

Report Title:	<b>Equality and Diversity Policy</b>
Contains Confidential or Exempt Information?	NO - Part I
Member reporting:	Councillor Targowska – Principal Member for HR, Legal and IT
Meeting and Date:	Council - 24 April 2018
Responsible Officer(s):	Alison Alexander, Managing Director
Wards affected:	All

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## REPORT SUMMARY

- 1 In April 2011 the Equality Duty, created under the Equality Act 2010 came into force, requiring public authorities to demonstrate that they are considering the needs of all individuals, including employees, in the course of decision-making and delivery of services.
- 2 In addition, the Equality Act 2010 (Specific Duties) Regulations 2011 requires public authorities to publish equality objectives, at least every four years and information to demonstrate compliance with the Equality Duty on an annual basis relating to the authority's role both as service-provider and employer if it has more than 150 employees.
- 3 This report sets out how the council will meet its statutory responsibilities through the adoption of a refreshed Equality Policy and equality objectives for the period 2018-2022. In addition, it proposes that the council adopts the International Holocaust Remembrance Alliance (IHRA) working definition of anti-Semitism in line with the commitment from the UK Government.

## 1 DETAILS OF RECOMMENDATION(S)

**RECOMMENDATION:** That Council notes the report and:

- i) Approves the draft Equality Policy, see Appendix A.
- ii) Approves the adoption of the International Holocaust Remembrance Alliance's working definition of anti-Semitism, see point 3.5.

## 2 REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 In April 2011 the Equality Duty, created under the Equality Act 2010 came into force, requiring public authorities to demonstrate that they are considering the needs of all individuals, including employees, in the course of decision-making and delivery of services. Its three aims are to have due regard to the need to:
  - Eliminate unlawful discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act 2010.
  - Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it.
  - Foster good relations between persons who share a protected characteristic and persons who do not share it.

- 2.2 The following characteristics are protected characteristics under the Equality Act 2010: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.
- 2.3 To ensure transparency, and to assist in the performance of the Equality Duty, the Equality Act 2010 (Specific Duties) Regulations 2011 requires public authorities to publish equality objectives, at least every four years and information to demonstrate compliance with the Equality Duty on an annual basis relating to the authority's role both as service-provider and employer if it has more than 150 employees.

#### **Equality objectives and monitoring arrangements**

- 2.4 The council last published its equality objectives in 2014; the proposed refreshed Equality objectives for the period 2018-22 are available on the council's website ([here](#)). Progress against these objectives will be reported to the Principal Member for HR, Legal and IT, Senior Management Team (SMT) and the Access Advisory Forum on a six-monthly basis. A progress report against the existing equality objectives is available on the website ([here](#)).

#### **Equality Policy**

- 2.5 As part of this review of the council's responsibilities, the existing Equality Policy has been reviewed and a proposed new draft policy is set out at Appendix A for approval and immediate adoption. Consultation on the draft policy has taken place with officers and the Access Advisory Forum.

#### **IHRA definition of anti-Semitism**

- 3.5 A key development since the council's existing Equality Policy was drafted is the adoption of a [working definition of anti-Semitism](#). Whilst police forces already use a version of the IHRA definition, the UK Government announced on 11 December 2016 that it will sign up to the definition and guidelines and other local authorities have since independently adopted the same in 2017. It is proposed that the council adopts this definition.

**Table 1: Options**

<b>Option</b>	<b>Comments</b>
Do nothing.	The council will not be compliant with its statutory duties under the Equality Act 2010.
Approve draft objectives, revised policy and adoption of IHRA definition of anti-Semitism.	This will ensure compliance with the council's obligations under the Equality Duty as a public authority and ensure a proactive approach to advancing the equality agenda.
<b>This is the recommended option.</b>	

### **3 KEY IMPLICATIONS**

- 3.1 Failure to meet our Equality Duty could make the council vulnerable to legal challenge and/or judicial review. The key implications are set out in table 2.

**Table 2: Key implications**

<b>Outcome</b>	<b>Unmet</b>	<b>Met</b>	<b>Exceeded</b>	<b>Significantly Exceeded</b>	<b>Date of delivery</b>
Meet statutory responsibilities under the Equality Duty	Upheld legal challenge and/or judicial review	Compliance with the Equality Duty without successful legal challenge			31 March 2022

## **4 FINANCIAL DETAILS / VALUE FOR MONEY**

- 4.1 There are no financial implications arising from the recommendations in this report.

## **5 LEGAL IMPLICATIONS**

- 5.1 Failure to meet our Equality Duty could make the council vulnerable to legal challenge and/or judicial review.

## **6 RISK MANAGEMENT**

- 6.1 The risks identified are set out in table 3.

**Table 3: Impact of risk and mitigation**

<b>Risk</b>	<b>Uncontrolled</b>	<b>Controls</b>	<b>Controlled</b>
The risk that the council does not meet its legal obligations under the Equality Duty.	High	Refreshed policy and objectives and monitoring arrangements adopted	Low

## **7 POTENTIAL IMPACTS**

- 7.1 The adoption of the refreshed Equality Policy and the council meeting its obligations under the Equality Duty will deliver a positive impact across the whole community, including the council workforce, and contribute to the council's vision of building a borough for everyone where residents and businesses thrive and there are opportunities for all.
- 7.2 The equality impact assessment completed in relation to this policy is available on the council's website ([here](#)).

## **8 CONSULTATION**

- 8.1 Consultation has taken place with:
- Principal Member for HR, Legal and IT.

- Senior Management Team.
- Access Advisory Forum.
- People Forum.

## 9 TIMETABLE FOR IMPLEMENTATION

9.1 The timetable for implementation is at table 4.

**Table 4: Implementation timetable**

Stage Details	Dates
Approve and adopt refreshed Equality objectives, Equality Policy and IHRA definition of anti-Semitism.	24 April 2018
Publication of all documentation to website.	25 April 2018

## 10 APPENDICES

The appendices to this report are:

- Appendix A: Draft Equality Policy.

## 11 BACKGROUND DOCUMENTS

11.1 None.

## 12 CONSULTATION (MANDATORY)

Name of consultee	Post held	Date issued for comment	Date returned with comments
Cllr Targowska	Principal Member for HR, Legal and IT	28/02/18	28/02/18
Alison Alexander	Managing Director	11/04/18	12/04/18
Russell O'Keefe	Executive Director	11/04/18	12/04/18
Andy Jeffs	Executive Director	11/04/18	12/04/18
Rob Stubbs	Section 151 Officer	11/04/18	12/04/18
Nikki Craig	Head of HR and Corporate Projects	11/04/18	12/04/18
Louisa Dean	Communications	11/04/18	12/04/18
Rob Stubbs	Head of Finance	11/04/18	12/04/18
Hilary Hall	Deputy Director Strategy & Commissioning	11/04/18	12/04/18

## REPORT HISTORY

Decision type:	Urgency item?	To Follow item?
Key decision	No	No



# **The Royal Borough of Windsor & Maidenhead**

## **Equality Policy**

**April 2018**

**“Building a borough for everyone – where residents and businesses grow, with opportunities for all”**

**Our vision is underpinned by six priorities:**

*Healthy, skilled and independent residents*

*Growing economy, affordable housing*

*Safe and vibrant communities*

*Attractive and well-connected borough*

*An excellent customer experience*

*Well-managed resources delivering value for money*

## **CONTENTS**

- 1 Introduction
- 2 Responsibilities under the law
- 3 Equality in service provision
- 4 Equality in Employment
- 5 Monitoring

### **Frequently used acronyms**

FTE	Full time equivalent
RBWM	Royal Borough of Windsor & Maidenhead

### **Supporting documents**

- Council Plan 2017-2021
- Customer Plan
- People Plan
- Service Plans 2018-2019



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# 1 INTRODUCTION

- 1.1 The Royal Borough of Windsor and Maidenhead is a diverse place with a vibrant cultural mix. Whilst this brings many benefits including different experiences, skills, cultures and approaches to life, it is important to acknowledge that this can mask inequalities in society.
- 1.2 The Royal Borough's vision is to build "a borough for everyone". By valuing diversity and ensuring equality, residents and visitors alike will benefit from strengthened local communities where all people have the opportunity to participate and to reach their full potential.
- 1.3 As a major employer and service-provider, the Royal Borough plays an essential role in improving life opportunities for people who are disadvantaged, vulnerable or have protected characteristics. The Royal Borough is committed to promoting equality by knowing its community and understanding its changing needs. It will:
  - Provide appropriate, accessible and effective services and facilities to all sections of the community without prejudice or bias.
  - Provide clear information about services in a variety of formats.
  - Identify appropriate representative groups of residents and work in partnership through consultation, and involve community representatives in decisions.
  - Through systematic reviews, ensure that policies and practices address any potential or actual discrimination and disadvantage, and monitor services to ensure they do not discriminate and identify where improvements can be made.
  - Achieve greater consistency in the council's approach to equality in the delivery of services.
  - Ensure that action is taken to identify groups within the community who have specific needs in relation to council services.
  - Ensure that equality considerations are addressed within service audits.
  - Monitor the provision of services against performance indicators.
  - Ensure that contractors, suppliers, volunteers and partners are aware of the council's position on equality and fulfil their obligations to provide services that are in line with that position.
  - Act promptly and appropriately in response to any complaints about the way services are delivered by ensuring that customer complaints are dealt with sensitively and fairly.
- 1.4 The Royal Borough believes that residents have responsibilities as well as rights, and in order to achieve "a borough for everyone" residents need to:
  - Treat each other with dignity and respect.
  - Challenge discrimination and harassment.
  - Report illegal or anti-social behaviour.
  - Support the council and other organisations to address inequalities.

## 2 RESPONSIBILITIES UNDER THE LAW

- 2.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society and sets out the different ways in which it is unlawful to treat someone. The Act brings together all previous equality legislation in England, Scotland and Wales, making the law easier to understand and strengthening protection in some situations. The characteristics protected under the Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.
- 2.2 In April 2011, the Public Sector Equality Duty, created under the Act, came into force. The Equality Duty requires public authorities to demonstrate that they are considering the needs of all individuals, including employees, in the course of decision-making and the delivery of services. The three aims of the Equality Duty are to have due regard to the need to:
- Eliminate unlawful discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act 2010;
  - Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it;
  - Foster good relations between persons who share a protected characteristic and persons who do not share it.
- 2.3 To ensure transparency and assist in the performance of the Equality Duty, the Equality Act 2010 (Specific Duties) Regulations 2011 require public authorities to:
- Publish equality objectives, at least every four years, from 6 April 2012.
  - Publish information to demonstrate compliance with the Equality Duty on an annual basis, from 31 January 2012, and relating to the authority's role both as service-provider and employer if it has more than 150 employees.
- 2.4 The Royal Borough meets its duties by:
- **Publishing equality objectives, at least every four years:** delivery of the council's vision and associated strategic priorities as set out in the Council Plan is supported by a suite of corporate plans, strategies and service plans containing objectives aligned to achievement of the vision. Consideration of how equality may be promoted is a key consideration when formulating objectives, and achievement of these objectives is published every four years.
  - **Publishing information to demonstrate compliance with the Equality Duty on an annual basis and relating to the authority's role as both service-provider and employer:** the council publishes an Annual Report at the end of each municipal year and this includes a statement outlining the council's progress against its existing equality objectives, supported by relevant performance and workforce diversity data.

### **3 EQUALITY IN SERVICE DELIVERY**

- 3.1. Equality Impact Assessments (EqIAs) are a tool to ensure that due regard is given to equal opportunities when making a decision. EqIAs should be carried out whenever a service, policy or function is planned, changed or removed and should cover the impact on both the workforce (employment) and customers/public (service delivery). A good EqIA helps to:
- Assess any potential impacts, positive and negative, in a proportionate way and with relevance.
  - Ensure that decision-making includes a consideration of the actions that would help to avoid or mitigate any negative impacts on particular protected groups.
  - Make decisions that are justified, evidenced and relevant, and identify any mitigating proposals.
  - Prioritise expenditure in an efficient and fair way.
  - Have a record showing that the potential impacts have been considered and that decisions are based on evidence.
- 3.2. EqIAs are public documents and are published on the Royal Borough website.
- 3.3. If residents believe that the council is in breach of its commitment to equalities, they can make a complaint using the council's complaints procedure.

### **4 EQUALITY IN EMPLOYMENT**

- 4.1. The council is committed to ensuring equality of opportunity to all in employment so that there is no unfair discrimination against any job applicant or employee for any reason.
- 4.2. As a recruiting employer, the Royal Borough will:
- Ensure vacancies are advertised in line with legislation.
  - Ensure the council's recruitment and selection guidelines are adhered to.
  - Only consider applicants for jobs on the basis of their relevant experience, qualifications, skills and abilities unless there is an exception under relevant legislation.
  - Aim to create a workforce which is representative of the local population.
- 4.3. The Royal Borough will take all measures possible to make reasonable adjustments in order to provide employment to applicants with disabilities who meet the minimum requirements for the post and prove to be the best candidate for the post.
- 4.4. As an employer, the Royal Borough will
- Ensure that all employees receive fair and equal treatment in relation to their employment, regardless of whether they are part time, full time, permanent or temporary and what level or occupation they are within the authority.
  - Promote a working environment where every employee is treated with respect regardless of occupation or level within the organisation.

- Ensure that promotion, training or any other benefit is on the basis of aptitude and ability.
- Encourage and help all employees to reach their full potential, within the resources available.
- Treat all employees fairly in relation to transfers, redundancy and the operation of the grievance and disciplinary procedures.
- Ensure that the workplace is free from discrimination and harassment and will act promptly on any complaints of discrimination or harassment in an appropriate manner.
- Develop and adhere to an equal pay policy and publish details of the gender pay gap in line with relevant legislation.
- Wherever possible, make reasonable adjustments and retain, in suitable employment, employees who become disabled or unable to undertake their duties due to illness.
- Ensure that all employees are aware of their personal responsibility to follow and support this policy.

4.5. Any employee who has a concern regarding the application of this policy should use the council's grievance procedure. Any prospective employee wishing to raise a complaint should do so using the council's complaints procedure.

## **5 MONITORING**

### **Service delivery**

- 5.1. The council has a statutory obligation to provide information about provision and use of services. The use and impact of services will be monitored to:
- Assess how well the service meets the needs of its users and identify gaps.
  - Improve the opportunity for service take up.
  - Better target resources to meet needs.
  - Feed equality data analysis into the departmental service planning process.
  - Demonstrate continuous improvement

### **Employment**

- 5.2. The council incorporates equal opportunities monitoring within its recruitment procedures and monitors grievances and complaints as part of its routine HR performance reporting.

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Document Author	Strategy Officer		
Document owner	Deputy Director Strategy and Commissioning		
Accessibility	This document can be made available in alternative formats on request.		
File location			
Destruction date	N/A		
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