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 City of London Intranet at: Equality and Inclusion

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 statutory '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
- Sexual orientation

It is also Corporation policy to give voluntary (non-statutory) 'due regard' to the impact upon Social Mobility

What is due regard?

- Statutorily, it involves considering the aims of the duty in a way that is proportionate to the issue at hand.
- 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.
- 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.

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.

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.

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.

The Corporation has also adopted a voluntary (non-statutory) due regard of the impact upon social mobility issues. This should be considered generally and, more specifically, against the aims/objectives in the Social Mobility Strategy, 2018-28.

How to demonstrate compliance

Case law has established the following principles apply to the PSED:

- **Knowledge** – the need to be aware of the requirements of the Equality Duty with a conscious approach and state of mind.
- **Sufficient Information** – must be made available to the decision maker.
- **Timeliness** – 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.
- **Real consideration** – 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.
- **Sufficient Information** - 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
- **No delegation** - 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.
- **Review** – the duty is continuing applying when a policy is developed and decided upon, but also when it is implemented and reviewed.

However, there is no requirement to:

- Produce equality analysis or an equality impact assessment
- Indiscriminately collect diversity date where equalities 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 must 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 references to it in the Background Papers when reporting to the Committee or other decision making process.

1. **Proposal / Project Title: 1 Broadgate s278 works**

2. **Brief summary (include main aims, proposed outcomes, recommendations / decisions sought):**

1. Improvements for people walking, wheeling and cycling.
2. An improved public realm making the City a more attractive place
3. Meeting the needs of the developer and ensuring the s278 works are delivered in a timely manner

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)	Positive Impact	Negative Impact	No Impact	Briefly explain your answer. Consider evidence, data and any consultation.
Age	☒	☐	☐	Older people are more likely to suffer from slight mobility impairments related to their age which do not fall within the disabled protected characteristic. These impairments are likely to include slower movement and slower reactions as well and in some cases the use of mobility aids such as sticks. The scheme is likely to improve conditions for all pedestrians using the northern side of Eldon Street through the introduction of a wider pavement and raised table at the junction with Finsbury Avenue. This is likely to provide more, safe space for pedestrians and increase comfort when moving through the area. This benefit will disproportionately benefit older people when using the streets as pedestrians.
Disability	☒	☐	☐	Those who identify as having a disability are more likely to find difficulty in using City streets and may feel excluded at different points. There are a large range of ways in which this could happen, with examples including poor tactile facilities for people with visual impairments or a lack of dropped kerbs for people with mobility impairments. The scheme will improve conditions by providing greater comfort through the introduction of the raised table and wider pavement space.
Gender Reassignment	☐	☐	☒	
Marriage and Civil Partnership	☐	☐	☒	
Pregnancy and Maternity	☒	☐	☐	Those who are pregnant or with children may experience slower movement, impaired movement and/or the requirement for additional safe and comfortable street space.

				The scheme will improve conditions by providing more, comfortable space for movement during the busiest times of day.
Race	☐	☐	☒	*Click or tap here to enter text.*
Religion or Belief	☐	☐	☒	*Click or tap here to enter text.*
Sex (i.e. gender)	☐	☐	☒	*Click or tap here to enter text.*
Sexual Orientation	☐	☐	☒	*Click or tap here to enter text.*

4. Are there any potential social mobility or wider issues? Please check appropriate box	**Yes**	**No**	**Briefly explain your answer:**
	☐	☒	Positive impacts have been captured in section 3.

5. There are no negative / adverse impact(s) Please briefly explain and provide evidence to support this decision:

The scheme does not have any negative impacts on any group.

6. Are there positive impacts of the proposal on any equality groups or Social Mobility? Please briefly explain how these are in line with the equality aims or social mobility strategy:

Positive impacts have been captured in section 3.

7. As a result of this screening, is a full EA necessary? Please check appropriate box	**Yes**	**No**	**Briefly explain your answer:**
	☐	☒	Given the limited scope of the project and lack of negative impacts a full EA is not considered necessary

8. Name of Lead Officer: George Wright **Job title:** Project Manager **Date of completion: 09/08/2024**

Signed off by Department Director: **Name:** Ian Hughes **Date: 16/09/2024**