

Islington Council – EIA guidance

Introduction

Islington's population is very diverse. Of the 200,000 residents, just over a quarter are from BME communities and a further fifth are white but not of British heritage. Islington has a relatively young population with around 23% of the population of school age and 10% of the population over the age of 65.

We recognise that some groups experience disadvantage and discrimination which inhibit their life chances. Islington is also characterised by extremes of affluence and deprivation; while many residents enjoy considerable wealth, nearly half of the borough's children live in poverty and Islington is the 14th most deprived local authority in England.

Our aim is to make Islington a fairer borough. Real and perceived inequality reduces social cohesion, increasing the occurrence of violence, conflict and insecurity. Our Dignity for All policy sets out our commitment to secure equality in citizenship, service delivery and employment for all our residents and staff.

Equality Impact Assessments (EIAs) are a tool for making sure that what we do delivers the best possible outcomes for local people, organisations and staff – particularly those who are often disadvantaged or may experience discrimination.

The introduction of the Equality Act 2010 has meant that EIAs are no longer a statutory requirement. However, compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty (eliminate unlawful discrimination, advance equality of opportunity, and foster good relations) as part of the process of decision making. It entails understanding the potential effects of the organisations activities on different people.

The Council has decided to continue conducting EIAs, not only because it assists us in complying with our duties under the Equality Act 2010, but also because they are good practice. This means we will continue undertaking impact assessments of changes to or new processes thereby demonstrating consideration of the Equality Duty in making decisions and understanding impacts on different groups. We will also continue publishing a schedule of EIAs, thus maintaining transparency and accountability. Producing an EIA after a decision has been reached will not achieve compliance with the Equality Duty or be of benefit to anyone.

In practice, we want to use EIAs as a tool to make Islington fairer and improve outcomes and make a real difference to people's lives. By doing this we will comply with both the detail and the spirit of the legislation. Appendix A provides an overview of the Equality Act 2010.

The Equality Act 2010 defines nine protected characteristics as age, disability, religion, gender, race, sexual orientation, marriage and civil partnership, gender reassignment, and maternity and pregnancy. In addition to these, Islington Council is also committed to considering socio-economic equality when making decisions about how it exercises its functions.

The new Equality Duty supports good decision-making – it encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. It is important to keep this in mind when thinking through your EIA and who may be affected by the decisions you take.

We also use data and information to identify potential positive and negative impacts of our policies, strategies and services on our residents and staff. EIAs aim to eliminate discrimination, advance equality of opportunity, reduce inequality and promote positive community relations.

The guidance is to help you think through the implications of decisions you are making and challenge prejudices or assumptions. This guidance helps to identify:

- when you need to conduct an EIA
- how to conduct an EIA – a step by step process
- who is responsible and at what level for EIAs
- who can help with information and support

You can use the guidance to assess whether the policies which guide your work, the procedures you operate and the day to day working practices you have developed are likely to have a positive or negative impact on different groups within our diverse community. Having undertaken the assessment, you can take action to prevent direct and indirect discrimination and promote positive community relations and equality.

Despite the socio-economic duty no longer being included within the Equality Act 2010, the Council is committed to considering the socio-economic impact, reducing inequalities and disadvantage, and promoting

fairness when making decisions about how we exercise our functions. This will continue to be included within our EIAs.

There is no need to do an EIA on national regulations or legislation...but we do need to do an EIA on how we implement those national requirements.

There is no need to do an EIA on getting supplies or services with no direct impacts on the lives of residents or staff, such as photocopying or electricity suppliers. The procurement process has built equalities considerations into the tender process...but we do need to make sure that contracts include performance measures around equalities and penalties for failure, in every contract which does have an impact on equalities. Through the contract management process, we do need to ensure that suppliers have equalities policies in place for their staff.

There is no need to do an EIA on a very broad vision or outline strategy. For example, if the document sets out broad commitments like 'we want to tackle poverty' or 'we want to reduce carbon commissions', then we cannot assess it... but there is a need to make a commitment to equality where appropriate. If the strategy gets further developed to include specific proposals or if there is an implementation plan, officer guidance etc... then an EIA can be done at that stage.

If you decide an EIA should be done and it has an impact on residents, you need to include it on the EIA schedule (please see Stage 4 below).

The EIA schedule is a 3 year schedule that includes all EIAs that will have an impact on residents, which the Council is planning to undertake. This helps us to maintain transparency and accountability to Islington residents.

Stage 1: When do you need to conduct an EIA

An EIA must be completed before the formal implementation of a policy, strategy, procedure or function can take place. Usually the sooner an impact assessment is started the better. This is to allow for any actions needed to mitigate potential negative impacts to be incorporated within the project/ service planning. This will save time and resources at later stages. The time each assessment will take will vary depending on the nature and complexity of what is being assessed. Producing an EIA after a decision has been reached will not comply with the Public Sector Equality Duty.

Before an assessment of the potential negative impact of a policy, strategy, procedure or function can be made, be clear about and understand what the activity is looking to achieve.

It is important to identify and understand who the policy, strategy, procedure or function is intended to benefit. This is especially important if particular groups are being targeted. It is necessary to consider whether there are other beneficiaries in addition to those considered to be the main ones, who should also be taken into account. For instance in delivering Accessible Information guidance for disabled adults you may also need to consider developing the policy to include the needs of people who have poor literacy skills; who do not speak English; or are not literate in their own community language.

Stage 2: How to conduct an Equality Impact Assessment

Having decided that you need to complete an Equality Impact Assessment, the following steps need to be undertaken.

1. Identify the aims, objectives and purpose of the policy/ service/ strategy
2. What information/ data do you need?
3. Assessment of impact
4. Action to mitigate risks and maximise opportunities
5. Sign off

Please note: it is not essential to use a template for completing an EIA. As long as you can demonstrate your thinking and consideration of equality issues in your impact assessment, this will suffice. Remember the whole point of undertaking an impact assessment is to identify any potential positive or negative impacts and remove or minimise any disadvantage that may be caused by your strategy/ scheme/ policy etc.. If you would like to use a template or areas that should be considered, please see Appendix G.

Step 1 – Identify the aims, objectives and purpose of the policy/ service/ strategy

The aims and objectives of the policy, strategy or service you are assessing need to be clearly stated at the beginning of an EIA. Set out what you want the policy or strategy to achieve and how these aims will be achieved. If you are assessing a service, be clear about the purpose and function of the service (i.e. its aims) as well as how the service operates (i.e. its objectives and functions).

Step 2 – What information/data do you need?

The Council and its partners have a lot of information and data regarding our service users and residents. Because the general equality duty requires you to analyse the effect of your organisation's functions on all protected groups, public authorities will not be able to meet the duty unless they have enough usable information.

Although the main sources of information will vary depending on the nature of the service, they may include the following:

- Ward profiles
 - Any previous EIAs
 - Previous research and resident satisfaction surveys
 - User feedback/ Outcome of consultation exercises
 - Complaints and comments
 - HR scorecard
 - Staff surveys, opinions and information from trade unions
 - Contract monitoring reports
 - Feedback from individuals or organisations representing the interests of key target groups or similar
 - National and local statistics
 - Census data
 - Academic, qualitative or quantitative research
 - Demographics
 - Borough statistics
- (<http://www.islington.gov.uk/Community/councilabout/>)

The list above is not exhaustive and if there is other information you think is important then please include. Gathering information or data is meant to provide context and to assist you to identify if there is a potential adverse impact on one or more targeted equality groups or if there is unlawful discrimination taking place. It should not become another huge body of work in itself.

You may find that there is insufficient information available to provide a clear overview of how the activity is impacting on different communities. It's important to concentrate on the main objectives and not lose sight of what you're trying to achieve. Know when to stop. Look for practical outcomes and focus on identifying gaps in current provision. If it is not possible to get this information easily or immediately, this should be identified in the action plan of the EIA.

Step 3: Assessment of impact

This is the most important step in the EIA. The main focus is to use the information gathered in the earlier stages. This is used to decide whether or not there is potential for the policy, strategy, procedure or function to result in a less favourable outcome on any group within the community,

or unlawful discrimination of any kind. In undertaking this stage, think about having due regard to the need to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between people who share a characteristic and those who do not; and foster good relations between people who share a characteristic and those who do not.

This includes applying this across the following equality strands:

- Race, including refugees, asylum seekers and migrants and gypsies and travellers
- Gender
- Disability
- Religion or Belief
- Age
- Sexual Orientation
- Gender Re-assignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Poverty, including Child Poverty

In assessing the impact, you will need to ask:

- Who does this piece of work affect?

Think in terms of age, deprivation, disability, faith, gender, race and sexual orientation, as well as groups such as lone parents, staff, local businesses, taxpayers. Also think in terms of cross-strand issues, for instance, the impact of being an elderly Bengali man, who doesn't speak English and cannot read Bengali either, or a young mother with mental health needs and 4 children who is in receipt of benefits.

Some groups of people who share common characteristics, experience historical and ongoing discrimination and disadvantage. Within and between each of these groups, an individual can be disadvantaged or discriminated against for more than one reason and their precise experience of inequality will be determined by the full range of their identity, situation and experiences.

Although unlawful discrimination can never be justified, there may be occasions where it is appropriate that an activity impacts less favourably on some communities or sections of the community. For instance, a scheme offering grants for energy-saving home improvements to people on low incomes will impact less favourably on tax payers who earn higher salaries; are not eligible for this grant and will have to pay for the home improvements themselves.

Not everything we do will benefit all groups in equal measures; some projects will be designed to address particular issues. However, if a project is designed for a specific group, you also need to think about what

potential effects it could have on other equality strands. Individuals have multiple characteristics and it is important that we consider the holistic needs of individuals rather than only seeing people as one strand or group.

Almost half of all children in Islington live in poverty and Islington is the 14th most deprived borough in the country. It is important therefore to consider the impact of poverty or child poverty within the EIA process. For instance charging criteria for some leisure services may have a greater impact on people living on lower incomes or costs of childcare may be prohibitive to people being able to attend some courses or programs.

It will be necessary to consider whether the potential for less favourable impact on one or more groups can be justified.

A less favourable impact is where a function has different, less beneficial outcomes for one or more community, resident or employee group when compared to another.

Examples of adverse impacts:

- Leisure services that make no provision for women only sessions would have an adverse impact on Muslim women who would be prevented from participating in sessions with men.
- The council is changing the way it delivers some services from face to face to online services, to create efficiencies. This will have a potential negative impact on residents who do not have access to online facilities (including people living in poverty, disabled residents, people who don't speak English or older people).

It is possible to identify specific actions that will remove or alleviate the risk of unlawful discrimination or less favourable impact on any one community, resident or employee group. For instance, with the first example above you could organise a women only session at the leisure centre once a week.

In making your assessment, you will need to consider whether any differential or adverse impact could amount to unlawful discrimination. If it could then you are duty bound to act to try and ensure that the Council acts lawfully by changing the function in question. If it is not unlawful, but there is evidence that groups or communities are treated less favourably, you will need to consider whether:

- It is trying to provide for the needs of a community which is already experiencing discrimination or disadvantage?
- If one or more community or group appears to benefit less, is there justification for this?

- There is anything which could be done to remove adverse or unfair treatment?
- Access could be improved for any groups or communities and if so, how?

It is important to consider whether the potential for less favourable impact on one or more community groups can be justified. You will also need to consider how you will demonstrate and publicise the need for such targeting, in order to be prepared for the possibility that other sections of the community might perceive such targeting as preferential treatment. Even when such perceptions are unjustified or based on prejudice, they can lead to resentment which has a negative impact on cohesion.

Step 4: Action to mitigate risks and maximise opportunities

The real value of completing an EIA comes from the actions that will take place and the positive changes that will emerge through conducting the assessment.

It is important to ensure that actions are more than just a list of proposals and good intentions. The final proposal needs to take account of the EIA findings but also be practical recommendations.

It is essential that actions are included as part of the final project/strategy report and are implemented as part of this process. Where appropriate, actions may also be included into departmental equality action plans or service plans.

It is important to focus on outcomes and tangible improvements.

Actions should aim to:

- Remove or eliminate the potential for the activity to unlawfully discriminate or impact less favourably on one or more communities.
- Maximise opportunities for reducing inequality and improving fairness
- Advance equality of opportunity and foster good relations between people who share a characteristic and those who do not
- Identify any information that is still required and how it might shape future action.
- Only include the main actions or activities likely to have the greatest impact rather than a comprehensive list of all the possible things that might help. Any more than 6 to 8 actions are unlikely to provide sufficient focus.

Actions should be built into relevant service plans and team plans and reviewed regularly to check they are delivering the intended outcome. Actions arising from the EIA should be built into the final proposal. This

will enable monitoring to take place as part of performance management arrangements.

Step 5: Sign off

All councillors, staff and management teams have some degree of responsibility for ensuring that EIAs are conducted. Whenever a review of a function or policy or strategy is developed, the managers responsible for that service or policy are accountable for the EIA. When reports for decisions are submitted to the Councillors or management teams for consideration, the full list of impacts identified in the EIAs should be reflected in reports.

To ensure ownership at the most senior management levels and to allow for cross-cutting analysis across the council's services, EIAs must be signed off by senior managers within departments. Where an EIA has a significant impact on residents, for instance changes to Housing allocation; or council tax etc..., the EIA should also be signed off by the corporate Equalities team.

Committee Reports

Committee reports must include information that enables Members to consider equality implications at the time of making decisions and to satisfy themselves that they are meeting their legal obligations and policy objectives in relation to equalities.

In every committee report there is a section called 'equality impact assessments'. If there are none, then state that. If there are one or two points that need to be brought to the committee's attention, then put these in this section. Appendix C sets out the minimum information that must be included in the EIA section in Committee Reports but the words can be amended or re-ordered to suit the particular situation.

Stage 3: Publication and Review

The EIA schedule sets out a plan for conducting EIAs for all existing functions, policies and services and states when the equality impact assessment will need to be conducted. The schedule is a 3 year schedule that includes all EIAs that will have an impact on residents, which the Council is planning to undertake. This helps us to maintain transparency and accountability to Islington residents.

The EIA schedule is a publicly available document and is available on the council website

http://www.islington.gov.uk/DownloadableDocuments/CommunityandLiving/Pdf/corporate_eia.pdf

The Schedule is updated each quarter.

In addition to publishing the schedule, all EIAs that have an impact on service provision or residents will also be published on the council website.

Before an EIA is published it needs to be signed off by senior managers.

Information and Support

The corporate Equalities team is able to provide support and assistance regarding EIAs.

Workshops are run twice a month for all staff and managers who are about to undertake an EIA (http://www.islington.gov.uk/DownloadableDocuments/CommunityandLiving/Pdf/corporate_eia.pdf).

In addition to the Equalities team, each department has an equalities link officer and a departmental equalities group that may be able to provide further support and guidance.

Please see Appendix H for a list of equalities officers.

Appendix A - Legislation

The introduction of the Equality Act 2010 has meant that EIAs are no longer a statutory requirement. However, compliance with the Equality Duty involves consciously thinking about the aims of that Equality Duty (eliminate unlawful discrimination, advance equality of opportunity, and foster good relations) as part of the process of decision making. It entails understanding the potential effects of the organisations activities on different people.

The Council has decided to continue conducting EIAs, not only because of our duties under the Equality Act 2010, but also because they are good practice.

- The Equality Act 2010 harmonises and replaces previous equalities legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995) and ensures consistency in what is needed to make the workplace a fair environment and to comply with the law. The Equality Act covers the same groups that were protected by existing equality legislation – age, disability, race, religion or belief, gender, and sexual orientation, but has also now included gender reassignment, marriage and civil partnership and pregnancy and maternity. They are now called ‘protected characteristics’. The Act extends some protections to characteristics that were not previously covered, and also strengthens particular aspects of equality law.
- The Equality Duty is a duty on public bodies and others carrying out public functions. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, in delivering services, and in relation to their own employees. The new Equality Duty supports good decision-making – it encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people’s needs.
- The Equality Duty has three aims. It requires public bodies to have due regard to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation
 - Advance equality of opportunity between people who share a characteristic and those who do not
 - Foster good relations between people who share a characteristic and those who do not

- Having due regard means consciously thinking about the three aims of the Equality Duty as part of the process of decision making. This means that consideration of equality issues must influence the decisions reached by public bodies – such as how we act as employers; how we develop, evaluate and review policy; how we design, deliver and evaluate services, and how we commission and procure from others.
- Having due regard to the need to advance equality of opportunity involves considering the need to:
 - Remove or minimise disadvantages suffered by people due to their protected characteristics;
 - Meet the needs of people with protected characteristics; and
 - Encourage people with protected characteristics to participate in public life or in other activities where their participation is low.
- Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.
- Compliance with the general equality duty means that in some circumstances it is lawful to treat some people more favourably than others, when this is allowed by the Equality Act 2010. For instance, making reasonable adjustments for disabled people.
- Specific duties will ensure that public bodies are accountable for delivering on the Equality Duty by requiring them to be transparent about their own staff and the public services that they deliver – that is, giving the public the information they need to hold them to account. Public bodies will also be required to promote equality when making strategic decisions about how to exercise functions.
- The following practical points are illustrative of some of the factors that the Council has to bear in mind when providing a service:
 - You must not stop serving or working for someone if you still provide that service for other users or clients with the same protected characteristic e.g. you can not stop offering home visits to a disabled person, if you find out s/he has a mental health condition; if you continue offering [home visits] to other disabled people.
 - You must not give someone a service of a lower quality than you usually provide.

- You must not make it harder for someone with a particular protected characteristic to access your services.
 - You are required not to put anyone at a disadvantage in relation to a protected characteristic.
- Child Poverty Act 2010 places a duty on local authorities to lead partners in carrying out a child poverty needs assessment from which strategies to tackle child poverty are developed at a local level. The Act also offers new powers for statutory agencies to pool resources in support of their joint strategy.

CASE LAW

There are a number of important cases dealing with impact assessments:

(A) *Elias v The Secretary of State for Defence* [2005] EWHC 1435 Admin; [2006] EWCA Civ 1293):

It is necessary for the [decision maker] to pay attention not only to the negative aspects of eliminating unlawful discrimination, but also the positive obligations to promote equality of opportunity and good relations between persons of different racial groups.

A Race Equality Scheme must set out arrangements for assessing and consulting on the likely impact of its proposed policies on the promotion of race equality.

In the present case, the Secretary of State had not complied with his obligations.

Public bodies must give advance consideration to issues of race discrimination before making any policy decision that may be affected by them: "This is a salutary requirement, and this provision must be seen as an integral and important part of the mechanisms for ensuring the fulfilment of the aims of anti-discrimination legislation."

(B) *R (BAPIO) v Secretary of State for the Home Department* [2007] EWCA Civ 199

The court stressed the importance of compliance with the Race Equality Duty not as a rear guard action following a concluded decision, but as an essential preliminary to any such decision: "Inattention to it is both unlawful and bad government."

(C) Baker v Secretary of State for Community and Local Government [2008] EWCA Civ 141

Promotion of equality of opportunity (and good relations) is assisted by, but is not the same thing as, the elimination of race discrimination. The promotion of equality of opportunity is concerned with issues of substantive quality and requires a more penetrating consideration than merely asking whether there has been a breach of a principle of non-discrimination. The duty is to have due regard to the need to promote equality of opportunity (and good relations) between different racial groups.

(D) C v SS for Justice [2008] EWCA Civ 882

The failure to produce a race equality impact assessment prior to laying the Secure Training Centre (Amendment) Rules 2007 before Parliament was a defect in the procedure. It sent out the wrong message to public bodies to allow that deficit to be cured by a review undertaken 8 months after the amendments had been laid. Although the impact assessment showed that physical control in care had not been applied in a discriminatory manner, as a matter of principle it could not be right that a survey that should have been produced to inform the mind of the government before it took the decision to introduce the amendments was only produced in order to attempt to validate the decision that had already been taken. The failure to produce the assessment was a defect in the procedure that was of substantial, and not merely technical, importance. The rule of law and the proper administration of race relations required the amendments to be quashed.

(E) Chavda v Harrow LBC [2007] EWHC Admin 3064, (2008) 11 CCLR 187

A report published after an equalities impact assessment of a proposal that a local authority restrict its adult care service to people with critical needs had failed to inform the authority's decision makers of the disability equality duty owed by the authority and that failure rendered the decision of the authority to adopt the proposal unlawful, as the decision makers had not had proper regard to the duty owed.

(F) Kaur v Ealing [2008] EWHC 2064 (Admin)

The High Court quashed Ealing's decision to cease providing funding to the Southall Black Sisters because of:

- the need for assessment of impact before a policy is adopted;
- the need for the process of assessment to be recorded, and
- the need for rigour in the assessment.

For further legal guidance, please contact: Peter Fehler (Director, Corporate Law and Community Services)

Appendix B – Top Tips

An EIA should identify the potential negative and positive impacts of your proposals on individuals, organisations and communities, and how to address them. You will assess against the protected characteristics as well as socio-economic status, which are: age; disability; religion or belief; gender; race (including refugees and migrants and gypsies and travellers), sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership.

Having done the assessment, and developed and implemented an action plan in response to your findings, you can remove discrimination and disadvantage and promote equality and cohesion more effectively.

An EIA is needed to assess:

- Functions, policies, practices;
- Projects and programmes
- Budgetary changes and financial planning
- Restructures and organisational change
- Day-to-day operational and service delivery

When doing an EIA.....

Work in a group – you need to get different people involved to make sure you can cover all the bases.

Get good data - make sure you have the data you need and that it is of good quality.

Consult where necessary – think carefully about whether and how to consult.

Look across strands – think about the all different communities and groups affected. Include poverty as well as the standard six strands.

Remember contractors and partners – involve them in supplying data, thinking through the issues, identifying solutions and implementing the actions.

Get senior buy-in – get the support (and time) you need to do the EIA and sign-off to ensure the actions will be implemented.

Plan how to monitor your actions – make sure you have systems and processes in place to keep track of what happens next and to pick up any emerging issues.

Keep it going – the EIA is a live document which will need to be revisited as plans progress and circumstances change, or if the planned actions did not deliver the intended results.

Focus on outcomes – remember that the point of all of this is to improve outcomes for local people from different groups and communities.

Appendix C – Committee Reports

Committee reports must include information that enables Members to consider equality implications at the time of making decisions and to satisfy themselves that they are meeting their legal obligations and policy objectives in relation to equalities. In addition, please include evidence of how the proposals in the report make the Borough a fairer place, by addressing issues of inequality. Please describe how the proposals will assist in working towards social justice and improving the life chances of residents, especially in the more deprived parts of the Borough and, where possible, reduce levels of poverty in those areas. The aim is to ensure that policies, projects and organisational changes being submitted to committees will not directly or indirectly discriminate against residents, staff or visitors to Islington. The Equalities team can provide further support (please see Appendix I for a full list of officers).

The following wording must be included in the EIA section in Committee Reports:

" The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding."

What this means is that whenever the Council carries out its duties, or exercises its powers, it must take proper account of the need to eliminate unlawful discrimination and harassment, as well as the need to take positive steps in respect of disabled persons. The statutory wording recognises that the Council needs to work out its equality priorities and allocate its resources towards its functions in a way that is proportionate to the relevance that equality has towards those functions (although, given that the general equality duties are mandatory, lack of resources does not excuse non-compliance).

Any person or body affected by the Council's alleged failure to comply with the general duties may take action through judicial review proceedings. In addition, the Equality and Human Rights Commission can

issue a compliance notice (enforceable in the High Court) for failure to comply with the general duties.

This should be followed by

a) An EIA has not yet been completed. The timetable for the scheduled completion of the EIA is.....(month and year).

Or

An Equality Impact Assessment was completed on..... (date)

b) The EIA identified that there would be no differential impacts. This decision was made because..... (summarise the decision)

c) The EIA identified actual adverse impacts for (state which groups) The action that has been taken includes the policy being changed/ cancelled. The action that will be taken to mitigate these impacts are..... (summarise actions)

d) The EIA identified potential adverse impacts for..... (state which groups) The action that will be taken to mitigate these impacts are..... (summarise actions)

The EIA has been/will be published and can be accessed on..... (state where EIA is available and website address)

The proposals in this report will address inequality and help to make the Borough a fairer place by

Appendix D – Procurement

On the 27th January 2008 the council adopted a new procurement code. The code states that the contracts awarded by the council should support equal opportunities, this includes ensuring that an EIA is undertaken to assess potential negative impacts.

Integrating Equalities into the Procurement Process

Building equalities into the procurement process enables the council to:

- Improve the quality of services delivered by external providers
- Make services more appropriate and responsive to the needs of the diverse communities of Islington
- Help improve overall value for money
- Ensure that our contractors follow good equalities practice.

Before commencing a procurement process an EIA needs to be carried out. This is to assess the effect of the procurement on different groups and the extent to which promoting equality is relevant to the particular contract. The EIA will need to be carried out for each stage of the procurement process.

In defining the objectives for the procurement you should determine whether equality is an essential part of the contract. This means considering whether the works, goods or services are likely to affect the council's ability to meet its duty to promote equality.

The duty to promote equality is highly relevant to contracts for services, especially those involving delivery of services to members of the public. This may mean that a contractor's staff may need to be aware of language, cultural or religious needs of a particular group. Additionally, contracts for goods and works may also need to have capacity to meet the needs of particular groups, for example disabled residents.

When undertaking an EIA during a procurement process, it is important to consider:

What the actual contract will be?

Who will be affected by the contract (service users; tax payers; residents)?

Who do you want to attract to apply for the contract?

For further information regarding procurement processes, please contact:

Ann Graham - Procurement Lead

Sara Montague - Procurement Officer

Nick Eglington - Procurement Officer

Appendix E –budget setting

Significant budget changes and medium/long term financial planning may have an impact on residents (this includes service users, customers, tax payers) and therefore require an Equality Impact Assessment (EIA). This will be done as part of the annual budget setting process and Financial Planning will require services to produce EIAs on all growth and savings proposals.

Clearly it is not possible to make savings without impacting on any group and whilst the council is not legally obliged to remove savings with potential negative impacts, we do need to take a proportionate view about the overall impact on particular groups to seek to mitigate the negative impacts of savings on particular groups where possible.

Savings can take a number of forms, including generating efficiencies, cutting services or increasing income. Any savings proposed will have an impact on staff or residents in one way or another. If a service to residents is cut then there is likely to be a negative impact on the clients of that service. The implications for residents are not always negative. For example, efficiency savings may have a positive impact on tax payers and on residents as citizens or on residents who are customers or clients of the council. It is important that we understand the difference between efficiencies and cuts and the consequential implications for residents.

It is important that EIAs are formally embedded into the service and financial planning process at the very beginning so that equality considerations are more transparent throughout and we move towards a fairer process. It is important for services to consider the impact on equality strands more closely when implementing savings.

How to build equalities, fairness and resident impact into the budget process?

A core focus for the Council is fairness and this needs to be considered throughout all council functions, most especially the budget process.

The overarching council priority is tackling poverty and breaking the cycle of deprivation. Within this overarching priority there are a number of groups where inequality is greatest.

Key inequalities

- Poverty -low income; poor health outcomes; people without basic skills (numeracy and literacy, incl. ESOL)
- Poor white young people – lowest attainment of all groups in Islington; not in education, training or employment
- Disabled people – low employment rate; unequal access; poor educational attainment

These groups have been identified based upon current data. We need to ensure that we target efforts and resources to reduce inequality for these groups.

It is important that EIAs are formally embedded into the service and financial planning process at the very beginning so that equality considerations are more transparent throughout and we move towards a fairer process. As stated in the 2010/11 Budget, it is important that services consider the impact on equality strands more closely when implementing savings.

Whilst we need to consider the impact on residents, in practice we will not have the resources to deliver all we want to and additional investment is required. In practice, the only way to achieve this is by redirecting resources to achieve equality outcomes. We need to ensure that savings we make do not disproportionately disadvantage groups. The consequence is that this will also have an impact on some groups of residents and staff; however we need to be clear regarding the active choices we will make to meet our key priorities.

It is important we target resources based upon current inequalities and not historic ones, for instance, BME and Bangladeshi boys were previously underperforming in education. By delivering targeted support and services, they are now achieving well and are not seen as a priority group.

Departmental EIAs

Departments need to consider what they each will do to achieve the priority outcomes and how resources will be redirected to achieve this.

In considering savings, departments also need to consider both the resident impact and the staffing impact (both direct and indirect).

When budget savings are discussed at departmental level, there are a number of considerations that need to be built in from the beginning.

Whilst this is not a definitive list, there are some initial questions that need to be asked at the beginning of the budget process:

1. What are the actual savings to be made – in terms of service delivery, staffing?
2. Will the savings impact on equality groups?
3. How will the savings be perceived by taxpayers?
4. Do the savings proposals impact on a particular equality group or area (either cumulatively or individually)?
5. Are these similar groups that were impacted upon by budget savings last year?
6. What can we do to mitigate any potential negative impacts?

It is also important to be conscious that departmental budget EIAs need to consider the combined impact of budget savings across their department, not just specific service areas.

For further information regarding budget setting, please contact your departmental Finance Manager:

HASS – Shakeel Yasin/ Steve Abbott

Children's – Penny Healey/ Dean Langsdon

Finance – Roger Dunlop

Environment and Regeneration – Steve Abbott/ Donna Davis

Corporate Resources – Steve Abbott/ Donna Davis

Appendix F – Re-organisations

In undertaking a re-organisation you need to be clear about the reasons why a re-organisation is needed. Is it to save money and create efficiencies in resources? Is it because the service is no longer needed due to low demand? Is it to redistribute work to take on additional functions?

When undertaking an EIA on a re-organisation it is important to have a clear understanding about who your staff group is. Human Resources provide 'HR Scorecards' which are available on a quarterly basis and provide detail regarding staff including, ethnic background; religion/belief; disability; gender; age and sexual orientation. Not all the information is available as not all staff choose to complete the equalities monitoring section but you should have some information to include.

For example, a team may need to undertake a re-organisation following a merger with another team. Not all the job roles are required in the newly merged team and there will be redundancies made. It is important to be aware of the equalities background of the staff involved and if this will have a possible negative impact. For instance if there are 6 staff who could possibly be made redundant and they are all female, is this a problem? If the rest of the team or service are primarily female, this may not be a problem, however if all other staff are male, then this might be a problem and seen as discrimination against the female staff.

As with all EIAs, because there is a potential adverse impact does not mean you cannot proceed but it does mean you need to be clear what the adverse impact is and provide clear rationale about why you still need to proceed. In the example above, it could be because all the merged roles are administration officers and they are currently all filled by women.

Additionally, you will need to consider the impact on residents by undertaking a re-organisation? What roles will be merged or deleted? Will this mean that case loads increase or case workers now have to complete their own administration, which will impact on time they have to dedicate to clients?

For further information regarding re-organisations, please contact your HR Business Partner for further assistance:

HASS – Shashi Bearne and Erica Young

Corporate Resources – Margaret Howes

Environment and Regeneration – Sharon Brown

Finance – Donna Labor

Children’s – Noreen Meade

Appendix G – EIA template

EQUALITY IMPACT ASSESSMENT

Name of Service Area	
Staff conducting assessment, including contact details	
Date of assessment	
Reason for assessment (what are you aiming to do?)	

Description of what is being assessed:

Main Stakeholders/Beneficiaries (staff; service users; tax payers; voluntary, community and faith organisations; other council departments; public and business partners)

Will the proposed policy/project/ strategy etc impact on equality groups?

In each of the following sections please consider the aims of the Equality Duty:

- ***Eliminate unlawful discrimination, harassment or victimisation***
- ***Advance equality of opportunity between groups who share a protected characteristic and those who do not; and***
- ***Foster good relations between groups who share a common characteristic and those who do not.***

Additional questions that may assist you in completing your EIA include:

What information or data do you have regarding service users/ residents?

What further information do you need?

What cross-strand issues do you need to consider? i.e. impacts for people who fall into more than one category such as older black women or a young disabled person.

1. Gender

(Please include any actual or potential impacts on male or female staff or residents)

2. Age

(Please include any actual or potential impact on any specific age group, particularly those staff or residents who are under 21 or over 60 years of age.)

3. Disability

(Please include any actual or potential impacts on all disability strands including: mental health; physical disability; hearing impairment or Deaf; visual impairment or Blind; dyslexia; or any hidden impairments such as HIV/AIDS or sickle cell)

4. Race (including refugees and migrants and gypsies and travellers)

(Please include any actual or potential impacts on any staff or residents due to race or ethnicity, including refugees and migrants and gypsy or traveller communities)

5. Religion and belief

(Please include any actual or potential impacts on staff or residents due to religion, belief or faith)

6. Sexual orientation

(Please include any actual or potential impacts on staff or residents due to sexual orientation)

7. Gender re-assignment

(Please include any actual or potential impacts on Trans staff or residents due to gender re-assignment)

8. Marriage and Civil Partnerships

(Please include any actual or potential impacts on people who are married or in civil partnerships)

9. Pregnancy and maternity

(Please include any actual or potential impacts on women who are pregnant or on maternity leave)

10. Child Poverty and other socio-economic impacts

*(please include **short** and **long term** implications for eradicating child poverty; actual or potential implications for residents who are living on a low-income or are unemployed; and economic prosperity of Islington overall)*

IMPROVEMENT PLAN

The Improvement Plan needs to outline actions you propose to take to mitigate actual or potential negative impacts. Actions from Improvement Plan should be included as part of the final report and implementation taken forward as a part of that process.

ISSUE IDENTIFIED	ACTION REQUIRED	LEAD OFFICER	TIMESCALE	COMMENTS

Appendix H – Equalities officers

For a list of officers, please see below:

Equalities Team:

Olvia Fellas, Head of Equalities, Refugee and Migrant Service

Thuvia Jones, Equalities Performance Officer

Lorraine Fahey, Disability Equalities Performance Officer

Kim Ward, Equalities Performance Officer

Departmental Contacts:

Environment and Regeneration: Bram Kainth and Andrew Bedford

Corporate Resources: Alva Bailey and Olvia Fellas

Finance: Ian Adams and Rebecca McCaw

Children's Services: Cathy Blair and Emma Forrest

Housing and Adult Social Services: Dawn Wakeling and Hamide Pervaz