

Equality Impact Assessment Part 1: Screening



When reviewing, planning or providing services Northampton Borough Council needs to assess the impacts on people. Both residents and staff, of how it works - or is planning to – work (in relation to things like disability). It has to take steps to remove/minimise any harm it identifies. It has to help people to participate in its services and public life. “**Equality Impact Assessments**” (EIAs) prompt people to think things through, considering people’s different needs in relation to the law on equalities. The first stage of the process is known as ‘screening’ and is used to come to a decision about whether and why further analysis is – or is not – required. EIAs are published in line with transparency requirements.

A helpful guide to equalities law is available at: www.northampton.gov.uk/equality. A few notes about the laws that need to be considered are included at the end of this document. Helpful questions are provided as prompts throughout the form.

1 Name of policy/activity/project/practice	This is:
Commissioning Framework for the Voluntary and Community Sector	New policy

2. Screening undertaken (please complete as appropriate)	
Director or Head of Service	Thomas Hall, Head of Policy & Community Engagement
Lead Officer for developing the policy/activity/practice	Joe Biskupski, Community Engagement Manager
Other people involved in the screening (this may be people who work for NBC or a related service or people outside NBC)	Lindsey Ambrose (NBC) Cllr David Garlick (NBC) Cllr Penny Flavell (NBC)

<p>3. Brief description of policy: including its main purpose, aims, objectives and projected outcomes, and how these fit in with the wider aims of the organisation.</p> <p>The commissioning framework is being developed to establish the Council’s policy and associated standards and procedures when commissioning services or outcomes from voluntary, community and similar organisations. It is anticipated that the bulk of the Council’s financial support for the Voluntary and Community Sector will in the future come through commissioned services, adopting this framework, rather than grants.</p> <p>The benefits will include greater clarity for both parties on the outcomes required, better and more demonstrable value for money, and a closer link between activity and the Council’s objectives, leading to improved outcomes for local people. It should also encourage the strengthening of the sector and developing local social capital.</p>

Is it linked to NBC's Corporate Plan? Service Plan? Other?

The Council's Corporate Plan expects better and more effective partnership working, including with the voluntary and community sector. It also prioritises value for money, which this approach should provide.

4 Relevance to Equality and Diversity Duties

Is it linked to NBC's Single Equality Scheme? NBC's Public Sector Duties? Equality Framework Criteria? Service or departmental equality priorities?

Please explain:

Voluntary and community groups are some of the principal providers of services to disadvantaged people – this disadvantage frequently being associated with one or more of the protected characteristics. It follows that a thriving voluntary and community sector helps to address inequality and discrimination, and particularly provides opportunities for participation in civic life and in shaping people's futures.

The Framework therefore could have a significant effect on most or all of the protected characteristic groups. The effect will be beneficial if the Framework supports these groups and enables them to participate in the commissioning process. It could be harmful if certain kinds of groups are excluded by barriers to their participation.

How will the aims affect our duty to:

Promote equality of opportunity?

Eliminate discrimination, harassment and victimisation?

Promote good community relations?

Promote positive attitudes towards people with protected characteristics?

Encourage participation of people with protected characteristics?

Protect and promote Human Rights?

For example, think about it from the perspectives of different groups in society. Does it cause harm or a benefit to any group(s) differently to others? Will it differentially affect:

Black, Asian or other ethnic minority and/or cultural groups?

Disabled people? And their carers?

Transgender people?

Men and women?

Lesbians, gay men and/or bisexual people?

Different religious communities/groups?

People of a particular age e.g. older people or children and young people?

Any other groups?

People with flexible or agreed working patterns?

Are there any aspects, including how it is delivered, or accessed, that could contribute to inequalities? (This should relate to all areas including Human Rights.)

Yes

Please explain:

Many of the organisations supporting protected characteristic groups are small, specialised and/or new. On their own, in their current state of development, they may find it difficult to participate successfully in a commissioning process. The consequences might include failure of the organisation, or shrinkage of its operations, due to lack of access to funds, which in turn could lead to disadvantage within the relevant groups.

This can be mitigated by designing the Framework to allow for participation of smaller and specialised organisations, either through the packaging of contracts or encouragement of partnerships among organisations – setting up consortia, or lead- and sub-contractor models which combine the resources of larger more general organisations with the specialist expertise of smaller ones.

If you have indicated there is a negative impact on any group, is that impact:

Legal?

Yes

Please explain:

Any negative impact could potentially be justified on the grounds of a reasonable operational requirement to achieve best value for money, which could indicate larger contracts. However, this benefit would need to be objectively demonstrated.

Intended?

No

Please explain:

The intention in introducing the Framework is to improve the relationship with the whole of the voluntary and community sector, including those organisations which represent the interests of people with protected characteristics. Those involved in its development have indicated a clear intention not to discriminate indirectly against these groups through the unintended consequences of the Framework.

5 Evidence Base for Screening

List the evidence sources you have used to make this assessment (i.e. the *known evidence*) (e.g. Index of Multiple Deprivation, workforce data, population statistics, any relevant reports, customer surveys, equality monitoring data for the service area.)

Expert evidence provided to the Scrutiny Panel 'E' by various witnesses, many invited specifically because of their knowledge of the equalities issues within the voluntary and community sector, including particularly:

- Anjona Roy, of the Northamptonshire Rights and Equality Council
- Olive Robinson, of the African Caribbean Elders Society
- Ben King, of OPEN
- Jeanette, of Lesbian Line
- Sandra Bell, of the Northampton Voluntary Sector Forum
- Dominic McClean, of the Northampton Volunteering Centre
- Martin Lord, of the Citizens Advice Bureau

Are there any significant gaps in the known evidence base? If so what are your recommendations for how and by when those gaps will be filled?

Indications of the health and resilience of the voluntary and community sector locally – how vulnerable to changes in local authority practice (evidence of numbers of users, turnover etc)

Closeness of match between Council's needs and sector's offer – is there an organisation that does what we think needs doing or is there a gap (build requirement to research this into commissioner's role as part of Framework)

6 Requirements of the equality duties:

(remember there's a note to remind you what they are at the end of this form and more detailed information at www.northampton.gov.uk/equality)

Will there be/has there been consultation with all interested parties?

Yes

Please explain:

Once the Framework has reached consultation draft stage it will be circulated to representative groups and contacts, as will this EIA, and account taken of the responses before a final version is adopted.

Are proposed actions necessary and proportionate to the desired outcomes?

Yes

Please explain:

The existing system, relying on open grants, is in need of change to ensure a closer match between the use of the Council's resources and the outcomes it recognises as priorities. Some form of commissioning is the obvious way to achieve this. Some opportunities will remain for the Council to award grants in addition to commissioning services/outcomes.

The Framework has been the subject of detailed consideration by a Scrutiny Panel including representatives of three political parties and the voluntary and community sector. Their discussions have included concern for ensuring that equality duties are met. The view of the Panel is that a Framework based on its recommendations will be a proportionate, fair and effective way to achieve the desired outcomes.

Where appropriate, will there be scope for prompt, independent reviews and appeals against decisions arising from the proposed policy?

Yes?

Please explain:

The decisions will chiefly be the award of a contract to a particular supplier or consortium. As with any contract award there is an opportunity for unsuccessful bidders to challenge the decision. Most contracts will also require approval by Cabinet, which will allow another opportunity to raise equality-related issues.

Does the proposed policy have the ability to be tailored to fit different individual circumstances?

Yes

Please explain:

The policy takes the form of a framework which will provide general standards and processes. Each commissioner, working with the voluntary and community sector, would

need to tailor the contract to the circumstances of both the service need and the 'market'.

Where appropriate, can the policy exceed the minimum legal equality and human rights requirements, rather than merely complying with them?

Yes

Please explain:

The intention is to work actively with the voluntary and community sector both in developing the final version of the Framework and in working through the process of commissioning in individual cases.

From the evidence you have and strategic thinking, what are the **key risks** (the harm or 'adverse impacts') and **opportunities** (benefits and opportunities to promote equality) this policy/practice/activity might present?

	Risks (Negative)	Opportunities (Positive)
General (all protected characteristics)	Smaller organisations may find it difficult to participate effectively	Specialist organisations can form alliances with each other or general providers to provide quality services accessible to more people. Opportunity to commission support (infrastructure) for specific groups Services targeted at need, through better use of evidence
Race	Newer organisations, perhaps representing newly arrived populations, may find it difficult to participate effectively. Possible language difficulties.	New communities come into positive contact with the Council
Disability		
Gender or Gender Identity/Gender Assignment		
Pregnancy and Maternity (including breastfeeding)		
Sexual Orientation	Participation may be hampered by concerns that people could be 'outed'	
Age (including children, youth, midlife and older)	Expectation that services for these groups principally	

people)	commissioned by the County Council	
Religion, Faith and Belief	Concern by commissioners that they might be perceived to promoting a faith	
Human Rights		

7 Proportionality

Describe the scale and likelihood of these risks and opportunities

Risks can be mitigated through effective design, delivery and monitoring of the Framework – this should also deliver the opportunities. Compared to the *status quo* the risks could be viewed as small – in other words many of these barriers exist already.

8 Decision

Set out the rationale for deciding whether or not to proceed to full impact assessment

Date of Decision: .../.../20...

EITHER: We judge that a full impact assessment is not necessary since:

OR: We judge that a full impact assessment is necessary since:

Equality Duties to be taken into account in this screening include:

Prohibited Conduct under The Equality Act 2010 including:

Direct discrimination (including by association and perception e.g. carers); Indirect discrimination; Pregnancy and maternity discrimination; Harassment; third party harassment; discrimination arising from disability.

Public Sector Duties (Section 149) of the Equality Act 2010 for NBC and services provided on its behalf: (due to be effective from 4 April 2011)

NBC and services providing public functions must in providing services have due regard to the need to: **eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between different groups.** 'Positive action' permits proportionate action to overcome disadvantage, meet needs and tackle under-representation.

Rights apply to people in terms of their "Protected Characteristics":

Age; Gender; Gender Assignment; Sexual Orientation; Disability; Race; Religion and Belief; Pregnancy; Maternity. But Marriage and Civil Partnership do not apply to the public sector duties.

Duty to "advance equality of opportunity":

The need, when reviewing, planning or providing services/policies/practices to assess the impacts of services on people in relation to their 'protected characteristics', take steps to remove/minimise any negative impacts identified and help everyone to participate in our services and public life.

Equality Impact Assessments remain best practice to be used. Sometimes **people have particular needs** e.g. due to gender, race, faith or disability that need to be addressed, not ignored. NBC must have due regard to the **duty to make reasonable adjustments** for people with disabilities. NBC must **encourage people who share a protected characteristic to participate in public life** or any other activity in which their participation is too low.

Duty to 'foster good relations between people'

This means having due regard to the need to **tackle prejudice** (e.g. where people are picked on or stereotyped by customers or colleagues because of their ethnicity, disability, sexual orientation, etc) and **promote understanding**.

Lawful Exceptions to general rules: can happen where action is proportionate to achieve a legitimate aim and not otherwise prohibited by anything under the Equality Act 2010. There are some special situations (see Ch 12 and 13 of the Equality Act 2010 Statutory Code of Practice – Services, Public Functions and Associations).

National Adult Autism Strategy (Autism Act 2009; statutory guidelines) including:

to improve how services identify and meet needs of adults with autism and their families.

Human Rights include:

Rights under the European Convention include not to be subjected to degrading **treatment**; **right to a fair trial** (civil and criminal issues); **right to privacy** (subject to certain exceptions e.g. national security/public safety, or certain other specific situations); **freedom of conscience** (including religion and belief and rights to manifest these limited only by law and as necessary for public safety, public order, protection of rights of others and other specified situations); **freedom of expression** (subject to certain exceptions); **freedom of peaceful assembly and to join trade unions** (subject to certain exceptions); **right not to be subject to unlawful discrimination** (e.g. sex, race, colour, language, religion, political opinion, national or social origin); **right to peaceful enjoyment of own possessions** (subject to certain exceptions e.g. to secure payment of taxes or other contributions or penalties); **right to an education**; **right to hold free elections by secret ballot**. The European Convention is given effect in UK law by the Human Rights Act 1998.