

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 2
Name of policy, strategy, function, project, activity, or programme	Review of Shops portfolio
Q1 What are you looking to achieve?	This report sets out options for the future of the shops portfolio and includes proposals to dispose of twenty seven properties, to utilise the capital receipt for Housing & Regeneration purposes and to repay debt, and to outsource the property management for the remainder of the portfolio.
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	It is considered that the sale of these properties has no equality implications as a preliminary assessment of the properties provided for sale will not lead to an unacceptable loss of amenity for Council tenants and leaseholders. Consultation will be carried out with tenants' and residents' associations and any equality issues raised against this strand will be duly considered through the Council's decision making process where necessary.	L	N/A
Disability	It is considered that the sale of these properties has no equality implications as a preliminary assessment of the properties provided for sale will not lead to an unacceptable loss of amenity for Council tenants and leaseholders. Consultation will be carried out with tenants' and residents' associations and any equality issues raised against this strand will be duly considered through the Council's decision making process where necessary.	L	N/A
Gender reassignment	It is considered that the sale of these properties has no equality implications as a preliminary assessment of the properties provided for sale will not lead to an unacceptable loss of amenity for Council tenants and leaseholders. Consultation will be carried out with tenants' and residents' associations and any equality issues raised against this strand will be duly considered through the Council's decision making process where necessary.	L	N/A
Marriage and Civil Partnership	It is considered that the sale of these properties has no equality implications as a preliminary assessment of the properties provided for sale will not lead to an unacceptable loss of amenity for Council tenants and leaseholders. Consultation will be carried out with tenants' and residents' associations and any equality issues raised against this strand will be duly considered through the Council's decision making process where necessary.	L	N/A

	Pregnancy and maternity	It is considered that the sale of these properties has no equality implications as a preliminary assessment of the properties provided for sale will not lead to an unacceptable loss of amenity for Council tenants and leaseholders. Consultation will be carried out with tenants' and residents' associations and any equality issues raised against this strand will be duly considered through the Council's decision making process where necessary.	L	N/A
	Race	It is considered that the sale of these properties has no equality implications as a preliminary assessment of the properties provided for sale will not lead to an unacceptable loss of amenity for Council tenants and leaseholders. Consultation will be carried out with tenants' and residents' associations and any equality issues raised against this strand will be duly considered through the Council's decision making process where necessary.	L	N/A
	Religion/belief (including non-belief)	It is considered that the sale of these properties has no equality implications as a preliminary assessment of the properties provided for sale will not lead to an unacceptable loss of amenity for Council tenants and leaseholders. Consultation will be carried out with tenants' and residents' associations and any equality issues raised against this strand will be duly considered through the Council's decision making process where necessary.	L	N/A
	Sex	It is considered that the sale of these properties has no equality implications as a preliminary assessment of the properties provided for sale will not lead to an unacceptable loss of amenity for Council tenants and leaseholders. Consultation will be carried out with tenants' and residents' associations and any equality issues raised against this strand will be duly considered through the Council's decision making process where necessary.	L	N/A
	Sexual Orientation	It is considered that the sale of these properties has no equality implications as a preliminary assessment of the properties provided for sale will not lead to an unacceptable loss of amenity for Council tenants and leaseholders. Consultation will be carried out with tenants' and residents' associations and any equality issues raised against this strand will be duly considered through the Council's decision making process where necessary.	L	N/A

	<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>Does this provide an opportunity to promote equality? It is not anticipated that there will be any positive or negative equalities impact in delivering the proposals.</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. It has been considered whether the proposals might lead to an unacceptable loss of amenity for Council tenants and leaseholders (particularly elderly and other vulnerable residents with impaired mobility) e.g. if grocers, butchers, chemists etc. are subsequently forced out to make way for less essential businesses, without there being suitable alternative shops available within a short distance. However, a preliminary assessment of the properties provided for sale concluded that this will not lead to an unacceptable loss of amenity for Council tenants and leaseholders. Consultation with tenants' and residents' associations on any neighbouring Council estates is to be undertaken. This is also set out in the Cabinet Report at paragraph 4.12. The Cabinet Report also contains a summary of this EIA at paragraph 9.1</p> <p>If the answer here is 'yes', then it is necessary to go ahead with a Full Equality Impact Assessment.</p>