

Cabinet



Forest Heath
District Council

Title of Report:	West Suffolk Equality Scheme	
Report No:	CAB/FH/15/013	
Report to and date:	Cabinet	17 February 2015
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Purpose of report:	To provide Members with an updated Equality Scheme to be operational across both Forest Heath and St Edmundsbury councils.	
Recommendation:	It is <u>RECOMMENDED</u> that: (1) Members approve the Equality Scheme at Appendix 1 and the Equality Guidance and Forms at Appendix 2.	
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
<i>The decision made as a result of this report will be published within 48 hours and cannot be actioned until seven working days have elapsed. This item is included on the Decisions Plan.</i>		
Consultation:	<ul style="list-style-type: none"> This is an articulation of the legislation applicable to local authorities in relation to equalities, as such there is no need to consult. 	
Alternative option(s):	<ul style="list-style-type: none"> It is best practice to have an Equality Scheme. 	
Implications:		
<i>Are there any financial implications? If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Are there any staffing implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any ICT implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any legal and/or policy implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> The Council is required by the Equality Act 2010 to adhere to the public sector equality duty. 	
Are there any equality implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> The Scheme provides a structure for ensuring equality and has such implications for equality as it sets a standard for the councils to adhere to. 	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Enforcement by the Equalities and Human Rights Commission for breach of legislation.	Medium	<ul style="list-style-type: none"> The Equality Scheme, The EqIA Guidance and Forms. 	Low
Reputational damage for breach of legislation.	Medium	<ul style="list-style-type: none"> The Equality Scheme, The EqIA Guidance and Forms. 	Low
Ward(s) affected:		All Ward/s	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		None	
Documents attached:		Appendix 1 – Equalities Scheme Appendix 2 – EqIA Guidance and Forms	

1. Key issues and reasons for recommendation(s)

1.1 Equality Scheme 2015-2020

1.1.1 Both St Edmundsbury Borough and Forest Heath District Council have had an Equality Scheme in place since the introduction of the Equalities Act 2010 and the requirement for a single scheme rather than the previous regime of Race Equality and Disability Equality Schemes.

1.1.2 Both these schemes are now due to be updated and the opportunity has been taken to develop one single scheme for West Suffolk. This scheme has been developed having regard to The Equalities Act 2010, the Public Sector Equalities Duty and the guidance provided by the Equalities and Human Rights Commission.

1.1.3 Under the public sector equality duty we must, in the exercise of our functions, have due regard to the need 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 and those who do not.

These are sometimes referred to as the general equality duty. The Act further explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

1.2 Managing and monitoring equality

1.2.1 This scheme sets out how we will manage and monitor equality, as an employer, as a service provider and in our role as local authority.

1.2.2 As highlighted in the scheme, the actions of public bodies can affect groups of people in different ways, which may result in unfair advantage or exclusion from opportunities to fully participate in society. Where this occurs is known as 'adverse impact' or 'negative impact' and in many cases is unlawful.

1.2.3 To avoid adverse or negative impacts, we must scrutinise our own policies, projects and proposals to assess whether they will unfairly disadvantage or exclude certain groups, and mitigate any areas of concern – through an 'Equality Impact Assessment' (EqIA).

1.2.4 Under the equality duty, we are not required to follow any specific methodology or template to undertake equality analysis, but we do need to be able to show that we have had due regard to the effect of our policies and

practices on equality – this will involve looking at evidence, engaging with people, staff, service users and others, whilst also considering the effect of what we do on the whole community.

- 1.2.5 We have produced a template and guidance for a two stage approach (Appendix A). The first stage is an equality screening assessment which should be completed for all policy or service delivery decisions. It should be noted that the completion of the Equalities screening assessment supports the equality analysis but it is only a starting point and prompts us to consider equality issues.
- 1.2.6 The full EqIA is a natural progression from the screening stage if there remain significant uncertainties about the levels of impact on one or more of the identified diversity groups.

1.3 Other Options

- 1.3.1 Whilst compliance with the Equality Act 2010 and the Public Equality Duty is statutory, we do have options as to how we ensure our compliance. The advantage of a formally adopted Equality Scheme is that the councils can be clear about our obligations and be consistent in the application of our commitments. The Scheme will also provide clarity for staff, Members and the general public as to our position on the issue of equality.
- 1.3.2 The use of a standard form and guidance for Equalities Screening and Impact Assessment has similar benefits; we can be clear with the public as to the factors we have taken into consideration and the remedial action we have taken where appropriate.
- 1.3.3 The risk of not having such documented policies and procedures is that the council is at risk of legal challenge because it cannot demonstrate that it has given “due regard”, irrespective of whether or not the outcome could have been different