

2012

# Equality Analysis Guidance and Form



## 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.

<b>1. Roles and Responsibilities:</b> please refer to stage 1 of the guidance	
<b>Directorate: Regeneration and Major Projects</b>          <b>Service Area: Regeneration</b>	<b>Person Responsible:</b> Name: Noreen Twomey Title: Project Manager South Kilburn Contact No: 020 8937 6482 Signed: Noreen Twomey
<b>Name of policy: South Kilburn Regeneration Programme</b>	<b>Date analysis started: 11/09/2013</b>  <b>Completion date:</b>  <b>Review date:</b>
<b>Is the policy:</b>  <input type="checkbox"/> New <input checked="" type="checkbox"/> Old	<b>Auditing Details:</b> Name: Elizabeth Bryan Title: Diversity Officer Date: 24 <sup>th</sup> October 2013 Contact No: 020 8937 1190 Signed: Elizabeth Bryan
<b>South Kilburn Regeneration Programme</b>	
<b>Signing Off Manager:</b> responsible for review and monitoring Name: Abigail Stratford Title: Programme Manager South Kilburn Date: 17 <sup>th</sup> October 2013 Contact No: 020 8937 1026 Signed: Abigail Stratford	<b>Decision Maker:</b> Name individual /group/meeting/ committee: <b>Executive Committee</b>  Date: 11 November 2013

**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?**

Please refer to stage 2 of the guidance.

The regeneration programme aims to change South Kilburn into a sustainable and mixed community by delivering 2,400 new high quality homes, improved open spaces, new shops, new health facilities and a new consolidated school. The South Kilburn programme comprises of four phases. Phase 1 is already being delivered on site.

Approvals were given by the Executive in October 2012, April 2013 and May 2013 to further progress Phase 2 and Phase 3 of the regeneration programme. Further approvals are being sought at this stage to further progress the regeneration programme; namely in relation to Cambridge Court, Wells Court and Ely Court and Bond Hicks Bolton and Wood House (together defined as '**Phase1b**'), 5 to 9 Chippenham Gardens, the Post Office site and 4 to 26 Stuart Road (together defined as the '**Post Office Plus Site**'), 8 to 14 Neville Close (all numbers inclusive), 97 to 112 Carlton House, Peel Precinct (together defined as '**Peel**'), Compulsory Purchase Order (CPO) recommendations as well as general recommendations.

This Equality Analysis focuses specifically on the impact (both positive and negative) the recommendations being sought from the Executive in relation to the Post Office Plus Site and Peel may have on one or more of the protected groups.

**Post Office Plus Site**

The Post Office Plus Site proposes to replace the existing post office, replace the affordable housing at 4 to 26 Stuart Road and also provide additional affordable housing to support the South Kilburn Regeneration Decant Programme.

Authority being sought from the Executive in relation to the Post Office Plus Site includes authority to enter into a collaboration agreement with Woodville Properties (the owner of 5 to 9 Chippenham Gardens) to bring forward the comprehensive redevelopment of the site. **If** the Strategic Director of Regeneration and Growth in conjunction with the Borough Solicitor is unable to agree and enter into a Collaboration Agreement with Woodville Properties in respect the Post Office Plus Site, authority is being sought from the Executive to remove 4 to 26 Stuart Road from the South Kilburn regeneration programme.

**Subject to entering into a Collaboration Agreement with Woodville Properties in respect of the Post Office Plus Site**, authority is also being sought to award a contract for a full architectural design team to PRP Architects to lead the design team through to a full planning application (RIBA Stage 3) for the redevelopment of the Post Office Plus Site, authority to develop a draft allocation policy for allocating homes to secure tenants living within 4 to 26 Stuart Road, authority to commence statutory consultation with secure tenants within the Post Office Plus Site in connection with i) seeking approval of the Secretary of State for use of Ground 10A of the Housing Act, 1985; ii) intention to make a CPO on properties currently occupied by secure tenants and; iii) a draft Allocation Policy for secure tenants with homes within the Post Office Plus redevelopment site.

## **Peel**

The redevelopment of Peel seeks to deliver a mixed use scheme that would provide sufficient enabling residential development to deliver a health centre for South Kilburn residents at no net capital cost to the Council. The purpose of the South Kilburn Health Centre (SKHC) is to provide a new, for purpose health facility to meet the high health needs of the existing residents and the anticipated health needs of future residents. Three local GP practices (Blessing Medical Centre, Kilburn Park Medical Centre and Peel Precinct Surgery) will co-locate within the new SKHC.

Authority being sought from the Executive in relation to the redevelopment of Peel includes authority to procure a healthcare provider via the open market and subsequently enter into an agreement for lease with the preferred healthcare provider to manage the new SKHC, authority to undertake a mini competition under the Greater London Authority (GLA) London Development Panel to identify a developer partner for the regeneration of Peel, authority to set rent levels for the new affordable homes at a rent equivalent to HCA Target Rent Levels, authority to proceed with securing vacant possession of the residential and commercial properties within the Peel redevelopment site, authority to make and implement a CPO pursuant to section 226 of the Town and Country Planning Act 1990 and authority to commence statutory consultation with secure tenants within the Peel redevelopment site in connection with i) seeking approval of the Secretary of State for use of Ground 10A of the Housing Act, 1985; ii) intention to make a CPO on properties currently occupied by secure tenants and; iii) a draft Allocation Policy for secure tenants with homes within the Peel redevelopment site.

In a bid to fully understand the impact the delivery of the SKHC may have on one or more of the protected groups, it is first essential to understand the demographics and health needs of the existing population of South Kilburn<sup>1</sup> to inform the approach to the delivery of the SKHC to maximise opportunities for health promotion and health improvement to address health inequalities in the short, medium and long term. Key headlines are as follows:

### **Population**

- According to the Census 2011, there are 7,775 persons resident within South Kilburn, with an almost equal split between males and females (50.1% versus 49.9%). South Kilburn has a relatively young population with 24% of residents under 16 years of age and almost half of residents (49.3%) are in the 25-64 years age bracket.
- Brent is very ethnically diverse as a borough and South Kilburn is no different. 39.3% of South Kilburn residents are black or black British (compared to 18.8% of the borough as a whole) and overall 66.9% of the population is from a Black and Minority Ethnic (BAME) group.

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<sup>1</sup> South Kilburn includes Lower Super Output Areas (LSOA) E01000550, E01000551, E01000552 and E01000544, a map of which is included at Appendix 1. Together, these LSOAs form Middle Super Output Area (MSOA (2011)) Brent 034.

- 5% of adults whose main language is not English cannot speak English well or at all. This is hugely significant in terms of how long GP consultation appointments need to be and even where some English is spoken and there is deemed to be no need to book an interpreter (which automatically doubles the length of the appointment), to have a quality consultation can be challenging.
- In South Kilburn, 50.5% of the population identify their religion as Christian, 23.5% Muslim and 13.5% are not followers of a religion, all of which are higher than the borough average.
- 72.1% of South Kilburn residents live in social rented accommodation; only 12% own their own homes.
- Poor health and wellbeing outcomes are often a reflection of wider social and economic inequalities present in society as well as a reflection of poor lifestyles and in some cases ethnic make-up. South Kilburn is in top 10% most deprived nationally. According to the Index of Multiple Deprivation 2010, income deprivation, child poverty and older people deprivation indicators are all significantly worse in South Kilburn than in Brent as a whole.
- 22.4% of South Kilburn residents have no qualifications. 9.9% of the working age population in South Kilburn are unemployed, compared to 5.8% across the whole of Brent. The rate of long term unemployment is more than three times higher in South Kilburn when compared to Brent as a whole (33.4/ 1,000 versus 10.8/ 1,000).

### **Health Inequalities**

- Although life expectancy at birth for the female population of South Kilburn is marginally higher than Brent as a whole (84.8 years versus 84 years), life expectancy at birth for the male population of South Kilburn is 4.3 years less than Brent as a whole (74.7 years versus 79 years).
- In 2011, 7.9% of South Kilburn residents declared their health to be bad or very bad compared to 5.3% across Brent as a whole.

### **Mortality and Morbidity, Diet and Exercise**

- There are considerable concerns over childhood obesity in South Kilburn with 30.3% of Year-6 children being obese compared to only 23% for the whole of Brent. Similarly, 28.1% of the adult population in South Kilburn are obese versus 21.2% of the adult population of Brent as a whole.
- Rates of hospital stay for alcohol related harm are significantly higher in South Kilburn than England and Brent.
- Rates of emergency hospital admissions for all causes, stroke and Chronic Obstructive Pulmonary Disease (COPD) are higher in South Kilburn than for Brent as a whole.
- South Kilburn has high rates of premature mortality (all causes) and much of this appears to be related to circulatory disease in those aged under 75.

## GP Practices Profile

- The new SKHC aims to co-locate three existing local GP practices: Blessing Medical Centre (307 Kilburn lane), Kilburn Park Medical Centre (12 Cambridge Gardens) and Peel Precinct Surgery (3 Peel Precinct) within the new facility. Combined, the three practices have 10,885 registered persons (2,270, 6,903 and 1,712 respectively), obviously serving an area wider than just that of South Kilburn.
- Examination of the Quality and Outcomes Framework (QOF) 2011/12 for each of the three practices places all of them in the most deprived decile (all three score 1 out of 10 where 1 is most deprived). Further examination reaffirms the prevalent health inequalities present in South Kilburn. For example, when looking at the average asthma prevalence for all ages across the three practices, 6.6% of registered persons have asthma, compared with 4.9% and 5.9% for Brent as a whole and the England average respectively. Similarly, when looking at depression prevalence for those 18+, an average of 10.2% of registered persons across the three practices suffer from depression, compared with 6.6% for Brent as a whole. See Table 1 below for a comparison of a selection of chronic conditions for each of the three GP practices versus Brent as a whole and also illustrates the variances between practices.

**Table 1: Health indicators: three GP Practices versus Brent**

Indicator	Blessing Medical Centre	Peel Precinct Surgery	Kilburn Park Medical Centre	Brent
Asthma QOF prevalence (all ages)	5%	9.6%	5.2%	4.9%
Diabetes QOF prevalence (17+)	4.1%	4.4%	4.8%	6.3%
Depression QOF prevalence (18+)	8.9%	7.3%	14.5%	6.6%
Mental Health	2.2%	1.1%	1.8%	1.1%
% reporting a long term mental health problem	1.1%	5.4%	3.3%	3.4%

Source: QOF 2011/12

	Lower than Brent Percentage
	Higher than Brent Percentage

- In order to increase capacity in primary care and to improve patient satisfaction scores, Brent Clinical Commissioning Group (CCG) has commissioned additional bookable appointments via a patient's GP practice in five locality centres on a pilot basis for six months. GP and nurse appointments will be available from 3pm to 9pm Monday to Friday and 9am to 9pm on a Saturday. Within the Kilburn locality, these appointments are being delivered from Kilburn Park Medical Centre on Mondays to Wednesdays. If the pilot is found successful, the programme may be extended.

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

Recommendations in relation to Peel and the Post Office Plus Site (subject to the Council entering into a Collaboration Agreement with Woodville Properties) as part of the South Kilburn regeneration programme will impact on the protected groups as follows:

#### 1. Age:

- The impact of delivering a new fit for purpose health centre for South Kilburn residents as part of the redevelopment of Peel to meet the high health needs of the existing population and the anticipated health needs of the population over time will have a positive impact on the age protected group as age is a major determinant of health need. Children and older people are known to be highest users of health services. With regards to children, children aged 0 to 4 years are generally amongst the highest users of health services, followed by the 5 to 15 years age group. This is largely due to the range of standard interventions during this period of the life cycle, such as immunisation programmes. Just under a quarter (23.8%) of the population of South Kilburn are children aged 0 to 15 years, compared to 20.2% of the population of Brent as a whole. See Table 2 below for a full breakdown of the population of South Kilburn by age group.

**Table 2: Breakdown of Population of South Kilburn by Age Group**

Age Bands	0 – 15	16-24	25-34	35-44	45-54	55-64	65+
<b>Total</b>	1850	906	1,476	1,298	1,056	527	662
<b>South Kilburn Percentage</b>	23.8%	11.7%	19.0%	16.7%	13.6%	6.8%	8.5%
<b>Brent Percentage</b>	20.2%	12.6%	20.8%	14.8%	12.5%	8.6%	10.5%

Source: Census 2011

	lower than Brent percentage
	higher than Brent percentage

- The percentage of low birth weight births is higher in South Kilburn (9.4%) when compared to the whole of Brent and England (8.5% and 7.4% respectively). As aforementioned, there are considerable concerns over childhood obesity in South Kilburn with 30.3% of Year-6 children being obese compared to only 23% for the whole of Brent. A child who is obese has, amongst other complications, an elevated risk of developing cardiovascular disease as an adult. Furthermore, obesity, after smoking, is the second greatest cause of ill health and preventable disease.
- With regards to older people, higher incidence of many health conditions, disabilities and incapacities such as circulatory diseases, cancers, mental health and respiratory diseases are observed among older people along with high rates of accident and emergency attendance. Whilst the percentage of residents living in South Kilburn aged 65 or over is less than the borough average (8.5% versus 10.5%), the age groups in South Kilburn currently with the highest populations after the 0 to 15 age group are those aged between

35 and 54 years, whose health needs will change as they get older and increase pressure on local health services in the next decade.

Furthermore, it is also noteworthy that health inequality in relation to age is particularly acute for males in South Kilburn. Despite life expectancy from birth increasing for both men and women (which implies longer periods for individuals where health and social care are required), as aforementioned, life expectancy at birth for the male population of South Kilburn is 4.3 years less than Brent as a whole (74.7 years versus 79 years).

- Peel currently comprises 56 residential units (of which 36 are occupied by secure tenants), 16 commercial units, the Sir Robert Peel public house (home to the West Kilburn branch of The Royal British Legion) and South Kilburn Studios, a meanwhile project offering creative traineeships to young people from the local area. In order to deliver a health centre for South Kilburn residents and deliver sufficient residential development to meet the decant requirements of the 36 existing secure tenants living within the site, the redevelopment of Peel does not include replacement commercial units or a replacement premises for the Royal British Legion. The loss of shops and the Royal British Legion as a result of the redevelopment of Peel is likely to be greater for older residents and members of the Royal British Legion. Delivery of retail elsewhere within the South Kilburn masterplan area will mitigate the loss of shops at Peel. Site 18 (Queens Park Station Area) incorporates 1,270m<sup>2</sup> of commercial frontage along Salusbury Road and Kilburn Lane (uses classes A1/A3/A4). Site 11b incorporates 480m<sup>2</sup> of commercial frontage along Salusbury Road. A small commercial frontage of 185.3m<sup>2</sup> will also be developed within the Bond Hicks Bolton development located on the corner of Rupert Road and Albert Road. The impact of the non-replacement of premises for the Royal British Legion cannot be mitigated in any practical way. However, the benefit of new, fit for purpose, quality health facilities for 10,885 patients of the three GP practices will be felt throughout the community.
- The impact of secure tenants having to move from their current homes within Peel and the Post Office Plus Site (subject to the Council entering into a Collaboration Agreement with Woodville Properties) to a replacement home in accordance with allocation policies to be developed to enable their current homes to be brought forward for development as part of the South Kilburn regeneration programme is likely to be greater for older secure tenants. 6 (46%) and 6 (10%) of the secure tenants living in homes in the Post Office Plus Site and Peel or members of their households are aged 65 or over respectively, compared to 10.5% of residents within Brent as a whole. Packing, moving and unpacking is likely to be particularly difficult for such people. Older secure tenants may also suffer greater psychological effects, including stress and uncertainty, for example in relation to having to move and may rely more on neighbours and nearby family for support, and moving home may affect these support networks. To mitigate this, the Council will ensure that the South Kilburn Re-housing Team will help each secure tenant through the re-housing process. This will include identifying secure tenants' re-housing needs and requirements, informing them about the re-housing and move process, keeping them updated with the project and move timescales and supporting residents throughout the whole process. The Re-housing Team will be able to allocate additional support and services to



assist older secure tenants when moving home. For example, offering a packing and unpacking service to help older secure tenants with the move.

- As with previous phases of the South Kilburn regeneration programme, secure tenants with homes in Post Office Plus Site (subject to the Council entering into a Collaboration Agreement with Woodville Properties) and Peel will be made a suitable offer of alternative accommodation, depending on their household make up. From a point of view of age, older secure tenants who are single or in a couple, whose children have left home and who are currently occupying a large home will be offered a smaller home that meets their current housing need. For younger secure tenants who are single or in a couple with children who are over-crowded in their current homes within the Post Office Plus Site or Peel redevelopment site will be offered a new property that meets their housing need. This would be a positive impact to reduce overcrowding.
- Secure tenants that move to a new home built as part of the South Kilburn regeneration programme will pay higher rents than on their current home, as the rents charged by Registered Providers (who own and manage new affordable homes delivered as part of the South Kilburn regeneration programme), known as target rents; will be higher than those charged by the Council. Although Council rents are scheduled to converge with target rents in 2015-16, the rent levels on the new replacement dwellings will continue to be higher than the rent on their current home, as the target rent takes account of the size, location and condition of a dwelling. The impact on secure tenants of paying higher rents on new build homes within South Kilburn than they currently pay to the Council on their existing home is likely to have less of an impact on older secure tenants who are in receipt of benefits as they will not be affected by the introduction of a Universal Credit being introduced as part of the Welfare Reform Act 2013.
- The impact of leaseholders having to move from their current homes within the Post Office Plus Site (subject to the Council entering into a Collaboration Agreement with Woodville Properties) and the Peel redevelopment site and find their own replacement housing, to enable redevelopment of their current home as part of the South Kilburn regeneration programme is also likely to be greater for older leaseholders. To mitigate this, to assist owner occupier leaseholders who have been resident for 12 months prior to the date of eligibility, officers will offer practical, non financial help to assist leaseholders in finding and purchasing another property that may be near to the regeneration area or in another part of Brent. The level of help will be assessed on a case by case basis, in accordance with needs, and may include (but is neither guaranteed to include nor restricted to) the provision of information on how to purchase a property on the open market such as find solicitors, surveyors etc., information on any other leasehold properties Brent knows are for sale or help to find another property in Brent.

## **2. Disability**

- The impact of delivering a new fit for purpose health centre as part of the redevelopment of Peel to meet the high health needs of the existing population and the anticipated health needs of the population over time will have a positive impact on the disability protected group as people with

disabilities are more likely to suffer from epilepsy, coronary heart disease, schizophrenia, respiratory disease, dementia, diabetes and sensory impairments than the rest of the general population and rely on access to quality health facilities.

- 17.2% of the population of South Kilburn have a limiting long term illness or disability, compared with 14.4% of the population of Brent as a whole. The 2011 Census noted that 6.7% of the South Kilburn working age population is economically inactive due to being long term sick or disabled, compared to 3.9% of Brent as a whole.
- The impact of secure tenants having to move from their current homes in Peel and the Post Office Plus Site (subject to the Council entering into a Collaboration Agreement with Woodville Properties) to a replacement home in accordance with bespoke allocation policies to be developed, to enable their current homes to be brought forward for development as part of the South Kilburn regeneration programme, is likely to be greater for secure tenants with a disability. Packing, moving and unpacking is likely to be particularly difficult for such people. Secure tenants with a disability may also suffer greater psychological effects, including stress and uncertainty. Further, secure tenants with a disability may rely more on neighbours and nearby family for support, and moving home may affect these support networks. To mitigate this, the South Kilburn Re-housing Team will offer additional support to secure tenants with a disability, similar to that described above in relation to older secure tenants. Replacement properties will be adapted in accordance with Occupational Therapist's assessments of the individual secure tenant or a member of their household.
- The impact of having to move from their current home within Peel and the Post Office Plus Site (subject to the Council entering into a Collaboration Agreement with Woodville Properties) as part of the South Kilburn regeneration programme, may be particularly difficult for secure tenants who suffer from mental illness. Where secure tenants have mental health difficulties the South Kilburn Re-housing Team will work with the secure tenants' existing support network/carers/GP to ensure that the necessary support and care is provided.

### **3. Gender Reassignment**

- It is not anticipated that the recommendations being sought in relation to the South Kilburn regeneration programme would have any particular impact on residents with this protected characteristic as compared with other residents.

### **4. Marriage and Civil Partnership**

- It is not anticipated that the recommendations being sought in relation to the South Kilburn regeneration programme would have any particular impact on residents with this protected characteristic as compared with other residents.

### **5. Pregnancy and Maternity**

- The impact of delivering a new fit for purpose health centre for South Kilburn residents as part of the redevelopment of Peel will have a positive impact on

the pregnancy and maternity protected group. 8% of the population of South Kilburn is aged 0 to 4. As aforementioned, the percentage of low birth weight births is higher in South Kilburn (9.4%) when compared to the whole of Brent and England (8.5% and 7.4% respectively). Ante-natal care and screening services are currently offered by all three GP practices in accordance with local guidelines. Complementary services such as baby clinics could be delivered within the new SKHC to enable parents with young babies access to health visitors to help with any issues or worries about their young family.

- The impact of secure tenants having to move from their current homes in Peel and the Post Office Plus Site (subject to the Council entering into a Collaboration Agreement with Woodville Properties) to enable their current home to be brought forward for development as part of the South Kilburn regeneration programme, is likely to be greater for pregnant women and women on maternity leave, than for other secure tenants. Packing, moving and unpacking is likely to be difficult for pregnant women and women on maternity leave. To mitigate this, the South Kilburn Re-housing Team will offer additional support to secure tenants who are pregnant or on maternity leave, similar to that described above in relation to older secure tenants.

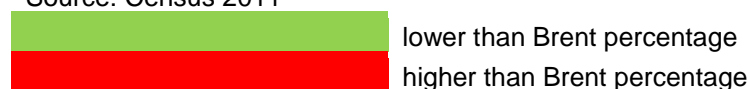
## 6. Race

- Table 3 below provides a summary of the ethnicity of the population of South Kilburn.

**Table 3: South Kilburn Ethnicity Breakdown**

Ethnic Group	White	Mixed/ multiple ethnic groups	Asian/ Asian British	Black/African/ Caribbean/ Black British	Chinese or other ethnic group
Total	2,575	546	891	3,057	706
South Kilburn Percentage	33.1	7.0	11.5	39.3	9.1
Brent Percentage	36.3	5.1	33.0	18.8	6.8

Source: Census 2011



- As per the above chart, the impact of the recommendations being sought in relation to the South Kilburn regeneration programme will be felt by an above-average number of residents from BAME backgrounds, when compared with the ethnic profile of the borough. It is not considered that this impact, which is itself a statistical consequence of the ethnic profile of South Kilburn, can be mitigated in any practical way.

## 7. Religion or Belief

- Table 4 below provides a summary of the religion of the population of South Kilburn.

**Table 4: South Kilburn Religion Breakdown**

Religion	Has religion	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh
Total	6,094	3,930	60	179	44	1,830	4
Percentage	78.4	50.5	0.8	2.3	0.6	23.5	0.1
Brent Percentage	82.5	41.5	1.4	17.8	1.4	18.6	0.5

Source: Census 2011

	lower than Brent percentage
	higher than Brent percentage

- As per the above chart, the impact of the recommendations being sought in relation to the South Kilburn regeneration programme will be felt by an above-average number of residents from Christian and Muslim faiths, when compared with the religious breakdown of the borough. It is not considered that this impact, which is itself a statistical consequence of the religious breakdown of South Kilburn, can be mitigated in any practical way.

## 8. Sex

- As noted above, South Kilburn has almost equal split between males and females (50.1% versus 49.9%).
- In terms of recommendations in relation to the new SKHC, although life expectancy at birth for female population of South Kilburn is marginally higher than Brent as a whole (84.8 years versus 84 years), life expectancy at birth for the male population of South Kilburn is 4.3 years less than Brent as a whole (74.7 years versus 79 years).
- According to data on file, 47% of households in the Post Office Plus Site and the Peel redevelopment site are occupied by a single female adult compared to 26% of households being occupied by a single male adult. Thus, the impact of the recommendations being sought in relation to these sites within the South Kilburn regeneration programme are likely to be greater for female secure tenants than male secure tenants. However, it is not considered that this impact, which is itself a statistical consequence of the household composition profile of South Kilburn, can be mitigated in any practical way. The South Kilburn regeneration programme aims to achieve a substantial improvement in the living conditions of existing tenants as well as delivering wider benefits such as improved open spaces, new shops, new health facilities and a new consolidated school. Once the initial upheaval of moving is over, the regeneration would have a positive impact on female secure tenants.

## 9. Sexual Orientation

- It is not anticipated that the recommendations being sought in relation to the South Kilburn regeneration programme would have any particular impact on residents with this protected characteristic as compared with other residents.

**Please give details of the evidence you have used:**

- Census 2011
- Public Health England Local Health Report Brent 034 (MSOA (2011))
- Brent Health and Wellbeing Strategy 2008 – 2018
- Kilburn Locality Profile 2012
- National General Practice Profiles (The Network of Public Health Observatories)
- Index of Multiple Deprivation 2010
- With regards to the impact of the recommendations on secure tenants living within the affected sites, further evidence will be collated from the responses to the statutory consultation that will be undertaken on the Council's proposals to apply to the Secretary of State for use of Ground 10A of the Housing Act 1985, to make a Compulsory Purchase Order (CPO) on properties in the Post Office Plus Site (subject to the Council entering into a Collaboration Agreement with Woodville Properties) and Peel that are currently occupied by secure tenants and consultation in connection with a draft allocation policies for both sites. The Council will consider the comments it receives as part of these consultation processes and will report back detailing the outcome of these statutory consultations. This Equality Analysis will also be reviewed in the light of comments made in consultation.

**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;**

The South Kilburn regeneration scheme proposes a phased redevelopment of the majority of the current housing stock by prioritising the redevelopment of the worst quality blocks and delivering new homes within a higher quality, better managed and more connected place. The proposition is for traditional street patterns, front doors, high quality domestic materials, and retail and community space in the right locations. The South Kilburn regeneration scheme also proposes new health facilities that meet the health needs of the existing population as well as the anticipated health needs of the increased population and a new consolidated school.

We aim to ensure that the South Kilburn regeneration programme will meet the varied individual needs and expectation of residents with homes due for demolition as part of the South Kilburn regeneration programme. The new homes in South Kilburn are available to secure tenants within South Kilburn regardless of their ethnicity, nationality or national origin, age, gender, sexuality, disability or faith. Homes are designed to Lifetime Homes standards and the London Housing Design Guide. A proportion of the new homes are designed to be wheelchair adaptable while the allocation process considers the housing needs of secure tenants in terms of providing aids/adaptations to their new home, where required. Similarly, access to the new SKHC will be available to residents regardless of the

ethnicity, nationality or national origin, age, gender, sexuality, disability or faith.

**(b) Advance equality of opportunity;**

We also aim to ensure that everyone has equal access to services, regardless of their protected characteristics. We recognise the services provided to South Kilburn residents must be relevant, responsive and sensitive and that the Council must be fair and equitable in its provision of services to residents.

**(c) Foster good relations**

South Kilburn Neighbourhood Trust, a local regeneration charity working to bring about lasting change for the communities of South Kilburn, through its widening participation, seeks to find ways of involving and engaging with all local residents, particularly those who traditionally are 'hard to reach'.

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

Please refer to stage 3 of the guidance.

**South Kilburn Regeneration Programme**

There has been and will continue to be widespread consultation and community engagement as proposals for the physical regeneration of South Kilburn are developed and delivered.

**Post Office Plus Site & Peel**

As part of the study undertaken to confirm the deliverability and financial feasibility of progressing the comprehensive redevelopment of Peel to deliver a health centre, consultation with local residents and health stakeholders was undertaken. A summary of the feedback received at the consultation events held on 7<sup>th</sup>, 18<sup>th</sup> and 26<sup>th</sup> March and 19<sup>th</sup> April 2013 is attached at Appendix 8 of the Executive report.

If approved by the Executive, officers will undertake consultation to seek views from secure tenants with homes in the Post Office Plus Site (subject to the Council entering into a Collaboration Agreement with Woodville Properties) and Peel on the Council's proposals to apply to the Secretary of State for use of Ground 10A of the Housing Act 1985, to make a CPO on properties in these redevelopment sites that are currently occupied by secure tenants and consultation in connection with the development of bespoke allocation policies to enable their current homes to be brought forward for development as part of the South Kilburn regeneration programme. The Council will consider the comments it receives as part of these consultation processes and will report back detailing the outcome of these statutory consultations in due course.

As part of the design and planning processes for the Post Office Plus Site (subject to the Council entering into a Collaboration Agreement with Woodville Properties) and Peel, meaningful and robust consultation strategies will be developed and

delivered to ensure residents and other stakeholders have an opportunity to inform the detailed design with the new developments. Similar to consultation undertaken on phases already delivered in South Kilburn, this is likely to involve a series of public events and design workshops.

**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.**

Please refer to stage 2, 3 & 4 of the guidance.

The non-replacement of shops and the Royal British Legion as a result of the redevelopment of Peel may have a negative impact on the age protected group. As aforementioned, delivery of retail elsewhere within the South Kilburn masterplan area will mitigate the non-replacement of shops at Peel. Site 18 (Queens Park Station Area) incorporates 1,270m<sup>2</sup> of commercial frontage along Salusbury Road and Kilburn Lane (uses classes A1/A3/A4). Site 11b incorporates 480m<sup>2</sup> of commercial frontage along Salusbury Road. A small commercial frontage of 185.3m<sup>2</sup> will also be developed within the Bond Hicks Bolton development located on the corner of Rupert Road and Albert Road.

The non-replacement of the 16 existing commercial premises at Peel will have a negative impact on the owners and employees of the businesses that operate from these commercial premises presently. This may be in part mitigated by the delivery of retail elsewhere within the South Kilburn masterplan, as outlined above, which will create employment opportunities. Furthermore, where commercial premises at Peel are held under long leasehold, compensation will be paid in accordance with CPO law which states that, compensation following a compulsory acquisition of land is based on the principle of equivalence. This means that a long leaseholder should be no worse off in financial terms after the acquisition than before. Likewise, the long leaseholder should not be any better off.

The impact of the non-replacement of premises for the Royal British Legion cannot be mitigated in any practical way. However, the benefit of new, fit for purpose, quality health facilities for 10,885 patients of the three GP practices will be felt throughout the community.

Recommendations in relation to Peel seek to set rent levels for the affordable units at a rent equivalent to the HCA target rent level, once complete, may also have a negative impact on protected group(s). Some secure tenants who are allocated a new replacement home in South Kilburn may be adversely affected by the increased rent they will be required to pay for their new home. The landlord of the new affordable homes built as part of the South Kilburn regeneration programme will be owned and managed by Registered Providers. The rents charged by Registered Providers, known as target rents are higher than those charged by the Council. Setting rent levels at target rents to reflect the fact that the regeneration

programme will not be in receipt of grant funding that was previously relied upon. Instead, homes for rent will be cross-subsidised by building homes for private sale. Charging target rents was seen as the only realistic way of affording the whole regeneration programme without grant funding that would require new 'Affordable Rent', at 80% of market rent, to be charged. Under the government's rent convergence policy, council rents will converge with target rents, whereby convergence is forecast for 2015-16. However, once convergence is reached, rent levels should be similar for council and Registered Provider properties of a similar size, location and condition. Rents charged for new build properties such as those being build as part of the South Kilburn regeneration programme are likely to be higher than the rents on existing dwellings in the same area. The bespoke allocation policies for the Post Office Plus Site (subject to the Council entering into a Collaboration Agreement with Woodville Properties) and Peel will reference this rent increase. However, the overall rise in rents nevertheless provide good value for money as secure tenants are moving into brand new properties. It is also noted that tenants whose rent is met by housing benefit are likely to continue to have their rent met by housing benefit in part/full in their new home (subject to any change in circumstances and the impact of the welfare reforms)

**Please give details of the evidence you have used:**

See above

## 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



## **8. The Findings of your Analysis**

Please complete whichever of the following sections is appropriate (one only).  
Please refer to stage 4 of the guidance.

### **No major change**

### **Adjust the policy**

### **Continue the policy**

The rationale for continuing the regeneration of the South Kilburn is clear; South Kilburn is identified as a priority for driving economic opportunity and regeneration within Brent – 2010-2014 (Brent Borough Plan). The Regeneration Strategy for 2010-2030 identifies the transformational change of South Kilburn within strategic priority 1. South Kilburn has been identified as a growth area within the Local Development Framework Core Strategy, proposing that the area can accommodate up to 2,500 new homes, including the re-provision of homes for existing tenants.

The Council will consider the potential impact the allocation policies to be developed for the Post Office Plus Site (subject to the Council entering into a Collaboration Agreement with Woodville Properties) and Peel may have on secure tenants with homes in these redevelopment sites. The comments received as part of the statutory consultation processes that will be undertaken in relation to the development of these allocation policies will be collated into a consultation report which will be presented to the Executive in due course.

### **Stop and remove the policy**

## **9. Monitoring and review**

Please provide details of how you intend to monitor the policy in the future.  
Please refer to stage 7 of the guidance.

Updates on the South Kilburn regeneration programme are provided regularly which include equalities analysis. This approach will continue going forward. This equality analysis will be reviewed following feedback from the current consultation process.

## **10. Action plan and outcomes**

At Brent, we want to make sure that our equality monitoring and analysis results in positive outcomes for our colleagues and customers.

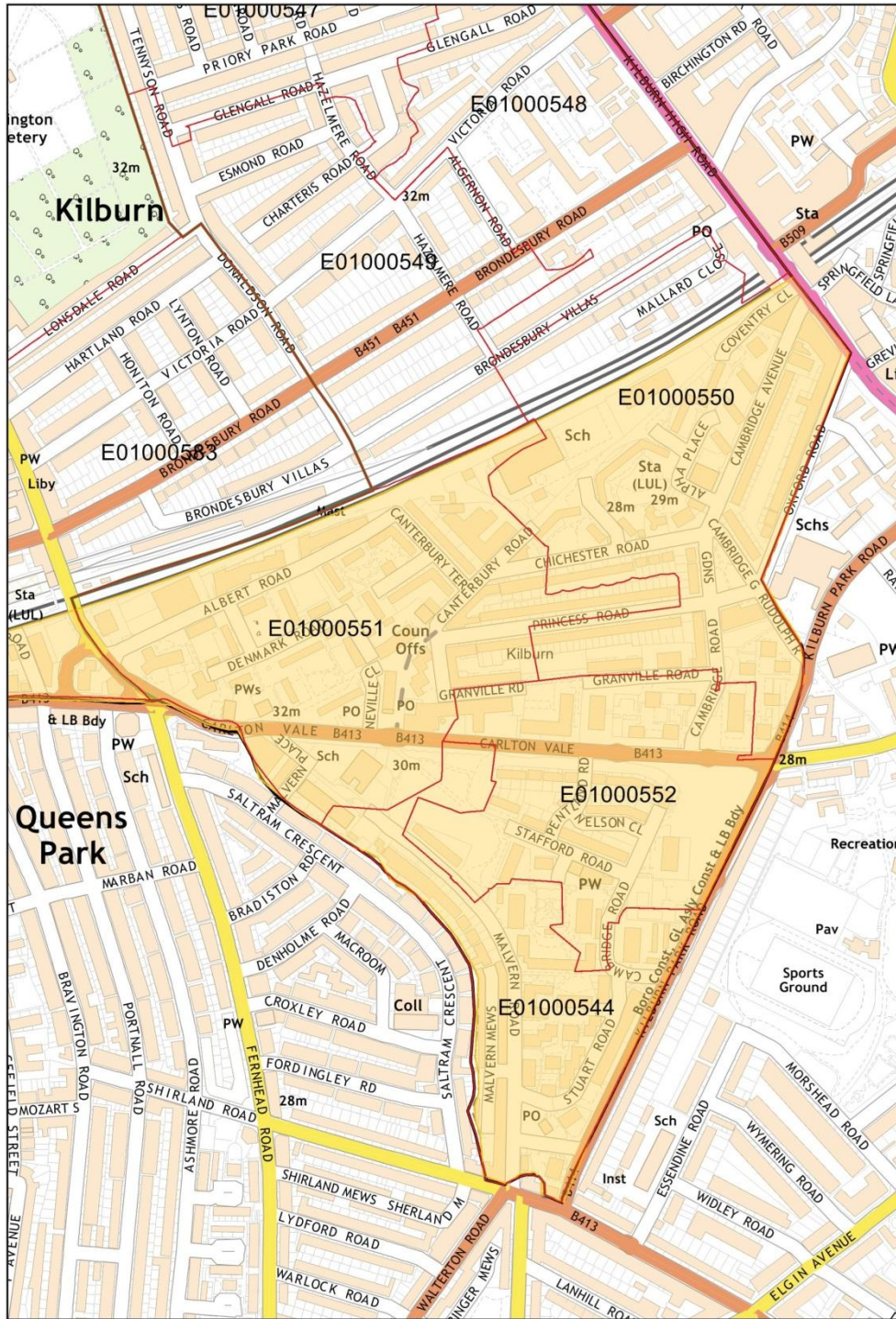
Use the table below to record any actions we plan to take to address inequality, barriers or opportunities identified in this analysis.

Action	By when	Lead officer	Desired outcome	Date completed	Actual outcome
Develop allocation policies and take into consideration comments received from statutory consultation	Jan 2014	Noreen Twomey	Clear policies for the allocation of replacement homes for secure tenants in the Post Office Plus Site (subject to the Council entering into a Collaboration Agreement with Woodville Properties) and the Peel redevelopment site, South Kilburn Clear strategy in terms of legal tools used to take possession of homes occupied by secure tenants within these redevelopment sites.		

**Please forward to the Corporate Diversity Team for auditing.**

# Appendix 1: Map of South Kilburn Lower Super Output Areas

South Kilburn LSOAs



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1:6000

0 0.05 0.1 kilometres



## **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?

## **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?*

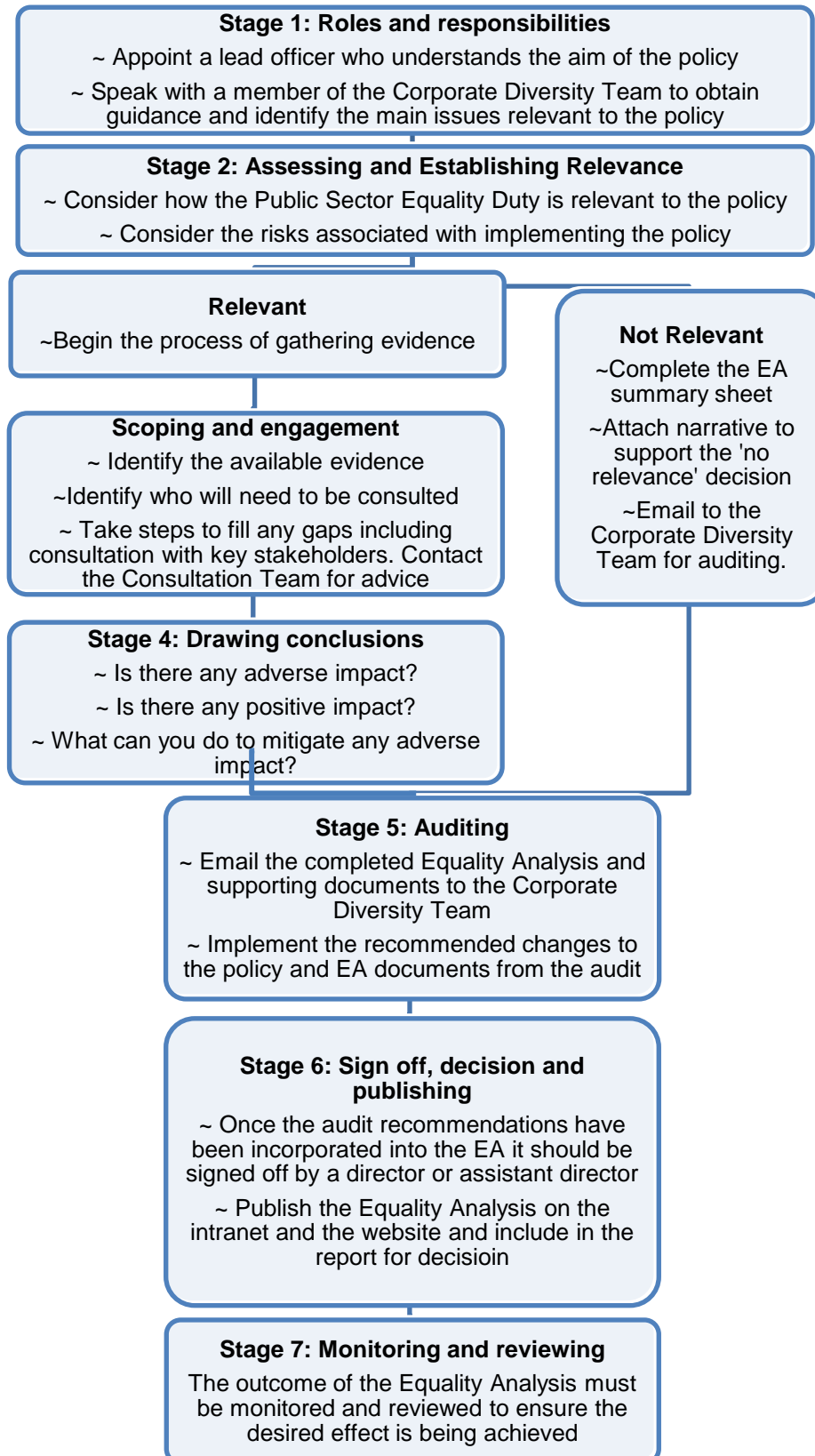
The EA must be completed before the policy is sent to the decision maker but should be carried out at the earliest possible stage. The advantage of starting early is that the equalities data informs and shapes the policy as it develops and progresses and this allows more time to address issues of inequality. 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.

## 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.



## 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"> <li>• Check that the analysis has been carried out thoroughly:</li> <li>• 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.)</li> <li>• Take account of any countervailing factors e.g. budgetary and practical constraints</li> </ul>
The officer undertaking the EA	<ul style="list-style-type: none"> <li>• Contact the Corporate Diversity and Consultation teams for support and advice</li> <li>• Develop an action plan for the analysis</li> <li>• Carry out research, consultation and engagement if required</li> <li>• Develop recommendations based on the analysis</li> <li>• 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</li> <li>• Incorporate the recommendations of the audit</li> <li>• Include the Equalities Analysis in papers for decision-makers</li> </ul>
The Corporate Diversity Team. Usually an individual officer will be assigned at the start of the process	<ul style="list-style-type: none"> <li>• Provide support and advice to the responsible officer</li> <li>• 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.</li> <li>• Return the analysis to the responsible officer for further work if it fails to meet the necessary standard</li> <li>• Consult Legal if necessary (this stage of the process will take at least 5 days)</li> </ul>
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"> <li>• That the EA form is completed</li> <li>• That any issues raised as part of the auditing process have been fully dealt with</li> <li>• That the EA, the evidence used and any issues arising from the analysis are brought to the attention of the decision maker</li> <li>• Ensure that the findings are used to inform service planning and wider policy development.</li> </ul>

## **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**



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.

- 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

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?

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.

## ***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?

### 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).

**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), androgyne/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.

**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.



### **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.

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.