

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 and Growth Service Area: Planning and Regeneration	Person Responsible: Name: Joyce Ip Title: Regeneration Officer Contact No: 020 8937 2274 Signed:
Name of policy: South Kilburn Neighbourhood Heating System	Date analysis started: 8 July 2013 Completion date: 14 August 2013 Review date:
Is the policy: <input type="checkbox"/> New <input checked="" type="checkbox"/> Old	Auditing Details: Name: Elizabeth Bryan Title: Principal Diversity Officer) Date: Contact No: 020 8937 1623 Signed:
Signing Off Manager: responsible for review and monitoring Name: Abigail Stratford Title: South Kilburn Programme Manager Date: Contact No: 020 8937 1026 Signed:	Decision Maker: Name individual /group/meeting/ committee: Executive Committee Date: 11 th November 2013

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

The South Kilburn Regeneration Programme:

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. 360 new homes have been completed as part of Phase 1a. Phase 1b, commenced in July 2012, it will deliver 208 homes by 2015. Work will commence on site later this year to develop a further 340 new homes as part of Phase 2a.

The Project:

The delivery of the South Kilburn Regeneration Programme needs to, in accordance with The Greater London Authority (GLA) London Plan and Building Control Regulations, deliver a localised sustainability strategy to ensure new and future developments achieve a 20% carbon reduction and potentially zero carbon by 2016.

To achieve the carbon reduction targets the Council will procure an Energy Supply Company ('**ESCo**') to deliver the South Kilburn decentralised energy system to install, manage and maintain the system and deliver heat to all properties developed as part of the regeneration of South Kilburn (referred to as '**the project**').

The decentralised energy scheme will incorporate one energy centre generating heat through a district-wide combined heat and power (CHP) plant. Electricity is also generated through capturing usable heat that is produced in this process. To meet heating demand especially in winter, centralised boilers are also installed in the energy centre. The hot water generated is pumped through pipes in the ground to each building (this is referred to as the primary heat network). Heat exchange units are also installed within the buildings to enable the heat to be taken from the network. Each property drawing heat from the heat pipe is metered for heat consumption (for hot water and central heating) and the occupant pays for this heat accordingly.

An ESCo will be formed to install, manage and maintain the system and deliver heat to all the properties developed as part of the regeneration of South Kilburn. The ESCo will deal with billing and collection of payments from residents. The Council will procure an ESCo which will be operated by a private company.

The Esco will enter into individual billing agreements with each individual residential household. This project will restrict residents heat supplier for the period of the concession agreement. In order to achieve the Council's aim of delivering lower cost energy to residents it is the Council's intension to negotiate, through the procurement process, a minimum of a fixed 10% discount on gas equivalent (based on average consumption use) however this will be subject to viability and detailed contractual negotiations with the ESCo through dialogue during the procurment process.

Project Objectives:

It is envisaged the project will deliver;

- a) Lower energy costs for residents (*based on average consumption use*)
- b) A district heating solution that is no more costly to developers than individual block heating solutions
- c) Significant CO2 savings - At least an additional 20% of carbon reduction.
- d) A means to achieve higher Sustainable Code Levels in the future
- e) A technically sound and reliable energy centre.
- f) A high standard of customer care to residents

Strategic Alignment:

The South Kilburn Regeneration Programme aligns fully with the Council's Regeneration & Growth Objectives 'To deliver transformational change to the borough' and to provide 'Greater access to affordable housing'.

This project will support the future delivery of the South Kilburn Regeneration Programme through delivering three of the GLA London Plan requirements: build efficiency, decentralised energy, & green agenda to reduce London's CO2 emissions to mitigate climate change.

The project will assist the Council and its delivery partners in achieving the following building regulation requirements:

2006 - Baseline emissions

2010 – 25% reduction

2014 – 44% reduction (Already happening in Growth Areas – CSH Level 4)

2016 – 100% on site reduction

The project also aligns with the Council's Health and Well Being Strategy which aims to *"Improve[ing] the economic, social and environmental factors which promote good health and wellbeing outcomes"* by tackling one of the causes of fuel poverty.

The February 2011 *"Fuel Poverty and the impact it has on health"* Report by the Health Partnerships Overview and Scrutiny Committee Task Group identified fuel poverty is "the inability to afford to adequately heat the home". A household is said to be in fuel poverty if it needs to spend more than 10% of its income on fuel.

The four main causes of fuel poverty are:

- Low income
- Size of home and under occupancy
- Price of fuel or the inability to access cheaper fuel
- Energy inefficient homes

Fuel poverty has a physical impact on the condition of homes if householders try to minimise their fuel bills. Inadequate heating can lead to some or all of the following

problems:

- Condensation, dampness and mould growth
- Deterioration of the property
- Increased maintenance and repair costs
- Reduction of the asset value of the property

The aim of this project is to provide residents with lower energy costs, tackling one of the causes of fuel poverty.

Scope of Works

To date the majority of the developments that have been brought forward as part of the South Kilburn Regeneration Programme have been built out to achieve Code for Sustainable Homes Level 3 with a commitment to retrospectively connect up to the decentralised energy scheme. Upon connection to the decentralised energy scheme the developments Code for Sustainable Homes will increase from Level 3 to Level 4, ensuring compliance with the GLA London Plan and Building Control Regulations. Through the developments Section 106 Agreements, the Local Planning Authority has secured a standard connection charge fee per property. The connection charges secured will pay for the properties to be retrospectively connected up to the decentralised energy system.

The Council will grant the ESCo exclusivity for the period of the concession agreement (anticipated 40 year period). The Council will be required to stipulate, through development agreements, on all future developments brought forward as part of the South Kilburn Regeneration Programme, that the appointed delivery partner is required to enter into a connection agreement with the appointed ESCo.

The Esco will enter into a connection agreement with the delivery partner and an individual billing agreement with each individual residential household. The ESCo will take all debt risk and be responsible for billing management and customer care. This project will restrict residents heat supplier for the period of the concession agreement. The Council will be responsible, through the concession agreement, for monitoring performance and ensuring the ESCo delivers a high standard of customer care.

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 Programme:

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

We aim to ensure that the South Kilburn regeneration programme will meet the varied individual needs and expectations 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 age, disability, gender reassignment, pregnancy and maternity status, marriage and civil partnership status, race,

religion or belief, sex or sexual orientation.

(b) Advance equality of opportunity;

We also aim to ensure that everyone moving into the new developments has equal access to the Neighbourhood Heating System, regardless of their protected characteristics. We recognise the ESCo services provided to South Kilburn residents must be relevant, responsive and sensitive and that the ESCo must be fair and equitable in its provision of services to residents.

(c) Foster good relations

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

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

A consultation exercise was carried out on 19 September 2012. The event was held at a local community centre in South Kilburn and advertised widely through leaflets, posters and SK Connect, a local publication that is delivered to all households. Unfortunately only two members of the community attended the event. Tailor made exhibition panels explaining the Neighbourhood Heating System were on display. Officers also explained the scheme to the attendees on a one to one basis. No one from the community raised any concerns regarding inequalities. Briefings on the project have also been given to the South Kilburn Neighbourhood Trust: Neighbourhood Co-ordination Group which is attended by two resident representatives. Three consultation events and three resident design workshops have been held with residents regarding the redevelopment of Gloucester House and Durham Court where the proposed energy centre will be located. At each event information on the energy centre and the South Kilburn Neighbourhood Heating System has been made available to residents. Please find below a summary of the events held and comments raised regarding the decentralised energy system.

What?	When?	Where?	What time?	No Of Attendees	Comments raised re Decentralised Energy System
Residents' Design Group Meeting Meeting for residents to have a say about the design of new homes at Gloucester House and	Wednesday 14 th August 2013	The Salvation Army, 55 Chichester Road, NW6 5QW	6pm to 7:30pm	18 tenants	No comments in particular in relation to the decentralised energy system but Workshop Group 2 noted low energy flats with good robust materials, double glazing and sustainable is a high priority for them.
	Wednesday 4 th September 2013	The Salvation Army, 55 Chichester Road, NW6 5QW	6pm to 7:30pm	10 tenants	N/A as discussed external areas of proposed redevelopment.

Durham Court	Thursday 26 th September 2013	The Salvation Army, 55 Chichester Road, NW6 5QW	6pm to 7:30pm	25 tenants (20 signed in)	No comments in particular in relation to the decentralised energy system but question asked about what type of heating would the new homes have.
Tenant's Steering Group Presentation on current design proposals for Gloucester and Durham	Thursday 5 th September 2013	The Vale Community Centre, 1 Pentland Road	7pm to 9pm	47 tenants	Questions asking about what properties will the heating system serve and will it result in cheaper bills for residents.

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.

There is a risk the project could have a negative impact on residents who move into new homes within the South Kilburn regeneration area from the following protected groups;

- Age
- Disability
- Pregnancy and maternity
- Race

These protected groups may not benefit from reduced energy bills as their household types may not consume an average amount of heat. At the time of writing the Council is unable to confirm if their costs will remain static or increase but it is envisaged they will not incur an increase in their heat bills, the main impact is that they may not benefit from a fixed 10% reduction.

Although the Council will endeavour to secure a fixed 10% reduction on energy bills through the project, at the time of writing it is envisaged this can only be guaranteed, measured and enforced against an average consumption use. This project will restrict competition for the duration of the concession contract. Residents will be forced to enter

into a billing arrangement with the ESCo reducing residents ability within use competition in the market to secure best value.

Age:

Residents within the protected group age could be affected as households with young or elderly family members are more likely to be at home and could use more heat than the estimated average consumption use of 16kW/pa. 8.6% of the population are over the age of 65. 25.6% of the population have dependent children where the youngest is aged 0 to 4.

Similarly households with a smaller family size for example young professionals without children could be more likely to use less heat than the estimated average consumption use of 16kW as they are out of the home more. 11.7% of the population are aged between 16-24.

Disability:

Residents within the protected group disability could be affected as households with disabled family members are more likely to be at home and could use more heat than the estimated average consumption use of 16kW. 6.7% of residents who are of working age are currently economically inactive due to a disability or long term ill health.

Pregnancy and maternity:

Residents within the protected group pregnancy and maternity could also be affected as households with members who are pregnant or on maternity leave at home with a young baby could use more heat than the estimated average consumption use of 16kW during this period. 25.6% of the population have dependent children where the youngest is aged 0 to 4.

Race:

Residents within the protected group race may also be affected as some communities have extended families consisting of elderly grand parents which could result in the household using more heat than the estimated average consumption use of 16kW. 11.5% of the population are Asian/Asian British. 39.3% are Black/African/Caribbean/Black British.

Mitigating Action:

In order to mitigate the affect of the project on these protected groups, the Council will ensure through the concession agreement, a minimum of a fixed 10% discount on gas equivalent based on an average consumption use. The new properties built to Code for Sustainable Homes Level 3 or Level 4 will be extremely well insulated which may result in a reduction of residents overall heat consumption.

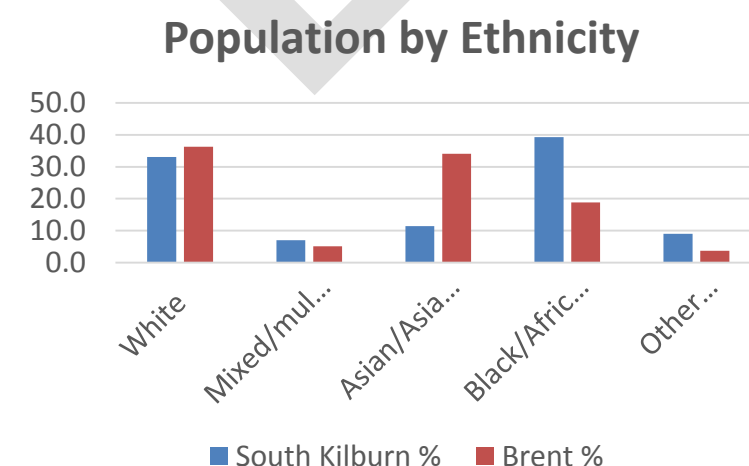
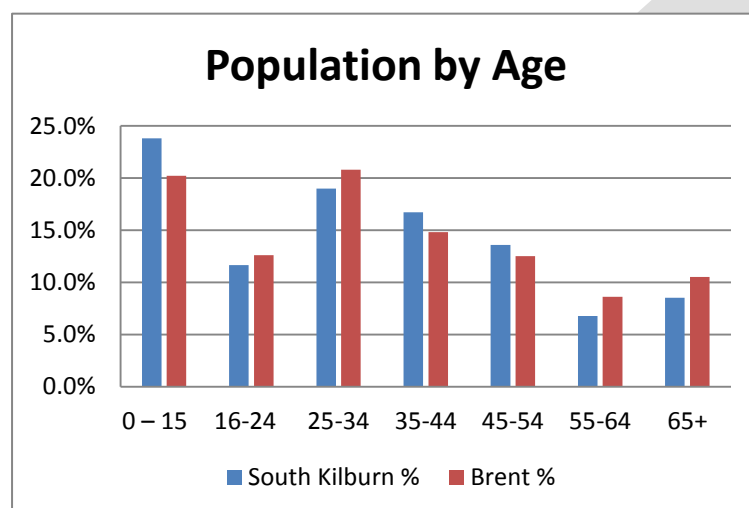
The Council will gather intelligence from their developer partners on average heat consumption per household size within the new developments already built out as part of the South Kilburn Regeneration Programme. Using this data as evidence, the Council will also endeavour to negotiate a discount pricing formula with an annual review mechanism for different uses against fixed and standard charge during the dialogue process to ensure the impact of the project on the identified protected groups is minimised.

Another equality analysis will be undertaken once the procurement process is complete in order to clarify the full impact of the project on all protected groups prior to award of contract.

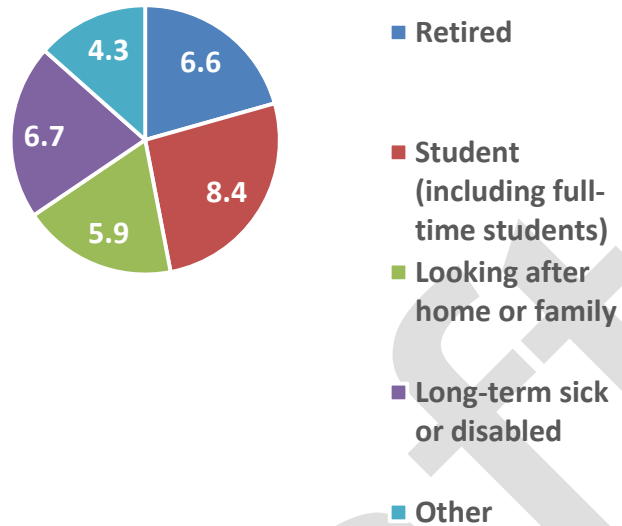
At the time of writing it is not envisaged the project will result in an increase in energy bills for any of the identified protected groups but this will be assessed again within the equalities impact assessment prior to award of contract when the pricing formula has been agreed.

Please give details of the evidence you have used:

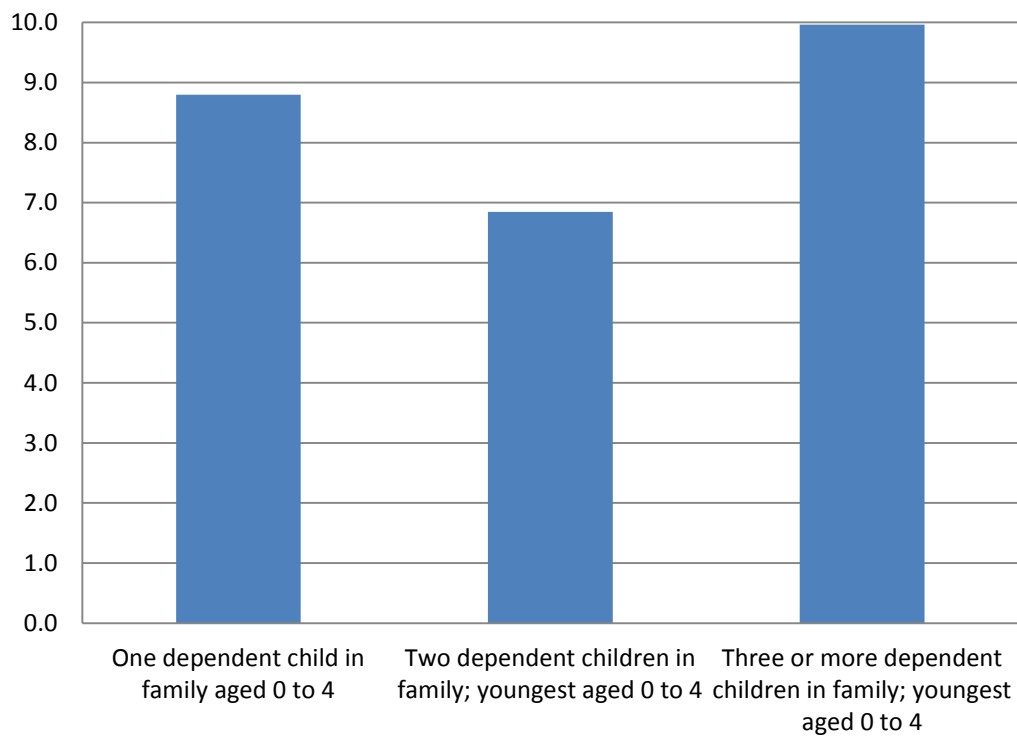
Data gathered from the 2011 Census has provided evidence to inform the Equality Analysis.



Economically Inactive (31.9%)



Family with Dependent Children aged 0 - 4



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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			X
Disability			X
Gender re-assignment			X
Marriage and civil partnership			X
Pregnancy and maternity			X
Race			X
Religion or belief			X
Sex			X
Sexual orientation			X

8. The Findings of your Analysis

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

No major change

Adjust the policy

Continue the policy

The installation of a decentralised energy system will go ahead and the strategy for residents living in the new flats to connect to the heating system remains the same.

Stop and remove the policy

9. Monitoring and review

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

Another equality analysis will be undertaken once the procurement process is complete in order to clarify the full impact of the project on all protected groups prior to award of contract.

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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
Provide updates on the South Kilburn regeneration programme.	Regularly	Abigail Stratford	Provide an update on the progress being made on the South Kilburn regeneration programme including the Neighbourhood Heating System.		

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?

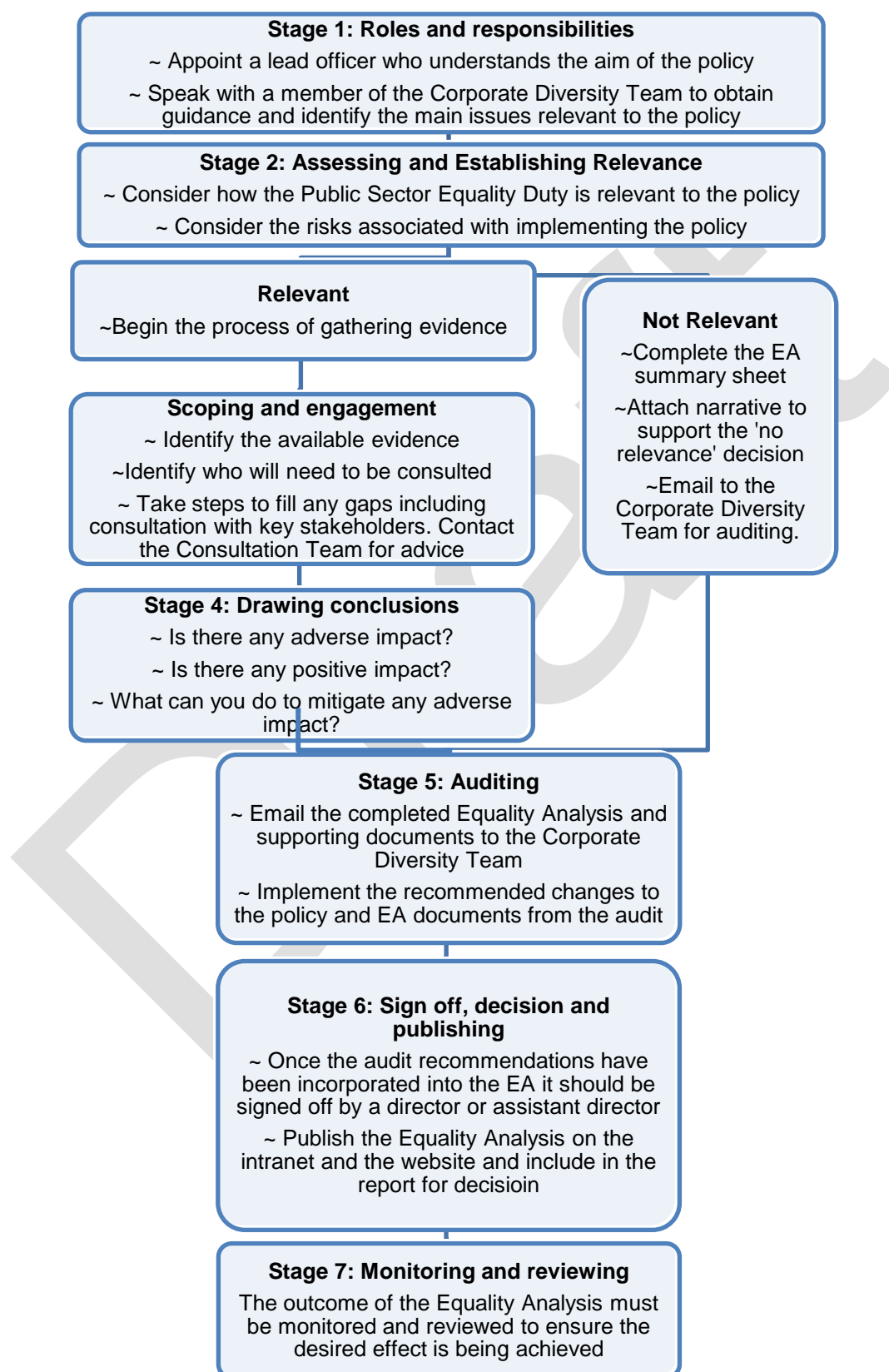
The EA must be completed before the policy is sent to the decision maker but should be carried out at the earliest possible stage. The advantage of starting early is that the equalities data informs and shapes the policy as it develops and progresses and this allows more time to address issues of inequality.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

Draft

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.