

Equality Impact Assessment Form

The Equality Act 2010 includes a public sector equality duty (the 'general duty'), replacing the separate duties on race, disability and gender equality. This came into force on 5 April 2011. The aim of the general duty is to ensure that public authorities and those carrying out a public function consider how they can positively contribute to a fairer society through advancing equality and good relations in their day-to-day activities. The duty ensures that equality considerations are built into the design of policies and the delivery of services, and that they are kept under review. This will achieve better outcomes for all.

The Council is required to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act
- advance equality of opportunity between people who share a relevant protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not.

The guidance refers to these three elements as the three 'aims' of the general duty and so when we discuss the general duty we mean all three aims.

The Act explains that having due regard for advancing equality involves:

- removing or minimising disadvantages experienced by people due to their protected characteristics
- taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- encouraging people with protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

The Act describes fostering good relations as tackling prejudice and promoting understanding between people who share a protected characteristic and those who do not. Meeting the duty may involve treating some people more favourably than others, as long as this does not contravene other provisions within the Act.

The following principles are drawn from case law on the previous equality duties, and will continue to be relevant in relation to the new duty. To meet the general duty, a public authority must ensure:

- **Knowledge:** those who exercise its functions (its staff and leadership) are aware of the duty's requirements. Meeting the duty involves 'a conscious approach and state of mind'. Decision-makers should therefore be aware of the implications of the duty when making decisions about their policies and practices.
- **Timeliness:** the duty arises before and at the time that a particular policy is under consideration and a decision is taken. A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- **Meaningful consideration:** consideration of the three aims of the general duty must form an integral part of the decision-making process. This is not a 'tick box' exercise – it must be exercised with rigour, with an open mind in such a way that influences the final decision.
- **Sufficient information:** the decision-maker must consider what information s/he has as well as what further information might be needed to give proper consideration to the general duty.
- **Review:** public bodies must have due regard to the aims of the general duty not only when a policy is developed and decided upon, but also when it is implemented and reviewed. The general duty is a continuing duty.
- **Non-delegation:** Anyone exercising public functions on behalf of a public body is required to meet the duty. This is because the duty rests with the public authority even if they have delegated any functions to another organisation.

The Equality and Human Rights Commission has produced guidance for the performance of the general duty in Wales, known as the specific duties in Wales. The specific duties include guidance on impact assessment and engagement that are both relevant to this process. Copies of the guidance are available on the Commission's website and via the equality section of StaffNet.

An impact assessment is a systematic way of finding out the impact of a policy on different protected groups. Officers who are responsible for policies are required to identify the likely impacts that may result from the introduction of a policy.

This impact assessment form has been developed to ensure that these groups are neither directly nor indirectly discriminated against in the planning and delivery of our services, nor by the decisions that we make.

An equality impact assessment must be carried out at a formative stage so that it is an integral part of the development of the policy, not a later justification of a measure that has already been determined.

How should you assess impact?

1. Identify **the objectives** of your policy and how it will work.
2. Examine local and national **data and research**.
3. Assess **the likely impact** on the protected groups.
4. **Consult and involve** people who are likely to be affected by your policy.
5. Make arrangements to **monitor and review** the impact of your proposal.
6. **Publish** the assessment.

It is the responsibility of the relevant Head of Service or Operational Manager to ensure that an assessment has been completed for the policy, practice, procedure or decision identified.

Complete form electronically and return to the Equalities Section: tsgreaves@valeofglamorgan.gov.uk. For support, ring: 01446 709446

Title and Description of Policy, Procedure, Practice or Decision (referred to as “policy” throughout form).	Appointment of a partner organisation to operate the Vale of Glamorgan Council’s Leisure Centres.
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Who is responsible for developing and implementing the policy?

Name	David Knevett
Job Title	Operational Manager: Leisure and Tourism
Directorate	Environmental and Economic Regeneration
Division	Leisure and Tourism

1. Background and screening:

Who will be affected by this policy?	Please ✓
Vale of Glamorgan residents	<input checked="" type="checkbox"/> ✓
Internal department(s) (please state which):	<input checked="" type="checkbox"/>
Leisure and Tourism	
Finance, ICT and HR	
Legal	
Visible services	
Other services may also be impacted upon	
Customers/residents in a specific geographical location	<input type="checkbox"/> Specify location:
Specific group of customers	<input type="checkbox"/>
Specify group(for example, a particular age group or gender, gypsy / traveller children in education, people with dementia):	
<u>Leisure centres are currently used by the whole community..</u>	
Others	<input type="checkbox"/>

What research or baseline information do you have about how your service is used by various groups of people?

Data is held on usage of facilities.

We have some personal data on some members of the facilities where they have completed this data on the initial application form. This data is collectively grouped as disadvantaged for the purpose of offering discounts and although it is comprised of gender, ethnic origin and disability information it is not currently available by protected characteristic for analysis. At present there are approximately 3,300 full members (Lifestyle) and approximately 4,500 casual members (Freestyle).

Will this policy have a significant effect on how services are delivered?

Yes No

Please detail:

The service should fundamentally remain the same when operated by an external provider as they will be working to a detailed specification based upon the current service delivery.

Will this policy have a significant effect on how other organisations operate?

Yes No

Please detail:

Groups and organisations who currently use the facilities will continue to do so under the terms of the contract, e.g. Barry Beavers Swimming Club (disability swim club).

Does the policy involve a significant commitment of resources?

Yes No

Please detail:

The new Partner organisation will receive a fee to operate the facilities, or will pay a management fee to the Council, and will have a lease for the buildings. Whilst there will be a reduction in costs it is the aim of the project to ensure that service provision and quality also improve. The contract provides for an initial capital investment in facilities that will enable service quality improvements and more customers to access facilities, but will see a reduction in overall revenue expenditure.

Does the policy relate to an area where there are known inequalities (for example, disabled peoples' access to public transport, the gender pay gap, racist or homophobic bullying in schools, educational attainment of Gypsies and Travellers)?

Yes No

Please detail:

Issues have been raised in the past regarding transgender users, particularly in relation to changing room provision, and also regarding faith based gender issues relating to personal dignity. A satisfactory solution has yet to be found to the barrier faced by transgender users due to the physical layout of the centres, but is being pursued with a view towards reaching a solution.

Although most sessions are mixed gender some single sex sessions have been introduced to enable access.

What are the intended outcomes of the policy (outcomes to be specific, measurable, achievable, results oriented, time-based)?

Please detail:

The aim of the transfer is to reduce costs and improve services. General refurbishments and improvements are being carried out as part of the proposed transfer but these are not aimed at any particular protected groups.

How will these be measured?

Please detail:

Various PI's and financial data will be collected on the performance of the contract

Will the policy impact upon other policies or practices?

Yes No

Please detail:

The council will have less flexibility in terms of special offers to disadvantaged groups using facilities such as being able to vary the

programme of activities to specifically target difficult to reach groups. To alleviate this it may be possible to use client variation funds to pay for specific sessions the Council wishes to see proceed. The existing programme is initially protected but is subject to variation, but only in consultation with the Council and only should usage fall significantly within certain activities. This would happen regardless of entering into a contract situation.

What data or research is available on the policy (for example, statistics, survey results, best practice advice)?

Please detail:

As previously mentioned data on members using the facilities is available but not by protected characteristic. At present approximately 2,000 members are indicated as disadvantaged within the Freestyle scheme. This data is presently not analysed.

Are there any gaps in data which necessitate further research or consultation?

Yes No

Please detail:

We will be seeking further guidance and advice from the Council's equality section on the monitoring of protected characteristics as the contract progresses to address the gaps identified and to ensure that relevant equality information is gathered. We will be looking at ways this can be addressed linked to the Council's strategic equality plan.

Is there any evidence that there are different levels of service uptake for different protected groups Yes No

There is no current evidence to indicate different levels of service uptake and anecdotal evidence indicates that the facilities are enjoyed by a wide variety of protected characteristic groups. But due to the limited monitoring information available it is not currently possible to provide any detailed analysis by protected characteristic.

The Council's usage data does not cover casual usage but in terms of gender, does allow an analysis of male and female usage amongst members. This has not presently been done. This will be monitored as the contract progresses and action will be taken if required.

Is there any evidence that there are barriers that might exclude any of the protected groups from accessing the policy?

Yes No

Please detail:

An issue has occurred in relation to potential transgender users as currently separate male and female changing rooms are provided rather than a changing village. Alternatives have been offered which include use of private stalls in the family or disabled changing rooms. We will also be looking to carry out future investigations to ascertain if any further barriers exist preventing other protected groups from using the facilities.

Is there evidence that any of the protected groups will have different needs or priorities with regard to the proposed policy?

Yes No

Please detail:

Based on current experiences it is known that some faiths, disabled users etc do have different needs. It is however not expected that the new service will vary from the existing service that already meets some of these needs.

Is there any evidence that the policy could discriminate, directly or indirectly, against people in any of the protected groups?

Yes No

Please detail:

We have no such evidence currently but will be looking to develop this in the future in accordance with the objective in the strategic equality plan.

Can anything be done further to promote equality of opportunity by altering the policy?

Yes No

Please detail:

The partner organisation has a requirement to comply with the Council's Equality policy and this will be monitored as part of the client role. The Council does also have the opportunity to vary the contract to provide new sessions if required.

2. Relevance

Is an equality impact assessment relevant to this policy?

Yes No

Where, as a result of the above screening, the officer responsible for the policy believes that an equality impact assessment is not relevant, they should initially discuss this with the Council's equalities coordinator, and record and explain the decision.

Please detail:

3. Gender

Will the policy have a negative impact, directly or indirectly, on women or men?

Please detail evidence:

We are not expecting this to change from the existing service provision.. It will however be monitored on a regular basis and action will be taken if issues arise.

Will the policy have a positive impact, directly or indirectly, on women or men?

Please detail evidence:

We are not expecting this to change from the existing service provision. It will however be monitored on a regular basis and action will be taken if issues arise.

Will the policy have no gender-specific impact?

Please detail evidence:

We are not expecting this to change from the existing service provision. It will however be monitored on a regular basis and action will be taken if issues arise.

What action can you take to mitigate against any negative impact, and/or to have a more positive impact on men or women?

Please detail evidence:

Action will depend on the issue that arises but the contract does allow for variations.

4. Race

Will the policy have a negative impact, directly or indirectly, on people based on their race, colour, nationality (including citizenship) or ethnic or national origin(s)?

Please detail evidence:

We are not expecting this to change from the existing service provision. It will however be monitored on a regular basis and action will be taken if issues arise.

Will the policy have a positive impact, directly or indirectly, on people based on their race, colour, nationality (including citizenship) or ethnic or national origin(s)?

Please detail evidence:

We are not expecting this to change from the existing service provision. It will however be monitored on a regular basis and action will be taken if issues arise.

Will the policy have a no impact, directly or indirectly, on people based on their race, colour, nationality (including citizenship) or ethnic or national origin(s)?

Please detail evidence:

We are not expecting this to change from the existing service provision. It will however be monitored on a regular basis and action will be taken if issues arise.

What action can you take to mitigate against any negative impact, and/or to have a more positive impact on people based on their race, colour, nationality (including citizenship) or ethnic or national origin(s)?

Please detail evidence:

Action will depend on the issue that arises but the contract does allow for variations.

5. Disability

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Will the policy have a negative impact, directly or indirectly, on disabled people?

Please detail evidence:

We are not expecting this to change from the existing service provision. We currently provide facilities for people with disabilities in all of our leisure centres. Two the centres have been enhanced significantly to cater for specific requirements. It will however be monitored on a regular basis and action will be taken if issues arise.

Will the policy have a positive impact, directly or indirectly, on disabled people?

Please detail evidence:

We are not expecting this to change from the existing service provision. It will however be monitored on a regular basis and action will be taken if issues arise.

Will the policy have a no impact, directly or indirectly, on disabled people?

Please detail evidence:

We are not expecting this to change from the existing service provision. It will however be monitored on a regular basis and action will be taken if issues arise.

What action can you take to mitigate against any negative impact, and/or to have a more positive impact on disabled people?

Please detail evidence:

Action will depend on the issue that arises but the contract does allow for variations.

6. Welsh language

Will the policy have a negative impact, directly or indirectly, on the Welsh language?

Please detail evidence:

We are not expecting this to change from the existing service provision. The contract specification specifically details the contractor's obligations in terms of Welsh language (these are the same as all other Council services for the Vale of Glamorgan) and this will be monitored on a regular basis and actions taken if issues arise.

Will the policy have a positive impact, directly or indirectly, on the Welsh language?

Please detail evidence:

We are not expecting this to change from the existing service provision. The contract specification specifically details the contractor's requirements in terms of Welsh language and this will be monitored on a regular basis and actions taken if issues arise.

Will the policy have a no impact, directly or indirectly, on the Welsh language?

Please detail evidence:

We are not expecting this to change from the existing service provision. It will however be monitored on a regular basis and action will be taken if issues arise.

What action can you take to mitigate against any negative impact, and/or to have a more positive impact on the Welsh language?

Please detail evidence:

Action will depend on the issue that arises but the contract does allow for variations.

7. Age

Will the policy have a negative impact, directly or indirectly, on different age groups (e.g. people over 50, people under 16)?

Please detail evidence:

We are not expecting this to change from the existing service provision. It will however be monitored on a regular basis and action will be taken if issues arise.

It should also be noted that free swimming provision, where provided for certain age groups, will continue whilst funding continues from Welsh Government.

Will the policy have a positive impact, directly or indirectly, on different age groups?

Please detail evidence:

We are not expecting this to change from the existing service provision. It will however be monitored on a regular basis and action will be taken if issues arise.

Will the policy have no impact, directly or indirectly, on different age groups?

Please detail evidence:

We are not expecting this to change from the existing service provision. It will however be monitored on a regular basis and action will be taken if issues arise.

What action can you take to mitigate against any negative impact, and/or to have a more positive impact on people of different age groups?

Please detail evidence:

Action will depend on the issue that arises but the contract does allow for variations.

8. Religion, belief or non-belief

Will the policy have a negative impact, directly or indirectly, on people with different religions, beliefs or non-beliefs?

Please detail evidence:

We are not expecting this to change from the existing service provision. It will however be monitored on a regular basis and action will be taken if issues arise.

Female only swimming sessions are programmed to continue in Barry subject to them remaining popular. Any change or removal of this service would be subject to prior consultation with the council.

Will the policy have a positive impact, directly or indirectly, on people with different religions, beliefs or non-beliefs?

Please detail evidence:

We are not expecting this to change from the existing service provision. It will however be monitored on a regular basis and action will be taken if issues arise.

Will the policy have no impact, directly or indirectly, on people with different religions, beliefs or non-beliefs?

Please detail evidence:

We are not expecting this to change from the existing service provision. It will however be monitored on a regular basis and action will be taken if issues arise.

What action can you take to mitigate against any negative impact, and/or to have a more positive impact for people with different religions, beliefs or non-beliefs?

Please detail evidence:

Action will depend on the issue that arises but the contract does allow for variations.

9. Sexual orientation

Will the policy have a negative impact, directly or indirectly, on lesbians, gays, bisexuals or heterosexual people?

Please detail evidence:

No barriers have been identified in this area so we are not expecting this to change from the existing service provision. It will however be monitored on a regular basis and action will be taken if issues arise.

Will the policy have a positive impact, directly or indirectly, on lesbians, gays, bisexuals or heterosexual people?

Please detail evidence:

We are not expecting this to change from the existing service provision. It will however be monitored on a regular basis and action will be taken if issues arise.

Will the policy have no impact, directly or indirectly, on lesbians, gays, bisexuals or heterosexual people?

Please detail evidence:

We are not expecting this to change from the existing service provision. It will however be monitored on a regular basis and action will be taken if issues arise.

What action can you take to mitigate against any negative impact, and/or to have a more positive impact for lesbians, gays, bisexuals or heterosexual people?

Please detail evidence:

Action will depend on the issue that arises but the contract does allow for variations.

10. Gender Reassignment

Will the policy have a negative impact, directly or indirectly, on transgender people?

Please detail evidence:

We are not expecting this to change from the existing service provision. The existing negative impact currently being experienced with the provision of single sex changing rooms will remain. It will however be monitored on a regular basis and action to remove barriers will be taken if issues continue to arise.

Will the policy have a positive impact, directly or indirectly, on transgender people?

Please detail evidence:

We are not expecting this to change from the existing service provision. It will however be monitored on a regular basis and action will be taken if issues arise.

Will the policy have no impact, directly or indirectly, on transgender people?

Please detail evidence:

We are not expecting this to change from the existing service provision. It will however be monitored on a regular basis and action will be taken if issues arise.

What action can you take to mitigate against any negative impact, and/or to have a more positive impact for transgender people?

Please detail evidence:

Action will depend on the issue that arises but the contract does allow for variations.

11. Pregnancy and maternity

Will the policy have a negative impact, directly or indirectly, on women during pregnancy or maternity?

Please detail evidence:

No barriers have been identified in this area so we are not expecting this to change from the existing service provision. It will however be monitored on a regular basis and action will be taken if issues arise.

Will the policy have a positive impact, directly or indirectly, on women during pregnancy or maternity?

Please detail evidence:

We are not expecting this to change from the existing service provision. It will however be monitored on a regular basis and action will be taken if issues arise.

Will the policy have no impact, directly or indirectly, on women during pregnancy or maternity?

Please detail evidence:

We are not expecting this to change from the existing service provision. It will however be monitored on a regular basis and action will be taken if issues arise.

What action can you take to mitigate against any negative impact, and/or to have a more positive impact for women during pregnancy or maternity?

Please detail evidence:

Action will depend on the issue that arises but the contract does allow for variations.

12. Consultation and involvement

What consultation and involvement activities have taken place? (for example focus groups, public surveys, public meeting, etc.)

Please detail:

Consultation has taken place with the following organisations. They were all sent a copy of our initial equality impact assessment during December 2010 and an updated document on the 11th July 2012. No replies have been received in relation to the information sent.

Race Equality First
Cardiff and Vale Coalition of Disabled People
Stonewall Cymru
Age Concern
Wales Assembly of Women (Vale Branch)
Muslim Welfare Association
Trades Unions (GMB and Unison)
Unit

What arrangements have been made to consult and involve people and organisations representing the protected characteristics, which have been identified as potentially being affected by the policy? (for example men, women, parents, carers, the black and minority ethnic community (including asylum seekers, refugees, economic migrants), disabled people, the Welsh speaking community, the lesbian, gay and bisexual community, transgender people, different faith groups, etc.)

Please detail:

The Council is keen to communicate and gain the views of as many groups as possible. An initial equality impact assessment was sent to a wide variety of organisations for comment in relation to the proposed transfer.

How have the results of the consultation been implemented?

Please detail:

No response was made to the engagement.

13. Monitoring

What monitoring data do you intend to collect? (for example the number of disabled people using your service)

Please detail:

It is intended to collect all relevant protected characteristic data required to meet the Council's legal responsibilities in terms of equalities. This is detailed in the contract documentation.

How often will you analyse and report this data?

Please detail:

Annually.

Where will you publish the report on this data?

Please detail:

Data and analysis thereof will be included in the Council's annual equality report.

14. Publication of policy

How will you publish and publicise the policy to ensure equality of access to this information (including raising awareness with minority groups, producing information in accessible formats, etc.)?

Please detail:

Details will be on the Council's website and provided in appropriate accessible formats upon request.

15. Further action

Any recommendations for action that you plan to take as a result of this impact assessment (listed in the sections above) should be included in your Team Plan or Departmental Service Plan.

Please detail:

The Council is committed to continuously monitoring the proposed leisure management contract and will be looking to develop further monitoring and analysis parameters.

16. Outcome

An equality impact assessment may have four possible outcomes, though more than one may apply to a single policy. Please indicate the relevant outcome of the impact assessment below.

Please tick as appropriate:

No major change – the impact assessment demonstrated that the policy was robust; there was no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.

Adjust the policy – the impact assessment identified potential problems or missed opportunities. The policy was adjusted to remove barriers or better promote equality.

Continue the policy – the impact assessment identified the potential for adverse impact or missed opportunities to promote equality. The justification(s) for continuing with it have been clearly set out. (The justification must be included in

the impact assessment and must be in line with the duty to have due regard.
(Compelling reasons will be needed for the most important relevant policies.)

Stop and remove the policy – the impact assessment identified actual or potential unlawful discrimination. The policy was stopped and removed, or changed.



17. Authorisation

This equality impact assessment must be authorised by the relevant Head of Service or Operational Manager.

Approved by (name)	David Knevett
Job Title	Operational Manager, Leisure and Tourism
Date	6 th November 2012

18. Completed Impact Assessments:

A copy of this form must be sent to the Equalities Coordinator for publication on the Council's website.