

Diversity impact assessment – Appendix 4

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 demonstrate that you have complied with the Council's statutory obligation to put fairness and equality at the centre of any change to service provision, policy or strategy and taken into account the impact on individuals.

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, including people with protected characteristics as defined in the Equality Act 2010 ("the Act").

By considering the likely impact **before any decisions** are made that will result in a change to service, this process helps you to find ways that can prevent, or at the very least, reduce any potential adverse impact. You cannot fulfil your duty by justifying a decision **after** it has been taken.

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?

Carrying out DIAs, and making sure decision makers take into account the findings of DIAs, is one way that the Council can demonstrate compliance with its public sector equality duty under the Act. Section 149 of the Act states that public authorities must, in the exercise of their functions, have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster 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. There is no legal requirement to carry out a DIA, but without one, it's hard to show that the Council has fulfilled its legal duties to have due regard to the matters in the Act. This could result in Council decisions being challenged in the courts, in delays, legal costs and damage to the Council's reputation.

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

What support is available to help me carry out an assessment?

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

Stage 1: Getting started – Identify what you are assessing?

Why are you carrying out a DIA? Be clear about what it is you are trying to assess. Are you trying to assess the impact of a proposed new service, project, strategy or policy - or the impact of a proposed change to an existing one of the above?

When is a DIA required?

You must assess the impact on protected characteristic groups (or any other disadvantaged groups) **before any decisions** are made in relation to any of the above.

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

Stage 2: Gathering evidence What evidence do I gather?

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

Keep it in proportion

The amount of evidence collected should be proportionate to the scale and impact of the issue being assessed.

You need evidence to help you 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
- Staff forums

Where **evidence is missing**, and where appropriate, you should consider obtaining new evidence. This can be included in your Action Plan.

Again, remember any additional work to obtain new evidence must be proportionate to the subject under assessment.

Stage 3: 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.

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'Positive impact' could include how the change may **advance equality** and/or **foster good relations between people who share a protected characteristic**.

You will 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 an 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 mitigating measures you intend to put in place.

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, and why, 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 should include actions showing how you intend to:

- Mitigate adverse impacts

- Obtain new evidence to enable an informed judgment on the likely impact to be made

All actions should be Specific, Measurable, Achievable, Realistic and Time bound (SMART).

Stage 4: Recommendation

Based on the evidence available, the lead officer may include a recommendation for decision makers to consider.

If there is insufficient evidence to make a recommendation, say so. You may be able to make a recommendation once further evidence is obtained.

Stage 5: Authorisation

The completed DIA must be signed by your Assistant Director as confirmation that:

- The evidence included is satisfactory
- The action plan to mitigate adverse impacts and/or obtain new evidence is satisfactory
- Relevant service managers are aware of the content of the DIA
- The recommendation is satisfactory

What next?

All reports being submitted to Cabinet regarding a proposed change to a service, strategy etc must include a copy of the relevant DIA. Cabinet has to have due regard to equality matters when making decisions. It cannot do so if it does not have the relevant information in the report when it makes its decision.

All DIAs are published on the Council's internet site (including those which do not go to Cabinet). Email a copy of your completed DIA to the [Corporate Performance & Intelligence hub](#) where arrangements are made to publish on the internet.

Stage 6: Monitoring the Action Plan

The Action Plan should be incorporated into your existing service plan so that it can be monitored as part of your existing service plan monitoring process.

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Medway community profile information

The 2011 Census provides a wide range of equality data relating to the communities in Medway. The following is a summary of this information which you may find useful as part of your evidence gathering.

If you require more detailed information relating to Medway communities, this can be found in Medway's annual equality report: **Delivering fair and responsive services.**

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.
- Residents 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%)

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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 just over 350 residents in Medway in a civil partnership; the low numbers reflect its relatively new legal status.

Pregnancy and maternity

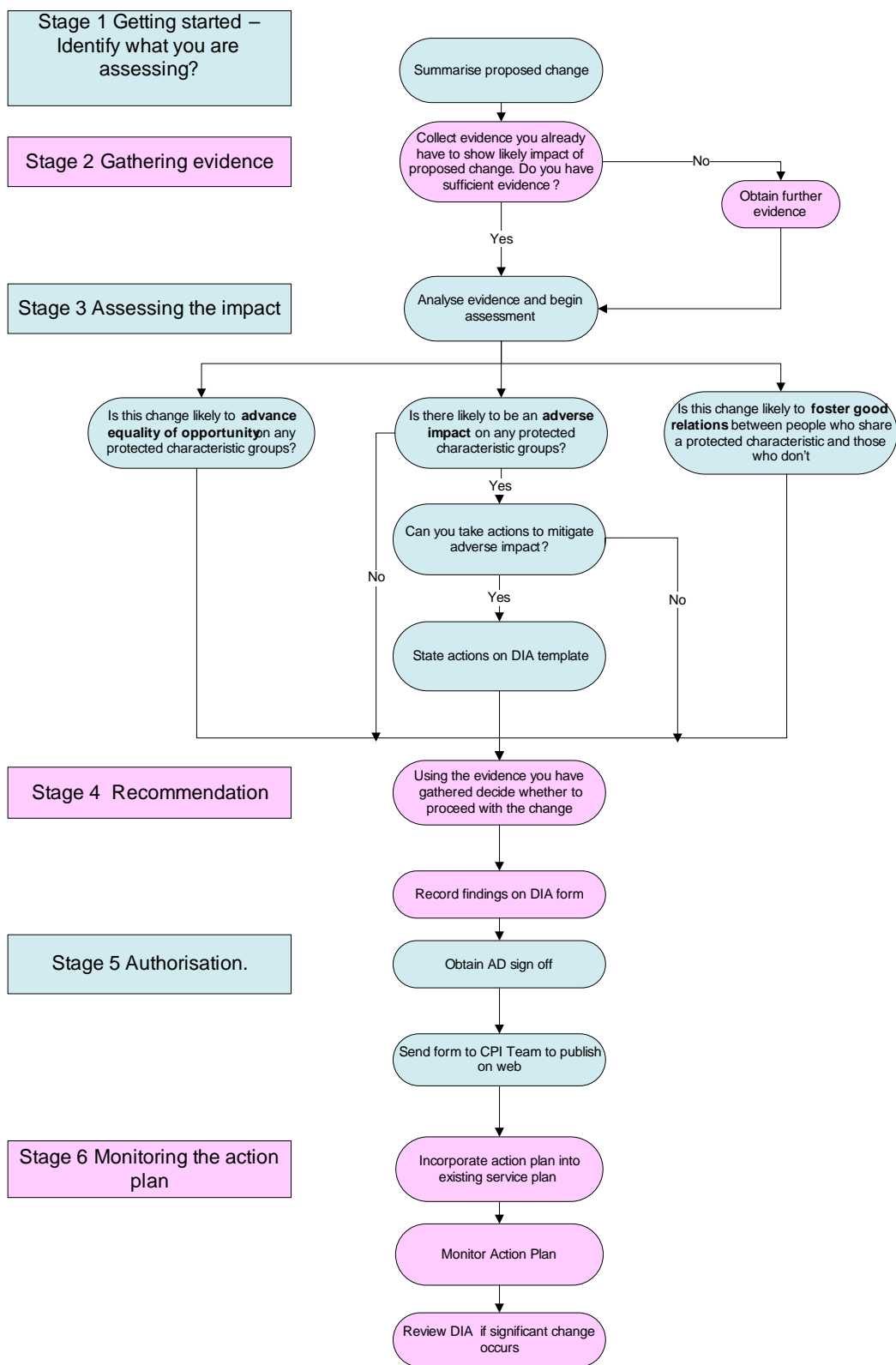
- In 2011 there were 4,714 conceptions within Medway; a rate of 86.3 conceptions per 1,000 women aged 15 to 44, higher than the Kent, South East and England and Wales rates.
- The rate of under 18 conceptions, 38.8 conceptions per 1,000 women aged 15 to 17 in 2011 was higher than Kent, the South East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

Sexual orientation

- Whilst there is no specific data available with regard 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.

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DIVERSITY IMPACT ASSESSMENT FLOWCHART



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TITLE <i>Name/description of the issue being assessed</i>	Hot Food Takeaway Planning Guidance Note
DATE <i>Date the DIA is completed</i>	20 June 2014
LEAD OFFICER <i>Name of person responsible for carrying out the DIA.</i>	Catherine Smith Planning Manager - Policy
1 Summary description of the proposed change <ul style="list-style-type: none"> • <i>What is the change to policy/service/new project that is being proposed?</i> • <i>How does it compare with the current situation?</i> 	
<p>The guidance note seeks to manage the location of new hot food takeaways in Medway, particularly to avoid siting near schools and over concentration in local centres. The proposal aims to contribute to wider public health interventions to improve the health of Medway’s communities. The planning guidance note builds on the existing policy R18 in the 2003 Medway Local Plan that sets the criteria for the location of Hot Food Takeaways. The guidance only applies to the consideration of planning applications for new Hot Food Takeaways, and not existing businesses.</p>	
2 Summary of evidence used to support this assessment <ul style="list-style-type: none"> • <i>Eg: Feedback from consultation, performance information, service user records etc.</i> • <i>Eg: Comparison of service user profile with Medway Community Profile</i> 	
<p>Public Health information has provided details of the health characteristics of Medway’s communities. Consultation was carried out on a draft of the guidance note. The consultation sought to engage with sectors of the community that may be most affected by the new guidance. This included contacting schools, children and young people, minority ethnic communities, and small businesses. The consultation showed a majority supported the aims of the guidance. The results of the survey of children and young people had a mixed response on the proposals to restrict new hot food takeaways and their opening hours in the vicinity of schools. Details of the consultation responses are set out in the Appendices to the report.</p>	

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3 What is the likely impact of the proposed change?

Is it likely to :

- Adversely impact on one or more of the protected characteristic groups?
- Advance equality of opportunity for one or more of the protected characteristic groups?
- Foster good relations between people who share a protected characteristic and those who don't?

(insert ✓ in one or more boxes)

Protected characteristic groups	Adverse impact	Advance equality	Foster good relations
Age			
Disability			
Gender reassignment			
Marriage/civil partnership			
Pregnancy/maternity			
Race			
Religion/belief			
Sex			
Sexual orientation			
Other (eg low income groups)			

4 Summary of the likely impacts

- Who will be affected?
- How will they be affected?

There is no direct impact on any protected characteristic group, as all planning applications are subject to a standard assessment process. The guidance note seeks to improve the health of people in Medway through promoting a healthier environment, as part of a wider package of public health interventions. The guidance has specific aims to manage the location and operation of new hot food takeaways in the vicinity of schools, as part of measures to reduce childhood obesity.

5 What actions can be taken to mitigate likely adverse impacts, improve equality of opportunity or foster good relations?

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- Are there alternative providers?
- What alternative ways can the Council provide the service?
- Can demand for services be managed differently?

Planning officers can advise on locations where the siting of new hot food takeaways would not be affected by the proposed guidance note.

6 Action plan

- Actions to mitigate adverse impact, improve equality of opportunity or foster good relations and/or obtain new evidence

Action	Lead	Deadline or review date
Monitor implementation of hot food takeaway guidance (if adopted) and likely impact.	Planning Policy & Public Health teams	Annually by 31 March.

7 Recommendation

The recommendation by the lead officer should be stated below. This may be:

- to proceed with the change implementing action plan if appropriate
- consider alternatives
- gather further evidence

If the recommendation is to proceed with the change and there are no actions that can be taken to mitigate likely adverse impact, it is important to state why.

To support the introduction of the proposed planning guidance on the location of new hot food takeaways, for the opportunities to promote improved health in Medway, as part of an integrated package of public health interventions.

8 Authorisation

The authorising officer is consenting that:

- the recommendation can be implemented
- sufficient evidence has been obtained and appropriate mitigation is planned
- the Action Plan will be incorporated into service plan and monitored

Assistant Director

Stephen Gaimster

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Date

20 June 2014

Contact your Performance and Intelligence hub for advice on completing this assessment

RCC: phone 2443

email: annamarie.lawrence@medway.gov.uk

C&A: phone 1031

email: paul.clarke@medway.gov.uk

BSD: phone 2472 or 1490

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PH: phone 2636

email: david.whiting@medway.gov.uk

Send completed assessment to the Corporate Performance & Intelligence Hub (CPI) for web publication