

Budget 2018/19 Equality Impact Assessments (EIAs) for impacts on Service-Users and Staff: Legal Duties, Process, Assessment and Planned Actions

Summary

The council is legally required under s149 of the Equality Act 2010 to evidence how it has considered its equality duty in its budget-setting process. Evidence can be provided in different forms but it is commonly held across local authorities that the most effective method is the completion of Equality Impact Assessments (EIAs). These have been undertaken on all budget proposals where there may be a potential impact on service-users and on staff, related to their legally protected characteristics.

Members are referred to the full text of s149 of the Equality Act 2010 – included at the end of this document – which must be considered when making a decision on the matters set out in this report.

All budget EIAs are available in Appendix 12 and should be considered alongside the relevant budget proposal. Within the EIAs, impacts are identified and mitigating actions proposed, where possible.

This document explains the EIA process, identifies the cumulative impacts across all the proposals, and lists overall planned mitigating actions. The budget reductions will inevitably impact on specific individuals and groups, but the proposed mitigating actions are intended to reduce these as far as possible, with monitoring of actual impact to enable appropriate interventions as proposals are implemented.

Service-Users

Of 24 service-user all are assessed as 3 or below (five are assessed at level 3, 15 at level 2 and four at level 1, the smallest impacts).

At this stage, impacts are identified across a number of budget proposals on the following groups of service-users:

- Disability
- Age: younger people
- Ethnicity
- Child Poverty
- Carers
- Sexual orientation

The identified mitigating actions at this stage are:

- **Changed or reduced provision:** changes can be disruptive for service-users and their carers, especially the most vulnerable. However, they can also enable more tailored and asset-based approaches. Statutory provision will always be maintained.

- **Communicating changes and engaging with stakeholders:** to enable people to give views on and influence changes, and/or prepare for them, engagement must be accessible and fair.
- **Using individual assessments and wider data to target support:** robust information must inform any changes, so specific needs can be addressed and efficient and effective services provided.
- **Priority groups:** increasing targeted interventions and services can draw on robust data and support focused interventions. However, outreach work to some groups may reduce as a result of less funding.
- **Commissioning:** while improving the value gained from commissioned services, equalities requirements must be built into commissioning processes and contracts to ensure diverse needs are appropriately identified, addressed and monitored.
- **Collaboration:** more efficient and closer partnerships within the council and across the city can fill gaps and to increase efficiency. However, financial pressures can restrict capacity and resource to become more integrated.
- **Continue with the agreed Direction of Travel for Adult Social Care:** focusing upon reducing demand through a number of approaches (including increasing access to advice and information, asset based social work integration with health colleagues, increased personalisation, learning the lessons of effective models, and increased use of supported accommodation will reduce the reliance on residential and nursing care.
- **Welfare Reform:** changes to council services are taking place in the context of the national 'welfare reform' agenda, which has already had significant impacts locally, affecting some groups more severely than others.
- **'Channel Shift' and digital inclusion:** use of new technologies can reduce costs, increase convenience and provide tailored support. However, accessibility and availability of other forms of contact must be considered and embedded.

Staff

Potential impacts have been identified for individuals with the following protected characteristics, based on the fact that there is a higher representation in staff groups affected, or that proposals could further erode the representation of an already under-represented group. Further detail is below and specific decisions on how to implement budget decisions with impacts on staff will be made after further exploring the equality issues through staff consultation processes:

- Disability
- Age (specifically in the 20-24 age range)
- Gender (higher proportion of men affected by the proposals)
- Ethnicity (higher proportion of BME people affected)
- Sexual Orientation (higher proportion of LGBT people affected)

The most important impacts and/or mitigating actions at this stage are:

- Involve staff in discussions about service redesign and follow the principles and governance arrangements in the [service redesign toolkit](#).
- When developing any further detailed proposals take account of the staffing equalities data to inform decision making and/or continue assessing equality impacts.

- Ensure the council's relevant policies and procedures are equitably and appropriately applied (management of change protocol, redeployment, job evaluation processes etc.) to ensure that no adverse impact is created for employees related to their protected characteristics.
- Review vacant posts, use of agency employees etc. to minimise the impact on current substantive post holders.
- Manage redeployment on a corporate level and ensure that all vacant posts are considered for redeployment.
- Where proposals may result in a reduction of posts consider the offer of voluntary severance (subject to robust business case) to mitigate the impact of potential compulsory redundancy processes.
- Where a reduction in posts will mean compulsory redundancy ensure that selection processes are clear and free from bias, and that processes take into account any individual needs.
- Ensure processes and criteria related to selection for voluntary redundancy are clear and transparent and use the compensation panel appropriately.
- Ensure managers involved in selection have completed corporate recruitment and selection training and are signposted to the Equality & Diversity e-learning module.
- Ensure that managers delivering service changes are appropriately supported and advised by HR in relation to all employee equalities issues.
- Ensure all employees are offered one to one meetings to discuss their circumstances and any concerns they may have, and are offered interview skills and CV writing training, including signposting to the HAYS career transition portal.
- Attach the summary EIA to each consultation document, and continue to assess equality impacts through the consultation process.

In addition, for services within the Orbis Partnership:

- Ensure that meetings involving staff from multiple sites are held in the middle of the day, to ensure sufficient travel time.
- Rotate meetings across the three locations.
- Make use of technology, for example use telephone / Skype conferences where possible – although be aware that this technology might bring its own limitations depending on the nature of a person's impairment.
- Ensure that meetings involving staff from multiple sites are held in the middle of the day, to ensure sufficient travel time.
- Ensure reasonable adjustments are put in place for individual members of staff, in line with the policies of the three sovereign organisations.
- Ensure the flexible working policies for all three organisations are known, understood and followed across the partnership.

Full details of all impacts and actions are below.

1. Introduction

- 1.1 This report describes the process of Equality Impact Assessment (EIA) made on the budget proposals for 2018/19 and analyses the findings. The council has legal duties under s149 of the Equality Act 2010 to consider the needs of diverse people in our budget-setting processes and address negative impacts where possible.
- 1.2 Budget EIAs are an effective way, but not the only form, to evidence how the council is meeting this duty and should be considered by members in decision-making. Budget EIAs are available in Appendix 12.
- 1.3 This report describes:
- the council's legal duties in the budget-setting process (section 2)
 - council-wide cumulative impacts on service-users identified at this stage (section 3)
 - the over-arching actions which will be needed to mitigate negative impacts and maximise positive impacts (section 4)
 - impacts identified from known data on staff across all proposals, across the council and in specific directorates (section 5)
 - council-wide mitigating actions, to reduce/remove negative impacts on staff (section 6)
 - the national and local context (sections 7 and 8)
 - the council's approach to and aims in EIA as part of decision-making (section 9).

2. Our legal duties

- 2.2 Under the equality duty set out in s149 of the Equality Act 2010 (attached below at Appendix A), public authorities must have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between people who share a protected characteristic and those who do not.
- 2.3 The protected groups covered by the equality duty are: age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnerships (only in respect of eliminating unlawful discrimination). Assessment has also been included of impacts and actions in relation to child poverty.
- 2.4 The law requires that public authorities demonstrate that they have paid **conscious and rigorous attention** to the equality duty aims in their decision-making.
- 2.5 By law, our assessments of impact on equality must:
- Contain enough information to enable a public authority to demonstrate it has had 'due regard' to the aims of the equality duty in its decision-making
 - Consider ways of mitigating or avoiding any adverse impacts.

- 2.6** The Public Sector Equality Duty (PSED) does not prevent councils from making difficult decisions such as reorganisations and relocations, redundancies, and service reductions, nor does it prevent decisions which may affect one group more than another group.
- 2.7** The duty does enable public bodies to demonstrate that they are making financial decisions in a fair, transparent and accountable way. This involves considering the needs and the rights of different members of the community, how impacts will affect them and mitigating negative impacts as fully as possible.
- 2.8** Nationally, there have been a number of successful legal challenges to funding decisions because public authorities have failed to meet the requirements of S149. In such cases, the public authority may have to start the decision-making process again, with improved consultation and evidence-gathering to identify the impact on particular groups.

“Even when the context of decision-making is financial resources in a tight budget, that does not excuse compliance with the PSEDs [Public Sector Equality Duties], and there is much to be said for the proposition that even in straitened times the need for clear, well informed decision-making when assessing the impacts on less advantaged members of society is as great, if not greater.”

Blake J in R (Rahman) v Birmingham City Council
[2011] EWHC 944 (Admin)

- 2.9** Members are referred to the full text of s149 of the Equality Act 2010 (attached below at Appendix A) which must be considered when making a decision on the matters set out in this report.

3. Service-Users: Impacts identified across all proposals

- 3.1** The EIA process and consultation have identified whether or not impacts are likely to be different for a person because of their protected characteristic (with a focus on where impacts may be worse) and if so, list the proposed mitigating actions.
- 3.2** There has also been an overall assessment in each EIA of:
- the impact of funding changes from one service on another across the council (cumulative impacts);
 - consideration of what mitigating actions can be taken, and how we can monitor, evaluate and take action on impacts which may occur.
- 3.3** The overall assessment is that the proposals put forward have all been considered within the framework of the council’s legal duties under the Equality Act 2010 and due regard has been given to the potential impacts on people linked to or arising from their legally protected characteristics. Given budget reductions there will inevitably be impacts on specific individuals and groups. However, proposed mitigating actions will reduce these as far as

possible, and monitoring of actual impact will enable appropriate interventions as proposals are implemented.

3.4 Impacts are identified across a number of budget proposals for the following protected characteristics:

- Disability
- Age: younger people
- Ethnicity
- Child Poverty
- Carers
- Sexual orientation

3.5 The EIAs do highlight concerns about the council's ability to achieve our Corporate Plan objective of 'tackling inequality' in service delivery. Therefore we have identified key activities to ensure continued progress against this aim. More details are below.

4. Service-Users: Proposed Mitigating Actions

4.1 The EIA template highlights where officers identify a cumulative impact linked to other services or the wider local/national context. The Communities, Equality & Third Sector team has also considered all the EIAs to assess where groups may be impacted by more than one change across the council.

4.2 Impacts identified in section 3 (above) are the result of proposed changes to a number of services including some specifically focused on provision for these groups. Specific actions to mitigate as far as possible impacts arising from each proposal are defined within the relevant EIAs. In addition council-wide mitigating actions are detailed below.

4.3 Overall mitigating actions identified from EIAs:

4.3.1 Changed or reduced provision: Some services will be delivered in different ways, by different providers or in different venues. Changes can cause concern or disruption for service-users and also for their carers. Impacts can be particularly negative for people with learning disabilities, mental health issues or other complex needs. Carers can find pressures on them (including financial and social exclusion) increase at times of change and uncertainty. Conversely, changes can provide opportunities to deliver services in new and better ways: increasing independence, enabling support to be better tailored to specific needs, and drawing on people's strengths and assets. Statutory provision will always be maintained to protect the most vulnerable and meet our legal obligations.

4.3.2 Communicating changes and engaging with stakeholders: Services making changes have committed to informing people of any changes as soon as possible, and are engaging with people to discuss how changes can be made. All groups must receive information in ways which are appropriate and accessible, and as early as possible to enable safe and effective transitions. Further consultation on how proposals are implemented must ensure that the views of all affected groups are taken into account and opportunities are

created in the consultation process for diverse communities to participate. Results of the consultations and agreed changes must be widely communicated.

4.3.3 Using individual assessments and wider data to target support: In relation to individuals, services that undertake assessments will use these assessments to inform any changes, so individual needs can be targeted and efficient and effective services provided. On a larger scale, needs assessments and actions from them will enable better understanding of communities and their access to and outcomes from services, helping redesign services to identify and respond to needs more effectively. It also helps to develop and target interventions that better meet diverse needs.

4.3.4 Priority groups: Strong work has been done in recent years to widen mainstream activities to make them more accessible and inclusive for everyone. However, in times of reducing funding, resources for universal or open access activities are being reduced and there is an increased focus on targeted priority groups and earlier interventions. As above (4.4.3), this approach requires that equalities monitoring and knowledge of communities is extremely robust and well-used so that priority groups are accurately identified and changes in the city and/or need are recognised and addressed. However, where funding is reduced, it is possible that outreach work to specific communities may be reduced or take a lower priority, potentially undermining gains and/or failing to reduce exclusion and disadvantage.

4.3.5 Commissioning: Services are ensuring that they get best value from commissioning wherever possible. Cost effectiveness must always be balanced against the quality of services, particularly where service-users are vulnerable. In order to ensure compliance with the legal equality duty, equalities requirements must be built into commissioning processes and contracts to ensure that diverse needs are appropriately identified, addressed and monitored. Using data and engagement to inform what is commissioned means that equality principles and fair access are built in from the start and can be implemented and monitored effectively.

4.3.6 Collaboration: More efficient and closer partnerships internally between council services and also with VCS and local / regional statutory partners are proposed to fill gaps and to increase efficiency. For many services, this approach will build on existing strong working relationships. It will require creative approaches to joint working, and sharing information and practices, and possibly funding. The integration agenda of adult social care with health gives opportunities to reduce duplication and work in a more joined-up, proactive and efficient way. However, other statutory sector services are under financial pressure in the city, as elsewhere, which can restrict capacity and resource to become more integrated.

4.3.7 Continue with the agreed Direction of Travel for Adult Social Care focusing upon reducing demand through a number of approaches:

- increasing access to advice and information,
- signposting,

- development of asset-based social work, maximising community support mechanisms,
- integration with health colleagues, both commissioning and front line delivery, to provide a better joined-up service to customers/patients
- increased personalisation to reduce reliance on public funded services
- improving value for money by learning the lessons of effective models elsewhere that can maintain people at home longer and further reduce reliance on more traditional statutory services
- increased use of supported accommodation will reduce the reliance on residential and nursing care.

4.3.8 Welfare Reform: Changes to council services continue to happen within a context of ongoing implementation of the national ‘welfare reform’ agenda, which has already had significant impacts locally. Many claimants have experienced reductions in benefits received or no inflationary increases, within a context of rising living costs (utilities and food prices) and very high local housing costs relative to income. Some groups experience these pressures more severely than others. The council is continuing its research into the potential and actual impact of the government's welfare reform changes in Brighton & Hove, in order to support individuals and families to make informed choices, to target the support and advice that is given, and identify what specific projects and activities will be most beneficial. Discretionary funds and the Social Fund also continue to be provided to help those experiencing short-term hardship.

4.3.9 ‘Channel Shift’ and digital inclusion: Technology has the potential to significantly help to both reduce costs and provide tailored support that increases independence and improves convenience for service-users. However, some groups of people are less likely to have access to online and digital technologies or the skills or confidence to use them. Where services are working towards ‘channel shift’ and/or increasing reliance on digital media, this must be matched by an ongoing commitment to provide face-to-face contact for people who still require it, and to use some of the resource savings to fund this. Equally, services must ensure that online information is accessible and meets web accessibility standards so that it doesn’t create a barrier for disabled people

4.4 Other mitigating actions

4.4.1 Ongoing council approaches, such as Equality Impact Assessment and the aims in the council’s new Equality and Inclusion Strategy are a critical part of minimising or avoiding negative impacts on specific groups protected in law.

4.4.2 Equality monitoring and analysis to evaluate trends and identify actions, and robust equality impact assessments which actively engage stakeholders are fundamental to meeting our legal duties and corporate commitments. Senior managers will continue to have responsibility for overseeing these processes as decisions are made and service changes take place.

4.5 Role of Third Sector (VCS) and volunteering:

- 4.5.1 Third Sector:** Partnerships with the Third Sector, commissioning of their services, and support of the Sector's development are key policies of the council. However, with reduced central government funding, the Third Sector is under significant pressure, with a number of changes to expectations and approaches in commissioned services and a wider city and national context of reducing funding. At the same time there is increasing demand from residents for VCS services. This will inevitably have a cumulative impact on the sector which could be considerable. In addition external non-statutory funders are often more inclined to fund VCS organisations that are Council-funded, so the loss of BHCC funding to some organisations may result in fewer opportunities for them to gain other inward investment.
- 4.5.2 Volunteering:** The council aims to improve and increase opportunities for volunteering. This supports a community empowerment and demand management approach and recognises the value of community assets (physical resources and skills/time). However, not all communities have equal assets or the ability to mobilise them without (at least initial) support. Equally, groups which take on the role of providing community services must ensure that they remain open, accessible and inclusive to all the diverse communities eligible to use them – or risk excluding people and damaging community cohesion.

5. Staff: Impacts identified across all proposals

- 5.1** The Human Resources team has assessed the equalities impacts on staff that are known at this stage and EIA templates have been completed for all proposals affecting staff. This process will continue through staff consultation processes to enable staff to raise specific and additional issues.
- 5.2** Information which might identify individuals has been withheld from this document to protect confidentiality, but all information has been provided to managers and will be used to inform the implementation of agreed proposals.
- 5.3** For groups of over 20 staff equalities data has been used to assist the identification of potential impacts. Where there are fewer than 20 staff affected data has not been produced to protect the confidential sensitive equalities information provided by staff. EIAs have been completed in these instances with regard to known information about the staff group and proposals made
- 5.4** The EIA template highlights where officers identify a cumulative impact linked to the make-up of the workforce across the Council in terms of protected groups as compared to the make-up of groups affected by the budget proposals. HR has considered all the EIAs both individually and cumulatively, although consideration of potential impacts will need to be kept under review as the detail of some proposals become clearer.
- 5.5** Potential impacts have been identified for individuals with the following protected characteristics, based on the fact that there is a higher representation in staff groups affected. These are the impacts identified from known data at this stage. Specific decisions on how to implement budget

decisions with impacts on staff will be made after further exploring the equality issues through staff consultation processes:

- Disability
- Age (specifically in the 20-24 age ranges)
- Gender (higher proportion of men affected by the proposals)
- Ethnicity (higher proportion of BME people affected)
- Sexual orientation and gender identity (higher proportion of LGBT people affected)

5.6 Impacts identified, by protected characteristic for staff groups affected across the Council as a whole:

5.6.1 Overall the groups affected by budget proposals are broadly in line with the make-up of the Council's workforce in terms of age, with over 49% of those at risk between the ages of 45 and 59. There is a higher proportion of staff between 20 and 24 at risk when compared to their representation in the workforce (3.4% of those affected compared to 1.9% representation in the workforce). Whilst this is a small difference it further erodes the representation of younger staff who are already under represented.

5.6.2 There is a higher proportion of males who are subject to formal consultation when compared to their profile in the workforce.

5.6.3 The proportion of BME staff is higher than representation across the council (7.71% affected compared to 6.74% across the council).

The proportion of White Other staff at risk is marginally lower than representation across the council (5.83% affected compared to 6.47% across the council). Services will need to consider the potential that there will be further reductions of groups that are already under-represented. Longer term strategies to encourage recruitment of under-represented groups will need to continue across the council and within directorates.

5.6.4 The proportion of disabled staff affected by proposals is higher than representation across the council (8.75% affected compared with 7.42% across the council).

5.6.5 There are more LGBT staff affected when compared to the make-up of the workforce (15.7% of those affected by proposals compared to 11.69% representation in the workforce).

5.8 Within Finance and Resources, the majority of proposals are linked to Orbis, and integration with East Sussex and Surrey County Councils. The proposals are likely to lead to an increased need to travel which may disproportionately impact disabled staff and staff with caring responsibilities. A number of mitigations have been put in place as follows:

- Ensure that meetings involving staff from multiple sites are held in the middle of the day, to ensure sufficient travel time.

- Rotate meetings across the three locations.
- Make use of technology, for example use telephone / Skype conferences where possible – although be aware that this technology might bring its own limitations depending on the nature of a person’s impairment.
- Ensure reasonable adjustments are put in place for individual members of staff, in line with the policies of the three sovereign organisations.
- Ensure the flexible working policies for all three organisations are known, understood and followed across the partnership.

6 Staff: Council-wide Mitigating Actions:

- 6.1** Involve staff in discussions about service redesign and follow the principles and governance arrangements in the [service redesign toolkit](#).
- 6.2** When developing any further detailed proposals take account of the staffing equalities data to inform decision making and/or continue assessing staff equality impacts.
- 6.3** Ensure the council’s relevant policies and procedures are equitably and appropriately applied (management of change protocol, redeployment, job evaluation processes etc.) to ensure that no adverse impact is created for employees related to their protected characteristics.
- 6.4** Review vacant posts, use of agency employees etc. to minimise the impact on current substantive post holders.
- 6.5** Manage redeployment on a corporate level and ensure that all vacant posts are considered for redeployment.
- 6.6** Where proposals may result in a reduction of posts consider the offer of voluntary severance (subject to robust business case) to mitigate the impact of potential compulsory redundancy processes.
- 6.7** Where a reduction in posts will mean compulsory redundancy ensure that selection processes are clear and free from bias, and that processes take into account any individual needs.
- 6.8** Ensure processes and criteria related to selection for voluntary redundancy are clear and transparent and use the compensation panel appropriately.
- 6.9** Ensure managers involved in selection have completed corporate recruitment and selection training and are signposted to the Equality & Diversity e-learning module.
- 6.11** Ensure that managers delivering service changes are appropriately supported and advised by HR in relation to all employee equalities issues.
- 6.12** Ensure all employees are offered one to one meetings to discuss their circumstances and any concerns they may have, and are offered interview

skills and CV writing training, including signposting to the HAYS career transition portal.

- 6.13** Attach the summary EIA to each consultation document, and continue to assess equality impacts through the consultation process.

7. National context

- 7.1** The budget proposals are being developed within ongoing national changes which may have an equalities impact, including (not exclusively):
- Deficit reduction measures which are resulting in reductions in public expenditure across most of public services;
 - the national welfare reforms; and
 - reforms to adult social care and health.

8. Local context

- 8.1** The council's priorities for 2015 to 2019 as contained in the Corporate Plan agreed by Policy & Resources Committee in December 2014 are:
- Economy, jobs & homes
 - Children & young people
 - Health & wellbeing
 - Community safety & resilience
 - Environmental sustainability

These match with the Brighton & Hove Connected priorities for the whole city, as contained in the Sustainable Community Strategy: 'Brighton & Hove: the Connected City'.

- 8.2** Relevant local priorities and context includes:
- Close partnership working across social care and health both for children's services and adults, particularly through the 'Caring Together' integration initiative;
 - Using Modernisation Boards across the council to drive service redesign that will lead to greater collaboration with partners and communities to provide better, more joined-up outcomes for everyone;
 - A joint approach to public services as a whole for the city through the City Management Board;
 - Greater alignment between the development of the medium term financial strategy and Corporate Plan 2015-2019;
 - A collaborative approach across the council to help mitigate the impacts of welfare reform where possible;
 - Proactive work to support financial inclusion;
 - A strong focus on improving educational attainment and opportunities for access to employment for our young people.

9. Brighton & Hove City Council Approach and Process

- 9.1** The council most commonly uses a Budget EIA process to screen and identify the main potential disproportionate impacts arising because of people's legally protected characteristics and, for service-users, on child poverty. Where relevant they draw on existing service EIAs.
- 9.2** The aims of an Equality Impact Assessment become especially important at times of straitened budgets, enabling us to:
- think about what the council is trying to achieve;
 - consider what potential impact the decision will have on different groups;
 - target resources to those who are most vulnerable;
 - fund services which respond to people's diverse needs and
 - save money by getting it right first time.
- 9.3** Service leads or HR completed EIAs on budget proposals where the proposed changes potentially impact on service provision and/or on staff. The document presented to Members lists all the disproportionate impacts on groups because of their protected characteristic. It also identifies the planned actions to mitigate negative impacts.
- 9.4** All the EIAs have been reviewed by the Communities, Equality and Third Sector Team and/or Human Resources. The Executive Leadership Team has agreed and supported the process, as well as considering the impacts of specific funding decisions.
- 9.5** The Human Resources team has assessed equalities impacts on staff arising from the proposals. Information from staff consultation processes was incorporated into these EIAs, where available.
- 9.6** Since the equality duty is a continuing duty which must be complied with when implementing and reviewing a decision, assessment of equality impacts and responses to them will continue after budget decisions are agreed. Data from these EIAs will also be shared with relevant managers, to enable them to identify the best ways to implement the decisions to minimise negative or disproportionate impacts on legally protected and socially excluded groups.
- 9.7** All political groups are able to present alternative budget proposals and/or budget amendments. Where substantial alternative proposals or amendments are submitted these will have been screened by officers and advice given as to whether there is any new or additional cumulative equality impact requiring either a revised Budget EIA or a new EIA. Where proposals are not substantial (most amendments), officers will screen the amendment and will normally advise that either an EIA is not required or that an existing Budget EIA remains valid.

Appendix A

149 Public sector equality duty

(1) A public authority must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) tackle prejudice, and
- (b) promote understanding.

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are—

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;

- sexual orientation.

(8) A reference to conduct that is prohibited by or under this Act includes a reference to—

- (a) a breach of an equality clause or rule;
- (b) a breach of a non-discrimination rule.
- (9) Schedule 18 (exceptions) has effect.

