

Equality Impact Assessment

Public bodies are required in to have **due regard** to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited under the Act
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it, and
- **foster good relations** between people who share a protected characteristic and people who do not share it.

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

The **public sector Equality Duty** came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty 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. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following **protected characteristics**:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

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, including how

they act as employers, how they develop, evaluate and review policies, how they design, deliver and evaluate services, and how they 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.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore **take account of disabled people's impairments** when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they **considered the aims of the Equality Duty**. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Chief Executive	Lead officer responsible for EIA	Rachel Shaw
Name of the policy or function to be assessed:		Customers with additional support needs policy	
Names of the officers undertaking the assessment:		Rachel Shaw	
Is this a new or an existing policy or function?		Review of an existing policy	
<p>1. What are the aims and objectives of the policy or function?</p> <p>The purpose of this policy is to set out the approach that Broxtowe Borough Council will take to supporting customers who have additional support needs.</p>			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>The policy highlights to employees the actions that need to be considered and taken when working with a person who has additional needs. The policy sets out the outcomes to be achieved, further procedures will be developed, where necessary.</p>			
<p>3. Who is intended to benefit from the policy or function?</p> <p>All tenants, leaseholders and applicants of Broxtowe Borough Council who have additional support needs.</p>			
<p>4. Who are the main stakeholders in relation to the policy or function?</p> <p>Housing applicants Housing tenants Housing employees Partner support agencies</p>			
<p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</p> <p>Housing is currently aware of applicants and tenants who require additional support, but acknowledges that there needs to be improvement in the recording and sharing of this information. When a vulnerability is identified this can be related to an equality strand. For example, vulnerability due to a disability.</p>			
<p>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?</p> <p>The information that applicants include on their housing applications can help identify where people require additional support. Through conversations and visits with tenants the information we hold is regularly updated on our housing management</p>			

system

7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?

N/A

8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways?

In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:

- **Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?**

The policy does not target or exclude specific equality groups. In the policy it is acknowledged that 'it is not possible to identify every scenario in which a customer can be defined as vulnerable. Vulnerability is complex and can be temporary, periodic, recurring or on-going'. This acknowledges that many situations are unique and ensures that no vulnerable person is excluded because they do not meet a specific definition.

- **Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?**

The policy applies to all applicants, tenants and leaseholders, irrespective of their equality group.

- **Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?**

It is the responsibility of the Council as a landlord to ensure that they follow the policy and make any reasonable adjustments. It is part of the policy itself to ensure that any barriers to access are identified and removed.

- **Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?**

The policy outlines existing tailored services that meet the needs of customers with additional support needs. In some examples, this can contribute to relations between different groups for example within Independent Living schemes.

- **What further evidence is needed to understand the impact on equality?**

The policy includes an aim to identify all applicants and tenants who are potentially

vulnerable. The profile of vulnerable people living in our housing will change over time. Therefore, we will work to ensure that vulnerability is monitored and the service adapted if necessary. This will have an impact on each equality strand.

9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?

Age: It has been identified that there is a higher proportion of older residents in the borough than the national average. It is also acknowledged that young people, including those leaving care and teenage parents are likely to be vulnerable. Customer of all ages can be vulnerable and therefore customers of all ages will be considered under this policy.

Disability: The Housing Act 1996 identifies 'people with learning disabilities' and 'people with a mental, physical or sensory disability' as categories where people could be classed as vulnerable. Therefore customers with a disability will be considered under this policy.

Gender: It is not anticipated that the Council would need to take any further action for this category. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Gender Reassignment: It is acknowledged that this policy may be applicable to this group, particularly work adopting a partnership approach with other agencies who offer appropriate support.

Marriage and Civil Partnership: It is not anticipated that the Council would need to take any further action for this category. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Pregnancy and Maternity: The Housing Act 1996 identifies that 'people with a child under 12 months old in the household' may be vulnerable. By working closely with applicants and tenants temporary vulnerability due to pregnancy and maternity can be identified and extra support offered when necessary.

Race: It is not anticipated that the Council would need to take any further action for this category. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Religion and Belief: It is not anticipated that the Council would need to take any further action for this category. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Sexual Orientation: It is not anticipated that the Council would need to take any further action for this category. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Head of Service:

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

Signature of Head of Service:

