

Equalities Impact Assessment (EIA)

EIAs make services better for everyone and support value for money by getting services right first time.

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then create an action plan to get the best outcomes for service users and staff¹. They analyse how all our work as a council might impact differently on different groups protected from discrimination by the Equality Act 2010². They help us make good decisions and evidence how we have reached them.³

An EIA needs to be started as a project starts to identify and consider possible differential impacts on people and their lives, inform project planning and, where appropriate, identify mitigating actions. A full EIA must be completed before any decisions are made or policy agreed so that the EIA informs that decision or policy. It is also a live document; you should review and update it along with your project plan throughout.

You should first consider whether you need to complete this full EIA⁴.

Other key points to note:

- Full guidance notes to help you are embedded in this form – see the End Notes or hover the mouse over the numbered notes.
- Please share your EIA with your Equalities Champion and the final/updated version at the end of the project.
- Major EIAs should be reviewed by the relevant Head of Service.
- Examples of completed EIAs can be found on the Equalities Hub

1. Responsibility for the EIA

Title of proposal ⁵	Asset, Regeneration and Growth (ARG) Report on transfer to the council of Brent Cross central functions (under options 2 – full transfer and 3 – full transfer).
Name and job title of completing officer	Mairead Mooney, Project Officer
Head of service area responsible	Susan Curran, Commissioning Lead, Regeneration
Equalities Champion supporting the EIA	Rob Champion, Programmes & Resources Advisor, Growth & Corporate Services
Performance Management rep	
HR rep (for employment related issues)	Sharni Kent, HR Business Partner
Representative (s) from external stakeholders	Re

2. Description of proposal

Is this a: (Please tick all that apply)	
New policy /strategy / function / procedure / service <input type="checkbox"/>	Review of Policy /strategy / function / procedure / service <input type="checkbox"/>
Budget Saving <input type="checkbox"/>	Other <input checked="" type="checkbox"/>
If budget saving please specify value below:	If other please specify below: Proposed transfer to the council of Brent Cross central functions
At its meeting on 17 June 2019, Policy and Resources Committee considered a report on the 'Review of Capita Contracts' which included an initial review of services RE provides in relation to Brent Cross as part of the RE contract through Special Projects and authorised the Deputy Chief Executive to:	

- review the future contractual arrangements with Capita for those staff involved in the management and governance of the Brent Cross Cricklewood (Brent Cross) development scheme; and to
- commence staff consultation on any proposed changes arising out of that review and to report the outcome of the review and consultation to the Assets, Regeneration and Growth Committee, for noting, in due course, with any decisions to be referred to Policy and Resources.

This EIA accompanies the Assets, Regeneration and Growth report of 26 November 2019 which reviews three options for future delivery and recommends option 3.

- Option 1 is extend SPIR with RE to include current resources - as the status quo this would have a neutral equalities impact.
- Option 2 is cease SPIR with RE and staff transfer to the council – this would impact 22 individuals
- Option 3 is develop a new SPIR with RE with reduced staffing and some staff transfer to the council – this would impact 6 individuals

In broad terms it has been concluded by officers, taking into account previous consultation undertaken as part of the strategic contract review and reviewing current contractual arrangements, that transferring the integrated project management and land function from RE to the Council will provide greater strategic control and enable flexibility to respond to changing priorities. It is therefore proposed that this service be transferred in-house (option 3), subject to the conclusion of the necessary negotiations and financial due diligence.

Under options 2 or 3, there will be data about RE staff in scope to be TUPE transferred in to LBB across the range of protected characteristics. The duty for leading the transfer of staff, and for therefore leading the TUPE process, including staff consultation, lies with the transferring organisation, in this case RE. However, due consideration will need to be given to any adjustments that may be required post transfer.

It will not be possible to undertake a detailed assessment of equality impacts until the TUPE process is triggered as this will be the mechanism by which LBB will be provided with individual staff details and information on any protected characteristics for which any reasonable adjustments or mitigations will be required. In the event that a TUPE process is triggered this EQIA will be reviewed and updated accordingly. LBB (the receiving organisation) will be working very closely with RE (the transferring organisation) to try and ensure that disruption to staff being TUPE'd over is minimised and the process is as transparent and strain free as possible.

It is not yet possible to be certain the impact on staff that will TUPE from RE to LBB. However, certain staff Terms and Conditions are arguably better with LBB and others arguably better with RE. These include the differences in the RE versus the Local Authority Pension Scheme, certain staff benefits (including maternity leave, etc.). In addition, there is a possible impact on terms and conditions for contractors currently working for Re who would move to the Authority as contractors, which is yet to be quantified. Against this background, we estimate that the impact on staff and contractors transferring to LBB from RE will be considered neutral, or even minimum/positive. However, this will have to be clarified as part of a formal review of the EQIA as part of the TUPE process.

There are no immediate plans to change any aspect of how the functions are delivered. The proposed in-sourcing will have no direct impact on members of the public. In the event that changes to service provision are proposed in the future, this will require further consideration of any potential equality impacts for members of the public.

3. Supporting evidence

What existing data informs your assessment of the impact of the proposal on protected groups of service users and/or staff?

Identify the main sources of evidence, both quantitative and qualitative, that supports your analysis

Protected group	What does the data tell you ⁶ ? <i>Provide a summary of any relevant demographic data about the borough's population from the <u>Joint Strategic Needs Assessment</u>, or data about the council's workforce</i>	What do people tell you ⁷ ? <i>Provide a summary of relevant consultation and engagement including surveys and other research with stakeholders, newspaper articles correspondence etc.</i>
Age ⁸	This information will not be confirmed until at least 28 days prior to the point of transfer as part of the ELI data	Public consultation conducted as part of the Strategic Contract Review, and reported to Policy and Resources Committee on 17 June 2019, endorsed the three strategic aims of i) deliver high quality services; ii) secure best value for money for Barnet's residents; and iii) strengthen the council's strategic control of services. Residents expressed a preference for in-house provision. This has been considered in developing the strategic case. There is nothing in the consultation responses that indicates a that those with a particular protected characteristic felt that the insourcing of functions would have an impact on them. As noted above, consultation with individuals will be led by Re as the transferring organisation. In the event that a TUPE process is triggered this EQIA will be reviewed and updated accordingly.
Disability ⁹		
Gender reassignment ¹⁰		
Marriage and Civil Partnership ¹¹		
Pregnancy and Maternity ¹²		
Race/ Ethnicity ¹³		
Religion or belief ¹⁴		
Sex ¹⁵		
Sexual Orientation ¹⁶		
Other relevant groups ¹⁷		

4. Assessing impact

What does the evidence tell you about the impact your proposal may have on groups with protected characteristics ¹⁸?

Protected characteristic	For each protected characteristic, explain in detail what the evidence is suggesting and the impact of your proposal (if any). Is there an impact on service deliver? Is there an impact on customer satisfaction? Click the appropriate box on the right to indicate the outcome of your analysis.	Positive impact	Negative impact		No impact
			Minor	Major	
Age	This information will not be confirmed until at least 28 days prior to the point of transfer as part of the ELI data.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage and Civil Partnership		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and Maternity		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race/ Ethnicity		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or belief		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Sex		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. Other key groups Are there any other vulnerable groups that might be affected by the proposal? <i>These could include carers, people in receipt of care, lone parents, people with low incomes or unemployed</i>		Positive impact	Negative impact		No impact
			Minor	Major	
Key groups	It is not anticipated that any vulnerable groups will be impacted by this proposal.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. Cumulative impact¹⁹
 Considering what else is happening within the council and Barnet could your proposal contribute to a cumulative impact on groups with protected characteristics?

Yes No

If you clicked the Yes box, which groups with protected characteristics could be affected and what is the potential impact? Include details in the space below

7. Actions to mitigate or remove negative impact

Only complete this section if your proposals may have a negative impact on groups with protected characteristics. These need to be included in the relevant service plan for mainstreaming and performance management purposes.

Group affected	Potential negative impact	Mitigation measures ²⁰ <i>If you are unable to identify measures to mitigate impact, please state so and provide a brief explanation.</i>	Monitoring ²¹ <i>How will you assess whether these measures are successfully mitigating the impact?</i>	Deadline date	Lead Officer
In the event that a TUPE process is triggered this EQIA will be reviewed and updated accordingly.					

8. Outcome of the Equalities Impact Assessment (EIA) ²²

Please select one of the following four outcomes

Proceed with no changes

The EIA has not identified any potential for a disproportionate impact and all opportunities to advance equality of opportunity are being addressed

Proceed with adjustments

Adjustments are required to remove/mitigate negative impacts identified by the assessment

Negative impact but proceed anyway

This EIA has identified negative impacts that are not possible to mitigate. However, it is still reasonable to continue with the activity. Outline the reasons for this and the information used to reach this decision in the space below

Do not proceed

This EIA has identified negative impacts that cannot be mitigated and it is not possible to continue. Outline the reasons for this and the information used to reach this decision in the space below

Reasons for decision

The overall assessment and outcome is based on there being no immediate changes to how services are provided, change to any work location or to any part time working arrangements that staff may have to enable them to carry on with any caring responsibilities.

In terms of wider consultation on transferring functions from the Capita contracts to the council, conducted as part of the Strategic Contract Review and reported to Policy and Resources Committee on 17 June 2019, a total of 343 responses to the public and best value consultation were received. Of these, 198 had noted their age range. Of these, just 93 were aged 43 or under, with 105 therefore being aged 44 or over. This demonstrates that the consultation

questionnaire had relatively few responses from younger residents, whereas nearly 3 in 4 respondents (73%) were aged between 45 and 74. Full details can be found in the Capita Contracts Consultation report, available on request

This equality impact assessment will be updated as more information is made available.

Sign-off

9. Sign off and approval by Head of Service / Strategic lead²³

Susan Curran

Commissioning Lead, Regeneration

Tick this box to indicate that you have approved this EIA

Date of approval: 25th October 2019

Tick this box to indicate if EIA is to be published

Date of next review:

Footnotes: guidance for completing the EIA template

¹ The following principles explain what we must do to fulfil our duties under the Equality Act when considering any new policy or change to services. They must all be met or the EIA (and any decision based on it) may be open to challenge:

- **Knowledge:** everyone working for the council must be aware of our equality duties and apply them appropriately
- **Timeliness:** the duty applies at the time of considering proposals and before a final decision is taken
- **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and must influence the process.
- **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
- **No delegation:** the council is responsible for ensuring that anyone who provides services on our behalf complies with the equality duty.
- **Review:** the equality duty is a continuing duty – it continues after proposals are implemented/reviewed.
- **Proper Record Keeping:** we must keep records of the process and the impacts identified.

² Our duties under the Equality Act 2010

The council has a legal duty under this Act to show that we have identified and considered the impact and potential impact of our activities on all people with ‘protected characteristics’ (see end notes 9-19 for details of the nine protected characteristics). This applies to policies, services (including commissioned services), and our employees.

We use this template to do this and evidence our consideration. You must give ‘due regard’ (pay conscious attention) to the need to:

- **Avoid, reduce or minimise negative impact:** if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately.
- **Promote equality of opportunity:** by
 - Removing or minimising disadvantages suffered by people with a protected characteristic
 - Taking steps to meet the needs of these groups
 - Encouraging people with protected characteristics to participate in public life or any other activity where participation is disproportionately low
 - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **Foster good relations between people who share a protected characteristic and those who don’t:** e.g. by promoting understanding.

³ EIAs should always be proportionate to:

- The size of the service or scope of the policy/strategy
- The resources involved
- The size of the likely impact – e.g. the numbers of people affected and their vulnerability

The greater the potential adverse impact of the proposal on a protected group (e.g. disabled people) and the more vulnerable the group is, the more thorough and demanding the process required by the Act will be. Unless they contain sensitive data – EIAs are public documents. They are published with Cabinet papers, Panel papers and public consultations. They are available on request.

⁴ When to complete an EIA:

- When developing a new policy, strategy, or service
- When reviewing an existing service, policy or strategy

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- When making changes that will affect front-line services
 - When amending budgets which may affect front-line services
 - When changing the way services are funded and this may impact the quality of the service and who can access it
 - When making a decision that could have a different impact on different groups of people
 - When making staff redundant or changing their roles

Wherever possible, build the EIA into your usual planning and review processes.

Also consider:

- Is the policy, decision or service likely to be relevant to any people because of their protected characteristics?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people who will be affected?

If there are potential impacts on people but you decide not to complete an EIA you should document your reasons why.

⁵ **Title of EIA:** This should clearly explain what service / policy / strategy / change you are assessing.

⁶ **Data & Information:** Your EIA needs to be informed by data. You should consider the following:

- What data is relevant to the impact on protected groups is available? (is there an existing EIA?, local service data, national data, community data, similar proposal in another local authority).
- What further evidence is needed and how can you get it? (e.g. further research or engagement with the affected groups).
- What do you know from service/local data about needs, access and outcomes? Focus on each characteristic in turn.
- What might any local demographic changes or trends mean for the service or function? Also consider national data if appropriate.
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any group(s)?
- Is the service having a positive or negative effect on particular people or groups in the community?

⁷ **What have people told you about the service, function, area?**

- Use service user feedback, complaints, audits
- Conduct specific consultation or engagement and use the results
- Are there patterns or differences in what people from different groups tell you?
- Remember, you must consult appropriately and in an inclusive way with those likely to be affected to fulfil the equality duty.
- You can read LBB [Consultation and Engagement toolkit](#) for full advice or contact the Consultation and Research Manager, rosie.evangelou@barnet.gov.uk for further advice

⁸ **Age:** People of all ages, but consider in particular children and young people, older people and carers, looked after children and young people leaving care. Also consider working age people.

⁹ **Disability:** When looking at disability, consideration should be given to people with different types of impairments: physical (including mobility), learning, aural or sensory (including hearing and vision impairment), visible and non-visible impairment. Consideration should also be given to: people with HIV, people with mental health needs and people with drug and alcohol problems. People with conditions such as diabetes and cancer and some other health conditions also have protection under the Equality Act 2010.

¹⁰ **Gender Reassignment:** In the Act, a transgender person is someone who proposes to, starts or has completed a process to change their gender. A person does not need to be under medical supervision to be protected. Consider transgender people, transsexual people and transvestites.

¹¹ **Marriage and Civil Partnership:** consider married people and civil partners.

¹² **Pregnancy and Maternity:** When looking at pregnancy and maternity, give consideration to pregnant women, breastfeeding mothers, part-time workers, women with caring responsibilities, women who are lone parents and parents on low incomes, women on maternity leave and 'keeping in touch' days.

¹³ **Race/Ethnicity:** Apart from the common ethnic groups, consideration should also be given to Traveller communities, people of other nationalities outside Britain who reside here, refugees and asylum seekers and speakers of other languages.

¹⁴ **Religion and Belief:** Religion includes any religion with a clear structure and belief system. As a minimum you should consider the most common religious groups (Christian, Muslim, Hindu, Jews, Sikh, Buddhist) and people with no religion or philosophical beliefs.

¹⁵ **Sex/Gender:** Consider girls and women, boys and men, married people, civil partners, part-time workers, carers (both of children with disabilities and older cares), parents (mothers and fathers), in particular lone parents and parents on low incomes.

¹⁶ **Sexual Orientation:** The Act protects bisexual, heterosexual, gay and lesbian people.

¹⁷ **Other relevant groups:** You should consider the impact on our service users in other related areas.

¹⁸ **Impact:** Your EIA must consider fully and properly actual and potential impacts against each protected characteristic:

- The equality duty does not stop changes, but means we must fully consider and address the anticipated impacts on people.
- Be accurate and transparent, but also realistic: don't exaggerate speculative risks and negative impacts.
- Be detailed and specific where you can so decision-makers have a concrete sense of potential effects.
- Questions to ask when assessing whether and how the proposals impact on service users, staff and the wider community:
 - Are one or more protected groups affected differently and/or disadvantaged? How, and to what extent?
 - Is there evidence of higher/lower uptake of a service among different groups? Which, and to what extent?
 - Does the project relate to an area with known inequalities (where national evidence or previous research is available)?
 - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
 - If there is negative differential impact, how can you minimise that while taking into account your overall aims?
- Do the effects amount to unlawful discrimination? If so the plan **must** be modified.
- Does it relate to an area where equality objectives have been set by LBB in our [Barnet 2024 Plan](#) and our [Strategic Equality Objective](#)?

¹⁹ **Cumulative Impact**

You will need to look at whether a single decision or series of decisions might have a greater negative impact on a specific group and at ways in which negative impacts across the council might be minimised or avoided.

²⁰ **Mitigating actions**

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- Consider mitigating actions that specifically address the impacts you've identified and show how they will remove, reduce or avoid any negative impacts
 - Explain clearly what any mitigating measures are, and the extent to which you think they will reduce or remove the adverse effect
 - Will you need to communicate or provide services in different ways for different groups in order to create a 'level playing field'?
 - State how you can maximise any positive impacts or advance equality of opportunity.
 - If you do not have sufficient equality information, state how you can fill the gaps.

²¹ **Monitoring:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further monitoring, equality assessment, and consultation are needed.

²² **Outcome:**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Also explain what positive impacts will result from the actions and how you can make the most of these.
- Make it clear if a change is needed to the proposal itself. Is further engagement, research or monitoring needed?
- Make it clear if, as a result of the analysis, the policy/proposal should be stopped.

²³ **Sign off:** You will need to ensure the EIA is signed off by your Head of Service, agree whether the EIA will be published, and agree when the next review date for the EIA will be.