

2013

# 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: Adult Social Services</b>  <b>Service Area: Integrated Commissioning</b>	<b>Person Responsible:</b> Name: Samuel Jacobson Title: National Management Trainee Contact No: 02089372728 Signed: SAMUEL JACOBSON
<b>Name of policy: EIA for the termination of the Apetito meals on wheels service and the development of a non-contracted, community-based meals on wheels service</b>	<b>Date analysis started: August 2012</b> <b>Completion date: September 2013</b> <b>Review date:</b>
<b>Is the policy:</b>  <input checked="" type="checkbox"/> New <input type="checkbox"/> Old	<b>Auditing Details:</b> Name: Elizabeth Bryan Title: Principal Diversity Officer Date 15.08.13 Contact No: 0208 937 1190 Signed:
<b>Signing Off Manager:</b> responsible for review and monitoring Name: Steven Forbes Title: Head of Service, Integrated Commissioning Date: Contact No:	<b>Decision Maker: Executive</b> Name individual /group/meeting/ committee: September 12 <sup>th</sup> 2013  Date:

Signed:

**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 policy relates to a proposed change to the commissioning of meals on wheels in Brent from a contracted, single-provider service, to a non-contracted service provided by community-based providers.

Meals on Wheels is a service provided to vulnerable people who meet the council's Fair Access to Care criteria as having 'Substantial' or 'Critical' social care needs, and who have no capacity to either prepare or purchase meals for themselves. The types of service users who receive meals on wheels range from older people, people with physical disabilities, learning disabilities and mental health conditions. Meals on Wheels provides up to one main meal per day for these service users. Service users have to make a client contribution of £3.50 per meal, and the council covers the remainder of the cost of the meal. Service users pay for their meals via invoice from the council.

The council provides a variety of different meal types within this service to meet the cultural needs and preferences of service users. These meal types are demarcated below:

Meal Type	Percentage of Service Users receiving this type of meal
Asian Vegetarian	7.00%
Kosher	9.00%
Afro-Caribbean	19.00%
Western European	58.00%
Asian Meat/Halal	4.00%

Meals on Wheels is currently provided by a private provider, Apetito, who are contracted by the council to deliver the service. The Council has a statutory responsibility within Section 2 of the 1970 Chronically Sick and Disabled Person's Act, to make arrangements for the provision of meals, whether at home or elsewhere, to chronically sick and disabled people. Adult Social Care and Legal have interpreted this as meaning that the legislation does not require the local authority to run an actual MoW service only to ensure that where a person does have a need for regular meals to be provided we have some way of ensuring this occurs.

The proposed policy therefore is to terminate the contracted service with Apetito, and develop a community-based meals on wheels service with non-contracted

community providers. The service will still constitute a door-to-door delivery service of hot and frozen meals, with a variety of meals to be offered to meet service users cultural, dietary and personal needs. The difference will be that the service will be delivered by a number of non-contracted providers, providing service users with greater choice. There will be 3 providers in the South, Centre and North of the borough providing a mix of Western European/Caribbean and Asian meals, and an additional 3 providers across the borough providing culturally specific Kosher, Asian Vegetarian and Halal meals.

These providers will not be contracted with the council; however, the council will ensure that they meet the requisite health and safety and hygiene standards, as well as having the capacity to provide a service 365 days a year and for all cultural groups/dietary needs. Service requirements will also be laid out in a memorandum of understanding between the council and the providers.

Service users who require meals on wheels will receive a direct payment in the form of a pre-paid card to make a choice of community-provider. The charge to the service user per meal will not change (remaining at £3.50); however, it is proposed that the payment be made via a standing order onto the pre-paid card. For service users who do not have capacity to manage their own direct payment, Age UK and Elders Voice have been commissioned to manage these payments on behalf of the service user, and advocate on their behalf with the provider.

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

**Age:** Neutral – the service will encompass the same door-to-door delivery to ensure service users with limited mobility receive a meal; and the same mix of dietary considerations (e.g. pureed meals/low-salt/diabetic) to ensure that older people’s dietary needs are met. Age UK and Elders Voice have been commissioned to ensure older people and people with disabilities can make routine payments and to advocate on their behalf.

**Disability:** Neutral – the service will encompass the same door-to-door delivery to ensure service users with limited mobility receive a meal; and the same mix of dietary considerations (e.g. pureed meals/low-salt/diabetic) to ensure that dietary needs are met. Age UK and Elders Voice have been commissioned to ensure older people and people with disabilities can make routine payments and to advocate on their behalf.

**Gender Reassignment:** Irrelevant to this service

**Pregnancy/Maternity:** Irrelevant to this service

**Marriage/Civil Partnership:** Irrelevant to this service

**Race:** Positive: The proposed service model involves the use of local community providers that provide meals to match the cultural/religious/ethnic needs of service

users in the borough. Subsequently as opposed to one service provider, service users will have the choice within the new community-based model of 3 local providers providing Western European and Caribbean meals, and a Kosher, Halal and Asian Vegetarian provider as well. It is felt that in the long-term this will ensure that the make-up of meals on wheels service users correlates to a greater degree with the demography of Brent than it does at present

Religion or Belief: Positive: The proposed service model involves the use of local community providers that provide meals to match the cultural/religious/ethnic needs of service users in the borough. Subsequently as opposed to one service provider, service users will have the choice within the new community-based model of 3 local providers providing Western European and Caribbean meals, and a Kosher, Halal and Asian Vegetarian provider as well. It is felt that in the long-term this will ensure that the make-up of meals on wheels service users correlates to a greater degree with the demography of Brent than it does at present

Sex: Irrelevant to this service

Sexual Orientation: Irrelevant to this service

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

For this stage of the equality impact assessment a pilot of the service was undertaken with Harlesden Methodist Church involving 15 service users (out of 176 who receive meals on wheels) to test the capacity of the community sector to provide a meals on wheels service to older people and people with disabilities, and for these service users to manage direct payments. An EIA involving telephone interviews and face-to-face reviews of the service users on this pilot was undertaken as an evaluation (see appendix A):

Face-to-face reviews (pilot):

<b>Mr. A</b>	Mr A was joined by his niece. He stated that he is happy with the current arrangements, and is pleased with the standards of foods delivered. There has been the occasional late arrival of food, however he stated that staff are friendly at all times. He stated that he is unable to have any spicy food or hot foods. His niece stated that there continues to be some confusion around paying for the service, as his niece indicated that there is a considerable amount of money still in Direct Payment accounts.
<b>Mr. H</b>	Mr H remains extremely happy with the current arrangements for his meals. He is able to manage the packing and states that the food is always hot and a big improvements from previous providers. He prefers his food in one container. Suggestion made of possible yogurt or fruit as a pudding; he also asked if soup can be included on the menu. Outstanding issue remain with the complexion of the standing order forms. This issue is now being dealt with by his niece who was recently given information from post office website.
<b>Mrs. H</b>	Mrs H is happy with the current arrangements in place via Harlesden Methodist Church.
<b>Mrs. L</b>	Mrs L was unhappy with the limited choice of foods on the menu from pilot scheme, and therefore decided to terminate the service on 9 <sup>th</sup> April for a private arrangement. Carer's assistance with heating up her meals.
<b>Mrs. V</b>	Mrs V stated that she was unhappy with the curry meals provided and has now

	opted for English type meals i.e. cottage pie, fish and chips and spaghetti Bolognese. She is happy to continue to receive meals 3 times a week. Mondays, Wednesdays and Fridays.
<b>Mrs. SH</b>	Mrs SH started off by stating that she was pleased with the meals in the beginning, however she feels that the standards have dropped slightly. She stated that at times the food presentation is poor, and is unhappy that it comes in one container, describing as baby food appearance. She is pleased with the taste of the food, and remains happy that there is further room for improvements.
<b>Mr. V</b>	Home visit to Mr V to review meals on wheels as well as services in place.. Mr V is happy with current arrangements in place with his meals on wheels providers.
<b>Mr. T</b>	Home visit to Mr T to discuss MOW pilot. Mr T stated that at times the food is very bland and tasteless. He would prefer more seasonings. He remains happy with the amount provided and the choices in the menu, however he was unable to tell me what he was having the next day even though food was chosen advance. Occasionally the food has arrived luke warm, but he is happy with the times the food arrives. Finally he stated that he would have liked a pudding with his meal as was the case with appetito.

#### Face-to-face reviews (current service)

Data was also collected on the proportion of service users receiving different meal types, and was compared with the Census data/Brent demographic profile to gauge whether the current service user base was reflective of the diversity of Brent.

Analysis of this data revealed that the mix of service users receiving meals on wheels did not reflect the demography of Brent. This could be a product of service users opting out of meals on wheels out of a preference to purchase services from more local, specialist providers. Alternatively, this could be as a result of certain communities sourcing the service via their extended families.

Mix of meal types received:

Meal Type	Proportion of current services receiving these meals
Western European	59% (111/187)
Asian Vegetarian	6% (12/187)
Halal/Meat	4% (8/187)
Caribbean	17% (32/187)
Kosher	9% (17/187)
Misc. (soft/pureed/vegan)	3% (6/187)

#### Brent Ethnicity in 2011 (Census data)

Ethnicity	Proportion of borough population
White British/Irish	21%
White Other	15%
Mixed Total	5%

Asian Total	34%
Black Caribbean	8%
Black African/Other	11%
Chinese or Other Ethnic Group	6%

A broad market scoping and expressions of interest process was undertaken to ensure that the demand on the provider side existed to provide meals services that could continue to cater for the range of cultural/religious needs and preferences of Brent residents. The resultant provider list, listed below, illustrates that there is extensive scope within the proposed service structure to provide service users with greater choice of providers matched to their cultural/religious needs. Moreover, by using direct payments, service users will have the option of choosing an alternative specialist provider or service to source meals if they wish. In using local providers too, the intention is to provide a service to service users which is more responsive to local need. An identified issue at present is the lack of a Halal provider, however, Integrated Commissioning are currently looking to source this provider within the community:

- Cricklewood Homeless Concern – who have capacity to cover the whole of Brent, and provide Western European/Caribbean/Indian meals
- Early Bird Catering – who have capacity to cover the Wembley/Sudbury/Kingsbury/Tokington area and provide Western European/Caribbean meals
- Harlesden Methodist Church – who have capacity to cover Harlesden, Stonebridge and Kensal Rise and provide Western European/Caribbean/Indian meals
- Catalyst Catering – who have capacity to cover Harlesden, Stonebridge and Willesden and provide Western European/Caribbean meals
- Jalaram Foods – who can cover the whole borough and provide Asian Vegetarian meals
- Hermolis – who can cover the whole borough and provide Kosher meals
- In the initial wave of engagement, no specialist Halal provider have expressed an interest in being involved. However, we are currently in the process of engaging with a variety of Muslim organisations and mosques to address this need. Cricklewood Homeless Concern have also stated that they could provide Halal meals if required.

**This enabled the project team to conclude that:**

- The new service would not discriminate on the grounds of race/disability/age or religion
- The new service would continue to provide a range of services to meet specific cultural/religious needs, whilst allowing the option for service users to source meals from other providers using their direct payment if they wish, allowing us to conclude that the new service will be accommodating to a broad range of service users.

**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 policy will not discriminate against any service user eligible for the service, by ensuring that the providers reflect the demography of the borough and offer service users reasonable choice of meals, and that all service users regardless of age or disability are able to access to service (through provision for door-to-door delivery, and through the use of Age UK and Elders Voice to manage direct payments on behalf of individuals without capacity).

Providers have also been informed that they must pay due regard to the variety of languages in Brent, and manage their services (in terms of menus/linguistic skills of delivery staff) with consideration for different cultural/linguistic groups. Service users with English as a 2<sup>nd</sup> language or with no English speaking skills will be visited by the review team with assistance from the Language Centre to fully explain the proposed change, explain the direct payments process and communicate the choices available to service users. Elders Voice and Age UK, who will call service users on a monthly basis where they are managing their direct payment, will be informed of service user linguistic needs by Adult Social Services and will have to pay due regard to these in delivering their service.

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

The policy will advance equality of opportunity by ensuring that all service users religious/cultural food preferences are accounted for in the provider mix; and also by allowing service users to choose a provider or means of purchasing food outside of the provider list if it more closely matches their preferences. On an on-going basis, it is the intention of Integrated Commissioning to continuously engage with the market to involve new providers into the community directory, and ensure as much choice is available to the service user as possible.

The long-term intention of the policy is also to signpost service users outside the Fair Access to Care Services (FACS) eligibility thresholds of 'substantial' and 'critical' (e.g. 'mild' and 'moderate' needs) to community providers for meals, as a door-to-door delivery service and also potentially as luncheon clubs. This will subsequently widen the level of access to these services further.

**(c) Foster good relations**

The policy will foster good relations via opening the service up in the long-term to a greater number of service users and generating luncheon clubs, which would provide a vehicle for socialisation between different service user groups.

Key to the policy is also engagement and development of community-based providers who provide other services for older and disabled people, for example social clubs, day centres, befriending services etc. The community-based meals

service is potentially a means for increasing older and disabled people's involvement with these community groups.

The developmental aspect of the policy has also involved a large amount of joint-working, by way of information sharing and mutual delivery agreements between a number of community groups. Providers have worked together to build their capacity and share learning, and this has improved relations between local community providers and businesses.

The policy may also foster good relations between service users and adult social care, chiefly because it involves a reorientation of service design around personalisation. Service users will now have a real choice over their meals provider, and social services and the voluntary sector (Age UK and Elders Voice) will actively work with service users to enable them to navigate this market and make informed choices. This compares with the previous service, where only one provider was available to service users who required meals on wheels.

## **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?**

Out of the 176 individuals receiving the service, 20 current meals on wheels service users in Harlesden, including older people, people with dementia, people with learning disabilities, people with physical disabilities and people with mental health conditions were surveyed on their views of the current service and on whether they would like a change of service

15 service users who received the pilot service from Harlesden Methodist Church

30 service users on the 'Strategy Development Group' in Adult Social Care, representing a broad mix of Adult Social Care's user groups, including carers and advocates.

All 176 service users will also receive a letter explaining the proposed change, and giving service users the opportunity to suggest a meal provider or source of receiving meals themselves if they have a preference for this.

### **ii. What methods did you use?**

Current service users were engaged via face-to-face reviews. Advocates/carers were present during these reviews where there were communication barriers between the care assessor and the service user

The service users on the pilot were engaged via a mixed methods approach:

- Face-to-face reviews
- Telephone interviews – by Age UK and Elders Voice and the council. Age UK and Elders Voice were used with the council to provide a counterpoint

and potential challenge to the council's findings. As part of Adult Social Care's broader service user engagement strategy, intermediaries from the voluntary sector are used as a matter of course to get service user feedback as service users have reported that they are more receptive to providing honest feedback to groups other than the council

**Strategy Development Group:**

- These were engaged on 2 separate occasions at strategy forums and the 'B-Heard' service user involvement group on the concept, the use of direct payments and the range of community providers. Service users were invited to express their views verbally and in writing
- The Strategy Development Group will also meet on the 28<sup>th</sup> August to try the food from all providers, consult and provide input into what support is required to service users to take on a direct payment, and provide feedback as to whether the breadth of meal choices on offer is wide enough. This consultation will be facilitated by Lift, who have experience in enabling vulnerable service users to engage and ensuring that all voices are heard in a consultative setting.

**iii. What did you find out?**

**Current service users:**

- From this analysis we found that a vast majority of service users disliked the current service provider

Comment	Frequency
Disliked service	10
Liked service	2
No comment	4
Cancelled the service	4

- We also found from the analysis that a majority of service users had issues with capacity to purchase food themselves, to mobilise and go to a supermarket and to prepare food themselves. From this we were able to construct a service user profile of certain service user types receiving meals on wheels, to inform the design of the service and ensure all needs were accounted for and there would be full equality of access

Service User Type	Proportion of service users who fit this category
Can mobilise independently but has no food preparation capacity	9%
Requires some support/encouragement in mobilising and with food preparation	15%
Can mobilise independently but requires	18%

<b>support/encouragement with food preparation</b>	
<b>Limited/no mobility and limited/no food preparation capacity</b>	<b>58%</b>

**Pilot service users:**

- From the face-to-face reviews we found that a vast majority of service users were satisfied with the service provided by Harlesden Methodist Church and preferred it to the Apetito service:
- Of the 8 service users reviewed 2 months after starting on the pilot service by the Support Planning and Review Team (see appendix 1 for full transcript):
- 6 stated they were happy or 'extremely happy' with the quality of meals provided and the quality of service
- 1 opted to leave the service and has set-up a private arrangement with her carer
- 1 stated that the lack of a fresh meal delivery on a Sunday meant that they were opting to set-up a private arrangement on Sunday, but were happy with the rest of the weeks service
- From the Equality Impact Assessment telephone questionnaire undertaken:
- 4/7 service users who responded to the survey stated that they like the service and that it met their cultural/personal needs
- 3/7 stated that they disliked the service and it did not provide the type of meals they wanted
- 4 service users did not respond to the survey

**Service user Feedback:**

- The initial service user feedback received at B-Heard sessions has been positive, and has indicated a desire amongst service users for increased choice. This preliminary engagement also indicated that there is a need for service users to assess the level of variety within the community-based model following market engagement to see if there are any service gaps, and to try the food. A larger 'Strategy Development Group' session has been arranged for 28<sup>th</sup> August for this purpose.

**iv. How have you used the information gathered?**

**Feedback from current service users:**

- This feedback illustrated that a change to the Apetito service was required owing to clear concerns regarding quality resulting in the migration of some service users off the service, and concerns about the demographic mix of service users receiving the service as compared to the demographic mix of the borough
- The feedback also shaped the project team's thinking in relation to the form a non-contracted service could take. Owing to the needs of service users receiving meals on wheels, any service would have to remain a door-to-door delivery service to ensure that those with physical disabilities/mobility issues could still access meals, and in relation to direct payments, support would

need to be given to manage these budgets on behalf of those without capacity to do so themselves

**Harlesden Methodist Church:**

- The information gathered here demonstrated that the non-contracted service form did not have adverse effects on service user access or service quality. The information was therefore used as a basis to progress with developing a broader market of non-contracted providers
- The Equalities Impact Assessment did raise some concerns as 3 service users stated that the service was not responsive to their needs or provide the type of meal they required. The Church were informed and the council reviewed its quality assurance processes. The Church actively collects feedback on a weekly basis from service users and stated that it does tailor its menu based on individual preferences/needs. The Equality Impact Assessment telephone interviews of Harlesden Methodist Church service users however did point out that not all service users will like the meals, and there is subsequently value in giving people the choice to use their direct payment on a private solution to their meal needs (e.g. a local food provider)

**Feedback from service users in strategy group:**

- A larger 'Strategy Development Group' session has been arranged for 28<sup>th</sup> August to ensure service users are able to assess the quality of food and provide their feedback on the scope of services offered.
- The feedback to date has indicated the perceived value of the service in theory

**v. How has it affected your policy?**

**Current service users:**

- The reviews of current service users had a large bearing on the proposed model. From this activity it was determined that a door-to-door hot food delivery service would be required, as opposed to luncheon clubs/signposting, owing to service users mobility/physical disabilities.
- The service user profiles also affected the policy in that it demonstrated the need to commission services to manage direct payments on behalf of service users to ensure they could all receive one and navigate a broad range of providers

**Harlesden Methodist feedback/Community engagement**

- The feedback from the Methodist Church illustrated the efficacy of the community-based model

**Service user strategy group:**

- The Strategy Development Group feedback will be used to determine whether there are any gaps in the service through analyses of the providers/menu's offered. Integrated Commissioning will undertake additional market development/engagement if gaps are identified.


**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.

Unmet needs/requirements:

- Older People/People with Disabilities capacity to manage direct payments. To mitigate against this, Age UK and Elders Voice have been commissioned to manage payments on service users behalf. At the point of review, a care assessor will also work with each service user individually to explain what direct payments are, the choices available to them, and how to set up standing orders onto the pre-paid cards

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

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**7. Analysis summary**

Please tick boxes to summarise the findings of your analysis.

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

**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.*

**From the analysis and the engagement activity undertaken it is felt that the policy is lawful and requires no change. This is explained below in relation to the 2 key tenets of the policy, the switch to non-contracted community-based providers, and the use of direct payments as a mechanism of making payments:**

### **Switch to non-contracted providers**

- **The range of providers to be included on the community directory will cover the range of meals offered by Apetito, and will also involve the use of specialist providers for people with specific religious/cultural needs (e.g. Asian, Kosher and Halal meals)**
- **Providers will be non-contracted, but memorandum's of understanding will lay out our expectations of service in relation to dietary requirements (e.g. low salt/high fibre/diabetic etc). all providers will also be checked prior to commencement of service that they provide this range of meals as required.**

### **Use of direct payments:**

- **The evidence from the pilot has shown that the use of Age UK and Elders Voice is sufficient in ensuring service users are able to regularise payments**
- **The support given by the review team at the point of referral will ensure service users understand direct payments and can set up standing orders onto pre-paid cards.**

**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.

**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
Monitoring service quality via face-to-face reviews and call monitoring	Call monitoring (monthly); face-to-face reviews (service user interviews quarterly/reviews annually)	Samuel Jacobson	Assessment of service quality/service responsiveness/service consistency and extent to which it meets service user needs to feedback to providers	On-going	

Provider monitoring	Quarterly from Dec 2013	SJ	Assessment of service quality and compliance with MoU	On-going	
No-reply trend analysis	Quarterly from Dec 2013 (monthly for first 2 months)	SJ/CSC	Assessment of no-replies trends to ensure providers are following no-replies up correctly	On-going	
Referral trend analysis	Quarterly from Dec 2013	SJ	Assess referral rate and drop-off rate	On-going	

**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?***

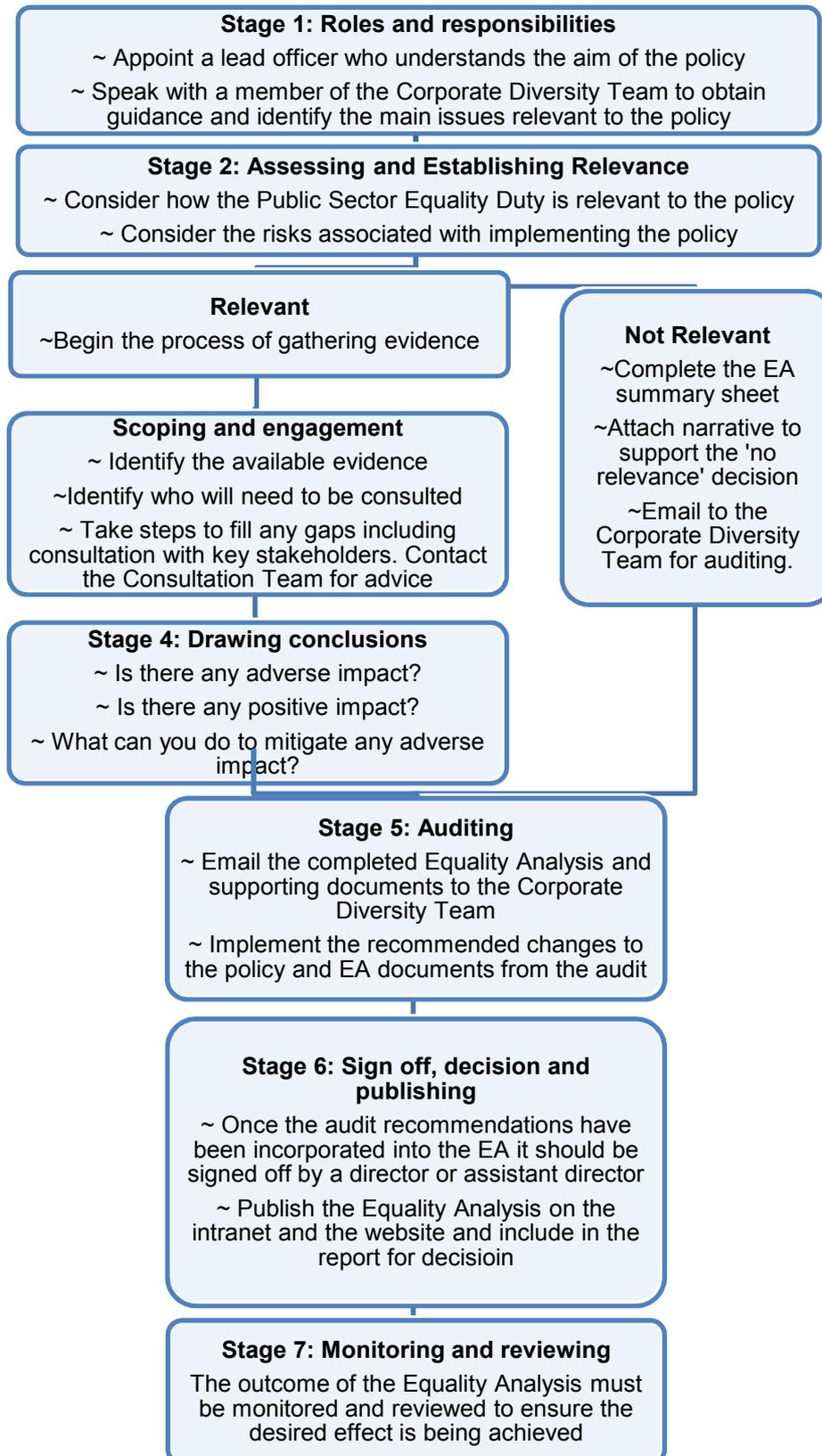
The EA must be completed before the policy is sent to the decision maker but should be carried out at the earliest possible stage. The advantage of starting early is that the equalities data informs and shapes the policy as it develops and progresses and this allows more time to address issues of inequality.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

## Appendix A

Service User	Date called	How does the quality of the food compare with the previous service?	Does the new food offer meet your dietary needs?	Does the new food offer meet your cultural needs/personal preferences?	Does the new food offer provide more or less choice?	Is the service more or less flexible and responsive than Apetito?	Does the food come in a timely manner as expected?	Is the food presented and delivered in a way that you are able to eat?	Has your health or social care needs changed as a result of the change in service?
Ms L	Unable to reach								
Mr T	08/08/2013	Similar - Tavistock meals have improved - good deserts	Yes	Yes	More	Same	Yes - 12.30pm	Yes	No
Ms H	Unable to reach incorrect number								
Mr. V	07/08/2013	Seems fine	Seems ok	Requested food not to be mashed up - need recognise food	Same	Not sure	Yes	Yes	Not Sure
Mr. A	08/08/2013	Good - likes the meals - had fish &	Yes	Yes	Not sure	Not sure	Yes	Yes	No

		chips today							
Ms. V	07/08/2013	Not as good		No I need Indian/ Halal/ Curry meals	Less choice	Less	Yes	Yes - but don't like it	Not eating the food
Ms SH	01/08/2013	Didn't want to take part in telephone survey							
Mr. H	Unable to reach								
Ms. D	08/08/2013	Didn't like the meals	Wasn't eating them so family now provide meals which carer heats up	No wants "English" only type meals	Didn't provide meals I wanted so have cancelled the service	Less	Yes		
Mr G	07/08/2013	Good - likes the meals - had chicken, cauliflower, potatoes today	Yes	Yes	Same	Same	Yes	Yes	Client has LD
Mr E	07/08/2012	Very bad the main meal has no taste	No	No I want West Indian food	Less choice main meal but like the pudding	Same	Yes	No following stroke I can't open wrapping	

Mr. GR	Unable to reach								
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