Appendix 1

COMBINED EQUALITY ANALYSIS TEMPLATE AND GUIDANCE

Overview

This document contains both the Equality Analysis Template (section A) and accompanying Equality Analysis Guidance (section B).

All of our work decisions, policies and service delivery should be informed by Equality Analysis (EA) in order to comply with the Equality Act 2010 and Public Sector Equality Duty. Begin this during the early stages of your work to allow considerations to inform the work, revise options and ensure decisions are taken with the full understanding of the potential impacts.

Use the EA to think about how your work can be used to reduce discrimination, promote equal opportunities and foster good relations across all sections of the city's communities. The circumstances may be challenging, but your EA won't stop your work. It can however minimise negative impacts and maximise positive impacts.

The quality of the data and intelligence informing your work is crucial to being able to produce a robust EA. This information should show how people will be affected by your work and, wherever possible, be broken down according to the nine protected characteristics. Where you don't have any or much intelligence and data, part of the EA process is to gather it.

Although the EA template focuses on the protected characteristics, you also need to think about other groups that could be affected, for instance people in deprived neighbourhoods, people that are socially isolated etc.

Equality Analysis Template

Part 1: Explain the decision, policy or change to service you are making, as well as what prompted it, who'll be affected by it etc. List the data and intelligence you're using to inform your decision and, importantly, explain how this information influenced your decision making. Essentially you're setting out what you're going to do, any changes, the rational for it and supporting evidence.

Part 2: Summarise your analysis and interpretation of the data and intelligence according to the protected characteristics. What will the impact be on the people of Sunderland based on their, disability, gender etc.? Will there be a positive or negative impact or perhaps a neutral impact with no apparent harmful or less favourable effects. You must explain in each box the impact and what has caused it.

Part 3: Describe your next steps. Are you going to proceed with your intended course of action? You have four options:

1) Proceed with no major changes, with any small changes explained in the action plan at the end of the template
2) Continue despite negative implications - because these are proportionate and cannot be avoided or mitigated, with the overall outcome important and overwhelmingly positive
3) Adjust the proposal – there are some negative outcomes but you've identified actions to mitigate these - explain these in the action plan; or
4) Do not proceed – you've identified major problems with serious impacts that cannot be avoided.

Finally, prepare your action plan outlining any changes and mitigating actions you're taking to ensure maximum positive equality impact and minimum negative impact. You may need to review the impact of any changes in the future. If you're preparing a first draft of your EA you can use this section to list what needs to be done to take the EA forward e.g. gather further data, undertake consultations etc.

Section A - EQUALITY ANALYSIS TEMPLATE

You must complete this in conjunction with reading Equality Analysis Guidance

Name of Policy/Decision/Project/Activity:

The Improvement of Bereavement Services

Date: July 2022

Version Number: 1

Equality Analysis completed by:

Name: Nicky Raine

Job title: Bereavement Services Manager

Responsible Officer or Group:

Name: Sandra Mitchell

Job title: Assistant Directors of Neighbourhood Services

Is the Activity:

New/Proposed (x) **Changing/Being Reviewed (x)** **Other ( )**

Part 1. Purpose and Scope

Purpose

In this section outline briefly:

- what the policy, decision or activity is and what the intended outcomes/benefits are (linked to the Corporate Outcomes Framework)
- over what period of time the outcomes will be achieved
- why it needs to be implemented or revised
- what populations are affected by the proposal
- who is expected to benefit and how, i.e. young people, older people, carers, BME groups, ward areas/communities, etc
- whether there are any overlaps with regional, sub-regional, national priorities.

Further Guidance

Introduction/Background

What is the decision?

As part of recent improvements to Bereavement Services a number of decisions which support continued service development are required

- The implementation of the Memorial Safety Policy
- The approval to manage historic breaches of Cemetery Regulations
- The approval of the development of a process for the management of historic memorials
- Approval of revised Cemetery and Crematorium Regulations and the implementation of obligatory conduct

Outcomes

The outcome of the decisions will be a compliant memorial safety testing policy which meets the requirements of the Ministry of Justice guidance for burial authorities in memorial safety management, and a wider selection of memorialisation items, locations and opportunities for customers, and the generation of an income from the sale of memorial for continued service improvements.

Additionally, the administration of the agreed Regulations will provide mechanisms for the implementation of further operational improvements.

Over what period of time will it be achieved?

- The memorial Safety Policy will be implemented forthwith
- The extension of the memorial products and opportunities will be an ongoing undertaking, led by consumer demand and availability of products.
- The process for the managements of historic memorials will be implemented forthwith.
- The revised Cemetery and Crematorium Regulations are published and will be introduced forthwith.

Why it needs to be implemented

- The Memorial Safety Policy is statutory requirement and a legal duty in accordance with the Local Authorities Cemeteries Order 1977.
- New memorial locations, products and opportunities are required to meet the demand and desire for memorialisation across the city.

- The process for the management of historic memorials is required to enable the turnover of items in popular locations; to place all memorial items on the same terms and conditions as well as identify memorial items which may be available for new sponsorship.
- The revised Cemetery and Crematorium Regulations will implement of mandatory conduct which will support service improvements.

What Populations are affected by the Protocol?

Potentially everyone accessing Bereavement Services, cemeteries or Sunderland Crematorium would be affected by the new approach.

Who is expected to benefit?

- Cemetery visitors, Funeral Directors, Stone Masons, cemetery workers would benefit from the safety inspections undertaken as part of the Memorial Safety Policy.
- Anyone seeking an opportunity to purchase a memorial item would benefit from an increase in products, locations and opportunities brought about by the extension of memorial benches and trees to all public areas and the development of a process for the management of historic memorials.
- The service area and service users would benefit from the introduction of new fees and charges which would be directly linked to service improvements
- Service users, professional clients and local residents would benefit from the revised Cemetery and Crematorium Regulations and the implementation of obligatory conduct within such areas.

Overlaps with national policy and priorities

- The Local Authority Cemetery Order 1977 and the Cremation Regulations 2008 give clear direction to Local Authorities on the requirement to publish management arrangements relating to the provision of Bereavement Services to ensure a compliant service which safeguards the health and safety of its clients and service users.

Intelligence and Analysis

Please describe:

- What sources of information have been used to inform this assessment/analysis (this should include but is not limited to consultations, resident/service user feedback and statistical data and intelligence)
- **What the information is telling you** – this should be broken down by each of the protected characteristics or other identified groups which could be disadvantaged. Each of the aims of the equality act should be considered in relation to each of the protected characteristics.

Further Guidance

- The Local Authority Cemetery Order 1977, section 3, provides for Local Authorities to implement all requirements deemed necessary for the proper management and regulation of their cemeteries.

- The introduction of new memorial locations, products and opportunities, the extension of memorial benches and trees to all public areas and the development of a process for the management of historic memorials is required due to information held on various systems relating to the availability of memorial items.

Gaps in intelligence and information

Having analysed the information available to you:

- are there any gaps in intelligence or areas where understanding needs to be improved? Please describe what these are and what actions you intend to take to obtain/improve the information. These actions should be covered in the action plan.
- are there any groups who should be expected to benefit who do not? Please describe why not and whether you will amend the decision to change this outcome. This should also be covered in the action plan.

Further Guidance

The financial benefits established as a result of the increase in service options for memorialisation will need further analysis in terms of potential income and future budget/income generation.

Detail on the budget pressure caused by Memorial Safety testing will be available after initial assessments and remedial works. A more accurate forecast for future works will be available for review after implementation in year 2.

Additional Impacts

The policy or action may also have an impact on other groups or individuals which are not covered by statutory requirements. Please outline any additional individuals or groups which have not already been covered. This could include socio-economic groups, voluntary and community sector, carers or specific communities which face additional challenges (such as former coal mining areas or areas of high deprivation)

Further Guidance

Part 2. Analysis of Impact on People

In this section you must **review the intelligence described above and summarise the intended and potential impact of the policy, decision or activity** on the people of Sunderland. This includes specific consideration of the impact on individuals, groups with protected characteristics and communities of interest within the city. Please briefly outline any positive, neutral or negative impacts on the specific groups below. Please note that any negative impacts should have a corresponding action in the action plan in the page below.

In this assessment it is important to remember the **Council is required to give due regard to:**

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Each of these aims must be summarised in turn in relation to the groups outlined below.

Further Guidance

Characteristic	List of Impacts		
	Positive	**Neutral**	**Negative**
All residents – all characteristics	Improved cemetery conditions and safer environmental for clients, contractors, and visitors. Improved services for service users and a wider range of memorial options to meet all budgets and requirements.		.
Age	All services and provisions can be delivered for the benefit of service users of any ages		
Disability	Improved cemetery conditions and unobstructed access to graves will benefit cemetery visitors with disabilities.		

Gender/Sex	No impacts identified	No impacts identified	No impacts identified
Marriage & Civil Partnership	No impacts identified	No impacts identified	No impacts identified
Pregnancy and maternity	No impacts identified	No impacts identified	No impacts identified
Race/Ethnicity	No impacts identified	No impacts identified	No impacts identified
Religion/belief	No impacts identified	No impacts identified	No impacts identified
Sexual Orientation	No impacts identified	No impacts identified	No impacts identified No impacts identified
Gender identity	No impacts identified	No impacts identified	No impacts identified

Please add any additional groups mentioned in the "additional impacts" section above.

Part 3. Response to Analysis, Action Plan and Monitoring

In this section please outline what actions you propose to take to minimise the negative, and maximise the positive, impacts that have been identified through the analysis. By considering and implementing these actions the policy or action can be refined to make sure that the greatest benefits are achieved for the people of Sunderland. The performance monitoring process should also be set out to explain how ongoing progress is going to be followed to make sure that the aims are met.

From the analysis four broad approaches can be taken, (No major change; continue with the policy/action despite negative implications; adjust the policy/decision/action; or stop the policy/action). Please indicate, using the list below, which is proposed.

No Major Change (x)

Continue Despite Negative Implications (/)

Adjust the Policy/Decision/Project/Activity ( )

Stop ( )

Action Plan

Further Guidance

ACTION	WHO	WHEN	MONITORING ARRAGEMENTS

PLEASE ENSURE THAT THIS TEMPLATE IS PUBLISHED ON http://citypoint/equalityanalysis/default.aspx, WITH THE RELEVANT ACCOMPANYING DOCUMENTATION APPENDED, i.e. POLICY/STRATEGY. THE EQUALITY ANALYSIS MUST BE PRESENTED AT ANY DECISION POINT.

Section B - EQUALITY ANALYSIS GUIDANCE - Assessing impacts on people

Version

Introduction

This guide reflects the advice of the Equality and Human Rights Commission and explains how you can ensure you are adequately considering equality so that you can meet the requirements of the Equality Act 2010 and Public Sector Equality Duty. The guide explains:

1. Legal requirements
2. Assessing relevance
3. Equality Analysis
4. Maximising benefits and reducing the risk of legal challenge
5. How to carry out Equality Analysis
6. Appendix 1: Further information and considerations in relation to protected characteristics

It is relevant to officers who carry out work relating to:

- Decision making
- Policy and strategy development
- Gathering and / or analysing information
- Business planning
- Procurement/Commissioning
- Human Resources
- Grant-making
- Governance
- Scrutiny

PART 1 – Legal Requirements

The **Equality Act 2010 bans unfair treatment** and **promotes equal opportunities** in the workplace and in wider society. It protects everyone from unfair treatment through covering **nine key protected characteristics**:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation.

Protected characteristics are explained in more detail later in this guide. They are the grounds on which discrimination is unlawful. The Act defines discrimination as:

- Direct discrimination: when someone is treated less favourably than another person because of a protected characteristic. This includes discrimination by association or perception (i.e. because someone is linked with someone with the characteristic or they are wrongly presumed to have the characteristic)
- Indirect discrimination: when there is a rule, a policy or even a practice that applies to everyone but which particularly disadvantages people who share a particular protected characteristic.
- Harassment: This includes behaviour that might make people feel humiliated or degraded, even if it is not directed at someone. (E.g. if someone overhears racist or homophobic language)
- Victimisation: Treating someone badly because they have, for example, made or supported a complaint about discrimination

The Act also places the **Public Sector Equality Duty** on Local Authorities and other public bodies. The Duty requires public authorities, in the exercise of their functions, to have **'due regard',** (consciously think about) the three aims of the Duty:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
- Foster good relations between people who share a protected characteristic and those who do not share it.

The Equality Act explains that having **due regard** for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people with certain protected characteristics where 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 their participation is disproportionately low.

This encourages public bodies to **understand how different people will be affected by their activities** so that policies and services are appropriate and accessible to all and meet different people's needs. This can **support and open up people's opportunities** and help deliver **policies and services that are efficient and effective**. This means that **consideration of equality issues must, by law, influence the decisions reached by public bodies**.

Although the legislation does not state how the duty must be met, public authorities must have an adequate evidence base to demonstrate that they have gathered and considered adequate intelligence to allow them to pay 'due regard' to the aims of the Public Sector Equality Duty. In a large organisation like Sunderland City Council it is important that we can do this in a standardised and systematic way that would provide evidence to defend any potential legal challenge. **The way we do this in Sunderland City Council is through Equality Analysis.**

PART 2 – Assessing Relevance

When should you consider Equality?

Much of the Council's activity can have an impact on equality. Remember that this is about maximising the positive potential as well as minimising the negative. Analysis of the equality impact of your work should be an integral part of the decision-making process and a core service-improvement tool and should be carried out on:

- Policy and strategy development,
- Practices or activities,
- Decisions (including financial decisions regarding withdrawal of funding) and implementing decisions,
- Implementing policy developed by other organisations (e.g. Government departments),
- Service planning, assessments and reviews,
- To inform procurement and commissioning exercises.

However, it is important to consider the relevance of equality to your work before spending time carrying out any analysis of the equality impacts. It is highly likely that anything effecting service to people or that can affect future access or standards will be relevant. Examples may include changes to service delivery such as reduction, withdrawal or new ways of delivering. In some cases, it may be immediately apparent

that equality is less relevant (e.g. where it does not affect service delivery or employees). However, in some cases it may need some further consideration to determine whether it is relevant.

Consider the following questions to help you determine whether it is necessary to complete an Equality Analysis. This is not intended to be an exhaustive list, but it will help you to determine the equality relevance of what you are doing. It is likely that if you answer 'yes' to any of the following questions, you will need to analyse the equality impacts:

- Does the policy affect service users, employees or the wider community?
  Even if the policy affects a small number of people, consideration needs to be given to the level of impact. A large impact on a small number of people can sometimes be more significant than a smaller impact on many people.
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, significantly affecting how functions are delivered?
- Will the policy have a significant impact on how other organisations operate in terms of equality?
- Does the policy relate to functions that have been identified through engagement as being important to people with particular protected characteristics?
- Does the policy relate to an area with known inequalities?
- Does the policy relate to any equality objectives? This can include having a key impact on any of the city transformational priorities: Economy, Health and Well-Being, Education and Skills.

If you decide that a policy is not relevant to equality, you should be confident of your reasons for this. The fact that 'no information is available' is not adequate to justify a decision that a policy is not relevant to equality. Recording your reasons why a policy is not relevant will help you to increase transparency, encourage engagement and may assist in demonstrating compliance with the general equality duty. To aid with transparency Equality Analysis must be available to decision makers and therefore will usually be published as part of the cabinet papers.

PART 3 – Equality Analysis

Everyone has a complex mix of protected and other characteristics which influence how they experience services and life more generally. Therefore, they are impacted differently by what we do and what we change. We must **identify where we can improve what we do**, or **what we are planning**, to **mitigate any negative impact**, **maximise the positive outcomes** and **do more to advance equality of opportunity** and **promote good relations** between different groups of people. Equality Analysis is Sunderland Council's way of doing this. Regular completion of Equality Analysis will also help us to build a picture of the cumulative impacts of different decisions.

In addition to meeting the legal requirements, fully considering equality issues will help:

- evaluate and identify the likely impact of proposed changes on different parts of the community, different groups of service users or employees of the council,
- improve customer service and access through improved understanding and getting things right first time,
- manage demand through better customer service and by identifying and tackling issues early to stop them escalating,
- deliver efficient and effective services,
- improve satisfaction with Council services by providing excellent customer service,
- motivate the workforce,
- aid decision making,
- integrate equality and diversity considerations into the everyday business of the Council and aid service planning,
- improve the reputation of the Council as one which listens to all of its communities.

In addition to the advantages outlined above the Equality Analysis will also **provide a paper- trail of considerations to** create a record so that of adjustments made and how a conclusion was reached. This provides crucial information to decision-makers as they make choices on behalf of Sunderland. The Equality Analysis must be presented with any decision papers to **ensure decision makers have full information when making a decision. This is particularly important to comply with the law**. This becomes more crucial at a time when difficult decisions on the use of resources and future service delivery need to be made because we must be able to demonstrate the decision making was lawful if challenged.

PART 4 – Maximising Benefits and Reducing the Risk of Legal Challenge

Good intelligence makes a good Equality Analysis

Intelligence is about using data and information more effectively to improve decision making and lead to better outcomes. It is a result of the collation and analysis of a number of sources of information. All that we do should be intelligence led to ensure we are maximising efficiency, improving outcomes and making sound decisions. Therefore, equality information and understanding should be an element of this way of working.

To carry out successful equality analysis, requires:

- The views of a range of officers involved in service delivery who have a good understanding of the service
- The views of existing, potential and non- service users, from all backgrounds
- Population data
- Research intelligence
- Consideration of the equality impacts based on the data
- Development of ways to minimise the negative impacts and maximise potential benefits.

The collation, processing and analysis of the information are needed to develop a fuller picture of the potential groups of people who will be affected and how the proposals will impact on them. It will show which groups and individuals are particularly vulnerable to changes due to their reliance or heavy-use of a service, or where there is under-representation in the profile of users which could be increased. By considering these factors, investigating potential barriers and collating information where it is not already available, outcomes for all people in Sunderland will be improved. **A failure to gather relevant data and information, and analyse it to consider the equality impact, could lead to costly legal challenges for failing to comply with the Public Sector Equality Duty.**

Good timing makes good Equality Analysis

Equality analysis begins **as soon as possible**, either before policy development starts or at the early stages of projects and review. When fully integrated into developing proposals and undertaken early in the process **equality analysis allows options to be revised to take account of the findings and decisions taken with full understanding of the potential impacts**. The gathering of information that is part of undertaking the analysis will also help to inform refinements to the aims, objectives or scope of the project. **The analysis is an on-going process not a one-off event**. It should develop alongside a piece of work and be a core part of data analysis and research.

Although completion of the template is important, this should be a by-product of an on-going process that results in an **action plan** to address gaps in knowledge, develop responses to the negative impacts and set out the performance management approach to monitor implementation and outcomes and a refined way forward

Case law demonstrates that it is not sufficient to carry out analysis at the end of the policy development process because:

- it may still be discriminatory or have adverse effects on particular groups
- opportunity to advance equality may be missed
- it is unlikely that you will be able to demonstrate you had due regard when the decisions were being made and may be left open to legal action.

The Risk of legal Challenge

There are a number of challenges to public sector decisions that have been made using the Public Sector Equality Duty, or other relevant legislation that preceded the duty. It is important to remember that even if the decision has been made appropriately, if the required process has not been followed, then the decision making itself can be challenged. In essence the issues tend to relate to:

- Failure to start equality considerations early enough
- Failure to gather adequate information (including consultation)
- Failing to provide enough detail during consultation and engagement for the participants to make a rounded and intelligent response
- Failure to adequately analyse information gathered
- Failure to present information to decision-makers
- Failure to draw decision-makers attention to their equality duty

There are a number of cases where councils have been found to have breached the law and some cases where councils have been able defended their actions. More information about individual cases can be found on the Equality and Diversity Forum website http://www.edf.org.uk/blog/?p=17719

PART 5 - How to carry out Equality Analysis

This equality analysis guidance and the associated template is designed to stimulate discussion by the team leading on developing proposals for decisions, new or revised policies and strategies or reviewing service delivery options. It does not seek to provide a checklist questions or categories to be 'ticked-off', but it is designed to ensure existing knowledge within the service, customer and service-user feedback, data and intelligence and consultation are **analysed to identify the potential impacts** on individuals and groups of individuals with particular characteristics. **Where this knowledge is not available, part of the process must be to gather it**. This guidance is designed to provide additional support and direction by highlighting some key questions for consideration. These questions should not be seen as exhaustive, they are not a series of questions to work through but rather a starting point to stimulate discussion. When undertaking the process, it is envisaged that additional questions will be considered, and alternative perspectives added.

The next section provides a step-by-step guide to completing the template. It is broken down by section and provides some additional information about the sort of questions and broader areas that might be addressed. It is important to recognise that **the person making the decision or advising the decision maker needs to undertake the analysis**. This is a core part of policy-making.

If advice, support or peer challenge of your Equality Analysis is required please contact Kirsty McNally, Associate Policy Lead for Equalities and Communities in Office of the Chief Executive: kirsty.mcnally@sunderland.gov.uk; Tel: 0191 561 7961.

1. Purpose and Scope

(back to template)

This section of the assessment covers the broad rationale and intentions of the activity. It sets the **context and aims** of the proposal and any specific target audience. It is also where the sources of intelligence and information that have been used should be outlined.

- **Purpose** – Outline the decision to be made, policy to be developed or nature of the service. Think about the aims of the Duty and which protected characteristics it is most relevant to. Consider why it is being undertaken or proposed and why it is necessary, what the intended outcomes or benefits are and over what period the actions will be implemented and the outcomes have an impact. Also describe who or where the target for the intervention or decision is. This could be a specific group of people or organisations or a location such as a neighbourhood, individual ward, community or area of the city as well as the city as a whole. The impacts could also be wider than Sunderland and link to activities in other authorities. If this is a service review, you must state the 'as is' and 'to be' so that the changes are transparent.

-

(back to template)

- **Information, analysis and intelligence** – Outline which sources of information and intelligence and have been used to inform the assessment and **provide a description of what the intelligence is telling you** about each of the protected characteristics or any other group which may be disadvantaged as a result of the decision. In this assessment it is important to remember the Council is required to give due regard to:
  - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.

  Each of these aims must be considered in turn in relation to the protected characteristics (refer to appendix 1). The more detailed the description, the better your understanding will be of the issues.

  It is important that you have appropriate and reliable information to analyse because understanding the impact on different groups is a key step in identifying whether a policy, service or activity might unlawfully discriminate. This will also help to identify any gaps in data. You should collate and analyse information to give you as much intelligence relating to each of the protected characteristics as possible. Information can be found from a wide range of sources http://www.sunderland.gov.uk/index.aspx?articleid=5745. Information may include, but is not limited to:

- the Census and other statistical data to help you identify the numbers of people with different characteristics (available through the ONS and NOMIS) http://www.sunderland.gov.uk/index.aspx?articleid=3331
- knowledge of employees and partners
- the results of consultation and engagement with the public and the voluntary and community sector
- feedback, including comments, praise and complaints from customers, service-users and Councillors
- qualitative and quantitative research
- existing local service-reviews and planning reports
- research and examples from national, regional and local sources
- Joint Strategic Needs Assessments http://www.sunderland.gov.uk/index.aspx?articleid=6789
- Comparisons with other authorities or services
- Recommendations from inspectors and / or peer reviews

The analysis you need will be dependent on what your topic. However, the following are often useful questions to ask yourself (there will be others):

- Who wants, needs and uses the service? Does this differ for different groups?
- Who does not use the service? What are the barriers?
- Is the service easy to access for everyone? (This can include communications methods)
- Do outcomes, experiences or satisfaction differ between people with different protected characteristics?
    - What are the key findings of any engagement you have undertaken? Can this be broken down by protected characteristics? If not, how will you ensure you understand the impact on all groups?
    - Could any one particular group experience poorer quality of life or increased isolation due to this work?
- If there is a greater impact on one group is that consistent with the policy, commissioning or service aims?
- If the activity has negative impacts on one group, what action can be taken to mitigate it?
- Is any part of the policy, service or activity unlawful under the Equality Act 2010? (Could it lead to discrimination, indirect discrimination, harassment or victimisation, or does it fail to make an adjustment for disabled people?)
- Will the activity deliver practical benefits for particular groups?
- Are there any missed opportunities to advance equality of opportunity and foster good relations?
- Does anything else need to change to enable this policy, service or activity to be effective?

You must be able to evidence your conclusions. For example, if you conclude that the activity will generally benefit all service users without any evidence to support this conclusion, it may make it difficult to demonstrate compliance with the Duty.

Gaps in intelligence

(back to template)

In some cases there won't be enough data and information to analyse to lead to intelligence on all of the protected characteristics (data is often more sparse in relation to religion and belief, sexual orientation, marriage and civil partnership and gender identity and reassignment). In this section you should highlight where this is the case and consider whether efforts are needed to fill the gaps. This could be through focused consultation or specific research/engagement activity. If this is not possible in the short-term, consider how you can increase your understanding in the short-term before undertaking more robust research in the longer-term. It is vital that considerations are based on evidence, not assumptions. Any proposed action to mitigate knowledge gaps should be included in the action plan.

Analysis of data and information may also highlight which groups of people are not benefiting from the decision in the way that was anticipated. You should describe in this section which groups these are, and whether you will amend the proposed decision to ensure that the outcomes for the groups in question are positive one. This should also be reflected in the action plan.

Additional benefits/Other individuals or groups impacted on

(Back to template)

Although not a statutory requirement in the Equality Act 2010 or Public Sector Equality Duty, there are a number of priorities for Sunderland which mean that wider equality considerations will need to be made if we are to meet the Council's objectives as well as its legal duties. There is recognition that some groups typically face more difficulties in accessing opportunities in life. Examples can include:

- People who have low incomes (specifically relevant when considering access to services and employment due to travel and child-care costs. There may be cumulative impacts of cost increases on large families)
- People who are physically isolated due to access to transport, cost of transport, locations, health or disability.
- People without access to a car or regular public transport (this can often be more relevant for women and disabled people)
- Ex-offenders
- Ex-armed forces
- Homeless people who may not have access to a home address or land-line
- Those without access to (and ability to use) technology for example internet/computers

You should consider and note how you can **maximise the positive impact and minimise the negative impact** on the City's Transformational Priorities for all of these groups, in addition to the protected characteristics. Some areas for consideration could be:

Economy

- Will the work support economic independence and help people out of poverty?
- Is there potential to create employment, particularly for groups who find it harder to access employment, or particular types of employment?
- Will your work have a negative impact on people with low incomes, and therefore make them further excluded?
- Could the work create or remove barriers to using the city centre? (e.g. making it more age-friendly)
- Could it negatively or positively affect businesses?
- Could there be a positive impact on housing choice?
- Could it have a positive impact on transport and connecting people to work, business and facilities?
- Will it reduce demand on the public sector? Will this be for all groups?
- Can it create diversity of events? Will these meet differing needs?

Education and Skills

- Is there potential to increase/share skills or training opportunities? Could this be focussed on particular groups? (E.g. Not in Employment, Education or Training - NEET)
- Could the voluntary sector be positively used to build skills for particular groups?
- Could traineeship or apprentice opportunities be created?

Health and Well-being

- Is there a way to reducing loneliness and isolation?
- Is it possible to build community relationships?
- How can active lifestyles be promoted to all groups?
- Could it encourage better and more flexible employers that will see people participating and staying in work because they are healthy?
- Can it support ways to help people ageing well and demanding less of the social care system because they are healthier

2. Summary of Impact on People

(back to template)

The summary table is where the key findings from the analysis and interpretation of the data and information should be summarised. This must cover any expected or potential impacts for people within each protected characteristic. This must outline how the proposals will impact on an individual or group's ability to live a full, active and engaged life, or whether they disadvantage or further disadvantage individuals or groups with specific characteristics. As this provides a summary list of the impacts it is important that any conclusions are based on information which is clearly referenced. **It must be easy to see what data and information has been used to reach a decision or justify a statement, and it must be transparent for the public to scrutinise**.

The analysis should be approached with an awareness of the different ways in which practices, policies or decisions can disadvantage people.

- A **negative impact** can include direct discrimination, failure to make reasonable adjustments and unintended adverse impact (where people enjoy fewer opportunities experience barriers when seeking to access a service or unfair or negative treatment).
- A **neutral impact** would be if there were no noticeable harmful or less favourable effects. Remember that the same impact can have different significance for different groups. For example a universal service may be withdrawn but have a greater impact on disabled people because they are less able to access the alternatives. Where possible, consider whether a neutral impact can be made positive.
- A **positive impact** is where both intended and incidental positive impacts should be recorded.

The summary table is broken-down by the protected characteristics as outlined in the Equality Act 2010, this ensures that active consideration is given to each characteristic in the analysis, and provides space to list what the impacts are and whether they are positive, neutral or negative for that specific group. Each of the aims of the Equality Duty must be considered for each group.

Action Plan and Monitoring

(back to template)

Although the legislation does not stop you from making difficult decisions it must be noted that where equality considerations are significant, these would not be outweighed by financial decisions. The decision and rationale must be clear and transparent.

Broadly this can take the form of one of four options:

- **No major change:** The intelligence highlights no major concerns for any protected groups. Small changes to improve the outcomes may still be appropriate, and should be in the action plan, but they are not significant enough to change the approach.
- **Continue despite negative implications** – Although the analysis does suggest negative outcomes for one or more specific groups, they are relatively proportionate and cannot be avoided or mitigated. The overall outcome of the proposal or decision is also considered crucial or overwhelmingly positive. A clear rational should be reflected in the equality analysis to demonstrate the considerations should the decision be challenged.
- **Adjust the policy/action/decision** – The analysis highlights one or more significant negative outcome in relation to one or more protected characteristics; however a single or a number of actions can be taken to adjust the proposal to reduce, prevent or mitigate negative outcomes whilst still achieving the overall objective. The action or actions should be outlined in the action plan.
- **Stop** - The analysis highlights one or more major problems with the proposal which has a serious impact on individuals with protected characteristics and which cannot be avoided. Therefore the policy or decision must be stopped from going any further. Retain the document with the analysis of your findings and your interpretation.

Your analysis should be comprehensive enough to inform discussions about how relatively small changes could be made to reduce or stop adverse impacts or unlawful conduct. This includes discrimination, harassment, victimisation or a failure to make reasonable adjustments for disabled people. The changes should be things that can easily be altered without the needs for significant resources, such as altering a process, changing an application form, updating information. If bigger changes are needed these should also be included in the action plan so that formal agreement can be obtained to carry them out and for the resources needed to make the changes. Also consider whether there are adjustments that can be made to maximise the positive impacts.

When considering whether there is mitigating action which could be taken, consideration should be given to:

- Are there different ways of delivering the service?
- Could the service be promoted better with groups who are under-represented in the service?
- Could procedures be altered to make it easier for customers to access and use services?
- Could application forms and methods of requesting a service be altered to make them easier for the public?

Action Plan

From these discussions you should develop an action plan to address the problems with the proposal, detailing who will be responsible for completing the task and when it will be completed by. In most cases this will be before the decision, change or policy takes effect.

The action plan must demonstrate:

- Action – what is to be achieved?
- Who – who will be responsible for completing it?
- When – when will the action be completed?
- Monitoring Arrangements - how will success be measured?

The action plan will form the basis for the activities that will be undertaken going forward. In some cases some of the actions may need to be carried out by people in other teams or even a different organisation. The progress with the action plan and expected outcomes needs to be monitored to make sure they are completed and have the intended impact. To do this performance measures need to be set out next to each action. These performance measures need to be specific, measurable, achievable, relevant and timely. **As a minimum there should be an action to monitor and review.**

What happens next?

In order to support decision-making and transparency details of this assessment should be available for publishing. The duty to give due consideration includes making sure that equality analysis is shared with decision-makers so they can make informed decisions.

The completed equality analysis should be a **core part of the decision-making process** and as such should be **shared with those responsible for making the decision relating to the project**. As such, the **fully completed** equality analysis should accompany **all** Cabinet reports as part of the printed papers. It is not sufficient to provide a summary or for the document to be provided as a link. In addition, all equality analysis – whether being presented at Cabinet or otherwise – should be published on SharePoint, with the relevant document, i.e. policy, strategy, etc. appended within the document. http://citypoint/equalityanalysis/default.aspx. This supports transparency and the sharing of information and best practice within the Council. By building this library of information and analysis, better understanding and improved decision making about equality issues can be reached across the Council. Equality Analysis will be loaded from SharePoint onto our website to help meet our Public Sector Equality Duty.

Further Information and Contacts

Further information on the Equality Act 2010 and the Public Sector Equality Duty can be found online from the Equality and Human Rights Commission and the Equalities Office.

http://www.equalities.gov.uk/equality_bill.aspx

http://equalityhumanrights.com/legal-and-policy/equality-act/

http://equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/

Information on Protected Characteristics — Appendix 1

The following sections provide further information about the protected characteristics, and highlight some of the issues that may stimulate questions. Whilst considering these it is important not to stereotype individuals or groups. Individuals can also face challenges posed by more than one protected characteristic, which should also be considered during the analysis.

Protected Characteristics

Age – The type of service required and the way in which services are accessed varies by age. When considering age it is important to consider the impact on all age groups, but younger and older people often experience age-related inequality the most. It is also important to remember that in within older and younger groups there can be wide variations.

Sunderland aspires to be an all Age Friendly City which is barrier-free, designed for diversity, and is inclusive and cohesive - a city of choice for all generations. Age Friendly environments allow people to age well by staying active, connected and positively contributing to the economic, social, and cultural life in their community long into their old age. Age Friendly cities design and adapt their natural and built environment for residents of all ages and different capacities – accessible and safe road and transport infrastructure, barrier-free access to buildings and houses, and public seating and sanitary facilities, among others. Tools for information dissemination are adapted to cater to the capabilities and resources of all residents. Age Friendly cities can prevent and delay age-related illnesses through the provision of community support and health care services, enabling older people to maintain their health and independence for as long as possible. These support services benefit younger generations too.

This is a life course approach that promotes positive ageing, however, in doing so it must also encourage people to take more control over their lives and to access opportunities to achieve an improved quality of life.

Age can broadly be broken into four categories:

- The First Age is characterised by dependence and education.
- The Second Age is characterised by maturity, independence and familial and social responsibility, broadly cover those in their 20s to retirement.
- The Third Age refers to people with good health and independence but lesser work responsibilities, this often includes those who have recently retired.
- The Fourth Age includes a graded increase in dependency which can be referred to as a Transitional Age, 70/80 age group and Older People (80+ age group). Within and across these groups there will be additional age-related impacts. For example those who are newly or recently retired will face different impacts to those of the same age who are still working or more vulnerable older people. For this reason precise age-banded distinctions are unhelpful as individual's aging process varies greatly.

Some key considerations relating to age include:

- Is communication age-appropriate, for example tailored or in a specific format?
- Is parent/carer/advocate involvement necessary and been considered?
- Does, or can, the action improve trust and relationships between age groups?
- Are there any age-related disability or health concerns to be considered?
- Is access by different age groups impacted by changed hours of access? Would they feel safe attending alone?
- Will all age groups have access to the service, and could this be significantly reduced due to a lack of own income?
- Is a venue and environment physically accessible and age friendly e.g. with a buggy, public transport or walking/cycling?

Disability – Disability is a wide-ranging characteristic and the needs of different people with disabilities will be highly varied. It is therefore crucial to consider the specific impacts on people with different disabilities, and differing severities of disability. Conditions covered under the Equality Act can also change in severity over time and services must respond to an individual's changing needs. A person is considered to have a disability if he or she has, or has had, a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day to day activities. It includes recurring and progressive conditions and certain illnesses and conditions such as cancer and HIV. Disability can cover a range of mobility difficulties, lower manual dexterity or other physical disabilities, hearing impairments, visual impairments, learning disabilities, mental health conditions, communication difficulties, long-term health conditions of illness.

Some key considerations relating to disability include:

- Have 'reasonable adjustments' been made in accordance with the duty? This may mean changing the way services are delivered, providing extra equipment and / or the removal of barriers.
- Could any changes result in increased isolation for disabled people?
- Is the policy likely to affect people who have low incomes? It is important to recognise that disabled people often already face economic exclusion and so this could affect them more.
- Are the facilities to be used physically accessible to everyone? This includes both getting to and around a location and access to facilities within a location.
- Is information accessible? This may be affected by the media used, the format and how it is delivered?
- For some people stressful or new situations are particularly harmful. Will people who suffer from stress or anxiety be put off using the service or attending?

Sex - Sex equality relates to the impact on men and women and boys and girls. Analysis shows that men and women access different services and in different ways, and often take different roles in society. It is also important to recognise that there are some people whose biology differs from current cultural assumptions about what makes up 'male' and 'female'. These people are sometimes referred to as intersex. We need to ensure that someone isn't excluded from service provision or employment because they are taking on a traditional gender role:

Some key consideration for sex include:

- Are there any physical implications for the way a service is delivered? Think about whether there are likely to any difference in the way a man and a woman might interact with the service.
- Could parenting or caring responsibilities impact on access or use of the service? Single parents can also face additional challenges.
- Is provision made for expectant or new mothers (breastfeeding, health and safety, rest and changing rooms)?
- Does access rely on having a car? In one car households this can disadvantage a stay at home partner.

Marriage and Civil Partnership – Unlike other protected characteristics, the duty relating to marriage and civil partnership refers only to eliminating unlawful discrimination, harassment, victimisation and other prohibited conduct. This means ensuring that if a service or benefit applies to some people because they are married, civil partners must enjoy the same rights of access and fair treatment. Often simply recognising the increasingly wide range of relationships people have and respecting these will ensure that service are fair and respectful.

Some key considerations relating to marriage and civil partnership include:

- Does the service have anything specifically relating to marriage? If so, does this also cover civil partnerships?
- Does terminology reflect the wide range of relationships in society?

Pregnancy and Maternity – During a pregnancy and whilst caring for babies additional challenges and needs can lead to discrimination if these are not met, such as responses to breastfeeding, requests for maternity leave and flexible working patterns following the birth of child. In general this will affect women. However, you may also want to consider how flexibility can also support all types of parents (e.g. fathers, adopters.)

Race/Ethnicity – refers to people defined by their colour, nationality (including citizenship), ethnic or national origins. In general this refers to people who do not identify as White British. It also covers Travellers and Gypsies, asylum seekers and refugees.

Some key considerations relating to race and ethnicity:

- Has culture been taken into consideration? Different cultures can interact in very different ways. This can influence face-to-face interaction (e.g. courtesy - handshaking, eye-contact, the presence of members of the opposite sex, diet, naming systems) as well as styles and timing of provision or access and the way information is shared or access promoted.
- Will any groups experience increased isolation or low trust and confidence because of previous negative experiences? A reluctance to access a service or raise concerns can be due to poor previous experiences with authorities either in the UK or abroad or a lack of appropriate service provision.
- Will anyone experience increased isolation due to a lack of support mechanisms? For example exclusion from community life or not having family nearby.
- Will those with a nomadic lifestyle be disadvantaged? Does provision require an ‘address’ or ‘postcode’?
- Will those with language difficulties be disadvantaged? This could be further impacted by issues related to age.
- Do you understand enough about the roles different people play in different societies to understand impacts?

Religion and Belief – Religious or philosophical beliefs, including a lack of belief, affect life choices and influence what approaches will be appropriate to communicating or providing a service. This includes some more widely known about religions such as Christianity, Islam, Sikhism etc but also belief systems such as Humanism, or a lack of faith such as Atheism.

Some key considerations relating to religion and belief include:

- Is the terminology used correct or could it be insensitive?
- Will access to services be limited by religious obligations, such as attendance at formal worship services?
- If food is relevant, will appropriate diets be catered for, for example halal and kosher, vegetarian and vegan options? Different options should be kept separate and clearly labelled.
- Will uniforms provided or dress required allow religious dress codes to be met?
- Will access to places of worship or meeting be unduly affected by closures or restrictions, particularly relating to transport?

Sexual Orientation – A person's sexual orientation is usually defined as an attraction toward the same sex (lesbian/gay men and women/homosexual), the opposite sex (heterosexual) or to both sexes (bisexual). This is often shortened to Lesbian, Gay and Bisexual (LBG). Sexual orientation is one of the areas we tend to have less data on and so it can be more important to engage with LGB people to understand differing needs. Often barriers arise for LGB people when there is an assumption of heterosexuality. It may need to be made explicit that a service is accessible or it may need to be delivered differently to reflect family structures and relationships and maintain appropriate privacy.

Some key considerations relating to sexual orientation include:

- Are different types of relationships reflected? For example is language inclusive and not based upon an assumption partners are of the opposite sex.
- Is privacy maintained? Some lesbian, gay or bi-sexual people are not 'out' and arrangements, wherever possible, should not compromise privacy.
- Will take up be lower due to previous negative experiences?
- Can services be delivered in a way that does not assume nor require identity of sexual orientation?

Gender Reassignment – Gender reassignment covers those who intend to, are in the process of, or who have undergone gender reassignment (changing the biological sex they were born with) and who have or do experience gender dysphoria (where someone feels distressed because the body they were born with, or the sex they were assigned at birth, is not the same as their gender identity).

Trans is an umbrella term for people whose identity differs from what is typically associated with the sex they were assigned at birth. People under the trans umbrella may describe themselves using one or more of a wide variety of terms – including transgender. Non-binary is a term for people whose gender identities do not fit into the gender binary of male or female. A non-binary person might consider themselves to be neither male nor female, or to be in some sense both male and female, or to be sometimes male and sometimes female. People who identify as non-binary will sometimes prefer to refer to themselves using pronouns which are not gendered, for example 'they' or 'ze'. Ensure issues of gender identity are not confused with issues of sexual orientation.

Some key considerations for gender reassignment include:

- Do facilities such as changing areas provide privacy and allow for discretion? Is physical contact handled sensitively?
- Do processes and facilities ensure sensitivity and privacy if someone is under-going gender re-assignment?
- Does provision take into consideration personal safety and fear of crime? Fear of crime and victimisation can be high amongst trans-gendered people.
- Is single-sex provision necessary because combined provision would not be effective? For example in accommodation or support for victims of domestic violence.

Multiple Protected Characteristics – It is important to remember that most people have a number of the characteristics outlined above. This may mean that the barriers or issues they face are different or are multiple. For example, a lesbian, gay or bisexual person in their 20's may have a very different experience in relation to their sexual orientation to someone in their 60's or 70's because of the change in societal attitudes over time. There could be different issues again as a person ages further and long term health issues or disabilities may occur. For example, a carer not only needs to be sensitive to a person's health and personal needs, but also may need an understanding of personal relationships, faith, culture and so on. Another example of the impact of multiple characteristics would be to consider the experiences of males and females in different cultural contexts and whether these may be different.