

APPENDIX 4

Equality Impact Assessment

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.

Public bodies are required in it 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 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.

The Council has agreed that individuals having care experience will be treated as if they have a protected characteristic.

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's	Lead officer responsible for EIA	Chief Executive
Name of the policy or function to be assessed:		ASB Policy	
Names of the officers undertaking the assessment:		Chief Executive	
Is this a new or an existing policy or function?		amendment to existing policy	
<p>1. What are the aims and objectives of the policy or function?</p> <p>To set out a clear definition consistent across Notts as to anti-social behaviour To define roles and responsibilities of various agencies and internal Council sections in responding to anti-social behaviour, and to be clear about what types of anti-social behaviour to report to which agencies. To set out tools and mechanisms through which anti-social behaviour can be addressed To clarify for victims what can be expected in terms of the response of the Council to reports of anti-social behaviour To link to the process for anti-social behaviour reviews</p>			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>Clarity and consistency of approach in handling anti-social behaviour complaints Agreement across Nottinghamshire as to which organisation deals with which type of anti-social behaviour A good experience for victims when they complain about anti social behaviour Clear expectations for victims about what response to expect from the Council</p>			
<p>3. Who is intended to benefit from the policy or function?</p> <p>The community victims of anti social behaviour employees of Broxtowe BC and partner agencies</p>			
<p>4. Who are the main stakeholders in relation to the policy or function?</p> <p>victims of anti social behaviour employees exercising relevant functions Police, Victim Care, Police and Crime Commissioner colleagues, Notts county</p>			

Directorate:	Chief Executive's	Lead officer responsible for EIA	Chief Executive
council and town and parish council colleagues			
<p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</p> <p>Data about current reports broken down across council sections and broken down across ASB categories; Police data; victim care data</p>			
<p>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?</p> <p>survey data through residents surveys and surveys conducted by partner agencies – PCC, Police, County</p>			
<p>7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?</p> <p>An ASB task group convened by the PCC has resulted in an ASB agreement and protocols which has led to the need to align the policy so it is consistent with the new protocol and agreement. The task group discussions have revealed the need for consistent reporting (at the moment there is double counting because ASB reports go to multiple agencies) , clear communication so the public know where to report and what to expect. Some ASB may be under reported. On the other hand currently reports are made without being substantiated by evidence and neighbour disputes can be the cause of ASB reports.</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? 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>			
<p><input type="checkbox"/> 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> <p>The policy is designed to have regard to people who have mental or physical disabilities, either as perpetrators or as victims .</p> <p>ASB can disproportionately impact people with protected characteristics if they are targeted by perpetrators</p>			
<p><input type="checkbox"/> Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?</p>			

All protected characteristic groups and communities should find their interests protected under the application of the policy as much as anyone who does not have a protected characteristic.

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

Fear to report perpetrators may be a barrier. Victim care is engaged to support perpetrators in helping agencies bring perpetrators to justice

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

Links to hate crime are contained within the policy. By clarity around reporting and responding to ASB targeted at certain individuals, victims are supported and perpetrators are dealt with in a proportionate manner.

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

Further evidence in relation to victims of ASB to understand the profile of victims would be helpful

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: collect data, monitor profile of victims to ascertain any patterns or trends. Education and awareness raising for young people. Diversion activities for young people

Disability: collect data, monitor profile of victims to ascertain any patterns or trends. If a perpetrator has a mental or physical disability that is impacting on their behaviour, take the information into account in responding. Be mindful of vulnerability and refer to victim support where appropriate.

Gender: collect data, monitor profile of victims to ascertain any trends or patterns. Be mindful of links to strategies such as domestic violence; violence against women and girls

Gender Reassignment: collect data, monitor profile of victims to ascertain any patterns or trends. Be mindful of links to hate crime. Refer to victim support if relevant

Marriage and Civil Partnership: collect data, monitor profile of victims to ascertain any patterns or trends.

Pregnancy and Maternity: collect data, monitor profile of victims to ascertain collect data, monitor profile of victims to ascertain any patterns or trends

Race: collect data, monitor profile of victims to ascertain any patterns or trends. Be aware of links to hate crime. Link to relevant support agencies including victim care.

Religion and Belief: collect data, monitor profile of victims to ascertain any patterns or trends. Be aware of links to hate crime. Link to relevant support agencies including victim care.

Sexual Orientation: collect data, monitor profile of victims to ascertain any patterns or trends. Be aware of links to hate crime. Link to relevant support agencies including victim care.

Care Experience: collect data, monitor profile of victims to ascertain any patterns or trends. Be aware of links to hate crime. Link to relevant support agencies including victim care. Provide support and guidance and link to social services or youth services if relevant

Chief Executive: Ruth Hyde

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:

