

2012

Equality Analysis

Guidance and Form



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Brent Council Equality Analysis Form

Please contact the Corporate Diversity team before completing this form. The form is to be used for both predictive Equality Analysis and any reviews of existing policies and practices that may be carried out.

Once you have completed this form, please forward to the Corporate Diversity Team for auditing. Make sure you allow sufficient time for this.

1. Roles and Responsibilities: please refer to stage 1 of the guidance	
Directorate: Finance and Corporate Services Service Area: Brent Customer Services	Person Responsible: Name: Kerry Standing Title: Service Manager Benefits & Customer Services Contact No: 0208 9371696 Signed: K.Standing
Name of policy: Local Welfare Assistance	Date analysis started: 17 th January 2013 Completion date 21 st January 2013 Review date:
Is the policy: New <input checked="" type="checkbox"/> Old <input type="checkbox"/>	Auditing Details: Name: Elizabeth Bryan Title: Principal Diversity Officer Date 21st January 2013 Contact No: 0208 937 1190 Signed: E.Bryan
Signing Off Manager: responsible for review and monitoring Name: David Oates Title: Head of Service (Benefits & Customer Services) Date Contact No: 0208 9371978 Signed:	Decision Maker: Name individual /group/meeting/ committee: Executive Committee Date: 18 th February 2013

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2. Brief description of the policy. Describe the aim and purpose of the policy, what needs or duties is it designed to meet? How does it differ from any existing policy or practice in this area?

This policy is new resulting from the cessation of the existing Social Fund scheme administered by the Department for Work and Pensions and the proposed provision of a Local Welfare Assistance Scheme by Brent Council.

At present, the discretionary elements of the Social Fund comprising Crisis Loans and Community Care Grants are provided by DWP through their Job Centre Plus offices. From 1st April 2013, these will cease and Local Authorities have been given discretion to provide a Local Welfare Assistance Scheme to provide financial support to applicants meeting locally defined criteria.

Community Care Grants are primarily intended to help vulnerable people live as independent a life as possible in the community. They are awarded to households receiving means-tested benefits such as Jobseekers Allowance. The prime objectives of the grant are to:

- help people to establish themselves in the community following a stay in institutional or residential care;
- help people remain in the community rather than enter institutional or residential care;
- help with the care of a prisoner or young offender on release on temporary licence;
- ease exceptional pressures on families e.g. the breakdown of a relationship (especially if involving domestic violence) or onset of a disability, or a calamity such as fire or flooding;
- help people setting up home as a part of a resettlement programme following e.g. time in a homeless hostel or temporary accommodation; or
- assist with certain travelling expenses e.g. for funerals of a family member or hospital visiting.

Crisis Loans are intended for applicants unable to meet their immediate short term needs in an emergency or as a consequence of a disaster. They are awarded for immediate living expenses in order to avoid serious damage or risk to the health or safety of the applicant or a member of the family.

All Local Authorities will receive funding from the Department of Work and Pensions but the funding is not ring-fenced and there is no statutory obligation upon a Local Authority to provide a Local Welfare Assistance Scheme. Consequently, Brent Council must decide whether or not it wishes to provide a scheme and if so how much of the funding allocated will be spent on the scheme. A report is being submitted to the Executive in February 2013 recommending the provision of a LWA that is fully funded by the £855,509 provision from the Government retaining many of the existing national DWP scheme provisions but

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with some key fundamental changes.

For example, it is proposed that Crisis Payments should be a grant rather than a loan and be limited in general terms to two successful awards in any rolling 12 month period. However, it is important to note that the limit of two is within the Brent Council area rather than nationally. It is also proposed that Crisis Payment should be limited to applicants in receipt of specified means tested benefits such as Income Support whereas the existing DWP scheme is open to all applicants. This requirement will not however apply in the case of crisis payments sought as a consequence of a “disaster” situation.

Community Care Grants are currently restricted to applicants in receipt of prescribed benefits which the Council’s proposed scheme retains but adds Universal Credit as an additional benefit. Community Care Grants are also proposed to be limited to two successful awards in any rolling 12 month period rather than unlimited as at present although this provision may not apply to situations such as a move of home for example.

It is also intended that payments of entitlement will be made through the use of a pre-paid card rather than cash albeit with the potential for certain applications to be converted into cash at an ATM where a card would not meet the applicant’s requirements. (e.g. awards made for a prepaid electricity meter).

It should be noted that the funding allocated to Brent for 2013/14 is £855,509 and is £128,891 less than the annual DWP expenditure for Social Fund awards during 2011/12. This presents a major challenge for Brent particularly at a time when other significant welfare reforms are also being implemented. Consequently, the principles of the scheme have been reviewed to ensure that the limited funds available are directed to Brent residents most in need.

3. Describe how the policy will impact on all of the protected groups:

Cover all characteristics

These are listed below:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Marriage and civil partnership (direct discrimination only)
- Race
- Religion or belief
- Sex (formally known as gender)
- Sexual orientation

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Age

The proposed scheme permits applications from applicants aged 16 or over for Crisis Payments and 18 or over for Community Care Payments although there are some exceptions to this rule. Applicants under the age of 16 generally remain the responsibility of their parents with Child Benefit being paid in respect of them subject to the new nationally introduced means test criteria. However, it is intended that the proposed scheme will not permit a Crisis Payment to be made to applicants living at home with friends or family except where there are exceptional circumstances. For example, the person is at genuine risk of being evicted from the home if a Crisis Payment is not made.

Persons aged under 35 and living at home with family / friends appear to have accounted for a higher proportion of Social Fund awards under the existing scheme administered by the Department for Work and Pensions. As the proposed scheme will remove entitlement for Crisis Payments in respect of persons living at home with friends or family except in exceptional circumstances, it is possible that the scheme may have an adverse impact upon this age group. However, this policy intent can be justified as the proposed scheme is intended to prioritise awards to applicants experiencing a genuine crisis.

Disability

The awards are intended to be provided to those most in financial need. However, in order to ensure equality of opportunity of access to this fund awareness of its availability will be appropriately promoted..

Gender Reassignment

The proposed scheme is not intended to either positively or negatively impact on applicants within this protected characteristic as awards are intended to be provided to those most in financial need.

Marriage and Civil Partnership / Pregnancy and Maternity

The proposed scheme is not intended to either positively or negatively impact on applicants within this protected characteristic as awards are intended to be provided to those most in financial need.

Race / Religion / Belief

The proposed scheme is not intended to either positively or negatively impact on applicants within this protected characteristic as awards are intended to be provided to those most in financial need.

Sex

The proposed scheme is not intended to either positively or negatively impact on applicants within this protected characteristic as awards are intended to be provided to those most in financial need.

In the case of a couple applying for a LWA payment, the applicant may be either partner and consequently, the reference to the sex of the applicant may not be a

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true indicator of the application of equality to this protected characteristic.

Sexual Orientation

The proposed scheme is not intended to either positively or negatively impact on applicants within this protected characteristic as awards are intended to be provided to those most in financial need.

General Comments applicable to all Protected Characteristics

The proposed scheme is intended to target entitlement to those most in financial need and it is envisaged that potential claimants will include but not be limited to pensioners, families, and single parents.

It is important that the availability of the funding is known to those who are most likely to qualify for the funds and that there is equality of opportunity to make the applications by those groups who may have had less access under the previous DWP arrangements. This will be achieved by appropriate notification of the scheme and manner in which an application can be made.

There may be a positive impact for some groups as a result of the proposed scheme's eligibility criteria as there may be more funds still available for them as a consequence of restricting access to a Crisis Payment so that for example only those customers living with friends or family who have a contractual rental liability can apply for assistance through this fund.

Please give details of the evidence you have used:

Need to explain how we arrived at priorities, what evidence was used

There is limited data currently available to the Council concerning existing service demand for the national DWP Social Fund scheme particularly in relation to the protected characteristics as set out in the Equalities Act. Data that has been provided gives information in proportionate terms only for 2011/12 relating to age, sex and marital status. The DWP will not be providing any further data concerning other protected characteristics. The combination of the above, the fact that the proposed scheme for Brent is a new scheme for which data does not currently exist and the low response rate to the consultation conducted, mean that the full impact of the proposals cannot be effectively determined at this stage. Brent Council recognises the importance of recording more detailed data and using it for effective monitoring and review purposes and will review data concerning applications and awards made during 2013/14 and consider making relevant changes to the scheme where any adverse impact is identified for a particular group or groups.

Stakeholder Engagement

Pre-consultation discussions were held with Citizens Advice Bureau (CAB) and Genesis Housing Association. CAB proposed that consideration be given to including school uniforms as an allowable item for entitlement under the Local

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Welfare Assistance Scheme as it is currently excluded under the national one administered by the DWP. This has been considered but given that funding available for the proposed scheme is reduced in comparison to existing levels, this option has been discounted at this stage but will be kept under review.

Genesis Housing Association proposed that a face-to-face service be considered as customers often need assistance. The existing scheme administered by the Department for Work and Pensions is an online and telephone application process only. Brent Council proposes that its scheme replicate this approach but recognises that some customers may require face-to-face service access and therefore this will be offered to customers in certain circumstances.

The results from the consultation undertaken have been set out within Appendix A and Appendix A2 to the main Executive report.

4. Describe how the policy will impact on the Council's duty to have due regard to the need to:

(a) Eliminate discrimination (including indirect discrimination), harassment and victimisation;

Our proposed scheme is intended to provide financial assistance to permit applicants to live or continue to live in the Borough. It is also intended to provide financial support to applicants who are experiencing a Crisis where it may affect their safety or in the event of a “disaster” situation. Our proposed eligibility criteria are intended to permit applicants that are fleeing domestic violence or have been discharged from prison to apply for assistance by not requiring them to have lived within the Borough for a predetermined qualifying period.

The existing scheme administered by the DWP is an online and telephone application process only. Brent proposes to replicate this approach but recognises that in certain circumstances, customers may require face-to-face service access and therefore proposes to include provision for this service where appropriate. The use of an induction loop for customers with a hearing impairment and access for disabled customers to the Civic Centre premises will also be available for the provision of this service.

Additionally, the specification for the IT software system to administer the scheme makes provision for the monitor “screen background” to be suitable for customers to view where they have impaired vision and wish to make their application online. The specification for the proposed scheme IT software system includes the provision of a reporting facility which enables analysis and review of data to be undertaken and changes considered if an adverse impact is identified. This will be carried out during the first six months of the scheme commencement date.

There is no evidence at this stage that there will be any indirect discrimination as a consequence of the proposed scheme and the situation will be carefully monitored.

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(b) Advance equality of opportunity;

Our proposed scheme is intended to provide financial assistance to permit applicants to live or continue to live in the Borough. It is also intended to provide financial support to applicants experiencing a Crisis where it may affect their safety or in the event of a “disaster” situation. Our proposed eligibility criteria are intended to permit applicants that are fleeing domestic violence or have been discharged from prison to apply for assistance by not requiring them to have lived within the Borough for a predetermined qualifying period.

The existing scheme administered by the DWP is an online and telephone application process only. Brent proposes to replicate this approach but recognises that in certain circumstances, customers may require face-to-face service access and therefore proposes to include provision for this service where appropriate. The use of an induction loop for customers with a hearing impairment and access for disabled customers to the Civic Centre premises will also be available for the provision of this service.

Additionally, the specification for the IT software system to administer the scheme makes provision for the monitor “screen background” to be suitable for customers to view where they have impaired vision and wish to make their application online.

The specification for the proposed scheme IT software system includes the provision of a reporting facility which enables analysis and review of data to be undertaken and changes considered if an adverse impact is identified. This will be carried out during the first six months of the scheme commencement date.

(c) Foster good relations

The intention of the proposed scheme is to ensure that all communities have equal access to assistance, once they are able to demonstrate a genuine need, measured against specified criteria and eligibility requirements. This will contribute to the fostering of good relations through the consistent application of eligibility criteria and fair administration.

The proposed scheme has the intention of giving responsibility to applicants to comply with reasonable conditions such as seeking financial assistance / advice as a pre-requisite to any future payment award. This may include referring them to other potential support networks including Debt Line, CAB, Brent into Work or charitable organisations for example.

Additionally, safeguards will be in place to prevent abuse of the scheme. For example, pre-paid cards will be given to successful applicants to ensure that as far as reasonably practicable, the award is spent on the purpose intended. Restrictions will be in place to prevent expenditure on alcohol, gambling and cigarettes for example. Where an applicant requires cash such as for use in a prepaid utility meter, the credit on the pre-paid card may be converted into cash at an ATM subject to approval by the authorising officer.

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This provision provides the Council and Brent residents with an assurance and confidence that public money is being spent appropriately and for the purposes intended.

5. What engagement activity did you carry out as part of your assessment?

Please refer to stage 3 of the guidance.

Who was consulted on the plan, which protected characteristics were included in consultation?

i. Who did you engage with?

- Jobcentre Plus Officers at Harlesden and Willesden
- Citizens Advice Bureau (Pre-consultation)
- Genesis Housing Association (Pre-consultation)
- Brent residents and the general public through the online consultation
- Letters / email to key stakeholders and voluntary organisations informing them of the changes and Brent's proposals, offering stakeholder meetings and/or an opportunity to provide comments or complete the online consultation questionnaires.
- Existing Social Fund applicants collecting their payments at Job Centre Plus offices

ii. What methods did you use?

- All consultation documentation including the questionnaire was available on Brent Council's Consultation Tracker website - www.brent.gov.uk/consultation,
- Meetings were held with Job Centre Plus representatives from Willesden and Harlesden where Social Fund payments are currently issued to claimants,
- A pop up screen outlining the nature of the consultation and how to access the online consultation documentation was activated each time one of the Brent public library PC's was accessed by a customer. During the consultation period, there were 3,464 customer sessions where this message was displayed,
- Letters outlining the consultation arrangements were sent by post / email to 42 organisations including Housing Associations with a property interest in the Borough, welfare organisations, the Police and Probation Service and interest groups to inform them of the nature of the consultation and

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- how they may access the consultation documentation,
- Letters outlining the consultation arrangements were sent by email to 174 voluntary organisation representatives on 12th December 2012 informing them of the nature of the consultation and how they may access the consultation documentation,
 - Letters outlining the consultation arrangements and how to access the consultation documentation were also sent to the three Brent MP's and Chamber of Commerce,
 - Council officers engaged with 21 Social Fund customers collecting their Crisis Loan payments from Harlesden and Willesden Job Centre Plus offices over a four day period.

iii. What did you find out?

Appendix A and A2 to the main Executive report on the proposed scheme set out the results from the consultation and the comments received and how they will be progressed as appropriate.

The 6 principles outlined in the consultation were considered by the majority of respondents to be fair with the exception of principle 5 concerning the provision of pre-paid cards rather than cash as the method of payment. The responses and hence perception concerning this proposed principle were mainly from existing Social Fund applicants that receive their payments by cheque. The proposed scheme will permit a credit on a pre-paid card to be converted into cash at an automatic teller machine (ATM) in specified circumstances where a pre-paid card would not be appropriate for use (e.g. pre-payment for a utility meter) and respondents may not have been aware of this feature at the time of the consultation.

The response rate to the consultation was very low and the demographic data provided by respondents was not representative of the population of the Borough as a whole. Some respondents did not answer all of the questions and some gave more than one answer to a single question. Consequently, due regard to these matters should be given when considering the outcomes identified.

Job Centre Plus officers proposed that there should be a differential between applicants that have committed fraud and served a sentence compared to those that have not served a sentence. This proposal has been agreed and will be incorporated in the scheme documentation.

The consultation feedback made reference to some groups having a greater need for support such as young families and young persons. The proposed scheme intends to allow for such circumstances where the financial circumstances warrant it.

iv. How have you used the information gathered?

Demonstrate there is a relation to the consultation feedback and the final proposals.

Appendix A and Appendix A2 to the main Executive report set out the findings from the consultation and the evaluation of these. Where a proposal has been accepted, this will be incorporated within the scheme documentation. Where a proposal has been rejected, this has been stated together with the reason for the rejection.

v. How has it affected your policy?

Appendix A and Appendix A2 to the Executive report set out how the comments and proposals have been evaluated and the outcome from this. Accepted proposals and comments will be incorporated within the scheme documentation.

6. Have you have identified a negative impact on any protected group, or identified any unmet needs/requirements that affect specific protected groups? If so, explain what actions you have undertaken, including consideration of any alternative proposals, to lessen or mitigate against this impact.

It is currently difficult to effectively evaluate whether any potential groups are likely to be adversely affected by the proposed scheme as there is an absence of available data being as the scheme is new. Current data for the existing national DWP run scheme as it affects Brent residents is also limited and relates to a scheme that operates applying different principles.

Additionally, the consultation response rate was low and not representative of the Borough population as a whole.

It is understood that there is a current demand for Crisis Loan payments via the DWP national scheme for persons living at home with friends and family and that this appears to apply particularly to applicants aged under 35. However, the precise numbers concerned and the effect of the Council's proposed scheme to remove potential entitlement for Crisis Payments from persons living at home with friends and family except in exceptional circumstances is uncertain. To this extent, it is proposed that the numbers of applicants, their status and entitlement will be monitored and in the event that an adverse impact is identified, consideration will be given to making any appropriate changes to the scheme accordingly.

Currently, the Social Fund is accessed predominantly by persons of working age

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as these are the customers most likely to visit Job Centre Plus offices. Under the Council's proposed scheme, it is possible that there may be a greater proportion of applicants of pensionable age by virtue of their increased awareness and Council publicity concerning the new arrangements.

As set out above steps will be taken to ensure that all protected groups are aware of the scheme and have access to it.

Please give details of the evidence you have used:

The data for the existing DWP Social Fund scheme has been used together with available 2011 census data and consultation responses and comments received.

7. Analysis summary

Please tick boxes to summarise the findings of your analysis.

Protected Group	Positive impact	Adverse impact	Neutral
Age			x
Disability			x
Gender re-assignment			x
Marriage and civil partnership			x
Pregnancy and maternity			x
Race			x
Religion or belief			x
Sex			x
Sexual orientation			x

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8. The Findings of your Analysis

No major change

Your analysis demonstrates that:

- *The policy is lawful*
- *The evidence shows no potential for direct or indirect discrimination*
- *You have taken all appropriate opportunities to advance equality and foster good relations between groups.*

Please document below the reasons for your conclusion and the information that you used to make this decision.

This Equality Impact Assessment is a predictive one which will need to be reviewed within six months of implementation of the proposed scheme to evaluate and review its impact on groups within the Borough.

Adjustments to the proposed scheme will be made as a consequence of the findings from the consultation where indicated in Appendix A and A2 to the main Executive report. The consideration and evaluation of these is set out within these appendices. Where an adjustment has been agreed as set out in Appendix A and A2, it will be incorporated into the scheme documentation to be finalised by 31st March 2013.

Adjust the policy

This may involve making changes to the policy to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential adverse effect on a particular protected group(s).

Remember that it is lawful under the Equality Act to treat people differently in some circumstances, where there is a need for it. It is both lawful and a requirement of the public sector equality duty to consider if there is a need to treat disabled people differently, including more favourable treatment where necessary.

If you have identified mitigating measures that would remove a negative impact, please detail those measures below.

Please document below the reasons for your conclusion, the information that you used to make this decision and how you plan to adjust the policy.

There are no adverse impacts that have been identified at present. To this extent, the proposed scheme will continue subject to Executive approval and any adjustments set out in Appendix A and A2. Where adjustments to the proposed scheme have been identified and agreed from the consultation undertaken, these relate predominantly to the technical aspects of the scheme and will be incorporated in the scheme documentation to be finalised by 31st March 2013.

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Continue the policy

This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not amount to unlawfully discrimination, either direct or indirect discrimination.

In cases where you believe discrimination is not unlawful because it is objectively justified, it is particularly important that you record what the objective justification is for continuing the policy, and how you reached this decision.

Explain the countervailing factors that outweigh any adverse effects on equality as set out above:

There are no adverse impacts that have been identified at present. To this extent, the proposed scheme will continue subject to Executive approval. Where adjustments to the proposed scheme have been identified and agreed from the consultation undertaken, these relate predominantly to the technical aspects of the scheme and will be incorporated in the scheme documentation to be finalised by 31st March 2013.

Please document below the reasons for your conclusion and the information that you used to make this decision:

The response to the consultation was low with respondents not answering all questions or giving more than one response to a single question. Additionally, as the majority of the respondents were existing Social Fund customers, the results are biased accordingly. The analysis of the consultation responses in demographic terms indicates that these were not representative of the Brent population as a whole. Data available from the existing DWP national scheme is limited and cannot be relied upon for application to the Local Welfare Assistance Scheme proposed for Brent which uses different principles and is a new scheme. Consequently, the weighting applied to the data and responses received must be considered accordingly.

Stop and remove the policy

If there are adverse effects that are not justified and cannot be mitigated, and if the policy is not justified by countervailing factors, you should consider stopping the policy altogether. If a policy shows unlawful discrimination it must be removed or changed.

Please document below the reasons for your conclusion and the information that you used to make this decision.

There are no adverse impacts that have been identified at present.

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9. Monitoring and review

The Council proposes to record data on the proposed IT software administration system concerning an applicant's status as it applies to the protected characteristics set out in the Equality Act. This will enable the impact of the proposed scheme to be evaluated and reviewed within six months following implementation by service managers and team leaders. The measures to achieve this are set out in section 10 below.

10. Action plan and outcomes

Action	By when	Lead officer	Desired outcome	Date completed	Actual outcome
Record monitoring data from applications received	From service commencement date	KS	To enable effective monitoring of the scheme to be undertaken and evaluated	Ongoing	
Produce monthly monitoring report for equalities data	Monthly	KS	To enable emerging trends to be identified and considered	Ongoing	
Review scheme in relation to findings from equalities monitoring data	Within six months of service commencement date	KS	To enable emerging trends to be identified and any appropriate scheme amendments to be considered	Six months from service commencement date	

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Please forward to the Corporate Diversity Team for auditing.

Introduction

The aim of this guidance is to support the Equality Analysis (EA) process and to ensure that Brent Council meets its legal obligations under the Equality Act 2010. Before undertaking the analysis there are three key things to remember:

- It is very important to keep detailed records of every aspect of the process. In particular you must be able to show a clear link between all of your decisions and recommendations and the evidence you have gathered.
- There are other people in the council and in your own department who have done this before and can offer help and support.
- The Diversity and Consultation teams are there to advise you.

The Equality Act 2010

As a Public Authority, Brent Council is required to comply with the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. These duties require Brent Council to have 'due regard' to the need to

- Eliminate discrimination, be it direct or indirect discrimination
- Advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it; and
- Foster good relations between people who share a protected characteristic and those who do not share it

The equality duty covers:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Marriage and civil partnership (direct discrimination only)
- Race
- Religion or belief
- Sex (formally known as gender)
- Sexual orientation

What is equality analysis?

Equality Analysis is core to policy development and decision making and is an essential tool in providing good services. Its purpose is to allow the decision maker to answer two main questions.

- Could the policy have a negative impact on one or more protected groups and therefore create or increase existing inequalities?
- Could the policy have a positive impact on one or more protected groups by reducing or eliminating existing or anticipated inequalities?

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What should be analysed?

Due consideration of the need for an Equality Analysis should be addressed in relation to all policies, practices, projects, activities and decisions, existing and new. There will be some which have no equalities considerations, but many will. Where an EA is undertaken, some policies are considered a higher risk than others and will require more time and resources because of their significance. This would include:

- Policies affecting a vulnerable group such as young people, the elderly and people with a disability
- Policies related to elective services such as Sports Centres or Libraries
- High profile services
- Policies involving the withdrawal of services
- Policies involving significant reductions in funding or services
- Policies that affect large groups of people
- Policies that relate to politically sensitive issues

It can sometimes be difficult to identify which policies are more sensitive. If you are in doubt seek advice from a more senior officer or the Diversity Team.

When should equality analysis be done?

The EA must be completed before the policy is sent to the decision maker but should be carried out at the earliest possible stage. The advantage of starting early is that the equalities data informs and shapes the policy as it develops and progresses and this allows more time to address issues of inequality. You should also bear in mind that several changes may be happening at the same time. This would mean ensuring that there is sufficient relevant information to understand the cumulative effect of all of these decisions.

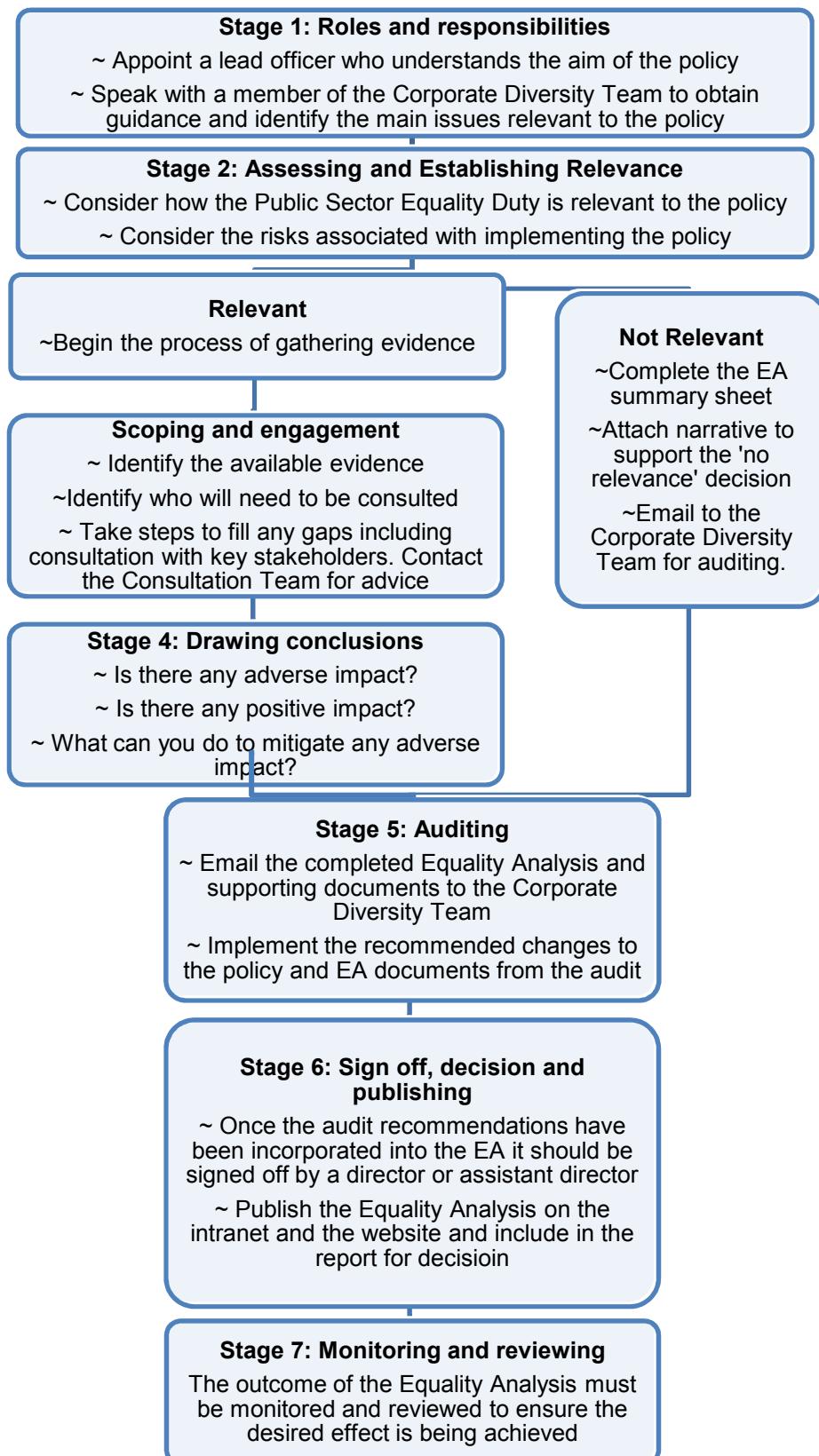
Positive action

Not all policies can be expected to benefit all groups equally, particularly if they are targeted at addressing particular problems affecting one protected group. (An example would be a policy to improve the access of learning disabled women to cancer screening services.) Policies like this, that are specifically designed to advance equality, will, however, also need to be analysed for their effect on equality across all the protected groups.

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Brent Council's Equality Analysis Process

This flow chart sets out the process for carrying out an EA. Details on each stage of the process follow. Please note that it may be necessary to consult the Corporate Diversity team at each stage and that Legal may also need to be involved. This should be factored in to the time scale.



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Stage 1: Roles and Responsibilities

The first stage in the process is to allocate the following roles.

Role	Responsibilities and tasks
Decision maker - the person or group making the policy decision (e.g. CMT/Executive/Chief Officer).	<ul style="list-style-type: none"> • Check that the analysis has been carried out thoroughly: • Read and be familiar with the EA and any issues arising from it and know, understand and apply the PSED. (The evidence on which recommendations are based must be available to this person.) • Take account of any countervailing factors e.g. budgetary and practical constraints
The officer undertaking the EA	<ul style="list-style-type: none"> • Contact the Corporate Diversity and Consultation teams for support and advice • Develop an action plan for the analysis • Carry out research, consultation and engagement if required • Develop recommendations based on the analysis • Submit the EA form to the Diversity team for audit with the evidence and any other relevant documents including the report the EA will be attached to • Incorporate the recommendations of the audit • Include the Equalities Analysis in papers for decision-makers
The Corporate Diversity Team. Usually an individual officer will be assigned at the start of the process	<ul style="list-style-type: none"> • Provide support and advice to the responsible officer • Carry out the audit of the EA to monitor quality standards and ensure it is sufficiently rigorous to meet the general and public sector duties. • Return the analysis to the responsible officer for further work if it fails to meet the necessary standard • Consult Legal if necessary (this stage of the process will take at least 5 days)
The council officer responsible for signing off the EA. Usually a senior manager within the relevant directorate	<p>Ensure:</p> <ul style="list-style-type: none"> • That the EA form is completed • That any issues raised as part of the auditing process have been fully dealt with • That the EA, the evidence used and any issues arising from the analysis are brought to the attention of the decision maker • Ensure that the findings are used to inform service planning and wider policy development.

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Stage 2: Assessing and Establishing Relevance

We need to ensure that all of our policies and key decisions, both current and proposed, have given appropriate consideration to equality. Consideration of the need for an EA needs to be given to all new policies, all revised policies, all key decisions and changes to service delivery need an EA. Those that are more relevant will require more resources and data.

The following questions can help you to determine the degree of relevance, but this is not an exhaustive list:

Key Questions:

- Does the policy have a significant effect in terms of equality on service users, employees or the wider community? Remember that relevance of a policy will depend not only on the number of those affected but also by the significance of the effect on them.
- Is it a major policy, significantly affecting how functions are delivered in terms of equality?
- Will it have a significant effect on how other organisations operate in terms of equality?
- Does the policy relate to functions that previous engagement has identified as being important to particular protected groups?
- Does or could the policy affect different protected groups differently?
- Does it relate to an area with known inequalities (for example, access to public transport for disabled people, racist/homophobic bullying in schools)?
- Does it relate to an area where equality objectives have been set by Brent Council?

If the answer to any of the above is “yes”, you will need to carry out an Equalities Analysis.

“Not relevant”

If you decide that a policy does not impact on any of the equality needs contained in the public sector equality duty, you will need to:

- Document your decision, including the reasons and the information that you used to reach this conclusion. **A simple statement of no relevance to equality without any supporting information is not sufficient, nor is a statement that no information is available.** This could leave you vulnerable to legal challenge so obtaining early advice from the Corporate Diversity team would be helpful.
- Complete the EA Form and send it to the Corporate Diversity Team for auditing. If the Corporate Diversity Team advises that policy is relevant then you will need to continue the EA process (See flowchart). If the Corporate Diversity Team advises that the policy is not relevant then you will need to have it signed off, publish it and put in place monitoring arrangements for the policy.

Stage 3: Scoping

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Scoping establishes the focus for the EA and involves carrying out the following steps:

- Identify how the aims of the policy relate to equality and which aspects have particular importance to equality.
- Identify which protected groups and which parts of the general equality duty the policy will, or is likely to, affect.
- Identify what evidence is available for the analysis, what the information gaps are, and establish which stakeholders can usefully be engaged to support the analysis.

Think about:

- The purpose of the policy, and any changes from any existing policy
- The reason for the policy
- The context
- The beneficiaries
- The intended results

At this early stage you should start to think about potential effects on protected groups. This could mean that you decide to change your overall policy aims or particular aspects of the policy in order to take better account of equality considerations. It is often easier to do this at an earlier stage rather than having to reconsider later on in the process.

Sources of information

It is important to have as much up-to-date and reliable information as possible about the different groups likely to be affected by the existing or proposed policy. The information needed will depend on the nature of the existing or proposed policy, but it will probably include many of the items listed below:

- The Brent Borough profile for demographic data and other statistics
- Census findings; the 2011 census data will be available during 2012
- Equality monitoring data for staff and/or service users
- Reports and recommendations from inspections or audits conducted on service areas
- Previous reports that have been produced either on a similar topic or relating to the same service user group
- Responses to public enquiries on similar topics e.g. Freedom of Information requests
- Comparisons with similar policies in other departments or authorities to help you identify relevant equality issues.
- Analysis of enquiries or complaints from the public to help you understand the needs or experiences of different groups.
- Recent research from a range of national, regional and local sources to help you identify relevant equality issues.
- Results of engagement activities or surveys to help you understand the needs or experiences of different groups.

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- Local press and other media. This will tell you whether there is public concern about possible equalities implications and help you to highlight issues for engagement

Many of these sources will be consulted as a matter of course when reviewing or developing a policy. Equalities considerations are one part of the policy process, not an extra.

Service user information

The type of information you need will depend on the nature of the policy. However, information relating to service users is usually essential. Consider:

- The full range of information that you already have about the user group e.g. information contained within service reviews, audit reports, performance reviews, consultation reports
- Who actually uses the service?
- When do they use it?
- How do they use it and what are their experiences?
- Are there alternative sources of provision that could be accessed?
- Who will be using the service in the future?
- Information from groups or agencies who deliver similar services to your target group e.g. survey results from voluntary and community organisations.

Identify your information gaps

If you do not have equality information relating to a particular policy or about some protected groups, you will need to take steps to fill in your information gaps. This could mean doing further research, undertaking a short study, conducting a one off survey or consultation exercise, holding a focus group etc.

Engagement

The Consultation team are available to advise on all aspects of engagement. You may wish to carry out engagement, which can help you to:

- Gather the views, experiences and ideas of those who are, or will be, affected by your decisions.
- Base your policy on evidence rather than on assumptions
- Check out your ideas
- Find solutions to problems and develop ways to overcome barriers faced by particular groups.
- Design more appropriate services,
- Monitor and evaluate the success of your policies and understand where improvements may be necessary.
- Avoid the costs of remedying and adapting services after their implementation
- Pre-empt complaints, which can be costly and time-consuming.

But remember you don't always have to consult or embark upon engagement if you already have enough information to assess the likely impact of the policy change on the equality needs, and if there is no other legal duty to consult. This engagement

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can form part of the broader consultation being carried out around service changes. You can also use recent engagement and research activities as a starting point, for example on a related policy or strategy and you can use documentation resulting from other equality analysis that Brent Council (or others) have undertaken.

For your engagement to be effective you will need to:

- Think carefully about who you should engage with. You will need to prioritise those who are most likely to be affected by the policy and those who will experience the greatest impact in terms of equality and good relations.
- In regard to people with a disability, as good practice it is recommended that they should be actively involved in engagement activity which directly affects them or the services that they receive.
- Make sure that the level of engagement is appropriate to the significance of the policy and its impact on equality
- Consider what questions you will need to ask, in order to understand the effect of the policy on equality. If you find it difficult to frame suitable questions you may take advice from the Corporate Diversity and Consultation teams
- Link into existing forums or community groups or to speak with representatives to help you reach less visible groups or those you have not engaged with before.
- Create opportunities for people to participate in supportive and safe environments where they feel their privacy will be protected, or via technology such as the internet
- Think of strategies that address barriers to engagement. Other people in the council have experience of this and can advise, as can the Corporate Diversity team and the Consultation team.

Stage 4: Drawing conclusions

You will need to review all of the information you have gathered in order to make a judgement about what the likely effect of the policy will be on equality, and whether you need to make any changes to the policy.

You may find it useful to ask yourself “What does the evidence (data, consultation outcomes etc.) tell me about the following questions”:

- Could the policy outcomes differ between protected groups? If so, is that consistent with the policy aims?
- Is there different take-up of services by different groups?
- Could the policy affect different groups disproportionately?
- Does the policy miss opportunities to advance equality and foster good relations, including, for example, participation in public life?
- Could the policy disadvantage people from a particular group?
- Could any part of the policy discriminate unlawfully?
- Are there other policies that need to change to support the effectiveness of the policy under consideration?

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If the answer to any of the above is "yes", you should consider what you can do to mitigate any harmful effects. Advice from the Diversity team will be particularly helpful at this stage.

You will also want to identify positive aspects of the policy by asking yourself:

- Does the policy deliver practical benefits for protected groups?
- Does the policy enable positive action to take place?
- Does the policy help to foster good relations between groups

Having considered the potential or actual effect of your policy on equality, you should be in a position to make an informed judgement about what should be done with your policy.

There are four main steps that you can take:

- **No major change**
- **Adjust the policy**
- **Continue the policy**
- **Stop and remove the policy**

(please see EA form for detailed descriptions of each decision)

Decisions may involve careful balancing between different interests, based on your evidence and engagement. For example, if the analysis suggests the needs of two groups are in conflict, you will need to find an appropriate balance for these groups and for the policy in question. The key point is to make sure the conclusions you reach can be explained and justified. Speak to the Diversity team if you are unsure. As a result of your analysis you may need to develop new equality objectives and targets. These should be documented on the EA form.

Stage 5: Auditing

Once you have completed the EA you will need to complete the EA Form and send it to the Corporate Diversity Team for auditing. It is important to ensure that the EA Form is completed as fully as possible. Documenting all of your analysis is important to ensure that you can show how the general and specific duties are being met. This aspect of the analysis has been subject to legal challenge so you need to be able to show how you reached your conclusions. The audit process involves the Corporate Diversity Team reviewing the completed form, the information and evidence. Sometimes this may require advice from Legal. You need to bear in mind that this will take at least five days. The team will send you back a feedback form with comments and recommendations which you will need to action prior to the sign off of the form.

Stage 6: Sign Off, Decision and Publishing

Once the EA Form is completed, the document must be signed off and the completed document must be sent to the Corporate Diversity Team to be published on the council website.

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Decision-making

In order to have due regard to the aims of the public sector equality duty, decision-making must be based on a clear understanding of the effects on equality. This means that Directors, CMT and others who ultimately decide on the policy are fully aware of the findings of the EA and have due regard to them in making decisions. They are also entitled to take into account countervailing factors such as budgetary and practical constraints.

Stage 7: Monitoring and Reviewing

Your EA, and any engagement associated with it, will have helped you to anticipate and address the policy's likely effects on different groups. However, the actual effect of the policy will only be known once it has been introduced. You may find that you need to revise the policy if, for instance:

- Negative effects do occur
- Area demographics change, leading to different needs,
- Alternative provision becomes available
- New options to reduce an adverse effect become apparent

You will need to identify a date when the policy will be reviewed to check whether or not it is having its intended effects. This does not mean repeating the EA, but using the experience gained through implementation to check the findings and to make any necessary adjustments. Consider:

- How you will measure the effects of the policy?
- When the policy will be reviewed (usually after a year) and what could trigger an early revision (see above)?
- Who will be responsible for monitoring and review?
- What type of information is needed for monitoring and how often it will be analysed?
- How to engage stakeholders in implementation, monitoring and review?

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Section 3: Glossary

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.

Direct discrimination: This refers to less favourable treatment of one individual, if, because of that person's protected characteristic, that person is treated less favourably than another. Direct discrimination cannot be justified unless it is discrimination on the grounds of age.

Disability: A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

Equality information: The information that you have (or that you will collect) about people with protected characteristics that will help you to show compliance with the equality duty. This may include the findings of engagement with protected groups and others and evidence about the effect of your policies on protected groups. It includes both qualitative and quantitative information, as well as evidence of analysis you have undertaken.

Gender reassignment: This is the process of transitioning from one sex to another. See also trans, transgender, transsexual.

Harassment: 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. It may also involve unwanted conduct of a sexual nature or be related to gender reassignment or sex.

Indirect discrimination: This is when a neutral provision, criterion or practice is applied to everyone, but which is applied in a way that creates disproportionate disadvantage for persons with a protected characteristic as compared to those who do not share that characteristic, and cannot be shown as being a proportionate means of achieving a legitimate aim.

Mitigation: This is when measures are put in place that lessen the negative effects of a policy or policies on protected groups.

Objective justification: Your provision may indirectly discriminate against a particular group if:

- It is a proportionate means to achieve a legitimate end
- The discrimination is significantly outweighed by the benefits
- There is no reasonable alternative to achieve the legitimate end

For example, some employers have policies that link pay and benefits to an employee's length of service, such as additional holiday entitlement for long-serving employees. This may indirectly discriminate against younger people who are less likely to have been employed for that length of time, but in most circumstances it is seen as being a proportionate way of encouraging staff loyalty.

Direct discrimination on the grounds of age can also be objectively justified (no other direct discrimination can be).

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Positive action: Lawful actions that seeks to overcome or minimise disadvantages that people who share a protected characteristic have experienced, or to meet their different needs (for example, providing mentoring to encourage staff from under-represented groups to apply for promotion).

Pregnancy and Maternity: Pregnancy is the condition of being pregnant. Maternity is the period after giving birth and 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 breastfeeding.

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.

Race: This refers to a group of people defined by their colour, nationality (including citizenship), ethnic or national origins.

Reasonable adjustment: Public authorities making adjustments to the way in which they carry out their functions so that disabled people are not disadvantaged by the way in which those functions are carried out. This is with regard to policies, practices or procedures, premises, and the provision of auxiliary aids or services.

Relevance: How far a function or policy affects people, as members of the public, and as employees of the authority. Some functions may be more relevant to some protected groups than to others, and to one or more of the three elements of the general equality duty. The function or policy may still be relevant if the numbers affected by it are very small.

Religion or belief: Religion means any religion, including a reference to a lack of religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect your life choices or the way you live for it to be included.

Sexual orientation: This is whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

Trans: The terms ‘trans people’ and ‘transgender people’ are both often used as umbrella terms for people whose gender identity and/or gender expression differs from their birth sex, including transsexual people (those who propose to undergo, are undergoing or have undergone a process of gender reassignment to live permanently in their acquired gender), transvestite/cross-dressing people (those who wear clothing traditionally associated with the other gender either occasionally or more regularly), androgynous/polygender people (those who have non-binary gender identities and do not identify as male or female), and others who define as gender variant.

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.

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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 feel the deep conviction to present themselves in the appearance of the opposite sex. They may change their name and identity to live in the preferred gender. Some take hormones and have cosmetic treatments to alter their appearance and physical characteristics. Some undergo surgery to change their bodies to approximate more closely to their preferred gender. Transsexual people have the protected characteristic of gender reassignment under the Equality Act 2010. Under the Act, gender reassignment is a personal process rather than a medical one and it does not require someone to undergo medical treatment in order to be protected.

Victimisation: Subjecting a person to a detriment because they have made a complaint of discrimination, or are thought to have done so; or because they have supported someone else who has made a complaint of discrimination. Victimisation is unlawful under the Equality Act 2010.

Appendix 1

A Summary of the Equality Act 2010

The Equality Act 2010 replaces the existing anti-discrimination laws with a single Act. The legislation covers:

- Employment and work
- Goods and services
- The exercise of public functions
- Premises
- Associations
- Transport
- Education

The act prohibits:

- Direct discrimination
- Indirect discrimination
- Discrimination by association
- Discrimination by perception
- Discrimination arising from disability
- Victimisation
- Harassment

The new legislation no longer refers to ‘diversity strands’ instead it introduces the concept of ‘protected characteristics or groups’, the protected characteristics are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and civil partnership
- Pregnancy and maternity

The Public Sector Equality Duty

The public sector equality duty requires that the council must, in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

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These are generally referred to as the three arms of the duty. In relation to ‘fostering’ there is a duty to have due regard to the need to tackle prejudice and promote understanding.

Equality of opportunity is expanded by placing a duty on the Council to have due regard to the need to:

- Remove or minimize disadvantages connected to a characteristic of a protected group.
- Take steps to meet the needs of protected groups.
- Encourage participation of protected groups in public life where participation is proportionately low.

There is also a specific requirement that councils must take steps to take account of a person’s disability and there is a duty to make reasonable adjustments to remove barriers for disabled people. The duty is ‘anticipatory’. For example, Brent Council cannot wait until a disabled person wants to use its services, but must think in advance (and on an ongoing basis) about what people with a range of impairments might reasonably need.