

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:

Community Spaces: VCS Rents and Leases

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

Section 1 - WHAT IS BEING ANALYSED?

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?

What are the decision makers being asked to decide?

- To adopt the **Community Spaces: VCS Rents and Leases Policy**, which includes a method of valuing premises, a rent discount process for qualifying not-for-profit organisations, and revised Heads of Terms used to negotiate VCS leases.

Main aims of the policy

- To introduce a consistent approach to letting premises to voluntary and community groups in specified buildings to locally focused charities. This is an alternative to the current *ad hoc* approach to allocating, renting and monitoring use which may be seen as 'unfair' due to the wide inconsistencies in rents and terms of occupation in similar buildings.

How will these changes affect people?

- There are several ways that the policy will affect organisations, and by extension the people they serve. In summary:
 - Rents will widely be reviewed, overall the policy does not aim to increase to the income the Council generates through rent collection, however individual organisations may experience an increase or decreases in what they pay.
 - Terms of occupation will be standardized. Organisations will be more responsible for building compliance but the Council is increasing their responsibility for repairs and the management of the exterior, as an example
 - Social Value produced by charities will be monitored and the use of space reviewed – resulting in improved use of the current stock. Social value will be linked to activities that are accessible
 - Where organisations are not using buildings appropriately there is a clear process to improve the use for the community benefit or surrender them to the Council
 - The allocation of buildings to new organisations will change, with a more open and accessible process

This summary shows significant changes are planned to create a more consistent and arguably fairer approach. Care will be taken at all stages to limit any negative impact on groups with protected characteristics.

Not all VCS properties are affected. The scope of the changes is limited to 96 different demises let out to about 80 charities and community groups. If introduced the changes will be phased in over several years. Of these 80 charities and community groups 26 are thought to exclusively work with a group with protected characteristics, or have these groups as a stated focus of the services they provide. Of the 26 organisations explicitly or stating they work with protected groups at risk of structural inequality, the number of *premises* affected by a rent change is set out in the table below.

Table 1: Estimated increases/decreases in rent for organisations working specifically with groups with protected characteristics.

Protected Group	Estimated impact of the policy in terms of rent reductions/increases ¹						
	>£15k decrease	£5k-15k decrease	Up £2-5k decrease	No change	£2-5k increase	£5k-15k increases	>£15k increase
Ethnicity		1	1	7	1	1	1
Age ²		1		6		2	
Disability		1	1	9 ³		1	1
Gender				2	1	1	1
Total		3	2	24	2	5	3

Comments on the largest increases: The table above captures a projection of changes on a site-by-site basis. The changes to the most significantly affected (an increase of above £15k) are not a result of the policy, as these organisations face a change anyway due to other matters with their occupation or tenancy, However none of the decreases in rents will be possible without the policy. This is because current practices will only increase rents. As such there are some better equality outcomes as a result of the policy.

Unintended consequences:

More VCS charities actually work with groups with protected characteristics than set out in the table above. This is because the table only sets out those organisations with an expressed mission to work with groups with protected characteristics. By contrast community centres are likely to work with elders, parents, pre-school, disability groups etc all of who would be included as groups with protected characteristics. Because the programme will not lead to an increase in rental income, we can be confident that the rent burden is spread more evenly and so promotes greater consistency across the sector. The Community Partnerships unit have a specific role to undertake a site specific equality impact assessment to ensure that there are no unintended consequences. Where these groups are reasonable measures will be put in place to preserve continuity of services. In the policy there is a clear expectation that mitigations will be offered where organisations supporting groups with protected characteristics operate face a negative impact by the policy.

Differentiation

The Council understands that some populations have additional needs and that populations should be considered if reasonable adjustments are required. Absolute consistency in the application of the policy may lead to indirect discrimination. For example, a newly established organisation working with a group with protected characteristics, may not have the income or track record to take on a lease. This could be where a particular demographic faces additional barriers within the terms of the policy. As such the policy has been drafted to allow exceptions in particular circumstances where this happens. This will enable equality issues to be addressed and effectively managed. For example, this could be dedicating space to an emerging local population or where a particular building could be particularly appropriate for a protected group (e.g. it could be particularly accessible, for example). By enabling this flexibility the policy has been adapted in the light of the equality impact assessment to ensure a one-size-fits-all approach works for all groups with protected characteristics.

Social Value and Equality Considerations

Equality considerations are at the heart of the definition of Social Value. This significant discount is awarded based on the perceived 'social value' of services being delivered and how accessible they are. Obtaining the Social Value discount (of a minimum of 50%) will be contingent on organisations evidencing that they deliver their services in a fair and accessible way, inclusive of equality groups and communities who face barriers to equality of outcomes. This will ensure that services aren't

¹ These increases and decreases are estimated in that an estimated market rent has been calculated through a desk top exercise and all will be subject to a negotiation process, which is likely to result in changes.

² one valuation not completed assessment (66 Shoot Up Hill)

³ Greenwood premises (3) are not part of the initial phase of work and being managed through a separate process and so are unaffected because they are out of scope

delivered on a commercial basis, or aren't tailored to the individual requirements of the community.

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.

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.

Do those from protected groups benefit or will they experience specific and disproportionate impacts?

The above table indicates that there is a balance of rent increases and decreases. Although equality focused organisations face increases, it is thought that this is incidental to the rent setting process which is methodologically consistent throughout. Further, these projected rent increases have not been set and are open to challenge if the valuation is seen as wrong.

It should also be noted again that some increases in rents would occur without this policy and this policy doesn't cause rents to rise, but it actually does limit increases. Those at most impacted are those not paying a rent, with the Council undertaking all repairs and building compliance. These are a tiny minority of premises, only one of which is focused on a group working specifically with groups at risk of structural inequality.

Where the terms and conditions of occupation change this is not thought to specifically cause any direct or indirect discrimination to any equality groups. The leases have been tailored to the VCS organisations, and are anticipated to be the best offer available to the VCS. While we can be reasonably confident that there isn't any disproportionate impact on equality groups information on equality services will be collected and a separate impact assessment undertaken by the Community Partners. Where equality implications were found, a process of mitigation would be carried out to ensure no disruption to services typically over several years.

Grounds to exclude equality organisations

Not all charities in occupation of a VCS building will be eligible for the discount. This does include some organisations with an equality angle. Regarding the 50% discount, single faith organisations are not eligible (as per the Council's rules on business rates). National organisations that address equality issues, such as national policy or international development are also excluded from the discount process and unless there is a specific link to Camden (other than by virtue their headquarters is in the borough). Finally, some equality organisations will be seen as being sufficiently large (turn over >£2m) that they do not require the Council to discount the rent as they are financially robust enough, several disability organisations have turn overs into the tens of millions.

This is because the policy is designed to manage the Council's resources for the benefit of local residents and has the intention of allocating a discount to small and medium sized locally based charities providing social value for local residents. As such the potentially negative impacts, are considered to be incidental and proportionate.

Will there be any direct or indirect discrimination?

The change to the letting of VCS buildings will not result in any direct or indirect discrimination. This is because the rent overall income of the council across all tenants will not increase, and the rent burden is spread more evenly. Where organisations face the greatest change, this is usually due to the Council not addressing other management arrangements that will need to be resolved regardless of this policy. Most visibly this will be for those organisations who are in

occupation of a building but not paying a rent, rent review or dependent on the Council for building compliance services.

Information Gaps and Indirect Discrimination

Further checks are to be undertaken where organisations are not currently known to provide services to groups with protected characteristics. An impact assessment will be carried out and any adverse effect will be assessed, and appropriate resources put in place to ensure continuity of services. It is assumed that most community settings will be working with marginalised and equality groups, and these will be explicitly identified, and mitigations put in place to preserve continuity of service. Overall, such a large proportion of VCS tenants either directly or indirectly impact on equality groups across the borough, any change that may affect the short-term operations or the long-term viability of the organisations must be understood in terms of equalities as part of the mitigation planning. The policy addresses this directly and officers will ensure continuity of services as far as practically possible.

Effects of Doing Nothing on Direct and Indirect Discrimination

Without a policy the Council is not able to be confident that discrimination is not taking place. In particular, historical arrangements advantaged those with the social capital to negotiate favourable lease terms. By adopting the policy there is a clear and transparent system to manage 1. Allocations 2. Rent levels 3. Lease terms. For example, under the policy the rent will be set by a standard assessment of the value of the building (e.g. its condition, location and size). This methodology will be applied to all buildings when they are due for letting, lease renewal, rent review or regularisation. This will mean both organisations serving equality groups and otherwise will have their rents decided by set criteria. In addition, the policy will also introduce a standardised set of terms and conditions to occupation, which again will apply universally as well as set up a fair allocation system. Through this policy all charities and community groups in the borough will have an open and transparent process to manage virtually all aspects of the letting, renting and management of community premises which will prevent both direct and indirect discrimination. By adopting the policy, we can be confident that all VCS organisations will be treated more equally and consistently, but will not be able to provide this level of assurance if the policy is not introduced as the management of VCS premises will remain piecemeal and dependent on officer discretion.

Consultation:

The VCS tenants were asked to contribute to the policy and a considerable amount of consultation has taken place to prepare the policy. All organisations were invited to attend 5 workshops and working groups.

In total 38 organisations took part in some aspect of consultation on the introduction of the policy. This was 49% of a total of 78 organisations who were thought could be directly affected. Over a third (13) of participants were organisations who directly providing services to groups with protected characteristics, such as Bengali Workers Association, Somali Youth Development Resource Centre, or Women and Health and others. A further 19 organisations were thought to indirectly provide services to groups with protected characteristics. This could be a community centre which may run an over 60's lunch club, youth activities and hold inter-faith activities, for example, but could also included advice organisations such as Camden Law Centre and CAB. Prior to the programme of workshops in summer 2021 a consultation carried out in May 2019 by an external consultant who was in contact with 19 tenant organisations; this report set the direction of much of the subsequent direction of conversations with the VCS. In this report of the 8 recommendations that were made, equality considerations were not flagged as an overall issue by the VCS. Organisations who sub-let space from larger VCS organisations and provided services to equality groups was raised in the discussion. The use of site-specific equality impact assessment is intended to reveal this issue and to address these concerns and so we have tailored the approach adopted in the policy to address hidden equality groups.

Thirteen equality organisations were involved in the development of the policy. This included two age, five disability, three race and ethnicity and three sex/gender focused organisations. Analysis of what the groups said, and who contributed showed many themes were key to the development of the policy, e.g. rent setting, allocations, pressure on VCS finances, etc., and no explicit concerns were expressed by equality groups as part of the debate about equality matters, nor were equality concerns specifically drawn out.

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.

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)?

What has been established above is that the VCS work extensively with populations from marginalised and equality groups, and that the Council has been managing VCS premises on an ad hoc way which has created an overall impression of unfairness due to wide ranging inconsistencies.

At a programme level, the exercise to create a consistent methodology for valuing premises will address the most extreme variations and so is to be welcomed.

This policy aims to be 'income neutral' so the balance of rents paid by the VCS is spread more evenly across all organisations. This will require ongoing monitoring to ensure that the rent levels is not significantly increased.

The case for special consideration to how organisations who are negatively affected has been made and has resulted in a proposal to undertake site-specific equality impact assessments. This will identify any equality implications from specific services and organisations which may be negatively affected. Mitigations to address these will include additional support from the Community Partners team, but also may change the phasing in of any changes, all of which are negotiated on a case-by-case basis.

Where organisations who focus on equality groups will be excluded from the rent discount this will only be for good reasons. Good reasons are set out in the Social Value Discount Framework and include having a high income levels, or having a national or international focus (as opposed to local) etc.

Undertaking the equality Impact assessment has led to specific changes to the proposed policy, such as making the Community Partners team specifically responsible for equality outcomes and strengthening the discretion in the allocation process of ensuring that equality considerations are made to link premises to particular minority groups at risk of structural inequalities, where it is appropriate to do so.

Further, by undertaking the equality impact assessment the accessibility of charitable services to equality groups and to areas of deprivation was highly significant, and ensuring services were accessible and equitable, was a key indicator of whether a service was socially valuable or not. Where change is being introduced, this is likely to be after significant time that will enable organisations to prepare, and following the initiation of changes, there will be further significant time to completion of the new lease. It is hard to envisage a scenario where a tenant with increased rent, or terms that they do not want, will have changes imposed sooner than 18 months after the introduction of the policy. Following this, those most impacted will have significant mitigations offered, such as phased in rent changes that will take several years further.

Finally, it will be fairer to introduce a consistent policy, and so assurance can be given to all tenants and equality groups that they can be confident that there is no favour given to any specific organisation or demographic group. This will foster a new perception that the Council is fair and even handed with dealing with VCS premises and the social value that is generated for equality group. This is a contrast to the current system which is dependent on ad hoc

decisions of officers who may be making time pressured decisions.

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	No significant impact and mitigations will be put in place if discovered	A fair and transparent process for allocations and rent setting, with equal terms for all VCS groups, will foster a feeling of equality.
Disability	No significant impact and mitigations will be put in place if discovered	A fair and transparent process for allocations and rent setting, with equal terms for all VCS groups, will foster a feeling of equality.
Gender reassignment	No known organisations in Council premises	A fair and transparent process for allocations and rent setting, with equal terms for all VCS groups, will foster a feeling of equality.
Marriage and Civil Partnership	No known organisations in Council premises	A fair and transparent process for allocations and rent setting, with equal terms for all VCS groups, will foster a feeling of equality.
Pregnancy and maternity	No known organisations in Council premises	A fair and transparent process for allocations and rent setting, with equal terms for all VCS groups, will foster a feeling of equality.
Race	No significant impact and mitigations will be put in place if discovered	A fair and transparent process for allocations and rent setting, with equal terms for all VCS groups, will foster a feeling of equality.
Religion or belief	No known organisations in affected Council premises	Single faith organisations are not eligible for a discount on rent.
Sex	No significant impact and mitigations will be put in place if discovered	All women's groups see rise in rents. These changes to historic low rents to a benchmark rent should be seen as addressing an unforeseen benefit that has existed for many years.
Sexual orientation	No significant impact and mitigations will be put in place if discovered	A fair and transparent process for allocations and rent setting, with equal terms for all VCS groups, will foster a feeling of equality.

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?

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?

There are several mitigations that will prevent an adverse impact being caused. Financially, organisations who are facing a rise in their discounted rent will have any changes phased in in a proportional way to their reserves or turn over. This will mean that several years may elapse before the full discounted rent is paid. In addition, they will be eligible for any council funding available to meet these costs, such as the current resilience fund, which is a one-off payment of up to £30k.

In addition, where the leases require extra responsibility to be taken in the management of their building, support, advice and training will be provided. Also, they will potentially be able to buy in services from the council to help them manage their buildings. These teams can also provide training and help tenants understand their responsibilities. The council has also invested in information resources which will support all organisations to manage their premises.

The full policy sets out a whole framework of mitigations with governance and oversight to escalate and review decisions where necessary. As such there are checks and balances throughout the policy which will prevent any adverse impact disproportionately impacting upon any equality groups.

The roll out of the policy itself will include a site-specific equality assessment of each premises and how the changes may impact on services offered there. The remit of this work is assigned to the Community Partners team. This team are responsible for organising mitigations to each organisation and this work is overseen by the Community Premise Steering Group, which is an advisory panel made up of Commercial Property, Financial, Legal and Community teams.

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?**

Could any part of the proposed activity discriminate unlawfully?

We do not believe this framework would discriminate unlawfully. The framework aims to create a more consistent and transparent approach to how the council charges rent and issues rental agreements. The valuation process is objective by only considering what influences buildings value, and the social value framework will ensure organisations demonstrate how their services are accessible, advance equality and attempt to remove barriers and discrimination. Further, the monitoring process of the social value work will encourage buildings to be better used, where there is capacity to do so. As such it may lead to an improved environment for VCS groups to deliver outcomes to groups with protected characteristics.

The policy framework will support VCS organisations (many of whom work with people from protected categories) through offering many a reduced rate of rent and offering all organisations capacity building support. Where rents rise, mitigations are in place to make this manageable by phasing in changes or offering further grants.

Can we advance equality of opportunity via this decision/policy?

Yes, the Council will be able to advance equality and opportunities in the future through the fair allocations process which will be introduced, which will enable the council to better understand local needs, and match building use to them. The policy is explicit about where there are specific equality considerations and how they can be met, so that demographics who need particular consideration, such as for a more accessible building, can have these additional needs met. In addition, we anticipate that by monitoring Social Value in the community buildings and whether this is accessible, open, affordable and so forth, the services offered will become more accessible and diverse as a result.

Can we foster good relations via this decision/policy?

Yes, a central aspect of the framework is supporting organisations to evidence their social value. Tenants will need to demonstrate how they advance equality and attempt to remove discrimination as part of this process. As such the expected outcome is an increase of inclusive and targeted activities which will lead to an environment where good relations will thrive and be fostered. Without the policy in place there is no such incentive for tenants to increase the optimisation of how their space is used.

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.

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.	YES
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.	
<p>Comments (if required): Use the mitigation process to ensure local VCS organisations are not affected on a site by site basis and ensure social value reflects the need for inclusivity</p>		

EIA prepared by: Sam Rowe

Date: 10th June 2022

EIA checked by: John Muir

Date: 23rd June 2022

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 [Equalities in Camden](#) Yammer group, you can do this by using the “Share something with this group..” box, attaching your draft to your message.