

Equality Impact Assessment

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
 - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
 - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
7. How much regard is 'due' will depend on the circumstances. The greater the

potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

Armed Forces Community

9. As part of the council's commitment to the Armed Forces Community made through the signing of the Armed Forces Covenant the council's Cabinet agreed in November 2017 that potential impacts on the Armed Forces Community should be considered as part of the Equality Impact Assessment process.

10. Accordingly, due regard should also be had throughout the decision making process to potential impacts on the groups covered by the Armed Forces Covenant:

- Current serving members of the Armed Forces (both Regular and Reserve)
- Former serving members of the Armed Forces (both Regular and Reserve)
- The families of current and former Armed Forces personnel.

Case law principles

11. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a policy, for example, is being developed and agreed but also when it is implemented.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or

service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

Lead officer:	Charlotte Hammersley
Decision maker:	Cabinet
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	Launch Borough Plan for Public Consultation
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	The Final version of the Corporate Plan is expected to be submitted to the Cabinet in the Summer 2024 following the public consultation.
Summary of the proposed decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	<p>Our Plan for the Borough is the council's corporate plan and apex of the council's business planning process. It describes in strategic terms the Council's priorities for the period 2024-2028. From this plan, and from the detail contained in the Council's policies and strategies, operational plans and team and personal objectives flow.</p> <p>The Plan is for all residents, visitors and people working in the borough. It is designed to create a positive impact and should not have an adverse impact on any groups or individuals as its purpose is to make council practices and services more effective, fair and accessible for all.</p> <p>Draft equality objectives are embedded into the Plan so that they form part of the council's key strategic document.</p> <p>It is intended to deliver on the Ashford Ambition to 2030 and sets out three main objectives for making improvements around the themes of Planet, People and Place.</p>
Information and research: <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key findings. 	<p>Extensive research informed the Ashford Ambition report which sets a vision for the borough to 2030. The vision remains and the objectives in the Plan have been developed to continue our journey to realising the ambitions in the report.</p> <p>The Residents' Survey 2022 which surveyed a range of residents across the borough.</p> <p>Census 2021 which provides information on the protected characteristics of our population and other informative information including car ownership and home fuel type. The results of the Census showed some key changes to the demographics of our borough which indicate that it is becoming increasingly diverse overtime:</p> <ul style="list-style-type: none"> • Population growth has been highest among residents aged between 25-35, 50-60 and those over 70. • Ashford is an increasingly diverse borough. The percentage of the population who do not identify as 'white' increased from 6% to 12% since 2011 which is lower than England and Wales overall at 18% but the

	<p>percentage change compared to the 2011 census is higher.</p> <ul style="list-style-type: none"> • 91% in Ashford identified as heterosexual. 2.6% identified as gay or lesbian, bisexual, pansexual, asexual or queer. • 0.5% of people identified as a gender which was different from their sex registered at birth.
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<p>Consultation:</p> <ul style="list-style-type: none"> • What specific consultation has occurred on this decision? • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p>From October 2023 to February 2024 there has been ongoing discussion with Cabinet Members and Management Team to shape the content of the Borough Plan and its objectives.</p> <p>The Member consultation run in February 2024 has contributed to further refining the draft Borough Plan.</p> <p>A public consultation is proposed to run from the beginning of May 2024 for six weeks. The council's Citizens' Panel will be invited to take part in the consultation which will help us understand the views of the protected characteristics.</p> <p>A presentation to Corporate Management Team (Officers in a management position) will encourage staff to be familiar with the draft Borough Plan and to promote the consultation to external partners through existing meetings and forums.</p> <p>Conclusions from the consultation will be included in an updated Equality Impact Assessment template when the Plan is submitted for adoption.</p>
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Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u> Elderly	Medium	Positive
Middle age	Low	Positive
Young adult	Low	Positive
Children	Low	Positive

<u>DISABILITY</u> Physical	Low	Positive
Mental	Low	Positive
Sensory	Low	Positive
<u>GENDER RE-ASSIGNMENT</u>	Low	Positive
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	Low	Positive
<u>PREGNANCY/MATERNITY</u>	Low	Positive
<u>RACE</u>	Low	Positive
<u>RELIGION OR BELIEF</u>	Low	Positive
<u>SEX</u> Men	Low	Positive
Women	Low	Positive
<u>SEXUAL ORIENTATION</u>	Low	Positive
<u>ARMED FORCES COMMUNITY</u> Regular/Reserve personnel	Low	Positive
Former service personnel	Low	Positive
Service families	Low	Positive

Mitigating negative impact: Where any negative impact has been identified, outline the measures taken to mitigate against it.	Not applicable at this stage
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Is the decision relevant to the aims of the equality duty?	
Guidance on the aims can be found in the EHRC's Essential Guide , alongside fuller PSED Technical Guidance .	
Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	Yes

2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	Yes

<p>Conclusion:</p> <ul style="list-style-type: none"> • Consider how due regard has been had to the equality duty, from start to finish. • There should be no unlawful discrimination arising from the decision (see guidance above). • Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified. • How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported? 	<p>Approving draft Borough Plan for public consultation will enable us to capture the views of a wide range of residents and stakeholders which will help us shape the final version of the Plan to be submitted later this year.</p> <p>The Borough Plan is intended to improve the outcomes for everyone in the borough so should have a positive impact. Individual projects that come forward as a result of the Plan will set out specific Equality Impact Assessments at the appropriate time.</p> <p>This EIA will be updated once the consultation results have been analysed.</p>
<p>EIA completion date:</p>	<p>4 April 2024</p>