

# Brighton and Hove City Council

## Equality and Inclusion Policy

2012-2015

Draft

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## **Section 1 – Our Vision for Equality and Inclusion**

### **About this Document**

This is the Equality and Inclusion Policy for Brighton and Hove City Council.

It covers the period 2012 to 2015 and describes our vision, objectives, key actions and measures to promote, facilitate and deliver equality both within Brighton and Hove City Council and the rest of the city.

It brings together and replaces our existing policies – ‘Working Towards an Inclusive City’ and the ‘Single Equalities Scheme’ – and dovetails as the Equalities Impact Assessment of our Corporate Plan 2011-15. It builds on our strong track record on equalities, including our excellence award from the 2011 Equality Framework for Local Government Diversity Peer Challenge.

The Policy fits within corporate, community and partner service frameworks and sets out key city issues and their impacts on protected equality and key social inclusion groups.

The Policy objectives also meet our requirements under the public sector duty of the Equality Act 2010 and as a strategic and corporate document, does not intend to describe all of the detail behind its objectives. This detail is captured in the council’s range of commissioning and delivery unit business plans and new actions are identified through Equality Impact Assessments, community engagement and service reviews.

Section 2 illustrates some of our example actions and following Full Council agreement to the draft objectives we will work with our internal and external stakeholders to create a fully comprehensive and measurable action plan which will be publically available.

The council is committed to a substantial and ongoing programme of Equalities Impact Assessments which will underpin this Policy and ensure that consideration of potential equality impacts are built into and inform all levels of decision making. Details on this process are available at Appendix 2.

As a live document and process, we welcome feedback on its content and impact and set out the ways in which we will actively seek this during its lifetime.

### **Our vision for Equality**

Brighton and Hove City Council recognises and welcomes the diversity of our city. We recognise that this is part of what makes our city great.

Tackling inequality is one of the three key priorities of our new Corporate Plan and we aim to be pro-active and effective in achieving this. Our additional focus on community engagement and sustainability means that we

acknowledge the importance of involving people to create stronger and cohesive communities and will commit to action and measures that do this.

‘We believe that everyone has a right to a decent home, a good education, a job that pays for a decent standard of living, good healthcare and to feel safe in their community. We also strongly believe that no one should be disadvantaged from birth due to the neighbourhood or family circumstances they are born into’. Corporate Plan, 2011 – 2015.

We recognise that there can be no fair society if some groups remain disadvantaged because of their legally protected characteristics: age, disability, gender, race/ethnicity, religion and belief, sexual orientation or gender reassignment. We also know – from our data and research - that there are additional people and places facing disadvantage in our city and have identified these as ‘social inclusion groups’, (see Appendix 1 for further information on social inclusion groups).

The current economic climate makes this simultaneously difficult and critically, more important than ever to achieve. At a time of recession and significant public spending reform we recognise that many of our most vulnerable groups will face additional challenges during the next few years.

The council recognises, values and seeks to protect basic human rights as the basic rights and freedoms that belong to every person. Together with other statutory services in the city we adopted an ‘Equality and Human Rights Charter’ in 2010. This provides a framework for improving services in response to the diversity of communities in the city and progress and impact are reported to the City Inclusion Partnership. Further information on the Charter is available on our Website or from the Communities and Equality Team.

### **Working in Partnership**

The council has a strong history of working with partners and an established City Inclusion Partnership, which brings together the majority of public sector organisations serving local people and representatives from the community and voluntary sector.

The council recognises the specialist role that the community and voluntary sector plays in tackling inequality through its strong roots in service user involvement, community engagement and social justice.

The Council has sought to change the way in which it commissions and delivers services through a new model of working called ‘Intelligent Commissioning’. Equality and inclusion are embedded in this as key criteria for decision making and impact assessment and we are committed to extending this through our service level agreements.

The council also recognises our diverse private sector and the range of opportunities and services it offers the people who live and work in the city.

With a large proportion of small to medium sized businesses we work in partnership to support them in promoting cohesion and sustainability.

## **City Issues**

As part of ensuring that this new policy is 'fit for purpose', research work has been undertaken to review as many data and intelligence reports as possible. These include the Reducing Inequalities Review, Joint Services Needs Assessment, Child Poverty Needs Assessment, Annual Report of the Director of Public Health 2010 and the State of the City Survey 2011.

From this data we have established a range of priority equality and inclusion issues for the city that are highlighted in our corporate plan and provide a framework for this Policy.

As a commissioning organisation we have also set out our plans to tackle these issues in our new City Commissioning Plan and further detail on this is available on our Website or from the Communities and Equality Team.

### Community safety.

Community safety issues are high priority for most of our residents, particularly those from minority groups. Identified priorities include tackling hate crime, domestic and sexual violence, substance misuse and fear of crime.

### Community cohesion.

Brighton and Hove is seen as a tolerant and inclusive city. The city is home to settled communities but also has a high number of transient, seasonal and mobile groups. Inevitably there can be tensions within and between its diverse communities and we will act on our responsibility to promote and support cohesion wherever possible.

### Financial inclusion

Recession, public spending changes and welfare reform mean that there is likely to be many more people and groups facing economic disadvantage in the city. We want to help tackle this by designing, commissioning and delivering services that reduce and avoid negative impacts wherever possible.

### Community involvement.

Our commitment to engagement, local decision making and new forms of service delivery provide a stronger focus on volunteering and representation. As a result we recognise the importance of listening to diverse voices and tackling barriers to participation.

### Employment.

At a time of recession we recognise our role in providing, supporting and encouraging employment opportunities in the city. We recognise that some groups face more barriers to employment than others and commit to tackling this wherever possible.

### Housing

We recognise that there is a shortage of affordable housing in the city and together with housing benefit reform understand that this will have additional impacts for people facing disadvantage. Together with the mixed economy of housing providers in the city we will work more creatively to help residents find secure housing and prevent homelessness.

### Health and wellbeing

We believe that life expectancy should not be determined by wealth or postcode. Tackling health inequalities will run through everything the council does and we recognise the relative high levels of problems with mental health, substance and alcohol misuse need to be addressed through robust partnerships.

### Sustainability

The council recognises that a sustainable city is not just about protecting the environment but building flourishing communities and individuals capable of resilience and action. It is also about sustainable partnerships that help to maximise available resources for tackling inequality and harness assets.

## **Getting Involved**

This Policy and its objectives have been created through a process of consultation. We have incorporated the feedback from this into the final version. Further detail of this consultation process is described at Appendix 4.

However, we recognise that our Policy will only be successful if there is clear action with transparent and measurable reporting of progress. We want to ensure that we hear from our partners and residents about the effectiveness of the objective's set out here. We also want to do this throughout the lifetime of the Policy, not just at the beginning or end.

As a result we intend to introduce a new process of engagement that provides regular opportunities for you to tell us how we are doing. This will involve formal mechanisms for feedback and review and an opportunity to refresh the content of this Policy where necessary.

Further details of this work are available from the Communities and Equality Team and we welcome and encourage your involvement.

## **Contact Information**

This document has been produced by the Communities and Equality Team of Brighton and Hove City Council. Key contact officers for this work are:

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## **Section 2: Equality Objectives, Measures and Key Actions**

### **A. Promoting equality and inclusion through better engagement between the council and communities, groups and individuals**

#### Objectives

A1. We will engage with representative groups, networks and individuals, to ensure that communities of interest, identity and place are given an opportunity to influence review, design and delivery of services

A2. When we engage with communities we will identify which groups should be involved, consider how best to reach and engage with them and use a range of approaches and activities to ensure that engagement is accessible and appropriate for diverse communities

A3. We will make sure that our staff have the skills and confidence to engage with all communities in the city to ensure that engagement is appropriate and positive for everyone.

A4. We will work with communities to raise awareness and create opportunities for working on joint projects to improve community cohesion between 'protected characteristics' groups and to reduce inequality.

#### Measures

- Narrative measures: Equality Impact Assessment and Commissioning Needs Assessments; examples of specific projects and activities
- Corporate Plan: Increase in the percentage of people who feel they can influence decisions in their locality
- Learning and Development measures: Take-up and usage of learning services by protected characteristic and narrative measures from evaluations.
- Narrative measures:

#### Key Actions

We will:

- support the City Engagement Partnership (CEP) which oversees the implementation of the city-wide Community Engagement Framework.
- use our Intelligent Commissioning (IC) process to engage with relevant people and groups to inform the development, commissioning and review of services.
- The Equality Impact Assessment (EIA) process includes a review of engagement feedback to inform assessment of potential impact.

- use Community Development Commissioning to support people in neighbourhoods to have a voice; and to identify and address issues relating to specific 'protected characteristics' groups in neighbourhoods.
- develop two Neighbourhood Council pilots that will enable communities to work with statutory services to direct, manage and run some of their own services within the specific areas. This will include support to specifically engage communities of interest.
- develop appropriate feedback mechanisms that enable communities to know how their views have influenced service design.
- focus additional resources on engaging with communities of interest and identity, specifically Black and Minority Ethnic (BME) and Lesbian, Gay, Bisexual and Transgender (LGBT).
- work with partners through the City Inclusion Partnership (CIP) to identify city-wide issues and barriers to engagement, and identify solutions and ways to improve joint working.
- continue to work with equality networks across the city to use their links to and knowledge of diverse communities to inform our practice.
- use information gathered through the Neighbourhood Councils consultation focus groups that will support our engagement practices with LGBT, BME, and Disabled communities.
- ensure that relevant diverse groups are enabled to engage with the Intelligent Commissioning (IC) process through appropriate engagement processes.
- raise awareness of and implement the Community Engagement Framework (CEF) standards across the council and with partners and maximise opportunities for integrated approaches.
- develop additional forms of engagement through funding and supporting the use of technology and social media by community and voluntary groups. Many of these focus on engaging 'hard to reach communities' such as those with learning disabilities, gypsies and travellers and Not in Education, Employment or Training (NEET) young people.
- use cross-sector training, like our Community Engagement Framework training, to share skills, knowledge and experience across the statutory and community and voluntary sectors.
- support the integration of Neighbourhood Governance arrangements into the Community Engagement Training programme and if needed develop some bespoke learning.



- develop, share and use resources and guidance which will support positive and appropriate community engagement.
- use local knowledge and data to inform community development activity to support different groups to come together in neighbourhoods.
- deliver our Discretionary Grants Programme 2012-16 'supporting a thriving third sector that promotes engagement and equality by encouraging cohesive communities to have active voices'.
- provide some specific capacity building support for communities of interest to be involved in new forms of Neighbourhood Governance.
- continue to support and facilitate People's Day as a community event which has been designed to increase understanding and to celebrate the diverse communities.
- review the learning from the Breakthrough Lead Commissioner group to develop effective opportunities for partnership bids.
- support initiatives such as Housing Tenants participation, LINK / Healthwatch and Neighbourhood Governance Structures to enable residents to be involved in developing ideas of how collaborative partnerships might work.

## **B. Promoting equality and inclusion through more effective joint work with statutory bodies and other partners**

### Objectives

B1. We will work in our services and with our partners to ensure that there is an improvement in relations between different 'protected characteristics' groups.

B2. We will continue to improve the quality of our partnerships to make sure that:

- a) we join up more services for vulnerable and marginalised people, households and communities to make them more effective;
- b) we work towards eliminating bullying, harassment, discrimination and hate incidents / crimes and appropriately address them wherever they might take place in the city;
- c) we identify and use opportunities for early intervention and preventative work to stop people experiencing disadvantage or barriers in their lives.

### Measures

- Corporate Plan: % of people who believe that people from different backgrounds get on well together in their local area; % of people who think that not treating one another with respect and consideration is a problem in their area
- Narrative measure: Commissioning
- Corporate Plan: levels of domestic violence, hate incidents and crimes.
- Corporate Plan: measures of educational attainment; homelessness prevention; care leavers in education, employment or training; family intervention work to better support children at risk; life expectancy between communities; take-up of formal childcare by low income working families.

### Key Actions

We will

- use the City Inclusion Partnership to identify opportunities for joint work and to support local and national initiatives.
- Equality Impact Assessments require assessment of the potential impact of a service, policy or strategy on community cohesion.
- work with our partners in health and the emerging CCG to ensure that we are funding and supporting between and across all groups with 'protected characteristics'
- work through the Partnership Community Safety Team to promote an understanding of, and engagement with, diverse communities.

- continue to be involved in key partnerships addressing inequality city-wide.
- use Intelligent Commissioning (IC) to match resources and activity to need, and performance manage our services.
- The Partnership Community Safety Team will continue to work with all relevant partners to raise awareness, increase trust and reporting, appropriately deal with reports and feed back on work.
- use Intelligent Commissioning processes to identify the key points where early interventions can be most effective and work with partners to develop appropriate and effective preventative work.
- develop a range of services and activities to support financial inclusion – targeted at those most affected by welfare reform and recession (lone parents, disabled people, younger people, Black and Minority Ethnic people and those experiencing social-economic disadvantage).

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## **C. Promoting equality and inclusion through fair and accessible services**

### Objectives

C1. We will continue to improve the accessibility of our services and our facilities - including buildings, information, communication, appropriate use of different technologies and events – for service-users.

C2. We will develop and provide relevant and appropriate services to ensure that they meet the needs of individual users, targeting those who are most in need and who face additional barriers.

C3. We will develop and use a tailored approach for services to make sure that we identify specific needs and barriers and respond appropriately.

C4. We will ensure full compliance with our Equality Impact Assessment (EIA) procedure to ensure that we give due regard to the impact and potential impact on all people with 'protected characteristics' in shaping policy, in delivering services, and in relation to our employees – and so we can evidence this

### Measures

- City Tracker: measure of satisfaction with council.
- Corporate Plan: Increase in customer satisfaction levels
- Organisational Health Report: % of publicly accessible council buildings suitable for and accessible to people with disabilities.
- Narrative measure: Equality Impact Assessments, Commissioning Strategies
- Learning and Development measures: Take-up and usage of learning services by protected characteristic and narrative measures from evaluations.
- Staff Survey: measures of fair treatment; listening to customers' suggestions on services improvement; services recognising customer diversity
- Reporting against the Equality Impact Assessment timetable.
- Equality Implications sections of Council reports.
- Papers of council meetings.

### Key Actions

We will:

- use our Improving Customer Experience programme to consider diverse people's needs and publicise a range of ways of accessing services.
- Equality Impact Assessments (EIAs) require a consideration of different people's needs to develop responsive and appropriate services.

- embed Community Engagement & Equalities principles in Intelligent Commissioning (IC): support the development and implementation of IC; and engage with learning in the process.
- support ongoing Equality Impact Assessment (EIA) work by council Units and oversee this process.
- provide information and data to Members about the risks to groups of service funding reductions, through Budget Equality Impact Assessments (EIAs).
- conduct ongoing equalities monitoring of the impact of budget changes locally and of funding reductions nationally to identify trends in disproportionate or unanticipated impact at an early stage to address them.
- ensure that learning from Intelligent Commissioning (IC) pilots is embedded in throughout the IC process.
- ensure we are using the mechanisms to allow community and services user views to be heard when developing services.
- use the IC process to embed flexible but robust equalities and community engagement related criteria in performance management and contracts.
- keep an up-to-date timetable of all Equality Impact Assessments planned across the council and monitor progress against this.
- quality-check all completed EIAs and offer support to Units and others completing them to ensure they are effective.
- publish summaries of all EIAs and ensure that all EIAs are freely available to ensure that anyone can review our process and the actions we have planned.
- where EIAs identify gaps in monitoring we will prioritise these and address them as part of Unit's action plans.

## **D. Promoting equality and inclusion through improving the quality and breadth of information held and used by the council**

### Objectives

D1. We will address gaps in our knowledge to ensure that we are prioritising key equality areas in our work; and we will use data and consultation from Equality Impact Assessments and service reviews to fill gaps and inform targeted work.

D2. We will enhance our data collection and analysis processes, working with our partners, so that we can effectively use equality data to improve services.

D3. We will collect, analyse and publish workforce data to meet our duties in the Equality Act 2010, and use the information to inform workforce policies and practices.

D4. We will use internal and external communications to ensure that we raise awareness and share information on equality and inclusion issues with staff, service-users, communities, partners and others.

### Measures

- Narrative measures: Commissioning Needs Assessments; Equality Impact Assessments; from City-Wide Needs Assessment Group; on Communications Plan and evaluation of this
- Examples of data and information being used by Human Resources in policy development.

### Key Actions

We will:

- share and use information gathered through the Intelligent Commissioning (IC) Needs Assessment processes to inform both the services commissioned and other IC processes.
- use new Neighbourhood Governance approaches to support our knowledge and understanding of both people and place.
- fill data gaps, where appropriate:
  - Planning and completing a consultation on need in Black and Minority Ethnic Communities, with other statutory and community and voluntary sector partners.
  - Using the findings of Countability (barriers encountered by disabled people), a partnership project with The Fed Centre for Independent Living, University of Sussex, Sussex Police, and East Sussex Fire and Rescue.
- use the City-wide Data Group to co-ordinate data collection and use across the city, linking in with IC Needs Assessments.

- in compliance with our legal duties we have published workforce diversity data on our website and will do so annually.
- use workforce diversity data to inform the development of the council's People Strategy and actions to implement this.
- develop a wide-ranging campaign to advertise the Equality and Inclusion Policy and its related issues internally and externally, using a range of different media and formats.

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## **E. Promoting equality and inclusion through our employment and procurement practices**

NB: The Council's People Strategy will set out a number of actions around promoting equality and inclusion within our workplace (due April 2012).

### Objectives

E1. We will strengthen our employment monitoring and use it to continue to improve the diversity of our workforce at all levels to ensure that we reflect the communities we serve.

E2. The council will not tolerate bullying and harassment at any level of the organisation.

We will develop a workplace environment where all staff feel they are treated with dignity and respect.

E3 We will ensure that our pay and reward system is fair and transparent.

E4. We will adopt a Living Wage for our staff and lead by example to encourage other businesses within the city to pay their employees at a Living Wage level.

E5. We will continue to improve access for staff, including disabled staff, to our buildings and through appropriate employment policies which are developed in consultation with disabled staff to ensure that needs are identified and met.

E6. We will use learning and development to increase staff knowledge and skill to ensure they are confident to:

- plan and deliver services fairly, equally and appropriately to all users;
- consider and respond to the needs of all 'protected characteristic' groups;
- and
- recognise the issues for people experiencing multiple disadvantage.

E7. We will ensure that any organisations contracted by the council through the Procurement Team or using their processes and documentation meet our equality and inclusion objectives / requirements for both their workforce and their service users.

### Measures

- Organisational Health Report: % of top 5% of earners and employees overall who declare that they are Women, from BME communities, Disabled
- Narrative measure: activities to promote recruitment among different communities
- Corporate Plan: Decrease in percentage of employees responding that they have experienced discrimination or harassment or bullying in the last year.



- Staff Survey: measures of bullying, discrimination and harassment at work; respect from colleagues; confidence in employer taking action to tackle discrimination, harassment or bullying; observance of religious festivals and holidays; support in meeting my childcare and caring responsibilities
- Narrative measures on introduction of Living Wage and list of companies adopting it; Disabled Workers' Forum survey; analysis by HR and Premises Teams
- Learning and Development measures: Take-up and usage of learning services by protected characteristic and narrative measures from evaluations.
- Contract compliance and narrative examples

### Key Actions

We will:

- analyse workforce information by protected characteristic.
- publish workforce data by protected characteristic.
- use this information to identify appropriate targets and areas for action.
- increase pro-active approaches to recruitment of under-represented staff throughout the organisation and at senior levels
- analyse data (including the staff survey) to identify perceptions and outcomes from formal procedures relating to dignity and respect.
- review our Dignity and Respect (D&R) procedure for handling complaints.
- work with the minority workers' fora to help us achieve our objectives.
- identify and resolve any potential pay issues post single status implementation.
- The Council adopted a Living Wage of £7.19 per hour with effect from September 2011. This applies to all employees and casual workers.
- ensure that all employment policy reviews involve consultation with trade unions and worker forums
- continue work with Property & Design to ensure access arrangements are suitable and sufficient.
- work with the feedback gathered through the People Strategy and 2011 Staff Survey, to introduce a behaviour and performance management framework that advocates the behaviour and skill we want colleagues to model.

- continue to ensure skills in working with diverse communities are embedded through-out all learning programmes.
- through the Procurement Team will support and lead the adoption of 'Best Practice' Procurement across the organisation.

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## Appendix One

### The Law - The Equality Act 2010 and Human Rights Act 1998

#### A. The Equality Act 2010

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and inequality. All sections of the Act are now in force.

The public sector Equality Duty came into force on 5 April 2011. The Duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, in delivering services, and in relation to their own employees.

The new Equality Duty supports good decision-making: it encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs.

By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective. The Equality Duty therefore helps public bodies to deliver the Government's overall objectives for public services.

The new Equality Duty replaces the three previous public sector equality duties – for race, disability and gender. The new Equality Duty covers the following **protected characteristics**:

- **age** – people of all ages
- **disability** – mental and physical impairments
- **sex** – men/boys and women/girls
- **gender reassignment**
- **race** – this includes ethnic or national origins, colour or nationality
- **religion or belief** – this includes lack of belief
- **sexual orientation** –bisexual, gay, heterosexual and lesbian people
- **pregnancy and maternity**

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

The Equality Duty has three aims. It requires public bodies to have **due regard** to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;

- **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.

Having **due regard** means 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 the decisions reached by public bodies – such as in 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 from others.

Having due regard to the need to **advance equality of opportunity** involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics;
- meet the needs of people with protected characteristics; and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

**Fostering good relations** involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the Equality Duty may involve treating some people better than others, as far as this is allowed by discrimination law. 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.

### **Perceptive Discrimination and Associative Discrimination**

The Act introduces two additional forms of unlawful behaviour:

- Perceptive discrimination is direct discrimination against a person because others believe that they have a protected characteristic, whether or not they do have it (for example discriminating against someone because you think they are of a particular religion, even if they are not).
- Associative discrimination is where a victim of discrimination does not have a protected characteristic but is discriminated against because of their association with someone who does - e.g. the parent of a disabled child.

### **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 therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

### **Demonstrating compliance with the Equality Duty**

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they considered the aims of the Equality Duty. In Brighton and Hove City Council we use the Equality Impact Assessment process to do this.

Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Duty where a function or policy has the potential to have a substantial effect on discrimination or equality of opportunity for the public or employees, and less consideration where the potential effect on equality is slight.

The Duty requires public bodies to think about people's different needs and how these can be met.

### **Inclusion Groups**

In addition to its duties under the Equality Act the Council is committed to action that promotes equality and eliminates discrimination in all areas, throughout the community it serves.

Research on the city's communities has provided us with very detailed information and enabled us to identify groups of people who may need specific support or services if we are to deliver equality and achieve a truly inclusive city. These groups are often called 'inclusion groups'.

These are:

- Homeless people
- Unemployed people
- People employed on a part-time, temporary or casual basis
- Lone parents
- Carers
- People with substance misuse issues
- Refugees, migrants and asylum seekers
- Ex-offenders and people with unrelated convictions<sup>1</sup>
- People experiencing domestic and sexual violence
- People experiencing socio-economic disadvantage

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<sup>1</sup> An unrelated conviction is a minor conviction which has no impact upon the individual's ability to do a particular job or receive a service where access criteria apply. For instance, somebody with a minor driving conviction would not be prevented from working with vulnerable adults.

## B. The Human Rights Act 1998

The Human Rights Act 1998 (also known as the Act or the HRA) came into force in the United Kingdom in October 2000. It is composed of a series of sections that have the effect of codifying the protections in the European Convention on Human Rights into UK law.

Human rights are based on core principles like dignity, fairness, equality, respect and autonomy. They are relevant to day-to-day life and protect people's freedom to control their own lives, effectively take part in decisions made by public authorities which impact upon their rights, and get fair and equal services from public authorities.

They help people to flourish and fulfil their potential through:

- being safe and protected from harm
- being treated fairly and with dignity
- living the life you choose
- taking an active part in your community and wider society.

The Act applies to all public authorities (such as central government departments, local authorities and NHS Trusts) and other bodies performing public functions (such as private companies operating prisons). These organisations must comply with the Act – and people's human rights – when providing a service or making decisions that have a decisive impact upon people's rights.

This means, among other things, that individuals can take human rights cases in domestic courts; they no longer have to go to Strasbourg to argue their case in the European Court of Human Rights.

The Act sets out the fundamental rights and freedoms that individuals in the UK have access to. They include:

- Right to life
- Freedom from torture and inhuman or degrading treatment
- Right to liberty and security
- Freedom from slavery and forced labour
- Right to a fair trial
- No punishment without law
- Respect for your private and family life, home and correspondence
- Freedom of thought, belief and religion
- Freedom of expression
- Freedom of assembly and association
- Right to marry and start a family
- Protection from discrimination in respect of these these rights and freedoms
- Right to peaceful enjoyment of your property
- Right to education
- Right to participate in free elections

## **Appendix 2**

### **Our approach to Equality Impact Assessment (EIA)**

#### **Aims of Equality Impact Assessments**

Equality Impact Assessments (EIAs) are about service improvement.

They help us to develop and deliver efficient, appropriate and responsive services that meet the needs of diverse individuals and communities. They also enable us to demonstrate our compliance with the Equality Act 2010.

Our duty within the Equality Act is about good decision-making: it encourages councils (and other public bodies) to understand how different people will be affected by our activities so that policies and services are appropriate and accessible to all and meet different people's needs.

As a public sector body we need to be able to evidence that we have given due regard to the impact and potential impact on all people with 'protected characteristics'<sup>2</sup> in shaping policy, in delivering services, and in relation to our own employees. We also consider other groups in our EIA process (see below) and assess the potential impact on community cohesion.

The Equality Impact Assessment process enables us to meet our legal duties and provide better services by:

- assessing impact on different groups consistently and methodically,
- using the findings to inform decision-making, increasing opportunities for positive benefits and reducing or removing negative impacts,
- developing actions and monitoring processes to address issues, and
- evidencing that we completed this process.

The aims of an Equality Impact Assessment become especially important at times of straitened budgets, to enable us to consider:

- what the council is trying to achieve
- what impact the decision will have on different groups
- how to target resources to those who may be most vulnerable
- how to develop and fund services which respond to people's diverse needs and save money by getting it right first time

#### **EIAs and the Equality Act 2010**

The Equality Duty in the Act has three aims. (For full information see Appendix 1 of the Policy) It requires public bodies to have 'due regard'<sup>3</sup> to the need to:

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<sup>2</sup> 'Protected characteristics' are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. (Also marriage and civil partnership, but only in relation to eliminating discrimination.)

<sup>3</sup> Having 'due regard' means 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

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- 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.

### **The Council's EIA Process**

In the council EIAs should be completed on all new policies, strategies and services; and existing services every three years, or at re-design – whenever is most relevant. Actions defined in the EIAs feed into team/Unit plans or into the commissioning process.

Equality Impact Assessment in the council follows the following steps:

1. Develop a core team who will oversee the EIA, offering different perspectives and challenge, and identify others who will contribute.
2. Define the aims/objectives of the policy/service: what is the most appropriate range of the EIA. The EIA must be proportionate and its findings must be meaningful.
3. Make an initial scope of the groups which might be affected and the potential issues. Consider all aspects of the service (including staff and people eligible but not currently using the service).
4. Assess existing data to identify what is already known (locally and/or nationally) – where there are gaps you may be able to conduct new research.
5. Assess what consultation has already been done (locally and/or nationally) – again if there are gaps you may be able to undertake consultation, using the Community Engagement Framework guidance.
6. Use the data and consultation to assess impact: identify whether there are potential differences in how groups find out about the service, access it, or gain benefit from it.
7. Identify all the possible actions which will reduce adverse and promote positive impacts. Unlawful adverse impact must be addressed.
8. Review all the possible actions and identify which ones are possible within the service, with a rationale for the choices. Actions must be transferred into Unit or Team Plans so that they are monitored and reviewed regularly.

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influence the decisions reached by public bodies – such as in 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 from others.



9. EIAs are signed off within Units and by the Communities and Equality team. They are public documents and a summary version is made publicly available. The full EIA is available on request.
10. The actions from the EIA are then monitored and reviewed as part of usual service delivery. Changes in the service or policy, or in the city, or in data/consultation should be considered to see whether they require a new EIA.

## **Assessing Equality Impact in Intelligent Commissioning**

The EIA principles have been built into the Intelligent Commissioning (IC) process (along with consideration of the other cross-cutting strands of community engagement and sustainability). This means assessment of potential equality impacts is built in throughout the IC stages and informs the development of the commissioned service.

## **Groups Considered in the EIA Process**

All the ‘protected characteristic’ groups are considered in the EIA process, depending on the service or policy and what differences there are in access or need for different groups.

There are also groups identified locally which may need to be considered by different services. We often call them ‘inclusion groups’. They may vary by service or area, but include:

- Homeless people
- Unemployed people
- People employed on a part-time, temporary or casual basis
- Lone parents
- Carers
- People with substance misuse issues
- Refugees, migrants and asylum seekers
- Ex-offenders and people with unrelated convictions<sup>4</sup>
- People experiencing domestic and sexual violence
- People experiencing socio-economic disadvantage

For example, in raising educational attainment the needs of White British boys, Gypsy and Traveller children, and Bangladeshi children might be a key focus. In provision of some kinds of housing the needs of disabled people with physical, sensory or mental health impairments, lone parents, or young people leaving care may be the focus.

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<sup>4</sup> An unrelated conviction is a minor conviction which has no impact upon the individual’s ability to do a particular job or receive a service where access criteria apply. For instance, somebody with a minor driving conviction would not be prevented from working with vulnerable adults.

## **Quality-checking and Monitoring EIAs**

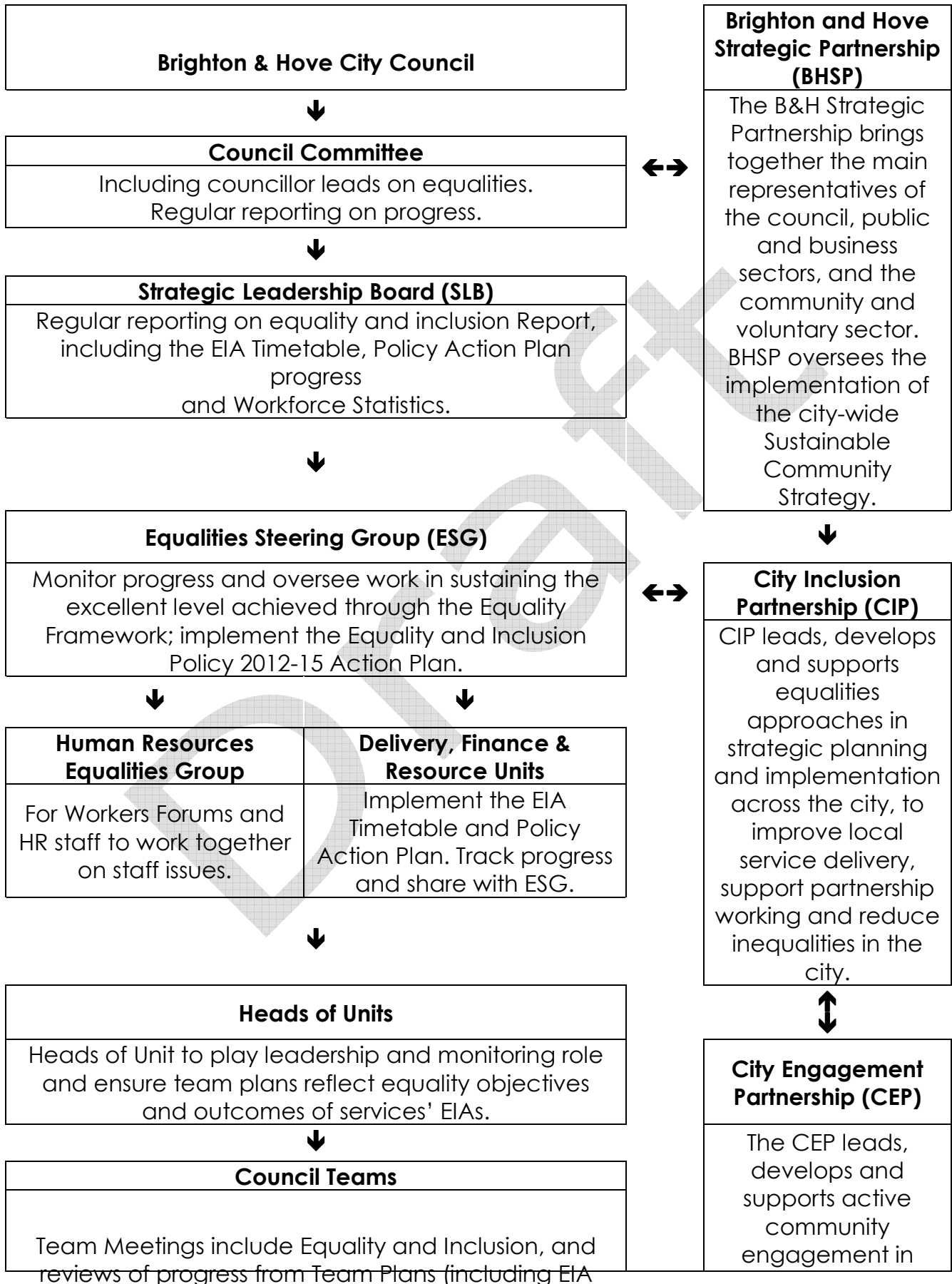
The Communities and Equality Team in the council provides support and guidance on completing EIAs and must sign off an EIA before it is published. The Team also oversees the EIA timetable which contains information on all the assessments planned in the different council units, including commissioning.

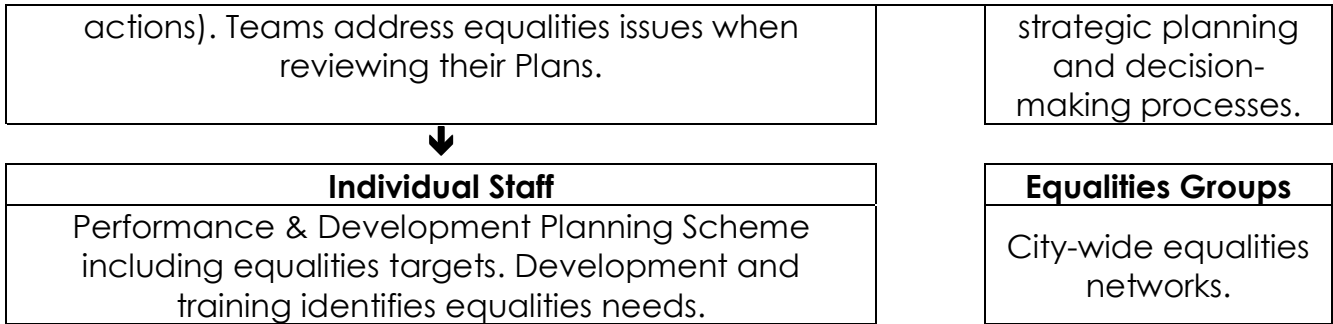
The corporate Equality Steering Group, formed of equality champions from each of the Units, also monitors progress against the timetable.

The Strategic Leadership Board (SLB) also receives regular updates on progress against the timetable.

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## Appendix Three Equalities Performance Management Framework





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