

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 tackling and prevention of homelessness fits with our equality duties.

The Homelessness Reduction Act 2017 (HRA) received Royal Assent on 27 April 2017 and will place significantly increased duties on local housing authorities to prevent and relieve homelessness. It will amend the current duties Local Authorities have under the Housing Act 1996 (as amended)

The Act will have significant impact on service users since more people will be able to access advice and assistance and help to prevent and relieve homelessness.

It aims to ensure provision of new support to people who aren't entitled to help under the current system. It requires councils to try and prevent people from becoming homeless in the first place, intervening early and encouraging other public sector bodies to actively assist in identifying and referring those at risk of homelessness to the Council.

It is anticipated that under the new legislation potential case load will increase – DCLG estimate this will be approximately 28% but has the potential to be greater for Oxford City Council (at least 30% if not more). Reviews and appeals casework are also likely to increase.

More specialist staff resources will need to be available to respond to this increased demand, and more active homeless prevention casework for a larger customer base. Reviews and appeals casework are also likely to increase.

The Homelessness Reduction Act would have already been Equality Impact Assessed by the Government and any disadvantage to particular customer groups, as a consequence of such changes, would have already been identified.

It is anticipated that no one with a protected characteristic under the Equality Act 2010 will be placed at a disadvantage

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 Homelessness Reduction Act introduced new responsibilities that will impact upon the service that Oxford City Council and its partner agencies provide to tackle and prevent homelessness.

It is therefore a need to amend Options Team service delivery model and additional resources is needed in order to support the implementation of new duties introduced by the Homelessness Reduction Act 2017. This may involve the need to change some job roles, and additional staffing.

The proposed service changes and additional resources will ensure that the service has the structure, leadership and capacity to deliver corporate service priorities and provide support for key corporate projects and meet the new legal duties under HRA 2017

There is no evidence to suggest that different equality groups could be affected differently or be disadvantaged by the proposed changes.

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

Any changes suggested will have no anticipated negative consequence for the local communities. There will be no reduction in the service delivery.

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

No adverse impacts identified on any customer groups.

There is no anticipated adverse impact. The main risk is in not implementing the proposed service changes as there would be lack of capacity to deal with the challenges and legal duties the service is expected to deliver.

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

There is no evidence of a negative effect however monitoring will take place before and after to ensure that no equality group is disadvantaged

Key success of the proposed changes will be monitored through regular 1-2-1's with staff members and how well they will be performing against their new objectives.

Customer feedbacks will also be used to ensure the proposed service changes has addressed necessary customer service improvement

Monthly reviews of changes will be discussed and monitored within the Housing Needs Management Team meeting where any concerns can be raised and a review can be implemented if appropriate.

Lead officer responsible for signing off the EqIA: David Scholes

Role: Housing Strategy & Needs Manager

Date: 08.08.2017

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)