

Community Impact Assessment

A Community Impact Assessment (CIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in decision-making.

When to assess

A CIA should be carried out when you are changing, removing or introducing a new service, policy or function. The assessment should be proportionate; a major financial decision will need to be assessed more closely than a minor policy change.

Public sector equality duty

The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:

- 1) Eliminate discrimination, harassment and victimisation;
- 2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- 3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

These are known as the three aims of the general equality duty.

Protected characteristics

The Equality Act 2010 sets out nine protected characteristics that apply to the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

We also ask you to consider other socially excluded groups, which could include people who are geographically isolated from services, with low literacy skills or living in poverty or low incomes; this may impact on aspirations, health or other areas of their life which are not protected by the Equality Act, but should be considered when delivering services.

Due regard

To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations.

How much regard is 'due' will depend on the circumstances and in particular on the relevance of the aims in the general equality duty to the decision or function in question. The greater the relevance and potential impact, the higher the regard required by the duty. The three aims of the duty may be more relevant to some functions than others; or they may be more relevant to some protected characteristics than others.

Collecting and using equality information

The Equalities and Human Rights Commissions (EHRC) states that 'Having due regard to the aims of the general equality duty requires public authorities to have an adequate evidence base for their decision making'. We need to make sure that we understand the potential impact of decisions on people with different protected characteristics. This will help us to reduce or remove unhelpful impacts. We need to consider this information before and as decisions are being made.

There are a number of publications and websites that may be useful in understanding the profile of users of a service, or those who may be affected.

- The Office for National Statistics Neighbourhoods website <http://www.neighbourhood.statistics.gov.uk>
- Swale in 2011 http://issuu.com/swale-council/docs/key_data_for_swale
- Kent County Council Research and Intelligence Unit http://www.kent.gov.uk/your_council/kent_facts_and_figures.aspx
- Health and Social Care maps <http://www.kmpho.nhs.uk/health-and-social-care-maps/swale/>

At this stage you may find that you need further information and will need to undertake engagement or consultation. Identify the gaps in your knowledge and take steps to fill these.

Case law principles

A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- The general equality duty is not a duty to achieve a result, it is a duty to have due regard to the need achieve the aims of the duty.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

Examples of case law can be found here [EHRC relevant case law](#). They include examples of why assessing the impact **before** the decision is made is so important and case law around the need to have due regard to the duty

Lead officer:	David Clifford – Policy and Performance Manager
Decision maker:	Council
People involved:	David Clifford – Policy and Performance Manager Bob Pullen – Policy and Performance Officer Sarah Porter – Sustainable Sheppey Project Manager
Decision: <ul style="list-style-type: none"> ▪ Policy, project, service, contract ▪ Review, change, new, stop 	This is a high-level strategic plan which is being reviewed and updated.
Date of decision: The date when the final decision is made. The CIA must be complete before this point and inform the final decision.	Council: 18 February 2015
Summary of the decision: <ul style="list-style-type: none"> ▪ Aims and objectives ▪ Key actions ▪ Expected outcomes ▪ Who will be affected and how? ▪ How many people will be affected? 	<p>The plan proposes three overarching priorities for the council to focus on over the period 2015/16-2018/19. Beneath each of these priorities sit five high-level objectives, as follows:</p> <p><i>Priority 1: A borough to be proud of.</i></p> <ul style="list-style-type: none"> ▪ Deliver major regeneration projects. ▪ Enhance the borough's economic and tourism offer. ▪ Keep Swale clean and tidy. ▪ Protect and improve the natural and built environments. ▪ Lobby for better roads and transport. <p><i>Priority 2: A community to be proud of.</i></p> <ul style="list-style-type: none"> ▪ Foster economic growth and prosperity for all. ▪ Encourage active communities and support the voluntary sector. ▪ Reduce crime and disorder. ▪ Use our influence to ensure local skills are matched to local jobs. ▪ Work collaboratively to improve health and mental health. <p><i>Priority 3: A council to be proud of.</i></p> <ul style="list-style-type: none"> ▪ Improve residents' perceptions and customers' experiences. ▪ Ensure that Swale's internal governance is second to none. ▪ Encourage innovation at every level. ▪ Strengthen our financial and political resilience. ▪ Enhance our capacity for achieving outcomes collaboratively. <p>The key actions for 2015/16 are set out in the accompanying high-level action plan, which is intended to sit below the objectives listed above. Action plans of this type have historically been used as intermediaries between the corporate plan and individual departments' annual service plans, and as such are</p>

	<p>generally reviewed updated on an annual basis. Some of the actions on the plan at Appendix II are at a greater level of detail than others, and there is also a range of likely durations, with some actions achievable by the end of 2015/16 and others expected to range over a longer term.</p> <p>What all these actions have in common, however, is that whether they will need to be broken down into more discrete 'sub-actions' or not, they are at too abstract a level to allow a robust assessment of their impact in terms of equality legislation. In many cases, separate impact assessments will need to be made on these pieces of work as their precise parameters become clearer, and these will be brought to members for consideration in due course.</p> <p>Insofar as it provides guidance for the allocation of council resources over the medium term, the corporate plan potentially has an impact on everyone living in, working in or visiting the borough. However, as with the action plan, the plan is a strategic document which sets out broad areas of focus rather than proposing concrete pieces of work which could have a definite and measurable equality impact.</p>
<p>Information and research:</p> <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key findings. • Include information on how the decision will affect people with different protected characteristics. 	<p>The text of the plan contains a great deal of contextual demographic information about the borough and its residents. However, the plan is (intentionally) at too abstract a level to have a definite impact on people with particular protected characteristics. More detailed pieces of work which will sit under the objectives in the plan will need to be subject to impact assessments in their own right in due course.</p>
<p>Consultation:</p> <ul style="list-style-type: none"> • Has there been specific consultation on this decision? • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • Can any conclusions be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p>The corporate plan is primarily an internal document, and as such was developed in close consultation with members and senior officers. In particular, the plan accommodates the views and priorities of cabinet members, the policy development and review committee, the strategic management team and all heads of service.</p> <p>The plan was also subject to external consultation involving the publication of a draft version and a set of consultation questions to solicit feedback. This was publicised for example through the Swale Community Empowerment Network (SCEN) and the Swale Public Services Board (PSB), as well as through the council's Facebook and Twitter accounts.</p> <p>As would probably be expected with a document at this level of abstraction, no responses were received to suggest any differences in views between people with protected characteristics.</p>

Is the decision relevant to the aims of the equality duty?

Guidance on the aims can be found in the EHRC’s [PSED Technical Guidance](#).

Aim	Yes/No
1) Eliminate discrimination, harassment and victimisation	Yes
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	Yes

Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Characteristic	Relevance to decision High/Medium/Low/None	Impact of decision Positive/Negative/Neutral
Age	Low at this stage	Neutral at this stage
Disability	Low at this stage	Neutral at this stage
Gender reassignment	Low at this stage	Neutral at this stage
Marriage and civil partnership	Low at this stage	Neutral at this stage
Pregnancy and maternity	Low at this stage	Neutral at this stage
Race	Low at this stage	Neutral at this stage
Religion or belief	Low at this stage	Neutral at this stage
Sex	Low at this stage	Neutral at this stage
Sexual orientation	Low at this stage	Neutral at this stage
Other socially excluded groups ¹	Medium at this stage	Potentially positive at this stage

Conclusion:

- Consider how due regard has been had to the equality duty, from start to finish.
- There should be no unlawful discrimination arising from the decision (see [PSED Technical Guidance](#)).

Advise on the overall equality implications that should be taken into account in the final decision, considering relevance and impact.

The corporate plan and its associated high-level action plan are in general at too high a level of abstraction for the aims of the equality duty to be relevant in any concrete way, although it is likely to be much more relevant to many of the pieces of work which will flow from it. The impact of the plan itself on the aims of the equality duty, without reference to these more detailed pieces of work, is at this stage considered to be low, and nothing requiring the mitigation of adverse impacts has been identified. It is believed at this stage that the plan involves no unlawful discrimination.

Timing

- Having ‘due regard’ is a state of mind. It should be considered at the inception of any decision.
- Due regard should be considered throughout the development of the decision. Notes should be taken on how due regard to the equality duty has been considered through research, meetings, project teams, committees and consultations.
- The completion of the CIA is a way of effectively summarising the due regard shown to the equality duty throughout the development of the decision. The completed CIA must inform the final decision-making process. The decision-maker must be aware of the duty and the completed CIA.

¹ Other socially excluded groups could include those with literacy issues, people living in poverty or on low incomes or people who are geographically isolated from services