

**Agenda Item No:** 7

**Report To:** Cabinet

**Date of Meeting:** 26 May 2022

**Report Title:** Ashford Borough Council Equality Policy 2022-24

**Report Author:** Charlotte Hammersley  
**Job Title:** Head of Policy and Performance

**Portfolio Holder:** Cllr. Clarkson, Leader of the Council and Councillor  
**Portfolio Holder for:** Pickering, Portfolio Holder for HR and Customer Services.



**Summary:** This reports presents the draft Equality Policy 2022-24. The policy is a new one, bringing together the council's statutory responsibilities, equality objectives and areas of focus for the 2022-24 period. Together with the policy is an action plan which explains how we plan to deliver our equality objectives of a two-year period.

**Key Decision:** NO

**Significantly Affected Wards:** All

**Recommendations:** **To Recommend to Council:-**

- I. Adoption of the Equality Policy 2022-24 and associated action plan**
- II. Adoption of the International Holocaust Remembrance Alliance's (IHRA) working definition of anti-Semitism.**

**Policy Overview:** The Equality Act 2010 and Public Sector Equality Duty 2011 provide the legal framework that has informed the development of this policy.

The council's four equality objectives were developed and first adopted as part of the Recovery Plan before being reaffirmed in the Corporate Plan 2022-24. This policy sets out how we will deliver our objectives before the next formal review in 2024. The four adopted equality objectives are:

- 1) Improve our understanding of our diverse communities in all that we do.
- 2) Encourage all residents to have a say in the decisions that affect them and get involved in their local communities.

3) Deliver services and customer care to meet the needs of all our residents.

4) Deliver organisational change to enable a more inclusive and diverse workforce.

**Financial Implications:**

There is an action relating to delivering training during the lifetime of the policy. Whilst Member training could be covered by the dedicated Member training budget, some additional funding may be required to deliver training to staff.

**Legal Implications:**

“Adoption of the policy will assist the council in complying with its legal responsibilities as set out in the Equality Act 2010 and Public Sector Equality Duty 2011”, Principal Litigator, Legal Department.

**Equalities Impact Assessment:**

See Attached.

**Data Protection Impact Assessment:**

Not required as the policy does not propose any significant data processing or surveillance.

**Risk Assessment (Risk Appetite Statement):**

Having recently set its equalities objectives, the council is compliant with its responsibilities under the Equality Act 2010 and Public Sector Equality Duty. The adoption of a policy will assist the council in ensuring it maintains a low tolerance to the risks associated with this important compliance matter. The policy will ensure there is a focused approach to ensuring compliance with our legal obligations therefore reducing any risks associated with the council’s approach to equalities. Adoption of the policy is therefore within the council’s compliance risk appetite.

**Sustainability Implications:**

None.

**Other Material Implications:**

None.

**Exempt from Publication:**

**NO**

**Background Papers:**

None.

**Contact:**

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## **Report Title: Ashford Borough Council Equality Policy 2022-24**

### **Introduction and Background**

1. The Council is governed by the Equality Act 2010 both as a service provider and as an employer. The key message or purpose of the Act is to ensure that everyone is treated equally in the workplace and has equal access to services. In any event, we are a caring borough and would always wish to have an approach that recognises equalities. In addition, under the Public Sector Equality Duty which came into effect in 2011, we must have due regard to:
  - Eliminating unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act.
  - Advancing equality of opportunity between people who share a protected characteristic and those who do not share it; and
  - Fostering good relations between people who share a protected characteristic and those who do not.
2. Under the duty we have specific requirements to publish information about how we comply with the duty each year and publish equality objectives every four years.
3. Our equality objectives were reviewed and adopted as part of the Corporate Plan 2022-24. Since then, work has been underway to ensure the objectives are supported by a clear policy and a set of actions. The policy and actions have been developed across services and a consultation with both the public and staff has taken place.

### **Proposal**

#### **Equality Policy and action plan**

4. The council already has a strong track record as a caring borough and our Corporate Plan 2022-24 contains a variety of actions for improving services for local people under the Caring objective. A particular highlight in recent years was receiving a Diversity and Inclusion award from the Local Government Chronicle in 2020 for Diversity and Inclusion for our Syrian Resettlement Programme. In addition, there has been a real drive to increase the number of Changing Place facilities to help ensure that the borough is a welcoming place to all. The recent good news of the council securing additional funding from the government for Changing Places will support the continuation of this programme.

5. In developing the policy, an initial study was undertaken which set out demographic information about the borough population and workforce, an assessment against the Local Government Association Equality Framework and best practice from other authorities. From this study, the Health and Wellbeing Group developed a series of actions aimed at developing our approach over the next two years both for the borough and workforce populations.
6. The draft Equality Policy aims to put equalities at the heart of everything we do with an action plan aimed at improving access to services, our understanding of our diverse communities, inclusivity in decision making and for our workforce. The Policy together with an action plan explaining how we will do this is set out at Appendix A.

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

7. An action set out within the draft Equality Policy action plan under Objective One is for the council to adopt the International Holocaust Remembrance Alliance's (IHRA) working definition of anti-Semitism which states that:
8. *"Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."*
9. The IHRA is made up of 35 member countries and aims to unite governments to promote and strengthen Holocaust education and research. The government together with approximately 120 councils have already adopted the definition. Adopting the IHRA definition is one part of the council's overall programme set out in the action plan but important in demonstrating our commitment to taking discrimination and ensuring that contemporary antisemitism is understood and recognised locally. This paper recommends adoption of this definition.

### **Equalities Impact Assessment**

10. Members are referred to the attached Equality Impact Assessment. The draft Equality Policy and action plan are ultimately designed to have a positive impact.

### **Consultation Planned or Undertaken**

11. The development of the policy was overseen by the council's Health and Wellbeing Group, chaired by the Chief Executive. All council services were consulted early on in the development of the policy to ensure that both the policy and action plan captured interventions that already demonstrate a positive impact as well as those that could assist with improving the council's approach over the next two years.
12. A public and staff consultation on the draft policy ran during March 2022 which was widely promoted through Ashford For You and other

communication channels including social media, the council's website and to staff through the Smarthub. The draft policy was also presented to the Ashford Access Group. The UK Nepal Friendship Group reviewed the policy and action plan and some amendments were made to policy and action plan working as a result.

13. There were a total of 10 individual responses received of which 6 were online, three by email and one by phone. Of those consultation responses received, there was broad support for the policy and action plan with all but one saying it would have a positive impact. There was also broad support for how the action plan would deliver the council's equality objectives, again with one exception.
14. Two key themes that emerged from the consultation responses were that the council must ensure that people with disabilities and learning difficulties can continue to access services easily and in ways that meet their specific requirements particularly where services are delivered digitally. In response, the close ties between this policy and the emerging IT, Digital and Communications Strategy have been highlighted and two additional actions have been included under Objective three of the Equality action plan ensuring that digital inclusion is at the heart of transformation.
15. Another key point emphasised through the consultation responses was that the council through its community leadership role could help promote the work of local groups for example, by sharing information on local initiatives on our social media platforms. Again this has been incorporated into the action plan. Other minor textual changes have also been made to the policy and action plan following the consultation to reflect comments received.

## **Other Options Considered**

16. The council is not required to adopt an Equality Policy but in doing so, will ensure that its equality objectives, which are legally required, are effectively monitored and delivered.
17. The council is not required to adopt the IHRA's working definition of anti-Semitism.

## **Reasons for Supporting Option Recommended**

18. Adopting the draft Equality Policy and associated action plan will provide a clear direction and set of actions for delivering its Equality Objectives.

## **Next Steps in Process**

19. The implementation of the policy and action plan will be overseen by the council's Health and Wellbeing Group and subject to review in 2024.

## **Conclusion**

20. The draft Equality Policy and action plan have been developed through a consultative approach and draws on information we have about the borough and its needs. There was a positive response to the public consultation and adoption of the policy and associated action plan will help ensure a clear programme of work to deliver our agreed Equality Objectives.

### **Portfolio Holder's Views**

21. Ashford is a caring borough and the draft equality policy demonstrates our commitment and plan of action to ensure that, in accordance with the Equality Act 2010 and Public Sector Equality Duty, all individuals are treated fairly whether at work or when using our services or visiting us.

### **Contact and Email**

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## Ashford Borough Council

### Draft Equality Policy 2022-24 for consultation

#### Policy Statement

1. **The Equality Act 2010** ('the Act') was brought into force to consolidate and harmonise existing legislation and strengthen the law to support equality and extend protection from discrimination.
2. As a public body, Ashford Borough Council ('the Council') is governed by the Act both as a provider of services and as an employer. The key message or purpose of the Act is to ensure that everyone is treated equally in the workplace and has equal access to services.
3. **The Public Sector Equality Duty** ('the Duty') came into effect in 2011 and sets out additional obligations on public bodies and others carrying out public functions. The obligations are to have due regard to:
  - Eliminating unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act.
  - Advancing equality of opportunity between people who share a protected characteristic and those who do not share it; and
  - Fostering good relations between people who share a protected characteristic and those who do not.
4. The Act brought together the existing public sector equality duties covering on race, disability and gender and extended the duty to the protected characteristics of:
  - Age
  - Disability
  - Gender Reassignment
  - Marriage and Civil Partnership
  - Pregnancy and Maternity
  - Race
  - Religion and Belief
  - Sex
  - Sexual Orientation
5. Public authorities also have specific duties. They must publish equality information at least once a year to show how they have complied with the equality duty and prepare and publish equality objectives every four years.
6. As well as a firm commitment to the Act and Duty, this policy reflects our values as a caring borough. It sets out our equality objectives which were first adopted in the council's 'Recovery Plan - July 2020' and seeks to reflect 'Our

Principles' in the 'Corporate Plan 2022-24'. It also includes an action plan for how we will deliver each objective to ensure there is a clear focus on improving equality and inclusion in our borough.

7. The council will ensure fairness, equality and professionalism in all its dealings and will not tolerate discrimination and indirect discrimination, harassment or victimisation on the basis of an individual's status or perceived status with regard to any of the protected characteristics set out in the Equality Act 2010.
8. We seek to understand what causes inequality and exclusion in the borough so that we can focus our resources on addressing them. Equality is about valuing a person 'as an equal' and treating people according to their needs and characteristics to achieve an equal or fair outcome – it's not necessarily about treating everyone the same. We recognise that some of our employees and service users may through their protected characteristics face additional challenges in workplace and service user capacities.
9. We are committed to tackling racist and religious hatred, xenophobia, homophobia, Transphobia, misogyny, dis-phobia and all forms of discrimination. In this we understand the value of Council leadership and association through support to educational work such as 'History Months' and Awareness Days.
10. We are an organisation committed to learning about equality, diversity and inclusion, directly from communities, our borough profile and training programme and will apply this learning to improve and adapt our practices to reflect our commitment.

## Scope of the policy

11. *This policy applies to councillors and everyone who works for and with the council including temporary and permanent employees and contractors.*

## Relationship with other existing policies

- *This policy has been formulated within the context of the overarching Recovery Plan, July 2020: <https://www.ashford.gov.uk/your-council/policies-and-strategies/recovery-plan/>*
- *This policy is related to the council's Customer Care Policy: <https://www.ashford.gov.uk/media/igefqyps/customer-care-policy.pdf>*
- *Corporate Plan 2022-2024*
- *Safeguarding Policy: <https://www.ashford.gov.uk/your-community/community-safety/safeguarding/>*
- *Draft IT, Digital and Communications Strategy*
- *Recruitment and employment policies and guidance.*



12. Our Equality Objectives were adopted as part of our Recovery Plan and have been reaffirmed in our Corporate Plan 2022-2024 adopted in December 2021 Our Corporate Plan explains 'Our Principles' which run through everything we do. In partnership with other agencies, we will promote and work to deliver policies that embed these principles.
13. This policy also has close links with our Safeguarding Policy which sets out how we work in partnership with a number of agencies to safeguard the welfare of children and vulnerable adults from abuse, neglect or exploitation.

## Definitions

- **Diversity** refers to demographic differences of a group – often at team or organisational level. Often, diversity references protected characteristics in UK law: - age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, marriage and civil partnership.<sup>1</sup>
- **Equality** means equal rights and opportunities are afforded to all. The 2010 Equality Act in the UK protects those with protected characteristics from direct and indirect discrimination in the workplace.<sup>2</sup>
- **Inclusion** is often defined as the extent to which everyone, regardless of their background, identity or circumstance, feels valued, accepted and supported to succeed.

## Policy content

14. The Council adopted its equalities objectives in its Recovery Plan, July 2020. These objectives are being reaffirmed in the council's Corporate Plan to 2024.
15. The Corporate Plan sets 'Our Principles' which are:

We are supporting our staff to be ambitious, creative and trustworthy in all that they do to fulfil the council's ambition to be an effective and well-resourced organisation that will:

- Treat everyone **fairly and with respect**
- Understand and respond to the **needs of our communities** to ensure no one is disadvantaged
- Put the **customer at the heart** of everything we do and ensure our services are accessible

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<sup>1</sup> Access factsheets at [www.cipd.co.uk/knowledge/practical-guidance-a-z/factsheets: disability and employment](http://www.cipd.co.uk/knowledge/practical-guidance-a-z/factsheets/disability-and-employment)

<sup>2</sup> Find out more about equality legislation at: [www.legislation.gov.uk/ukpga/2010/15/section/4](http://www.legislation.gov.uk/ukpga/2010/15/section/4)

- **Make the most of our assets** and **invest wisely** to ensure we live within our means
- All work towards achieving the objectives of being a **Green Pioneer** and **Caring Ashford**

16. Our equality objectives and why they are important to us are included in this policy. An action plan for how we will deliver our objectives is set out at Appendix A.

### **Equality Objective 1: Improve our understanding of our diverse communities in all that we do**

17. Understanding the people that live and work in the borough and those that visit it, will help us to provide the right services in the right way. Not only does this lead to a better experience for our customers but it also ensures we are using the council's resources in the best possible way.

18. Much of our demographic data is based on the results of the Office for National Statistics 2011 Census and 2019 projections including information about gender, age, ethnicity, religion and disability. Data we have access to about sexual orientation and gender reassignment is more limited and based on information provided by the ONS for the South East and taken from National Surveys. The findings of the 2021 Census will be published in 2022 and will for the first time, include information about sexual orientation and gender. As an ONS partner for the Census we will continue to assist with the quality assurance process and look forward to the findings which will help us better understand the demographic profile of the borough. With a population projected to be around 135,000 by the start of 2022, growing to an estimated 156,256 by 2043, we do know that as our population grows, so will its diversity.

19. We aim to improve our understanding through the collection and analysis of quantitative and qualitative information to inform the decisions we take about service delivery. We will share our improved understanding of the needs of people with different characteristics within our communities to Members and officers through training and by bringing what we know together what we know in a Borough Profile. We use findings from consultations to understand how proposals may affect different people in different ways.

20. We want to build on the positive work during the council's response to the pandemic to maintain and strengthen the resilience of our communities; maintaining good relations with our partners and working together to understand where best to target interventions.

### **Equality Objective 2: Encourage all residents to have a say in the decisions that affect them and get involved in their local communities**

**Why this matters:**

21. Greater participation in local democracy and communities, strengthens democracy, improves accountability and gives residents a chance to influence and shape decisions that affect their daily lives. Consultation provide the opportunity for people to have their say on how services are run and ensure we are targeting our resources in the right way. We want to further develop ways of engaging individuals and communities so that their voice is heard.
22. Throughout the pandemic, virtual or hybrid council meetings have fostered an inclusive democratic process which has been evidenced by the increased number of people attending meeting during this time. We are continuing with this approach as it provides great scope for inclusivity towards people who may have barriers to attending in person including disabilities or carer responsibilities. Increasing the ways that people can attend meetings could also help to attract a diverse councillor membership in the future.

**Equality Objective 3: Deliver services and customer care to meet the needs of all our residents**

**Why this matters:**

23. All our residents are equally important to us. Our Corporate Plan 2022-24 sets out an ambitious programme of projects and service improvements. Understanding the impacts of new initiatives or service changes on protected groups will enable us to define actions to reduce negative impacts and increase positive outcomes.
24. Within our Corporate Plan we demonstrate our commitment to being a caring borough that is a welcoming, safe place for all who live and work here, offering a high quality of life where everyone is valued and respected. We have been recognised for our contribution to the Syrian Resettlement Programme for which we won the Diversity and Inclusion award from the Local Government Chronicle in October 2020 and we will continue to help families from both Syria and Afghanistan integrate into their new communities.
25. In delivering our ambitions we must ensure we take opportunities for engaging with communities in projects and service design are not missed through the completion of considered and targeted Equality Impact Assessments. In keeping a record of how decisions are reached, it helps us to show we have considered the impact on service users of any decision we take and actions we take to ensure the needs of our community are met.
26. Accessibility will remain at the heart of our continuing digital journey. Our website is key to delivering this as we strive to make it as accessible as possible for people to use. Whilst our digital offer make services more accessible for the majority of people, we provide alternative solutions when this is not the case. For example we continue to offer pc's with assistance within the Civic Centre reception area.

## **Equality Objective 4: Deliver organisational change to enable a more inclusive and diverse workforce**

### **Why this matters:**

27. Everyone is entitled to a working environment that promotes dignity, equality and respect for all and we have policies in place and all staff are required to complete training to help create a welcoming environment. We are continuing to review our policies, provide safe and welcoming spaces and take suggestions from staff so that different view-points are heard.
28. Creating a culture of inclusivity will help to attract talent and increase the diversity of the organisation. A diverse organisation that is representative of the borough it serves, helps to ensure a broad range of experiences, ways of working and perspectives to inform the services we design and deliver. We recognise how important mandatory training in equalities, diversity and inclusion is for all our employees and Members in delivering organisational change.
29. New ways of working, including remote working, throughout the pandemic have shown us the great potential for making the council a more accessible and inclusive work place. We want to build on what we have learnt and ensure the positive impacts continue as we move towards a hybrid way of working.

### **Review of Policy**

30. The council commit to undertaking formal review of this policy at least once every four years and communicate changes across the council. The next review date is 2024.

## Draft Equality Policy Action Plan for consultation

Area of work:	Objective 1	Objective 2	Objective 3	Objective 4
<b>Objectives to 2024:</b>	<b>Improve our understanding of our diverse communities in all that we do</b>	<b>Encourage all residents to have a say in the decisions that affect them and get involved in their local communities</b>	<b>Deliver services and customer care to meet the needs of all our residents</b>	<b>Deliver organisational change to enable a more inclusive and diverse workforce</b>
<b>We will:</b>	<ul style="list-style-type: none"> <li>a. Create and maintain a Borough Profile that brings together all the information we know about our communities.</li> <li>b. Embed equality analysis into service development, policy and strategy development to improve our understanding of implications for equality and diversity.</li> <li>c. Use equality monitoring questions when conducting consultations and give underrepresented groups a stronger voice.</li> <li>d. Adopt the working definition of antisemitism as defined by The International Holocaust Remembrance Alliance.</li> <li>e. Mark international Holocaust Memorial Day</li> </ul>	<ul style="list-style-type: none"> <li>a. Improve our knowledge and enable groups in the borough that promote the protected characteristics and invite them to take part in consultations on issues potentially important to them.</li> <li>b. Use a different communications methods to reach as wide an audience as possible e.g. through use of video on the council's website and social media, Ashford for You magazine and through greater use of infographics.</li> <li>c. Ensure consultations and key information about our services are written in plain English with alternative languages</li> </ul>	<ul style="list-style-type: none"> <li>a. Ensure that nobody is left behind as the council delivers its digital transformation programme through a strong emphasis on digital inclusion with alternative formats and ways of accessing services provided to those that need it most.</li> <li>b. Utilise technologies that make it as easy as possible for people to access online services, freeing up resources to assist those people that have alternative needs.</li> <li>c. Continue to demonstrate excellence in diversity and inclusion by helping refugees from Syria and Afghanistan integrate into their new communities.</li> <li>d. Include considered and targeted Equality Impact Assessments (EIA) within Cabinet reports clearly explaining how people may be impacted either positively or negatively and planned action to address these impacts.</li> <li>e. Where possible, assess the impact of decisions on socioeconomic inequality</li> </ul>	<ul style="list-style-type: none"> <li>a. To ensure we have a comprehensive, high quality training programme that meets the identified needs of the organisation in a cost effective and accessible way</li> <li>b. Produce updated guidance on EIA completion and share across the organisation.</li> <li>c. Include unconscious bias training to foster a non-judgmental workforce demonstrates empathy and respect.</li> <li>d. Investigate and review equality related complaints made to the council to ensure compliance and that any lessons inform future service delivery.</li> <li>e. Appoint a Member and senior officer to the role of Equality and Inclusion and Armed Forces Champion</li> </ul>

## Draft Equality Policy Action Plan for consultation

	<p>annually to remember the millions of people murdered in the Holocaust under Nazi Persecution, and in the genocides which followed in Cambodia, Rwanda, Bosnia and Dafur. Each year we will explore relevant themes to help learn and remember lessons from the past.</p> <p>f. Seek the views of communities on what important 'days' should be marked and how. For example through a ceremony event or communication.</p> <p>g. Gather feedback from specific communities that have additional support, safety and safeguarding needs, on whether our housing meets their needs and use this to inform future housing schemes.</p>	<p>and adopt technologies that help people access our services independently. For example, using up-to-date methods for BSL translations services.</p> <p>d. Use technology we have invested in during the pandemic to continue to allow greater inclusivity at council meetings for Members, council officers and members of the public.</p> <p>e. Develop a Community Urban Room for the South of Ashford Garden Community to open up the planning system to a wider audience and use learning from the initiative to inform other sites.</p> <p>f. Promote the work of local groups and initiatives that support EDI through our wide social media reach.</p>	<p>as well as on the Equality Act protected characteristic groups.</p> <p>f. In addition to the nine protected characteristics, continue to consider the impact of proposed decisions and actions on Regular and Reserve members of all branches of the Armed Forces, Veterans and the families of those who serve.</p> <p>g. Support people who need extra equipment and space to allow them to use toilets safely and comfortably by continuing to provide Changing Place facilities. Ensure Changing Places are considered in the early stages of a project.</p> <p>h. Review the forms we use that ask for personal information to support people using gender-neutral titles.</p> <p>i. Make our website accessible to everyone by achieving compliance with the suggested actions in the Cabinet Office Accessibility Audit report and through regular compliance monitoring.</p> <p>j. Work collaboratively with agencies and the Voluntary and Community Sector to share knowledge and service delivery.</p> <p>k. Continue to comply with Local Plan requirements for wheelchair accessible and adaptable homes and increase the number of homes that have space for</p>	<p>f. Continue to support and promote remote working as one way of enabling a diverse workforce.</p> <p>g. Be an inclusive employer by making adaptations that make all feel welcome. For example, providing gender neutral toilets and supporting the use of personal names and pronouns.</p> <p>h. Ensure staff are aware how to identify hate crimes and how to report them.</p> <p>i. Always checking the equality and inclusion credentials of potential contractors carrying out services on our behalf as part of the council's procurement and tender evaluation documentation.</p> <p>j. Support staff that want to create staff-led networks that promote and provide peer support on diversity and inclusion in the workplace.</p> <p>k. Explore the creation of a quiet space within the Civic Centre for staff use.</p>
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## Draft Equality Policy Action Plan for consultation

			<p>home-working, promoting inclusivity for people who cannot work in an office due to a disability.</p> <p>l. Offer translation access and utilise the skills of our multi lingual workforce to help overcome language barriers.</p> <p>m. Continue to include accessibility as a quality criterion when tendering for play area improvements.</p> <p>n. Use Census 2021 data to inform service planning and communication, including for minority communities.</p>	
<p><b>Success measures:</b></p>	<ul style="list-style-type: none"> <li>• Equality data from Borough Profile/consultations used in EIAs.</li> <li>• % satisfied with housing meeting their requirements on new schemes.</li> </ul>	<ul style="list-style-type: none"> <li>• Increased public participation at council meetings maintained</li> <li>• Increased participation of underrepresented groups in council-run consultations</li> <li>• Uptake of BSL translation service</li> </ul>	<ul style="list-style-type: none"> <li>• Evidence of EIA implications considered in Annual Monitoring Report</li> <li>• Reduction in equality related complaints</li> <li>• % improvement in people saying 'the council understands the needs of its customers'</li> <li>• % improvement in people saying they feel they can influence the decisions that the council makes.</li> </ul>	<ul style="list-style-type: none"> <li>• Managers and staff have access to learning and development that supports their needs</li> <li>• Completion of mandatory equality training by Members and officers</li> <li>• Increased diversity of the workforce that better reflects the borough profile</li> <li>• Staff survey results demonstrate a positive approach to equalities</li> </ul>

# Equality Impact Assessment

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1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

## Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
  - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

## Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership\*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

\*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

## Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
  - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
  - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
7. How much regard is 'due' will depend on the circumstances. The greater the



potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

### Armed Forces Community

9. As part of the council's commitment to the Armed Forces Community made through the signing of the Armed Forces Covenant the council's Cabinet agreed in November 2017 that potential impacts on the Armed Forces Community should be considered as part of the Equality Impact Assessment process.

10. Accordingly, due regard should also be had throughout the decision making process to potential impacts on the groups covered by the Armed Forces Covenant:

- Current serving members of the Armed Forces (both Regular and Reserve)
- Former serving members of the Armed Forces (both Regular and Reserve)
- The families of current and former Armed Forces personnel.

### Case law principles

11. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a policy, for example, is being developed and agreed but also when it is implemented.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or

service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

<b>Lead officer:</b>	Charlotte Hammersley
<b>Decision maker:</b>	Cabinet to recommend to Council
<b>Decision:</b> <ul style="list-style-type: none"> <li>• Policy, project, service, contract</li> <li>• Review, change, new, stop</li> </ul>	Equality Policy and Action plan
<b>Date of decision:</b> The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	26 May Cabinet
<b>Summary of the proposed decision:</b> <ul style="list-style-type: none"> <li>• Aims and objectives</li> <li>• Key actions</li> <li>• Expected outcomes</li> <li>• Who will be affected and how?</li> <li>• How many people will be affected?</li> </ul>	<p>To adopt the draft Equality Policy and associated action plan.</p> <p>The aim of the policy is set out a clear policy for how the council delivers its responsibilities under the Equality Act 2010 and Public Sector Equality Duty 2011. Together with policy is an action plan for delivery of the council's Equality Objectives. The expected outcomes are set out in the measures associated with the action plan.</p> <p>In addition to an overall improvement to the council's approach, specific measures of success associated with the action plan are:</p> <p><b>Objective 1)</b></p> <ul style="list-style-type: none"> <li>• Equality data from Borough Profile/consultations used in EIAs.</li> <li>• % satisfied with housing meeting their requirements on new schemes.</li> </ul> <p><b>Objective 2)</b></p> <ul style="list-style-type: none"> <li>• Increased public participation at council meetings maintained</li> <li>• Increased participation of underrepresented groups in council-run consultations</li> <li>• Uptake of British Sign Language translation service</li> </ul> <p><b>Objective 3)</b></p> <ul style="list-style-type: none"> <li>• Evidence of EIA implications considered in Annual Monitoring Report</li> <li>• Reduction in equality related complaints</li> <li>• % improvement in people saying 'the council understands the needs of its customers'</li> <li>• % improvement in people saying they feel they can influence the decisions that the council makes.</li> </ul> <p><b>Objective 4)</b></p> <ul style="list-style-type: none"> <li>• Managers and staff have access to learning and development that supports their needs</li> <li>• Completion of mandatory equality training by Members and officers</li> <li>• Increased diversity of the workforce that better reflects the borough profile</li> </ul>

	<p>Staff survey results demonstrate a positive approach to equalities</p>
<p><b>Information and research:</b></p> <ul style="list-style-type: none"> <li>• Outline the information and research that has informed the decision.</li> <li>• Include sources and key findings.</li> </ul>	<p>In advance of the policy formation, a research study was conducted by the council's Policy Team which considered the council's demographic profile, current deliverables against the Local Government Association Equality Framework and best practice by other local authorities in delivering against the framework. The study made a series of recommendations which were then considered by the council's Health and Wellbeing Group to inform the development of the policy and action plan.</p> <p>The conclusions of the study were that population of Ashford encompasses various protected characteristics, but not to the extent of some other boroughs. Whilst Census 2021 data will provide a more accurate picture when realised, current information available provided a reliable basis upon which to make suggestions. The study found that there were various measures that ABC could implement or improve to greater enhance equalities in the borough. Overall, ABC appears to correspond most closely to level 2 ('achieving') of the four modules within the LGA's framework, with some level 1 resemblances. The policy aims to bring the council to an 'achieving level across the framework.</p>
<p><b>Consultation:</b></p> <ul style="list-style-type: none"> <li>• What specific consultation has occurred on this decision?</li> <li>• What were the results of the consultation?</li> <li>• Did the consultation analysis reveal any difference in views across the protected characteristics?</li> <li>• What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics?</li> </ul>	<p>All services were consulted during the development of the policy and assisted in the creation of the action plan. There was a public consultation and consultation with staff on the contents of the policy and associated action plan which was widely promoted including an article in the Ashford For You magazine which goes to every household in the borough.</p> <p>The results of the consultation demonstrated broad support in response to whether the policy would have a positive impact on the people of Ashford Borough. Respondents also agreed that the actions would contribute to the delivery of the individual Equality Objectives.</p> <p>There were some comments on specific text and these have been taken into account in the final draft being presented to Cabinet.</p> <p>The results did not reveal particular differences in views from people from protected characteristics but there were general comments from those who responded that services needed to be as accessible as possible in a variety of formats.</p>

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**Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.**

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

<b>Protected characteristic</b>	<b>Relevance to Decision High/Medium/Low/None</b>	<b>Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral</b>
<u>AGE</u> Elderly	High	Positive
Middle age	High	Positive
Young adult	High	Positive
Children	High	Positive
<u>DISABILITY</u> Physical	High	Positive
Mental	High	Positive
Sensory	High	Positive
<u>GENDER RE- ASSIGNMENT</u>	High	Positive
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	High	Positive
<u>PREGNANCY/MATERNITY</u>	High	Positive
<u>RACE</u>	High	Positive
<u>RELIGION OR BELIEF</u>	High	Positive
<u>SEX</u> Men	High	Positive
Women	High	Positive
<u>SEXUAL ORIENTATION</u>	High	Positive
<u>ARMED FORCES COMMUNITY</u> Regular/Reserve personnel	High	Positive

Former service personnel		Positive
Service families	High	Positive

<p><b>Mitigating negative impact:</b> Where any negative impact has been identified, outline the measures taken to mitigate against it.</p>	<p>The action plan associated with the Equality Policy is designed to improve Ashford Borough Council's approach.</p>
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<p><b>Is the decision relevant to the aims of the equality duty?</b> Guidance on the aims can be found in the EHRC's <a href="#">Essential Guide</a>, alongside fuller <a href="#">PSED Technical Guidance</a>.</p>	
<b>Aim</b>	<b>Yes / No / N/A</b>
1) Eliminate discrimination, harassment and victimisation	Yes
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	Yes

<p><b>Conclusion:</b></p> <ul style="list-style-type: none"> <li>• Consider how due regard has been had to the equality duty, from start to finish.</li> <li>• There should be no unlawful discrimination arising from the decision (see guidance above ).</li> <li>• Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified.</li> <li>• How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?</li> </ul>	<p>The Public Sector Equality Duty has underpinned the development of the Ashford Borough Council Equality Policy. The proposed policy is in the spirit of the duty and is designed to have a positive impact on all protected characteristic groups. The implementation of the policy will be overseen by the council's Health and Wellbeing Group.</p>
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<b>EIA completion date:</b>	3 May 2022