

## Appendix C

### 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-users<sup>1</sup>. They analyse how all our work as a council might impact differently on different groups<sup>2</sup>. They help us make good decisions and evidence how we have reached these decisions<sup>3</sup>.

See end notes for full guidance. Either hover the mouse over the end note link (eg: Age<sup>13</sup>) 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 needed<sup>4</sup>.

<b>Title of EIA<sup>5</sup></b>	Proposal for a SEND Short Break and School Holiday Activities Programme	<b>ID No.<sup>6</sup></b>	
<b>Team/Department<sup>7</sup></b>	Health, SEN, and Disability: Families, Children and Learning		

<p><b>Focus of EIA<sup>8</sup></b></p>	<p>The Council commissioned Extratime and Barnardos services to provide their short break and school holiday activities programme, however, both of these organisations are winding up their organisations and will cease their provisions by October 2023 and January 2024 respectively. This EIA is part of the supporting documentation for the new model of delivery that is being proposed to the Children, Families and Schools Committee on 6<sup>th</sup> November 2023.</p> <p>A competitive tendering exercise to provide A SEND Short Break and School Holiday Activities Programme will be commissioned, and this will start at Easter 2024. This will provide better control, visibility, and assurance of providers, enabling a wide suite of high quality social and independence skills development opportunities to be made available to children, young people, and families. A competitively tendered programme allows for improved, equitable access to support our families. It also offers opportunities to encourage engagement between the provider and families of children and young people who attend their provision and build positive and trusting relationships between both parties.</p> <p>Implementation of a robust programme in place for the whole of the financial year will support a rich and varied programme of play and leisure activities to improve the cognitive, physical, social, and emotional well-being of children and young people.</p> <p>Offering short break and school holiday provision is a Statutory Duty and offer a fun and enriching activity for children and young people with SEND as well as providing their families with a chance to rest from caring duties, spend time with siblings and have the opportunity to work.</p>
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## 2. Update on previous EIA and outcomes of previous actions<sup>9</sup>

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

## 3. Review of information, equality analysis and potential actions

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
<b>Age<sup>14</sup></b>	The SEND Short Break and School Holiday Activity Programme is for all eligible children and young people aged 4 – 25 years old.	We worked closely with PaCC and Amaze at the implementation of The SEND Strategy (2021-2026) to ensure that the key priorities reflected the needs of the SEND Community. We have looked at dataset information to assess the needs of children and young people and have worked with providers to meet the needs identified and the activities that children, young people and families want to access.	All children and young people who are eligible to access this Short Break and Activity Programme will have access to a range of activities and specialist support to support their needs.	Monitor and evaluate the provisions offered, ensure that the short breaks and activities commissioned meet the identified needs and that families are able to access these in an accessible way.  As the programme is implemented, the experience of and impact on the children and young people and their families is monitored and provider experience is quality assured and reviewed regularly to ensure a high quality service is delivered.
<b>Disability<sup>15</sup></b>	Short Breaks and School Holiday Activities that are provided will be accessible to those children and young people with a disability and those with more complex medical needs will be signposted to those providers that are able to meet these needs	Play and leisure opportunities help to improve the cognitive, physical, social and emotional wellbeing of children and young people. Children and young people with SEND can be very isolated and short breaks and school holiday activities offer an	There will be a positive impact on children and young people's cognitive, physical, social and emotional wellbeing if they have an opportunity to access a fun and enriching short break or school holiday activity. There will also be a positive impact on their	Monitor and evaluate the provisions offered, ensure that the short breaks and activities commissioned meet the identified needs and that families are able to access these in an accessible way.  As the programme is

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	and deliver an enriching experience for those attending.	opportunity to learn through social activities.	families as this will offer them a chance to rest from caring duties, spend time with siblings and have the opportunity to work.	implemented, the experience of and impact on the children and young people and their families is monitored and provider experience is quality assured and reviewed regularly to ensure a high quality service is delivered.
<b>Gender reassignment<sup>16</sup></b>	There will not be any disproportionate impacts identified for this group.	The Local Authority works closely with organisations to understand the complex needs of gender diverse young people.	Providers will be asked how they will meet the needs of diverse groups and ensure equality of opportunity for all. If impacts are identified the Local Authority will refer to the Policy and the Trans Toolkit and seek guidance on how this can be adapted to meet the needs of the cohort.	Ensure that the booking system used by parents/carers and children and young people informs the planning of any activities to ensure that adjustments are made to reflect any protected characteristics. If this arises there will be a package of support provided through Brighton & Hove's Trans Toolkit, which will be adapted to meet the individual needs of the child/young person.
<b>Pregnancy and maternity<sup>17</sup></b>	There are no disproportionate impacts identified for this group at	There are no disproportionate impacts identified for this group at	There are no disproportionate impacts identified for this group at	There are no disproportionate impacts identified for this group at

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	this time.	this time.	this time.	this time.
<b>Race/ethnicity<sup>18</sup></b> Including migrants, refugees and asylum seekers	<p>All children and young people who are eligible will be able to apply for a place on a short break or school holiday activity.</p> <p>We are aware that the impacts of poverty and the cost-of-living crisis impacts more severely on our diverse and ethnic communities and we will review attendance data to ensure that there is a proportionate representation on activities from those pupils who identify as Black and/or part of the Global Majority.</p>	<p>We will ensure that the booking system used by parents/carers and children and young people captures data to ensure that there is a proportionate representation at activities from those pupils who identify as Black and/or part of the Global Majority.</p> <p>We will encourage Providers to work closely with our communities to ensure that the languages, accessibility and time consideration are included. This is to support the different pressures on families from different ethnic backgrounds.</p>	<p>We need to ensure that the profile of children and young people accessing short breaks and activities reflect the proportion of the population with EHC Plans that identify as being Black and/or part of the Global Majority.</p> <p>There is potential for some of these short breaks and school holiday activities to require an extra contribution to attend and this may be difficult for certain communities to find this from their weekly budgets. This is a particular concern for refugee families who work within extremely tight budgets.</p>	<p>Further work needs to be undertaken into the ethnicity of those children and young people who will be attending short breaks and holiday activity programmes to ensure that there is a proportionate representation and equity of access of those who identify as Black and/or part of the Global Majority.</p> <p>If there is not proportionate representation then an action plan will be implemented to ensure that we are supporting children and young people from these communities to attend.</p> <p>Consideration will be given to those families who are unable to fund</p>

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				additional contributions so that their child can access short breaks and activities.
<b>Religion or belief<sup>19</sup></b>	It is likely that there will be a range of religions and belief systems within the cohort that will access short breaks and school holiday activities. We will ensure that Providers are compliant with the Equality Act 2010 which simplifies and strengthens the law around tackling discrimination and inequality.	We will ensure that the booking system used by parents/carers and children and young people captures information around religion/belief systems and use this to undertake any further actions required.	Some religious groups have specific days that may mean that children and young people may not be able to attend short breaks or school holiday activities. Providers will be made aware of this and a range of dates and activities will be provided to help accommodate attendance at other times.  Information will be made available in a clear and accessible way, included translated into key languages for the city's migrant population.	We do not currently have information on those pupils that will be attending the short breaks or school holiday activities. We will ensure that any adjustments are made that require observance of a child or young person's religion or belief system and incorporation of sensitive inclusion into the activities. This includes dietary, spiritual and/or attire.  Information will be made available in a clear and accessible way, included translated into key languages for the city's migrant population.
<b>Sex/Gender<sup>20</sup></b>	Additional burdens due to the cost of living could have disproportionate impacts on women due to	Women are more likely to be working part-time, or on a fixed income, than men.	Additional burdens due to the cost of living could have disproportionate impacts on women due to	Additional burdens due to the cost of living could have disproportionate impacts on women due to

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	<p>the nature of their employment types and barriers to employment for those with sole childcare responsibilities.</p> <p>There is a limited set of current data on the financial resilience of this characteristic group.</p> <p>Data that we are aware of is:</p> <p>Total Population: 290,395</p> <p>Female: 145,778 Male: 144,616</p> <p>95% of single parents with an open Housing Benefit claim are women.</p> <p>Northgate Report (15/10/2020) Low Income Family Tracker (LIFT) data available pp23 and 24 shows that single parent households (which are most likely to be women) have a higher incidence of being on a</p>	<p>Women are more likely to be single parents.</p>	<p>the nature of their employment types and barriers to employment for those with sole childcare responsibilities.</p> <p>We need to ensure that the profile of pupils accessing the short break and school holiday activities reflect approximately the proportional gender splits.</p>	<p>the nature of their employment types and barriers to employment for those with sole childcare responsibilities.</p> <p>Consideration will be given to those families who are unable to fund additional contributions so that their child can access short breaks and activities.</p> <p>If there is not proportionate representation, then further work will be undertaken to understand why that might be the case and, if necessary, an action plan will be put into place to support.</p>

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	low financial resilience category than couples with children. Single parents are therefore more likely to be in need of crisis support than couples with children.			
<b>Sexual orientation<sup>21</sup></b>	<p>Same sex parents/carer couples or LGBTQIA+ single parents are part of the demographic.</p> <p>There is likely to be children and young people attending the clubs who identify as LGBTQIA+ as we have a high demographic in the city.</p>	<p>The Local Authority works closely with organisations to understand the complex needs of those children and young people who identify as LGBTQIA+.</p>	<p>Ensure that materials for short breaks and school holiday activities aimed at parents/carers reflect the diversity in the city.</p>	<p>Ensure that parents/carers and their children and young people are referred to and treated with respect to reflect their family situations.</p> <p>The Local Authority works closely with organisations to understand the complex needs of those children and young people who identify as LGBTQIA+ and will adapt any material to ensure it meets their individual needs.</p>
<b>Marriage and civil partnership<sup>22</sup></b>	There are no disproportionate impacts identified for this group at this time.	There are no disproportionate impacts identified for this group at this time.	There are no disproportionate impacts identified for this group at this time.	No relevant actions identified at this time.



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<b>Community Cohesion<sup>23</sup></b>	Different wards have different levels of financial resilience and diverse demographics	Access to short breaks and school holiday activities are dependent on time, parental responsibilities, and financial means	We want to ensure that all eligible families have fair access to the short break and school holiday activities programme.	Consideration will be given to those families who are unable to fund additional contributions so that their child can access short breaks and activities.
<b>Other relevant groups<sup>24</sup></b>  <b>Children in Care and Care Experienced Young People</b>	<p>That Children in Care and Care Experienced Young People are likely to face discrimination.</p> <p>There are 332 children and young people in care, and 381 children and young people previously in care.</p> <p>41% of 19-21 year old care leavers are not in education, employment or training, compared to 12% of other young people the same age.</p> <p>There are 66% with SEND and 35% have an EHCP, compared to 12% of the general population. 50% of children and young people in care have a diagnosable</p>	Brighton & Hove City Council have adopted Children in Care and Care Experienced Young People as a protected characteristic. As Corporate Parent, there is a collective responsibility and demonstrable commitment to ensure that children and young people with care experience are enabled to have the same opportunities as any other child or young person.	We need to ensure that the profile of children and young people accessing the short break and school holiday activities programme reflect the proportion of the care experienced population, so that this group are not discriminated against and have the opportunity to access positive experiences and activities, in a safe space, which will support peer relationships.	<p>Brighton &amp; Hove City Council have adopted Children in Care and Care Experienced as a protected characteristic and will demonstrate commitment to ensure that this group are not discriminated against within the short break and school holiday activities programme.</p> <p>If there is not proportionate representation, then an action plan will be implemented to ensure that we are supporting children and young people from this cohort to attend.</p>

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
	mental health condition.			
<b>Cumulative impact<sup>25</sup></b>	To ensure that all diverse communities have access to the short break and school holiday activities programme	No relevant information is available at this time.	No relevant information is available at this time.	Ensure that over time the level of access to the short break and school holiday activities programme is maintained. This will be monitored and if we identify any issues not considered or unidentified affects we will review the EIA and address them directly with co-produced actions with impacted groups.
<b>Assessment of overall impacts and any further recommendations<sup>26</sup></b>				
Overall, a positive impact is expected for any impacted groups of children and young people across communities of identity. Data gaps have been identified and the action plan notes potential mitigating solutions to address these, with appropriate monitoring and evaluation in plan.				

#### 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)
Consultation on the SEND Strategy (2021 – 2016) with PaCC and Amaze and other strategic partners	2020	Race and Ethnicity, Religion and Belief, Sex and Gender, Children in Care and Care Experienced Young People	<p>Although some data was available on Race and Ethnicity, the demographic will have moved on significantly in the last 3 years so more up-to-date data is needed.</p> <p>Once the Eequ system is in place and data on these gaps is available, this will be used to inform the planning of future activities to ensure that adjustments are made to reflect any protected characteristics.</p> <p>If the proposal is agreed, we will have relevant data by Autumn 2024 and any adjustments necessary will be implemented for future short break and school holiday activities programmes scheduled.</p>
January 2023 School Census re: BAME	January 2023	Race and Ethnicity data was only provided	See Above

## 5. Prioritised Action Plan<sup>27</sup>

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.				
All (except marital status/pregnancy/maternity), specifically in regard to those children and young people with SEND across impacted age groups (intersectionally) and those children and young people that are in care or are care experienced.	<p>Monitor and evaluate experience of and impact on both children and young people and their families due to this change over the course of the short break and school holiday activities programme.</p> <p>Once the programme is established, consideration will be given to ensure that discriminated groups have fair and equal access to positive experiences and activities and opportunities to support peer relationships.</p>	<p>The level of access is maintained over time, equality of access is ensured, and opportunities to extend the offer are explored.</p> <p>Monitoring ensured, identified issues not considered addressed and unidentified impacts explored and addressed upon future reviews of the EIA and addressed directly through co-produced actions with impacted groups.</p>	<p>EIA review completed within a year, post implementation of the short breaks and school holiday activities programme.</p> <p>Monitoring and evaluation reports, speaking to outcomes, access, impact, and opportunities are produced and progress is communicated appropriately.</p>	Duration of proposal and within 1 year of the programme being in post implementation phase.
All (except marital status/pregnancy/maternity), specifically in regard to those children and young people with SEND across impacted age groups (intersectionally) and those children and young people that are in care or are care	Intersectional data-informed, inclusive, and accessible provision provided with more work carried out to understand and mitigate the impact of marginalisation due to race and ethnicity,	<p>The level of access is maintained over time, equality of access is ensured, and opportunities to extend the offer are explored.</p> <p>Monitoring ensured, identified issues not</p>	<p>Data gathering improved, and intersectional insights developed.</p> <p>Data will inform appropriate practice changes as the programme progresses.</p>	Duration of proposal and within 1 year of the programme being in post implementation phase.

<p>experienced.</p>	<p>religion and belief, sex and gender and those children and young people that are in care or are care experienced.</p> <p>Will develop insights of impacted children and young people and families to implement appropriate solutions and any required adjustments.</p>	<p>considered addressed and unidentified impacts explored and addressed upon future reviews of the EIA and addressed directly through co-produced actions with impacted groups.</p> <p>Appropriate packages of support provided by the Brighton &amp; Hove Trans Toolkit will be adapted to meet the individual needs of any child or young person.</p> <p>Further intersectional data insights work undertaken into ethnicity of those children and young people attending the short breaks and school activities programme will ensure that there is at least proportionate representation and equity of access of those that identify as Black or Global Majority.</p> <p>Appropriate action plan developed and implemented to ensure support provided for disproportionately and under-represented</p>	<p>Expected that outcomes will be successfully met.</p> <p>Culturally sensitive and inclusive provisions in activities and engagement and treatment are successfully delivered and evaluated through feedback from children and young people and their families.</p> <p>Disproportionately impacted and under represented children and young people and families are provided equitable access, information and opportunity to attend these activities.</p> <p>Cost of living burdens and disproportionate impacts due to protected characteristics are considered in provision and access.</p> <p>Inclusive adjustments are identified and provided appropriately, mechanisms to report issues and raise concerns created and</p>	
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		<p>children and young people from communities of identity have equal access, information, and opportunity to attend.</p> <p>Additional burdens due to the cost of living and disproportionate impacts on families with impacted children reviewed, especially for those facing disproportionate barriers to employment for those with sole childcare responsibilities and in LGBTQIA+, disabled, and Black and Global Majority families.</p> <p>Providers, in partnership with the LA, will meet their commitments to ensure that extra support is provided to families who are unable to fund any additional contribution so that their child or young person can attend the club</p> <p>Required inclusive adjustments are made for disabled and LGBTQIA+ children, including observance of</p>	<p>implemented successfully.</p> <p>Information widely distributed and communities of identity are widely engaged with. Demonstrable engagement data and outcomes are reported on.</p>	
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		<p>cultural religious or belief systems, are sensitively and inclusively provided and incorporated into activities. This includes any dietary, spiritual and/or attire requirements.</p> <p>Information about support is accessible to all groups and is widely distributed through all communities of identity through diverse and inclusive community engagement.</p>		
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**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:**

Michelle Hunt, Programme Manager FCL (Policy & Business Support)

**Date:** 4th October 2023

**Directorate Management Team rep or Head of Service/Commissioning:**

Georgina Clarke-Green, Assistant Director, Health, SEN & Disability

**Date:** 4<sup>th</sup> October 2023

**CCG or BHCC Equality lead:**

**Date:**

## Guidance end-notes

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<sup>1</sup> 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.

### <sup>2</sup> 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



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<sup>3</sup> 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.

<sup>4</sup> **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.

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

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

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

<sup>8</sup> **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)'

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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.

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

<sup>10</sup> **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?<sup>10</sup>
- 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.

<sup>11</sup> **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.

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- 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.

<sup>12</sup> 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?

<sup>13</sup> 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.

<sup>14</sup> **Age:** People of all ages

<sup>15</sup> **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.

<sup>16</sup> **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

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

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<sup>18</sup> **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.

<sup>19</sup> **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.

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

<sup>21</sup> **Sexual Orientation:** The Act protects bisexual, gay, heterosexual and lesbian people

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

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

<sup>24</sup> **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

<sup>25</sup> **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

<sup>26</sup> **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?

<sup>27</sup> **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.