

Full Council

Report Title:	Equality Act 2010 (Specific Duties)
Meeting Date:	28 February 2023
Contact Officer:	Mandy Sturdy – Town Clerk

Purpose of the Report

1. To provide information to the Council to enable them to approve their equality and diversity target/s for the next four years in line with their specific duties.

Action Required

2. To set at least one SMART¹ equality objective for 2023-2027

Background

3. As part of the studies for CiLCA² officers are required to research various powers and statutory duties relevant to Town and Parish Councils. During such research it was noted that Thame Town Council (TTC) is due to review and publish their equality objectives.
4. Under the **Equality Act 2010 (Specific Duties) regulations 2011 s3** Councils are required to set at least one SMART objective this is because they are defined as a public authority in **Schedule 19** (Equality Act).
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/84984/Schedule-19.pdf
5. Further details are available in the Public Sector: *Quick start guide to the specific duties*.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85049/specific-duties.pdf
Also in the *Equality Duty what do I need to know...* guide
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85041/equality-duty.pdf
6. As an employer of only 16 staff, we do not have to publish as much information as larger authorities with over 150 staff; However, the following is an outline of the specific duties that require a public bodies to:
 - a. *publish information to show their compliance with the Equality Duty, at least annually and*
 - b. *set and publish equality objectives at least every four years*
<https://www.legislation.gov.uk/uksi/2011/2260/regulation/3/made>
7. This means that the information they publish must show that they had due regard to the need to:³

¹ Specific, Measurable, Achievable, Realistic and Time bound

² Certificate in Local Council Administration

³ <https://www.legislation.gov.uk/ukpga/2010/15/section/149>

- a. eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act;
 - b. advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
 - c. foster good relations between people who share a protected characteristic and people who do not share it.
8. The guides listed in point 5 above are also clear of what the act does **NOT** require, including The Equality Duty does not require public bodies to;
- a. take disproportionate action on equality
 - b. treat everyone the same. Rather it required public bodies to think about peoples different needs.
 - c. examine equality issues where they are not relevant to the matter in hand
9. The resolution to adopt TTC's Equality and Diversity Policy was passed at the Policy and Resources Committee on 18/02/2020;⁴ The next review is due in 2024.
10. Suggested options for SMART objectives 2023-27

Item	Reference	Target Date
9.1	Bring forward the review and update the Equality and Diversity Policy ⁵ and include the agreed target/s. Include a procedure for monitoring any related complaints and ways to gathering factual data on areas of concern.	To put to Full Council in May 2023
9.2	Linked to 7c above; the Pride (Rainbow) Flag is flown on the flagpole outside the Town Hall for 1 – 30 days during the Month of June. Update the flag flying policy to reflect this objective. (Further suggestions for pride events for June can be found in the below link) ⁶	1 – 30 June
9.3	Encourage and enable a skilled and diverse workforce to build a culture of equality and inclusion in everything we do. Provide training on the Equality Impact Assessment Toolkit to all senior management.	December 2023
9.4	Provide Equality and Diversity training / refresher training to all staff and include in the new Training Matrix	December 2023 and ongoing
9.5	Make available Equality and Diversity training for Councillors and include in a new Training Matrix	December 2023
9.6	Through a working group further review other options for objectives relating to Item 7a-c which should relate to any member of the community with protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race including ethnic or national origins, religion or belief, sex, sexual orientation.	May 2023

⁴ Agenda Item 13

⁵ Copy of current policy to be attached.

⁶ https://www.nalc.gov.uk/nalc-blog/entry/2135-raising-the-rainbow?utm_source=MEMBERS&utm_campaign=b708061185-EMAIL_CAMPAIGN_2018_06_08_03_15_COPY_01&utm_medium=email&utm_term=0_206970988f-b708061185-379843394&mc_cid=b708061185&mc_eid=e461d4ccc3

Resource Appraisal

11. Additional impact on training budget
12. Staff Time to arrange and attend training

Risk Assessment

13. 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

Recommendation

To approve at least 2 of the equality objectives outlined in point 9, one of which should be objective 9.1.

Legal Powers

- **Local Government Act 1972 S111**