

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 5th 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 or ext 3430.

Initial Screening Equality Impact Analysis Tool

Section 01	Details of Initial Equality Impact Screening Analysis
Financial Year and Quarter	2011/02
Name of policy, strategy, function, project, activity, or programme	Contract for the Management, maintenance and development of tennis centres in the borough New project
Q1 What are you looking to achieve?	Aim to outsource tennis delivery both facilities and operations to dedicated tennis providers. The Council recognises that it remains the body responsible for the service. The contractor would need to take needs into account when carrying out the service, for example, the needs of a disabled people who may require information about the service in a different format to non-disabled people.
Q2 Who in the main will benefit?	<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. <p>Having due regard for advancing equality involves:</p> <ul style="list-style-type: none"> ▪ 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	Service users would be restricted access to target specific audience groups such as encourage junior tennis sessions. The contractor would provide its services in line with Equality Act requirements, and this EIA notes that those under 18 are not protected under the Act by this protected characteristic at present.	L	+
Disability	The facilities are all wheelchair accessible however as tennis is physical sport, some disabled people may not be able to take part in the same way as non-disabled people. The contractor would provide its services in line with Equality Act requirements and would have to consider reasonable adjustments, as an example	M	-
		M	+
Gender reassignment	The tennis contractor would provide a service in line with the Equality Act 2010. This can include restricting participation of a transsexual person in a sport, game, or competitive activity but only if this is necessary in a particular case to secure fair competition or for the safety of other competitors. S195 of the Act is relevant in these cases. In such a case, it would be of high relevance to the protected characteristic and it might be regarded as negative for an individual or group but it is permitted under the Act. The service provider would still provide services in line its other obligations under the Act and 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. This example of provision of goods, services and facilities is of high relevance to this protected characteristic and is positive	H	-
		H	+

	Marriage and Civil Partnership	The tennis contractor would provide a service in line with the legal requirements of the Equality Act 2010 and not offer access or terms that are different for married people, to those in a civil partnership	L	+
	Pregnancy and maternity	The project does not affect pregnancy and maternity or alter current its provisions for this group. The contractor would provide its services in line with Equality Act requirements and could not, for example, ask a woman who is breastfeeding to leave or to do it elsewhere	L	+
	Race	<p>It is considered that improvements to the tennis Facility will have a positive impact on race including due regard to PSED (above). Operators will develop a programme specific targeting BME groups as traditionally participation in tennis by BME groups is low. .</p> <p>The project does not discriminate on the basis of race – it promotes good relations between people from ethnic groups.</p> <p>For those who do not participate in physical activity, the decision is of low relevance but officers hope that the improvements will encourage take-up amongst this group. Thus, the overall relevance is varied (low to high), dependant on whether groups use the facilities and is positive overall.</p>	L	+
	Religion/belief (including non-belief)	The contract does not affect any religion or belief or alter current provisions. The contractor would provide its services in line with Equality Act requirements	L	+
	Sex	<p>S195 of the Equality Act sets out an exception to provisions for men and women that may apply in relation to a competitive sport, game, or other activity, where physical strength, stamina, or physique are significant factors in determining success or failure. in such cases, the Act permits separate events to be organised for men and for women. this would be of high relevance to the protected characteristic of Sex, and may be viewed as positive or negative by individuals, this will depends on the views of individuals but it is permitted under the Act.</p> <p>The contractor would have to carry out its other functions with regard to its other obligations under the Act and could not, for example, provide men or</p>	H	+ or -

	women with inferior services in contrast to the other sex.		
Sexual Orientation	The contract does not affect sexual orientation or alter current provisions. The contractor would provide its services in line with Equality Act requirements	L	+

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

Q3
Does the policy, strategy, function, project, activity, or programme make a positive contribution to equalities?

Q4
Does the policy, strategy, function, project, activity, or programme actually or potentially contribute to or hinder equality of opportunity, and/or adversely impact human

Does this provide an opportunity to promote equality? Use your reasoning from Q2 to state why.
Yes

The project will engage operators to actively increase participation from groups traditionally excluded or have barriers to tennis. As side from a dedicated period that tennis courts will be available for community use, each operator is required to deliver an outreach programme of tennis that encourages participation from all level of tennis abilities and provision of coaches that have met minimum LTA qualification to teach tennis to customers who may not have previously have had access to this sport due to not having a structured learning programme at an affordable rate.

Furthermore, capital investment by the operator shall improve the site and ensure that reasonable physical access to the facility are maintained or improved.

No

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.

rights?