

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: Service Area: Regeneration and Growth	Person Responsible: Name: David Oates Title: Head of Customer Service and Benefits Contact No: 02089371931 Signed:
Name of policy: Council Tax Support Review	Date analysis started: 23/09/2013 Completion date Review date:
Is the policy: New <input type="checkbox"/> Old <input checked="" type="checkbox"/>	Auditing Details: Name: Elizabeth Bryan Title: Partnership Equality Policy Officer Date Contact No: 0208 937 1190 Signed:
Signing Off Manager: responsible for review and monitoring Name: David Oates Title: Head of Customer Service and Benefits Date Contact No: 02089371931 Signed:	Decision Maker: Name individual /group/meeting/ committee: Date:

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.

Background

The Council Tax Support Scheme (CTS) has been in place since 1st April 2013 and replaced the National Council Tax Benefit (CTB) scheme. CTS is a locally determined system of council tax support. The aim of the CTS scheme is to provide financial assistance to council taxpayers who have low incomes.

Persons who are of state pension age (persons who have reached the qualifying age of State Pension Credit) are protected under the scheme in that the calculation of the reduction they are to receive has been set by Central Government.

For working age applicants however the reduction they receive is to be determined by the local authority.

This equality impact assessment looks at the potential for not only protecting pensioners (as required under the legislation) but also retaining a large amount of the protections already present for working age persons within the existing CTS scheme carried forward from the CTB scheme.

Where a working age claimant applies or continues to receive Council Tax Reduction, it is proposed that the reduction will be calculated on the same rules as the current CTS scheme except for the following;

- review to fully disregard war pensions rather than setting a local discount scheme for pensioner claims;
- up-rate the allowances, premium and non-dependent deductions for pensioners for 2014-15;
- include those working age customers on lower and higher rate incapacity benefit to the vulnerable group.

These changes will apply from 1st April 2014.

Council Tax Support (CTS) is means tested and is granted to low income households to help them meet their council tax liability. In 2013/14 the Council is expected to award approximately £28 million of CTS to about 35,525 council tax payers, the average support amounts to £16.61 per week (£863.72 per year). Councils are expected to continue to deliver local schemes within the following framework :

- a) The money spent on schemes will be determined by local need, funded by a cash limited Government grant (so expenditure may be higher or lower than the amount of grant received).
- b) Pensioners will be protected and must receive the same level of support as under CTB.
- c) Observe their duty to protect certain other vulnerable groups, although these are not defined.
- d) Support incentives to work.
- e) Schemes must run for a full year, to provide certainty for claimants.

This equality impact assessment looks at the potential for not only protecting pensioners (as required under the legislation) but also retaining a large amount of the protections already present for working age within the existing CTS scheme carried forward from the CTB scheme.

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

This assessment is intended to identify any impact that has arisen on any of the various protected groups that could be attributed to the Council Tax Support provision during the period of 1st April 2013 to 31st August 2013. In this section, we have focused on any specific provisions that could have an impact (either direct or indirect) on each of the protected groups. This assessment also includes the caseload of proposed council tax support for 2014-2015, taking into account the expanded protected groups.

This equality assessment is being undertaken to review the impact of the Council Tax Support scheme on the nine protected characteristics; namely age; race; disability; sex; gender reassignment; faith; sexual orientation; maternity and pregnancy. Due to the very nature of CTS, associated social and economic and demographic issues, people who access the service are more likely to be classed as vulnerable or having protected characteristics.

CTS changes could potentially affect any Brent resident, including their households, of working age who is entitled to, or becomes entitled to help with their council tax costs, unless they are a group affected from changes.

Unlike most other groups, pensioners cannot be expected to seek paid employment to increase their income; the government therefore mandates that as a vulnerable group, low income pensioners should be protected from any reduction as a result of any change. The Government will continue to prescribe how pensioners should be treated within local schemes.

Council Tax Support is available to all groups, regardless of ethnicity, disability, gender or age provided that the eligibility and entitlement conditions are met. However, in line with other income-related benefits, those most in need generally qualify for entitlement. This means that some groups are more likely to be in receipt of Council Tax Support at present, as they are less likely to have an income that exceeds their basic living needs. This is because, when calculating a claimant's basic living needs, additional premiums and allowances are to be awarded for disabled customers, customers of pensionable age and families with children when calculating their basic living needs.

The key stakeholders that are directly affected by the CTS scheme include:

- Current Council Tax Support Claimants
- Potentially any new Council Tax Support applicants from 1st April 2014 onwards,
- Council Tax Payers

The current caseload as at 1st September 2013 is 32,525 for Council Tax Support. This comprises 21,814 working age customers and 10,711 pensionable age customers.

The 21,814 working age claimants in receipt of Council Tax Benefit can be further analysed as follows (in terms of their likely characterisation under the Council Tax Support scheme):

- 10,554 Working Age Other (the customer is in receipt of Passported Benefit (Job Seekers Allowance (Income Based), Employment and Support Allowance (Income related) or Income Support) or the customer is neither working nor in receipt of a passported benefit).
- 6,134 Working Age Employed (the customer is either Employed or Self Employed).

- 5,127 Working Age Vulnerable (the customer's household income includes Disability Living Allowance, Carers Allowance, War Disablement Pension or a War Widows Pension as outlined in the protected groups definition).

The total number of live Council Tax accounts we currently have is 113,766. Therefore, 28.59% of Council Taxpayers currently receive Council Tax Support of which 19.17% are of working age.

According to existing data held on Council Tax Support, the following protected characteristics have been identified:

3.1. Age Equality

Pensionable age caseload makes up 32.93% of the total caseload. However, they are specifically protected by Government regulations and therefore will generally receive the same amount of support as they would have done under the Council Tax Benefit regulations.

Although not claimants in their own right, there are currently 14,752 working age claims with children under the age of 19 years old resident in the home. Of these, 10476 (i.e. 71%) families have between 1-2 children, 3542 (i.e. 24%) have between 3-4 children and 734 (i.e. 5%) have more than 5 children.

Families with dependent children will receive additional premiums and allowances as part of the entitlement calculation to reflect the additional costs associated with raising children.

Additionally, there will be no impact in relation to those people who claim child benefit as the scheme will fully disregard child benefit as an income.

The scheme provides a financial incentive to work by disregarding some earned income, making allowances for childcare costs, reducing benefit on a sliding scale as income increases and continuing payment for four weeks after moving into work when there would otherwise be no entitlement.

The working age caseload (aged 18-60) makes up 67.07% of the total and it is this group that will receive less support in order to achieve savings. The Working age caseload comprises of 18-24 year olds (4.15%), 25-34 year olds (18.81%), 35-44 year olds (32.32%), 45-54 year olds (28.84%) and 55-60 year olds (15.88%).

The caseload has decreased in general, however the case group for 55-60 year olds has increased by 10.60% compared to any other age group. One factor for this could be that this age group is more likely to be protected under Principle 2 due to being identified as disabled.

Customers aged 45-60 have a higher proportion of non dependants living with them than those younger. A high percentage of customers aged under 45 have no non dependants living with them and therefore no non dependant deduction is made on their claim.

A total of 3,565 customers are no longer entitled to Council Tax Support compared to 2,003 identified in the last review.

Customers aged 35 - 44 (i.e. 32.59%) are most affected by not qualifying for any Council Tax Support than other age groups. This can be partially explained by the fact that that the youngest age group (18 - 24) are the most likely to be on a passported benefit (and therefore not affected by Principle 5 concerning the taper), and the least likely to have a non-dependant living with them and therefore not affected by Principle 4 regarding non-dependant deductions, whilst the oldest age group (55 - 60) are by far the likeliest to be in the 'vulnerable' group (and are therefore supported by Principle 2).

3.2. Disability Equality

The Equality Act explicitly recognises that a disabled customer's needs may be different to

those of non-disabled customers.

One of the main considerations when proposing Council Tax Support scheme has been with regard to additional protections for people with disabilities.

Additionally, Brent has given due consideration to its obligations under the Equality Act within its **Principle 2: The most vulnerable claimants should be protected (from the minimum contribution) proposed for Council Tax Support.**

In addition, Brent is to include Lower Rate Incapacity Benefit and Higher Rate Incapacity Benefit into Council Tax Support Scheme for 2014-15, which qualifies a customer for Disability Premium with their passported benefit with the DWP but not for CTS purposes in Brent.

Within the cases recorded just under a quarter of working age customers are now protected against the council tax support scheme compared to 14% at the start of the scheme in April 2013.

Brent scheme has identified 3,355 (65.44%) customers as being protected as a result of qualifying for a disability premium and 1,772 (34.56%) customers that meet other criteria set for this protection including those on Carers Allowance or on Lower Rate Incapacity Benefit and Higher Rate Incapacity Benefit.

Disability Benefits such as Disability Living Allowance will be disregarded in calculating entitlement to support thereby facilitating the provision of greater financial support to those with specific long term conditions that are included within this protected group. Claimants with disabilities will receive additional premiums as part of their support calculation in recognition of

3.3. Gender reassignment Equality

No impact on this group – This protected group comprising people considering or undergoing the process of gender reassignment is often one of the hardest groups to reach.

Gender reassignment will not be a factor in the assessment of Council Tax Support in relation to allowances and premium used when assessing entitlement to support. However, it is not possible to comment more fully on the effects of future income received by claimants in this group as this will be dependent upon their income and circumstances at that time.

3.4. Marriage and Civil Partnership Equality

No impact on this group – the current council tax support scheme recognised married couples and civil partnerships equally and as it is to continue with the basis of the current scheme in determining eligibility, therefore there will be no impact.

3.5. Pregnancy and Maternity Equality

For the purposes of Council Tax Support, pregnancy and maternity are to be considered as two separate characteristics as whilst the claimant is pregnant, premiums and personal allowances are unchanged until the child is born and becomes a member of the claimant's household. At that time, an additional premium and allowance are awarded and child benefit income will be disregarded when calculating income received.

Pregnancy is not a factor in relation to allowances and premium used when assessing entitlement to support. However, it is not possible to comment more fully on the effects of future income received by claimants in this group as this will be dependent upon their income and circumstances at that time which may vary and cannot be predicted with certainty.

As much of the existing Council Tax Support Scheme is to be retained it is anticipated that it will not adversely affect claimants in this group. However, there is not currently sufficient data and evidence available to validate this more fully.

3.6. Race Equality

Race has no impact on the calculation of council tax benefit in the current scheme and therefore will not treat people in these groups any differently.

Where ethnicity is recorded on our database (58.23% of total caseload), 'Asian' customers makes up just under 14% of our working age customers, 'Black' customers under 25% and 'White' customers under 20%.

The ethnicity groups have had no significant variance with regard to any particular group being decreased in relation to ongoing entitlement to Council Tax Support .

As Council Tax Support is determined according to overall household income, rather than distinguishing between ethnic groups relating to the recipients of these benefits, any differences in the amounts of Council Tax Support received are considered attributable to factors other than race, for example allowance and premiums.

3.7. Religion and Belief Equality

Religion and belief will not generally be a factor in relation to allowances and premiums used when assessing entitlement to support. The exception to this is that a higher applicable amount may be determined for a claimant in a polygamous marriage that may be applicable to certain religions and beliefs.

It is not possible to comment more fully on the future effects of income received by claimants in this group, as this will be dependent upon their income and circumstances at that time and which cannot be predicated with certainty.

Council Tax Support Scheme will not adversely affect anyone based upon religion or belief, as there are currently no claimants identified as being in a polygamous marriage. However, there is not currently sufficient data and evidence available to validate this more fully.

3.8. Sex Equality

Gender will not be a factor in relation to allowances and premiums used when assessing entitlement to support.

It is not possible to comment more fully on the future effects of income received by claimants in this group, as this will be dependent upon their income and circumstances at that time, which will vary and therefore cannot be predicted with certainty.

Assessment of Council Tax Support considers overall household income, rather than distinguishing between male and female recipients of these benefits.

Of our 21,815 working age recipients of Council Tax Support, female customers comprise 52% of the caseload and male customers 42%. However, as either partner can generally make claims, the proportions indicated should be considered and analysed in that context.

In case of couples, there are more male customers (where the male is the 'claimant' and the female is on the claim as a 'partner') than female customers with a variance of 34%. The explanation for this could be that in relation to a married couple and couples living together as husband and wife, generally men will complete the application forms and therefore submit their name first as the claimant.

3.9. Sexual Orientation Equality

Sexual orientation will not generally be a factor in relation to allowances and premiums used when assessing entitlement to support.

It is anticipated that the Council Tax Support Scheme will not adversely affect anyone based upon their sexual orientation, however, there is not currently sufficient data and evidence available to validate this more fully.

Appendix D2 - Equality Strand Analysis which provides a detailed analysis and impact on the nine protected characteristics and identifies any issues/adverse impacts and needs.

Please give details of the evidence you have used:

Extensive modelling from existing data. The modelling has been based on changes to the existing Council Tax Support scheme administered by the Council.

Modelling information has included number of working age claimants and amount of council tax benefit paid, claim numbers and benefit paid across council tax bands, range of income types and household make-up.

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;

Brent Council Tax Support Scheme has been founded upon equal access to all council tax payers, meeting the needs of the most vulnerable and ensuring that the criteria is fairly applied to all taxpayers eliminating inconsistencies.

(b) Advance equality of opportunity;

Brent Council Tax Support Scheme has been founded upon equal access to all council tax payers, meeting the needs of the most vulnerable and ensuring that the criteria is fairly applied to all taxpayers eliminating inconsistencies. It will be supportive of the Council's efforts in these regards through ensuring that all vulnerable individuals and households who are subject to discrimination, harassment and victimisation are identified and additional support is provided.

(c) Foster good relations

The policy will not have an impact on the Council's duty to have due regard to the need to eliminate discrimination. Calculation of Council Tax Support will therefore be undertaken on a transparent basis and permits all sections of society to apply for assistance with their council tax in an open and transparent way. No one from a protected characteristic is prevented from applying for Council Tax Support.

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?

Consultation was undertaken with Council tenants and leaseholders, with voluntary and community groups and with borough residents generally for Brent 2014-15 Council Tax Support Scheme (See Consultation Document on Appendix ? for consultation details).

ii. What methods did you use?

The consultation questions were publicised through Brent Connects on the Council's website. A survey link was sent to borough residents on the Council's Citizens Forum email List and to customers where we hold an email address.

iii. What did you find out?

Comments and views have been expressed by some consultation respondents. Whilst these do not appear to expressly indicate that the service will be discriminatory in its manner, they have provided other options and alternatives for consideration and supporting comments as appropriate.

iv. How have you used the information gathered?

The responses to the consultation have been taken into account in finalising the scheme.

v. How has it affected your policy?

No Affect.

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.

No negative impact has been identified. The scheme has been designed to identify those who would be least able to deal with a reduction in support and protect them from the full effects of the changes where possible. For those not protected the scheme aims to minimise the impact of the reduction of support by fairly distributing the savings throughout the caseload.

The impact on collection of Council Tax for 2013-14 to date demonstrates a negligible financial impact as follows:

- Year to Date collection rate for CTS claimants (of liabilities raised for the year) is 61.96%
- Number of customers in receipt of some financial help through CTS where no payment has been made stands at 2,536 out of 32,525 CTS caseload.

- Overall Year to Date collection rate is 82.77% compared to overall Year to Date collection rate for 2012-13 (at same date last year) stands at 84.73%.

Please give details of the evidence you have used:

See Appendix D.

7. Analysis summary

Please tick boxes to summarise the findings of your analysis.

Protected Group	Positive impact	Adverse impact	Neutral
Age	X – for Pensioner Group		X - For Working Age Group
Disability	X		
Gender re-assignment			X
Marriage and civil partnership			X
Pregnancy and maternity			X
Race			X
Religion or belief			X
Sex			X
Sexual orientation			X

8. The Findings of your Analysis

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

No major change

Your analysis demonstrates that:

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

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

The Brent Council Tax Support Scheme is consistent with the Council's legal obligations. The assessment has not identified any adverse or discriminatory impacts.

Adjust the policy

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

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

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

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

Continue the policy

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

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

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

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

Stop and remove the policy

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

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

9. Monitoring and review

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

There is a legal obligation to formally review the scheme on an annual basis. The review will be carried out in relation to the equalities analysis process.

Throughout the year the scheme will be monitored via management reports that show how, and to what extent, each individual claimant and their household has been impacted. These reports will be analysed to identify any groups of people that are disproportionately affected by the changes.

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

Please forward to the Corporate Diversity Team for auditing.

Introduction

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

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

The Equality Act 2010

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

- Eliminate discrimination, be it direct or indirect discrimination

- Advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it; and
- Foster good relations between people who share a protected characteristic and those who do not share it

The equality duty covers:

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

What is equality analysis?

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

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

What should be analysed?

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

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

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

When should equality analysis be done?

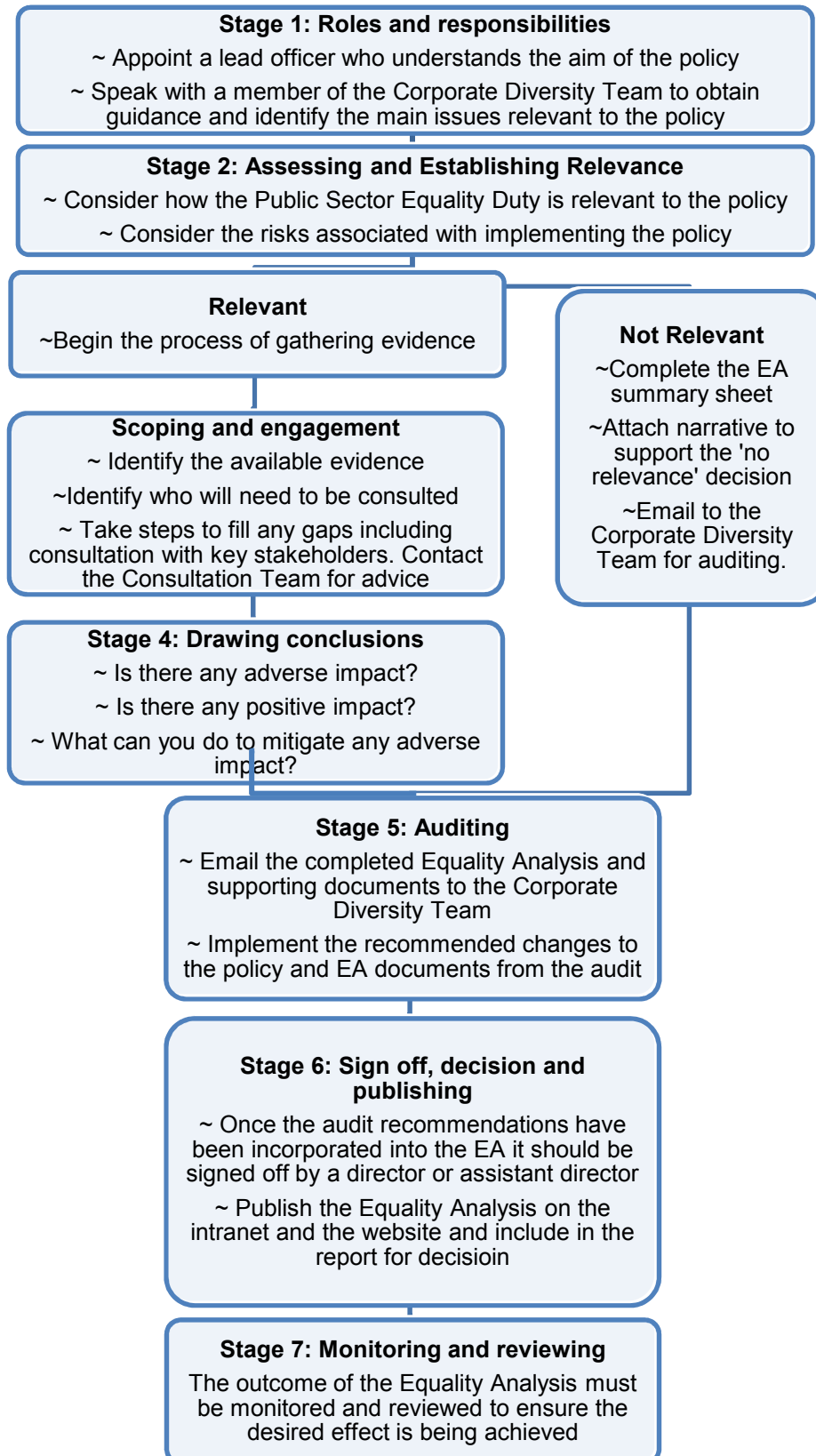
The EA must be completed before the policy is sent to the decision maker but should be carried out at the earliest possible stage. The advantage of starting early is that the equalities data informs and shapes the policy as it develops and progresses and this allows more time to address issues of inequality.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

Positive action

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

Brent Council's Equality Analysis Process

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



Stage 1: Roles and Responsibilities

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

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

Stage 2: Assessing and Establishing Relevance

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

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

Key Questions:

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

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

“Not relevant”

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

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

Stage 3: Scoping

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

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

Think about:

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

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

Sources of information

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

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

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

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

Service user information

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

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

Identify your information gaps

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

Engagement

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

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

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

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

For your engagement to be effective you will need to:

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

Stage 4: Drawing conclusions

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

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

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

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

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

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

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

There are four main steps that you can take:

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

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

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

Stage 5: Auditing

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

Stage 6: Sign Off, Decision and Publishing

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

Decision-making

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

Stage 7: Monitoring and Reviewing

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

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

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

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

Section 3: Glossary

Civil partnership: Legal recognition of a same-sex couple's relationship. Civil partners must be treated the same as married couples on a range of legal matters.

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

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

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

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

Harassment: Unwanted conduct related to a protected characteristic that has the purpose or effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may also involve unwanted conduct of a sexual nature or be related to gender reassignment or sex.

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

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

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

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

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

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

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

Pregnancy and Maternity: Pregnancy is the condition of being pregnant. Maternity is the period after giving birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.

Proportionality: The weight given to equality should be proportionate to its relevance to a particular function. This may mean giving greater consideration and resources to functions or policies that have the most effect on the public or on employees.

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

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

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

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

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

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

Transgender: An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. They may or may not seek to undergo gender reassignment hormonal treatment/surgery. Often used interchangeably with trans.

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

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

A Summary of the Equality Act 2010

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

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

The act prohibits:

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

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

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

The Public Sector Equality Duty

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

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

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

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

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

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