

Initial Equalities Impact Assessment screening form

Prior to making the decision, the Council's decision makers considered the following: guide to decision making under the Equality Act 2010:

The Council is a public authority. All public authorities when exercising public functions are caught by the Equality Act 2010 which became law in December 2011. In making any decisions and proposals, the Council - specifically members and officers - are required to have **due regard** to the 9 protected characteristics defined under the Act. These protected characteristics are: **age, disability, race, gender reassignment, pregnancy and maternity, religion or belief, sex, sexual orientation and marriage & civil partnership**

The decision maker(s) must specifically consider those protected by the above characteristics:

- (a) To seek to ensure equality of treatment towards service users and employees;
- (b) To identify the potential impact of the proposal or decision upon them.

The Council will also ask that officers specifically consider whether:

- (A) The policy, strategy or spending decisions could have an impact on safeguarding and / or the welfare of children and vulnerable adults
- (B) The proposed policy / service is likely to have any significant impact on mental wellbeing / community resilience (staff or residents)

If the Council fails to give 'due regard', the Council is likely to face a Court challenge. This will either be through a judicial review of its decision making, the decision may be quashed and/or returned for it to have to be made again, which can be costly and time-consuming diversion for the Council. When considering 'due regard', decision makers must consider the following principles:

1. **The decision maker is responsible for identifying whether there is an issue and discharging it.** The threshold for one of the duties to be triggered is low and will be triggered where there is any issue which needs at least to be addressed.
2. **The duties arise before the decision or proposal is made, and not after and are ongoing.** They require **advance** consideration by the policy decision maker with conscientiousness, rigour and an open mind. The duty is similar to an open consultation process.
3. The decision maker must be **aware of the needs of the duty.**
4. The **impact of the proposal or decision must be properly understood first.** The amount of regard due will depend on the individual circumstances of each case. The greater the potential impact, the greater the regard.
5. **Get your facts straight first!** There will be no due regard at all if the decision maker or those advising it make a fundamental error of fact (e.g. because of failing to properly inform yourself about the impact of a particular decision).
6. What does 'due regard' entail?
 - a. **Collection and consideration of data and information;**
 - b. **Ensuring data is sufficient to assess the decision/any potential discrimination/ensure equality of opportunity;**
 - c. **Proper appreciation of the extent, nature and duration of the proposal or decision.**

7. **Responsibility** for discharging can't be delegated or sub-contracted (although an equality impact assessment ("EIA") can be undertaken by officers, decision makers must be sufficiently aware of the outcome).
 8. **Document the process** of having due regard! Keep records and make it transparent! If in any doubt carry out an equality impact assessment ("EIA"), to test whether a policy will impact differentially or not. Evidentially an EIA will be the best way of defending a legal challenge. See hyperlink for the questions you should consider <http://occweb/files/seealsodocs/93561/Equalities%20-%20Initial%20Equality%20Impact%20Assessment%20screening%20template.doc>
1. Within the aims and objectives of the policy or strategy which group (s) of people has been identified as being potentially disadvantaged by your proposals? What are the equality impacts?

There is potentially a concern that running a Lottery could be seen as an endorsement of gambling by the City Council and that this could increase the incidence of problem gambling. A Theos report in 2009 showed that 67% of lottery players come from poorer communities. This raises two issues, one is that a disproportionate of funding raised for good causes would come from poorer communities. The second is that any potential additional risk of additional problem gambling, would also fall disproportionately on lower income groups. In relation to the first issue, it should be noted that there are already a number of lotteries operating in Oxford. On a national basis 41.8% of all gambling activity is undertaken through participation in lotteries, with the National Lottery being responsible for the majority of this figure. In Oxford there is also the opportunity to take part in the Health Lottery, Postcode Lottery, Sobell House Lottery and Thames Valley Air Ambulance lottery. In this context a Council Lottery would just be adding to a range of opportunities for participation in this activity.

In relation to the second point, data collected from the Gambling Commission shows that problem gambling in 2015 represented 0.5% of all people who engaged in gambling activity. Most of these (more than 0.9% were male. The Gambling Commission data shows that just 0.7% of male problem gamblers use lotteries and scratchcards. As such there is little evidence to link the playing of lotteries to the development of problem gambling. This view is supported by the Culture, Media & Sport Committee's 2015 enquiry into the use of Society lotteries which identified this form of gambling as "separate and distinct from other gambling products".

2. In brief, what changes are you planning to make to your current or proposed new or changed policy, strategy, procedure, project or service to minimise or eliminate the adverse equality impacts?

Please provide further details of the proposed actions, timetable for

making the changes and the person(s) responsible for making the changes on the resultant action plan

In relation to the concern that a lottery would be disproportionately played by people on lower incomes, it is proposed that the approval process for signing up good causes is undertaken by the Council's Community Services Team. This will ensure that an appropriate proportion of good causes are benefitting the communities that are funding the lottery. In order to mitigate against the risk of problem gambling, it is proposed that the Council would adopt a problem gambling policy in advance of launching the lottery.

3. Please provide details of whom you will consult on the proposed changes and if you do not plan to consult, please provide the rationale behind that decision.

Please note that you are required to involve disabled people in decisions that impact on them

The establishment of a lottery does not impact on any statutory services that the Council delivers. All residents of Oxford will be able to choose whether they wish to participate in the lottery. As such there is no requirement to consult on the proposal.

4. Can the adverse impacts you identified during the initial screening be justified without making any adjustments to the existing or new policy, strategy, procedure, project or service?

Please set out the basis on which you justify making no adjustments

Adjustments have been proposed to the establishment of a lottery, please see above for details.

5. You are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts.

Please provide details of how you will monitor/evaluate or review your proposals and when the review will take place

The impact of a lottery will be monitored by use of a customer survey carried out within the first year of operation.

Lead officer responsible for signing off the EqIA: Paul Wilding

Role: Revenues & Benefits Programme Manager

Date: 3 November 2016

Note, please consider & include the following areas:

- Summary of the impacts of any individual policies
- Specific impact tests (e.g. statutory equality duties, social, regeneration and sustainability)
- Consultation
- Post implementation review plan (consider the basis for the review, objectives and how these will be measured, impacts and outcomes including the “unknown”)
- Potential data sources (attach hyperlinks including Government impact assessments or Oxfordshire data observatory information where relevant)