

# 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 5<sup>th</sup> 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](mailto:PEIA@lbhf.gov.uk) or ext 3430.

**Frank Banfield Community Garden  
Initial Screening Equality Impact Analysis Tool**

<b>Section 01</b>	<b>Details of Initial Equality Impact Screening Analysis</b>
<b>Financial Year and Quarter</b>	2022-23 Q4
<b>Name of policy, strategy, function, project, activity, or programme</b>	Parks Capital Programme, Frank Banfield Community Garden installation. Project to be funded by Section 106.
<b>Q1 What are you looking to achieve?</b>	Create a community garden and hub in Frank Banfield Park. The community hub will consist of two shipping containers which will include an accessible toilet. The community garden will be a fenced off area consisting of new herbaceous and tree plantings along with a pond area. Going forward the garden will be managed by the Friends of Frank Banfield Park with support from the Hammersmith Community Gardens Association.
<b>Q2 Who in the main will benefit?</b>	<p><i>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.</i></p> <p><i>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.</i></p> <p><b>Information: protected characteristics and PSED</b>  <i>The public sector equality duty (PSED) states that in the exercise of our functions, we must have due regard to the need to:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited under the Act;</i></li> <li>▪ <i>Advance equality of opportunity between people who share a protected characteristic and those who do not; and</i></li> <li>▪ <i>Foster good relations between people who share a protected characteristic and those who do not.</i></li> </ul> <p><i>Having due regard for advancing equality involves:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Removing or minimising disadvantages suffered by people due to their protected characteristics;</i></li> <li>▪ <i>Taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and</i></li> <li>▪ <i>Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low</i></li> </ul> <p><i>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.</i></p>

The project will create a new community garden and hub for the local community to enjoy.

Age	A wide range of age groups will benefit from being able to visit and volunteer at the community garden.	Y	
Disability	The needs of disabled users will be considered from the outset. The community garden and hub will be accessible and the project will include an accessible toilet.	Y	
Gender reassignment	The project does not discriminate based on gender. The park is a public open space that anyone has the right to use.	Y	
Marriage and Civil Partnership	The project does not discriminate based on marriage/civil partnership. The park is a public open space that anyone has the right to use.	Y	
Pregnancy and maternity	The project does not discriminate based on pregnancy or maternity. The park is a public open space that anyone has the right to use.	Y	
Race	The project does not discriminate based on race. The park is a public open space that anyone has the right to use.	Y	
Religion/belief (including non-belief)	The project does not discriminate based on any religion or belief or alter current provisions. The park is a public open space that anyone has the right to use.	Y	

	Sex	The project does not discriminate based on sex. The park is a public open space that anyone has the right to use.	Y	
	Sexual Orientation	The project does not discriminate based on sexual orientation. The park is a public open space that anyone has the right to use.	Y	
<p><b>Human Rights and Children's Rights</b></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><b>Q3</b> Does the policy, strategy, function, project, activity, or programme make a positive contribution to equalities?</p>	<p>Yes: by creating a new community hub and garden this project will aspire to bringing the community together, improving cohesion. The garden will be accessible and provide an accessible toilet to benefit users of the garden. It does not discriminate against any of the other protected characteristics and will make a positive contribution to equalities.</p>			
<p><b>Q4</b> 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>			

# Initial Screening Equality Impact Analysis Guidance

<p><b>Section 02</b></p>	<p><b>Details of Initial Equalities Impact Screening Analysis</b></p>
<p><b>Name of policy, strategy, function, project, activity, or programme</b></p>	<p>A <b>Policy</b> 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 <b>Strategy</b> 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 <b>Function</b> refers to any actions and/or activities designed to achieve a specific business benefit or goal.</p> <p>A <b>Project</b> 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 <b>Activity</b> is a specific task (or a groups of tasks) which can also form as part of a 'function'.</p> <p>A <b>Programme</b> 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><b>Q1</b> <b>What are you looking to achieve?</b></p>	<p>For example this might help to implement outcomes identified in policies such as the <a href="#">Single Equality Scheme</a>, <a href="#">Disability Equality Scheme</a>, <a href="#">other EIAs</a> in your service department, or in another department that your service/service users also interact with and draw down services from, <a href="#">Corporate Plan</a>, <a href="#">LAA Targets</a>, CAA Aims, <a href="#">UDP</a>, or <a href="#">JSNA</a>.</p>
<p><b>Q2</b> <b>Who in the main will benefit?</b></p>	<p>Hereafter, 'policy' means policy, strategy, function, project, activity, or programme</p> <p><b>Disability</b> 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"> <li>▪ Provide accessible communications?</li> <li>▪ Change how you collate and use data?</li> <li>▪ Revise how you involve service users?</li> </ul> <p>Analyse the impact of the policy on the <a href="#">protected characteristics</a> 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><b>High</b></p> <ul style="list-style-type: none"> <li>▪ The policy, strategy, function, project, activity, or programme is relevant to all or most parts of the general duty, and/or to human rights</li> <li>▪ There is substantial or a fair amount of evidence that some groups are (or could be) differently affected by it</li> <li>▪ There is substantial or a fair amount of public concern about it</li> </ul>

### 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><b>Children's Rights (UNCRC)</b>  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"> <li>▪ The right to life, survival and development</li> <li>▪ The right to have their views respected, and to have their best interests considered at all times</li> <li>▪ The right to a name and nationality, freedom of expression, and access to information concerning them</li> <li>▪ The right to live in a family environment or alternative care, and to have contact with both parents wherever possible</li> <li>▪ Health and welfare rights, including rights for disabled children, the right to health and health care, and social security</li> <li>▪ The right to education, leisure, culture and the arts</li> <li>▪ 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</li> </ul> <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 <a href="#">Direct Gov</a>.</p>
<p><b>Q3</b>  <b>Does the policy, strategy, function, project, activity, or programme make a positive contribution to equalities?</b></p>	<p>Yes/No</p> <p>Use your evidence from Q2 to state why</p>
<p><b>Q4</b>  <b>Does the policy, strategy, function, project, activity, or programme actually or potentially contribute to or hinder equality of opportunity and/or human rights?</b></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>