

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.

<b>1. Roles and Responsibilities:</b> please refer to stage 1 of the guidance	
<b>Directorate: Regeneration and Growth</b>  <b>Service Area: Property and Projects</b>	<b>Person Responsible:</b> Name: Sarah Chaudhry/Jill Rennie Title: Head of Strategic Property/Project Manager Contact No: 0208 937 1705/ 020 8937 2556 Signed: Sarah & Jill
<b>Name of policy:</b> <b>Stonebridge Redevelopment including Stonebridge Primary School Expansion</b>	<b>Date analysis started: 1/12/14</b> <b>Completion date: 5/12/14</b> <b>Review date:</b>
<b>Is the policy:</b> <b>New</b> <input type="checkbox"/> <b>Old</b> <input type="checkbox"/>	<b>Auditing Details:</b> Name: Sarah Chaudhry Title: Head of Strategic Property DateContact No: 30/01/15 Signed: Sarah
<b>Signing Off Manager:</b> responsible for review and monitoring Name: Richard Barrett Title: Operational Director Property and Projects Date Contact No: 02089371330 Signed:	<b>Decision Maker:</b> Name individual /group/meeting/ committee: Cabinet Date: 23/02/15

**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.

This equality analysis is in respect of Stonebridge Redevelopment proposals.

September 2013

In September 2013, the Executive approved the following redevelopment proposals:

- That the existing Stonebridge Day Centre be redeveloped to provide new housing;
- That the listed Stonebridge Primary School be permanently expanded from two Forms of Entry (2FE) to three Forms of Entry (3FE) accommodating 'bulge classes' currently located at Stonebridge Day Centre – subject to School Governing Body consent;
- That the existing Adventure Playground be re-planned and improved;
- That the Stonebridge Open Space be re-planned and improved; and
- That residential development is brought forward in order to better utilise the lands.

An equality analysis was undertaken and the following impacts were identified:

- Potential **Negative** impacts:
  1. Possible loss of open space.
  2. Proposals may result in the Welsh School closing.
- Potential **Positive** impacts:
  1. Aligning with the Council's core objectives the delivery of social housing although it was noted Stonebridge already has a high concentration of homes with this tenure.
  2. Remodelling and improving the adventure playground positively impacting resident's aged 5 to 19 fostering good relations and reducing anti-Social Behaviour and crime.
  3. The permanent primary school expansion would provide for permanency in an expanded refurbished modern school centre/ Primary school expansion.

Current proposals November 2014

As detailed in the Cabinet report, aligning with Brent corporate strategies the objective is to deliver an expanded 3 forms of entry (FE) primary school at Stonebridge and in doing so securing an amount of 'enabling' residential development, an improved open space and the release of the former day care centre site, resulting in the following:

- Stonebridge Primary School currently has 420 pupils at the main school site and 180 in the Annex building (the former day care centre – temporary 'bulge

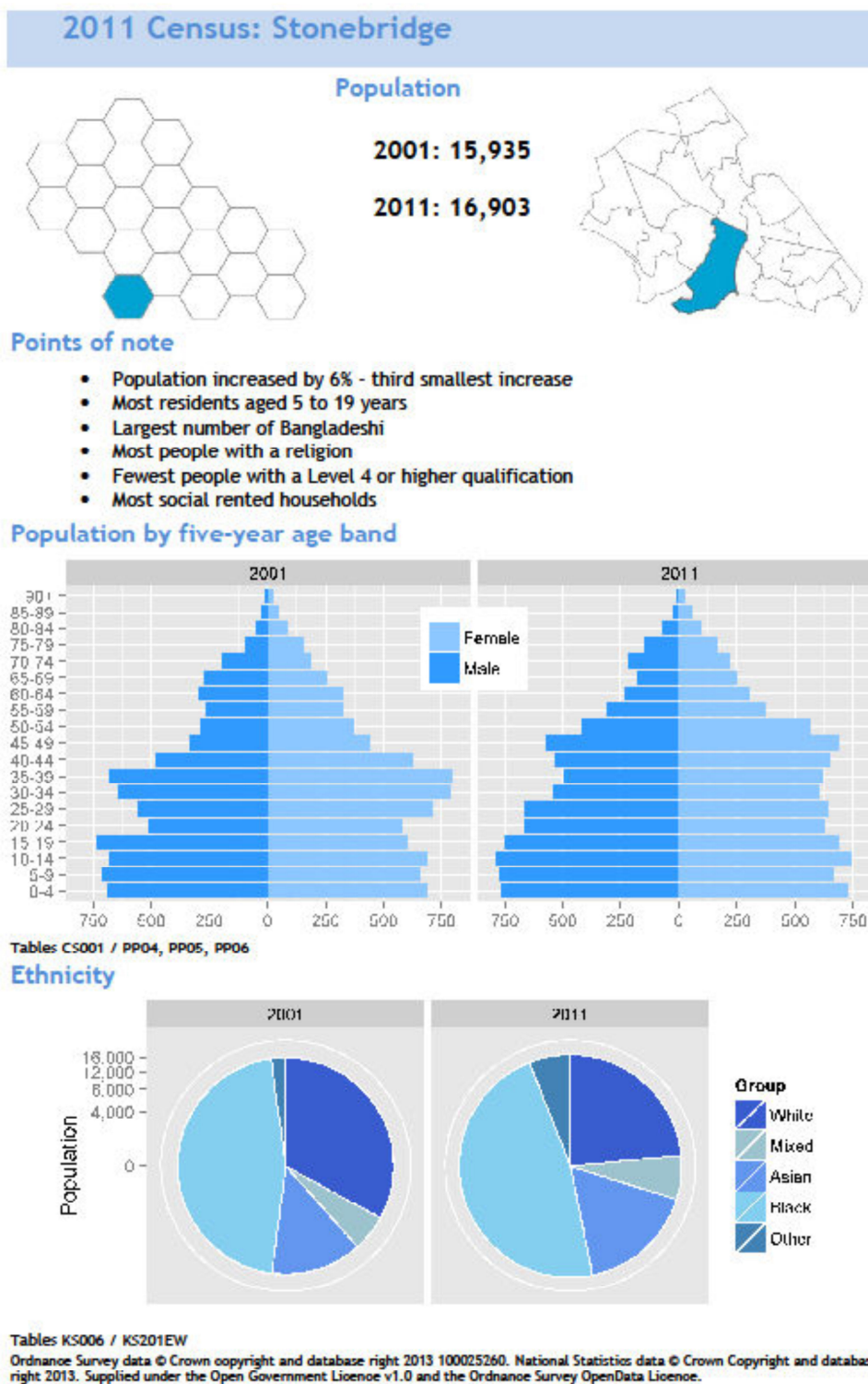
classes'). The proposal is to expand the Primary School from 2 FE to 3 creating 210 permanent extra school places. Resulting in 630 Primary School places at Stonebridge Primary School. And new homes on part of the site.

- In order to accommodate the expansion and meet current space guidelines, it is necessary to make use of land currently occupied by the adventure playground and land occupied by the Welsh School for the purposes of the school. Resulting in a loss of the adventure playground and the termination of existing occupation arrangements with Brent Play Association. As per the previous Equality Analysis Officers have been working with the Welsh School to mitigate against the previously identified negative impact from the termination of their occupation of buildings on the Stonebridge School site.
- The open space will be moved from a busy main road and relocated along the southern part of the site to incorporate the canal feeder providing for much improved provision.
- The existing open space would be developed for mixed tenure homes (likely to be private and intermediate due to existing high concentration of social housing in Stonebridge) that will financially contribute to the school expansion, some of the site would include an element of unsupervised children's play space.
- On delivery of the scheme the former day care centre will become vacant and plans are to redevelop this site for new homes.

These proposals went out to public consultation on 6 October which closed on 17 November 2014. Feedback from the proposals informs this equality analysis.

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

The Stonebridge 2011 Census Profile is below.



Some of the proposals will have impacts on the whole of the local community whilst others will have impacts on specific sections of the local community

Stonebridge Primary School Expansion

The demand for school places is as detailed in Brent's School Expansion Strategy 2014/18:

- There is a rising demand for school places. In the Census, between 2001 and 2011 the number of under fives in the borough increased by 37.7%. Brent therefore has one of the youngest populations in the country, with 28.8% of the population being under 18.
- The make up of the Borough is changing. Brent has one of the most diverse populations in London, with over 140 home languages currently recorded among our school children. This diversity is not a fixed picture but rather there are rapid changes to the population.
- There are more people in the borough with limited land. In common with the rest of London, population density in Brent is increasing, land values are high and there are a number of competing pressures for such land as is available.
- High aspirations, often in the context of deprivation. While the proportion of pupils in our schools who qualify for the pupil premium is about average for London, using broader demographic data the borough is in the top 15% of the most deprived areas of the country and using the current means of measurement, around a third of children live in poverty. While adult skills levels are low - 25% have a NVQ level 4, compared to 38.6% across London – both the more established and emerging communities in Brent place a high value on education and rightly see their children's education as a key part of the path to prosperity for their family. The highest performing Brent schools show that social disadvantage is no barrier to high achievement, but the context of high mobility and deprivation can be.

In relation to equality Stonebridge Primary School's Ofsted's inspection report in 2013 rated the school overall as 'good' stating the following:

- A higher-than-average proportion of pupils enter the school roll later than the usual starting points.
- The majority of the pupils are from minority ethnic groups and the proportion who speaks English as an additional language is well above average.
- The proportion of disabled pupils and those who have special educational needs supported through school action is average. The proportion supported at school action plus or with a statement of special educational needs is well above average.
- The proportion of pupils known to be eligible for the pupil premium, which is additional government funding provided for looked after children, those known to be eligible for free school meals and pupils with a parent in the armed forces, is also well above average.

The Stonebridge Primary School expansion will have an overall **positive** impact on age, race and disability as it will provide more permanent school places in a deprived school community. The current bulge classes were always intended as a temporary solution and the proposed expansion will allow of continuity creating provision in an area that has a high number of 5-19 year olds as detailed in the census 2011 results.

In respect of the school expansion the next stages of reporting would comprise a Cabinet decision to approve the expansion of the school following the second stage of statutory consultation and a paper that seeks approval to award the works contract.

#### Loss of Adventure playground

Brent Council is the registered freehold owner of the Adventure Playground land and buildings, planning applications for this areas date back to 1974, 1975 and 1985 relating to buildings. The newer adventure play equipment has been funded by the Big Lottery fund, the grant agreement is in the name of Brent Council. Brent Play Association (BPA)'s occupy the adventure playground for which Brent receives no rent. The occupation is a historic arrangement Officers are told, but don't really know, that previously Brent Council operated the adventure playground service which was later taken on by BPA.

#### Termination of existing occupation arrangement with BPA

The BPA occupies the Brent owned Adventure Playground and as part of this arrangement manages and maintains the area, this is a historic arrangement for which Brent receives not rent.

BPA is a registered charity (Registered Charity No. 1085110). Companies House records inform BPA were incorporated in 11 November 1999. BPA's accounts for the year end 31 March 2013 state their objective and service at Stonebridge to provide the following:

- Objectives. "The charity's object and it's principal activity continues to be that of providing and supporting facilities within the London Borough of Brent and surrounding areas for the daily care, play, recreation and education of children and young people seven days per week and school holidays and also provide day respite and learning opportunities for children and young people with special needs up to the age of 18 years."
- Stonebridge Adventure Playground. "The charity currently runs an all-year-round club in the Stonebridge Adventure Centre, on behalf of Brent Council. It offers integrated facilities for children and young people with special needs, 'state of the art' Adventure Playground structures, and indoor facilities, which include an Art and Craft room, TV and video room, main hall and kitchen."

BPA's accounts mention Brent's Play Strategy, a document which was produced for the period 2005-8, in this document BPA are mentioned as follows: "the biggest single provider is Brent Play Association - a charitable company that runs 9 sites based in schools, and an after school club and play scheme at Stonebridge Centre", the strategy is now out of date.

The BPA service at Stonebridge is not Ofsted registered. The BPA services at the Stonebridge Adventure Playground run from Monday to Friday during term time, from 2pm to 7pm, on Saturdays from 11am to 4pm and during School Holidays from 7am to 6pm. The core age range is 5 to 13 year old young people and is a free service at point of entry.

BPA receives grant funding of £118,000 from Brent in 2014/15. The BPA March 2013 accounts highlight the Stonebridge free facility as a one off, funded primarily by Brent. BPA's accounts show that for the year ending 31 March 2013, the grant received totalled £315,304 (£211,304 67% from Brent), equating to 95.7% of the BPA's total income.

A Brent Cabinet report 15 December 2014 from the Chief Finance Officer on the Budget, as per recommendations from the Strategic Director, Children and Young People proposes:

“To cease contract for play provision with the Stonebridge Adventure Playground, this funding to BPA provides after school and holiday provision for children at the SAP which is free to the families at point of delivery and is unique to this area. It is proposed to cease this funding as it is no longer sustainable or justifiable in the current financial climate”.

The Brent Cabinet forward plan / agenda for the meeting on 23 February 2015 includes a paper from the Strategic Director of Children and Young people on the proposed BPA funding cuts and an equality analysis in respect of the service and service users, this Equality Analysis will only focus on accommodation issues.

In respect of the physical overall redevelopment plan, the loss of adventure playground will **negatively** impact BPA and its staff, BPA service users children and their families. Due to the local make up (as per 2011 census data), a higher than average 5-19 year old population in an area which comprises a high concentration of socially rented homes that suggest deprivation, BPA services are likely to be in demand.

#### Termination of existing occupation arrangements with the London Welsh School

Officers understand the Welsh School's occupation was agreed directly with Stonebridge School. A below market rent is paid to Stonebridge School - a position which Council Officers have been looking to regularise for some time.

Ysgol Gymraeg Llundain, the Welsh School, London, Dfe registration number: 304/605, unique reference number: 101573 were inspected on 17-18 May 2012. The report informs the school was established in 1958. It is a non selective, co educational independent day school for pupils between the ages of four and eleven. The school is run by a board of directors on behalf of the Welsh School Trust and aims to provide 'bilingual Welsh education outside of Wales'. The school has a satisfactory Ofsted rating. As at the inspection date there were 34 pupils on roll, of whom five were part time. It is understood that only a handful of students are from Brent.

There are no statistics to identify Welsh speakers in the borough, but the 2011 census had 1108 people in Brent who identified themselves as being born in Wales, down from 1970 in 2001. It is understood that the Welsh School currently has around 30 children. The pupils come from parental backgrounds including



Mexico, Pakistan, India, Cayman Islands, Spain, Chile, and from numerous other backgrounds from the Indian subcontinent and Afro Caribbean nations.

In line with the previous Executive approval to Stonebridge redevelopment plans and the equality analysis which identified a negative impact on the Welsh School. Officers have been working with the school to find a new home within the borough. The Welsh School have agreed to use the former Bowling Green Pavilion in King Edward VII Park in Wembley as a new location. Heads of terms have been issued detailing key terms. In order to allow the Welsh school to use the pavilion a planning application is required and this has been submitted by the Welsh School. Brent has submitted an application to the Fields in Trust, who needs to agree to the school using the former Bowling Green Pavilion in King Edward VII Park, Wembley.

Without new premises, the proposal will have a negative impact on the Welsh language speakers. If the planning application and fields in trust application are successful this will provide a **positive** impact as it would give the school future stability. Due to the local make up (as per 2011 census data), a higher than average 5-19 year old population in an area which comprises a high concentration of socially rented homes suggesting deprivation, the Welsh School's school places are likely to be in demand but inaccessible to local people because of school fees.

### Open Space

Brent Park strategy 2010-15, notes the following in respect of Stonebridge:

- Spatial deficiencies in the public open space in Brent by type, under district parks; Stonebridge is listed, as it is under local parks.
- Fear of crime and poor facilities are named as a main barrier to entering parks (interestingly, among a sample of about a hundred young people interviewed as part of the Brent youth Parliament's crime and safety survey 10% rated the parks after dark as 'the most dangerous places in Brent' compared to 21% for Stonebridge).
- In respect of satisfaction with parks and open space the average satisfaction level is 82% Stonebridge was below the average with a range between 50% - 63%.

The current open space is difficult to manage, maintain and prone to attracting antisocial behaviour, site levels make the area difficult for the Parks service to maintain as it is uneven to mow.

The proposal involves building on part of the current open space and reprovision along the canal feeder, resulting in some loss of trees. The proposals will provide for an improved area of open space, along the canal feeder, between the school and the housing off Johnson Road and would be to the benefit of the local community.

The open space facility improvements should have a **positive** impact they will aim to reduce the fear of crime, positively impacting 'disability' as the current open space is quite uneven. The loss of trees will be compensated by planting new

ones (subject to planning requirements). The negative impacts of building new homes on the open space are covered below.

#### The former day centre site & housing

On 21 July 2014 Brent's Cabinet approved the Housing Strategy 2014-19, detailed the following objectives:

1. To significantly increase the supply of affordable housing. To significantly increase the capacity to meet housing needs and support social mobility through the provision of 5,000 affordable rent and low cost home ownership properties by 2019.
2. To ensure that at least 35% of new general needs affordable rented housing is 3 bedroom or larger, to align with demand profile. To halve severe overcrowding in the social housing sector by 2019.
3. The development of 1000 build to rent homes by 2019 of which at least 30% are affordable to those on lower incomes.
4. To provide an additional 200 extra-care and specialist supported housing units by 2016 to widen housing options and reduce reliance on residential care.

Directly contributing towards these objectives the Stonebridge redevelopment proposals will provide:

1. The redevelopment proposes to build c.140 homes across the three sites, which will be a mix of flats and terraced housing, which will include affordable housing. At this time the mix of housing is not known but the Council will look to provide housing inline with planning policy of 50% where possible, although the form of affordable housing may need to be carefully considered bearing in mind the local housing make as detailed below. Any homes that are built as affordable will need to comply with the London Mayors Housing Design Guide.
2. Stonebridge has 49.3% of homes which are of "Flat, maisonette or apartment: Purpose-built block of flats or tenement" compared with the borough average of 33%, so a development which includes terraced housing will add to the mix. The proposal includes provision for homes that are 3 bedrooms.
3. Stonebridge currently has 65.2% of households who socially rent compared with the borough average of 24.1%. 15.8% who privately rent compared with the borough average of 30% and 19% who own their own home compared with the borough average of 44.4%. There is therefore an argument that new homes in Stonebridge should aim to rebalance the current profile, with market rented homes and homes for sales, perhaps shared ownership or reduced equity.

The new homes at Stonebridge will provide an overall **positive** impact as it will directly contribute towards meeting the objectives in the housing strategy 2014-19, which has an overall positive impact on equality. Some of the homes will be affordable, there is an argument and as per the census 2011 details, that suggest due to current concentration of social housing in Stonebridge, sales or market rent

homes may provide for more balanced local housing market.

### Overall

The table below sets out assets and the impact as reported to Executive in September 2013 and the expected impact of revised proposals in January 2015.

Area/ Organisation	September 2013	February 2015
Stonebridge School	Positive	Positive
Adventure Playground	Positive	See BPA
Brent Play Association (BPA)	-	Negative
The London Welsh School	Negative	Positive
Open Space	Negative	Positive
Former day centre site & housing	Positive	Positive

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

- 2011 Census data;
- Brent's School Expansion Strategy 2014-18;
- Stonebridge Primary School Ofsted inspection report in 2013;
- Planning applications records;
- Charity Commission records;
- Companies House records;
- Brent Play Association accounts for the year end 31 March 2013;
- Brent's Play Strategy 2005-8;
- Brent Cabinet forward plan / agenda for the meeting on 26 January 2015;
- Brent Cabinet report 15 December 2014 from the Chief Finance Officer on the Budget;
- Dfe records;
- The Welsh School Ofsted inspection report latest;
- Brent Park strategy 2010-15; and
- 21 July 2014 Brent Cabinet approved Housing Strategy 2014-19.

### **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;**

#### Stonebridge Primary School Expansion

Local education authorities must find a free school place for all children who are of 'compulsory school age'. If a child of compulsory school age can not receive education at school the local education authority has a duty to provide suitable education in some other way, for example, home tuition. The duty of the local authority to provide full time education applies to all pupils including those who are temporarily living in the area for long enough to attend school, have come from abroad and have special educational needs. Local authorities as public bodies have a legal right responsibility not to discriminate and to promote equality of opportunity. Provision of permanent school places in an expanded Stonebridge

Primary School will ensure the council is taking steps to ensure a free school place for all children who are of 'compulsory school age' are provided an education. The school expansion will have an overall positive impact in respect of eliminating discrimination.

#### Loss of Adventure playground

Please see the BPA below.

#### Termination of existing occupation arrangement with BPA

The service provided at the Adventure Playground is an optional service which parents/guardians may or may not choose to access. The supervised nature of the provision it could be argued does help with eliminating harassment and victimisation as it provides a place where young people can engage in useful activities. The free at point of entry service allows users to access services overcoming the cost barrier in respect of other nearby provision, which in the context of Brent is a one off service for both Brent and BPA – inadvertently disadvantaging similar services users in other Brent locations.

In the context of redevelopment proposals, the corporate order of priority is 1. The delivery of school places and 2. new homes, if in this context the adventure playground is negatively impacted mitigation options in respect of this provision will need to be considered subject to it not compromising the above priorities.

#### Termination of existing occupation arrangements with the London Welsh School

Although independent see comments in respect of school place provision and rights of children to access education as per the United Nations convention on the rights of the child. This schooling offer provides an educational solution, although it is accepted it is not accessible for the mainstream as it is fee paying and due to language requirement. If the mitigation plan, to relocate the Welsh School is successfully implemented this school provision may help eliminate discrimination and provide access for children to education.

#### Open Space

Brent Park Strategy 2010-15 notes "fear of crime and poor facilities are named as a main barrier to entering parks (interestingly, among a sample of about a hundred young people interviewed as part of the Brent youth Parliament's crime and safety survey 10% rated the parks after dark as 'the most dangerous places in Brent' compared to 21% for Stonebridge)".

The neighbourhood crime league table for October 2014 ranked Stonebridge as 84 out of 114 areas, sitting somewhere in the middle in respect of reported crimes and of the 186 crimes reported 41 were violence related equating to 22%. (note these are for the Stonebridge area on the UK CrimeStats website)

The proposals will improve the current open space provision, increasing accessibility, visibility and lighting in order to reduce the fear of crime, providing a

benefit for all the community.

#### The Former Day Centre & Housing

As highlighted in the Cabinet approved Housing Strategy in July 2014. Specific to this question the following text applies: ' the strategy aims to ensure that policy and service delivery are centred on identified need and demand, based on an analysis of local market conditions and demographics, including the specific needs of protected groups.' These proposals should help households that need housing to access new provision.

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

In line with Brent public sector duty to eliminate both discrimination and ensure equality of opportunity the comments as per section (a) apply.

#### **(c) Foster good relations**

As identified as negative in the previous Equality Analysis (September 2013), Officers have worked with the Welsh School in order to assist with an alternation solution to their accommodation needs.

As identified in this Equality Analysis as a negative, Officers will be working with the Brent Play Association to see if an accommodation mitigation option can be agreed.

### **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?**

- Leaflets were delivered to properties with 0.5 miles of the site
- Leaflets were provided to all pupils of Stonebridge Primary School
- Leaflets were provided to Brent Play Association (the organisation who manages the Adventure Playground), the Welsh School and Our Lady of Lourdes School
- The website had full details of the consultation
- Consultation information was provided to the local press

The link to the website consultation was also sent to the following organisation:

- Stonebridge Primary School
- All maintained schools and Academies in Brent
- Brent Council - key officers
- Westminster Diocesan Education Service
- London Diocesan Board for Schools
- London Borough of Ealing
- London Borough of Barnet

- London Borough of Camden
- London Borough of Harrow
- London Borough of Hammersmith and Fulham
- London Borough of Westminster
- Royal Borough of Kensington and Chelsea
- Local Resident Associations
- All Councillors
- Local Member of Parliament
- All Brent Customer Service Shops
- All Brent Libraries
- All Brent Children Centres
- Sport England
- Secretary of State, School Organisation Unit
- Local private nurseries
- Any trade unions who represent staff of Stonebridge Primary School
- Representatives of main trade unions in Brent
- Early Years and Family Support Service
- Early Years Quality and Improvement Team
- Parent and Toddler groups in the area
- Victorian Society
- English Heritage
- Hyde Housing
- Welsh School
- Our Lady of Lourdes

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

The consultation ran from Monday 6<sup>th</sup> October to Monday 17<sup>th</sup> November. A consultation leaflet was produced which included details on the proposals and sought views through two open questions. A website was also created which had the consultation information and an on-line consultation response portal. 5 consultation events were held.

The consultation leaflet and on-line consultation included the same two open questions asked:

1. Please tell us what you like about the proposals and why?
2. Please tell us what you would like changed and why?

Ahead of the start of the formal consultation, Brent Play Association started a campaign to save the Adventure Playground. This received local press coverage and was on the front page of The Brent and Kilburn Times for a number of weeks, as such there was a lot of coverage in the media of the proposals.

A drop box for completed leaflets was left at The Hub, Hillside for the duration of the consultation event.

On Friday 7<sup>th</sup> November officers delivered further leaflets to Fawood Children's Centre, the Hub, Hillside reception, Brent START Stonebridge, Hillside Primary Care Centre and St Michael's nursery.

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

This summarises all the above different consultation responses received, with the exception of the petition which is dealt with separately.

The Council distributed around 6,700 leaflets, around 60 individuals attended consultation events (excluding Brent Connects which was not exclusively for this consultation) and we received 90 written submissions (papers, on line and 17 A4 signed standard documents). Most of the written responses were from local people and around 1/3 from people who did not live in Brent. The Council also received one response on the phone ahead of the start of the consultation.

The majority of responses focused on the loss of the Adventure Playground and the desire to keep this provision. A number of responses only discussed the Adventure Playground proposals, with many of these respondents saying they didn't like anything about the proposal. The highlights of the responses are detailed below:

#### Stonebridge Primary School Expansion

- That the school expansion should be re planned so not to be at the expense of the Adventure Playground or to leave the school on two sites.
- Due to the school having the annexe site it was felt that the school expansion was only providing a further 30 places.
- There was a general understanding for the need for school places.
- There were respondents who welcomed the school being on one site.

#### Loss of Adventure Playground

- The value of play and play facilities (including the indoor space).
- Respondents focused on the BPA service.

#### Termination of existing occupation arrangement with BPA

- Importance of the safe and supervised nature of the provision.
- Importance of the facility in terms of childcare – including after school and summer school provision.
- As a place for children to go without which they could partake in anti-social behaviour/crime.
- The facility being a free provision.

#### Termination of existing occupation arrangements with the London Welsh School

- There were limited responses on the Welsh School.
- Responses questioned what the future of the Welsh School would be.

#### Open Space

- People wanted to see the open space improved.

- The proposed open space and improvements to the canal feeder were welcomed.
- Residents did not want to see a loss of open space or trees.

#### Stonebridge Former Day Centre & Housing

- There was a mixed response to whether there should be more housing.
- A number of respondents did not want to see more housing, especially on the current open space site and the Milton Avenue site.
- For those who did wish to see more housing there was a desire for houses as opposed to flats and for the homes to be affordable.
- There was a desire for no high rises and for good design.

#### Other Issues

- Generally the new play space was unsupported as it was seen as unsafe; as it was by a road and unsupervised.
- Traffic and parking issues were raised in regards to the needs to address current provision and the impact of the proposals.
- The proposals need to ensure community cohesion.

A detailed consultation analysis is appended to this report.

Equalities information is only available as part of the leaflet/online responses (which had 66 returns). Where it states “not known” this is where the respondent either identified that they would prefer not to say or who did not put a response for the question.

The census data (for the Stonebridge ward) from 2011 is also included:

#### Age

The majority of respondents 40.9% (17) were aged 35-54. The lowest response was from people aged 16-24 1.5% (1). With 10.6% between the age of 0-15 (7). 28.8% (19) of respondent's ages were not known.

#### Age Census 2011:

0-4:	8.86% (1,498)
5-19:	26.11% (4,413)
20-34:	22.15% (3,744)
35-49:	21.10% (3,566)
50-64:	13.10% (2,215)
65+:	8.68% (1,467)

As most the responses were in respect of BPA the age profile is as expected comprising adults 35-54 (we assume but don't really know parents / guardians and carers) and young people 0-15.

#### Health & disability



In response to the question – “Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?” 10.6 %(7) said yes. With 50% (33) saying no. The remainder is not known.

Health & disability census 2011:

Day-to-day activities limited a lot: 8.42% (1,423)

Day-to-day activities limited: 8.09% (1,368)

Day to day not limited: 83.49% (14,112)

The 10.6% response from people with health problems or disabilities compares well with census 2011 responses with 16.51% saying their day to day activities were with limited a lot or limited.

### Sex

The majority of respondents were female 48.5% (32). 19.7% (13) were male. And 31.8% not known.

Sex census 2011:

Male: 48.35% (8,173)

Female: 51.65% (8,730)

We assume, but don't really know, that the comparatively low level of engagement in the survey by men may reflect current household child caring arrangements.

### Gender

When asked if respondents gender identify is the same as the gender at birth. 54.5 %(36) said yes with 45.5% (30) not known.

### Ethnicity

The majority 31.8% (21) were black. 22.7% (15) white. 4.5% (3) mixed. 4.5% (3) other. And 0% Asian. 36.4% (24) is not known.

Ethnicity census 2011:

Asian: 16.97% (2,868)

Black: 47.17% (7,973)

Mixed: 6.33% (1,070)

White: 23.50% (3,973)

Other: 6.03% (1,019)

No responses from the Asian does not align with the census data and a plan on how to better engage is part of the community needs to be considered as part of future consultation. As a large number of responses focused on the adventure playground, as the number of Asian people using the BPA service in Stonebridge is low, the consultation responses could be indicative of this.

### Sexual orientation

48.5% (32) were heterosexual/straight, with 50% (33) not known 1.5% (1) was bisexual.

Census 2011:

This question was not included in the census

#### Religion or belief

30.3% (20) were Christian. 18.2% (12) had no religious belief. 42.4% (28) were not known. 6.1% (4) were Muslim. 1.5% (1) was Jewish. 1.5% (1) was agnostic. And 0% was Hindu and Sikh.

Religion 2011 census:

Buddhist:	0.44% (74)
Christian:	49.86% (8,436)
Hindu:	6.32% (1,069)
Jain:	0.10% (17)
Jewish:	0.17% (29)
Muslim:	28.20% (4,772)
Sikh:	0.16% (27)
Other religion:	0.50% (84)
No religion:	6.72% (1,137)
Religion not stated:	7.54% (1,275)

As per the 2011 census responses, the largest religious communities in Stonebridge Park are Christians (49.9%) and Muslims (28.2%), when compared with survey respondents it suggests a very low response rate from the Muslim community.

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

We have used feedback to inform our future plans as detailed in the section below.

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

Where negative impacts have been identified, we have used the information to develop mitigation options.

#### Stonebridge Primary School Expansion

Officers have asked the project architects to consider if the school expansion could be delivered with the adventure playground in situ – see below ‘adventure playground’.

#### Loss of Adventure Playground

Accommodation based solutions:

- Redesign the school expansion plans to see if at all possible the adventure

playground can stay put, as above. The plan produced by the architect's shows a severely compromised open space solution which would need to be measured to ensure no loss of area. Officers have discussed the plan with BPA and the initial feedback is that the proposals are unsuitable in the main.

- To work with the adjoining land owner Hyde Housing Association – Hillside Housing Trust considering options on their land.
- Or provision for alternative play or adventure equipment to form part of redevelopment (unsupervised provision).

#### Termination of existing occupation arrangement with BPA

As per section 3. The Brent Cabinet forward plan / agenda for the meeting on 26 January 2015 includes a paper from the Strategic Director of Children and Young people on the proposed BPA funding cuts and an equality analysis in respect of the service and service users. Only if the service user's mitigation plan requires accommodation for BPA will these accommodation solutions be developed.

#### Termination of existing occupation arrangements with the London Welsh School

We will continue to work through the previously identified mitigation plan aiming to work with the school in delivering a relocation strategy.

#### Open space

Where there is a loss of trees we, we expect as part of the planning process for any tree loss to be mitigated by planting new ones. We will work through the detailed at planning application stage.

#### The Former Day Centre Site and Housing

As per Brent's housing strategy we will look to provide a mix of both homes for sale and rent including affordable. The detailed will become clearer as the proposals go through the planning process.

#### Other issues

Officers will work with planning and sports and parks to identify other alternative solutions to the proposed play provision.

**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.**

#### Outcome of public consultation

In respect of consultation overall, in future Officers will look to find ways in which to better engage with all sections of the community in particular Asian and Muslim

households who although forming a reasonable proportion of the Stonebridge community in the 2011 census, no or low responses were forthcoming from them.

#### Loss of Adventure Playground

Accommodation based solutions:

- Redesign the school expansion plans to see if at all possible the adventure playground can stay put, as above. The plan produced by the architect's shows a severely compromised open space solution which would need to be measured to ensure no loss of area. Officers have discussed the plan with BPA and the initial feedback is that the proposals are unsuitable in the main.
- To work with the adjoining land owner Hyde Housing Association – Hillside Housing Trust considering options on their land, principle has been discussed detail needs to be worked through.

#### Termination of existing occupation arrangement with BPA

As per section 3. The Brent Cabinet forward plan / agenda for the meeting on 23 February 2015 includes a paper from the Strategic Director of Children and Young people on the proposed BPA funding cuts and an equality analysis in respect of the service and service users. Only if the service user's mitigation plan requires accommodation for BPA will these accommodation solutions be developed.

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

- 2011 Census data;
- Brent's School Expansion Strategy 2014-18;
- Stonebridge Primary School Ofsted inspection report in 2013;
- Planning applications records;
- Charity Commission records;
- Companies House records;
- Brent Play Association accounts for the year end 31 March 2013;
- Brent's Play Strategy 2005-8;
- Brent Cabinet forward plan / agenda for the meeting on 26 January 2015;
- Brent Cabinet report 15 December 2014 from the Chief Finance Officer on the Budget;
- Dfe records;
- The Welsh School Ofsted inspection report latest;
- Brent Park strategy 2010-15;
- 21 July 2014 Brent Cabinet approved Housing Strategy 2014-19;
- Metropolitan Police neighbourhood crime league tables;
- Stonebridge Redevelopment including Primary School Expansion consultation leaflet and outcomes; and
- Census 2011 data.

## **7. Analysis summary**

Please tick boxes to summarise the findings of your analysis.

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

## 8. The Findings of your Analysis

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

### No major change

*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.*

On 16 September 2013, the Executive approved the principles of redevelopment. The proposals included the relocation or termination of arrangements with the Welsh School, which was a negative which Officers have been looking to mitigation, the council in is active discussions Welsh School and a relocation plan has been agreed in principle subject to planning consent and Fields in Trust approval.

In respect of currently proposals, the loss of adventure playground will negatively impact BPA and its staff, BPA service users (children and their families). Due to the local make up (as per 2011 census data) which comprises a higher then average 5-19 year old population, in an area which comprises a high concentration of socially rented homes which suggest deprivation, means that BPA services are likely to be in demand.

The most up-to date plans result in the following impacts:

Area	September 2013	February 2015
Stonebridge School	Positive	Positive
Adventure Playground	Positive	Negative
Open Space	Negative	Positive
The former day centre site & housing	Positive	Positive
Welsh School	Negative	Positive

Public consultation was undertaken on current proposals resulting in a well publicised campaign to save the playground and a petition being submitted to the Council, the majority of 60 attendees at consultation events and 90 of the paper responses focused on keeping the adventure playground provision.

To mitigate against this negative impact the following accommodation based solutions could be developed:

- Redesign the school expansion plans to see if at all possible the adventure playground can stay put, as above. The plan produced by the architect's shows a severely compromised open space solution which would need to be measured to ensure no loss of area. Officers have discussed the plan with BPA and the initial feedback is that the proposals are unsuitable in the main.
- To work with the adjoining land owner Hyde Housing Association – Hillside Housing Trust considering options on their land, principle has been discussed detail needs to be worked through.

In respect of the BPA service, the December 2014 Cabinet report from the Chief finance officer proposed funding cuts. The Brent Cabinet forward plan / agenda for the meeting on 23 February 2015 includes a paper from the Strategic Director of Children and Young people on the proposed funding cuts including an equality analysis and mitigation plan. Only if the service's mitigation plan requires accommodation for BPA will accommodation solutions be developed.

In respect of consultation overall, in future Officers will look to find ways in

which to better engage with all sections of the community in particular Asian households who although forming a reasonable proportion 17% of the local community in the 2011 census, no responses were forthcoming from them.

All other outcomes of consultation will be further developed as proposals move through planning, particular to the open space we will work with colleagues in sports and parks to develop an alternative solution to the play space which the public said they did not like.

We recognise the mitigations may not fully mitigate all negative impacts and that some may not work for various reasons. However due to ongoing demand for school places and homes, the recommendation is to proceed as proposed. Leaving the adventure playground in situ would compromise the overall development impact.

#### **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:*

We recognise the mitigations may not fully mitigate all negative impacts and that some may not work for various reasons, or that they may not be deemed necessary. Due to ongoing demand for school places and homes (as set out in section 3), the recommendation is to proceed as proposed. Leaving the adventure playground in situ would compromise the overall development impact.

#### **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.

As a result of the consultation, revised project outcomes are as follows:

1. The revised principles of redevelopment:
  - (i) That the former Stonebridge Day Centre site - currently the Stonebridge Primary School Annex (a temporary use) and Milton Avenue be re-planned to provide new homes;
  - (ii) That Stonebridge Primary School be expanded from 2 Forms of Entry to 3 Forms of Entry;
  - (iii) That in respect of the Adventure Playground the land be re-planned to form part of the expanded Primary School;
  - (iv) That the Open Space is re-planned to provide an equivalent area, of improved quality, running alongside the existing canal feeder;
  - (v) That the existing open space at the frontage of the site be re-planned for housing;
  - (vi) That the School building currently let to the Welsh School revert back to the primary School; and
  - (vii) That an alternative proposal in respect of play provision be developed on site.
2. That formal statutory consultation on the proposed expansion of Stonebridge Primary School from 2 Forms of Entry to 3 Forms of Entry is undertaken, subject to approval of the school's Governing Body to proceed to this stage on the basis of the proposals approved by the Cabinet as described in this report.
3. That existing occupation arrangement (as per Confidential Appendix 3) with Brent Play Association are terminated and that the mitigation plan included within the Diversity Implications section of this report is implemented.
4. That existing occupation arrangement (as per Confidential Appendix 3) with Ysgol Gymraeg Llundain, the Welsh School are terminated and that the relocation plan is progressed.

These outcomes will form part of a detailed project delivery plan, which will be monitored to ensure progress.

## 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
Provision of new homes at the former		Jill Rennie	Aligning with Brent's Housing Strategy 2014-		



day centre site and existing open space.			19 the provision of new homes to meet rising demand.		
<p>Expansion of Stonebridge Primary School from 2 FE to 3.</p> <p>Formal statutory consultation on the proposed expansion.</p> <p>The adventure playground to form part of the school.</p> <p>That existing occupation arrangement with Brent Play Association are terminated and that the mitigation is implemented.</p> <p>The buildings occupied by the Welsh School revert back to Stonebridge Primary School.</p> <p>That existing occupation arrangement with the Welsh School are</p>		<p>Simon Emma Sweeney (Expansion)</p> <p>Jill Rennie (Welsh School &amp; redevelopment)</p> <p>Simon Topping (BPA)</p>	<p>Aligning with Brent's School Expansion Strategy 2014-18 and Stonebridge Census 2011 data which shows a higher than average number of 5-19 year olds, the project of new school places to meet rising demand.</p> <p>Provision of new school places that are designed to align with current school building space space guidelines.</p>		

terminated and that the relocation plan is progressed.					
Open Space is re-planned to provide an equivalent area, of improved quality, running alongside the existing canal feeder.		Jill Rennie	Open space that is accessible, visible, with improved lighting to reduce the fear of crime, providing a benefit for all the community.		
That an alternative proposal in respect of play provision be developed on site.		Jill Rennie	An improved play/adventure offer in response to the outcome of public consultation.		

**Please forward to the Corporate Diversity Team for auditing.**

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

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

### ***The Equality Act 2010***

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

- Eliminate discrimination, be it direct or indirect discrimination
- Advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it; and
- Foster good relations between people who share a protected characteristic and those who do not share it

The equality duty covers:

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

### ***What is equality analysis?***

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

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

### ***What should be analysed?***

Due consideration of the need for an Equality Analysis should be addressed in relation to all policies, practices, projects, activities and decisions, existing and new. There will be some which have no equalities considerations, but many will. Where an

EA is undertaken, some policies are considered a higher risk than others and will require more time and resources because of their significance. This would include:

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

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

#### *When should equality analysis be done?*

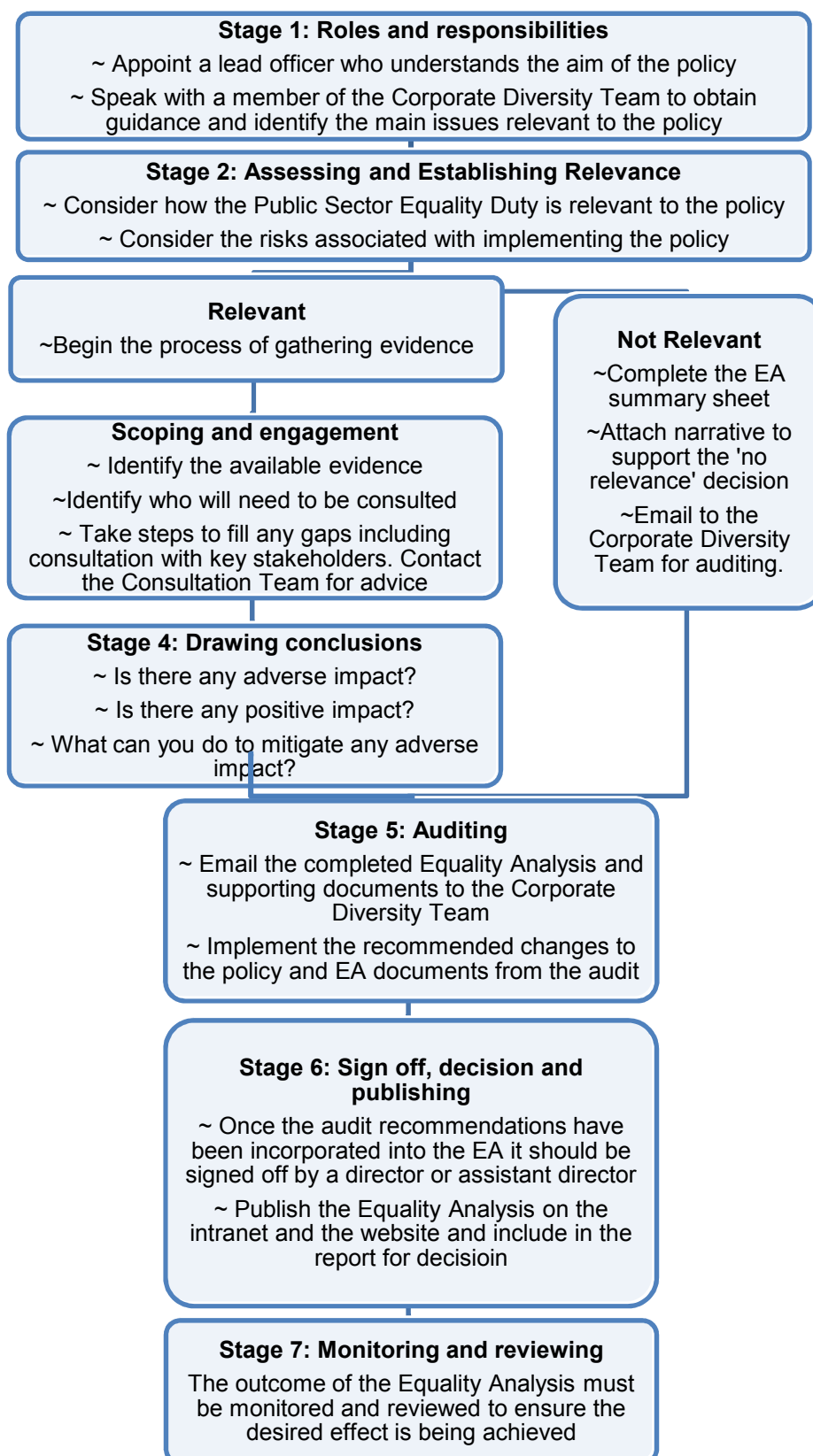
The EA must be completed before the policy is sent to the decision maker but should be carried out at the earliest possible stage. The advantage of starting early is that the equalities data informs and shapes the policy as it develops and progresses and this allows more time to address issues of inequality.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

#### **Positive action**

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

## Brent Council's Equality Analysis Process

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



## Stage 1: Roles and Responsibilities

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

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

## Stage 2: Assessing and Establishing Relevance

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

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

### **Key Questions:**

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

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

### **“Not relevant”**

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

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

## **Stage 3: Scoping**

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

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

Think about:

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

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

### ***Sources of information***

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

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



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

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

### ***Service user information***

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

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

### ***Identify your information gaps***

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

### ***Engagement***

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

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

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

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

For your engagement to be effective you will need to:

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

#### **Stage 4: Drawing conclusions**

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

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

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

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

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

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

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

There are four main steps that you can take:

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

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

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

### **Stage 5: Auditing**

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

### **Stage 6: Sign Off, Decision and Publishing**

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

## ***Decision-making***

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

## **Stage 7: Monitoring and Reviewing**

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

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

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

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

### Section 3: Glossary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **A Summary of the Equality Act 2010**

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

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

The act prohibits:

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

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

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

### **The Public Sector Equality Duty**

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

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



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

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

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

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