

TUESDAY, 15 DECEMBER 2015

## THE PORTFOLIO HOLDER FOR OPERATIONS AND ASSETS

## EQUALITY AND DIVERSITY SCHEME UPDATE

**PURPOSE**

This report and appendices has been produced to provide an overview on the issues and work areas around equality that the Transformation & Corporate Performance team has a lead on and/or is involved in. This report aims to provide Council with an update of the on-going work and to give assurance that systems or work streams are in place where required in order that Tamworth Borough Council embraces equality and diversity and remains compliant.

**RECOMMENDATIONS**

- **That Council approve the Diversity and Equalities Scheme**

**EXECUTIVE SUMMARY****Current Position**

Tamworth Borough Council's last Diversity and Equality scheme and supporting action plan was reviewed in 2012 and whilst we have continued to ensure TBC remains compliant with legislation it is recognised that work in this area has been at a minimal level due to resource issues.

Over the last few months, the scheme has been revised and subject to formal approval will ensure that Tamworth Borough Council will not only remain compliant but with a few minor changes can ensure our commitment is maintained.

The revised scheme ensures that all necessary data that requires publication has now been updated and published (i.e. profile of the workforce) and includes 2 equality objectives which Cabinet have considered and approved.

**The two objectives are:**

- **To use customer insight to develop accessible services particularly aimed at those demonstrating the greatest need.**
- **To ensure all council strategies policies and procedures consider the impact on our diverse community/ workforce to ensure maximum inclusion.**

**Review Findings**

In carrying out this review it became apparent that:

- Information is currently published both from a legal and governance perspective which includes a range of demographic data, workforce data, the

Forward Plan, budgets and performance management data.

- The Modgov report template does not include any reference to impact assessment being carried out as part of the approval process.
- The budget setting process does require Directors to confirm that an equality impact assessment has been completed for all capital appraisal bids (Section 3 of the Capital Appraisal form refers).
- The business planning process does not currently require Directors and managers to consider the impact of any proposals in terms of equality.
- In learning from others we know that judicial reviews will always take into account evidence of how the authority has demonstrated consideration to equality legislation.
- The current Community Equality Impact Assessment requires simplifying.
- The current Diversity and Equalities Scheme and supporting action plan require updating.

**It is therefore proposed that:**

- the Modgov report template, which plays a part in proactively communicating and making clear the contents of those policies, strategies, plans etc that could have equality implications, is amended to include a mandatory paragraph that will require the author to demonstrate that they have given consideration to carrying out an impact assessment.
- The business planning process is updated to take account of the revised equality objectives to ensure that they are integral to the Councils business.
- that the revised Community Impact Assessment (as detailed in Appendix 1 Page 12) is implemented to mitigate associated risks.
- The revised action plan (Appendix 2 refers) is approved. [Note: Work on this has already commenced to ensure compliance].

**RESOURCE IMPLICATIONS**

Budgets for training are already in place.

Delivery of the action plan does not require any further financial investment.

Delivery of the action plan will be undertaken by existing officers within their current job role

**RISK AND SUSTAINABILITY IMPLICATIONS**

In carrying out this review the intention was to ensure that processes were adapted rather than additional resources requested so as to ensure sustainability.

The adoption of the objectives together with the delivery of the action plan will ensure Tamworth Borough Council remains compliant with the Public Sector Equality Duty.

HR will continue to monitor government policy on all associated matters and will advise CMT accordingly.

## **BACKGROUND INFORMATION**

### **Legislation – New Government**

The previous coalition Government took a light touch approach towards equalities and the Equality Act 2010. It removed some of the more prescriptive obligations on the public sector and did not enact some that were due to be brought into force under the act. The only exception to this being supporting and bringing in legislation to legalise same sex marriage.

The role of the Equality and Human Rights Commission (EHRC) has been gradually eroded with reduction to its funding, changes in leadership and changes to its role. The EHRC has largely become an organisation that looks at and investigates strategic and theme based issues around equality. It has rarely used its enforcement powers recently in relation to the public sector.

It is believed the new Conservative government are not likely to change this position and if anything, will continue to look at reducing what they see as red tape and burdens on the public sector around equalities.

### **Review of specific duties**

The one major aspect of the Equality Act 2010 that impacts on the council is the **Specific Duties** that are in place for the public sector (known as the PSED-Public Sector Equality Duty). Both the requirements for this and guidance from government indicate a light touch without being too prescriptive. The emphasis being on using existing data and information, rather than creating or collecting additional information. The requirements are that public sector bodies must:

- Publish information annually
- Have equality objective/s and review these every 4 years

## **REPORT AUTHOR**

Anica Goodwin, Director – Transformation and Corporate Performance  
Zoe Wolicki, HR Adviser

## **APPENDICES**

1. The revised Diversity and Equality Scheme 2015 – 2019
2. Diversity and Equality Action plan 2015- 2019

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