



WEST OXFORDSHIRE  
DISTRICT COUNCIL

## WEST OXFORDSHIRE DISTRICT COUNCIL

Name and date of Committee	<b>ECONOMIC AND SOCIAL OVERVIEW AND SCRUTINY COMMITTEE – THURSDAY 19 SEPTEMBER 2019</b>
Report Number	<b>AGENDA ITEM No. 12</b>
Subject	<b>EQUALITY AND EQUAL OPPORTUNITIES</b>
Wards affected	All
Accountable members	Members of the Economic and Social Overview and Scrutiny Committee
Accountable officer	Andy Barge, Group Manager Strategic Support Tel: 01594 812290 Email: <a href="mailto:andy.barge@publicagroup.uk">andy.barge@publicagroup.uk</a>
Summary/Purpose	To consider the suggestion that the Equal Opportunities Working Party be revived.
Annexes	<a href="#">Annex 1</a> – Joint Equality Policy and Equality Impact Assessment guidance
Recommendation	That the Committee determines how it would wish to proceed.
Corporate priorities	To maintain and enhance West Oxfordshire as one of the best places to live, work and visit in Great Britain and to meet the current and future needs of residents.
Key Decision	No
Exempt	No
Consultees/ Consultation	None

## **1. BACKGROUND**

- 1.1. At the last meeting Councillor Acock questioned why the Equal Opportunities Working Party had not been reconstituted and suggested that it should be revived.
- 1.2. It was explained that the Working Party had been fundamental in devising the Council's Equalities Policies and it was agreed that Members would review the work carried out to date and consider whether further meetings were required.

## **2. MAIN POINTS**

- 2.1. In January 1997 the Council agreed to prepare and adopt an Equal Opportunities Policy, covering both the provision of Council services to the public and its own recruitment procedures (Minute No. PC/58/96-97 refers). At the same time the Committee established the Equal Opportunities Working Party to consider and make recommendations both on the policy itself and how it might best be implemented. Membership of the Working Party was open to all Members of the Council who wished to attend.
- 2.2. The Working Party drew up the Council's first Equal Opportunities Policy during 1997/98 and continued to meet on an ad hoc basis to review and monitor the Policy. Over the years, meetings of the Working Party became less frequent (partly as a result of the development of the now well established overview and scrutiny process). The Equal Opportunities Working Party was last reconstituted in 2014/2015 but no meetings were called during the course of that year. In view of this, and the Council's view that working parties should not be self-perpetuating, the Working Party was not re-established the following year.
- 2.3. Since its introduction, the Council's Equal Opportunities Policy has gone through a number of iterations in response to legislative changes and development in best practice. The most recent Joint Equality Policy, which covers the period 2017 to 2020, was approved by the Cabinet in June 2017. A copy is attached at [Annex I](#), together with a copy of the associated Equality Impact Assessment guidance.
- 2.4. As the current Policy covers the period to 2020, it will be subject to review at some point in the foreseeable future and Members may feel that, rather than reconstitute the Equal Opportunities Working Party, it would be more appropriate for the Committee to take that opportunity to make comment on the draft.
- 2.5. The Committee is invited to consider how it would wish to proceed.

## **3. FINANCIAL IMPLICATIONS**

- 3.1. There are no financial implications arising directly from this report.

## **4. LEGAL IMPLICATIONS**

- 4.1. None

## **5. RISK ASSESSMENT**

- 5.1. Not applicable

## **6. ALTERNATIVES/OPTIONS**

- 6.1. The Committee may take such action as it considers appropriate within its terms of reference

## **7. BACKGROUND PAPERS**

- 7.1. None



# **Joint Equality Policy 2017-2020**

**May 2017**

# 1.Introduction

At the Cheltenham, Cotswold, Forest of Dean and West Oxfordshire Councils we are committed to equality of opportunity both in providing services and as an employer.

We understand and respect that people are unique and have individual differences. We celebrate this diversity and encourage positive relationships between people with differing needs. The aim of this policy is to provide clear outcomes that intend to improve our approach to equality and diversity and aid in meeting our legal requirements.

## 2. Legislative requirements

### Equality Act 2010

The Equality Act 2010 came into force in October 2010, replacing existing anti-discrimination laws with a single Act. The Equality Act simplifies the law, removing inconsistencies and making it easier for people to understand and comply with.

The Act requires us to have due regard to:

- Eliminating unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advancing equality of opportunity between people who share a protected characteristic and those who do not; and
- Fostering good relations between people who share a protected characteristic and those who do not.

The Act identifies the 'protected characteristics' as;

- Race
- Disability
- Gender
- Gender reassignment
- Sexual Orientation
- Marriage and civil partnership
- Age
- Religion and Belief
- Pregnancy and maternity

In addition the Councils want to make sure that no other group or individual is treated unfairly for any other reason, such as their social class, political beliefs, income levels, responsibility for dependants, appearance, geographical area (rural location), criminal record etc.

### Public Sector Equality Duty (PSED)

Integrated within the Act is the Public Sector Equality Duty (PSED), the duty requires all public bodies and private bodies that deliver public functions to consider the needs of protected groups when designing and delivering services.

The PSED requires public sector bodies to;

- set and publish specific, measurable equality objectives and review them at least every 4 years; and

- publish relevant, proportionate information demonstrating their compliance with the Equality Duty at least annually. This information must include; information relating to employees who share protected characteristics; and information relating to people who are affected by policies and practices and who share protected characteristics

To fulfil these requirements we publish objectives in our action plans and workforce profiles and district profiles on our websites –

[Cheltenham Borough Council](#)  
[Cotswold District Council](#)  
[Forest of Dean District Council](#)  
[West Oxfordshire District Council](#)

## **Enforcement**

The Equality and Human Rights Commission is responsible for assessing compliance with and enforcing the Equality Duty. It has powers to issue compliance notices to public bodies that have failed to comply and can apply to the courts for an order requiring compliance. The Equality Duty can also be enforced by judicial review. This can be done by the Commission or any individual or group of people with an interest.

## **3.Equality outcomes**

In partnership we have developed equality outcomes which are supported by each Council. They are:

- Ensuring employment practices are equal and fair
- Improving access to our services
- Understanding our communities and customers' needs

These outcomes form the basis of each Councils individual equality action plan which is developed each year. The plan sets out our equality objectives, timescales for completion and responsible teams to allow progress to be monitored.

## **4.Putting equality into practice**

### **Equality Impact Assessments (EIAs)**

An equality impact assessment (EIA) involves assessing the likely or actual effects of policies or services on people with protected characteristics or any other groups. It helps us establish how the services we deliver affect different groups of people and to ensure their needs are taken into account when we develop or make changes to a policy or service.

As far as possible, adverse impacts should be mitigated or counterbalanced by other measures. Assessments are proportionate, we impact assess decisions that may impact significantly on members of public or staff. Staff are encouraged to complete the assessment prior to decisions being made at committees.

## Equality Impact Assessment

This guidance has been produced to help the service managers undertake equality impact assessments, which will help us find out how the services we deliver affect different groups of people and in what ways. By undertaking an impact assessment, we are able to:

- Take into account the needs, experiences and circumstances of groups of people are affected by our services.
- Identify any inequalities people may experience.
- Think about the other ways in which we can deliver our services which will not lead to inequalities.
- Develop better policy-making, procedures and services.
- Become more accountable to the people that we serve.
- The council expects the officer responsible for the service to undertake equality impact assessments themselves. They are completed on any new or amended policies or any changes to service delivery and team structures, that will have a significant impact upon staff or the community. You should never consider doing an Impact Assessment on your own, it is much better to have several people talking through the assessment; more people will bring more thoughts to the table! **Remember it should be an integral part of policy development not a last minute thought!**

As recent case law as has highlighted, it is very important that EIA's are completed before decisions are made. Councillors and officers need to have all the information available to consider prior to making decisions, otherwise decisions can be overturned by courts. When writing an important report for Councillors to consider this EIA must accompany that report to raise Councillor awareness of the implications of the decision they are making.

Whilst completing an EIA form you will provide evidence of how you have considered how the 'protected characteristics' may be impacted upon by this decision. In line with the General Equality Duty (Equality Act 2010) the Council must, in the exercise of its functions, have due regard for the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- 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

The act specifies a number of groups known as protected characteristics, they are;

- Age
- Disability
- Gender Reassignment
- Race
- Religion or belief
- Gender
- Sexual Orientation
- Marriage and Civil Partnership

- Pregnancy and Maternity

Government guidance also identifies the following groups that commonly experience barriers to participation and should be considered when completing EIAs:

- People with mental health conditions
- People with learning difficulties and disabilities
- Gypsies and travellers
- People undergoing, considering or have undergone gender reassignment
- Asylum seekers
- Refugees
- People with caring responsibilities
- People on low income or benefits
- Staff

### Completing the form

The following table will help you decide what information you need to put within each section of the form and what information and evidence you need to gather:

1. Persons responsible for this assessment	Details of the person/people completing the assessment – remember this is best done as a group rather than an individual
2. Name of the policy, service, strategy, procedure or function:	
3. Briefly describe it aims and objectives	<p>It will help to ask:</p> <ul style="list-style-type: none"> <li>• Why is the policy needed?</li> <li>• What does the authority hope to achieve by it?</li> <li>• How will the authority ensure that it works as intended?</li> <li>• Who are the current customers and impacts on them?</li> </ul> <p>This is not always easy and a discussion will probably be needed between those who define the policy and those who implement it.</p>
4. Are there any external considerations? (e.g. Legislation/government directives)	Is the policy/service being changed due to government legislation, budget cuts etc.
5. What evidence has helped to inform this assessment?	Identify what evidence is available and set it out here. This includes evidence from involvement and consultation. Identify where there are gaps in the evidence. Include in action plan
6. Please specify how intend to gather evidence to fill any gaps identified above:	Provide details where there are gaps in the evidence base and specify the action you intend to take to fill these gaps. For example; What additional involvement and consultation will be needed and how will it be undertaken? Include in action plan.

7. Has any consultation been carried out?	Provide details of any consultation that has been undertaken, who this involved and what the outcome was. Have you identified any barriers to your service? Alternatively provide information on any planned consultation.
8. What level of impact either directly or indirectly will the proposal have upon the general public / staff?	Consider the level of impact of the policy in respect of the protected characteristics and/or staff to which the policy is relevant.
9. Considering the available evidence, what type of impact could this function have on any of the protected characteristics?	<p>Based on the evidence and consultation think about the impact upon each characteristic</p> <ul style="list-style-type: none"> <li>a) Negative – it could disadvantage and therefore potentially not meet the General Equality duty;</li> <li>b) Positive – it could benefit and help meet the General Equality duty;</li> <li>c) Neutral – neither positive nor negative impact/not sure</li> </ul> <p>Provide reasons behind this impact and mitigating options (include in action plan).</p>
10. Action plan	You must monitor implementation of the action plan until all of the actions are complete. It needs to include any action that has been identified – evidence requirements, consultation needed or options for mitigating any impact. What resources are required? Please add additional lines where necessary.
11. Is there anything else that you wish to add?	Use this box to record anything else that you have thought about that you have not recorded anywhere else on the assessment form.
Declaration	Includes sign-off by the responsible officer, line manager and

If you need help at any point or have any questions please contact:

Cheltenham;  
Cotswold and West Oxfordshire;  
Forest of Dean; Corporate Support Team – [corporatesupport@fdean.gov.uk](mailto:corporatesupport@fdean.gov.uk) or 01594 812607



## Equality Impact Assessment Form

### 1. Persons responsible for this assessment:

Names:	
Date of assessment:	Telephone: Email:

### 2. Name of the policy, service, strategy, procedure or function:

Is this a new or existing one? New/Existing (please delete as appropriate)
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### 3. Briefly describe it aims and objectives

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### 4. Are there any external considerations? (e.g. Legislation/government directives)

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### 5. What evidence has helped to inform this assessment?

Source	✓	If ticked please explain what
Demographic data and other statistics, including census findings	<input type="checkbox"/>	
Recent research findings including studies of deprivation	<input type="checkbox"/>	

Results of recent consultations and surveys	<input type="checkbox"/>	
Results of ethnic monitoring data and any equalities data	<input type="checkbox"/>	
Anecdotal information from groups and agencies within Gloucestershire	<input type="checkbox"/>	
Comparisons between similar functions / policies elsewhere	<input type="checkbox"/>	
Analysis of audit reports and reviews	<input type="checkbox"/>	
Other:	<input type="checkbox"/>	

6. Please specify how intend to gather evidence to fill any gaps identified above:

7. Has any consultation been carried out?

Yes/No

Details of Consultation

If NO please outline any planned activities

8. What level of impact either directly or indirectly will the proposal have upon the general public / staff? (Please quantify where possible)

Level of impact	Response
NO IMPACT – The proposal has no impact upon the general public/staff	<input type="checkbox"/>
LOW – Few members of the general public/staff will be affected by this proposal	<input type="checkbox"/>

MEDIUM – A large group of the general public/staff will be affected by this proposal	<input type="checkbox"/>
HIGH – The proposal will have an impact upon the whole community/all staff	<input type="checkbox"/>
Comments: e.g. Who will this specifically impact?	

9. Considering the available evidence, what type of impact could this function have on any of the protected characteristics?

*Negative – it could disadvantage and therefore potentially not meet the General Equality duty;*

*Positive – it could benefit and help meet the General Equality duty;*

*Neutral – neither positive nor negative impact / Not sure*

	Potential Negative	Potential Positive	Neutral	Reasons	Options for mitigating adverse impacts
Age – Young People					
Age – Old People					
Disability					
Sex – Male					
Sex – Female					
Race including Gypsy and Travellers					
Religion or Belief					
Sexual Orientation					
Gender Reassignment					
Pregnancy and maternity					
Geographical impacts on one area					
Other Groups					
<b>Rural considerations:</b> ie Access to services; leisure facilities, transport; education; employment; broadband.					

10. Action plan (add additional lines if necessary)

Action(s)	Lead Officer	Resource	Timescale

11. Is there is anything else that you wish to add?

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**Declaration**

I/We are satisfied that an equality impact assessment has been carried out on this policy, service, strategy, procedure or function and where an negative impact has been identified actions have been developed to lessen or negate this impact. We understand that the Equality Impact Assessment is required by the Council and that I/we take responsibility for the completion and quality of this assessment.

Completed By:		Role:		Date:	
Line Managers signature:				Date:	
Reviewed by Corporate Equality Officer Group ( <i>Forest Only</i> ):				Date:	