

Resources Scrutiny Committee

Equality, Diversity & Inclusion Policy

Date of Meeting: 26 November 2019

Portfolio Holder: Cllr P Wharf, Deputy Leader/Corporate Development and Change

Local Member(s):

Director: Matt Prosser, Chief Executive

Executive Summary:

This report presents the draft Equality, Diversity and Inclusion Policy for Dorset Council.

The policy sets out Dorset Council's approach to equality and diversity. It will sit alongside the Dorset Council Equality Scheme and contains the council's equality objectives, and these ensure compliance with the Equality Act 2010 and specifically the Public Sector Equality Duty.

This report seeks comments and feedback and a recommendation from the Resources Scrutiny Committee that the policy is adopted at Cabinet.

Equalities Impact Assessment:

An Equality Impact Assessment has been undertaken and is attached as Appendix 2 as a draft, as it is yet to be signed off by a Diversity Action Group.

Budget: Nil, the policy will be implemented within existing resources.

Risk Assessment:

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: MEDIUM

Residual Risk MEDIUM

Climate implications:

Climate change is potentially not felt equally, so any solutions need to consider fully the impact on different groups of people and communities. An Equality, Diversity and Inclusion Policy and the use of Equality Impact Assessments will help when any climate change activity is being planned.

Other Implications:

None.

Recommendations:

It is recommended that:

1. That the Resources Scrutiny Committee consider the Equality, Diversity & Inclusion Policy as set out in Appendix 1 of this report.
2. If approved, the Resources Scrutiny Committee recommend to Cabinet that the policy is adopted.

Reason for Recommendation:

1. The Equality, Diversity & Inclusion Policy will ensure that the council is delivering services fairly and meeting the needs of Dorset communities whilst also being a fair and inclusive employer.
2. The policy will ensure that the council is meeting its statutory duties as contained in the Equality Act 2010.

Appendices:

Appendix 1: Draft Equality, Diversity & Inclusion Policy

Appendix 2: Equality Impact Assessment (Draft)

Background Papers:

Dorset Council Equality Scheme, Shadow Dorset Council Executive Committee - [Committee Report](#)

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1. Background

- 1.1. An Equality, Diversity and Inclusion Policy provides the framework for Dorset Council to ensure compliance with the Equality Act 2010, it also shows the Council's commitment to equality and diversity.
- 1.2. Dorset was served by nine councils until 1 April 2019 when a local government reorganisation reduced these to two:
 - Dorset Council (formerly Dorset County Council, East Dorset District Council, North Dorset District Council, Purbeck District Council, West Dorset District Council, Weymouth & Portland Borough Council).
 - Bournemouth, Christchurch & Poole Council (formerly Bournemouth Borough Council, Christchurch Borough Council, Poole Borough Council).

- 1.3. As part of bringing the councils together, the Shaping Dorset Programme Team worked with equality leads from the sovereign councils to develop an equality and diversity policy for Dorset Council.
- 1.4. A draft Equality, Diversity & Inclusion Policy was presented at a Shaping Dorset Council Human Resources (HR) and Trade Unions Workshop on 13 March 2019. It was recommended that further work including consultation was required.
- 1.5. As such, it was agreed by the Shaping Dorset Corporate Theme Board (22 March 2019) that the Dorset County Council Equality & Diversity Policy would be 'lifted and shifted' and used by Dorset Council for interim period whilst the draft policy was finalised.

2. The Dorset Council Equality, Diversity & Inclusion Policy

- 2.1. The Equality, Diversity and Inclusion Policy is attached at Appendix 1. The policy covers the following areas:
 - understanding equality, diversity and inclusion
 - the legal framework
 - implementation of the policy
 - monitoring and measuring progress
 - promotion and communication of the policy
- 2.2. This policy will sit with other policies such as Dignity at Work and the Behaviours Framework, all of which contribute to ensuring a positive workplace culture where discriminatory behaviour will not be tolerated.
- 2.3. This policy will also sit alongside the Dorset Council Equality Scheme, this details the council's key equality objectives for the four years and demonstrates the work Dorset Council is doing to meet the Public Sector Equality Duty (Section 149 of the Equality Act, 2010).
- 2.4. The Dorset Council Equality Scheme was agreed by the Shadow Executive Committee on the 14 January 2019, this was to ensure that Dorset Council was meeting its legal duties under Section 149 of the Equality Act 2010 from 'day one'.
- 2.5. The Dorset Council Equality Scheme and this Equality, Diversity and Inclusion Policy will be monitored by the Equality, Diversity and Inclusion Executive Advisory Panel (EAP), which was established in September 2019 and is chaired by Councillor Peter Wharf and includes cross-party Council Members.
- 2.6. The purpose of the Equality, Diversity and Inclusion EAP is to:
 - oversee equality, diversity and inclusion within Dorset Council
 - monitor the council's performance in relation to equality, diversity and inclusion, ensuring that Dorset Council complies with the General and Specific Duties under the Equality Act 2010.
 - ensure publication of an annual report summarising progress against Dorset Council's Equality Objectives
 - keep abreast of national developments and new initiatives in relation to equality, diversity and inclusion for Dorset Council.

- assist the council in responding to Government consultation, guidance and policy on equality, diversity and inclusion.
- work with officers to identify and manage significant risks relating to equality, diversity and inclusion to mitigate their impacts on people with protected characteristics.
- provide regular briefings and update reports to relevant committees and to Cabinet as required.

3. Legal Implications

- 3.1. The Equality, Diversity & Inclusion Policy incorporates the council's approach to discharging its responsibilities under the Equality Act 2010.
- 3.2. The Equality Act 2010 replaced all previous equality legalisation. The act sets out the different ways in which it is unlawful to treat someone, such as direct and indirect discrimination, harassment, victimisation and failing to make a reasonable adjustment for a disabled person, the act prohibits unfair treatment in the workplace and when providing goods, facilities and services.
- 3.3. The act also protects people from being treated less favourably because of certain characteristics, these are known as 'protected characteristics' which are:
 - age
 - disability
 - gender reassignment
 - marriage and civil partnership
 - pregnancy and maternity
 - race
 - religion or belief
 - sex
 - sexual orientation
- 3.4. The act also includes the Public Sector Equality Duty (Section 149) which sets both general and specific duties to which public bodies are legally bound. The general duty requires public bodies to have 'due regard' 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 people who do not share it; and
 - foster good relations between people who share a protected characteristic and those who don't.
- 3.5. The general duty is supported by specific duties; their purpose is to help public bodies meet the general duty and these are;
 - to publish information annually to demonstrate compliance with the general duty
 - to prepare and publish one or more equality objectives, every four years to demonstrate how the council is meeting the aims of the general duty.

- 3.6. The Public Sector Equality Duty applies across all local authority businesses e.g. service delivery, employment, procurement and commissioning and decision making.
- 3.7. The Equality and Human Rights Commission are responsible for monitoring and enforcing the equality duty.

4. Consultation

- 4.1. In developing the Equality, Diversity and Inclusion Policy, a draft copy was circulated internally to the following for comments and feedback:
 - Members of the Equality, Diversity & Inclusion Executive Advisory Panel
 - Colleagues in Human Resources & Organisational Development
 - Colleagues in Democratic Services
 - Colleagues in the Community Development Team
 - Diversity Action Group Chair's
- 4.2. The policy was also shared with several key equality focused organisations for comment, these included:
 - Stonewall (LGBT charity)
 - Dorset Race Equality Council
 - Chrysalis (Gender Identity Matters charity)
 - Access Dorset (disability)
 - Intercom Trust (LGBT+ charity)
 - LGB&T Dorset Equality Network
 - WAND (Women's Action Network)
- 4.3. In addition, the policy was presented to the HR and Trade Unions Monthly Meeting on the 5 November 2019. The unions agreed to feedback any comments by the date of this committee meeting.