

**Appendix 3****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 Execs	Title of the Lead Officer responsible for EIA	Head of Communities and Community Safety
Name of the policy or function to be assessed:		ASB Case Review Policy	
Title of the Officer undertaking the assessment:		Head of Communities and Community Safety	
Is this a new or an existing policy or function?		New Policy / Existing Function	
<p><b>1. What are the aims and objectives of the policy or function?</b></p> <p>This policy sets out our commitment in response to the Local Authorities duty to conduct ASB Case Reviews (formally known as Community Triggers) under the government's Anti Social Behaviour, Crime and Policing Act 2014.</p> <p>The Objectives are;</p> <ol style="list-style-type: none"> <li>1. To deliver the Local Authority's duty to conduct ASB Case Reviews under the government's Anti Social Behaviour, Crime and Policing Act 2014</li> <li>2. To ensure residents have a pathway to resolve complex cases which require a multi-agency approach</li> <li>3. To resolve complex cases of ASB and prevent reoccurrence</li> </ol> <p>The policy recognises that those with poor mental health and protected characteristics are more likely to be victims or the victim of malicious reporting of ASB due to prejudice so provision for applications by representatives and attendance at panel meetings by advocates has been made within both the policy and the procedure.</p> <p>It is also important to recognise that the vulnerabilities of either party in a case may be a significant influence in the activity causing an issue and the response to such activity or both, and this needs to be considered within the deliberations of the panel to ensure that enforcement action is not taken where activity is not unreasonable where established vulnerabilities exist.</p>			
<p><b>4. What outcomes do you want to achieve from the policy or function?</b></p>			

The ASB Case Review process provides a multi-agency problem-solving approach aimed at resolving the most persistent, complex cases of antisocial behaviour.

**5. Who is intended to benefit from the policy or function?**

Residents of Broxtowe who are victims of ASB and whose cases have been unable to be resolved by single agency intervention.

**6. Who are the main stakeholders in relation to the policy or function?**

Borough Council  
Police  
Office of the Police and Crime Commissioner  
Health partners  
Victim Care  
Victims of ASB  
Perpetrators of ASB  
Residents

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

Equalities data is not collected as part of the ASB case review procedure. Equalities data is requested as part of the ASB case management procedure ,however it is rarely provided by victims. Nonetheless it is recognised that the mental health of victims or perpetrators plays a significant role in ASB cases.

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

It is recognised that the mental health of victims or perpetrators plays a significant role in ASB cases.  
It is understood that those with protective characteristics are more vulnerable to being the victim of ASB and potentially involved in the malicious reporting of ASB due to prejudice or mental ill health .

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

Consultation on this policy has not been carried out as the policy reflects government guidance within the Anti-Social Behaviour, Crime and Policing Act 2014, the Data Protection Act 2018 and General Data Protection Regulations.

**10. 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 ASB Case Review Policy targets cases which are complex and hard to resolve which are predominantly those which relate those individuals with poor mental health or who have a protected characteristic.

The ASB Case Review Service is open to all those who have been or may be the victim of ASB regardless of equality group.

Provision for applications by representatives and attendance at panel meetings by advocates has been made within both the policy and the procedure.

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

The ASB Case Review Service will apply to all groups and communities equally however it will be accessed by those with complex or hard to resolve cases which are predominantly those cases relating to poor mental health or to those with protected characteristics.

Provision for applications by representatives and attendance at panel meetings by advocates has been made within both the policy and the procedure.

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

The ASB Case Review Policy applies equally across all groups and communities however it is recognised that some groups with protective characteristics may be more reluctant to report incidents or access this service.

Provision for applications by representatives and attendance at panel meetings by advocates has been made within both the policy and the procedure.

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

The ASB Case Review Service provides victims with a route to resolve ASB allowing neighbours or communities to live together without antagonism.

The service provides resolution between individuals and groups reducing ASB both to and by those with poor mental health protected characteristics.

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

Statistical evidence on reported ASB incidents broken down by equality strand. However despite this data being requested as part of the ASB case management procedure it is rarely provided by victims.

**11. 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:**

Monitor trends in ASB to consider any changes in patterns of age in relation to victims of ASB

**Disability:**

Raise awareness of the ASB Case Review Service with members, MPs and support and advocacy services.

**Gender:**

Monitor trends in ASB to consider any changes in patterns of gender in relation to victims of ASB

**Gender Reassignment:**

Raise awareness of the ASB Case Review Service with members, MPs and support and advocacy services. Monitor trends in ASB to consider any changes in patterns in relation to victims of ASB

**Marriage and Civil Partnership:**

None.

**Pregnancy and Maternity:**

None.

**Race:**

Raise awareness of the ASB Case Review Service with Members, MPs and support and advocacy services. Monitor trends in ASB to consider any changes in patterns of race in relation to victims of ASB

**Religion and Belief:**

Raise awareness of the ASB Case Review Service with members, MPs and support and advocacy services. Monitor trends in ASB to consider any changes in patterns of religion and belief in relation to victims of ASB

**Sexual Orientation:**

Raise awareness of the ASB Case Review Service with members, MPs and support and advocacy services. Monitor trends in ASB to consider any changes in patterns of sexual orientation in relation to victims of ASB

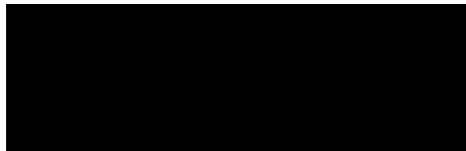
**Care Experience:**

Raise awareness of the ASB Case Review Service with members, MPs and support and advocacy services. Monitor trends in ASB to consider any changes in patterns of care experience in relation to victims of ASB

**Chief Executive:**

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:**



**Head of Communities and Community Safety**