

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	2011/12 Quarter 1			
Name of policy, strategy, function, project, activity, or programme	Commercial Leasing of surplus parking spaces at Walham Green Court Car Park			
Q1 What are you looking to achieve?	To increase income generated by the Housing and Regeneration Department by leasing any empty car parking spaces within Walham Green Court Car Park, which are surplus to residents requirements. The extent to which these can be commercialised will be led by the planning department agreeing scope of change of use – after which full consultation will take place with residents as to the degree to which the space is commercialised. Once agreement is reached through consultation and planning permission is gained, spaces will be let to private and business users at a comparable private sector, market rate. We will also look to procure a private sector partner to manage the parking space to the required standard.			
Q2 Who in the main will benefit?	<p>There will be no change in use for current council residents therefore there is no impact of this policy on any group. Full consultation will take place with residents to gauge the level of commercialisation that they feel will be beneficial within Walham Green Court It is envisaged that all of the Councils customers will benefit from a commercial parking management contractor and increased revenue in Walham Green Court. The increase in revenue and its reinvestment into lighting and security will benefit all users of council car parking facilities including those protected by equalities legislation.</p> <p>The part commercialization only extends to empty and underused spaces and priority will be given to current residents ahead of private and commercial. How many spaces are made available is dependent upon number that are unused and dependent on residents views within the consultation.</p>			
	Age	The waiting list management does not take any account of the applicants age and there will therefore have no impact on this group.	L/M/H NONE	+ / -

	Disability	Clearer signage, security and lighting can be seen to have a positive rather than negative effect on this group.	L/M/H + H M	+ / - +
	Gender reassignment	The waiting list management does not take any account of the applicants gender and there will therefore have no impact on this group.	L/M/H NONE	+ / -
	Marriage and Civil Partnership	The waiting list management does not take any account of the applicants marital or civil partnership status and there will therefore have no impact on this group.	L/M/H NONE	+ / -
	Pregnancy and maternity	The waiting list management does not take any account of the applicants pregnancy or maternity status and there will therefore have no impact on this group.	L/M/H NONE	+ / -
	Race	The waiting list management does not take any account of the applicants race and there will therefore have no impact on this group. All information will be accessible to those for whom English is not their first language in accordance with the Councils existing policy.	L/M/H NONE	+ / -
	Religion/belief (including non-belief)	The waiting list management does not take any account of the applicants religion or beliefs and there will therefore have no impact on this group.	L/M/H NONE	+ / -
	Sex	The waiting list management does not take any account of the applicants sex and there will therefore have no impact on this group.	L/M/H NONE	+ / -
	Sexual Orientation	The waiting list management does not take any account of the applicants sexual orientation and there will therefore have no impact on this group.	L/M/H NONE	+ / -
<p>Human Rights and Children's Rights Will it affect Human Rights, as defined by the Human Rights Act 1998?</p>				

	<p>No</p> <p>Will it affect Children's Rights, as defined by the UNCRC (1992)?</p> <p>No</p>
<p>Q3</p> <p>Does the policy, strategy, function, project, activity, or programme make a positive contribution to equalities?</p>	<p>Yes</p> <p>Those with a disability are already prioritised for access to parking spaces and this will not change. The increased revenue will allow for reinvestment into the parking facility especially in terms of improved lighting, security and signage which will have a positive effect for disabled customers in particular.</p> <p>The procurement of a specialist commercial partner to manage the facility will also have a positive impact upon all users of the parking facility. Current parking management is spread amongst a multitude of departments and area offices and the use of a single dedicated partner will simplify the application and payment process for all users.</p>
<p>Q4</p> <p>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. The access to parking facilities for current users and council residents is not altered by this policy. The Policy looks only to bring into use empty and underused spaces with Walham Green Court Car Park.</p>

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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>
<p>Q1 What are you looking to achieve?</p>	<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>Q2 Who in the main will benefit?</p>	<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 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.

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

	<ul style="list-style-type: none"> ▪ 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>