

Body:	Scrutiny Committee
Date:	5 February 2018
Subject:	Equality and Fairness Policy, Equality Objectives, Annual Report and Action Plan
Report of:	Director of Regeneration and Planning
Ward(s):	All
Purpose of the report:	The report sets out progress against the Council's current Equality Objectives, a proposed Equality and Fairness policy, a new set of Equality Objectives, and an Action Plan for 2018.
Recommendations:	Scrutiny Committee is asked to <ul style="list-style-type: none"> - note the draft Equality and Fairness Policy set out at Appendix A; - note the Equality Objectives proposed for 2018 to 2021 and set out in paragraph 4.1; - note the Annual Report of activities carried out in 2017, set out at Appendix B; - note the Action Plan covered in Appendix C; - identify any points they would wish Cabinet to consider at its meeting on 7th February
Reasons for recommendations:	To promote equality and fairness and eliminate discrimination, ensuring fair access to services and opportunities; and to comply with the Council's general and specific duties under the Equality Act 2010.
Contact:	Pat Taylor, Telephone 01323 415909 or internally on extension 5909. Email: pat.taylor@lewes-eastbourne.gov.uk

1.0 Introduction

- 1.1 The council has statutory equality responsibilities, both as an employer and in the provision of the 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

2.0 Background

2.1 Specific duties which came into force in 2011 require public bodies, such as the Council, to publish information which shows their compliance with the general Equality Duty. The Equality and Human Rights Commission, which has a statutory responsibility to monitor compliance, has indicated that they would expect to see evidence of the organisation having due regard to the Equality Duty in its policy and decision-making. Refreshing the Council's policy is a key step in ensuring the Council has an effective process for ensuring full compliance with the Public Sector Equality Duty.

2.2 In addition, the specific duties require local authorities to set one or more Equality Objectives and review these regularly and to produce information annually to show how they have met the provisions of the Act, and review their objectives at least every four years.

2.3 This report details progress against EBC's Equality Objectives during 2017 and summarises some of the equality related work undertaken. This enables Members to scrutinise the Council's work in this area, and ensures that EBC fulfils the specific equality duties set out above.

3.0 Proposed policy

3.1 The proposed policy attached at Appendix A is a Joint Policy for EBC and

LDC and was adopted by LDC in November 2017. It makes explicit the policy principles embedded in the Equality and Fairness Strategy adopted by Eastbourne Borough Council in 2012 providing a clear statement of the values and principles which will underlie our work and services.

4.0 Proposed Equality Objectives

4.1 In November 2017 the Council published a consultation on a proposed set of Equality Objectives 2018 to 21 shared with LDC. We consulted on the following broad objectives which would bring together the key principles and aims of the objectives currently in place for LDC and EBC:

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.

4.2 We also identified a number of ways in which we propose to deliver these objectives.

4.3 An additional Objective was suggested during the consultation and it is proposed that this be added to the specific objectives listed under Objective 2 as follows:

- working to improve the Councils' understanding of the needs of different communities in the Borough through effective community profiling, consultation, liaison and involvement

This gives a fuller picture of the work which the Council undertakes to engage with different communities.

5.0 Annual Report 2017

5.1 In March 2017 we completed Phase One of our Joint Transformation Programme. This included the redesign of services and recruitment to a number of corporate and strategic roles, including Heads of Service. Phase Two began in the summer of 2017 and was completed at the end of the year. The JTP has been subject to full equality and fairness reviews throughout. An Equality and Fairness Forum chaired by a member of CMT, reviewed and signed-off analysis covering a range of JTP projects. In addition, a JTP Consultative Group comprising staff and union members carried out a quality check analysis on decisions affecting staff and our JTP EaF External Stakeholder Group provided a community viewpoint validating the equality work embedded within the JTP and all its projects.

- 5.2 Aligning policies has been a key area of work. The Equality and Fairness Policy and Objectives proposed in this report are one example of this. For example, we have also developed a shared Housing Allocations Policy with LDC and carried out a full Equality and Fairness analysis of this.
- 5.3 We have also reviewed our procedures for ensuring we take account of equality and fairness in decision making within the Council. The draft Action Plan for 2018 includes
1. the establishment of a shared internal Equality and Fairness Planning Group, chaired by the Chief Executive
 2. the establishment of a shared Equality and Fairness Stakeholder Group, chaired alternately by the Portfolio Holders responsible for Equality and Fairness in each Council and involving members from organisations in both Eastbourne and Lewes who work on behalf of groups protected under the Equality Act by virtue of age, disability, ethnic origin, gender, sexual orientation and faith.
- 5.4 We have also worked with our partners in the Safer East Sussex Partnership and colleagues working in Community Safety to provide hate crime training to front-line staff. This training was also shared with our community involvement groups, particularly the Cultural Involvement Group comprising Black, Asian and Minority Ethnic representatives, helping to raising awareness of and break down barriers to reporting.
- 5.5 We continue to support the Eastbourne Disability Involvement Group (EDIG). Once again, EDIG took part in the annual Eastbourne Senior's Forum 'Good Life Show', in support of Older People's Day. EDIG members have forged strong and effective relationships with the architects/developers of the Devonshire Park complex, and continue to engage purposefully on the proposed design. EDIG has also lobbied ESCC in opposition to their development of and support for shared spaces/surfaces. EDIG recently met with Stephen Lloyd MP to convey their concerns surrounding shared space, unsafe drop kerbs and changes to Southern Rail assisted travel services. Their working relationship with Possability People, a county-wide organisation helping to close the gap left behind by ESDA's closure, continues to strengthen. EDIG received presentations from council officers consulting on the Local Plan and Public Space Protection Orders. Finally, EDIG were very pleased the council installed a Changing Places along on the Seafront and consulted them on the design of the locking system. All in all EDIG continues to grow both in terms of its reputation and in regard to developing new opportunities for advancing equality for disabled people who live, work and visit the town.
- 5.6 Eastbourne's Faiths Forum recently agreed to become a virtual group with members regularly sharing news about their faith communities on the Faiths Forum Facebook Group and by email. Members contributed to events marking Holocaust Memorial Day 2018. In addition to the main

event to remember victims of the Holocaust and subsequent genocides, a screening of Nicky's Family, a film based on the rescue of Czech and Slovak children just before the outbreak of WWII was organised.

- 5.7 Eastbourne Seniors Forum (ESF) put on an excellent event for Older People's Day in October, with many local organisations attending to showcase their services.
- 5.8 In July BourneOut LGBT held Eastbourne's first Mardi Gras. The parade along the seafront and party in Princes Park were extremely successful. Plans for next year's Mardi Gras are well underway. BourneOut LGBT also collaborated with the Council and Terrance Higgins Trust to plan an event to mark World Aids Day 2017.
- 5.9 A review of the Council's work with the Eastbourne Cultural Involvement Group (ECIG) identified a need for greater ownership by BME members and for wider engagement with BME communities to be achieved. ECIG members were consulted and approved a proposal for coordination and administration of the group's meetings to be passed to one of its members, Diversity Resource International. The first meeting under the new arrangements took place on 30th January.
- 5.10 Many other projects have a significant impact on the achievement of our Equality Objectives. We work to promote equality and fairness through our grants programmes. We grant fund a number of organisations which provide key services to people on low incomes, including Eastbourne Citizens Advice Bureau, BHT Eastbourne Housing Advice service, Salvation Army and Shinewater Shaftesbury Centre. In 2017, we also funded Eastbourne & Wealden YMCA to work with young people in the town and 3VA to support the voluntary and community sector through a range of information, advice, guidance and training services. In our annual Small Grants programme we continue to prioritise projects which promote the inclusion of groups protected under the Equality Act. In 2017 we awarded grants to two organisations working with older people, five organisations working with disabled people, one organisation working with carers, and one LGBT organisation.
- 5.11 2016 saw the first Syrian refugees arrive in this area as part of the national programme to resettle vulnerable Syrian people funded by the government. In 2017 the Council identified housing for two families comprising nine 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 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.
- 5.12 We continue to work with a range of partners to promote awareness of Domestic Abuse through the White Ribbon Campaign, and work with the Safer East Sussex Team to tackle a range of issues, including hate

crime, which disproportionately affects people protected under the Equality Act.

- 5.13 In February 2016, in light of the implications of the JTP, CMT made the decision to defer undertaking a self-assessment against the Equality Framework for Local Government. This will be completed in conjunction with LDC once the transformation programme is complete.
- 5.14 An update on the EBC Action Plan for 2015 to 2020 is shown at Appendix B.

6.0 Proposed Action Plan for 2018

- 6.1 The Council's current Action Plan was developed for 2015 to 2020. In light of changes arising from JTP and need to align activities as far as possible with LDC, it is proposed that this 2015 to 2020 Action Plan be replaced with Annual Action Plans. Annual Plans allow us to be more responsive to needs identified in the course of each year.
- 6.2 An Action Plan for 2018 has been produced based on the proposed Equality and Fairness Policy and Equality Objectives covered in this report and is attached at Appendix C. The Action Plan covers a number of activities under each of our proposed Equality Objective headings.
- 6.3 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 with LDC, the Council now needs to carry out a full programme of reviews assessing the equality and fairness of its functions and services. A programme of reviews has been developed and is set out with the proposed Action Plan at Appendix C.

7.0 Consultation

Policy consultation

- 7.1 A draft version of the policy was shared initially with members of the two Councils' internal officer groups and the JTP Equality and Fairness Stakeholder Group and one amendment incorporated as clarification in paragraph 1.
- 7.2 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:

Eastbourne Cultural Involvement Group
Eastbourne Disability Involvement Group
Eastbourne Faiths Forum
Eastbourne Seniors Forum
Age Concern Eastbourne
Possability People
BourneOut LGBT

Seaford Seniors Forum
Lewes District Seniors Forum
Lewes Area Action Group
Access in Seaford and Newhaven
Peacehaven Area Accessibility Group
SCDA Sompriti

- 7.3 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 training on equality and fairness and the Council is discussing appropriate ways of including this within 3VA's training programme and network meetings. One respondent commented on the need for women's organisations to be represented in the Equality and Fairness Stakeholder Group.

Consultation on Equality Objectives

- 7.4 Public consultation on the proposed Equality Objectives took place between 7th November and 15th December 2017.
- 7.5 We received 33 responses to the consultation of which 28 were from individuals and 5 from organisations. The majority of those who responded agreed with the objectives overall. The percentage of those who agreed with specific actions detailed under each objective ranged from 73% to 94%.

8.0 Resource Implications

- 8.1 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.

9.0 Legal Implications

- 9.1 This report sets out how the council has met, and will continue to meet, (1) its public sector equality duty under section 149 Equality Act 2010 and (2) its specific equality duties under The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017

Lawyer consulted 13.12.17. Legal ref: 006982-JOINT-OD

10.0 Risk Management Implications

- 10.1 The following risks will arise if the recommendations set out at 13.1 below are not implemented:
- 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.

11.0 Implications for Equality and Fairness

- 11.1 This report is designed to meet the Council's duties under the Equality Act. An Equality and Fairness Analysis has been completed and is available with the Background Papers for this meeting.

Nazeya Hussain
Director of Regeneration and Planning

Background Papers:

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

[Equality Objectives Consultation Report](#)

Equality and Fairness Analysis – please contact report author

Appendices

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

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:

Advancing equality	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.
Age	People of any age.
Assessing impact on equality	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.
Civil partnership	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).
Direct discrimination	<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> <p style="padding-left: 40px;">In relation to protected characteristic of disability, where a disabled person is treated more favourably than a non-disabled person</p> <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>
Disability	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.
Disadvantage	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'.
Due regard	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.
Engagement	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.
Equality Act 2010	This brings together the majority of existing equality legislation into one place so that it is easier to use.
Equality Information	The information that you hold (or will collect) about people with protected characteristics, and the impact of your decisions and policies on them.
Equality Objectives	A requirement to prepare, set and publish objectives is one of the specific duties set out under the equality duty.
Equality outcome	The results that individuals or groups actually achieve and are able to benefit from. For example, equal pay between men and women.
Fostering good relations	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.
Function	The full range of a public authority's activities, duties and powers.
Gender	The wide social roles and relationships that structure men's and women's lives. These change over time and vary between cultures.
Gender reassignment	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.

General equality duty	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.
Harassment	<p>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.</p> <p>Unwanted conduct covers a wide range of behaviour, including spoken or written words or abuse, imagery, graffiti, physical 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>
Indirect discrimination	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.
Less favourable treatment	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.
Legitimate aim	<p>Examples are:</p> <ul style="list-style-type: none"> Ensuring that services and benefits are targeted at those who most need them; The fair exercise of powers; Ensuring the health and safety of those using the service provider’s service or others, provided risks are clearly specified; Preventing fraud or other forms of abuse or inappropriate use of services provided by the service provider; and Ensuring the wellbeing or dignity of those using the service. <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>
Marriage	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).
Maternity	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.
Pregnancy	The condition of being pregnant.
Proportionality	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.
Protected characteristic	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.
Public functions	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.
Race	A person of a particular racial group - includes nationality (including citizenship), colour, ethnic or national origins, including refugees and migrants and Gypsy and Travellers.
Reasonable adjustments	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.
Religion or belief	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).
Sex	A person who is a man or a women.
Sexual orientation	A person who has a sexual orientation (sexual attraction) towards someone of the same sex, the opposite sex, or either sex.
Transgender	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'.

<p>Transsexual</p>	<p>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.</p>
<p>Treating people more favourably</p>	<p>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.</p>
<p>Taking account of disabled people's disabilities</p>	<p>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.</p>

Appendix B – 2017 update on Action Plan

Equality and Fairness Corporate Action Plan 2015 - 2020

Corporate and Community Involvement Combined Action Plan 2015 – 2020				
Objective	Action	Target	Responsible Officer(s)	Progress
Enable local communities to participate in the way we design our services and make decisions about the future of our town.	The Council will continue to provide administrative support enabling community involvement groups to operate during 2015/16 and beyond. This to include face to face events and/or digital information sharing agreed with each group. Where appropriate inviting speakers and encouraging debate around the issues that matter to these groups. In regard to more formal face to face meetings ensuring agendas and notes are circulated according to the agreed terms of reference for each group.	Frequency and timings of meetings and/or style of delivery have been agreed with involvement groups.	Snr/Corporate Development Officer(s)	This action is ongoing. All involvement group meetings that require facilitation and/or administration from the council were serviced effectively and according to agreed terms of reference.
To build respect and understanding of each other across our communities by working with them to tackle prejudice, discrimination, extremism and hate	Provide information on hate incidents and hate crimes and other matters that respond to potential tension within groups and individuals.	Share stats on hate incidents with involvement groups at least twice a year	Hate Crime Co-ordinator (HCC) (Safer Sussex Partnership)	Hate crime stats are shared at relevant meetings and a number of Community Tensions meetings brought together statutory, voluntary and community organisations to discuss areas of

Corporate and Community Involvement Combined Action Plan 2015 – 2020

Objective	Action	Target	Responsible Officer(s)	Progress
crime.	Where appropriate, work in partnership with communities and agencies in order to: address areas of common concern; respond to specific issues within communities; and deliver initiatives that promote community cohesion via education.	At least one combined event to be held each year.	SCDO, HCC, Neighbourhood First and Community Safety officers	common concerns and appropriate means of remedy.
To lead by example and hold equality, fairness and human rights at the heart of everything with do	Ensure good practice achieved through engagement with involvement groups is shared across the Council and integrated into corporate and service planning, using existing internal communication channels and articles for newsletters.	Share information via appropriate internal channels	Corporate Development Officers	All such information is fed back to relevant service areas either directly at senior management level or via internal newsletters.
	Each area of the Council will work towards improving equality and fairness within their services by agreeing and setting departmental equality objectives which will be corporately monitored in line with agreed mechanisms. These to be aligned with priority projects published in the revised Corporate Plan or unique to each delivery area of the Council's Future Model.	Equality and fairness objectives to be in place March 2016 or the publication date of the refreshed Corporate Plan each year.	Corporate Management Team and third tier officers working with team leaders	Equality now features prominently in the Corporate Plan and is open to public scrutiny. Equality Objectives were carried forward into 2017 to allow time for a review, consultation and integration with LDC objectives.

Corporate and Community Involvement Combined Action Plan 2015 – 2020

Objective	Action	Target	Responsible Officer(s)	Progress
	<p>Work with community and voluntary organisations to explore avenues to enhance equal opportunities and fostering good relations for people with protected characteristics across all Council service areas.</p>	<p>Target dependent upon opportunities</p>	<p>Individual officers depending on opportunity</p>	<p>Close working with partner organisations has resulted in a number of events being held to promote participation in public life, particularly around the promotion of mental health, assistance dogs and the law, disabled access, complaints and redevelopment activity.</p>
	<p>Ensure fair recruitment practices are in place enabling service managers to recruit and develop new employees with advancing equality of opportunities as a key requirement.</p>	<p>HR policies are refreshed in line with equality practices and legislation</p>	<p>HR Advisors</p>	<p>Future Model (whole Council restructure) and the ongoing Joint Transformation Programme – (shared services arrangements and restructure affecting Eastbourne Borough Council, Lewes District Council and Eastbourne Homes Limited) have been subject to full and thorough analysis promoting fair recruitment practices to address potential equality implications.</p>

Corporate and Community Involvement Combined Action Plan 2015 – 2020

Objective	Action	Target	Responsible Officer(s)	Progress
	<p>Continue to be a partner in the Sussex Translation and Interpreting (SUSTI) Framework Agreement, monitoring user feedback and satisfaction levels.</p> <p>Advocate for the framework to retain its local focus when it is renewed in Dec 2016, enabling local providers to bid for work. Should the framework not retain its local focus to consider alternative options.</p>	<p>Attend twice yearly SUSTI monitoring meetings organised by ESCC.</p> <p>Take appropriate action once renewal parameters are agreed.</p>	<p>Snr/Corporate Development Officers</p>	<p>The new SUSTI contract restricts participating authorities choice of provider and encourages the use of nationally based organisations. As a result both EBC and LDC entered into a local Service Level Agreement with their preferred provider for foreign language interpretation and bi-lingual advocacy. BSL was also reviewed. For all other areas covered both Councils will refer to the SUSTI contract.</p>

Appendix C - Proposed Equality and Fairness Action Plan 2018 – Part 1

Ref	Action	Lead Officer	Resources	Target date
1.	Review and report on equality profile in relation to recruitment and development of staff	Human Resources Manager	Officer time	December 2018
2.	Publish Gender Pay Gap report	Human Resources Manager	Officer time	April 2018
3.	Establish joint Equality and Fairness Planning Group with EBC	Strategy and Partnerships Lead – Thriving Communities	Officer time	March 2018
4.	Establish joint Equality and Fairness Stakeholder Group with EBC	Strategy and Partnerships Lead – Thriving Communities	Officer time	March 2018
5.	Identify representatives of women’s interests to join Equality and Fairness Stakeholder Group	Strategy and Partnerships Lead – Thriving Communities	Officer time	March 2018
6.	Work with Diversity Resource International to develop the Eastbourne Cultural Involvement Group and ensure effective engagement with BAME communities	Strategy and Partnerships Lead – Thriving Communities	Officer time	December 2018
7.	Identify approaches to engagement which encourage participation by young people, women, people living in rural areas, faith communities, BAME communities and LGBT people and increase the proportion of responses from these groups	Customer Communications and Engagement Lead	Officer time	December 2018
8.	Provide training and guidance on Equality Duties and Equality Analysis for Heads of Service, Managers and Team Leader, Project Managers and members of Planning Group and Stakeholder Group	Strategy and Partnerships Lead – Thriving Communities	Officer time	May 2018

Ref	Action	Lead Officer	Resources	Target date
9.	Arrange training on Access Issues to Neighbourhood First teams and ensure Neighbourhood Officers are able to respond confidently and effectively to customer enquiries relating to access issues	Strategy and Partnerships Lead – Thriving Communities	Officer time	June 2018
10.	Promote 'White Ribbon' Activities and implement action plan in partnership with EBC and Domestic Abuse Working Group.	Specialist Advisor – Community Safety	Officer time	December 2018
11.	Promote activities commemorating anniversaries of Universal Suffrage 1918 legislation	Customer Communications and Engagement Lead	Officer time	December 2018
12.	Support the coordination of an inter-faith event if initiated by the Faiths Forum	Policy and Engagement Coordinator	Officer time	December 2018
13.	Coordinate events for World Aids Day and Holocaust Memorial Day	Policy and Engagement Coordinator		December 2018
14.	Continue prioritising funding for projects which promote the inclusion of communities and groups protected under the Equality Act and fund up to five events designed to raise awareness and foster positive relationships	Strategy and Partnerships Lead – Thriving Communities	Officer time	December 2018
15.	Review and align LDC/EBC Equality Monitoring Policies for JTP	Strategy and Partnerships Lead – Thriving Communities	Officer time	April 2018
16.	Work with voluntary sector partners to promote equality and fairness through training and network meetings	Strategy and Partnerships Lead – Thriving Communities	Officer time	December 2018
17.	Implement a 3-year programme of functional reviews following completion of Phase 2 JTP	Strategy and Partnerships Lead – Thriving Communities	Officer time	April 2018 to 2021
18.	Monitor use and quality of translation and interpreting	Strategy and Partnerships	Officer time	December 2018

Ref	Action	Lead Officer	Resources	Target date
	services	Lead – Thriving Communities		
19.	Undertake self-assessment against Equality Framework for Local Government	Strategy and Partnerships Lead – Thriving Communities	Officer time	Deferred until after completion if JTP (2019/20)

**Appendix C Proposed Equality and Fairness Action Plan 2018 – Part 2
Equality and Fairness review of Council Functions – 3 year programme 2018/19 to 2020/21**

Equality and Fairness timetable for Functional Reviews

Strategy, Planning and Regeneration: Naz Hussain	2018/19	2019/20	2020/21
Projects and Performance monitoring	Performance and Programmes Lead		
Communications	Customer Communications and Engagement Lead		
Consultation and engagement		Customer Communications and Engagement Lead	
Housing acquisition and development		SPL – Housing and Development	
Regeneration, business advice and support – 2019/20		Regeneration and Planning Policy	
Community Safety		SPL – Thriving Communities	
Community development and voluntary sector support services			SPL – Thriving Communities
Community grants	SPL – Thriving Communities		
Planning Policy development		Regeneration and Planning Policy	
Commercial Businesses and Property development		Group Head of Commercial Businesses	
Tourism and Enterprise: Phil Evans			
Tourist information services	Tourism and Enterprise		

Marketing	Tourism and Enterprise		
Sports and leisure facilities		Tourism and Enterprise	
Seafront services		Tourism and Enterprise	
Art, cultural and heritage services		Tourism and Enterprise	
Events			Tourism and Enterprise
Theatres			Tourism and Enterprise
Catering			Tourism and Enterprise
Homes First: Andy Chequers			
Homelessness services	Housing Needs and Allocations		
Housing advice and options		Housing Needs and Allocations	
Housing Needs registration and rehousing processes			Housing Needs and Allocations
Housing Grants and Loans – DFGs, Small Works, Energy saving etc.	Tenancy Services		
Housing repairs, maintenance and estate management			Tenancy Services
Tenancy management, tenancy support, complaints incl. neighbour nuisance		Tenancy Services	
Tenant participation and involvement		Tenancy Services	
Customer First, Account Management, Casework and Specialist Advice: Scot Reid and Tim Whelan			
Customer contact – phone and reception services and facilities	Customer Advice		
Customer contact – on-line services, website, on-line processes and 'report it'		Customer Advice	
Business Rate setting and collection	Specialist Advice /		

	Growth and Prosperity		
Household waste collections, recycling, bulky waste, trade waste	Specialist Advice / Quality Environment		
Management of parks and gardens		Specialist Advice / Quality Environment	
Health and Safety advice and inspections		Specialist Advice	
Cemeteries and crematoria, funeral services – including welfare funerals			Specialist Advice
Licensing and enforcement			Specialist Advice
Private housing inspection and HMO licensing		Specialist Advice	
Food hygiene and inspection		Specialist Advice	
Parks, gardens			Specialist Advice
Parking permits, fines and car parks			Specialist Advice
Neighbourhood First: Scot Reid and Julie Hickling			
Public Health – pests, filthy and verminous premises, pollution			Specialist Advice / Neighbourhood First
Neighbourhood response to complaints – e.g. graffiti, vandalism, etc.		Specialist Advice / Neighbourhood First	
Animal welfare			Specialist Advice / Neighbourhood First
Access Advice		Specialist Advice / Neighbourhood First	
HR - Becky Cooke			
Recruitment	Human Resources		
Staff development		Human Resources	
Democratic Services - Jackie Gavigan			
Committees and Councillors	Democratic Services		
Electoral Services		Democratic Services	

Finance			
Rent setting and collection	Financial Services / Account Management		
Council Tax setting and collection		Financial Services / Account Management	
Budgeting	Financial Services		
Service charges and fees		Financial Services	