

Equality Impact and Outcome Assessment (EIA) Template - 2019

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

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users¹. They analyse how all our work as a council might impact differently on different groups². They help us make good decisions and evidence how we have reached these decisions³.

See end notes for full guidance. Either hover the mouse over the end note link (eg: Age¹³) or use the hyperlinks ('Ctrl' key and left click).

For further support or advice please contact:

- **BHCC: Communities, Equality and Third Sector Team on ext 2301**
- **CCG: Engagement and Equalities team (Jane Lodge/Debbie Ludlam)**

1. Equality Impact and Outcomes Assessment (EIA) Template

First, consider whether you need to complete an EIA, or if there is another way to evidence assessment of impacts, or that an EIA is not needed⁴.

| | | | |
|------------------------------------|---|---------------------------|-----|
| Title of EIA⁵ | Public Space Protection Orders - barbecues, lanterns and balloons | ID No.⁶ | TBC |
| Team/Department⁷ | City Environment, Cityclean | | |
| Focus of EIA⁸ | <p>At its meeting on 29 September 2020, the Environment, Transport & Sustainability Committee approved for a public consultation to take place for the introduction of Public Space Protection Orders (PSPO) to manage environmentally anti-social behaviour, namely the use of disposable barbecues and the release of lanterns and balloons on the seafront and in council owned open spaces.</p> <p>The results of the public consultation were presented to the Environment, Transport & Sustainability Committee on 15 March 2022, with a recommendation to introduce PSPOs to stop the use of single-use of disposable barbecues and the release of lanterns and balloons in or on council-owned parks, open spaces and the seafront.</p> <p>This Equality Impact Assessment considers the disproportionate impact of the introduction of PSPOs on people with different protected characteristics.</p> <p>The new approach will potentially affect all residents in Brighton & Hove.</p> | | |

2. Update on previous EIA and outcomes of previous actions⁹

| What actions did you plan last time? (List them from the previous EIA) | What improved as a result? What outcomes have these actions achieved? | What <u>further</u> actions do you need to take? (add these to the Action plan below) |
|---|--|---|
| N/A | N/A | N/A |

3. Review of information, equality analysis and potential actions

| Groups to assess | What do you know ¹⁰ ? Summary of data about your service-users and/or staff | What do people tell you ¹¹ ? Summary of service-user and/or staff feedback | What does this mean ¹² ? Impacts identified from data and feedback (actual and potential) | What can you do ¹³ ? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations |
|--------------------------|---|--|--|---|
| Age ¹⁴ | <p>Estimates¹:</p> <ul style="list-style-type: none"> • 44,800 people (15%) are aged 0 to 15 years • more than two thirds (71%, 208,000 people) are aged 16 to 64 years • just over one in ten (11%, 33,100 people) are aged 65 to 84 years • 5,900 people (2%) are aged 85 years or older | This question was not asked as part of the public consultation. | People of all ages on low incomes may be more impacted by the change and therefore disadvantaged, particularly the elderly and young, working families who might be on lower incomes. There are alternatives available to single-use, disposable barbecues such as small, camping-type, portable barbecues which can be stored in kitchen cupboards. | Provide helpful information on alternatives on the council website. |
| Disability ¹⁵ | <ul style="list-style-type: none"> • 5.1% Personal Independence Payment • 14.8% Attendance Allowance² | This question was not asked as part of the public consultation. | Disabled people may have a lower income than other working age adults and so be disadvantaged. Disabled people are significantly more likely to | Provide helpful information on alternatives on the council website. |

¹ Brighton & Hove JSNA summary December 2021: [brighton-and-hove-population-jsna-dec-2021.pdf](https://www.bhconnected.org.uk/brighton-and-hove-population-jsna-dec-2021.pdf) (bhconnected.org.uk)

² Disability in Brighton & Hove 2015: [Disability in Brighton & Hove](https://www.bhconnected.org.uk/disability-in-brighton-hove-2015.pdf) (bhconnected.org.uk)

| Groups to assess | What do you know¹⁰? Summary of data about your service-users and/or staff | What do people tell you¹¹? Summary of service-user and/or staff feedback | What does this mean¹²? Impacts identified from data and feedback (actual and potential) | What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations |
|---|--|---|---|--|
| | | | be unemployed or in low-waged work than non-disabled people ¹ . There are alternatives available to single-use, disposable barbecues such as small, camping-type, portable barbecues which can be stored in kitchen cupboards. | |
| Gender reassignment¹⁶ | <i>No disproportionate impacts have been identified for this group</i> | This question was not asked as part of the public consultation. | The proposals are not expected to have any specific impact on individuals with this protected characteristic. | N/A |
| Pregnancy and maternity¹⁷ | <i>No disproportionate impacts have been identified for this group</i> | This question was not asked as part of the public consultation. | The proposals are not expected to have any specific impact on individuals with this protected characteristic. | N/A |
| Race/ethnicity¹⁸ Including migrants, refugees and asylum seekers | Population by ethnic group ² : <ul style="list-style-type: none"> • 80.02% White British • 1.6% White Irish • 4.63% Other White • 0.34% White and Black Caribbean • 0.39% White and Black African • 0.64% White and Asian • 0.57% Other Mixed • 0.85% Indian • 0.22% Pakistani | This question was not asked as part of the public consultation. | It is recognised that some ethnic groups may be disproportionately impacted through stopping the release of lanterns and balloons. There are eco-friendly alternatives available. | Provide helpful information on alternatives on the council website. |

¹ www.gov.uk/government/publications/disability-facts-and-figures/disability-facts-and-figures

² 2001 census briefing ethnicity and religion: [6 Ethnicity Religion.pdf \(brighton-hove.gov.uk\)](http://6.Ethnicity.Religion.pdf(brighton-hove.gov.uk))

| Groups to assess | What do you know¹⁰? Summary of data about your service-users and/or staff | What do people tell you¹¹? Summary of service-user and/or staff feedback | What does this mean¹²? Impacts identified from data and feedback (actual and potential) | What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations |
|--|---|---|--|--|
| | <ul style="list-style-type: none"> • 0.39% Bangladeshi • 0.37% Other Asian • 0.19% Caribbean • 0.56% African • 0.06% Other Black • 0.53% Chinese • 0.65% Other | | | |
| Religion or belief¹⁹ | Population by religion ¹ : <ul style="list-style-type: none"> • 59.10% Christian • 0.70% Buddhist • 0.52% Hindu • 1.36% Jewish • 1.47% Muslim • 0.10% Sikh • 0.85% Other religions • 27.02% No religion • 8.88% Religion not stated | This question was not asked as part of the public consultation. | It is recognised that members of some religions may be disproportionately impacted through stopping the release of lanterns and balloons. There are eco-friendly alternatives available. | Provide helpful information on alternatives on the council website. |
| Sex/Gender²⁰ | <i>No disproportionate impacts have been identified for this group</i> | This question was not asked as part of the public consultation. | One gender is not expected to be any more affected than another. | N/A |
| Sexual orientation²¹ | <i>No disproportionate impacts have been identified for this group</i> | This question was not asked as part of the public consultation. | The proposals are not expected to have any specific impact on individuals with this protected characteristic. | N/A |
| Marriage and civil partnership²² | <i>No disproportionate impacts have been identified for this group</i> | This question was not asked as part of the public consultation. | The proposals are not expected to have any specific impact on individuals with this protected characteristic. | N/A |

¹ 2001 census briefing ethnicity and religion: [6 Ethnicity Religion.pdf \(brighton-hove.gov.uk\)](https://www.brighton-hove.gov.uk/6-Ethnicity-Religion.pdf)

| Groups to assess | What do you know¹⁰? Summary of data about your service-users and/or staff | What do people tell you¹¹? Summary of service-user and/or staff feedback | What does this mean¹²? Impacts identified from data and feedback (actual and potential) | What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations |
|---|--|---|--|--|
| Community Cohesion²³ | | Some comments were made in the consultation that smoke from barbecues causes a particular nuisance which can, on occasions, lead to tensions when people are seeking to enjoy the seafront and open spaces. | The plans for improved signage, highlighting the designated barbecue areas, may lead to reduced tension in these situations. | |
| Other relevant groups²⁴ | | | | |
| Carers | 9% of residents look after or give help or support to family members, friends, neighbours or others, because of long term physical or mental ill-health or disability, or problems related to old age. Carers reported that their caring responsibilities impacted on their work and employment opportunities, and some experience financial difficulties ¹ . | This question was not asked as part of the public consultation. | People on low incomes may be more impacted by this. There are alternatives available to single-use, disposable barbecues such as small, camping-type, portable barbecues which can be stored in kitchen cupboards. After a few uses, the costs have been recovered vis-à-vis three or four disposal barbecues. | Provide helpful information on alternatives on the council website. |
| Literacy/Numeracy Skills | The Literacy trust highlights that 16.4% of adults in England, or 7.1 million people, can be described as having 'very poor literacy skills.' | This question was not asked as part of the public consultation. | Those with low literacy, numeracy or language skills may have difficulty understanding the changes. | Clear signage at sites and simple, plain English explanations of the changes on website; using images as well as text where possible to illustrate changes |
| Low income | 25,806 people on Universal Credit – December 2021 ² | This question was not asked as part of the public | People on low incomes may be more impacted by this. | Provide helpful information on alternatives on the |

¹ Brighton & Hove JSNA Carers: [TITLE \(bhconnected.org.uk\)](https://www.bhconnected.org.uk)

² LG inform: [Total number of people on Universal Credit in Brighton and Hove | LG Inform \(local.gov.uk\)](https://www.local.gov.uk) (accessed on 9 February 2022)

| Groups to assess | What do you know¹⁰? Summary of data about your service-users and/or staff | What do people tell you¹¹? Summary of service-user and/or staff feedback | What does this mean¹²? Impacts identified from data and feedback (actual and potential) | What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations |
|--|--|---|--|---|
| | | consultation. | There are alternatives available to single-use, disposable barbecues such as small, camping-type, portable barbecues which can be stored in kitchen cupboards. After a few uses, the costs have been recovered vis-à-vis three or four disposal barbecues. | council website. |
| Cumulative impact²⁵ | <i>No disproportionate cumulative impacts have been identified</i> | | | |
| Assessment of overall impacts and any further recommendations²⁶ | | | | |
| <p>There may be some disproportionate impacts as identified in the table above.</p> <p>The Environmental Enforcement Framework is reviewed on a regular basis to consider stakeholder feedback, which will include the equalities implications of the offences within the Framework.</p> <p>As stated in the Framework: All authorised Environmental Enforcement Officers involved in environmental enforcement will be made aware of their responsibilities under the Equalities Act 2010 and in particular the Public Sector Equality Duty. They will be expected to have regard to the needs of vulnerable people and protected groups and to apply this Framework in a manner that is consistent, transparent and proportionate.</p> | | | | |

4. List detailed data and/or community feedback that informed your EIA

| Title (of data, research or engagement) | Date | Gaps in data | Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe) |
|---|------|--------------|---|
| As detailed in footnotes | | | |

5. Prioritised Action Plan²⁷

| Impact identified and group(s) affected | Action planned | Expected outcome | Measure of success | Timeframe |
|--|---|--|--|--|
| NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified. | | | | |
| Age | Provide helpful information on alternatives to single-use, disposable barbecues on the council website. | Residents and visitors more informed about the alternatives. | Monitor number of Fixed Penalty Notices issued for failure to comply with the PSPO | Website to be updated 1 June in advance of implementation date Continuous monitoring of FPNs issued for failure to comply with PSPO |
| Disability | Provide helpful information on alternatives to single-use, disposable barbecues on the council website. | Residents and visitors more informed about the alternatives. | Monitor number of Fixed Penalty Notices issued for failure to comply with the PSPO | Website to be updated 1 June in advance of implementation date Continuous monitoring of FPNs issued for failure to comply with PSPO |
| Race / ethnicity | Provide helpful information on alternatives to lanterns on the council website. | Residents and visitors more informed about the alternatives. | Monitor number of Fixed Penalty Notices issued for failure to comply with the PSPO | Website to be updated 1 June in advance of implementation date Continuous monitoring of FPNs issued for failure to comply with PSPO |
| Religion or belief | Provide helpful information on alternatives to lanterns on the council website. | Residents and visitors more informed about the alternatives. | Monitor number of Fixed Penalty Notices issued for failure to comply with the PSPO | Website to be updated 1 June in advance of implementation date Continuous monitoring of FPNs issued for failure to comply with PSPO |

EIA sign-off: (for the EIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

Staff member completing Equality Impact Assessment:

Date:

Directorate Management Team rep or Head of Service/Commissioning:

Date:

CCG or BHCC Equality lead:

Date:

Guidance end-notes

¹ The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- **Knowledge:** everyone working for the council must be aware of our equality duties and apply them appropriately in their work.
- **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
- **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and influence the process.
- **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
- **No delegation:** the council is responsible for ensuring that any contracted services which provide services on our behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice. It is a duty that cannot be delegated.
- **Review:** the equality duty is a continuing duty. It applies when a policy is developed/agreed, and when it is implemented/reviewed.
- **Proper Record Keeping:** to show that we have fulfilled our duties we must keep records of the process and the impacts identified.

NB: Filling out this EIA in itself does not meet the requirements of the equality duty. All the requirements above must be fulfilled or the EIA (and any decision based on it) may be open to challenge. Properly used, an EIA can be a tool to help us comply with our equality duty and as a record that to demonstrate that we have done so.

² Our duties in the Equality Act 2010

As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people in relation to their 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, those groups' vulnerability, and how serious any potential impacts might be. We use this EIA template to complete this process and evidence our consideration.

The following are the duties in the Act. You must give 'due regard' (pay conscious attention) to the need to:

- **avoid, reduce or minimise negative impact** (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- **advance equality of opportunity.** This means the need to:
 - Remove or minimise disadvantages suffered by people due to their protected characteristics
 - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
 - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low
 - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **foster good relations between people who share a protected characteristic and those who do not.** This means:
 - Tackle prejudice
 - Promote understanding

³ EIAs are always proportionate to:

- The size of the service or scope of the policy/strategy
- The resources involved
- The numbers of people affected
- The size of the likely impact
- The vulnerability of the people affected within the context

The greater the impacts, the more thorough and demanding the process required by the Act will be.

⁴ **When to complete an EIA:**

- When planning or developing a new service, policy or strategy
- When reviewing an existing service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the city (eg: a change in population), or at a national level (eg: a change of legislation)

Assessment of equality impact can be evidenced as part of the process of reviewing or needs assessment or strategy development or consultation or planning. It does not have to be on this template, but must be documented. Wherever possible, build the EIA into your usual planning/review processes.

Do you need to complete an EIA? Consider:

- Is the policy, decision or service likely to be relevant to a specific group or groups (eg: older people)?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

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

⁶ **ID no:** The unique reference for this EIA. If in doubt contact your CCG or BHCC equality lead (see page 1)

⁷ **Team/Department:** Main team responsible for the policy, practice, service or function being assessed

⁸ **Focus of EIA:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

- What are the main aims or purpose of the policy, practice, service or function?
- Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.
- How does it fit with other services?
- Who is affected by the policy, practice, service or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
- What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes or improvements, and what should the benefits be?
- What do existing or previous inspections of the policy, practice, service or function tell you?
- What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make these clear.

⁹ **Previous actions:** If there is no previous EIA or this assessment if of a new service, then simply write 'not applicable'.

¹⁰ **Data:** Make sure you have enough data to inform your EIA.

- What data relevant to the impact on specific groups of the policy/decision/service is available?¹⁰
- What further evidence is needed and how can you get it? (Eg: further research or engagement with the affected groups).
- What do you already know about needs, access and outcomes? Focus on each of the groups identified above in turn. Eg: who uses the service? Who doesn't and why? Are there differences in outcomes? Why?
- Have there been any important demographic changes or trends locally? What might they mean for the service or function?
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any groups?
- Do any equality objectives already exist? What is current performance like against them?
- Is the service having a positive or negative effect on particular people in the community, or particular groups or communities?
- Use local sources of data (eg: JSNA: <http://www.bhconnected.org.uk/content/needs-assessments> and Community Insight: <http://brighton-hove.communityinsight.org/#>) and national ones where they are relevant.

¹¹ **Engagement:** You must engage appropriately with those likely to be affected to fulfil the equality duty.

- What do people tell you about the services?
- Are there patterns or differences in what people from different groups tell you?
- What information or data will you need from communities?
- How should people be consulted? Consider:
 - (a) consult when proposals are still at a formative stage;
 - (b) explain what is proposed and why, to allow intelligent consideration and response;
 - (c) allow enough time for consultation;
 - (d) make sure what people tell you is properly considered in the final decision.

-
- Try to consult in ways that ensure all perspectives can be considered.
 - Identify any gaps in who has been consulted and identify ways to address this.

¹² Your EIA must get to grips fully and properly with actual and potential impacts.

- The equality duty does not stop decisions or changes, but means we must conscientiously and deliberately confront the anticipated impacts on people.
- Be realistic: don't exaggerate speculative risks and negative impacts.
- Be detailed and specific so decision-makers have a concrete sense of potential effects. Instead of "the policy is likely to disadvantage older women", say how many or what percentage are likely to be affected, how, and to what extent.
- Questions to ask when assessing impacts depend on the context. Examples:
 - Are one or more groups affected differently and/or disadvantaged? How, and to what extent?
 - Is there evidence of higher/lower uptake among different groups? Which, and to what extent?
 - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
 - If there is negative differential impact, how can you minimise that while taking into account your overall aims
 - Do the effects amount to unlawful discrimination? If so the plan must be modified.
 - Does the proposal advance equality of opportunity and/or foster good relations? If not, could it?

¹³ Consider all three aims of the Act: removing barriers, and also identifying positive actions we can take.

- Where you have identified impacts you must state what actions will be taken to remove, reduce or avoid any negative impacts and maximise any positive impacts or advance equality of opportunity.
- Be specific and detailed and explain how far these actions are expected to improve the negative impacts.
- If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
- An EIA which has attempted to airbrush the facts is an EIA that is vulnerable to challenge.

¹⁴ **Age:** People of all ages

¹⁵ **Disability:** A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The definition includes: sensory impairments, impairments with fluctuating or recurring effects, progressive, organ specific, developmental, learning difficulties, mental health conditions and mental illnesses, produced by injury to the body or brain. Persons with cancer, multiple sclerosis or HIV infection are all now deemed to be disabled persons from the point of diagnosis.

¹⁶ **Gender Reassignment:** A transgender person is someone who proposes to, starts or has completed a process to change their gender. A person does not need to be under medical supervision to be protected

¹⁷ **Pregnancy and Maternity:** Protection is during pregnancy and any statutory maternity leave to which the woman is entitled.

¹⁸ **Race/Ethnicity:** This includes ethnic or national origins, colour or nationality, and includes refugees and migrants, and Gypsies and Travellers. Refugees and migrants means people whose intention is to stay in the UK for at least twelve months (excluding visitors, short term students or tourists). This definition includes asylum seekers; voluntary and involuntary migrants; people who are undocumented; and the children of migrants, even if they were born in the UK.

¹⁹ **Religion and Belief:** Religion includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief.

²⁰ **Sex/Gender:** Both men and women are covered under the Act.

²¹ **Sexual Orientation:** The Act protects bisexual, gay, heterosexual and lesbian people

²² **Marriage and Civil Partnership:** Only in relation to due regard to the need to eliminate discrimination.

²³ **Community Cohesion:** What must happen in all communities to enable different groups of people to get on well together.

²⁴ **Other relevant groups:** eg: Carers, people experiencing domestic and/or sexual violence, substance misusers, homeless people, looked after children, ex-armed forces personnel, people on the Autistic spectrum etc

²⁵ **Cumulative Impact:** This is an impact that appears when you consider services or activities together. A change or activity in one area may create an impact somewhere else

²⁶ **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy.
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

²⁷ **Action Planning:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.

