

Equalities Impact Assessment

Camden Council

What is an Equality Impact Assessment?

An Equality Impact Assessment (“EIA”) is a way of analysing a proposed organisational policy or decision to assess its effect on people with protected characteristics covered by the Equality Act 2010*. To meet the Council’s statutory duty the EIA should also address issues of advancing opportunities and fostering good relations between different groups in the community.

It is essential that you start to think about the EIA process before you develop any new activity or make changes to an existing activity (such as a change of policy or formal decision). This is because the EIA needs to be integral to service improvement rather than an ‘add-on’. If equality analysis is done at the end of a process it will often be too late for changes to be made.

The courts place significant weight on the existence of some form of documentary evidence of compliance with the Public Sector Equality Duty* when determining judicial review cases. Having an EIA as part of the report which goes to the decision makers and making reference to the EIA within that report helps to demonstrate that we have considered our public sector equality duty and given “due regard” to the effects the decision will have on different groups.

The EIA must be considered at an early stage of the formation of a policy/decision and inform its development, rather than being added on at the end of the process. The EIA form should be completed and updated as the policy / decision progresses and reviewed after the policy or change has been implemented.

If a staff restructure or organisational change is identified as necessary following the review of an activity then an EIA needs to be completed for both stages of the process, i.e. one when the activity is reviewed and one when the restructure or organisational change is undertaken.

Please note all sections must be completed. However the obligation is to have due regard and it may be that while an issue requires the completion of an EIA, the matters at hand may not lend themselves to some of the obligations, for example fostering good relations. As long as this has been properly considered it is legitimate to conclude that this cannot be applied in a particular case.

Name of proposed decision/policy being reviewed:

Cabinet Report - Settlement and Indemnity Agreement with HS2 Ltd. for mitigating impacts of HS2 works on Cartmel, Coniston and Langdale (SC/2023/08)

Explanatory Notes

What is our Public Sector Equality Duty (PSED)

Under section 149 of the Equality Act 2010 (the Act/ EqA 2010) all public authorities must, in the exercise of their functions, have 'due regard' to the need to:

1. Eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act (s149(1)(a));
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (s149(1)(b)); This involves having due regard to the need to:
 - o remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - o take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it (section 149(4)); and
 - o encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
(Section 149(3), EqA 2010.)
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (section 149(1)(c)). This involves having due regard, in particular, to the need to tackle prejudice and promote understanding (section 149(5), EqA 2010).

Section 149(6) makes it clear that compliance with the duties in section 149(1) may involve treating some people more favourably than others, but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the Act (this includes breach of an equality clause or rule or breach of a non-discrimination rule (section 149(8)).

Section 146(4) states that the steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take into account of disabled persons' disabilities.

Under the Duty the relevant protected characteristics are: Age, Disability, Gender reassignment, Pregnancy and maternity, Race, Religion or belief, Sex, Sexual orientation.

- In respect of the first aim only i.e. reducing discrimination, etc. the protected characteristic of marriage and civil partnership is also relevant.
- In meeting the needs of disabled people we have a duty to take account of their disability and

make reasonable adjustments to our services and policies where appropriate. Under s29 of the Act a person (a "service-provider") concerned with the provision of a service to the public or a section of the public (for payment or not) must not discriminate against a person requiring the service by not providing the person with the service. In addition, a person must not, in the exercise of a public function that is not the provision of a service to the public or section of the public, do anything that constitutes discrimination, harassment or victimisation.

- We must be able to demonstrate that we have considered and had due regard to all three parts of this duty. We must also look for anything that directly or indirectly discriminates.

What do we mean by "due regard"?

- This is not a question of ticking boxes, but should at the heart of the decision-making process.
- decision-makers must be made aware of their duty to have due regard – so understand the legal requirements on them;
- There should be an analysis of the data – who is this going to affect and how will it put against the legal requirements
- We need to have thought about these duties both before and during consideration of a particular policy and we need to be able to demonstrate that we have done so
- The Duty is "non-delegable" so it is for the decision maker themselves to consider with assistance from the report and officer analysis. What matters is what he or she took into account and what he or she knew so it is important to have the relevant papers accompanying the report. The report should make explicit reference to the EIA. the duty is continuing so while this guide is aimed at the point of decision we should at appropriate points review our duties against the decision/policy
- The decision maker must assess the risk and extent of any adverse impact and the ways in which such risk may be mitigated before the adoption of a proposed policy or decision has been taken
- Officers reporting to or advising decision makers must not merely tell the decision maker what he/she wants to hear but need to be "rigorous in both enquiring and reporting to them"
- The duty should be reconsidered if new information comes to light

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What is due regard? In my view, it is the regard that is appropriate in all the circumstances. These include on the one hand the importance of the areas of life of the members of the disadvantaged ... group that are affected by the inequality of opportunity and the extent of the inequality; and on the other hand, such countervailing factors as are relevant to the function which the decision-maker is performing"

Lord Justice Dyson

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We need to take a sensible and proportionate approach to this based on the nature of the decision or policy being reviewed

Question 1: What is changing and why? If the issue is going for decision, e.g. at Cabinet meeting, what are the decision makers being asked to decide? If you are reviewing a policy what are its main aims? How will these changes affect people?

The Council's Cabinet is being asked to approve a funding agreement with HS2 Ltd. that provides funding to help secure tenants and leaseholders to move away from 3 blocks on Regents Park Estate that are directly affected by HS2 construction works, to the extent that the Council's Cabinet has described them as 'virtually uninhabitable'. The Cabinet is also being asked to approve a re-housing scheme, that sets out the compensation arrangements for tenants and leaseholders as if this were happening under statutory arrangements, an update to the local lettings plan to enable secure tenants to move more easily. It also includes developing a shared equity offer for leaseholders who may have challenges in finding alternative accommodation, and approves starting an options appraisal to understand the long term future of the buildings.

What are its main aims?

The lives of residents living in Cartmel, Coniston and Langdale on Regents Park Estate have historically been and continue to be disrupted by High Speed 2 (HS2) construction works, to the extent that the homes of residents living in these blocks have been made 'virtually uninhabitable'.

After several years of campaigning and action by the Council, a funding deal has now been secured with HS2 Ltd. to cover the full costs of decant to Coniston, Cartmel and Langdale, for both secure tenants and leaseholders. HS2 Ltd. and DfT have approved this funding deal through their own governance processes and have confirmed to the Council on 21st September 2022 that it had agreed a deal in principle.

The main aims of the proposals are to enable affected tenants and leaseholders to move away from the construction works.

The protected group characteristics comprise the following: Age; Disability; Gender reassignment; Pregnancy and Maternity; Marriage and Civil Partnership; Race; Religion/Belief; Sex; and Sexual Orientation.

How will these changes affect people?

The consultation with residents showed that the HS2 construction works were having a damaging impact on residents health, mental wellbeing and their lives. This proposal will enable residents to move from the three blocks most affected, into better accommodation and in locations less affected by the HS2 works. The Council will support residents and leaseholders to move and find alternative accommodation. The shared equity recommendation will enable the Council to support resident leaseholders who may not be able to secure accommodation in the immediate area, due to financial constraints. Re-housing is not mandatory at this stage and residents can choose to remain where they are.

Private rented tenants of non-residents leaseholders are not eligible for compensation, but the Council will also offer support.

The options appraisal process will work with residents to review what the best long-term options are for the current buildings. Any recommendations that come out of this will be subject to further decision making and a future EQIA.

What are the decision makers being asked to decide?

The Cabinet is being asked to approve

- Finalising and entering into the Settlement and Indemnity Agreement with HS2 Ltd. for Re-

housing

- The 'Re-housing Scheme'
- The proposal to develop a Shared Equity offer for resident leaseholders
- An Options Appraisal to be carried out to explore medium and long-term strategies with respect to Cartmel, Coniston and Langdale
- Delegation to officers to implement the above

The assessment shows that most impacts on protected groups will be positive and protected groups are unlikely to be significantly negatively affected by the decisions.

Section 2: PLANNING YOUR EQUALITY ANALYSIS

Question 2: Do those from protected groups benefit or will they experience specific and disproportionate impacts? Will there be any direct or indirect discrimination?

Gather relevant equality data and information to show who will be affected by this decision and how. Set this out below. Include the results of any consultation or engagement. If you have identified any information gaps set out what these are.

The protected group characteristics comprise the following:

- Age
- Disability
- Gender reassignment
- Pregnancy and Maternity
- Marriage and Civil Partnership
- Race
- Religion or Belief
- Sex/Gender
- Sexual Orientation

Data has been sourced directly from the people responding to the consultation in the 3 blocks. 64% or 90 residents responded, with 85 fully completing the equalities monitoring form.

Age

Age		
<18	30	26%
19-24	0	0%
25-34	9	8%
35-44	14	12%
45-54	26	23%
55-64	18	16%
65-74	11	11%
75+	5	4%
Prefer not to say	0	0%
Undisclosed	0	0%
	115	

The proportion of older residents is higher than the Camden average. The total is higher than the number of households as it captures data where respondents reported dependents under 18 living in the home.

Disability

In the 2011 Census, the figures for Camden's respondents who said they suffered from a long-term illness that limited their daily activities in some form was of 14.4%. For residents in the 3 blocks affected, there is significantly higher levels of disability or health conditions.

Disability or Health Condition

Yes	27	31%
No	52	55%

Undisclosed	13	14%
	94	

Type of Disability

Physical Impairment	8
Sensory impairment	1
Long-standing illness	17
Mental health condition	10
Substance misuse	1
Shape learning disability / difficulty	1
Other disability	9
	47

Gender Reassignment

Gender Identity

Yes	3	4%
No	72	85%
Prefer not to say	4	5%
Undisclosed	6	7%
	85	

Pregnancy and Maternity

There were no pregnancies reported and one birth within the last 26 weeks.

Marriage and Civil Partnership

Never married / civil partnered	29	34%
Married	25	29%
Separated	10	12%
Divorced	10	12%
Widowed	7	8%
Civil partnered	1	1%
Separated but still civil partnered	1	1%
Formerly civil partnered & now legally dissolved	0	0%
Surviving partner from civil partnership	0	0%
Undisclosed	2	2%
	85	

Race

There are a higher proportion of Black, Asian and other ethnic minority people from the 3 affected blocks than the Camden average.

White British	13	15%
White Other	7	8%
Black or Black British	21	25%
Asian or Asian British	27	32%
Mixed	2	2%
Prefer not to say	3	4%
Other	10	12%
Undisclosed	2	2%
	85	

Religion and Belief

No religion	5	6%
Buddhist	0	0%
Christian	32	38%
Hindu	0	0%
Muslim	37	44%
Jewish	0	0%
Sikh	0	0%
Prefer not to say	8	9%
Other	1	1%
Undisclosed	2	2%
	85	

Sex

There is a slightly above average for Camden proportion of Female people.

Gender

Male	41	48%
Female	43	51%
Prefer not to say	0	0%
Self-describe	0	0%
Undisclosed	1	1%
	85	

Sexual Orientation

Under-reporting on the size of lesbian, gay and bisexual communities is a recognised issue and is therefore difficult to accurately understand the size of this proportion of the population – so the zero reported gay and lesbian people from the consultation perhaps reflects this issue. An upper estimate for London suggests that roughly 10% of the population is lesbian, gay or bisexual. However it is accepted

that these figures may under-represent the size of this population due to societal issues surrounding the disclosure of sexual orientation.

Sexual Orientation

Lesbian	0	0%
Gay	0	0%
Bisexual	2	2%
Prefer not to say	17	21%
Straight / Heterosexual	41	49%
Undisclosed	23	27%
	85	

How will protected groups be affected by the decisions in the HS2 funding deal cabinet report?

The consultation reports that residents are experience poor health, poor mental wellbeing and stress from living so close to the HS2 Construction sites. The purpose of the decisions cabinet is being asked to take is to enable residents to move away from the site, to better accommodation where they will not be affected by the construction.

The decisions will therefore affect all protected groups who are living or have been living in the 3 affected blocks.

In particular do those from protected groups benefit or will they experience specific and disproportionate impacts?

Overall all protected groups should benefit from the decisions – as it will enable residents to move away from the construction impacts that are affecting their lives.

Potentially older residents, disabled residents and young people (e.g. trying to struggle) may face a disproportionate impact at present from the construction. The decisions will help to significantly mitigate these impacts and bring direct benefits.

Will there be any direct or indirect discrimination?

No.

Section 3: ANALYSING YOUR EQUALITY INFORMATION AND ASSESSING THE IMPACT

Question 3: Analysing the evidence outlined above, does the proposed decision have an impact (positive or adverse) on our duty to eliminate discrimination/harassment and victimisation, advance equality of opportunity or foster good relations between different groups in the community (those that share characteristics and those that do not)?

Protected group	Summarise any possible negative impacts that have been identified for each protected group and the impact of this for the development of the activity	Summarise any positive impacts or potential opportunities to advance equality or foster good relations for each protected group
Age	Older residents may find it more difficult to navigate the home moving process, either through Council allocations or for leaseholders. They may also find it difficult to leave a home they may have lived in for a long period of time. Children may be disrupted if they have to move schools. However, the funding enables the Council to provide dedicated staff who will work with residents on a one to one basis.	Older people should benefit as they will be able to move to somewhere where the impact of construction no longer affects. Younger people who are studying will no longer be disturbed by the construction noise. To mitigate the impact on children, the local lettings plan will enable families to move within the immediate area.
Disability	Residents may have adapted their homes to meet their specific needs and so any move may affect their ability to use their home. However, the funding provided enables the Council to adapt properties that residents are moving into.	Overall this group should benefit from the policy as they will be able to move away from the construction impacts that are affecting their lives. They may also be able to move to a home that is more suitable to their needs.
Gender reassignment	None	Overall this group should benefit from the policy as they will be able to move away from the construction impacts that are affecting their lives. They may also be able to move to a home that is more suitable to their needs.
Marriage and Civil Partnership	None	Overall this group should benefit from the policy as they will be able to move away from the construction impacts that are affecting their lives. They may also be able to move to a home that is more suitable to their needs.

Pregnancy and maternity	None	Overall this group should benefit from the policy as they will be able to move away from the construction impacts that are affecting their lives. They may also be able to move to a home that is more suitable to their needs.
Race	None	Overall this group should benefit from the policy as they will be able to move away from the construction impacts that are affecting their lives. They may also be able to move to a home that is more suitable to their needs.
Religion or belief	None	Overall this group should benefit from the policy as they will be able to move away from the construction impacts that are affecting their lives. They may also be able to move to a home that is more suitable to their needs.
Sex	None	Overall this group should benefit from the policy as they will be able to move away from the construction impacts that are affecting their lives. They may also be able to move to a home that is more suitable to their needs.
Sexual orientation	None	Overall this group should benefit from the policy as they will be able to move away from the construction impacts that are affecting their lives. They may also be able to move to a home that is more suitable to their needs.

Section 4: PLANNING FOR IMPROVEMENT

Question 4: If there is an adverse impact, can it be avoided? If it can't be avoided, what are we doing to mitigate the impact?

The previous Question 2 analysis notes that there is the potential for some negative impact in terms of making alterations to properties for either disabled or older users, and the process of moving. However, this is mitigated by the support that the Council will offer on a one to one basis, and through the opportunity to move to more suitable accommodation that can be adapted to their needs before they move.

Section 5 – OUTCOME OF THE EIA

Question 5: Could any part of the proposed activity discriminate unlawfully? Can we advance equality of opportunity via this decision/policy? Can we foster good relations via this decision/policy?

If agreed at Cabinet, the Council will implement the decisions, which will allow the delivery of the positive impacts identified in this assessment.

No part of the proposed activities are considered to discriminate unlawfully.

The decision making process has been subject to a consultation process with the residents affected. The results of the consultation show:

- 96 respondents/68% of households
- 70% in favour
- 23% don't know
- 7% against

Use this stage to record the outcome of the EIA. An EIA has four possible outcomes.

Outcome of analysis	Description	Select as applicable
Continue the activity	The EIA shows no potential for discrimination and all appropriate opportunities to advance equality and foster good relations have been taken.	X
Change the activity	The EIA identified the need to make changes to the activity to ensure it does not discriminate and/ or that all appropriate opportunities to advance equality and /or foster good relations have been taken. These changes are included in the planning for improvement section of this form.	
Justify and continue the activity without changes	The EIA has identified discrimination and / or missed opportunities to advance equality and / or foster good relations but it is still reasonable to continue the activity. Outline the reasons for this and the information used to reach this decision in the box below.	
Stop the activity	The EIA shows unlawful discrimination.	

Section 6 – CHECK AND SIGN OFF

EIA prepared by: Noe Ardanaz

Date: 22/12/2022

EIA checked by: Katy Mann

Date: 22/12/2022

EIA approved by: David Burns

Date: 22/12/2022

(Relevant Director Sponsor)

What to do upon approval

For organizational change: If your EIA relates to internal staff, please send to your HR Business Adviser.

For all other EIAs: Please add to the discussion on the [Equalities in Camden](#) Yammer group, you can do this by using the “Share something with this group..” box, attaching your draft to your message.