

STRONGER together



Equality and Fairness Analysis Report assessing the impact of proposed changes and decisions

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| Report title (same as Cabinet / Board report title) | Capability Policy |
| Report author (same as Cabinet / Board report author) | |
| Report author's email address – for comments | |
| 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 | |
| Date draft EaFA and report sent to Equalities Email and Cabinet / Board Officer | |

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

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| <p>Section A – What is your proposal and what will change as a result?</p> |
| <p>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?</p> |
| <p>To implement an aligned Capability Policy that will be used across both councils.</p> <p>The revision is required to support joint working across Eastbourne Borough Council (EBC) and Lewes District Council (LDC).</p> <p>The current Lewes Disciplinary policy covers both conduct and capability issues whereas Eastbourne has separate policies. Going forward we will have two policies one for Disciplinary and one for Capability. The Disciplinary policy has been looked at separately.</p> <p>Capability and Disciplinary are two different things however in some circumstances they may overlap. By having two separate policies it will clarify the different processes.</p> <p>The Capability policy is primarily to help and encourage employees to achieve and maintain required standards of performance.</p> <p>It is recognised that from time to time an individual's performance/capability may fall below the standards expected of a role. It is, therefore, important that the Council has a procedure in place which sets out how it will consider and deal with unsatisfactory performance so that staff are given the appropriate support to help them improve.</p> <p>The Capability Policy will be promoted to staff through The Hub (the council's intranet).</p> |
| <p>Who will be affected by the changes and how?</p> <p>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?</p> <p>Will there be any negative impacts on these groups which may arise? What are these?</p> <p>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?</p> <p>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.</p> |
| <p>The joint Capability policy provides clarity for everyone on the process surrounding performance management within the workplace and the possible consequences.</p> <p>Where possible, informal action is recommended before the formal capability procedure is applied.</p> <p>The policy is designed to operate within internal formal HR processes and will apply to all staff.</p> <p>Where individuals require clarification they are able to raise this with their manager or Human Resources.</p> |

The new policy would be posted on to our intranet and those who do not have access to a PC would be advised by their manager of changes to the policy.

Age - No impact

Disability – Reasonable adjustments will be made, where possible, to assist employees with a disability at all stages of the capability procedure.

Gender reassignment –No impact

Marriage and civil partnership – No impact

Pregnancy and maternity – The policy will apply to those who are pregnant and/or on maternity leave. If needed, reasonable adjustments will be made, where possible.

Race and ethnicity- No impact

Religion, belief and culture- No impact

Sex / gender- No impact

Sexual orientation- No impact

The detail for reasonable adjustments is as follows;

1. Equality and Diversity

- 1.1. Where a staff member requires reasonable adjustments to attend and/or participate in a formal capability meeting, they may be accompanied by an appropriate person to provide support, in addition to their right to be accompanied by a colleague or trade union official.
- 1.2. The manager responsible for the meetings at each stage will ensure reasonable adjustments and special arrangements are made. This includes ensuring information is in an accessible format, that meeting arrangements/venues are accessible to all parties and that reasonable adjustments are made to enable fair and complete participation by all parties.
- 1.3. Staff members are invited to advise their line manager and subsequent managers of their needs and requirements to ensure they are fulfilled throughout the process wherever possible. This right is also extended to the appeal hearing.

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 across both councils, as well as referring to current legislation and best practice in this subject area to formulate the policy.

Groups to be consulted include Joint Staff (including Unison) and Employment Committee, Consultative forum and Managers forum.

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?

There will be no impact as stated above. There is no data to suggest that the Capability Policy has previously impacted anyone protected under the Equality Act. No employees will suffer financial hardship as part of this joint procedure.

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.

The procedure will be subject to consultation and regular reviews.
We will ensure that capability cases are handled in a fair and consistent way and that staff have access to all of the information and support available to them.
We do not anticipate any negative impacts to the introduction of the joint capability policy.

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:

Signed:

Dated:

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.

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

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

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**.

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 |
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| 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.

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| Date final report submitted to Equalities and Cabinet Officer | |
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