

## 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.

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<b>Section 01</b>	<b>Details of Initial Equality Impact Screening Analysis</b>
<b>Financial Year and Quarter</b>	February 2012 – January 2017 (5 Year Contract with break clauses in Years 3 and 4)
<b>Name of policy, strategy, function, project, activity, or programme</b>	This concerns the award of a contract for Procurement Services & Savings <u>and</u> Enhanced Revenue/Debt Collection/Recovery to Agilisys for five years. . The services will be provided on a ‘gain share’ basis, with the successful organisation(s) primarily receiving payment only by way of a proportion of the savings identified or additional debt recovered on behalf of the Council. This is not a traditional consultancy service type contract with the risk for delivery placed firmly with the successful bidder and not the council. This is the first time the council has used this model which ensures payment is only made when there is a delivered outcome to the council
<b>Q1 What are you looking to achieve?</b>	<p>Both contracts are predicated on (i) securing additional savings from the Council’s procurement activities and (ii) improving the Council’s recovery of outstanding/ongoing debt.</p> <p>The provider will, as part of these contracts:</p> <ul style="list-style-type: none"> <li>a) conduct a thorough and detailed analysis of the Council’s arrangements in order to</li> <li>b) develop strategies/proposals for improvement in those areas</li> <li>c) commence to realise the identified savings</li> <li>d) improve commercial skills and procurement practice across the Council to ensure these skills are sustainable within council officers going forward</li> </ul> <p>A minimum savings requirement of £2.5 million over the first 3 years is built into the Lot 1 contract. These savings, as well as any additional savings, will significantly contribute to the Council’s Medium Term Financial strategy (MTFS) savings plans.</p> <p>In addition, the tender submission from the recommended provider for Lot 1 has offered guaranteed savings of £2 million payable up front to the Council which is a one off non-refundable payment provided entirely at the provider’s risk.</p>

<p><b>Q2</b> <b>Who in the main will benefit?</b></p>	<p>The overall intention of the Council is to use savings to protect frontline services and reduce costs for the local tax payer. Therefore a wide range of customers, service users and ultimately tax payers will benefit.</p> <p>As part of the development of the contract, prospective tenders were scored on their ability to deliver services in such a way that takes into account the diversity of the borough. Agilisys are committed to complying with the Council's requirements to promote a Borough of opportunity and will be required to conduct equality impact assessments as required by the Council throughout the term of the contract. With regards to debt recovery, given the vulnerability of some of the groups and clients concerned, the impact of proposals will be assessed and monitored carefully as part of the contract. As such, consideration of giving due regard at point of decision about, and delivery of, debt recovery (for example) has been built into the contract, and as those decisions have not yet been made, it is not possible to be more specific at this time.</p> <p><b>Human Rights and Children's Rights</b> 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> <b>Does the policy, strategy, function, project, activity, or programme make a positive contribution to equalities?</b></p>	<p>Yes</p> <p>The contract refers not only to achieving savings but to delivering the Council's wider objectives including equalities.</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 adversely impact human rights?</b></p>	<p>No</p> <p>The award of the contract does not directly impact on equalities or human rights. Individual initiatives to deliver savings will be the subject of a business case signed off by the Council beforehand and at that time, the Council will want to ensure an equality impact assessment is undertaken before proceeding. The Contract will be subject to continual monitoring through the contract term and in particular the impact on any vulnerable groups and individuals.</p>

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<b>Section 01</b>	<b>Details of Initial Equalities Impact Screening Analysis</b>
<b>Name of policy, strategy, function, project, activity, or programme</b>	<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>
<b>Q1 What are you looking to achieve?</b>	<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>
<b>Q2 Who in the main will benefit?</b>	<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>

Analyse the impact of the policy on the [protected characteristics](#) with due regard to the Public Sector Equality Duty.

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?:

### High

- 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.

	<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> 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><b>Q4</b> 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>