

# 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.

# 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 d**

## Section 1 - WHAT IS BEING ANALYSED?

- Question 1: What is changing and why?
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- 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?

This EIA has been completed as part of the procurement strategy for 'Minding the Gap' services (the Hive Hub, counselling and psychotherapy for young people up to the age of 25) and systemic integrative therapy.

The Cabinet is being asked to approve the procurement strategy for key services which form part of 'Minding the Gap', a program designed to improve the mental health of young people aged between 16 and 25 years of age in Camden. 'Minding the Gap' specifically aims to bridge the gap between children's mental health and adult mental health services. The strategy also includes CAMHS systemic integrative therapy (a progressive, intensive form of family based psychotherapy for children and their families).

The strength of 'Minding the Gap' lies in the model, which cuts across both children and adult mental health services. It aims to improve the experience and outcomes of transition between the two services and avoid what is often referred to as a "cliff edge" at the age of 18. Since its launch in 2015, 'Minding the Gap' has received significant national attention, with visits from Sir Malcolm Grant (at the time Chair of NHS England). It has been part of presentations to the Commissioning Academy, Cabinet Office, at regional conferences and the global mental health summit in 2018, with very positive feedback received. The initiative was selected to be an example of good practice on the NHS Long-Term Plan website<sup>1</sup> and features in the February 2019 edition of the Local Government Association's magazine.<sup>2</sup> It is one of Camden's young people's mental health flagship projects.

'Minding the Gap' was set up in 2015, young people (main users of the service) have been involved in the development of the Hub and the services provided from the start. They co-designed the Hive space with the architects, and were involved in the previous procurement of the Hive team. There is a Hive Young People's Board who regularly feeds into planning of provision. Generally, the model is working well and is considered a model of good practice. Initially set up as a pilot, it has been constantly reviewed and adapted to the feedback of the young people.

No major changes to the model are proposed as part of this re-procurement. Feedback from young people on the Hive is overwhelmingly positive. Young people often report that the Hive is a second home for them, they feel much supported and feel very much they are at the center of the space.

Young people who use the Hive should not be affected by the procurement. However, there may be a change of provider as a result, which could cause some disruption. Given that the premises are owned by Camden Council and the service is procured separately, if

<sup>1</sup> <https://www.longtermplan.nhs.uk/publication/the-hive-a-coordinated-approach-to-support-young-peoples-mental-health/>

<sup>2</sup> <https://www.lgafirst.co.uk/>

a new provider is appointed to the contract, the current Hive team will be TUPEd into the new organisation, changes to young people are expected to be minimal. The team working with young people, and activities will generally remain unchanged. As part of the tender evaluation, key criteria will be for providers who prioritise continued co-production of the service with young people. In advance of retendering the contract, young people will be asked to for their feedback on the service specifications.

The EIA relates to data from the two larger services, i.e. the Hive hub and the counselling and Psychotherapy services, but there will be consistency in the approach to monitoring and specifying all services within this procurement with regards to protected characteristics.

### Notes to Question 1

- Summarise briefly and precisely just what the decision is about. In particular what changes will happen if this decision is agreed and put into effect? What happens now and what will happen in the future? What will be different?
- **Do not cut and paste the report or policy** but concisely restate it, considering equalities issues directly against the facts
- **Focus on the impacts on people** e.g. the users of any facility or service.

## 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.

No direct or indirect discrimination amongst those with protected characteristics is expected as a result of the re-procurement of the service.

### **Age**

The service target population is young people aged between 16 years to the age of 25. This is because 'Minding the Gap' has been specifically designed to address the gaps around transition between children's and adults mental health services at the age of 18. People outside this age range will not be eligible for these services. This is not discriminatory, but due to the nature of the service being procured.

### **Disability**

There is currently no indication that the new service specifications would have a negative effect on this protected group. The services currently being delivered are equipped to provide a service to young people with a range of disabilities, either physical or cognitive. The Hive Youth Hub was designed to be fully accessible to people with physical disabilities (including a lift, ramps and accessible toilets). The current services offer flexibility to deliver interventions in a number of outreach locations to best suit the needs of the service users, for example in the young person's home or at another location of their choice, and this will be a requirement of the newly procured service as well. Another key element of the service provision is that it allows for self-referrals. Young people can self-refer to the services and do not need a professional referral to access them.

### **Ethnicity**

Monitoring information is returned quarterly with ethnicity and this will continue with the new contract. Recent monitoring data from Q1 and Q2 data in 2020/21, 30% of users are white, 29% are black/black British and 23% are Asian/ British Asian. This is in line with monitoring data from previous years. Compared to the general breakdown of the Camden young people's population, there are currently no concerns about any specific groups being under represented, but access from minority ethnic groups will be built in to the monitoring framework; representation in the providers' workforce will also be built into the service specification. The service uses positive images of Black and ethnic minority young people in their projects and activities, and in their general publicity so young people from Black and ethnic minority backgrounds feel welcome from the moment they make contact with the services. The Hive youth board, who feeds into service development, is formed by a diverse group of young people, this ensures diversity is taken into account into how things are run.

Service providers will be required to operate within the Equalities Act and demonstrate this through completion of the prequalifying questionnaire.

### **Religion or belief**

There is currently no indication that the new service specifications of the services would have a negative effect on this protected group. Data on religion or belief is not currently routinely collected from the services as part of contract monitoring, but providers are required to comply with the relevant equality legislation to ensure no particular religious groups are discriminated from taking part in any of the activities.

### **Sex/gender**

Recent monitoring data on gender breakdown of young people attending the current service provision in 2020/21 shows that approximately 67% of the users are female, and 37% male. This is generally expected from mental health services, where usage is higher by women. This data is monitored to look at ways to better reach young men, who tend to be under-represented in mental health services. We will use the new specification so that services design services and activities in a way that target those who identify male, as well as non-binary young people.

**Sexual orientation**

**Gender reassignment**

The service will not discriminate against young people regardless of their sexual orientation or gender identity.

Research shows that LGBTQ+ is a group of young people who suffer disproportionately from mental health problems, particularly during adolescence, and these services rightly identify them as a vulnerable group which needs targeted and personalised support.

Both the Hive and the counselling and psychotherapy services support young people with all aspects of sexuality, through 1:1 interventions and also through LGBTQ+ specific activities and group. For those young people who require additional support they will sign post to organisations such as Stonewall who provide services to young people who are gay, lesbian, bisexual and transgender. The young people feel they are accepted and supported through a time in their life where they may be questioning their sexuality.

## Notes to Question 2

- Here use data to show who could be affected by the decision. Consider who uses the service now and might use it in the future. Think about the social mix of the borough and of our workforce.
- If available use profile of service users and potential users / staff by protected groups: (age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation). You could consider the following:
  - Take up of services, by protected group if available;
  - Recommendations from previous inspections or audits;
  - Comparisons with similar activities in other departments, councils or public bodies;
  - Results of any consultation and engagement activities broken down by protected groups (if available) - sources could include, complaints, mystery shopping, survey results, focus groups, meetings with residents;
  - Potential barriers to participation for the different protected groups;
  - National, regional and local sources of research or data – including statutory consultations;
  - Workforce equality data will be provided by your HR change adviser for organisational change / restructure EIAs and
  - For organisational change / restructure EIAs include the results of any consultation or meetings with staff or trade unions.
- **Do not simply repeat borough wide or general service equality data** – be as precise and to the point as possible.
- If there are gaps in equality information for some protected groups identify these in this section of the form and outline any steps you plan to take to fill these gaps. Consider:
  - Any relevant groups who have not yet been consulted or engaged;
  - Whether it is possible to breakdown existing data or consultation results by different protected groups;
  - If you are conducting an organisational change / restructure EIA and there are data gaps consider asking affected staff to update their details on Oracle.
- We are under a legal duty to be properly informed before making a decision. If the relevant data is not available we are under a duty to obtain it and this will often mean some consultation with appropriate groups is required.
- Is there a particular impact on one or more of the protected groups? Who are the groups and what is the impact?
- Consider indirect discrimination (which is a practice, policy or rule which applies to everyone in the same way, but has a worse effect on some groups and causes disadvantage) - for example not allowing part-time work will disadvantage some groups or making people produce a driver's licence for ID purposes.



## 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)?**

Please use this grid to summarize the impacts outlined above.

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	It is not anticipated that there will be any negative impact on this protective group. The service specifically targets young people aged 16 -24.	The service is designed to provide support to vulnerable young people through a time of change (transition to adulthood) where problems can develop and become entrenched. The focus on this age range will have positive impacts for young people.
Disability	It is not anticipated that there will be any negative impact on this protective group.	Services are accessible to young people both with cognitive and physical disabilities. It was a very wide access criteria, and is designed for young people who do not meet the criteria for other specialist services. Services will be encouraged to develop closer links with disability services in Camden to identify how we can best support young people with a disability.
Gender reassignment	It is not anticipated that there will be any negative impact on this protective group.	These services are ideally placed to provide support to young people from LGBT+ groups at a crucial time in their lives, when

		<p>they may be questioning their sexuality or gender identify, and may experience discrimination because of it and need further support, therefore having a positive impact on people with this protected characteristic. There is also a role for providers to be more inclusive in terms of their language and terminology on their forms. The provision of specific support for these groups will continue to be included in the service specification.</p>
<p>Marriage and Civil Partnership</p>	<p>It is not anticipated that there will be any negative impact on this protective group.</p>	<p>Monitoring information on this characteristic is not collected from this service, but service providers are required to operate within the Equalities Act and demonstrate through their completion of the prequalifying questionnaire their compliance with the legislation.</p>
<p>Pregnancy and maternity</p>	<p>It is not anticipated that there will be any negative impact on this protective group.</p>	<p>Monitoring information on this characteristic is not collected from this service, but service providers are required to operate within the Equalities Act and demonstrate through their completion of the prequalifying questionnaire their compliance with the legislation.</p>
<p>Race</p>	<p>It is not anticipated that there will be any negative impact on this protective group.</p>	<p>Monitoring information is returned quarterly with ethnicity and this will continue with the new contract. Any issues around under-representation in service use by any ethnic minority</p>

		<p>groups will be addressed through the contract monitoring framework. Tender award criteria will be written to encourage providers to build in more equality of opportunity for under-represented ethnic groups, for example in their staff recruitment methods.</p> <p>Service providers are required to operate within the Equalities Act and demonstrate through their completion of the pre-qualifying questionnaire their compliance with the legislation.</p>
Religion or belief	It is not anticipated that there will be any negative impact on this protective group.	Data on religion or belief is not routinely collected, but service providers are required to operate within the Equalities Act and demonstrate through their completion of the prequalifying questionnaire their compliance with the legislation. Activities at the Hive cater for different religious beliefs (i.e. food religious requirements).
Sex	It is not anticipated that there will be any negative impact on this protective group.	Monitoring information on is returned quarterly with gender information and this will continue with the new contract. Data shows attendance by women is higher than by men. Services have been working to implement new ways to target young men. This will be included in the specification.
Sexual orientation	It is not anticipated that there will be any negative impact on this protective group.	These services are ideally placed to provide support to young people from LGBT+ groups at a crucial time in their lives, when they may be questioning their sexuality, may experience discrimination because of it and need

		further support, therefore having a positive impact on people with this protected characteristic. The provision of specific support for these groups will continue to be included in the service specification.
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### Notes to Question 3

- Here, think about our other duties and how the proposals may impact (positive and or negative) upon those wider duties and aspirations?
- What might say a reduction in the hours of a facility that mainly serves a particular group have on our wider duties?
- Examples of eliminating discrimination: Taking action to ensure that services are open to all groups – e.g. targeting help at particular deprived sections of the community or funding

services who work to prevent discrimination

- Does take up of the activity differ between people from different protected groups?
- Have the outcomes of your consultation and engagement results identified potentially negative or positive impacts?
- Are some groups less satisfied than others with the activity as it currently stands?
- Is there a greater impact on one protected group, is this consistent with the aims of the activity?
- For organisational change / restructures analyse the outcomes of consultation with staff and trade unions and analyse the staff data provided by your change adviser
- If you have identified negative impacts include details of who these findings have been discussed with (e.g. Legal, HR) and their views
- Are there any further changes that could be made to deliver service improvements or make the activity more responsive?

## 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?

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- The new service procurement will not result in any adverse impact to groups with protected characteristics. In fact, the new service and procurement process will be an opportunity to ensure support for under-represented young people is built into service specifications and service monitoring.
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### Notes to Question 4

- Assuming there is an impact, what are we going to do about it? We need to make sure the **decision makers understand the impacts**
- All our policies and decisions should be designed to eliminate discrimination and contribute to our other obligations such as promoting good relations.
- If it can't be avoided can it be mitigated in some other way?
- There might be decisions elsewhere or perhaps additional spending on other services which could reduce the impact. Beware of simply saying that we will direct service users to other services or resources without considering the feasibility of doing so or the knock-on effect for those services
- We don't have to completely eliminate a negative impact, but we must identify it and try to mitigate it and the **decision makers must be in a position to fully understand the implications of their decision and balance off the competing interests** – e.g. the impact against the need to make savings and balance our budget

- 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?

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- No unlawful discrimination was identified during the equality analysis that requires alternative activity to be considered.
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- Officers will ensure that future service provision continues to be developed in collaboration with service users, providers and other stakeholders. There will be regular performance monitoring of data on access to the services by young people with protected characteristics, where it is appropriate to do so.
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- Significant changes, shortfalls of services and issues will be addressed via appropriate performance management measures, for example:
  - Discussion at provider performance meetings
  - Active quality assurance involvement via ongoing service user engagement
  - KPIs
  - Use of appropriate measures such as provider performance action plan
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- As part of the transformation any re-commissioned services will be required, through their service specification, to:
  - Pro-actively promote access to all protected groups.
  - 
  - Ensure workforce is appropriately skilled to work with and support is available to improve access to individuals who might find it difficult to engage due to specific circumstances (i.e. be physically accessible, ensure that male or female staff are available to support individuals upon request, provide access to translation and language support, work with other services to bring additional support around specific needs, use of correct pronouns).
  - 
  - Develop links with key services and groups supporting those who are currently under-represented in the service and those who are identified as under-represented or hard to reach.
  - 
  - Ensure that the future arrangements for contract monitoring will allow for the effectiveness of the future service in delivering this to be considered as a matter of routine.
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- Take an actively anti-racist stance in their delivery and provision.

### Notes to Question 5

- **There may be decisions or policies where this is not going to be applicable. Explain this briefly in the box above. The important point is that it is carefully considered.**
- Suggest positive steps that can be achieved towards our statutory obligations to remove or minimise disadvantages suffered because of protected characteristics, e.g. taking steps to meet the needs of people from the different backgrounds when they are different to the needs of others, encouraging participation from groups when participation is disproportionately low
- Advancing equality of opportunity - (NB this does not apply to marriage and civil partnership). **This is a “positive duty”** which requires public authorities to consider taking proactive steps to root out

discrimination and harassment and advance equality of opportunity in relation to their functions—from the design and delivery of policies and services to their capacity as employers. The duties require us to give consideration to taking positive steps to dismantle barriers. Advancing equality of opportunity might require treating some groups differently e.g. targeting training at disabled people to stand as councillors.

- **The legislation requires when we have due regard in terms of advancing equality of opportunity to:**
  - a. Remove/minimises disadvantage suffered by those who share a characteristic and is connected to it**
  - b. Take steps to meet the different needs of those who share a characteristic**
  - c. Encourage those who share a characteristic to participate in public life or any other activity when participation is disproportionately low.**
  
- Advancing opportunity includes the fact that the steps needed to meet the needs of disabled persons take into account the disabled persons' disabilities
- We are required to have “due regard” to the need to foster good relations between people who share a relevant protected characteristic and people who do not share it. This involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

### Examples

- An employer to provide staff with education and guidance, with the aim of fostering good relations between its trans staff and its non-trans staff.
- A school to review its anti-bullying strategy to ensure that it addresses the issue of homophobic bullying, with the aim of fostering good relations, and in particular tackling prejudice against gay and lesbian people.
- Local authority (Not Camden) to introduce measures to facilitate understanding and conciliation between Sunni and Shi'a Muslims living in a particular area, with the aim of fostering relations between people of different religious beliefs.
- Our work to encourage Bangladeshi tenants involvement in TA's.



## Section 5 – OUTCOME OF THE EIA

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: Marta Calonge Contreras, strategic commissioning manager

Date: 05 February 2020

EIA checked by: Dionne Usherwood, Head of children's commissioning

Date: 08/02/2021

EIA approved by: \_\_\_\_\_

Date: \_\_\_\_\_

(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 Yammer group, you can do this by using the "Share something with this group.." box, attaching your draft to your message.