

**Open Report on behalf of Andrew Crookham,
Executive Director - Resources**

Report to:	Councillor B Young, Executive Councillor: Community Safety and People Management
Date:	Between 01 April 2020 and 14 April 2020
Subject:	Diversity and Inclusion Policy
Decision Reference:	I019791
Key decision?	No

Summary:

This Report seeks approval for a Diversity and Inclusion Policy for Lincolnshire County Council as attached in Appendix A.

Recommendation(s):

That the Executive Councillor approves the document in Appendix A to this Report as the County Council's Diversity and Inclusion Policy.

Alternatives Considered:

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| 1. | Not to approve the Policy.

The existing Policy will apply which is not as up to date or reflective of current best practice in relation to diversity and inclusion. |
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Reasons for Recommendation:

The Diversity and Inclusion Policy in Appendix A has been developed on the basis of current best practice in the development of policies to deal with diversity and inclusion both in relation to employment matters and more widely.

1. Background

At its meeting on 15 September 2017, the County Council reaffirmed a Declaration first made in 2007 condemning extremism and racist behaviour in all its forms. A copy of the Declaration is attached as an Appendix to the document at Appendix A to this Report.

In addition, the Council has an existing Equality and Diversity in Employment Policy which, although it is intended to apply more widely to the way in which the Council designs policies and commissions services, is principally treated as one of the Council's employment policies and therefore has not had a significant profile in terms of the Council's relationship with its communities and the public.

Finally, the Council has a well-developed process for fulfilling its duties under the Equality Act 2010 including in particular ensuring that it has regard to equalities matters in its decision-making through the development of Equality Impact Analyses in relevant cases.

The Council has been undertaking a review of its employment policies including its Equality and Diversity in Employment Policy. At the same time, the opportunity has been taken to review this Policy more widely to make it a more outward facing document so that it becomes a statement of the Council's wider commitment to its customers and communities and not principally to its employees.

This has involved widening the commitments made in the statement by the County Council while continuing to stand by that original commitment. As a result, the new Policy addresses other protected characteristics including in particular religion and belief, and gender reassignment. As part of its commitments in relation to religion and belief, the Policy adopts the International Holocaust Remembrance Alliance definition of anti-Semitism.

As the Policy addresses itself more widely to the public and communities and is not just an employment policy, it is important that it is approved at elected member level. As a Policy that sits below the Policy Framework, its approval is an executive function and hence the Executive Councillor is invited to approve the Policy in the form attached at Appendix A.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- * Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- * Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- * Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- * Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- * Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- * Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

The Diversity and Inclusion Policy forms part of the Council's fulfilment of its Equality Act duties setting out a clear commitment to diversity and inclusion and forming the context in which the Council will consider equality issues both in employment but also in the way it commissions and delivers services.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS) in coming to a decision.

The Policy commits the Council to ensuring the fair treatment and the inclusion of all persons with a protected characteristic and accordingly is designed to improve the wellbeing of those people.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

The Policy contains a clear message as to the Council's commitment to non-discrimination in the way it fulfils its functions and forms a firm basis for it to address crime and disorder against people with a protected characteristic.

3. Conclusion

The Report invites the Executive Councillor to approve a revised Diversity and Inclusion Policy to set out the Council's commitments in relation to its treatment of people with a protected characteristic not just in relation to employment but more widely in the exercise of its functions.

4. Legal Comments:

The Council has the power to adopt the Policy as drafted.

The decision is consistent with the Policy Framework and within the remit of the Executive Councillor.

5. Resource Comments:

Accepting the recommendation to approve a revised Diversity and Inclusion Policy should have no material impact on the budgets of the Council.

6. Consultation

a) Has Local Member Been Consulted?

Not Applicable.

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

This decision will be considered by the Overview and Scrutiny Management Board at its meeting on 26 March 2020 and the comments of the Board will be reported to the Executive Councillor.

d) Have Risks and Impact Analysis been carried out?

Yes

e) Risks and Impact Analysis

See the body of the Report.

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Diversity and Inclusion Policy

8. Background Papers

Document title	Where the document can be viewed
Equality and Diversity in Employment Policy	Human Resources

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