

Equality Impact and Outcome Assessment (EIA)

EIAs make services better for everyone and support value for money by getting services right first time.

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users¹. They analyse how all our work as a council might impact differently on different groups². They help us make good decisions and evidence how we have reached these decisions³.

See end notes for full guidance. Either hover the mouse over the end note link (eg: Age¹³) or use the hyperlinks ('Ctrl' key and left click).

For further support or advice please contact:

- **BHCC: Communities, Equality and Third Sector Team on ext 2301**
- **CCG: Engagement and Equalities team (Jane Lodge/Debbie Ludlam)**

1. Equality Impact and Outcomes Assessment (EIA)

First, consider whether you need to complete an EIA, or if there is another way to evidence assessment of impacts, or that an EIA is not needed⁴.

Title of EIA⁵	Minor amendments to the existing Allocations Policy aimed at better meeting the needs of disabled households.	ID No.⁶	HNC79
Team/Department⁷	Housing Needs – Housing, Neighbourhoods and Communities Directorate		
Focus of EIA⁸	Minor amendments to the existing Allocations Policy (i.e., the policy on which persons get priority for social housing) are proposed with the aim of reducing the potential disadvantage faced by disabled applicants in the Transfer queue in the existing Allocations Policy. The proposed changes are set out in the Housing Committee Report by Luke Harris dated 15 November 2023.		

2. Update on previous EIA and outcomes of previous actions⁹

What actions did you plan last time? (List them from the previous EIA)	What improved as a result? What outcomes have these actions achieved?	What further actions do you need to take? (add these to the Action plan below)
The Equality Impact Assessment from when the Allocations Policy was introduced in 2016 did not assess the impact of the queuing system on the disabled nor the impact of the allocation of accommodation to queues on the disabled.	N/A	Identify and take steps to address the disadvantage to the disabled applicants in the transfer queue. Assess whether these changes are likely to have any impact on other groups.

3. Review of information, equality analysis and potential actions

Groups to assess	What do you know ¹⁰ ? Summary of data about your service-users and/or staff	What do people tell you ¹¹ ? Summary of service-user and/or staff feedback	What does this mean ¹² ? Impacts identified from data and feedback (actual and potential)	What can you do ¹³ ? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Age ¹⁴		N/A	<i>No actual or potential disproportionate impacts are predicted to occur to any age groups as a result of the recommended amendments to the Allocations Policy.</i>	N/A

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		<i>with both disabled and non-disabled applicants in the homeless queue. In the transfer queue, applicants with a Mobility Group coding are competing against a higher proportion of disabled applicants for a smaller number of properties.</i>	<i>disadvantage is not one which would be faced by applicants who are not disabled. The current policy does not permit applicants with a Mobility Group coding to be given additional priority over other applicants with a similar need for properties which are not mobility classified, but have the potential to be adapted. This may put disabled applicants at a disadvantage where they have needs with regard to factors such as location or a</i>	

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			<i>number of bedrooms, but no mobility classified properties are available which meet these needs.</i>	
Pregnancy and maternity¹⁶	48.09% of live applicants are households with children (2,338 of 4,862)	N/A	<i>No actual or potential impacts are predicted to occur to this group because of the recommended amendments to the Allocations Policy.</i>	N/A

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(blank)	609	12.53%																																
Total	4,862	100.00%																																
Community Cohesion ²⁰	<i>There are many more disabled households on the transfer queue than other queues.</i>	<i>In the transfer queue, applicants with a Mobility Group coding are competing against a higher proportion of disabled applicants for a smaller number of properties.</i>	<i>We predict that the proposed recommended amendments to the Allocations Policy will have a positive impact on mobility classified disabled households on the transfer queue, as they will be more likely to access properties which meet their needs. Any potential</i>	<i>Approve the proposed amended change.</i>																														

Groups to assess	<p>What do you know¹⁰? Summary of data about your service-users and/or staff</p>	<p>What do people tell you¹¹? Summary of service-user and/or staff feedback</p>	<p>What does this mean¹²? Impacts identified from data and feedback (actual and potential)</p>	<p>What can you do¹³? All potential actions to:</p> <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
			<p><i>adverse impact on disabled and non-disabled households in other queues facing greater competition is anticipated to be small and will be far outweighed by the substantial reduction in disadvantage to mobility classified disabled applicants in the transfer queue.</i></p>	
<p>Other relevant groups²¹</p>	<p>Homeless - 31.59% (1,536 of 4,862) of applicants on the Housing Register are in the 'Homeless' category. Care Leavers - 0.84% (41 of 4,862) of applicants on the Housing Register are care leavers. Armed Forces - 0.06% (3 of 4,862)</p>	<p><i>We have received feedback that disabled mobility classified applicants in the transfer queue will, by nature of their current accommodation being</i></p>	<p><i>The proposed changes to the Allocations Policy will likely have a positive impact on mobility classified disabled households intersectionally on the transfer queue,</i></p>	<p><i>Approve the proposed amended change.</i></p>

Groups to assess	What do you know¹⁰? Summary of data about your service-users and/or staff	What do people tell you¹¹? Summary of service-user and/or staff feedback	What does this mean¹²? Impacts identified from data and feedback (actual and potential)	What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
		<p><i>unreasonable to occupy in the long term due to its unsuitability for their mobility needs, be homeless according to the definition in section 175(3) of the Housing Act 1996. Under the existing policy, applicants are only allowed to be in one queue. This means that disabled mobility transfer applicants must choose which queue to be a part of, and then cannot bid for properties which are not in their queue.</i></p>	<p><i>as they will be more likely to access properties from other queues which meet their needs. We predict that the proposed recommended amendments to the Allocations Policy may have a very small negative impact on homeless mobility classified households on the homeless queue, as they will face greater competition than previously. Any potential adverse impact on homeless mobility classified households in the homeless queue</i></p>	

Groups to assess	What do you know¹⁰? Summary of data about your service-users and/or staff	What do people tell you¹¹? Summary of service-user and/or staff feedback	What does this mean¹²? Impacts identified from data and feedback (actual and potential)	What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
			<i>facing greater competition is anticipated to be small and will be far outweighed by the substantial reduction in disadvantage to mobility classified disabled applicants in the transfer queue.</i>	
Cumulative impact²²	<i>The cumulative impact has been considered in the rows above.</i>	<i>The cumulative impact has been considered in the rows above.</i>	<i>The cumulative impact has been considered in the rows above.</i>	<i>The cumulative impact has been considered in the rows above.</i>
Assessment of overall impacts and any further recommendations²³				
<i>For the reasons given above, the proposed amendment to the Allocations Policy will greatly reduce the disadvantage to disabled mobility classified applicants in the transfer queue and the reduction to the disadvantage to this group will greatly outweigh the impact of groups from other queues facing slightly greater competition for social housing as a result of this proposed change. This weight is particularly pertinent when one bears in mind that compliance with the public sector equality duty may require disabled persons to be treated differently than non-disabled persons in order to create equity, advance the equality of opportunity and access, and reduce substantial disadvantage to a disabled group.</i>				

Groups to assess	What do you know¹⁰? Summary of data about your service-users and/or staff	What do people tell you¹¹? Summary of service-user and/or staff feedback	What does this mean¹²? Impacts identified from data and feedback (actual and potential)	What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
<i>No data is held on the following protected characteristics of gender reassignment of Housing Register applicants. This data should be gathered. However, it is not predicted that the proposed amendment will be likely to have a disproportionate impact on this group.</i>				

4. List detailed data and/or community feedback that informed your EIA

Title (of data, research or engagement)	Date	Gaps in data	Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)
<i>Data on protected characteristics of Housing Register applicants</i>	<i>Nov 2022 and Oct 2023</i>	<i>Gender reassignment</i>	<i>Gather data on gender reassignment by December 2024.</i>
<i>Feedback on the impact of the current Allocations Policy on a mobility classified disabled applicant in the transfer queue</i>	<i>September 2023</i>	<i>None</i>	<i>N/A</i>

5. Prioritised Action Plan²⁴

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				
<p><i>Disadvantage to mobility classified disabled applicants in the transfer queue, outlined in this Equality Impact Assessment.</i></p>	<p><i>Proposal to amend the Allocations Policy, outlined in this EIA and committee report in November 2023.</i></p> <p><i>Continue data analysis and data-informed change as appropriate to assess policy change impact and outcomes based on intersectional data analysis post implementation.</i></p>	<p><i>Amendment agreed by committee and adopted, which will reduce the disadvantage to mobility classified disabled applicants in the transfer queue.</i></p> <p><i>Expected change and equity creation evidence based on future post-implementation data analysis.</i></p>	<p><i>Removal of the disadvantage faced by mobility classified disabled applicants in the transfer queue.</i></p> <p><i>Intersectional data insights for disabled applicants indicate positive changes and benefits predicted.</i></p>	<p><i>Amendment adopted by 20 November 2023.</i></p> <p><i>Data insights and intersectional change assessment carried out within 2 years of the policy amendment.</i></p>

EIA sign-off: (for the EIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

Staff member completing Equality Impact Assessment: Luke Harris **Date:** 18/10/2023

Directorate Management Team rep or Head of Service/Commissioning: Harry Williams **Date:** 20/10/2023

CCG or BHCC Equality lead: Sabah Holmes **Date:** 18/10/2023

Guidance end-notes

¹ The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- **Knowledge:** everyone working for the council must be aware of our equality duties and apply them appropriately in their work.
- **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
- **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and influence the process.
- **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
- **No delegation:** the council is responsible for ensuring that any contracted services which provide services on our behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice. It is a duty that cannot be delegated.
- **Review:** the equality duty is a continuing duty. It applies when a policy is developed/agreed, and when it is implemented/reviewed.
- **Proper Record Keeping:** to show that we have fulfilled our duties we must keep records of the process and the impacts identified.

NB: Filling out this EIA in itself does not meet the requirements of the equality duty. All the requirements above must be fulfilled or the EIA (and any decision based on it) may be open to challenge. Properly used, an EIA can be a tool to help us comply with our equality duty and as a record that to demonstrate that we have done so.

² Our duties in the Equality Act 2010

As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people in relation to their 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, those groups' vulnerability, and how serious any potential impacts might be. We use this EIA template to complete this process and evidence our consideration.

The following are the duties in the Act. You must give 'due regard' (pay conscious attention) to the need to:

- **avoid, reduce or minimise negative impact** (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- **advance equality of opportunity.** This means the need to:
 - Remove or minimise disadvantages suffered by people due to their protected characteristics
 - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
 - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low
 - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **foster good relations between people who share a protected characteristic and those who do not.** This means:
 - Tackle prejudice
 - Promote understanding

³ EIAs are always proportionate to:

- The size of the service or scope of the policy/strategy
- The resources involved
- The numbers of people affected
- The size of the likely impact
- The vulnerability of the people affected within the context

The greater the impacts, the more thorough and demanding the process required by the Act will be.

⁴ **When to complete an EIA:**

- When planning or developing a new service, policy or strategy
- When reviewing an existing service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the city (eg: a change in population), or at a national level (eg: a change of legislation)

Assessment of equality impact can be evidenced as part of the process of reviewing or needs assessment or strategy development or consultation or planning. It does not have to be on this template, but must be documented. Wherever possible, build the EIA into your usual planning/review processes.

Do you need to complete an EIA? Consider:

- Is the policy, decision or service likely to be relevant to a specific group or groups (eg: older people)?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

⁵ **Title of EIA:** This should clearly explain what service / policy / strategy / change you are assessing

⁶ **ID no:** The unique reference for this EIA. If in doubt contact your CCG or BHCC equality lead (see page 1)

⁷ **Team/Department:** Main team responsible for the policy, practice, service or function being assessed

⁸ **Focus of EIA:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

- What are the main aims or purpose of the policy, practice, service or function?
- Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.
- How does it fit with other services?
- Who is affected by the policy, practice, service or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
- What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes or improvements, and what should the benefits be?
- What do existing or previous inspections of the policy, practice, service or function tell you?
- What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make these clear.

⁹ **Previous actions:** If there is no previous EIA or this assessment if of a new service, then simply write 'not applicable'.

¹⁰ **Data:** Make sure you have enough data to inform your EIA.

- What data relevant to the impact on specific groups of the policy/decision/service is available?¹⁰
- What further evidence is needed and how can you get it? (Eg: further research or engagement with the affected groups).
- What do you already know about needs, access and outcomes? Focus on each of the groups identified above in turn. Eg: who uses the service? Who doesn't and why? Are there differences in outcomes? Why?
- Have there been any important demographic changes or trends locally? What might they mean for the service or function?
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any groups?
- Do any equality objectives already exist? What is current performance like against them?
- Is the service having a positive or negative effect on particular people in the community, or particular groups or communities?
- Use local sources of data (eg: JSNA: <http://www.bhconnected.org.uk/content/needs-assessments> and Community Insight: <http://brighton-hove.communityinsight.org/#>) and national ones where they are relevant.

¹¹ **Engagement:** You must engage appropriately with those likely to be affected to fulfil the equality duty.

- What do people tell you about the services?
- Are there patterns or differences in what people from different groups tell you?
- What information or data will you need from communities?
- How should people be consulted? Consider:
 - (a) consult when proposals are still at a formative stage;
 - (b) explain what is proposed and why, to allow intelligent consideration and response;
 - (c) allow enough time for consultation;
 - (d) make sure what people tell you is properly considered in the final decision.
- Try to consult in ways that ensure all perspectives can be considered.
- Identify any gaps in who has been consulted and identify ways to address this.

¹² Your EIA must get to grips fully and properly with actual and potential impacts.

- The equality duty does not stop decisions or changes, but means we must conscientiously and deliberately confront the anticipated impacts on people.
- Be realistic: don't exaggerate speculative risks and negative impacts.
- Be detailed and specific so decision-makers have a concrete sense of potential effects. Instead of "the policy is likely to disadvantage older women", say how many or what percentage are likely to be affected, how, and to what extent.
- Questions to ask when assessing impacts depend on the context. Examples:
 - Are one or more groups affected differently and/or disadvantaged? How, and to what extent?
 - Is there evidence of higher/lower uptake among different groups? Which, and to what extent?
 - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
 - If there is negative differential impact, how can you minimise that while taking into account your overall aims
 - Do the effects amount to unlawful discrimination? If so the plan must be modified.
 - Does the proposal advance equality of opportunity and/or foster good relations? If not, could it?

¹³ Consider all three aims of the Act: removing barriers, and also identifying positive actions we can take.

- Where you have identified impacts you must state what actions will be taken to remove, reduce or avoid any negative impacts and maximise any positive impacts or advance equality of opportunity.
- Be specific and detailed and explain how far these actions are expected to improve the negative impacts.
- If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
- An EIA which has attempted to airbrush the facts is an EIA that is vulnerable to challenge.

¹⁴ **Age:** People of all ages

¹⁵ **Disability:** A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The definition includes: sensory impairments, impairments with fluctuating or recurring effects, progressive, organ specific, developmental, learning difficulties, mental health conditions and mental illnesses, produced by injury to the body or brain. Persons with cancer, multiple sclerosis or HIV infection are all now deemed to be disabled persons from the point of diagnosis.

¹⁶ **Pregnancy and Maternity:** Protection is during pregnancy and any statutory maternity leave to which the woman is entitled.

¹⁷ **Race/Ethnicity:** This includes ethnic or national origins, colour or nationality, and includes refugees and migrants, and Gypsies and Travellers. Refugees and migrants means people whose intention is to stay in the UK for at least twelve months (excluding visitors, short term students or tourists). This definition includes asylum seekers; voluntary and involuntary migrants; people who are undocumented; and the children of migrants, even if they were born in the UK.

¹⁸ **Religion and Belief:** Religion includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief.

¹⁹ **Sexual Orientation:** The Act protects bisexual, gay, heterosexual and lesbian people

²⁰ **Community Cohesion:** What must happen in all communities to enable different groups of people to get on well together.

²¹ **Other relevant groups:** eg: Carers, people experiencing domestic and/or sexual violence, substance misusers, homeless people, looked after children, ex-armed forces personnel, people on the Autistic spectrum etc

²² **Cumulative Impact:** This is an impact that appears when you consider services or activities together. A change or activity in one area may create an impact somewhere else

²³ **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy.
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

²⁴ **Action Planning:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.

