

Equality and Fairness Analysis

Report assessing the impact of proposed changes and decisions

Report title (same as Cabinet / Board report title)	Dignity at Work Policy
Report author (same as Cabinet / Board report author)	Helen Knight
Report author's email address – for comments	Helen.knight@lewes-eastbourne.gov.uk
Responsible Head of Service	Helen Knight
Responsible Director/Assistant Director	Becky Cooke
Who will be making the decisions? – e.g. LDC or EBC - Full Council / Cabinet / Committee / name of Board / Cabinet Member / Service Head	Eastbourne – Joint Staff, Cabinet, Full Council Eastbourne – Joint Staff, Employment Committee
Date draft EaFA and report sent to Equalities Email and Cabinet / Board Officer	10 August 2018

This form is to be used to give decision makers an understanding of the likely impact of decisions they are being asked to make on groups protected under the Equality Act, and on other groups who may be affected. It should be used to assess the impact of new projects, services, initiatives and changes in the way we deliver services that will affect staff, residents and service users.

Where this report relates to Council, Cabinet, Scrutiny or Board Reports, Part 1 of this form must be completed and submitted to EqualitiesEmail@lewes-eastbourne.gov.uk before or, at the latest, on the date for submission of draft reports to the Cabinet Officer. It should have been approved by the Director/Assistant Director and Lead Cabinet Member along with the draft report and signed off – at the end of Part 1 – at that point.

Part 2 should be completed and submitted to the Cabinet Officer and to EqualitiesEmail@lewes-eastbourne.gov.uk with the final Cabinet Report, and must incorporate any comments from the Equality and Fairness Planning Group and Stakeholder Group and amendments / responses / actions arising from these.

In some cases, there may not be an immediate impact on residents or customers. In these cases, an Equality and Fairness 'Relevance' Form **must** be completed and submitted to the EqualitiesEmail@lewes-eastbourne.gov.uk for our files.

The Public Sector Equality Duty

The Council and its companies must, in the exercise of our functions and in our decision making, have due regard to the need to:

1. Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
2. Advance equality of opportunity between people who share a characteristic and those who do not share it;
3. Foster good relations between people who share a characteristic and those who do not share it.

The second aim (advancing equality of opportunity) involves, in particular, having due regard to the need to:

- Remove or minimise disadvantages experienced by people because of their protected characteristics.
- Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

It describes the third aim (fostering good relations) as tackling prejudice and promoting understanding between people who share protected characteristics and those who do not.

It explains that compliance with the general equality duty may involve treating some people more favourably than others, as long as this is within the law.

By thoroughly assessing what we do against the general duty we are able to make better decisions about what we do, leading to better outcomes for people who work for us and for people who access our services and facilities.

An Equality and Fairness Analysis should be carried out when

- developing or reviewing strategies, plans, policies and procedures;
- proposing changes to the services delivered or the way these are delivered
- proposing new services, functions, projects or initiatives.

All reports to Council, Cabinet, and Cabinet Members seeking decisions which will have an impact on residents and customers should include either:

- a full Equality and Fairness Analysis, using this form
- a completed Equality and Fairness 'Relevance' Form setting out why a full EaFA is not needed.

Assessing the impact of the options you are considering

In your answers to the questions on the next pages, please spell out any positive or negative impacts relating to the three general duties to:

1. Eliminate discrimination, harassment and victimisation
2. Advance equality of opportunity between people who share a characteristic and those who do not share it;
3. Foster good relations between people who share a characteristic and those who do not share it.

You need to think about the protected characteristics below – some potential issues have been suggested, but this is not intended as a comprehensive list:

Age - are there any reasons for thinking young people or older people may be affected differently by the proposals? School times? Digital access / confidence?

Disability – could your proposals impact differently on people with particular impairments or long-term limiting illnesses? Consider, for example, physical access, format or information / communication, design of service / buildings, interpreting / equipment / assistance that can be used, impact of proposals on people with long-term health conditions, including mental health, children and adults with special needs, drug and alcohol addictions

Gender reassignment - are there any specific issues to consider, e.g. around confidentiality, stage of transition?

Marriage and civil partnership - are there any issues to consider – e.g. confidentiality, equal access?

Pregnancy and maternity – you may need to consider how best to ensure equal access to opportunities or services, facilities for breastfeeding for example

Race and ethnicity – you need to consider different levels of knowledge about the services available and how these are accessed; the provision of translation and interpreters – e.g. in consultation, and avoidance of jargon / colloquialisms

Religion, belief and culture – prayer facilities; dietary requirements; religious observances (days and times) and festivals

Sex / gender – promoting equality of opportunity, childcare arrangements, provision of single sex facilities

Sexual orientation – equality of opportunity, confidentiality

Part 1 - for completion, approval and submission with draft Report

Section A – What is your proposal and what will change as a result?

Please give an overview of the changes you are considering and decisions you are requesting and say why are they needed. What are the options you are considering?

To implement an aligned Dignity at Work Policy across Eastbourne Borough Council and Lewes District Council. There are currently two policies and this can cause confusion for staff and managers.

This Policy covers bullying and harassment of and by managers, employees, contractors, agency staff and anyone else engaged to work at the councils, whether by direct contract with the organisation or otherwise.

The aim of the policy is to resolve a complaint of harassment or bullying so that we can all work effectively together and that we all have a responsibility to help create and maintain a work environment free of bullying and harassment. The policy states what actions individuals can take, as well as the stages of informal and formal action a person can follow if they have a complaint. At the informal stage this could be a discussion with the individual who is causing the issue, or at a formal stage requiring an investigation and disciplinary hearing where appropriate. Any individual involved at any stage of the procedure will have the right to be accompanied by a work colleague or trade union representative. In many cases a successful outcome can be achieved at the end of informal discussions or a formal investigation.

Any complaints of bullying or harassment will be treated sensitively and confidentially to the maximum extent possible, although investigation allegations will normally require limited disclosure on a “need to know” basis, for example the identity and the nature of the allegations must be revealed to the person who is being complained about, so they are able to respond to the allegations. Some details may also have to be given to potential witnesses.

If a complaint is upheld, and the person found to have bullied or harassed remains in employment, every effort will be made to ensure that if possible the complainant does not continue to work alongside each other if they do not wish to do so. If the complaint is not upheld, support arrangements for the ongoing working relationship will be put into place which may include mediation. If it found that that the complaint has been made maliciously or is vexatious the disciplinary procedure could apply.

The policy also outlines what to expect as an individual if accused of bullying and harassment which puts into context how this could occur, to be mindful of the fact that different people find different things acceptable and to have their feelings respected and that they may offend someone without intending to, in which case this can be explained and an apology given. It then outlines the formal stages and that support will be available at each stage by a work colleague or union representative. It provides assurance that a thorough investigation will be carried out if a matter is taken the formal stages of the procedure in which case they will be given every opportunity to have input and state their case.

There is a section in the policy about the support available through the Employee Assistance Programme which staff can self-refer to which is confidential and can offer services such as Cognitive Behavioural Therapy, Telephone Counselling and Face-to-Face Counselling.

The council monitors levels of bullying and harassment through use of the Dignity at Work Policy in which case learning points are reviewed on a case by case basis and

appropriate actions taken as a result. The council also periodically monitors how successful it is being in creating a workforce free of bullying and harassment by other means which may include confidential staff surveys.

The Policy will be promoted to staff through the Hub (the council's intranet), and is included as one of the Leadership and Management Development sessions which is compulsory for all managers.

Who will be affected by the changes and how?

Thinking about groups protected under the Equality Act, will any of them benefit positively from the changes you are considering more than other people? In what way?

Will there be any negative impacts on these groups which may arise? What are these?

The Council's Equality and Fairness Policy states that 'we also recognise that socio-economic status can be a significant barrier to equality of opportunity'. What might the financial impact of any changes on people on low incomes or with limited savings? Are there any actions the council could take to mitigate the impact – e.g. support, advice, access to loans, transitional arrangements?

Are there any other groups of people who might be affected negatively by the changes you are considering? For example, homeless people; people with mental health conditions; people who use assistance dogs or rely on helpers to guide and support them or translate for them; people with caring responsibilities; people living in rural areas; people with limited access to the internet.

The policy provides an avenue to raise concerns about treatment for a protected characteristic – race and ethnicity, disability, sex, gender re-assignment, sexual orientation, religion or belief, age.

AGE – May impact on those who are new to work in younger age groups. Managers need to check welfare regularly including 121's and encourage informal discussion.

DISABILITY – There could be a barrier to providing written complaints for employees who have dyslexia or learning disabilities. The informal approach at the first step of the procedure may help to highlight and mitigate this.

Additionally there could be an impact on compliance with adhering to timescales if an employee is absent from work. Where this was the case HR would support the individual with modified timescales with agreement.

The Council provides all staff with access to Occupational Health and the Employee Assistance Programme. The policy also allows for employees to receive support from the trade union or a work colleague so this could mitigate if support is sought early.

The Policy could have a positive impact for staff who experience mental health issues, for example people who suffer with depression can find it particularly difficult to deal with harassment or bullying and, equally can find it beneficial to have proactive support from their managers and the organisation as a whole.

RACE AND ETHNICITY – Could have language barriers at various stages of the policy where written complaints and outcomes are required. The policy does allow for employees to receive support from the trade union so this could mitigate if support is sought early, plus translation services are available.

HR would take direct action to support staff in finding a resolution as required.

Section B – Bearing in mind the potential impact on these groups, what information have you used to consider the different options?

How have you consulted so far with the people likely to be affected by any changes? What were the key points that came out of this consultation and how have you amended your proposals in response? If you have not yet consulted, at what stage are you proposing to carry out consultation and who / how are you proposing to consult?

We have looked at existing policies and practices within both Councils, as well as referring to current legislation and best practice in this subject area to formulate the policy.

We have also reviewed the application of existing policies to understand if any changes are required and considered feedback from the annual staff survey.

Groups to be consulted include Joint Staff (including Unison) and Employment Committee, to be completed by end of September 2018.

What information, research findings and data have you used to assess the potential impact of any changes on people protected under the Equality Act and those who may face financial hardship as a result, and what did that information tell you about the potential impact?

As above.

There will be no impact on those who may face financial hardship. The policy is applicable to all staff.

Is there any information that you needed to understand the impact on these groups but are not able to find? What are the gaps and what can your service / the Council do to collect the information needed? Are there any actions you will take to address this?

No.

Section C: Actions taken and planned

What actions or options are you considering to deal with any negative impacts? This may not always be possible (e.g. some changes might have a disproportionate impact on the Council's finances). If you are not proposing any actions or amendments to your proposals, please explain why not.

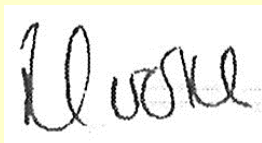
As per Section B. We have established mechanisms to monitor the effectiveness of the policy.

We do not anticipate an negative impacts.

Part 1 sign off

Part 1 should now be reviewed and approved by your Director/Assistant Director, and submitted with your Cabinet / Board report as a separate document to the Cabinet Officer / Company Secretary and to EqualitiesEmail@lewes-eastbourne.gov.uk.

Name of Director/Assistant Director: Becky Cooke



Signed:

Dated: August 2018

Next steps:

It will then be forwarded to members of the Equality and Fairness Planning Group and Stakeholder Group for their comments and they will be asked to give any feedback or suggest amendments directly to you as the report author within 5 working days.

Confidential reports will be sent to the internal Planning Group only.

If you receive any comments or suggestions from a member of the Stakeholder Group, please reply by email saying:

'Thank you for your comments. We will take these into consideration and you will receive feedback at the next meeting of the Equality and Fairness Stakeholder Group'.

Please add any comments you receive from members of these groups in Part 2 below and any actions or amendments to your report arising from their feedback.

Unless specifically asked to attach the EaFA as an appendix to a Cabinet or Board Report, the completed EaFA form must be sent as a separate document with the Cabinet or Board report and listed as a background paper 'available from the report author'. In some cases it will need to be published with the report; in others you will be advised to reference this as a Background Paper.

Part 2 - for completion, approval and submission with final Report

Please note: both parts of this Equality and Fairness Analysis will be made available on publication of the Cabinet / Board report they relate to. You may also be asked to present your final report and EaFA to the Equality and Fairness Steering group.

Please describe in more detail the proposals you are making to Cabinet / Board in more detail. Please spell out your reasons for making these proposals / choosing the option(s) you are recommending.

To implement an aligned Dignity at Work Policy across Eastbourne Borough Council and Lewes District Council. There are currently two policies and this can cause confusion for staff and managers.

A refresh of the policy will also help to act as a reminder of the policy, following a recent large scale restructure where new staff and managers have been appointed.

The nature of the policy itself is important for the organisation to demonstrate its commitment to ensuring we meet our duty of care to all employees to maintain a working environment which encourages mutual trust and respect and is free from all forms of bullying and harassment.

Please give any additional information on the impact of your recommended options on groups protected under the Equality Act and any other groups.

As previously stated in Part 1.

Please set out below any comments from members of the Equality and Fairness Planning Group and the Equality and Fairness Stakeholder Group. Please include any comments and suggestions for amendment / action below.

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Response to feedback. Please describe any changes you have made to your policy / proposals as a result of the feedback. If you are not proposing changes in response to any of the feedback, please explain why. Please ensure you give a full explanation.

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Please list any additional actions you are proposing to take in response to the feedback.

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Executive Summary – to be completed when you finalise your report. This is for you to paste into your Council / Cabinet / Committee / Member Board report. Keep this to 2–3 paragraphs only and incorporate any points raised by members of the Equality and Fairness Planning Group and Stakeholder Group and actions.
Please then include this summary in your report under the heading **Implications for Equality and Fairness.**

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Please now include any actions you have referred to in Parts 1 and 2 in the Action Plan on the next page.

Action Planning

Issue identified	Action to be completed	Lead Officer	Required Resources	Target Date	Measure of Success

Approval	
I confirm I have approved this Analysis and will review the action plan to ensure it is completed within the dates identified	<i>To be signed and dated by Head of Service</i>
I confirm that I have received this Analysis and approved it	<i>To be signed and dated by Director/Assistant Director</i>

Please now send this report to EqualitiesEmail@lewes-eastbourne.gov.uk and to the Cabinet Officer / Company Secretary with your final report.

Date final report submitted to Equalities and Cabinet Officer	
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