

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.

1. Roles and Responsibilities: please refer to stage 1 of the guidance	
Directorate: Regeneration & Growth Service Area: Property & Projects	Person Responsible: Name: Noreen Twomey Title: Project Manager Estate Regeneration Contact No: 020 8937 6482 Signed: Noreen Twomey
Name of policy: South Kilburn Regeneration Programme	Date analysis started: 9 January 2013 Completion date: 20 August 2014 Review date: 1 November 2014
Is the policy: <input type="checkbox"/> New <input checked="" type="checkbox"/> Old	Auditing Details: Name: Sarah Kaiser Title: Head of Equality Date: 27 August 2014 Contact No: 020 8937 4521 Signed: Sarah Kaiser
Signing Off Manager: responsible for review and monitoring Name: Richard Barrett Title: Operational Director Date Contact No: 020 8937 1330 Signed:	Decision Maker: Name individual /group/meeting/ committee: Cabinet Date: 15 September 2014

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. Phases 1 and 2a are already being delivered on site.

Approvals were given by the Executive in November 2013 to further progress the South Kilburn regeneration programme. Further approvals are being sought at this stage to further progress the regeneration programme; namely in relation to Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close (together defined as 'Peel') and Hereford House and Exeter Court (being part of 'Phase 3' of the South Kilburn Regeneration Programme).

This Equality Analysis focuses specifically on the impact (both positive and negative) the recommendations being sought from the Cabinet in relation to Peel and Hereford House and Exeter Court may have on one or more of the protected groups.

Peel

The proposed comprehensive redevelopment of Peel aims to deliver a mixed use scheme that would provide sufficient residential development and other uses as appropriate to deliver a new South Kilburn Health Centre at no net capital cost to the Council, as well as sufficient residential development to meet the decant requirements of existing secure tenants within Peel, re-open and reconnect the historic street pattern, create a new sense of place in the heart of South Kilburn and deliver a high quality public realm.

Peel – Statutory Consultation with Secure Tenants Occupying Properties in Peel in relation to Ground 10A, Compulsory Purchase Order (CPO) & Peel Allocation Policy

From 24 July to 20 August 2014 the Council undertook a statutory consultation process to seek views from secure tenants with homes in Peel on the Council's proposals to:

- (i) seek the Secretary of State's consent pursuant to Part V of Schedule 2 to the Housing Act 1985 to the disposal and development of Peel for the purpose of Ground 10A of Schedule 2 to be used to obtain possession of dwellings occupied by secure tenants in Peel;
- (ii) make a CPO on properties occupied by secure tenants with homes in Peel;
- (iii) seek views on the draft Allocation Policy which sets out the policy for the allocation of replacement homes to secure tenants currently living in homes within Peel.

The Council proposed a draft Allocation Policy for Peel which set out the policy for the allocation of replacement homes to secure tenants currently living in homes within Peel, which will be demolished as part of the South Kilburn regeneration scheme. The consultation documents noted that the Allocation Policy had been drafted to reflect the intention to use both Ground 10A and CPO powers to seek possession of homes currently occupied by secure tenants. The draft Allocation Policy also set out the policy and procedure for the making of home loss and disturbance payments to secure tenants, who

are entitled to such payments in accordance with Council policy (including the Land Compensation Act 1973).

The draft Equality Analysis appended to the report to the Executive on the South Kilburn regeneration programme in November 2013 sought to assess, by reference to the protected characteristics, the impact of approval of these three proposals on those directly affected – secure tenants with homes in Peel. The Council has considered and responded to the representations it received as part of this consultation process, and has as a result updated the Equality Analysis and further refined the Allocation Policy for secure tenants with homes in Peel, South Kilburn.

Phase 3

On 11 November 2013, the report to Executive noted that the affordable homes being delivered as part of the redevelopment of Bronte House and Fielding House (being part of 'Phase 2a') will be made available to secure tenants currently residing in Hereford House and Exeter Court (being part of 'Phase 3'), thereby facilitating vacant possession of those sites for redevelopment. To this end, Cabinet approval is being sought to undertake statutory consultation with secure tenants residing in Hereford House and Exeter Court on three proposals (i) statutory consultation in connection with seeking approval of the Secretary of State for use of Ground 10A of the Housing Act 1985 (ii) consultation on the Council's proposal to make a CPO on properties in Hereford House and Exeter Court that are currently occupied by secure tenants (iii) consultation in connection with the draft allocation policy for allocating homes to secure tenants living within Hereford House and Exeter Court, which will be commensurate to allocation policies adopted for previous phases of the South Kilburn regeneration programme.

If approved, the Council will undertake consultation to seek views from secure tenants with homes in Hereford House and Exeter Court 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 Hereford House and Exeter Court that are currently occupied by secure tenants and consultation in connection with a draft Allocation Policy for Phase 3. The Council will consider the comments it receives as part of this consultation process and will report back detailing the outcome of this statutory consultation.

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

Recommendations in relation to Peel and Hereford House and Exeter Court as part of the South Kilburn regeneration programme would impact on the protected groups as follows:

1. Age

- The impact of secure tenants having to move from their current homes within Peel and Hereford House and Exeter Court to a replacement home in accordance with the final Allocation Policy for Peel (Appendix 6 of the main Cabinet Report) and an Allocation Policy for Hereford House and Exeter Court (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. 13% of the secure tenants living within the Peel redevelopment site are aged 65 or over, compared to 10.5% of residents within Brent as a whole. This data on age was collected from 29 of the 35 secure tenants in Peel during housing needs assessment visits undertaken by the South Kilburn Re-housing Team in April 2014. Packing, moving and unpacking is likely to be particularly difficult for older 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 South Kilburn 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 Peel and Hereford House and Exeter Court will be made a suitable offer of alternative accommodation, depending on their household make up. With regards to Peel, 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 in accordance with the final Allocation Policy for Peel. Secure tenants will be offered a larger replacement home that they would otherwise be entitled to if they or a member of their household requires larger accommodation on health grounds. Younger secure tenants who are single or in a couple with children who are over-crowded in their current homes within the Peel or Hereford House and Exeter Court 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; are higher than those charged by the Council. 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 be not be affected by the introduction of a Universal Credit being introduced as part of the Welfare Reform Act 2013.
- A comment from the tenant representative and independent tenant advisor was received in relation to paragraph 5.1 of the draft Allocation Policy for Peel (which notes that each pair of children or young people aged between 10 and 20 years old of the same gender should have one bedroom), noting that the policy for the previous phase meant children under the age of 18 will be expected to share with siblings of the same sex, unless there is a five year age difference between them. Officers responded to advise that the Allocation Policy for secure tenants with homes in Peel has been drafted to align with the Brent Housing Allocation Policy 2013 which adopts the Government's bedroom standard which allocates one bedroom to each pair of children or young people aged between 10 to 20 years old of the same gender. As outlined in the main body of the Cabinet report, the Council proposes to include a new paragraph 5.2.3 of the Allocation Policy for secure tenants with homes in Peel to note that the Council will offer a secure tenant a larger replacement home than they would otherwise be entitled to under the Brent Housing Allocation Policy 2013 where household members will be aged 21 years or above by the time the secure tenant will move into the replacement home. This would have a positive impact on household members who will be aged 21 years or above by the

time the secure tenant will move into the replacement home.

2. Disability

- The impact of secure tenants having to move from their current homes in Peel and Hereford House and Exeter Court to a replacement home in accordance with bespoke allocation policies, 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 disabled secure tenants. 10.7% of the secure tenants living within the Peel redevelopment site are disabled. This data on disability was collected from 29 of the 35 secure tenants in Peel during housing needs assessment visits undertaken by the South Kilburn Re-housing Team in April 2014. Packing, moving and unpacking is likely to be particularly difficult for disabled people. Disabled secure tenants may also suffer greater psychological effects, including stress and uncertainty. Further, disabled secure tenants 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 disabled secure tenants, 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 Hereford House and Exeter Court as part of the South Kilburn regeneration programme, may be particularly difficult for secure tenants with mental illness. Where secure tenants have mental health problems 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 differential impact on residents because of their gender identity or expression.

4. Pregnancy and Maternity

- The impact of secure tenants having to move from their current homes in Peel and Hereford House and Exeter Court 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 and disabled secure tenants.

5. Race

- The graph below provides a summary of the ethnicity of secure tenants with homes in Peel. This data on race was collected from 29 of the 35 secure tenants in Peel during housing needs assessment visits undertaken by the South Kilburn Re-housing Team in April 2014.

Table 1: Peel Secure Tenants - Ethnicity Breakdown

Ethnic Group	White	Mixed/ multiple ethnic groups	Asian/ Asian British	Black/African/ Caribbean/ Black British	Chinese or other ethnic group
Peel Secure Tenants Percentage	21.4%	10.7%	7.1%	57.1%	3.6%
Kilburn Percentage	50%	6.9%	11.4%	24.6%	7.1%

Source: Housing needs assessment visits April 2014 and Census 2011

	lower than Kilburn ward percentage
	higher than Kilburn ward percentage

- As per the above table, the impact of the Allocation Policy for secure tenants in Peel will be felt by an above-average number of secure tenants from black and mixed/dual heritage, who are overrepresented in comparison with the ethnic diversity of Kilburn ward as a whole. However the proposals should not have a negative impact on anyone because of their race and in the long term, the regeneration should benefit people from all backgrounds by delivering a range of benefits and improvements.

6. Religion or Belief

- The graph below provides a summary of the religion or belief of secure tenants with homes in Peel. This data on age was collected from 29 of the 35 secure tenants in Peel during housing needs assessment visits undertaken by the South Kilburn Re-housing Team in April 2014.

Table 2: Peel Secure Tenants – Religion or Belief

Religion or Belief	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Other religion	No religion	Religion not stated
Peel Secure Tenants Percentage	41.5%	1.4%	17.8%	1.4%	18.7%	0.6%	8.2%	3.7%	6.9%
Kilburn Percentage	47.7%	1.1%	2.0%	1.4%	16.8%	0.1%	0.7%	21.6%	8.7%

Source: Housing needs assessment visits April 2014 and Census 2011

	lower than Kilburn ward percentage
	higher than Kilburn ward percentage

- As per the above table, the impact of the recommendations being sought in relation to the proposed redevelopment of Peel will be felt by an above-average number of secure tenants from Hindu and Muslim faiths particularly, when compared with the religious breakdown of the Kilburn ward. However the proposals should not have a negative impact on anyone because of their religion or belief and in the long term, the regeneration should benefit people from all backgrounds by delivering a range of benefits and improvements.

7. Sex

- According to data collected from 29 of the 35 secure tenants in Peel during housing needs assessment visits undertaken by the South Kilburn Re-housing Team in April 2014, Peel has an equal split between male and female secure tenants. Thus the impact of the recommendations being sought are not likely to be greater for male secure tenants than female secure tenants. There is no evidence that male or female secure tenants will have any particular needs during the relocation process.

8. Sexual Orientation

- It is not anticipated that the recommendations being sought in relation to the South Kilburn regeneration programme would have any differential impact on residents because of their sexual orientation.

Please give details of the evidence you have used:

- Census 2011;
- Data collected during housing needs assessment visits undertaken by the South Kilburn Re-housing Team in April 2014;
- If approved, data on secure tenants with homes in Hereford House and Exeter Court will be collated from 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 CPO on properties in Hereford House and Exeter Court that are currently occupied by secure tenants and consultation in connection with a draft allocation policy. The Council will consider the comments it receives as part of these consultation processes and will report back detailing the outcome of this statutory consultation. This Equality Analysis will be reviewed in the light of comments made in consultation. Data on secure tenants of Hereford House and Exeter Court will also be collated during housing needs assessment visits shortly due to commence.

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.

The Council aims 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, sexual orientation, disability, gender identity or expression or religion or belief. 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.

(b) Advance equality of opportunity;

The Council also aims 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. The additional support offered by the South Kilburn Re-housing Team to older, disabled and pregnant secure tenants will also help advance equality of opportunity.

(c) Foster good relations

South Kilburn 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'. The delivery of a new South Kilburn Health Centre as part of the redevelopment of Peel will build good relations between residents of different backgrounds.

5. What engagement activity did you carry out as part of your assessment? Please refer to stage 3 of the guidance.

i. Who did you engage with?

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.

Peel

As outlined above, the Council undertook statutory consultation to seek views from secure tenants with homes in Peel on three proposals: (i) to seek the Secretary of State's consent pursuant to Part V of Schedule 2 to the Housing Act 1985 to the disposal and development of the Peel redevelopment site for the purpose of Ground 10A of Schedule 2; (ii) to make a CPO on properties in Peel that are currently occupied by Secure Tenants and; (iii) consultation in connection with a draft Allocation Policy for Peel. The Council has considered the comments it received as part of this consultation process. The representations received and the Council's responses to them are attached at Appendix 1 of the Cabinet report.

If the final Allocation Policy for Peel (as attached at Appendix 6 of the Cabinet report) is authorised by the Cabinet, officers will write to secure tenants with homes in Peel and, in accordance with the housing needs assessment which was carried out in April 2014, confirm the size of the replacement home that a secure tenant and their household will be offered, any preferences that the secure tenant expressed during the housing needs assessment visit (although the Council cannot guarantee such preferences will be met) and

if an occupational therapist assessment is required.

The Strategic Director of Regeneration and Growth will seek the Secretary of State's consent pursuant to Part V of Schedule 2 to the Housing Act 1985 to the disposal and development of the Peel site for the purpose of Ground 10A of Schedule 2 to be used to obtain possession of dwellings occupied by secure tenants in Peel, South Kilburn.

Phase 3

If approved by the Cabinet, officers will undertake consultation to seek views from secure tenants with homes in Hereford House and Exeter Court 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 policy 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 this consultation process and will report back detailing the outcome of these statutory consultations in due course.

ii. What methods did you use?

- Face to face communication – housing needs assessment visits in homes of secure tenants in Peel (April 2014);
- Written communication – letter, booklet and comments form in relation to the statutory consultation on the three proposals (24 July 2014);
- Face to face communication – meeting where the three proposals were explained to secure tenants and an opportunity to ask questions (29 July 2014 at The Carlton Hall, Canterbury Terrace, NW6 5DX);
- Face to face communication – meeting with tenant representative and independent tenant advisor to explain proposals (4 August 2014 at The South Kilburn Area Office, Albert Road, NW6 5DE);
- Written communication – request for written comments (to 20 August 2014).

iii. What did you find out?

Information on secure tenants housing needs and those of their household was ascertained during the housing needs assessment visits undertaken by the South Kilburn Re-housing Team in April 2014.

Representations were received from the tenant representative and the independent tenant advisor in response to the statutory consultation process on the three proposals.

iv. How have you used the information gathered?

The representations received from the tenant representative and the independent tenant advisor in response to the statutory consultation process on the three proposals were considered in advance of putting forward a final Allocation Policy for secure tenants with homes in Peel for adoption.

v. How has it affected your policy?

The representations received from the tenant representative and the independent tenant advisor in response to the statutory consultation process on the three proposals resulted in proposed changes to the original draft Peel Allocation Policy.

6. Have you 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.

On 11 November 2013, the Executive agree to set rent levels for the affordable units at Peel once complete, at a rent equivalent to Homes and Communities Agency Target Rent Levels which 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. The Allocation Policy for Peel references this difference in rent levels. However, the overall rise in rents nevertheless provide good value for money as secure tenants are moving into brand new properties. It is also of note 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). It is not anticipated that this would have a negative impact on anyone because of their ethnicity, nationality or national origin, age, gender, sexual orientation, disability, gender identity or expression or religion or belief.

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

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.

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 – Creating Opportunities, Improving Lives (Brent Borough Plan 2013-14). The Regeneration Strategy for Brent 2010-2030 identifies the transformational change of South Kilburn within strategic priority one.

The Council has considered and responded to the representations it received as part of the statutory consultation process with secure tenants with homes in Peel, and has as a result refined the Allocation Policy for secure tenants with homes in Peel, a copy of which is attached at Appendix 6 of the Cabinet report. Officers are recommending that the Cabinet approves the adoption of the final Allocation Policy which will apply to all secure tenants with homes in Peel.

The Council will consider the potential impact the draft Allocation Policy for Phase 3 may have on secure tenants with homes in Hereford House and Exeter Court, South Kilburn. The comments it receives as part of this statutory consultation process will be collated into a consultation report which will be presented to the Cabinet in due course.

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.

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:

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

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.

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.*

Reports to the Cabinet on the South Kilburn regeneration programme are supported by equalities analysis. This approach will continue going forward. This equality analysis will be reviewed following feedback from the statutory consultation with secure tenants of Hereford House and Exeter Court, if approved.

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
Formal consultation with secure tenants of Hereford House and Exeter Court	Oct/ Nov 2014	Noreen Twomey	Seek views on proposed use of three proposals: i) use of G10A, ii) CPO on properties occupied by secure tenants and iii) a draft allocation policy.		
Report back to Cabinet on outcome of consultation	Nov 2014	Noreen Twomey	Clear policy for the allocation of replacement homes for secure tenants in Hereford House and Exeter Court. Clear strategy in terms of legal tools used to take possession of homes occupied by secure tenants.		

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?

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?

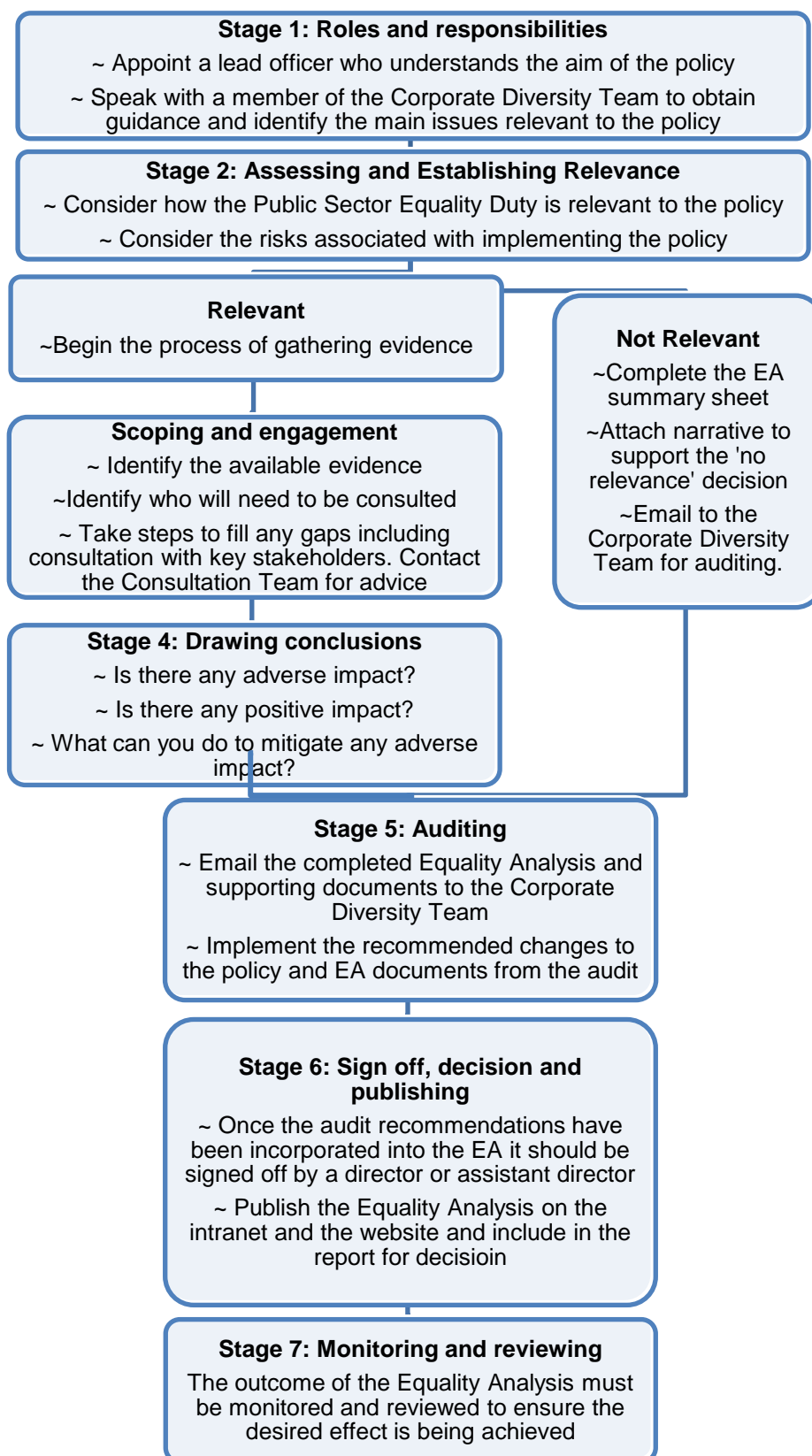
The EA must be completed before the policy is sent to the decision maker but should be carried out at the earliest possible stage. The advantage of starting early is that the equalities data informs and shapes the policy as it develops and progresses and this allows more time to address issues of inequality.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

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.