

Equalities Update

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Purpose of the Report

1. To provide members with an update on the progress of the joint public sector Equality Objectives and South Somerset equality initiatives and to consider the adoption of an anti-racism statement

Forward Plan

2. This report appeared on the District Executive Forward Plan/ with an anticipated Committee date of May 12th 2022.

Public Interest

3. The Equality Policy sets out the Council's approach to promoting equality and meeting its equality duties to the public, customers, contractors/suppliers and staff in accordance with the Equality Act 2010.

Recommendations

4. That District Executive
 - a. Note the contents of the report and the progress that is being made in respect of the Council meeting its responsibilities under the Public Sector Equality Duty.
 - b. Consider the adoption of a Somerset Council anti-racism statement and refer to Full Council as appropriate.

Background

5. In 2019, members approved the adoption of a new Equality and Diversity Policy and noted the introduction of a new suite of Equality Objectives, and accompanying action plan, and the implementation of a single Somerset wide Equality Impact Assessment scheme.

All of the above were produced jointly by Somerset's Public Sector under the auspices of the Somerset Equality Officers' Group (SEOG).



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5.1. Legislative Background

Under the Equality Act 2010, public sector service providers are prohibited from discriminating against, harassing or victimising protected classes of people (the nine Protected Characteristics). In addition, the Act requires public sector service providers to make reasonable adjustments for disabled people.

The nine Protected Characteristics are as follows

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

In addition to the Equality Act, the Public Sector Equality Duty (PSED) is placed on all public bodies and others carrying out public functions to ensure they tackle discrimination and inequality, and contribute to making society fairer.

This equality duty is in addition to the statutory prohibitions against discrimination, harassment and victimisation, and also covers the same protected characteristics

When performing their functions, public bodies have a general duty to have 'due regard' to the need to:

- i. eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- ii. advance equality of opportunity between people from different groups, and
- iii. foster good relations between people from different groups

Having 'due regard' requires us to consider the above three requirements when exercising our functions, for example, in the provision of services, including the need to:

- a) remove or minimise disadvantages suffered by people due to their protected characteristics
- b) meet the needs of people with protected characteristics, and
- c) encourage people with protected characteristics to participate in public life or in other activities where their participation is low

5.2. What 'due regard' is to equality

Due regard to equality is the degree of regard that is proportionate in the circumstances, taking into account the importance of the policy or decision to the achievement of the statutory equality goals and the likely extent of its effects on protected groups.

5.3. Contribution to good decision making

The Equality Duty supports good decision-making by ensuring that 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.

Equality Objectives and South Somerset Equalities Action Plan

6. This report provides members with an update on the progress that has been made with the joint Equality Objectives and other progress made by SSDC in relation to its obligations under the Equality Act and Public Sector Equality Duty.

6.1. Equality Objectives

The Equality Objectives covering the period 2019 to 2023 were approved in 2019.

They have been kept under review by the Somerset Equality Officer's Group (SEOG) and updated periodically.

The current Equality Objectives Action Plan document is attached at **Appendix 1** and shows both the current Objectives and those that have been completed over the lifetime of the document.

It is important to note that the majority of the Objectives are Somerset-wide, apply to, and contributed to, by all the Somerset Public authorities.

The SSDC specific objectives can be found principally, but not exclusively, on pages 20 through 22.

6.2. South Somerset Compliance and Equality Action Plan

The principal method by which 'Due Regard' is considered is via the Equality Impact Assessment (EIA) process.

An equality impact assessment should be undertaken in circumstances where it is proposed to significantly change existing, or introduce new, services; budget proposals (particularly where budgets are being reduced or cut); significant change or introduction of new policies and strategies and major change that affects staff. In essence, Impact Assessments are required whenever council proposals are likely to impact our residents, staff or members.

A new EIA process was agreed between the major public sector bodies in Somerset and introduced in 2019.

EIA's are completed when proposals require a committee decision.

The Equality Impact process is in two stages.



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Stage 1 - Equality Impact Relevance Check Form (EIRCF)

This comprises a simple one-page form to help consider whether the proposal under consideration will have a negative impact on people from the Protected Characteristics and whether a full EIA is required.

Stage 2 - Equality Impact Assessment form

A full EIA is much more detailed and robust assessment of the risk of the proposal/s being considered including the need to provide equalities related evidence and to identify if there will be impacts (positive, neutral and negative) on people from the protected characteristics.

If negative impacts are identified then the EIA must describe how these will be mitigated along with any required actions.

A copy of the EIRCF or full EIA must be appended to the committee report in order that members can take informed decisions.

In order to monitor the levels of compliance with the requirement under the PSED to have 'due regard', an audit of 12 months of committee reports was undertaken over the summer of 2021.

Key findings from this exercise were:

- There were 95 reports requiring decisions, where no EIRCF was completed or may have been completed but not submitted with the report.
Of these, 28 arguably didn't require an EIRCF or a full EIA
Of the remaining 67 –
 - 12 were Planning related of which 9 were planning applications.
 - 10 were revenue and capital grants. Community Grants go through an Equalities check as part of the assessment and scoring process. However, the results of this were not translated into an EIRCF, which should still accompany reports.

Even allowing for those reports where an EIRCF was completed but not submitted, that still left a high percentage of reports which were not complying with the requirement to demonstrate 'due regard' to matters of equality and diversity via completing an Impact Assessment.

In many cases, an EIRCF is all that was required and which is straightforward to complete. However, without carrying out an EIRCF it is not clear whether some decisions are likely to have negative impacts on people from Protected Characteristics therefore requiring a full EIA to be carried out.

Without a clear audit trail that shows we have properly considered 'due regard', we leave ourselves exposed if, as a council we were ever challenged on a decision for reasons of Equality, and were unable to provide clear evidence of having done so. The ultimate sanction is that the council could be subject to a Judicial Review resulting in a fine.

Having presented the results of this compliance audit to Strategic Leadership Team (SLT) in December 2021, it was agreed to put in place an SSDC action plan to improve compliance



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that would be reported quarterly to SLT. A copy of the latest iteration of the action Plan can be found at **Appendix 2**.

Headline achievements since the implementation of the Action Plan in January 2022 are:-

- The introduction of the mandatory Equality and Diversity training module and the number of staff who have so far completed i.e. 441 as of 14th April.
- The introduction of the LGA equality module for elected members. This is one of only three essential modules for members. Unfortunately, take up has been poor with only three councillors completing the training.
- With regard to the requirement to complete EIA's to support Strategic Leadership Team, District Executive and Area Committee reports, compliance has been very encouraging. In the period from February 2022 up to 14 April, out of a total of 31 reports that required EIRC forms, 26 were completed. This is more than in the whole of 2021 (15). In the same period, there are two full EIA's currently in draft form waiting completion.

Local Government Reorganisation

7. The Councils' equality officers have contributed to the Local Government Reorganisation (LGR) manual that guides and supports the work stream activity, and where they sit on specific work streams champion as far as they are able, equality considerations.

SSDC Director Jan Gamon acts as a champion for Equalities at the Programme Board level escalating, as required, any concerns regarding work streams that are falling short in their responsibilities to have 'Due Regard'

Anti-Racism Statement

8. In preparation for the new Somerset Council an anti-racism statement has been drafted to be adopted by the current councils in Somerset, and other public sector bodies. The statement for consideration can be found at Appendix 3.

Financial Implications

9. There no financial implications as a result of this report

Legal implications (if any) and details of Statutory Powers

10. The contents of this report are covered by the 2010 Equality Act and Public Sector Equality Duty

Risk Matrix



South Somerset

District Council

Inherent Risk Rating (before application of report recommendations)

GL; DoS				
R				
F; PPD				

Likelihood



Residual Risk Rating (after application of report recommendations)

PPD/GL/DoS/ F/R				

Likelihood



Delivery of Services – DoS
 Health and Safety - HS
 Governance and Legal – GL
 Financial - F
 Project/Programme Delivery - PPD
 Reputation - R
 SC - Staffing and Capacity

Catastrophic impact and likelihood certain
Significant impact and likelihood probable
Moderate impact and likelihood possible
Limited impact and likelihood unlikely
Minimal impact and likelihood remote

Council Plan Implications

Equalities considerations cut across all council business where the impacts of decisions may have a negative effect on residents, staff and members. The subject of this report is therefore aligned with and underpins all 5 priorities that comprise the 2022-23 Corporate Plan Action Plan.

Carbon Emissions and Climate Change Implications

An Environmental Assessment Form has been completed There are no Carbon Emission or Climate Change Implications as a consequence of this report.

Equality and Diversity Implications



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An Equality Impact Relevance Check Form has been completed in respect of the Proposal?	Yes / No
The Impact Relevance Check indicated that a full EIA was required?	Yes / No
If an EIA was not required please attach the Impact Relevance Check Form as an Appendix to this report and provide a brief summary of its findings in the comments box below.	
If an EIA was required please attach the completed EIA form as an Appendix to this report and provide a brief summary of the result of your Equality Impact Assessment in the comment box below.	
Additional Comments	
The Equality Impact Relevance Check Form is attached as Appendix 4 to this report	

Privacy Impact Assessment

No Privacy Impacts arising from this report

Background Papers

None