

Section 4

Equality Analysis Toolkit

What is the Purpose of the Equality Decision-Making Analysis?

The Analysis is designed to be used where a decision is being made at Cabinet Member or Overview and Scrutiny level or if a decision is being made primarily for budget reasons. The Analysis should be referred to on the decision making template (e.g. E6 form).

When fully followed this process will assist in ensuring that the decision-makers meet the requirement of section 149 of the Equality Act 2010 to have due regard to the need: to eliminate discrimination, harassment, victimisation or other unlawful conduct under the Act; to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard means analysing, at each step of formulating, deciding upon and implementing policy, what the effect of that policy is or may be upon groups who share these protected characteristics defined by the Equality Act. The protected characteristics are: age, disability, gender reassignment, race, sex, religion or belief, sexual orientation or pregnancy and maternity – and in some circumstances marriage and civil partnership status.

It is important to bear in mind that "due regard" means the level of scrutiny and evaluation that is reasonable and proportionate in the particular context. That means that different proposals, and different stages of policy development, may require more or less intense analysis. Discretion and common sense are required in the use of this tool.

It is also important to remember that what the law requires is that the duty is fulfilled in substance – not that a particular form is completed in a particular way. It is important to use common sense and to pay attention to the context in using and adapting these tools.

This process should be completed with reference to the most recent, updated version of the Equality Analysis Step by Step Guidance (to be distributed) or EHRC guidance - [EHRC - New public sector equality duty guidance](#)

Document 2 "Equality Analysis and the Equality Duty: Guidance for Public Authorities" may also be used for reference as necessary.

This toolkit is designed to ensure that the section 149 analysis is properly carried out, and that there is a clear record to this effect. The Analysis should be completed in a timely, thorough way and should inform the whole of the decision-making process. It must be considered by the person making the final decision and must be made available with other documents relating to the decision.

The documents should also be retained following any decision as they may be requested as part of enquiries from the Equality and Human Rights Commission or Freedom of Information requests.

Support and training on the Equality Duty and its implications is available from the County Equality and Cohesion Team by contacting

AskEquality@lancashire.gov.uk

Specific advice on completing the Equality Analysis is available from your Directorate contact in the Equality and Cohesion Team or from Jeanette Binns

Jeanette.binns@lancashire.gov.uk

Name/Nature of the Decision

To revise/refresh the Corporate Premises Use Policy with effect from 2 April 2018.

What in summary is the proposal being considered?

The purpose of the revised Premises Use Policy and Procedure is to improve the consistency in approach when allowing external organisations to use county council premises. It should also ensure that the financial cost of accommodating use by an external organisation does not fall on the County Council's running costs budget. The policy sets out criteria to be applied to the user(s) in determining which of the 3 categories they fall within and this will then determine the basis for charging. The policy also details the hourly standard charge to be applied, in the case of sessional use/hire, for each type of room or area used.

Is the decision likely to affect people across the county in a similar way or are specific areas likely to be affected – e.g. are a set number of branches/sites to be affected? If so you will need to consider whether there are equality related issues associated with the locations selected – e.g. greater percentage of BME residents in a particular area where a closure is proposed as opposed to an area where a facility is remaining open.

The policy introduced a consistent scheme to be applied across all user(s) of County Council premises throughout the County and it is proposed to refresh/revise the policy due to the rationalisation of the County Council's premises which has increased the level of colocation of services and in order to accommodate use by different types of community organisations e.g. Friends of Library Groups.

Could the decision have a particular impact on any group of individuals sharing protected characteristics under the Equality Act 2010, namely:

- Age
- Disability including Deaf people
- Gender reassignment
- Pregnancy and maternity
- Race/ethnicity/nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership Status

In considering this question you should identify and record any particular impact on people in a sub-group of any of the above – e.g. people with a particular disability or from a particular religious or ethnic group.

It is particularly important to consider whether any decision is likely to impact adversely on any group of people sharing protected characteristics to a disproportionate extent. Any such disproportionate impact will need to be objectively justified.

Yes, as noted in 2012 when the policy was introduced the purpose is to ensure that all use of premises is dealt with consistently across the County Council for all users irrespective of their protected characteristics and in accordance with the criteria and the 3 categories set out in the policy. Whilst there is insufficient data on the existing users of LCC premises to indicate whether people from the protected characteristics will be impacted upon, the 3 categories used to determine the basis for charging do include groups targeted at people with protected characteristics e.g. young peoples groups. The financial impact of the decision is mitigated by the proposed subsidy arrangements.

It is intended to monitor the usage of Council premises to determine whether there are further implications for any groups of people with

protected characteristics as defined by the Equality Act 2010. It is also recognised that there is a risk that users/groups previously using County Council premises for free or a reduced rate may not be able to meet the charges detailed in the policy.

If you have answered "Yes" to this question in relation to any of the above characteristics, – please go to Question 1.

If you have answered "No" in relation to all the protected characteristics, please briefly document your reasons below and attach this to the decision-making papers. (It goes without saying that if the lack of impact is obvious, it need only be very briefly noted.)

Question 1 – Background Evidence

What information do you have about the different groups of people who may be affected by this decision – e.g. employees or service users (you could use monitoring data, survey data, etc to compile this). As indicated above, the relevant protected characteristics are:

- Age
- Disability including Deaf people
- Gender reassignment/gender identity
- Pregnancy and maternity
- Race/Ethnicity/Nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership status (in respect of which the s. 149 requires only that due regard be paid to the need to eliminate discrimination, harassment or victimisation or other conduct which is prohibited by the Act).

In considering this question you should again consider whether the decision under consideration could impact upon specific sub-groups e.g. people of a specific religion or people with a particular disability. You should also consider how the decision is likely to affect those who share two or more of the protected characteristics – for example, older women, disabled, elderly people, and so on.

There are a variety of groups that presently use LCC premises and there is evidence of inconsistency in the charges that are applied. The records held by services tend to relate to the name of the group or the use or activity undertaken in the premise it does not include the protected characteristics of individual users/groups. It is intended to monitor the users of LCC premises following the revision of the policy to determine whether users are from the groups with protected characteristics as defined by the Equality Act 2010.

It is also recognised that there is a risk that users/groups previously using County Council premises for free or a reduced rate may not be able to meet the charges detailed in the policy.

Question 2 – Engagement/Consultation

How have you tried to involve people/groups that are potentially affected by your decision? Please describe what engagement has taken place, with whom and when.

(Please ensure that you retain evidence of the consultation in case of any further enquiries. This includes the results of consultation or data gathering at any stage of the process)

There has been consultation with a number of the services that facilitate use of premises by third parties or advise on the use of premises:

- i. Children, Family and Wellbeing Service
- ii. Libraries, Museums, Culture and Registrar's Service
- iii. Insurance Team
- iv. VAT Team
- v. Facilities Management Service
- vi. Legal
- vii. Finance
- viii. Democratic Services

There has not been any direct consultation with the users of LCC premises.

Question 3 – Analysing Impact

Could your proposal potentially disadvantage particular groups sharing any of the protected characteristics and if so which groups and in what way?

It is particularly important in considering this question to get to grips with the actual practical impact on those affected. The decision-makers need to know in clear and specific terms what the impact may be and how serious, or perhaps minor, it may be – will people need to walk a few metres further to catch a bus, or to attend school? Will they be cut off altogether from vital services? The answers to such questions must be fully and frankly documented, for better or for worse, so that they can be properly evaluated when the decision is made.

Could your proposal potentially impact on individuals sharing the protected characteristics in any of the following ways:

- Could it discriminate unlawfully against individuals sharing any of the protected characteristics, whether directly or indirectly; if so, it must be amended. Bear in mind that this may involve taking steps to meet the specific needs of disabled people arising from their disabilities
- Could it advance equality of opportunity for those who share a particular protected characteristic? If not could it be developed or modified in order to do so?
- Does it encourage persons who share a relevant protected characteristic to participate in public life or in any activity in which participation by such persons is disproportionately low? If not could it be developed or modified in order to do so?
- Will the proposal contribute to fostering good relations between those who share a relevant protected characteristic and those who do not, for example by tackling prejudice and promoting understanding? If not could it be developed or modified in order to do so? Please identify any findings and how they might be addressed.

The policy ensures consistency is applied in charging user groups and ensures the financial cost of accommodating any third party use does not fall upon the running costs budget of the County Council.

There is anecdotal evidence that some groups are presently not charged for the use of LCC premises. The policy will reduce the amount of free use which is now significantly restricted. As a result most users of County Council premises will be required to pay a contribution for their use in future. In accordance with the general aims of the County Council to support relationships with bodies which benefit local service delivery, including Third Sector organisations, the County Council will offer a subsidy equivalent to the rental element to all groups which fall within Category 2 as detailed in the policy. It is expected that the majority of users will fall into Category 2.

It is also recognised that there is a risk that users/groups previously using County Council premises for free or a reduced rate may not be able to meet the charges detailed in the policy.

Whilst there is insufficient data on the existing users of LCC premises to indicate whether people from the protected characteristics will be impacted upon, the 3 categories used to determine the basis for charging do include groups targeted at people with protected characteristics e.g. young peoples groups. It is intended to monitor the users of LCC premises to determine whether users are from the groups with protected characteristics as defined by the Equality Act 2010.

The Policy also includes specific arrangements to assess the accessibility of premises to assist compliance with the Equality Act 2010's "reasonable adjustment" responsibilities which may assist in advancing equality for some user groups.

Specific arrangements have been made within the Policy to consider requests from users which may be controversial in nature, these arrangements may contribute to meeting the fostering good relations/community cohesion general aim of the Public Sector Equality Duty. Specific arrangements have also been included within the Policy to meet the requirements of the Prevent Duty.

Requests from all groups will be considered fairly and objectively against clear criteria which will ensure that any possible risk of unlawful discrimination is eliminated.

Question 4 –Combined/Cumulative Effect

Could the effects of your decision combine with other factors or decisions taken at local or national level to exacerbate the impact on any groups?

For example - if the proposal is to impose charges for adult social care, its impact on disabled people might be increased by other decisions within the County Council (e.g. increases in the fares charged for Community Transport and reductions in respite care) and national proposals (e.g. the availability of some benefits) . Whilst LCC cannot control some of these decisions, they could increase the adverse effect of the proposal. The LCC has a legal duty to consider this aspect, and to evaluate the decision, including mitigation, accordingly.

If Yes – please identify these.

It is recognised that there are some potential combined effects which may be relevant including the economic downturn on levels of disposable income, benefit cuts/changes and the users's ability to pay charges for the use of premises.

Also reductions in funding/grants for Third Sector organisations from local authorities may affect the ability of those groups to pay the charges. In accordance with the general aims of the County Council to support relationships with bodies which benefit local service delivery, including Third Sector organisations, the County Council will offer a subsidy equivalent to the rental element to all groups which fall within Category 2 as detailed in the policy. It is expected that the majority of users will fall into Category 2.

The policy requires that all users are insured appropriately and it is recognised that not all users of LCC premises are able to arrange insurance cover. The County Council has arranged for a top-up to the

Hirer's Liability Insurance which means that user(s) that do not have their own insurance policy are still able to make use of LCC premises.

Question 5 – Identifying Initial Results of Your Analysis

As a result of your analysis have you changed/amended your original proposal?

Please identify how –

For example:

Adjusted the original proposal – briefly outline the adjustments

Continuing with the Original Proposal – briefly explain why

Stopped the Proposal and Revised it - briefly explain

One of the reasons for the refresh/revision of the policy is to ensure improvement in the consistency of approach in charging for the use of LCC premises. There is anecdotal evidence that there is inconsistency so the policy should ensure fairness for all groups.

However it is also recognised that there is a risk that users/groups previously using County Council premises for free or a reduced rate may not be able to meet the charges detailed in the policy.

There is insufficient data on the existing users of LCC premises to indicate whether people from the protected characteristics will be impacted upon, the 3 categories used to determine the basis for charging do include groups targeted at people with protected characteristics e.g. young peoples groups. It is intended to monitor the users of LCC premises to determine whether users are from/represent all the groups with protected characteristics as defined by the Equality Act 2010.

Question 6 - Mitigation

Please set out any steps you will take to mitigate/reduce any potential adverse effects of your decision on those sharing any particular

protected characteristic. It is important here to do a genuine and realistic evaluation of the effectiveness of the mitigation contemplated. Over-optimistic and over-generalised assessments are likely to fall short of the “due regard” requirement.

Also consider if any mitigation might adversely affect any other groups and how this might be managed.

It is expected that the majority of user groups will fall into Category 2 of the criteria which means the rental element of the charge will be subsidised by the County Council.

Whilst there is insufficient data on the existing users of LCC premises to indicate whether people from the protected characteristics will be impacted upon, the 3 categories used to determine the basis for charging do include groups targeted at people with protected characteristics e.g. young peoples groups. It is intended to monitor the users of LCC premises to determine whether users are from/represent all the groups with protected characteristics as defined by the Equality Act 2010.

The policy requires that all users are insured appropriately and it is recognised that not all users of LCC premises are able to arrange insurance cover. The County Council has arranged for a top-up to the Hirer's Liability Insurance which means that user(s) that do not have their own insurance policy are still able to make use of LCC premises.

Question 7 – Balancing the Proposal/Countervailing Factors

At this point you need to weigh up the reasons for the proposal – e.g. need for budget savings; damaging effects of not taking forward the proposal at this time – against the findings of your analysis. Please describe this assessment. It is important here to ensure that the assessment of any negative effects upon those sharing protected characteristics is full and frank. The full extent of actual adverse impacts must be acknowledged and taken into account, or the assessment will be inadequate. What is required is an honest evaluation, and not a marketing exercise. Conversely, while adverse

effects should be frankly acknowledged, they need not be overstated or exaggerated. Where effects are not serious, this too should be made clear.

The purpose of the Premises Use Policy and Procedure is to standardise the criteria for determining charges for the use of LCC premises. As there continues to be inconsistency in the way charging of users is applied, the policy is being revised/refreshed. With County Council services being subjected to increased budgetary pressure the need for more efficient and cost effective use of property is also evident. The policy ensures that the financial cost of accommodating any third party organisation use does not fall upon the budget of the County Council.

In accordance with the general aims of the County Council to support relationships with bodies which benefit local service delivery, including Third Sector organisations, the County Council will offer a subsidy equivalent to the rental element to all groups which fall within Category 2 as detailed in the policy. It is expected that the majority of users will fall within Category 2.

The policy requires that all users are insured appropriately and it is recognised that not all users of LCC premises are able to arrange insurance cover. The County Council has arranged for a top-up to the Hirer's Liability Insurance which means that user(s) that do not have their own insurance policy are still able to make use of LCC premises.

Question 8 – Final Proposal

In summary, what is your final proposal and which groups may be affected and how?

To revise/refresh the Premises Use Policy which details the criteria for charging for use of LCC premises across 3 categories ranging from free use to a market rate charge. The policy will ensure that all groups are subject to the same consistent approach in determining use and when the standard rates for sessional use/hire are applied.

Whilst there is insufficient data on the existing users of LCC premises to indicate whether people from the protected characteristics will be impacted upon, the 3 categories used to determine the basis for charging do include groups targeted at people with protected characteristics e.g. young peoples groups. It is intended to monitor the users of LCC premises to determine whether users are from/represent all the groups with protected characteristics as defined by the Equality Act 2010.

In accordance with the general aims of the County Council to support relationships with bodies which benefit local service delivery, including Third Sector organisations, the County Council will offer a subsidy equivalent to the rental element to all groups which fall within Category 2 as detailed in the policy. It is expected that the majority of users will fall within Category 2.

Question 9 – Review and Monitoring Arrangements

Describe what arrangements you will put in place to review and monitor the effects of your proposal.

The revised/refreshed policy will be reviewed during the first twelve months by maintaining contact with the services involved in the consultation process. After twelve months there will be a formal review process to determine the impact of implementing the revised/refreshed policy and feedback will be obtained from services and also data on the levels of use of LCC premises.

It is also intended to monitor the users of LCC premises to determine whether users are from/represent all the groups with protected characteristics as defined by the Equality Act 2010.

Equality Analysis Prepared By Susan Haworth

Position/Role Property Review Principal

Equality Analysis Endorsed by Line Manager and/or Chief Officer

Decision Signed Off By

Cabinet Member/Chief Officer or SMT Member

Please remember to ensure the Equality Decision Making Analysis is submitted with the decision-making report and a copy is retained with other papers relating to the decision.

Where specific actions are identified as part of the Analysis please ensure that an EAP001 form is completed and forwarded to your Directorate's contact in the Equality and Cohesion Team.

Directorate contacts in the Equality & Cohesion Team are:

Karen Beaumont – Equality & Cohesion Manager

Karen.beaumont@lancashire.gov.uk

Contact for Adult & Community Services Directorate

Jeanette Binns – Equality & Cohesion Manager

Jeanette.binns@lancashire.gov.uk

Contact for Environment Directorate, Lancashire County Commercial Group and One Connect Limited

Saulo Cwerner – Equality & Cohesion Manager

Saulo.cwerner@lancashire.gov.uk

Contact for Children & Young Peoples Directorate

Pam Smith – Equality & Cohesion Manager

Pam.smith@lancashire.gov.uk

Contact for Office of the Chief Executive and the County Treasurer's Directorate

Thank you