

Equalities Impact Assessment

2012-2013 Revenue Budget

1. Background

This document highlights the key differential impacts of potential budget decisions, and indicates where a single decision or series of decisions might have a greater impact on a specific group. It also indicates ways in which negative effects may be minimised or avoided, and where positive impacts can be maximised or created.

Budget decisions can have different impacts on different groups of people, either in changes to individual services or in the ways those changes have an impact cumulatively.

2. Budget Equality Impact Assessment Process, including Consultation

In Brighton and Hove City Council a Budget EIA process has been used to identify the main potential impacts on groups covered by legislation (the 'protected characteristics' in the Equality Act 2010¹). The consultation process on the Budget has occurred in a number of different ways:

- The draft Budget was published as early as possible to enable a longer consultation process
- Different media were used to enable public comment: an online budget simulator, social media, the online Consultation Portal, public meetings, a webcast chat, and meetings between councillors and residents.
- All service areas which might be subject to a change completed an Equality Impact Assessment (EIA) Screening document for the budget proposals in their area. Each one lists:
 - the groups protected in law, plus other relevant groups;
 - information about these groups relevant to the service area;
 - the potential impact on these groups;
 - and proposed actions to address this potential impact

NB: Screening documents have been used due to the size of the budget report and the amount of information that has been assessed. Many of them draw on existing EIAs which already indicate impacts.

¹ 'Protected characteristics' are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. (Also marriage and civil partnership, but only in relation to eliminating discrimination.)

- These Screening EIAs were also circulated widely to Community and Voluntary Sector groups, including the Community and Voluntary Sector Forum (specifically their Equality Network of elected reps from ‘protected characteristic’ groups), communities of interest groups, via the City Inclusion Partnership, BHCC staff in the Equality Steering Group and their networks, and to reps in geographical areas.
- Consultation responses and other information were used by officers to revise the Screening EIAs into the final versions which are available to members as they consider the budget proposals. The final versions are available on the council website.

Responses to the Budget EIA consultation were received from the following:

- Amaze (works with parents of children with special needs and disabilities)
- FED: Centre for Independent Living (formerly the Federation of Disabled People)
- Brighton and Hove Speak Out! (independent advocacy for adults with learning disabilities)
- Brighton and Hove Youth Council
- Brighton Women’s Centre (also on behalf of the city’s women’s services)
- A meeting hosted by the Black and Minority Ethnic Community Partnership
- The Equality Engagement Consortium (FED: Centre for Independent Living, Mind in Brighton and Hove, LGBT Health Involvement Project, Black and Minority Ethnic Community Project, The Carers Centre, Pensioner Action, Amaze, Speak Out)
- A Health Impact Assessment

All the consultation responses are available on the council website.

At the point at which implementation decisions are made about budgets, full Equality Impact Assessments will be carried out in a number of areas which will analyse specific impacts and develop the required mitigating actions. These will involve more engagement with the community and voluntary sector, staff, statutory partners and relevant groups.

3. Aims of Equality Impact Assessments (EIAs)

The new Equality Duty (within the Equality Act 2010) supports good decision-making: it encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people’s needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people’s opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

Assessing the potential positive and negative impact of decisions on different equality groups is a key part of meeting the council’s duty under the Act, and demonstrating that we are doing so. This approach, called Equality Impact Assessment (EIA) enables us to use the findings to inform decision-making, increasing opportunities for positive benefits and reducing or removing negative impacts, specifically where they affect one or more group disproportionately, and especially where they may be unlawful.

The aims of an Equality Impact Assessment become especially important at times of straitened budgets:

- think about what the council is trying to achieve
- what impact the decision will have on different groups
- targeting resources to those who may be most vulnerable
- funding services which respond to people's diverse needs and save money by getting it right first time

Nationally, there have been a number of successful legal challenges to funding decisions because public authorities have failed to show such consideration during the process. In such cases, the public authority will almost always be required to start the decision-making process again, with proper consultation and evidence gathering to identify the impact on particular groups.

“Even when the context of decision-making is financial resources in a tight budget, that does not excuse compliance with the PSEDs [Public Sector Equality Duties], and there is much to be said for the proposition that even in straitened times the need for clear, well informed decision-making when assessing the impacts on less advantaged members of society is as great, if not greater.”

Blake J in R (Rahman) v Birmingham City Council
[2011] EWHC 944 (Admin)

4. Legal context – Equality Act 2010

Within the Act the Equality Duty has three aims. It requires public bodies to have ‘due regard’² to the need to:

1. **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;
2. **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; which includes the need to:
 - remove or minimise disadvantages suffered by people due to their protected characteristics;
 - meet the needs of people with protected characteristics; and
 - encourage people with protected characteristics to participate in public life or in other activities where their participation is low.
3. **foster good relations** between people who share a protected characteristic and people who do not share it; which involves

² Having ‘due regard’ means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies – such as in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others.

- tackling prejudice and promoting understanding between people who share a protected characteristic and others

Public sector bodies need to be able to evidence that they have given due regard to the impact and potential impact on all people with ‘protected characteristics’ in shaping policy, in delivering services, and in relation to their own employees.

The following principles, drawn from case law, explain what is essential in order for the Equality Duty to be fulfilled. Public bodies should ensure:

- **Knowledge** – those who exercise the public body’s functions need to be aware of the requirements of the Equality Duty. Compliance with the Equality Duty involves a conscious approach and state of mind.
- **Timeliness** – the Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken – that is, in the development of policy options, and in making a final decision. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.
- **Real consideration** – consideration of the three aims of the Equality Duty must form an integral part of the decision-making process. The Equality Duty is not a matter of box-ticking; it must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- **Sufficient information** – the decision maker must consider what information he or she has and what further information may be needed in order to give proper consideration to the Equality Duty.
- **No delegation** – public bodies are responsible for ensuring that any third parties which exercise functions on their behalf are capable of complying with the Equality Duty, are required to comply with it, and that they do so in practice. It is a duty that cannot be delegated.
- **Review** – public bodies must have regard to the aims of the Equality Duty not only when a policy is developed and decided upon, but also when it is implemented and reviewed. The Equality Duty is a continuing duty.

The 2012-14 budget EIA process has been designed to meet these requirements and to enable the council to evidence how it has paid ‘due regard’ to the needs of diverse groups in the process of making budget decisions.

5. National context

The budget proposals are being developed within the context of reduced public funding to local government. The Comprehensive Spending Review (CSR) has already set out the headline reductions for local government of 28% over a four year period.

Key elements from the CSR with a potential equalities impact include:

- Schools budget will increase by 0.1% in real terms over the next 4 years,
- Sure Start funding will be protected in cash terms,
- Additional £2bn nationally for Adult Social Care,
- A further £7bn reduction in welfare benefits above those initially announced.

Key national issues that may have an equalities impact include:

- New council responsibilities including the public health agenda,
- Impact of welfare reforms on communities,
- Education reforms,
- Localism Bill,
- Changes to the Formula Grant and other grants the council receives could affect Children's and Adults' services

6. Local context

The five council corporate priorities detailed in the [Corporate Plan](#):

- Tackling inequality and working to create a fairer city
- Building a sustainable city
- Involving people
- A council the city deserves
- A fair employer

7. Budget Equality Impact Assessment Process

The EIA process and consultation outlined above have been based on identifying whether there are there any identifiable service delivery impacts on:

- the whole community
- service-users and people supporting service-users
- groups with 'protected characteristics'

There has also been an overall assessment of:

- the impact of funding changes from one service on another across the council (cumulative impacts),
- consideration of what mitigating actions can be taken, and
- how can we monitor, evaluate and take action on impacts which may occur.

The overall assessment is that there is no evidence in the EIAs of discrimination in the Budget proposals. However, there are concerns about the council's ability to achieve our objective of reducing inequality and therefore there is key activity to be undertaken to ensure that this is not undermined by budget decisions. More details are below.

8. Feedback from Community and Voluntary Sector Organisations

Brighton Women's Centre (BWC)

The Centre identifies specific issues for women in particular services and across services, alongside national changes. Examples from their response and the EIAs:

- Sure Start Children's Centres – "The cumulative impact of national and local changes will disproportionately disadvantaged women", specifically lone parents (EIA). 90% of lone parents are women and generally women take on the majority of childcare responsibilities.
- Sure Start Nurseries: "Women tend to take responsibility for arranging childcare. Higher fees may deter women from using childcare and therefore prevent them from training for working. The Government reduced the childcare element of the working tax credit from 80% to 70% in April 2011. The cumulative impact of national and local changes will disproportionately disadvantaged women" (EIA).
- Housing Revenue Account: "Women and single mothers on low/fixed incomes who are not in receipt of full HB [Housing Benefit] will be affected by increases in service charges and rent" (EIA and BWC).

FED: Centre for Independent Living

The FED identifies specific issues for disabled people in particular services and across services, alongside national changes. Examples from their response and the EIAs:

- The Adult Social Care principle of targeting services to those with most complex needs potentially means less focus on work to prevent those with moderate needs becoming worse. "If the drive is to allow people to live independently preventative services are the key to the council achieving this" (FED).
- City Infrastructure: less spend on preventative highway maintenance: "These proposals will make part of the city inaccessible for older and disabled people particularly the closure public toilets. Some roads and pavements in the city are currently in poor repair and are inaccessible and poorly lit, there are concerns that this will affect outlying parts of the city in particular" (FED).

Brighton and Hove Speak Out

B&H Speak Out identifies specific issues for people with learning disabilities in particular services and across services, alongside national changes. Examples from their response and the EIAs:

- Adult Social Care centralising transport and changes in learning disabilities accommodation: there are concerns in both areas that changes in familiar systems can cause confusion and anxiety, and potentially also disadvantage people who struggle to articulate their needs and preferences. Advocacy and preparation are recommended as key elements in support.

- As with the FED (above) there is a concern that “the possible consequences of in-house services focussing on people with higher support needs are that more independent people with a milder learning disability may be more at risk of social isolation, health and mental health problems should they move to accommodation with less staff and support” (Speak Out).
- Provision of services in mainstream settings as opposed to specific centres has the potential to increase integration and reduce social isolation for some people with learning disabilities, but it is important that “Staff understand individual needs including physical needs, medical issues, Learning Disabilities & hidden disabilities, e.g. autism” (EIA).
- Cumulatively there is a potential for reduction in building-based services, closures of public toilets, reduced street maintenance and reduced subsidised transport leading to “less confidence to walk and travel independently” and “increased social isolation. People with learning disabilities have told us that they value day services because they get to see their friends. We know that many people already say that they do not see their friends enough at present and are not supported to do so by some staff” (Speak Out). There are potential concerns about “increased stigma and prejudice from other people on public transport” (EIA).

AMAZE

Amaze identifies specific issues for young disabled people and their families in particular services and across services, alongside national changes. Examples from their response and the EIAs:

- Existing pressures and costs on families caring for children and young disabled people are already high and there is concern that “whilst individually the cuts are relatively small, the affect on these families will be cumulative, disproportionate and unacceptably high. Some proposals will directly impact on these families ability to cope and short term savings now are likely to result in higher costs later if families go into crisis and their child needs residential care” (Amaze).
 - Types of proposals specifically referenced here are changes to Children’s Centres, changes to benefits for those in temporary accommodation, and increases in charges in social housing.
- Reductions in funding for Child and Adolescent Mental Health Services (reduced work with children and professionals in schools to raise awareness of mental health). “Early intervention is key here especially in training people what the warning signs are. Cuts here are a real concern” (Amaze).

9. Budget EIAs: identified cumulative impacts

- Increased fees and charges in a number of services will accumulate for individuals and families, especially for those who will be affected by national changes in benefits and housing allowances, national employment trends and increases in food prices and fuel prices (up by 23% and 53% respectively in the last four years). The fees and charges cumulative impact assessment is clear that specific groups are not disproportionately affected, however those at risk of financial exclusion are likely to have reduced access to our non-statutory services.

- Changes to specialist services, including the already planned reductions to Supporting People contracts and reduction in Sure Start support raises two potential issues for mainstream services:
 - how to develop the capacity/resource in the mainstream to manage this in the context of budget reductions, and
 - how to support the skills of mainstream providers to deal with more complex issues (eg: Learning Disability, Mental Health).
- Significant changes in services or the physical appearance of the city is likely to have a larger impact on some communities more than others (eg: impact of changed routines in transport or day care for people with learning disabilities). These areas will need careful implementation to ensure that impacts are mitigated in the process.
- A number of the actions to mitigate impact are related to links to Community and Voluntary Sector (CVS) services (for communicating information, identifying impacts of cuts on specific groups, advocacy), at a time when there is pressure on the CVS in relation to funding, which raises an issue of capacity.

10. Crucial Next Steps

Existing council equalities approaches will be a critical part of minimising or avoiding negative impacts on specific groups. Where negative impacts are identified these must be addressed urgently. Regular monitoring and analysis to identify trends and identify actions, and robust equality impact assessment which actively engages stakeholders are fundamental to meeting our legal duties and corporate commitments. Senior managers, including the Corporate Management Team will have responsibility for overseeing this as decisions are made and service changes take place.

- Ongoing equalities monitoring of the impact of budget changes locally and funding reductions nationally to identify trends in disproportionate or unanticipated impact at an early stage to address them. Eg: street lighting: monitoring trends in reporting crime and/or accidents, especially among group with protected characteristics (eg: disabled, BME or older people). This reporting should be monitored at senior levels within the council in order to identify cumulative impacts and mitigating actions.
- The full Equality Impact Assessments should be undertaken with relevant Community and Voluntary Sector groups, service-users, advocacy services, partner organisations and other relevant groups. If issues highlighted in the consultation process have not yet been addressed, then they must be considered within full EIAs, as well additional focus on more 'hidden' populations (eg: people with moderate learning disabilities, or people with mental health issues).
- Where gaps in monitoring have been identified during the screening EIA process steps should be taken to fill these in the forthcoming year. This will enable better modelling of potential impacts and assessments in future.

11. Potential mitigating actions

There are also a range of other actions which the council can implement which will help to mitigate the impacts identified in the Budget EIAs:

- There are opportunities for working differently with partners, both statutory and Community and Voluntary Sector groups (for example more closely aligning related services, or commissioning advocacy services from the CVS to mitigate effects).
- Continued engagement with service-users and potential service-users will identify ways in which services can be improved
- Increasing staff capacity, skills and knowledge in identifying and addressing diverse needs in mainstream services.
- Clear communication of changes, especially to vulnerable groups, well in advance of the changes taking place will help with reducing anxiety and disruption. Council communications must target specific audiences in appropriate ways, ensuring that messages about the changes and reasons for them are simply explained, along with any information about alternatives or sources of advice or support.

