

## Equality Impact and Outcome Assessment (EIA) Template - 2018

**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-users<sup>1</sup>. They analyse how all our work as a council might impact differently on different groups<sup>2</sup>. They help us make good decisions and evidence how we have reached these decisions<sup>3</sup>.

See end notes for full guidance. Either hover the mouse over the end note link (eg: Age<sup>13</sup>) 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/Meg Lewis)**

### 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 needed<sup>4</sup>.

<b>Title of EIA<sup>5</sup></b>	Council Tax Reduction Scheme 2019-2020	<b>ID No.<sup>6</sup></b>	FR1
<b>Team/Department<sup>7</sup></b>	Revenues and Benefits		
<b>Focus of EIA<sup>8</sup></b>	<p>The focus of this EIA is the impact of what the proposed change to the CTR scheme from April 2019 would mean for recipients of Council Tax Reduction.</p> <p>The proposal was that a “minimum change” rule would be introduced. Until now, when somebody reports a change of circumstances, for example income going up or down, their CTR entitlement would be recalculated, they would be entitled to a new weekly amount, and an amended Council Tax bill would be sent showing how their new entitlement altered the remaining balance on their bill.</p> <p>Under the new proposal, only entitlements that change by more than the minimum amount will result in an actual change to entitlement. So, if the minimum amount is set as £2, but the person’s</p>		

entitlement only goes up or down by £1.20, the entitlement would not be changed.

Previous EIA's cover the existing Council Tax Reduction scheme, including all of its amendments to date.

The focus of this EIA is therefore to examine the change proposed for the 2019-2020 year.

Some groups of people sharing protected characteristics are disproportionately likely to be recipients of CTR (eg: disabled people, women as heads of lone parent households and people in some age groups). Any changes in personal circumstances will be entirely dependent on the individual's circumstances however, and no trends have been identified that disproportionately disadvantage or benefit people sharing characteristics. Setting the threshold low, at £2, will mitigate and minimise impacts and sign-posting and other support will also reduce negative impacts. Minimising the changes to Council Tax bills will support people to budget and plan more effectively.

## 2. Update on previous EIA and outcomes of previous actions<sup>9</sup>

<b>What actions did you plan last time?</b> (List them from the previous EIA)	<b>What improved as a result?</b> What outcomes have these actions achieved?	<b>What <u>further</u> actions do you need to take?</b> (add these to the Action plan below)
N/A		

### 3. Review of information, equality analysis and potential actions

<b>Protected characteristics groups from the Equality Act 2010</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
<b>Age<sup>14</sup></b>	<p><i>People of pensionable age are not affected by the proposals.</i></p> <p><i>As a change of circumstances can affect any of our working age caseload, there is unlikely to be any specific or indirect discrimination on grounds of age. There are 11,515 cases in the working age caseload, of which, the highest concentration (32%) falls in the age bracket 45 – 54, followed by 55-64 (27%) and 35-44 (23%).</i></p>			<p>Continue to provide a discretionary fund which can be used to increase the amount of CTR anyone can get if they face exceptionally difficult circumstances.</p> <p>Review take up of the discretionary fund to make sure it is being taken up where there is a need.</p> <p>Ensure there is availability of advice within the city so people can receive help dealing with benefits, payment of council tax, budgeting and moving towards</p>

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				work.
<b>Disability<sup>15</sup></b>	<p><i>As a change of circumstances can affect any of our working age caseload, there is unlikely to be any specific or indirect discrimination on grounds of age. There are 11,515 cases in the working age caseload, of which, 5469 (47%) have a disability. This is indicated on our system where people are in receipt of DWP disability benefits</i></p>		<p>People who have disabilities may have income that is less likely to fluctuate, once their PIP / ESA is in payment, although those who work within their ESA limits may have fluctuating income.</p>	<p>Monitor the impact of the new rules.</p> <p>Continue to provide a discretionary fund which can be used to increase the amount of CTR anyone can get if they face exceptionally difficult circumstances. Review take up of the discretionary fund to make sure it is being taken up where there is a need.</p> <p>Ensure there is availability of advice within the city so people can receive</p>

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				help dealing with benefits, payment of council tax, budgeting and moving towards work.
<b>Gender reassignment<sup>16</sup></b>	We do not have specific data at case level. A change of circumstances may affect any person claiming CTR	The Trans Needs Assessment highlights that Trans people are more likely to have disabilities, including a higher proportion of mental ill health than other people.		As above, the Discretionary Council Tax Reduction Fund exists to support those who are in difficulty and have a shortfall in their Council Tax Reduction.  Signposting to appropriate advice agencies within the city if there is a need for assistance
<b>Pregnancy and maternity<sup>17</sup></b>	164 cases include a child under the age of one. Due to the way our means testing works, although somebody would have an increase of income upon the birth of a child, their applicable amount (assessment of financial			Monitor impact and use the Discretionary Council Tax Reduction scheme

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	<p>need) also goes up. The two might balance off and the change to CTR could be marginal or non-existent. If marginal and below £2, the change would not be passed on.</p>			<p>to mitigate any hardship where appropriate</p> <p>Awareness among staff to monitor calculations when new children join the household</p>
<b>Race/ethnicity<sup>18</sup></b> Including migrants, refugees and asylum seekers	<p>A change of circumstances may affect any person claiming CTR.</p> <p>In our current caseload, we have information on roughly half of the 11,515 cases. 60% identify as White British and 6% White any other background. But 24% do not state an ethnic origin. Other race and ethnicity data is in double figures (eg 73 black British African) and compared to the size of the caseload may not be statistically reliable.</p>		<p>Given that providing equalities data with a claim is voluntary, it would be worth exploring why people are reticent to provide it and adapt our online forms accordingly to provide reassurance and explain how the data is used</p>	<p>As above, access to the Discretionary Council Tax Reduction Scheme, and being able to identify and signpost to relevant advice agencies.</p> <p>Review online forms to improve collection of equalities data, then review the data again.</p>

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<b>Religion or belief<sup>19</sup></b>	<p>Case level information on religious belief is not available. The following data is from the 2011 Census. There is no reason at present to expect the distribution to vary from the distribution of CTR claimants and these measures</p> <table border="0" style="width: 100%;"> <tr> <td style="padding-right: 20px;">Christian</td> <td style="text-align: right;">42.90%</td> </tr> <tr> <td>Muslim</td> <td style="text-align: right;">2.20%</td> </tr> <tr> <td>Buddhist</td> <td style="text-align: right;">1.00%</td> </tr> <tr> <td>Jewish</td> <td style="text-align: right;">1.00%</td> </tr> <tr> <td>Hindu</td> <td style="text-align: right;">0.70%</td> </tr> <tr> <td>Sikh</td> <td style="text-align: right;">0.10%</td> </tr> <tr> <td>Other religion</td> <td style="text-align: right;">0.90%</td> </tr> <tr> <td>No Religion</td> <td style="text-align: right;">42.40%</td> </tr> <tr> <td>Religion not stated</td> <td style="text-align: right;">8.80%</td> </tr> </table>	Christian	42.90%	Muslim	2.20%	Buddhist	1.00%	Jewish	1.00%	Hindu	0.70%	Sikh	0.10%	Other religion	0.90%	No Religion	42.40%	Religion not stated	8.80%			<p>As above, we need to ensure availability of the Discretionary Council Tax Reduction Scheme where appropriate.</p> <p>Provision of signposting to appropriate advice agencies.</p>
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<b>Sex/Gender<sup>20</sup></b>	In 57% of cases, the lead claimant is female. However, change of circumstances may happen to any CTR recipient, so the new																					

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	proposal of itself has no additional impact in terms of equalities impact																					
<b>Sexual orientation</b> <sup>21</sup>	On our caseload, we have 51 cases recorded as being a same sex couple. Given that the overall percentage of changes below £2 is likely to be 15 – 17%, there is likely to be a minimal impact here, and not specifically due to sexual orientation, as change of circumstances affect any CTR recipient..																					
<b>Marriage and civil partnership</b> <sup>22</sup>	There is no specific impact on marriage / civil partnership																					
<b>Community Cohesion</b> <sup>23</sup>	<p>The overall Ward breakdown is as follows:</p> <table border="0" style="width: 100%;"> <tr><td style="width: 80%;">BRUNSWICK &amp; ADELAIDE</td><td style="text-align: right;">430</td></tr> <tr><td>CENTRAL HOVE</td><td style="text-align: right;">452</td></tr> <tr><td>EAST BRIGHTON</td><td style="text-align: right;">1266</td></tr> <tr><td>GOLDSMID</td><td style="text-align: right;">578</td></tr> <tr><td>HANGLETON &amp; KNOLL</td><td style="text-align: right;">710</td></tr> <tr><td>HANOVER &amp; ELM GROVE</td><td style="text-align: right;">584</td></tr> <tr><td>HOLLINGDEAN &amp; STANMER</td><td style="text-align: right;">848</td></tr> <tr><td>HOVE PARK</td><td style="text-align: right;">106</td></tr> <tr><td>MOULSECOOMB &amp; BEVENDEAN</td><td style="text-align: right;">860</td></tr> </table>	BRUNSWICK & ADELAIDE	430	CENTRAL HOVE	452	EAST BRIGHTON	1266	GOLDSMID	578	HANGLETON & KNOLL	710	HANOVER & ELM GROVE	584	HOLLINGDEAN & STANMER	848	HOVE PARK	106	MOULSECOOMB & BEVENDEAN	860			Whilst there is no specific geographical slant, the above measures apply in terms of being responsive with Discretionary Council Tax Reduction, and awareness of signposting options for advice agencies.
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Other relevant groups <sup>24</sup>																																		
Cumulative impact <sup>25</sup>	The proposals overall are not specifically designed to restrict CTR entitlement and depend on the specific change of circumstances. In some cases, people would be able to retain a higher amount of CTR than at present. In other cases, a positive change would not be passed on to them. The numbers of changes affected by the minimum			Due to the unpredictable nature of changes of circumstances, and the changing caseload due to Universal Credit, we should regularly																														

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	<p>change rule are expected to be approximately 1400 – 1700 in a year, so all of the percentages and data above should be viewed in proportion to that baseline.</p> <p>One feature of the scheme is that there is an impact for those who are very close to the existing 80% Band D maximum award of CTR. In a snapshot of our caseload, 53 cases were currently less than £2 away from maximum CTR. They will be unable to attain full entitlement, as they would not be able to reach the minimum £2 change required to trigger a recalculation. However, not all of those cases would necessarily have a change during the year. The number of cases is too low to provide meaningful statistics. However, in those 53 cases, 36 were women (67%) and just over half (28) were single parents. 27 were people with disabilities. The Discretionary Council Tax Reduction scheme can respond where appropriate to any hardship caused by this part of the rules.</p>			<p>monitor the impacts outlined in this EIA and mitigate if necessary by reviewing the EIA, and making sure that the Discretionary Council Tax Reduction scheme is responding adequately, within its budgetary limitations.</p>
<b>Assessment of overall impacts and any further recommendations<sup>26</sup></b>				

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

<b>Title</b> (of data, research or engagement)	<b>Date</b>	<b>Gaps in data</b>	<b>Actions to fill these gaps: who else do you need to engage with?</b> (add these to the Action Plan below, with a timeframe)
<b>Core data from our case system</b>	<b>October 2018</b>		

## 5. Prioritised Action Plan<sup>27</sup>

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:** Paul Ross-Dale **Date:** 27 November 2018

**Directorate Management Team rep or Head of Service/Commissioning:** **Date:**

**CCG or BHCC Equality lead:** **Date:**

## Guidance end-notes

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<sup>1</sup> 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.

### <sup>2</sup> 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 with '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).
- **promote equality of opportunity.** This means the need to:
  - Remove or minimise disadvantages suffered by equality groups
  - Take steps to meet the needs of equality groups
  - Encourage equality groups to participate in public life or any other activity where 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

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<sup>3</sup> 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

The greater the potential adverse impact of the proposed policy on a protected group (e.g. disabled people), the more vulnerable the group in the context being considered, the more thorough and demanding the process required by the Act will be.

<sup>4</sup> **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 any people because of their protected characteristics?
- 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.

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

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

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

<sup>8</sup> **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)'

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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.

<sup>9</sup> **Previous actions:** If there is no previous EIA or this assessment if of a new service, then simply write 'not applicable'.

<sup>10</sup> **Data:** Make sure you have enough data to inform your EIA.

- What data relevant to the impact on protected groups of the policy/decision/service is available?<sup>10</sup>
- 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 protected characteristics 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.

<sup>11</sup> **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.

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- 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.

<sup>12</sup> 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 protected 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?

<sup>13</sup> 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.

<sup>14</sup> **Age:** People of all ages

<sup>15</sup> **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.

<sup>16</sup> **Gender Reassignment:** In the Act a transgender person is someone who proposes to, starts or has completed a process to change his or her gender. A person does not need to be under medical supervision to be protected

<sup>17</sup> **Pregnancy and Maternity:** Protection is during pregnancy and any statutory maternity leave to which the woman is entitled.

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<sup>18</sup> **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.

<sup>19</sup> **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.

<sup>20</sup> **Sex/Gender:** Both men and women are covered under the Act.

<sup>21</sup> **Sexual Orientation:** The Act protects bisexual, gay, heterosexual and lesbian people

<sup>22</sup> **Marriage and Civil Partnership:** Only in relation to due regard to the need to eliminate discrimination.

<sup>23</sup> **Community Cohesion:** What must happen in all communities to enable different groups of people to get on well together.

<sup>24</sup> **Other relevant groups:** eg: Carers, people experiencing domestic and/or sexual violence, substance misusers, homeless people, looked after children, ex-armed forces personnel, people on the Autistic spectrum etc

<sup>25</sup> **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

<sup>26</sup> **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?

<sup>27</sup> **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.

