

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	Energy Boost Rebate	ID No.⁶	
Team/Department⁷	Revenues & Benefits		
Focus of EIA⁸	<p>The focus of this EIA is to ascertain what the impact of delivering the governments Energy Boost Rebate scheme for both the Main Scheme and Discretionary Scheme to the residents of Brighton & Hove.</p> <p>Main Scheme: The government has legislated that all local authorities must distribute a payment of £150 to households with the rising energy costs. This is a one-off payment to each household (not individuals) in Council Tax bands A-D based on the data as of 01st April 2022. If they are a direct debit payer, then we are to use these payment details to send the payment of £150 to the customer, regardless of their Council Tax status. If they are not a direct debit payer, then they will have to complete a form to receive the payment to their nominated bank account. They will also have the choice of not filling in the form and instead having the payment credited to their Council Tax account as a rebate.</p>		

	<p>Discretionary Scheme: The government has allocated £144m to be distributed to all local authorities, so that they can create their own discretionary schemes for those households who fall outside the main scheme (described above). The allocation for Brighton & Hove is £594,000. Based on the Local Authority's own criteria, a household will receive a one-off payment as described in the various ways above. As a Local Authority will have to identify the most vulnerable households in the city, to help ease the burden of the rising energy costs.</p>
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All payments must be disbursed by the 30 November 2022.

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)
NA – This has never been done before	NA – This has never been done before	NA – This has never been done before

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: • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Age ¹⁴	<ul style="list-style-type: none"> • People of all ages will be eligible for a payment. • Those on fixed incomes such as Pension Credit and state pensions could be affected by the rising energy costs, especially those who are vulnerable due to health issues • Young people who are on fixed incomes could also be affected due to the vulnerability of their status, especially those who have fled homes etc. • Accessibility to the main and discretionary scheme may also be an issue in terms of online access 	<p>Those who are elderly have historically been disproportionately affected by changes in weather and increasing prices</p>	<p>Vulnerable people at either end of the age spectrum could be adversely affected by the rise in energy costs</p>	<ul style="list-style-type: none"> • Make sure they are identified as a vulnerable group for our discretionary policy. • Reach out to the 3rd sector to make sure they are aware of the scheme and how to support their client group. • Support available from Community Hub to help with applications.
Disability ¹⁵	<ul style="list-style-type: none"> • People with disabilities may be disproportionately affected, especially those who need specialist electronic equipment as part of their medical therapy. Also, there could be individuals in this cohort who spend more time in their home, therefore having increased fuel costs • Accessibility to the main and discretionary scheme 	<ul style="list-style-type: none"> • Some medical machines have to run all the time to help someone. This has a huge impact on the energy bill and household income 	<ul style="list-style-type: none"> • Residents have to prioritise medical need over all other expenses such as food and other energy costs • Residents are at risk of choosing to turn off heating, if they feel that is their only option 	<ul style="list-style-type: none"> • Identify those on disability benefits. • Speak to the 3rd sector about those with specific medical needs • Identify 'at risk' medical categories, eg those on DLA/PIP / Attendance Allowance • Support available from Community Hub to help with applications.

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
	<i>may also be an issue in terms of online access</i>			
Gender reassignment¹⁶	<ul style="list-style-type: none"> • We do not have specific data at case level. • Changes in energy prices will affect any person 	The Trans Needs Assessment highlights that Trans people are more likely to have disabilities, including a higher proportion of mental ill health than other people		<ul style="list-style-type: none"> • <i>Make sure they are identified as a vulnerable group for our discretionary group.</i> • <i>Reach out to the 3rd sector to make sure they are aware of the scheme and how to support their client group.</i>
Pregnancy and maternity¹⁷	Pregnancy and maternity can bring a range of health issues, which could result in increased energy costs, but we are unable to identify those who are pregnant or on maternity from our data sets. There can also be greater financial vulnerability for single parents in this group.	Pregnancy is a specific indicator in the Public Health criteria for accessing the Warmth for Wellbeing scheme		<p>We can invite a discretionary application and be aware of this extra need.</p> <p>Pregnancy is highlighted as a possible indicator of vulnerability in the discretionary scheme report</p>
Race/ethnicity¹⁸ Including migrants, refugees and asylum seekers	Migrants, refugees and asylum seekers will be vulnerable to the energy increases due to the low incomes and in some cases, quality of accommodation and resources <i>Accessibility to the main and discretionary scheme may also be an issue in terms of online access and language barriers</i>	Asylum seekers are typically excluded from government support if they are not entitled to public funds.	Migrants, refugees and asylum seekers are less able to support themselves without assistance and yet assistance is limited. This payment falls outside the definition of “public funds” and can therefore assist them, assuming that they haven’t already received a payment	<p>This cohort is specified in the report as being one that may require support from the scheme where they are subject to rising energy costs</p> <p><i>Support available from Community Hub to help with applications.</i></p> <p>Pre-existing relationship with Voices in Exile will help us</p>

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				navigate the issues and reach those in need
Religion or belief¹⁹	It's not thought that religion or belief will have an effect on energy bills above any other categories	NA	NA	NA
Sex/Gender²⁰	From other welfare-oriented EIA's, we know that women tend to be adversely impacted by benefit rules and other factors, including that single parent families are more likely to be female-led.		There could be cumulative spending pressures for single parent families, which statistically are more likely to be female-led	<ul style="list-style-type: none"> • <i>Financial vulnerability will be identified for applicants and this will help to determine whether discretionary support is needed</i> • <i>Reach out to the 3rd sector to make sure they are aware of the scheme and how to support their client group.</i>
Sexual orientation²¹	There is no direct impact due to sexual orientation	NA	NA	NA
Marriage and civil partnership²²	Those who are married or in a civil partnership would more likely have a combined household income to cover the increased cost in living expenses, so would not be adversely affected compared to those who are single or without a partner in the household	NA	NA	NA

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Community Cohesion²³	NA	NA	NA	NA
Other relevant groups²⁴	NA	NA	NA	NA
Cumulative impact²⁵	There is a degree of crossover with other welfare schemes, for example the Household Support Fund, which also provides fuel support among a range of other things. A revised Council Tax Reduction scheme was introduced from 1 April 2022 that is more generous than before.			

Assessment of overall impacts and any further recommendations²⁶

The construction of the main scheme is such that it prioritises those in Bands A -D who pay by Direct Debit. These households will receive the £150 into their bank accounts, without having to do anything. For households in Bands A-D who don't pay by Direct Debit, an application process is required. The resident will have to apply online, providing their bank details. However, in this cohort, we are likely to see greater financial vulnerability, as often people avoid Direct Debit because it requires them to have funds at the time the direct debit is taken, and their income may fluctuate or be too low. So the result of this is that those who aren't on Direct Debit are automatically at a disadvantage and this group is likely to have a higher proportion of vulnerability in it. We are mitigating this by looking carefully at the communication that will be sent to households inviting them to claim. Assistance will be provided by Community Hub where access is an

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<p><i>issue. And we will work with partners in the voluntary sector to ensure that their clients are aware of the payment and are supported. In the worst case scenario, the £150 is not lost. It would simply be added as a credit onto the resident's council tax account.</i></p> <p><i>The Discretionary Energy Payment scheme has been designed with the above considerations (around protected characteristics) in mind, although we have to be aware that the scheme is limited financially in the sense that the individual payments are a maximum of £150 and the overall fund allows only for a maximum of 3,963 awards.</i></p> <p><i>We are also limited in terms of the distribution of the main scheme as it is heavily prescribed for specific households. Most of our mitigations are in regard to the Discretionary Scheme as that is the element we can control.</i></p> <p><i>We will gather officer and voluntary sector feedback about the scheme, which will be used to understand future demand and effective responses, after the scheme has closed.</i></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)
Meeting held with Warmth 4 Wellbeing and Emma Daniels (CAB)	16/03/22	Vulnerable groups identified	Added to the list of vulnerable subsets to consider paying

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.				

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:

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- **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

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- 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.

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- 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.

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- 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.

