wide mechanism to evidence how decisions were reached and that they did take into account equality issues, the agreement was to continue with the current systems. The Cabinet is therefore requested to note the continued use of existing systems of Equality and Safety Impact Assessments to support informed Council decision making and publication of the assessments online, as appropriate.
16. The administration is committed to tackling inequalities and discrimination, transparency and informed decision making. A key contributor will be the completion and quality of Equality and Safety Impact Assessments and consequent actions. The Cabinet have expressed their commitment to establishing a mechanism for monitoring and reviewing the quality of Equality and Safety Impact Assessments on a quarterly basis.

#### **Equality Information on the Web**

17. In line with the details in the current Equality Scheme, the Communities Team has been publishing Equality Annual Reports. These fulfil the legal requirement to publish annual information about staff (based on certain equalities criteria) and highlight the work of the Council on equalities issues. These reports, though well received, are perceived to have limited value as they are read by a small audience and may not always have up to date information. As the legal requirement is to publish information annually, not to produce annual reports, Cabinet is recommended to approve the creation of an Equalities Information webpage. This can then act as a central hub for the Equality and Safety Impact Assessments, current reports and equality information. It will enable the Council to maintain existing resources and give much more up-to-date information to customers and colleagues. The intention is for the Portal to be regularly reviewed and updated to comply with legal requirements.

#### **RESOURCE IMPLICATIONS**

##### **Capital/Revenue**

18. There are no additional resource implications.

##### **Property/Other**

19. None

## LEGAL IMPLICATIONS

### Statutory power to undertake proposals in the report:

20. The general equality duty was created by the Equality Act 2010, which replaced the public sector race, disability and gender equality duties which existed previously. The duty now covers the wider protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation.
21. The general equality duty is set out in s149 of the Equality Act and requires public authorities to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons with protected characteristics and those without; and foster good relations between persons with protected characteristics and those without.
22. As mentioned in the report, public authorities are required to publish information to demonstrate compliance with the equality duty at least annually. This information must include information relating to people who share protected characteristics and are affected by its policies, and for organisations over 150 employees, information about how its own employees are affected by its policies. Authorities are also required to prepare and publish their own equality objectives, which must be specific and measurable, at least every 4 years. All information must be published in a way that is accessible to the public.
23. The Council is further subject to a duty under the Crime and Disorder Act 1998 to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area including anti-social behaviour, substance misuse and other behaviour adversely affecting the local environment.

### Other Legal Implications:

24. None

## POLICY FRAMEWORK IMPLICATIONS

25. Annual Libraries Plan, Southampton Connect Plan (Community Strategy), Children and Young Peoples' Plan, Plan and strategies which together comprise the Development Plan, Youth Justice Plan, Housing Strategy (inc. HRA Business Plan), Adult Learning Plan, 14 – 19 Strategy, Economic Development Strategy, Crime and Disorder Reduction Strategy, Local Transport Plan.

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**KEY DECISION?** Yes

<b>WARDS/COMMUNITIES AFFECTED:</b>	All
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**SUPPORTING DOCUMENTATION**

**Appendices**

1.	Revised Equality Policy
2.	Draft Equality Action Plan (January 2013 to March 2016)

**Documents In Members' Rooms**

1.	Current Equality Scheme
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**Equality Impact Assessment**

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No – no negative impacts have been identified
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**Other Background Documents**

**Equality Impact Assessment and Other Background documents available for inspection at:**

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

None	
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