

**Agenda Item No:** 8  
**Report To:** **CABINET**  
**Date of Meeting:** 29 June 2023  
**Report Title:** Business Continuity Policy  
**Report Author:** Laurel Niven  
**Job Title:** Resilience Team Leader  
**Portfolio Holder:** Cllr Liz Wright  
**Portfolio Holder for:** Communities and Health



**Summary:** Business Continuity preparedness has been a fundamental focus for us as a Council over the last few years. It is something we have relied upon in the responses to several planned and unplanned incidents, such as the Covid-19 pandemic, preparing for exit from the EU, and responding to a loss of electricity to the Council's Civic Centre.

The purpose of this report is to present to Cabinet the Borough Council's updated Business Continuity Policy for adoption. The Policy highlights the roles and responsibilities for business continuity as required by the Civil Contingencies Act 2004.

**Key Decision:** NO

**Significantly Affected Wards:** None

**Recommendations:** **The Cabinet is recommended to review and adopt the Ashford Borough Council Business Continuity Policy.**

**Policy Overview:** The Council has a statutory duty under the Civil Contingencies Act 2004 to have in place business continuity plans to ensure all public services within the Council continue to be delivered following an incident or disruption. Incidents include, for example, ICT failures, staff storage or loss of a building such as the Civic Centre.

The Policy guides elected members and officers in regard to their business continuity roles and responsibilities. The Policy sets out the Council's commitment to business continuity.

<b>Financial Implications:</b>	While there are no new financial implications relevant to the updating of this Policy, there are clearly costs associated with preparing for business continuity incidents. The requirement for any additional expenditure would be addressed within future budget monitoring reports and included where necessary within service budgets.
<b>Legal Implications:</b> <i>Text agreed by Solicitor to the Council on 21 June 2023.</i>	The Policy confirms and identifies individual roles and responsibilities for Business Continuity throughout the organisation and during Business Continuity incidents in order to fulfil the Council's duties under the 2004 Act.
<b>Equalities Impact Assessment:</b>	Attached
<b>Data Protection Impact Assessment:</b>	N/A
<b>Risk Assessment (Risk Appetite Statement):</b>	<p>Under the Civil Contingences Act 2004, the Council has a duty to ensure that robust business continuity plans are in place. Having an policy reduces risk to the organisation by ensuring members and officers understand their roles and the expectations placed upon them in respect to business continuity planning.</p> <p>By being prepared for potential events, rather than waiting for something to happen, the Council can get back to normal business in the quickest possible time. This is essential for those who rely on the Council's services and gives confidence to our community that we can deal with incidents. By planning ahead, we are better able to provide those dealing with incidents the support they need and reduced potential for financial loss.</p> <p>An important purpose of the Policy is to embed business continuity management within the organisation's culture. Training and exercising are ongoing tasks but awareness and capability is a product of the structures put in place and the way we manage our business continuity processes. Key aspects for business continuity are understanding our organisation, determining appropriate business continuity arrangements, developing and implementing a response, and exercising, maintaining and reviewing our processes.</p> <p>There are no immediate financial implications associated with adoption of the Policy as presented. Activation of the Business Continuity Plan may result in the need for expenditure (currently unquantified). Adoption of the Policy is the start of compliance with the Business Continuity requirements. Work is ongoing to develop the necessary service plans and identification of contingency arrangements.</p>

The Business Continuity process may highlight and identify areas of vulnerability, and these may have a financial implication as to rectify or reduce the risks/vulnerability.

**Sustainability Implications:**

None

**Other Material Implications:**

None

**Exempt from Publication:**

NO

**Background Papers:**

None

**Contact:**

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## Report Title: Business Continuity Policy

### Introduction and Background

1. The Business Continuity Policy as presented by this report sits alongside the Council's Overarching Business Continuity Plan and individual Service Business Continuity Plans. The Policy's primary aim is to demonstrate the Council's commitment to ensuring robust and effective business continuity management as a key mechanism to restore and deliver continuity of key services in the event of a disruption or emergency.
2. Business Continuity preparedness has been a fundamental focus for us as a Council over the last few years. It is something we have relied upon in the responses to several planned and unplanned incidents, such as the Covid-19 pandemic and the consequential and immediate shift to remote working. Key arrangements were put in place across the organisation to ensure the capacity of staff working from home was increased to then not impact on the wider council services and reputation. Several arrangements had to put in place surrounding the EU transition and boarder disruption, in terms of staff mapping on where key staff lived to ensure the disruption was kept to a minimum and contingencies were addressed.
3. We continue to ensure our plans are fit for purpose and lessons learnt from past incidents are fed back into our plans for future incident responses.
4. The Policy, as presented at Appendix 1, highlights the individual roles and responsibilities within the organisation and sets out the requirement to act in accordance with our Business Continuity Plans.
5. The Council has a statutory duty under the Civil Contingencies Act 2004 to have in place business continuity plans to ensure all services within the Council continue to deliver a service following an incident or disruption. Further information on business planning in general is provided at [Business continuity planning | Kent Prepared](#).
6. The Policy will guide members and officers of the Council on their business continuity roles and responsibilities.
7. The Policy has not been amended significantly. The main change has been to emphasise, within the scope section, that the Policy covers all Council activity including services delivered 'in-house', outsourced, contracted, shared or via commissioned services.

### Proposal

8. The Council currently has individual Service Business Continuity Plans and an Overarching Business Continuity Plan that is actioned in the event of an incident or event.
9. The adoption of a Policy is recognised as best practice and provides the assurance and links between the various operational documents in place. It clearly set out the Council's commitment to Business Continuity as well as making clear individual responsibilities.
10. The Policy addresses the following:
  - a. Objectives, scope, and policy management,
  - b. Key roles,
  - c. Responsibilities,
  - d. Policy awareness, and
  - e. Review arrangements.
11. The Chief Executive is appointed as having overall responsibility for the Policy with oversight being provided by members. The Policy is linked to the Council's overall strategic objectives and Strategic Risk Management arrangements. Other key roles are those of the Directors, Assistant Directors and the Community Safety and Resilience Team Leader.
12. The Business Continuity Steering Group (BCSG) sets our overall strategic direction and ensures the Policy is followed and any necessary arrangements are implemented. This group reviews the risks to the Council and approves business continuity arrangements. They have an important role to play in the event of an incident when they become the Business Continuity Incident Management Team (BCIMT).
13. The Policy sets out a commitment for all services of the Council to develop detailed business continuity arrangements specific to their service which are owned by a named manager. Their responsibility is to ensure that their part of the overall BCP meets a minimum acceptable standard of service delivery for critical processes.
14. An important part of the Policy is the commitment it provides to training and the undertaking of exercises in order to ensure that staff retain business continuity competence and have an opportunity to test the arrangements they have in place.
15. As well as amending the scope of the Policy, additional paragraphs have been added on equality, the training and exercising section has been updated, and the policy statement has been amended. There are a number on cosmetic changes including changes to paragraph numbers.

## **Equalities Impact Assessment**

16. There are no identified impacts on protected characteristics or groups.
17. Please see the Equalities Impact Assessment as attached.

## **Consultation Planned or Undertaken**

18. This is an internal policy document and therefore no public consultation is required. There is, however, a need to work closely with our tenants to ensure that the Council's business continuity arrangements are complementary to their own situation. This is undertaken as part of the review of individual service business continuity plans.
19. The Policy update has been consulted upon widely within the Council.
20. Best practice and learning outcomes from incidents are shared with business continuity and emergency planning colleagues from across Kent via the Kent Resilience Forum.

## **Other Options Considered**

21. Ensuring that we have robust Business Continuity arrangements is fundamental to the Council's operation. The development of a Business Continuity Policy is, however, only recommended as good practice.

## **Reasons for Supporting Option Recommended**

22. It is necessary to have a clear policy to support the role and aims of business continuity. The Policy as presented, addresses and reduces the risk for the Council should there be a major incident that requires the Business Continuity Plans to be activated to maintain/resume the delivery of all services.

## **Next Steps in Process**

23. Once agreed, the Policy will be uploaded to and made available to all members and officers via the Smarthub. Member of the public will also be able to view the Policy via the Council's website.
24. The Policy will support officers in the delivery of individual Service Business Continuity Plans and the Overarching Business Continuity Plan for the Borough Council.

## **Conclusion**

25. The updated Policy shows the Council's commitment to ensuring the continuity of service provision following a major incident. The policy provides reassurance for all stakeholders by clearly stating the roles and responsibilities of members and officers for business continuity.
26. The policy ensures that Ashford Borough Council meets its statutory and non-statutory requirements under the criteria of the Civil Contingencies Act 2004,

## **Portfolio Holder's Views**

27. I believe an adopted Policy for Business Continuity is necessary to provide clear guidance to those Officers when continuing to provide services following a major incident. In addition, this provides reassurance to the public that Ashford Borough Council has plans in place in such circumstances.

Cllr Liz Wright  
Cabinet Member for Communities and Health

## **Contact and Email**

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# Ashford Borough Council

## Business Continuity Management Policy

Document Owner	Emergency Planning <a href="mailto:emergency.planning@ashford.gov.uk">emergency.planning@ashford.gov.uk</a>
Version	V2.0 January 2023
Review Date	January 2026
Approved	Tracey Kerly

Signed:

*Tracey Kerly, Chief Executive*

Date:



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## 1.0 Introduction

Business Continuity Management is defined as: *'a process that identifies potential threats to an organisation ... the impacts to business operations that those threats, if realised, might cause, and which provides a framework for building organisational resilience with ... effective response that safeguards the interests of its key stakeholders...'*<sup>1</sup>

Under the Civil Contingencies Act 2004 Ashford Borough Council (subsequently referred to as the Council) has a statutory duty to:

- a) Put in place Business Continuity management arrangements; and
- b) Promote Business Continuity management to businesses in Ashford.

This Policy therefore sets out the key principles that ensure the Council has effective Business Continuity Management processes in place to meet its legislative and regulatory obligations.

## 2.0 Policy Objectives

The objectives of this Policy are to:

- a) Outline the Council's commitment and approach to Business Continuity Management;
- b) Ensure legislative and regulatory compliance;
- c) Maintain robust plans and arrangements that ensure the Council is able to manage effectively incidents or emergencies that threaten to disrupt delivery of its critical services;
- d) Minimise risk to the Council, its partners and stakeholders
- e) Provide effective governance arrangements to ensure appropriate ownership and oversight of the implementation and effectiveness of this Policy.
- f) To determine overall priorities for recovery of functions if disruption takes place
- g) To undertake training and awareness of programmes for staff, as appropriate and carry out regular tests of the plan to validate the arrangements

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<sup>1</sup> British Standards Institute (BSI) - BS25999: Business Continuity Management

### 3.0 Policy Scope

This Policy applies to all services for which the Council has responsibility for delivery including services delivered 'in-house', outsourced, contracted, shared or commissioned services.

This Policy applies to:

- a) Permanent employees;
- a) Temporary / contract employees employed or engaged by the Council;
- b) Workers / volunteers employed or engaged by the Council; and
- c) Employees of partner or subsidiary organisations whilst at work and / or engaged on Council business.

### 4.0 Equality and Diversity

The council is committed to promoting equality of opportunities in its services. The Equality Act 2010 provides a framework to ensure ABC services are not provided in a discriminatory manner by having due regard to eliminating discrimination, harassment, and victimisation, advancing equality of opportunity and fostering good relations

### 5.0 Policy Statement

**Vision:** We will use the Business Continuity Management process to ensure the maintenance of professional and effective council services in the event of disruption.

**Values** The values underpinning this vision are:

- a) Protecting health, safety, quality of life and economic stability & growth;
- b) Building and maintaining partnerships and collaborations across Ashford, including community, industry, public and voluntary sectors in all aspects of Business Continuity Management; and
- c) Ensuring accountability and transparency of the Council's Business Continuity Management arrangements.

## General Principles

This Policy is underpinned by the following general principles:

- a) A transparent, systematic and consistent approach to Business Continuity Management;
- b) Communication is clear and effective and Business Continuity plans are written in Plain English;
- c) Consultative decision making;
- d) Prepared services and Officers who understand their role in responding to an incident or emergency that threatens to disrupt critical services;
- e) The application of effective corporate governance and commitment to continuous improvement of this Business Continuity Management Policy and its supporting arrangements, practices and service delivery.

## Commitment

- a) The Council will comply with all relevant legislation and statutory codes of practice and respond appropriately to regulatory or legislative change.
- b) The Council accepts its responsibilities to continue to provide services to the citizens of Ashford (even in the event of incidents and emergencies) and acknowledges that many of these services are critical to health and quality of life within Ashford.
- c) The Council is committed to ensuring critical services will continue to be delivered and that increased demand for services due to incidents or emergencies are managed effectively
- d) The Council will adopt and promote best practice for Business Continuity Management, minimising the impact of disruptive incidents on the Council and the communities of Ashford.
- e) The Council is committed to working closely with all Officers to develop and implement Business Continuity arrangements that ensure the Council is able to manage effectively incidents or emergencies that threaten to disrupt delivery of its critical services.
- f) The Council will provide information, instruction, training and supervision for employees to help them understand their role in its Business Continuity Management arrangements and to allow them to contribute positively towards those arrangements.

- g) The Council is committed to the effective management of 3<sup>rd</sup> party contracts and their performance to improve Business Continuity Management arrangements with, and on behalf of, the Council.

## **6.0 Policy Management**

This Policy will be managed by the Community Safety Resilience Team Leader in partnership with Services and Management Team across Ashford Borough Council.

The Policy will be supported by:

- a) An Overarching Business Continuity Plan (underpinned by Service level Business Continuity Plans);
- b) Appropriately resourced action plans;
- c) Guidance, tools and templates; and
- d) A schedule of training & exercising

To ensure continuous improvement, all document will be 'living documents' regularly reviewed & update and take into account internal and external changes that may affect their implementation.

## **7.0 Roles & Responsibilities**

### **Elected Members**

The Portfolio Holder for Safety and Wellbeing, which encompasses Emergency Planning, Business Continuity and Event Safety, oversees the work of the Service in managing the Borough Councils focus on Business Continuity.

Individual Cabinet Members have responsibility for overseeing the implementation of this Policy across their respective portfolios, specifically ensuring:

- a) Legislative and regulatory compliance;
- b) Decisions taken when developing Council policies and services reflect the Council's commitment to Business Continuity Management; and
- c) Effectiveness of the Policy across all the Council's services and its administrative area.

To support Cabinet in this role, an annual progress report on Business Continuity Management will be submitted to the Audit Committee as part of its wider Strategic Risk Management process. Regular reports will be provided to the Council's Management Team.

### **Chief Executive, Directors and Assistant Directors**

Whilst Elected Members retain responsibility for overseeing this Policy, the Council's Chief Executive has the overall responsibility for achieving this Business Continuity Policy and accounts to the elected members for the operations of the Council complying with all Civil Contingencies legislation and standards.

The Chief Executive is responsible for ensuring that all statutory requirements are adhered to, and for reviewing the effectiveness of this policy. The Chief Executive will:

- a) Ensure members of the Corporate Management Team establish and demonstrate commitment to the Business Continuity Policy.
- b) Promote a positive preparedness and resilience culture embracing and encouraging positive attitudes amongst all Officers and in the interface with other agencies and the community.
- c) Ensure appropriate priority is given to Business Continuity in Council strategic planning.
- d) Ensure that Business Continuity performance is reviewed annually and at other times when necessary.
- e) Ensure that Business Continuity arrangements are included in the business planning process, other strategic plans and job descriptions and objectives as appropriate.

Directors are responsible for operational implementation within their respective service areas. They will:

- a) Ensure this Policy, procedures and guidance are followed within the service and implemented for which they are operationally responsible;
- b) Ensure appropriate priority and resources are made available for fulfilling the Council's commitment to Business Continuity Management;
- c) Ensure that Business Continuity Management responsibilities within their Division are properly assigned and fulfilled and that job descriptions reflect these assignments;
- d) Ensure Business Continuity Management arrangements are reflected adequately in Divisional, Service & Unit level business / operating plans.
- e) Implement, according to the agreed plans and processes, Business Continuity plans in the event of a disruption.
- f) Promote a positive Business Continuity Management culture embracing and encouraging positive attitudes amongst all Officers, through partnerships and in all areas affecting the community; and

- g) Ensure an appropriate response is made during incidents and emergencies that threaten to disrupt critical services.

Assistant Directors are responsible for the provision of services. They will ensure that their service is prepared to deal with rapid increase in demand for services and to deal with incidents and emergencies that will impact performance of their Service. This will be reflected in relevant performance management processes. Assistant Directors will:

- a) Promote a Business Continuity Management culture within their service, encouraging activities that develop the resilience of the unit and requiring consideration of Business Continuity Management in the provision of their services;
- b) Ensure their Service's needs and obligations are reflected in their service Business Continuity plans.
- c) Adopt and implement corporate Business Continuity Management guides, plans and procedures;
- d) Ensure Business Continuity responsibilities within the Service are properly assigned, fulfilled and that job descriptions reflect these responsibilities;
- e) Ensure all Officers in their Service are aware of Business Continuity Management issues that may impact on their service delivery;
- f) Ensure that instruction, training and supervision are provided to their Officers appropriate to their role and responsibility.
- g) Participate in Business Impact Analysis and performance review to assist in the development of an annual plan to address Business Continuity issues, including resourcing;
- h) Activate Business Continuity Plans for their Service in the event of an incident or emergency;
- i) Support all other Assistant Directors by providing competent advice and efficient and timely service where a Service's operational effectiveness is critical to the effective delivery of other critical services in the Council e.g. ICT; and
- j) Make recommendations regarding the overall progress of Business Continuity Management and Emergency Planning within the Council.

## **Business Continuity Steering Group**

The principle purpose of this group is to bring together the Deputy Chief Executive, named Directors and Assistant Directors and then key departmental leads to oversee the Council's Business Continuity arrangements. They are able to review performance and make recommendations to change this Policy.

## **Assistant Director of Safety and Wellbeing**

The Assistant Director of Safety and Wellbeing whose service has line management responsibility for the Business & Emergency Planning Team will:

- a) Advise and brief the Management Team to assure the achievement of the Council's commitment to Business Continuity Management; and
- b) Provide professional and specialist advice, support and guidance to Elected Members and Officers.

## **Community Safety and Resilience Team Leader**

- a) Maintain this Policy, and ensure the most up-to-date version is available to all Officers;
- b) Develop and manage the Council's Business Continuity Management arrangements;
- c) Ensure that adequate arrangements are made for consultation with Officers, including representatives and unions;
- d) Ensure necessary support is in place to enable officers to develop and test their Business Continuity arrangements;
- e) Ensure adequate testing is being undertaken to ensure the validation of the Council's service plans and overarching Business Continuity Plan; and
- f) Maintain the Council's Overarching Business Continuity Plan and, in consultation with Management Team, be responsible for implementing this plan in the event of an incident or emergency.

## **Team Leaders**

Managers will be responsible for the implementation of Business Continuity Management processes. They will:

- a) Promote a Business Continuity Management culture within their Teams, encouraging activities that develop the resilience and requiring consideration of Business Continuity Management in the provision of their services; and
- b) Support their relevant Assistant Directors in implementing their Business Continuity Plans for their Service, Unit or Team.



## **Individual Employees**

Individual employees must:

- a) Be aware of the Business Continuity Management responsibilities of the Council and their own Service, Unit or Team;
- b) Understand their own role within an incident or emergency;
- c) Promote preparedness and a resilient culture within their own Service, Unit or Team; and
- d) Assist in any Business Continuity incident or emergency.

## **Business Continuity Incident Management Team**

The principle purpose of this group is to bring together the Chief Executive, Assistant Directors and Management Team to support key services within the Council (i.e. HR, Communications, IT, Finance), during a time of response so that information and issues relating to incidents and emergencies can be shared and appropriate measures for increasing resilience agreed.

## **Service Business Continuity Teams**

The principle purpose of the Service Business Continuity Team is to ensure appropriate actions are undertaken at service level in order to get services and units back up and running in an acceptable period. This group comprises of the Strategic Lead i.e. the Assistant Director and Team Leaders plus any others with key knowledge of the services critical activities.

## **8.0 Training and Exercising**

Training takes place regularly for those officers likely to be called on to lead or be part of the business continuity management and support teams. Lessons learnt from training and exercises are used to determine any amendments or inclusions required when the plan is updated. Managers must ensure that those staff required are released for this critical training.

## **9.0 Policy Awareness**

This Policy will be communicated through multiple channels:

- a) Cabinet;
- b) Management Team;
- c) Audit Committee; and
- d) Made available on the Smarthub.

## **10.0 Policy Review**

This Policy will be reviewed every three years. It will be amended, if necessary, to take into account new legal requirements, non-statutory guidance from central government and implementation of relevant industry standards.

## **11.0 Supporting Documentation**

Information, advice & guidance can be found on the SmartHub under Internal Services > Emergency Planning and Business Continuity > Business Continuity or by contacting the Resilience Team on:

Email: [emergency.planning@ashford.gov.uk](mailto:emergency.planning@ashford.gov.uk)

Tel: 01233 330271

# 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>	Laurel Niven Community Safety and Resilience Team Leader
<b>Decision maker:</b>	Cabinet
<b>Decision:</b> <ul style="list-style-type: none"> <li>• Policy, project, service, contract</li> <li>• Review, change, new, stop</li> </ul>	To review and adopt the Ashford Borough Council Business Continuity Policy.
<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.	29 June 2023
<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>The purpose of this report is to present to Cabinet the Ashford Borough Council's recently reviewed Business Continuity Policy for adoption.</p> <p>The Policy highlights the roles and responsibilities for Business Continuity as part of the Civil Contingencies Act 2004.</p>
<b>Information and research:</b> <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>The Council has a statutory duty under the Civil Contingencies Act 2004 to have in place Business Continuity plans to ensure all public services within the Council continue to deliver a service following an incident or disruption. Such as ICT failure, staff storage or loss of the building.</p> <p>The policy was reviewed at the Business Continuity Steering group which is chaired by the Chief Executive and attended by key officers within the authority to ensure that we are meeting our duty.</p>
<b>Consultation:</b> <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</li> </ul>	<p>This is an internal policy document and therefore no public consultation is required. There is however a need to work closely with our tenants in order to ensure that the Council's Business Continuity arrangements are complementary to their own situation. This will be undertaken as part of the review of Service Business Continuity Plans.</p> <p>To ensure that best practice and learning outcomes are shared across the County feedback from all Business Continuity incidents faced by Ashford Borough Council and all Local Authorities across Kent are fed into the Kent Resilience Forum.</p>

people with different protected characteristics?	
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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	Low	Neutral
Middle age	Low	Neutral
Young adult	Low	Neutral
Children	Low	Neutral
<u>DISABILITY</u>		
Physical	Low	Neutral
Mental	Low	Neutral
Sensory	Low	Neutral
<u>GENDER RE-ASSIGNMENT</u>	Low	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	Low	Neutral
<u>PREGNANCY/MATERNITY</u>	Low	Neutral
<u>RACE</u>	Low	Neutral
<u>RELIGION OR BELIEF</u>		

	Low	Neutral
<b><u>SEX</u></b>		
Men	Low	Neutral
Women	Low	Neutral
<b><u>SEXUAL ORIENTATION</u></b>		
	Low	Neutral
<b><u>ARMED FORCES COMMUNITY</u></b>		
Regular/Reserve personnel	Low	Neutral
Former service personnel	Low	Neutral
Service families	Low	Neutral

<p><b>Mitigating negative impact:</b> Where any negative impact has been identified, outline the measures taken to mitigate against it.</p>	<p>There is no negative impact to mitigate in relation to this policy. As this is an overarching document.</p> <p>The service specific business continuity plans will address specific EIA issues such as disabled access in to temporary customer service space if there is complete loss of the Civic Centre.</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	NA
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	NA
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	NA

<p><b>Conclusion:</b></p> <ul style="list-style-type: none"> <li>Consider how due regard has been had to the</li> </ul>	<ul style="list-style-type: none"> <li>The due regard for equality has been considered throughout this report. However due to the nature of the report there are no negative impacts.</li> </ul>
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<p>equality duty, from start to finish.</p> <ul style="list-style-type: none"> <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>	<ul style="list-style-type: none"> <li>• There is no unlawful discrimination arising from this report</li> <li>• The proposals are not considered to have any impacts on equality and will provide reassurance that we have a policy in place to support our critical functions during an incident.</li> <li>• Monitoring will be completed through: <ul style="list-style-type: none"> <li>• analysis of service business continuity plans</li> <li>• staff surveys</li> <li>• attendance at relevant business continuity meetings and training sessions</li> <li>• monitoring of lessons learnt recommendations</li> </ul> </li> </ul>
<p><b>EIA completion date:</b></p>	<p>14 June 2023</p>