

Initial screening EqIA template

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 consider whether the policy, strategy or spending decisions could have an impact on safeguarding and / or the welfare of children and vulnerable adults

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?

The Diamond Place and Ewert House site is already allocated in City Council policy SP14 (Sites and Housing Plan – adopted Feb 2013) for a retail-led mixed-use development.

The Supplementary Planning Document (SPD) adds further guidance to that policy in the form of a development brief. It addresses matters such as the mix of uses, accesses and routes, heights and sizes of buildings.

The SPD would have the potential to disadvantage some groups depending on what development and design principles were included. However, the principles as drafted ensure that groups will not be disadvantaged but will instead be advantaged compared to a ‘do nothing’ approach where the SPD did not exist. The following elements of the SPD illustrate this:

1. The SPD allows for the expansion of the leisure centre, which is a popular facility used by a wide sector of the community. Increasing the offer will expand the opportunities for local people to get involved in sporting and leisure activities.
2. A significant amount of new housing will be expected, and the City Council’s normal requirement for 50% on site affordable housing will be applicable. In addition all the proposed new dwellings will be expected to meet the Lifetime Homes standard, and at least 5% of all new dwellings must be either fully wheelchair accessible or easily adapted for full wheelchair use. Should the SPD have deviated from this then there would have been the potential for people on the housing register and for people with disabilities to have been disadvantaged.
3. The existing community centre is a popular facility. It is only one storey, so all facilities are on the ground floor. The SPD therefore provides clarity that the replacement facilities should be DDA compliant- otherwise there is a risk that people with disabilities would be disadvantaged.
4. The SPD expects a new health centre to be provided assuming local GPs are able to relocate. The existing surgeries that would be replaced are in converted dwellings and do not provide the easy access for wheelchair users and other groups that a modern, purpose-built facility would provide.

The SPD as drafted is considered to have had due regard to the Equality Act 2010.

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

No further changes are required.

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

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

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

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Lead officer responsible for signing off the EqIA:

Role:

Date:

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)
- 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 where relevant)