

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
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>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> <p>Ensuring that services and benefits are targeted at those who most need them;</p> <p>The fair exercise of powers;</p> <p>Ensuring the health and safety of those using the service provider's service or others, provided risks are clearly specified;</p> <p>Preventing fraud or other forms of abuse or inappropriate use of services provided by the service provider; and</p> <p>Ensuring the wellbeing or dignity of those using the service.</p> <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'.
Transsexual	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.
Treating people more favourably	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.
Taking account of disabled people's disabilities	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.