

APPENDIX 1

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:	Housing	Lead officer responsible for EIA	Richard Smith
Name of the policy or function to be assessed:		Decant Policy	
Names of the officers undertaking the assessment:		Richard Smith	
Is this a new or an existing policy or function?		Existing Function	
<p>1. What are the aims and objectives of the policy or function?</p> <p>The Policy will detail the Council's approach to Decants by outlining;</p> <ul style="list-style-type: none"> • To enable decants to be carried out with minimal disruption and disturbance to residents • To establish the requirement to consult effectively and provide regular feedback to residents that are affected by a decant • To establish a framework in which the Council provides assistance, whether practical or financial, to residents effected by the need to decant • To ensure that decants are managed in a fair, equitable and reasonable manner • To establish a basis of approval for a decant to take place • To enable the Council to make best use of its stock through timely access for improvement and development works or where a decision is made for demolition or disposal • To minimise rent loss to the Council by having a joint approach between Housing Repairs, Capital Works and Housing Operations. 			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>The purpose of a decant is to allow for the Council to carry out essential works that cannot be completed with the tenant in situ</p>			
<p>3. Who is intended to benefit from the policy or function?</p> <p>Council tenants that have a property in a condition where a decant is required are affected by a decant.</p>			
<p>4. Who are the main stakeholders in relation to the policy or function?</p>			

- Tenants
- Housing staff
- Contractors of the Council

5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?

When applicants apply to join the waiting list and are housed with the Council they are asked for personal details, which provides quantitative data on the quality strands.

6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?

Information provided on Council records

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

None. Decants occur when they are required.

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?**

Applicants must be over the age of 18 to hold a tenancy with the Council, so those younger than that are excluded from holding a tenancy but may be part of the household. This can be justified.

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

Yes. The vast majority of decants will occur in circumstances with no pattern and could therefore affect any group or community who may be living in the affected Council properties at that time.

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

None, the policy and decisions are made by Council officers.

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

The decant policy should not contribute positively or negatively in this area.

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

None as decants are rare and are generally unplanned where and when they occur

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: The Council will ensure that the disruption to children and young people who attend school and college is minimised.

Disability: The Council will ensure that tenants living in adapted properties, can move to a property which continues to meet their needs.

Gender: It is not anticipated that the Council will need to take any further action in order to enable access for this group.

Gender Reassignment: It is not anticipated that the Council will need to take any further action in order to enable access for this group.

Marriage and Civil Partnership: It is not anticipated that the Council will need to take any further action in order to enable access for this group.

Pregnancy and Maternity: The Council will ensure that additional support with moving is provided to someone who is pregnant or has young children.

Race: It is not anticipated that the Council will need to take any further action in order to enable access for this group.

Religion and Belief: It is not anticipated that the Council will need to take any further action in order to enable access for this group.

Sexual Orientation: It is not anticipated that the Council will need to take any further action in order to enable access for this group.

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: R Shaw