

Equality Impact and Outcome Assessment (EIA) Template - 2019

EIAs make services better for everyone and support value for money by getting services right first time.

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users¹. They analyse how all our work as a council might impact differently on different groups². They help us make good decisions and evidence how we have reached these decisions³.

See end notes for full guidance. Either hover the mouse over the end note link (eg: Age¹³) or use the hyperlinks ('Ctrl' key and left click).

For further support or advice please contact:

- **BHCC: Communities, Equality and Third Sector Team on ext 2301**
- **CCG: Engagement and Equalities team (Jane Lodge/Debbie Ludlam)**

1. Equality Impact and Outcomes Assessment (EIA) Template

First, consider whether you need to complete an EIA, or if there is another way to evidence assessment of impacts, or that an EIA is not needed⁴.

Title of EIA⁵	Consultation on Council's Admission Arrangements 2022/23	ID No.⁶	
Team/Department⁷	Families, Children & Learning – Education & Skills		
Focus of EIA⁸	<p>Any proposed changes to the council's admission arrangements which includes reducing a school's Published Admission Number (PAN) is required to be consulted upon for a minimum of 6 weeks between October and 31st January approximately 18 months in advance of taking effect. Admission arrangements and each school's PAN for September 2022 will be consulted upon in October/November 2020 with the results of this consultation being presented to the Children Young People & Skills Committee in January 2021.</p> <p>The aim of the consultation process is to seek the views of adjoining neighbouring local authorities, schools' governing bodies, parents of children between the age of 2 and 18 and any other people who are interested in the admission arrangements.</p>		

Significant changes proposed in the consultation are to reduce the number of surplus school places in the city by approximately 300 which would bring the percentage of spare capacity closer to or within the recommended range by the Department for Education of between 5 – 10%.

Pupil numbers in the city have been falling and are forecast to continue to fall over the next few years. Too many spare school places in the city will result in some schools not getting enough pupils attending. As schools are mostly funded on pupil numbers if schools don't have enough pupils attending, they may not be able to operate in a financially efficient way and risk entering a budget deficit. Ultimately a school, or schools, could be required to close. The law prohibits infant school classes larger than 30 pupils and if schools are required to operate small classes, they may not be able to afford to employ the required number of teachers.

The council's main aim with these proposals is to reduce the risk of a school or schools being required to close and an increase in schools with a budget deficit. Whilst ensuring that the council maintains the physical accommodation to help it cater with any future rise in pupil numbers.

In drawing up proposals the council considered the inclusion of 3 and 4 form entry schools for a reduction in PAN as larger schools can reduce their published admission number without a significant effect on their budget. It is worth noting though that a 4-form entry infant school has a total of 12 classes and a 4 form entry primary school has 28 classes.

Reducing these schools alone would not achieve the required number of school places nor would it be likely to be ultimately permissible when the appeal process for governing bodies was considered. Therefore, additional schools have been identified in areas where fewer children currently live and where children are drawn from a large geographical area. Anecdotally one form entry primary schools are at greater risk of having difficulty managing financially. However, there is a benefit to capping the pupil numbers to have one full class and one teacher in each year group rather than having the potential need to run two small classes if the number of pupils allocated is above 30 and then be required to employ two teachers.

This Equalities Impact Assessment is looking both at the consultation process to ensure that it is conducted fairly and has engaged with the public appropriately as well as considering the potential impact of the proposals themselves, if they are agreed.

3. Review of information, equality analysis and potential actions

Groups to assess	What do you know⁹? Summary of data about your service-users and/or staff	What do people tell you¹⁰? Summary of service-user and/or staff feedback	What does this mean¹¹? Impacts identified from data and feedback (actual and potential)	What can you do¹²? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Age¹³	<p>Parents of children between the age of 2-18 need to be consulted.</p> <p>Changes will affect parents of children born between 1/09/2017 and 31/08/2018 who are due to start school in September 2022.</p> <p>There are projected to be 2548 children in this age bracket, and it is estimated 2293 will require a mainstream school place.</p> <p>When applying for a first school place 98% did so online for 2020 and 96% did so online for 2019.</p>	<p>Consultation last year received 82 responses in total of which 4 tended to disagree and 66 strongly disagreed with proposed changes of PAN. 12 responded in agreement with the proposal and none were unsure.</p> <p>No responses were received from people below the age of 30.</p> <p>Other response rates: 28% aged between 30-39 of which 86% of these disagreed with the proposal; 30% aged between 40-49 of which 90% disagreed with the proposal, 11% aged between 50-60 of which 56% disagreed with the proposal. 30% didn't answer this question.</p>	<p>Younger parents seem not to have responded to previous consultation exercise.</p> <p>Respondents aged between 30 and 49 accounted for about 60% of the responses and were on the whole not in favour of any change in PAN. Older respondents are less likely to disagree with the proposals although the majority still disagreed with the proposed change.</p> <p>Younger parents are increasingly using the online system to apply for school places.</p>	<p>Additional engagement with childcare providers and nurseries in the city to engage younger parents and parents of younger children.</p> <p>Liaise with support services such as Parenting Team, Family Coaches and Youth Employment Service to encourage participation from young parents.</p> <p>Greater use of social medial platforms and online promotion to reach younger parents in conjunction with traditional methods of promotion.</p> <p>Consideration of timing of any public consultation events so parents with young families can attend.</p>

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<p>Disability¹⁴</p>	<p>Children with Special Educational Needs and Disabilities (SEND) who have an Education, Health & Care Plan would be placed in school under the SEND code of Practice by the SEN team and normal admission arrangements and PANs would not apply.</p>	<p>Consultation last year, 2% of online respondents identified as having a disability. 65% did not consider themselves to have a disability and 33% did not provide a response.</p> <p>There were no requests for consultation documentation in alternative formats and all responses were submitted online.</p>	<p>Parents of children with a disability may be more interested in SEND processes than mainstream school admission arrangements.</p> <p>Parents with a disability could find it harder to respond through the online consultation portal.</p> <p>Parents with children who have a disability may not be able to attend a consultation event in person.</p> <p>Parents with disable children or have a disability themselves may not be able to travel a distance to take their child to a school place.</p>	<p>Consultation documentation should be available in other accessible formats and this should be advertised more widely.</p> <p>Parents who are unable to attend a public meeting will be able to access information online or over the telephone. It may be that consultation events are held online and can be viewed after the event. Nurseries will be encouraged to identify families who need additional support to access the information materials. The council will also liaise with PaCC and Amaze and any adult/parent disability groups.</p> <p>There needs to be sufficient places within a reasonable distance of families including those families who have</p>

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				someone with a disability living with them.
Gender reassignment¹⁵	n/a			
Pregnancy and maternity¹⁶		Parents who are pregnant or on maternity leave may find it difficult to get older children to school.	There needs to be sufficient places within a reasonable distance of families including those families who have someone with a disability living with them.	Consideration needs to be given to ensuring that there are enough school places within a reasonable distance from families where there is a pregnant adult or an adult on maternity leave.
Race/ethnicity¹⁷ Including migrants, refugees and asylum seekers	The percentage of ethnic minority families with children attending schools across all planning areas varies from 33% in West Blatchington & North Hangleton planning area and Central Hove planning area down to 21% in the Portslade planning area. These percentages are relatively similar across	Only 2 out of the 82 respondents to last year's consultation on admission arrangements identified as other than white British. 26 respondents did not answer this question or did not want to specify their ethnicity.	In some allocation years a higher percentage of pupils from ethnic minorities apply late or are directed to a school that was not a preference, however the percentage of ethnic minority pupils who received a place at their first preference school is generally comparable with the percentage of ethnic minority families in	Important to ensure that there are some surplus places in each planning area so there are local school places available for any late applicants. Other methods of engagement with ethnic minority communities considered in order to increase responses to the consultation, including the use of the

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	<p>the primary year groups however, in both West Blatchington & North Hangleton area and Portslade planning area the data available for pre-school pupils indicates an increased percentage for this cohort.</p> <p>There is no comprehensive data available for the cohort due to start school in September 2022.</p> <p>In 2019 allocation year 20% of all applications were from ethnic minority families and there is no ethnicity information for a further 27% of applicants. 30% of late applications were submitted by ethnic minority families and for a further 30% there is no ethnicity information. 21% of ethnic minority families received their first preference school.</p>		<p>each of the 2018 and 2019 cohorts.</p> <p>The previous consultation process either did not sufficiently engage with ethnic minority families or those who did provide a response were unwilling to divulge their ethnicity.</p>	<p>EMAS service to reach out to communities to communicate the proposals in the consultation and the potential impact on their community.</p> <p>Consultation materials to be made available in different languages as required.</p>

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	In 2018 allocation year 26% of all applications were from ethnic minority families and there is no ethnicity information for a further 9% of applicants. 41% of late applications submitted were from ethnic minority families and for a further 13% there is no ethnicity information. 26% of ethnic minority families received their first preference school.			
Religion or belief¹⁸	There are only Church of England and Catholic faith schools within the city. These schools can prioritise children of the faith above other children. A number of these schools do prioritise children of other faiths above children of no faith. None of the faith schools are proposing a reduction in PAN for September 2022.	There is little information on this. Some parents will seek a secular education for their child whilst others will want their children taught in line with their religious belief.	All schools identified for a reduction in PAN are community schools and this could potentially have a disproportionate impact on pupils with no faith.	Faith schools in the city are responsible for their own admission arrangements and the council cannot consult on changes to their PAN. The council will need to ensure that there are sufficient secular school places available for all residents who require one within a reasonable distance. Consultation events will

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	24% of first preference applications for September 2020 were for church aided schools and 76% expressed a first preference for secular schools.			take place in secular buildings wherever possible.
Sex/Gender¹⁹	There are no single sex, maintained schools in the city. Admission arrangements do not take into consideration the gender of the child.	58% of responses to last years consultation were submitted by females and 11% by males. 30% did not answer or preferred not to say.		
Sexual orientation²⁰	n/a			
Marriage and civil partnership²¹	n/a			
Community Cohesion²²	Reducing the PAN at popular oversubscribed schools would potentially reduce the distance from which the school is available due to home to school distance being the deciding tie break. The list of schools	House prices surrounding popular schools can be inflated, due to increased demand on accommodation close to popular schools. Parents from some socio-economic groups are better able to lobby and	Can have an implication on the pupils offered a place at these schools as families who cannot afford to move close to oversubscribed schools are unable to obtain a place there. Responses to this	Consideration of admission arrangements and tie break to remove advantage to families who are in the financial position to move close to popular schools in order to increase chance of obtaining a place.

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	identified are central to various different communities in the city. Some are situated in communities with a higher level of deprivation than others. 2015 indices of multiple deprivation identify LSOAs in West Blatchington & North Hangleton and City East planning areas as some of the most deprived in the city and LSOAs in central city as least deprived.	to instigate a cohesive community response to the proposals that may disproportionately influence the decision making about which schools will have their PAN reduced. Some communities may not be adequately represented in public meetings or in the responses to the consultation.	consultation need to be considered based on the content not just quantity of replies as some areas in the city due to the nature of the community will provide significantly more replies and in a variety of ways.	Encourage communities in all areas of the city to engage in the consultation process and provide alternative methods for them to respond. Take consideration of the impact of any change in PAN may have on a school in relation to the composition of pupil cohorts and their families to promote a comprehensive education offer.
Families with English as additional language	The percentage of pupils with English as a second language varies across the planning areas from 21% of the primary school cohort in West Blatchington & North Hangleton to 10% in Portslade planning areas.	There is little information on this. However we are aware of the level of consultation responses of those who are identified as other than white British. It is also considered likely that families with English as an additional language may struggle to understand the detail and implication of the proposed changes to the	Families with pupils who have English as an additional language are proportionally more likely to apply late which significantly reduces their change of being offered a place at an oversubscribed school. The higher number of families with English as an additional language applying late could be	Important to ensure that there are still surplus places in each planning area so late applicants and pupils moving mid-year can be offered a place at a local school. Greater emphasis needs to be made in future to reach these families and make them aware of the school admissions applications process. If

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		admission arrangements in the city.	<p>contributed to a number of factors such as these families moving into the city outside the cut off dates for the main admission rounds. This could be due to these families are not being aware of when to apply for school places as they are less likely to understand the promotional information distributed for parents.</p> <p>Families may not comprehend the implication of the proposals or which year they take effect and be able to relate this to their own circumstances.</p>	<p>this group are unaware of the school admissions timescale it is also likely that they would less aware of the consultation process. Additional steps should be taken to engage these families with this consultation.</p> <p>Advice and support shall need to be sought from the EMAS team and others with links to various communities where there are a number of families with English as an additional language.</p>
Cumulative impact²³				
Assessment of overall impacts and any further recommendations²⁴				

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<p>Reducing the number of surplus school places is necessary to safeguard the whole family of schools in the city and to protect schools from financial difficulties as pupil numbers reduce. Without a reduction in school places there is the real possibility that some schools become unable to operate due to low pupil numbers and are forced to close.</p> <p>In order to avoid schools closing and to ensure that there are sufficient school places in future when pupil numbers again increase, reducing the PAN for a number of schools is necessary for the benefit of all schools in the city. Reducing the number of places at oversubscribed schools will inevitably mean that some pupils who want to attend these schools will be refused a place. A higher percentage of late applications are for children from ethnic minorities and children with English as an additional language although the numbers are small. Late applications for oversubscribed schools are less likely to be offered a place.</p> <p>To minimise the impact on these families of applying late more needs to be done to reach these families when reminding parents to apply for their child's school place.</p> <p>The consultation process must be as accessible as possible for all residents to respond to. Whilst the implications of Covid-19 on public consultation events is currently unclear, there is a need to ensure that materials are available and accessible to all. That events are held at times and in locations which allow interested residents to participate and the process of receiving responses is also available to all.</p>				

4. List detailed data and/or community feedback that informed your EIA

Title (of data, research or engagement)	Date	Gaps in data	Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)

5. Prioritised Action Plan²⁵

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				

EIA sign-off: (for the EIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

Staff member completing Equality Impact Assessment:

Date:

Directorate Management Team rep or Head of Service/Commissioning:

Date:

CCG or BHCC Equality lead:

Date:

Guidance end-notes

¹ The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- **Knowledge:** everyone working for the council must be aware of our equality duties and apply them appropriately in their work.
- **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
- **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and influence the process.
- **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
- **No delegation:** the council is responsible for ensuring that any contracted services which provide services on our behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice. It is a duty that cannot be delegated.
- **Review:** the equality duty is a continuing duty. It applies when a policy is developed/agreed, and when it is implemented/reviewed.
- **Proper Record Keeping:** to show that we have fulfilled our duties we must keep records of the process and the impacts identified.

NB: Filling out this EIA in itself does not meet the requirements of the equality duty. All the requirements above must be fulfilled or the EIA (and any decision based on it) may be open to challenge. Properly used, an EIA can be a tool to help us comply with our equality duty and as a record that to demonstrate that we have done so.

² Our duties in the Equality Act 2010

As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people in relation to their 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, those groups' vulnerability, and how serious any potential impacts might be. We use this EIA template to complete this process and evidence our consideration.

The following are the duties in the Act. You must give 'due regard' (pay conscious attention) to the need to:

- **avoid, reduce or minimise negative impact** (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- **advance equality of opportunity.** This means the need to:
 - Remove or minimise disadvantages suffered by people due to their protected characteristics
 - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
 - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low
 - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **foster good relations between people who share a protected characteristic and those who do not.** This means:
 - Tackle prejudice
 - Promote understanding

³ EIAs are always proportionate to:

- The size of the service or scope of the policy/strategy
- The resources involved
- The numbers of people affected
- The size of the likely impact
- The vulnerability of the people affected within the context

The greater the impacts, the more thorough and demanding the process required by the Act will be.

⁴ **When to complete an EIA:**

- When planning or developing a new service, policy or strategy
- When reviewing an existing service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the city (eg: a change in population), or at a national level (eg: a change of legislation)

Assessment of equality impact can be evidenced as part of the process of reviewing or needs assessment or strategy development or consultation or planning. It does not have to be on this template, but must be documented. Wherever possible, build the EIA into your usual planning/review processes.

Do you need to complete an EIA? Consider:

- Is the policy, decision or service likely to be relevant to a specific group or groups (eg: older people)?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

⁵ **Title of EIA:** This should clearly explain what service / policy / strategy / change you are assessing

⁶ **ID no:** The unique reference for this EIA. If in doubt contact your CCG or BHCC equality lead (see page 1)

⁷ **Team/Department:** Main team responsible for the policy, practice, service or function being assessed

⁸ **Focus of EIA:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

- What are the main aims or purpose of the policy, practice, service or function?
- Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.
- How does it fit with other services?
- Who is affected by the policy, practice, service or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
- What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes or improvements, and what should the benefits be?
- What do existing or previous inspections of the policy, practice, service or function tell you?
- What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make these clear.

⁹ **Data:** Make sure you have enough data to inform your EIA.

- What data relevant to the impact on specific groups of the policy/decision/service is available?⁹
- What further evidence is needed and how can you get it? (Eg: further research or engagement with the affected groups).
- What do you already know about needs, access and outcomes? Focus on each of the groups identified above in turn. Eg: who uses the service? Who doesn't and why? Are there differences in outcomes? Why?
- Have there been any important demographic changes or trends locally? What might they mean for the service or function?
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any groups?
- Do any equality objectives already exist? What is current performance like against them?
- Is the service having a positive or negative effect on particular people in the community, or particular groups or communities?
- Use local sources of data (eg: JSNA: <http://www.bhconnected.org.uk/content/needs-assessments> and Community Insight: <http://brighton-hove.communityinsight.org/#>) and national ones where they are relevant.

¹⁰ **Engagement:** You must engage appropriately with those likely to be affected to fulfil the equality duty.

- What do people tell you about the services?
- Are there patterns or differences in what people from different groups tell you?
- What information or data will you need from communities?
- How should people be consulted? Consider:
 - (a) consult when proposals are still at a formative stage;
 - (b) explain what is proposed and why, to allow intelligent consideration and response;
 - (c) allow enough time for consultation;
 - (d) make sure what people tell you is properly considered in the final decision.
- Try to consult in ways that ensure all perspectives can be considered.
- Identify any gaps in who has been consulted and identify ways to address this.

¹¹ Your EIA must get to grips fully and properly with actual and potential impacts.

- The equality duty does not stop decisions or changes, but means we must conscientiously and deliberately confront the anticipated impacts on people.
- Be realistic: don't exaggerate speculative risks and negative impacts.
- Be detailed and specific so decision-makers have a concrete sense of potential effects. Instead of "the policy is likely to disadvantage older women", say how many or what percentage are likely to be affected, how, and to what extent.
- Questions to ask when assessing impacts depend on the context. Examples:
 - Are one or more groups affected differently and/or disadvantaged? How, and to what extent?
 - Is there evidence of higher/lower uptake among different groups? Which, and to what extent?
 - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
 - If there is negative differential impact, how can you minimise that while taking into account your overall aims
 - Do the effects amount to unlawful discrimination? If so the plan must be modified.
 - Does the proposal advance equality of opportunity and/or foster good relations? If not, could it?

¹² Consider all three aims of the Act: removing barriers, and also identifying positive actions we can take.

- Where you have identified impacts you must state what actions will be taken to remove, reduce or avoid any negative impacts and maximise any positive impacts or advance equality of opportunity.
- Be specific and detailed and explain how far these actions are expected to improve the negative impacts.
- If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
- An EIA which has attempted to airbrush the facts is an EIA that is vulnerable to challenge.

¹³ **Age:** People of all ages

¹⁴ **Disability:** A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The definition includes: sensory impairments, impairments with fluctuating or recurring effects, progressive, organ specific, developmental, learning difficulties, mental health conditions and mental illnesses, produced by injury to the body or brain. Persons with cancer, multiple sclerosis or HIV infection are all now deemed to be disabled persons from the point of diagnosis.

¹⁵ **Gender Reassignment:** A transgender person is someone who proposes to, starts or has completed a process to change their gender. A person does not need to be under medical supervision to be protected

¹⁶ **Pregnancy and Maternity:** Protection is during pregnancy and any statutory maternity leave to which the woman is entitled.

¹⁷ **Race/Ethnicity:** This includes ethnic or national origins, colour or nationality, and includes refugees and migrants, and Gypsies and Travellers. Refugees and migrants means people whose intention is to stay in the UK for at least twelve months (excluding visitors, short term students or tourists). This definition includes asylum seekers; voluntary and involuntary migrants; people who are undocumented; and the children of migrants, even if they were born in the UK.

¹⁸ **Religion and Belief:** Religion includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief.

¹⁹ **Sex/Gender:** Both men and women are covered under the Act.

²⁰ **Sexual Orientation:** The Act protects bisexual, gay, heterosexual and lesbian people

²¹ **Marriage and Civil Partnership:** Only in relation to due regard to the need to eliminate discrimination.

²² **Community Cohesion:** What must happen in all communities to enable different groups of people to get on well together.

²³ **Cumulative Impact:** This is an impact that appears when you consider services or activities together. A change or activity in one area may create an impact somewhere else

²⁴ **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy.
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

²⁵ **Action Planning:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.