



Equalities Committee

20 February 2017

Report from the Director of Human Resources and Organisational Development

For Information

Wards affected:
ALL

Report title: Council's Equality Analysis process

1.0 Summary

- 1.1 The report outlines the Council's Equality Analysis (also known as Equality Impact Assessment) process of assessing the potential / likely impacts of proposed changes on service users with protected characteristics. The Equality Analysis (EA) process aims to ensure that the Council's decision-making is evidence-based and robust.
- 1.2 The organisation has a similar internal EA process for restructures which is outside the scope of this report.

2.0 Recommendation(s)

- 2.1 The Equalities Committee to note the contents of this report.

3.0 Detail

Background

- 3.1 EAs have been core to policy design, service development and decision making at Brent for over ten years. The council's approach to equality analysis is an essential tool helping officers and Members to give thoughtful consideration to how our work could affect people with protected characteristics and whether our policies and practices are fair.
- 3.2 EAs are the most effective way to ensure the council is having due regard to its Public Sector Equality Duty. Occasionally, service users or organisations representing a group of service users will ask a court for a Judicial Review. This will usually be because they believe a proposed change will have a disproportionate and negative impact on a group with a protected characteristic and that this impact hasn't been sufficiently considered or addressed. An EA is a key part of the Council's due diligence process ensuring that such factors have been taken into account and that there are appropriate actions to mitigate impacts where required.

- 3.3 In early 2015 the Council, in partnership with Marshall ACM, developed and launched an online Equality Analysis (EA) process to analyse the impact of decisions on service users with protected characteristics. The online process also incorporated a screening tool to help officers determine whether a full EA is required and that the level of analysis is proportionate to the relevance to equality. The EA template is available in **Appendix 1**.
- 3.4 The launch of the online EA system has been supported by a structured communications and face-to-face training programme. The Equality team also introduced a mandatory e-learning module for all officers carrying out equality analyses and senior officers who are signing them off. Staff cannot access the online EA system until they have completed this training.
- 3.5 In order to further strengthen the EA approach, equality considerations were incorporated in all business processes, including service planning, financial decision-making and procurement.
- 3.6 In addition, a section on Equality & Diversity (E&D) implications was incorporated in the Council/Cabinet/Committee report templates. The Guidance on Decision-making, report writing and scrutiny arrangements was also updated to ensure that report writers and decision-makers are aware of and consider the relevant E&D implications accordingly.

Outline of the Council's EA process

- 3.7 The online EA system is considered to be a low-cost and effective solution for mainstreaming the EA process and reminding officers to complete EAs in a timely manner. EA writers can access guidance at each step of the process, draw on statistics and information in the portal's resource library and see examples of good analyses to assist them in producing their EAs.
- 3.8 The Equality team provides ongoing one-to-one support and tailored EA training for services, as well as regular EA drop in sessions.
- 3.9 The current EA process involves the following steps and stakeholders:

Screening stage:

- 3.10 The service proposing the decision / service change has to complete a screening EA template at the beginning of the decision-making process.
- 3.11 If the conclusion of the screening is that a full EA is not required, then the relevant Director must sign off the screening template, a record of which is kept for monitoring purposes.
- 3.12 If after the screening for relevance, the EA writer is still unsure whether or not a full EA is required, they can contact the Equality team for advice.
- 3.13 If the conclusion of the screening is that a full EA is required, then the service must complete the full EA.

Full analysis:

- 3.14 The service proceeds to stage two of the process. The service's interaction with the Equality team will depend on the level of support required.
- 3.15 The completed draft full EA is sent to the Equality team for final review and comments.
- 3.16 The final EA is signed off by the relevant Director and a copy of it is kept for monitoring purposes. The service is also required to publish the EA.
- 3.17 If the proposal is required to go to CMT, Cabinet or another decision making body, a copy of the EA is attached to help inform the final decision.

Action planning, monitoring and review:

- 3.18 The EA is a live document and therefore should be updated when the decision/policy is changed or reviewed.
- 3.19 The service must ensure that the agreed actions as part of the EA are implemented accordingly.

Streamlining the process

- 3.20 While the EA process is sufficiently rigorous to support the Council in making evidenced-based decisions, the online EA system is currently underutilised and the feedback from EA users is mixed. Despite the comprehensive face-to-face EA training programme and support infrastructure put in place, some EA writers and approvers feel that system is not very intuitive and user-friendly.
- 3.21 Where required, the Equality team provides EA users with a WORD copy of the EA template and when it does so, receives consistent feedback that EA users prefer the offline approach.
- 3.22 One of the key advantages of having an online EA process is the reporting and monitoring function of the system. Unfortunately, this function is very limited so the Equality team still conducts manual recording and monitoring by interrogating individual EAs.
- 3.23 These aspects need to be reviewed to assess what further actions might be required to streamline the process and form part of the annual review of the contract with the EA system provider.

4.0 Financial Implications

- 4.1 The council has a rolling contract with Marshall ACM which is renewed on an annual basis (in May each year). The annual maintenance cost of the EA online system, including the e-learning module is £1,000 excluding VAT.

5.0 Legal Implications

- 5.1 While EAs are not a statutory requirement, a robust EA process is the most effective mechanism through which the Council can evidence that it adheres to its statutory obligations under s149 of the Equality Act 2010 (EA10), and enables the Council to sufficiently demonstrate 'due regard' to the Public Sector Equality Duty (PSED).

6.0 Diversity Implications

- 6.1 A robust equality analysis process does not only ensure that the Council can demonstrate compliance with the EA10 and the PSED, but also helps decision-makers to minimise any potential/likely negative impact and optimise positive equality outcomes for protected equality groups.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 There are no staffing/accommodation implications directly arising from this report.

Background Papers

Appendix 1 – Equality Analysis template

Contact Officers

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Appendix 1 – Equality Analysis template

Equality Analysis: *title of proposal/policy/decision in scope*

Department	Person Responsible
Created	Last Review
Status	Next Review

STAGE 1: SCREENING

1. What are the objectives and expected outcomes of your proposal? Why is it needed? Make sure you highlight any proposed changes.

2. Who is affected by the proposal? Consider residents, staff and external stakeholders.

3.1 Could the proposal impact on people in different ways because of their equality characteristics?

3.2 Could the proposal have a disproportionate impact on some equality groups?

If you answered 'Yes' please indicate which equality characteristic(s) are impacted

3.3 Would the proposal change or remove services used by vulnerable groups of people?

3.4 Does the proposal relate to an area with known inequalities?

3.5 Is the proposal likely to be sensitive or important for some people because of their equality characteristics?

3.6 Does the proposal relate to one of Brent's equality objectives?

Recommend this EA for Full Analysis?

Yes/No

4. If answered yes, use the comments box below to give brief details of what further information you will need to complete a Full Equality Analysis.

What information will give you a full picture of how well the proposal will work for different groups of people? How will you gather this information? Consider engagement initiatives, research and equality monitoring data.

STAGE 2: FULL ANALYSIS

5. What effects could your policy have on different equality groups and on cohesion and good relations?

5.1 Age (*select all that apply*)

- Positive
- Neutral
- Negative

Please give details:

5.2 Disability (*select all that apply*)

- Positive
- Neutral
- Negative

Please give details:

5.3 Gender Identity (*select all that apply*)

- Positive
- Neutral
- Negative

Please give details:

5.4 Marriage and civil partnership (*select all that apply*)

- Positive
- Neutral
- Negative

Please give details:

5.5 Pregnancy and maternity (*select all that apply*)

- Positive
- Neutral
- Negative

Please give details:

5.5 Race (select all that apply)

- Positive
- Neutral
- Negative

Please give details:

5.7 Religion or belief (select all that apply)

- Positive
- Neutral
- Negative

Please give details:

5.8 Sex (select all that apply)

- Positive
- Neutral
- Negative

Please give details:

5.9 Sexual orientation (select all that apply)

- Positive
- Neutral
- Negative

Please give details:

5.10 Other (please specify) (select all that apply)

- Positive
- Neutral
- Negative

Please give details:

6. Could any of the impacts you have identified be unlawful under the Equality Act 2010? Prohibited acts include direct and indirect discrimination, harassment, victimisation and failure to make a reasonable adjustment.

- Yes
- No

7. Please provide a brief summary of any research or engagement initiatives that have been carried out to formulate your proposal.

7.1 What did you find out from consultation or data analysis?

7.2 Were the participants in any engagement initiatives representative of the people who will be affected by your proposal?

7.3 How did your findings and the wider evidence base inform the proposal?

STAGE 3: ACTION PLANNING

At this stage you need to think about how to remove or reduce all the negative impacts that you have identified and how to maximise any opportunities to promote equality. This might mean making changes to your proposal or to the way that it is implemented.

8. What actions will you take to enhance the potential positive impacts that you have identified?

9. What actions will you take to remove or reduce the potential negative impacts that you have identified?

10. Please explain how any remaining negative impacts can be justified?