

Equality Impact Assessments (EIA) for all Key Decisions

5 September 2011

<u>Item</u>	<u>Pages</u>
6. REQUEST FOR DELEGATED AUTHORITY TO AWARD CROSS-AUTHORITY FRAMEWORK AGREEMENT FOR SELF-DIRECTED SUPPORT SERVICES	1 - 15
7. THE FUTURE OF THE LIFESTYLE PLUS CARD	16 - 27
8. PROJECT : 302 FULHAM PALACE ROAD LONDON SW6. WORKS: EXTERNAL AND COMMUNAL REPAIRS AND REDECORATIONS	28 - 35
9. DISPOSAL OF EDITH SUMMERSKILL HOUSE, CLEM ATTLEE ESTATE	36 - 46
10. SERVICE CHARGES FOR TENANTS	47 - 57
11. PROJECT : 1-67 JEPSON HOUSE, 2-38 & 40-54 PEARSCROFT ROAD, LONDON SW6. WORKS: INTERNAL AND EXTERNAL REFURBISHMENT INCLUDING WORKS TO SATISFY FIRE RISK ASSESSMENT REQUIREMENTS	58 - 66
12. INTRODUCTION OF INTERIM GUIDANCE TO SOCIAL LANDLORDS ON THE AFFORDABLE RENT TENURE IN LB HAMMERSMITH AND FULHAM	67 - 74

Equality Impact Analysis Full Tool with Guidance

Overview

This Tool has been produced to help you analyse the likelihood of impacts on the protected characteristics – including where people are represented in more than one – with regard to your new or proposed policy, strategy, function, project or activity. It has been updated to reflect the new public sector equality duty and should be used for decisions from 5th April 2011 onwards. It is designed to help you analyse decisions of high relevance to equality, and/or of high public interest.

General points

1. 'Due regard' means the regard that is appropriate in all the circumstances. In the case of controversial matters such as service closures or reductions, considerable thought will need to be given the equalities aspects.
2. Wherever appropriate, and in all cases likely to be controversial, the outcome of the EIA needs to be summarised in the Cabinet/Cabinet Member report (section 08 of this tool) and equalities issues dealt with and cross referenced as appropriate within the report.
3. Equalities duties are fertile ground for litigation and a failure to deal with them properly can result in considerable delay, expense and reputational damage.
4. Where dealing with obvious equalities issues e.g. changing services to disabled people/children, take care not to lose sight of other less obvious issues for other protected groups.

Timing, and sources of help

Case law has established that having due regard means analysing the impact, and using this to inform decisions, thus demonstrating a conscious approach and state of mind ([2008] EWHC 3158 (Admin), [here](#)). It has also established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, through to the recommendation for decision. It should demonstrably inform, and be made available when the decision that is recommended. This tool contains guidance, and you can also access guidance from the EHRC [here](#). If you are analysing the impact of a budgetary decision, you can find EHRC guidance [here](#). Advice and guidance can be accessed from the Opportunities Manager: PEIA@lbhf.gov.uk or ext 3430.

Full Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	2011/12
Name and details of policy, strategy, function, project, activity, or programme	<p>New Cross Authority Framework Agreement for provision of Self Directed Support Services. London Boroughs of Brent Hammersmith and Fulham, Hillingdon and Royal Borough of Kensington and Chelsea will be able to use the Framework Agreement to buy support services for adults, children and young people in receipt of direct payments to help them manage their budget and buy appropriate services. There is no current impact on council staff.</p> <p>This tender exercise does not require an organisational change assessment as Direct Payments are already being made for social care payments.</p> <p>The Direct Payment Support Service is currently provided by an external provider and Support Planning and brokerage is provided by the internal Support Planning service. As Hammersmith and Fulham Council currently provide support planning in house the Support Planning and Brokerage element of the framework will not be used in the short to medium term, although the position could change during the 4 year life of the framework agreement.</p>
Lead Officer	<p>Name: Christine Baker Position: Procurement Manager Email: christine.baker@lbhf.gov.uk Telephone No: 020 87531447</p>
Date of completion of final EIA	11/7/2011

Page 2

Section 02	Scoping of Full EIA
Plan for completion	<p>Timing - Framework to be used from November 2011 Resources - CSD, Quality Commissioning and Procurement Lead Officer - Christine Baker</p>

What is the policy, strategy, function, project, activity, or programme looking to achieve?

Direct Payments, as a policy, is part of the government's wider vision for social care services. The payments themselves are monetary payments made in lieu of directly provided services to individuals who have had their needs assessed under the Community Care legislation. Direct payments are one way in which people can direct their own support by purchasing the assistance or services that the council would otherwise provide. They are crucial to delivering the personalisation agenda as set out in *Putting People First*. In providing Direct Payments, local authorities are also expected to provide an adequate service to support those who need assistance in managing their Direct Payments.

The overarching intention of the proposal via the framework, of the four Councils, is to develop the range of support available to eligible service users in the Boroughs so that their needs are met in a more comprehensive and integrated way. With the development of self-directed support and Personal Budgets - the personalisation agenda - the underlying driver is to improve the choice and control that people have over the support they receive.

Regarding the Public Sector Equality Duty, the proposed Framework Agreement will enable the council to buy services which will aim to advance equality of opportunity by give more choice and control to people in the protected groups below, regarding the care and support services they purchase with their own budget.

Age	The proposed Framework Agreement will advance equality of opportunity by giving more choice and control to people of all ages in receipt of a direct payment to enable them to buy care and support services with their own budget.	L	Neutral
Disability	The proposed Framework Agreement will advance equality of opportunity by giving more choice and control to disabled people in receipt of a direct payment to enable them to buy care and support services with their own budget. Disabled people are more likely than non-disabled people to be in receipt of a Direct Payment, and as such, the proposal is of high relevance to Disability and is positive, as it gives disabled people more control over their care.	H	+
Gender reassignment	The proposed Framework Agreement may advance equality of opportunity by giving more choice and control to people undergoing gender reassignment in receipt of a direct payment to enable them to buy care and support services with their own budget. However, in general the framework is of low relevance to this protected characteristic and will have a neutral impact, as it is matters that relate to disability that are assessed for the payments themselves.	L	Neutral

Marriage and Civil Partnership	Support services purchased using the Framework Agreement gives the same opportunity to partners, whether married or in a Civil Partnership, who are in receipt of a direct payment to enable them to buy care and support services with their own budget. However, in general the framework is of low relevance to this protected characteristic and will have a neutral impact, as it is matters that relate to disability that are assessed for the payments themselves.	L	Neutral
Pregnancy and maternity	Support services purchased using the Framework Agreement gives an opportunity to women and young people who are pregnant and who are in receipt of a direct payment to enable them to buy care and support services with their own budget. However, in general the framework is of low relevance to this protected characteristic and will have a neutral impact, as it is matters that relate to disability that are assessed for the payments themselves. Pregnancy is not a disability for the purposes of the Equality Act 2010	L	Neutral
Race	Advance equality of opportunity by giving more choice and control to people of all races who are in receipt of a direct payment to enable them to buy care and support services with their own budget. However, in general the framework is of low relevance to this protected characteristic and will have a neutral impact, as it is matters that relate to disability that are assessed for the payments themselves.	L	Neutral
Religion/belief (including non-belief)	Advance equality of opportunity by giving more choice and control to people of all religions and beliefs who are in receipt of a direct payment to enable them to buy care and support services with their own budget. However, in general the framework is of low relevance to this protected characteristic and will have a neutral impact, as it is matters that relate to disability that are assessed for the payments themselves.	L	Neutral
Sex	Advance equality of opportunity by giving more choice and control to people of both sexes who are in receipt of a direct payment to enable them to buy care and support services with their own budget. However, in general the framework is of low relevance to this protected characteristic and will have a neutral impact, as it is matters that relate to disability that are assessed for the payments themselves. Women are more likely than men to be carers or to need support in older age, and so there may be other indirect benefits to the Framework, in as much as	L M	Neutral Positive

	women would benefit more from the choice and control this offers than men would. As such, this aspect is of medium relevance and is positive.		ve
Sexual Orientation	Advance equality of opportunity by giving more choice and control to people of different sexual orientations who are in receipt of a direct payment to enable them to buy care and support services with their own budget. However, in general the framework is of low relevance to this protected characteristic and will have a neutral impact, as it is matters that relate to disability that are assessed for the payments themselves.	L	Neutral

Human Rights and Children's Rights

Will it affect Human Rights, as defined by the Human Rights Act 1998?

No

Will it affect Children's Rights, as defined by the UNCRC (1992)?

Yes:

- The right to life, survival and development
- The right to have their views respected, and to have their best interests considered at all times
- Health and welfare rights, including rights for disabled children, the right to health and health care, and social security

These are noted here, as those under 18 are not included in the protected characteristic of Age under the Equality Act 2010

Section 03	Analysis of relevant data and/or undertake research
Documents and data reviewed	Breakdown of Data on Direct Payment 2010/11. Analysis of service user questionnaires and service user consultation meetings
New research	Equality monitoring requirements will be built into the service providers' contracts. Service providers will be required to meet their obligations under the Equality Act 2010.

Section 04	Undertake and analyse consultation
-------------------	---

Consultation	<p>Service User consultation commenced in June 2010 with Council Commissioning and Procurement officers attending the service user group and informing the members of the Council's intention to re-tender the Direct Payments Support Service and inviting their participation in the process including the designing of the service specification. Three other events have been held since June 2010 including a questionnaire designed with service users and sent to all Direct Payments service users in H&F. This involvement is on going with plans for Service User nominated representatives to be part of the Tender Assessment Panel.</p>
Analysis	<p>This is a new area of commissioning and the procurement exercise it taking place in a new and emerging market. Although organisations have been encouraged to form partnerships and we have been careful to avoid disadvantaging small providers, some small and specialist voluntary sector organisations may not respond well to competition, and may challenge the fairness of the process.</p> <p>Although we have communicated our intentions to commission and procure a framework which will ensure minimum quality standards, there remains some concern amongst service users that the Council is ending the contract with the existing provider for Direct Payment Support Services and procuring a new service.</p> <p>Service users are involved in the commissioning and procurement process. Although we are clearly communicating their remit as part of the tender evaluation there is a concern amongst some service users that they should have even more involvement in the evaluation process.</p> <p>It is important that the TUPE regulations which apply to external staff in the Hammersmith and Fulham Direct Payment Support Service are fully complied with. The process could potentially delay the call off of the Direct Payment Support service.</p>

Section 05	Analysis of impact and outcomes
Analysis	<p>There is no risk of unlawful discrimination relating to the framework agreement. However this is a new area of commissioning and the procurement exercise it taking place in a new and emerging market. Although organisations have been encouraged to form partnerships and we have been careful to avoid disadvantaging small providers, some small and specialist voluntary sector organisations may not respond well to competition, and may challenge the fairness of the process.</p> <p>Although we have communicated our intentions to commission and procure a framework which will ensure minimum quality standards, there remains some concern amongst service users that the Council is ending the</p>

	<p>contract with the existing provider for Direct Payment Support Services and procuring a new service.</p> <p>Service users are involved in the commissioning and procurement process. Although we are clearly communicating their remit as part of the tender evaluation there is a concern amongst some service users that they should have even more involvement in the evaluation process.</p>
--	---

Section 06	Reducing any adverse impacts
Outcome of Analysis	<p>The procurement process will continue to take measures to ensure fairness and transparency in the treatment of all providers including small providers. For example we have had discussions with finance about financial checks on small providers and we have answered questions about how providers can form consortia. We will also allow small specialist providers to indicate that they want to apply to provide support to particular groups of service users only.</p> <p>The procurement process will ensure that only providers with the essential minimum quality standards are awarded a place on the Framework.</p> <p>Commissioners are in discussion with Direct Payment service users regarding the remit and scope of service user involvement in the tender assessment. Service users from the H & F Direct Payment Service User Group and from other boroughs will evaluate 50% of the quality questions as part of the tender appraisal process.</p>

Section 07	Action Plan
Action Plan	See outcome of analysis above

Section 08	Agreement, publication and monitoring
Chief Officer sign-off	<p>Name: Benedict Hefford Position: Assistant Director Email: benedict.hefford@lbhf.gov.uk</p>

	Telephone No: 020 8753 2588
Key Decision Report	Date of report to Cabinet - 11/ 07/ 2011 (for Cabinet Briefing on 18/7/2011 – for 5 th September Cabinet) Confirmation that key equalities issues found here have been included: Yes
Opportunities Manager for advice and guidance only	Name: Carly Fry Position: Opportunities Manager Date advice / guidance given: 12 July 2011 Email: PEIA@lbhf.gov.uk Telephone No: 020 8753 3430

Full Equality Impact Analysis Guidance

Section 02	Scoping of EIA
What is the policy, strategy, function, project, activity, or programme looking to achieve?	<p>Hereafter, 'policy' means policy, strategy, function, project, activity, or programme</p> <p>Disability Service providers also have an anticipatory duty to make reasonable adjustments for disabled people. These two duties frequently overlap and it is sensible to consider them together. For example, can you:</p> <ul style="list-style-type: none"> ▪ Provide accessible communications? ▪ Change how you collate and use data? ▪ Revise how you involve service users? <p>Analyse the impact of the policy on the protected characteristics with due regard to the Public Sector Equality Duty.</p> <p>Use your reasoning in order to determine whether the policy will be of high, medium or low relevance to the protected characteristics. What do we mean by these terms?:</p> <p>High</p> <ul style="list-style-type: none"> ▪ The policy, strategy, function, project, activity, or programme is relevant to all or most parts of the general duty, and/or to human/children's rights ▪ There is substantial or a fair amount of evidence that some groups are (or could be) differently affected by it ▪ There is substantial or a fair amount of public concern about it <p>Medium</p>

- The policy, strategy, function, project, activity, or programme is relevant to most parts of the general duty, and/or to human/children's rights
- There is some evidence that some groups are (or could be) differently affected by it
- There is some public concern about it

Low

- The policy, strategy, function, project, activity, or programme is not generally relevant to most parts of the general duty, and/or to human/children's rights
- There is little evidence that some groups are (or could be) differently affected by it
- There is little public concern about it

Use your reasoning to determine whether the impact will be positive, neutral, or negative. There are three possible outcomes:

- **Positive:** The EIA shows the policy is not likely to result in adverse impact for any protected characteristic and does advance equality of opportunity, and/or fulfils PSED in another way
- **Neutral:** The EIA shows the policy, strategy, function, project or activity is not likely to result in adverse impact for any protected characteristic and does not advance equality of opportunity, and/or fulfils PSED in another way
- **Negative:** The EIA shows the policy, strategy, function, project or activity is likely to have an adverse impact on a particular protected characteristic(s) and potentially does not fulfil PSED, or the negative impact will be mitigated through another means.

Should your policy not be applicable, you must note this and state why.

Human Rights, Children's Rights

Additionally, demonstrate here that the impact on **Human and/or Children's Rights** arising from the policy has been considered.

Human Rights

Public authorities have an obligation to act in accordance with the European Convention on Human Rights. These are:

- Article 2: [Right to life](#)
- Article 3: [Freedom from torture and inhuman or degrading treatment](#)
- Article 4: [Right to liberty and security](#)

- Article 5: [Freedom from slavery and forced labour](#)
- Article 6: [Right to a fair trial](#)
- Article 7: [No punishment without law](#)
- Article 8: [Respect for your private and family life, home and correspondence](#)
- Article 9: [Freedom of thought, belief and religion](#)
- Article 10: [Freedom of expression](#)
- Article 11: [Freedom of assembly and association](#)
- Article 12: [Right to marry and start a family](#)
- Article 14: [Protection from discrimination in respect of these these rights and freedoms](#)
- Article 1 of Protocol 1: [Right to peaceful enjoyment of your property](#)
- Article 2 of Protocol 1: [Right to education](#)
- Article 3 of Protocol 1: [Right to participate in free elections](#)

(Article 1 of Protocol 13 is: Abolition of the death penalty)

Each of the above links takes you to explanations and examples provided by the EHRC. Further, the [EHRC](#) and the [Ministry of Justice](#) both provide guides for public authorities.

Children's Rights (UNCRC)

All children and young people up to the age of 18 years have all the rights in the Convention. Some groups of children and young people - for example those living away from home, and young disabled people - have additional rights to make sure they are treated fairly and their needs are met.

Every child in the UK has been entitled to over 40 specific rights. These include:

- The right to life, survival and development
- The right to have their views respected, and to have their best interests considered at all times
- The right to a name and nationality, freedom of expression, and access to information concerning them
- The right to live in a family environment or alternative care, and to have contact with both parents wherever possible
- Health and welfare rights, including rights for disabled children, the right to health and health care, and social security
- The right to education, leisure, culture and the arts
- Special protection for refugee children, children in the juvenile justice system, children deprived of their liberty and children suffering economic, sexual or other forms of exploitation

	<p>The rights included in the convention apply to all children and young people, with no exceptions.</p> <p>More information on UNCRC can be found at Direct Gov.</p>
--	---

Section 03	Analysis of relevant data and/or undertake relevant research
Documents and data reviewed	Data on Direct Payment 2010/11. Analysis of service user questionnaires and service user consultation meetings.
New research	

Section 04	Analyse or undertake consultation
Consultation	<p>Service User consultation commenced in June 2010 with Council Commissioning and Procurement officers attending the service user group and informing the members of the Council's intention to re-tender the Direct Payments Support Service and inviting their participation in the process including the designing of the service specification. Three other events have been held since June 2010 including a questionnaire designed with DP service users and sent to all direct payments users in H&F. This involvement is on going with plans for Service User nominated representatives to be part of the Tender Assessment Panel.</p> <p>Commissioning and Procurement have also hosted a briefing for providers on 27th May 2011 which include a presentation and a question and answer session about the Framework. This information has been widely circulated.</p> <p>The Transfer of Undertakings (TUPE) will apply to staff in the externally provided Hammersmith and Fulham Direct Payment Support Service and they have been made aware of this. It is important that the TUPE regulations are fully complied with. The process is could delay the call off of the Direct Payment Support service.</p>
Analyse	<p>This is a new area of commissioning and the procurement exercise it taking place in a new and emerging market. Although organisations have been encouraged to form partnerships and we have been careful to avoid disadvantaging small providers, some small and specialist voluntary sector organisations may not respond well to competition, and may challenge the fairness of the process.</p> <p>Although we have communicated our intentions to commission and procure a framework which will ensure minimum quality standards, there remains some concern amongst service users that the Council is ending the contract with the existing provider for Direct Payment Support Services and procuring a new service.</p>

Service users are involved in the commissioning and procurement process. Although we are clearly communicating their remit as part of the tender evaluation there is a concern amongst some service users that they should have even more involvement in the evaluation process.

It is important that the TUPE regulations which apply to external staff in the Hammersmith and Fulham Direct Payment Support Service are fully complied with. The process could potentially delay the call off of the Direct Payment Support service.

Section 05

Analysis of impact and outcomes

Analysis

Regarding the Public Sector Equality Duty the Framework Agreement will enable the council to buy services which will aim to advance equality of opportunity by giving more choice and control to people in the protected groups below, regarding the care and support services they purchase with their own budget.

Age	The proposed Framework Agreement will advance equality of opportunity by giving more choice and control to people of all ages in receipt of a direct payment to enable them to buy care and support services with their own budget.	L	Neutral
Disability	The proposed Framework Agreement will advance equality of opportunity by giving more choice and control to disabled people in receipt of a direct payment to enable them to buy care and support services with their own budget. Disabled people are more likely than non-disabled people to be in receipt of a Direct Payment, and as such, the proposal is of high relevance to Disability and is positive, as it gives disabled people more control over their care.	H	+
Gender reassignment	The proposed Framework Agreement may advance equality of opportunity by giving more choice and control to people undergoing gender reassignment in receipt of a direct payment to enable them to buy care and support services with their own budget. However, in general the framework is of low relevance to this protected characteristic and will have a neutral impact, as it is matters that relate to disability that are assessed for the payments themselves.	L	Neutral
Marriage and Civil	Support services purchased using the Framework Agreement gives the same opportunity to partners, whether married or in a Civil Partnership, who are in	L	Neutral

	Partnership	receipt of a direct payment to enable them to buy care and support services with their own budget. However, in general the framework is of low relevance to this protected characteristic and will have a neutral impact, as it is matters that relate to disability that are assessed for the payments themselves.		
	Pregnancy and maternity	Support services purchased using the Framework Agreement gives an opportunity to women and young people who are pregnant and who are in receipt of a direct payment to enable them to buy care and support services with their own budget. However, in general the framework is of low relevance to this protected characteristic and will have a neutral impact, as it is matters that relate to disability that are assessed for the payments themselves. Pregnancy is not a disability for the purposes of the Equality Act 2010	L	Neutral
	Race	Advance equality of opportunity by giving more choice and control to people of all races who are in receipt of a direct payment to enable them to buy care and support services with their own budget. However, in general the framework is of low relevance to this protected characteristic and will have a neutral impact, as it is matters that relate to disability that are assessed for the payments themselves.	L	Neutral
	Religion/belief (including non-belief)	Advance equality of opportunity by giving more choice and control to people of all religions and beliefs who are in receipt of a direct payment to enable them to buy care and support services with their own budget. However, in general the framework is of low relevance to this protected characteristic and will have a neutral impact, as it is matters that relate to disability that are assessed for the payments themselves.	L	Neutral
	Sex	Advance equality of opportunity by giving more choice and control to people of both sexes who are in receipt of a direct payment to enable them to buy care and support services with their own budget. However, in general the framework is of low relevance to this protected characteristic and will have a neutral impact, as it is matters that relate to disability that are assessed for the payments themselves. Women are more likely than men to be carers or to need support in older age, and so there may be other indirect benefits to the Framework, in as much as women would benefit more from the choice and control this offers than men would. As such, this aspect is of medium relevance and is positive.	L M	Neutral Positive

Sexual Orientation	Advance equality of opportunity by giving more choice and control to people of different sexual orientations who are in receipt of a direct payment to enable them to buy care and support services with their own budget. However, in general the framework is of low relevance to this protected characteristic and will have a neutral impact, as it is matters that relate to disability that are assessed for the payments themselves.	L	Neutral
<p>Human Rights and Children's Rights</p> <p>Will it affect Human Rights, as defined by the Human Rights Act 1998? No</p> <p>Will it affect Children's Rights, as defined by the UNCRC (1992)? Yes:</p> <ul style="list-style-type: none"> ▪ The right to life, survival and development ▪ The right to have their views respected, and to have their best interests considered at all times ▪ Health and welfare rights, including rights for disabled children, the right to health and health care, and social security <p>These are noted here, as those under 18 are not included in the protected characteristic of Age under the Equality Act 2010</p>			

Section 06**Reducing any adverse impacts**

Outcome of Assessment

This is a new area of commissioning and the procurement exercise it taking place in a new and emerging market. Although organisations have been encouraged to form partnerships and we have been careful to avoid disadvantaging small providers, some small and specialist voluntary sector organisations may not respond well to competition, and may challenge the fairness of the process.

Although we have communicated our intentions to commission and procure a framework which will ensure minimum quality standards, there remains some concern amongst service users that the Council is ending the contract with the existing provider for Direct Payment Support Services and procuring a new service.

Service users are involved in the commissioning and procurement process. Although we are clearly communicating their remit as part of the tender evaluation there is a concern amongst some service users that they should have should have even more involvement in the evaluation process.

It is important that the TUPE regulations which apply to external staff in the Hammersmith and Fulham Direct Payment Support Service are fully complied with. The process could potentially delay the call off of the Direct Payment Support service.

For further help please view the intranet, EHRC [website](#), or contact the Opportunities Manager at:

PEIA@lbhf.gov.uk

020 8753 3430

<http://theintranet/Departments/Finance%5Fand%5FCorporate%5FServices/Equality%5Fand%5FDiversity/>

Equality Impact Analysis Full Tool with Guidance

Overview

This Tool has been produced to help you analyse the likelihood of impacts on the protected characteristics – including where people are represented in more than one – with regard to your new or proposed policy, strategy, function, project or activity. It has been updated to reflect the new public sector equality duty and should be used for decisions from 5th April 2011 onwards. It is designed to help you analyse decisions of high relevance to equality, and/or of high public interest.

General points

1. 'Due regard' means the regard that is appropriate in all the circumstances. In the case of controversial matters such as service closures or reductions, considerable thought will need to be given the equalities aspects.
2. Wherever appropriate, and in all cases likely to be controversial, the outcome of the EIA needs to be summarised in the Cabinet/Cabinet Member report (section 08 of this tool) and equalities issues dealt with and cross referenced as appropriate within the report.
3. Equalities duties are fertile ground for litigation and a failure to deal with them properly can result in considerable delay, expense and reputational damage.
4. Where dealing with obvious equalities issues e.g. changing services to disabled people/children, take care not to lose sight of other less obvious issues for other protected groups.

Timing, and sources of help

Case law has established that having due regard means analysing the impact, and using this to inform decisions, thus demonstrating a conscious approach and state of mind ([2008] EWHC 3158 (Admin), [here](#)). It has also established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, through to the recommendation for decision. It should demonstrably inform, and be made available when the decision that is recommended. This tool contains guidance, and you can also access guidance from the EHRC [here](#). If you are analysing the impact of a budgetary decision, you can find EHRC guidance [here](#). Advice and guidance can be accessed from the Opportunities Manager: PEIA@lbhf.gov.uk or ext 3430.

Full Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	2011/12 – Q4 and 2012/13 onwards
Name and details of policy, strategy, function, project, activity, or programme	Cabinet Report 5 September 2011 –The future of the Lifestyle Plus Scheme
Lead Officer	Name: Chris Bunting Position: Acting Head of Libraries, Leisure and Fleet Transport Email: chris.bunting@lbhf.gov.uk Telephone No: 0208 753 2023
Date of completion of final EIA	24 August 2011

Page 17

Section 02	Scoping of Full EIA
Plan for completion	2011/12 – Q3-Q4 Resources – Data for service user take up, and the Leisure Needs Analysis 2009 Lead Officer – Chris Bunting
What is the policy, strategy, function, project, activity, or programme looking to achieve?	<p>The Lifestyle Plus scheme started in the 1980's with the then Leisure & Recreation Department. When the LPS was handed over to Education in 1994, membership cost £ 2.00 per person, per year, which has now risen to £20.50 per year. Membership of the scheme reached a peak in 1996 with 6,500 card holders but has declined over time to its present level of approximately 1,800.</p> <p>In May 2009 the council undertook a leisure needs assessment for the local area. The aim of was to inform the council on their future leisure and library infrastructure requirements in light of major developments across the borough over the forthcoming Local Development Framework (LDF) period. The key areas explored as part of this study included:</p> <ul style="list-style-type: none"> • overview of leisure and library provision across the LBHF • demographic analysis and market segmentation

- supply and demand assessment
- facility appraisal
- stakeholder consultation

The analysis provided a significant amount of information outlining the current and future supply and demand of the council's leisure facilities and the effect of the changing demographic upon such. The main findings were:

1. The market profiling identifies that the LBHF is currently a very active borough.
2. Based on market segmentation the following facilities are likely to be most popular:
 - Health and fitness sites (particularly private facilities)
 - Sport halls that provide high intensity sport activities
 - Swimming provision
 - Synthetic turf pitches that allow for informal high intensity team sports
3. As a number of these activities are popular amongst certain groups a multi-facility site is likely to be popular.
4. Despite high levels of participation there are low levels of satisfaction with facility provision.
5. Unless facility stock is improved participation levels are unlikely to reach their full potential.
6. There are certain demographic groups and geographical areas in the LBHF that have very low levels of physical activity. Strategically locating leisure provision and ensuring suitable access policies will be critical in addressing these issues.

Information: Protected characteristics and PSED

The public sector equality duty (PSED) states that in the exercise of our functions, we must have due regard to the need to:

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

Having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people from protected groups where these are different from the needs of

other people; and

- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

The Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others.

Age	<p>Analysis of impact on age including due regard to PSED (above).</p> <p>Eligibility for the LPS includes residents over 60, and students, and is therefore age-related. While students may be of any age, it is likely that the changes proposed are of high relevance to those over 60, and those aged 18-22. There are no changes to eligibility in terms of Age proposed but this EIA considers the impact of the other proposed changes for charges</p> <p>Over 60s For a person over 60 who is in receipt of means tested pension credit and is less able to afford to pay than others, the changes will be of more relevance and may be negative, although this is a balancing act because of the reduction of the relatively large annual fee of £20.50, which is proposed to go down to £2.00 per annum. The reduction of the annual fee could be positive, as it might make the scheme more accessible. The take up of the scheme has declined (see above) and this may help to reverse that trend.</p> <p>For the same person over 60, the increase in payment from the customer under proposed changes to the concessionary fares may be negative as they will be paying more money. However, this is also a balancing act, as the annual membership fee is proposed to be reduced.</p> <p>For a person over 60 who was the managing director of a large company and has just retired with a substantial company pension, the changes may be of less relevance or have less impact. As before, this is a balancing act because of the reduction of the relatively large annual fee of £20.50, which is proposed to go down to £2.00 per annum. The reduction of the annual fee could be positive, as it might make the scheme more accessible, albeit a relatively large annual fee</p>	<p>H</p> <p>H</p> <p>H</p> <p>H</p>	<p>-</p> <p>+</p> <p>-</p> <p>+</p>
-----	---	-------------------------------------	-------------------------------------

	<p>might be less of a factor for someone with more disposable income. The take up of the scheme has declined (see above) and this may help to reverse that trend.</p> <p>For the same person over 60, the increase in payment from the customer under proposed changes to the concessionary fares may be negative as they will be paying more money. However, this is also a balancing act, as the annual membership fee is proposed to be reduced.</p> <p>Over 60s summary Under the current pricing framework, both these individuals pay £20.50 per year for a Lifestyle Plus Card and benefit from the highest discounts, where an off peak time swim at Fulham Pools costs both of them £0.50p. By using the proposed leisure provider's concessionary schemes both could swim for as little as £1.40 per visit having paid only £3.00 per year for membership. This is £0.90p more than current access but the reduced joining fee reduces that further across the year. The reduction in the annual fee is £17.50 which equates to 19 swims per year before the scheme is more expensive than the existing. This should be considered as reasonable especially when benchmarking the cost to swim in other comparative local authorities. Schemes where the cost varies between 50p and £2.00 with the average at £1.42. Overall, the changes are of high relevance to the over 60s age group, and some aspects are positive, while some are negative.</p>	H	-
		H	+
Disability	<p>Analysis of impact on disability including due regard to PSED (above).</p> <p>Eligibility for the LPS includes Residents that are registered disabled or are in receipt of disability or invalidity allowance. As such, the scheme is of high relevance to disabled people.</p> <p>Eligible disabled residents will pay an extra £0.90 to £2.05 per visit to swim or use the gym respectively, under the proposed changes. The increase in payment from the customer under these proposals to changes to the concessionary fares may be negative as they will be paying more money.</p> <p>The annual membership will reduce from £20.50 per annum to just £3 per</p>	H	-

		<p>annum. The reduction of the annual fee could be positive, as it might make the scheme more accessible. The take up of the scheme has declined (see above) and this may help to reverse that trend.</p> <p>This is comparable with other local authority schemes.</p>	H	+
	Gender reassignment	<p>There is little data in H&F on the take-up of the LLS by those with this protected characteristic. However, it is considered that there will be no impact on gender reassignment including due regard to PSED (above), because the changes proposed do not and could not treat those who are, who have begun, or who have transitioned, in a different way. As such, the proposed changes are considered to be of low relevance and to have no impact.</p> <p>For clarity, this EIA notes the legal position on the difference between competitive sports that a transsexual person may want to access, and the goods, services and facilities that a transsexual person may want to access:</p> <p>Competition</p> <p>The Equality Act carries through the position on competition from the Gender Recognition Act, which is that it is permissible to restrict participation of a transsexual person in a sport, game, or competitive activity. However, a sports organiser can only do this if it is necessary in a particular case to secure fair competition or for the safety of other competitors.</p> <p>Goods, services and facilities</p> <p>The Equality Act obliges service providers to provide services in line their other obligations under the Act. This means that a service provider could not, for example, repeatedly ask for a person's Gender Recognition Certificate and could not discriminate by requesting that a person in their chosen identity of female, uses the male toilets, or that they use the disabled changing rooms.</p>	L	No impact

Marriage and Civil Partnership	The law does not require service providers to take into account the impact of what they do on married people and civil partners. The law does require public authorities to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status. As the LLS is being provided on the basis of marriage, or civil partnership status, this protected characteristic is not relevant in this case	N/A	N/A
Pregnancy and maternity	It is considered that there will be a medium impact on pregnancy and maternity including due regard to PSED (above) due to the increased cost outlined previously of parental and baby/child access to sessions at the centre.	M	-
Race	It is considered that there will be a medium impact on race including due regard to PSED (above) because of the high level of BME populations in the borough.	M	-
Religion/belief (including non-belief)	It is considered that there will a medium level impact on religion and belief as the cost of access to facilities outlined previously could increase marginally depending upon the level of use.	M	-
Sex	It is considered that there will be a medium impact on pregnancy and maternity including due regard to PSED (above) due to the increased cost outlined previously of parental and baby/child access to sessions at the centre.	M	-
Sexual Orientation	There is little data in H&F on the take-up of the LLS by those with this protected characteristic. However, it is considered that there will be no impact on sexual orientation because the changes proposed do not and could not treat heterosexual, bisexual, and homosexual people in a different way. As such, the proposed changes are considered to be of low relevance and to have no impact.	L	No impact

Human Rights and Children's Rights

Will it affect Human Rights, as defined by the Human Rights Act 1998?

No

Will it affect Children's Rights, as defined by the UNCRC (1992)?
No

Section 03	Analysis of relevant data and/or undertake research
Documents and data reviewed	<p>2001 Office of National Statistics (ONS) Survey Hammersmith and Fulham Leisure Needs Analysis 2009 Sport England market segmentation data models particular groups and provides information on sporting behaviours and attitudes as well as motivations for and barriers to taking part in sport. This research builds upon the Active People Survey, the Department for Culture Media and Sport's Taking Part Survey and the Mosaic tool from Experian. 19 market segments have been created from an analysis of the English population(18+ years). Each segment exhibits distinct characteristics, with information covering specific sports that people take part in and reasons why people do sport, together with the level of interest in and barriers to doing more sport. By applying this information to demographic and socio-economic data for the LBHF the model is able to estimate the likely behaviour and activity patterns of residents within the local authority. In addition to being used to determine which type of facilities are most appropriate to meet resident's needs, the model can also be used as a prerequisite to any intervention programme to facilitate greater activity levels.</p> <p>The segment with the highest percentage above the national average is segment BO6 (a settling down male). This segment is 5.7% above the national average and 4.6% above the regional average. In order to develop a detailed understanding of this market segment, key characteristics, behaviours and attitudes have been reviewed and compared using Sport England Index Tables. Segments have been clustered into 'Peer Groups' according to age, since this has a significant effect on participation patterns and sports participated in.</p> <p>Details of the four most popular segments for the LBHF are provided below:</p> <ul style="list-style-type: none"> • Segment 6, a settling down male: Professional male, 26 to 35 years. Very active and enjoys high intensity exercise. Enjoys technical sports such as skiing and water sports. Keen interest in team games and individual activities as well as personal fitness activities. Likely to have private gym membership, and compete in some sports. In comparison to other people of similar age there is a greater interest in water sports and less of an interest in equine

sports. Time is the main barrier to doing more sport. The main sports of interest are football, sailing and motorised sports.

- **Segment 3, fitness class friend:** Graduate professional female, 18 to 25 years. An active type that primarily enjoys exercise classes over individual activities or team games. Swimming is popular, as is going to the gym, but combat sports do not appeal. Likely to be a member of a gym or fitness club, but for the classes and for socialising rather than the gym. Would exercise more if they had more free time, people to go with, or facilities were open longer.

- **Segment 1, competitive male urbanites:** Young male professional aged 18 to 25. Recent graduate. Very active. Keen interest in team sports and high intensity activities such as lifting weights at the gym or competitive court games. Also enjoys skiing, climbing and rowing. Being less busy, having people to go with and better playing facilities would encourage greater participation.

- **Segment 5, career focussed females:** Single professional female aged 26 to 35. Very active, particularly enjoys keep fit and gym related activities. Swimming and skiing are also popular. Likely to have private gym membership and receive tuition for sport. Longer opening hours, having people to go with or being less busy would lead to increased activity levels.

A more detail view of the area within a 2km radius of Phoenix Sports Centre's demonstrates that the highest segments of population are:

46-65yrs working to make ends meet. Generally less active than the average adult. Top sports are keep fit/gym (15%), Swimming (13%)

36-45yrs enjoys pub / live sport. Kev has above average levels of participation. Top sports are gym / fitness (14%), football (12%), cycling (11%), swimming (10%)

18-25yrs young man enjoys football and pubs. Jamie is very active that takes part in sport on a regular basis. Top sports are football (28%), gym (22%), running/cycling (12%), swimming (10%)

The borough is highly active. However, the data also indicates that approximately half of people in the borough are not doing any sessions of 30 minutes exercise. Of those in the LBHF who only recorded between one and three sessions of exercise per week the most common activities were football (15.7%), jogging (34.3%), swimming (12.6%), tennis (11.9%) and yoga (14.8%).

40.8% of residents (16+ years) had not taken part in any moderate intensity activity of 30 minutes duration in the last 4 weeks when surveyed compared to Brent (56.5%), Ealing (49.6%), Hounslow (54.2%), Kensington and Chelsea (39.4%), West London (51.2%), London (49.5%) and nationally (50.6%). Within the LBHF this

	<p>includes:</p> <ul style="list-style-type: none"> • 49.4% of people from BME groups • Low levels of NS-SEC 1,2 (32.2%) and 4 (36.7%) but high inactivity amongst NS-SEC 3 (Intermediate occupations, 43.7%), NS-SEC 5 (Lower supervisory and technical occupations 58.2%) and NS-SEC 6.7 (Routine / semi-routine occupations, 60.7%). Of those that have never worked/ long term unemployment, 70.5% do not do 30 minutes of activity once a week • 40.8% of women (c 35,500 people) • Approximately 70,380 residents across the LBHF do not partake in at least 30 minutes of activity a week.
New research	None necessary, as the data available was detailed, save for those protected characteristics where data has not historically been collected routinely

Section 04	Undertake and analyse consultation
Consultation	Hammersmith and Fulham Leisure Needs Analysis 2009
Analysis	<p>There is a higher number of those in full time employment in the LBHF than the London average and a significant number more (in excess of 9%) are in the upper socio-economic groups, AB and C1. While this would infer a more prosperous community there are less residents in ownership of their homes and a large number either in social housing or renting privately. There are also fewer residents in ownership of a car than the London average. Based on the 2007 Index of Multiple Deprivation, a sub-ward of Wormholt and White City (E01001955 – around Wormholt Park) is identified as being in the top 6% of most deprived areas nationally. In contrast, areas of Palace Riverside (E01001916 –Hurlingham Park) are in the top 35% least deprived areas nationally.</p> <p>The LBHF has a high level of general physical activity. Given the demographic profile of the borough this would be expected although it is still outperforming Sport England estimates and favouring well against other neighbouring London boroughs. This high level of activity however is focussed around several demographic groups, particularly those more affluent residents aged between 25-34. This is reflective of the market segmentation and reiterates the demand from young professionals in the area.</p> <p>Whilst participation levels are high across the borough the north east area of Wormholt and White City ward have significantly lower levels of participation. There are also low levels of participation across the College Park and Old Oak ward.</p> <p>In terms of facility requirements, given the background of those more active participants in the community there is</p>

	likely to be a large demand for private facilities. An initial overview suggests that there is a large provision of private health clubs in the area. Attention is required in terms of facilitating greater activity levels amongst those more deprived in the community, especially towards the north of the borough.
--	---

Section 05	Analysis of impact and outcomes
Analysis	The following are overarching conclusions based on the analysis above: There is a surplus of swimming provision and pools are currently not operating at full capacity despite the LBHF being an importer of demand. However, Phoenix has an accessible pool for disabled people There is a significant shortfall of sports hall provision. The provision of health and fitness facilities is currently balanced although given the expected population growth across the borough it will be vital that public gyms position themselves so that they can compete for this additional market demand

Section 06	Reducing any adverse impacts
Outcome of Analysis	The council's leisure providers are able to reduce any adverse impacts through the increased communication and benefits of the emerging concessionary offers available to residents.

Page 26

Section 07	Action Plan																	
Action Plan	<table border="1"> <thead> <tr> <th>Issue identified</th> <th>Action (s) to be taken</th> <th>When</th> <th>Lead officer</th> <th>Expected outcome</th> <th>Date added to business/service plan</th> </tr> </thead> <tbody> <tr> <td>Demographic and take up of new leisure card</td> <td>Monitor and evaluate take up of new Leisure Card offer</td> <td>31 March 2012</td> <td>Chris Bunting</td> <td>Increased awareness and take up of card.</td> <td>September 2011</td> </tr> </tbody> </table>						Issue identified	Action (s) to be taken	When	Lead officer	Expected outcome	Date added to business/service plan	Demographic and take up of new leisure card	Monitor and evaluate take up of new Leisure Card offer	31 March 2012	Chris Bunting	Increased awareness and take up of card.	September 2011
Issue identified	Action (s) to be taken	When	Lead officer	Expected outcome	Date added to business/service plan													
Demographic and take up of new leisure card	Monitor and evaluate take up of new Leisure Card offer	31 March 2012	Chris Bunting	Increased awareness and take up of card.	September 2011													

Section 08	Agreement, publication and monitoring
Chief Officer sign-off	Name: Lyn Carpenter Position: Director Email: lyn.carpenter@lbhf.gov.uk

	Telephone No: 0208 753 5710
Key Decision Report	Date of report to Cabinet 05 / 09 / 2011 Confirmation that key equalities issues found here have been included: Yes
Opportunities Manager for advice and guidance only	Name: CARLY FRY Position: Opportunities Manager Date advice / guidance given: 19 July 2011 Email: PEIA@lbhf.gov.uk Telephone No: 0208 753 3430

Initial Screening Equality Impact Analysis Tool

Section 01	Details of Initial Equality Impact Screening Analysis
Financial Year and Quarter	2011/2012
Name of policy, strategy, function, project, activity, or programme	302 Fulham Palace Road , London SW6 Housing Planned & Preventative Maintenance .
Q1 What are you looking to achieve?	These works need to be undertaken to maintain a satisfactory standard to the external fabric and communal parts of the building and to ensure they remain in good decorative order.
Q2 Who in the main will benefit?	<p>Analyse the impact of the policy on the protected characteristics (including where people / groups may be in more than one protected characteristic). You should use this to determine whether the policy will have a positive/neutral/negative impact and whether it is of low/medium/high relevance to equality.</p> <p>You should also use this section when your policy may not be relevant to one or more protected characteristics. If this applies, case law has established that you must give your reasoning. It is not sufficient to state 'N/A' without saying why.</p> <p>Information: protected characteristics and PSED The public sector equality duty (PSED) states that in the exercise of our functions, we must have due regard to the need to:</p> <ul style="list-style-type: none"> ▪ Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited under the Act; ▪ Advance equality of opportunity between people who share a protected characteristic and those who do not; and ▪ Foster good relations between people who share a protected characteristic and those who do not. <p>Having due regard for advancing equality involves:</p> <ul style="list-style-type: none"> ▪ Removing or minimising disadvantages suffered by people due to their protected characteristics; ▪ Taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and ▪ Encouraging people from protected groups to participate in public life or in other activities where their

participation is disproportionately low

The Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others.

Age	This is a planned maintenance building contract and will not have an effect on age groups, but will keep the building in a good state of repair.	L	/
Disability	This is a planned maintenance building contract and will not have an effect on disabled people, but will keep the building in a good state of repair.	L	/
Gender reassignment	This is a planned maintenance building contract and will not have an effect on disabled people, but will keep the building in a good state of repair.	L	/
Marriage and Civil Partnership	This is a planned maintenance building contract and will not have an effect on marriage and civil partnership, but will keep the building in a good state of repair.	L	/
Pregnancy and maternity	This is a planned maintenance building contract and will not have an effect on pregnancy and maternity, but will keep the building in a good state of repair.	L	/
Race	This is a planned maintenance building contract and will not have an effect on race groups, but will keep the building in a good state of repair.	L	/

	Religion/belief (including non-belief)	This is a planned maintenance building contract and will not have an effect on religion or belief, but will keep the building in a good state of repair.	L	/
	Sex	This is a planned maintenance building contract and will not have an effect on men or women, but will keep the building in a good state of repair.	L	/
	Sexual Orientation	This is a planned maintenance building contract and will not have an effect on sexual orientation, but will keep the building in a good state of repair.	L	/
<p>Human Rights and Children's Rights Will it affect Human Rights, as defined by the Human Rights Act 1998? No</p> <p>Will it affect Children's Rights, as defined by the UNCRC (1992)? No</p>				
<p>Q3 Does the policy, strategy, function, project, activity, or programme make a positive contribution to equalities?</p>	<p>No: This is a technical/building contract</p> <p>Does this provide an opportunity to promote equality? Use your reasoning from Q2 to state why.</p>			
<p>Q4 Does the policy, strategy, function, project, activity, or programme actually or potentially contribute to or hinder equality of opportunity, and/or adversely impact human rights?</p>	<p>No: This is a technical/building contract</p> <p>If the answer here is 'yes', then it is necessary to go ahead with a Full Equality Impact Analysis. You should also consider a Full Equality Impact Analysis if your decision is likely to be of high relevance to equality, and/or be of high public interest.</p>			

Initial Screening Equality Impact Analysis Guidance

Section 01	Details of Initial Equalities Impact Screening Analysis
Name of policy, strategy, function, project, activity, or programme	<p>A Policy refers to an approved decision, principle plan or a set of procedures by Cabinet, or a Cabinet Member under delegated powers that affects the way that the Council conducts its business both internally and externally. A policy can include: strategies, guides, manuals and common practice.</p> <p>A Strategy refers to a systematic short term or a long term plan of action that is designed to achieve a specific business benefit or goal(s).</p> <p>A Function refers to any actions and/or activities designed to achieve a specific business benefit or goal.</p> <p>A Project defines how a temporary structure or scheme can achieve a specific business benefit or goal(s). A project can be implemented by setting up aims and objectives, resources, communication, budget needs and timelines.</p> <p>An Activity is a specific task (or a groups of tasks) which can also form as part of a 'function'.</p> <p>A Programme is a portfolio of activities and projects that are co-ordinated and managed as a unit such that they realise common outcomes and benefits.</p>
Q1 What are you looking to achieve?	<p>For example this might help to implement outcomes identified in policies such as the Single Equality Scheme, Disability Equality Scheme, other EIAs in your service department, or in another department that your service/service users also interact with and draw down services from, Corporate Plan, LAA Targets, CAA Aims, UDP, or JSNA.</p> <p>These works need to be undertaken to maintain a satisfactory standard to the external fabric and communal parts of the building and to ensure they remain in good decorative order.</p>
Q2 Who in the main will benefit?	<p>Hereafter, 'policy' means policy, strategy, function, project, activity, or programme</p> <p>Disability</p> <p>Service providers also have an anticipatory duty to make reasonable adjustments for disabled people. These two duties frequently overlap and it is sensible to consider them together. For example, can you:</p> <ul style="list-style-type: none"> ▪ Provide accessible communications? ▪ Change how you collate and use data? ▪ Revise how you involve service users?

Analyse the impact of the policy on the [protected characteristics](#) with due regard to the Public Sector Equality Duty.

Use your reasoning in order to determine whether the policy will be of high, medium or low relevance to the protected characteristics. What do we mean by these terms?:

High

- The policy, strategy, function, project, activity, or programme is relevant to all or most parts of the general duty, and/or to human rights
- There is substantial or a fair amount of evidence that some groups are (or could be) differently affected by it
- There is substantial or a fair amount of public concern about it

Medium

- The policy, strategy, function, project, activity, or programme is relevant to most parts of the general duty, and/or to human rights
- There is some evidence that some groups are (or could be) differently affected by it
- There is some public concern about it

Low

- The policy, strategy, function, project, activity, or programme is not generally relevant to most parts of the general duty, and/or to human rights
- There is little evidence that some groups are (or could be) differently affected by it
- There is little public concern about it

Use your reasoning to determine whether the impact will be positive, neutral, or negative. There are three possible outcomes:

- **Positive:** The EIA shows the policy is not likely to result in adverse impact for any protected characteristic and does advance equality of opportunity, and/or fulfils PSED in another way
- **Neutral:** The EIA shows the policy, strategy, function, project or activity is not likely to result in adverse impact for any protected characteristic and does not advance equality of opportunity, and/or fulfils PSED in another way
- **Negative:** The EIA shows the policy, strategy, function, project or activity is likely to have an adverse impact on a particular protected characteristic(s) and potentially does not fulfil PSED, or the negative

impact will be mitigated through another means.

Should your policy not be applicable, you must note this and state why.

Human Rights, Children's Rights

Additionally, demonstrate here that the impact on **Human and/or Children's Rights** arising from the policy has been considered.

Human Rights

Public authorities have an obligation to act in accordance with the European Convention on Human Rights. These are:

- Article 2: [Right to life](#)
- Article 3: [Freedom from torture and inhuman or degrading treatment](#)
- Article 4: [Right to liberty and security](#)
- Article 5: [Freedom from slavery and forced labour](#)
- Article 6: [Right to a fair trial](#)
- Article 7: [No punishment without law](#)
- Article 8: [Respect for your private and family life, home and correspondence](#)
- Article 9: [Freedom of thought, belief and religion](#)
- Article 10: [Freedom of expression](#)
- Article 11: [Freedom of assembly and association](#)
- Article 12: [Right to marry and start a family](#)
- Article 14: [Protection from discrimination in respect of these these rights and freedoms](#)
- Article 1 of Protocol 1: [Right to peaceful enjoyment of your property](#)
- Article 2 of Protocol 1: [Right to education](#)
- Article 3 of Protocol 1: [Right to participate in free elections](#)

(Article 1 of Protocol 13 is: Abolition of the death penalty)

Each of the above links takes you to explanations and examples provided by the EHRC. Further, the [EHRC](#) and the [Ministry of Justice](#) both provide guides for public authorities.

Children's Rights (UNCRC)

All children and young people up to the age of 18 years have all the rights in the Convention. Some groups of children and young people - for example those living away from home, and young disabled people - have

	<p>additional rights to make sure they are treated fairly and their needs are met.</p> <p>Every child in the UK has been entitled to over 40 specific rights. These include:</p> <ul style="list-style-type: none"> ▪ The right to life, survival and development ▪ The right to have their views respected, and to have their best interests considered at all times ▪ The right to a name and nationality, freedom of expression, and access to information concerning them ▪ The right to live in a family environment or alternative care, and to have contact with both parents wherever possible ▪ Health and welfare rights, including rights for disabled children, the right to health and health care, and social security ▪ The right to education, leisure, culture and the arts ▪ Special protection for refugee children, children in the juvenile justice system, children deprived of their liberty and children suffering economic, sexual or other forms of exploitation <p>The rights included in the convention apply to all children and young people, with no exceptions.</p> <p>The above and more information can be found at Direct Gov.</p> <p>This is a planned maintenance building contract and will not have an effect on any specific group, but will keep the building in a good state of repair.</p>
<p>Q3 Does the policy, strategy, function, project, activity, or programme make a positive contribution to equalities?</p>	<p>Yes/No - This is a technical/building contract</p> <p>Use your evidence from Q2 to state why</p>
<p>Q4 Does the policy, strategy, function, project, activity, or programme actually or potentially contribute to or hinder equality of</p>	<p>Yes/No</p> <p>If the answer here is 'yes', then it is necessary to go ahead with a Full Equality Impact Analysis. You should also consider a Full Equality Impact Analysis if your decision is likely to be of high relevance to equality, and/or be of high public interest.</p> <p>Yes/No - This is a technical/building contract</p>

opportunity and/or human rights?	
---	--

Equality Impact Analysis Full Tool with Guidance

This Tool has been produced to help you analyse the likelihood of impacts on the protected characteristics – including where people are represented in more than one– with regard to your new or proposed policy, strategy, function, project or activity. It has been updated to reflect the new public sector equality duty and should be used for decisions from 6th April 2011 onwards. It is designed to help you analyse decisions of high relevance to equality, and/or of high public interest

Case law has established that having due regard means analysing the impact, and using this to inform decisions, thus demonstrating a conscious approach and state of mind ([2008] EWHC 3158 (Admin), [here](#)). It has also established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, through to the recommendation for decision. It should demonstrably inform, and be made available when the decision that is recommended. This tool contains guidance, and you can also access guidance from the EHRC [here](#). If you are analysing the impact of a budgetary decision, you can find EHRC guidance [here](#). Advice and guidance can be accessed from the Opportunities Manager: PEIA@lbhf.gov.uk or ext 3430.

Equality Impact Analysis – Housing Estate Investment Plan

The analysis below provides a provisional guide on the impact on the key equality groups of the policy in its current form. In relation to the framework for area-based improvement, a further analysis will be produced following statutory consultation with tenants on this part of the policy. In relation to asset-based limited disposal of HRA voids, the analysis will be finalised in time for publication on agenda for the Cabinet meeting considering it for adoption.

Full Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	2011/12, Q2
Name and details of policy, strategy, function, project, activity, or programme	DISPOSAL OF EDITH SUMMERSKILL HOUSE This report recommends the disposal of a council owned tower block, Edith Summerskill House on the Clem Attlee Estate with the proceeds from the sale being utilised for funding future housing and regeneration activity in the borough.

Tool and Guidance updated for new PSED from 06.04.2011

Lead Officer	Name: Ian Ruegg Position: Enabling Manager Email: ian.ruegg@lbhf.gov.uk Telephone No: 020 8753 1722
Date of completion of final EIA	15th August 2011

Section 02	Scoping of Full EIA										
Plan for completion	Should Cabinet approve the recommendation to the disposal of Edith Summerskill House by open market tender, it is estimated the disposal will take 9 – 18 months to complete										
What is the policy, strategy, function, project, activity, or programme looking to achieve?	<p>The Council owns a tower block that is in urgent need of major works to bring it up to decent home standards. It is officers view that the cost of undertaking these works is uneconomic due to is significantly above average cost of works required that would also result in very high leaseholder costs. This is set out in detail in the Cabinet Report (specifically, at sections 2 and 3) By disposing of the site on the open market the property will either be refurbished or demolished and redeveloped to provide high quality 21st century residential accommodation which will also provide a proportion of affordable housing for borough residents.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Age</td> <td style="width: 60%;">All former tenants in Edith Summerskill House have been rehoused permanently in suitable alternative Council accommodation and the disposal of the property will have no impact on them.</td> <td style="width: 10%; text-align: center;">/</td> <td style="width: 15%; text-align: center;">Neu tral</td> </tr> <tr> <td></td> <td>Any refurbishment or redevelopment of Edith Summerskill House will require that it is designed to ensure access is provided for all and that the new residential units comply with Lifetime Homes Standards. The London Plan requires 10% of all units to be fully wheelchair accessible, which may be more relevant to older people with age-related mobility impairments</td> <td style="text-align: center;">+</td> <td style="text-align: center;">M</td> </tr> </table>			Age	All former tenants in Edith Summerskill House have been rehoused permanently in suitable alternative Council accommodation and the disposal of the property will have no impact on them.	/	Neu tral		Any refurbishment or redevelopment of Edith Summerskill House will require that it is designed to ensure access is provided for all and that the new residential units comply with Lifetime Homes Standards. The London Plan requires 10% of all units to be fully wheelchair accessible, which may be more relevant to older people with age-related mobility impairments	+	M
Age	All former tenants in Edith Summerskill House have been rehoused permanently in suitable alternative Council accommodation and the disposal of the property will have no impact on them.	/	Neu tral								
	Any refurbishment or redevelopment of Edith Summerskill House will require that it is designed to ensure access is provided for all and that the new residential units comply with Lifetime Homes Standards. The London Plan requires 10% of all units to be fully wheelchair accessible, which may be more relevant to older people with age-related mobility impairments	+	M								

	<p>The proposed disposal is aimed at refurbishing or redeveloping a vacant Council tower block to provide high quality residential accommodation and therefore replacing a vacant unsightly building. It is likely that the refurbished or redeveloped property will provide a mixture of affordable and private housing that will provide much needed housing for those on low to moderate incomes in the borough. As people tend to begin their careers on lower incomes, this aspect could be said to be positive for younger age groups</p>	+	M
	<p>In addition, the receipt received from the disposal by the Council will be ring fenced for affordable housing or regeneration proposals after the deduction of costs associated with the disposal. As these proposals are not final, they could benefit any age group. As these are not known, they are considered to have a neutral impact at this stage.</p>	/	Neu tral
	<p>The draft planning assessment envisages that 40% of all the units delivered through a refurbishment or redevelopment option would be affordable and a high proportion would be larger family sized units, which would be of benefit to those with children, who may well be younger than the cohort of older people assessed below and would also be of benefit to those under 18, who are not currently protected under Age by the Equality Act 2010.</p>	+	M
	<p>The Council currently has 3,548 households seeking intermediate housing in the borough on its H&F Home Buy waiting lists (source H&F Homebuy Unit June 2011).</p>		
	<p>In terms of mixing tenures, increasing the number of low cost home ownership opportunities should enable more young people to become first-time buyers, as the average age of a first-time buyer without parental assistance has been rising, with the average age now 37 (source: Home Builders Federation, October 2010).</p>	+	M
<p>Older first-time buyers nearing the end of their earning capacity may face obstacles in obtaining a mortgage. However, for older people</p>			

		who are existing home-owners and who may find it equally difficult to obtain a mortgage, low-cost home ownership can provide opportunities. For example, this could be in terms of downsizing for those who are finding it difficult to manage a large home, and who may want to release equity to meet care costs or to support their children to purchase a home. Similarly, low cost home ownership could enable moves for existing older home owners in inappropriate housing, for example due to floor level or internal stairs. In both these scenarios existing older home owners could potentially make an outright purchase of a portion of the property (as little as 25%), and in this way circumvent the need to obtain a mortgage.	+	M
	Disability	All former tenants in Edith Summerskill House have been rehoused permanently in suitable alternative Council accommodation and the disposal of the property will have no impact on them.	/	Neu tral
		Any refurbishment or redevelopment of Edith Summerskill House will require that it is designed to ensure access is provided for all and that the new residential units comply with Lifetime Homes Standards. The London Plan requires 10% of all units to be fully wheelchair accessible.	+	H
		There is no indication that the proposed disposal will in principle disadvantage disabled people or those with physical or mental ill health People with disabilities do become home owners. The Council has helped 16 households from this group to buy a home since 2007. Data from 2010 shows 99 people with disabilities are active members on the Council's Home Buy Register. The council is currently delivering a number of employment initiatives that provide paid work, (and, in the case of apprenticeships, training and qualifications), to enable residents to sustain employment. These initiatives have been particularly successful in recruiting disadvantaged groups including those described as 'adults with moderate to severe learning disabilities' by the PSA 16	-	H

		<p>categorization. Whilst the number is low, 23% of the 2010 Business Apprenticeship scheme and 7% of the LBHF Future Jobs Fund employees are from this group.</p>	+	H
		<p>In addition, to this Hammersmith and Fulham Action on Disability (HAFAD) and H&F Mencap receive council funding to deliver services directly to residents with disabilities and to raise awareness amongst employers of the benefits of recruiting people with disabilities. LBHF Connexions also provides 'access to work' services to disabled residents up to the age of 24.</p>	+	H
		<p>The changes to the mainstream employment support with the introduction of the 'single work programme' this year is designed to ensure that the most disadvantaged receive most support by incentivising service providers with additional payments for securing and sustaining employment for these groups.</p>	+	H
	Gender reassignment	<p>All former tenants in Edith Summerskill House have been rehoused permanently in suitable alternative Council accommodation and the disposal of the property will have no impact on them.</p> <p>There is very little data on gender re-assignment of Council tenants or members of their household. That said, the effects of this report are expected to be neutral in terms of this characteristic, with nothing on the face of it to suggest a tenant or members of their household stand to lose or gain on account of changing gender from male to female or vice versa or at partial stages in that process.</p>	L	neutral
	Marriage and Civil Partnership	<p>All former tenants in Edith Summerskill House have been rehoused permanently in suitable alternative Council accommodation and the disposal of the property will have no impact on them.</p> <p>The Council has limited data on the marital status of its tenants or members of their households. That said, the effects of this report are expected to be neutral in terms of this characteristic, with nothing on the face of it to suggest a tenant or members of their household stand to lose or gain on account of whether they are married, single, divorced, cohabiting or in a civil partnership.</p>	L	neutral

		lower employment rate amongst ethnic minorities.		
	Religion/belief (including non-belief)	<p>All former tenants in Edith Summerskill House have been rehoused permanently in suitable alternative Council accommodation and the disposal of the property will have no impact on them.</p> <p>There is very little data on the religious persuasion of Council tenants. As a group Council tenants are ethnically diverse from which it might be inferred that a broad cross-section of world religions are represented in the tenant population. Ethnicity and nationality are not inevitable markers however of a particular faith or of belief or non-belief for that matter.</p> <p>That said, the effects of this report are expected to be neutral in terms of this characteristic, with nothing on the face of it to suggest a tenant or members of their household stand to lose or gain on account of holding a particular religious belief or the lack of one.</p>	L	neutral
	Sex	<p>All former tenants in Edith Summerskill House have been rehoused permanently in suitable alternative Council accommodation and the disposal of the property will have no impact on them.</p> <p>The proposed redevelopment or refurbishment anticipates that 40% of the new dwellings will be affordable predominantly as intermediate housing such as shared ownership or shared equity.</p> <p>In relation to accessing low-cost home ownership, in terms of income an up to date breakdown of average household income in the borough by gender is not available. However those with an income of £30k or more per annum, in other words well above the threshold to access low cost home ownership opportunities accounted for 32.2% of tenants on the Council's largest estates (around 54% of tenants on the Council's largest estates have a household income above the entry income threshold for low cost home ownership of £19k). (source: CACI Paycheck 2010) This group is likely to include many</p>	L	neutral

		<p>women given they represent the majority of tenants, even allowing for a relatively lower employment rate in the borough for women than for men (60.1% of women aged 16-64 are in paid work compared to 70.1% of men of the same age (source: CACI Paycheck 2010)). In this respect, men could proportionately benefit more than women from low-cost home ownership.</p> <p>Nationally, the gender pay gap varies according to age. For example, women aged 20-29 earn more than men the same age when either full-time or part-time employment are compared. The gender pay gap also varies depending generally on whether work is full-time or part-time, with men earning more in the former and women earning more in the latter. It also varies according to occupation. The gender pay gap for full-time employees in professional occupations is slight, as narrow as 1.6%, while there is a gulf in skilled trades with the pay gap as wide as almost 32%. When looked at across all employment the pay gap, though decreasing, continues to favour men. That said, variation between ages, occupation and in the size of the gap make it difficult to contend that either women or men will generally have more difficulty in purchasing a home on account of gender income disparities. (source: ONS, 2010)</p>		
	Sexual Orientation	<p>All former tenants in Edith Summerskill House have been rehoused permanently in suitable alternative Council accommodation and the disposal of the property will have no impact on them.</p> <p>The Council has limited data on the breakdown of its tenants and their household members by sexual orientation. That said, the effects of this report are expected to be neutral in terms of this characteristic, with nothing on the face of it to suggest a tenant or members of their household stand to lose or gain purely on account homosexual, heterosexual or bi-sexual.</p>	L	neutral
<p>Human Rights and Children's Rights Will it affect Human Rights, as defined by the Human Rights Act 1998?</p> <p>Yes: Article 1 of Protocol 1 (Right to peaceful enjoyment of your property). It is considered that these</p>				

	<p>would be positively impacted by the proposed policy.</p> <p>Will it affect Children's Rights, as defined by the UNCRC (1992)? Yes. The items in bold below would</p> <ul style="list-style-type: none"> ▪ The right to life, survival and development ▪ The right to have their views respected, and to have their best interests considered at all times ▪ The right to live in a family environment or alternative care, and to have contact with both parents wherever possible <p>The draft planning assessment envisages that 40% of all the units delivered through a refurbishment or redevelopment option would be affordable and a high proportion would be larger family sized units, which would be of benefit to those with children and would also be of benefit to those under 18, who are not currently protected under Age by the Equality Act 2010. These benefits may help to uphold their rights as defined by the UNCRC.</p>
--	---

Section 03	Analysis of relevant data and/or undertake research
Documents and data reviewed	<ul style="list-style-type: none"> - Equalities data on Council tenants and stock breakdown by bedroom size March 2011 - Housing demand summary by banding and ethnicity, (LBHF, I-world, December 2010) - H&F Homebuy Unit Waiting List data June 2011 - Annual Population Survey, Office for National Statistics (Office for National Statistics) (March 2011) - Hammersmith and Fulham Borough Profile 2010 - Hammersmith and Fulham Housing Market Assessment, December 2010 - CACI Paycheck 2010 data on household incomes on the Council's 20 largest estates
New research	No new research was undertaken.

Section 04	Undertake and analyse consultation
Consultation	61 of the 62 tenants have already accepted permanent alternative Council accommodation. Council officers will consult with the remaining tenant and the six leaseholders to find permanent solutions to their rehousing.
Analysis	(see above)

Section 05	Analysis of impact and outcomes
Analysis	As per section 04, 61 of the 62 tenants have already accepted permanent alternative Council accommodation. Council officers will consult with the remaining tenant and the six leaseholders to find permanent solutions to their rehousing.

Section 06	Reducing any adverse impacts
Outcome of Analysis	There remains one tenant and six leaseholders to work with, in order to find permanent solutions to their rehousing, and officers will work with them to find solutions, as stated. Officers will be working within Council policy and legal boundaries to do this but cannot detail individual cases as this would not be appropriate or respectful of those individuals' rights to privacy.

Section 07	Action Plan												
Action Plan	<table border="1"> <thead> <tr> <th>Issue identified</th> <th>Action (s) to be taken</th> <th>When</th> <th>Lead officer</th> <th>Expected outcome</th> <th>Date added to business/service plan</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Issue identified	Action (s) to be taken	When	Lead officer	Expected outcome	Date added to business/service plan						
Issue identified	Action (s) to be taken	When	Lead officer	Expected outcome	Date added to business/service plan								

Section 08	Agreement, publication and monitoring
Chief Officer sign-off	Name: Melbourne Barrett Position: Director of Housing and Regeneration Email: Melbourne.barrett@lbhf.gov.uk Telephone No: 0208 753 4552
Key Decision Report	Date of report to Cabinet: 05/09/11 Confirmation that key equalities issues found here have been included: Yes
Opportunities Manager for advice and guidance only	Name: Carly Fry Position: Opportunities Manager Date advice / guidance given: 15.08.2011 Email: PEIA@lbhf.gov.uk Telephone No: 020 8753 3430



Equality Impact Analysis Initial Screening Tool with Guidance

Overview

This Tool has been produced to help you analyse the likelihood of impacts on the protected characteristics – including where people are represented in more than one – with regard to your new or proposed policy, strategy, function, project or activity. It has been updated to reflect the new public sector equality duty and should be used for decisions from 5th April 2011 onwards. It is designed to help you determine whether you may need to do a Full EIA. If you already know that your decision is likely to be of high relevance to equality, and/or be of high public interest, you should contact the Opportunities Manager, as s/he may recommend moving directly to a Full EIA.

General points

1. 'Due regard' means the regard that is appropriate in all the circumstances. In the case of controversial matters such as service closures or reductions, considerable thought will need to be given the equalities aspects.
2. Wherever appropriate, and in all cases likely to be controversial, the outcome of the EIA needs to be summarised in the Cabinet/Cabinet Member report and equalities issues dealt with and cross referenced as appropriate within the report.
3. Equalities duties are fertile ground for litigation and a failure to deal with them properly can result in considerable delay, expense and reputational damage.
4. Where dealing with obvious equalities issues e.g. changing services to disabled people/children, take care not to lose sight of other less obvious issues for other protected groups.

Timing, and sources of help

Case law has established that having due regard means analysing the impact, and using this to inform decisions, thus demonstrating a conscious approach and state of mind ([2008] EWHC 3158 (Admin), [here](#)). It has also established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, through to the recommendation for decision. It should demonstrably inform, and be made available when the decision that is recommended. This tool contains guidance, and you can also access guidance from the EHRC [here](#). If you are analysing the impact of a budgetary decision, you can find EHRC guidance [here](#). Advice and guidance can be accessed from the Opportunities Manager: PEIA@lbhf.gov.uk or ext 3430.

Initial Screening Equality Impact Analysis Tool

Section 01	Details of Initial Equality Impact Screening Analysis
Financial Year and Quarter	Q2/2011-12
Name of policy, strategy, function, project, activity, or programme	Implementing service charges for tenants – new
Q1 What are you looking to achieve?	To implement service charges for tenants: Under the rent restructuring mechanism local authorities were urged by government to separate the elements of the rent relating to the provision of communal services such as grounds maintenance, caretaking, door entry systems, concierge service etc. to make it more transparent to tenants which services they pay for
Q2 Who in the main will benefit?	<p>Analyse the impact of the policy on the protected characteristics (including where people / groups may be in more than one protected characteristic). You should use this to determine whether the policy will have a positive/neutral/negative impact and whether it is of low/medium/high relevance to equality.</p> <p>You should also use this section when your policy may not be relevant to one or more protected characteristics. If this applies, case law has established that you must give your reasoning. It is not sufficient to state 'N/A' without saying why.</p> <p>Information: protected characteristics and PSED The public sector equality duty (PSED) states that in the exercise of our functions, we must have due regard to the need to:</p> <ul style="list-style-type: none"> ▪ Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited under the Act; ▪ Advance equality of opportunity between people who share a protected characteristic and those who do not; and ▪ Foster good relations between people who share a protected characteristic and those who do not. <p>Having due regard for advancing equality involves:</p> <ul style="list-style-type: none"> ▪ Removing or minimising disadvantages suffered by people due to their protected characteristics; ▪ Taking steps to meet the needs of people from protected groups where these are different from the

needs of other people; and

- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

The Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others.

Age	<p>The implementation of tenant service charges will impact on all council tenants. It will in the longer term mean that the total charge to tenants increases to a higher rate than it would without the implementation of service charges, i.e. it will ultimately be formula rent plus service charge instead of just formula rent.</p> <p>This may impact disproportionately on people who have are of retirement age or who have just started work as they may be more likely to be on a lower income level. This disadvantage will be minimised by using our in house Welfare Benefits Advisor who provides advice to tenants who are struggling to pay their rent. The Welfare Benefits Advisor provides a joined up service acting as a bridge to other departments to enable tenants to claim their benefit entitlements.</p> <p>Additionally separate service charges will mean that the charge paid by a tenant is more closely matched to the service received, similar to that already provided for lessees. It increases transparency as tenants know what services they should receive. It also gives some scope for tenants to be able to choose to pay for enhanced services.</p> <p>The additional income generated within the Housing revenue Account also ultimately enables more investment in Housing and Regeneration which will benefit tenants.</p> <p>Residents in sheltered housing already receive an enhanced housing management charge covering the extract costs of scheme managers etc and so will not be adversely impacted in this respect.</p>	L	-
Disability	<p>The implementation of tenant service charges will impact on all council tenants. It will in the longer term mean that the total charge to tenants increases to a higher rate than it would without the implementation of service charges, i.e. it will ultimately be formula rent plus service charge</p>	L	-

	<p>instead of just formula rent.</p> <p>This may impact disproportionately on disabled people as their income levels tend to be lower than the general population. This disadvantage will be minimised by using our in house Welfare Benefits Advisor who provides advice to tenants who are struggling to pay their rent. The Welfare Benefits Advisor provides a joined up service acting as a bridge to other departments to enable tenants to claim their benefit entitlements.</p> <p>Additionally separate service charges will mean that the charge paid by a tenant is more closely matched to the service received, similar to that already provided for lessees. It increases transparency as tenants know what services they should receive. It also gives some scope for tenants to be able to choose to pay for enhanced services.</p> <p>The additional income generated within the Housing revenue Account also ultimately enables more investment in Housing and Regeneration which will benefit tenants.</p>		
Gender reassignment	<p>The implementation of tenant service charges will impact on all council tenants. It will in the longer term mean that the total charge to tenants increases to a higher rate than it would without the implementation of service charges, i.e. it will ultimately be formula rent plus service charge instead of just formula rent.</p> <p>It is not expected to impact disproportionately on this group.</p>	L	-
Marriage and Civil Partnership	<p>The implementation of tenant service charges will impact on all council tenants. It will in the longer term mean that the total charge to tenants increases to a higher rate than it would without the implementation of service charges, i.e. it will ultimately be formula rent plus service charge instead of just formula rent.</p> <p>It is not expected to impact disproportionately on this group.</p>	L	-
Pregnancy and maternity	<p>The implementation of tenant service charges will impact on all council tenants. It will in the longer term mean that the total charge to tenants increases to a higher rate than it would without the implementation of service charges, i.e. it will ultimately be formula rent plus service charge instead of just formula rent.</p> <p>It may impact on this group as they may be more likely to have a lower income level especially if on maternity leave however if such a disadvantage arose due to income levels it will be minimised by using our in house Welfare Benefits Advisor who provides advice to tenants who are</p>	L	-

		<p>struggling to pay their rent. The Welfare Benefits Advisor provides a joined up service acting as a bridge to other departments to enable tenants to claim their benefit entitlements.</p> <p>Additionally separate service charges will mean that the charge paid by a tenant is more closely matched to the service received, similar to that already provided for lessees. It increases transparency as tenants know what services they should receive. It also gives some scope for tenants to be able to choose to pay for enhanced services.</p> <p>The additional income generated within the Housing revenue Account also ultimately enables more investment in Housing and Regeneration which will benefit tenants.</p>		
	Race	<p>The implementation of tenant service charges will impact on all council tenants. It will in the longer term mean that the total charge to tenants increases to a higher rate than it would without the implementation of service charges, i.e. it will ultimately be formula rent plus service charge instead of just formula rent.</p> <p>If one ethnicity is highly represented in council accommodation compared to H&F demographics, then it is likely that they may be disproportionately impacted by this change. However if such a disadvantage arose due to income levels it will be minimised by using our in house Welfare Benefits Advisor who provides advice to tenants who are struggling to pay their rent. The Welfare Benefits Advisor provides a joined up service acting as a bridge to other departments to enable tenants to claim their benefit entitlements.</p> <p>Additionally separate service charges will mean that the charge paid by a tenant is more closely matched to the service received, similar to that already provided for lessees. It increases transparency as tenants know what services they should receive. It also gives some scope for tenants to be able to choose to pay for enhanced services.</p> <p>The additional income generated within the Housing revenue Account also ultimately enables more investment in Housing and Regeneration which will benefit tenants.</p>	L	-
	Religion/belief (including non-belief)	<p>The implementation of tenant service charges will impact on all council tenants. It will in the longer term mean that the total charge to tenants increases to a higher rate than it would without the implementation of service charges, i.e. it will ultimately be formula rent plus service charge</p>	L	-

		<p>instead of just formula rent.</p> <p>If one religion or belief is highly represented in council accommodation compared to H&F demographics, then it is likely that they may be disproportionately impacted by this change. However if such a disadvantage arose due to income levels it will be minimised by using our in house Welfare Benefits Advisor who provides advice to tenants who are struggling to pay their rent. The Welfare Benefits Advisor provides a joined up service acting as a bridge to other departments to enable tenants to claim their benefit entitlements.</p> <p>Additionally separate service charges will mean that the charge paid by a tenant is more closely matched to the service received, similar to that already provided for lessees. It increases transparency as tenants know what services they should receive. It also gives some scope for tenants to be able to choose to pay for enhanced services.</p> <p>The additional income generated within the Housing revenue Account also ultimately enables more investment in Housing and Regeneration which will benefit tenants.</p>		
	Sex	<p>The implementation of tenant service charges will impact on all council tenants. It will in the longer term mean that the total charge to tenants increases to a higher rate than it would without the implementation of service charges, i.e. it will ultimately be formula rent plus service charge instead of just formula rent.</p> <p>Women, particularly single women tend to be over represented in Council stock and tend to have a lower income. It is likely that they may be disproportionately impacted by this change. However if such a disadvantage arose due to income levels it will be minimised by using our in house Welfare Benefits Advisor who provides advice to tenants who are struggling to pay their rent. The Welfare Benefits Advisor provides a joined up service acting as a bridge to other departments to enable tenants to claim their benefit entitlements.</p> <p>Additionally separate service charges will mean that the charge paid by a tenant is more closely matched to the service received, similar to that already provided for lessees. It increases transparency as tenants know what services they should receive. It also gives some scope for tenants to be able to choose to pay for enhanced services.</p> <p>The additional income generated within the Housing revenue Account also</p>	L	-

		ultimately enables more investment in Housing and Regeneration which will benefit tenants.		
	Sexual Orientation	The implementation of tenant service charges will impact on all council tenants. It will in the longer term mean that the total charge to tenants increases to a higher rate than it would without the implementation of service charges, i.e. it will ultimately be formula rent plus service charge instead of just formula rent. It is not expected to impact disproportionately on this group.	L	-
<p>Human Rights and Children's Rights</p> <p>Will it affect Human Rights, as defined by the Human Rights Act 1998? No</p> <p>Will it affect Children's Rights, as defined by the UNCRC (1992)? No</p>				
<p>Q3 Does the policy, strategy, function, project, activity, or programme make a positive contribution to equalities?</p>	<p>Yes</p> <p>Separate service charges will mean that the charge paid by a tenant is more closely matched to the service received, similar to that already provided for lessees. It increases transparency as tenants know what services they should receive. It also gives some scope for tenants to be able to choose to pay for enhanced services Implementing fixed service charges will help tenants budget.</p>			
<p>Q4 Does the policy, strategy, function, project, activity, or programme actually or potentially contribute to or hinder equality of opportunity, and/or adversely impact human rights?</p>	<p>No</p> <p>If the answer here is 'yes', then it is necessary to go ahead with a Full Equality Impact Analysis. You should also consider a Full Equality Impact Analysis if your decision is likely to be of high relevance to equality, and/or be of high public interest.</p>			

Initial Screening Equality Impact Analysis Guidance

Section 01	Details of Initial Equalities Impact Screening Analysis
Name of policy, strategy, function, project, activity, or programme	<p>A Policy refers to an approved decision, principle plan or a set of procedures by Cabinet, or a Cabinet Member under delegated powers that affects the way that the Council conducts its business both internally and externally. A policy can include: strategies, guides, manuals and common practice.</p> <p>A Strategy refers to a systematic short term or a long term plan of action that is designed to achieve a specific business benefit or goal(s).</p> <p>A Function refers to any actions and/or activities designed to achieve a specific business benefit or goal.</p> <p>A Project defines how a temporary structure or scheme can achieve a specific business benefit or goal(s). A project can be implemented by setting up aims and objectives, resources, communication, budget needs and timelines.</p> <p>An Activity is a specific task (or a groups of tasks) which can also form as part of a 'function'.</p> <p>A Programme is a portfolio of activities and projects that are co-ordinated and managed as a unit such that they realise common outcomes and benefits.</p>
Q1 What are you looking to achieve?	<p>For example this might help to implement outcomes identified in policies such as the Single Equality Scheme, Disability Equality Scheme, other EIAs in your service department, or in another department that your service/service users also interact with and draw down services from, Corporate Plan, LAA Targets, CAA Aims, UDP, or JSNA.</p>
Q2 Who in the main will benefit?	<p>Hereafter, 'policy' means policy, strategy, function, project, activity, or programme</p> <p>Disability Service providers also have an anticipatory duty to make reasonable adjustments for disabled people. These two duties frequently overlap and it is sensible to consider them together. For example, can you:</p> <ul style="list-style-type: none"> ▪ Provide accessible communications? ▪ Change how you collate and use data? ▪ Revise how you involve service users? <p>Analyse the impact of the policy on the protected characteristics with due regard to the Public Sector Equality</p>

Duty.

Use your reasoning in order to determine whether the policy will be of high, medium or low relevance to the protected characteristics. What do we mean by these terms?:

High

- The policy, strategy, function, project, activity, or programme is relevant to all or most parts of the general duty, and/or to human rights
- There is substantial or a fair amount of evidence that some groups are (or could be) differently affected by it
- There is substantial or a fair amount of public concern about it

Medium

- The policy, strategy, function, project, activity, or programme is relevant to most parts of the general duty, and/or to human rights
- There is some evidence that some groups are (or could be) differently affected by it
- There is some public concern about it

Low

- The policy, strategy, function, project, activity, or programme is not generally relevant to most parts of the general duty, and/or to human rights
- There is little evidence that some groups are (or could be) differently affected by it
- There is little public concern about it

Use your reasoning to determine whether the impact will be positive, neutral, or negative. There are three possible outcomes:

- **Positive:** The EIA shows the policy is not likely to result in adverse impact for any protected characteristic and does advance equality of opportunity, and/or fulfils PSED in another way
- **Neutral:** The EIA shows the policy, strategy, function, project or activity is not likely to result in adverse impact for any protected characteristic and does not advance equality of opportunity, and/or fulfils PSED in another way
- **Negative:** The EIA shows the policy, strategy, function, project or activity is likely to have an adverse impact on a particular protected characteristic(s) and potentially does not fulfil PSED, or the negative impact will be mitigated through another means.

Should your policy not be applicable, you must note this and state why.

Human Rights, Children's Rights

Additionally, demonstrate here that the impact on **Human and/or Children's Rights** arising from the policy has been considered.

Human Rights

Public authorities have an obligation to act in accordance with the European Convention on Human Rights. These are:

- Article 2: [Right to life](#)
- Article 3: [Freedom from torture and inhuman or degrading treatment](#)
- Article 4: [Right to liberty and security](#)
- Article 5: [Freedom from slavery and forced labour](#)
- Article 6: [Right to a fair trial](#)
- Article 7: [No punishment without law](#)
- Article 8: [Respect for your private and family life, home and correspondence](#)
- Article 9: [Freedom of thought, belief and religion](#)
- Article 10: [Freedom of expression](#)
- Article 11: [Freedom of assembly and association](#)
- Article 12: [Right to marry and start a family](#)
- Article 14: [Protection from discrimination in respect of these these rights and freedoms](#)
- Article 1 of Protocol 1: [Right to peaceful enjoyment of your property](#)
- Article 2 of Protocol 1: [Right to education](#)
- Article 3 of Protocol 1: [Right to participate in free elections](#)

(Article 1 of Protocol 13 is: Abolition of the death penalty)

Each of the above links takes you to explanations and examples provided by the EHRC. Further, the [EHRC](#) and the [Ministry of Justice](#) both provide guides for public authorities.

Children's Rights (UNCRC)

All children and young people up to the age of 18 years have all the rights in the Convention. Some groups of children and young people - for example those living away from home, and young disabled people - have additional rights to make sure they are treated fairly and their needs are met.

	<p>Every child in the UK has been entitled to over 40 specific rights. These include:</p> <ul style="list-style-type: none"> ▪ The right to life, survival and development ▪ The right to have their views respected, and to have their best interests considered at all times ▪ The right to a name and nationality, freedom of expression, and access to information concerning them ▪ The right to live in a family environment or alternative care, and to have contact with both parents wherever possible ▪ Health and welfare rights, including rights for disabled children, the right to health and health care, and social security ▪ The right to education, leisure, culture and the arts ▪ Special protection for refugee children, children in the juvenile justice system, children deprived of their liberty and children suffering economic, sexual or other forms of exploitation <p>The rights included in the convention apply to all children and young people, with no exceptions.</p> <p>The above and more information can be found at Direct Gov.</p>
<p>Q3 Does the policy, strategy, function, project, activity, or programme make a positive contribution to equalities?</p>	<p>Yes/No</p> <p>Use your evidence from Q2 to state why</p>
<p>Q4 Does the policy, strategy, function, project, activity, or programme actually or potentially contribute to or hinder equality of opportunity and/or human rights?</p>	<p>Yes/No</p> <p>If the answer here is 'yes', then it is necessary to go ahead with a Full Equality Impact Analysis. You should also consider a Full Equality Impact Analysis if your decision is likely to be of high relevance to equality, and/or be of high public interest.</p>

Equality Impact Analysis Initial Screening Tool with Guidance

Overview

This Tool has been produced to help you analyse the likelihood of impacts on the protected characteristics – including where people are represented in more than one– with regard to your new or proposed policy, strategy, function, project or activity. It has been updated to reflect the new public sector equality duty and should be used for decisions from 5th April 2011 onwards. It is designed to help you determine whether you may need to do a Full EIA. If you already know that your decision is likely to be of high relevance to equality, and/or be of high public interest, you should contact the Opportunities Manager, as s/he may recommend moving directly to a Full EIA.

General points

1. 'Due regard' means the regard that is appropriate in all the circumstances. In the case of controversial matters such as service closures or reductions, considerable thought will need to be given the equalities aspects.
2. Wherever appropriate, and in all cases likely to be controversial, the outcome of the EIA needs to be summarised in the Cabinet/Cabinet Member report and equalities issues dealt with and cross referenced as appropriate within the report.
3. Equalities duties are fertile ground for litigation and a failure to deal with them properly can result in considerable delay, expense and reputational damage.
4. Where dealing with obvious equalities issues e.g. changing services to disabled people/children, take care not to lose sight of other less obvious issues for other protected groups.

Timing, and sources of help

Case law has established that having due regard means analysing the impact, and using this to inform decisions, thus demonstrating a conscious approach and state of mind ([2008] EWHC 3158 (Admin), [here](#)). It has also established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, through to the recommendation for decision. It should demonstrably inform, and be made available when the decision that is recommended. This tool contains guidance, and you can also access guidance from the EHRC [here](#). If you are analysing the impact of a budgetary decision, you can find EHRC guidance [here](#). Advice and guidance can be accessed from the Opportunities Manager: PEIA@lbhf.gov.uk or ext 3430.

Initial Screening Equality Impact Analysis Tool

Section 01	Details of Initial Equality Impact Screening Analysis
Financial Year and Quarter	2011/2012
Name of policy, strategy, function, project, activity, or programme	1-67 Jepson House, 2-38 Pearscroft Road, 40-54 Pearscroft Road Decent Homes Refurbishment Programme Housing and Regeneration Capital Works Programme 2011/2012 and 2012/13
Q1 What are you looking to achieve?	External and internal refurbishment works including new roofs, windows and front entrance doors, fire safety compartmentation works, new kitchens and bathrooms plus rewiring and the installation of new boiler systems.
Q2 Who in the main will benefit?	<p>Analyse the impact of the policy on the protected characteristics (including where people / groups may be in more than one protected characteristic). You should use this to determine whether the policy will have a positive/neutral/negative impact and whether it is of low/medium/high relevance to equality.</p> <p>You should also use this section when your policy may not be relevant to one or more protected characteristics. If this applies, case law has established that you must give your reasoning. It is not sufficient to state 'N/A' without saying why.</p> <p>Information: protected characteristics and PSED The public sector equality duty (PSED) states that in the exercise of our functions, we must have due regard to the need to:</p> <ul style="list-style-type: none"> ▪ Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited under the Act; ▪ Advance equality of opportunity between people who share a protected characteristic and those who do not; and ▪ Foster good relations between people who share a protected characteristic and those who do not. <p>Having due regard for advancing equality involves:</p> <ul style="list-style-type: none"> ▪ Removing or minimising disadvantages suffered by people due to their protected characteristics; ▪ Taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and

- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

The Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others.

Age	The Decent Homes refurbishment programme may affect elderly, very young and residents with a long term disability in terms of the internal works that are planned to proceed. These include fire safety works including removal of all mains services from the two central ducts, bathroom and kitchen renewal, mechanical and electrical rewiring. External works include the provision of a new roof, windows, front entrance doors, the installation of landlord's lighting, a digital TV aerial system and the redecoration of communal stairways and landings in a fire protective coating.	L	/
Disability	The refurbishment programme may have an effect on disabled people, although all the works primarily are aimed to maintain the building fabric in a good state of repair with improved environmental properties (noise reduction and reduce heat loss). The comments above will apply, especially with regard to the internal works.	L	/
Gender reassignment	The refurbishment programme of works will not have an effect on gender reassignment	L	/
Marriage and Civil Partnership	The refurbishment programme of works will not have an effect on marriage and civil partnership	L	/
Pregnancy and maternity	The window replacement will not have an effect on pregnancy and maternity	L	/

	Race	The window replacement will not have an effect on race groups	L	/
	Religion/belief (including non-belief)	The refurbishment programme of works will not have an effect on religion or belief	L	/
	Sex	The refurbishment programme of works will not have an effect on men or women	L	/
	Sexual Orientation	The refurbishment programme of works will not have an effect on sexual orientation	L	/
<p>Human Rights and Children's Rights Will it affect Human Rights, as defined by the Human Rights Act 1998? No</p> <p>Will it affect Children's Rights, as defined by the UNCRC (1992)? No</p>				
Q3 Does the policy, strategy, function, project, activity, or programme make a positive contribution to equalities?	Does this provide an opportunity to promote equality? Use your reasoning from Q2 to state why. No. This is a technical/building contract.			
Q4 Does the policy, strategy, function, project, activity, or programme actually or	No. This is a technical/building contract If the answer here is 'yes', then it is necessary to go ahead with a Full Equality Impact Analysis. You should also consider a Full Equality Impact Analysis if your decision is likely to be of high relevance to equality, and/or			

potentially contribute to or hinder equality of opportunity, and/or adversely impact human rights?	be of high public interest.
--	-----------------------------

Initial Screening Equality Impact Analysis Guidance

Section 01	Details of Initial Equalities Impact Screening Analysis
Name of policy, strategy, function, project, activity, or programme	<p>A Policy refers to an approved decision, principle plan or a set of procedures by Cabinet, or a Cabinet Member under delegated powers that affects the way that the Council conducts its business both internally and externally. A policy can include: strategies, guides, manuals and common practice.</p> <p>A Strategy refers to a systematic short term or a long term plan of action that is designed to achieve a specific business benefit or goal(s).</p> <p>A Function refers to any actions and/or activities designed to achieve a specific business benefit or goal.</p> <p>A Project defines how a temporary structure or scheme can achieve a specific business benefit or goal(s). A project can be implemented by setting up aims and objectives, resources, communication, budget needs and timelines.</p> <p>An Activity is a specific task (or a groups of tasks) which can also form as part of a 'function'.</p> <p>A Programme is a portfolio of activities and projects that are co-ordinated and managed as a unit such that they realise common outcomes and benefits.</p>
Q1 What are you looking to achieve?	For example this might help to implement outcomes identified in policies such as the Single Equality Scheme , Disability Equality Scheme , other EIAs in your service department, or in another department that your service/service users also interact with and draw down services from, Corporate Plan , LAA Targets , CAA Aims, UDP , or JSNA .
Q2 Who in the main will benefit?	<p>Hereafter, 'policy' means policy, strategy, function, project, activity, or programme</p> <p>Disability Service providers also have an anticipatory duty to make reasonable adjustments for disabled people. These two</p>

duties frequently overlap and it is sensible to consider them together. For example, can you:

- Provide accessible communications?
- Change how you collate and use data?
- Revise how you involve service users?

Analyse the impact of the policy on the [protected characteristics](#) with due regard to the Public Sector Equality Duty.

Use your reasoning in order to determine whether the policy will be of high, medium or low relevance to the protected characteristics. What do we mean by these terms?:

High

- The policy, strategy, function, project, activity, or programme is relevant to all or most parts of the general duty, and/or to human rights
- There is substantial or a fair amount of evidence that some groups are (or could be) differently affected by it
- There is substantial or a fair amount of public concern about it

Medium

- The policy, strategy, function, project, activity, or programme is relevant to most parts of the general duty, and/or to human rights
- There is some evidence that some groups are (or could be) differently affected by it
- There is some public concern about it

Low

- The policy, strategy, function, project, activity, or programme is not generally relevant to most parts of the general duty, and/or to human rights
- There is little evidence that some groups are (or could be) differently affected by it
- There is little public concern about it

Use your reasoning to determine whether the impact will be positive, neutral, or negative. There are three possible outcomes:

- **Positive:** The EIA shows the policy is not likely to result in adverse impact for any protected characteristic and does advance equality of opportunity, and/or fulfils PSED in another way
- **Neutral:** The EIA shows the policy, strategy, function, project or activity is not likely to result in adverse

impact for any protected characteristic and does not advance equality of opportunity, and/or fulfils PSED in another way

- **Negative:** The EIA shows the policy, strategy, function, project or activity is likely to have an adverse impact on a particular protected characteristic(s) and potentially does not fulfil PSED, or the negative impact will be mitigated through another means.

Should your policy not be applicable, you must note this and state why.

Human Rights, Children's Rights

Additionally, demonstrate here that the impact on **Human and/or Children's Rights** arising from the policy has been considered.

Human Rights

Public authorities have an obligation to act in accordance with the European Convention on Human Rights. These are:

- Article 2: [Right to life](#)
- Article 3: [Freedom from torture and inhuman or degrading treatment](#)
- Article 4: [Right to liberty and security](#)
- Article 5: [Freedom from slavery and forced labour](#)
- Article 6: [Right to a fair trial](#)
- Article 7: [No punishment without law](#)
- Article 8: [Respect for your private and family life, home and correspondence](#)
- Article 9: [Freedom of thought, belief and religion](#)
- Article 10: [Freedom of expression](#)
- Article 11: [Freedom of assembly and association](#)
- Article 12: [Right to marry and start a family](#)
- Article 14: [Protection from discrimination in respect of these these rights and freedoms](#)
- Article 1 of Protocol 1: [Right to peaceful enjoyment of your property](#)
- Article 2 of Protocol 1: [Right to education](#)
- Article 3 of Protocol 1: [Right to participate in free elections](#)

(Article 1 of Protocol 13 is: Abolition of the death penalty)

Each of the above links takes you to explanations and examples provided by the EHRC. Further, the [EHRC](#) and the [Ministry of Justice](#) both provide guides for public authorities.

	<p>Children’s Rights (UNCRC) All children and young people up to the age of 18 years have all the rights in the Convention. Some groups of children and young people - for example those living away from home, and young disabled people - have additional rights to make sure they are treated fairly and their needs are met.</p> <p>Every child in the UK has been entitled to over 40 specific rights. These include:</p> <ul style="list-style-type: none"> ▪ The right to life, survival and development ▪ The right to have their views respected, and to have their best interests considered at all times ▪ The right to a name and nationality, freedom of expression, and access to information concerning them ▪ The right to live in a family environment or alternative care, and to have contact with both parents wherever possible ▪ Health and welfare rights, including rights for disabled children, the right to health and health care, and social security ▪ The right to education, leisure, culture and the arts ▪ Special protection for refugee children, children in the juvenile justice system, children deprived of their liberty and children suffering economic, sexual or other forms of exploitation <p>The rights included in the convention apply to all children and young people, with no exceptions.</p> <p>The above and more information can be found at Direct Gov.</p>
<p>Q3 Does the policy, strategy, function, project, activity, or programme make a positive contribution to equalities?</p>	<p>No</p> <p>This is a building, technical contract.</p>
<p>Q4 Does the policy, strategy, function, project, activity, or programme actually or potentially contribute to</p>	<p>No</p> <p>This is a building, technical contract.</p> <p>If the answer here is ‘yes’, then it is necessary to go ahead with a Full Equality Impact Analysis. You should also consider a Full Equality Impact Analysis if your decision is likely to be of high relevance to equality, and/or be of</p>

or hinder equality of opportunity and/or human rights?	high public interest.
---	-----------------------

Equality Impact Analysis Initial Screening Tool with Guidance

Overview

This Tool has been produced to help you analyse the likelihood of impacts on the protected characteristics – including where people are represented in more than one – with regard to your new or proposed policy, strategy, function, project or activity. It has been updated to reflect the new public sector equality duty and should be used for decisions from 5th April 2011 onwards. It is designed to help you determine whether you may need to do a Full EIA. If you already know that your decision is likely to be of high relevance to equality, and/or be of high public interest, you should contact the Opportunities Manager, as s/he may recommend moving directly to a Full EIA.

General points

1. 'Due regard' means the regard that is appropriate in all the circumstances. In the case of controversial matters such as service closures or reductions, considerable thought will need to be given the equalities aspects.
2. Wherever appropriate, and in all cases likely to be controversial, the outcome of the EIA needs to be summarised in the Cabinet/Cabinet Member report and equalities issues dealt with and cross referenced as appropriate within the report.
3. Equalities duties are fertile ground for litigation and a failure to deal with them properly can result in considerable delay, expense and reputational damage.
4. Where dealing with obvious equalities issues e.g. changing services to disabled people/children, take care not to lose sight of other less obvious issues for other protected groups.

Timing, and sources of help

Case law has established that having due regard means analysing the impact, and using this to inform decisions, thus demonstrating a conscious approach and state of mind ([2008] EWHC 3158 (Admin), [here](#)). It has also established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, through to the recommendation for decision. It should demonstrably inform, and be made available when the decision that is recommended. This tool contains guidance, and you can also access guidance from the EHRC [here](#). If you are analysing the impact of a budgetary decision, you can find EHRC guidance [here](#). Advice and guidance can be accessed from the Opportunities Manager: PEIA@lbhf.gov.uk or ext 3430.

Initial Screening Equality Impact Analysis Tool

Section 01	Details of Initial Equality Impact Screening Analysis
Financial Year and Quarter	2011/2012
Name of policy, strategy, function, project, activity, or programme	New Policy Introduction of Interim Guidance to Social Landlords on the Affordable Rent Tenure in LB Hammersmith & Fulham
Q1 What are you looking to achieve?	<p>The primary function of this report is to provide guidance to Registered Providers (Housing Associations) in the borough on the setting of rents for the new affordable rent tenure in the borough on both new build and relets. In summary, affordable rent is replacing social rent for new build properties and converting some social rent to affordable rent when they become vacant. By keeping the proposed affordable rents in these units within housing benefit levels, people who are welfare dependent are still able to access affordable rent properties as they would have been able to access social rent properties. In this respect, where groups are more likely to be welfare dependant, the proposed interim guidance for new affordable rent tenure will not have a positive impact, but neither will it have a negative impact as the existing housing situation of individuals will not be affected.</p> <p>It is anticipated that from September 2011, when Registered Providers enter into contractual arrangements with the Homes and Community Agency, they will be able to let new affordable rent units at rents up to 80% of open market value as well as convert existing social rent tenancies when they become vacant as affordable rent properties. The reason for this new approach is that the Homes and Community Agency are lowering by almost 75% their capital grant to Registered Providers to provide new affordable housing and expecting this loss of capital grant to be made up by Registered Providers charging up to 80% on the new affordable rent tenure.</p> <p>It is not known how many existing social rent dwellings Registered Providers in the borough intend to convert on vacant possession in the borough. In 2010/11 Registered Providers provided 181 social rent relets to the Council for Council nominations.</p> <p>In order to ensure that both those on Housing Benefit and working households on intermediate incomes (up to household incomes of £74,000 pa) can access the new affordable rent tenure, officers are recommending that the Council give guidance to Registered Providers that the rent charged is set at no more than existing Housing</p>

Benefit Levels for all bed sizes. This will enable those on welfare benefits and those working on intermediate incomes to be able to access the new affordable rent tenure. If the Council agreed to rent levels at 80% open market rent then those dependent on housing benefit and working households on intermediate incomes may not be able to afford to access affordable rent dwellings particularly on larger family sized accommodation.

**Q2
Who in the main will benefit?**

The capping of rents to Housing Benefit levels for the new affordable rent tenure will have some different effects on different groups, as given below, but officers consider that there are two main benefits to all residents:

1. Increasing the rent for some of their properties will enable Registered Providers to continue developing affordable housing. Without this increase, registered Providers would be severely restricted in their ability to develop as they would not have the necessary resources to fund new development given the HCA's policy to significantly decrease capital funding.
2. The capping of rents will make the affordable rent units affordable to residents in the borough seeking rented intermediate housing. At the same time it will ensure that rents are affordable to those in receipt of full housing benefit.

The figures below are taken from the Council's H&F Homebuy Team's waiting list, where data is collated on protected characteristics, the Council's Strategic Housing Market Assessment and also from the Borough Profile 2010, which can be accessed via this page:

http://www.lbhf.gov.uk/Directory/Council_and_Democracy/Plans_performance_and_statistics/Statistics_and_census_information/Borough_profiles/41255_Borough_Profile.asp

It should be noted that the data from the H&F Homebuy Team's waiting list does not necessarily reflect housing need, as some people may remain in their existing housing situation while they wait for a housing opportunity. That is, it should not be confused with the Council waiting list, which does indicate need.

Age	The Council's H&F Homebuy Team maintain a waiting list of those expressing an interest in low cost home ownership or intermediate rented accommodation. The waiting list has 3,548 households. Whilst the majority are aged between 30 and 65, nearly a third (1034) are in the age group 18 to 30, over half these households have incomes above £ 30,000 per annum. The availability of the affordable rent product could therefore	H	+
-----	---	---	---

		<p>increase opportunities for those households in these age groups to access intermediate housing.</p> <p>Less than half of 1% (17) of this waiting list are over 60 and therefore the affordable rent tenure will have marginal impact. 4 of the 17 households in this group has incomes above £ 30,000 pa. The availability of the affordable rent product could therefore increase opportunities for those households in these age groups to access intermediate housing.</p> <p>The majority of those in urgent need of housing on the Council's waiting list are aged between 25 and 64. (64%) Those aged under 24 total 54 (8%) and those aged over 64 total 174 (28%). Those on Bands A and B on Locata have high welfare dependency and therefore by ensuring affordable rent levels are maintained within Housing Benefit thresholds could benefit such households.</p>	L	+
			L	+
	Disability	<p>There is no indication that the proposed affordable rent levels will in principle disadvantage disabled people or those with physical or mental ill health. This is because by ensuring that affordable rent levels are kept within existing housing benefit levels, and disabled households or those with a physical or mental ill health will still be able to access the affordable rent product .</p> <p>People with disabilities do access intermediate housing. The Council has helped 16 households from this group to buy a home since 2007. Data from 2010 shows 99 people of the total 3471 active members on the Council's Home Buy Register are people with disabilities . This equates to 2.85%. In comparison with the Borough Profile, which gives the proportion of people with limiting long-term illness as 14.7%, disabled people are under-represented on the register. In this respect, for the small number of disabled people on the register who would be able to afford the affordable rent as proposed, it would be positive.</p>	L	+
Gender reassignment	<p>There is very little data on gender re-assignment of Council tenants or members of their household. That said, the effects of this policy are expected to be neutral in terms of this characteristic, with nothing on the face of it to suggest a tenant or members of their household stand to lose or gain on account of changing gender from male to female or vice versa</p>	L	Neutral	

		or at partial stages in that process.		
	Marriage and Civil Partnership	The Council has limited data on the marital status of its tenants or members of their households. That said, the effects of this policy are expected to be neutral in terms of this characteristic, with nothing on the face of it to suggest a tenant or members of their household stand to lose or gain on account of whether they are married, single, divorced, cohabiting or in a civil partnership.	L	Neutral
	Pregnancy and maternity	The Council has limited data on the proportion of its tenants or members of their households in this equalities category. The effects of this policy are expected to be neutral in terms of this characteristic, with nothing on the face of it to suggest a tenant or members of their household stand to lose or gain on account of being pregnant or being in the 26 weeks period post-birth of the child. whether they are married, single, divorced, cohabiting or in a civil partnership.	L	Neutral
	Race	<p>Of the 3,471 households on H&F Homebuy's waiting list who responded, 2060 households described their ethnic origin as other than white British, which is 59% of the total. This is disproportionate in comparison to the Borough profile, which gives the percentage of those in the 'other white' group as 22%. It should be noted that this group in this context constitutes people from Western and Eastern Europe, Australia and New Zealand, as well as groups such as Black, Asian, and Chinese.</p> <p>Of 'other white' group, 32% had an income of £ 30,000 per annum or more. The white British figure with an income of £30,000 or more from H&F Homebuy Team waiting list was 33 %. For these people, the new affordable rent levels would highly relevant, and remain affordable, which is positive.</p> <p>Those describing themselves as from an Asian ethnic origin had higher average incomes than those with Black, African, Caribbean or Black British ethnic origin. The availability of the affordable rent product could therefore</p>	H	+
			H	+

		<p>increase opportunities for those households to access intermediate housing. For these people, the new affordable rent levels would highly relevant, and are affordable, which is positive.</p> <p>For the 68% of those describing themselves as having an ethnic origin other than White British with an income of less than £ 30,000 pa and for the 67% describing themselves as White British, also with incomes of less than £ 30,000 pa, the new affordable rent tenure will not have a positive impact, but neither will it have a negative impact as their existing housing situation will not be affected. It would therefore be of low relevance to this group and have a neutral impact</p> <p>In relation to the Housing waiting list of 559 households in urgent need (Locata bands A&B) for whom data is held, 312 (56%) describe their ethnic origin as other than white British. Those on Bands A and B on Locata have high welfare dependency and therefore by ensuring affordable rent levels are maintained within Housing Benefit thresholds could benefit such households. If non urgent need is included (Band C of Locata) of 4495 for whom data is held, 3450 (76%) describe their ethnic origin as other than white British. Again, the new affordable rent tenure will not have a positive impact, but neither will it have a negative impact as their existing housing situation will not be affected. It would therefore be of low relevance to this group and have a neutral impact</p>	L	Neutral
			L	Neutral
	Religion/belief (including non-belief)	<p>There is very little data on the religious persuasion of Council tenants. As a group Council tenants are ethnically diverse from which it might be inferred that a broad cross-section of world religions are represented in the tenant population. Ethnicity and nationality are not inevitable markers however of a particular faith or of belief or non-belief for that matter.</p> <p>That said, the effects of this policy are expected to be neutral in terms of this characteristic, with nothing on the face of it to suggest a tenant or members of their household stand to lose or gain on account of holding a particular religious belief or the lack of one.</p>	L	Neutral
Sex	57% (2061) of H&F Homebuy Waiting Lists are female and 43% male (1533). Of these totals 1132 female led households and 964 male led households have incomes above £ 30,000. Therefore the new affordable			

		<p>rent product could provide increased opportunities in almost equal measure to both male and female led households to access intermediate rented housing. For these men and women, the new affordable rent structure would highly relevant, and remain affordable, which is positive.</p> <p>In relation to the housing waiting list, for households in most urgent need, bands A and B of Locata, female led households represent 68% of the total against 33 % male, if Band C is included the female led households represent 67%. Those on Bands A and B on Locata have high welfare dependency and therefore by ensuring affordable rent levels are maintained within Housing Benefit thresholds could benefit such households. Again, the new affordable rent tenure will not have a positive impact, but neither will it have a negative impact as their existing housing situation will not be affected. It would therefore be of low relevance to this group and have a neutral impact</p>	H	+
			L	Neutral
	Sexual Orientation	The Council has limited data on the breakdown of its tenants and their household members by sexual orientation. That said, the effects of this policy are expected to be neutral in terms of this characteristic, with nothing on the face of it to suggest a tenant or members of their household stand to lose or gain purely on account of sexuality	L	Neutral
	<p>Human Rights and Children's Rights</p> <p>Will it affect Human Rights, as defined by the Human Rights Act 1998?</p> <p>Yes Article 8 (Right to respect for your family life, home and correspondence), Article 14 (Right to freedom from discrimination in respect of these rights and freedoms). It is considered that these would be positively impacted by the proposed policy.</p> <p>Will it affect Children's Rights, as defined by the UNCRC (1992)?</p> <p>Yes:</p> <ul style="list-style-type: none"> ▪ The right to have their views respected, and to have their best interests considered at all times <p>It is considered that these would be positively impacted by the proposed policy..</p>			
Q3	Yes in some cases, and it will have no effect or resultant change in some other cases			

<p>Does the policy, strategy, function, project, activity, or programme make a positive contribution to equalities?</p>	<p>The initial screening above assesses the interim guidance as being broadly of neutral relevance to most protected characteristics, albeit this is more complex for Age, Race and Sex, where different aspects of the policy will be more relevant to different groups within these protected characteristics than to others. In some cases, as given above, this will have a positive impact, and in other cases it will be neutral.</p> <p>Breaking this down further, for some age and race groups, there could be some slightly positive impacts as the new affordable rent product will give them potentially greater opportunity to access intermediate housing.</p> <p>However for working households on incomes of less than £ 30,000 pa there is likely to be neither a positive or negative impact as they would be unlikely to be in a position to afford the affordable rent tenure but the policy will not affect their existing housing situation.</p> <p>This is a new product that will affect relatively few properties in its first year. The recommendation in the report is that the policy is reviewed in a year's time to assess what impact and affect the new product and the adopted rent levels have had. This will be particularly relevant as by then, the Government's intentions regarding Welfare Reform and Universal Credits are expected to be more firmly worked up and the policy recommended in this report may require amending in light of any future policy changes.</p>
<p>Q4 Does the policy, strategy, function, project, activity, or programme actually or potentially contribute to or hinder equality of opportunity, and/or adversely impact human rights?</p>	<p>No</p>