

## 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 also decided to treat people who have care experience as if they had a protected characteristic under the law.

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	Head of Housing
Name of the policy or function to be assessed:		Management of Communal Areas Policy	
Names of the officers undertaking the assessment:		Head of Housing	
Is this a new or an existing policy or function?		Updated policy for an existing function	
<p><b>1. What are the aims and objectives of the policy or function?</b></p> <p>The Management of Communal Areas Policy sets out the approach that Broxtowe Borough Council takes to manage enclosed communal areas and the areas that immediately surround blocks of flats.</p>			
<p><b>2. What outcomes do you want to achieve from the policy or function?</b></p> <p>The policy provides a framework for how communal areas will be managed and what is expected from residents.</p>			
<p><b>3. Who is intended to benefit from the policy or function?</b></p> <p>Tenants Leaseholders Employees involved in managing and maintaining communal area</p>			
<p><b>4. Who are the main stakeholders in relation to the policy or function?</b></p> <p>Tenants Leaseholders Employees involved in managing and maintaining communal area</p>			
<p><b>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</b></p> <p>Personal data is held for tenants on the Council's housing management system, which records age, disability and gender. Using this information, the Council has an understanding of who is living in schemes or blocks of flats with communal areas.</p>			

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

Notes are recorded on the Council's housing management system, including discussions with tenants or leaseholders about communal areas.

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

An annual survey of all tenants is undertaken, which includes questions regarding communal areas.

Tenants were asked for their feedback on the policy via Tenant Involvement Network meetings.

**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?**

No, the policy is intended to provide consistency regarding how different schemes and areas are managed.

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

Only people over 18 can hold a tenancy, however there can be an impact on children living in council tenancies.

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

Warnings are placed on the Council's housing management system when tenants require information in a different format or language. This ensures that they are sent information in a way that they can access.

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

Good management of communal areas can encourage tenants to speak to their neighbours and build positive relationships.

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

Regular monitoring of the service will be undertaken.

**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 is acknowledged that younger tenants, often in their first tenancy, may require additional support to meet the requirements of this policy. For example, support to keep communal landings free of belongings or to remove rubbish correctly.

**Disability:** Tenants with physical disabilities may request permission for a mobility scooter, and if permission is unable to be granted will be provided with support to find an alternative. Removal of items from communal areas is particularly important for tenants that have disabilities which mean that they may find it difficult to move around items, and tenants that are blind.

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

**Marriage and Civil Partnership:** Tenants that are married or in a civil partnership are more likely to be joint tenants, equally responsible for ensuring compliance with the policy and tenancy terms. Specific questions may arise due to this, which the Tenancy and Independent Living teams can support with.

**Pregnancy and Maternity:** If a tenant is pregnant or has recently had a child they may require additional support to meet the requirements of this policy, for example, prams and pushchairs are one of the items that can't be left in communal areas in blocks of flats. Whilst the policy can't be changed to accommodate this, advice and support can be given.

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

**Care Experience:** Care Leavers are likely to be in their first tenancy, and it is acknowledged that they may require additional support to meet the requirements of this policy. For example, support to keep communal landings free of belongings or to remove rubbish correctly.

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: |

