

North Tyneside Council

Report to Cabinet

Date: 15 October 2018

ITEM:

Title: Equality and
Diversity Policy

Portfolio(s): Deputy Mayor

Cabinet Member(s): Councillor B
Pickard

Report from Service

Area: Corporate Policy

Responsible Officer: Jacqueline Laughton

Tel: (0191) 643 5724

Wards affected: All

PART 1

1.1 Executive Summary:

At the Council Meeting on 27 September 2018 Council requested Cabinet to amend the Authority's Equality and Diversity Policy to include the International Holocaust Remembrance Alliance's (IHRA) definition of Antisemitism and its supporting guidelines to demonstrate and give assurance that the Authority is totally opposed to Antisemitism.

1.2 Recommendation(s):

It is recommended that Cabinet approve the proposed amendment to the Authority's Equality and Diversity Policy as set out at Appendix 1 to incorporate the IHRA definition of Antisemitism and its supporting guidelines.

1.3 Forward Plan:

This report first appeared on the Forward Plan on 28 September 2018. It has not been practicable to give twenty eight days notice of this report. However, it is required to be considered without the twenty eight days notice being given because it was referred from the Council Meeting on 27 September 2018 to the next meeting of Cabinet.

1.4 Council Plan and Policy Framework

This report directly links to the Our North Tyneside Plan 'People' Theme and to the priorities of 'Our people will be cared for, protected and supported, be healthy and well, be ready for school and be ready for work and life.'

1.5 Information

At the Council Meeting held on 27 September 2017 the following motion was approved unanimously:

"The Cabinet adopted a new Equality and Diversity Policy on the 10th April 2017. Since then there has been an annual review, the latest being 30th June

2018. Since this review and in light of recent media coverage of antisemitism, I have been contacted by residents and representatives of North Tyneside Council's Holocaust Memorial Day Committee to ask if the Authority will sign up to the non-legally binding International Holocaust Remembrance Alliance (IHRA) definition of Antisemitism, and the supporting guidelines.

I requested that the officers review our policy and advise how we could give assurances that we totally opposed Antisemitism. As a result of my review, I will be asking Cabinet at its next meeting to amend our Equality and Diversity Policy to include the IHRA definition and supporting guidelines (as set out below). Although alterations to this policy are an executive function I am asking the Council Meeting to endorse this action so that we can present a unified position that we will not tolerate Antisemitism.

The International Holocaust Remembrance Alliance Definition of Antisemitism and supporting guidelines:

"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.

- Holding Jews collectively responsible for actions of the state of Israel.”

Proposed amendment to the Equality and Diversity Policy

The proposed amendment to the Authority's Equality and Diversity Policy to incorporate the IHRA's definition of Antisemitism and the supporting guidelines is set out at appendix 1, highlighted in yellow. The reference provided to the definition of Antisemitism and the supporting guidelines contains an internet hyperlink to the IHRA's website where further detailed information on the definition and guidelines is available.

Cabinet are requested to approve the amendment to the Authority's Equality and Diversity Policy set out at Appendix 1.

Review of the Equality and Diversity Policy

The Cabinet adopted a new Equality and Diversity Policy on 10 April 2017 and the Authority published its most recent Annual Equality and Diversity Review of its performance against its equality targets in accordance with the requirements of Equality Act 2010, on 30 June 2018.

Notwithstanding the above amendment to the Equality and Diversity Policy which Cabinet are requested to approve at this meeting, the Policy is subject to regular review to ensure it provides the guidance and assurance that is necessary for the Authority to meet its statutory obligations in relation to equality and diversity. Work has already commenced to review the Policy and a report will be submitted to Cabinet in January 2019 to update the Policy where necessary following appropriate consultation.

Consultation process linked to the review of the Equality and Diversity Policy

A working group of the Corporate Equality Group began to review the Equality and Diversity Policy in August 2018 to ensure the Authority continues to meet its statutory obligations in relation to equality and diversity.

As Cabinet Equality Champion the Deputy Mayor has been briefed on the proposed amendments. Following consultation with members of Corporate Equality Group (whose members include representatives of service areas, trades unions and business partners – Kier, Engie and Capita), Senior Leadership Team and Cabinet, the revised policy will be subject to wider consultation.

Those to be consulted will include North Tyneside Council Staff Panel and trades union representatives. The draft policy will also be published on the North Tyneside Council Intranet and promoted via Teamwork to ensure all staff aware of the opportunity to comment on the draft document.

Details of the consultation will be posted on the Authority's 'Have your say' web pages and promoted via a range of communication channels. In addition organisations representing residents with protected characteristics will be invited to comment on the draft policy. This will include: AgeUK, Barnardos, North Tyneside Youth Council, faith representatives, North Tyneside Women's Voices, North Tyneside Disability Forum, North Tyneside Coalition of Disabled People, the Learning Disability Federation, representatives from organisations representing people with sensory impairments and North Tyneside Carers Centre.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Agree the recommendation set out at section 1.2.

Option 2

Not agree the recommendation set out at section 1.2. and request that Officers look at alternative options.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

- To give effect to the Motion considered at the Council Meeting on 27 September 2018; and
- To amend the Authority's Equality and Diversity Policy to include the International Holocaust Remembrance Alliance's (IHRA) definition of Antisemitism and its supporting guidelines to demonstrate and give assurance that the Authority is totally opposed to Antisemitism.

1.8 Appendices:

Appendix 1 – Equality and Diversity Policy with amendment.

1.9 Contact officers:

Wendy Burke – Director of Public Health. Tel. 0191 643 2104

Anne Foreman – Policy and Performance Manager. Tel 0191 643 2225

Stephen Ballantyne – Legal Manager, Governance and Employment. Tel. 0191 6435329

Carol Murphy - HR Specialist, Pay, Reward & Partnerships, Human Resources. Tel. 07968239266

Claire Emmerson, Senior Manager - Financial Strategy and Planning, Finance and Commercial Services. Tel. (0191) 643 8109

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

None

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The costs of delivery are included in existing service budgets and no additional costs are anticipated.

2.2 Legal

The amended policy states North Tyneside Council's commitment to equality and diversity and to compliance with the requirements of the Equality Act 2010 and the Public Sector Equality Duty.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

As outlined in section 1.5 Council were consulted on the proposal to make the amendment. In addition the Deputy Mayor (as portfolio holder for Human Resources and Cabinet Equality Champion), Cabinet Members and the Corporate Equality Group have also been consulted.

2.3.2 External Consultation/Engagement

The amendment to the Equality and Diversity Policy proposed in this report has been in light of both recent media coverage of Antisemitism and contact by residents and representatives of North Tyneside Council's Holocaust Memorial Day Committee asking if the Authority will sign up to the non-legally binding International Holocaust Remembrance Alliance (IHRA) definition of Antisemitism, and the supporting guidelines.

2.4 Human rights

The Equality Act 2010 created a legal framework to protect the rights of individuals and advance equality of opportunity for all. The human characteristics protected by the Act are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The Act is therefore of particular pertinence to the Human Rights of freedom of thought, belief and religion; freedom of expression; the right to marry; and protection from discrimination.

2.5 Equalities and diversity

The amendment to the Equality and Diversity Policy further strengthens and clarifies the Authority's commitment to 'not tolerate discrimination, harassment and victimisation on any grounds' and makes clear this relates to anyone with a characteristic protected under the Equality Act 2010.

2.6 Risk management

The effectiveness of the Authority's equality and diversity processes are monitored every quarter as part of North Tyneside Council's risk management processes and are reported via the Corporate Strategic Risk Register.

2.7 Crime and disorder

There are no crime and disorder implications arising directly from this report. However the amended policy does highlight that the Authority will not tolerate discrimination, harassment or victimisation on any grounds.

2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from this report.

PART 3 - SIGN OFF

- Acting Chief Executive ☐
- Head(s) of Service ☒
- Mayor/Cabinet Member(s) ☐
- Chief Finance Officer ☐
- Monitoring Officer ☐
- Head of Corporate Strategy ☐

Equality and Diversity Policy

1. Our Commitment to Equality

We want North Tyneside to be a place where people feel safe and no one experiences discrimination or disadvantage because of their [characteristics](#), background or personal circumstances.

As one of the borough's leading service providers and employers, we are committed to developing North Tyneside to be an inclusive place in which to live, work, visit and invest.

Our commitments

To achieve this North Tyneside Council will:

- Proactively embed equality and diversity considerations in everything we do and challenge others to do the same.
- Meet all our legal equality duties under the [2010 Equality Act](#), the [Public Sector Equality Duty](#) and follow codes of practice published by the [Equality and Human Rights Commission](#).
- Not tolerate discrimination, harassment and victimisation on any grounds. This includes all forms of hatred including Antisemitism as defined by the [International Holocaust Remembrance Alliance \(IHRA\) definition and supporting guidance](#), racism, Islamophobia, homophobia and transphobia (this is not an exhaustive list).
- Publish our equality objectives, equality data and report progress in [our Annual Equality and Diversity Review](#).
- Undertake and implement the actions from [Equality Impact Assessments](#) on significant decisions, policies, plans, practices and procedures
- Ensure people with protected characteristics feel listened to and have the opportunity to be involved in making decisions about our services.
- Work to build understanding amongst residents, employees, partners and elected members of the needs of different protected groups across North Tyneside.
- Take account of, and respond to, the needs of residents and customers with protected characteristics when delivering our services.
- Work to create an environment where employees, elected members, residents and visitors are confident to be themselves.
- Strive to make our workforce more representative of the borough's population and the residents it serves, by ensuring equal access to jobs, training and career progression.
- Ensure that others providing services on our behalf follow our approach to equality.

2. Equality and Diversity in Employment

This section applies to all employees and people seeking work with us. As a local employer we have a key role to play in tackling inequality and discrimination. We aim to positively promote equality of opportunity through all of our employment policies and practices: including recruitment, terms and conditions, learning and development, promotion and when ending employment.

We will:

- Provide equality of opportunity to all applicants and prospective applicants through fair recruitment and selection procedures.
- Recognise that people with particular protected characteristics, including people with disabilities or from BME communities, may experience discrimination in employment, and therefore seek to take positive and proportionate action to recruit and retain employees from such groups, while taking into consideration the duty to appoint on merit.
- Make reasonable adjustments to enable the employment and redeployment of employees with disabilities.
- Use the information and feedback we collect to understand more about, and respond to, employee's experience of working for North Tyneside Council.
- Ensure that all employees are considered for promotion on the basis of their merits, abilities and skill, and are given equal opportunities to progress within the Authority.
- Create an appropriate balance between work and home commitments to maximise equal opportunities for all.
- Wherever possible, give employees the training and development opportunities needed to attain their full potential to the benefit of North Tyneside Council and themselves.
- Ensure that all employees undertake equality training so that they understand its importance in the work place and in service delivery and know how to challenge any inappropriate behaviour.
- Develop an anti-discriminatory and supportive culture where employees are aware of their rights and enjoy working for North Tyneside Council.
- Respond to any allegations of discrimination, victimisation or harassment through appropriate internal processes, including our [resolution](#) and [discipline](#) procedures.

3. Equality and Diversity in Service Provision

We will seek to provide appropriate, accessible and effective services and facilities to all current and potential service users.

We will:

- Use our equality impact assessment process to help us challenge, review, monitor and improve our services, working practices and resource allocation.
- Use a range of channels to enable service users to access our services independently and appropriately.

- Ensure that the information we provide can be read or received and understood by the people for whom it is intended.
- Ensure that all buildings, facilities and services used by our customers are welcoming and accessible.
- Work with our partners to tackle any discrimination affecting groups within our communities.
- Use the equality data we collect to identify and take action to address the needs of under represented groups, those who are disadvantaged or have particular needs due to their characteristics.
- Involve residents in shaping our services through inclusive engagement and consultation.

4. Equality and Diversity in Procurement and Commissioning

We will ensure that our procurement and commissioning practices fulfil our equality duties by ensuring that:

- Contractors, suppliers, volunteers and partners:
 - are aware of the authority's position on equality, we will include a commitment to equality in tender specifications
 - have an equality policy that is compliant with national and European public procurement legislation and understand their obligation to provide services that are free from discrimination, harassment or victimisation.
- Our selection and tendering processes address and include equality considerations.
- Our contract monitoring processes are inclusive of equalities considerations.
- Relevant employees receive guidance on equality issues for procurement.

5. Our responsibilities

Equality, and the implementation of this policy, is the responsibility of all employees, elected members and everyone who represents North Tyneside Council or delivers services on its behalf. More specifically:

5.1 As Individuals

All employees and elected members have an individual responsibility to:

- ensure their equality training and awareness is up to date
- promote and deliver equality in the workplace and in serving local communities
- behave in a way that supports this policy and is compliant with relevant legislation and codes of practice
- report, and if they consider it safe to do so, challenge any discriminatory behaviour or practices they encounter in the course of their work.

5.2 As Elected Members

Elected members also have a responsibility to:

- lead the equality and diversity agenda of North Tyneside Council
- represent and provide leadership for all groups and communities across North Tyneside
- provide a scrutiny role
- demonstrate '[due regard](#)' to the equality implications of the decisions they make.

5.3 As Managers

Managers are responsible for ensuring the implementation of this policy in their service areas via their service planning process, this includes ensuring:

- the identification and elimination of discriminatory practices
- equality objectives and improvement actions identified in the Annual Equality and Diversity Review are included in service plans
- processes are in place to systematically collect and report equality performance management data
- effective equality impact assessment of significant decisions, policies, plans, practices and procedures is undertaken
- service delivery demonstrates due regard to the needs of people with protected characteristics
- employees are fully aware of their individual equality responsibilities, and those of the organisation, under the 2010 Equality Act.

5.4 Trades Unions

Unions have a responsibility to:

- represent the views and concerns of their members on equality and diversity issues
- support the continuous improvement of equality policy and practice.

6. Complaints

We regard any comments and complaints as an opportunity to examine the quality of our services, and to proactively address the issues that have been raised. We are therefore committed to:

- dealing with all complaints of discrimination, harassment and victimisation, seriously, promptly and confidentially
- ensuring that any person who feels they have suffered any form of discrimination by North Tyneside Council is given guidance in making a [complaint](#).

In relation to specific types of complaints:

- Employee complaints - should an employee have any complaint in respect of their treatment in relation to this policy, this should be taken up through internal processes, such as our resolution or discipline processes.
- Public complaints - information on how to make a complaint can be found in our libraries, leisure centres, customer first buildings and Quadrant headquarters or at www.northtyneside.gov.uk.

7. Monitoring

We assess and monitor our progress through:

- Regular performance and progress reports to the Cabinet Champion for Equality and Diversity, the Senior Leadership Team and Service Management Teams.
- [Corporate Equality Group](#), which has representatives from each of our services and our strategic partners. It meets to co-ordinate, identify and support the successful implementation of practical solutions to help the Authority fulfil its equality duties in accordance with the requirements of the 2010 Equality Act and Public Sector Equality Duty.
- Our equality impact assessment process to ensure we properly consider the potential impact of Cabinet and Full Council decisions on protected groups
- The identification of the equality and engagement implications of the decisions recommended in our Cabinet and Full Council reports.
- Publication on our website of our Annual Equality and Diversity Review, which includes
 - profiles of our service users and workforce compared to the borough population*
 - progress reports against our Corporate Equality Objectives and service equality actions and is evaluated by the Equality and Human Rights Commission to check accessibility and compliance with the 2010 Equality Act and public Sector Equality Duty.

Equality information*

Where we ask employees and service users to provide us with personal information, this will only be used to improve access to and the quality of the services we provide.

Collecting equality information helps us to:

- understand the needs of our residents
- design policies and services which are effective and meet those needs
- demonstrate compliance with the 2010 Equality Act, the public Sector Equality Duty and other statutory duties
- measure more effectively how we are improving as an employer and a service provider.

We will only collect information when it is relevant and will be used by managers to develop an understanding of take up and need. While employees and service users are encouraged to provide equality information, it is their choice whether or not to answer all the questions. Confidential information will be handled in accordance with the strict controls of the Data Protection Act 1998 and the information gathered will be used to inform North Tyneside Council policy and planning, and to report on performance.