

Darlington Borough Council

# Equality Scheme 2012-16

## Arabic

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## Foreword


At Darlington Borough Council, we aim to promote equality in everything we do. This includes the way in which we:

- plan, commission and deliver services to the community
- treat our employees
- treat people who apply for jobs with the Council
- take decisions in our various regulatory functions (e.g. licensing)
- work as a community leader
- work in partnership with other organisations in Darlington
- enter into contracts or tender to provide goods and services.

Darlington has a diverse community and we are committed to serving every member of our community to the best of our ability. We will monitor and review the way we work, and support our employees to fulfil our legal responsibilities for equality. This will help us to address disadvantages that may impact on members of our community for any reason, but particularly because of their age, disability, sex, sexual orientation, gender reassignment, race, religion or belief marital or civil partnership status or pregnancy and maternity status. These are collectively the 'Protected Characteristics' defined in the Equality Act 2010.

We will also work in line with equalities legislation and best practice.

We welcome your comments if there is anything you feel we could be doing better.

 <p>Councillor Bill Dixon Leader of the Council</p>	<p>Ada Burns Chief Executive</p>
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# Summary

This Equality Scheme is Darlington Borough Council's approach to meeting its duties under the Equality Act 2010.

The Public Sector Equality Duty included in the Equality Act requires the Council to 'have due regard' in all its activities to the need to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity
- Foster good relations

It must pursue these three strands of the duty in relation to people's 'Protected Characteristics' – age, disability, race, sex, sexual orientation, religion and belief, gender reassignment, pregnancy and maternity, and marriage and civil partnership – seeking to ensure that people who share Protected Characteristics do not suffer disadvantage or discrimination through the Council's actions, in comparison with other people.

Equality Impact Assessment (EIA) is the tool that the Council uses to help it meet the duty by identifying the impacts of both ongoing and new activities, whether positive and negative, on people with Protected Characteristics. The Equality Scheme incorporates a new framework for EIA, consisting of guidance and an EIA planning and record sheet.

The Council also meets the Public Sector Equality Duty by publishing the statutory Equality Analysis and Equality Objectives. The Objectives address local needs and issues highlighted in the annual analysis. An action plan will be developed and reviewed annually to deliver on the Objectives.

# Equality Scheme 2012-2016

## Introduction

1. This Equality Scheme sets out Darlington Borough Council's approach to fulfilling its duties under the Equality Act 2010. It is also designed to support and reinforce the Council's activities and decisions as it moves forward into new ways of working with the community, to guide progressive change for some parts of the community so that it does not inadvertently disadvantage others.
2. The Equality Scheme is the Council's 'Single Equality Scheme', replacing in a single framework the multiple policies and schemes developed in response to the many pieces of equalities legislation passed by Parliament over the last forty years. It is focused on meeting the legal duties and giving positive support and reinforcement to the Council's activities and decisions whilst being proportionate to the Council's capacity and resources.
3. The scheme is in four sections:
  - a. This Introduction, outlining the purpose of the scheme
  - b. The Equality Principles – this will have a lifespan of at least the four year period 2012-16
  - c. A series of annually reviewed components relating to the implementation of the scheme; these include:
    - i. the collection of equality data and information as part of the Single Needs Assessment (SNA)
    - ii. review of the statutory Equality Analysis based on the data gathered through the SNA to identify local issues and priorities
    - iii. action planning to address issues and priorities

- iv. equalities leadership and co-ordination responsibilities within the Council
  - d. Guidance and tools for people carrying out Equalities Impact Assessments (EIA), the main tool that the Council uses to help it meet its equality duties.
- 4. The Equality Scheme applies to:
  - a. Darlington Borough Council employees
  - b. Elected Members
  - c. People on work placements with the Council
  - d. Volunteer workers with the Council
  - e. Organisations and individuals commissioned by the Council to provide services or facilities
  - f. Formal partners.
- 5. Equality should be considered in everything that the Council does, including new policy development, the design and commissioning of services, capital projects and day-to-day service delivery. Decision-making should take account of equality considerations. For simplicity all of these settings in which the scheme will come into play are referred to as 'activities' throughout the document.

## The Public Sector Equality Duty

- 6. The Equality Act 2010 established the Public Sector Equality Duty. The Duty requires local authorities and other authorities carrying out public functions to have due regard to the need to:
  - a. Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited under the Act
  - b. Advance equality of opportunity between persons who share a relevant Protected Characteristic and those who do not

- c. Foster good relations between persons who share a relevant Protected Characteristic and those who do not.
7. The duty set out above is known as the General Duty, and it applies both to the Council and to other people exercising the Council's public functions on its behalf (such as companies commissioned to provide public services).
  8. The General Duty is reinforced by specific duties that support and aid compliance with the General Duty. The specific duties that the Council must comply with are:
    - a. To publish information annually to show how we meet the General Duty. This publication is known as the Equality Analysis and Darlington Borough Council first published its analysis in January 2012.
    - b. To prepare and publish one or more objectives to meet any aims of the General Duty at least every four years starting no later than 6<sup>th</sup> April 2012. The Council published its first set of four Equality Objectives before this statutory deadline.

## Protected Characteristics

9. The Equality Act defines a series of legally protected characteristics to which the general duty to 'have due regard' applies. Protected Characteristics are those characteristics shared by groups of people that could make them vulnerable to discrimination and disadvantage.
10. The Duty requires the Council to ensure that people who share Protected Characteristics are treated fairly and have equality of opportunity with people who do not share those characteristics.
11. In practice this often means making sure that Council activities do not result in inadvertent disadvantage or discrimination to people because of their Protected Characteristics.

12. The legally Protected Characteristics defined in the Act are:
  - a. Age
  - b. Disability
  - c. Gender reassignment
  - d. Pregnancy and maternity
  - e. Race
  - f. Religion or belief
  - g. Sex
  - h. Sexual orientation
  - i. Marriage and civil partnership.
13. Children and young people under the age of 18 have limited protection under the Age characteristic. It is lawful to treat people differently because of their age in circumstances where the law allows, or requires, people to be treated differently because of their age.
14. Marriage and civil partnership is a Protected Characteristic only in relation to the first strand of the Equality Duty set out in paragraph 6a.
15. Definitions of all the Protected Characteristics are set out in Annex 1.
16. Everyone shares one or more of these characteristics. We all have an age, sex and sexual orientation, for example. Everybody has legal protection under the Public Sector Equality Duty.
17. Whilst the three strands of the Public Sector Equality Duty (set out in paragraph 6 above) apply equally to all the Protected Characteristics, the Equality Act reinforces the duty in relation to disabled people. The Equality Act incorporates the public sector duties under previous race, gender and disability legislation and extends those duties to the other Protected Characteristics, such as age, religion and sexual orientation that were not covered by the previous legislation.



18. The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Under the Act, there is a duty to make reasonable adjustments where a disabled person is at a substantial disadvantage in comparison with persons who are not disabled.
19. The Equality Act reflects this by requiring public bodies to advance equality of opportunity between disabled and non-disabled people. This may mean treating disabled people more favourably than others, and making reasonable adjustments to activities to enable disabled people to benefit or participate. It may also mean using exceptions to laws such as employment legislation that allow different treatment for disabled people.
20. The duty to have due regard recognises that sometimes difficult choices have to be made that may cause disadvantage, particularly in the current period of severe restrictions on public funding and the consequent reductions in services. However, having due regard also means that it is vital that decision makers have full information about the potential impact of their decisions on people because of their Protected Characteristics, and this scheme seeks to ensure that all relevant information is made available through the process of equality impact assessment (EIA).
21. The Council has developed and used EIA as the tool for identifying, assessing and reporting the effects of actions, services and proposals (referred to throughout this document as activities) on people in respect of their legally Protected Characteristics. This new scheme adopts the established approach to EIA, but updates some key aspects. Guidance to carrying out EIA is set out in **Annex 2**, and an EIA Record Document (or standard template) is included as **Annex 3**.

## Vision for Equality

22. The Equality Scheme does not stand alone. It is an integral part of the Council's wider commitment to building fairer, inclusive communities. Much of the Council's work, together with its partners, is focused on narrowing the gaps in health, attainment, prosperity and quality of life between more vulnerable and disadvantaged people and the Darlington community as a whole.
23. This mission is rooted in the overall vision for Darlington's future, **One Darlington : Perfectly Placed**.
- One Darlington describes our priority about people and specifically the need to make sure that they are not disadvantaged by their lack of income, where they live or any other circumstance that might constrain their potential to achieve good outcomes.
  - Perfectly Placed describes our priority about Darlington, the place, helping to shape our infrastructure, economy, neighbourhoods, and care for the environment. "
24. This is the focus for the work of public bodies, the voluntary sector and business partners across the borough. Together we are working towards a series of agreed goals and outcomes. These are:
- One Darlington Outcomes:*
- People are healthy and supported
  - People are educated and skilled
  - People are financially secure
  - People live in cohesive and resilient communities

### *Perfectly Placed Outcomes:*

- People live in sustainable communities
- Darlington is an ambitious and entrepreneurial place where business thrives
- Our communities are safe and free from crime

25. The Council's work across all its strategies, services and programmes is contributing to these outcomes. In this context, the Equality Scheme has an important role in making sure that decisions and activities designed to make progress towards one or more of these outcomes do not inadvertently cause disadvantage elsewhere. The scheme is designed to support and strengthen Council activities and decisions, refining them through the fairness test of EIA, rather than constraining and limiting them.

26. The three parts of the Public Sector Equality Duty set out in the Equality Act – to eliminate unlawful discrimination, advance equality of opportunity, and to foster good relations – mean that the Council must work in diverse ways to promote equality and cohesion, but always of central importance is the duty to ensure that the Council's decisions about its plans, strategies, work programmes and use of resources take full account of (have due regard to) potential impacts on people because of their Protected Characteristics.

## Capacity and Resources

27. The current climate of economic restraint and major reductions in public sector funding appears to challenge the principles of equality as unaffordable until times improve. And yet they are all the more important at a time when the most vulnerable people are most at risk.

28. This dilemma requires a proportionate response, recognising that whilst significant investment in equality, for example in new facilities, equipment

or programmes may be unrealistic, the Council is still able to fulfil the duty to have regard to the effects of its activities and decisions across the Protected Characteristics. This scheme provides the means to test the fairness of actions in a robust but realistic way.

29. This is important because the climate of restraint impacts on staffing and the capacity of the Council as well as on finances. The Council has a record of going the extra mile in recent years in resourcing equality work. Now it must make sure that its approach to equality is targeted and effective, mainstreamed into day-to-day working, but that it does no more than is necessary to provide a proper test of activities and decisions.

## A New Act and a New Scheme

30. The Equality Act 2010 replaced around 106 separate pieces of equality legislation, ranging from the Equal Pay Act 1970 and Race Relations Act 1976 to the Disability Discrimination Act of 1995. These and other key pieces of legislation were repealed with the passing of the Equality Act 2010.
31. The Council's policy framework that this scheme replaces reflected the gradual development of the legislation. The policy foundation was the Corporate Equalities Review and Plan, adopted in 2005, and this was augmented by the Race, Gender and Disability Equality Schemes. The Disability Equality Scheme, adopted in 2006, was a comprehensive policy statement and guide to impact assessment in its own right. The Social Inclusion Strategy, 'All Together Now', was adopted in 2005 and set out a programme for tackling social exclusion amongst 13 groups of people in the borough most at risk of disadvantage and discrimination. All these policies and action plans have been completed or fully implemented and are replaced by this Equality Scheme.

# Equality Principles 2012-16

32. The core statement of the Council's policy on Equality and Inclusion is set out in the foreword to this scheme.
33. This section sets out the Council's framework for implementing the policy describing how the Council will work to support fair outcomes within **One Darlington : Perfectly Placed** and meet its duties under the Equality Act 2010.

## A Social Model

34. The key principle running through the scheme is that inequality and social exclusion are caused by social and organisational barriers rather than the medical, economic, cultural or other circumstances of the individual. This principle is well established in the Social Model of Disability but it can be applied more widely. It is the position that underpins EIA and is appropriate across all the legally Protected Characteristics.

## Core Values

35. The Council has adopted a set of core values relating to staff behaviours within the Workforce Strategy. These values are particularly appropriate to the implementation of the Equality Scheme, describing how we will act in relation to the people the scheme is intended to protect and represent. The corporate values are:
  - a. Customer and outcome focused - in the equalities context this means listening and communicating, giving people a voice to express their experiences and views and hearing their views in line with the social model principle.
  - b. Innovative and creative - striving for fairness, using the EIA approach outlined later in this section, is not a box to be ticked or an

inflexible one-size-fits-all process; it requires and encourages insight, creative thinking and innovation to achieve appropriate engagement and outcomes.

- c. Teamwork - the EIA approach works best with a variety of views and insights brought to bear. This could be a couple of officers getting together to complete an initial assessment of a proposal or activity; or it might be a forum of stakeholders and people exploring impacts in a spirit of trust and honesty. Fairness emerges from teamwork rather than the views of an individual officer.
- d. Valuing people – showing respect, trust, recognition and appreciation reinforces the social model principle and is more likely to produce positive reinforcement and improvement of proposals and activities than confrontation and suspicion.
- e. Openness and honesty - implementing the scheme consistently and transparently across service areas and activities, engaging with stakeholders and service users, and being open to challenge.

## Local Priorities

- 36. The Public Sector Equality Duty requires the Council to have due regard to the effects of all its activities on people who share legally Protected Characteristics compared to those who do not. However, in the local context there will be other groups of people who share characteristics that are not legally protected, but which nevertheless make them vulnerable to disadvantage and discrimination. The Council will want to have regard to the effects of its activities, and particularly its decision making, on locally vulnerable groups.
- 37. This is already part of routine practice to some degree. For example all reports to Cabinet and Council include a summary of the impact of the report on particular wards and groups.

38. Local priorities should be reviewed and identified annually within the Equality Analysis. Two of these potential groups, Gypsies and Travellers and carers, have legal protection within the statutory Protected Characteristics of Race, and Age and Disability. New priorities may come into focus and old ones fade as circumstances change over time.
39. It is important to distinguish between the legally Protected Characteristics and local priorities in carrying out EIA. The law says that people with legally Protected Characteristics must always have precedence over local priority groups where there are choices to be made in allocating resources or taking steps to mitigate the impact of activities. Equalities stakeholders must be confident that the Council is carrying out its legal duty in a clear and transparent way.

### Equality Impact Assessment - the Fairness Test

40. Equality impact assessment (EIA) is the principal tool we have available to help the Council fulfil the requirements of the Public Sector Equality Duty to have due regard to the need to advance equality of opportunity, eliminate harassment and discrimination and foster good relations.
41. 'Having due regard' means consciously thinking about the three parts of the equality duty, and the effects that activities may have on people because of their protected characteristics. We are required to demonstrate that our thinking about those effects has been taken into account in making decisions and in the way we carry out all our activities.
42. EIA is not itself a statutory requirement, but it is well-established in the Council and acknowledged as good practice by our partners and stakeholders, both locally and nationally. It provides the means to fulfil the legal requirements.
43. EIA is referred to above as 'the fairness test' to emphasise its positive contribution to making sound, sustainable decisions and delivering good

services. A tool that helps us to think about and act on achieving fairness in a positive way can be seen as integral to the planning of everything that the Council does, rather than an imposed constraint.

44. The objectives of EIA are:

- a. To identify if an activity can be done in such a way that it will have a positive impact on people at risk of discrimination or disadvantage because of their legally Protected Characteristics
- b. To identify if there is any impact on people in terms of their Protected Characteristics, i.e. an impact on people because, for example, they are older, disabled, women, gay or lesbian<sup>1</sup>
- c. To avoid, minimise or mitigate any negative impact
- d. To promote areas of good practice in equality and inclusion across the Protected Characteristics.

45. The key principles of EIA within Darlington Borough Council are:

- a. All staff across all areas of Council business should be thinking about the effects of their actions on people's Protected Characteristics. EIA is a structured process for identifying, reporting and managing those effects.
- b. Managers are responsible for ensuring that appropriate EIA is carried out within their work programmes, with appropriate support and guidance from equalities support officers and the Corporate Equalities Group.
- c. EIA should be an integral part of all policy development, service improvement and commissioning activities from the beginning. It is

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<sup>1</sup> This is an important consideration - people with these or other Protected Characteristics may be impacted, but no more than others who do not share the characteristic(s); the question is, does the proposal or activity discriminate by impacting disproportionately on people with particular protected characteristic(s)



not a separate activity applied as a filter or check after work has been done; but...

- d. The scale of EIA work should be proportionate to the scale and type of anticipated effects. The process outlined below helps to determine the appropriate level of EIA for the improvement or change proposed.
- e. The key issue in determining the scale of EIA work is the extent of engagement required with affected people. This should be proportionate to the anticipated effects and impacts and the groups of people affected.
- f. Where it is anticipated that there will be little or no effect on Protected Characteristics there is no need for widespread engagement, but it may be appropriate for officers to check their conclusions with representative groups or individuals.
- g. Where any significant effect is expected, the impact of affected people can only be identified and assessed by engaging with the affected groups. Officers may be able to predict effects but not impacts (see below).
- h. A major effect on a small number of people may be as important as a lesser effect on a large number.
- i. Cumulative effects need to be identified and assessed – will the effects of the activity or proposal being assessed combine with other changes within the Council or the external environment to compound impacts on people with Protected Characteristics
- j. EIA should lead to action and monitoring of action. Its purpose is to help us consider whether a policy or proposal can be modified to maximise positive effects, avoid or minimise negative effects, or whether provision can be made to mitigate negative effects.

- k. As well as helping to design and modify improvement and change proposals, the purpose of EIA is to provide Members / decision makers with full information about the effects of their decisions before they make them.

## EIA and Disability

- 46. Our former equalities framework reflected the ad-hoc way in which equalities legislation had developed, with separate race, gender and disability equality schemes and, notably, separate impact assessments for disabled people (the DEIA) and for all other equalities strands (the multi-strand EIA). In practice these two assessments were linked and co-ordinated, with the intention that the DEIA flowed from the EIA, as a specific focus on the impacts on disabled people within the multi-strand assessment. Nevertheless these dual assessments were confusing. The Equality Act 2010 provides the impetus for simplifying our approach with a single assessment.
- 47. However, Section 149(4) of the Equality Act explicitly recognises that disabled people's needs may be different from those of non-disabled people. The law specifically requires that the needs of disabled people with different impairments should be taken into account in discharging the Public Sector Equality Duty. A person who has a particular visual impairment will have different needs and impacts even to a person with a different visual impairment, let alone a wheelchair user or a learning disabled person. The Council will take account of disabled people's disabilities when making decisions.

## Carrying Out Equality Impact Assessment

- 48. **Annex 2** provides guidance on the Darlington approach to carrying out EIA. It should be read in conjunction with the EIA Record Form. This

has been drawn up as part of this scheme and is set out in Annex 3.  
Both the guidance and record document include an EIA flow chart.

49. The principles and thinking underlying the EIA process are relevant to everything from the development of major new policy initiatives to the day-to-day actions of an individual. EIA should be carried out when revising or introducing new:
- a. Policies
  - b. Strategies
  - c. Budget proposals
  - d. Procedures
  - e. Service design and commissioning
  - f. Capital and transformation projects
  - g. EIA can also be used to assess existing services or activities for fair access and fair outcomes for everyone in the community.

For the sake of simplicity these are all referred to as **activities** in the guidance and record form.

50. The guidance and record form should be treated as guidance rather than rules, and applied sensibly, proportionately and creatively to the particular activity or proposal that is being assessed. Simple proposals may require no more than an initial officer assessment, whereas complex multi-stage activities will require ongoing EIA that evolves and develops with the activity. A positive approach to EIA can provide a useful tool to support effective planning and implementation of the activity as a whole.

# Annual Review and Scheme Action Plan

51. The policy is supported by a number of processes and arrangements that will be reviewed and updated annually. These are:
- a. Equality analysis
  - b. Equality objectives
  - c. Leadership and co-ordination roles and responsibilities
  - d. Training provision
  - e. Engagement framework
  - f. Performance management framework
  - g. Action plan

## Equality Analysis

52. The Equality Act 2010 (Specific Duties) Regulations 2011 came into force on 10th September 2011. These set deadlines for public bodies like the Council to carry out two specific tasks. The first of these was the requirement to publish information (the Equality Analysis) showing how the Council is complying with the Public Sector Equality Duty by 31st January 2012. The Council published its first Equality Analysis in January 2012; it is available at **Annex 4** and on the Council website through this link:

[www.darlington.gov.uk/Living/equality/equalityanalysis/equalityanalysis.htm](http://www.darlington.gov.uk/Living/equality/equalityanalysis/equalityanalysis.htm)

53. In future the data and information required to carry out the Equality Analysis will be collected through the annual Strategic Needs Assessment (SNA). This will enable the analysis of equality and inclusion issues and priorities to be fed into the annual service planning cycle, so that improvement actions to tackle those issues and priorities can be scheduled within the mainstream planning process.

54. The annual review and publication of the Equality Analysis, as required by law, will enable equality information and improvement acts contained within the SNA and service plans to be highlighted for the benefit of stakeholders. The Council will also continue to publish Equality Impact Assessments.
55. The next Equality Analysis is due for publication on 31st January 2013. As part of that review we will develop up-to-date profiles of local priority groups within the legally Protected Characteristics and of the issues and needs that they face.

## Equality Objectives

56. The other specific task required by the 2011 regulations was the publication of Equality Objectives by 6th April 2012. The Council published its first set of Objectives at the beginning of April. These are available at **Annex 5** and they are available on the website through this link:  
  
[www.darlington.gov.uk/Living/equality/equalityobjectives.htm](http://www.darlington.gov.uk/Living/equality/equalityobjectives.htm)
57. The Objectives set out specific and measurable tasks to improve equality. They are not intended to reflect the full scope of the Council's commitment to equality, but to set out steps that can be taken to make progress in particular areas of activity highlighted for improvement in the Equality Analysis. Actions to deliver the objectives will be included in the annual Action Plan that forms part of this scheme.
58. The published Objectives also reflect the current constraints on resources and capacity. However, they will be reviewed and further developed to build more detail into the published framework during the preparation of this scheme.
59. The regulations require the objectives to be reviewed at least every four years (the life cycle of this scheme is aligned to that four year review

period). However, in Darlington we will review progress against the objectives and their continuing relevance on an annual basis as part of the SNA / Equality Analysis / Service Planning process.

## Leadership and Co-ordination Roles and Responsibilities

60. In Darlington equality is an integral part of mainstream work rather than a separate function carried out by specialists. Senior managers (Assistant Directors, Heads of Service and Service Managers) are responsible for implementing the Equality Principles and meeting the requirements of the Equality Duty within their service areas.
61. One of the key principles underlying the policy is that testing the fairness of activities, proposals and decisions as an integral process within mainstream work helps managers and Members to carry out their roles effectively, leads to better and more sustainable services, and is the most cost-effective way of meeting the Public Sector Equality Duty.
62. However, appropriate support is needed to help staff to do this, and to provide a planned and co-ordinated approach to equalities across all Council functions. Such arrangements have been in place for a number of years. These have been reviewed under this scheme, and the following key roles identified:
  - a) A Cabinet Member lead (the Health and Partnership Cabinet Portfolio Holder) will have overall accountability
  - b) The Chief Executive will have overall officer accountability for the Scheme at Chief Officer Executive (COE) level
  - c) Chief Officer Board will raise any performance issues with COE following receipt of a quarterly performance report.

- d) An existing manager with responsibility for leading the development and implementation of the Equality Scheme
  - e) An equality co-ordinator, responsible for day-to-day co-ordination and support of equality work across the Council. This work will be undertaken by the Equalities and Communities Officer.
  - f) Officers who will take on responsibility for equalities in within their service groupings, providing equalities support and guidance to managers in their service areas
  - g) A Corporate Equalities Group, made up of the equality lead, equality co-ordinator and equality support officers, providing the forum for developing policy and work programmes, discussing issues, formulating corporate initiatives, learning from EIAs and commissioning equalities training.
63. When circumstances require, the Corporate Equalities Group will be temporarily expanded to provide additional capacity, including finance, HR and legal expertise, to deal with major equalities programmes. This has been done, for example, in response to the significant budget reduction proposals in recent Medium Term Financial Plans.
64. The allocation of the above roles will be reviewed annually as part of the annual planning cycle to make sure that the arrangements are working effectively and in response to changes in staffing and workloads.

## Equality Training

65. Equality training will be provided to support the roles and responsibilities outlined above, and will be reviewed annually to make sure that it is delivering the skills necessary to implement the scheme.
66. The Equality Support Officer role will be a key focus for training, with the intention that awareness and skills are spread within services through that role. The key training requirement is to equip people in that role with

the skills to carry out, and support others to carry out, EIA. Awareness training should focus on giving people the insight and understanding needed to make appropriate judgements in carrying out EIA, rather than on more general 'cultural education'.

67. Front-line staff who interface with the public and service users are also a training priority, to ensure that they have the skills and awareness to respond appropriately to the diverse range of people with whom they come into contact.
68. It is also important to ensure that a general understanding of the Public Sector Equality Duty and of the Equality Scheme is maintained across the Council, particularly amongst Chief Officers, Heads of Service and Council Members in their decision making role.
69. The Council's current equalities training provision will be reviewed in the context of this scheme and the most effective use of available resources. Subject to review it is anticipated that a range of training methods will be required to meet our needs, including on-line modules, commissioned training modules, in-house sharing of skills and one-off sessions to address specific issues in particular service areas.

## External Engagement Arrangements

70. Securing the involvement of representatives of people who share legally Protected Characteristics will be important for the effectiveness of the Equality Scheme.
71. The Council does not have the resources to continue regular separate engagement arrangements with disabled people as was the case in the past to support the delivery of the Disability Equality Scheme. But during consultation on the development of the ES it was clear that people representing various Protected Characteristic groups would welcome the



opportunity to support (and challenge) work on the Scheme. It is proposed that the purpose of such engagement will include:

- a. Involvement of representatives in the provision of expertise to advise on equality impact assessments;
  - b. Providing a perspective on local issues to inform the Equality Analysis;
  - c. Reflecting on regional and national guidance and good practice and its application in Darlington;
  - d. Involvement of representatives in reviewing Equality Objectives and the ES itself;
  - e. Facilitating early, informal discussion about views on emerging equalities issues.
72. A stakeholder reference group, comprising representatives covering the full range of Protected Characteristics would be established. It would be chaired and serviced by Council officers. Precise membership, frequency and location of meetings would be finalised by the group itself under the Chair's direction and driven by the needs of the Scheme. Any expenses arising would be met from within existing resources.
73. The reference group would link through the Chair to the Corporate Equalities Group. It may wish to communicate to other groups, organisations and individuals, including Members, from time to time, which it would do through the usual channels.
74. These proposed arrangements supersede previous arrangements for the Disabled Equality Scheme Steering Group and the Disability Equality Scheme Impact Assessment Sub-group.

## Performance Management

75. Performance management of the scheme will be the responsibility of the Corporate Equalities Group. These arrangements will be incorporated

into the overall performance management framework currently being developed. This will to embed equalities into all areas of service planning processes and corporate planning frameworks. There are four broad components that require performance management:

- a. Progress in carrying out the actions contained in the annual scheme action plan focused on delivering the Equality Objectives
- b. The effectiveness of the Equality Policy in guiding work across the Council towards fair outcomes - is it making a difference?
- c. Supporting services to carry out the actions arising from Equality Impact Assessments
- d. Monitoring and responding to key outcome indicators of progress in improving equality across the borough.

## Action Plan

76. Action plans will identify actions and responsibilities for delivering:

- a) Equality Analysis which needs to be reviewed annually;
- b) Equality Objectives which need to be reviewed at least every four years;
- c) Implementing improvement plans to address performance issues.

## Definitions of Legally Protected Characteristics

The following definitions of the nine legally Protected Characteristics specified in the Equality Act 2010 are provided by the Equality and Human Rights Commission.

**Age:** where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

Note: It is lawful to treat people differently because of their age in circumstances where the law allows, or requires, people to be treated differently because of their age.

**Disability:** a person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Note: In Darlington we use the definition above but have previously found it helpful to place this in the context of a social model approach to disability. We will continue to do so. See paragraph 33.

**Gender reassignment:** the process of transitioning from one gender to another.

**Marriage and Civil Partnership:** marriage is defined as a 'union between a man and a woman'. Civil partnership is defined as 'legal recognition of a same-sex couple's relationship. Civil partners must be treated the same as married couples on a wide range of legal matters.

**Note:** For public authorities, only the first aim of the general duty applies to this characteristic, and only in relation to employment matters.

**Pregnancy and Maternity:** Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

**Race:** Refers to the Protected Characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship), ethnic or national origins.

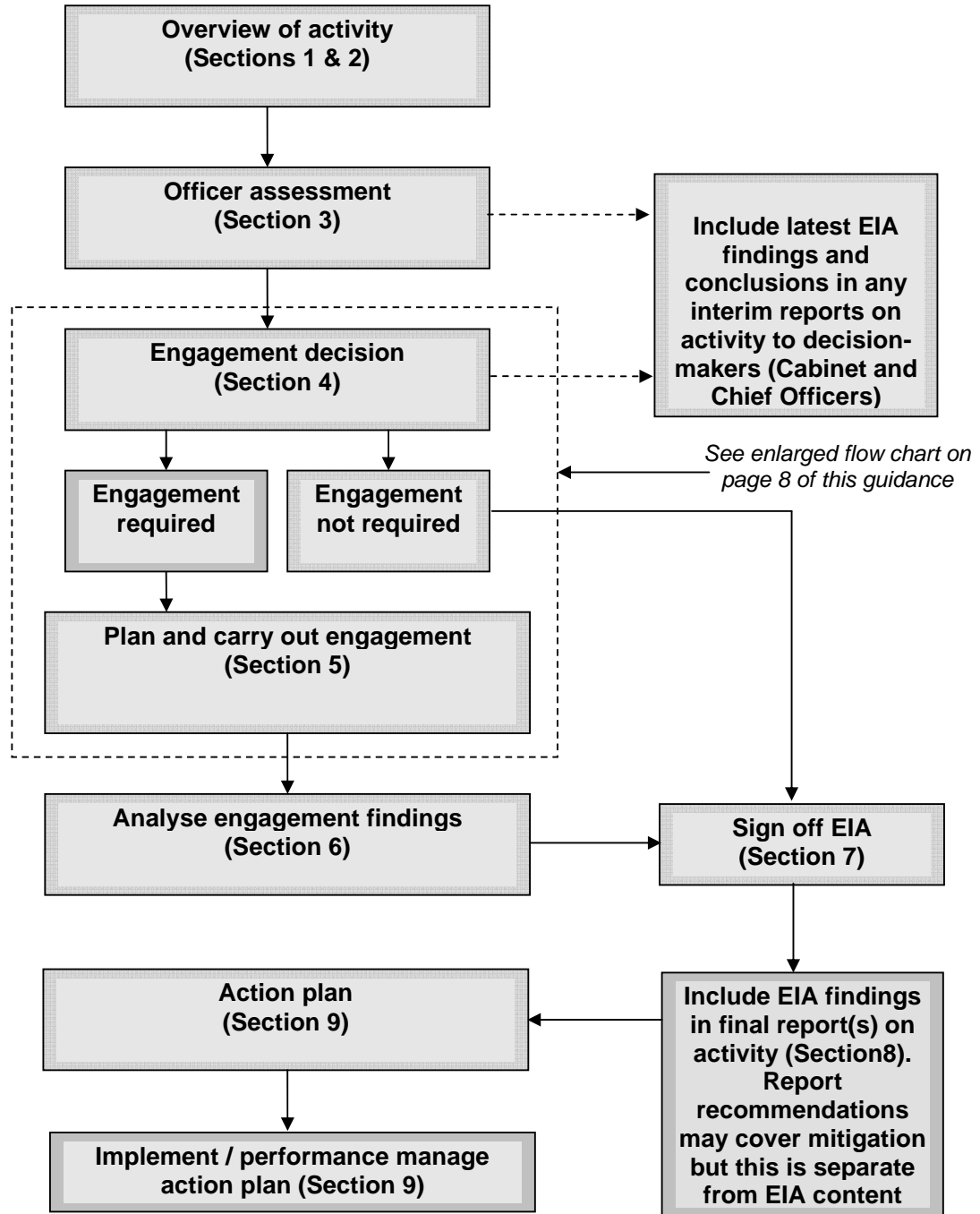
**Religion and Belief:** Religion means any religion and a reference to religion includes a reference to a lack of religion. Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.

**Sex:** A man or a woman.

**Sexual orientation:** Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

# Carrying Out Equality Impact Assessment

Equality Impact Assessment Flow Chart (section numbers refer to EIA Record Form (Annex 3 of Equality Scheme))



## Introduction

1. This guidance should be used alongside the Equality Impact Assessment Record Form (**Annex 3** of the Equality Scheme) to assist officers in using the form to carry out EIA.
2. EIA should be carried out when revising or introducing new:
  - a. Policies
  - b. Strategies
  - c. Budget proposals
  - d. Procedures
  - e. Service design and commissioning
  - f. Capital and transformation projects.

EIA can also be used to assess existing services or activities for fair access and fair outcomes for everyone in the community.

For the sake of simplicity these are all referred to as **activities** in this guidance and in the EIA Record Form.

3. The approach to EIA set out here is a guide rather than a rule. EIA will vary with the activity being assessed, and officers are encouraged to be creative, proportionate and sensible within the broad approach set out here to integrate EIA appropriately into their activities.
4. An EIA may be triggered by a range of factors, including the review or development of a policy or service plan; the instigation of a new action such as a capital project, commissioning activity or procurement of goods; significant changes to budgets; or an 'impact alert' by partners, stakeholders or the general public highlighting effects or impacts on people with Protected Characteristics of a Council service, activity or facility.

5. An impact alert may come from any source, including staff, stakeholders, partners and the general public. It may, for example, occur as a result of a health and safety assessment, a change of legislation or local circumstances, or from a complaint, compliment, comment or suggestion. Vexatious use of impact alerts by members of the public will be dealt with in the same way as repeated, vexatious complaints or Freedom of Information requests.

## The Public Sector Equality Duty

6. The Public Sector Equality Duty requires all public bodies to consider the needs of individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.
7. The Equality Duty has three aims. These require public bodies to have due regard to the need to:
  - a. Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
  - b. Advance equality of opportunity between people who share a Protected Characteristic and people who do not share it; and
  - c. Foster good relations between people who share a Protected Characteristic and people who do not share it.
8. The legally Protected Characteristics are defined in **Annex 1** of the Equality Scheme. The scheme provides more information on the Equality Duty and the Council's approach to meeting its requirements.
9. EIA is the tool used to enable the Council to meet the duty and to demonstrate that it has done so. If due regard cannot be demonstrated, decisions may be challenged and proposals delayed by judicial review resulting in lost time, money and negative publicity.
10. Equality Impact Assessment should be carried out as an integral part of the planning of an activity. It does not take place at one point in time, but

should evolve with the planning process. We use the 'funnel' model (paragraphs 16-21 of this guidance) to promote a continuing and increasingly focused approach to EIA.

## Effects and Impacts

11. The purpose of EIA is to identify, assess and seek to avoid, minimise or mitigate the negative impacts of the activity on people because of their Protected Characteristics. In doing this it is important to understand the distinction between effects and impacts. This can best be illustrated by an example. The loss of a bus service will affect all the people who use that service – the effect is that there is no bus to make the usual journey to work or the shops and everybody experiences the effect equally. The impact will be experienced differently by different people, depending on their circumstances. Some people may not be able to get out, and become more isolated and perhaps depressed. Some will have to do their shopping at a local shop, spending more and being less able to afford other goods and services. For others, there may be positive impacts from teaming up with friends to car-share, or improving their health by walking or cycling.
12. The role of EIA is to go beyond an understanding of the shared effects of an activity, to identify the varying impacts on individuals. Doing that requires engagement with the affected people, because only they know how they will be impacted.

## Officer Assessment

13. The first stage of EIA is for the officer(s) responsible for the activity to carry out an officer assessment to scope the EIA. This may be done by a single officer if the activity or proposal is minor, but for larger and more complex matters such as the development of a new strategy or policy a



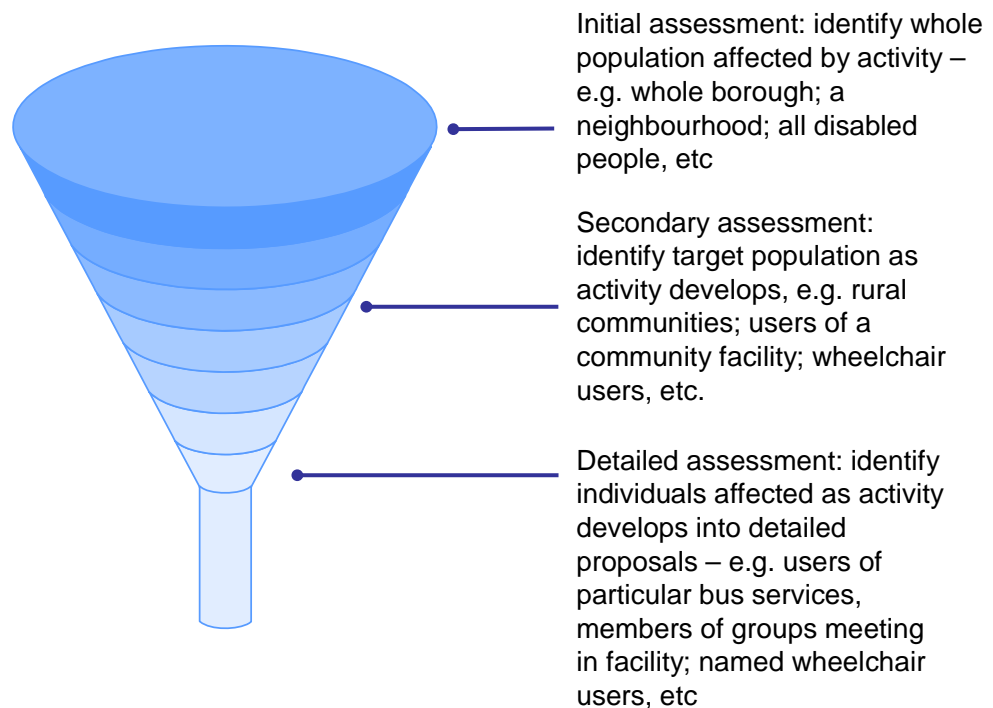
group of officers familiar with the area of work together with the Equalities Support Officer for the service should be involved.

14. The officer assessment should cover the following:
  - a. The potential for positive impact on people's Protected Characteristics
  - b. The likelihood of disadvantage or exclusion due to people's Protected Characteristics (whether this is intended or not)
  - c. The requirement for involving or engaging with potentially affected people to carry out impact assessment - this is a key aspect of the first stage of assessment and more guidance is provided below.
15. With complex activities the officer assessment may go through several cycles, evolving as the activity is developed, before it gets to the point of identifying people who may be impacted by the activity and who need to be engaged in the EIA. Initially the assessment may be able only to identify a broad population who may be affected, for example by a new policy, and it is only as more detailed programmes and proposals are developed that affected individuals can be identified. The 'funnel' analogy or model has been adopted to illustrate this.

## The 'funnel' model

16. The funnel is illustrated overleaf. It is intended to aid thinking about who we need to engage with as the activity is developed. The model shows that EIA is an ongoing process throughout the development of the activity rather than being carried out at a fixed point in time. For simple activities it may be that the affected people, if any, can be easily identified, but for more complex policy development EIA will evolve from a broad initial assessment of the activity's effects across a whole population – borough, neighbourhood, protected characteristic – to the identification of specific individuals affected by detailed proposals.

## The Ongoing Process of Impact Assessment



17. The output from the officer assessment will lead into a consideration of the involvement and engagement required to carry out impact assessment. For experienced EIA practitioners it is important to know that the funnel model replaces our previous approach based on categorising the EIA after the initial assessment as Type 1 (wide involvement), Type 2 (focused involvement) or Type 3 (basic involvement). Our experience is that EIAs are evolving processes and rarely fall into this simple kind of categorisation. Typecasting the EIA is inflexible, and reinforces the thinking that EIA is a checklist process rather than an integral part of the activity evolving over time.
18. With more complex policies and actions the initial officer assessment (top of the funnel) is likely to go no further than identifying a broad target population that will be affected. We should be identifying populations

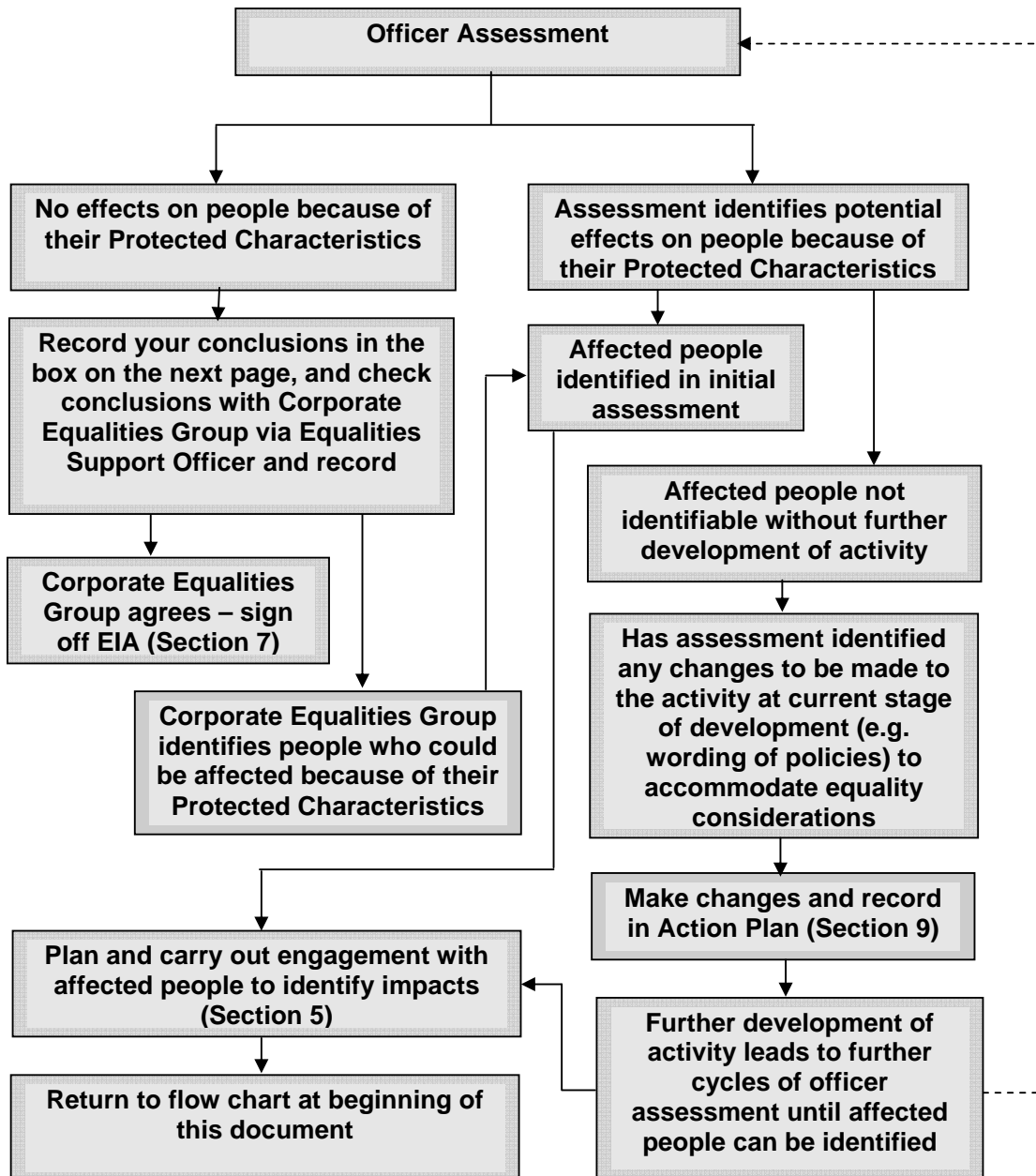
that may be inadvertently affected as well as the intended target population(s).

19. The findings of the initial assessment should be referred to the Corporate Equality Group through the service Equality Support Officer to validate and advise on findings.
20. However, if the initial assessment suggests that there will be no effect on people with Protected Characteristics, the activity should continue to be monitored for such effects as it develops. Effects and impacts on people with Protected Characteristics may not become apparent until more detail has been developed. This is the essence of the funnel model; impact assessors talk about 'going down the funnel' to develop an increasing focus on the people who will be affected by the activity. We need to be able to identify individuals who will be affected before we can engage with them to identify impacts (but see paragraph 21).
21. For simple or minor proposals EIA may go no further than the initial assessment, with the conclusion that effects are nil or so minor that no further action is required, or that they can be avoided or easily mitigated. The record document (**Annex 3**) provides guidance.

## The Engagement Decision

22. The key issue in EIA is whether we need to engage with people who will be impacted by the activity, and when and how to engage. The key principle is that impacts can only be properly identified by the people who will experience them, but as the funnel model implies we may not know who those people are until the activity has gone through several cycles of development. This is why it is important to maintain EIA as part of the ongoing development of the activity rather than it being a one-off process. The following flowchart illustrates the thinking involved in the engagement decision, although the way this thinking is applied will vary

with the activity under consideration. This is the enlargement of the section of the chart on page 1 of this guidance within the dotted line.



23. For complex activities it may be that the initial officer assessment cannot identify the people likely to be affected or the level of impact because the required information is not available in the early stages of the activity. Nevertheless it may be apparent that impacts are likely in the future (for

example with the implementation of detailed proposals that have not yet been specified or designed).

24. In this case, you should consider whether there is anything at the current stage of development (for example in the wording of draft policies) that could cause disadvantage to people with Protected Characteristics in future or which does not make the most of opportunities for positive impact in the future implementation of the activity.
25. If so, you will need to decide whether to make appropriate changes. These should be recorded in the action plan (Section 9 of the EIA Record Form) as part of the full documentation of the EIA.
26. As soon as it is apparent that people with particular Protected Characteristics are likely to be impacted by the activity, it is advisable to consult with the stakeholder/representative organisations for the relevant Protected Characteristics for guidance in identifying the groups of people with which to engage and how to engage with them.
27. Further officer assessment should be carried out as the activity develops, to further identify affected people and any engagement required.
28. The Corporate Equalities Group (fortnightly meetings) can advise on the engagement decision, through your service Equalities Support Officer.

## Two Key Questions on Engagement

29. Officers must ask two searching and vital questions, depending on the nature and scale of the activity:
  - a. Have all the people who will be affected by the activity been identified, informed and invited to be involved?
  - b. Is the activity (proposal or action) framed in a lawful way (legal advice is recommended here) - can the Council do what it is proposing in the way it is proposing to do it? The answer to this

question may change the view of the people who are affected and need to be involved.

30. Legal advice should be sought if there is any uncertainty on these questions; representative organisations may also offer views on them.
31. A further question to ask at this stage is whether it is possible or realistic to identify and seek to engage with all of the people who may be impacted by an activity. Whilst we have emphasised the best practice of engaging directly with affected people with Protected Characteristics this will not always be practical, particularly where the activity will impact directly on a wide population. Engagement may then need to involve focus groups or proxy groups such as the staff and members of representative organisations.

## An example

32. This fictional example is intended as an illustration of the funnel model. A policy that potentially affects the whole population of a neighbourhood in its earliest stages may be found to focus on the users of a community facility as the policy is developed, and then on groups that use the facility on particular days. These include two groups with Protected Characteristics, namely a mother and toddler group and a disabled people's basketball team.
33. At the whole population/top of the funnel stage we may be involving ward councillors and community connectors to explore how the policy could affect the neighbourhood, and identifying the potential impacts of different policy options on people with Protected Characteristics. As we go down the funnel through options appraisal and preferred options we may consult with the community facility chairperson, and involve disability and pregnancy and maternity stakeholder groups about the effects of the developing policy on the identified groups.

34. It is only when we have identified the individual people involved in the affected groups that we can proceed to engagement and the identification of impacts (see paragraphs 11 and 12 above for a reminder of what we mean by 'impacts').

## Impact Assessment Activity

35. In the example above equality impact assessment requires engagement with the individual mothers (and toddlers) and wheelchair users to enable them to state how the implementation of the policy will impact upon them. Engagement might take place through a range of channels such as phone, email, social media and post.
36. However, experience shows that small group and one-to-one sessions work better than large consultation type forums or other channels for exploring impacts. Impacts are personal to the individual and often emotionally charged, and it takes time and effort to identify them. Practitioners need to listen and encourage, and record what people say.
37. Staff involved in engagement sessions should be good listeners and able to encourage and support people to express themselves. And it will be obvious from the above example that they may also need to be CRB-cleared.
38. Sometimes the emotive nature of discussions about impacts on individuals may mean that both members of the public and staff may need additional support during and/or immediately after these discussions. Lead officers for each activity will assess the need for additional support and details of how to access this.

## After Involvement and Engagement

39. The following content relates to action following involvement and engagement, but it is vital that evolving equalities thinking and findings are documented and taken into account in any reporting/decisions as the activity develops. The record document (**Annex 3**) provides further guidance.
40. The officer(s) responsible for the activity should feed EIA findings into its planning/development. The EIA record document assists officers to do this, but the key questions at this stage are:
  - a. To what extent does the activity result in a positive or negative impact for people with Protected Characteristics?
  - b. In relation to disabled people, does the activity affect people with different needs differently?
  - c. Is there evidence of unlawful discrimination, requiring the activity to be changed?
  - d. Will the activity increase equality of opportunity for people with Protected Characteristics?
  - e. Will the activity help to reduce harassment and victimisation, and foster good relations?
  - f. Does the evidence gathered through involvement and engagement show that the activity could be modified to avoid negative impacts on Protected Characteristics, or that such impacts could be minimised or mitigated?



## When is the EIA Complete?

41. This is not quite as simple a question as it sounds. It is essential to maintain a clear separation between identifying and reporting impacts, and planning and recommending ways to manage (avoid, minimise or mitigate) those impacts. Therefore once the impacts have been identified through engagement it is recommended that a line be drawn under the equalities impact assessment and that it be signed-off by the responsible officers (Section 7 of EIA Record Form).
42. However, this is not the end of the overall process. EIA findings must be made available to decision-makers so that they can make decisions on the activity in the light of their full potential impact. Equalities findings and perspectives must also be taken into account in making recommendations to decision-makers, but these findings and perspectives will be balanced with all the other considerations that need to be taken into account – finance and funding, health and safety, staffing and capacity, the benefits and costs of the activity, and so on.
43. The recommendations may include proposals for managing the impacts. Ways of avoiding, minimising or mitigating impacts may have been identified during the EIA process, whether by officers or people engaged in the process. It is essential that the impacts of the activity are reported separately from and without being modified or ‘softened’ by proposals for managing them.
44. Any proposals for managing impacts included in the report and recommendations should then be fed back into the Action Plan and Performance Management arrangements (Section 9 of the EIA Record Form), so that their implementation can be managed and monitored.
45. The chart on page 1 of this guidance illustrates these various stages after impacts have been identified through engagement.

## Reporting Findings

46. Reporting the findings of EIA to decision-makers may occur at several stages, depending on the complexity of the activity. Interim reports on feasibility studies or options appraisals, whether to executive boards or Cabinet, should include the latest equalities findings. Reports recommending final decisions on activities must await and include the findings of the full EIA process. Impacts must be reported separately from any proposals to manage those impacts, so that decision-makers have a clear understanding of the potential effects of their decision. The full EIA should be made available to decision-makers within the reporting/decision-making process.

## Decision-Making

47. As noted above, reports and recommendations on any proposal or action, whether to chief officers or Cabinet and from feasibility to final report, should include current equalities thinking.
48. The Equalities and Human Rights Commission's guidance for decision makers, 'Making Fair Financial Decisions', outlines what Members should be looking for in an EIA. This includes:
  - a. A written record of equality considerations
  - b. Consideration of the actions that would help to avoid or mitigate impacts on particular protected groups
  - c. A clear evidence base for making decisions,
49. Members should seek to ensure that EIA and decisions are transparent, and that the process complies with the law. The guidance can be accessed at:

[www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/using-the-equality-duty-to-make-fair-financial-decisions/guidance-for-decision-makers/](http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/using-the-equality-duty-to-make-fair-financial-decisions/guidance-for-decision-makers/)

## After Completion

50. The completed EIA Record Form, including the Action Plan, should be sent to the Equalities and Communities Officer, Deena Wallace. This will allow our corporate records of EIA and equalities practice to be kept up-to-date. The completed EIA will also be posted on the Equalities pages of the Council website, to provide an up-to-date view of equalities activity for the benefit of stakeholders and the general public.



# Equality Impact Assessment Record Form 2012-16

This form is to be used for recording the Equality Impact Assessment (EIA) of Council activities. It should be used in conjunction with the guidance on carrying out EIA in **Annex 2** of the Equality Scheme. The activities that may be subject to EIA are set out in the guidance.

EIA is particularly important in supporting the Council to make fair decisions. The Public Sector Equality Duty requires the Council to have regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations.

Using this form will help Council officers to carry out EIA in an effective and transparent way and provide decision-makers with full information on the potential impact of their decisions. The purpose is to avoid inadvertent disadvantage or discrimination resulting from decisions.

EIA is not a fixed process – it will vary according to the scale and type of activity. The form and guidance are designed to cover all eventualities. Officers should not be discouraged by the form, but should use their discretion in using it flexibly according to the activity they are assessing.

EIA does not happen at a single point in time. It is an ongoing and integral part of the development of the activity or proposal. This EIA template should be kept open and live as a planning document, and updated as the activity or proposal progresses.

## Section 1 – Service Details and Summary of EIA Activity

<b>Title of activity:</b>	
<b>Lead Officer responsible for this EIA:</b>	
<b>Telephone:</b>	
<b>Service Group:</b>	
<b>Service or Team:</b>	
<b>Assistant Director accountable for this EIA</b>	
<b>Who else will be involved in carrying out the EIA:</b>	

<p><b>What stage has the EIA reached?</b></p> <p>This table provides a ‘cover note’ of progress to be maintained as the EIA is developed over time. Stage categories 1-3 listed below refer to the funnel model. Note the stage reached and any consultation or engagement carried out. Simple activities may not need all these stages. Provide details of population/individuals affected in Section 2</p>		
<b>Stage</b>	<b>Date</b>	<b>Summary of position</b>
<b>Stage 1: Initial Officer Assessment. Whole Population likely to be affected identified</b>		<i>Whole population, e.g. whole borough, a neighbourhood, a whole demographic group such as older people</i>
<b>Stage 2: Further Assessment. Target Population likely to be affected identified</b>		<i>Target population, e.g. rural communities, community centre users in neighbourhood, older users of particular services</i>
<b>Stage 3: Further Assessment. Individuals likely to be affected identified</b>		<i>Individuals, e.g. disabled users of a particular rural bus service, mother and toddler group within community centre, older people who will lose service</i>
<b>Stage 4: Analysis of Findings</b>		
<b>Stage 5: Sign-Off</b>		
<b>Stage 6: Reporting and Action Planning</b>		

## Section 2 – The Activity and Supporting Information

<b>Details of the activity (including the main purpose and aims)</b>
<b>Who will be affected by the activity?</b> See the guidance on carrying out equality impact assessment within the Equality Scheme 2012-16. Provide details of the groups and numbers of people affected below, updating the table as the EIA develops and the understanding of who will be affected emerges in more detail.
<b>Whole population</b>
<b>Target population</b>
<b>Individuals</b>
<b>What data, research and other evidence or information is available which is relevant to the EIA?</b>

**Check: before proceeding to the officer assessment, have you obtained all the data and information that is currently available?**

## Section 3: Officer Assessment

Use this table to record your views on potential impact on Protected Characteristics. As the activity and the assessment develop your views may change – record them here.  
It is important to be searching and honest about this – many Council activities are planned to be of positive benefit to identified target groups but can often have the potential for inadvertent effects on other groups.

Protected Characteristics	Potential Impact Positive/Negative/ Not Applicable			Potential level of impact				Summary of Impact
	P	N	NA	H	M	L	nil	
Age	P	N	NA	H	M	L	nil	
Race	P	N	NA	H	M	L	nil	
Sex	P	N	NA	H	M	L	nil	
Gender Reassignment	P	N	NA	H	M	L	nil	
Disability (summary of detail on next page)	P	N	NA	H	M	L	nil	
Religion or belief	P	N	NA	H	M	L	nil	
Sexual Orientation	P	N	NA	H	M	L	nil	
Pregnancy or maternity	P	N	NA	H	M	L	nil	
Marriage/ Civil Partnership	P	N	NA	H	M	L	nil	

### Section 3: Officer Assessment - continued

The Council must have due regard to disabled people's impairments when making decisions about 'activities'. This list is provided only as a starting point to assist officers with the assessment process. It is important to remember that people with similar impairments may in reality experience completely different impacts. Consider the potential impacts and summarise in the Disability section on the previous page. Officers should consider how the 'activity' may affect a disabled person.

<b>Mobility Impairment</b>	P	N	NA	H	M	L	nil	
<b>Visual impairment</b>	P	N	NA	H	M	L	nil	
<b>Hearing impairment</b>	P	N	NA	H	M	L	nil	
<b>Learning Disability</b>	P	N	NA	H	M	L	nil	
<b>Mental Health</b>	P	N	NA	H	M	L	nil	
<b>Long Term Limiting Illness</b>	P	N	NA	H	M	L	nil	
<b>Multiple Impairments</b>	P	N	NA	H	M	L	nil	
<b>Other - Specify</b>	P	N	NA	H	M	L	nil	

#### Cumulative Impacts

The officer responsible for this EIA should seek input from the Corporate Equalities Group on the potential for this activity to combine with other recent, current or proposed activities, both Council and in the external environment, to result in more severe impacts on people with Protected Characteristics through their cumulative effects. The Corporate Equalities Group will advise on the content for this section of the EIA.

**Change activities**

**Potential cumulative impacts**



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## Section 4: Engagement Decision

The decision about who to engage with, and how and when to engage, is the key to effective EIA. Please see Annex 2 of the Equality Scheme for guidance on the engagement decision.

Is engagement with affected people with Protected Characteristics required, now or during the further development of the activity?	Yes / No
<b>If YES, proceed to the next section.</b> <b>If NO, briefly summarise below the reasons why you have reached this conclusion.</b>	

If you have come to the conclusion that engagement is not required, seek ratification from the Corporate Equalities Group through your service Equalities Co-ordinator.

If engagement is not required but the officer assessment has identified changes that should be made to the activity, please complete Sections 7 and 8. If not the assessment can be signed-off at Section 9.

Any reports to decision-makers during the development of the activity, for example feasibility or options appraisal reports, should include content on the latest thinking and findings of the EIA even though, like the activity, further development of the EIA may be required before final reporting.

The findings of the officer assessment should be included in any reports to decision-makers. These may be feasibility or options appraisal reports where the activity is at an early stage of development, but it is essential that any equality findings are taken into account in formal decisions at all stages of development of the activity.

## Section 5 – Involvement and Engagement Planning

<b>Has the assessment shown that the activity will treat any groups of people with Protected Characteristics differently from other people? Yes/No</b>
<b>If yes, please state which groups and how</b>
<b>Will the differential treatment advance equality for people with Protected Characteristics? Yes/No</b>
<b>If yes, please state which groups and how</b>
<b>Will the differential treatment cause or increase disadvantage for people with Protected Characteristics? Yes/No</b>
<b>If yes, please state which groups and how</b>

**From the above, prepare a simple plan using the template overleaf for involving and engaging with the organisations, groups and individuals likely to be affected by the activity.**

**There may be several stages of involvement and engagement, particularly for more complex activities. Initially it may be possible to identify and engage only with stakeholder and representative organisations for the people with Protected Characteristics who may be affected. Further development of the activity may be required before the individuals who will be affected can be identified.**

**The Involvement and Engagement Plan should evolve accordingly, with new engagement proposals added as they are identified.**



## Section 6: Engagement Findings

	<b>Date/summary of engagement carried out</b>	<b>Summary of impacts identified</b>
<b>Age</b>		
<b>Disability</b>		
<b>Mobility Impairment</b>		
<b>Visual impairment</b>		
<b>Hearing impairment</b>		
<b>Learning Disability</b>		
<b>Mental Health</b>		
<b>Long Term Limiting Illness</b>		
<b>Multiple Impairments</b>		
<b>Other - Specify</b>		
<b>Race</b>		
<b>Sex</b>		
<b>Gender Reassignment</b>		
<b>Religion or belief</b>		
<b>Sexual Orientation</b>		
<b>Pregnancy or maternity</b>		
<b>Marriage / Civil Partnership</b>		

## Section 6: Engagement Findings – Continued

**Drawing on the engagement findings and your understanding of the effects of the activity, indicate how it will contribute, if at all, to the three strands of the Public Sector Equality Duty.**

<b>a) How will the proposal help to eliminate discrimination, harassment and victimisation?</b>
<b>b) How will the proposal help to advance equality of opportunity?</b>
<b>c) How will the proposal help to foster good relations?</b>

<b>During the engagement process were there any suggestions on how to avoid, minimise or mitigate any negative impacts? If so, please give details.</b>

**This completes the assessment, but there will be further work to do to contribute to the reporting and implementation stages of the activity. First though, it is important to draw a line under the assessment to maintain a separation between assessment of impacts and any proposals to manage those impacts. The assessment should therefore be signed-off at this stage.**

## Section 7 - Sign-off when assessment is completed

Officer Completing the Form:		
Signed	Name:	
	Date:	
	Job Title:	
Assistant Director:		
Signed	Name:	
	Date:	
	Service:	

## Section 8 – Reporting of Findings and Recommendations to Decision Makers

The findings of the EIA may be reported to decision-makers at several stages during the development of an activity. For example, the initial officer assessment findings may be included in a feasibility report or options appraisal to be considered by the Transformation Board or Chief Officers' Executive.

Any report for formal decisions by Cabinet or Council should include the latest findings of the EIA, even if these are at a relatively early stage. The report recommending final approval of the activity should await and include the findings of the completed EIA. The report should present clearly the impacts that have been identified through the engagement process, including potential cumulative impacts.

The report may include recommendations based on the findings of the EIA, but these should be separate from the reporting of impacts. Recommendations will be developed separately from the EIA and arise from considering equalities impacts combined with other aspects of the activity such as finance, the benefits of the activity, and so on.

Based on the EIA findings, the report may consider the options in the table below, but the report must contain a clear statement of the impacts so that decision-makers can understand the effects of the decision that is being recommended.

What does the review of the information show?	
a)	No negative impact on people because of their Protected Characteristics - continue with the activity and monitor progress on implementation
b)	Negative impact identified – recommend continuing with the activity; clearly specify the people affected and the impacts, and providing reasons and supporting evidence for the decision to continue
c)	Negative impact identified - adjust the activity in light of the identified impact to avoid, minimise or mitigate the impact
d)	Negative impact identified - stop activity and provide an explanation why

## Section 9 – Action Plan and Performance Management

The report to decision-makers, and the decision made may require actions to be taken to avoid, minimise or mitigate the negative impacts of the activity. Option C in the table in Section 8, combined with mitigation measures that may have been highlighted during engagement and listed in Section 6 (if adopted) will require action planning to implement them.

Any actions to address equalities impacts should be listed below, with performance management review proposals, to complete the full EIA.

What is the negative impact?	Actions required to reduce/eliminate the negative impact (if applicable)	Who will lead on action	Target completion date

Performance Management	
Date of the next review of the EIA	
How often will the EIA action plan be reviewed?	
Who will carry out this review?	



## **Equality Analysis Summary**

There are specific legal duties that require public bodies to publish relevant, proportionate information demonstrating their compliance with the Equality Duty at least annually.

The information published must include:

- Information relating to employees who share Protected Characteristics (for public bodies with 150 or more employees); and
- Information relating to people who are affected by the public body's policies and practices who share Protected Characteristics (i.e. service users).

This aims to make public bodies transparent about their decision-making processes and accountable to their service users. It aims to give the public the information they need to hold public bodies into account for their performance on equality.

## **Information about employees**

The Equality Duty requires public bodies to consider how their activities as employers affect people who share different Protected Characteristics.

This could include information relating to:

- The make-up of the overall workforce
- The gender pay gap and pay equality issues more generally for the Council
- Recruitment and retention rates for staff with different Protected Characteristics
- Applications for flexible working and their outcomes for different Protected Characteristics

- Applications for learning and development opportunities and their outcomes for staff with different Protected Characteristics
- Grievance and disciplinary issues for staff with different Protected Characteristics.

Published information could also include details of policies and programmes that have been put in place to address equality concerns within the workforce and information from staff surveys.

The specific duties do not require the Council to ask every member of staff about such issues as their age, sexual orientation or religious beliefs. It is for the Council to decide whether such information is necessary for us to demonstrate compliance with the Equality Duty.

Councils are also able to draw on equality information from external sources for comparative purposes. This will in future enable performance to be benchmarked and good practice to be sourced and implemented.

Information should not be published if doing so would breach the Data Protection Act 1998.

Information published must not identify individuals and good practice indicates that this means not publishing information about groups of fewer than 10 people. Instead, small numbers can be represented using an asterisk or a range (for example < 10).

### **Information about policies and services**

The Equality Duty requires public bodies to consider how the decisions that they make, and the services they deliver, affect people who share different Protected Characteristics. The specific duties require public bodies to publish information to show they did this.

This could include information they considered relating to:

- the number of people with different Protected Characteristics who access and use services in different ways
- customer satisfaction levels and informal feedback from service users with different Protected Characteristics and results of consultations

- complaints about discrimination and complaints from people with different Protected Characteristics
- service outcomes for people with different Protected Characteristics.

Published information could also include details of policies and programmes that have been put in place to address equality concerns in service delivery.

## External Equality Information

This information is provided for comparative and analytical purposes. The information relates to Darlington where such information is available and nationally where not. The Borough of Darlington has a population of 105,600 according to the latest figures available from the Census 2011.

### *Age and Gender*

The table below provides a breakdown of the working age population of 63,648 by gender. This information was collated prior to the removal of a default retirement age (from April 2011), when the population of working age was defined as people aged from age 16 to 64. The percentages relate to 31,416 males (49%) and 32,232 females (51%). (Source: ONS Mid-2010 population estimates).

Age Range	% Male	% Female	% Total
16-19	8.3	7.2	7.7
20-29	18.7	17.9	18.3
30-39	18.5	20	19.3
40-49	23.6	23.9	23.8
50-59	20.7	20.7	20.7
60-64	10.2	10.3	10.2

### *Ethnicity and Disability*

The percentage of non-white people in Darlington is estimated to be 4.4% of the total population according to the latest data available (ONS 2009). The demographic information in relation to the number of disabled people in Darlington as a percentage is 20.42% which is taken from the 2001 Census long-term conditions

figure. It should be noted that this is not the same definition that is used in the Equality Act 2010 and it is dependent on an individual's self-definition.

### *Religion*

The 2001 Census also appears to provide the most recent information in terms of religion. This is summarised in the table below.

<b>Religion</b>	<b>% of Population (working age - 16-64)</b>
Christian	79.6
Buddhist	0.2
Hindu	0.2
Jewish	0.04
Muslim	0.53
Sikh	0.33
Any other religion	0.2
No religion	12.5
Religion not stated	6.4

### *Marriage and Civil Partnership*

The Council's Register Office holds information about the number of marriages and civil partnerships in the Borough. Information relating to the last 2 years is shown in the table below:

<b>Information collected</b>	<b>12 months (2009/10)</b>	<b>12 months (2010/11)</b>
No. of Civil Marriages	431 (97.5%)	597 (98.7%)
No. of Civil Partnerships	11 (2.5%)	8 (1.3%)

There is no central information available on the number of religious marriages conducted in churches. It is worth noting that churches are not currently authorised to conduct Civil Partnerships.

### *Pregnancy and Maternity*

There were 1,357 live births in the Darlington Unitary Authority area in 2010 (Source: ONS Live births by Area of usual Residence 2010).

### *Sexual Orientation*

There is no information available regarding sexual identity in Darlington and this will need to be developed in the future. However, the following table provides an indication of the UK position (Source: ONS 'Measuring Sexual Identity: An Evaluation Report' Sept. 2010).

Definition	% Male	% Female	% All Adults
Heterosexual/Straight	94	94.5	94.2
Gay / Lesbian	1.3	0.6	0.9
Bisexual	0.3	0.6	0.5
Other	0.5	0.5	0.5
Don't Know / Refusal	3.1	3.3	3.2
No Response	0.8	0.5	0.6

### *Gender Reassignment*

Again, there is no information available regarding gender reassignment in Darlington. However, there were 137 gender reassignment operations in England according to the NHS' Hospital Episode Statistics for 2010/11. This does not take into account people who get treatment privately, or choose not to go through surgery.

## Using Equality Analysis

When reviewing, commissioning or de-commissioning services it is essential that the Council uses evidence to inform its decision making processes. Information about residents and service users comes from a wide variety of sources including and from a range of organisations including from other public sector partners and the voluntary and community sector.

Equality Analysis will be updated with new information as soon as it becomes available and will be published at least annually.

Information given above is only an extract from the full Equality Analysis data and further details can be found by contacting the Communities team on (01325) 388457 or by e-mailing the team at [communities@darlington.gov.uk](mailto:communities@darlington.gov.uk)

Full details of the Equality Analysis are available on the Darlington Borough Council Website at

[www.darlington.gov.uk/Living/equalityanalysis/equalityanalysis.htm](http://www.darlington.gov.uk/Living/equalityanalysis/equalityanalysis.htm)

Darlington Borough Council  
Summary of the Equality Objectives for 2012-2016

## **Background**

The Council is required by law<sup>1</sup> to publish Equality Objectives by 6th April 2012.

Guidance published by the Equalities and Human Rights Commission says Equalities Objectives must be proportionate to the size of the authority and the capacity it has to deliver them. With this in mind the Council has identified four areas or themes for improvement:

- Information – improving access to information about services for everybody
- Procurement – the Council using its buying power (purchasing goods and commissioning services) to deliver fair outcomes
- Community Safety and Crime – tackling crimes motivated by hatred or prejudice against victims' personal characteristics
- Employment – promoting equality within the Council's workforce.

In setting Equality Objectives for these four areas the Council will address the most important priorities within the capacity that it has to deliver equality improvements in its services and activities.

### **Theme 1: Information**

Provision of information about Council services in formats and languages that are accessible for people with different Protected Characteristics is an issue that is raised regularly at consultation events, forums and meetings.

A number of arrangements are in place to support fair access to information.

However, long-term progress in making information accessible to everybody in the borough is more likely to come from enhancing the accessibility of mainstream information and communication

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<sup>1</sup> The Equality Act 2010 came into force in April 2011, and regulations under the act, requiring the publication of an Equality Analysis and Equality Objectives were passed by Parliament in September 2011.

provision rather than developing additional specialist and one-off facilities for people with particular Protected Characteristics.

### **Objective 1: Accessible Information**

**Improve access to information about Council services for people with Protected Characteristics, within the Council's Think Customer transformation programme.**

**By 31<sup>st</sup> March 2013 the Council will incorporate British Sign Language (BSL) video translation into five pages of its website, and engage with BSL users to set priorities for a programme of further pages in future years.**

The short-term objective of incorporating BSL translation into the Council website will open up access to information for a significant group of people in Darlington. The incorporation of BSL translation into five web pages in the first year will be followed by an ongoing programme based on priorities set by the deaf community.

Equalities impact assessment will be an integral part of the Think Customer transformation programme, which will transform the way the Council connects with people using its services, and the wider community.

There will be a number of different components within the programme and some of them have yet to be approved for development. Key principles will include a better understanding of the needs and interests of individual customers across all the Council's activities, simplifying the points of access to Council services, and simplifying and standardising the content and layout of information on the Council website.

The website will have fewer pages and users will be able to carry out most transactions with the Council via the web. We will increase use of social media like Facebook and Twitter as ways of listening to, discussing and influencing, and broadcasting messages to the community. We will use Plain English in all written communications.

The whole transformation programme will not be completed within the four year cycle of these Equality Objectives, but the web site developments, set out in the Web Content Strategy, are programmed over the next one to three years. The programme will offer opportunities to improve access to information and services for people with Protected Characteristics. We will ensure that



those opportunities are maximised through equalities impact assessment.

## **Theme 2: The Council as a Commissioning Organisation**

Darlington Borough Council is increasingly becoming a commissioning organisation. Every year the Council procures goods, works and services from external providers and performance manages and reviews internal services. This affects every area of the Council and impacts across all sections of our community.

The Equality Act 2010 requires local authorities to use their resources to promote equality. It is important that equality compliance is embedded both within internal Council services and into the external supply chain and that those contractors and service providers working on our behalf fully comply with equality legislation. To build upon the existing Darlington Compact Code for Equalities, the Council will also make use of The North East Procurement Organisation's (NEPO) Equality Charter for North East Suppliers (The Charter). It is important that the Council not only sets appropriate equalities objectives and targets in its contracts, but also monitors them to ensure that these objectives and targets are achieved. This work will be developed in conjunction with the Single Equality Scheme later in 2012. Internal monitoring of compliance will take place through the corporate performance framework.

**Objective 2: Improve compliance with the equality requirements of our external tender specifications and contracts, by ensuring that:**

- **25% of our external suppliers are signed up to the NEPO Charter by 31 March 2013 rising to 100% by 31 March 2016**

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## **Theme 3: Community Safety and Crime**

**Sustainable Community Strategy (SCS) Outcome(s): Our Communities are Safe and Free of Crime**

Hate crime is the key equalities issue in relation to this SCS outcome. We need to encourage the reporting of hate crime,

reduce the occurrence of hate crime, and ensure victims receive fair treatment and outcomes.

Hate crime is defined in the national plan to tackle hate crime, 'Challenge it, Report it, Stop it' (March 2012), as "any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a personal characteristic", such as the victim's race, disability, gender or sexual orientation.

Defining, identifying and tackling hate crime is especially important. Hate crimes are motivated by hostility towards, or prejudice against, a person's personal characteristics. Fear of repeat victimisation is likely to be more intense than for victims of other forms of crime.

### **Objective 3: Hate Crime**

**Improve understanding and awareness of hate crime in Darlington, increase reporting of hate crime, and ensure that agencies provide appropriate support to victims; in 2012/13 this will include:**

- **Developing a Darlington profile of hate crime**
- **Staging a workshop involving representatives of equalities Protected Characteristics to develop our understanding of local hate crime issues**
- **Developing an action plan focused on improving the identification and reporting of hate crime.**

A multi-agency 'Vulnerability Group' has been set up in Darlington and this will provide a forum for leading and co-ordinating research, planning and carrying out hate crime programmes. The Police have set up a hate crime group, led by a sergeant based at Police headquarters and with PCSOs responsible for hate crime in each of the divisions, including one in Darlington.

The Vulnerability Group will stage a workshop during summer 2012 on hate crime involving people from across the Equality Act Protected Characteristics. This will explore issues and experiences and lead to the development of a detailed action plan, setting out actions and targets for all the organisations with a role in tackling hate crime in the borough. Darlington Borough Council's current work on hate crime and vulnerability with learning disabled people will contribute to the workshop.

The action plan included in the above objective will focus on these priorities of raising awareness and understanding and increasing

reporting. This is essential if hate crime is to be tackled and reduced. Future action plans will focus on reduction.

The action plan will include measures to make it as easy as possible to report hate crimes. At present there are three local hate crime reporting centres, at Darlington Association on Disability, Gay Advice Darlington and Durham, and Darlington College. We will consider whether further centres are required in locations convenient for people sharing Protected Characteristics.

Increasing reporting is also dependent on ensuring that victims are treated appropriately by the police, public services and other agencies like Victim Support. Action planning will include measures to improve support where necessary.

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#### **Theme 4: The Council as an Employer**

The Council is one of the largest employers in Darlington, with a workforce of 2444 people as at the mid-point of the 2011/12 financial year. This figure excludes staff in community schools, which are subject to separate arrangements under the Equality Act 2010.

Reductions in government funding and the Council's ongoing transformation agenda have led to workforce reductions over the last two financial years. There were 128 redundancies during the 2010/11 financial year, with 120 further redundancies between April and November 2011.

The Council actively monitors the composition of the workforce by age, disability, race and gender and current data is set out in our Equalities Analysis, published on the Council website in January 2012. This also refers to the position on other Protected Characteristics, namely gender reassignment, pregnancy and maternity and marriage and civil partnerships.

The current climate of redundancies and redeployment makes it difficult to address workforce composition issues through recruitment in the short-to-medium term. However, Equality and Human Rights Commission guidance suggests that organisations may wish to gather evidence of any 'occupational segregation' in terms of members of the workforce with Protected Characteristics. We feel that we can continue to make positive progress in this area via the Council's equal pay audit. This will help the Council to identify and address as appropriate any pay and grading issues that demonstrate inequality on the grounds of any of the Protected Characteristics identified in the Equality Act 2010.

#### **Objective 4: Undertake Comprehensive Equal Pay Audit**

**The Council will continue to apply and develop the Single Status Agreement and other equality in employment arrangements by undertaking an equal pay audit by March 2013 and address all identified equal pay concerns by March 2016.**

The key milestones are:

- 2012/13 - undertake 2012 Equal Pay Audit and develop action plan by March 2013
- 2013/14 - implement year 1 actions in 2012 Equal Pay Audit Action Plan by March 2014
- 2014/15 - implement year 2 actions in 2012 Equal Pay Audit Action Plan and undertake 2014 Equal Pay Audit and develop action plan by March 2015
- 2015/16 - implement year 3 actions in 2012 Equal Pay Audit Action Plan / Year 1 actions in 2014 Equal Pay Audit and Action Plan by March 2016.

The Council has also identified further areas in terms of the workforce which we will continue to develop as part of our routine work.

Information given above is only an extract from the full Equality Analysis data and further details can be found by contacting the Communities team on (01325) 388457 or by e-mailing the team at [communities@darlington.gov.uk](mailto:communities@darlington.gov.uk)

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