

# 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](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](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

<b>Lead officer:</b>	<i>Zoe Kent</i>
<b>Decision maker:</b>	<i>Full Council</i>
<b>People involved:</b>	<i>Revenues Service</i>
<b>Decision:</b> <ul style="list-style-type: none"> <li>• Policy, project, service, contract</li> <li>• Review, change, new, stop</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Discretionary Rate Relief (DRR) Policy</i></li> <li>• <i>The policy is being reviewed</i></li> </ul>
<b>Date of decision:</b> The date when the final decision is made. The CIA must be complete before this point and inform the final decision.	<i>The policy will be going to Council in September 2015</i>
<b>Summary of the decision:</b> <ul style="list-style-type: none"> <li>• Aims and objectives</li> <li>• Key actions</li> <li>• Expected outcomes</li> <li>• Who will be affected and how?</li> <li>• How many people will be affected?</li> </ul>	<p><i>The DRR policy aims to:</i></p> <ol style="list-style-type: none"> <li><i>1. To ensure the discretionary rate relief budget is used effectively and is awarded appropriately</i></li> <li><i>2. To help charities and non-profit making organisations provide services for those in need in the community</i></li> <li><i>3. To encourage businesses to work in rural communities providing services that may not otherwise be available</i></li> </ol> <p><i>What are the key actions?</i>  <i>Ensuring the policy covers all charitable, non-profit making and small rural businesses that may pay business rates.</i>  <i>Reviewing and recommending how to best to deliver the DRR budget.</i>  <i>Expanding user feedback, engagement and consultation.</i></p> <p><i>What are the expected outcomes?</i>  <i>The policy should ensure that the DRR budget is available to charities and non-profit making organisations providing services in the Borough. It should also help businesses to provide services to rural communities.</i></p> <p><i>Who will be affected?</i>  <i>Any residents who use services provided by charities and non-profit making organisations. Residents living in rural communities.</i></p> <p><i>How many people will be affected?</i>  <i>There are currently around 250 businesses receiving DRR (23 in rural areas). It is difficult to equate how many people would be affected by the loss of these services. For example a sports club may help local young people in an area. A museum may be visited by residents from all parts of the community and also from people from outside of the Swale area.</i></p>
<b>Information and research:</b> <ul style="list-style-type: none"> <li>• Outline the information and research that has informed the decision.</li> <li>• Include sources and key findings.</li> <li>• Include information on how</li> </ul>	<p><i>What research have you undertaken during the process of writing the policy?</i></p> <p><i>Researching other DRR policies</i>  <i>Consulting with local businesses, Members, other local authorities and businesses who receive DRR.</i></p>

the decision will affect people with different protected characteristics.	The businesses that are claiming DRR will be providing services to people who come from a variety of groups with different characteristics. As long as a business is non-profit making and providing services for local people those providing services for people with different characteristics will not be treated differently.
<b>Consultation:</b> <ul style="list-style-type: none"> <li>Has there been specific consultation on this decision?</li> <li>What were the results of the consultation?</li> <li>Did the consultation analysis reveal any difference in views across the protected characteristics?</li> <li>Can any conclusions be drawn from the analysis on how the decision will affect people with different protected characteristics?</li> </ul>	<p><i>A consultation was carried out between January and March 2015, the consultation asked respondents for their comments on the DRR policy. Disappointingly only 4 people responded to the consultation, an email was sent out to all businesses that are signed up to receive e-alerts (around 600), all community groups, sports group and museums. The consultation was also available on the website.</i></p> <p><i>Those that responded were in receipt of DRR and hoped that it would continue to be awarded under the same guidelines as previously.</i></p> <p><i>The consultation analysis did not reveal any difference in views across the protected characteristics. No conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics.</i></p>

<b>Is the decision relevant to the aims of the equality duty?</b>	
Guidance on the aims can be found in the EHRC's <a href="#">PSED Technical Guidance</a> .	
<b>Aim</b>	<b>Yes/No</b>
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

<b>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.</b>		
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.		
<b>Characteristic</b>	<b>Relevance to decision</b> High/Medium/Low/None	<b>Impact of decision</b> Positive/Negative/Neutral
Age	None	Neutral
Disability	None	Neutral
Gender reassignment	None	Neutral
Marriage and civil partnership	None	Neutral
Pregnancy and maternity	None	Neutral
Race	None	Neutral
Religion or belief	None	Neutral
Sex	None	Neutral
Sexual orientation	None	Neutral
Other socially excluded groups <sup>1</sup>		

<b>Conclusion:</b> <ul style="list-style-type: none"> <li>Consider how due regard has been had to the equality duty, from start to finish.</li> <li>There should be no unlawful discrimination arising from the decision (see <a href="#">PSED</a>)</li> </ul>	<b>Summarise this conclusion in the body of your report</b> <p>In the writing of this policy we have considered whether we are giving more due regard to one group with protected characteristics over another. As all charities and non-profit making organisations are able to apply for DRR it is not felt that the policy will have a negative effect on any group.</p> <p><sup>1</sup> Other socially excluded groups include literacy issues, people living in poverty or on low incomes or people who are geographically isolated from services</p>
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<p><a href="#">Technical Guidance</a>). Advise on the overall equality implications that should be taken into account in the final decision, considering relevance and impact.</p>	
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### 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.

**Full technical guidance on the public sector equality duty can be found at:**

[http://www.equalityhumanrights.com/uploaded\\_files/PSD/technical\\_guidance\\_on\\_the\\_public\\_sector\\_equality\\_duty\\_england.pdf](http://www.equalityhumanrights.com/uploaded_files/PSD/technical_guidance_on_the_public_sector_equality_duty_england.pdf)

**This Community Impact Assessment should be attached to any committee or SMT report relating to the decision. This CIA should be sent to the Website Officer (Lindsay Oldfield) once completed, so that it can be published on the website.**

## Action Plan

Issue	Action	Due date	Lead Officer	Manager	Cabinet Member

Actions in this action plan will be reported to the CIA group once a quarter, so updates will be required quarterly.