

**Report to:** Cabinet

**Date:** 20 March 2019

**Title:** Equality and Fairness – Annual Report

**Report of:** Chief Executive

**Cabinet member:** Councillor Swansborough

**Ward(s):** All

**Purpose of report:** The report sets out progress against the Council’s current Equality Objectives and 2018/19 Action Plan and seeks approval of an Action Plan for 2019/20.

**Decision type:** Key decision

**Officer recommendation(s):** (1) That Cabinet note the Annual Report of activities carried out in 2018, set out at Appendix A

(2) That Cabinet approve the Action Plan proposed at Appendix B.

**Reasons for recommendations:** To promote equality and fairness and eliminate discrimination, ensuring fair access to services and opportunities and comply with the Council’s duties under the Equality Act 2010.

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## **1 Introduction**

1.1 The council has statutory equality responsibilities, both as an employer and in the provision of public services under the Equality Act 2010.

1.2 The Public Sector Equality Duty requires the council, in the exercise of its functions, to have due regard to the need to:

- eliminate discrimination, harassment and victimisation and any other conduct prohibited by the Equality Act;
- advance equality of opportunity between people who share a protected characteristic (as specified in paragraph 1.3 below) and people who do

not share it (for example by meeting specific needs; minimising difficulties faced or encouraging participation in public life); and

- foster good relations between people who share a protected characteristic and people who do not share it.

1.3 The protected characteristics covered by the Equality Duty are:

- age
- disability
- gender reassignment
- marriage and civil partnership (but only in respect of eliminating unlawful discrimination)
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – this includes lack of belief
- sex (gender)
- sexual orientation

1.4 Specific duties which came into force in 2011 require public bodies, such as the council, to publish information annually which shows their compliance with the general Equality Duty. This report details progress against EBC's Equality Objectives during 2018/19 and summarises some of the equality related work undertaken. This enables Members to scrutinise the council's work in this area, and ensure that the council is fulfilling this duty.

1.5 The council reviewed its Equality Objectives in 2017/18 and agreed the following objectives at its meeting on 7<sup>th</sup> February 2018:

**Objective 1:** We will ensure that equality and diversity is at the heart of everything we do and that good practice is embedded in the councils' culture and work.

**Objective 2:** We will build respect and understanding of each other across our communities by working with them to tackle prejudice, discrimination and hate crime.

**Objective 3:** We will promote fairness and accessibility.

## 2 Proposal

### Action Plan 2018 to 19

2.1 Cabinet is asked to note the actions taken to promote equality and fairness in 2018/19 as set out in Appendix A and summarised in the following paragraphs.

2.2 Phase 2 of the Joint Transformation Programme was completed early in 2018 with the establishment of integrated service delivery teams working across both Eastbourne and Lewes councils.

2.3 To support the integration of services a Joint Equality and Fairness Planning

Group has been established to enable senior officers to review the council's work on equality and fairness, and oversee the process for assessing the impact of decisions and services on groups protected under the Equality Act and identified as needing particular consideration.

- 2.4 In addition a Joint Equality and Fairness Stakeholder Group has met to provide an external view from members from a range of protected groups across both Eastbourne and Lewes on the council's policies and services. This group has reviewed proposals and contributed comments on these and on service reviews in development.
- 2.5 Work to align policies and procedures has been undertaken during this year with a number of joint policies and procedures presented to Members for their consideration and approval. These have all been supported by Equality and Fairness analyses.
- 2.6 Key policies and procedures reviewed and assessed during the year for their impact on groups protected under the Equality Act were the:
- Christmas Working Policy
  - Flexitime Policy
  - Travel Policy
  - Joint Agile Working Policy
  - Equality Monitoring Policy
  - Safeguarding Policy
  - Code of Conduct
  - Dignity at Work Policy
  - Recruitment Policy
  - Unreasonable and unreasonably persistent complainant policy
  - JTP Phase 3 consultation and restructure process.
- 2.7 In addition to these policy reviews, service teams within the councils have begun reviewing their functions and how these impact on groups protected under the Equality Act. An update on progress is included within the Action Plan update at Appendix A.
- 2.8 A programme of staff training was developed and delivered during the year covering:
- Equality and Fairness – delivered to all service delivery staff
  - Equality and Fairness analysis and reviews – for staff responsible for service development, reporting and service reviews
  - Access training – delivered to Neighbourhood First staff to enable them to carry out inspections and audits.
- 2.9 The council has also considered a range of planning policies and development proposals, and policies designed to address environmental issues. Officers work closely with the Disability Involvement Group to ensure all new developments address the needs of disabled people.
- 2.10 The council also published its Gender Pay Gap report in April 2018. As reported in June 2018, this showed that, at 31<sup>st</sup> March 2017, the council's workforce

consisted of 488 women and 423 men. The figures showed that the council had a mean gender pay gap of 3.5% and a median pay gap of -8.6%. There was a reasonably even, but not equal percentage of men and women in posts in the lower quartile, the lower middle quartile and the upper quartile. In the upper middle quartile there are significantly more females.

- 2.11 As well as the policy and service reviews carried out, which are designed to eliminate discrimination and to advance equality of opportunity, the council has continued its work to foster positive relations between protected groups and other community members. The council does this through its engagement with the Disability Involvement Group, Faiths Forum and Eastbourne Cultural Involvement Group in particular and maintains close working relationships with the BourneOut LGBT, the Seniors Forum, the Youth partnership and other voluntary and community organisations working with members of protected groups.
- 2.12 The council also targets grant funding at projects designed to promote the inclusion of those protected under the Equality Act in community activities and has, in addition, supported a number of events this year:
- The Good Life Show – organised by the Seniors Forum
  - Eastbourne Pride
  - Health in Mind
  - Eastbourne Cultural Involvement Group – Learning Event
  - Eastbourne Disabled Access Day.

We have also continued to organise a major public event to commemorate Holocaust Memorial Day and continue to support World Aids Day.

- 2.13 The council's work with Syrian refugees also continues. In 2018/19 the Council identified housing in Eastbourne for four families comprising twenty one people, ensured they had basic furniture and equipment they would need, and arranged transport from the airport, translation services and appointments with key services, such as GP surgeries, schools, colleges, job centres and banks. We continue to provide ongoing, intensive support, in partnership with the statutory services and voluntary organisations to help them integrate into their communities with a particular focus on English language learning and pathways into work. We have been offered a further three properties and are on track to meet our government target to house forty individuals by the Spring 2019.

### **Action Plan 2019/20**

- 2.14 Cabinet is asked to approve the action plan proposed for 2019/20. This is attached at Appendix B.
- 2.15 Following council's adoption of the new Joint Equality Monitoring policy in 2018, a key task in 2019/20 will be the review of equality monitoring data collected within our different services. The council needs to ensure that the new systems developed for recording service activity and outcomes are recording and reporting on equality data appropriately and in line with the policy.
- 2.16 Work reviewing the impact on different members of our community of council

services will also continue with a full programme of service reviews.

2.17 The council is also committed to continuing its engagement with members and representatives of groups protected under the Equality Act.

2.18 We will also continue our work with a range of partners to promote awareness of Domestic Abuse through the White Ribbon Campaign and will review our own policies and procedures, and contribute to the development of a local domestic abuse strategy and commissioning plans.

### **3 Outcome expected and performance management**

3.1 Annual action plans provide a mechanism for the council to oversee its performance in meeting the requirements of the Equality Act. The development of each action plan is designed to cover any areas needing review or development in the year ahead.

3.2 Progress delivering the action plans is monitored at quarterly meetings of the Equality and Fairness Planning Group which is chaired by the Chief Executive and includes officers representing Human Resources, Unison, and internal audit as well as an officer from each of the council's directorates.

### **4 Consultation**

4.1 The council consulted on its Equality and Fairness Policy and Equality Objectives in 2017 and has consulted on its Equality Monitoring Policy in 2018. Comments received were considered and amendments incorporated into the final policies and objectives at that stage.

4.2 The proposed Action Plan was circulated to members of the council's Equality and Fairness Stakeholder Group. One member asked that reference be made to the governments proposals for a Gender Recognition Act in the Action Plan and action has been added to 'take account of the outcome of the consultation...and amend policies and monitoring text as appropriate.'

4.3 Officers will continue consulting with members of the Equality and Fairness Planning Group and Stakeholder group on proposals and service delivery during the coming year in line with the procedures established for this in 2018.

### **5 Corporate plan and council policies**

5.1 The council's work on equality and fairness contributes to our corporate aims of promoting thriving and 'vibrant communities where diversity is valued' and ensuring all residents have access to services, activities and facilities which help them reach their full potential. Key to this has been our support for local community-based organisations committed to increasing the inclusion and voice of those residents who might otherwise feel excluded and the work we have done to build strong relationships with local communities protected under the Equality Act.

5.2 The extensive work we are doing to review our policies and services, and their impact on different residents including those protected under the Act and others who might face barriers demonstrates the council's commitment to promoting equality and fairness in all our work.

## **6 Business case and alternative option(s) considered**

6.1 Under the Public Sector Equality Duty the council is required to publish information annually which shows their compliance with the general Equality Duty. This report demonstrates the council's compliance and allows the council's performance and plans to be reviewed and scrutinised.

## **7 Financial appraisal**

7.1 There are no additional financial costs associated with this report. The proposal to integrate governance and procedures for overseeing compliance with the Council's duties under the Equality Act is in line with the broader project to integrate Eastbourne Borough Council and Lewes District Council services to realise savings through the efficient use of resources.

## **8 Legal implications**

8.1 The statutory framework for equalities and the Council's obligations under this legislation is set out in the Introduction (section1) of this report.

Failure by the Council to comply with its public sector equality duty and other relevant provisions of the Equality Act 2010 could render it liable to legal action.

Lawyer consulted 14.02.19

Legal ref: 008058-JOINT- OD

## **9 Risk management implications**

9.1 The following risks will arise if the recommendations set out at 13.1 below are not i

- Failure to comply with statutory obligations under the Equality Act 2010 and
- Increased risk of incurring vicarious liability for acts of discrimination, harassment or victimisation in the event of litigation.

No new risks will arise if the recommendations are implemented.

## **10 Equality analysis**

10.1 The Annual Report and Action Plan are designed to ensure the council fulfils its duties and takes a proactive approach to equality and fairness across all sections of our community including but not limited to groups covered by the Equality Act 2010. No groups will be affected negatively.

10.2 There is evidence of changes to the ethnic profile of residents in the local area and the need to take this into consideration in the development and delivery of

services is noted.

10.3 A full Equality and Fairness Analysis has been completed and is available from the report author.

## **11 Appendices**

- Appendix A – Updated Equality Action Plan 2018 to 19
- Appendix B – Proposed Equality Action Plan 2019 to 20

## **12 Background papers**

[Equality Act 2010: guidance - GOV.UK](#)

[Equality and Fairness Policy](#)

[Equality Objectives 2018 to 2021](#)

[Consultation Report on Equality Objectives 2018](#)

Equality and Fairness Analysis – please contact the report author