

Guidance on carrying out a diversity impact assessment

A diversity impact assessment (DIA) (sometimes referred to as an equality impact assessment - EIA) is a process that helps you put fairness and equality for everyone at the centre of all changes to service provision, policy and strategy making.

The DIA process helps you to assess the likely impact any such change may have on all sections of the community and /or council staff.

The DIA takes into account the impact on all groups of people with protected characteristics as defined in the Equalities Act (2010).

By considering the likely impact **before** any change to service is introduced, this process helps you to find ways that can prevent, or at the very least, reduce any potential adverse impact.

Protected characteristics (Equality Act 2010)

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

Why carry out a DIA?

The 2013 Government review of the way the public sector equality duty (Equality Act 2010) has been implemented recommended that public bodies continue to carry out these assessments, but advised they adopt a proportionate approach, reducing paperwork where possible. Councils must still be able to produce written evidence that it complies with the Equality Act 2010, if it faced legal challenge.

Carrying out DIAs supports the delivery of our public sector equality duty under the Equality Act 2010, to have due regard to:

- Eliminating unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advancing equality of opportunity between people who share a protected characteristic and those who do not
- Fostering good relations between people who share a protected characteristic and those who do not

Service improvement

DIAs are an effective tool to drive forward improvements to services which benefit our communities.

Medway's approach

In 2013, Medway reinforced its support to continue using DIAs as an effective way to demonstrate our focus on customers and citizens.

One of the two values of Medway Council is:

"Putting our customers at the centre of everything we do".

Carrying out DIAs is a vital tool for managers to ensure that they incorporate this value in the way they deliver services.

What if we don't carry out a DIA?

Done badly or not at all, it carries significant risks in terms of compliance with legal requirements and Council policy.

Failure to give consideration to the Equality Act 2010 could result in decisions being open to challenge, resulting in delays and possible damage to the Council's reputation in conducting its business fairly and professionally.

Failure to carry out a DIA would also be a lost opportunity to improve the quality and accessibility of services for our residents.

Can I carry out an assessment on my own?

As the assessor, you could carry out the assessment on your own; however it is often helpful and easier if other people are also involved. Other members of staff from within or outside the service affected can often bring a fresh perspective to the assessment process.

Please contact your Performance & Intelligence hub if you require any help carrying out the DIA.

Stage 1: Getting started – gathering evidence

When is a DIA required?

You must assess the impact on protected characteristic groups **before** the following activities take place:

- Development of new, or changes to existing policies, strategies, projects, services and plans
- key decisions that go to Cabinet

You can only assess the likely impact of any proposed change if you have sufficient evidence to base that judgement on.

What is the purpose of the DIA?

You are identifying if there is likely to be an adverse impact on protected characteristic groups as a result of the proposed change in policy, service etc. And if there are any, how are you going to mitigate that adverse impact.

What evidence do I gather?

All relevant evidence which will support your judgement about the likely impact (whether is a negative or positive impact) on the protected characteristic groups.

You need to be able to answer the following questions:

Can you quantify the current service?:

- Actual number of service users
- Profile of service users (age/ethnicity/disability etc)
- Potential number of service users (enclosed Medway community profile information may be useful)
- Customer satisfaction results
- Budget information
- Performance information
- Benchmarking information

Can you quantify the scale of any problem which this proposed change is attempting to resolve?

- Number of incidents
- Number of complaints
- Previous DIAs addressing this

Can you quantify what changes are being proposed?

- What new/different services will look like compared to the current service

Can you quantify who will be impacted by the change?

- Numbers of staff
- Numbers of existing customers
- Numbers of potential customers
- Contractors/other groups/all of Medway community
- What protected characteristics do any of the above have

Who have you consulted to identify what the impact on the above groups will be, or what solutions could mitigate any adverse impact?

- Existing service users and/or their families/carers
- Staff/legal dept
- Other stakeholders
- Other organisations

- Service user, or performance information

Where evidence is missing, and where appropriate, you should consider obtaining new evidence, for example, by organising a focus group or issuing a questionnaire.

Any additional work to obtain new evidence must be proportionate to the subject under assessment.

Stage 2: Assessing the impact

How do I use the information gathered?

You must make an assessment regarding the likely impact that the proposed change will have on the protected characteristic groups.

You will need to identify if the impact is positive, negative, or a mix of both. You will also need to identify how significant the impact is in terms of its nature and the number of people likely to be affected.

No adverse impact

There is likely to be no adverse impact on any of the protected characteristic groups. What happens next?

Complete the DIA and include evidence to show why you judge that there will be no adverse impact. This information will be vital should the DIA be challenged at a future date.

No further work is required on the DIA unless there is a significant change in the future which requires a new assessment.

Adverse impact

There is likely to be adverse impact on one or more protected characteristic groups. What happens next?

You need to identify how you can avoid any adverse impact or at least mitigate the adverse impact.

You must set out in the action plan what measures you intend to carry out which will achieve this.

What if there are no options which will mitigate adverse impacts?

If you can't mitigate the adverse impact, it is important that you state that this is the case as it will act as an important early warning to managers and councillors.

What if I don't know what the impact will be?

If you don't know, you must demonstrate how you plan to get evidence of the likely impact. Include this in your action plan.

What should Action Plans contain?

The Action Plan is an important part of the DIA. It includes action regarding how you intend to:

- Obtain new evidence to enable an informed judgement on the likely impact to be made
- Mitigate adverse impacts

Stage 3: Monitoring the Action Plan

Monitoring of the Action Plan should be incorporated as part of the existing service performance protocols.

By making the actions Specific, Measurable, Achievable, Realistic and Time bound (SMART), it will make monitoring of the Action Plan more effective.

Stage 4: Reporting, recording & reviewing DIAs

Completed DIA must be signed by your Assistant Director as confirmation that the assessment of the likely impact is accurate and is sufficiently evidence based.

All reports being submitted to Cabinet regarding a proposed change to a service, strategy etc must include a copy of the relevant DIA.

Email a copy of your completed DIA to the Corporate Performance & Intelligence hub where it will be published on the internet.

DIAs will need to be reviewed at any time a significant changes occur.

Medway community profile information

The 2011 Census provides a wide range of equality data relating to the communities in Medway. You may find this information useful when you investigate the groups of people who may be affected by the proposed change.

Age

- Medway's population at the 2011 census was 263,925.
- Broken down by age group, 24.5% (64,724) are aged 0-18, 61.5% (162,196) are 19-65 and 14% (37,005) are over 65.
- The last ten years has seen an increase in the number and proportion of the 65+ category and a decrease in the number of children (0-18) in Medway.
- Although there has been a decline in the 0 to 18 age group, the proportion of the population at this age remains higher than Kent, the South East and England & Wales.
- The decrease in the population of young people is likely to be reflective of a decline in births from 1997 onwards, although it should be noted that births have started to increase again from 2007.

Gender

- As recorded in the 2011 Census, the population in Medway is almost evenly split along gender lines with 49.6% male and 50.4% female.
- Since 2001 there has been a higher increase in the male population (+6.5%) compared to the female population (+5.1%).

Disability

- The majority of Medway's population, 82%, is in good or very good health, with the proportion of the population not in good health increasing slightly since 2001.
- 16.4% (43,354) of the population state that their day-to-day activities are limited. This is a lower proportion than the average cross England and Wales (17.9%) but higher than across the South East (15.7%).
- In addition, 24,289 households (24.9%) report having at least one person in the household with a long-term health problem or disability.
- There are 25,033 (9.5%) residents in Medway who provide some degree of unpaid care.

Race

- The white population is the most prominent ethnicity in Medway accounting for 89.6% (236,579) of the total population.
- This has decreased from 94.6% in 2001.
- White British is the largest individual ethnic group reporting at 85.5% of the population.
- The Black and Minority Ethnic group stands at 10.4% of the population, which is higher than Kent (6.3%) and the South East (9.4%) but lower than across England and Wales (14.1%). This has increased significantly from 5.4% in 2001.
- Resident's who stated they were Black African saw the greatest proportional increase in population up from only 0.3% in 2001 to 1.8% in 2011
- Medway's Profile: White (89.6%), Asian (5.2%), Black (2.5%), Mixed (2%), Other (0.7%)

Religion or belief

- The most prominent religious group in Medway is Christian accounting for 57.8% (152,637) but this showed a large decrease from 2001 (72%) and is lower than Kent (62.5%), the South East (59.8%) and England and Wales (59.3%).
- This is followed by No Religion (29.9%) and Religion Not Stated (6.8%).
- Those who stated their religion as Muslim increased at a faster rate than Sikh since 2001 and now represents the fourth largest religious group in Medway.
- Proportionally, Medway has a significantly higher percentage of residents stating their religion as Muslim than Kent, but is significantly smaller - less than half - the proportion of England & Wales.
- Religion & belief: Medway Profile (2011): Christian 57.8%, No Religion 29.9%, Religion Not Stated ((6.8%), Muslim (2%), Sikh (1.5%), Hindu (1%), Other Religion (0.5%), Buddhist (0.4%) Jewish (0.1%)

Gender reassignment

- There are no accurate local estimates of the transsexual population.
- There have been two studies in the Netherlands and Scotland, which have suggested that between 1 in 11,500 and 1 in 12,500 people are transsexual. (Trans: A Practical Guide, Department for Health, October 2008).
- In the UK there have been 3,863 applications dealt with by the Gender Recognition Panel between 2004/05 and 2012/13.

Marriage and civil partnership

- Of the population aged 16 or over, 46.1% (97,095) were married in 2011.
- This represented a 6.1% decrease in the marriage rate since 2001.
- The proportion of the population aged 16 or over who are single and have never married has increased by just over 17,200 or up by 5.8 percentage points.
- This will in part reflect Medway's younger age profile, and the national trend of declining numbers of marriages.
- The 2011 census also collected data on civil partnerships for the first time.
- There are 359 residents in Medway in a civil partnership; the low numbers reflect it's relatively new legal status.

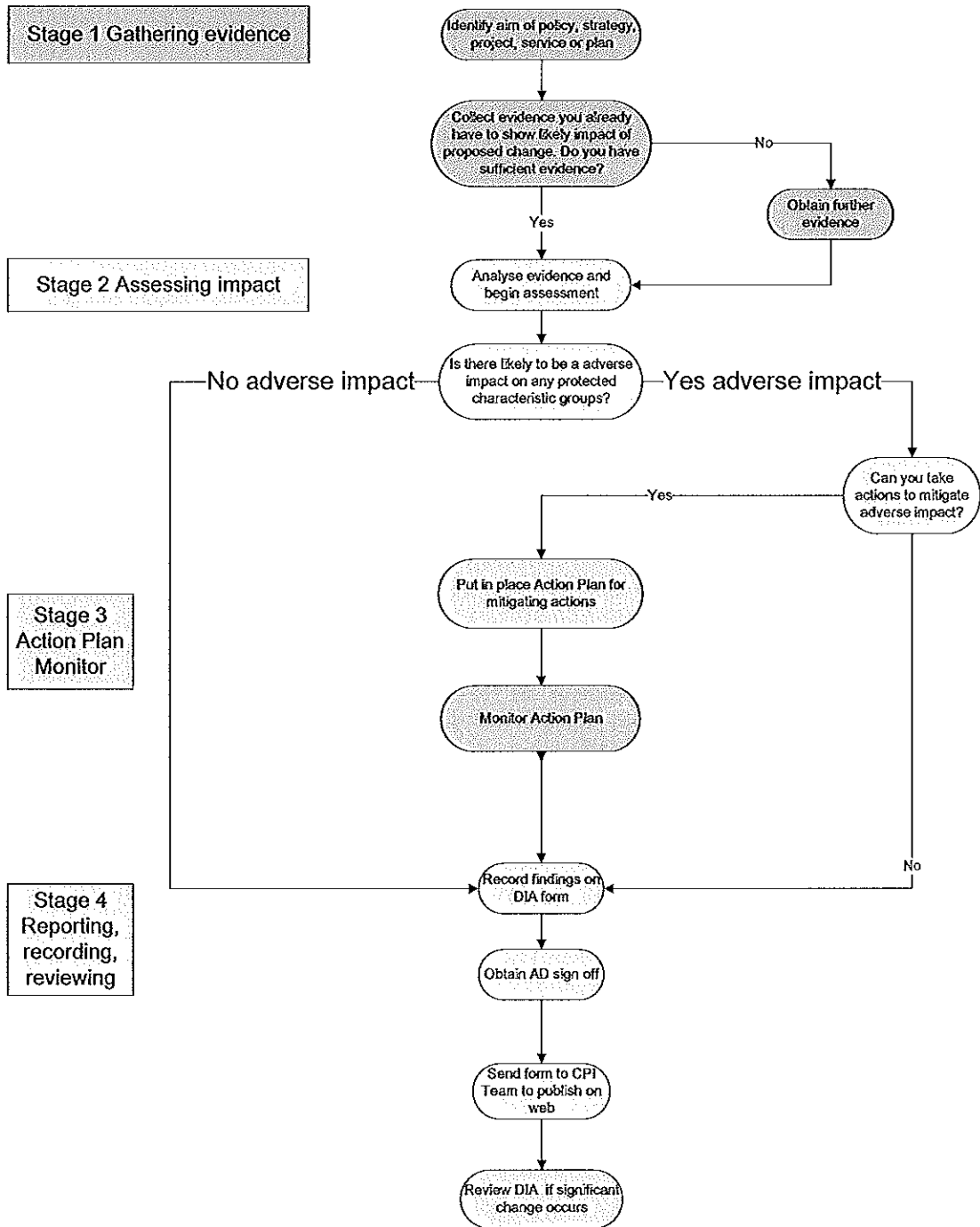
Pregnancy and maternity

- In 2011 there were 4,714 conceptions within Medway; a rate of 86.3 conceptions per 1,000 women aged 15 to 44, higher than the Kent, South East and England and Wales rates.
- The rate of under 18 conceptions, 38.8 conceptions per 1,000 women aged 15 to 17 in 2011 was higher than Kent, the South East and England and Wales.

Sexual orientation

- Whilst there is no specific data available with regards to sexual orientation, research suggests that the lesbian, gay and bisexual (LGB) population account for between 5 and 7% of the population. (DTI, Final Regulatory Impact Assessment: Civil Partnership, 2004)
- Using these figures and the Medway mid-2012 population estimate, the Medway LGB population (18+) is likely to be between 10,300 and 14,500 people.
- In Medway the Census 2011 indicated that there were 1,589 people or 0.8% of the population living in a civil partnership or are a same sex couple cohabiting.
- This is broadly comparable with national trends.

DIVERSITY IMPACT ASSESSMENT FLOWCHART



1. Summary description of the proposed change

The existing Anti-Social Behaviour Policy is in need of review following the introduction of the Anti-social behavior, Crime and Policing Act (2014) that gives new powers to social landlords. In summary the Act simplifies and improves anti-social behaviour powers and tools so that they are effective, easy to use and provide a real deterrent. The changes that we intend to use include:

- Utilised injunctions that the Act has simplified
- Use discretionary grounds for eviction to include crime and ASB outside of the locality
- Introduce an absolute ground for possession if criteria is met and due process followed
- Prosecution against owners with dangerous dogs
- Include positive actions in Criminal Behaviour Orders, that have replaced Anti-Social Behaviour Orders

A 'community trigger' has also been introduced. We are required to comply with a request of information from the investigating organisation (Community Safety Partnership) if a trigger has been activated by a complainant if they feel that there has not been any action despite three reports from the same complainant or five from different complainants.

2. Summary of evidence used to support the assessment

(See enclosed Guidance notes on gathering evidence eg: Feedback from consultation, performance information, service user records etc. See enclosed section on Medway Community Profile information for comparative information)

Housing Services propose to use these new powers that have been made available, following consultation via surveys and focus groups:

In 2013, Housing Services undertook a survey amongst all of our tenants and the third highest priority to improve was the, 'neighbourhood as a place to live' (36%).

The survey also suggested that satisfaction with performance (relating to resolving anti-social behaviour reports) had decreased by 8.5% in comparison to results from a similar survey in 2011. As a result, when comparing these satisfaction levels against similar sized social landlords, our performance is in the lower quartile.

As a result of the poor satisfaction levels, Housing Services undertook an independent review of our ASB service. Recent victims of known ASB cases were invited to take part in a focus group conducted by consultants. The qualitative feedback gained was that residents felt that the Council should fully utilise their enforcement powers more, particularly where perpetrators were not respecting the terms of their tenancy agreement and that victims did not consider that the Council takes a pro-active approach to managing ASB and feel they could do much more.

3. Are any of the following equality groups likely to be adversely affected?
*(Insert * in one or more box)*

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

4. Summary of the likely impact
(Include who will be affected and how.)

From April 2013 to April 2014 the single tool used for enforcement was eviction. According to our customer profiling, one of the tenants was a female between 45 and 50 years of age of white British origin and another was a male aged between 25 and 30 of white British origin.

The use of a wider range of enforcement tools may prevent these cases escalating to an eviction.

Whilst we acknowledge that our recording of ASB must improve and that not all incidences of ASB are reported, in November 2014 there were 28 current reports of ASB. The type of reports received are detailed in the table below:

- Drugs misuse – 2
- Garden appearance – 1
- Noise nuisance – 15
- Pets nuisance – 3
- Shouting/screaming – 1
- Verbal abuse – 5
- Misuse communal area - 1

These categories are all determined as 'medium priority' and therefore we would not deal with any of these incidences differently from how we currently work.

The impact of utilising new powers such as the absolute ground for possession will have a positive impact on vulnerable groups, such as victims of hate crime and as with all legal proceedings, consideration will be given as to whether it is proportionate and reasonable to commence legal proceedings for example considering the impact that eviction may have or whether the perpetrator may suffer from mental health problems. We will only use the absolute ground in only the most serious of ASB cases and when the tenant has been convicted of criminal activity.

According to our customer profiling in May 2014, 18% (134) of our lead tenants informed us that they suffer from mental health problems providing us with an indication of the number who may be affected. 21.1% of our lead tenants informed us that their ethnic origin was not White British.

When considering whether it is reasonable to evict someone and there are concerns around the mental well-being of a tenant then as part of our procedure, in accordance with best practice and recent case law, we will refer the case to adult social services to undertake an assessment. The courts will have final decision as to whether it is reasonable and proportional to evict someone.

If we are successful in obtaining a possession order then we will refer tenant(s) to the council's Housing Options Team, so they can be assessed under the homelessness legislation.

New powers include the opportunity to impose positive requirements against perpetrators to tackle the root causes of behaviour. Therefore, this will advance the relations for persons that may suffer from a disability such as mental health problems.

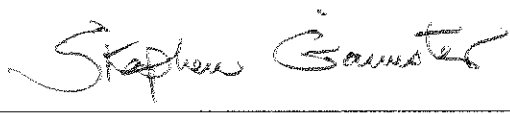
A percentage of medium level ASB cases will be audited by the Tenancy Services Manager and reviewed at regular 1 to 1's with Housing Officers. All high level cases will continue to be monitored by the Tenancy Services Manager and assess the impact of the new powers and tools that we propose to utilise.

<p>5. If there is likely to be adverse impact, are there any proposed actions which will mitigate the adverse impact?</p> <p><i>(insert * in one box)</i></p>	<p>No If 'no', complete section 6 -- Action Plan</p>	<p>*</p>
<p>6. Action Plan (Actions to mitigate adverse impact and / or obtain new evidence)</p>	<p>Lead</p>	<p>Deadline</p>
<p>Monitor customer profiling of ASB cases in order to review impact on victims and perpetrators</p>	<p>Tenancy Services Manager</p>	<p>November 2015</p>

Please contact your Performance & Intelligence hub for advice regarding completing this assessment.
 RCC: phone 2443 or email annamarie.lawrence@medway.gov.uk
 C&A: phone 1031 or email paul.clarke@medway.gov.uk
 Please send completed form to the Corporate Performance & Intelligence Hub (CPI)
 CPI: phone 2472 or 1490 or email: corpipi@medway.gov.uk
 Please note: Completed Diversity Impact Assessment forms are published on Medway's internet

SUMMARY

<p>1. Title of Diversity Impact Assessment</p>	<p>Anti-Social Behaviour Policy</p>
---	-------------------------------------

2. Lead officer (s)	Michael Bull		
3. Has a Diversity Impact Assessment been carried out on this before? (insert * in one box)	No		
	Yes	*	Date of last DIA 2011
4. Is the proposed change likely to result in adverse impact on one or more equality groups? (insert * in one box)	No	*	
	Yes		If yes, indicate in section 5 if mitigation is possible
5. Are there any proposed actions which can mitigate the adverse impact? (insert * in one box)	No	*	If no, a full DIA is required
	Yes		If yes, a screening DIA assessment is sufficient
6. Lead Officer (signature)	M BULL		
7. Assistant Director (signature)			
8. Date	13-01-2015		
9. Review date (if applicable)	13-01-2016		

Please contact your Performance and Intelligence hub for advice regarding the completion of this assessment

RCC: phone 2443 or email annamarie.lawrence@medway.gov.uk

C&A: phone 1031 or email paul.clarke@medway.gov.uk

Please send completed form to the Corporate Performance & Intelligence Hub (CPI)

CPI: phone 2472 or 1490 or email: corpipi@medway.gov.uk

Please note: completed Diversity Impact Assessment forms are published on Medway's internet