

**By:** Mike Hill, Cabinet Member, Customer & Communities  
Amanda Honey, Corporate Director, Customer & Communities

**To:** Policy & Resources Cabinet Committee

**Date:** 11 July 2012

**Subject:** Kent County Council - Equality Objectives

**Classification:** Unrestricted

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## 1. Summary

- 1.1 In April 2010 the Equality Act replaced previous anti-discrimination laws with a single act to make the law simpler. The act covers nine protected characteristics. The Protected Characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, marriage and civil partnership sex and sexual orientation. Every person has one or more of the protected characteristics, so the act protects everyone against unfair treatment.
- 1.2 The Public Sector Equality Duty ('The Duty' Section 149 of the Equality Act 2010) came into force in April 2011. It requires public bodies to have 'due regard' to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act;
  - Advance equality of opportunity between people who share a protected characteristic and those who do not; and
  - Foster good relations between people who share a protected characteristic and those who do not.
- 1.3 In October 2011 the Government Equality Office (GEO) issued guidance on what public bodies are expected to publish in order to show how they meet the Duty. The guidance states that public bodies:
- Must publish their first equality objectives by 6 April 2012, with subsequent objectives published at least every four years
  - Must decide how many equality objectives it should set and what they should be

- Objectives should take into account evidence of equality issues across all of the authority's functions, consider issues affecting people sharing each protected characteristic, and take into account the three aims of the Duty.

## **2. Proposed Equality Policy and Objectives**

- 2.1 The proposed equality objectives have been developed drawing on the council's current priorities, combined with analysis of the equality data and the duty referred to in 1.2 above. As such the objectives correspond with existing council priorities and known areas of national concern in relation to equality have also been built in.
- 2.2 The revised draft policy statement and objectives are in Appendix 1.

## **3. Risks**

- 3.1 KCC is required to set Equality Objectives that are specific and measurable and which will enable the council to show progress on equality. They must be consistent with the Equality Act. This duty came into force on 6 April 2012. In order to mitigate this risk, KCC's previous equality strategy has been carried over until the revised policy and objectives are agreed.
- 3.2 Duties under previous legalisation were focused on race, gender and disability as noted in paragraph 1.1, the Equality Act covers a broader range of protected characteristics. Consequently, the organisation is at risk of failing to meet duties in relation to the other protected characteristics which could result in the Equality and Human Rights Commission taking action including issuing a formal 'compliance notice' and possible court action. Further this presents a risk of judicial review for the organisation which could impact on organisational changes, savings targets and the reputation of the organisation.

## **4. Consultation**

- 4.1 The draft objectives in appendix 1 demonstrate a combined approach to presenting them in relation to the services the Authority provides and its responsibilities as an employer. It has also been agreed that a paper be sent to the Policy and Resources Committee in July 2012.
- 4.2 Consultations will be held internally and externally. It is proposed that consultation start in May 2012 and finish at the end of July 2012. Analysis and evaluation of consultation responses are to be undertaken between 1/08/2012- 29/08/2012. Directorate Management Teams, employees and staff groups will be consulted. In addition to this internal communications channels and briefings will be prepared for key stakeholders.

4.3 The council is required to carry out public consultation to ensure no information or key issue has been missed. This will be done primarily through the Kent County Council's Web page.

## **5. Equality Impact Assessment**

5.1 Initial screening of the objectives has indicated that the revised policy and objectives will have a positive impact on all the protected characteristics. This proposition will be tested as part of the consultation process. The initial impact assessment will also be published as part of the consultation process. See Appendix 2.

## **6. Conclusion**

6.1 It is critical that KCC develops its equality objectives, so that it is able to manage the legal and reputational risk that may occur in not doing so. The objectives will enable transparency and accountability in relation to defining what the equality issues are in the business priorities for Kent as a County and its administrative body. They will also enable Kent County Council to demonstrate compliance and to have a focused and integrated approach towards equality across the organisation.

## **7. Recommendations**

Corporate Board is asked to:

1. Comment on the proposed equality policy statement and objectives.
2. Note the consultation process in order to meet the legislative requirements and to mitigate the risk of not meeting the requirement of the specific duties.
3. Agree to receive the objectives following consultation in September 2012.

Background Documents : None

### Contact Details

Akua Agyepong : Corporate Lead Equality & Diversity

Tel : 01622 696112

Email : akua.agyepong@kent.gov.uk

## Appendix 1

### Equalities and Diversity policy statement for 2012-2016

Kent County Council believes and recognises that the diversity of Kent's community and workforce is one of its greatest strengths and assets.

As a major employer and provider of a wide range of services, KCC is committed to challenging inequality, discrimination and disadvantage for everyone who lives in, works in and visits Kent.

Working closely with its statutory partners, social enterprise, business and the voluntary sector, KCC is also committed to achieving the most appropriate standard of service delivery and employment practice.

The council strongly believes that Kent's community and workforce should not face discrimination, or receive less favourable treatment, on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

The council will promote equality in employment and service delivery by:

- Working with partners to address areas of inequality
- Promoting fair employment practices and creating an organisation that is aware of equality and diversity and able to deliver its Public Sector Equality Duty
- Improving the way KCC listens to and engages with its employees, communities and partners to develop policy and services
- Improving the collection monitoring and use of data to inform service design delivery and policy decisions.
- Providing inclusive and responsive customer services.
- Understanding and responding to the equality impacts when carrying out duties and taking decisions.