

Predictive: assessing and analysing proposed changes to services, policies and budgets

Enfield Council

Predictive Equality Impact Assessment (EQIA) - Equality Analysis



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1. What is a predictive equality impact assessment – equality analysis?

A predictive Equality Impact Assessment/Analysis (EQIA) is a systematic process that helps managers to analyse and identify where and how proposed changes to services policies and/or budgets could improve their ability to serve all members of the community fairly, with dignity and respect, and in line with their human rights. The purpose of an EQIA is to improve the effectiveness of the Council by making sure it does not discriminate and that it promotes equality of opportunity and access. It is a way to make sure individuals and teams think carefully about the likely impact of their work and take action to improve services and policies, where it is required.

An EQIA focuses on assessing the impact on the following communities within Enfield -

- Black and Minority Ethnic (BME) residents and service users - RACE
- people with disabilities - DISABILITY
- men and women - GENDER
- older or younger people - AGE
- people with different faiths or beliefs - FAITH
- members of the lesbian, gay or bisexual (LGB) community – SEXUAL ORIENTATION
- members of the transgender community – TRANSGENDER
- people who are married or in a civil partnership – MARRIAGE
- women who are pregnant or on maternity leave - PREGNANCY

Throughout the assessment template we have used the initials R, D, G, A, F, S, T, M and P to refer to these potentially disadvantaged groups.

In deciding if a predictive EQIA needs to be carried out, managers need to ask the following questions –

Does the proposal affect service users, employees or the wider community?

Will the proposal have a significant effect on how services are delivered?

Does it involve a significant commitment of resources?

Does it relate to an area where there are known inequalities?

If the answer to any of these questions is yes, an assessment/analysis should be undertaken.

The EQIA will also prompt services to consider other socio-economic factors in service provision, by asking how their service impacts on other disadvantaged and vulnerable groups in the population. These could be unemployed people, residents living in social housing, people living in deprived wards, or those with a lack of academic qualifications.

Completing the EQIA involves anticipating the impact of changes to services and policies, and also decisions about budgets, on these groups and making sure that, as far as possible, any negative consequences are eliminated / minimized, and opportunities for promoting equality are maximised. It can also assist in checking that services are providing efficiency and value for money.

We have tried to simplify the assessment/analysis process as much as possible and have devised a template (see page 10) that covers all the issues that need

to be addressed. It should be emphasised that most, if not all, of the activities covered should already be part of your current service planning process, and as such, should not mean any additional work. You may also find that work that you have undertaken associated with the Equality Framework for Local Government may assist you in carrying out this assessment/analysis.

Use the template to assess and analyse each proposed change to your service, policy or budget. Please keep any answers as brief as possible, but ensure that all relevant information is included. Additional copies of this template are available from Martin Garnar (x3113) in the Chief Executive's Unit, or you can download it from Enfield Eye (in the Chief Executive's Unit section, under related downloads).

N.B. It is the outcomes of the EQIA analysis that make it a valuable tool, not the process itself. For that reason, the action plan at the end of the template is the most important part of the analysis, and actions included within the plans will be monitored, scrutinised and reported to ensure that positive outcomes for all communities are being achieved.

2. Why carry out an impact assessment – equality analysis?

Legislation

Local authorities have a legal responsibility to meet the Public Sector Duty of the Equality Act 2010. The duty recommends that authorities analyse and assess their policies and services, and set out how they will monitor any possible negative impact on equality. The Act gives people the right not to be treated less favourably by public authorities because of any of the protected characteristics mentioned in section 1 above

The public duty requires that the following issues are addressed:

- Is the policy or service discriminatory?
- Does it promote equal opportunities (proactively advertise and encourage participation by all)?
- Does it help promote good relations between different communities?

Public bodies need to consider the needs of the diverse groups with protected characteristics when designing and delivering services so people can get fairer opportunities and equal access to services.

N.B. the legislation applies to the Council in relation to its role as both service provider and employer.

Performance

From April 2009, the Council's performance around equality is assessed through the level that Enfield Council has reached of the Equality Framework for Local Government (EFLG). Undertaking a full range of EQIA analyses will help to improve the efficiency and effectiveness of the Council by ensuring that service users' needs are met – this is a requirement of the EFLG.

Enfield Council aim: Fairness for All

The Council is committed to a core principle of Fairness for All to apply throughout all of our work and the decisions we make. We will serve the whole borough fairly, tackling inequality through the provision of excellent services for all, targeted to meet the needs of each area. We will listen to and understand the needs of all our communities. Analysing and assessing the impact of services and policies will help us achieve this aim.

Other reasons

There are a number of other reasons why EQIA analyses should be undertaken. These include -

- they can help to improve community cohesion
- they can enhance value for money
- they have a user focus
- they inform service planning and development
- they promote understanding and sensitivity
- they will aid and inform decision-making by elected members
- they will assist managers to complete the 'Fairness for All' subsection within the 'Impact on Council Priorities' section in Council reports

N.B. predictive EQIA analyses should be attached as appendices to Council reports in order to inform decision-making on the particular proposal. This is to ensure that decisions are made in full knowledge of the likely impact that those proposals may have

3. Who should carry out an impact assessment – equality analysis?

It is recommended that the manager responsible for proposing the change to the service or policy carries out the EQIA. If, at any time, you have any queries or comments on the assessment/analysis process, please contact Martin Garnar (x3113) or your departmental equalities liaison officer (see list on page 8). It is also sometimes useful to gather and discuss evidence at wider team meetings.

4. When should you carry out a predictive impact assessment – equality analysis?

A predictive equality impact assessment analysis should be undertaken as soon as a new policy, service or budget (or major change) is considered. It should be an integral part of policy development, and inform the final decision-making process. The findings of the EQIA should be used to define positive and negative impacts that should be referred to in the 'Equalities Impact Implications' section within Council reports.

5. Using monitoring data

Equalities monitoring is the process used to collect, store and analyse data about people's ethnic backgrounds, gender, age and disabilities. For some services, it may also be relevant to collect data on faith and sexual orientation, and on other protected characteristics. It is also used to highlight possible inequalities and to investigate the potential underlying causes.

Equalities monitoring is an important part of how we analyse and assess the impact of our services on the different communities in Enfield. It gives us information about the number of people from certain groups who are using Council services, and those who work for the Council.

Without monitoring information we will not know whether the actions we take or the changes we make, will have had any impact.

It is suggested that you refer to the latest baseline population data for Enfield. This is available on Enfield Eye (in the Chief Executive's Unit section, under related downloads). The latest staff guidance on monitoring is also available.

6. Other useful evidence and information

There are many sources of useful information that will assist you in undertaking an EQIA analysis. In addition to the monitoring information mentioned above, you should consider looking at –

- service take-up data
- consultation feedback
- local, regional and national government research
- academic data
- customer surveys and focus group results - both qualitative and quantitative
- complaints and comments
- previous EQIAs
- inspection recommendations
- benchmarking data and performance indicator information
- good practice in the field
- staffing profiles
- using the 'search' facility on the Enfield Observatory to see what other information may be available

7. Working in partnership

When a local authority is proposing to procure a contract or other agreement with a private company or community and voluntary sector organisation to carry out a function or provide a service, and the duty to promote equality applies to these functions, the Council remains responsible for meeting the duties that apply, and should therefore consider what arrangements it needs. It may be

appropriate, for example, to incorporate these duties among the performance or monitoring requirements for the delivery of the service (e.g. a contractor could be required to monitor service users by their ethnic group, disability, age or gender etc.).

In addition, local authorities may promote equality by encouraging contractors to draw up policies that will help the contractor to avoid unlawful discrimination and promote equality of opportunity. However, such encouragement can only be voluntary once contracts have been awarded, rather than being part of the selection process.

8. Useful definitions

Here are some definitions that you will find useful when completing an EQIA analysis.

Direct discrimination – treating one person less favourably than another on grounds of a protected characteristic – this is unlawful

Indirect discrimination – this occurs when a rule or condition which is applied equally to everyone

- can be met by a considerably smaller proportion of people from a particular group
 - is to the disadvantage of that group, and
 - cannot be justified on the grounds mentioned above
- NB - all 3 conditions must apply.

Indirect discrimination is also unlawful. However, legislation allows positive action as a way of overcoming inequality

Positive action - allows you to

- provide facilities or services (in training, education or welfare) to meet the particular needs of people from different groups e.g. English language classes
- target job training at those groups that are under-represented in particular areas of work, and
- encourage applications from groups that are under-represented in particular areas of work
- appoint staff from communities that are under-represented in your workforce in cases where they are judged to be of the same merit as any other candidate

Positive action plans are only meant to be a temporary solution, and you may need to review them regularly. You should not use them if the under-representation or particular need no longer exists

9. Socio-economic considerations

Inequality and disadvantage are not only associated with issues such as gender, age, disability, ethnicity etc. Overarching and interwoven with these is the persistent inequality that results from someone's family background, a lack of academic qualifications, unemployment status, or where they were born or live. For this reason, the assessment should also look at the possible impact of any proposals on these communities.

10. Impact on staff

In addition to looking at the potential adverse impacts of your proposal on customers and residents, you should also make sure that you examine the effects that it is likely to have on groups of your staff. Any changes to staffing structures should obviously be carried out in accordance with Human Resources policies and procedures. Good practice involves informing and consulting with your staff. In the event of an adverse impact being identified, managers must consider whether the proposed changes can be amended to reduce or eliminate the impact whilst still achieving the objectives of the restructure/review. Where it is not possible to minimise an adverse impact, the consequences on the staff concerned should be justifiable and proportionate. Actions to mitigate any adverse impact must be identified and recorded.

11. And finally....

Please note that the Council is required to publish the results of our predictive assessments/analyses, and we do this by publicising all the assessments in the Council's Equality Annual Reports that are posted on the Council website. Copies of the full assessments will be made available to members of the public on request, and will be published on the website in the near future. Therefore your completed template will be a public document.

Please also note that you are asked to indicate lead officer responsibilities, timescales and costs of any work you submit on your action plan. Progress against these actions will be monitored. If costs cannot be met from existing budgets, it is the responsibility of the manager completing the assessment to identify or gain approval for other budgets that can be used.

Please return the forms electronically to Martin Garnar in the Chief Executive's Unit. If you have any queries or comments on the assessment process, please contact either:

- Martin Garnar on ext. 3113, or
- your departmental equalities liaison officer. As at July 2011, these are -
 - Chief Executive — HR issues (Louise Allen x3072), all other issues (Martin Garnar x3113)
 - Environment Services (Suj Ponnampalam x6137)
 - Finance and Corporate Resources (Christine Cox x4103)
 - Health, Housing and Adult Social Care (Doug Wilson x1540)
 - Regeneration, Leisure and Culture (Sharon Strutt x4812)
 - Schools and Children's Services (Selam Kidane x4813)

12. What next?

Step 1 – Complete the template, using the guidance to help you when necessary

Step 2 – Check that you have responded to each question

Step 3 – Please list any recommendations for action that you plan to take as a result of this impact assessment analysis in the action plan template (page 17)

Step 4 – get the EQIA analysis and its actions agreed and signed off by the relevant Assistant Director

Step 5 – Send an electronic copy of the completed pro-forma (including cover sheet) and action plan to Martin Garnar in the Chief Executive's Unit.

13. Predictive equality impact assessment/equality analysis template

Please complete this cover sheet

| | |
|---|---|
| Proposed change to service/policy/budget | Re- Procurement of Independent Fostering Agencies (IFA Select List Agreement |
| Officer completing the assessment | Kim Sharpe |
| Extension Number | 1611 |
| Service | Corporate Procurement |
| Department | FRCS |
| Date impact assessment completed | 21st Feb 2014 |

Section 1 – About the service, policy or budget, and proposed change

Q1. Please provide a brief description of the service/ policy/budget

East London Solutions (ELS) and North London Strategic Alliance (NLSA) are working together to undertake a joint procurement for independent fostering agencies to serve the boroughs in their respective regions. This procurement covers 10 boroughs, but has been led by LB Enfield.

The intention is to put in place a select list of independent fostering agencies to provide quality foster care provision across the two regions and to improve the number of local placements available for all types of care requirements.

The procurement will have an effect on children looked after by the local authority and in foster care placements.

Q2. Please provide a brief description of the proposed change(s) to the service/ policy/budget

The service is currently procured via the London Care Services Framework which is a long term Framework Agreement. The new agreement will be an annual agreement to be re-procured on each anniversary with a view to improving quality and price and also increasing the number of local placements by placing a stronger emphasis on the recruitment of foster carers.

The new service will seek to standardise the placement process across the 10 boroughs which should also help deliver efficiency savings, consistency in monitoring information and allows the authorities to determine how equalities objectives are being met within the authority but also on a wider scale.

Q3. Does equalities monitoring of your service show that the beneficiaries in terms of the recipients of the service, policy or budget, and the proposed change, include people from the following groups?

| | |
|---|--|
| R | The procurement will have a net positive impact on children looked after. The Select list will result in greater choice of placements and options for looked after children and young people from birth to leaving care. By expanding the pool of IFA's available it will increase the number and diversity of foster carers available to the Council and consequently improve our ability to meet the needs of looked after children of diverse ages. |
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Q4. If you answered 'no' to any of the groups listed in Q3, please state why?

Not applicable

Q5. How will the proposed change eliminate discrimination, promote equality of opportunity, or promote good relations between groups in the community?

The procurement recognises the individual needs of young people, including those with a disability and seeks to tailor services to meet these specific needs and to increase choice. Attributes such as gender will be taken into account when deciding a suitable placement; however this will be done according to the young person's and the foster carers individual and specific circumstances.

Section 2 – Consultation and communication

Q6. Please list any recent consultation activity with disadvantaged groups carried out in relation to this proposal

| | |
|----------|--|
| R | Market Warming Event undertaken in October 2012 to consult with IFA's (who work with the relevant disadvantaged groups) on the procurement proposals – involved presenting our procurement proposal and getting feedback from the IFA's on the proposed approach. Project Board set up consisting of local authority representatives from the participating authorities commissioning teams – aimed at taking account of their views and experiences and incorporating lessons learned into the new proposed procurement approach. Each authority conducted its own consultation with their looked after children representatives, and this was fed back through Project Boards. |
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Q7. Please state how you have publicised the results of these consultation exercises, and what action you have taken in response

| | |
|----------|--|
| R | The action taken was to insert appropriate wording in the tender specification and relevant documentation to ensure the service is inclusive of all of the needs protected groups. These are publically available documents. |
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Section 3 – Assessment of impact

Q8. Please describe any other relevant research undertaken to determine any possible impact of the proposed change

Comparisons undertaken with other similar procurements within the country to determine the success of the procurement approaches used; consulted the market place on how service provision can be improved (particularly around increase in choice and increase in local

placements). Incorporated the lessons and feedback into our own procurement approach to try and improve on previous service delivery.

Q9. Please list any other evidence you have that the proposed change may have an adverse impact on different disadvantaged groups in the community

| | |
|----------|--|
| R | None identified. All 10 boroughs consulted to ensure their lessons learnt and evidence base from previous tender exercises was taken into account. |
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Q10. Could the proposal discriminate, directly or indirectly, and if so, is it justifiable under legislation? Please refer to the guidance notes under the heading, 7. Useful Definitions

The proposal should have the impact of reducing discrimination as it is designed to increase choice for the young person and increase the likelihood of finding a positive matching foster carer/family. Increased choice means an increased likelihood of finding foster carers who are well placed and better prepared to support young persons who fall into any of the disadvantaged categories mentioned above.

Q11. Could the proposal have an adverse impact on relations between different groups? If so, please describe

The proposals should have the impact of reducing the likelihood of adverse impacts between different groups through the robust recruitment of foster carers and appropriate monitoring provisions (across the two sub regions) to ensure any adverse impacts can be quickly identified and appropriately dealt with (should they occur).

Q12. How could this proposal affect access to your service by different groups in the community?

| | |
|----------|---|
| R | The authority has a duty of care and so the service will be available to looked after children, and so there will be no adverse effect on access due to this proposal. It will have a positive impact on ensuring that a high quality local service is available. |
| D | |
| G | |
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| P | |

Q13. How could this proposal affect access to information about your service by different groups in the community?

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|----------|---|
| R | Access to information should improve as a result of the ELS and NLSA collaboration and the standardised monitoring arrangements which will make the monitoring and outcomes information easier to access and understand on both a local and a regional level. |
| D | |
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Section 4 – Tackling socio-economic inequality

Q14. Will the proposal in any way specifically impact on communities disadvantaged through the following socio-economic factors? Please explain below. If it does not, please state how you intend to remedy this (if applicable to your service), and include it in the action plan

Communities living in deprived wards/areas

This procurement should positively impact on outcomes for looked after children across all wards.

People not in employment, education or training

Through the procurement IFAs are encouraged to recruit new Foster Carers. This will create employment opportunities.

People with low academic qualifications

The IFAs will be monitored to ensure that looked after children are encouraged to achieve educational outcomes.

People living in social housing

Social housing will not be a blocker to becoming a foster carer.

Lone parents

Lone parents can become foster carers if they meet the correct criteria.

People on low incomes

Through the procurement IFAs are encouraged to recruit new Foster Carers. This will create employment opportunities.

People in poor health

The IFAs will be monitored to ensure that looked after children are encouraged to achieve healthy living outcomes

Any other socio-economic factor

All IFAs on the list were expected to demonstrate that they have the correct policies in place, such as safeguarding and health and safety.

Section 5 – Impact on staff

Q15. How have you consulted, or otherwise engaged with, all relevant staff about this proposal (including any staff on sickness or maternity leave)?

The IFA project board was used as a vehicle for consulting relevant staff both in Enfield and in the participating ELS and NLSA boroughs. All participating boroughs were consulted on all parts of the development of the procurement approach and the relevant tender documentation.

Q.16 If your proposal involves a staff restructuring, how have you discussed this with relevant trade unions?

It is a procurement and so does not have staff restructuring implications

Q17. Does job matching of existing staff against the new proposed staff structure, following any assimilation process, indicate that any particular groups of staff are adversely affected more than others?

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| R | See above |
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| P | |
| Q.18 Are there any proposed changes to working hours, work locations or duties likely to have a negative impact on particular groups of staff? | |
| R | See above |
| D | |
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Section 6 - Miscellaneous

Q19. Is your proposal likely to have an impact on services provided by another Council department or service? If so, have you discussed the possible impact with them?

The council's internal placements team provides the same services as the Independent Fostering Agencies being procured.

However, the new IFA contract should not have an impact on the internal placements team as the process for seeking new placements will involve approaching the Internal placements team first; in the event that a suitable match cannot be found via the internal placements team the IFA select list will be used.

Q20. Do you plan to publicise the results of this assessment? Please describe how you plan to do this

This report will be listed in the Council's annual Equalities Report.

Q21. How and when will you monitor and review the effects of this proposal?

This proposal will result in the establishment of an Independent Fostering Agencies Select List Agreement. The select list will have predetermined reporting requirements the responsibility for which will be shared with all the participating authorities. All monitoring information will be collected by the participating authorities in a standardised format thus making it easier for Enfield Council as the lead authority to review the overall effects of the proposal. Monitoring data will be collated at predetermined intervals during the course of the one year Select List Agreement.

As the Select List is annually renewable any lessons learned, observations made and areas of

improvement identified can be addressed as part of the re-procurement of the Select List Agreement thus ensuring that the effectiveness of the service and the equalities considerations are always under consideration with a view to continuously improve them.

14. Action plan template for proposed changes to service, policy or budget

Proposed change to, or new, service, policy or budget...IFA Procurement

Team: Corporate Procurement
 Service manager: David Levy

Department: FRCS

| Issue | Action required | Lead officer | Timescale | Costs | Comments |
|-----------------------------|--|-----------------------|------------------------|--------------------------|----------|
| Ensure ongoing consultation | At the annual refresh make sure that IFAs, Service Users and Foster Carers are consulted | Corporate Procurement | Annual refresh in 2015 | No costs in consultation | |
| | | | | | |
| | | | | | |
| | | | | | |

Please insert additional rows if needed

APPROVAL BY THE RELEVANT ASSISTANT DIRECTOR - NAME.....SIGNATURE.....