

Budget 2015/16 Equality Impact Assessments (EIAs) for impacts on Service-Users and Staff: Process, Assessment and Planned Actions

Summary

The council is legally required (in the Equality Act 2010) to evidence how it has rigorously considered its equality duties in its budget-setting process. To achieve this, Equality Impact Assessments (EIAs) have been completed on all budget proposals with a potential impact on service-users and on staff related to their legally protected characteristics.

Impacts are identified and mitigating actions proposed, where possible. All EIAs are available in Appendix 12 and should be considered alongside the relevant proposal.

This document explains the EIA process and identifies the cumulative impacts, across all the proposals, and overall mitigating actions which will need to be taken. Within the framework of significant budget reductions there will inevitably be impacts on specific individuals and groups, but proposed mitigating actions will reduce these as far as possible, and monitoring of actual impact will enable appropriate interventions as proposals are implemented.

Service-Users

At this stage, significant impacts across multiple proposals have been identified on the following groups of service-users:

- Disability
- Age – older and younger people
- Ethnicity
- Gender - women
- Child Poverty

The most important impacts and/or mitigating actions at this stage are:

Reducing additional support to meet needs, but statutory provision is maintained.

Where changes to services to individuals are needed, assessments will be used to identify specific needs.

Making commissioning more efficient and cost effective to maintain quality while targeting services better.

Communicating changes to all stakeholders, effectively and appropriately

Reducing funding for some mainstream/open activities and focusing on targeted priority groups.

Pressures on Third Sector (CVS) from multiple proposals and national context

Cumulative impact of increasing and/or introducing fees and charges, but exemptions and concessions are planned.

Where impacts are identified, there are plans for further consultation with stakeholders on how changes are implemented.

Closer and more efficient partnership working to fill gaps and to increase efficiency

Encouraging residents to volunteer and become more actively engaged in activities, which has both benefits and risks.

Ongoing local impacts of national changes to the welfare system, combined with rising living costs impact some groups more severely than others.

'Channel Shift' encourages online access to services, but unless carefully planned can exclude some groups.

Staff

Potential impacts have been identified for individuals with the following protected characteristics, based on the fact that there is a higher representation in staff groups affected. Further details is below and specific decisions on how to implement budget decisions with impacts on staff will be made after further exploring the equality issues through staff consultation processes:

- Disability
- Age
- Gender
- Ethnicity
- Gender reassignment
- Religion or Belief
- Sexual Orientation

The most important impacts and/or mitigating actions at this stage are:

- Use equality data to develop detailed proposals and continue assessing impacts.
- Ensure relevant policies and procedures are equitably and appropriately applied.
- Review vacant posts, use of agency employees etc to minimise the impact on current substantive post holders.

- Where possible consider voluntary severance to reduce compulsory redundancies.
- Ensure all selection processes are clear and free from bias, and take into account individual needs.

- Ensure clear processes and criteria in selection for voluntary redundancy.
- Ensure managers involved in selection have completed relevant training.
- Managers delivering service changes are supported and advised by HR.
- All employees are offered meetings to discuss circumstances and concerns and are offered interview skills and CV writing training.

- Attach EIA to consultation documents, and continue to assess equality impacts.
- Consider the need for support and training to re-skill in new working methods.

Full details of all impacts and actions are below.

1. Introduction

1.1 This report describes the process of Equality Impact Assessment (EIA) made on the budget proposals for 2015/16 and analyses the findings. The council has legal duties under the Equality Act 2010 to consider the needs of diverse people in our budget-setting processes and address negative impacts where possible.

1.2 Budget EIAs evidence how the council is meeting this duty. EIAs are available in Appendix 12.

1.3 This report describes:

- the council's legal duties in the budget-setting process (section 2);
- which legally protected groups of service-users are identified at this stage as potentially experiencing disproportionate impacts, cumulatively from proposals (section 3);
- council-wide cumulative impacts on service-users identified at this stage and the over-arching actions which will be needed to mitigate negative impacts and maximise positive impacts (section 4);
- impacts identified from known data on staff across all proposals, across the council and in specific directorates (section 5);
- council-wide mitigating actions, to reduce/remove negative impacts on staff (section 6);
- the national and local context (sections 7 and 8);
- the council's approach to and aims in EIA as part of decision-making (section 9).

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, to advance equality of opportunity, and to foster good relations between people who share a protected characteristic and those who do not.

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 (only in respect of eliminating unlawful discrimination). Assessment has also been included of impacts and actions in relation to child poverty.

2.4 The law requires that public authorities demonstrate that they have paid conscious and rigorous attention to the equality duty aims in their decision-making.

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.

Our Budget EIA process meets these requirements.

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 does enable public bodies to demonstrate that they are making financial decisions in a fair, transparent and accountable way. This involves considering the needs and the rights of different members of the community, how impacts will affect them and mitigating negative impacts as fully as possible.
- 2.8** Nationally, there have been a number of successful legal challenges to funding decisions because public authorities have failed to show such consideration. In such cases, the public authority may have 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)

3. Service-Users: Impacts identified across all proposals

- 3.1** The EIA process and consultation have been based on identifying whether or not impacts are likely to be different for a person because of their protected characteristic (with a focus on where impacts may be worse) and if so, list the proposed mitigating actions.
- 3.2** 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.
- 3.3** The overall assessment is that the proposals put forward have all been considered within the framework of the council’s legal duties under the Equality Act 2010 and due regard has been given to the potential impacts on people arising from their legally protected characteristics. Within the framework of significant budget reductions there will inevitably be impacts on specific individuals and groups, but proposed mitigating actions will reduce these as far as possible, and monitoring of actual impact will enable appropriate interventions as proposals are implemented.
- 3.4** However, the EIAs do highlight concerns about the council’s ability to achieve our Corporate Plan objective of ‘tackling inequality’ in service delivery. Therefore we have identified key activities to ensure continued progress against this aim. More details are below.

4. Service-Users: Identified Cumulative Impacts and Proposed Mitigating Actions

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

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

- Disability
- Age – older and younger people
- Ethnicity
- Gender - women
- Child poverty

4.3 These are the result of proposed changes to a number of services targeted towards these groups. Specific actions to mitigate as far as possible impacts arising from each proposal are defined within the relevant EIAs. In addition council-wide mitigating actions are detailed below.

4.4 Cumulative impacts and proposed mitigating actions identified from EIAs:

4.4.1 **Statutory provision:** Services will maintain this to protect the most vulnerable, but there is likely to be reduction in support for some people with resulting impacts on their care, independence and support, and consequent impacts on carers.

4.4.2 **Assessments:** Services which use assessments will ensure that these are used before any changes are made, so specific needs can be targeted and efficient and effective services provided. This also requires communication of this process to service-users, carers, relevant Community and Voluntary Sector groups and other partners.

4.4.3 **Commissioning:** Making this more efficient and cost effective to maintain quality while targeting services better. In order to ensure compliance with the equality duty, equalities requirements must be built into commissioning processes and contracts to ensure that diverse needs are appropriately identified, addressed and monitored.

4.4.4 **Communicating Changes:** Ensuring that service-users, carers, families, relevant CVS groups and other partners are aware of changes so that transitions, especially for the most vulnerable, are understood and managed as well as possible. All groups must receive information in ways which are appropriate and accessible, and as early as possible to enable safe and effective transition through any changes.

4.4.5 **Priority Groups:** Funding is reducing for some mainstream/open activities, while there is an increased focus on targeted priority groups and earlier

interventions. This often builds on work done previously to widen mainstream activities to make them more accessible and inclusive for everyone. This approach requires that equalities monitoring and knowledge of communities is extremely robust so that priority groups are accurately identified and changes in the city and/or need are recognised and addressed.

- 4.4.6 Pressures on Third Sector (CVS):** Proposals include reductions in the Discretionary Grant programme and commissioning (including infrastructure support), and reductions in charitable rate relief. All of these proposals combine within a wider context of reducing national funding and increasing demand for CVS services. The combined impacts could be considerable, without further changes in the Third Sector.
- 4.4.7 Fees and Charges:** A number of proposals involve increasing fees/charges and/or charging for previously free services. Though often the increase in each charge is small, the cumulative impact for people affected by multiple increases can be significant. This can have a specific impact on people who are already struggling financially. This is clearly an issue of poverty, but also affects the legally protected characteristics of gender (95% of lone parents are women and women are more likely to be in part-time or lower paid work), disability (though some EIAs offer some protections to disabled people, their carers may still experience additional costs), and ethnicity (some BME communities are more likely to experience poverty). Services are planning to use exemptions and concessions to reduce impacts on people who will experience most disadvantage/exclusion. The council also provides signposting to appropriate financial inclusion and advice services where appropriate to assist those in hardship.
- 4.4.8 Consultation:** A number of EIAs propose further consultation on how their proposals are implemented. These must ensure that the views of all affected groups are taken into account and opportunities are created in the consultation process for diverse communities to participate. Results of the consultations and agreed changes must be widely advertised.
- 4.4.9 Partnership Working:** Closer and more efficient partnerships internally between council services and also with CVS and local / regional statutory partners are proposed to fill gaps and to increase efficiency. For many services, this approach will build on existing strong working relationships. It will require creative approaches to joint working, and sharing information and practices, and possibly funding.
- 4.4.10 Volunteering and collaboration:** Some proposals plan to encourage residents to volunteer and become more actively engaged in activities. This supports a community empowerment and demand management approach and recognises the value of community assets (physical resources and skills/time). However, not all communities have equal assets or the ability to mobilise them without (at least initial) support. Equally, groups which take on the role of providing community services must ensure that they remain open, accessible and inclusive to all the diverse communities eligible to use them – or risk excluding people and damaging community cohesion.

4.4.10 Welfare Reform: Ongoing national changes to the welfare system and an overall reduction of that budget have required significant changes locally. The impact has been that many claimants have experienced reductions in benefits received or no inflationary increases, within a context of rising living costs (utilities and food prices) and high housing costs relative to income. Some groups experience these pressures more severely than others.

4.4.10 'Channel Shift': Some proposals are encouraging service-users to access services digitally, providing the opportunity for significant cost savings for the council and greater convenience for some residents. However, some groups are less likely to have access to ICT at home, or lack the skills to access services digitally. Where proposals include 'channel shift', this must be matched by an ongoing commitment to provide face-to-face contact for people who still require it, and to use some of the resource savings to fund this.

4.5 Other mitigating actions

4.5.1 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 and actions from them (such as the Joint Strategic Needs Assessment, current work 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.

4.5.2 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 these processes as decisions are made and service changes take place.

5. Staff: Impacts identified across all proposals

5.1 The Human Resources team has assessed the equalities impacts on staff that are known at this stage and EIA templates have been completed for all proposals affecting staff. This process will continue through staff consultation processes to enable staff to raise specific and additional issues.

5.2 Information which might identify individuals has been withheld from this document to protect confidentiality, but all information has been provided to managers and will be used to inform the implementation of agreed proposals.

5.3 For groups of over 20 staff equalities data has been used to assist the identification of potential impacts. Where there are fewer than 20 staff affected data has not been produced to protect the confidential sensitive equalities information provided by staff. EIAs have been completed in these instances with regard to known information about the staff group and proposals made

5.4 The EIA template highlights where officers identify a cumulative impact linked to the make-up of the workforce across the Council in terms of protected groups as compared to the make-up of groups affected. HR has considered all the EIAs both individually and cumulatively.

5.5 The detailed impact of a number of proposals across the Council is unknown at this stage before consultation processes are complete and therefore the EIAs are based on an analysis of the make-up of the workforce affected, and potential impacts of changes. This is particularly relevant in the following areas:

- Able and Willing where final decisions won't be taken until September 2015,
- Adults Assessment where the service redesign is underway in relation to the Care Act and Better Care
- Adults Provider Services where the review of bed based services may not have staffing impacts if full recovery of health costs is achieved, and the review of day services where detailed proposals have not been made at the time of writing.

5.6 Potential impacts have been identified for individuals with the following protected characteristics, based on the fact that there is a higher representation in staff groups affected. These are the impacts identified from known data at this stage. Specific decisions on how to implement budget decisions with impacts on staff will be made after further exploring the equality issues through staff consultation processes:

- Disability
- Age
- Gender
- Ethnicity
- Sexual orientation
- Gender reassignment
- Religion or belief

5.7 Impacts identified, by protected characteristic:

- Overall the groups affected by budget proposals are broadly in line with the make-up of the Council's workforce in terms of age, with over 40% of those at risk between the ages of 40 and 54.
- A slightly higher proportion of those at risk are females in lower grade ranges (61.63% compared to 56.1% of the total workforce in this category).
- The proportion of BME and White Irish staff at risk is marginally lower than representation across the council from these groups, but is higher in relation to white other staff (7.74% compared to 5.9%). Ensuring there are no language barriers in relation to our change processes will be particularly important in some areas.

- The proportion of disabled staff affected by proposals is marginally higher than the Council average and within the detail of proposals there are some significant areas where reasonable adjustments through our processes will need to be particularly considered. With regard to Able and Willing there will be additional measures and support through the Supported Employment Team.
- LGBT staff affected are marginally higher than council averages in the middle grade ranges (15.36% compared to 13.38% across the council).

5.7.1 Key impacts have been identified in relation to changes proposed at Able and Willing. There is potential for these proposals to have a disproportionate impact on disabled staff. As a Supported Business for disabled employees the service will always employ a high proportion of disabled employees in comparison to the Adult Directorate and Council. Final decisions won't be taken until later in the year when a project to generate more business has concluded.

5.7.2 Disabled staff in the service may experience particular barriers in accessing information and getting their views heard. There may also be significant barriers in finding alternative employment if there is a reduction in posts. Positive action is planned to include training on interview skills, coaching and signposting to relevant forums. The communications approach will ensure the use of plain English so that information is accessible.

5.7.3 Across other areas of Children's Services there are some significant impacts on female workers including part-time workers who may be restricted in hours that can be worked in relation to other opportunities. The design of posts and structure will need to take into account impacts for groups of staff. Caring and parenting responsibilities will be considered by managers.

5.7.4 In City Clean there is a significantly higher proportion of White Other staff affected which will require particular attending, particularly to ensure that our communication methods are clear, and any selection processes are free from bias as a result of any language or literacy issues.

6. Staff: Council-wide Mitigating Actions

6.1 In addition to the specific mitigations identified in each service area the Council has guidance, procedures and approaches for managing change that are designed to ensure change is managed fairly and groups with protected characteristics are not negatively impacted:

6.1.1 When developing any further detailed proposals take account of the staffing equalities data to inform decision making and/or continue assessing staff equality impacts.

6.1.2 Ensure the council's relevant policies and procedures are equitably and appropriately applied (management of change protocol, redeployment, development of new post details, job evaluation processes etc) to ensure that

no adverse impact is created for employees related to their protected characteristics.

- 6.1.3** Review vacant posts, use of agency employees etc to minimise the impact on current substantive post holders.
- 6.1.4** Where proposals may result in a reduction of posts consider the offer of voluntary redundancy to mitigate the impact of potential compulsory redundancy processes.
- 6.1.5** Where a reduction in posts will mean compulsory redundancy ensure that selection processes are clear and free from bias, and that processes take into account any individual needs.
- 6.1.6** Ensure processes and criteria related to selection for voluntary redundancy are clear and transparent and use the compensation panel appropriately.
- 6.1.7** Ensure managers involved in selection have completed corporate recruitment and selection training and are signposted to the Equality & Diversity e-learning module.
- 6.1.8** Ensure that managers delivering service changes are appropriately supported and advised by HR in relation to all employee equalities issues.
- 6.1.9** Ensure all employees are offered one to one meetings to discuss their circumstances and any concerns they may have.
- 6.1.10** Ensure all employees are offered one to one meetings to discuss their circumstances and any concerns they may have, and are offered interview skills and CV writing training.
- 6.1.11** Attach the summary EIA to each consultation document, and continue to assess equality impacts through the consultation process.
- 6.1.12** Consider the need for appropriate support and training to re-skill in new working methods.

7. National context

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

7.2 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.

8. Local context

8.1 The council's priorities for 2015-19 as contained in the draft Corporate Plan agreed by Policy & Resources Committee in December 2014 are:

- Economy, jobs & homes
- Children & young people
- Health & wellbeing
- Community safety & resilience
- Environmental sustainability

These match with the Brighton & Hove Connected (LSP) priorities for the whole city, as contained in the Sustainable Community Strategy: 'Brighton & Hove: the Connected City'.

8.2 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';
- A strong focus on improving educational attainment and opportunities for access to employment for our young people;
- A joint approach to public services as a whole for the city through the City Management Board;
- Greater alignment between the development of the medium term financial strategy and Corporate Plan 2015-19
- Using Modernisation Boards across the council to drive service redesign that will lead to greater collaboration with partners and communities to provide better, more joined up outcomes for everyone.

9. Brighton & Hove City Council Approach and Process

9.1 The council uses a Budget EIA process to identify the main potential disproportionate impacts arising because of people's protected characteristics and, for service-users, on child poverty. Where relevant they draw on existing service EIAs.

9.2 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 are most vulnerable;
- fund services which respond to people's diverse needs
- save money by getting it right first time.

9.3 Service leads completed EIAs on budget proposals where the proposed changes potentially impact on service provision and/or on staff. The document presented to Members lists all the disproportionate impacts on groups

because of their protected characteristic. It also identifies the planned actions to mitigate negative impacts.

- 9.4** A consultation event with community and voluntary sector groups was held in December, hosted by Community Works, and feedback was incorporated into the relevant EIA and/or responded to directly by managers.
- 9.5** All the EIAs have been reviewed by the Communities, Equality and Third Sector Team and/or Human Resources and discussed by the Executive Leadership Team to consider overall impacts and ensure consistency.
- 9.6** The Human Resources team have assessed equalities impacts on staff arising from the proposals. Information from staff consultation processes was incorporated into these EIAs, where available.
- 9.7** Since the equality duty is a continuing duty which must be complied with when implementing and reviewing a decision, assessment of equality impacts and responses to them will continue after budget decisions are agreed. Data from these EIAs will also be shared with relevant managers, to enable them to identify the best ways to implement the decisions to minimise negative or disproportionate impacts on legally protected and socially excluded groups.