

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 new public sector equality duty and should be used for decisions from 5th April 2011 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 the Opportunities Manager: PEIA@lbhf.gov.uk or ext 3430.

Full Equality Impact Analysis Tool

| Overall Information | Details of Full Equality Impact Analysis |
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| Financial Year and Quarter | 2012/13 quarter 2 |
| Name and details of policy, strategy, function, project, activity, or programme | Troubled Families strategy Outline plan for agreeing triage and delivery model for local implementation of the Troubled Families programme across the Tri-borough |
| Lead Officer | Name: Natasha Bishopp Position: Head of FRP (WCC) and tri- borough troubled families co-ordinator Email: nbishopp@westminster.gov.uk Telephone No: 07850 901779 |
| Date of completion of final EIA | This is interim plan. A further, fuller EIA will be submitted in Septmeber when members will be asked to make a decision as to the details of the service design. |

| Section 02 | Scoping of Full EIA |
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| Plan for completion | Timing: 30 September 2012 Resources Lead Officer N.Bishopp |
| What is the policy, strategy, function, project, activity, or programme looking to achieve? | In December 2011, the Government launched its programme to turn around the lives of the country's 120,000 most troubled families: those experiencing multiple problems and disadvantages of unemployment, truancy and causing problems such as crime and anti-social behaviour. The Government has estimated that there are 1720 troubled families in the Tri-borough at an estimated annual cost to the taxpayer of £150 million. The programme will run for three years. It is intended to move families off benefits, reduce their ASB and offending and get children back to school. We have been asked to design a delivery model. We are approaching this in 2 stages. First to agree an overall approach based on evidence and then to create a detailed design which fits the requirements of the cohort. We have completed the first stage but cannot complete the detailed design phase until we have the names of the families who fit the criteria. The 3 LA's have identified families where there is Anti- social behaviour(ASB) , youth |

offending and school exclusion / attendance problems but we await DWP returning our data on who is on workless benefits.

We have completed a literature review, met with over 60 stakeholders and run a dip sample of 50 families across the tri- borough who local research indicates will fit the criteria prescribed by government.

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| Age | The programme will work with families with children under 18 in the household | L/M/H | + / - |
| Disability | Our initial analysis of a small sample shows high levels of contact with adult mental health, substance misuse and physical disability teams. | L/M/H | + / - |
| Gender reassignment | There is no information in relation to this characteristic in the cohort so far. However we would adapt to the needs of any service user where this was identified as a potential barrier to engagement or quality of experience of services | L/M/H | + / - |
| Marriage and Civil Partnership | There is no information in relation to this charactresitic in the cohort so far . However we would adapt to the needs of any service user where this was identified as a potential barrier to engagement or quality of experience of services | L/M/H | + / - |
| Pregnancy and maternity | Many of the service users will be pregnant or new mothers. The service will ensure they are able to access suitable medical and psycho social interventions if required and that those who are nursing mothers are supported to do so. | L/M/H | + / - |
| Race | The population in the tri – borough is diverse ethnically and religiously. In the dip samples of the cohort to date families from a middle eastern and african caribbean background were disproportionately represented – as they are in the criminal justice system in the tri-borough. Services will need to be adapted to reflect and support these parent’s beliefs and values as parents. | L/M/H | + / - |
| Religion/belief (including non-belief) | Islam is also more predominant in our dip sample. We will therefore need to have those offering the service develop an approach which supports parents and young people of faith but challenges any views which are oppressive or endorse discrimination of other groups . | L/M/H | + / - |
| Sex | Young offenders are predominantly male and where they are female the courts are often harsher in their sentencing. There are greater numbers of sole female carers in this cohort – services should be designed to recognise and address some of their specific issues of poverty , depression and domestic violence – as evidenced in the dip sample. | L/M/H | + / - |

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| | Sexual Orientation | No information available as yet. | L/M/H | + / - |
| <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>It will support efforts and commitments to children in relation to the every child matters 5 outcomes.</p> | | | | |

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| Section 03 | Analysis of relevant data and/or undertake research |
| Documents and data reviewed | Literature review on what works for complex families, youth offending and worklessness– AMURRAY WCC June 2012. Dip sample – D.Highwood(WCC), LF.itzjohn (LBHF) and J.Kalagoulis (RBKC) June 2012. |
| New research | We will be undertaking customer journey mapping in July /August 2012. |

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| Section 04 | Undertake and analyse consultation |
| Consultation | We have consulted widely in the Tri – B – (list attached) and propose an event to consult with the community and voluntary sector in September to further shape the service offer and engagement model. |
| Analysis | That we should ensure that ethnic origin ,faith, disability and the issues for lone parents should receive particular support and consideration in the design of any intervention. |

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| Section 05 | Analysis of impact and outcomes |
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| Analysis | What has your consultation and analysis of data shown? Is there evidence of lawful and/or unlawful discrimination? No evidence of unlawful discrimination . |
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| Section 06 | Reducing any adverse impacts |
| Outcome of Analysis | None identified yet – will be in final version. |

| Section 07 | Action Plan | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Action Plan | <table border="1"> <thead> <tr> <th>Issue identified</th> <th>Action (s) to be taken</th> <th>When</th> <th>Lead officer</th> <th>Expected outcome</th> <th>Date added to business/service plan</th> </tr> </thead> <tbody> <tr> <td>Disability</td> <td>Ensure service offer addresses mental health, substance misuse and physical disability needs of service users</td> <td>As service is commissioned</td> <td>NBishopp</td> <td>Needs addressed so that parents can engage with other aspects of programme</td> <td></td> </tr> <tr> <td>Mental ill health</td> <td>As above</td> <td>as above</td> <td>NBishopp</td> <td>Needs addressed so that parents can engage with other aspects of programme</td> <td></td> </tr> <tr> <td>Lone female parents</td> <td>Secure services of debt and DV partners are embedded in any service offer to families</td> <td>As above</td> <td>NBishopp</td> <td>Needs addressed so that parents can engage with other aspects of programme</td> <td></td> </tr> </tbody> </table> | | | | | | Issue identified | Action (s) to be taken | When | Lead officer | Expected outcome | Date added to business/service plan | Disability | Ensure service offer addresses mental health, substance misuse and physical disability needs of service users | As service is commissioned | NBishopp | Needs addressed so that parents can engage with other aspects of programme | | Mental ill health | As above | as above | NBishopp | Needs addressed so that parents can engage with other aspects of programme | | Lone female parents | Secure services of debt and DV partners are embedded in any service offer to families | As above | NBishopp | Needs addressed so that parents can engage with other aspects of programme | |
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| | | | | | safely and securely. | |
| | Ethnicity and faith | Train all staff delivering programmes to have understanding of specific faith and cultural values of service user group. Ensure we hire staff with local knowledge and backgrounds where possible (ie where they have requisite job skills) and ensure interpreters are available where required. Offer ESOL where parents wish to gain those skills / go to work | As above | NBishopp | Families have trust in service providers and feel respected. That workers understanding of the individual beliefs and needs relating to faith and culture ensure that the service is appropriate and acceptable to families. | |

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| Section 08 | Agreement, publication and monitoring |
| Chief Officer sign-off | Name: Position: Email: Telephone No: |
| Key Decision Report | Date of report to Cabinet/Cabinet Member: XX / XX / XX |

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| | Confirmation that key equalities issues found here have been included: Yes/No |
| Opportunities Manager for advice and guidance only | Name: Position: Date advice / guidance given: Email: Telephone No: |

Full Equality Impact Analysis Guidance

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| Section 02 | Scoping of EIA |
| What is the policy, strategy, function, project, activity, or programme looking to achieve? | <p>Hereafter, 'policy' means policy, strategy, function, project, activity, or programme</p> <p>Disability 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"> ▪ Provide accessible communications? ▪ Change how you collate and use data? ▪ Revise how you involve service users? <p>Analyse the impact of the policy on the protected characteristics with due regard to the Public Sector Equality Duty.</p> <p>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?:</p> <p>High</p> <ul style="list-style-type: none"> ▪ 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 <p>Medium</p> <ul style="list-style-type: none"> ▪ 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 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.

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 |
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| Documents and data reviewed | <p>Examples:</p> <ul style="list-style-type: none"> ▪ Previous EIAs ▪ Single Equality Scheme ▪ Disability Equality Scheme ▪ Corporate Plan ▪ LAA Targets ▪ UDP ▪ JSNA ▪ LBHF Consultations ▪ Deprivation information ▪ Census info on population ▪ Ward Profiles ▪ CRAIG information, including local plans and research ▪ Council or External Studies or Research (inc. for hidden populations such as LGBT) ▪ 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). ▪ Information from formal audits ▪ Previous customer research and satisfaction surveys – such as the Annual Resident's Satisfaction Survey and Place Survey ▪ Staff Surveys, opinions and information from Trade Unions (contact Organisation Development) ▪ Workforce monitoring: contact the TRENT team and/or see HR Statistics for LBHF ▪ 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. (There are many institutions that carry out this kind of research and it is not possible to list them here. Those such as IESR and IFS focus on economics, as examples) ▪ Outcomes of Judicial Reviews/Judgements |

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| | Assess your sources against the protected characteristics and the aims of your policy in order to plan your consultation. |
| New research | If you find that you need to undertake new research, please contact the Opportunities Manager |

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| Section 04 | Analyse or undertake consultation |
| Consultation | <p>The specific duties assume the need to undertake engagement as they state that public bodies must publish information about the engagement they have undertaken with persons with an interest in furthering the aims of the equality duty.</p> <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.</p> <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>Design your consultation with the Involving Residents Policy in mind and in line with the Council's Consultation Guidelines. Community Liaison also have a list of community and voluntary organisations in the borough (officer details).</p> |
| Analyse | 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? |

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| 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</p> |

given to each of these (including where people are represented in more than one).

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.

Indirect discrimination

This is where a requirement or condition is applied to all individuals or groups equally, but which is such that:

- 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

Relevance and Proportionality

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:

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.

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.

[\[2008\] EWHC 2062 \(Admin\)](#)

Outcome of Assessment

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.

- 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.

Where it is perceived that the needs of two service users could conflict, you must ensure:

- Firstly, that both are treated with dignity and respect; and
- Secondly, that each treats each other with dignity and respect

For further help please view the intranet, EHRC [website](#), or contact the Opportunities Manager at:

PEIA@lbhf.gov.uk

020 8753 3430

<http://theintranet/Departments/Finance%5Fand%5FCorporate%5FServices/Equality%5Fand%5FDiversity/>