

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 6th 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, Q3
Name and details of policy, strategy, function, project, activity, or programme	Title of EIA: Specific Equality Duties (new) Short summary: The proposals in the accompanying Cabinet Paper are designed to respond to S153 of the Equality Act 2010.
Lead Officer	Name: Carly Fry Position: Opportunities Manager Email: PEIA@lbhf.gov.uk Telephone No: 020 8753 3430
Date of completion of final EIA	14 Nov 2011

Section 02	Scoping of Full EIA
Plan for completion	Timing: November 2011 Resources: Officer time Lead Officer: Carly Fry
What is the policy, strategy, function, project, activity, or programme looking to achieve?	<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.

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.

Below is an analysis of the two proposed objectives as given in the Cabinet Report. They are:

1. Narrow the attainment gap
2. Continuity of Care

Age	Analysis of impact on age including due regard to PSED (above). Objective 1 is of high relevance to, and will have a positive impact on, this group. Most of the cohort is too young to be legally protected here, and so they are additionally included under Children's Rights. The objective is designed to help those who are or have been, entitled to free school meals, and to narrow the gap between their progression to Higher Education in comparison to other young people in order to improve life chances for those children, including when they become young adults. Objective 2 is of high relevance to, and will have a positive impact on, Age and older people in particular. This objective is designed to be responsive to older people's health needs and to build on independence for older people.	H	+
		H	+

	Disability	<p>Analysis of impact on disability including due regard to PSED (above).</p> <p>Objective 1 is of low relevance to, and will have a positive impact on, this group. The objective is designed to help those who are or have been, entitled to free school meals, and to narrow the gap between this, and progression to Higher Education in order to improve life chances for those children, including when they become young adults. This can include disabled pupils although we do not have data to indicate that pupils with this protected characteristic would be particularly affected.</p> <p>Objective 2 is of high relevance to, and will have a positive impact on, disabled and older people in particular. Overall, 14.7% of the borough's population has a limiting long-term illness. As given in the H&F Joint Strategic Needs Assessment (JSNA), the population of this borough is ageing, with the over 65 group predicted to increase by over 20 per cent by 2028. This objective is designed to be responsive to this group's health needs and to build on independence for disabled and older people.</p>	L	+
			H	+
	Gender reassignment	None of the objectives has, so far, emerged as of particular relevance to, or as having a particular impact on, this protected characteristic. However, it is possible to add to the objectives (1.7 of the Cabinet Report), as the duty is flexible and so if a need emerges then we will review it and respond accordingly.	N/A	N/A
	Marriage and Civil Partnership	<p>Analysis of impact on marriage and civil partnership including due regard to PSED (above).</p> <p>If a service is provided to married people, protection from sexual orientation discrimination requires that the same service and standards must also be provided to people who are civil partners.</p> <p>None of the objectives has, so far, emerged as of particular relevance to, or as having a particular impact on, this protected characteristic. However, it is possible to add to the objectives (1.7 of the Cabinet Report), as the duty is flexible and so if a need emerges then we will review it and respond accordingly.</p>	N/A	N/A
Pregnancy and maternity	<p>Analysis of impact on pregnancy and maternity including due regard to PSED (above).</p> <p>None of the objectives has, so far, emerged as of particular relevance to, or as having a particular impact on, this protected characteristic. However, it is</p>	N/A	N/A	

possible to add to the objectives, as the duty is flexible and so if a need emerges then we will review it and respond accordingly.

Race

Analysis of impact on race including due regard to PSED (above).

Objective1 is of high relevance to, and will have a positive impact on, BME children within this group, as the table below shows. The objective is designed to help those who are or have been, entitled to free school meals, and to narrow the gap between this, and progression to Higher Education in order to improve life chances for those children, including when they become young adults.

H

+

Overall	All	FSM (Free School Meals) eligible					
		Non FSM			FSM		
		Num ber	Percent age	Index Over- represent ation	Num ber	Percent age	Index Over- represent ation
Any Other Asian Background	535	458	85.6	1.3	77	14	0.4
Any Other Black Background	356	181	50.8	0.8	175	49	1.4
Any Other Ethnic Group	2027	1107	54.6	0.9	920	45	1.3
Any Other Mixed Background	704	459	65.2	1.0	245	35	1.0
Asian Bangladeshi	270	156	57.8	0.9	114	42	1.2
Asian Indian	142	118	83.1	1.3	24	17	0.5
Asian Pakistani	265	178	67.2	1.0	87	33	0.9
Black African	2868	1169	40.8	0.6	1699	59	1.7
Black Caribbean	1196	609	50.9	0.8	587	49	1.4
Unknown	273	191	70.0	1.1	82	30	0.8
White British	4814	3752	77.9	1.2	1062	22	0.6
White European	1485	1176	79.2	1.2	309	21	0.6
White Irish	284	240	84.5	1.3	44	15	0.4
White Other	648	435	67.1	1.0	213	33	0.9
White/Asian	228	185	81.1	1.3	43	19	0.5
White/Black African	227	136	59.9	0.9	91	40	1.1
White/Black Caribbean	610	314	51.5	0.8	296	49	1.4
White (British, European, Irish, White Other)	7231	5603	77	1.2	1628	23	0.6
Non-White (all other groups)	9428	5070	54	0.8	4358	46	1.3
LBHF Total	33591	1086	64	1.0	6068	36	1.0

		4																	
		<p>This data is based on the January 2011 Schools Census</p> <p>Objective 2 is of low relevance to, and will have a positive impact on Race, as it is designed to target disabled and older people who may be from various race groups. This objective is designed to be responsive to older people's health needs and to build on independence for older people.</p>		L	+														
	Religion/belief (including non-belief)	<p>Analysis of impact on religion including due regard to PSED (above).</p> <p>None of the objectives has, so far, emerged as of particular relevance to, or as having a particular impact on, this protected characteristic. However, it is possible to add to the objectives (1.7 of the Cabinet Report), as the duty is flexible and so if a need emerges then we will review it and respond accordingly.</p>		N/A	N/A														
Sex	<p>Analysis of impact on sex</p> <p>Objective 1 is of high relevance to, and will have a positive impact on, girls and boys, and young men and women. The objective is designed to help those who are or have been, entitled to free school meals, and to narrow the gap between this, and progression to Higher Education in order to improve life chances for those children, including when they become young adults.</p> <p>Objective 2 is designed to be responsive to older people's health needs and to build on independence for older people. Women may benefit proportionately more than men from this objective, since they live longer than men:</p> <table border="1" data-bbox="736 1098 1865 1329"> <thead> <tr> <th></th> <th>Male Life Expectancy in Years</th> <th>Female Life Expectancy in Years</th> </tr> </thead> <tbody> <tr> <td>H&F</td> <td>78.1</td> <td>84.3</td> </tr> <tr> <td>London</td> <td>78.6</td> <td>83.1</td> </tr> <tr> <td>England</td> <td>78.3</td> <td>82.3</td> </tr> <tr> <td colspan="3">London Health Observatory 2009</td> </tr> </tbody> </table> <p>As such, this is of high relevance to, and will have a positive impact on this protected characteristic.</p>			Male Life Expectancy in Years	Female Life Expectancy in Years	H&F	78.1	84.3	London	78.6	83.1	England	78.3	82.3	London Health Observatory 2009			H	+
	Male Life Expectancy in Years	Female Life Expectancy in Years																	
H&F	78.1	84.3																	
London	78.6	83.1																	
England	78.3	82.3																	
London Health Observatory 2009																			

	Sexual Orientation	Analysis of impact on sexual orientation None of the objectives has, so far, emerged as of particular relevance to, or as having a particular impact on, this protected characteristic. However, it is possible to add to the objectives (1.7 of the Cabinet Report), as the duty is flexible and so if a need emerges then we will review it and respond accordingly.	N/A	N/A
	<p>Human Rights and Children's Rights Will it affect Human Rights, as defined by the Human Rights Act 1998? This is varied and is as follows:</p> <p>Objective 1: Yes, it will contribute in a positive way to Article 2 of Protocol 1: Right to education Objective 2: No effect, although we will need to ensure no unlawful interference with Article 8: Respect for your private and family life, home and correspondence</p> <p>Will it affect Children's Rights, as defined by the UNCRC (1992)? This is varied and is as follows:</p> <p>Objective 1: Yes, it will positively contribute to the right to education Objective 2: No effect</p>			

Section 03	Analysis of relevant data and/or undertake research
Documents and data reviewed	<ul style="list-style-type: none"> ▪ Census 2001 ▪ January 2011 School Census (Free School Meals data) ▪ Joint Strategic Needs Assessment: Population and Health Profile Summary 2011 ▪ London Health Observatory 2009 <p>Analysis of impact and outcomes is in Section 05 below.</p>
New research	No new research

Section 04	Undertake and analyse consultation
-------------------	---

Consultation	No consultation undertaken
Analysis	N/A

Section 05	Analysis of impact and outcomes
Analysis	<p>What has your consultation and analysis of data shown? Is there evidence of lawful and/or unlawful discrimination?</p> <p>The analysis above shows that there are a number of positive impacts on various groups. In the main, these are:</p> <ul style="list-style-type: none"> ▪ Age groups including older people ▪ Disabled people ▪ Race groups ▪ Men and women: women proportionately more so than men ▪ Children and young people, including those with low educational attainment <p>There is no evidence of unlawful discrimination.</p>

Section 06	Reducing any adverse impacts
Outcome of Analysis	<p>Include any specific actions you have identified that will remove or mitigate against the risk of unlawful discrimination.</p> <p>As shown above, there are no adverse impacts. It is also possible to add to the objectives (1.7 of the Cabinet report) and so if the need arises we will review and respond accordingly.</p>

Section 07	Action Plan
Action Plan	As there are no adverse impacts, no action plan is required. As per recommendation 3 of the Cabinet Report, progress on the proposed objectives will be via report to the Cabinet Member for Community Care at a public meeting.

Section 08	Agreement, publication and monitoring
Chief Officer sign-off	Name: Jane West Position: Executive Director of Finance and Corporate Governance Email: jane.west@lbhf.gov.uk Telephone No: 020 8753 2037
Key Decision Report	Date of report to Cabinet: 05/12/2011 Confirmation that key equalities issues found here have been included: Yes
Opportunities Manager for advice and guidance only	(The Opportunities Manager drafted the Cabinet Report and EIA and so this section is not applicable)