

CABINET

**COUNCILLOR SOPHIE PORTER
DEPUTY LEADER AND COMMUNITY AND
RESIDENTS PORTFOLIO HOLDER**

15 OCTOBER 2024

KEY DECISION? NO

REPORT NO. ACE2411

PUBLIC SECTOR EQUALITY DUTY

SUMMARY AND RECOMMENDATIONS:

The Council has statutory duties under the Equality Act 2010 and is required to comply with these. In order to achieve this, it is recommended that Cabinet:

- Approve the two new equality objectives set out in section 3.2.
- Agree to publish an annual equality report and other information as described in sections 3.3 – 3.6.

1. INTRODUCTION

- 1.1. This report sets out the Council's statutory duties under the Equality Act 2010, its compliance with those duties, and proposes action to ensure compliance.

2. BACKGROUND

Public Sector Equality Duty

- 2.1. The Council has a duty under the [Equality Act 2010](#) to give due regard to the need to:
- put an end to unlawful behaviour that is banned by the Equality Act 2010, including discrimination, harassment and victimisation.
 - advance equal opportunities between people who have a protected characteristic and those who do not.
 - foster good relations between people who have a protected characteristic and those who do not.
- 2.2. The Council must publish:
- equality information every year
 - gender pay gap information every year
 - one or more equality objectives every four years

Equality Peer Challenge

- 2.3. In 2021, the Council commissioned the Local Government Association to conduct an [Equality Peer Challenge](#).
- 2.4. The report highlighted a number of strengths, including the exemplary long-standing work with the Nepali community. However, it also noted that there was an inconsistent approach to equality impact assessments, limited training, and more work to do to achieve a representative workforce.
- 2.5. In recent years, the Council has:
 - Worked to improve the accessibility of the Council website.
 - Run several staff awareness sessions in topics including dementia, neurodiversity, and guiding a blind or partially sighted person.
 - Increased the number of reminders encouraging staff to update their personal records to be able to identify and remove any barriers in our working practices.
 - Employed Nepali speaking customer service advisors to improve access to Council services for this community.
 - Agreed and implemented a [cultural strategy](#) that aims to celebrate and engage the borough's diverse communities.
 - Supported the development of Rushmoor Accessibility Action Group (RAAG), an independent group that aims to develop awareness of inclusion, accessibility, and safety for people with mixed abilities, set key targets around improving access in Rushmoor, and highlight the importance and value of inclusivity.
 - Rolled out mandatory staff training on the importance of equality, diversity, and inclusion.

Inequalities and protected characteristics

- 2.6. [The King's Fund](#), the [National Institute for Health and Care Excellence](#) and the [Office for Health Improvement and Disparities](#) have proven a link between health inequality and having a protected characteristic.
- 2.7. The [Ministry of Housing, Communities, and Local Government](#) have published data showing a link between living in deprived neighbourhoods and ethnicity.
- 2.8. The Council's [Supporting Communities Strategy](#) includes priority themes around economic hardship and physical and mental health. The outcomes from this strategy should contribute towards advancing equal opportunities between people who have a protected characteristic and those who do not.

3. DETAILS OF THE PROPOSAL

General

- 3.1. It is proposed that the Council takes action to ensure compliance with the Equality Act.
- 3.2. As part of the Equality Act 2010 the Council must prepare and publish one or more equality objectives at least every four years in order to meet the general equality duty. In order to ensure compliance with this requirement, Cabinet is asked to approve two new equality objectives, as follows:
 - 3.2.1. To promote the use of equality impact assessments as part of the Council's decision making, policy making, procurement, and service design to ensure inclusivity, accessibility, equal opportunities, and good relations.
 - 3.2.2. To tackle the effects of poverty and deprivation, and to have a positive impact on people's daily lives through delivery of Supporting Communities Strategy projects.
- 3.3. It is proposed that the Council publish an equality report each year to fulfil its duty under the Equality Act to publish equality information.
- 3.4. The report will demonstrate how the Council:
 - is performing in the area of equality.
 - makes decisions with due regard for the Equality Act.
 - has complied with the general duty.
 - can be held to account for equality actions.
- 3.5. This report will draw on the previous year's equality impact assessments.
- 3.6. The Council's equality objectives, equality impact assessments, and equality reports will be published on the Council's website.

Alternative Options

- 3.7. Taking no action would mean the Council would be non-compliant with the Equality Act and risks enforcement action from the Equality and Human Rights Commission.
- 3.8. Cabinet could choose to be more ambitious with its equality objective(s). Given the work already required to meet the Council's statutory obligations under the Equality Act, the Cabinet could consider more ambitious equality objective(s) for the next review in four years.
- 3.9. Cabinet could choose to [voluntarily adopt the socio-economic duty under Section 1 of the Equality Act 2010.](#) Given the work already required to meet

the Council's statutory obligations under the Equality Act, it is proposed that compliance is achieved first. Cabinet could consider voluntary adoption at a future date.

Consultation

3.10. This report has been prepared in collaboration with these service teams:

- Policy, Strategy, and Transformation
- People
- Communications
- Community and Partnerships
- Economy and Growth
- Customer Services

3.11. The report is informed by the LGA Equalities Peer Review report of 2021 which included input from a range of stakeholders including frontline staff, managers, Members, third sector and other partners as well as community representatives.

4. IMPLICATIONS (of proposed course of action)

Risks

4.1. The proposed course of action will reduce the legal and reputational risk of non-compliance with the Equality Act.

Legal Implications

4.2. The Council has a duty under sections 149 to 157 of the Equality Act 2010 to have due regard to equality considerations when exercising its functions, like making decisions, delivering programmes and running services.

4.3. The Council should consider how its functions will affect people with different protected characteristics.

4.4. The duty supports good decision-making and should be applied in a proportionate way depending on the circumstances of the case and seriousness of the potential equality impacts.

Financial Implications

4.5. There are no direct costs of the proposals within this report, however there will be internal resource requirements.

4.6. Not complying with the requirements of the Equality Act may have financial risk regarding any enforcement action the Equality & Human Rights Commission may take if the Council is found to be non-compliant with legislative requirements.

Resource Implications

- 4.4 Equality Impact Assessments may increase the work required to take reports to decision making committees. This will be partially mitigated by taking a proportionate and reasonable approach to assessment. This will ensure that only those decisions with significant equalities impacts will be subject to the most time-consuming full assessment.

Equalities Impact Implications

- 4.5 The proposed course of action will have a positive impact on people with protected characteristics by making it more likely that their interests are promoted in Council decision making, policies, procurement, services, and the recruitment, promotion, and performance management of employees.

5 CONCLUSIONS

- 5.1 This report sets out the Council's statutory duties under the Equality Act 2010, its compliance with those duties, and proposes action to ensure compliance.
- 5.2 The Equality Act provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. By complying with the Equality Act, the Council can improve how it makes decisions, develops policies, procures goods and services, designs services, and recruit, develop and retain employees. It reduces the legal, reputational and financial risk of enforcement action arising from non-compliance.
- 5.3 The Borough has known health inequalities and areas of deprivation. Meeting the Public Sector Equality Duty and considering equality, diversity, and inclusion will contribute towards reducing these issues.

LIST OF APPENDICES/ANNEXES:

None

BACKGROUND DOCUMENTS:

None

CONTACT DETAILS:

Report Author – Alex Shiell, Service Manager – Policy, Strategy, and Transformation / alex.shiell@rushmoor.gov.uk / 01252 398188

Head of Service – Rachel Barker, Assistant Chief Executive / rachel.barker@rushmoor.gov.uk / 07771 540950