

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

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</p> <p>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>
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		<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	<p>The following are overarching conclusions based on the analysis above:</p> <p>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</p> <p>There is a significant shortfall of sports hall provision.</p> <p>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</p>

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.

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

	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