

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 / 01
Name and details of policy, strategy, function, project, activity, or programme	<p>Award of a Framework Agreement for Agency Worker Services</p> <p>H&F are leading on this contract. LB Harrow are partners with other councils to join at a later stage.</p>
Lead Officer	<p>Name: Val Ayton Position: Corporate Resourcing Manager Email: Valerie.Ayton@lbhf.gov.uk Telephone No: 0208 753 2449</p>
Date of completion of final EIA	24/05/2011

Section 02	Scoping of Full EIA
Plan for completion	<p>Timing: May 2011 Resources: Lead Officer: Val Ayton</p>
What is the policy, strategy, function, project, activity, or programme looking to achieve?	<p>The contract for provision of Temporary Agency Workers represents an important component of the Council's workforce resource enabling it to 'flex' in line with peaks and troughs of overall workloads during the year.</p> <p>In order to seek greater efficiencies, it was considered that a collaborative approach, where a number of councils could participate and join a framework for the provision of these services, would provide the best opportunity for securing the most cost effective service in the future. Consequently senior officers sought interest from their counterparts in London in joining the Framework and the Council is currently working in partnership with LB Harrow in undertaking this procurement exercise to establish the Framework. Further interest has been expressed by other boroughs to join as their current contractual arrangements expire.</p>

	<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>
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Section 03	Analysis of relevant data and/or undertake research
Documents and data reviewed	<p>The Pre-Qualification Questionnaire used to shortlist the interested companies had a section on corporate values which included:</p> <ul style="list-style-type: none"> • Does the Supplier have an equal opportunities and diversity policy? If 'yes', please enclose a copy • Does the Supplier and/or its named supply chain members (sub-contractors) require its staff to receive training on equal opportunities and diversity? If yes, please provide details below • In the last three years has any finding of unlawful discrimination in the employment field been made against the Supplier and/or its named supply chain members (sub-contractors) by the employment tribunal, the employment appeal tribunal, or any court or in comparable proceedings in any other jurisdiction? • If yes, what steps have been taken by the Supplier and/or its named supply chain members (subcontractors) as a result of that finding? • Does the Supplier have a specific disability policy? • If 'yes', please enclose a copy <p>The 3 service providers appointed, all met the equalities criteria above.</p> <p>See also the recruitment advertising EIA which covers the policy & procedure for advertising and redeployment.</p> <p><u>Workforce Data</u></p> <p><u>Last 2 year's commentary</u></p> <ul style="list-style-type: none"> • Women make up 70% of the workforce but representation at SMG grade is only at 38% • Disabled employees only make up 2% of the workforce which is not representative of both Borough and London population • Workers in the 16-25 age group only make up 6% of the workforce which is lower than both borough and

London population

- BME make up 31% of the workforce but representation at SMG grade is only at 10%

The council has reported on the success rates of applicants by ethnicity, gender, age and disability annually for the last two years as shown in the tables below.

Recruitment data

	Male	Female	White	BME	Disabled	Not Disabled
2009/10						
Applicants	57%	43%	35%	65%	3%	97%
Shortlisted	68%	32%	44%	56%	2%	98%
Successful	37%	63%	69%	31%	1%	99%
2008/09						
Applicants	41%	59%	48%	52%	3%	97%
Shortlisted	41%	59%	58%	42%	5%	95%
Successful	38%	62%	64%	36%	5%	95%

	16-25	26-35	36-45	46-55	56 plus
2009/10					
Applicants	19%	38%	26%	14%	3%
Shortlisted	16%	36%	28%	16%	3%
Successful	11%	47%	27%	14%	3%
2008/09					
Applicants	8%	45%	26%	17%	4%
Shortlisted	7%	45%	22%	21%	5%
Successful	9%	48%	22%	17%	4%

- By age, there are no noticeable differences at different stages of the application with the exception of 26-35 age group who show a slightly better chance of success in 2009/10
- Applications from men increased significantly in 2009/10 bypassing women applications. However, significant disparities are evident for men shortlisted and those who were successful. On the other hand, women have a less likely chance of being shortlisted but a significantly higher chance of success
- Applications from disable applicants are not representative of both council and London populations
- For the second year running, more BME applicants apply but their chances of being short listed and

	successful are significantly lower in comparison to white applicants
New research	This is an on-going service. No new research is available or required

Section 04	Undertake and analyse consultation
Consultation	This is an existing function of the council therefore no consultation has been completed for this impact assessment.
Analysis	Not applicable

Section 05	Analysis of impact and outcomes										
Analysis	Issue	Impact	Group impacted								
			Age	Disability	Ethnicity	Gender	Gender Reassignment	Marriage and Civil Partnership	Pregnancy and Maternity	Religion	Sexual Orientation
	1. Pre-Qualification Questionnaire. All awarded companies have been equality assessed through the procurement process and have Equal Opportunities Policies in place	Positive	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2. Contract Management Even though the work is contracted out, All contractors must adhere with the council's policy on recruitment and selection and this will be	Positive	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	

	monitored through the contract management process										
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Section 06	Reducing any adverse impacts										
Outcome of Analysis	<p>This assessment has identified positive impacts on equality.</p> <p>The council must ensure that all candidates regardless of background have the same opportunities to apply for and be considered for job vacancies. This applies equally to external companies managing elements of the recruitment process as to council officers. No detrimental impact is anticipated on any applicant. Equal Opportunities monitoring will continue to be carried out in the same way, with the number of applicants, candidates taken through to the assessment centre, candidates put forward for interviews and appointed will be counted and monitored. Through monitoring of equal opportunities forms and short-listing and appointment statistics we would be able to pick up anyone disadvantaged as a result of the service. Any complaints by applicants or managers would be logged and reported through the regular meetings with the providers.</p> <p>The framework partners will meet regularly with providers and any persistent non compliance issues may result in termination of contract.</p>										

Section 07	Action Plan																
Action Plan	<table border="1"> <thead> <tr> <th style="background-color: #f4a460;">Action</th> <th style="background-color: #f4a460;">Responsibility</th> <th style="background-color: #f4a460;">Timeline</th> </tr> </thead> <tbody> <tr> <td>Equalities will be monitored through the contract management process.</td> <td>Contract management officers</td> <td>Duration of contract</td> </tr> </tbody> </table>											Action	Responsibility	Timeline	Equalities will be monitored through the contract management process.	Contract management officers	Duration of contract
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Section 08	Agreement, publication and monitoring										
Chief Officer sign-off	<p>Name: Debbie Morris Position: Assistant Director HR Email: Debbie.Morris@lbhf.gov.uk</p>										

	Telephone No: 0208 753 3068
Key Decision Report	Date of report to Cabinet/Cabinet Member: XX / XX / XX Confirmation that key equalities issues found here have been included: Yes/No
Opportunities Manager for advice and guidance only	Name: Lillian Magero Position: Senior Equalities Consultant Date advice / guidance given: 06/06/11 Email: Lillian.magero@lbhf.gov.uk Telephone No: 0208 753 2355

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

The rights included in the convention apply to all children and young people, with no exceptions.

More information on UNCRC can be found at [Direct Gov](#).

Section 03

Analysis of relevant data and/or undertake relevant research

Documents and data reviewed

Examples:

- Previous EIAs
- [Single Equality Scheme](#)
- [Disability Equality Scheme](#)
- [Corporate Plan](#)
- [LAA Targets](#)
- [UDP](#)
- [JSNA](#)
- [LBHF Consultations](#)
- [Deprivation information](#)
- [Census info on population](#)
- [Ward Profiles](#)
- [CRAIG](#) information, including [local plans and research](#)
- [Council](#) or External Studies or [Research](#) (inc. for hidden populations such as LGBT)
- Service Monitoring Reports (qualitative and quantitative)
- Consultation/focus group feedback (inc. feedback from users and/or organisations that represent users)
- Complaints and Comments
- Monitoring information (inc. service equality or workforce monitoring etc).
- Information from formal audits
- Previous customer research and satisfaction surveys – such as the [Annual Resident's Satisfaction Survey](#) and [Place Survey](#)
- Staff Surveys, opinions and information from Trade Unions (contact [Organisation Development](#))
- Workforce monitoring: contact the [TRENT](#) team and/or see [HR Statistics](#) for LBHF
- Contract monitoring reports
- Press coverage
- Feedback from focus groups, area panels or forums, etc
- Feedback from individuals or organisations representing the interests of key target groups or similar
- The knowledge, technical advice, expertise and experience of the people assisting in the completion of the EIA
- Academic, qualitative and quantitative research, including findings from other councils. (There are many

	<p>institutions that carry out this kind of research and it is not possible to list them here. Those such as IESR and IFS focus on economics, as examples)</p> <ul style="list-style-type: none"> ▪ Outcomes of Judicial Reviews/Judgements <p>Assess your sources against the protected characteristics and the aims of your policy in order to plan your consultation.</p>
New research	If you find that you need to undertake new research, please contact the Opportunities Manager

Section 04	Analyse or undertake consultation
Consultation	<p>The specific duties assume the need to undertake engagement as they state that public bodies must publish information about the engagement they have undertaken with persons with an interest in furthering the aims of the equality duty.</p> <p>The specific duties do not set out how or when we should engage and consult. This means that your consultation will need to be proportionate to the decision that is being taken.</p> <p>You may wish to draft the EIA and make it available alongside the policy that you are consulting on, during consultation, in order to gain feedback.</p> <p>The EHRC has produced a guide to consultation, and general guidance. These may help you.</p> <p>Design your consultation with the Involving Residents Policy in mind and in line with the Council's Consultation Guidelines. Community Liaison also have a list of community and voluntary organisations in the borough (officer details).</p>
Analyse	What did you find in your consultation about your proposed or existing policy in relation to the protected characteristics? What were their experiences and/or needs, and how do these relate to outcomes/your proposed or existing policy?

Section 05	Analysis of impact and outcomes
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Analysis

In assessing the impact(s) on protected characteristics, including where people are represented in more than one, consider whether there is potential for it to result in unlawful discrimination, or a less favourable impact on any protected characteristic, or if an opportunity to promote equality has been missed.

To do this, you need to analyse your evidence and whether what you have found indicates direct or indirect discrimination. You must consider the relevance of your policy to the protected characteristics, and the weight given to each of these (including where people are represented in more than one).

Direct discrimination

This is where a person, or group of people, are treated less favourably than others in the same circumstances on the grounds of a protected characteristic and this treatment cannot be objectively and reasonably justified.

Indirect discrimination

This is where a requirement or condition is applied to all individuals or groups equally, but which is such that:

- The proportion of one group who can comply is considerably smaller than those of another group who can also comply with it
- It cannot be shown to be justifiable
- It is to the disadvantage of that group because they cannot comply with it

Relevance and Proportionality

The weight given to each protected characteristic should be proportionate to its relevance to the policy. for example, the London Borough of Ealing lost a case in which the Judge considered that they had not taken the relevance of race and gender into account when redesigning the funding criteria for domestic violence services. Part of the Judgement stated:

Ealing observed that the largest proportion of domestic violence in its borough was suffered by white European women. But that statistic was meaningless and irrational unless compared with the fact that 58 per cent of the female population of Ealing during the same period consisted of white European women. As the documents show, 28 per cent of domestic violence was suffered by Indian, Pakistani and other Asian women. That statistic is of vital importance when one considers that those groups made up only 8.7 per cent of the population within Ealing. In those circumstances it is plain from the statistics available to Ealing that a very large proportion of women from that background suffered from domestic violence in comparison to white European women.

Had Ealing appreciated that the important focus of their attention should be upon the proportion of black minority ethnic women within the borough and consideration of how high a proportion of those women suffered from domestic violence, it could never have reached the conclusion that there was no correlation between domestic

	<p><i>violence and ethnicity. Any such conclusion was, in my judgment, perverse.</i></p> <p>[2008] EWHC 2062 (Admin)</p>
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Section 06	Reducing any adverse impacts
Outcome of Assessment	<p>From your assessment of impacts and outcomes, identify any specific actions that will remove or mitigate against the risk of unlawful discrimination in the delivery and implementation of your policy.</p> <ul style="list-style-type: none"> ▪ If the policy/strategy or service affects people adversely, can this be justified? Can an adverse impact be overcome? ▪ Where the adverse impact is unlawful the policy/strategy or service must be changed – identify another way to meet objectives. ▪ Will changes to reduce adverse impact be significant? If so consultation may need to be undertaken. <p>Where it is perceived that the needs of two service users could conflict, you must ensure:</p> <ul style="list-style-type: none"> ▪ Firstly, that both are treated with dignity and respect; and ▪ Secondly, that each treats each other with dignity and respect

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/>