

## Appendix 3

### ESiF Bid: 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?

The project will aim to support people who are long term unemployed and furthest from the job market. This will include people with disabilities (physical and mental), refugees and asylum seekers and people who are homeless (or recently homeless). By providing services to people who are traditionally excluded from mainstream provision, the project will help to reduce inequalities in employment support provision in Oxford. However as the project can only support 345 participants, the project may have to turn down some people who come to it for help. In such an event people will be referred to help from alternative provision in the City. In addition all potential participants may benefit from the awareness raising campaign that will be undertaken, promoting the benefits of employing a more diverse workforce.

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

The project will lead to the establishment of a new employment service in Oxfordshire, promoting the benefits of employing people who often struggle to access work. An overview of the actions to be undertaken is provided in the main body of the report.

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 project proposal has been developed in consultation with a range of providers in the city, including the ones listed in Appendix One. If the proposal is successful in getting through Stage One, a second more detailed application will be developed in collaboration with the partner organisations. At this stage, insight will also be obtained from potential participants in the project.

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

The only adverse impact is in relation to the limited numbers that the project will be able to deal with. However anyone contacting people employed in the project, will at least be given some initial advice, and referred to an alternative provider for support.

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 requirements of European funding require data to be collected on all project participants, so there will be a detailed record of the range of people supported. A full time resource will be dedicated to the monitoring of the project.

Lead officer responsible for signing off the EqIA:

Role: Revenues & Benefits Programme Manager

Date: 7 September 2015

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)