

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?

- 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.

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 data 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 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: Extension of existing Dog Control Orders as Public Space Protection Orders at Burnham Beeches.

2. Brief summary (include main aims, proposed outcomes, recommendations / decisions sought): The existing Dog Control Orders have been in place since 1st December 2017. The DCOs created areas at Burnham Beeches where dogs are required to be on leads at all times, dog walkers can be instructed to put dogs on leads and where the number of dogs that can be walked by any individual is limited. It is proposed that they are extended for a further three years. A Stage 1 EQIA concerning the introduction of the original DCOs was carried out in 2014 and the changes were found to have a neutral impact on protected characteristics. This latest proposal simply converts the existing DCOs to PSPOs with no other changes that might additionally impact upon people with protected characteristics.

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Access at Burnham Beeches remains unrestricted for people across the site. Possible benefits for young children or the less mobile who may continue to choose whether to visit the dogs on lead or dogs off lead areas.
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Access at Burnham Beeches remains unrestricted for people across the site. The proposals maintain access for assistance dogs. Possible benefits for disabled users as they can continue to choose to use parts of the site where dogs must be kept either on or off on lead.
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Access at Burnham Beeches remains unrestricted for people across the site.
Marriage and Civil Partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Access at Burnham Beeches remains unrestricted for people across the site.
Pregnancy and Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Access at Burnham Beeches remains unrestricted for people across the site. Possible benefits for pregnant/maternity users as they can continue to choose to use parts of the site where dogs must be kept either on or off on lead.
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Access at Burnham Beeches remains unrestricted for people across the site. Possible benefits for some cultural groups who may not wish to have close contact with dogs and can continue to choose to use parts of the site where dogs must be kept either on or off on lead.
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Access at Burnham Beeches remains unrestricted for people across the site.
Sex (i.e gender)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Access at Burnham Beeches remains unrestricted for people across the site.
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Access at Burnham Beeches remains unrestricted for people across the site.

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

The existing Dog Control Orders have been in place for three years. The Stage 1 EQIA, carried out prior to their introduction, found them to have a neutral impact. No material equality issues have been identified since their introduction. As there are no changes proposed, other than one of legal compliance (conversion of DCOs or PSPOs), it is considered that the proposals will continue to have neutral impacts. Some dog walkers choose to walk mainly in the Dogs off lead area but that is a personal decision and access across the whole site remains open to them with the

use of a lead where required. Appropriate exemptions are and will continue to be made for visitors who use Assistance Dogs.

5. Are there positive impacts of the proposal on any equality groups? Please briefly explain how these are in line with the equality aims: Potential gains for all user groups who do not wish to have close contact with dogs. Although this is not necessarily aligned to any of the protected characteristics, there may be some benefit for example for young children, the less mobile, those unfamiliar/disliking of dogs. The PCSOs, like the DCOs, include provisions which allow continued access for assistance dogs.

6. As a result of this screening, is a full EA necessary? (Please check appropriate box using <input type="checkbox"/>)	Yes	No	Briefly explain your answer: The existing Dog Control Orders have been in place for three years. The Stage 1 EQIA, carried out prior to their introduction, found them to have a neutral impact. No material equality issues have been identified since their introduction. As there are no changes proposed, other than one of legal compliance, it is considered that the proposals will continue to have neutral impacts. Some dog walkers choose to walk mainly in the Dogs off lead area but that is a personal decision and access across the whole site remains open to them with the use of a lead where required. Appropriate exemptions are and will continue to be made for visitors who use Assistance Dogs.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

7. Name of Lead Officer: Andy Barnard **Job title: Superintendent of The Commons** **Date of completion: 14 June 2017**

Signed off by Department
Director :

Name:

Date: