

## Budget 2014-15 Equality Impact Assessments (EIAs) for Impacts on Service-Users: Process, Assessment and Planned Actions

### Summary

The council is legally required (in the Equality Act 2010) to evidence how it has rigorously considered its equality duties in its budget-setting process. To achieve this, Equality Impact Assessments (EIAs) have been completed on all budget proposals with a potential impact on service-users related to their legally protected characteristics. Potential impacts on staff will also be considered.

Impacts are identified and mitigating actions proposed, where possible. All EIAs are available in Appendix 8 and should be considered alongside the relevant proposal.

This document explains the EIA process and identifies the cumulative impacts, across all the proposals, and overall mitigating actions which will need to be taken. At this stage, significant impacts across multiple proposals have been identified on the following groups:

- Disability
- Age – older and younger people
- Gender - women
- Child Poverty

The most important impacts and/or mitigating actions at this stage are:

Reducing additional support to meet needs, but statutory provision is maintained.

Where changes to services to individuals are needed, assessments will be used to identify specific needs.

Making commissioning more efficient and cost effective to maintain quality while targeting services better.

Communicating changes to all stakeholders, effectively and appropriately

Reducing funding for some mainstream/open activities and focusing on targeted priority groups.

Pressures on Third Sector (CVS) from multiple proposals and national context

Cumulative impact of increasing and/or introducing fees and charges, but exemptions and concessions are planned.

Where impacts are identified, there are plans for further consultation with stakeholders on how changes are implemented.

Closer and more efficient partnership working to fill gaps and to increase efficiency

Encouraging residents to volunteer and take over some activities, which has both benefits and risks.

Ongoing local impacts of national changes to the welfare system, combined with rising living costs impact some groups more severely than others.

'Channel Shift' encourages online access to services, but unless carefully planned can exclude some groups.

Full details of all impacts and actions are below.

## **1. Introduction**

- 1.1** This report describes the process of Equality Impact Assessment (EIA) made on the budget proposals for 2015/16 and analyses the findings. The council has legal duties under the Equality Act 2010 to consider the needs of diverse people in our budget-setting processes and address negative impacts where possible.
- 1.2** Budget EIAs evidence how the council is meeting this duty. EIAs are available in Appendix 8.
- 1.3** This report describes:
- the council's legal duties in the budget-setting process (section 2);
  - the national and local context (sections 3 and 4);
  - the council's approach to and aims in EIA as part of decision-making (section 5);
  - which legally protected groups (staff and service-users) are identified at this stage as potentially experiencing disproportionate impacts, cumulatively from proposals (section 6);
  - council-wide cumulative impacts on service-users identified at this stage and the over-arching actions which will be needed to mitigate negative impacts and maximise positive impacts (section 7).

## **2. Our legal duties**

- 2.1** Under the equality duty set out in the Equality Act 2010, public authorities must have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity, and to foster good relations between people who share a protected characteristic and those who do not.
- 2.2** The protected groups covered by the equality duty are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnerships (only in respect of eliminating unlawful discrimination). Assessment has also been included of impacts and actions in relation to child poverty.
- 2.3** The law requires that public authorities demonstrate that they have paid conscious and rigorous attention to the equality duty aims in their decision-making.
- 2.4** By law, our assessments of impact on equality must:
- Contain enough information to enable a public authority to demonstrate it has had 'due regard' to the aims of the equality duty in its decision-making
  - Consider ways of mitigating or avoiding any adverse impacts.

Our Budget EIA process meets these requirements.

- 2.5** The Public Sector Equality Duty (PSED) does not prevent councils from making difficult decisions such as reorganisations and relocations, redundancies, and service reductions, nor does it prevent decisions which may affect one group more than another group.
- 2.6** The duty does enable public bodies to demonstrate that they are making financial decisions in a fair, transparent and accountable way. This involves considering the needs and the rights of different members of the community, how impacts will affect them and mitigating negative impacts as fully as possible.
- 2.7** Nationally, there have been a number of successful legal challenges to funding decisions because public authorities have failed to show such consideration. In such cases, the public authority may have to start the decision-making process again, with improved consultation and evidence-gathering to identify the impact on particular groups.

*“Even when the context of decision-making is financial resources in a tight budget, that does not excuse compliance with the PSEDs [Public Sector Equality Duties], and there is much to be said for the proposition that even in straitened times the need for clear, well informed decision-making when assessing the impacts on less advantaged members of society is as great, if not greater.”*

Blake J in R (Rahman) v Birmingham City Council  
[2011] EWHC 944 (Admin)

### **3. National context**

- 3.1** The budget proposals are being developed within the context of ongoing reduced public funding to local government.
- 3.2** Key national issues that may have an equalities impact include:
- austerity measures which are resulting in reductions in public expenditure across most of public services;
  - the national welfare reforms; and
  - reforms to adult social care and health.

### **4. Local context**

- 4.1** The council’s corporate priorities are detailed in the [Corporate Plan](#):
- Tackling inequality;
  - Creating a more sustainable city;
  - Engaging people who live and work in the city;
  - Modernising the Council.

#### **4.2** Relevant local priorities and context includes:

- Substantial proactive work to support financial inclusion;
- A collaborative approach across the council to help mitigate the impacts of welfare reform where possible;
- Close partnership working across social care and health both for children's services and adults'; and
- A strong focus on improving educational attainment and opportunities for access to employment for our young people.

### **5. Brighton & Hove City Council Approach and Process**

**5.1** The council uses a Budget EIA process to identify the main potential disproportionate impacts arising because of people's protected characteristics and on child poverty. Where relevant they draw on existing service EIAs.

**5.2** The aims of an Equality Impact Assessment become especially important at times of straitened budgets, enabling us to:

- think about what the council is trying to achieve;
- consider what impact the decision will have on different groups;
- target resources to those who are most vulnerable;
- fund services which respond to people's diverse needs;
- save money by getting it right first time.

**5.3** Service leads completed EIAs on budget proposals where the proposed changes potentially impact on service provision. The document presented to Members lists all the disproportionate impacts on groups because of their protected characteristic. It also identifies the planned actions to mitigate negative impacts.

**5.4** A consultation event will be held in December with community and voluntary sector groups, hosted by Community Works, and feedback will either be incorporated into the relevant EIA and/or be responded to directly by managers.

**5.5** All the EIAs have been reviewed by the Communities, Equality and Third Sector Team and discussed by the Executive Leadership Team to consider overall impacts and ensure consistency.

**5.6** The Human Resources team will be assessing the equalities impacts on staff which are known at this stage and EIA templates will be completed for all proposals affecting staff. This process will continue through staff consultation processes to enable staff to raise specific or additional issues.

**5.7** Since the equality duty is a continuing duty which must be complied with when implementing and reviewing a decision, assessment of equality impacts and responses to them will continue after budget decisions are agreed. Data from these EIAs will also be shared with relevant managers, to enable them to

identify the best ways to implement the decisions to minimise negative or disproportionate impacts on legally protected and socially excluded groups.

## **6. Impacts identified across all proposals**

- 6.1** The EIA process and consultation have been based on identifying whether or not impacts are likely to be different for a person because of their protected characteristic (with a focus on where impacts may be worse) and if so, list the proposed mitigating actions
- 6.2** There has also been an overall assessment of:
- the impact of funding changes from one service on another across the council (cumulative impacts);
  - consideration of what mitigating actions can be taken, and how we can monitor, evaluate and take action on impacts which may occur.
- 6.3** The overall assessment is that there is no evidence across the EIAs of discrimination in the Budget proposals.
- 6.4** However, the EIAs do highlight concerns about the council's ability to achieve our Corporate Plan objective of 'tackling inequality' in service delivery and particular attention has been given in relation to the impact of proposals on disabled staff. Therefore we have identified key activities to ensure continued progress against this aim. More details are below.

## **7. Service-Users: Identified Cumulative Impacts and Proposed Mitigating Actions**

- 7.1** The EIA template highlights where officers identify a cumulative impact linked to other services or the wider local/national context. The Communities, Equality and Third Sector team has also considered all the EIAs to assess where groups may be impacted by more than one change across the council.
- 7.2** Impacts are identified across a number of budget proposals for the following protected characteristics:
- Disability
  - Age – older and younger people
  - Gender - women
  - Child poverty
- 7.3** These are the result of proposed changes to a number of services targeted towards these groups. Specific actions to mitigate impacts arising from each proposal are defined within the relevant EIAs. In addition council-wide mitigating actions are detailed below.

## **7.4 Cumulative impacts and proposed mitigating actions identified from EIAs:**

- 7.4.1 Statutory provision:** Services will maintain this to protect the most vulnerable, but there is likely to be reduction in support for some people with resulting impacts on their care, independence and support, and consequent impacts on their carers.
- 7.4.2 Assessments:** Services which use assessments will ensure that these are used before any changes are made, so specific needs can be targeted and efficient and effective services provided. This also requires communication of this process to service-users, carers and relevant Community and Voluntary Sector groups.
- 7.4.3 Commissioning:** Making this more efficient and cost effective to maintain quality while targeting services better. In order to ensure compliance with the equality duty, equalities requirements must be built into commissioning processes and contracts to ensure that diverse needs are appropriately identified, addressed and monitored.
- 7.4.4 Communicating Changes:** Ensuring that service-users, carers, families, relevant CVS groups and other partners are aware of changes so that transitions, especially for the most vulnerable, are understood and managed as well as possible. All groups must receive information in ways which are appropriate and accessible.
- 7.4.5 Priority Groups:** Funding is reducing for some mainstream/open activities, while there is an increased focus on targeted priority groups and earlier interventions. This often builds on work done previously to widen mainstream activities to make them more accessible and inclusive for everyone. This approach requires that equalities monitoring and knowledge of communities is extremely robust so that changes in the city and/or need are identified and addressed.
- 7.4.6 Pressures on Third Sector (CVS):** Proposals include reductions in the Discretionary Grant programme and commissioning (including infrastructure support), and reductions in charitable rate relief. All of these proposals combine within a wider context of reducing national funding and increasing demand for CVS services. The combined impacts will be considerable.
- 7.4.7 Fees and Charges:** A number of proposals involve increasing fees/charges and/or charging for previously free services. Though often the increase in each charge is small, the cumulative impact for people affected by multiple increases can be significant. This can have a specific impact on people who are already struggling financially. This is clearly an issue of poverty, but also affects the legally protected characteristics of gender (95% of lone parents are women and women are more likely to be in part-time or lower paid work), disability (though some EIAs offer some protections to disabled people, their carers may still experience additional costs), and ethnicity (some BME communities are more likely to experience poverty). Services are planning to

use exemptions and concessions to reduce impacts on people who will experience most disadvantage/exclusion.

- 7.4.8 Consultation:** A number of EIAs propose further consultation on how their proposals are implemented. These must ensure that the views of all affected groups are taken into account and opportunities are created in the consultation process for diverse communities to participate. Results of the consultations and agreed changes must be widely advertised.
- 7.4.9 Partnership Working:** Closer and more efficient partnerships internally between council services and also with outside statutory and CVS partners is proposed to fill gaps and to increase efficiency. For many services, this approach will build on existing strong working relationships. It will require creative approaches to joint working, and sharing information and practices, and possibly funding.
- 7.4.10 Volunteering:** Some proposals plan to encourage residents to volunteer and take over some activities. This supports a community empowerment approach and recognises the value of community assets (physical resources and skills/time). However, not all communities have equal assets or the ability to mobilise them without (at least initial) support. Equally, groups which take on the role of providing community services must ensure that they remain open, accessible and inclusive to all the diverse communities eligible to use them – or risk excluding people and damaging community cohesion.
- 7.4.11 Welfare Reform:** Ongoing national changes to the welfare system and an overall reduction of that budget have required significant changes locally. The impact has been that many claimants have experienced reductions in benefits received or no inflationary increases, within a context of rising living costs (utilities and food prices) and high housing costs relative to income. Some groups experience these pressures more severely than others.
- 7.4.12 ‘Channel Shift’:** Some proposals are encouraging service-users to access services online, providing the opportunity for significant cost savings for the council and greater convenience for some residents. However, some groups are less likely to have access to ICT at home, or lack the skills to access services online. Where proposals include ‘channel shift’, this must be matched by an ongoing commitment to provide face-to-face contact for people who still require it, and to use some of the resource savings to fund this.

## **7.5 Other mitigating actions**

- 7.5.1** It is important to note that existing council equalities approaches such as Equality Impact Assessment and actions from the council’s Equality and Inclusion Policy will be a critical part of minimising or avoiding negative impacts on specific groups protected in law. Also, needs assessments and actions from them (such as the Joint Strategic Needs Assessment, current work focused on Black and Minority Ethnic communities and the Trans

community) will enable better understanding of communities and their access to and outcomes from services, helping us to identify and respond to needs more effectively.

**7.5.2** Regular equalities monitoring and analysis to evaluate trends and identify actions, and robust equality impact assessment which actively engages stakeholders are fundamental to meeting our legal duties and corporate commitments. Senior managers will continue to have responsibility for overseeing this as decisions are made and service changes take place.