

## Equality Analysis: Name of restructure

### What is an Equality Analysis (EA) for?

The Council must have due regard to its Public Sector Equality Duty (PSED) when making decisions at member and officer level. An EA is the best method by which the Council can provide the evidential analysis to comply with the equality duty, particularly for major decisions. However, the level of analysis required should only be proportionate to the relevance of the duty to the service or decision. Some decisions will require detailed equalities consideration, e.g. a decision on adult social care provision or reduction of grants to voluntary organisations, whereas the performance of other functions will have less of an equalities impact, e.g. the appointment of committees where only a limited assessment is required. In rare cases, the Courts have said there may be no impact. If you think this may be the case, then you must seek advice first and have a rational basis for this conclusion. The EA should normally be appended to the Cabinet or other report and the key findings set out in the “Equalities Implications” section of the report. **NOTE:** Failure to complete an EA and implications section adequately or at all is likely to result in the deferral of consideration of the report as it places in doubt the legality and effectiveness of the overall decision.

### What is the Public Sector Equality Duty (PSED)?

The new public sector duty (s.149, Equality Act 2010) requires the Council, when exercising its functions, to have “**due regard**” to the need to:

1. **eliminate unlawful discrimination**, harassment and victimisation and other conduct prohibited under the Act,
2. **advance equality of opportunity** between those who share a “protected characteristic” and those who do not share that protected characteristic and
3. **foster good relations** between persons who share a relevant protected characteristic and persons who do not share it (this involves having due regard, in particular, to the need to (a) tackle prejudice, and (b) promote understanding).

These are collectively referred to in this EA as the **equality aims**. **Advancing equality (the second equality aim)** involves having due regard, in particular, to the need to:

- Removing or minimising disadvantages suffered by people due to their protected characteristic.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people including steps to take account of disabled people’s disabilities *and*
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

**NB** Please note that, for disabled persons, the Council must have regard to the possible need for steps that amount to positive discrimination, to “level the playing field” with non-disabled persons, e.g. in accessing services through dedicated car parking spaces.

**Fostering good relations** involves having due regard, in particular, to the need to tackle prejudice and promote understanding.

**Protected Characteristics** defined in the Act are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation. Marriage and civil partnership are also a protected characteristic for the first equality aim to eliminate discrimination etc.

### **Guidance on Compliance with the PSED for officers and decision makers**

To comply with the duty, the Council must have “due regard” to the three equality aims. This means the PSED must be considered as a relevant factor in a decision alongside other relevant matters such as budgetary, legal, economic and practical implications. What regard is “due” will depend on the circumstances of each proposal and importance of equalities to the decision being taken. Some key principles for compliance during the decision-making process are set out below:

1. The duty is mandatory and important and must be met by the decision-maker and not delegated.
2. EAs must be evidence based and accurate – negative impacts must be fully and frankly identified so the decision-maker can fully consider their impact.
3. There must be an assessment of the practical impact of decisions on equalities, measures to avoid or mitigate negative impact and their effectiveness.
4. There must be compliance with the duty when proposals are being formulated by officers and then by members or officers when taking the decision: the Council cannot rely on an EA produced after the decision is made but sometimes a “provisional” EA is appropriate e.g. before consultation on a proposal.
5. Officers and members making a decision where there is an equalities impact must give conscious and open minded consideration to the impact of the duty on the decision, e.g. be prepared to change or amend a decision although negative equalities impacts does not stop a decision being made (see 7).
6. The duty is **not**, however, to achieve the three equality aims but to take them into account when making the final decision – therefore, **the duty does not stop difficult but justifiable decisions being made.**
7. The decision maker may take into account countervailing (i.e. opposing) factors that may objectively justify taking a decision which has negative impact on equalities, e.g. financial targets, value for money or service needs.
8. The duty is ongoing: EAs should be reviewed over time and there should be evidence of how impact will be monitored after the decision.

The above is a general guide to this changing area of law. You should also refer to the Council’s Guidance Notes on EAs and specific advice from the Equalities Team should be sought on complex issues. In addition to the Act, the Council is required to comply with any statutory Code of Practice issued by the Equality and Human Rights Commission. New Codes of Practice under the new Act have yet to be published but Codes of Practice

issued under the previous legislation remain relevant and the EHRC has also published non- statutory guidance on the PSED (go to <http://www.equalityhumanrights.com> for full details).

**IMPORTANT NOTES:**

1. **THIS FRONT SHEET IS AN ESSENTIAL PART OF THE EA – COMPLETE THE TEMPLATE AND SUBMIT IT AS A SINGLE DOCUMENT.**
2. **IN RARE CASES, WHEN COMPLETING THE ASSESSMENT IT MAY BECOME APPARENT THAT THE RECOMMENDATIONS WOULD LEAD TO UNLAWFUL DISCRIMINATION E.G. A PROPOSAL TO PAY MEN MORE THAN WOMEN. IF SO, STOP, RECONSIDER YOUR PROPOSAL AND SEEK ADVICE.**
3. **THE HEAD OF SERVICE OR DIRECTOR WHO ARE RESPONSIBLE FOR MEMBER LEVEL REPORTS MUST BE SATISFIED WITH THE FINALISED EQUALITIES ASSESSMENTS AND IT IS SENSIBLE TO ENSURE YOUR LEAD MEMBER HAS BEEN CONSULTED.**

## The Proposals

**1. What is the Proposal?**

*Rationale of the proposal.*

**2. What are the recommendations?**

*Recommendation to agree proposals.*

**3. Who is affected by the Proposal?**

*Employees who are affected by the proposals.*

**Age**

**Key borough statistics:** The 2011 Mayhew Harper population count shows that Waltham Forest has a population of 247,503. Broken down by broad age group, some 28% of the population (68,141) are aged 0-19, 34% (83,798) aged 20-39, 29% (71,048) aged 40-64 and 10% (24,517) aged 65+. Pan London data from the GLA shows that Waltham Forest has a larger percentage of its population aged 0-19 (28.3%) compared to 24.5% across London. Between 2011 and 2031 the same data shows that the 65+ age group in Waltham Forest is forecast to grow the most from 26,898 to 39,852. (Source: 2011 Mayhew Harper population count and 2010 SHLAA from GLA). **Children in Care:** As of December 2011, we had 320 children in our care. 55% were male and 45% female. Most are in the '10-15' age bracket (35%) followed by '16 years and older' (27%). Mixed race children are over-represented in care (21% in care compared to 10% in local population). **NB: These statistics provide general data for this protected characteristic. You need to ensure you have sufficient data about those affected by the proposals – see below under “additional equalities data”.**

**Additional Equalities Data (Service level or Corporate)**

*There are 7 employees within the service, 6 permanent and 1 casual. There is also 1 vacant post. The proposed deletions and creations affect all team members.*

	Service		Council-wide
Under 30	0	0%	6%
30-49	0	0%	50.5%
50 and over	0	0%	43.5%

<p><b>What is the proposal’s impact on the equalities aims?</b> <i>Look for direct impact but also evidence of disproportionate impact i.e. where a decision affects a protected group more than the general population, including indirect impact e.g. where a protected group is disproportionately represented with another group of service users affected by a decision, such as the unemployed. If relevant to your proposal also consider Children in Care.</i></p>	<p><b>What actions can be taken to avoid or mitigate any negative impact or to better advance equality and foster good relations?</b> <i>Provide details of how effective the mitigation will be and how it will be monitored.</i></p>
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<i>Answer</i>	<i>Answer</i>
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**Disability**

**Key borough statistics:** Recent data from the 2009 Annual Population Survey suggests there are 24,000 disabled people of working age (16-64) living in Waltham Forest. This would represent around 16% of the resident working-age population and is in line with the London average. 2011 data on the percentage of those claiming Disability Living Allowance shows that claimant rates tend to be higher in the southern and middle wards of the borough compared to the North though this data should only be treated as a rough indicator of the prevalence of disability. There are 19,000 people with reduced mobility living in Waltham Forest, half of whom have walking difficulties (48%) and 13% are wheelchair users. It is estimated that there are between 1,800 and 3,200 children and young people in the borough experiencing some form of disability. As of June 2010, 1,418 children and young people had a statement of Special Educational Needs in Waltham Forest (Source: 2001 Census, 2009 Annual Population survey, Office for National Statistics, Department for Work and Pensions). **Notes: These statistics provide general data for this protected characteristic. You need to ensure you have sufficient data about those affected by the proposals – see below under “additional equalities data”.**

**Additional Equalities Data (Service level or Corporate)** See guidance under “Age”. **Note:** different groups within the disabled population may need to be highlighted (e.g. visually impairment and hearing impact or mobility difficulties may be impacted differently)

No employees in the service identify themselves as disabled. This compares to the Council average of 5.1%, although the total number of staff affected is a small base for a statistically meaningful comparison.

**What is the proposal’s impact on the equalities aims?** See Guidance under “Age”.

*Answer*

**What actions can be taken to avoid or mitigate any negative impact or to better advance equality and foster good relations?** See Guidance under “Age”.

*Answer*

**Pregnancy and Maternity**

**Key borough statistics:** Data regarding recent births from the GLA shows that Waltham Forest has 8.9% of its population aged between 0 and 4 compared to a London wide figure of 7.6% (2011). For those up to the age of 1 this percentage is 1.9% and 1.6% respectively. The Total Fertility rate for Waltham Forest in 2009 is 2.54 (4<sup>th</sup> highest across London) compared to a London wide figure of 1.95. The teenage pregnancy rate in Waltham Forest (2009) is 55 per 1,000 of the female population aged 15-17 compared with 41 across London and 38 across England. Source: 2010 SHLAA from GLA, Office for National Statistics, NHS (NCHOD). **NB 1. The total fertility rate measures the projected number of births born to a woman over her lifetime 2. These statistics provide general data for this protected characteristic. You need to ensure you have sufficient data about those affected by the proposals – see below under “additional equalities data**

**Additional Equalities Data (Service level or Corporate)** See Guidance under “Age”. **NOTE:** There is a likely crossover between impacts on pregnancy and maternity and sex and age, i.e. impacts on women of child bearing age.

No employees are covered by this characteristic.

**What is the proposal’s impact on the equalities aims?** See Guidance under “Age”.

*Answer*

**What actions can be taken to avoid or mitigate any negative impact or to better advance equality?** See Guidance under “Age”.

*Answer*

**Race**

**Key Borough Statistics:** Waltham Forest’s BAME population is 98,830 out of 232,726. This is 42% of the total population and 8th highest across London when expressed as a percentage of total population. Broken down by specific ethnicity: Pakistani (9%), Black Caribbean (8.9%), Black African (7.1%), Other Asian (4.1%), Black Other (4.1%), Indian (3.5%), Other (3.7%), Bangladeshi (1.2%) and Chinese (0.9%). Of all the new arrivals to the borough since 2002, the top 3 countries of origin have been Poland, Pakistan and Lithuania (Source: GLA 2010 SHLAA and NINO Registrations Data 2002 –2010 DWP). **NB: These statistics provide general data for this protected characteristic. You need to ensure you have sufficient data about those affected by the proposals – see below under “additional equalities data”.**

**Additional Equalities Data (Service level or Corporate)** See Guidance under “Age”. **NOTE:** “Race” includes ethnic or national origins, colour or nationality

Racial Group	Numbers	% of service	Nos. deleted	% deleted

It should be noted that the low numbers can distort the percentages.

**What is the proposal’s impact on the equalities aims?** See Guidance under “Age”.

*Answer*

**What actions can be taken to avoid or mitigate any negative impact or to better advance equality?** See Guidance under “Age”.

*Answer*

**Religion or  
Belief**

**Key borough statistics:** According to the 2001 Census the borough has 57% of its population stating their religion to be Christian, Muslim 15.1%, Hindu 1.8%, Jewish 0.7%, Sikh 0.6%, Buddhist 0.4% and other 0.4%. Some 15% of residents claimed no religion whilst 9% did not state an answer. The multi-faith nature of Waltham Forest is evidenced by more recent data which shows that Waltham Forest has around 150 Christian Churches, 16 Muslim Mosques, 4 Hindu Temples, 3 Jewish Synagogues, 1 Sikh Gurdwara and 1 Tao Temple. Source: 2001 census and Waltham Forest Faith Forum **NB: These statistics provide general data for this protected characteristic. You need to ensure you have sufficient data about those affected by the proposals – see below under “additional equalities data”.**

**Additional Equalities Data (Service level or Corporate)** See guidance under “Age”. **Note:** different religious/belief groups may have to be considered separately.

*Answer*

**What is the proposal’s impact on the equalities aims What is the proposal’s impact on the equalities aims?** See Guidance under “Age”

*Answer*

**What actions can be taken to avoid or mitigate any negative impact or to better advance equality?** See Guidance under “Age”

*Answer*



**Sex**

**Key borough statistics:** Estimates of the gender split in Waltham Forest are 50.6% female and 49.4% male (Mayhew Harper) and 51.3% female and 48.7% male (GLA SHLAA). (Source: 2011 Mayhew Harper population count and GLA 2010 SHLAA). **NB: These statistics provide general data for this protected characteristic. You need to ensure you have sufficient data about those affected by the proposals – see below under “additional equalities data”.**

**Additional Equalities Data (Service level or Corporate) See guidance under “Age”. NOTE: See Guidance under “Age” .**

Gender	Numbers	% of Service	Nos. deleted	% deleted
Male				
Female				

**What is the proposal’s impact on the equalities aims? See Guidance under “Age”.**

*Answer*

**What actions can be taken to avoid or mitigate any negative impact or to better advance equality? See Guidance under “Age”.**

*Answer*

**Sexual Orientation  
and Gender  
Reassignment**

**Key borough statistics:** National estimates of LGBT population range from 0.3% to 10% using different measures. A recent study commissioned by Waltham Forest Council suggested the population to be somewhere between 7,000 to 10,000 people in 2007 (this is 4-6% of the adult population). The study also suggested that there maybe at least 35 transgender individuals in the borough (Source: Measuring Sexual Identity – Office for National Statistics, Waltham Forest LGBT Matters). **NB: These statistics provide general data for these protected characteristics. You need to ensure you have sufficient data about those affected by the proposals – see below under “additional equalities data”.**

**Additional Equalities Data (Service level or Corporate):** See Guidance under “Age”. **NOTE: Sexual orientation and gender reassignment are different protected characteristics and so need to be considered separately. However, data is usually collected together (under LGBT) and so analysis can more practically done together**

No data is available.

**What is the proposal’s impact on the equalities aims?** See Guidance under “Age”.

*Answer*

**What actions can be taken to avoid or mitigate any negative impact or to better advance equality?** See Guidance under “Age”.

*Answer*

**Marriage and Civil Partnership**

**Key borough statistics:**

2007- 2008      534 marriages registered in the borough and 46 Civil Partnerships  
2008- 2009      625 marriages registered in the borough and 33 Civil Partnerships  
2009 - 2010      670 marriages registered in the borough and 32 Civil Partnerships  
2010 - 2011      725 marriages registered in the borough and 27 Civil Partnerships

**NB: These statistics provide general data for these protected characteristics. You need to ensure you have sufficient data about those affected by the proposals – see below under “additional equalities data”.**

**Additional Equalities Data (Service level or Corporate)** See guidance under “Age”. **NOTE:** this characteristic is only relevant to the first equality aim: eliminating unlawful discrimination or conduct.

*Answer*

**What is the proposal’s impact on the equalities aims?** See Guidance under “Age”.

*Answer*

**What actions can be taken to avoid or mitigate any negative impact or to better advance equality?** See Guidance under “Age”.

*Answer*

**Additional Impacts  
on Advancing  
Equality & Fostering  
Good Relations**

See pages 1 and 2 for full details of these two aims. This section seeks to identify what additional steps can be taken to promote these aims or to mitigate any adverse impact. Analysis should be based on the data you have collected above for the 8 protected characteristics covered by these aims. Remember, marriage and civil partnership is not covered.

Key borough data: From our 2011 Cohesion Survey, a third of our respondents believe that differences are ‘definitely respected’. A further 46% believe this is the case most of the time, and just 6% feels this is not the case. By age group, a higher proportion of older residents feel differences are respected ‘definitely/most of the time’ (86% aged 66+ years). Residents with a disability are less likely to feel differences are respected (74%) than those without a disability (80%). The survey also shows that participation in community activity is 75% for Asian residents and residents in North Chingford (72%). Participation is lowest amongst South Chingford residents (63%). **NB: These statistics provide general data for these protected characteristics. You need to ensure you have sufficient data about those affected by the proposals – see below under “additional equalities data”.**

**Additional Equalities Data (Service level or Corporate)** You can rely on the additional data set out above in respect of the 8 protected characteristics as these do not apply to marriage and civil partnership.

*Answer*

**Are there any additional benefits or risks of the proposals on advancing equality and fostering good relations not considered above?**

*Answer*

**What actions can be taken to avoid or mitigate any negative impact on advancing equality or fostering good relations not considered above?**  
Provide details of how effective the mitigation will be and how it will be monitored.

*Answer*

## Conclusion

*Consider the Guidance below and set out your conclusions from the equalities analysis of the 8 protected characteristics. If there are negative equalities impacts, but you think that the proposals should still proceed in the current or amended form, explain what the objective justification for this is, providing evidence as appropriate. If it is helpful, refer to other documents e.g. the Cabinet report. You may find it helpful to identify one of the 4 outcomes below as being closest to your current proposals. (Use your conclusions as a basis for the “Equalities Implications” in the Cabinet report.)*

*Answer*

### Outcome of the Analysis

**Outcome 1:** No major change required when the assessment has not identified any potential for discrimination or adverse impact and all opportunities to advance equality have been taken.

**Outcome 2:** Adjustments to remove barriers identified by the assessment or to better advance equality. Are you satisfied that the proposed adjustments will remove the barriers identified?

**Outcome 3:** Continue despite having identified some potential for adverse impacts or missed opportunities to advance equality. In this case, the justification should be included in the assessment and should be in line with the duty to have ‘due regard’. For the most important relevant policies, compelling reasons will be needed. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact.

**Outcome 4:** Stop and rethink when an assessment shows actual or potential unlawful discrimination.

(source: EHRC “Using the equality duties to make fair financial decisions”)