Equality Analysis: Environment and Regeneration Management Restructure

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

What is the Public Sector Equality Duty (PSED)?
The new public sector duty (s.149, Equality Act 2010) requires the Council, when exercising its functions, to have “due regard” to the need to:
1. eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Act,
2. advance equality of opportunity between those who share a “protected characteristic” and those who do not share that protected characteristic and
3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it (this involves having due regard, in particular, to the need to (a) tackle prejudice, and (b) promote understanding).

These are collectively referred to in this EA as the equality aims. Advancing equality (the second equality aim) involves having due regard, in particular, to the need to:
- Removing or minimising disadvantages suffered by people due to their protected characteristic
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people including steps to take account of disabled people’s disabilities and
- Encouraging people from protected groups to participate in public life or in other activities where their participation in disproportionately low

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

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

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

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

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

The above is a general guide to this changing area of law. You should also refer to the Council’s Guidance Notes on EAs and specific advice from the Equalities Team should be sought on complex issues. In addition to the Act, the Council is required to comply with any statutory Code of Practice issued by the Equality and Human Rights Commission. New Codes of Practice under the new Act have yet to be published but Codes of Practice issued under the previous legislation remain relevant and the EHRC has also published non-statutory guidance on the PSED (go to http://www.equalityhumanrights.com for full details).

IMPORTANT NOTES:

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

1. What is the Proposal?

*Provide a short summary of the proposal and its rationale.*

The proposal is to re-align management structures in Environment and Regeneration in order to redirect resources, reflect Member priorities and link functions to deliver greater benefits to our residents. The key drivers are:

1. The move to a modernised ALMO
2. The Council’s new approach to gangs targeting troubled families
3. The Council’s priorities around business, employment and skills
4. The review of the Culture and Leisure service
5. The need to reduce management costs

2. What are the recommendations?

*Set out the recommendation(s) being put to the decision maker (i.e. cabinet, portfolio holder, committee or officer):*

It is recommended that three new posts be created as follows;

- Divisional Director Business, Employment and Skills
- Head of Troubled Families Unit
- Interim Manager (Troubled Families)

And that two posts are deleted;

- Divisional Director Housing, Safe and Strong Communities
- Head of Culture and Leisure

The post Divisional Director Development and Leisure is re-named Divisional Director Housing and Development
It is recommended that a number of teams in other directorates will move into Environment and Regeneration as follows;

- Careers Service to report to Divisional Director Business, Employment and Skills
- Youth Offending Service to report to new post of Head of Troubled Families and on an interim basis to Interim Manager of Troubled Families

And a number of teams will move out of Environment and Regeneration into other directorates as follows;

- Festival and Events team moves to Strategy and Communications
- Music Service to move to Children and Young People Services (Education Improvement)
- School Organisation and Governance to move to Children and Young People Services
- The Promotions and Sales team to move to Residents First.

Several changes in management reporting lines are also proposed as follows;

- Joint Head of Economic Development to report to Divisional Director Business, Employment and Skills
- Head of CLaSS to report to Divisional Director Business, Employment and Skills
- Head of Private Sector Housing to report to Divisional Director Public Realm
- Head of Sports and Leisure to report to Divisional Director Public Realm
- Head of Catering to report to Divisional Director Property and Major Projects
- Head of Strategic Housing and Investment to report to Divisional Director Housing and Development
- Head of Community Safety to report to new post of Head of Troubled Families and on a interim basis to Interim Manager Troubled Families

3. Who is affected by the Proposal?

It is envisaged that the proposed changes will enhance the service offer delivering improvements through encouraging natural links between services. It will also go some way to ironing out any anomalies that are historic in structures. It is not envisaged that the proposed changes will affect the service received and/or experienced by customers.

The proposal will affect individual staff, with two facing possible redundancy. Other staff will see changes in management reporting lines and moves into and out of directorates.

Identify the main groups most likely to be affected by the recommendations, directly and indirectly. Examples are: the client group of the service (and possibly their families or carers); service users affected by a change – which may be all residents for a universal service like waste collection or a specific neighbourhood that is directly affected by a proposal, e.g. to reduce opening of a local office will affect those in that immediate area primarily. This will be the starting point for your
equalities analysis, i.e. you analyse the equalities impact of those affected.

**Age**

**Key borough statistics:** The 2011 Mayhew Harper population count shows that Waltham Forest has a population of 247,503. Broken down by broad age group, some 28% of the population (68,141) are aged 0-19, 34% (83,798) aged 20-39, 29% (71,048) aged 40-64 and 10% (24,517) aged 65+. Pan London data from the GLA shows that Waltham Forest has a larger percentage of its population aged 0-19 (28.3%) compared to 24.5% across London. Between 2011 and 2031 the same data shows that the 65+ age group in Waltham Forest is forecast to grow the most from 26,898 to 39,852. (Source: 2011 Mayhew Harper population count and 2010 SHLAA from GLA). **NB:** These statistics provide general data for this protected characteristic. You need to ensure you have sufficient data about those affected by the proposals – see below under “additional equalities data”.

**Additional Equalities Data (Service level or Corporate)** You should include more detailed analysis of the impact of the proposals e.g. the age breakdown of service users or if a decision affects a few wards, details of the age breakdown / impact in that area. You may append additional data that will not fit easily into this template, e.g. graphs and tables. **NOTE:** that different age groups may have to be considered separately where there is evidence of differential impact.

As at December 2011 the staff headcount in Environment and Regeneration was 1231. This is split almost evenly between the age bands of 30 to 49 at 47.4% and 50 and over at 49.1%. Staff under the age of 30 make up 3.5% of the remaining headcount. The two staff facing possible redundancy are in the higher age brackets.
What is the proposal’s impact on the equalities aims? Look for **direct impact** but also evidence of **disproportionate impact** i.e. where a decision affects a protected group more than the general population, including **indirect impact** e.g. where a protected group is disproportionately represented with another group of service users affected by a decision, such as the unemployed.

**As the majority of the changes are to management reporting lines and will not affect any particular age group accessing service, there is no disproportionate impact in relation to Age.**

<table>
<thead>
<tr>
<th>What actions can be taken to avoid or mitigate any negative impact or to better advance equality and foster good relations? Provide details of how effective the mitigation will be and how it will be monitored.</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
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<table>
<thead>
<tr>
<th>Disability</th>
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</table>

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

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

**As at December 2011 3.1% of staff in Environment and Regeneration had declared themselves to have a disability compared to the council wide average of**
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
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</thead>
<tbody>
<tr>
<td>What is the proposal’s impact on the equalities aims? &lt;sup&gt;See Guidance under “Age”.&lt;/sup&gt;</td>
<td>As the majority of the changes are to management reporting lines and will have no significant impact on service delivery, there is no disproportionate impact in relation to Disability.</td>
</tr>
<tr>
<td>What actions can be taken to avoid or mitigate any negative impact or to better advance equality and foster good relations? &lt;sup&gt;See Guidance under “Age”.&lt;/sup&gt;</td>
<td>None</td>
</tr>
<tr>
<td>Additional Equalities Data (Service level or Corporate) &lt;sup&gt;See Guidance under “Age”.&lt;/sup&gt;</td>
<td>NOTE: There is a likely crossover between impacts on pregnancy and maternity and sex and age, i.e. impacts on women of child bearing age. We have no figures on the numbers of staff whom are pregnant or on maternity leave at this time. The two staff members facing possible redundancy are male.</td>
</tr>
</tbody>
</table>

**Key borough statistics:** Data regarding recent births from the GLA shows that Waltham Forest has 8.9% of its population aged between 0 and 4 compared to a London wide figure of 7.6% (2011). For those up to the age of 1 this percentage is 1.9% and 1.6% respectively. The Total Fertility rate for Waltham Forest in 2009 is 2.54 (4<sup>th</sup> highest across London) compared to a London wide figure of 1.95. The teenage pregnancy rate in Waltham Forest (2009) is 55 per 1,000 of the female population aged 15-17 compared with 41 across London and 38 across England. Source: 2010 SHLAA from GLA, Office for National Statistics, NHS (NCHOD). **NB 1.** The total fertility rate measures the projected number of births born to a woman over her lifetime. **NB 2.** These statistics provide general data for this protected characteristic. You need to ensure you have sufficient data about those affected by the proposals – see below under “additional equalities data.”
<table>
<thead>
<tr>
<th>What is the proposal’s impact on the equalities aims?</th>
<th>What actions can be taken to avoid or mitigate any negative impact or to better advance equality?</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Guidance under “Age”.</td>
<td>See Guidance under “Age”.</td>
</tr>
<tr>
<td>As the majority of the changes are to management reporting lines and will have no significant impact on service delivery, there is no disproportionate impact in relation to Pregnancy and Maternity</td>
<td>None</td>
</tr>
</tbody>
</table>

**Race**

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

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

As at December 2011 49.8% of staff in Environment and Regeneration are from Ethnic Minority Communities this compares favourable with the BAME population in the borough which is 42%.

<table>
<thead>
<tr>
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<th>What actions can be taken to avoid or mitigate any negative impact or to better advance equality? See Guidance under “Age”.</th>
</tr>
</thead>
<tbody>
<tr>
<td>As the majority of the changes are to management reporting lines and will have no significant impact on service delivery there is no disproportionate impact in relation to Race.</td>
<td>None</td>
</tr>
</tbody>
</table>
### Religion or Belief

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

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

*See guidance under “Age”. Note: different religious/belief groups may have to be considered separately.*

None

### What is the proposal’s impact on the equalities aims?

*See Guidance under “Age”*

**What actions can be taken to avoid or mitigate any negative impact or to better advance equality?**

*See Guidance under “Age”*

None

As the majority of the changes are to management reporting lines and will have no significant impact on service delivery, there is no disproportionate impact in relation to Religion or Belief.
### Sex

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

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

As at December 2011 69.2% of staff in Environment and Regeneration are women. The proposals do not disproportionately affect one particular sex.

<table>
<thead>
<tr>
<th>What is the proposal’s impact on the equalities aims?</th>
<th>What actions can be taken to avoid or mitigate any negative impact or to better advance equality?</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Guidance under “Age”. As the majority of the changes are to management reporting lines and will have no significant impact on service delivery, there is no disproportionate impact in relation to Sex.</td>
<td>See Guidance under “Age”. None</td>
</tr>
</tbody>
</table>
Sexual Orientation and Gender Reassignment

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

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

We have no figures at this time on Sexual Orientation and Gender Reassignment.

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

As the majority of the changes are to management reporting lines and will have no significant impact on service delivery, there is no disproportionate impact in relation to Sexual Orientation and Gender Reassignment.

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

None.
### Additional Equalities Data (Service level or Corporate)

*See guidance under “Age”. NOTE: this characteristic is only relevant to the first equality aim: eliminating unlawful discrimination or conduct.*

**We have no figures at this time on Marriage and Civil Partnership**

<table>
<thead>
<tr>
<th>Year</th>
<th>Marriages Registered</th>
<th>Civil Partnerships Registered</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-2008</td>
<td>534</td>
<td>46</td>
</tr>
<tr>
<td>2008-2009</td>
<td>625</td>
<td>33</td>
</tr>
<tr>
<td>2009-2010</td>
<td>670</td>
<td>32</td>
</tr>
<tr>
<td>2010-2011</td>
<td>725</td>
<td>27</td>
</tr>
</tbody>
</table>

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

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

*As the majority of the changes are to management reporting lines and will have no significant impact on service delivery, there is no disproportionate impact in relation to Marriage and Civil Partnership*

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

None

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[13]
You can rely on the additional data set out above in respect of the 8 protected characteristics as these do not apply to marriage and civil partnership.

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

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

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

**It is expected that by creating a strategic leadership position to lead Business, Employment and Skills in the borough and bringing all the relevant**

**What actions can be taken to avoid or mitigate any negative impact on advancing equality or fostering good relations not considered above? Provide details of how effective the mitigation will be and how it will be monitored.**
services such as Economic Development, Careers Service and CLaSS together will improve those services targeted to the economically disadvantaged population. The creation of the Head of Troubled Families post will see a leadership position created to implement a different and innovative approach to tackling gang crime in the borough and deliver improvement in the life chances of some of our most vulnerable residents.

Conclusion

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

This analysis has concluded that there is no disproportionate impact as a result of these proposals

Outcome of the Analysis

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

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

**Outcome 3:** Continue despite being identified as potential for adverse impact or missed opportunity to advance equality. In this case, the justification...