

**Agenda Item No:** 9 **Report No:** 161/17  
**Report Title:** Equality and Fairness Policy  
**Report To:** Scrutiny Committee **Date:** 9 November 2017  
**Cabinet Member:** Cabinet Member for People and Performance  
**Ward(s) Affected:** All  
**Report By:** Director of Regeneration and Planning

**Contact Officer(s)-**

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**Purpose of Report:**

To enable the Committee to scrutinise and consider the proposed Equality and Fairness Policy and joint governance and procedures with Eastbourne Borough Council.

**Officers Recommendation(s):**

- 1 To endorse the proposed Equality and Fairness Policy included in this report which will be presented to Cabinet on 13 November 2017.
  - 2 To endorse the proposal to extend the Councils current Equality Objectives pending the development and consultation on new objectives shared with Eastbourne Borough Council.
  - 3 To endorse the proposed joint governance and procedures for overseeing the Council's delivery of its Public Sector Equality Duties to be shared with Eastbourne Borough Council.
  - 4 To agree any further recommendations the Committee would wish to make to Cabinet with regard to these proposals.
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## **Reasons for Recommendations**

### **5. For the Scrutiny Committee to fulfil its duties under the Equality Act 2010.**

#### **5.1 Legal Requirement**

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

#### **5.2 The Council must have due regard to the Public Sector Equality Duty to:**

- eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Equality Act;
- advance equality of opportunity between people who share a protected characteristic 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.

#### **5.3 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.

**5.4** Specific duties which came into force in 2011 require public bodies, such as the Council, to publish information which shows their compliance with the Equality Duty. The Equality and Human Rights Commission, which has a statutory responsibility to monitor compliance, has indicated that one of the things they would expect to see published on Council websites is evidence of a clear approach to having due regard to the Equality Duty in policy and decision-making. Refreshing the Council's policy and arrangements for reviewing the design and delivery of Council services is a key step in ensuring the Council has an effective process for ensuring full compliance with the Public Sector Equality Duty.

**5.5** The establishment of a shared governance structure and procedures with Eastbourne Borough Council for setting Equality Objectives and reviewing the delivery of Council functions will provide an effective way of ensuring consideration is given to how different people are affected by Council policies

and activities, and that our services are accessible to all and meet different people's needs.

## **6 Information**

**6.1** The proposed policy attached at Appendix A is broadly similar to the Council's previous Equality Policy 2012 – 2016. The policy, once adopted, will underpin the Equality Objectives and Action Plan which the Council has a duty to publish and which will be presented to Cabinet for approval early in 2018.

**6.2** The proposed policy is intended as a clear, simple statement of how both Councils intend to deliver our services and conduct our business. It is designed as a set of guiding principles to help with decision making.

**6.3** The policy follows the structure of the Lewes District Council policy adopted in 2012 and makes explicit the policy principles embedded in the Eastbourne Borough Council Equality and Fairness Strategy 2012 providing a clear statement of the values and principles which will underlie our work and services.

**6.4** It sets out:

- the core values and principles the Councils are committing to
- the reasons for the policy
- the scope of the policy – what it applies to
- the responsibilities of different people for implementing the policy
- broad statements of policy covering
- standards of behaviour
- equality and fairness analysis
- involvement and participation in service and policy development
- contracts and grants
- training
- equality objectives and information
- monitoring and reviewing

## **7 Shared governance and procedures**

**7.1** The Public Sector Equality Duty Technical Guidance states that a local authority may be open to challenge if it publishes no information in relation to one or more of the aims of the duty or to one or more of the relevant protected characteristics, or to one or more of its relevant functions.

- Both Lewes District Council and Eastbourne Borough Council now require an Equality and Fairness screening and analysis (EaFA) to be carried out with respect to all service and policy changes before decisions are made, including both those brought to Members for decision and those affecting staff and customers made by Heads of

Service and Team Leaders. EaFA reports are checked by officers and sent to members of the two Councils' internal officer groups for approval.

- It is proposed that an Equality and Fairness Planning Group spanning both Councils be established to ensure Council services, projects and policies have due regard to equality and fairness issues. The Group will be chaired by the Chief Executive, and include an officer each from Legal Services, Human Resources, Corporate Services, plus the Strategy and Partnerships Lead covering PSED and performance lead, a representative of the union, and an Equality Champion from each of Strategy, Planning and Regeneration; Tourism and Enterprise; and Service Delivery. Heads of Service, Project Managers and other report authors will be invited to present their Equality and Fairness assessments to the Group.
- In addition, an Equality and Fairness Stakeholder Group (again spanning both Councils) will be established, building on the current Terms of Reference and membership of the Joint Transformation Programme Equality and Fairness Stakeholder Group with members from organisations in both Eastbourne and Lewes working on behalf of groups protected under the Equality Act by virtue of age, disability, ethnic origin, gender, sexual orientation and faith. It is proposed that meetings of the Stakeholder Group be chaired alternately by the Portfolio Holders responsible for Equality and Fairness in each Council. The Group's role would be to ensure that Lewes District Council and Eastbourne Borough Council fulfil their statutory duties in respect of all aspects of the Public Sector Equality Duty and that the views of stakeholders are taken into account in the development of policy and work programmes.

**7.2** As part of its ongoing work to meet its duties under the Equality Act, and in light of changes made as a result of service transformation and integration, the Councils now need to plan a full programme of reviews assessing the impact on protected groups of its functions and services. A programme of reviews will be developed over the next few months, taking into consideration reviews already carried out as part of JTP, and prioritised on the basis of relevance and scale. This programme will be included in the Action Plan presented to Cabinet early in 2018.

## **8 Consultation**

**8.1** A draft version of the policy was shared initially with members of the two Council's internal officer groups and the JTP Equality and Fairness Stakeholder Group and one amendment incorporated as clarification in paragraph 1.

**8.2** A consultation draft of the policy was then shared with a range of organisations in both local authority areas which promote the interests of groups protected under the Equality Act 2010:

- Seaford Seniors Forum
- Lewes District Seniors Forum
- Lewes Area Action Group
- Access in Seaford and Newhaven
- Peacehaven Area Accessibility Group
- SCDA Sompriti
- Eastbourne Cultural Involvement Group
- Eastbourne Disability Involvement Group
- Eastbourne Faiths Forum
- Eastbourne Seniors Forum
- Age Concern Eastbourne
- Possability People
- BourneOut LGBT

The consultation questionnaire is attached to this report as **Appendix B**.

**8.3** A further three responses were received at this stage, all supportive of the policy, with one amendment proposed which has been incorporated in the policy now presented.

- Two respondents specifically requested access for members of voluntary organisations to any training organised by the Councils for staff and Members. The need for training for voluntary sector organisations will be considered in the development of the Council's Equality Objectives and Action Plan for 2018.
- One respondent commented on the need membership of the Stakeholder Group to cover gender as well as the protected characteristics listed in the consultation questionnaire.

## **9 Financial Appraisal**

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 Lewes District Council and Eastbourne Borough Council services to realise savings through the efficient use of resources.

## **10 Legal Implications**

This report is designed to ensure the Council discharges its duties, as set out in the Equality Act 2010 and in line with the Public Sector Equality Duty Technical Guidance.

Lawyer consulted 03.10.17. Legal ref: 006733-LDC-OD

## **11 Risk Management Implications**

The following risks will arise if the recommendations are not implemented:

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

To mitigate these risks, it is proposed that

- the Equality Objectives set for 2012 to 2016 be extended until a review of these is completed and presented to Cabinet at its meeting on 5<sup>th</sup> February 2018, and
- awareness raising and training be delivered to new staff and to those responsible for decision making at all levels within the Council.

No new risks will arise if the recommendations are implemented.

## **12 Equality Screening**

This report is designed to meet the Council's duties under the Equality Act. An Equality and Fairness Analysis is attached at Appendix C.

### **Background Papers**

[Equality Act 2010](#)

[LDC Equality Policy 2012 - 2016](#) and [LDC Equality Objectives 2012 - 2016](#)

## Appendices

### Appendix A



Lewes District Council



Working in partnership with **Eastbourne Homes**

# Equality and Fairness Policy

## 1. Introduction

For the purposes of this joint policy Lewes District Council and Eastbourne Borough Council will be referred to as 'the Councils'.

### **Values and Principles**

The Councils are already committed to working within an environment where equality and fairness is integral to everything we do. We hold within our principles a commitment to valuing people and are able to demonstrate, through our work with community people and our workforce that this principle goes beyond a well-meaning statement.

All individuals living within our boundaries should have the opportunity to achieve their full potential and all those who live, work and visit our areas should feel welcome, valued, safe, respected and included.

We recognise that some groups experience stereotyping and unfair discrimination in society, and some groups are, or become, isolated through a number of barriers such as physical and mental disability, culture and language, deprivation and a lack of knowledge. The Councils are committed to challenging all forms of inequality and takes its obligations to promote equality of opportunity and foster good relations very seriously.

We value diversity and believe that people with different backgrounds, skills, attitudes and experiences bring fresh ideas and perceptions that enrich our local community.

## 2. Why do we need an Equality and Fairness policy?

This policy helps us to meet our statutory obligations set out in Public Sector Equality Duty ((PSED) also known as the general duty or the equality duty) under the Equality Act 2010. The PSED requires us, when we are carrying out our business, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and people who do not share it

There are nine protected characteristics covered by the PSED, which are:

Age	Disability	Marriage and Civil Partnership*
Pregnancy and Maternity	Gender Reassignment	Race
Religion or Belief	Sex (gender)	Sexual Orientation

For a wider definition of each of the above please see the glossary at appendix 1.

We also recognise that socio-economic status can be a significant barrier to equality of opportunity.

### 3. Ownership and delivery of the policy

This Equality and Fairness Policy is the responsibility of all:

- Councillors
- Staff at all levels (permanent and temporary, including agency staff, apprentices and volunteers)
- Contractors and partners working on the Council's behalf
- Voluntary sector organisations funded by the Councils.

Our service users are required to comply with Section 3.2.1 of this policy when they are using services provided by the council (or partners or contractors acting on our behalf). Examples are people using or renting council premises, or attending council events.

#### 3.1 Responsibility

Everyone listed in Section 3 above has a responsibility to further the objectives of this policy and to comply with it.

We know that we cannot progress equality and fairness without dedicating resources and time. We have put in place the means by which our employees can feel empowered to deliver, and/or enable activities to take place, that advance equality of opportunity and foster good relations among our

communities. In order to give structure and meaning to our commitments and ongoing work we have assigned specific resources and processes to the delivery of this policy.

- 3.1.1 *Corporate Responsibility:* A Cabinet Member in each Council and the Chief Executive have a shared corporate responsibility for the Council's equality and fairness agenda, both having Equality as part of their individual portfolios. They may delegate specific responsibilities to other members of the Corporate Management Team and Elected Members.
- 3.1.2 The Head of Service for Business Planning and Performance has specific responsibility for ensuring the Council's equality and fairness agenda is delivered at both a corporate and service delivery level and ensuring the Council complies with the PSED and the wider implications as set out in the Equality Act 2010. The Business Planning and Performance team is responsible for: setting policy direction; setting and agreeing corporate objectives; acting in an advisory and training role for service areas; monitoring progress; establishing and co-ordinating a process for equality and fairness analysis; effective quality checking and enablement of external validation; effective stakeholder involvement; preparing an annual progress report for Cabinet; preparing and updating guidance documents; ensuring the Council is complying with its publication obligations.
- 3.1.3 *Human Resources:* The Assistant Director for Human Resources and Organisational Development is responsible for ensuring the Council complies with the Public Sector Equality Duty in relation to the recruitment, training, development and support of Council staff.
- 3.1.4 *Financial:* The Councils have designated a corporate budget for progressing the equality and fairness agenda, engaging with local communities, and consulting on policies and how services are delivered, and for publishing results, in line with the specific duties outlined in the SED.
- 3.1.5 *Decision-making:* Statutory responsibility for ensuring equality becomes an integral part of everything the Council does, and achieving the public equality duties as set out in the Equality Act 2010 lies with the strategic decision making bodies of the Council. In order to maintain uniformity in approach and to oversee that the work undertaken to meet these duties is done appropriately and systematically, an officer group will be established to oversee the assessment of Council functions and policies; and an Equality and Fairness Stakeholder Group (EFSG) will be established to validate assessments and ensure the views of stakeholders are taken into account in the development of policy and work programmes.

## 3.2 Required standards of behaviour:

All Councillors and members of staff are expected to comply with the relevant Code of Conduct and Dignity at Work policy and all such policies affecting how the Council's workforce, and that of its contractors, should conduct themselves whilst at work. This means we are able to provide a safe and welcoming environment in which all individuals are valued, included and respected. Discrimination, harassment and victimisation in any form are not acceptable.

- 3.2.1 *Consequences:* Incidents of discrimination, harassment and victimisation will be recorded and reported, in order that appropriate action can be taken to address

them under the relevant council policies and procedures. This may include reporting those which constitute a criminal offence, as well as dealing with them under Disciplinary Procedures, a contract or a tenancy agreement.

### 3.3 Equality and Fairness Analysis

We will ensure that no policies, practices, projects or procedures impact less favourably on people who share protected characteristics, through a process of equality analysis. This will include giving consideration to the needs of people whose socio-economic status can be a significant barrier to equality of opportunity. The analysis will also ensure our services do not infringe people's human rights. We will collect and monitor appropriate equality-related data and review service delivery to ensure that they are accessible to all, free from bias and meet the diverse needs of the community.

### 3.4 Involving Disabled People

The Council is committed to involving disabled people at an early stage in decisions that affect them and will continue to apply the principles of the government's 'Disability Confident Committed Employer' scheme for recruitment.

The Council is also committed to minimising barriers restricting access to our premises, facilities, services, democratic processes and employment. To this end the Council will continue to engage with local groups about specific areas that matter to them and those that matter to the Council.

### 3.5 Widening participation

The Council will take positive steps, where possible, to address any gaps in participation and/or representation of people who share protected characteristics among our Councillors, workforce, service-users, consultees and partners, and to widen participation to include socially or economically disadvantaged people.

### 3.6 Balancing conflicting views

We will take proportionate steps to balance the rights of individuals where they appear to conflict, as sensitively as possible. We will also take steps to ensure people's human rights are not adversely affected. Individuals acting on our behalf or using our premises or services must exercise freedom of expression in a way that is compatible with fostering good relations between people with different protected characteristics, eliminating unfair discrimination and advancing equality of opportunity. We will uphold these principles if it is necessary to adjudicate between competing interests.

### 3.7 Working with other organisations

We will strive to work with organisations and contractors who embrace equality, fairness and diversity. We will seek information on the equality and diversity practices of potential contractors and partner organisations, and take this into account when deciding to award contractors and grants. Wherever it is possible to do so we will work with local organisations that employ local people and who directly support our local economies.

### 3.8 Training

We will provide relevant equality, diversity and human rights training and learning opportunities to staff, volunteers and Councillors, to empower them to carry out their role in furthering the objectives of this policy.

### 3.9 The wider community

We will continue to build strong relationships with community groups and local organisations, contributing to community cohesion. As part of this process, we will promote equality of opportunity, and seek to foster positive attitudes and good relations between different groups of residents across the Councils' area.

## 4. Equality objectives and information

In accordance with our specific duties under the Equality Act 2010, the Council will set equality and fairness objectives and will publish annual equality information about our services and staff. We will also publish an annual progress report advising our communities of our progress against our objectives, enabling them to hold us to account. Our objectives will be specific and measurable and integrated into our service plans and quality improvement processes.

## 5. Monitoring and review

Responsibilities for monitoring and review of our Equality and Fairness Policy, Equality Objectives and Equality Information is set out at 3.1 above.

## 6. Contacts

Corporate:     Head of Business Planning and Performance  
                    Strategy and Partnerships Lead for Thriving Communities  
                    Customer Communications and Engagement Lead

## Equality terms glossary:

<b>Advancing equality</b>	The Equality Act 2010 states that this involves having due regard to the need to remove or minimise disadvantages suffered by persons who share a protected characteristic; meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and encourage persons who share a relevant protected characteristic to participate in public or in any other activity in which participation by such persons is disproportionately low.
<b>Age</b>	People of any age.
<b>Assessing impact on equality</b>	This involves looking at equality information and the outcomes of any engagement in order to understand the impact or potential impact of your decisions on people with different protected characteristics.
<b>Civil partnership</b>	Legal recognition of a same-sex couple's relationship. Civil partners must be treated the same as married couples on a range of legal matters. (Only in relation to due regard to the need to eliminate discrimination).
<b>Direct discrimination</b>	<p>Direct discrimination occurs when a person treats another less favourably than they treat others because of a protected characteristic. Direct discrimination is generally unlawful but may be lawful in the following circumstance:</p> <ul style="list-style-type: none"> <li>• In relation to protected characteristic of disability, where a disabled person is treated more favourably than a non-disabled person</li> </ul> <p>A person experiencing less favourable treatment 'because of a protected characteristic' does not have to possess the characteristic themselves. For example, the person might be associated with someone who has the characteristic ('discrimination by association'); or the person might be wrongly perceived as having the characteristic ('discrimination by perception').</p>
<b>Disability</b>	A person who has a physical or mental impairment and that impairment has a substantial and long-term adverse effect on their ability to carry out 'normal' day to day activities. Some impairments are hidden, such as mental health problems, HIV, cancer, diabetes and epilepsy, but all are covered.
<b>Disadvantage</b>	This could include denial of an opportunity or choice. It is similar to 'detriment'. The question to answer is 'would a reasonable person complain about the service?' In other words an unjustified sense of grievance would not qualify as 'disadvantage'.

<b>Due regard</b>	Due regard requires consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence decisions reached by public bodies – such as how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services; and how they commission and procure services from others.
<b>Engagement</b>	A broad term, intended to cover the whole range of ways in which public authorities interact with their service users, employees and other stakeholders, over and above what they do in providing services or within a formal employment relationship.
<b>Equality Act 2010</b>	This brings together the majority of existing equality legislation into one place so that it is easier to use.
<b>Equality Information</b>	The information that you hold (or will collect) about people with protected characteristics, and the impact of your decisions and policies on them.
<b>Equality Objectives</b>	A requirement to prepare, set and publish objectives is one of the specific duties set out under the equality duty.
<b>Equality outcome</b>	The results that individuals or groups actually achieve and are able to benefit from. For example, equal pay between men and women.
<b>Fostering good relations</b>	The Equality Act 2010 states that having due regard to the need to foster good relations involves having due regard, in particular, to the need to tackle prejudice and promote understanding between people who share a protected characteristic and those who do not.
<b>Function</b>	The full range of a public authority's activities, duties and powers.
<b>Gender</b>	The wide social roles and relationships that structure men's and women's lives. These change over time and vary between cultures.
<b>Gender reassignment</b>	A person who is proposing to go through, is undergoing, or has undergone a process (or part of a process) to change their gender. A reference to a transsexual person is a reference to someone who has the protected characteristic of gender reassignment.
<b>General equality duty</b>	The requirement to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; to advance equality of opportunity between people who share a protected characteristic and those who do not; and to foster good relations between people who share a protected characteristic and those who do not.
<b>Harassment</b>	Unwanted conduct related to a protected characteristic that has the purpose or effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.  Unwanted conduct covers a wide range of behaviour, including spoken or written words or abuse, imagery, graffiti, physical

	<p>gestures, facial expressions, mimicry, jokes, pranks, acts affecting a person's surroundings or other physical behaviour.</p> <p>The word unwanted means essentially the same as 'unwelcome' or 'uninvited'. 'Unwanted' does not mean that express objection must be made to the conduct before it is deemed to be unwanted.</p>
<b>Indirect discrimination</b>	<p>Indirect discrimination may occur when a service provider applies an apparently neutral provision, criterion or practice in a way that creates disproportionate disadvantage for a person with a protected characteristic as compared to those who do not share that characteristic, and is not a proportionate means of achieving a legitimate aim.</p>
<b>Less favourable treatment</b>	<p>This would require a comparison to be made with how a service provider would have treated other service users or would have treated them in similar circumstances.</p>
<b>Legitimate aim</b>	<p>Examples are:</p> <ul style="list-style-type: none"> <li>• Ensuring that services and benefits are targeted at those who most need them;</li> <li>• The fair exercise of powers;</li> <li>• Ensuring the health and safety of those using the service provider's service or others, provided risks are clearly specified;</li> <li>• Preventing fraud or other forms of abuse or inappropriate use of services provided by the service provider; and</li> <li>• Ensuring the wellbeing or dignity of those using the service.</li> </ul> <p>Although reasonable business needs and economic efficiency may be legitimate aims, a service provider solely aiming to reduce costs cannot expect to satisfy the test.</p>
<b>Marriage</b>	<p>The legally recognised union of two people as partners in a personal relation. (Only in relation to due regard to the need to eliminate discrimination).</p>
<b>Maternity</b>	<p>The period after giving birth. It is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breast feeding.</p>
<b>Pregnancy</b>	<p>The condition of being pregnant.</p>
<b>Proportionality</b>	<p>The weight given to equality should be proportionate to its relevance to a particular function. This may mean giving greater consideration and resources to functions or policies that have the most effect on the public or on employees. This means that all possible ways of achieving the aim have been investigated and it is not based on solely being the cheapest means – these are often more discriminatory.</p>
<b>Protected characteristic</b>	<p>The public sector equality duty covers age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It also covers marriage and civil partnership, but not for all aspects of the duty.</p>

<b>Public functions</b>	The Equality Act 2010 defines a public function as a function that is of a public nature for the purposes of the Human Rights Act 1998.
<b>Race</b>	A person of a particular racial group - includes nationality (including citizenship), colour, ethnic or national origins, including refugees and migrants and Gypsy and Travellers.
<b>Reasonable adjustments</b>	Service providers have an anticipatory duty to make reasonable adjustments for disabled people. When planning its services, a service provider will need to consider whether its practices indirectly discriminate against disabled persons. If a practice does discriminate, then the service provider must consider whether the practice can be justified.
<b>Religion or belief</b>	Any religion which has a clear structure and belief system, including a lack of religion. Belief covers any religious and philosophical belief, including a lack of belief (for example, atheism).
<b>Sex</b>	A person who is a man or a women.
<b>Sexual orientation</b>	A person who has a sexual orientation (sexual attraction) towards someone of the same sex, the opposite sex, or either sex.
<b>Transgender</b>	An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. They may or may not seek to undergo gender reassignment hormonal treatment/surgery. Often used interchangeably with 'trans'.
<b>Transsexual</b>	A person who intends to undergo, is undergoing or has undergone gender reassignment (which may or may not involve hormone therapy or surgery). Transsexual people have the protected characteristic of gender reassignment under the Equality Act 2010.
<b>Treating people more favourably</b>	Complying with the equality duty may involve treating some people more favourably than others. For example, it may involve making use of an exception or the positive action provisions, in order to provide a service in a way which is appropriate for people who share a protected characteristic, such as providing computer training to older people to help them access information and services.
<b>Taking account of disabled people's disabilities</b>	The equality duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should take account of disabled people's impairments when making decisions about policies and services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

## **Appendix B - Equalities policy consultation questionnaire**

We are developing an Equality Policy for Eastbourne Borough Council (EBC) and Lewes District Council (LDC). The policy, once adopted, will underpin the Equality Objectives which we have a duty to publish and plan to develop over the next few months with the aim of aligning the Objectives of both Councils and ensuring we meet the requirements of the Equality Act 2010.

The draft policy is intended as a clear, simple statement of how the Councils intend to deliver our services and conduct our business. It is designed as a set of guiding principles to provide a foundation for our service and policy development and help with decision making.

This draft policy is broadly similar to the current Lewes District Council policy adopted in 2012 and the policy principles embedded in the Eastbourne Borough Council Equality and Fairness Strategy 2012 to 2016 have been incorporated in this new draft policy.

Once this policy has been agreed, we will be in a position to begin work reviewing our Equality Objectives and developing Action Plans. We anticipate we will have a number of shared Objectives between the two Councils but will also need some additional objectives for each of the two Councils reflecting different needs. We will consult on these later in 2017 with a view to adopting the Objectives for 2018 to 2021 and Action Plan for 2018 early in 2018.

The draft policy covers:

- the core values and principles we are committing to
- the responsibilities of different people for implementing the policy
- standards of behaviour
- equality and fairness analysis
- involvement and participation in service and policy development
- contracts and grants
- training
- equality objectives and information
- monitoring and reviewing

We would be grateful for your views and comments on this draft Policy. If you wish to comment, please use the next page.

## **Consultation questions:**

### **The draft policy**

Do you agree with the policy overall?

If not, please tell us what you disagree with? (e.g. is there any policy statement you disagree with? Have we missed out any key policy statements which you think should be included?)

### **Proposed Lewes and Eastbourne Equality and Fairness Steering Group**

The draft policy says that we will develop a shared Equality and Fairness Steering Group to review and validate our Equality and Fairness Analysis. We have been working with a stakeholder group to oversee the impact on equalities of our Joint Transformation Project integrating service delivery across both Eastbourne and Lewes District Councils and are considering extending the Terms of Reference of this group to cover our wider Equality and Fairness work.

The Group's role would be to ensure that Lewes District Council and Eastbourne Borough Council fulfil their statutory duties in respect of all aspects of the Public Sector Equality Duty and that the views of stakeholders are taken into account in the development of policy and work programmes.

This group includes representatives of groups protected under the Equality Act covering:

- Age
- Disability
- Race
- Sexual orientation
- Faith

Do you agree with the proposal to expand the remit of the current Lewes and Eastbourne JTP Equality and Fairness Steering group to cover our wider Equality and Fairness work? (Yes / No)

### **Please add any comments:**

Do you agree with the proposed representation of protected groups and other stakeholders? (Yes / No)

### **Please add any comments:**

If not, what other representatives do you think we need to include?

**Thank you for taking the time to read the policy and comment.**

**Please send your comments on this form to [equalities@eastbourne.gov.uk](mailto:equalities@eastbourne.gov.uk)**

## Appendix C – Equality and Fairness Analysis

**STRONGER together**



Lewes District Council



Working in partnership with Eastbourne Homes

# Equality and Fairness Analysis Findings report – Equality and Fairness Policy

Policy = the full range of our policies, practices, activities, projects, procurement and decisions, whether it is formally written down or whether it is informal custom and practice. This includes all existing policies and any new policies under development.

<b>Person responsible for analysis</b>	Pat Taylor	
<b>Person responsible for policy development</b>	Pat Taylor	
<b>Policy area (or function)</b>	Compliance with Public Sector Equality Duty	
<b>Service area responsible for implementing the policy</b>	All	
<b>Originator (if not the Council)</b>	n/a	
<b>Is the policy proposed (new) or existing?</b>	<b>Proposed</b>	
<b>Is it an LDC/EBC policy or a partnership initiative?</b>		<b>Partnership</b>
<b>Key people involved in the policy development and its implementation</b>	Business Planning and Performance officers; members of LDC and EBC internal officer groups responsible for overseeing Equality and Fairness, and of external EaFA Stakeholder Group	
<b>Decision making bodies the policy will be referred to</b>	Council, Cabinet, Cabinet Members, Heads of Service and Team Leaders	
<b>Who is the responsible Director/Assistant</b>	Nazeya Hussain	

<b>Director?</b>	
<b>Date of first equality quality check (internal)</b>	
<b>Date of external equality stakeholder group</b>	

## The Public Sector Equality Duty

The public sector equality duty is made up of a 'general equality duty' which in turn is supported by 'specific duties'. The general equality duty is set out in section 149 of the Equality Act 2010 and came into force on 5<sup>th</sup> April 2011. The general equality duty sets out what is required of public authorities and the specific duties help public authorities comply with the statutory obligations.

As a summary, we must, in the exercise of our functions, 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.

These are commonly referred to as the three aims of the general duty.

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.

The Equality Act further states that the steps involved in meeting the needs of disabled persons that are different to the needs of persons who are not disabled include, in particular, steps to take account of a disabled persons' impairment.

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.

The duty also covers a 'person' who is not a public authority but who exercises public functions. We retain the responsibility for the 'person' having due regard to the three aims when delivering a service on our behalf. This should be written into their contract with us.

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.

# Context and Scope

## What is the purpose of the policy and why is it needed?

The Equality and Fairness Policy is needed to underpin the Councils' approach to ensuring that full consideration of equality and fairness is given in the development, design and delivery of all services and policies and in the recruitment and development of staff. The Policy sets the framework for the development of Equality and Fairness Objectives, as required under the Public Sector Equality Duty (2010) and Action Plans, and for the day to day consideration of equality and fairness in Council work.

## In what context will it operate and who is it intended to benefit?

The Policy will apply to all the Council's activities and decision-making whether this is at Council or Cabinet level covering major service or policy development, or the interpretation of policy and procedures at a front-line operational level. It is intended to benefit all sectors of the community and specifically groups protected under the Equality Act 2010 who might otherwise be adversely affected by Council decisions and activities.

## What are the expected outcomes/longer term benefits of the policy?

Equal access to services and opportunities provided by the Council for all residents and increased fairness, inclusion and participation in activities.

# Information and Research

## List all sources of information and relevant data that was obtained and considered in the assessment and include the groups you consulted with?

- Equality Act 2010
- Public Sector Equality Duty Technical Guidance
- East Sussex in Figures
- Equality Policy and Objectives 2012 – 2016 – Lewes District Council
- Equality and Fairness Strategy and Objectives 2012 – 2016 – Eastbourne Borough Council

Were any gaps identified in this information and if so, what are these and what actions are being taken to address them?

There is no data on sexual orientation or gender re-assignment. This was previously included in data collection surveys and the Census, but was dropped in 2011 because of its sensitive nature and the perceived intrusiveness of questions on this.

Both Councils will need to ensure data collection within different service areas complies with good practice and is in line with national data collection.

## Analysis and Assessment

What are the main findings, trends and themes arising out of the research and information you have gathered and any consultation you have carried out?

17.2% of Eastbourne residents are under 16 and 24.5% of Eastbourne residents are aged 65 and over, significantly higher than the average for England (17.9%). 17.4% of Lewes District residents are under 16 and 25% are aged 65 and over. Both groups, along with those aged 17-25 will be affected by policies and services which impact differently on their age groups.

Eastbourne has a significantly higher percentage of one person households (36.2%) compared with England and Wales (30.2%) and East Sussex (32.8%). This has implications for the provision of housing and of support services. The percentage of one person households is 30.2%, the same as the national average.

The concerns associated with an ageing population are particularly high in both local authority areas and the Councils need to ensure it works closely with health and care partners to reduce the risks associated with this, both through health and personal resilience work and in the provision of suitable housing and related support services to meet needs.

At the same time, both Councils need to identify more effective ways of engaging with young residents to increase their participation in the democratic process and in their local communities.

51.6% of Eastbourne residents and 51.4% of Lewes District residents are women, higher than the England average of 50.4% and likely to be associated with the older age profile in both areas. There is no representation on the Councils' external stakeholder group at present to cover either transgender or women's issues specifically. Whilst a number of staff and external stakeholder representatives on the internal officer group and Stakeholder Group proposed are women, it would be helpful to identify two additional representatives to join the Stakeholder Group, one each from organisations addressing the barriers which women face and those which transgender people face.

There is no data available covering sexual orientation and gender reassignment, but Government estimates that 5 to 7% of the population is Lesbian, Gay and Bisexual. A member of BourneOut LGBT sits on the Equality and Fairness Stakeholder Group and this will improve

the focus on barriers faced by LGBT people in future consideration of Lewes District Council policies and services.

87.4% of Eastbourne residents and 92.5% of Lewes District residents are White British and Northern Irish; 1% of Eastbourne residents and 0.8% of Lewes District residents are White Irish; 0.1% of residents in both Eastbourne and Lewes are Gypsy or Irish Traveller; and 5.6% of Eastbourne and 3.2% of Lewes residents are 'other White'. 2.8% of Eastbourne residents and 1.4% of Lewes residents are Asian / Asian British; and 0.8 % of Eastbourne residents and 0.4% of Lewes residents are Black / Black British. 1.8% of Eastbourne residents and 1.3% of Lewes residents are of Mixed Heritage; and 0.5% in Eastbourne and 0.3% in Lewes are 'other ethnic group'.

In terms of country of birth (2011 figures), 94.5% of Eastbourne residents and 95.9% of Lewes residents were born in Europe; 2.9% of Eastbourne residents and 1.6% of Lewes District residents were born in the Middle East and Asia, 1.5% of Eastbourne residents and 1.2% of Lewes District residents were born in Africa; 0.8% of Eastbourne residents and 0.9% of Lewes District residents were born in the Americas and the Caribbean; and 0.3% of Eastbourne residents and 0.4% of Lewes District residents were born in Antarctica and Oceania.

1,213 overseas nationals entered the UK in 2016 and were registered in Eastbourne for National Insurance. Of these 1,049 were from the European Union. 365 entered the UK in 2016 and were registered for National Insurance in Lewes District. Of these 278 were from the European Union.

Language is an issue for a significant number of households. Of Eastbourne's 45,012 households, 1,705 had no member with English as a main language, 237 had only members aged under 16 with English as a main language, and a further 1,333 had at least one member who did not have English as a main language. Of Lewes District's 42,181 households, 516 had no member with English as a main language, 112 had only members aged under 16 with English as a main language, and a further 925 had at least one member who did not have English as a main language.

Language support including translation, interpreting, related advocacy and English language training are clearly key to ensuring these households are able to participate fully in activities, services and employment. The Equality Policy and Objectives include an important focus on engagement with the full range of protected organisations, and this is particularly important in ensuring that households settling in Eastbourne and those who do not have English as a main language have access to the support they need. Both Councils have service agreements through the Sussex Translation and Interpreting Framework and with Vandu Language Services for translation and interpreting in relation to Council services.

59.6% of Eastbourne residents and 57% of Lewes District residents identified as Christian in the 2011 Census; 1.5% in Eastbourne and 0.6% in Lewes District identified as Muslim; 0.5% in Eastbourne and 0.5% in Lewes District as Buddhist; 0.4% in Eastbourne and 0.3% in Lewes District as Hindu; 0.2% in Eastbourne and 0.3% in Lewes District as Jewish; and 0.1% in Eastbourne identified as Sikh. 0.6% in both Eastbourne and Lewes identified themselves with other religions. 29% in Eastbourne and 32.5% in Lewes District said they had no religion. 8% in Eastbourne did not respond to the Census question asking about religion and 8.2% did not respond in Lewes District.

33.3% of Eastbourne residents and 28.7% of Lewes District residents aged 16 and over are single; 42.8% in Eastbourne and 49.6% in Lewes District are married; 0.4% in Eastbourne and 0.5% in Lewes are in a registered same-sex civil partnership; 3% in Eastbourne and 2.5% in Lewes are separated; 11.5% in Eastbourne and 10.2% in Lewes are divorced; and 9.1% in Eastbourne and 8.4% in Lewes are widowed.

There were 1,070 live births to Eastbourne residents in 2015 and 877 to Lewes residents. Teenage pregnancy has reduced significantly across the country and in Eastbourne from 62 conceptions in 2010 to 36 in 2015, and in Lewes from 53 in 2010 to 29 in 2015.

21% of Eastbourne residents and 19.5% of Lewes residents had a long-term health problem or disability at the last Census in 2011. 11.3% in Eastbourne and 10.9% in Lewes were those whose day-to-day activities were limited a little, and 9.7% in Eastbourne and 8.7% in Lewes were those whose day-to-day activities were limited a lot. East Sussex County Council estimate the increase in people with a long-term limiting illness to increase in Eastbourne from 22,550 in 2015 to 23,557 by 2018 and 24,665 by 2021, and the increase in the number of disabled people from 18,413 in 2015 to 19,204 by 2018 and 20,204 by 2021. In Lewes ESCC calculate an increase in the number of those with a long-term limiting illness from 20,366 in 2015 to 21,338 in 2018 and 22,460 in 2021; and an increase in the number of disabled people from 16,598 in 2015 to 17,435 in 2018 and 18,415 in 2021.

15,064 Eastbourne residents (15.1%) were estimated to be affected by income deprivation in 2012 (2015 Indices of Deprivation) in Eastbourne. 10,894 Lewes District residents (11.1%) were estimated to be affected by income deprivation.

The establishment of a shared Equality and Fairness Stakeholder Group will deliver additional benefits to both Councils arising from engagement with a wider range of representatives.

Responses from consultation included a gap in training on equality and fairness for voluntary and community organisations and request that the Councils open any training arranged for their own staff to these organisations where possible.

<p><b>Which protected groups will it affect/benefit the most?</b></p> <p><i>Considering who the policy is intending to benefit and what the expected outcomes are, assess each characteristic and indicate whether the policy has 'M' more, 'L' less, or 'E' equal relevance. Highlight the finding.</i></p>	Age	M	E
	Disability	M	E
	Gender reassignment	M	E
	Marriage and civil partnership	M	E
	Maternity and pregnancy	M	E
	Race	M	E
	Religion or beliefs	M	E
	Sex	M	E
	Sexual orientation	M	E
<p><b>Which parts of the Public Sector Equality Duty are most relevant to the policy?</b></p>	1. Eliminate discrimination, harassment and victimisation	M	E
	2. Advance equality of opportunity	M	E
	3. Foster good relations	M	E

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Please explain your reasons for the above assessments and how you have given consideration to the different needs of people and taken steps to minimise potential disadvantages and maximise equality of opportunity

By their nature, the Equality and Fairness Policy, governance and review arrangements are designed to ensure all protected groups are covered, and each of the PSED duties are taken into consideration. They set the basis for addressing all of these in the review of all Council functions and assessment of the impact of any service and policy changes.

Based on your findings is there a need to balance conflicting views or counter resentment and inaccurate perceptions, if so what will you do?

The policy is designed to ensure that all decisions made by the Councils relating both to policy, and practice take account of the impact these may have on groups protected by the Equality Act and others at risk of exclusion, such as those on very low incomes. The policy itself recognises that there may be limitations in some instances on what the Councils and their partners are able to do to overcome some of the barriers addressed and that a balanced view needs to be taken. The decision-making and review process is designed to include challenge from members of protected communities and to draw up actions to mitigate any potentially negative impacts where these are identified.

## Action Planning

If you have identified specific areas that require action to promote equality, what steps are you going to take to ensure this work is carried out and completed?

Issue Identified	Action Required	Lead Officer	Required Resources	Target Date	Measure of Success
Lack of specific representation of women's organisations or issues on Stakeholder Group	Identify an appropriate representative able to contribute on barriers that women face	Pat Taylor	None	31 March 2018	Representative invited to attend identified and agreed
Lack of training and sufficient understanding of equality issues in voluntary and community sector	Review training needs with 3VA and ensure training on equality and fairness is offered to the VCS	Pat Taylor	None	30 June 2018	Training courses identified and VCS members invited
Need to ensure data collection in service areas is in line with good practice and national data collection.	Review as part of Equality and Fairness Reviews of functions	Heads of Service	Non	31 <sup>st</sup> March 2021 as part of programme of EaF reviews	Consistent data collection and complete data covering protected groups in line with good practice

## Outcome

Considering all the evidence and the potential or actual effect of the policy on equality, it is concluded that:

\*1. **No major changes are needed** – the policy is robust and evidence shows no potential for discrimination and all opportunities to advance equality and foster good relations between groups has been taken.

## Quality Assurance

<b>How will you implement any recommendations made through quality checking?</b>	<i>n/a</i>
<b>How will the issues covered in the action plan be monitored and reviewed and who will do this?</b>	The Strategy and Partnerships Lead – Thriving Communities will identify representatives for the Equality and Fairness Stakeholder Group and will liaise with 3VA. She will work with the Functional Lead to ensure data collected is in line with good practice and national guidance
<b>Who will sign off the action plan once all actions are completed?</b>	Head of Business Planning and Performance
<b>How will you share the results with stakeholders?</b>	Ongoing through the Stakeholder Forum

## Approval

<b>Report Author</b>	Pat Taylor
<b>Signed</b>	
<b>Dated</b>	23 October 2017

<b>Director/Assistant Director</b>	
<b>Signed</b>	
<b>Dated</b>	

Please now send this report to [EqualitiesEmail@lewes-eastbourne.gov.uk](mailto:EqualitiesEmail@lewes-eastbourne.gov.uk)

For completion by the Business Planning and Performance Team:

## Quality Checking

<b>Initial quality check carried out by</b>	Devan Briggs		
<b>Report cleared for internal quality checking or returned to EaFA author for further action</b>	Cleared	<input checked="" type="checkbox"/>	Returned to EaFA author for further action
	Tick the box that applies		
<b>Date sent to the internal equality checking group</b>			
<b>Record of comments/ recommendations made by this group</b>			
<b>Date comments sent back to EaFA author for inclusion in final draft report – where relevant</b>			
<b>Date final draft report received</b>			
<b>Final draft report cleared by (officer / date)</b>			

<b>Date of Equality and Fairness External Steering Group review</b>	
<b>Record of any comments/ recommendations made by this group</b>	
<b>Date comments/recommendations sent back to EaFA author for inclusion</b>	
<b>Date final EaFA received</b>	
<b>Final EaFA cleared by</b>	

<b>Date EaFA published on website</b>	
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