

2012

Equality Analysis

Guidance and Form



Brent Council Equality Analysis Form

Please contact the Corporate Diversity team before completing this form. The form is to be used for both predictive Equality Analysis and any reviews of existing policies and practices that may be carried out.

Once you have completed this form, please forward to the Corporate Diversity Team for auditing. Make sure you allow sufficient time for this.

1. Roles and Responsibilities: please refer to stage 1 of the guidance	
Directorate: Regeneration and Growth Service Area: Property and Projects	Person Responsible: Name: Sarah Chaudhry Title: Head of Strategic Property Contact No: 0208 937 1705 Signed: Sarah
Name of policy: South Kilburn Decentralised Energy System	Date analysis started: 15/12/14 Completion date: 06/01/15 Review date: 05/01/15
Is the policy: New ☐ Old ☐ Restarting a previously agreed procurement process	Auditing Details: Name: Arlene Brown Title: Equality Officer Date: 05/01/15 Contact No: 0208 937 1190 Signed: Arlene
Signing Off Manager: responsible for review and monitoring Name: Richard Barrett Title: Operational Director Property & Projects Date: 06/01/14 Contact No: 0208 937 1330 Signed: Richard	Decision Maker: Name individual /group/meeting/ committee: Cabinet Date: 26/01/15

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

Please refer to stage 2 of the guidance.

The Executive Report dated 17 October 2011 from the Director of Regeneration and Major Projects, wards affected: Kilburn, called 'South Kilburn Regeneration: Authority to Tender Contract for A Decentralised Energy System, set out the following recommendations that were approved:

1. The Executive to give approval to the pre-tender considerations and criteria to be used to evaluation tenders as set out in paragraph 3.7 of the report.
2. The Executive give approval to Officers to invite tenders and evaluation them in accordance with the approved evaluation criteria referred to in appendix 2.1 above.

The following equality impacts were noted for action:

- There has been and will continue to be widespread consultation and community engagement as proposals for the physical regeneration of the area are developed and delivered.
- New energy system can be sometimes perplexing to elderly residents and those with disabilities. Officers will ensure that the new energy system will be explained to residents.
- The Council will also ensure that heat billing is clear and available in different formats such as Braille, and a helpline service is available.

The Executive report 11 November 2013, from the Director of Regeneration and Growth, ward affected: Kilburn, 'South Kilburn Regeneration: Decentralised Energy System', providing approval to:

1. That the Executive note progress made on the South Kilburn Decentralised Energy System Project.
2. That the Executive approve the Strategic Director of Regeneration and Growth to undertake a competitive procurement procedure (similar to the Competitive Dialogue procedure (as set out in the Public Contracts Regulations 2006) to procure an Energy Supply Company ('ESCO') to deliver the Project.
3. That the Executive approve the evaluation criteria as set out in this report which will form the basis for evaluation of the bids and the ultimate selection of the ESCo to deliver the Project. Further, that the Executive approves the Strategic Director of Regeneration and Growth to develop the detailed evaluation methodology and respective weightings to be applied to the evaluation criteria, within the parameters of the evaluation criteria set out in this report, prior to recommencement of the procurement process.
4. That the Executive award a consultancy contract to Parsons Brinckerhoff Ltd to project manage the delivery of the project, advise on and provide commercial and strategic financial advice in respect of the project.

The following equality impacts were noted for action:

- A household is said to be in fuel poverty if it needs to spend more than 10% of its income on fuel. The aim of this project is to provide residents with lower energy costs, tackling one of the causes of fuel poverty.
- The Council will endeavour to negotiate a discount pricing formula with an annual review mechanism for different uses against fixed and standard charge during the dialogue process to ensure the impact of the project on the identified protected groups is minimised.

The equality action plan from previous reports comprises:

1. Commitment to consult.
2. A user friendly system and is easy to understand and operate.
3. Billing available in different format including Braille and a helpline available.
4. Aim to improve energy bills reducing 'fuel poverty'.
5. Endeavour to negotiate a discount pricing formula with an annual review mechanism for different uses against fixed and standard charge.

This equality analysis therefore serves as an update to previous equality reports.

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

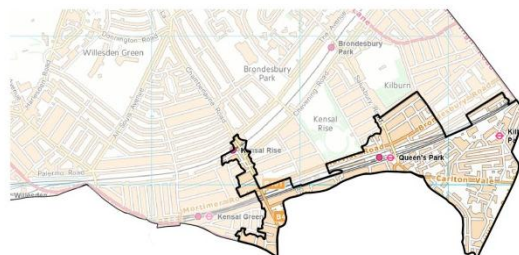
A principle aim of this proposal is to, deliver an environmentally friendly energy solution that is no more expensive than other utility supplies, or preferably cheaper than average with previous advice informing costs could be up to 10% less, reducing energy costs for residents and fuel poverty in a deprived area, while future proofing further development ensuring homes can be built in accordance with required building regulation and environmental sustainability standards enabling regeneration now and in the future potentially positively impacting all protected groups.

Census 2011 Analysis

South Kilburn is defined as the following Lower Super Output Areas (LSOs):

South Kilburn

Brent 034A
Brent 034B
Brent 034C
Brent 034D
Brent 032D
Brent 032E



Age

The age profile of South Kilburn is:

	Number		Percentage	
	South Kilburn	Brent	South Kilburn	Brent
0 to 4	615	22446	7.4	7.2

5 to 9	502	18648	6	6
10 to 14	417	17942	5	5.8
15 to 19	405	18589	4.9	6
20 to 24	629	24198	7.6	7.8
25 to 29	1065	34698	12.8	11.1
30 to 44	2489	76288	29.9	24.5
45 to 59	1396	53462	16.8	17.2
60 to 64	233	12268	2.8	3.9
65 to 74	324	17944	3.9	5.8
75 to 84	189	11137	2.3	3.6
85 to 89	47	2408	0.6	0.8
90 and over	13	1187	0.2	0.4

Therefore in respect of age. 69.8% of the people living in South Kilburn are of working age (20-64). The energy centre and anticipated low fuel costs are likely to have a positive impact on this group. Assisting with reducing fuel poverty. 7% are over 65 and 23.2% are below the age of 19. The November 2013 Executive report's accompanying equality analysis identified that households that comprise the minority groups (65+ and below 19) could be negatively impacted as they tend to spend more times at home and consume more energy. Future consultation plans should therefore target the minority age groups in order to better understand resident needs.

Disability

There are 710 people (48.5% of claimants in South Kilburn that claim an incapacity benefit – this is higher than the Brent average of 45.8% (Source: benefits claimants May 2014 form NOMIS). 555 people claim employment and support allowance. The demographics of these claimants is in the following table:

		number		percentage	
		South Kilburn	Brent	South Kilburn	Brent
Age	16 to 24	30	550	5.4	5.5
	25 to 49	265	5010	47.7	49.8
	50 to 59	215	3640	38.7	36.2
	60 and over	45	860	8.1	8.5
Sex	male	310	5585	55.9	55.5
	female	245	4475	44.1	44.5
duration	up to 6 months	110	1985	19.8	19.7
	6 months up to 1 year	85	1560	15.3	15.5
	1 year and up to 2 years	180	3005	32.4	29.9
	2 years and up to 5 years	170	3230	30.6	32.1
	5 years and over	10	280	1.8	2.8
disease	mental	265	4270	47.7	42.4
	nervous system	35	545	6.3	5.4
	respiratory or circulatory	20	615	3.6	6.1
	musculoskeletal	95	1615	17.1	16.1
	injury, poisoning	35	585	6.3	5.8

Therefore in respect of disability. Census finding highlight South Kilburn (48.5%) has a higher then Brent average (45.8%) number of disabled people. The November 2013 Executive report's accompanying equality analysis identified that households that comprise disabled people could be negatively impacted as they tend to spend more time at home and consume more energy. Future consultation plans should therefore target this group in order to better understand resident needs.

Pregnancy and maternity

There are 2255 women between the ages of 15 and 44 (inclusive) living in South Kilburn. They make up 27.2% of the population. This is higher then 23.6%, the average for Brent. The rate of conceptions for those aged under 19 in Brent is 19.6 per 1000 population – this rate is only published at borough level.

Therefore in respect of pregnancy. The census data in 2011 reported a higher number of pregnant women (27.2%) in South Kilburn then the Brent average of (23.6%). The November 2013 Executive report's accompanying equality analysis identified that households that comprise pregnant ladies or households on maternity leave could be negatively impacted as they tend to spend more times at home and consume more energy. Future consultation plans should therefore target this group in order to better understand resident needs.

Race

South Kilburn is 43% white, 30% black and 12% Asian and the remainder are missed or preferred not to say. The white population is made up of while British people (25% of the whole community) followed by while, other white (14%). The black population is more black African (15% of the whole population) then black Caribbean (10%). Compared to Brent, South Kilburn has a much smaller Asian population, making up only 12% of the population. Brent's Asian population makes up 35% of the population, almost three times as much as South Kilburn. The black population is larger in South Kilburn then Brent, comprising 30% in South Kilburn, compared to 19% in Brent. The white population in South Kilburn is also larger then in Brent, 43% compared to 36%.

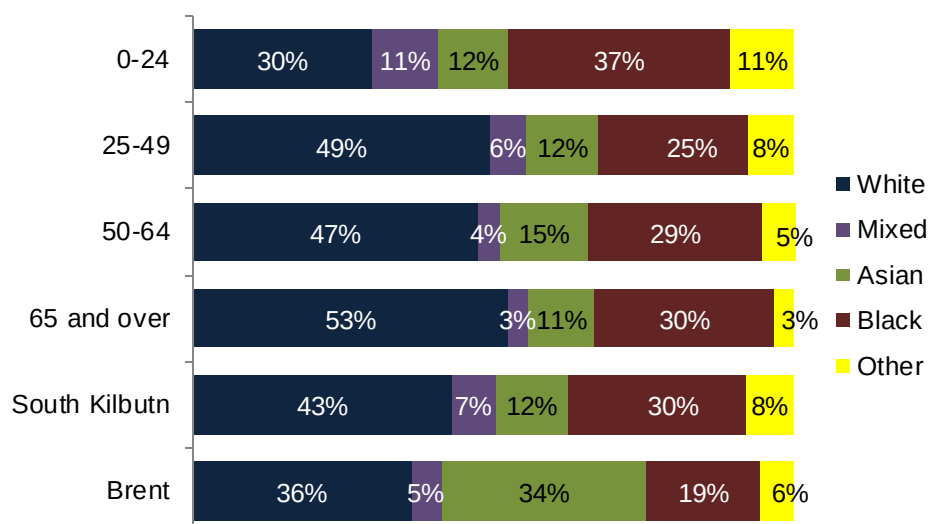
The ethnic profile can be further broken down by age, highlighting further differences. The younger population is 37% black, 7% more then the whole of South Kilburn and 11% mixed, 4% more then the whole South Kilburn population. There are more while people aged between 25 and 49, 49%. This increases to 53% for the population aged 65 and over. The numbers for South Kilburn and Brent are in the two following tables:

South Kilburn		White	Mixed	Asian	Black	Other
All	All	5393	893	1512	3691	1016
All	0 to 24	1183	438	463	1462	429
All	25 to 49	2967	366	716	1490	471
All	50 to 64	742	58	227	455	84
All	65 and over	501	31	106	284	32
Male	0 to 24	592	235	251	752	233
Male	25 to 49	1461	184	357	705	258

Male	50 to 64	411	30	96	229	42
Male	65 and over	221	12	50	132	14
Female	0 to 24	591	203	212	710	196
Female	25 to 49	1506	182	359	785	213
Female	50 to 64	331	28	131	226	42
Female	65 and over	280	19	56	152	18

	Brent	White	Mixed	Asian	Black	Other
All	All	112880	15775	105986	58632	17942
All	0 to 24	27966	8410	33645	23986	7816
All	25 to 49	51791	5552	45361	21385	7443
All	50 to 64	17175	1125	17533	7337	1176
All	65 and over	15948	688	9447	5924	669
Male	0 to 24	14202	4230	17954	12083	4060
Male	25 to 49	27173	2803	23536	9154	4106
Male	50 to 64	8876	533	8681	3174	1184
Male	65 and over	6938	333	4481	2652	315
Female	0 to 24	55691	7876	51334	31569	8277
Female	25 to 49	24618	2749	21825	12231	3337
Female	50 to 64	8299	592	8852	4163	830
Female	65 and over	9010	355	4966	3272	354

Ethnicity by age is broken down as follows:

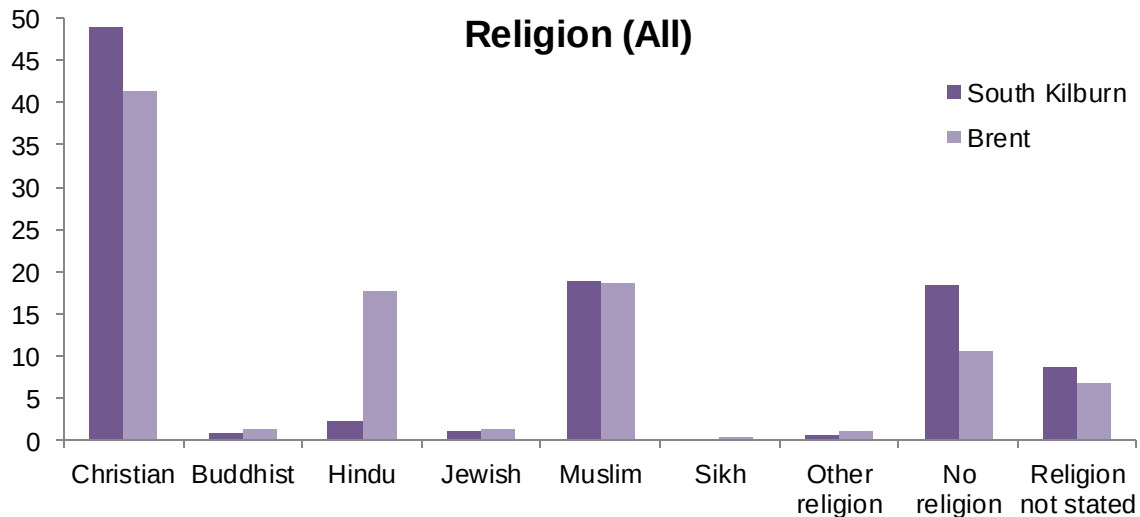


Therefore in respect of race. The black population is larger in South Kilburn (30%) compared to (19%) Brent. The white population in South Kilburn (43%) is also larger than in (36%) Brent. The Asian population in South Kilburn (12%) is much smaller than the rest of Brent (35%). The November 2013 Executive report's accompanying equality analysis identified that households with extended families could be negatively impacted as they may consume more energy. Future consultation plans should therefore target this group in order to better understand resident needs. Although a minority Asian households can be hard to reach and future consultation should include proposals on how this group will be engaged.

Religion

The table shows the proportions of South Kilburn and Brent by religious beliefs and age group.

		Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Other religion	No religion	Religion not stated
South Kilburn	All	49	0.9	2.2	1.2	18.9	0.1	0.6	18.4	8.6
Brent	All	41.5	1.4	17.8	1.4	18.6	0.5	1.2	10.6	6.9
South Kilburn	0 to 15	43.8	0.3	1.7	0.8	32.9	0.1	0.5	10.5	9.5
Brent	0 to 15	37	0.9	13.9	0.8	31.1	0.4	0.6	7.1	8.1
South Kilburn	16 to 24	47.4	1.1	1.7	0.5	21	0	0.6	19.4	8.3
Brent	16 to 24	36.8	1.4	18.3	0.6	22.3	0.5	1	12.6	6.5
South Kilburn	25 to 34	41.2	0.9	2.5	2.7	13.1	0.1	0.8	30.7	8.1
Brent	25 to 34	39.5	1.6	20.6	1	14.7	0.5	1.1	15	6
South Kilburn	35 to 49	50.5	1	1.7	0.9	19.4	0.1	0.5	18.6	7.3
Brent	35 to 49	43	1.7	15.8	1.1	18.2	0.6	1.2	12	6.6
South Kilburn	50 to 64	58.9	1.5	3.7	0.8	10.8	0	0.8	13.9	9.8
Brent	50 to 64	43.3	1.7	22.6	1.9	12.1	0.7	2.1	8.9	6.8
South Kilburn	65 to 74	66.2	1.1	1.6	2	7.7	0.4	0.5	9.3	11.2
Brent	65 to 74	52.3	1.1	17.5	3	9.7	0.7	1.8	6.5	7.3
South Kilburn	75 and over	72.2	0.2	3.7	0	7.6	0.2	0.7	5.7	9.6
Brent	75 and over	56.1	0.6	15.7	6.2	6.3	0.6	1.6	4.9	7.9



Therefore in respect of religion. Christians (just under 50%) and Muslim's (just under 20%) are the two majority religions in South Kilburn and on whom this proposal will have a positive impact. As part of future consultation plans, provision should include proposals on how to engage with Muslims who can be hard to reach even in areas where they make up a sizeable part of the local population.

Summary

To make sure the plans are as best they can be and to better understand the needs of households that maybe negatively impacted or hard to reach, future consultation proposals should target:

- People below 19 and over 65;
- Disabled people;
- Pregnant and disabled households;
- Extended families;
- Asian people; and
- Muslims.

Please give details of the evidence you have used:

Census 2011 data.

The Executive report 11 November 2013, from the Director of Regeneration and Growth, ward affected: Kilburn, 'South Kilburn Regeneration: Decentralised Energy System'

The 11 November 2013 Executive report's equality analysis.

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;

As per the 11 November 2013 Executive report's equality analysis.

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

We aim to ensure that the South Kilburn regeneration programme will meet the varied individual needs and expectations of residents with homes due for demolition as part of the South Kilburn regeneration programme. The new homes in South Kilburn are available to Secure Tenants within South Kilburn regardless of their age, disability, gender reassignment, pregnancy and maternity status, marriage and civil partnership status, race, religion or belief, sex or sexual

orientation.”
(b) Advance equality of opportunity; As per the 11 November 2013 Executive report’s equality analysis. “We also aim to ensure that everyone moving into the new developments has equal access to the Neighbourhood Heating System, regardless of their protected characteristics. We recognise the ESCo services provided to South Kilburn residents must be relevant, responsive and sensitive and that the ESCo must be fair and equitable in its provision of services to residents.” Aligning with Brent’s emerging Employment Skills and Enterprise strategy 2014/15, through this procurement we will ask bidders to detail their approach to local job creation, apprenticeships and training aiming to ensure that in one of Brent’s most deprived neighborhoods we secure opportunities for local people and ensure equality and advancement of opportunity.
(c) Foster good relations As per the 11 November 2013 Executive report’s equality analysis. “South Kilburn Neighbourhood Trust, a local regeneration charity working to bring about lasting change for the communities of South Kilburn, through its widening participation, seeks to find ways of involving and engaging with all local residents, particularly those who traditionally are ‘hard to reach’.”

5. What engagement activity did you carry out as part of your assessment? Please refer to stage 3 of the guidance.
As per the 11 November 2013 Executive report’s equality analysis. “A consultation exercise was carried out on 19 September 2012. The event was held at a local community centre in South Kilburn and advertised widely through leaflets, posters and SK Connect, a local publication that is delivered to all households. Unfortunately only two members of the community attended the event. Tailor made exhibition panels explaining the Neighbourhood Heating System were on display. Officers also explained the scheme to the attendees on a one to one basis. No one from the community raised any concerns regarding inequalities. Briefings on the project have also been given to the South Kilburn Neighbourhood Trust: Neighbourhood Co-ordination Group which is attended by two resident representatives. Three consultation events and three resident design workshops have been held with residents regarding the redevelopment of Gloucester House and Durham Court where the proposed energy centre will be located. At each event information on the energy centre and the South Kilburn

Neighbourhood Heating System has been made available to residents.”

Feedback from the 2012 workshops is as follows:

1. Low energy flats with good robust materials, double glazing and sustainable is a high priority.
2. Question about the type of heating.
3. Question about cheaper bills for residents.

Most recent engagement activity is detailed below.

i. Who did you engage with?

Further public consultation was undertaken around May 2014 and captured in the statement of community involvement put together by Fielden Clegg Bradley Studio the architect appointed to secure planning consent on Gloucester and Durham Court in South Kilburn, the statement was for the purposes of supporting Brent's planning applications and comments in respect of the Energy Centre focused on design elements in particular the height and diameter of the proposed centre.

Our consultants Parsons Brinkerhoff attended the South Kilburn tenant steering group meeting on 6 November 2014 to talk through the South Kilburn Energy Centre.

Details of the Fielden Clegg Bradley Studio May 2014 report are detailed in Appendix 1 of this equality analysis and feedback from the Parson Brinkerhoff November 2014 South Kilburn tenants steering group meeting are detailed in Appendix 2 of this equality analysis.

ii. What methods did you use?

Fielden Clegg Bradley Studio – statement for the purposes of the Gloucester and Durham planning application

Proposals displayed on Brent's website:

3 public exhibitions

3 resident design groups

2 presentations dedicated to Westminster residents, members and officers

17 page consultation booklet

1 pre-application exhibition

Presentation to the Diocesan advisory committee

Presentation to Brent Connects Kilburn and Kensal forum

Presentation to Alpha, Gorefield tenants and residents association

Information shared with Queens Park residents association

Production of images and text for residents requesting specific additional information following consultation.

See appendix 1.

South Kilburn Tenants Steering Group

Presentation to the forum comprising the consultation talking through the project with residents.

iii. What did you find out?

Fielden Clegg Bradley Studio – statement for the purposes of the Gloucester and Durham planning application

Questions raised in respect of the properties the energy centre would serve and future bills. And a question around the height and diameter of the proposed energy centre.

South Kilburn Tenants Steering Group

At the meeting residents raised the following questions to which the following response was supplied is detailed in appendix 2.

iv. How have you used the information gathered?

Fielden Clegg Bradley Studio – statement for the purposes of the Gloucester and Durham planning application

Information used for the purposes of developing the planning application that is now approved.

South Kilburn Tenants Steering Group

Information used for the purposes of informing our future plans including the equality action plan arising from this analysis.

v. How has it affected your policy?

Fielden Clegg Bradley Studio – statement for the purposes of the Gloucester and Durham planning application

Feedback from consultation fed into the planning application for Gloucester and Durham House, the planning application has since been approved.

South Kilburn Tenants Steering Group

1. Taking on Board feedback from consultation, in respect of the issue of energy supply monopolisation – an issue that has the potential to negatively impact all protected groups, the Greater London Authorities Energy Centre advisors have suggested we might want to ask a consumer of energy supplied by a, ESCo through a district heating system to talk to tenants in order to help better understand the pro's and cons of the proposed energy centre and inform this procurement plan.
2. Taking on Board feedback from consultation, Officers have offered that the

- South Kilburn tenants steering group Chair nominate a resident to sit in on the procurement process in order that they can feed through to residents.
3. In order to ensure ongoing resident consultation, Officers will ask ESCo's through the procurement process to set out their approach to consultation after contract award in order to ensure ongoing resident feed into plans.

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.

As per the 11 November 2013 Executive report's equality analysis.

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

- Age
- Disability
- Pregnancy and maternity
- Race

Mitigating Action:

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

It is noteworthy, that neither the 2011 report's nor the November 2013 Executive reports provided a commitment to deliver a fixed reduction in residents bills by 10%, the underlying principle has always been that residents should be no worse off then if connected through usual energy supply arrangements, or preferably better off as costs should be less then the average cost of supplies, with previous reports advising costs could be upto 10% less.

It maybe but we don't really know that the July 2011 Executive report was misinterpreted where it said:

"3.17 As part of the regeneration of South Kilburn, the installation of a district heat network has always been considered. A district heat network will enable new developments in South Kilburn to achieve Code for Sustainable Homes Level 4 and provide energy service to users at a lower cost (normally 10% lower than the market price)."

A principle aim of this proposal is to, deliver an environmentally friendly energy solution that is no more expensive than other utility supplies, or preferably cheaper than average with previous advice informing costs could be up to 10% less, reducing energy costs for residents and fuel poverty in a deprived area, while future proofing further development ensuring homes can be built in accordance with required building regulation and environmental sustainability standards enabling regeneration now and in the future positively impacting all protected groups.

As previously identified the following protected groups are negatively impacted as they tend to spend more time at home and are likely to consume more energy: age, disability, pregnant and maternity and race, to lessen or mitigate against any negative impacts and to ensure plans are as best they can be, future consultation proposals will target the following negatively impacted and hard to reach groups:

- People below 19 and over 65;
- Disabled people;
- Pregnant and maternity;
- Extended families;
- Asian people (hard to reach); and
- Muslims (hard to reach).

Aligning with Brent's emerging Employment Skills and Enterprise strategy 2014/15, through this procurement we will ask bidders to detail their approach to local job creation, apprenticeships and training aiming to ensure that in one of Brent's most deprived neighborhoods we secure opportunities for local people and ensure equality and advancement of opportunity positively impacting households of working age.

Taking on Board feedback from consultation, in respect of the issue of energy supply monopolisation, a matter that has the potential to negatively impact all protected groups, in order to lessen/mitigate against any negative impact the Greater London Authorities Energy Centre advisors have suggested we might want to ask a consumer of energy supplied by a ESCo through a district heating system to talk to tenants in order to help better understand the pro's and cons of the proposed energy centre and inform this procurement plan, Officers have offered that the South Kilburn tenants steering group Chair nominate a resident to sit in on the procurement process in order that they can feed through to residents and influence outcomes and Officers will ask ESCo's through the procurement process to set out their approach to consultation after contract award in order to ensure ongoing resident feed into plans.

Please give details of the evidence you have used:

The Executive Report dated 18 July 2011 from the Director of Regeneration and Major Projects, wards affected: Kilburn, called 'South Kilburn regeneration progress update'.

The Executive Report dated 17 October 2011 from the Director of Regeneration

and Major Projects, wards affected: Kilburn, called 'South Kilburn Regeneration: Authority to Tender Contract for A Decentralised Energy System.

The Executive report 11 November 2013, from the Director of Regeneration and Growth, ward affected: Kilburn, 'South Kilburn Regeneration: Decentralised Energy System'

The 11 November 2013 Executive report's equality analysis.

And earlier sections of this equality analysis.

7. Analysis summary

Please tick boxes to summarise the findings of your analysis.

Protected Group	Positive impact	Adverse impact	Neutral
Age	X majority	X minority	
Disability		X	
Gender re-assignment			X
Marriage and civil partnership			X
Pregnancy and maternity		X	
Race	X majority	X minority	
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.

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.

Previous equality action plan

The Executive Report dated 17 October 2011 from the Director of Regeneration and Major Projects, wards affected: Kilburn, called 'South Kilburn Regeneration: Authority to Tender Contract for A Decentralised Energy System and the Executive report 11 November 2013, from the Director of Regeneration and Growth, ward affected: Kilburn, 'South Kilburn Regeneration: Decentralised Energy System' and accompanying equality analysis identified the following equalities action plan:

1. Commitment to consult.
2. A user friendly system and is easy to understand and operate.
3. Billing available in different format including Braille and a helpline available.
4. Aim to improve energy bills reducing 'fuel poverty'.
5. Endeavour to negotiate a discount pricing formula with an annual review mechanism for different uses against fixed and standard charge.

Impact on Protected Groups & Census 2011

The Executive report dated 11 November 2013 and accompanying equality analysis identified that the following protected groups are negatively impacted as they tend to spend more time at home and are likely to consume more energy: age, disability, pregnant and maternity and race. Analysis of the Census 2011 data identified that Asian households made up a minority of the local community (12% with Asians in the rest of Brent averaging 35%) and Muslims made up the second largest majority religion (20%), based on previous experience both groups can be 'hard to reach' even in areas where they represent a majority. To lessen or mitigate against these impacts and to ensure plans are as best they can be future consultation proposals will target the following impacted and hard to reach groups:

- People below 19 and over 65 (age);
- Disabled people (disability);
- Pregnant and maternity (pregnant and maternity);
- Extended families (race);
- Asian people (hard to reach); and

- Muslims (hard to reach).

Equality Act 2010 & Social Value

6. Aligning with Brent's emerging Employment Skills and Enterprise strategy 2014/15, through this procurement we will ask bidders to detail their approach to local job creation, apprenticeships and training aiming to ensure that in one of Brent's most deprived neighborhoods we secure opportunities for local people and ensure equality and advancement of opportunity positively impacting households of working age.

Consultation

Taking on Board feedback from consultation, in respect of the issue of energy supply monopolisation, a matter that has the potential to negatively impact all protected groups, in order to lessen/mitigate against any negative impact the following action is proposed:

7. The Greater London Authorities Energy Centre advisors have suggested we might want to ask a consumer of energy supplied by a ESCo through a district heating system to talk to tenants in order to help better understand the pros and cons of the proposed energy centre and inform this procurement plan;
8. Officers have offered that the South Kilburn tenants steering group Chair nominate a resident to sit in on the procurement process in order that they can feed through to residents and influence outcomes; and
9. Officers will ask ESCo's through the procurement process to set out their approach to consultation after contract award in order to ensure ongoing resident feed into plans.

We recognise the mitigations may not fully mitigate all negative impacts and that some may not work for various reasons, however the principle aim of this proposal is to, deliver an environmentally friendly energy solution that is no more expensive than other utility supplies, or preferably cheaper than average with advice informing costs could be up to 10% less, reducing energy costs and fuel poverty for residents in a deprived area positively impacting all protected groups, while future proofing further development ensuring homes can be built in accordance with required building regulation and environmental sustainability standards enabling regeneration now and in future.

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 unlawful 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.

Subject to approval by Cabinet to this proposed procurement, the action plan as detailed below will be implemented and as each item is completed outcomes will be captured and reviewed and on completion of the procurement process before contract award to an ESCo an updated Cabinet report will be written at which point this equality analysis and action plan will be reviewed and refreshed.

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
1. Further	November 2015	Sarah Chaudhry	Consultation responses and		

consultation and to target: - 19 & 65+, disabled, Asian and Muslims. & expecting households or on maternity leave and extended families.			feedback take on minority and hard to reach groups feed-back.		
2. User friendly easy to understand and operate system	2016/17	Sarah Chaudhry	User friendly system.		
3. Billing in different formats such as Braille.	November 2015	Sarah Chaudhry	Assisting independence and access to information and resources.		
4. Aim to reduce bills.	November 2015	Sarah Chaudhry	Reduce fuel poverty and hardship.		
5. Discounted price formula and annual review.	November 2015	Sarah Chaudhry	Pricing checks to ensure competitiveness.		
6. Job, training and apprenticeship creation through procurement.	November 2015	Sarah Chaudhry	Opportunities for local people.		
7. ESCo energy consumer to give a talk to residents.	November 2015	Sarah Chaudhry	Consumer confidence – sharing experiences.		
8. Resident to be involved with procurement	February 2015	Sarah Chaudhry	Resident ownership.		

9. ESCo's to detail their approach to consultation after contract award.	November 2015	Sarah Chaudhry	Ongoing resident engagement and involvement, assisting with understanding and local buy in.		
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Please forward to the Corporate Diversity Team for auditing.

Appendix 1 Gloucester & Durham including Energy Centre statement of community involvement

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0.7 Statement of Community Involvement

Introduction

This Statement of Community Involvement (SCI) is submitted in support of the planning application to redevelop Gloucester House and Durham Court within the South Kilburn Estate, as part of the South Kilburn Regeneration Programme.

The proposal seeks full planning permission for the demolition of Gloucester House and Durham Court and the redevelopment of the land for 236 new homes (approximately 42% of which are affordable (social rent)), an Energy Centre for the South Kilburn neighbourhood heating system, relocation and improvement of the public open space and play area at the north of the site and associated public realm, basement car park and landscaping.

There are five sites currently under-construction as part of the regeneration programme in South Kilburn. The development of the design sites within a broad context that the housing regeneration is happening and designs being consulted upon will be delivered for people to live in.

The site is situated near the borough boundary with Westminster City Council and presents an additional dimension to the project, requiring liaison with residents, officers and members of the neighbouring authority.

Local residents and stakeholders as well as existing tenants who may move to the new development have also been engaged with to understand their desires, what they believe makes for good homes and communities, and to inform them of changes happening to this site and within the wider South Kilburn Regeneration Programme.

Audience

Audience for the public consultation included:

- Existing residents of South Kilburn
- South Kilburn tenants who may be offered homes within the new development
- Residents of the wider community that may be impacted by the development
- Westminster residents that may be impacted by the development
- Brent councillors
- Westminster councillors

- Brent officers
- Westminster officers
- St Augustine's Church
- Diocesan Advisory Committee
- South Kilburn Tenant Steering Group
- Acorn Residents Association

Means of engagement

The project team sought to communicate with residents and stakeholders via a number of channels, including:

- Proposals displayed on London Borough of Brent's website www.brent.gov.uk/regeneration/south-kilburn-regeneration-programme
- 3 Public Exhibitions throughout the project giving residents and stakeholders an opportunity to meet the architects, learn more about the site and the wider regeneration proposals, see the designs and give feedback
- 3 Residents' Design Group Workshops for residents who may be offered an affordable home in the redevelopment an opportunity to have their say about the design of the new homes
- 2 Presentations dedicated to Westminster residents, members and officers
- Presentation of Design Proposals to Acorn Residents Association
- Production of a 17 page consultation eBooklet sent to residents and stakeholders who have shared their contact details throughout the consultation process
- 1 Pre Application Exhibition showing the finalised design
- Presentation to the Diocesan Advisory Committee
- Presentation during the interval of the Brent Connects Kilburn and Kensal forum
- A presentation of design proposals at the South Kilburn Tenant Steering Group
- A presentation of design proposals at Gorefield House, Alpha House Tenant and Residents Association
- Information shared with the Queen's Park Residents Association
- Production of images and text for residents requesting specific, additional information following consultation events

New Homes for South Kilburn

Redevelopment of Gloucester House and Durham Court



Public Meetings and Exhibition

Come along and find out more about the proposed redevelopment of Gloucester House and Durham Court, as part of the South Kilburn regeneration programme

First Public Meeting	Second Public Meeting	Preview of Planning Application
Presentations of concept proposals and opportunity to ask questions	Presentations of design proposals and opportunity to ask questions	See final designs for the site before the Planning Application is submitted and receive your comments back before the decision
Thursday 10th August 2017 6-8pm St. Augustine's CE High School, Oakwell Road, London, NW5 5BN	Thursday 18th September 2017 6-8pm St. Augustine's CE High School, Oakwell Road, London, NW5 5BN	Thursday 17th October 2017 7-9pm The Salvation Army, 50 Gloucester Road, NW5 5GN

For more information please call the South Kilburn Regeneration Team on 020 8937 6462 or e-mail: norrie.twomey@brent.gov.uk



Consultation leaflet

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Below is a summary of the key engagements.

Public Exhibitions

Architects and Officers hosted 3 public exhibitions (August, September and October 2013) to present the latest developments of the proposed redevelopment to interested stakeholders. The team produced a series of exhibition boards explaining key parts of the design. The events were held at The Salvation Army, 55 Chichester Road, NW6 5QW, an accessible location close to existing, future and neighbouring residents of the project. Brent and Westminster residents were invited to the events via approximately 2,000 invitation flyers. Attendance at events varied, with approximately 35 people at exhibition 1, 15 at exhibition 2 and 25 at exhibition 3.

General comments raised:

- Most attendees were supportive of the redevelopment and recognised the huge potential of the site in terms of proximity to Kilburn Park tube station and St Augustine's Church, but were keen to know that the setting of St Augustine's is given careful consideration and that the redevelopment is sympathetic and not too contrasting in terms of materials
- There was concern over crime and safety in relation to the Play Space. Two attendees noted that similar areas have been targets for drug use/ selling and play equipment being burnt out
- One attendee noted concern over the use of red bricks, noting that they look cheap. The attendee would have preferred something similar to the bricks on buildings within the South Kilburn Conservation Area
- Noted that some rooms in new buildings are oddly proportioned which makes it hard for tenants to plan their rooms
- Storage generally seemed to be an issue of concern
- One resident noted concern that the proposed Lime Trees create a lot of dead foliage
- One resident noted that they liked the light open space created by the development
- One resident noted that they do not like full height windows
- One resident thought the affect of block 5.4 (4 storey block at the north west of the site) would negatively impact on the light and character of Cambridge Rd/ Gardens

- Careful consideration needs to be given to bins and their storage
- An attendee made a comment on the proposed split between the private and the affordable homes, saying the affordable is all located on the 'Brent' side of the development, with the private on the 'Westminster' side.
- A number of residents moving from Gloucester House and Durham Court had questions about their new homes, rather than the redevelopment of the site.

Residents' Design Group Workshops

Residents of Austen House, residents who will potentially be moving into the proposed redevelopment of Gloucester House and Durham Court, were invited by letter to attend 3 sessions during which the Design Team wished to learn what, in residents' eyes, makes for the best living and community environments. The sessions were informal, participatory workshops, led by the Design Team and included group activities with outcomes presented back to the group at the end of each session. The sessions were divided into:

1. Design of the new homes workshop
2. Design of the spaces between homes workshop; and
3. Feedback, how comments have been incorporated and questions

The sessions were attended by 18, 10 and 25 residents respectively.

General comments raised:

Design of the new homes workshop

- Security: the building residents now live in allows anyone to enter communal circulation. Residents would like coded doors/lifts and stair cores in public areas and extra security on flat doors
- The importance of separate kitchens, or ways to separate kitchens through doors or shutters so smells are not in living areas;
- The importance of natural Light and high ceilings
- The importance of good insulation/noise prevention
- Residents noted preference for low energy flats with good robust materials and double glazing



Public Exhibition Output

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Design of the spaces between homes workshop

- Residents would like somewhere to sit and watch their children play
- Residents like resin bonded gravel
- All residents were of the opinion that it was good to learn from adventurous/more challenging play
- The residents highlighted that it was important that the space would be respectful to the neighbouring properties
- Residents wanted a lot of vegetation on the pavements acting as a buffer from car, dirt and noise
- Wide pavements were highlighted as important to allow for buggies and disabled access
- It was highlighted that residents wanted to feel safe at all times of the day, lighting and access were very important to allow for this
- All residents wanted to help the natural ecology by planting native trees
- Residents wanted to see a mixture of surfaces; decking for sitting, grass for play and hard surfaces for pathways
- Residents described their existing balconies with affection
- Residents said they would like a range of balconies including both recessed and projecting
- Residents preferred robust timber structures for play
- Residents welcomed the fact that courtyards would be gated and only accessible through cores
- Residents wished for allotments for growing vegetables and herbs
- Metal balustrades were preferred over glazed balustrades

South Kilburn Tenant Steering Group

The TSG was held on the 5th of September 2013. Officers presented the principles of the Gloucester House and Durham Court redevelopment to the Tenant Steering Group, there were c.40-50 people in attendance.

Comments raised:

- Which properties will the Energy Centre serve?
- Will the Energy Centre result in cheaper bills for residents?

Presentations to Westminster Residents and Members

Due to the site being adjacent to the Brent – Westminster borough boundary, the Design Team invited Westminster residents, members and officers to two presentations focused on the latest developments of the project. Approximately 1,000 flyers were sent out as invitations to these events, which were held at St Augustine's Church of England School, Oxford Road, NW6 5SN.

At the first meeting (August 2013) approximately 11 residents attended and were given a presentation by the architectural team on the initial ideas for the scheme and approach to the site masterplan. The second meeting (September 2013) only had 4 residents in attendance, to whom the team presented approaches to the massing, architectural precedents, and approaches to the elevations and landscaping.

Comments raised:

- Play Space should be designed to mitigate anti-social behaviour
- Confirmation of the height and diameter of the Energy Centre flue was requested
- Confirmation that the Design Team are liaising officially WCC Planning Officer was requested
- The street width/ treatment and block articulation should be carefully considered for 6 storey buildings along Kilburn Park Rd
- There was a suggestion to locate the higher elements of the scheme at the quieter, lower scale areas of the surrounding properties
- There was a query as to whether tenants moving into affordable blocks are new tenants to the area or existing tenants within the area
- Noted that the Church bells contribute to the character of the area and that prospective tenants should be made aware of them before moving in



Residents' Design Group Session



Residents' Design Group Output

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Acorn Residents Association and Gorefield House, Alpha House Tenant and Residents Association

Presentations to the Acorn Residents Association and Gorefield House, Alpha House Tenant and Residents Association were held in November 2013 and March 2014 respectively where Officers presented the principles of the Gloucester House and Durham Court proposed redevelopment. Comments raised were mainly in relation to the energy centre which is proposed to be located within the Gloucester House and Durham Court redevelopment. A Frequently Asked Questions document on the South Kilburn Neighbourhood Heating System was produced to respond to queries raised.

Pre Application Exhibition

An exhibition displaying the final designs for the proposed redevelopment of the Gloucester House and Durham Court site was held on 7th April 2014. 2,000 leaflets were distributed to Brent and Westminster residents to advertise the event as well as putting up posters locally, e-mailing attendees of previous consultation events and advertising it on the Council's website. 63 residents and stakeholders were in attendance as well as members of the Design Team and Officers to answer questions on the final designs and to answer queries relating to the energy centre/ South Kilburn Neighbourhood Heating System.

The feedback from the large majority of attendees on the final designs was very positive and the proposed demolition of another tower block was welcomed. A few less positive comments were noted as follows:

- The potential impact of demolishing existing blocks near St Augustine's Church
- The removal of play provisions in the area during construction
- The impact of emissions from the energy centre chimney on neighbouring properties
- One attendee expressed her distaste for the design as a whole and the impact it will have on the outlook from her home across from the development site

London Borough of Brent's Website

Throughout the project the latest developments presented at Public Exhibitions have had a presence on the Council's website. Information is now available online at www.brent.gov.uk/regeneration/south-kilburn-regeneration-programme.

Conclusion

There has been extensive public consultation throughout this project that has attempted to reach a number of audiences, including directly affected residents and people who live near the site and in the wider community. In general, residents and stakeholders have expressed support for the scheme and have commented on the quality of living conditions being presented. Some neighbouring residents expressed reservations for the detailed impact that the development may have on them, particularly with regard to the Energy Centre and the impact the proposed development may have on the outlook from their properties.



Pre Planning Consultation leaflet



Pre Planning Consultation exhibition

Appendix 2 South Kilburn tenant steering group meeting on 6 November 2014, Energy Centre question and answers.

1. Why were residents not consulted on whether the Energy Centre should go ahead? - planning guidelines require that the Council must deliver low carbon solutions such as providing Combined Heat and Power with new homes or consider other less cost effective measures such as wind turbines and solar panels.
2. How can residents rely on low cost heating being delivered without being able to swap suppliers? - The Council will manage the ESCO contract to ensure that the annual price review takes place based on the 6 best tariffs available. The annual review and "Customer Care Charter" will ensure that residents receive services at the lowest rates available on the market.
3. How will heating and hot water be distributed to homes? - Underground pipes will carry hot water from the Energy Centre to individual blocks and on to a "Heat Exchanger" unit in each flat. Each flat will have a metered, individually controlled full central heating and hot water supply.
4. How will the "Customer Care" Charter work? - The contract will contain financial penalties which will be applied to the ESCO where there is poor customer service.
5. How long is the ESCO contract? - 40 years, with a 25 year break clause and the option to terminate in respect of poor performance.
6. Will the Energy Centre emit flue gas? - Yes, but with air borne pollutants at lower levels than alternative solutions such as individual boilers. The Council is required to demonstrate that it would produce safe levels of emissions as part of the planning process.
7. Will residents be involved in the ESCO selection process? - The Council will look at options for involving residents in the process.

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?

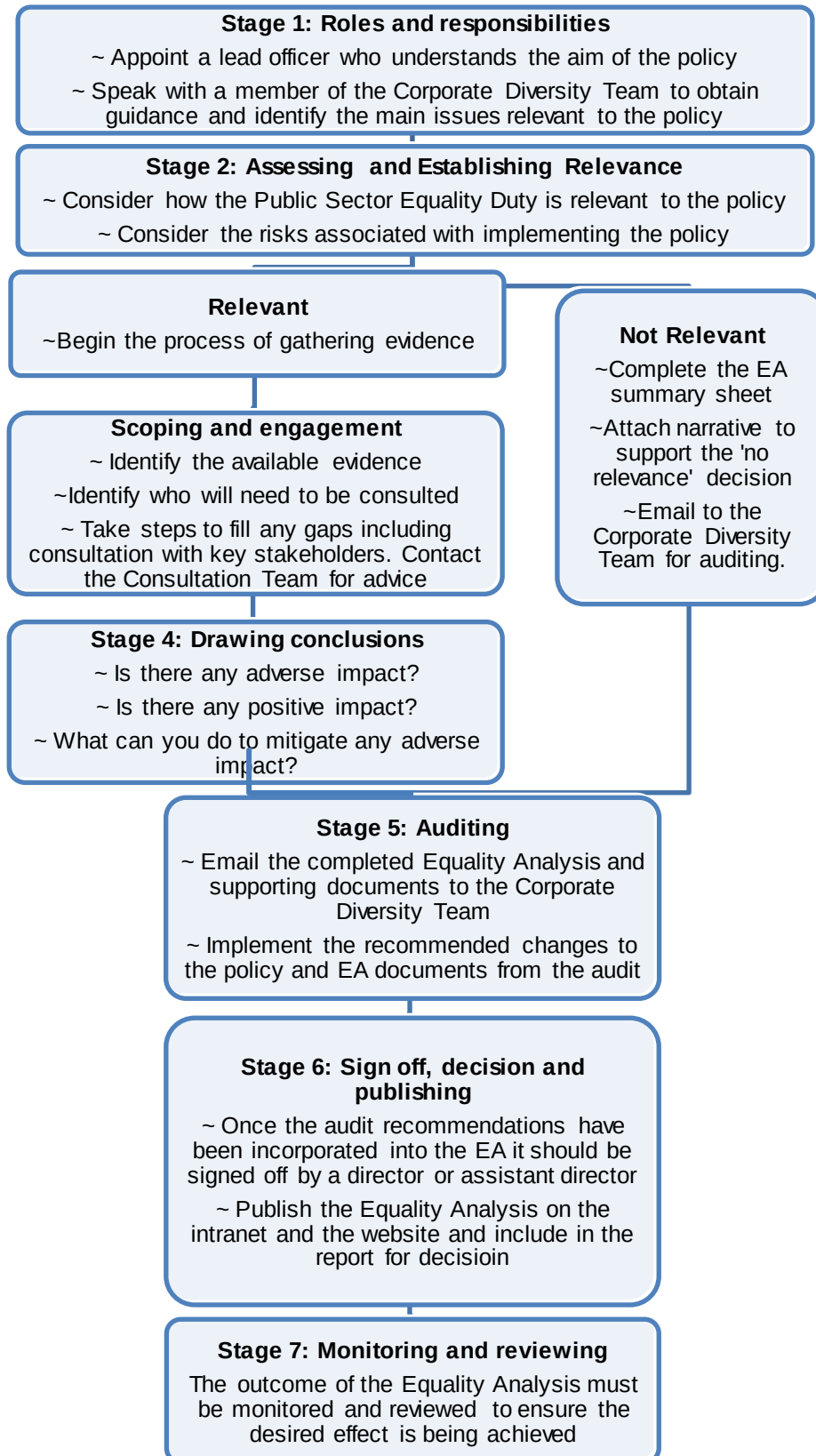
The EA must be completed before the policy is sent to the decision maker but should be carried out at the earliest possible stage. The advantage of starting early is that the equalities data informs and shapes the policy as it develops and progresses and this allows more time to address issues of inequality.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

Appendix 1

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.