

SLOUGH BOROUGH COUNCIL

REPORT TO: Overview and Scrutiny Committee **DATE:** 15th November, 2011

CONTACT OFFICERS: Tracy Luck – Head of Policy and Communications
Noreen Mian – Equality and Diversity Adviser

(For all enquiries) (01753) 875411

WARD(S) All

PART 1 **FOR INFORMATION**

EQUALITY ACT 2010

1 Purpose of Report

This is an information report to provide Members with an update on the Equality Act 2010 and how the Council is meeting its requirements.

2 Recommendation

The Committee is requested to note the report and support the activities listed in Section 5.

3 Community Strategy Priorities

Equality is at the heart of everything we do and strive to deliver in Slough. We aim to improve access, reduce barriers and make improvements to services or information provided by the Council to local residents, visitors and employees, address the disadvantage that individuals experience because of their protected characteristics and reduce the risk of Council services discriminating against individuals and being opened up to legal challenge. This agenda fits into all of the community strategy priorities, particularly supporting the Council in '**celebrating diversity and enabling inclusion**'.

4 Other Implications

(a) Financial

Equality systems are already embedded in our processes, there are no financial implications other than officer time to update these systems, provide briefing sessions to teams, and implement any new forms/ processes.

(b) Human Rights Act and Other Legal Implications

Everyone has the right to be treated with dignity and respect. The Equality Act 2010 prohibits discrimination on named grounds. These are called 'protected characteristics'. The Council is required to meet its obligations under the Equality Act 2010 and in particular with regards to Equality Analysis when making decisions on policies/ services. If challenged by the public the Council has all the necessary information in one place to demonstrate they have considered individual needs and thought of ways of reducing/ removing any barriers/ negative impact and if required to do so can prove this in a court of law. To reduce risks to the Council of unnecessary challenge it is important that staff are briefed on the new form, the change in focus and the process for Equality Analysis.

5 Summary

(a) Equality Act 2010

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Equality Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways to help tackle discrimination and inequality. Its purpose is to embed equality considerations into the day to day work of public authorities in order to counter discrimination and inequality at every level and to remove institutional discrimination. It consists of a general duty as well as some specific duties which set out how to comply with the general duty.

The equality duty covers age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

(b) The Public Sector Equality Duty

The PSED consists of a general duty, set out in the Act itself, and specific duties imposed through regulations.

(c) General Duty

The general duty has three aims. Public bodies in all their operations must have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation
- advance equality of opportunity between people from different (equality) groups
- foster good relations between people from different (equality) groups.

Sometimes complying with the general equality duty may involve treating one group more favourably than others. For example, it will be possible to use the positive action provisions to provide a service which is appropriate for a particular group. Additionally, public bodies must take account of disabled peoples' impairments or health conditions even when that involves treating disabled people more favourably than others.

(d) Specific duties

The general duty is underpinned by specific duties which set out in more detail what a public authority needs to do in order to comply with the general duty. Public authorities must prepare and publish their equality objective/s at least every four years starting not later than 6 April 2012 and publish information to demonstrate its compliance with the general duty at least annually starting no later than 30th January 2012.

6 Progress

(a) Data collection exercise

Equalities data is being collected from across council departments on our staff and service users. This will then be analysed to show us where we need to improve in the provision of our services. Monitoring processes are also being revised to take into consideration the new protected characteristics.

(b) SBC Corporate Equalities Working Group – re-established

The group now consists of heads of service and representatives from the Staff Support groups.

(c) Staff Disability Forum

The group continues to meet on a regular basis. Earlier this year they delivered a successful awareness raising workshop for a local youth charity, and they are currently

working on a disability awareness campaign. The E&D Adviser continues to support the group by attending regular meetings and assisting where she can.

(d) LGBT forum – established

SBC's first staff Lesbian Gay Bisexual and Transgender forum has been established and will meet in September to discuss how to take this agenda forward within the council.

(e) BAME – reviewing membership

The Black and Minority Ethnic group is currently reviewing its membership to identify new chairs and managers of the forum.

(f) Annual Diversity Conference 2011

The Annual Diversity Conference was held on **Thursday October 20th, 3pm – 6.30pm**, at The Centre, Farnham Road. This year the event was shorter with a more focused agenda. There were two workshops; the first looked into the Equality Objectives the council are required to publish by April 2012, asking the community and partners what they feel these should be. The second looked into civic responsibility – asking participants to think about what it means to be a local resident of Slough. A short report is being put together which will be circulated.

(g) EIA Template: revised

The Equality Act 2010 requires all public bodies, including local authorities, to carry out equality analysis and to publish their results. CMT have agreed that we will continue to use Equality Impact Assessments to meet this requirement but using a revised template. Equality Impact Assessments (EIAs) should be carried out:

- Before a plan is made to change or remove a service, policy or function to assess any potential impacts, positive and negative, in a proportionate way and with relevance.
- To make decisions that are justified, evidenced, relevant and identify any mitigating proposals
- To prioritise expenditure in an efficient and fair way
- To have a record showing that the potential impacts have been considered and that decisions are based on evidence

It is important the EIA is carried out at the earliest opportunity to ensure that there is enough time to undertake any additional work that will inform decisions, i.e. community engagement.

(h) Training and Briefings

Training is currently being developed for:

- Awareness Training
- EIA Training
- Key Messages to Staff and Customers RE: Equality monitoring

The Equality and Diversity Adviser has been providing briefings to staff member, heads of services, teams etc offering support and guidance on the responsibilities of the council.

7 Assistance from Members

Members may assist in the implementation of the Act by:

- (a) Considering the requirements of Equality Law and their responsibilities when scrutinising policy and Executive decisions

(b) Highlighting training needs that members may have i.e. awareness training, EIA training

(c) attending Member training on Equality and Diversity

8 **Background Papers**

Revised Equality Analysis template and Background Information.