

# TEST OF RELEVANCE: EQUALITY ANALYSIS (EA)



The screening process of using the Test of Relevance template aims to assist in determining whether a full Equality Analysis (EA) is required. The EA template and guidance plus information on the Equality Act and the Public Sector Equality Duty (PSED) can be found on Colnet at: <http://colnet/Departments/Pages/News/Equality-and-Diversity.aspx>

## Introduction

**The Public Sector Equality Duty (PSED) is set out in the Equality Act 2010 (s.149). This requires public authorities, in the exercise of their functions, to have 'due regard' to the need to:**

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity between people who share a protected characteristic and those who do not, and
- Foster good relations between people who share a protected characteristic and those who do not

The characteristics protected by the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership.
- Pregnancy and maternity
- Race
- Religion or belief
- Sex (gender)
- Sexual orientation

What is due regard?	How to demonstrate compliance
<ul style="list-style-type: none"> <li>• It involves considering the aims of the duty in a way that is proportionate to the issue at hand</li> <li>• Ensuring that real consideration is given to the aims and the impact of policies with rigour and with an open mind in such a way that it influences the final decision</li> <li>• Due regard should be given before and during policy formation and when a decision is taken including cross cutting ones as the impact can be cumulative.</li> </ul> <p>The general equality duty does not specify how public authorities should analyse the effect of their business activities on different groups of people. However, case law has established that equality analysis is an important way public authorities can demonstrate that they are meeting the requirements.</p> <p>Even in cases where it is considered that there are no implications of proposed policy and decision making on the PSED it is good practice to record the reasons why and to include these in reports to committees where decisions are being taken.</p> <p>It is also good practice to consider the duty in relation to current policies, services and procedures, even if there is no plan to change them.</p>	<p>Case law has established the following principles apply to the PSED:</p> <ul style="list-style-type: none"> <li>• <b>Knowledge</b> – the need to be aware of the requirements of the Equality Duty with a conscious approach and state of mind.</li> <li>• <b>Sufficient Information</b> – must be made available to the decision maker</li> <li>• <b>Timeliness</b> – the Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken not after it has been taken.</li> <li>• <b>Real consideration</b> – consideration must form an integral part of the decision-making process. It is not a matter of box-ticking; it must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.</li> <li>• <b>Sufficient information</b> – the decision maker must consider what information he or she has and what further information may be needed in order to give proper consideration to the Equality Duty</li> <li>• <b>No delegation</b> - public bodies are responsible for ensuring that any third parties which exercise functions on their behalf are capable of complying with the Equality Duty, are required to comply with it, and that they do so in practice. It is a duty that cannot be delegated.</li> <li>• <b>Review</b> – the duty is continuing applying when a policy is developed and decided upon, but also when it is implemented and reviewed.</li> </ul>

**However there is no requirement to:**

- Produce equality analysis or an equality impact assessment
- Indiscriminately collect diversity data where equality issues are not significant
- Publish lengthy documents to show compliance
- Treat everyone the same. Rather, it requires public bodies to think about people's different needs and how these can be met
- Make services homogeneous or to try to remove or ignore differences between people.

**The key points about demonstrating compliance with the duty are to:**

- Collate sufficient evidence to determine whether changes being considered will have a potential impact on different groups
- Ensure decision makers are aware of the analysis that has been undertaken and what conclusions have been reached on the possible implications
- Keep adequate records of the full decision making process

**Test of Relevance screening**

The Test of Relevance screening is a short exercise that involves looking at the overall proposal and deciding if it is relevant to the PSED.

**Note: If the proposal is of a significant nature and it is apparent from the outset that a full equality analysis will be required, then it is not necessary to complete the Test of Relevance screening template and the full equality analysis and be completed.**

The questions in the Test of Relevance Screening Template to help decide if the proposal is equality relevant and whether a detailed equality analysis is required. The key question is whether the proposal is likely to be relevant to any of the protected characteristics.

Quite often, the answer may not be so obvious and service-user or provider information will need to be considered to make a preliminary judgment. For example, in considering licensing arrangements, the location of the premises in question and the demographics of the area could affect whether section 149 considerations come into play.

There is no one size fits all approach but the screening process is designed to help fully consider the circumstances.

**What to do**

In general, the following questions all feed into whether an equality analysis is required:

- How many people is the proposal likely to affect?
- How significant is its impact?
- Does it relate to an area where there are known inequalities?

At this initial screening stage, the point is to try to assess obvious negative or positive impact.

If a negative/adverse impact has been identified (actual or potential) during completion of the screening tool, a full equality analysis must be undertaken.

If no negative / adverse impacts arising from the proposal it is not necessary to undertake a full equality analysis.

On completion of the Test of Relevance screening, officers should:

- Ensure they have fully completed and the Director has signed off the Test of Relevance Screening Template.
- Store the screening template safely so that it can be retrieved if for example, Members request to see it, or there is a freedom of information request or there is a legal challenge.
- If the outcome of the Test of Relevance Screening identifies no or minimal impact refer to it in the Implications section of the report and include reference to it in Background Papers when reporting to Committee or other decision making process.

**1. Proposal / Project Title: Hampstead Heath Swimming Review 2020**

- 2. Brief summary (include main aims, proposed outcomes, recommendations / decisions sought):** A full review of the Hampstead Heath Swimming Facilities has been undertaken, in conjunction with Health & Safety Advice received followed a fatality at the Highgate Men's Bathing Ponds in June 2019. The report sets out the improvements required to address Health and Safety, accessibility, increasing demand and options to secure the long-term financial sustainability of the Swimming facilities on Hampstead Heath.

**Bathing Ponds Subsidy & Charges - Option D – Revise the scale of charges for season tickets, day ticket and concessions.**

1. Season Ticket prices frozen until April 2021 and then reviewed annually following consultation.
2. Adult day ticket prices increase to the London benchmark lower quartile £4 from April 2020 and then reviewed annually.

**Bathing Pond Charging Model - Option 3 – Adopt applied Charges**

2. Contactless Payment Points will be introduced at the Bathing Ponds, to collect the charges, which will be applied from 2 May 2020.
3. The subsidised season ticket offer will be widely promoted to encourage take-up for regular swimmers. In addition, a cash payment option will be maintained for the 2020/21 season.
4. This option would be supported by new signage that provides information about the payment options and the Hampstead Heath Charity to demonstrate that their payments go towards sustaining the Ponds and the Lifeguards.
5. Officers recommend option 3. Heath Rangers will support and manage a culture of payment at the Ponds, this builds on the existing practice at the Mixed Pond during the summer season. The Rangers will be required to manage the queues, control the number of people within the facility, provide information to visitors, respond to incidents, liaise other Heath staff, the emergency services and assist with cleaning and the operation of the facilities.

**Bathing Pond Concessions - Option C.**

1. Concessionary rates brought in line with other fees and charges across Hampstead Heath, which are based on a 40% discount of the adult rate and introduce free morning swims (until 09.30) to over 60's and under 16's to the Bathing Ponds.
2. The Open Spaces Department is currently undertaking a review of Concessions and this will include the consideration of a support fund to ensure the Open Spaces Facilities remain financially inclusive.

- 3. Considering the equality aims (eliminate unlawful discrimination; advance equality of opportunity; foster good relations), indicate for each protected group whether there may be a positive impact, negative (adverse) impact or no impact arising from the proposal:**

Protected Characteristic (Equality Group) <input checked="" type="checkbox"/>	Positive Impact	Negative Impact	No Impact	Briefly explain your answer. Consider evidence, data and any consultation.
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If option C is chosen, then this will have a positive impact due to the introduction of a free morning swims (until to 09.30) to over 60's and under 16's to the Bathing Ponds. This proposal has been discussed with the Hampstead Heath Swimming Associations and the Hampstead Heath Consultative Committee. If this option if not

				chosen, then there will be 'no impact' as the service provided will remain unchanged and fees and charge increases and method of collecting fees will be the same for all protected characteristics. Age concessions will remain.
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Swimming Review indicates that a capital investment programme would improve accessibility to the Bathing Ponds.
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The City of London Corporation adopted a Gender Identity Policy in June 2019, following public consultation.
Marriage and Civil Partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Pregnancy and Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposals retain the existing provision of separate sex (including gender) Bathing Ponds.
Sex (i.e gender)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposals retain the existing provision of separate sex (including gender) Bathing Ponds.
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposals retain the existing provision of separate sex (including gender) Bathing Ponds.
<b>4. There are no negative/adverse impact(s)</b> Please briefly explain and provide evidence to support this decision:		The recommendations following the Swimming Review have taken account of the characteristics protected by the Equality Act 2010 and there are no significant negative or adverse impacts on protected characteristics.		
<b>5. Are there positive impacts of the proposal on any equality groups?</b> Please briefly explain how these are in line with the equality aims:		If option C is chosen, then this will have a positive impact due to the introduction of a free morning swims (until to 09.30) to over 60's and under 16's to the Bathing Ponds.		
<b>6. As a result of this screening, is a full EA necessary? (Please check appropriate box using <input type="checkbox"/>)</b>	<b>Yes</b>	<b>No</b>	<b>Briefly explain your answer:</b> The impact of the recommended options is positive and there are no significant negative or adverse impacts identified.	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
<b>7. Name of Lead Officer: Bob Warnock</b>		<b>Job title: Superintendent</b>		<b>Date of completion:</b> 11 March 2020

Signed off by Department  
Director :

*Colin Buttery*

**Name:** Colin Buttery

**Date:** 11.3.2020