

HIGH PEAK BOROUGH COUNCIL

Corporate Select Committee

28 March 2022

TITLE:	Review of Equality Objectives
EXECUTIVE COUNCILLOR:	Councillor Alan Barrow – Executive Councillor for Corporate Services and Finance
CONTACT OFFICER:	Linden Vernon – Head of Democratic Services
WARDS INVOLVED:	Non-Specific

**Appendices Attached: Appendix A - Equality Objectives 2018
Appendix B - Proposed Equality Objectives 2022
Appendix C - IHRA Definition of Antisemitism**

1. Reason for the Report

- 1.1 The purpose of the report is to propose revised Equality Objectives for the Council and the adoption of the International Holocaust Remembrance Alliance's ("IHRA") definition of antisemitism.

2. Recommendation

- 2.1 It is recommended that the Corporate Select Committee support the following recommendations to the Executive:
- That the revised Equality Objectives be adopted.
 - That the IHRA definition of antisemitism, together with its illustrative examples, be adopted incorporating it as an appendix to the Council's Equality and Diversity Policy.

3. Executive Summary

- 3.1 The Equality Act 2010 introduced the The Public Sector Equality Duty which applies to public bodies such as the Council. It supports good decision-making by ensuring public bodies consider how different people will be affected by their activities, helping them to deliver policies and services which are efficient

and effective, accessible to all and which meet different people's needs. Organisations are expected to use this understanding to demonstrate 'due regard' to the Public Sector Equality Duty.

- 3.2 The Equality Duty is supported by specific duties that require public bodies to publish relevant, proportionate information demonstrating their compliance with the Equality Duty and to set themselves specific, measurable equality objectives. The Council's current Equality Objectives (Appendix A) have to be reviewed at least every four years.
- 3.3 In order to undertake this review the Council has used the Local Government Association's (LGA) Equality Framework. This sets out four modules for improvement, underpinned by a range of criteria and practical guidance that can help a council plan, implement and deliver real equality outcomes for employees and the community.
- 3.4 The suggested revised Objectives are detailed in Appendix B to the report and will be incorporated into service plans to form part of the Council's overall performance framework. It is proposed that an annual update on the Council's work with regards to equality and diversity be included within the Council's Annual Report.
- 3.5 The report also proposes that the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism be adopted, together with its illustrative examples. Adoption of the IHRA definition would bring the Council into conformity with central government and many other public bodies.

4. How this report links to Corporate Priorities

- 4.1 This report relates to Corporate Aim 1 - Supporting our communities to create a healthier, safer, cleaner High Peak.

5. Alternative Options

- 5.1 That the recommendations contained in section 2 of the report be approved (recommended).
- 5.2 That the recommendations contained in section 2 of the report are not approved (not recommended).

6. Implications

6.1 Community Safety - (Crime and Disorder Act 1998)

Complying with the Equality Act 2010 will contribute to achieving increased safety for the most vulnerable within our communities.

6.2 Workforce

The Equality Objectives will support and enhance the Council's approach to providing a modern and diverse workforce.

6.3 Equality and Diversity/Equality Impact Assessment

Undertaking the actions associated with the proposed Equality Objectives will enable the Council to meet their Equality Duties.

6.4 Financial Considerations

There are no direct financial implications outside of current budgets from the proposals detailed in the report.

6.5 Legal

The Equality Act 2010 places a duty on the Council to publish Equality Objectives and report on their achievement.

6.6 Climate Change

The Council's Climate Change Action Plan includes a commitment to give priority in responding to climate change to the needs of vulnerable groups who are most at risk to the adverse effects of climate change, including food and fuel poverty and lack of access to green space.

6.7 Consultation

The proposed Corporate Equality Objectives provide for consultation with 'protected groups'.

6.8 Risk Assessment

An effective policy and implemented plan of action will reduce the risk of poor decision making and legal challenge.

MARK TRILLO

Executive Director (Governance and Commissioning)

Web Links and Background Papers

Contained in the attached appendices.

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7. Detail

- 7.1 The Equality Act 2010 replaced previous anti-discrimination laws with a single Act. It simplified the law, removing inconsistencies and made it easier for people to understand and comply with. It also strengthened the law in important ways, to help tackle discrimination and inequality.
- 7.2 The Public Sector Equality Duty (section 149 of the Act) came into force on 5 April 2011. The Equality Duty applies to public bodies such as the Council and others carrying out public functions. It supports good decision-making by ensuring public bodies consider how different people will be affected by their activities, helping them to deliver policies and services which are efficient and effective, accessible to all and which meet different people's needs.
- 7.3 The Equality Duty is supported by specific duties that require public bodies to publish relevant, proportionate information demonstrating their compliance with the Equality Duty; and to set themselves specific, measurable equality objectives.
- 7.4 This legislation challenges organisations to know how age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion/belief, sex, and sexual orientation describe the experiences of local communities, both individually and collectively. Thinking about the relationship between these 'protected characteristics' explains the difficulties and opportunities arising from the diversity of local areas.
- 7.5 Organisations are expected to use this understanding to demonstrate 'due regard' to the Public Sector Equality Duty to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the act
 - Advance equality of opportunity between people who share a protected characteristic and those who do not
 - Foster good relations between people who share a protected characteristic and those who do not.
- 7.6 The Council adopted its current [Equality and Diversity Policy](#) in 2018. Whilst this remains up to date it is necessary to review the Council's Equality Objectives which were also last agreed in 2018 and have to be reviewed at least every four years (Appendix A). These included the following actions:
- Updating the Council's Community Profile (a resource which describes the makeup of our communities by protected characteristics) and promote its use to services for the purposes of policy development and service delivery.
 - Incorporating consideration of equality impacts as part of the introduction of the report management element of the Council's committee management system.
 - Improving the information held with regards to the profile of the Council's workforce (collecting information in relation to protected characteristics).

- 7.7 The specific duties require public bodies to prepare and publish one or more specific and measurable equality objectives which will help them to further the three aims of the Equality Duty. In order to undertake this review the Council has used the Local Government Association's (LGA) Equality Framework which was itself reviewed in November 2021. The Framework is intended to help councils:
- Deliver accessible, inclusive and responsive services to customers and residents in their communities including those from under- represented groups.
 - Employ a workforce that reflects the diversity of the area they are serving.
 - Provide equality of opportunity for all staff.
 - Meet the requirements of the Public Sector Equality Duty and support any aspirations to exceed these.
- 7.8 The framework sets out four modules for improvement, underpinned by a range of criteria and practical guidance that can help a council plan, implement and deliver real equality outcomes for employees and the community. The four modules are:
- Understanding and Working with your Communities
 - Leadership and Organisational Commitment
 - Responsive Services and Customer Care
 - Diverse and Engaged Workforce
- 7.9 In addition there are three levels of achievement for each module, these being developing, achieving and excellent.
- 7.10 Key service areas including Democratic Services, OD and Transformation, Communities and Climate Change, Service Commissioning and Customer Services have recently completed a self assessment against the above modules to establish the Council's current performance against the LGA Framework and used this review and identify new equality objectives.
- 7.11 The suggested revised Objectives are detailed in Appendix B to the report and will be incorporated into service plans to form part of the Council's overall performance framework. An officer group will also be formed that will include key service areas to drive forward the Council's work in this field which will be led by the Executive Director (Governance and Commissioning).
- 7.12 It is proposed that an annual update on the Council's work with regards to equality and diversity be included within the Council's Annual Report.
- 7.13 On 12 December 2016, the UK Government formally adopted the International Holocaust Remembrance Alliance's (IHRA) working definition of antisemitism (together with the IHRA 'illustrative examples' of antisemitism). Following its adoption of the definition the UK Government wrote to all local authorities inviting them to adopt the definition and many have done so.
- 7.14 Adoption of the definition would signal the Council's support for the elimination of antisemitism and its support for individuals who have suffered from it.

Through our Community Safety Partnership the Council links to the Police in relation to hate crime and our current policies cover our equality duties and Codes of Conduct for staff and councillors.

- 7.15 There is no specific offence or definition of 'antisemitism' in the law of England and Wales. Instead, offences involving antisemitic hostility are prosecuted within the framework of the legislation dealing with racially or religiously aggravated hate crime. Case law has decided that Jews are members of a racial group and a religious group. The legal framework for hate crime is contained primarily in the Crime and Disorder Act (CDA) 1998 and the Criminal Justice Act (CJA) 2003.
- 7.16 Adoption of the definition, and more specifically the adoption of the IHRA illustrative examples of antisemitism, has become highly politicised. A number of organisations and individuals have voiced their concern about a risk that legitimate criticism of the actions of the Israeli state in the Palestinian territories could be construed as being antisemitic. Consequently while accepting the definition some organisations have not adopted the illustrative examples or have developed their own illustrative examples. There have been accusations that organisations were being antisemitic by not adopting the IHRA definition and the associated examples in full.
- 7.17 Adoption of the IHRA definition would bring the Council into conformity with central government and many other public bodies.
- 7.18 It is proposed that the Council should adopt the IHRA definition of antisemitism, together with its illustrative examples, incorporating it as an appendix to the Council's Equality and Diversity Policy. The definition and examples can then be used as a resource when training staff and councillors.