

EQUALITY AND DIVERSITY TRAINING : DISCUSSION PAPER

1. Background

- 1.1 Following a Notice of Motion to Council on 11, September 2019, proposed by Councillor Hannah Perkin, seconded by Councillor Ben J Martin and agreed unanimously, part of the resolution approved for referral to this Committee as a guide for consideration in detail was:

“To implement compulsory training for all Members on diversity and equality including unconscious bias and to request officers to consider how the allocation of seats on some committees could be restricted to those who have completed training.”

- 1.2 Following its consideration the Committee could request that Officers return a report to this Committee with recommendations based on development of the direction of Member’s views given at this meeting. Members could also request further consideration of their views by the Member Development Working Group and that their recommendations be included in the report back to this Committee. Any decision requiring constitutional amendment will need to be recommended on to Full Council for approval.

2. Duty relating to Equalities

- 2.1 As Members will be aware the Equality Act 2010 introduced the Public Sector Equality Duty. The Duty places a legal requirement on the Council in carrying out its functions to have regard for the need to:

- eliminate discrimination, harassment, victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups.

- 2.2 The Duty covers people with the following protected characteristics:

- age;
- race;
- disability;
- sexual orientation;
- religion or belief;
- sex;
- gender reassignment; and
- pregnancy and maternity.

The duty in respect of having regard to discrimination also applies to discrimination because of marriage or civil partnership status.

2.3 The Council currently demonstrates compliance by publishing equality objectives; ensuring officers and councillors are aware of the Duty and that the principles are enshrined in the way functions are discharged and services designed and delivered.

2.4 The Council's Corporate Equality Scheme 2016 – 2020 contains four equality objectives as follows, together with a list of actions designed to meet them:

- Objective 1: Supporting integration and cohesion in our local communities;
- Objective 2: Supporting our vulnerable residents;
- Objective 3: Ensuring easy, clear and convenient access to our services; and
- Objective 4: Promoting equality as a local employer.

2.5 One of the actions that underpins Objective 4 is to “continue to provide our staff and councillors with relevant on-going training and development on equality and diversity issues”.

3. Current Position

3.1 For many years the Council has arranged for equality and diversity training to be provided by training consultants, generally on a three-yearly cycle. This has tended to be compulsory for officers and non-compulsory for Members. In addition, the Council's online training system incorporates several equality-related modules and staff are required to complete these periodically.

3.2 The most recent training arranged two sessions, daytime and evening in September and the same in October and I understand that 19 Members attended the September sessions and around a further 10 had notified attendance at the October sessions by the first week of October.

3.3 All Members of the Council agree to follow the Council's Code of Conduct when they sign following their election to office. Among several principles of good behaviour and probity, the Code emphasises:

“Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources”

3.4 All reports to meetings have an implications section within the standard template covering equality and diversity and this has to be completed indicating that no implications are identified at that stage or append an Equalities Impact Assessment or summarise its key findings. There is a detailed template for such an assessment and further advice is available from the Policy Team, who also review assessments. All reports to members, therefore, set out equalities considerations to which due regard must be had.

4. Possible advantages/disadvantages of training

- 4.1 The Local Government Association has an Equality Framework which sets out criteria for analysis of whether best practice on equalities is taking place in respect of training it sets out what it considers to be the position for a developing, an achieving and an excellent authority as follows:
- Developing - The organisation carries out regular assessments of the training and learning and development needs required to ensure its councillors and officers are equipped to understand their equality duties and take action to deliver equality outcomes
 - Achieving – The organisation provides a range of accessible learning and development opportunities to support councillors and officers in achieving equality objectives and outcomes.
 - Excellent -Decision makers understand the importance of equality when making decisions and in how they use resources. Services are provided by knowledgeable and well-trained staff who are equipped to meet the diverse needs of local communities
- 4.2 Although councillors have a public sector equality duty, and it is therefore good practice for them to attend training, there is limited risk involved if they sit on a committee and they have not attended formal training. Often, they are not making decisions which impact on issues related to the Equality Act. In any event, they will be guided by officers in respect of any equality and diversity implications in their reports. In addition, although there could be challenge, by way of judicial review, a complaint to the Council, (ultimately the Local Government and Social Care Ombudsman) and assistance obtained from the Equalities and Human Rights Commission in the event of decisions which contradict the Equality Duty, such challenges are rare.
- 4.3 It is acknowledged that the understanding of equality and diversity is not simply a matter of compliance with legislation but also an aspiration to achieve greater awareness of equality and diversity issues, provide inclusive services, improve equality of opportunity for all and meet the aims of not only the legislation but the Council's objectives.
- 4.4 Training is an obvious route in working towards this position and consideration will need to be given to the practicalities of cost of the various types of training and whether there is sufficient current Member training budget allocation or whether further provision would need to be sought.
- 4.5 There would also be a time commitment required from Members in attending any training if personal attendance were needed and of Officers in keeping records of training taken and required. This could be reasonably simple in the same type of way as current records within the Constitution for Planning and Licensing but could become complex depending on number of changes to various Committees and the structure and levels of training required.

5. Compulsory Training

- 5.1 Allocation of seats – The allocation of seats is governed by legislation (ss15 – 17 Local Government and Housing Act 1989), which requires allocation of seats to

proportionately reflect the political composition of the Council. Should there be any attempt not to allocate seats to certain parties on any basis this could be prevented and the legislation would not be complied with as necessary. Any decision to prevent Councillors from sitting on Council if they have not attended specified training could prevent a number of councillors from carrying out their democratic duty which they were elected for. This would be difficult to be justified as proportionate to the purpose of complying with the public sector equalities duty or other equalities and diversity aspirations as measures can already be demonstrated to be taking place to ensure compliance and awareness. This could also lead to meetings being inquorate or a problem with political balance generally if insufficient members have attended the training.

- 5.2 However, it could be possible to consider embodying within the constitution requirements on some Committees for training to be completed, specifying nature and time prior to inability to sit until completed, (see options below). Once a party has a proportionate allocation of seats it is a matter for the leaders to allocate seats to individual Members and ensure that they are available to sit or use a substitute.
- 5.3 However, this too could cause issues if some Members failed to meet the requirements for a Committee on which they had been allocated a seat and are unable to sit until training is completed. If this amounts to enough Members/ substitutes to significantly reduce available Members for the Committee from that party then voting may be affected. The effect of this is magnified for small party groups. It could lead to meetings being inquorate and unable to sit until training could be met. Whether any Member can complete the training and become available quickly would depend on the level of training required for that Committee and its availability. There would need to be careful consideration of proportionality and reasonableness in terms of the level of need for training, relevance to Committee and that there was no attempt to skew voting for a party.
- 5.4 It would be important to fully consider the functions of each Committee, the need for training related to any risk of failure to comply with the equality duty upon the Council and its policies. Inclusion of issues in reports and/or encouragement for basic awareness training may be sufficient in some cases and more detailed training required in other situations.
- 5.5 Currently the Constitution requires training in the relevant subjects, (not more general principles), for General Licensing Committee, Licensing Act 2003 Committee, Licensing Sub Committees, Planning Committee and Planning Working Group and Members who do not have the training every 3 years are not permitted to sit. Clearly those Committees have the most direct contact with decisions upon applications made and enforcement taken against individuals or companies.

6. OPTIONS:

6.1 Types of Training

- 6.1.1 No formal training but clear indication on induction that the issue is included within reports and why the issue is important for Council's to have due regard to.

- 6.1.2 Provision of materials available to Members for self study in their own time and self certification that they have read and understood the materials. Having regard to the agreement to comply with the Code of Conduct, including carrying out all functions in accordance with their legal duties.
- 6.1.3 ELMs; used for online training modules which record completion and date after all parts are viewed and questions answered correctly. There are currently two programmes available on ELMs, which Members can access; Equality Act 2010 and Equality in the Workplace. The latter one as it is more about people's behaviours, the former an overview of the legislation. I also understand that modules can be designed specifically to requirements but cost has not yet been explored
- 6.1.4. External training commissioned as required. This has previously been done 3 yearly and training is ongoing. Cost and availability of specific training would need to be further explored.
- 6.1.5 Internal training as an introductory model or an element of wider subject specific training. It may be that this could be put together between Policy, Legal and HR, for small elements but would be time consuming to prepare and specialist input with a trainer with experience of applying the legislation may be preferable.
- 6.1.6 Acceptance of previously carried out training with other bodies. It is understood that for various reasons some Members will already have completed training in this subject and for them this would be a time commitment to repeat training. It may be practical to permit the Monitoring Officer to accept evidence of a given level of training within a set time period as having met training needs.

7. Which Committees

- 7.1 Regulatory Committees will deal with the most sensitive issues when dealing with individual applications e.g. Planning and Licensing and these Committees are already used to requirements to complete training prior to sitting, see above.
- 7.2 Full Council consists of all Councillors elected to the Council and having been duly elected it could be problematic to prevent sitting by any Member. If a Member were to clearly breach the equalities duty and be subject of a Code of Conduct complaint it could ultimately lead to a sanction which could include instructing the Monitoring Officer to arrange training or recommending to the Group Leader that they be removed from any or all Committees or Sub Committees of the Council or if a Cabinet Member they be removed from the Cabinet or a particular Portfolio etc. Decisions by Council are also generally giving effect to detailed work carried out by other Committees where the policies and procedures have been subject to equalities impact consideration if required.
- 7.3 Other Committees - (Appendix A) may have different levels of relevant decisions and consideration of their functions and level of risk is necessary.

8. Timing/reasonable opportunities

- 8.1 Any training required of Members needs to be accessible for them in both availability of sessions at different times, location and sufficient sessions to allow reasonable opportunity to attend. Alternative methods of delivery to formal attendance at sessions should be a consideration e.g. online, webcast, hard copy materials etc.
- 8.2 Also, how many sessions need to be attended for the purpose of awareness of equality and diversity issues to be promoted to a reasonable extent?

9. Conclusion

- 9.1 Members are therefore asked to consider and discuss these issues and provide views on direction for Officers to report further, including consideration by the Member Development Working Group as necessary.

Jayne Bolas
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Appendix: Committee structure

Council

- Appointments Sub-Committee
- Audit Committee
- Council
- Emergency Committee
- General Purposes Committee
- Policy Development and Review Committee
- Standards Committee

Cabinet

- Cabinet

Regulatory Committees

- General Licensing Committee
- Licensing Act 2003 Committee
- Licensing Sub-Committee
- Planning Committee