

APPENDIX 5

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	Rachel Shaw
Name of the policy or function to be assessed:		Right to Buy Policy	
Names of the officers undertaking the assessment:		Rachel Shaw	
Is this a new or an existing policy or function?		Existing policy for existing function	
<p>1. What are the aims and objectives of the policy or function?</p> <p>The aim of the policy is to set out how Broxtowe Borough Council will:</p> <ul style="list-style-type: none"> • Meet its responsibilities to administer the Right to Buy for those who qualify • Process applications fairly and accurately • Comply with current legislation 			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>Ensure that applications are processed fairly in accordance with the legislation</p>			
<p>3. Who is intended to benefit from the policy or function?</p> <p>Current tenants of the Council who want to exercise their right to buy and purchase the properties where they are currently a tenant</p>			
<p>4. Who are the main stakeholders in relation to the policy or function?</p> <ul style="list-style-type: none"> • Right to Buy applicant • Housing staff • Legal Services staff 			
<p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</p> <p>As part of the application process applicants are asked to complete a monitoring form. The Council also holds data as part of the applicant's tenancy. The data has identified an increase in the age of applicants applying for the Right to Buy, but due to the low numbers of applications per year this cannot be seen as a trend.</p>			
<p>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?</p> <p>No qualitative data is available</p>			

<p>7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?</p> <p>Consultation has not been carried out.</p>
<p>8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways?</p> <p>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:</p>
<ul style="list-style-type: none"> • 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? <p>The policy does not target or exclude specific equality groups. As tenants are required to have three qualifying years before they can exercise the Right to Buy, younger tenants may be excluded. This is justified as it meets the requirements of the legislation.</p>
<ul style="list-style-type: none"> • Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified? <p>The policy applies to all tenants, irrespective of their equality group.</p>
<ul style="list-style-type: none"> • Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function? <p>Information regarding the Right to Buy is complex and can be difficult to understand, especially if English is not the applicants first language. Information on the Right to Buy can be offered in alternative formats and meeting are offered to discuss the process with any potential applicants.</p> <p>Certain property types are excluded from being sold through the Right to Buy, this includes some properties that have been adapted for people with a disability or properties that are designated for the elderly.</p>
<ul style="list-style-type: none"> • Could the policy or function promote or contribute to equality and good relations between different groups? If so, how? <p>The policy will have no impact.</p>
<ul style="list-style-type: none"> • What further evidence is needed to understand the impact on equality? <p>Monitoring will be completed as the policy is implemented. It is not expected that there will be an impact.</p>

1. 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: Due to the requirements of the Right to Buy legislation, applicants must have three qualifying years. Therefore younger applicants may be disadvantaged. No action can be taken to address this, but advice can be given to applicants about when they are able to apply. Older applicants may be unable to buy their property if it has been designated for the elderly. No action can be taken to address this, but advice can be given to applicants.

Disability: Disabled applicants with a physical disability may be unable to buy their property if it has been designated for disabled persons. There is strict criteria outlined in the legislation which must be met for a property to be excluded. It is important that accurate information is provided to disabled applicants about whether they can purchase their property.

Gender
Gender Reassignment
Marriage and Civil Partnership
Pregnancy and Maternity
Race
Religion and Belief
Sexual Orientation

It is not anticipated that the Council would need to take any further action for these categories. 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: |

