

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 / Q2											
Name of policy, strategy, function, project, activity, or programme	Recharges Policy - New											
Q1 What are you looking to achieve?	To initiate a Recharges Policy which will allow the Council to recover unnecessary costs incurred by tenants' abuse or malicious damage.											
Q2 Who in the main will benefit?	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Age</td> <td style="width: 60%;"> <p>Analysis of impact on age including due regard to PSED (above).</p> <p>Information: Where age is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).</p> <p>Any tenants who are unable to meet their upkeep obligations as required by the tenancy agreement through age alone may be covered by the Discretionary Repairs Policy, and this will depend on a case by case basis. As such, the relevance to older people will vary, though it is expected that in general it will be of medium relevance. Additionally, for those that are covered by the Discretionary Repairs Policy, the impact would be positive but again this would depend on a case by case basis and there is no guarantee that the policy would apply in every case.</p> </td> <td style="width: 10%; text-align: center;">M</td> <td style="width: 15%; text-align: center;">+ (on case by case basis)</td> </tr> <tr> <td>Disability</td> <td> <p>Any tenants who are unable to meet their upkeep obligations as required by the tenancy agreement through disability are covered by the Discretionary Repairs Policy, and this will depend on a case by case basis. As such, the relevance to disabled people will vary, though it is expected that in general it will be of medium relevance. Additionally, for those that are covered by the Discretionary Repairs Policy, the impact would be positive but again this would depend on a case by case basis and there is no guarantee that the policy would apply in every case.</p> </td> <td style="text-align: center;">M</td> <td style="text-align: center;">+ (on case by case basis)</td> </tr> </table>				Age	<p>Analysis of impact on age including due regard to PSED (above).</p> <p>Information: Where age is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).</p> <p>Any tenants who are unable to meet their upkeep obligations as required by the tenancy agreement through age alone may be covered by the Discretionary Repairs Policy, and this will depend on a case by case basis. As such, the relevance to older people will vary, though it is expected that in general it will be of medium relevance. Additionally, for those that are covered by the Discretionary Repairs Policy, the impact would be positive but again this would depend on a case by case basis and there is no guarantee that the policy would apply in every case.</p>	M	+ (on case by case basis)	Disability	<p>Any tenants who are unable to meet their upkeep obligations as required by the tenancy agreement through disability are covered by the Discretionary Repairs Policy, and this will depend on a case by case basis. As such, the relevance to disabled people will vary, though it is expected that in general it will be of medium relevance. Additionally, for those that are covered by the Discretionary Repairs Policy, the impact would be positive but again this would depend on a case by case basis and there is no guarantee that the policy would apply in every case.</p>	M	+ (on case by case basis)
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	Gender reassignment	It is not expected that the policy will be of relevance to, or have any impact on, those with this protected characteristic	N/A	N/A
	Marriage and Civil Partnership	It is not expected that the policy will be of relevance to, or have any impact on, those with this protected characteristic	N/A	N/A
	Pregnancy and maternity	It is unlikely that a tenant responsibility for upkeep would have such urgency that it could not wait until after the time of pregnancy. If there were such an urgency, the Discretionary Repairs Policy would apply.	L	+
	Race	It is not expected that the policy will be of relevance to, or have any impact on, those with this protected characteristic	N/A	N/A
	Religion/belief (including non-belief)	It is not expected that the policy will be of relevance to, or have any impact on, those with this protected characteristic	N/A	N/A
	Sex	The Council recognises that women tend to live longer than men, and as such, this policy may apply to more women than men, but this would be expected in line with life expectancy differences. As such, women may benefit more than men in a proportionate way. this will depend on a case by case basis. As such, the relevance to Sex people will vary, though it is expected that in general it will be of low relevance because the primary relevance of the policy will be to older and disabled people. Additionally, for those that are covered by the Discretionary Repairs Policy, the impact would be positive but again this would depend on a case by case basis and there is no guarantee that the policy would apply in every case. It is not expected that the policy will be of relevance to, or have any impact on, those with this protected characteristic	L	+ (on a case by case basis)

	Sexual Orientation	It is not expected that the policy will be of relevance to, or have any impact on, those with this protected characteristic	N/A	N/A
<p>Q3 Does the policy, strategy, function, project, activity, or programme make a positive contribution to equalities?</p>	<p>Human Rights and Children's Rights 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>Yes</p> <p>The Recharges policy is intended to be applied to all people fairly. It acknowledges that the elderly (frail) and the disabled may have difficulty in complying with their obligations for maintaining a property in good repair (especially decorative order). Further, this policy may apply to women more than to men because of the difference in life expectancy, though this would be proportionate and in line with expectations arising from this difference. In so doing, it allows for discretion to be applied under stated guidelines (Discretionary Repairs Policy)</p>			
<p>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 rights?</p>	<p>No</p> <p>The intention is that this policy will be fair to all residents.</p>			