

## 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 8 protected characteristics defined under the Act. These protected characteristics are: **age, disability, race, gender reassignment, pregnancy and maternity, religion or belief, sex and/or sexual orientation.***

*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.*

*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->*

1. Which group (s) of people has been identified as being disadvantaged by your proposals? What are the equality impacts?

Culture Strategy – Review and consultation

The core dual aims of the strategy are the development of effective working partnerships and to increase the access (of residents living in the OX1 to OX4 postcodes) to high quality cultural experiences.

Recognising that the national and local climate of funding cuts across the arts sector represents a significant challenge, the Council proposes to act as a leader and facilitator to enable, develop, promote and celebrate cultural diversity.

The strategy will support the arts sector to remove current barriers to accessing a range of arts and cultural experiences. These barriers primarily revolve around socio economic (cost/ price) and social factors, e.g. possible historic perceptions of elitism and social distance from higher art forms or even events like the Oxford Literary Festival.

Statistics are available from DCMS and the Arts Council that indicate where some of the gaps are in terms of underrepresented groups accessing the arts.

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 draft strategy, led by the Council on behalf of the Cultural Action Group (a partnership involving organisations funded by the Arts Council and Oxford City Council), will link in directly with the demography of the City and focus on levels of disadvantage using joined up partnership working to play a role in social regeneration.

It is intended that additional groups will in time also join the Cultural Action Group (e.g. Old Fire Station, Film Oxford and The Arts Council of England) in order that the available flow of financial support can be managed in the most effective and innovative way.

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 draft Culture Strategy is a proposal for initial approval by elected members before going out to consultation for a standard four week period from (provisionally) 9<sup>th</sup> April. The structure and content of the consultation will be determined by comments from members and the input of specialist arts officers and the Council's own consultation team. As the strategy will be heavily reliant on partnership working this will have to be factored into the consultation processes.

The main areas likely to form the basis for the consultation will be around access, perceptions and opportunities (what residents would like to see).

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

It is difficult to anticipate any adverse impacts as the rationale behind the strategy is to increase access and remove barriers to involvement in arts activities/ events. The key adverse impact

The Council has implemented a number of initiatives to offset access issues. These have included subsidised ticket schemes of up to 50% for U26 year olds as part of the national "Good Night Out" programme.

Workshop Clubs have targeted NEETs and been run by the Pegasus Theatre, while a dedicated City Dance Development Officer (although a part time resource) has set up and extended funding for over 50s dance projects.

The City will use its strengths in community engagement and cohesion to develop outreach programmes and will use available grant support to enable other partners to facilitate activities.

A broader goal will be to resurrect inclusive city wide community events like a summer "mela" and to establish "cultural" apprenticeships within the Council (potentially co funded by other partners).

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

Targets to improve access will be developed and benchmarked against achievements to date in the previous strategy including targets about increasing engagement and improving value for money. The Culture Strategy will be reviewed on an annual basis and will take place at the end of each financial year end.

Lead officer responsible for signing off the EqIA: Jarleth Brine

Role: Equalities Officer

Date: 19<sup>th</sup> March 2012

Note, please consider & include the following areas:

- Summary of the impacts of any individual policies
- Specific impact tests (e.g. statutory equality duties,)
- 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