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Tri-Borough 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 public sector equality duty arising from S149 of the Equality Act 2010 and should be used for relevant tri-borough decisions from **XX** 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:

LBHF Opportunities Manager: PEIA@lbhf.gov.uk or ext 3430	RBKC	WCC
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Full Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis		
Financial Year and Quarter	2012/13, Tender due to start December 2012, to last up to 5 years.		
Name and details of policy, strategy, function, project, activity, or programme	<p>Title of EIA: (e.g. XX Strategy) State whether new or existing Short summary: (e.g. This is a new strategic policy document (or similar) and its role or purpose)</p> <p>Note: If your proposed strategy will require you to assess impact on staff, please consult your HR Relationship Manager.</p> <p>Tender for a Home Meals Service in conjunction with the London Boroughs of Kensington and Chelsea, (RBKC) Westminster City Council (WCC) and Hounslow. Led by Hammersmith and Fulham (H+F)</p>		
Lead Officers	<p>LBHF Name: Sarah Newton Position: Senior Commissioner Email: snewton@westminster.gov.uk Telephone No: 020 7641 3271</p> <p>Name: Tim Lothian Position: Procurement Manager Email: Tim.Lothian@lbhf.gov.uk Telephone No: 020 8753 5377</p>	<p>RBKC Name: Position: Email: Telephone No:</p>	<p>WCC Name: Position: Email: Telephone No:</p>
Lead Borough	<p>State which officer is co-ordinating the report and EIA</p> <p>Hammersmith and Fulham are the lead borough</p> <p>Responsible officers: Tim Lothian, Procurement Manager, in conjunction with Sarah Newton Senior Commissioner .</p>		
Date of completion of final Full EIA	XX / XX / XX		

Section 02	Scoping of Full EIA
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Plan for completion	<p>Timing: H+F May 2012 WCC and K+C will be incorporated into this EIA, expected June 2012. Resources:</p>
What is the policy, strategy, function, project, activity, or programme looking to achieve?	<p>H+F offer a home meals service to those people who are assessed by adult social care as being unable to prepare/obtain a meal for themselves for reasons of frailty, illness or disability, and need this service to enable them to stay living well and independently at home. A service is in place with internal local authority providers and also an external provider (Appetito). This service is not subject to a procurement procedure at present and there is no contract in place. Procurement officers and Commissioners believe that this needs to be rectified and a service tendered to be operated externally. This is also anticipated to bring some savings for the Department, although is not part of a savings agenda.</p> <p>As the number of meals the home meals service provide has reduced over recent years due to other independent alternatives being available for some people, the unit cost price has increased, making this economically poor value. Other local authorities are also experiencing this drop in volume and associated increase in unit costs. The new tri borough arrangement with WCC and RBKC allows an opportunity to go out to tender for a Framework agreement as a Tri Borough arrangement. This will allow a stronger procurement position for all Councils and also potential providers, as well as better prices. It will also allow an opportunity for officers re-examine the current service to ensure it delivers what we want and also to work with providers in potentially offering some innovative local options/solutions going forward.</p> <p>As Hounslow have a large volume of meals delivery and a contract end date that fit in with this tender, they have also joined the Tri Borough group to be named on the Framework agreement.</p> <p>The Framework agreement is currently anticipated to be in place for December 2012, with boroughs joining within a year of the Framework being in place.</p> <p>H+F currently provide approximately 150-170 meals per day to its residents. The vast majority of users of the home meal service are older people, particularly those who are housebound and in need of social care services. All boroughs agree that this service is essential as a basic service to that group of people which should be continued to ensure health and wellbeing. This is not only in terms of the meal provision as a main source of nutritional intake, but also, in the majority of cases, the safety check it also gives on a regular (usually daily) basis.</p> <p>The boroughs involved in this tender have individually diverse populations, and the specification will include the need to offer a range of culturally specific meals, to meet these needs.</p> <p>The recipients of the meals will also, by the nature of the service, be people with ongoing health issues, and there will be a requirement that providers can offer a range of diets to meet the varying needs that people have – e.g. low salt, diabetic, low fat, pureed food etc.</p>

H+F are the borough who is leading on this tender. It is proposed to have a Framework agreement and the tender will be conducted in line with H+Fs procurement procedure. All affected boroughs will feed into all the stages of the process and will agree the final tender award.

The PQQ and service specification which are being drawn up for this service which will ensure that the tender group are satisfied the successful provider can meet all requirements to ensure nutritional, dietary and cultural needs as well as being operationally sound.. This is a key service to vulnerable people and needs to be robust in its service delivery.

The procurement will be conducted in an equal and transparent way with all processes being clear and open. Sharpes Pritchard lawyers (Westminster Councils contracted lawyers) are being used for advice to ensure all documentation is clear and impartial and correct procedures are followed. All participating boroughs are paying for this service.

The PQQ asks for evidence of the providers policies for quality assurance. The draft service specification includes the requirement, amongst others, that:

Service at all times a sufficient number of Delivery Staff who are properly and sufficiently skilled, competent with an appropriate caring attitude. The Delivery Staff must have the appropriate expertise to undertake the tasks required of them and hold the appropriate driving licences and are careful, honest, experienced, trained, instructed and supervised as required for:

28.2.1 the task or tasks such person has to perform;

28.2.2 all relevant provisions of the Contract;

28.2.3 all relevant policies, codes, rules, procedures and standards of the Council;

The draft service specification also includes a section on evidence of induction training, including on customer care, equalities, moving and handling, *supporting vulnerable people* ?omit and Safeguarding.

In this way, it is expected that all equalities aspects will be fully adhered to by the successful provider.

An older peoples user involvement project from Westminster, agreed by the tender project group to be used for all boroughs for the purpose of this tender, has fed into the specification. They will also be feed into the tender interview process.

A dietician has also fed into the specification, to ensure good nutritional input is secured for this vulnerable group of users. This includes ethnically diverse meals to meet specific cultural needs in the borough.

Ongoing monitoring will occur with the successful provider, which will include discussing complaints received. Care management will be a part of that ongoing monitoring, and so will feed into any potential issues and concerns raised by users of the service. Officers have worked with current providers and care management staff up to now regarding issues of service delivery and potential complaints which will help shape future service delivery and ensure an equal service.

Analyse the impact of the policy on the protected characteristics (including where people / groups may appear in more than one protected characteristic). You should use this to determine whether the policy is of low/medium/high relevance to equality and whether it will have a positive/neutral/negative impact on equality. This is important as at first glance some policies can appear relevant to one or more protected characteristics, but upon closer inspection it may emerge as relevant to others. Without this, it is not possible to determine the impact on all groups.

Questions that may help to analyse these areas may include:

- Why are we proposing this decision across the boroughs?
- What does each borough hope to achieve with this decision?
- What does each borough have in place to ensure the decision will work?

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.

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:

- 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.

Information: Protected characteristics

The definition for each protected characteristic can be found in the guidance (click [here](#)). Each borough must analyse the impact of the proposal on each of the nine protected characteristics below, including with regard to the PSED

	Age	<p>LBHF The population of H+F is approx 177,100 The population over the age of 65 is approx 16,650, and is expected to increase by 20% by 2018. It is anticipated that older people (those over 65) will be the majority users of this service and so will be overrepresented in terms of this tender. This is to be expected in terms of the service being procured, due to frailty caused by age and medical conditions. Current figures show that 90% of home meal service users are over the age of 65. This is not unexpected given the nature of the service.</p> <p>To be eligible for the home meals service in H+F, adult service users must be assessed as having 'high moderate', substantial or critical adult social care needs under Hammersmith and Fulham Council's Fair Access to Care Services eligibility criteria. While those older people who receive the service is a very small percentage of the total older population overall, the majority of people receiving the service are older people. This is due to the nature of the service with older people being the highest care group receiving services. (check this with business intelligence?) or omit</p> <p>The service is open to all adults who meet the FACS criteria. Currently, the majority of people who are referred to adult social care are from the more deprived population. Those who have means may not be being referred and so may not be having their needs assessed formally and there may be gaps in their care as a result.</p>	M	+
		RBKC	L/M/H	+ / -
		WCC	L/M/H	+ / -
	Disability	<p>LBHF The number of adults registered in H+F as having a disability is ????: 60% of people receiving the home meals service are recorded as having a physical or sensory disability or frailty. 26% are described as being 'other vulnerable people' which could be frail due to age, although this is not clear. 1% are described as having a learning disability. It is not unexpected that such a high percentage of people have some disability or vulnerable status, given the nature of the service and the difficulty the illness or disability causes in their daily life.</p>	M	+

		RBKC	L/M/H	+ / -
		WCC	L/M/H	+ / -
	Gender reassignment	LBHF Data is not available regarding gender reassignment amongst users of this service. It is not routinely collected by social care staff. This may need to be addressed in the future. The tender exercise could provide an opportunity for all three boroughs to close this gap in our data collection, if we require this information to be collected . Referrals are currently made by care management staff to the home meals service. Social care staff do not routinely ask for this information (is this right?) Gender reassignment is not anticipated to impact on this tender- it will be based on need according to physical frailty or disability.	Not assessed	
		RBKC	L/M/H	+ / -
		WCC	L/M/H	+ / -
	Marriage and Civil Partnership	LBHF 78% of people receiving the home meals service do not have their marital status recorded. 11% are widowed, 5% are single . As we do not record the majority of users, it is difficult to extract any information or make any assumptions. Whether people are married or not is not expected to have an impact or negative impact on this group of people. It is expected that most service recipients are people living alone, but whether they are single, widowed or divorced would not necessarily be known. 48% of older people in H+F live alone, the third highest proportion in the country	L	neutral
		RBKC	L/M/H	+ / -
		WCC	L/M/H	+ / -
	Pregnancy and maternity	LBHF Data not collected for the purpose of this service. It is unlikely that any people	L	neutral

		from this protected characteristic will be service recipients. 2.3 % of recipients are under the age of 45, , gender not known. It is s not likely that this tender will impact on this group of people. The main reason for the referral is likely to be due to another characteristic namely age or disability.		
		RBKC	L/M/H	+ / -
		WCC	L/M/H	+ / -
	Race	<p>LBHF In 2009, 24% of the population were form non- white ethnic groups, the main groups being black African,5%, black Caribbean, 5% and other Asian, 3%, with a relatively smaller population of Indian, Pakistani and Bangladesh , 1%. <i>(I don't have this broken down in terms of those over 65, the majority of current service users)</i></p> <p>Of people using the service, 89% are white,1.7% are Asian/Asian British ,1.7% are not specified and 0.5% mixed or multiple ethnic group. Approximately 7% of meals provided are culturally specific. Different meals are available including Kosher, Asian, Afro Caribbean and Polish. These are believed to cover the ethnic needs of those receiving the meals. It appears that Afrocaribbean meals are delivered in a higher ration than these figures suggest, the reason for this is not known at this stage. Culturally specific meals are more costly to produce than western meals, but a positive decision has been made that all users will be charged the same for the service, regardless of which meal they receive. This ensures there are no negative impacts on those who need specific meals based on race/religion.</p>	M	+
		RBKC	L/M/H	+ / -
	WCC	L/M/H	+ / -	
			L/M/H	+ / -
	Religion/belie	LBHF	Not	+ / -

	f (including non-belief)	The religion of 75% of users is not known, and so it is not possible to fully say if any of these groups are under-represented.0.5% have specified Jewish religion, similarly for Sikh Buddhist and Bahia religions	asses sed		
		RBKC	L/M/H	+ / -	
		WCC	L/M/H	+ / -	
	Sex/gender	LBHF <i>Add pop data</i> 61% of recipients of the home meals service are women, 39% are male. A higher proportion of women than men receive the home meals service, however this is in line with the population of that age and increased life expectancy of older women.(<i>is that correct?</i>) Receiving a meals service is dependent on need not gender.	M	neutra l	
		RBKC	L/M/H	+ / -	
		WCC	L/M/H	+ / -	
	Sexual Orientation	LBHF There is no formal data collected at present in any of the boroughs and so it is not possible to say if any of these groups are under-represented. This may be something that social care staff start to collect in the future, to ensure that we are reaching this potentially hard to reach group in terms of general service provision.	Not asses sed	+ / -	
		RBKC	L/M/H	+ / -	
		WCC	L/M/H	+ / -	
	Human Rights and Children's Rights				
	Will it affect Human Rights, as defined by the Human Rights Act 1998? (Each borough can write more if required)				
	LBHF		RBKC	WCC	

	No. This tender is not expected to affect people's basic human rights.	Yes / No	Yes / No
	Will it affect Children's Rights, as defined by the UNCRC (1992)? (Each borough can write more if required)		
	LBHF This tender is for a service for adults only and is not expected to affect Childrens Rights..	RBKC Yes / No	WCC Yes / No

Section 03	Analysis of relevant data and/or undertake research
Documents and data reviewed	<p>Assess your sources against the protected characteristics and the aims of your policy in order to help ascertain the relevance and impacts, and to help plan your consultation. For suggested sources, please see the guidance.</p> <p>Assessed via Hammersmith and Fulham JSNA, against people using the service. Specification and tender documents also address the relevant protected characteristics, based on previous equalities knowledge and training. Previous experience of completing EIAs used for this service, also discussion and guidance with Equalities officer. Previous monitoring meetings which address issues raised by stakeholders taken into account in service provision. Also with any complaints received on the service by users/care management staff.</p>
New research	If you are assessing the impact(s) on a hidden or under-researched group, consider undertaking new research in order to be able to evidence your reasoning and move on to the next steps of the tool.

Section 04	Undertake and analyse consultation
Consultation	Details of consultation findings in each borough
Analysis	<p>What did you learn from your consultation about your proposed or existing policy relation to the protected characteristics and/or human and children's rights in each borough?</p> <p>We have not actively consulted specifically on this retender process. However, any learning from contract monitoring, care management feedback etc has been fed back to service providers over time and used by commissioners and operational staff to inform this re-tender.</p>

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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? This should provide analysis for each borough, and overall</p> <p>There is no evidence of discrimination of any protected characteristic. as part of this retender. Those most impacted are regarding age, disability and race and these will be addressed in the service specification and tender and contract documents.</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 adverse impacts and / or unlawful discrimination. This should provide the outcome for each borough, and the overall outcome</p> <p>We need to continue to monitor services and scrutinise complaints to ensure that any specific issues, including specific cultural dietary requirements can be met.</p>

Section 07	Action Plan																	
Action Plan	<table border="1"> <thead> <tr> <th>Issue identified</th> <th>Action (s) to be taken</th> <th>When</th> <th>Lead officer / borough</th> <th>Expected outcome</th> <th>Date added to business/service plan</th> </tr> </thead> <tbody> <tr> <td>None specific Ensure potential tenders received adhere to all equalities criteria</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>						Issue identified	Action (s) to be taken	When	Lead officer / borough	Expected outcome	Date added to business/service plan	None specific Ensure potential tenders received adhere to all equalities criteria					
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Section 08	Agreement, publication and monitoring		
Chief Officers' sign-off	LBHF Name: Position: Email: Telephone No:	RBKC Name: Position: Email: Telephone No:	WCC Name: Position: Email: Telephone No:
Key Decision Report	LBHF Date of report to Cabinet/Cabinet Member: XX / XX / XX Key equalities issues have been included: Yes/No	RBKC Date of report to Cabinet/Cabinet Member: XX / XX / XX Key equalities issues have been included: Yes/No	WCC Date of report to Cabinet/Cabinet Member: XX / XX / XX Key equalities issues have been included: Yes/No
Lead Equality Manager for advice and guidance only	LBHF Name: Position: Date advice / guidance given: Email: Telephone No:	RBKC Name: Position: Date advice / guidance given: Email: Telephone No:	WCC Name: Position: Date advice / guidance given: Email: Telephone No:

Full Equality Impact Analysis Guidance
NOTE: Guidance can be deleted when EIA is complete.

Section 02	Scoping of EIA								
What is the policy, strategy, function, project, activity, or programme looking to achieve?	Hereafter, 'policy' means policy, strategy, function, project, activity, or programme								
	Protected Characteristics								
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Pregnancy and maternity	Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.
Race	Race refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.
Religion/belief (including non-belief)	Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.
Sex	Sex means a man or a woman
Sexual Orientation	Sexual orientation means whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

Disability

Service providers also have an anticipatory duty to make reasonable adjustments for disabled people. Can you:

- Provide accessible communications?
- Change how you collate and use data?
- Revise how you involve service users?

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/children's 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/children's 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/children's 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 be of low relevance and / or have a neutral impact on one or more protected characteristics, 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.

Every child in the UK has been entitled to over 40 specific rights. These include:

- The right to life, survival and development
- The right to have their views respected, and to have their best interests considered at all times
- The right to a name and nationality, freedom of expression, and access to information concerning them
- The right to live in a family environment or alternative care, and to have contact with both parents wherever possible
- Health and welfare rights, including rights for disabled children, the right to health and health care, and social security
- The right to education, leisure, culture and the arts
- 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

The rights included in the convention apply to all children and young people, with no exceptions. More information on UNCRC can be found at [Direct Gov](#).

Section 03	Analysis of relevant data and/or undertake relevant research		
<p>Documents and data reviewed (1)</p> <p><u>Internal link</u> <u>External link</u> Note: <u>Internal links</u> will only work if you have access to the LBHF, RBKC, or WCC intranet</p>	<p>LBHF</p> <ul style="list-style-type: none"> ▪ Previous EIAs ▪ <u>Single Equality Scheme</u> ▪ <u>Disability Equality Scheme</u> ▪ <u>Corporate Plan</u> ▪ <u>LAA Targets</u> ▪ <u>UDP</u> ▪ <u>JSNA</u> ▪ <u>LBHF Consultations</u> ▪ <u>Deprivation information</u> ▪ <u>Census info on population</u> ▪ <u>2010 Borough Profile</u> ▪ Ward Profiles ▪ <u>CRAIG</u> information, including <u>local plans and research</u> ▪ <u>Council or External Studies or Research</u> (inc. for hidden populations such as LGBT) ▪ Previous customer research and satisfaction surveys – such as the <u>Annual Resident’s Satisfaction Survey</u> and <u>Place Survey</u> ▪ Staff Surveys, opinions and information from Trade Unions (contact <u>Organisation Development & Transformation</u>) ▪ Workforce monitoring: contact the <u>TRENT</u> team and/or see <u>HR Statistics</u> for LBHF 	<p>RBKC</p> <ul style="list-style-type: none"> ▪ To be added 	<p>WCC</p> <ul style="list-style-type: none"> ▪ To be added

Documents and data reviewed (2)	<p>General examples for all three boroughs include:</p> <ul style="list-style-type: none"> ▪ Contract monitoring reports ▪ Press coverage ▪ Feedback from focus groups, area panels or forums, etc ▪ Feedback from individuals or organisations representing the interests of key target groups or similar ▪ The knowledge, technical advice, expertise and experience of the people assisting in the completion of the EIA ▪ Academic, qualitative and quantitative research, including findings from other councils. ▪ Outcomes of Judicial Reviews/Judgements ▪ Information from formal audits ▪ Service Monitoring Reports (qualitative and quantitative) ▪ Consultation/focus group feedback (inc. feedback from users and/or organisations that represent users) ▪ Complaints and Comments ▪ Monitoring information (inc. service equality or workforce monitoring etc).
New research	<p>If you find that you need to undertake new research, please contact Lead Equality Manager for your borough</p>

Section 04	Analyse or undertake consultation
Consultation	<p>The specific duties do not set out how or when we should engage and consult. This means that your consultation will need to be proportionate to the decision that is being taken. There is case law guidance as to what constitutes proper consultation. Consultation should include the following:</p> <ul style="list-style-type: none"> - It should be carried out when the proposals are still at a formative stage. - Sufficient reasons should be given for the proposals to allow those consulted to give intelligent consideration and an intelligent response. - Adequate time must be given for responses. - The product of consultation must be conscientiously taken into account when the ultimate decision is taken. <p>You may wish to draft the EIA and make it available alongside the policy that you are consulting on, during consultation, in order to gain feedback.</p> <p>The EHRC has produced a guide to consultation, and general guidance. These may help you.</p> <p>LBHF</p>

	<p>Design your consultation with the <u>Involving Residents Policy</u> in mind and in line with the Council's <u>Consultation Guidelines</u>. <u>Community Liaison</u> also have a list of community and voluntary organisations in the borough (<u>officer details</u>).</p> <p>RBKC To be added</p> <p>WCC To be added</p>
Analyse	<p>What did you find in your consultation about your proposed or existing policy in relation to the protected characteristics? What were their experiences and/or needs, and how do these relate to outcomes/your proposed or existing policy?</p>

Section 05	Analysis of impact and outcomes
Analysis	<p>In assessing the impact(s) on protected characteristics, including where people are represented in more than one, consider whether there is potential for it to result in unlawful discrimination, or a less favourable impact on any protected characteristic, or if an opportunity to promote equality has been missed.</p> <p>To do this, you need to analyse your evidence and whether what you have found indicates direct or indirect discrimination. You must consider the relevance of your policy to the protected characteristics, and the weight given to each of these (including where people are represented in more than one).</p> <p>Direct discrimination This is where a person, or group of people, are treated less favourably than others in the same circumstances on the grounds of a protected characteristic and this treatment cannot be objectively and reasonably justified.</p> <p>Indirect discrimination This is where a requirement or condition is applied to all individuals or groups equally, but which is such that:</p> <ul style="list-style-type: none"> ▪ The proportion of one group who can comply is considerably smaller than those of another group who can also comply with it ▪ It cannot be shown to be justifiable ▪ It is to the disadvantage of that group because they cannot comply with it <p>Relevance and Proportionality</p>

	<p>The weight given to each protected characteristic should be proportionate to its relevance to the policy. For example, the London Borough of Ealing lost a case in which the Judge considered that they had not taken the relevance of race and gender into account when redesigning the funding criteria for domestic violence services. Part of the judgement stated:</p> <p><i>Ealing observed that the largest proportion of domestic violence in its borough was suffered by white European women. But that statistic was meaningless and irrational unless compared with the fact that 58 per cent of the female population of Ealing during the same period consisted of white European women. As the documents show, 28 per cent of domestic violence was suffered by Indian, Pakistani and other Asian women. That statistic is of vital importance when one considers that those groups made up only 8.7 per cent of the population within Ealing. In those circumstances it is plain from the statistics available to Ealing that a very large proportion of women from that background suffered from domestic violence in comparison to white European women.</i></p> <p><i>Had Ealing appreciated that the important focus of their attention should be upon the proportion of black minority ethnic women within the borough and consideration of how high a proportion of those women suffered from domestic violence, it could never have reached the conclusion that there was no correlation between domestic violence and ethnicity. Any such conclusion was, in my judgment, perverse.</i></p> <p>[2008] EWHC 2062 (Admin)</p>
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Section 06	Reducing any adverse impacts
Outcome of Assessment	<p>From your assessment of impacts and outcomes, identify any specific actions that will remove or mitigate against the risk of unlawful discrimination in the delivery and implementation of your policy.</p> <ul style="list-style-type: none"> ▪ If the policy/strategy or service affects people adversely, can this be justified? Can an adverse impact be overcome? ▪ Where the adverse impact is unlawful the policy/strategy or service must be changed – identify another way to meet objectives. ▪ Will changes to reduce adverse impact be significant? If so consultation may need to be undertaken. <p>Where it is perceived that the needs of two service users could conflict, you must ensure:</p> <ul style="list-style-type: none"> ▪ Firstly, that both are treated with dignity and respect; and ▪ Secondly, that each treats each other with dignity and respect