



1. **PURPOSE OF REPORT**

To inform members of the recent accreditation of Hinckley and Bosworth Borough Council as an Achieving Authority under the Equality Framework for Local Government.

To advise members of the Public Sector Equality duty under the Equalities Act 2010 and specifically the responsibilities for every Councillor.

2. **RECOMMENDATION**

- (i) That Council notes that Hinckley and Bosworth Borough Council is an "achieving" authority.
- (ii) That Council notes the responsibilities introduced by the Equalities Act 2010.
- (iii) That Council endorse the attached action plan and proposal to seek "excellent" accreditation in 2014

3. **BACKGROUND TO THE REPORT**

3.1 On 20 and 21 September 2011, Hinckley and Bosworth Borough Council sought external critical friends to assess us against the Equality Framework For Local Government. We successfully demonstrated that we are an "achieving" authority on the Standard.

3.2 An 'achieving' authority has the following characteristics:

- Councillors and officers take direct and personal responsibility for promoting greater equality
- The Council has undertaken equality mapping and has a good understanding of its communities and it uses the information to inform priorities.
- It has set stretching equality priorities in consultation with partners in the public, voluntary and community sectors and these are reflected in its strategies and targets.
- It works with partners in the public, voluntary and community sectors to develop joint equality strategies.
- It uses equality impact assessments (EIAs) to review all major corporate and service changes in policy and regularly conducts service and employment EIAs.
- It has set appropriate corporate and service objectives to address inequalities and narrow the gap related to race, gender, disability, sexual orientation, age, religion and or belief, or other areas of inequality for service delivery.
- It has set appropriate employment and pay-related objectives for race, gender, disability and age, religion and or belief and sexual orientation.
- Equality objectives are integrated into the local authority's business and service planning processes.
- All relevant data on service access is monitored against the equality strands.
- There are good practices of delivery in all the sections of the council, with few adverse impacts found in impact assessments. Where adverse impacts have been found these have been mitigated.

- Key stakeholders and the community, including those who are vulnerable and marginalised, can scrutinise and challenge performance on equalities issues.
 - It has developed information and monitoring systems that allow it to disaggregate data where appropriate and to assess progress in achieving objectives and targets. It reviews them in the light of changing needs, when necessary.
- 3.3 To continue the good work witnessed and endorsed by the assessors an action plan has been put together and approved by the Corporate Equality Steering Group. It is proposed that by following this action plan, continuing to exchange information and best practice and by continuing to promote equality and diversity, that we aim for “excellent” accreditation by 2014/2015.
- 3.4 The Equality Act 2010 replaced previous anti-discrimination laws with a single Act. The public sector Equality Duty came into force on 5 April 2011. The Equality Duty applies to public bodies and others carrying out public functions. It supports good decision-making by ensuring public bodies consider how different people will be affected by their activities, helping them to deliver policies and services which are efficient and effective; accessible to all; and which meet different people’s needs.
- 3.5 The Equality Duty is supported by specific duties, set out in regulations which came into force on 10 September 2011. The specific duties require public bodies to publish relevant, proportionate information demonstrating their compliance with the Equality Duty; and to set themselves specific, measurable equality objectives. This is to make public bodies transparent about their decision-making processes, and accountable to their service users.
- 3.6 Public bodies, in delivering their services and as a community leader must show that they had 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; and
 - foster good relations between people who share a protected characteristic and people who do not share it.
- 3.7 The protected characteristics covered by the Equality Duty are:
- age
 - disability
 - gender reassignment
 - marriage and civil partnership (but only in respect of eliminating unlawful discrimination)
 - pregnancy and maternity
 - race – this includes ethnic or national origins, colour or nationality
 - religion or belief – this includes lack of belief
 - sex
 - sexual orientation
- 3.8 Public bodies must publish information to show that they consciously thought about the three aims of the Equality Duty as part of the process of all decision-making.
- 3.9 The information published must include:
- information relating to employees who share protected characteristics; and
 - information relating to people who are affected by the public body’s policies and practices who share protected characteristics.
- 3.10 The Equality Duty requires public bodies to consider how their activities as employers affect people who share different protected characteristics. This could include information they considered relating to:

- the make-up of the overall workforce;
 - pay equality issues;
 - recruitment and retention rates for staff with different protected characteristics;
 - applications for flexible working and outcomes for different protected characteristics;
 - applications for learning and development opportunities and outcomes for staff with different protected characteristics;
 - grievances and disciplinary issues for staff with different protected characteristics.
- 3.11 The Equality Duty requires public bodies to consider how the decisions that they make, and the services they deliver, affect people who share different protected characteristics. The specific duties require public bodies to publish information to show they did this. To do this we need to know
- the number of people with different protected characteristics who access and use services in different ways;
 - customer satisfaction levels and informal feedback from service users with different protected characteristics and results of consultations;
 - complaints about discrimination and complaints from people with different protected characteristics;
- 3.12 The specific duties require public bodies to prepare and publish one or more specific and measurable equality objectives which will help them to further the three aims of the Equality Duty. We must publish their first equality objectives by 6 April 2012.
- 3.13 In setting its objectives, a public body should think about:
- what evidence it could use to inform the objectives (internal and external);
 - what types of equality issues are raised by its staff and customers;
 - where the evidence indicates that equality performance is poor;
 - what objectives could be set to stretch the organisation to perform better on equality issues in key areas;
 - whether there is scope to benchmark equality information and objectives against similar public bodies;
 - the people and organisations it would be useful to talk to in the process of setting objectives;
 - whether to set short term, medium term or long term objectives in different areas;
 - how progress against the objectives will be measured.
- 3.14 The Equality and Human Rights Commission is responsible for assessing compliance with the specific duties, and for their enforcement. As with the Equality Duty, it has powers to issue a compliance notice to a public body that it believes has failed to comply with the specific duties, and can apply to the courts for an order requiring compliance.
- 3.15 What is a Councillor's individual role and responsibilities with regard to Equality and Diversity?
- 3.16 Understanding and responding to the diversity of the population is fundamental to making the right service and policy decisions, local Councillors must
- understanding local communities
 - demonstrate appropriate leadership
 - understanding what affects relationships between people in local areas.
- 3.17 Councillors have a central role to play in ensuring equality issues are integral to the council's performance and strategic aims but equally when faced with challenges in terms of their budgets ensuring that cuts are as equitable as possible.
- 3.18 Councillors will be expected to understand the impact of cutting budgets, mitigate potential negative outcomes especially the cumulative impact on specific equality

groups. Getting this right will ensure fairness, equality of opportunity and not penalise the poor and disadvantaged.

- 3.19 Councillors must ensure that they understand the relevant provisions of the Equality Act 2010, what the council has done to prepare for and implement the public sector equality duty, how the act relates to service users, staff and contracts. Councillors should check that impact assessments are undertaken on all decisions to ensure that policies or functions are responsible, efficient and fair. To help with this the report template has been changed to ensure that Equality Impact Assessments for service changes are referenced at the decision making stage.
- 3.20 Councillors should also lead by example, eliminating unlawful discrimination, harassment and victimisation, advancing equality of opportunity between people who share a protected characteristic and those who don't and foster and promote good relations between people who share a protected characteristic and those who don't.
- 3.21 If, as a Council we are able to demonstrate a passionate commitment to all the people the organisation serves, we can deliver value for money services in a way that the community wants it delivered and to those who are in need. As an organisation we can tackle local inequalities and foster good relations between all sections of the community.

4. FINANCIAL IMPLICATIONS (AB)

The current work within the plan will be carried out using existing resources. Additional resources may be required in three years time if the Authority does apply for excellent accreditation. The costs of this are unknown at this stage.

5. LEGAL IMPLICATIONS (LH)

Contained within the body of the report.

6. CORPORATE PLAN IMPLICATIONS

Stronger and Distinctive Communities

7. CONSULTATION

No one has been consulted in the preparation of this report, the purpose is to consult with Councillors.

8. RISK IMPLICATIONS

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to fulfil the Public Sector Equality Duty	Ensure that information is published in a timely and transparent way, ensure we know our community and make decisions in an informed way following full impact assessment	Service Managers

9. **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

The purpose of this report is to explain how important knowing our community is to the decision making process. No decisions are being made requiring an EIA.

10. **CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications
- Planning Implications
- Voluntary Sector

Background papers:

Contact Officer: Name, telephone 01455 255859
 Executive Member: Councillor Ms BM Witherford