

EQUALITY IMPACT ASSESSMENT

The **Equality Act 2010** places a ‘**General Duty**’ on all public bodies to have ‘**due regard**’ to the need to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advancing equality of opportunity between those with a ‘relevant protected characteristic’ and those without one;
- Fostering good relations between those with a ‘relevant protected characteristic’ and those without one.

In addition the Council complies with the Marriage (same sex couples) Act 2013.

Stage 1 – Screening

Please complete the equalities screening form. If screening identifies that your proposal is likely to impact on protected characteristics, please proceed to stage 2 and complete a full Equality Impact Assessment (EqIA).

Stage 2 – Full Equality Impact Assessment

An EqIA provides evidence for meeting the Council’s commitment to equality and the responsibilities under the Public Sector Equality Duty.

When an EqIA has been undertaken, it should be submitted as an attachment/appendix to the final decision making report. This is so the decision maker (e.g. Cabinet, Committee, senior leader) can use the EqIA to help inform their final decision. The EqIA once submitted will become a public document, published alongside the minutes and record of the decision.

Please read the Council’s Equality Impact Assessment Guidance before beginning the EqIA process.

1. Responsibility for the Equality Impact Assessment

Name of proposal	External legal fees 2020/2021
Service area	Legal Services
Officer completing assessment	Patrick Uzice
Equalities/ HR Advisor	Emma Carroll
Cabinet meeting date (if applicable)	10 December 2018
Director/Assistant Director	Bernie Ryan

2. Summary of the proposal

Please outline in no more than 3 paragraphs

- The proposal which is being assessed*
- The key stakeholders who may be affected by the policy or proposal*
- The decision-making route being taken*

The assessment focuses on the proposed external legal fees is for the following :

Commercial Properties

The Council has a number of commercial properties in the borough which are leased or licenced to mainly small businesses. Business owners are required to pay the legal fees to be incurred by the Council in certain circumstances. The legal fees will be charged where the client department has agreed that such legal fees should be paid by the business owner. The fees being charged would, where applicable, be cost neutral for the client departments as they would not be recharged for these services.

The external legal fees will mainly affect people who wish to enter into a commercial transactions with the Council, including those taking commercial tenancies of commercial premises, where the Council is disposing of land interests or require a deed over variation. It will also include those who are required to enter into planning obligations.

Haringey Clinical Commissioning Group

Legal advice is provided to Haringey Clinical Commissioning Group for the provision of advice and representation in the Court of Protection on health and social care matters for which a legal fee is charged.

Homes for Haringey

Legal fees for the provision of legal advice to Homes for Haringey for the provision of legal advice and representation in respect of the Council's housing management functions.

The proposed external legal fees are considered alongside and compared with fees and charges for similar legal services/ organisations in other boroughs

3. What data will you use to inform your assessment of the impact of the proposal on protected groups of service users and/or staff?

Identify the main sources of evidence, both quantitative and qualitative, that supports your analysis. Please include any gaps and how you will address these

This could include, for example, data on the Council's workforce, equalities profile of service users, recent surveys, research, results of relevant consultations, Haringey Borough Profile, Haringey Joint Strategic Needs Assessment and any other sources of relevant information, local, regional or national. For restructures, please complete the restructure EqIA which is available on the HR pages.

Protected group	Service users	Staff
Sex	Although there are slightly more	<i>N/A</i>

	<p>male residents than female residents in Haringey, there is a roughly 50/50 split;</p> <p>In all age groups up to age 49, males outnumber females, however at aged 50+ this trend is reversed and females outnumber males in each bracket. This is particularly evident among those aged 85+, where 62% of residents are female and 38% of residents are male;</p> <p>In most wards the roughly 50/50 trend of males to females is repeated. White Hart Lane stands out as an exception, with 54% female residents and 46% male residents.</p> <p>Small Business Survey 2018:</p> <p>An estimated 17% of SME employers were majority-led by women, defined as controlled by a single woman or having a management team of which a majority were women. This figure was consistent with those from the LSBS surveys from 2015 to 2017.</p> <p>There are no data to show the number of people from each gender who might be entering into commercial transactions with the Council.</p>	
Gender Reassignment	<p>There is very little robust data on Haringey or the UK's trans population. However it is estimated that there are between 200,000 and 500,000 people who identify as trans in the UK. According to the LGBT Survey 2018, younger trans people are more likely to identify as non-binary, with 57% of all trans respondents aged under 35</p>	N/A

	<p>identifying as non-binary.</p> <p>The age at which transitioning is started tends to be younger, with 81% of people starting transitioning at 34 or younger, compared to 19% transitioning at 35 and over.</p> <p>Of those who identify as trans in the UK the largest group are of White ethnicity, representing 90% of this group.</p> <p>The proportion of those who identify as a trans woman and trans man is even at 20%. However the majority of those identifying as trans consider their gender as non-binary (52%).</p> <p>There are no data to show the number of people with gender reassignment who might be entering into commercial transactions with the Council.</p>	
Age	<p>Overall Haringey has a relatively large child population with 20% of the population being under 16 years old.</p> <p>The age population of Haringey is similar in most wards. However, Seven Sisters and Northumberland Park wards have a larger than average proportion of under-16 year olds at 26% and 25%.</p> <p>These wards also have the 3rd (Seven Sisters) and 5th (Northumberland Park) smallest proportion of working age population.</p> <p>Over two thirds of the Haringey population are of working age (70.1%).</p> <p>There are no data as to the ages</p>	N/A

	<p>of people who might be entering into commercial transactions with the Council. However, for commercial transactions, generally will be aged over 18</p>	
Disability	<p>Over 19,500 people aged 16 to 64 in Haringey have a physical disability; this equates to approximately 10% of the population aged 16-64.</p> <p>In Haringey 4,500 people have a serious physical disability; 15,700 adults have a moderate or severe hearing impairment; and almost 5,000 people have sight loss which impacts on daily life.</p> <p>An estimated 5,700 Haringey residents aged 14 and over are estimated to have a learning disability, and around 2,100 residents are estimated to have autism.</p> <p>There are no data to show the number of people considered disabled who might be entering into commercial transactions with the Council.</p>	N/A
Race & Ethnicity	<p>People of White and White Other ethnicity make up the largest proportion of Haringey's population, followed by those of Black, Mixed/other and Asian ethnicity.</p> <p>This differs greatly by ward, for example in Northumberland Park where there is a slightly larger proportion of residents of Black ethnicity (40%) compared to people of White ethnicity (39%), as well as Tottenham Hale, Bruce Grove and Tottenham Green where more than half of the population is BAME.</p> <p>By contrast, Muswell Hill, Crouch</p>	N/A

	<p>End and Highgate have a substantially larger proportion of residents that are of White and White Other ethnicity.</p> <p>In all wards there is a relatively even spread of male to female population of each ethnic group.</p> <p>Small Business Survey 2018:</p> <p>An estimated 5% of SME employers were minority ethnic group led (MEG-led), defined as having a person from an ethnic minority in sole control of the business or having a management team with at least half of its members from an ethnic minority. There was no significant difference in the overall proportion of MEG-led businesses since 2015.</p> <p>There are no data as to the race and ethnicity of people who might be entering into commercial transactions with the Council.</p>	
Sexual Orientation	<p>3.6% of residents in Haringey identify as Gay, Lesbian, Bisexual or another non-Heterosexual sexuality. Within this group just over half identify as Gay or Lesbian, just over one in four identify as Bisexual, and around one in seven identify as 'Other'.</p> <p>While these figures are broadly in line with the rest of London, compared to the UK Haringey has a larger population identifying in every category except Heterosexual.</p> <p>Across England, younger people are more likely to identify as Gay, Lesbian or Bisexual with 2.5% of those aged 16 to 34 identifying themselves in this group, and less</p>	N/A

	<p>than 1% identifying themselves in this group among those aged over 60.</p> <p>There are no data as to the sexual orientation of people who might be entering into commercial transactions with the Council.</p>	
Religion or Belief (or No Belief)	<p>Two out of three residents in Haringey are practicing a religion with Christians (45%) and Muslims (14%) being the largest resident groups;</p> <p>The proportion of residents practicing a religion is highest among residents aged 75+, with 81.8% of this age group identifying as following a faith. Residents aged 25-34 report the highest proportion of no religion at 33.1%, compared to just 9% of residents aged 75+ with no religion;</p> <p>Wards in the East of Haringey have a higher proportion of residents with a religion than wards in the West, with those in the West having 34% or more residents reporting having no religion, compared to as little as 13% saying the same in some eastern wards.</p> <p>There are no data to show the religion and/or belief of people who might be entering into commercial transactions with the Council.</p>	N/A
Pregnancy & Maternity	<p>Haringey's General Birth Rate (GBR) has generally decreased in line with London since 2001. The sharpest decrease was between 2010 and 2017 (26%).</p> <p>Northumberland Park has the highest birth rate, at 83 births per</p>	N/A

	<p>1,000 women aged 15 to 44. The lowest birth rate was in Muswell Hill.</p> <p>Over half the infants born in Haringey in 2017/18 were being breastfed at 6-8 weeks after birth.</p> <p>There are no data to show the number of people who are pregnant or on maternity that might be entering into commercial transactions with the Council.</p>	
<p>Marriage and Civil Partnership</p>	<p>According to the 2011 census, 1,191 residents were in a same-sex civil partnership. ONS Census 2011</p> <p>33.3% of residents aged over 16 are married. ONS Census 2011</p> <p>Since 2014, when same-sex marriage was legalised, the proportion of same-sex marriages taking place in Haringey has remained constant at just over 2%, substantially lower than the proportion of same-sex marriages taking place in London overall.</p> <p>Of the same-sex marriages that took place in 2015 there was a year-on-year increase in male same-sex marriages compared to a reduction in female same-sex marriages. This may have been impacted by the fact that same-sex marriage was legalised at the end of March 2014, and so the data for the full year was not comparative.</p> <p>Year on year the number of Civil Partnerships for same-sex couples have been decreasing since 2006. The sharpest decline was between 2013 and 2014 when civil partnerships in Haringey decreased by 75%. This</p>	<p>N/A</p>

	<p>may have been due to the legalisation of same-sex marriage in 2014. Overall the ratio of male same-sex civil partnerships is greater than female same-sex civil partnerships.</p> <p>There are no data as to the marital status of people who might be entering into commercial transactions with the Council.</p>	
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Outline the key findings of your data analysis. Which groups are disproportionately affected by the proposal? How does this compare with the impact on wider service users and/or the borough's demographic profile? Have any inequalities been identified?

Explain how you will overcome this within the proposal.

Further information on how to do data analysis can be found in the guidance.

Whilst data is available on protected characteristics in the borough, no data is captured on the protected characteristics for monitoring purposes when people enter into a commercial lease or licence with the Council, dispose of land freehold or leasehold or require a deed of variation.

However, as not all of the people who enter into commercial transactions are likely to reside in the borough National Data has been used where relevant for the purposes of this assessment.

Available data does not show what effect if any that anyone within the protected characteristics entering into commercial transactions with the Council and planning obligations where there are development would be affected by this proposal. The fees when charged would affect only those who are adult and or are shareholders in other legal entities such as companies.

Also it is not known whether the legal fees charged to individuals and companies who have commercial dealings with the authority and fall within any of the protected characteristics are disproportionately affected by the proposal.

The charging of legal fees may affect businesses or individuals on low income if that is what the client department agrees. Who pays the legal fees are a matter for negotiation between the client department and the businesses and individuals concern. The legal fees are only charged where the client department has agreed that this should be the case. Legal Services client department has the ability to waiver some or the entire fee. The fee does not affect individuals from groups of protected characteristics unfairly or differently.

The rates between Haringey CCG, Homes for Haringey and the Legal Services set out in service level agreements and there are no equalities impact considerations in relation

to this.

However, the fees will have the same impact individual under any protected characteristic and there is no group which will be disproportionately affected by the proposal.

4. a) How will consultation and/or engagement inform your assessment of the impact of the proposal on protected groups of residents, service users and/or staff?

Please outline which groups you may target and how you will have targeted them

Further information on consultation is contained within accompanying EqlA guidance

Not applicable.

4. b) Outline the key findings of your consultation / engagement activities once completed, particularly in terms of how this relates to groups that share the protected characteristics

Explain how will the consultation's findings will shape and inform your proposal and the decision making process, and any modifications made?

N/A see above

5. What is the likely impact of the proposal on groups of service users and/or staff that share the protected characteristics?

Please explain the likely differential impact on each of the 9 equality strands, whether positive or negative. Where it is anticipated there will be no impact from the proposal, please outline the evidence that supports this conclusion.

Further information on assessing impact on different groups is contained within accompanying EqlA guidance

1. Sex Unknown impact. Currently there is not data available to undertake an assessment of the overall impact of this proposal on this protected characteristic

Positive		Negative		Neutral impact		Unknown Impact	x
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2. Gender reassignment Unknown impact. Currently there is not data available to undertake an assessment of the overall impact of this proposal on this protected characteristic

Positive		Negative		Neutral impact		Unknown Impact	x
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3. Age Unknown impact. Currently there is not data available to undertake an assessment of the overall impact of this proposal on this protected characteristic

Positive		Negative		Neutral impact		Unknown Impact	x
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4. Disability Unknown impact. Currently there is not data available to undertake an assessment of the overall impact of this proposal on this protected characteristic

Positive		Negative		Neutral impact		Unknown Impact	x
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5. Race and ethnicity Unknown impact. Currently there is not data available to undertake an assessment of the overall impact of this proposal on this protected characteristic

Positive		Negative		Neutral impact		Unknown Impact	x
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6. Sexual orientation Unknown impact. Currently there is not data available to undertake an assessment of the overall impact of this proposal on this protected characteristic

Positive		Negative		Neutral impact		Unknown Impact	x
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7. Religion or belief (or no belief) Unknown impact. Currently there is not data available to undertake an assessment of the overall impact of this proposal on this protected characteristic

Positive		Negative		Neutral impact		Unknown Impact	x
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8. Pregnancy and maternity Unknown impact. Currently there is not data available to undertake an assessment of the overall impact of this proposal on this protected characteristic

Positive		Negative		Neutral impact		Unknown Impact	x
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9. Marriage and Civil Partnership Unknown impact. Currently there is not data available to undertake an assessment of the overall impact of this proposal on this protected characteristic

Positive		Negative		Neutral impact		Unknown Impact	x
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10. Groups that cross two or more equality strands e.g. young black women

The proposed fees would have an unknown impact as there is no data available to determine the overall likely impact.

Outline the overall impact of the policy for the Public Sector Equality Duty:

- **Could the proposal result in any direct/indirect discrimination for any group that shares the relevant protected characteristics?**
- **Will the proposal help to advance equality of opportunity between groups who share a relevant protected characteristic and those who do not?**

This includes:

- a) **Remove or minimise disadvantage suffered by persons protected under the Equality Act**
- b) **Take steps to meet the needs of persons protected under the Equality Act that are different from the needs of other groups**
- c) **Encourage persons protected under the Equality Act to participate in public life or in any other activity in which participation by such persons is disproportionately low**
- **Will the proposal help to foster good relations between groups who share a relevant protected characteristic and those who do not?**

There is no data available that shows that the legal fees set will result in direct or indirect discrimination for any group that shares the protected characteristics and those who do not.

In relation to the commercial transactions, it is possible that certain protected groups may not be able to pay the fees in which case the client departments would meet these fees or seek to reduce it. The charges are not designed to discriminate against any group.

The legal fees are reviewed annually and is set to secure that the income from the fees achieves full cost recovery for provision of the legal service and the fees affects all groups that shares the protected characteristics and those who do not the same way.

The legal fees charged by Legal Services to Haringey CCG, (a public body) and Homes for Haringey (a company limited by guarantee) are set out in service level agreements and

there are no equalities impact considerations in relation to this.

6. a) What changes if any do you plan to make to your proposal as a result of the Equality Impact Assessment?

Further information on responding to identified impacts is contained within accompanying EqIA guidance

Outcome	Y/N
No major change to the proposal: the EqIA demonstrates the proposal is robust and there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken. <u>If you have found any inequalities or negative impacts that you are unable to mitigate, please provide a compelling reason below why you are unable to mitigate them.</u>	N
Adjust the proposal: the EqIA identifies potential problems or missed opportunities. Adjust the proposal to remove barriers or better promote equality. Clearly <u>set out below</u> the key adjustments you plan to make to the policy. If there are any adverse impacts you cannot mitigate, please provide a compelling reason below	N
Stop and remove the proposal: the proposal shows actual or potential avoidable adverse impacts on different protected characteristics. The decision maker must not make this decision.	N

6 b) Summarise the specific actions you plan to take to remove or mitigate any actual or potential negative impact and to further the aims of the Equality Duty

Impact and which relevant protected characteristics are impacted?	Action	Lead officer	Timescale
Unknown due to the lack of data in respect of the commercial fees.	There will be a need to review both the level and recharging of the fees for commercial transactions and its impact on any particular group.	Business Manager Legal Services	Annual review

<p>Please outline any areas you have identified where negative impacts will happen as a result of the proposal but it is not possible to mitigate them. Please provide a complete and honest justification on why it is not possible to mitigate them.</p>			
<p>Not known as no local data currently available to identify whether there are any negative impacts will happen as a result of the proposal in relation to commercial transactions.</p>			
<p>6 c) Summarise the measures you intend to put in place to monitor the equalities impact of the proposal as it is implemented:</p>			
<p>Feedback will be sought from the client department as to the impact the commercial legal fees will have on these transactions and how it affects any of those with protected characteristics. This will enable Legal Services to assess and monitor the effect of the payment of Council's legal fees by third parties to assess the impact of the proposal and to inform on future reviews</p>			

7. Authorisation	
EqlA approved by (Assistant Director/ Director)	Date

8. Publication <i>Please ensure the completed EqlA is published in accordance with the Council's policy.</i>

Please contact the Policy & Strategy Team for any feedback on the EqlA process.