

Budget 2014-15 First Round Equality Impact Assessments (EIAs) for impacts on Service-Users

1. Introduction

1.1 This report describes the process of the first round of Equality Impact Assessments (EIA) made on the budget proposals for 2014/15 and analyses the findings. The council has a legal duty (under the Equality Act 2010) to evidence that we have paid 'due regard' to the need to:

- eliminate unlawful discrimination,
- advance equality of opportunity and
- foster good relations between persons who share a relevant protected characteristic¹ and those that don't.

Budget EIAs demonstrate how the council is considering impacts as part of the decision-making process and action we will take where needed.

1.2 The report describes:

- the council's legal duties in the budget-setting process (section 2),
- the council's approach to and aims in Equality Impact Assessment (EIA) as part of decision-making (sections 3 and 4),
- the local and national context of these budget proposals (sections 5 and 6),
- which legally protected groups are identified at this stage as potentially experiencing disproportionate impacts, from individual or cumulative proposals (section 7),
- council-wide cumulative impacts identified at this stage (section 8),
- the over-arching actions which will be needed to mitigate negative impacts and maximise positive impacts (section 9),
- the next stages in further developing the EIAs, including consultation (section 10).

2. Our legal duties

2.2 Under the equality duty (set out in the Equality Act 2010), public authorities must have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation as well as to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.

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.)

2.3 The protected groups covered by the equality duty are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnerships, but only in respect of eliminating unlawful discrimination. Assessment has also been included of impacts on child poverty.

2.4 The law requires that public authorities demonstrate that they have had 'due regard' to the aims of the equality duty in their decision-making. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the primary ways in which public authorities can demonstrate that they have had 'due regard'.

2.5 By law, our assessments of impact on equality must:

- Contain enough information to enable a public authority to demonstrate it has had 'due regard' to the aims of the equality duty in its decision-making
- Consider ways of mitigating or avoiding any adverse impacts.

2.6 The Public Sector Equality Duty (PSED) does not prevent councils from making difficult decisions such as reorganisations and relocations, redundancies, and service reductions, nor does it prevent decisions which may affect one group more than another group.

2.7 The duty enables public bodies to demonstrate that they are making financial decisions in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on people because of their legally protected characteristics.

3. Brighton & Hove City Council Approach

3.1 The council has used a Budget EIA process to identify the main potential disproportionate impacts arising because of people's protected characteristics and on child poverty. Where relevant they draw on existing service EIAs.

3.2 EIA screening documents have been completed by service leads on budget proposals where the proposed changes potentially impact on service provision. Each one lists:

- A page summarising the proposed change, key impacts and mitigating actions;
- Details of the potential differential impact on the legally protected groups and on other relevant groups covered by the council's Equality and Inclusion Policy 2012-15, including poverty;
- Details of the actions proposed.

3.3 Impacts and actions of all the proposals have been collated by Directorate with an introduction explaining the context of the proposals and how they fit into strategies and forward planning.

3.4 All the full EIAs are available in the Members' Room and to the public on request.

3.5 All the EIAs have been reviewed by the Communities, Equality and Third Sector Team and discussed by the Executive Leadership Team to consider overall impacts and ensure consistency.

3.6 The Human Resources team is considering the overall equalities impacts on staff as part of the consultation process where posts may be affected.

4. Aims of Equality Impact Assessments (EIAs)

4.1 The 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. This makes them more efficient and effective.

4.2 Considering the potential positive and negative impact of decisions on different equality groups as part of decision-making is a central part of meeting the council's duty under the Act, and demonstrating that we are doing so.

4.3 The aims of an Equality Impact Assessment become especially important at times of straitened budgets, enabling us to:

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

4.4 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 improved 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)

5. National context

5.1 The budget proposals are being developed within the context of ongoing reduced public funding to local government.

5.2 Key national issues that may have an equalities impact include:

- austerity measures which are resulting in reductions in public expenditure across most of public services;
- the national welfare reforms; and
- reforms to adult social care and health.

6. Local context

6.1 The council’s corporate priorities are detailed in the [Corporate Plan](#):

- Tackling inequality
- Creating a more sustainable city
- Engaging people who live and work in the city
- Modernising the Council

6.2 Relevant local priorities and context includes:

- Substantial proactive work to support financial inclusion;
- A collaborative approach across the council to help mitigate the impacts of welfare reform where possible;
- Close partnership working across social care and health both for children’s services and adults’; and
- A strong focus on improving educational attainment and opportunities for access to employment for our young people.

7. Legally protected groups currently identified as potentially experiencing significant or cumulative impacts

7.1 The EIA process and consultation have been based on identifying whether or not service delivery impacts are likely to be different for a person because of their protected characteristic (with a focus on where impacts may be worse).

7.2 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 we can monitor, evaluate and take action on impacts which may occur.

7.3 The overall assessment is that there is no evidence across the EIAs of discrimination in the Budget proposals.

7.4 However, the EIAs do highlight concerns about the council's ability to achieve our Corporate Plan objective of 'tackling inequality'. Therefore we have identified key activities to ensure continued progress against this aim. More details are given below.

8. Identified cumulative impacts

8.1 The EIA template highlights where officers identify a cumulative impact linked to other services or the wider local/national context. The Communities, Equality and Third Sector team has also considered all the EIAs to assess where groups may be impacted by more than one change across the council.

8.2 Impacts across a number of budget proposals are identified for the following protected characteristics:

- age (older and younger people)
- disability
- ethnicity
- gender (women and men)

8.3 Key impacts include:

8.3.1 Increased fees and charges in a number of services may 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. Those at risk of financial exclusion are likely to be most affected and this may disproportionately include people covered by the law. However significant one off and recurrent resources to provide additional advice and ensure financial inclusion are being allocated from agreed budgets last year. There will be a cumulative impact assessment on fees and charges included with the overall Budget and council Tax report to this committee in February 2014.

8.3.2 Changes to specialist services and contracts (eg: Learning Disability, Mental Health) raise potential issues for mainstream services. In addition, mainstream services need to be accessible and appropriate to people's specialist needs. Developing capacity and skills in the mainstream to manage complex needs effectively and sensitively also places a demand on resources. The budget proposals have been prepared with an emphasis on protecting investment in preventative services and on ensuring that resources are targeted where most needed.

8.3.3 Significant changes in services or the physical appearance of the city are likely to have a larger impact on some groups more than others (eg: impact of changed routines in transport or day care for people with Learning Disabilities, street repairs being done more slowly may impact disabled

people). These areas will need careful implementation to ensure that impacts are mitigated in the process.

8.3.4 Some actions in service EIAs to mitigate impact are related to links to Community and Voluntary Sector (CVS) services (eg: 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 these groups' capacity. The council has therefore been supporting the sector's Transforming Local Infrastructure (TLI) project to help sustain that capacity and developing a council-wide Third Sector Policy and Commission.

9. Council-wide Mitigating Actions

9.1 It is important to note that existing council equalities approaches (such as Equality Impact Assessment and actions from the council's Equality and Inclusion Policy) will be a critical part of minimising or avoiding negative impacts on specific groups protected in law. Also, needs assessments (such as the ones currently in progress focused on Black and Minority Ethnic communities and the Trans community) will enable better understanding of communities and their access to and outcomes from services, helping us to identify and respond to needs more effectively.

9.2 Regular equalities monitoring and analysis to evaluate 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 will continue to have responsibility for overseeing this as decisions are made and service changes take place.

9.3 In addition the following actions are planned to mitigate negative impacts:

9.3.1 Monitoring of impact: Services must ensure ongoing equalities monitoring of the impact of service changes, to identify trends in disproportionate or unanticipated impact at an early stage to address them. This reporting should be monitored council-wide at senior levels within the council in order to identify cumulative impacts and mitigating actions. Consideration should be given to working with other partners in this monitoring and evaluation where appropriate.

9.3.2 Informing decision-making: The findings of this monitoring should be used to inform the budget-setting process next year.

9.3.3 Full EIAs: Full Equality Impact Assessments will be undertaken where appropriate 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 as additional focus on more 'hidden' populations (eg: people with moderate learning disabilities, or people with mental health issues).

9.3.4 Targeting based on need: Resources and services should clearly identify specific needs of different groups at an early stage in order to be most effective and meet needs at first contact wherever possible. Targeting resource more efficiently, accessibly and appropriately benefits service-users and also provides better value for money. The council's approach to commissioning with its focus on needs assessment will continue to be an important part of this process.

9.3.5 Gaps in monitoring: Where gaps in monitoring have been identified during this 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.

9.3.6 Linking council services: There are ongoing opportunities for working together across council services more effectively, developing the links between related services and teams to avoid duplication and gaps. This reduces costs and enables service-users to access services seamlessly.

9.3.7 Partnership working: 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 specific services to mitigate negative impacts). This includes work to develop a council-wide Third Sector Policy and Commission to better target resources. In addition there is increasing integration with services both internal and external to the council, including health.

9.3.8 Engagement: Continue engagement with service-users and potential service-users using the best practice principles in the Community Engagement Framework to identify ways in which services can be improved to better meet diverse needs. This will enable services to be more accessible, appropriate and efficient.

9.3.9 Learning and Development: consider how to increase staff capacity, skills and knowledge in identifying and addressing diverse needs in mainstream services.

9.3.10 Communication: Clear communication of changes, especially to vulnerable groups, well in advance of the changes taking place will help to reduce anxiety and disruption. Council communications must target specific audiences in appropriate ways, ensuring that messages about the changes and reasons for them are explained simply, along with any information about alternatives or sources of advice or support. Where CVS groups are more effective in communicating with specific groups consideration should be given to providing them with the resources to enable this to happen.

10. Next Steps

10.1 Additional work with partners across the city is planned via the City Management Board to share the council's approach, gather views on our proposals and gain information on other proposals across the city which may have an impact.

10.2 Consultation on proposals will include specific consideration of equalities issues, especially when these have already been highlighted in the EIA. Any additional information (disproportionate impacts or mitigating actions) will be added to the EIAs. Revised EIAs will be re-submitted after initial consideration of them in December.

10.3 A specific consultation event is being held on 12 December with Community and Voluntary Sector groups (with the CVSF) to consider the EIAs and impacts on legally protected groups.

10.4 EIAs will be revised during December and January in light of consultation, Members' feedback and then reviewed again by the Communities, Equality and Third Sector Team. A further consultation process will be held with CVS groups after budget papers are released publicly in the new year before Full Budget Council.