

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.

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| 1. Roles and Responsibilities: please refer to stage 1 of the guidance | |
| Directorate: REGENERATION & GROWTH Service Area: EMPLOYMENT & ENTERPRISE | Person Responsible: Name: Shomsia Ali Title: Head of Employment and Enterprise Contact No: 07867189594 Signed:  |
| Name of policy: Brent Employment Services Provider Framework | Date analysis started: April 2014 Completion date: July 2014 Review date: |
| Is the policy: <input checked="" type="checkbox"/> New <input type="checkbox"/> Old | Auditing Details: Name: Elizabeth Bryan Title: Equality Officer Date: 21.07.14 Contact No: 0208 937 1190 Signed: |
| Signing Off Manager: responsible for review and monitoring Name: Title: Date: Contact No: 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.

What is the aim and purpose?

The Brent Employment Services Provider Framework is a list of preferred organisations able to deliver employment-related support services to Brent residents on behalf of Brent Council. It also allows the Council to identify appropriate partners to bid with for external funding opportunities.

Strategic context

The London Borough of Brent Regeneration Strategy 2010-2030 outlines the Council's strategic priority to increase employment and income levels of Brent residents, concentrating on those with support needs and our priority neighbourhoods. The emerging Employment, Skills and Enterprise strategy further supports these aims by taking a place-based approach and focusing on workless residents furthest away from the labour market.

The emerging strategy sets out the overall vision for delivery of employment, skills and enterprise services in the borough. The Council recognises the strength of partners across the public, private, community and voluntary sectors, particularly in having in-roads to our community. Wherever possible, the Council will support the capacity of these partners so that employment services can be delivered by those who best know our communities that experience a high level of unemployment and economic inactivity. Brent Council will take a strategic leadership role, working with partners to inform, steer and support their activities, achieving synergies and leading by example.

Framework Agreement

Employment-related services will support residents who are out of work or in low skilled, low pay work, find, secure and sustain meaningful employment opportunities.

The Council takes a strategic role and will support the capacity of partners to deliver commissioned services using funding secured from both external and internal sources. To this end, the Framework formalises the relationship between the Council and its partners for the procurement of employment-related services, understanding that the role of the voluntary and community sector (VCS) is crucial in achieving the overall objectives of the emerging strategy. The Framework realises the emerging strategy's ambition to support delivery of employment services by those who best know and have unique in-roads to our communities that experience a high level of unemployment and economic inactivity.

The Framework's aim is to support and contribute to the implementation of three key strategic priorities as set out in Brent's emerging Employment, Skills and Enterprise strategy:

- To address the growing polarisation in the borough by reducing economic and social deprivation in our worst performing neighbourhoods;
- To reduce poverty through employment and progression in work;
- To achieve better outcomes from mainstream provision and activities.

The Framework will be used as an 'umbrella agreement' under which individual contracts (call-offs) can be agreed. Employment-related services can be commissioned through the Framework from October 2014 to March 2016, with the option to extend by +1 +1 years.

Brent Council will also use the Framework to identify providers to participate in partnership activities and opportunities.

What needs or duties is it designed to meet?

The Framework is designed to improve access to and deliver provision of meaningful and valuable employment-related support services to Brent residents.

Framework partners will have the capacity and capability to support residents from our disadvantaged neighbourhoods, affected by welfare reform and looking to find work for the first time.

Predominantly support services to help unemployed residents find and sustain work, we expect to support people who face a range of challenges when accessing employment and who:

- have entry-level English as a Second or Other Language (ESOL) needs;
- have a physical health need;
- have a mental health need;
- have learning difficulties;
- have a history of substance misuse;
- are from Black, Asian or Minority Ethnic (BAME) communities;
- are homeless;
- are aged 16-24 and not in Employment, Education or Training (NEET);
- are unemployed for longer than 12 months and not already engaged by the Work Programme or other Jobcentre Plus employment related provision.
- are in receipt of inactive benefits receiving little to no support, or those who have not previously engaged with employment support.
- Are at a later stage in their working lives.

How does it differ from any existing policy or practice in this area?

National, regional and local context

National responsibility for employment sits with the Department for Work and Pensions (DWP), whilst for skills and enterprise it sits with the Department for Business, Innovation and Skills (BIS). Locally, this means that employment provision and DWP funding is via Jobcentre Plus (part of DWP) and two major contracts, the Work Programme and the Youth Contract. Skills provision is mainly (although not exclusively) through the Skills Funding Agency (SFA). The main

deliverers of SFA funded provision in the borough are Brent Council's adult community education and training service (Start)¹, and the College of North West London (CNWL).

A range of other provision is available throughout the borough, including support offered by Registered Providers and the VCS sector. Brent has a strong VCS sector with some well known and established providers within the employment, skills and enterprise sector. In addition, there is a range of smaller specialist providers with unique access to specific community groups, such as the Somali community, or ex-offenders or people with mental health needs.

In summary, there is a broad range of activity and funding in the borough, but the output is inconsistent, limited in reach and disjointed. Collectively the impact could be significant. Provision in the borough is reduced now compared to 2008 and before the recession. Notwithstanding this, existing provision could deliver better outcomes for residents and deliver more efficiency through a joint vision, and improved coordination of activities to avoid duplication and achieve economies of scale.

Council-wide commissioning

To date, programmes are commissioned in isolation through individual open procurement rounds. This is resource intensive, uncoordinated and lacks vision. For our VCS organisations, who are best placed to deliver employment-related services to our residents, bid writing capacity is limited and resource to respond to commissioning in this way acts as a significant barrier to securing contracts.

Framework agreements exist and work effectively in other service areas across the Council, however, to date such a mechanism for the procurement of employment-related services has not been implemented. In part, demand and capacity hasn't previously warranted a Framework. The recently established Employment & Enterprise service, which includes the remit to secure external money to commission programmes to partner organisations, now provides a prescient need.

The Framework also serves a broader function beyond a procurement platform. The Brent Employment, Skills and Enterprise strategy is a strategy for the whole borough, and will require the coordination of partner activity, led and steered by the Council. The Framework will allow us to support the capacity of partners, whilst steering the delivery of employment-related services that align to the Council's strategic aims.

In summary, the Brent Employment Services Provider Framework will:

- build capacity in Brent based organisations across the public, private, community and voluntary sectors, enabling those organisations best placed to address local need to deliver valuable employment-related support

¹ Previously known as Brent's Adult Community Education Service (BACES)

services and improve access;

- coordinate and align employment-related partner activity across the borough with our strategic aims as set out in the emerging Brent Employment, Skills and Enterprise strategy to achieve economies of scale and high impact.

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

The evidence for the Framework and for this analysis does not allow specific conclusions to be drawn for some protected groups – for example sexual orientation and gender reassignment – as data is either not available or insufficient. Broadly the expectation is that the impact for all protected groups will be positive, since the Framework sets out to commission services to support the needs of and improve access to underserved Brent residents, particularly those in our priority neighbourhoods where disproportionately high levels of worklessness exist.

On the whole, the Employment Services Provider Framework will prioritise and focus on cohorts who are underrepresented in current Council-led commissioning to address employment support needs. This will positively impact on these groups.

Framework providers will promote openness, inclusion and sensitivity to the needs of all our residents. The services will be personalised and work with residents one-to-one to understand and support their own individual support needs, without assuming or placing judgement on what support looks like for that particular resident. The procurement reflects these values, which are assessed in our tender evaluation.

Age

The Framework will predominantly commission services that address a need within the working-age population.

The evidence indicates some specific issues relevant to age.

- There is evidence that fifty plus residents experience higher rates of unemployment and are more likely to remain unemployed long-term. The rate of 50-64 year old JSA claimants in Brent is 1.5 per cent above the UK average (3.3 per cent in Brent vs. 2.6 per cent in London and 1.8 per cent nationally). There is a reduced resilience to re-enter the labour market.
- A quarter of women and a sixth of men nationally aged 50-64 have caring responsibilities for a sick, disabled, frail or elderly person. Many people with caring responsibilities can and do balance work and care, but the more intense the caring, the more difficult this becomes.
- Nationally, 12 per cent of economically inactive people aged 50+ are caring for a sick, disabled or elderly person for 20 or more hours per week, compared to only 3 per cent of workers.

- Although the JSA claimant rate for 18-24 year olds is at its lowest over the past two years, this cohort remain above the London average and present a national priority.
- As a whole, the borough presents an improving and resilient labour market across all age cohorts; however, ward-level analysis shows not all communities are benefitting from this improving borough-wide picture, which subsequently exasperates worklessness across ages within particular neighbourhoods.

Young people not in education, employment or training (NEET) are a targeted cohort. This aligns with Children & Families' NEET strategy for Brent who deliver targeted interventions and monitor young school leavers up to 18 years of age under their statutory duty. To this end the Framework will impact positively on this cohort.

The services commissioned through the framework will address the wide range of specialist support needs demanded by different age groups through personalised and tailored programmes and projects. This is particularly important for older and younger unemployed or economically inactive residents. The impact for these groups is therefore positive.

Where an impact could be foreseen, either side of the working-age group, the following applies:

- Young people up to 16 years of age

Although not addressed directly by Framework commissioned services, a statutory duty to deliver careers advice up to the age of 16 years of age sits with schools. Any activity commissioned through the Framework targeting this group would therefore be duplicatory.

The Connexions contract, currently delivered by Prospects also works directly with this group.

Children and Families also undertake a statutory duty to monitor and support young people NEET up to 18 years of age, which will complement any services commissioned through the Framework addressing this cohort.

- People aged 64 and above

Although above the retirement age, it is fair to assume individuals within this cohort could still seek employment. Funding streams are often limited to recipients of working-age benefits, and although opportunities exist to work with adults within this cohort, they are fewer and far between. The Framework is not indifferent to the needs of this group, however, resource and bidding activity will be aligned to the strategic aims focusing on cohorts impacted by welfare reform or facing long-term unemployment. These groups demonstrate a prescient need for employment-related support, and will be a priority.

Disability

Inactive and disability benefits such as Employment Support Allowance (ESA), Incapacity benefit, Personal Independence Payment (PIP) and Disability Living

Allowance (DLA) are widely claimed across Brent, with higher concentrations in our priority neighbourhoods, and contribute to Brent's broader economic inactivity. The highest increase in reasons for being economically inactive is a result of long term health conditions, which account for over 23 per cent of Brent's economic inactivity. Approximately 22 per cent of economically inactive residents would like to have a job in the future.

Supporting residents with either a physical, mental health or learning disability or difficulty into employment requires a tailored, specialist and intensive intervention. The Framework will identify providers with the capacity and capability to address these specialist support needs, so that provision can be its very best when commissioning services for this cohort.

The impact will be positive for this group.

Gender reassignment

There is a lack of data or evidence within the borough to support any firm conclusions. It is, however, a significant assumption to expect that residents within this group would want or require additional or specialist support beyond that of a mainstream employment provision. This would be especially true of residents who are experiencing gender variance or who are in the process of transitioning gender, who are likely to experience difficulties when accessing or sustaining employment. Residents who have completed a transition may also face some prejudice in employment.

Therefore it is reasonable to assume that residents in this group could experience prejudice, which itself can pose challenges to securing and sustaining meaningful employment. Equally we assume that some mainstream support services, through lack of awareness and experience working with this group could also fail to fully understand and address the support needs of someone going through transition or experiencing gender variance. As such we want to work with providers who are conscious of these factors.

The Framework explicitly assesses a provider on their ability to address an individual's or family's needs holistically, referring to wraparound support services when appropriate to address broader or specialist needs.

As such no particular impacts have been identified for this group; if at all, a positive impact will result from the wider range of high-quality interventions the Framework is designed to commission.

Pregnancy and maternity

All services we commission through the Framework will support and promote employment for residents throughout the pregnancy and maternity period when appropriate. We don't anticipate the Framework having any impact on this group, other than by providing valuable support for those parents struggling to return to work after pregnancy.

Marriage and civil partnership

We don't anticipate any impact on this group.

Race

The evidence provided in part B indicates that Black, African, Caribbean and minority ethnic groups in Brent are more likely to be unemployed or workless and that these groups are also represented strongly in the priority neighbourhoods in which Framework providers will focus services.

For example, Harlesden has a 67.0 per cent black, Asian and minority ethnic (BAME) population with an Asian population of 14.4 per cent and a black population of 40.0 per cent. The largest BAME group in Harlesden were the Black/African/ Caribbean/Black British: African, 16.9 per cent of Harlesden's population compared to 7.6 per cent of Brent's population, closely followed by Black/African/ Caribbean/Black British: Caribbean at 16.2 per cent, compared to 7.6 per cent for Brent.

Stonebridge has a 76.6 per cent black, Asian and minority ethnic (BAME) population with an Asian population of 17.2 per cent and a black population of 47.1 per cent. The largest BAME group in Stonebridge were the Black/African/ Caribbean/Black British: African, 21.5 per cent of Stonebridge's population compared to 7.8 per cent of Brent's population, followed by Black/African/ Caribbean/Black British: Caribbean: 16.4 per cent compared to Brent's 7.6 per cent.

Kilburn has a 50.0 per cent black, Asian and minority ethnic (BAME) population with an Asian population of 11.4 per cent and a black population of 24.6 per cent. The largest BAME group in Kilburn were the Black/African/ Caribbean/Black British: African, 12.4 per cent of Kilburn's population compared to 7.8 per cent of Brent's population, followed by Black/African/ Caribbean/Black British: Caribbean 8.4 per cent.

It is therefore anticipated that the Framework will have a positive impact for these groups in a number of ways.

Religion or belief

The evidence provided in part B indicates that Muslim and Christian groups in Brent are more likely to be unemployed or workless, with some of these groups represented strongly in the priority neighbourhoods in which Framework providers will focus services. For example:

The largest religious groups in Harlesden were:

- Christian (54.6 per cent compared to 41.5 per cent in Brent)
- Muslim (21.8 per cent compared to 18.6 per cent in Brent)
- Hindu (3.7 per cent compared to 17.8 per cent in Brent).

The largest religious groups in Stonebridge were:

- Christian (49.9 per cent compared to 41.5 per cent in Brent)
- Muslim (28.2 per cent compared to 18.6 per cent in Brent)
- Hindu (6.3 per cent compared to 17.8 per cent in Brent).

The largest religious groups in Kilburn were:

- Christian (47.7 per cent compared to 41.5 per cent in Brent)
- Muslim (16.8 per cent compared to 18.6 per cent in Brent)
- Hindu (2.0 per cent compared to 17.8 per cent in Brent).

It is therefore anticipated that the Framework will have a positive impact for these groups in a number of ways.

Sex

We anticipate a positive impact, as the Framework is designed to address support needs, which transcend sex. However, we know that flexible childcare can act as a significant constraint for women and lone parents accessing meaningful and sustained employment. Services procured through the Framework will have access to and promote a flexible childcare pool as well as work with lone parents to overcome the challenges that childcare commitments can bring to an employment search.

Nevertheless if the Framework commissions a high number of services for a particular cohort, there may be a disproportionate impact on one sex over another. Some target cohorts are likely to have a weighting towards one sex or another.

These impacts are difficult to evidence with data, especially for individual ethnic minority groups where this can be a common trait with service engagement. However former projects and services have demonstrated a disproportionate impact on sex with some cohorts. However, where services will impact on one sex more positively than the other, for other cohorts it will be reversed. For instance, services supporting homelessness, such as Ashford Place will see a higher level of single men than women. Services supporting inactive benefit claimants, for instance, as seen in the Navigator pilot, will see a higher proportion of Income Support claimants, who predominantly are female lone parents (80 per cent of participants were female; 60 per cent lone parents).

As such we anticipate a neutral impact, however only by monitoring and reviewing the types of service commissioned through the Framework, so as to deliver an even spread of services to address the support needs of all cohorts fairly.

There will however be some cohorts where interventions and services are more in demand, at which point we may see a weighted impact on one gender more than the other. Strategically, a priority is to support the impact of welfare reform. Currently the Overall Benefit Cap is disproportionately affecting large, lone parent families. As such balancing the delivery of relevant and needed support services for priority cohorts whilst promoting fair and equal access for all protected groups will be an evolving process, as we review and assess the impact of commissioning through our Framework.

This will be one of the actions we take forward.

Sexual orientation

There is a lack of data or evidence within the borough to support any firm conclusions.

Nevertheless it is reasonable to assume that residents in this group could experience prejudice, which itself can pose challenges to securing and sustaining meaningful employment. As such we expect Framework providers to be conscious of this factor.

As such no particular impacts have been identified for this group; if at all, a positive impact will result from the wider range of high-quality interventions that the Framework will support and commission.

Please give details of the evidence you have used:

This analysis has drawn on the evidence base for the emerging Brent Employment, Skills and Enterprise strategy.

Whilst employment and skills trends are positive at a borough level, ward level analysis suggests that not all communities and parts of the borough are benefiting from an improving employment environment. Unemployment levels remain markedly high; in fact double the borough average rate, in Harlesden (8.9 per cent), Stonebridge (8.6 per cent), Kilburn (7 per cent), Kensal Green (6.8 per cent) and Willesden Green (6.4 per cent). Within these wards, particularly Harlesden and Stonebridge where unemployment rates are amongst the borough's highest, there are also higher levels of Black, African, Caribbean and minority ethnic groups.

These wards also have a higher concentration of residents with no qualification, with Stonebridge and Harlesden recording 26.8 per cent and 22.6 per cent of residents with no qualifications respectively. The increase in NVQ Level 3 and 4 qualifications across the borough strongly suggests the movement of more highly qualified adults as a component of the increase in the working age population in to the borough. The small increase in residents with no qualifications suggests increased levels of polarisation. Although Framework services will embed skills-related provision within their delivery, the repositioning of Brent Start (formerly BACES) to deliver employment focused skills plays a key role in Brent's response to the increasing skills gap experienced by residents.

The data suggests that:

- **There are pockets of significant entrenched unemployment.**

What is particularly stark is that the wards and neighbourhoods that have, since 1992, experienced the highest levels of unemployment continue to have deeply entrenched poverty and unemployment. The Index of Multiple Deprivation (updated in 2010 but based mainly on 2008 data) highlights concentrations of deprivation in the south of the borough, centred in particular on social housing estates – a picture that has remained largely unchanged for many years. Although there has been great progress in improving the physical quality of homes and neighbourhoods, there has been less impact on unemployment, low incomes, child poverty, educational attainment and health inequality. Mainstream interventions such as the Work Programme have made little or no impact in areas such as Harlesden, Stonebridge and South Kilburn. This level of exclusion from

the labour market requires a far more intense, targeted, personalised and community-led intervention to make significant and sustainable changes.

- **There needs to be a recognition and understanding of the distinction between registered unemployment (claimant) and worklessness.**

Brent's unemployment rate partly reflects those residents who are actively claiming JSA and this is an improving picture. However, attention on this alone masks the more significant challenge of worklessness; i.e. including the number of residents who are economically inactive (on inactive benefits). The JSA count in Brent is 9,117; economic inactivity is 31,600 - significantly higher. What is of particular significance here are the numbers who are economically inactive due to health reasons (over 23 per cent) and those who are looking after a family or home (33 per cent).

- **Low-paid employment is prevalent in the borough**

Although Brent's employment rate may be demonstrating a positive picture it masks the number of residents in established Brent communities who are trapped in low-skilled/low paid employment. The number of residents in work but earning below the London Living Wage, at 30 per cent, is too high, and higher than the London average of 20 per cent.

- **Brent's economy is low skilled and low output**

This requires Brent to not only assess its economic development plans but also to recognise that it is part of a wider sub-regional and London economy and labour market. Brent residents need to be skilled and equipped to benefit from the higher skilled and higher value jobs in the wider economy.

Of the total working age population only those who are in employment or those who are unemployed but actively looking for work are classified as 'economically active'. At the end of 2012 134,000 people aged 16 – 64 classified themselves as being economically active. Of these 118,800 are in employment (68.1 per cent of the total working age population). The London average for the proportion of working age adults in employment is 69.5 per cent, only 1.4 per cent higher than Brent. 53.9 per cent of working age adults are an employee, 13.7 per cent are self-employed and 10.6 per cent are unemployed and looking for work (a total of 14,100 unemployed people in Brent). In London the overall unemployment rate is 8.9 per cent and for the UK it is 7.8 per cent. This pattern of Brent recording an unemployment rate 2 -3 per cent above the London and the UK rate has been consistent over the past 15 years.

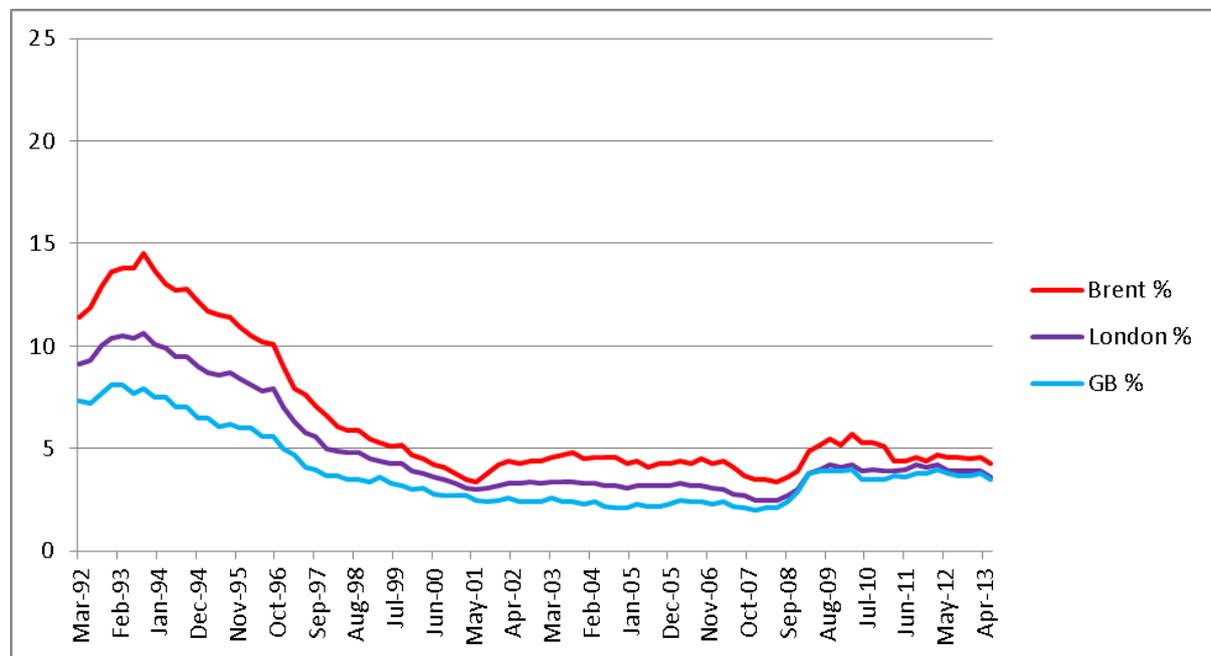
31,600 people in Brent describe themselves as 'economically inactive' and are not seeking employment. The main reasons given are students in full time education (26 per cent), unable to work due to a long term health condition (23.2 per cent) or looking after family or home (32.7 per cent). The highest increase in reasons for being economically inactive is a result of long term health conditions. A further 7,000 people are currently economically inactive but would like to have a job in the future.

There are 14,100 people who are unemployed and seeking employment, of which 9,117 are actually claiming Job Seekers Allowance (JSA). This is a rate of 4.2 per cent, higher than the London average of 3.5 per cent and the national average of 3.3 per cent. JSA levels have converged with London over the last decade. 50 per cent of people who claim JSA are unemployed for less than six months.

The rate of long-term unemployment for 18-24 year olds is marginally below the average rate for the UK (Brent 1 per cent, UK 1.2 per cent) and this age group is no more likely to be claiming JSA for more than a year than any other age group. JSA claimants aged over 50 years are marginally more likely to still be unemployed after 12 months.

The table below shows the trend in the percentage of people claiming JSA for all ages and durations of unemployment since 1992. This indicates a consistent pattern of Brent having above London and national levels of JSA claimants, although the extent of that difference has steadily decreased during the period. This suggests that while there has been a major increase in the overall number of the working age adults within the borough, many of these people are successfully finding employment either within Brent or the wider regional economy.

JSA claimants unemployed for all ages and durations of unemployment since 1992.

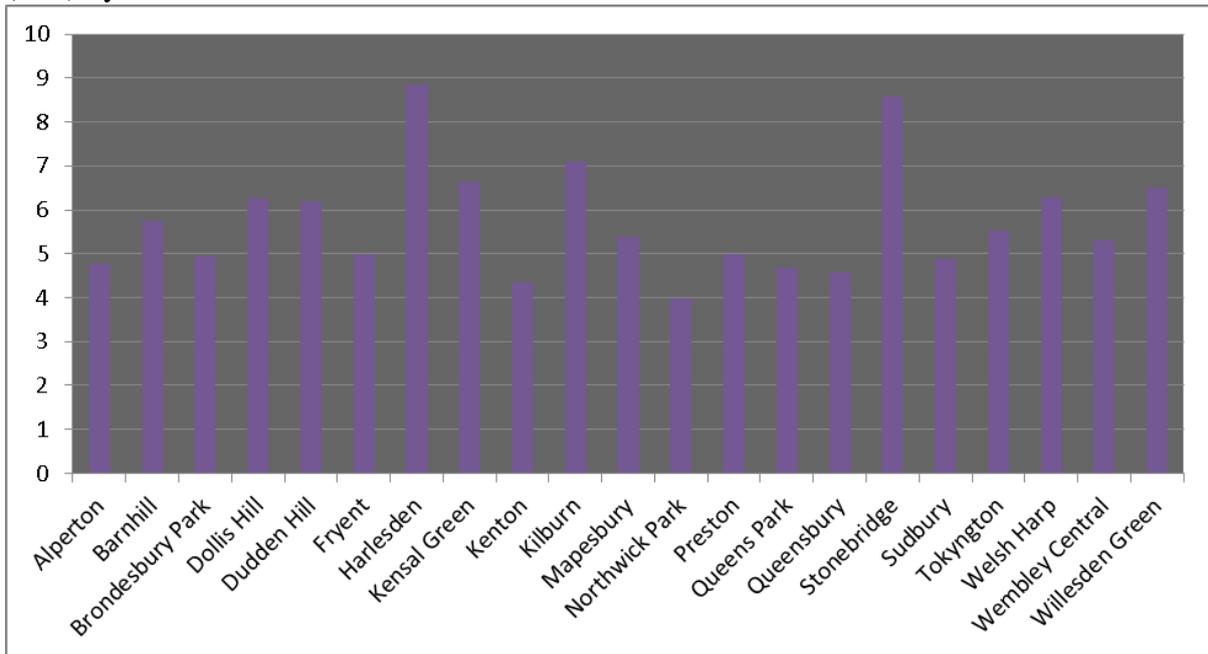


50 per cent of people who claim JSA are unemployed for less than six months. This is very close to both London and national levels and suggests that most Brent residents are able to successfully compete in the labour market if they do become unemployed.

About a quarter of all JSA claimants in Brent are unemployed for more than 12 months, but this is not dissimilar to the average duration of unemployment for London and the UK as a whole, suggesting that long term unemployment is not a widespread issue at a borough level and that resilience and ability to re-enter the labour market is no better or worse than in other parts of London. There are however some small but significant differences in the duration of unemployment in relation to the age of the claimant. The rate of unemployment for 18 – 24 year olds for less than six months is slightly higher (and also more volatile over time). However 18 – 24 year olds are no more likely to be claiming JSA for more than a year than any other age group. Indeed the rate of long term unemployment for 18 – 24 year olds is marginally

below the average rate for the UK (Brent 1 per cent, UK 1.2 per cent). Those JSA claimants aged over 50 years are marginally more likely to still be unemployed after 12 months.

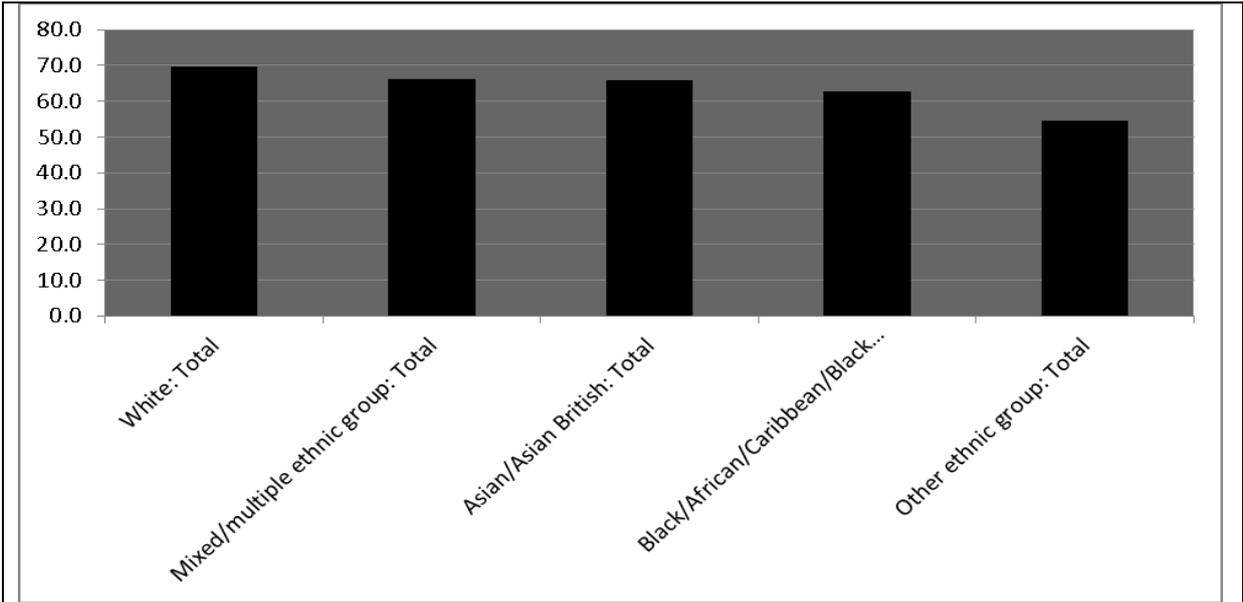
Unemployment varies significantly across the borough. In some wards unemployment levels are significantly higher than the borough average and are twice as high in a small number of wards. Unemployment levels include: Harlesden (8.9 per cent), Stonebridge (8.6 per cent), Kilburn (7 per cent), Kensal Green (6.8 per cent) and Willesden Green (6.4 per cent). The table below shows the unemployment rate (JSA) by ward for 2013.



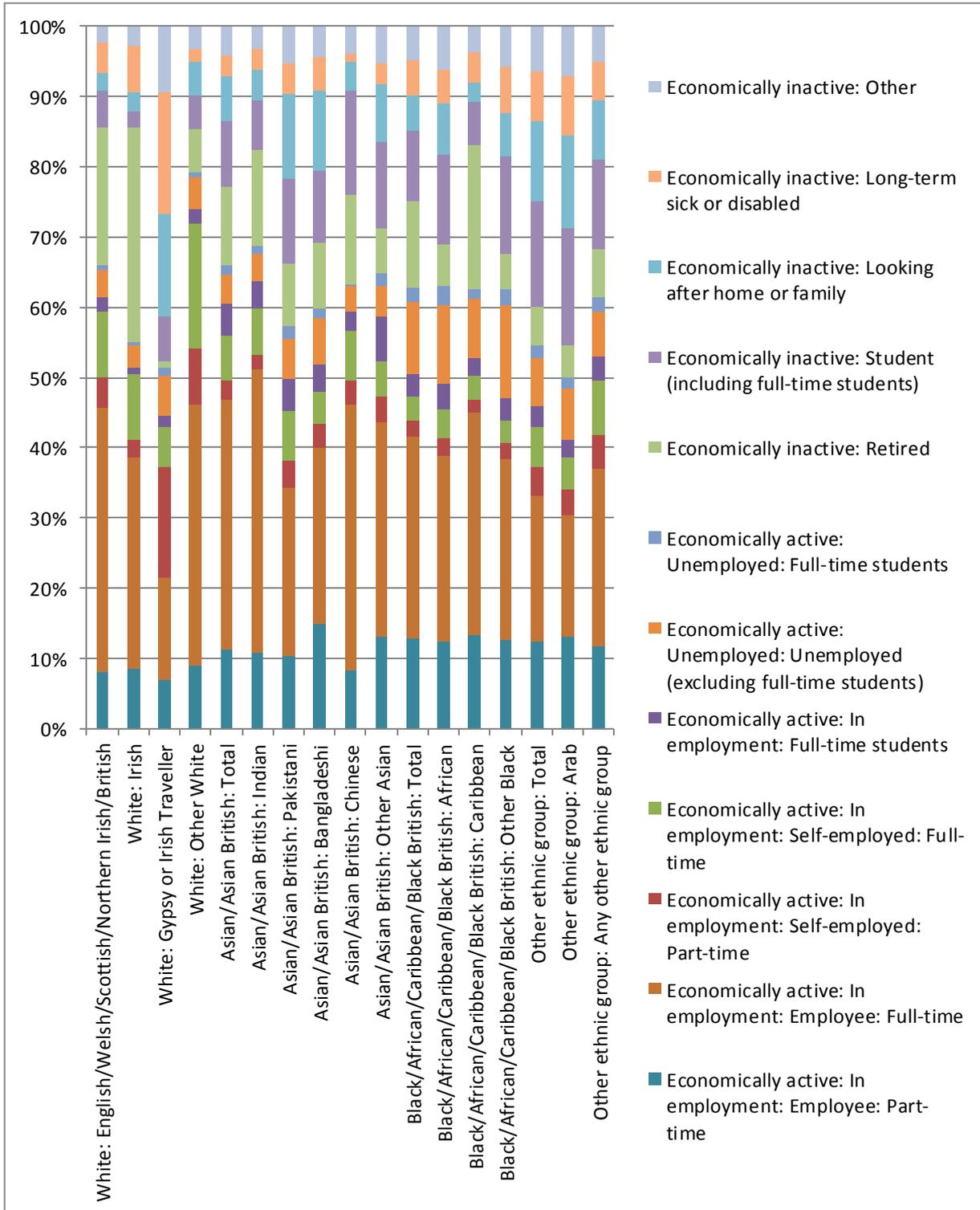
Employment Trend – Ethnicity

Looking at the percentage of adults who are economically active by ethnicity, some 70 per cent of white residents are economically active. This is the highest proportion within any ethnic group. In contrast 62 per cent of Black, African and Caribbean residents are economically active - demonstrated in the table below.

People of Asian and white ethnic backgrounds are most likely to be in full-time employment, while those of mixed ethnic backgrounds and Black/African are more likely to be in part-time employment.



A more comprehensive breakdown of both economic activity and inactivity by ethnicity is demonstrated by the chart below, based on data from the 2011 Census:

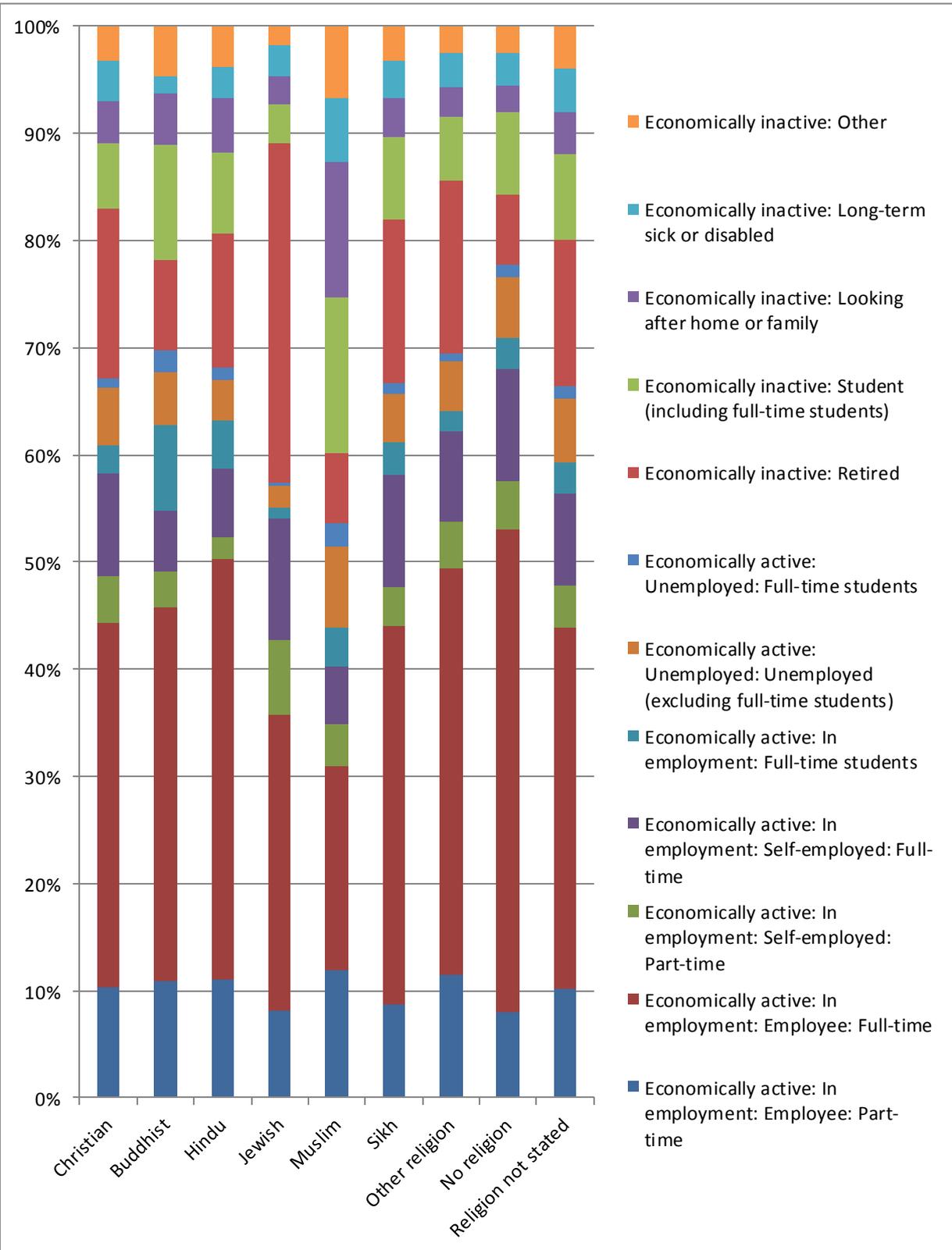


Employment Trend – Religion

Looking at the percentage of adults who are economically active by religion, almost 80 per cent of residents who claimed to have no religion are economically active. This is the highest proportion within any of the categories. In contrast 53 per cent of Muslim residents and 58 per cent of Jewish residents are economically active -

demonstrated in the chart below.

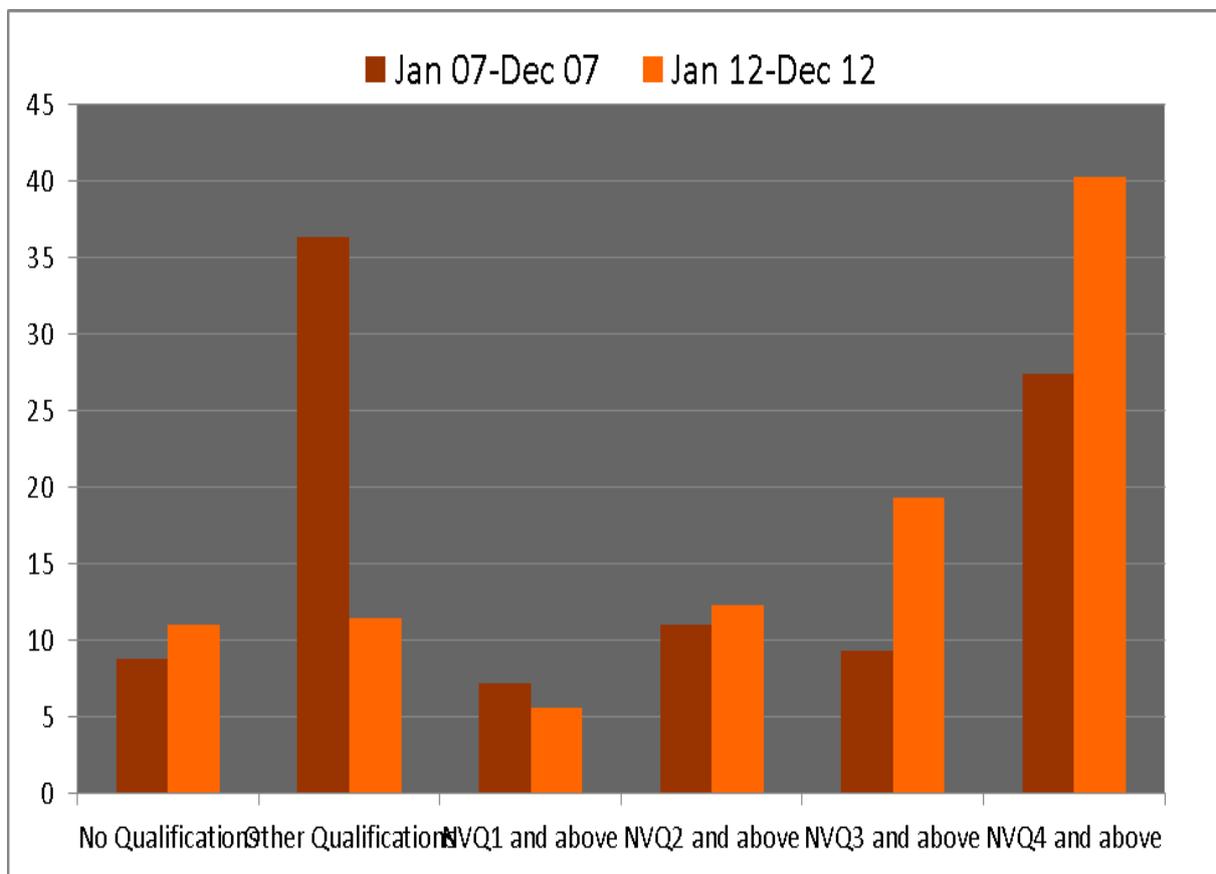
Once again those who claimed to have no religion are most likely to be in full-time employment, while Muslim residents are more likely to be in part-time employment. The chart below is based on data from the 2011 Census.



Trend – Skills and Qualifications

Over the past five years there has been a marked increase of 14 per cent in the proportion of the working age population with a NVQ level 4 or above, from 26 per cent in 2007 to over 40 per cent by 2012. The number of adults with NVQ level 3 or above has also increased by 10 per cent during the same period. However the percentage of adults with no qualifications also increased by 3 per cent.

This pattern strongly suggests the movement of more highly qualified adults as a component of the increase in the working age population in the borough. While at the same time there are a higher proportion of people with no qualification suggesting increased levels of polarisation.



| Area | Per cent of people with no qualifications |
|----------------------|---|
| Brent Average | 19.21 |
| <i>Neighbourhood</i> | |

| | |
|---------------|-------|
| Chalkhill | 20.34 |
| Church End | 25.28 |
| Harlesden | 22.58 |
| St Raphaels | 25.66 |
| Stonebridge | 26.83 |
| South Kilburn | 20.81 |

Trend – Earnings

Over the past 15 years gross median earnings for Brent residents have continued to be below the levels experienced across London. In recent years that gap has increased marginally. However, median earnings have not gone below UK averages and over the past year have started to increase faster than previously. The weekly median gross earning for all employees at the end of 2012 was £544, an improvement of £50 per week on the level in 2011 of £495. Such a significant increase is unlikely to indicate just improvement in existing residents' income but rather points to major increases due to people on higher incomes moving into the borough. The London average income is now £613 per week. Significantly, the median pay by work-place in Brent is £536 per week suggesting that many Brent residents are now accessing employment outside the borough to achieve a higher salary level.

Other data suggests that low pay remains a significant challenge. GLA figures show Brent has 30 per cent of employees earning less than the London Living Wage compared to the London average of 20 per cent.

This map shows the median income by ward based on earnings in 2013.



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 Framework will commission services that challenge and overcome indirect and direct discrimination experienced by our residents when accessing employment. These services aim not only to identify challenges faced by residents when accessing employment, but also to identify and respond to any indications of discrimination experienced by our residents.

Framework providers will promote openness, inclusion and sensitivity to the needs of all our residents.

The procurement will ensure that all Framework providers recognise and adhere to appropriate standards in eliminating discrimination, harassment and victimisation.

(b) Advance equality of opportunity;

The Framework is designed to improve equality of opportunity and promote access to high-quality employment-related support services for our residents.

Employment-related support services identify the challenges that are faced by our residents to find, secure and sustain employment, and work intensively to overcome these constraints on a one-to-one basis.

Our identified cohorts are underserved by mainstream provision; as such the Framework seeks to eliminate this by commissioning services that are tailored to address the specialist support needs of these groups. Subsequently, increasing the opportunity for all Brent residents to participate and access meaningful employment, and more broadly improve the life chances of whole households and families.

This seeks to narrow the gap between communities and rates of employment across Brent's neighbourhoods and advance equality of opportunity.

(c) Foster good relations

By supporting and promoting employment and, within this, supporting and promoting equality of opportunity, the Framework aims to narrow the polarisation between Brent neighbourhoods and improve the life chances and opportunities for all. Addressing this growing divide between neighbourhoods and communities in the borough fosters good relations and removes barriers between our residents.

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?

In developing the Framework a number of partners were engaged including:

- representatives from the voluntary and community sector (VCS);
- representatives from the social housing sector including Registered Providers (RP);
- strategic partners including Department for Work and Pensions (DWP) and the College of North West London (CNWL); and
- providers of nationally commissioned employment services in Brent, namely the Work Programme Primes.

Research and consultation undertaken by other Council-commissioned projects listed below, working directly with residents, have also informed and contributed to the development of the Framework, in particular:

- the Social Mobility Commission (commissioned by Brent Council)
- West London Alliance led Whole Place Community Budget business cases

for jobs, growth and skills.

- The Navigator pilot
- Overall Benefit Cap Job Brokerage services
- ESF funded Healthy Minds programme delivered in partnership with Remploy and CNWL NHS Trust
- Liff's NW10 in 2 Work programme
- CityBridge Trust's Pre-apprenticeship Programme delivered in partnership between P3 and Brent Start.

Resident engagement was a thread throughout this consultation, with various partners and projects offering direct and valuable in roads to our communities and neighbourhoods.

ii. What methods did you use?

Market Testing event – to test market response and gauge demand with providers delivering across West London.

One-to-one meetings – conversations with providers and residents to understand the role and value of employment-related support services.

Focus Groups- resident based discussions, and employers to understand local strengths and needs.

Ethnographic case notes - service delivery with residents, documenting their route to work journeys and common constraints to employment, whilst building a clear and significant evidence base.

External Evaluators (CESI) – service evaluation to inform learning and make recommendations on employment-related support.

Interviews – residents and employers to match supply and demand.

Desk-based research – ONS (census data), NOMIS (Labour market), IMD 2010, MOSAIC 2014, GIS.

iii. What did you find out?

A demonstrable need for high-quality employment-related support services to address long-term, entrenched unemployment and a growing divide between the skills of Brent residents and the demands of the labour market.

Close consultation with providers across the public, private, community and voluntary sectors has identified demand in the market for funding to deliver high quality employment related services:

- This was affirmed at a market testing event held in early May in partnership with Brent CVS, where we presented our proposed Framework to local and regional partners. The response was positive and reflected the absence of a coordinated

borough approach to the delivery of employment related support services previously;

- Individual conversations with VCS providers currently delivering employment-related support contracts on behalf of Brent Council including Ashford Place and Lift;
- Brent Employment Summit, which brings together key players across the employment, skills and enterprise landscape in Brent including Brent CVS and VCS organisations.

The Framework was welcomed widely by VCS providers who can see the benefits it brings to the sector. Partner organisations are now thinking about how they will bid to take advantage of this business opportunity, with many of the smaller community-based providers considering a consortium approach.

iv. How have you used the information gathered?

The information has been used to inform and develop an emerging Employment, Skills and Enterprise strategy for the borough, which sets out a borough approach to some of the most prescient employment support needs in Brent.

Some of the information has been processed quantitatively and used in reporting to build on and strengthen a business case or to demonstrate demand. Other data has been used qualitatively to colour and deepen a borough wide profile with nuance, supporting and complimenting quantitative datasets.

The information has been published in reports and presented to the public, partners and internal stakeholders.

Emerging from this strategy is our Framework Agreement to procure and coordinate high quality employment-related support services, which performs a key role in achieving our strategic aims to reduce unemployment in the borough.

v. How has it affected your policy?

On the whole it has confirmed that the Framework is needed, relevant and balanced, working positively to eliminate discrimination, advance equality of opportunity and foster good relations.

It has widened the remit of our Framework, reframing the mechanism so that it best serves and meets needs across a diverse range of cohorts, including those aged 50+. Although on the whole it demonstrated the wide reach of the Framework, it has also highlighted areas for monitoring and further thought.

As such, set out below are actions to take the Framework forward and improve its wider impact.

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 impacts have been identified.

Please give details of the evidence you have used:

N/A

7. Analysis summary

Please tick boxes to summarise the findings of your analysis.

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

8. The Findings of your Analysis

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

No major change

Your analysis demonstrates that:

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

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

The analysis has demonstrated that no negative impact will result from the Framework. If anything, the Framework will result in a broader positive impact across the borough for all protected groups, which will be particularly beneficial for:

Age- services will support the full portfolio of working-age residents.

Disability- needed funding will be pursued to address these specialist support needs.

Race- strategic focus on priority neighbourhoods will advance access for our diverse communities, where high concentrations of ethnic diversity are prevalent.

Religion or belief- strategic focus on priority neighbourhoods will advance access for our diverse communities, where high concentrations of diverse religious belief are prevalent.

A note on Sex-

Monitoring will identify when, if at all, services are working with one sex disproportionately, as set out and explained in section three. This will be ongoing and an indirect consequence of supporting particular cohorts who are out of work. How we commission services and bid for funding on an ongoing basis will align with the reach of current Framework services, to compliment and broaden the impact we have on supporting all protected groups fairly.

This improvement in coordinated and targeted provision of employment-related support services will benefit all communities seeking this type of support. A more widely available, high-quality service will improve access and increase the availability of provision to those currently underserved.

The Framework will clearly advance equality and foster good relations between groups by delivering services which are tailored, inclusive and sensitive to an individual's support needs, regardless of their protected characteristic.

Our evidence base and breakdown by protected group is set out in section three.

Information used to make this decision:

Market Testing event – understanding gaps in current provision and demand within the market to secure funding for this.

One-to-one meetings – conversations with providers and residents to understand the role and value of employment-related support services.

Focus Groups- resident based discussions, and some employer-led groups to understand local strengths and needs and what is needed.

Ethnographic case notes - service delivery with residents, documenting their route to work journey and common constraints to employment, whilst building a clear and significant evidence base.

External Evaluators (CESI) – service evaluation to inform learning and make recommendations on employment-related support.

Interviews – residents and employers to match supply and demand.

Desk-based research – ONS (census data), NOMIS (Labour market), IMD 2010, MOSAIC 2014, GIS.

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.

All commissioned services will require providers to monitor and record equalities data by completing an equalities monitoring form with each of their participants on registration.

The monitoring form will profile all protected groups and be the responsibility of the provider to make sure all participants complete. They will be required to record this data in a database, which will be an auditable document. This data will then be collated by the Performance Analyst at regular six monthly intervals who will review and analyse data cumulatively to understand the reach of Framework services. This will identify any uneven or unforeseen disproportionate impacts on the protected groups. The results of this will inform the focus of ongoing bidding and commissioning practice, including service adjustments or redesign to address current programmes

showing direct disproportionate impacts within our control.

Ongoing performance management will also include audits and interviews with participants and staff delivering services. This engagement aims to assess the relevance, value and importance of the service and how well it is meeting its aims.

Ongoing performance management aims to:

- identify and respond to any potential discrimination;
- continue to embed and advance equality throughout all of our programmes;
- build capacity and improve the quality of Framework providers so that residents can access the very best services that deliver services in a fair and open manner.

We reserve the right to remove providers from the Framework subject to poor performance. If an opportunity is more suited to a non-Framework provider, or new providers become available, we reserve the right to commission services outside of the Framework. This will allow us the flexibility to respond to a changing market and any potential shifts in demographics.

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 |
|----------------------------------|---------------------|--------------|---|----------------|----------------|
| Year 1: Equalities review 1 | April 2015 | Genta Hajri | No negative disproportionate impact on protected groups | | |
| Year 1: Equalities review 2 | October 2015 | Genta Hajri | No negative disproportionate impact on protected groups | | |
| Year 2: Equalities review 1 | April 2016 | Genta Hajri | No negative disproportionate impact on protected groups | | |
| Year 2: Equalities review 2 | October 2016 | Genta Hajri | No negative disproportionate impact on protected groups | | |
| Subject to extension, repeat for | Ongoing six monthly | Genta Hajri | No negative disproportionate impact on | | |

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?

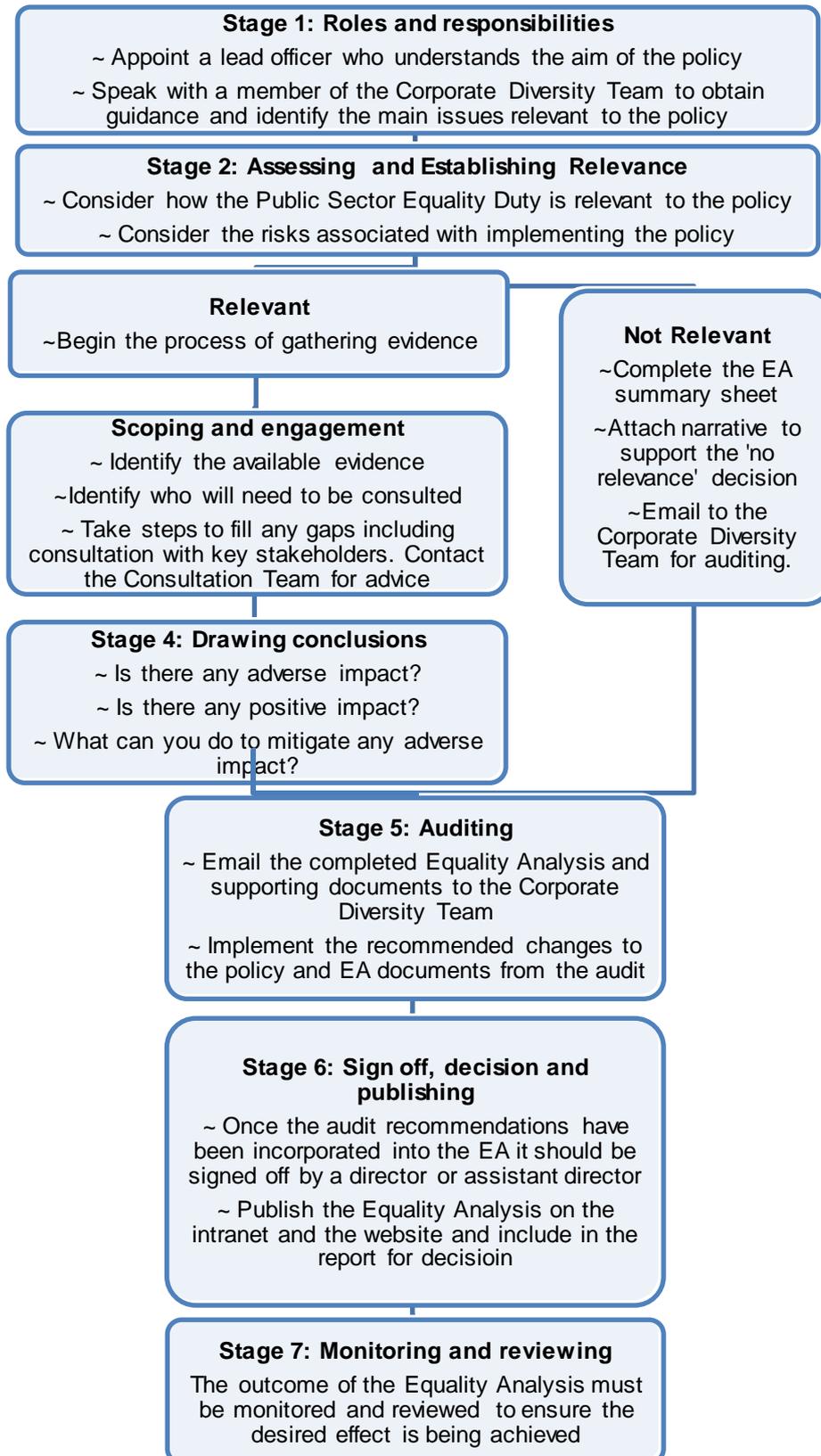
The EA must be completed before the policy is sent to the decision maker but should be carried out at the earliest possible stage. The advantage of starting early is that the equalities data informs and shapes the policy as it develops and progresses and this allows more time to address issues of inequality.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