

Bolsover District Council

Customer Service & Transformation Scrutiny Committee

23 July 2018

Joint Equality & Diversity Policy for Service Delivery

Report of the Head of Corporate Governance & Monitoring Officer

Purpose of the Report

For Customer Service & Transformation Committee to consider an amendment to the joint Equality and Diversity Policy for Service Delivery.

1 Report Details

The joint Equality and Diversity Policy for Service Delivery was approved by Bolsover and NE Derbyshire District Councils in 2016.

Bolsover and NE Derbyshire District Councils encourage breastfeeding in their Council buildings and recognise their obligation to not discriminate against mothers who choose to do so.

However, there are occasions when other matters may lawfully impinge on individual rights, for example the Councils' obligations with regard to safeguarding, health and safety, or the prevention of crime and disorder. This can necessitate the balancing of competing rights and responsibilities where the Councils must exercise their judgement.

To ensure clarity in such circumstances where they relate to breastfeeding on Council premises, it is proposed to insert the following section to the joint Equality and Diversity Policy for Service Delivery:

4.10 *Breastfeeding*

Under the Equality Act 2010 ([s13 \(6a\)](#)), treating a woman unfavourably because she is breastfeeding, when this treatment occurs within the period of 26 weeks beginning with the day on which she gave birth ([s.17\(4\)](#)), it is discriminatory. Outside of the 26 week period of protection specified in [s.17\(4\)](#), sex discrimination provisions may still apply to breastfeeding mothers. However, the Act does allow exceptions where there are genuine health and safety reasons.

The Councils encourage breastfeeding in our Council buildings except where there are genuine health and safety reasons for not doing so.

2 Conclusions and Reasons for Recommendation

- 2.1 For Scrutiny to approve the amendment to policy as an appropriate means of providing clarity for customers who choose to breastfeed while using Council facilities or premises.

3 Consultation and Equality Impact

- 3.1 The Chair of the Audit & Corporate Governance Scrutiny Committee, NE Derbyshire District Council, has been consulted and is of the view that this approach would be supported by the authority and the amendment may be incorporated into the joint policy without further NEDDC Scrutiny Committee involvement.
- 3.2 The Customer Standards and Complaints Officer has been consulted and recommends this approach in line with guidance from the office of the Local Government Ombudsman.
- 3.3 The equality impact is positive as the policy will provide assurance to breastfeeding mothers.

4 Alternative Options and Reasons for Rejection

Lack of clarity on safely accommodating breastfeeding mothers using Council premises or facilities may lead to potential complaints and / or legal challenge.

5 Implications

None.

5.1 Finance and Risk Implications

The amendment to the policy should reduce the risk of any potential complaints and / or legal challenge arising from no clear policy on breastfeeding whilst using Council premises or facilities.

5.2 Legal Implications including Data Protection

Production of documents meet legal requirements.

5.3 Human Resources Implications

None.

6 **Recommendations**

- 6.1 For Customer Service & Transformation Scrutiny Committee to approve the incorporation of the amendment into policy.

7 **Decision Information**

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: <i>Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> NEDDC: <i>Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	Aim: Providing Our Customers with Excellent Service

8 **Document Information**

Appendix No	Title
1	Joint Equality & Diversity Policy for Service Delivery, Revised July 2018
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Improvement Officer	01246 242407

Report Reference –