

## 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>	2012 / 2013 All Quarters			
<b>Name of policy, strategy, function, project, activity, or programme</b>	CORPORATE PLANNED MAINTENANCE PROGRAMME 2012 / 2013			
<b>Q1 What are you looking to achieve?</b>	<p>The principle aim of the Corporate Planned Maintenance Programme (CPMP) is to ensure that all council properties (excluding Housing dwellings and schools) including community leisure and learning facilities, parks / open spaces, voluntary sector premises and all civic buildings are serviced and maintained within a structured methodology and to comply with the requirements of the councils Asset Management Plan and in support of the councils capital strategy. The range of works carried out under this programme involves: building fabric repairs and improvements, electrical plant (including fire/Intruder alarms, portable appliance testing, electrical installation checking and lightning protection testing), mechanical plant (including plant maintenance, gas safety checks, Legionella prevention and energy labelling) and lift maintenance.</p>			
<b>Q2 Who in the main will benefit?</b>	<p>Residents, visitors, staff and all users of council properties (excluding Housing dwellings and Schools).</p> <p>The works that flow from the council's Corporate Planned Maintenance Programme have a positive impact as they ensure that council facilities are economically maintained in compliance with statutory regulations and good practice. By the councils adoption of a planned maintenance programme, building and plant maintenance failures are minimised and a high standard of service continuity is achieved.</p>			
	Age	These works will benefit all residents, visitors, staff and all users council buildings (excluding Housing dwellings) and do not discriminate against any residents who may be in this protected characteristic.	M	/

Disability	These works will benefit all residents, visitors, staff and all users council buildings (excluding Housing dwellings) and do not discriminate against any residents who may be in this protected characteristic.	M	/
Gender reassignment	These works will benefit all residents, visitors, staff and all users council buildings (excluding Housing dwellings) and do not discriminate against any residents who may be in this protected characteristic.	M	/
Marriage and Civil Partnership	These works will benefit all residents, visitors, staff and all users council buildings (excluding Housing dwellings) and do not discriminate against any residents who may be in this protected characteristic.	M	/
Pregnancy and maternity	These works will benefit all residents, visitors, staff and all users council buildings (excluding Housing dwellings) and do not discriminate against any residents who may be in this protected characteristic.	M	/
Race	These works will benefit all residents, visitors, staff and all users council buildings (excluding Housing dwellings) and do not discriminate against any residents who may be in this protected characteristic.	M	/
Religion/belief (including non-belief)	These works will benefit all residents, visitors, staff and all users council buildings (excluding Housing dwellings) and do not discriminate against any residents who may be in this protected characteristic.	M	/
Sex	These works will benefit all residents, visitors, staff and all users council buildings (excluding Housing dwellings) and do not discriminate against any residents who may be in this protected characteristic.	M	/
Sexual Orientation	These works will benefit all residents, visitors, staff and all users council buildings (excluding Housing dwellings) and do not discriminate against any residents who may be in this protected characteristic.	M	/

	<p>Human Rights and Children's Rights</p> <p>Will it affect Human Rights, as defined by the Human Rights Act 1998?</p> <p>No</p> <p>Will it affect Children's Rights, as defined by the UNCRC (1992)?</p> <p>No</p>
<p><b>Q3</b></p> <p><b>Does the policy, strategy, function, project, activity, or programme make a positive contribution to equalities?</b></p>	<p>Yes</p> <p>Does this provide an opportunity to promote equality? Use your reasoning from Q2 to state why.</p>
<p><b>Q4</b></p> <p><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>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>

## Initial Screening Equality Impact Analysis Guidance

<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> <p>Analyse the impact of the policy on the <a href="#">protected characteristics</a> with due regard to the Public Sector Equality</p>

## 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</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>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>