

## APPENDIX 1A – Savings Navigation Summary

Ref	Saving	Status	Value £'000	Appendix	Comment Consultaiton / EAA	Page
<b>A</b>	<b>Integration of social care and health (including public health)</b>					
A1	Reassment of Adults Care Packages	Returning to M&C	2,680	2	Public consultation on meals on wheels contract not yet completed  Other consultations on individual assessments so no overall EAA	
A2	Reassessment of Learning Disability Care Packages	Returning to M&C Delegated as part of A5	1,400 100	3	Public consultation is part of A5 work – see below.  Other consultations on individual assessments so no overall EAA	
A3	Reconfiguring Sensory services provision	Returning to M&C	150	4	Public consultation no longer required  Staff EAA will be completed post decision	
A4	Remodelling building based day services	Returning to M&C	1,300	5	Staff EAA will be completed post decision	
A5	Charging for Adult Social Care Services	Delegated to officers	275	N/A	Consultation concludes end of January	
A6	Public Health (part I)	Returning to M&C	1,500	6	Consultation with CCG completed	
A7	Mental Health Provision	Delegated to officers	250	N/A	Other consultations on individual assessments so no overall EAA	
A8	Public Health (part II)	Returning to M&C	1,154	6	Consultation with CCG	

Ref	Saving	Status	Value £'000	Appendix	Comment Consultaiton / EAA	Page
					completed  Staff EAA will be compeleted post decision	
A9	Review of services to support living at home	Returning to M&C	250	7	Staff EAA will be compeleted post decision	
A10	Proposal to recoup Health costs	Delegated to officers	600	N/A		
<b>B</b>	<b>Supporting People</b>					
B1	Reconfiguration of Supporting People programme	Returning to M&C	2,523	8	Public consultation completed	
<b>C</b>	<b>Shared Services (and third party spend)</b>					
C	Shared Services	No proposals	0	N/A		
<b>D</b>	<b>Efficiency Review</b>					
D1	Efficiency review	In annual budget report	7,500	N/A		
<b>E</b>	<b>Asset rationalisation</b>					
E1	Regeneration & Asset Management restructure	Returning to M&C	600	9	Staff EAA will be compeleted post decision	
E2	Facilities management efficiencies	Delegated to officers	1,125	N/A		
E3	Generating income from corporate assets	Delegated to officers	200	N/A		
E4	Generating income from commercial assets	Delegated to officers	595	N/A		
E5	Energy efficiency measures	Delegated to officers	134	N/A	Public consultation re 16/17 & 17/18 elements not yet undertaken	
<b>F</b>	<b>Corporate and business support</b>					
F1	Corproate business support arrangements	Delegated to officers	1,900	N/A	Staff EAA will be compeleted post decision	
<b>G</b>	<b>Income generation</b>					
G1a	School income and Investment	Delegated to officers	450	N/A	Schools Forum consulted re	

Ref	Saving	Status	Value £'000	Appendix	Comment Consultation / EAA	Page
	income				schools income	
G1b	Improved debt collection	Delegated to officers	500	N/A	Agreed by Council in setting CTax collection rate	
G1c	Blue badge administration fee	Returning to M&C	24	10	Public consultation on hold pending decision to consult	
<b>H</b>	<b>Enforcement and regulation</b>					
H1	Restructuring enforcement & regulatory services	Returning to M&C	800	11	Staff EAA will be completed post decision	
<b>I</b>	<b>Management and corporate overheads</b>					
I1	Savings in management & corporate overheads	Delegated to officers	2,090	N/A	Staff EAA will be completed post decision	
<b>J</b>	<b>School effectiveness</b>					
J1	Increase income for school effectiveness work	Delegated to officers	751	N/A	Schools Forum consulted	
<b>K</b>	<b>Crime reduction</b>					
K1	Providing Prevention and Inclusion services differently	Delegated to officers	604	N/A	Staff EAA will be completed post decision	
K2	YOS reorganisation, changes in interventions & reduction in contracts	Returning to M&C	200	12	Staff EAA will be completed post decision	
K3	Reduction in funding for Integrated Offender Management team	Delegated to officers	200	N/A		
<b>L</b>	<b>Culture and community services</b>					
L1	Reduction in main voluntary and community grant programme	Returning to M&C	1,500	13	Public consultation on process completed and agreed at M&C in Nov '14  Overall EAA on impact of reduction will be reported to M&C in May '15 once bids	

Ref	Saving	Status	Value £'000	Appendix	Comment Consultaiton / EAA	Page
					evaluation completed	
L2	Libraries service reorganisation	Delegated to officers	280	N/A	Staff EAA will be compeleted post decision	
L3	Community Development budgets	New proposal	240	14		
L4	Broadway theatre	New proposal	180	15		
<b>M</b>	<b>Housing strategy and non HRA funded services</b>					
M1	Transfer of non housing stock HRA to GF	Delegated to officers	1,000	N/A		
<b>N</b>	<b>Environmental services</b>					
N1	Alternative maintenance of small parks, highways & church yards	Returning to M&C	340	16	Staff EAA will be compeleted post decision	
N2	Reduction in street cleaning frequency	Returning to M&C	400	17	Staff EAA will be compeleted post decision	
<b>O</b>	<b>Public services</b>					
O1	Discretionary freedom pass scheme	Returning to M&C	200	18	Public consultation on hold pending decision to consult	
O2	Parking contract	Delegated to officers	50	N/A		
O3	Establish internal enforcement agency	Delegated to officers	600	N/A		
<b>P</b>	<b>Planning and economic development</b>					
P1	Planning service reorganisaiton	Delegated to officers	229	N/A	Staff EAA will be compeleted post decision	
<b>Q</b>	<b>Safeguarding and early intervention services</b>					
Q1	Improve triage for Children social care services and re-design children centre and early intervention offer	Returning to M&C	5,515 <u>-3,208</u> 2,307	19	First public consultiaton completed. Report now asks to consult on individual children centres Staff EAA will be	

Ref	Saving	Status	Value £'000	Appendix	Comment Consultaiton / EAA	Page
					compeleted post decision	
Q2	Review of the Youth Service	Returning to M&C	1,406	20	Public consultation completed  Staff EAA will be compeleted post decision	
<b>R</b>	<b>Customer transformation</b>					
R	Customer Transformation	No propsoals	0	N/A		

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## APPENDIX 1B – LEWISHAM CORPORATE PRIORITIES

The six Sustainable Community Priority outcomes, agreed with the Lewisham Strategic Partnership and the Council's 10 Corporate Priorities are set out as follows:

### Sustainable Community Strategy

- **Ambitious and achieving:** where people are inspired and supported to fulfil their potential.
- **Safer:** where people feel safe and are able to live free from crime, anti-social behaviour and abuse.
- **Empowered and responsible:** where people can be actively involved in their local area and contribute to supportive communities.
- **Clean, green and liveable:** where people live in high quality housing and can care for and enjoy their environment.
- **Healthy, active and enjoyable:** where people can actively participate in maintaining and improving their health and well being.
- **Dynamic and prosperous:** where people are part of vibrant localities and town centres well-connected to London and beyond.

### Corporate Priorities

- **Community Leadership and Empowerment:** developing opportunities for the active participation and engagement of people in the life of the community.
- **Young people's achievement and involvement:** raising educational attainment and improving facilities for young people through partnership working.
- **Clean, green and liveable:** improving environmental management, the cleanliness and care for roads and pavements, and promoting a sustainable environment.
- **Safety, security and a visible presence:** partnership working with the police and others to further reduce crime levels and using Council powers to combat anti-social behaviour.
- **Strengthening the local economy:** gaining resources to regenerate key localities, strengthen employment skills and promote public transport.
- **Decent Homes for all:** investment in social and affordable housing to achieve the decent homes standard, tackle homelessness and supply key worker housing.
- **Protection of children:** better safeguarding and joined up services for children at risk.
- **Caring for adults and older people:** working with health services to support older people and adults in need of care.
- **Active, healthy citizens:** leisure, sporting, learning and creative activities for everyone
- **Inspiring efficiency, effectiveness and equity:** ensuring efficiency and equity in the delivery of excellent services to meet the needs of the community.

## APPENDIX 1C – SUMMARY OF SPECIFIC LEGAL IMPLICATIONS

Reference	Savings	Directorate	Summary	Specific Legals
A1	£2.68m	Comm	Cost effective care packages	<p>Although there is an absolute duty on local authorities to assess individuals for possible care and support needs, local authorities do have a high level of discretion as to how to meet eligible needs, both in the application of approved eligible needs criteria and in terms of the reasonable application of resources. However on an individual basis, no service user may have their care package altered without a further assessment of need.</p> <p>An EAA will not be required as the actions taken to implement these savings are not at the strategic level; all service users will be assessed and re-assessed on an individual basis, and to attempt to analyse the impact of these proposals across the client group is not meaningful, nor a relevant consideration here- as each care package will have separate reassessment and consideration within existing lawful eligibility criteria, with service decisions being made exercising a lawful degree of discretion as to how to meet eligible need.</p>
A2	£1.5 m	Comm	Negotiated reduction in 24 hr individual prices for care; pathway redesign; charging where historical funding streams have put people outside Council charging	<p>Although there is an absolute duty on local authorities to assess individuals for possible care and support needs, local authorities do have a high level of discretion as to how to meet eligible needs, both in the application of approved eligible needs criteria and in terms of the reasonable application of resources. They can charge for social care services. However on an individual basis, no service user may have their care package altered without a further assessment of need. Statutory consultation will be required for the second and third proposal and in respect of negotiated changes to contractual prices, this may only be done</p>

Reference	Savings	Directorate	Summary	Specific Legals
				<p>by agreement unless provided for within the contractual terms.</p> <p>A further report will be brought back, following consultation which will deal with all relevant matters.</p>
A3	£150k	Comm	Review adult social care sensory services	<p>Direct payments were introduced by the <i>Community Care (Direct Payments) Act 1996</i>. The initial power to provide DPs has been extended to a duty to provide DPs to all those who consented to and were able to manage them, (2003 Regulations pursuant to the Health and Social Care Act 2001), and over all user groups including those with learning difficulty and mental health issues by 2009.</p> <p>The aim of Direct Payments is to increase individuals' independence and choice by giving them control over the way services they receive are delivered. Direct payments are cash payments made in lieu, either fully or partly, of services from local authority social services. The payment must be sufficient to enable users to purchase services to meet their needs, and must be spent on services that users need.</p> <p>Personal budgets are an allocation of funding given to users after a social services assessment of their needs. Users can either take their personal budget as a direct payment, or - while still choosing how their care needs are met and by whom - leave councils with the responsibility to commission the services. Alternatively, they can have a combination of the two.</p>
A4	£1.3 m	Comm	Remodelling building based day services and associated travelling costs	<p>To meet the statutory requirements to increase the use of personal budgets, a review is necessary as Council services cannot generally be purchased via direct payments. There will need to be consultation if there is any proposal to lose building based services and in relation to any transport changes. On an individual</p>



Reference	Savings	Directorate	Summary	Specific Legals
				basis, no service user may have their care package altered without a further assessment of need.
A6	£1.5 m	Comm/Public Health	Efficiencies , decommissioning certain services and review of current contracts	Statutory duties for areas of public health were conferred on the Council by the Health and Social Care Act 2012. Specifically Section 12 introduced a new duty to take appropriate steps to improve the health of people living in the area. Regulations require the Council to provide particular services for the weighing and measuring of children, provision of health checks for eligible people, open access sexual health services, public health advisor services and information and advice about local health issues. The Council must be satisfied that it is still able to fulfil these statutory duties despite any change of service provision. Some specific proposals will require consultation and a full report should be submitted. Public health expenditure is ring fenced for public health outcomes until the end of 2015/16. This does not mean that public health expenditure cannot be put to different public health uses than is the case currently. Where expenditure is made under contract is may only be reduced in accordance with the terms of that contract.
A8	£250k	Comm/Public Health	Review public health programmes	A number of the public health contracts have a six month notice period. Consultation and an EAA will be required as will a full report.
A9	£250k	Comm	Staffing restructure to realign early intervention services	The general employment legal implications apply. It is not proposed that the proposals if agreed would impact on service delivery.
B1	£2523 over 2 years (£1349	Comm	Supporting People – service reductions, closures, efficiencies, review of mental health services	These proposals will need a full report following consultation, including an equalities impact assessment. Contracts may only be terminated on notice as provided in their terms.

Reference	Savings	Directorate	Summary	Specific Legals
	2015/15			
E1	£600k	R &R - RH	Proposal is a staffing reorganisation	General legal implications apply.
G1c	£24	Customer	Fee for Blue badge admin.	Proposals to charge for blue badges will need consultation and a report.
H1	£800k	Comm	Staff restructure to create community protection hub	General legal implications apply.
K2	£200k	Comm	Deletion of one post in the Youth Offending Team; cessation of certain programmes externally funded, overhead reduction	An EAA assessment will be required. Any variation to existing contracts can only be by agreement between the parties although there is a right of voluntary termination if the parties cannot agree to necessary changes.
L1	£1.5 m	Comms	To reduce the VCS grants programme, new grants to commence on 1 July 2015, to achieve £1.5 million savings over 2015/16 and 2016/ 17. New criteria to obtain grants are proposed.	The giving of grants to voluntary organisations is discretionary. The Council must act reasonably in relation to funding decisions taking into account only relevant considerations and disregarding irrelevancies. The Council is bound to consult on its proposals and regard has to be had to the outcome of the consultation upon the new proposed criteria for eligibility for grant funding. EAA assessments will be required to be worked in to the proposals in more depth. A full report will be necessary.
L3	£340	Comm	Community Development	
L4	£400	Comm	Broadway theatre	
N1	£340k	Cust	To increase voluntary participation in parks and reduce management and	General legal implications apply to any staffing changes. There would need to be an assessment of the implications of any such proposal on the parks

Reference	Savings	Directorate	Summary	Specific Legals
			management support posts (3 posts).	contract to ensure that it is consistent with its terms, or else seek agreement with the contractor. The Council would need to define the status of the volunteers when engaged on park activity. Legal implications on the parochial churches issue will be available at the meeting.
N2	£400k	Cust		<p>Under Section 89(1) of the Environmental Protection Act 1990, the Council is under a statutory duty to ensure that open land under its direct control and to which the public have access is, so far as practicable, kept clear of litter and refuse. Under Section 89(2), the Council is also under a statutory duty, so far as is practicable, to ensure that public highways within its area are kept clean. In deciding what standard is required, the Council must have regard to the character and use of the land or highway, as well as the measures which are practicable in the circumstances. Under Section 89(10), the Council is also required to have regard to the code of practice published by the Secretary of State from time to time. In particular, the code requires the Council to allocate its land into different types or "zones" which must be publicised. The code then sets out cleanliness standards for the different types of land and maximum response times for cleaning an area which has been littered. The duty applies seven days a week. Members of the public may complain to the Magistrates Court where they consider that there is a breach of Section 89. The code of practice is admissible in evidence and the court may take into account any relevant provision in the code of practice. If the complaint is successful, a litter abatement order will be made, failure to comply with which is an offence. The court may also award costs if it is satisfied that there were reasonable grounds for bring the complaint, even if by the time the complaint is heard, the litter has been cleared away or the lack of</p>

Reference	Savings	Directorate	Summary	Specific Legals
				cleanliness rectified. In considering any savings proposals in relation to these matters, the Mayor must therefore be satisfied that the Council will still be able to comply with its duties under Section 89 and the requirements contained in the code of practice.
O1	£200k	Cust - RW	The proposal is to withdraw the discretionary FP with effect from 1.1.2015. the impact will be negated by the existing JC + travel discount card and the 60+ London Oyster card. This will however still leave approximately 32% of existing discretionary FP holders unable to have a FP if this proposal is given effect	Currently, discretionary Freedom Passes are issued by local authorities to persons who do not meet either the statutory "retirement" age requirement (60+) or the eligibility criteria set out within s. 151(4) of the Transport Act 2000 for disabled persons (any one of seven criteria of disability). The local discretionary criteria have been applying to those persons who have evidence of either a mobility disability or an enduring mental health condition. Consultation will be required and given the likely impact upon persons of protected characteristics, a full EAA will be required all of which must be the subject of a full report before a decision is made.
Q1	CYP	£5.515 m	Reduce child care costs by a number of measures including integration of Early Intervention and Referral and Assessment Teams, fewer assessments, alternative delivery models "resetting of CSC placements budget"	There is a general duty upon local authorities to provide support, in kind, cash or services, to enable children in need to remain with their families and be cared for by them ( s17 CA1989). Accommodation can be provided to children in need ( S20) and has implications for resources in fulfilling the Council's statutory duties to Looked After Children. The Childcare Act 2006 ( as amended) places a duty on local authorities to improve the well-being of young children under 5 in their area, to reduce inequalities and ensure an integrated approach to services. Specifically, Local Authorities have a duty to provide sufficient designated Childrens' Centres to meet local need.  The Council is also the lead safeguarding agency for child protection, in assessing risk and managing it and

Reference	Savings	Directorate	Summary	Specific Legals
				<p>alleviating it either through the Child Protection procedures or by way of application to the Court. Successful early intervention services divert families from entering safeguarding levels of concern.</p> <p>The Council has a duty to ensure that there are adequate numbers of Social Workers to provide the necessary services.</p> <p>Consultation is required for closure of Childrens' Centres, although the provision of integrated early years services does not have to be premises – based.</p> <p>Employment issues arising will be dealt with by the Councils HR Procedures.</p> <p>A full report has already been prepared.</p>
Q1 (sic)	CYP	£3.208 m		Please see above
Q2	CYP	£1,406m	Either reduce Youth Service provision to a statutory minimum (option 2) or create a mutual and award a contract to it for at least 3 years.	

## APPENDIX 1D – POLICY ANALYSIS OF 2015/18 BUDGET SAVINGS

### 1. Policy analysis of 2015/18 budget savings

This policy analysis describes how budget savings proposals for 2015-2018, will impact on the delivery of the Council's ten corporate priorities which are listed below. Any proposed budgetary savings have to be considered in the light of these priorities and the potential effect on services provided, and outcomes for both service users and the community at large. The effects are assessed as either positive, negative or neutral in terms of real impacts on the Council's functions and services.

- A. **Community leadership and empowerment:** developing opportunities for the active participation and engagement of people in the life of the community.
- B. **Young people's achievement and involvement:** raising educational attainment and improving facilities for young people through partnership working.
- C. **Clean, green and liveable:** improving environmental management, the cleanliness and care of roads and pavements, and promoting a sustainable environment.
- D. **Safety, security and visible presence:** partnership working with the police and others to further reduce crime levels (and using Council powers to combat anti-social behaviour).
- E. **Strengthening the local economy:** gaining resources to regenerate key localities, strengthen employment skills and promote public transport.
- F. **Decent Homes for all:** investment in social and affordable housing to achieve the decent homes standard, tackle homelessness and supply key worker housing.
- G. **Protection of children:** better safeguarding and joined up services for children at risk.
- H. **Caring for adults and older people:** working with health services to support older people and adults in need of care.
- I. **Active, healthy citizens:** leisure, sporting, learning and creative activities for everyone.
- J. **Inspiring efficiency, effectiveness and equity:** ensuring efficiency and equity in the delivery of excellent services to meet the needs of the community.

### 2. Presentation of analysis

The following analysis has been prepared, using various key headings. These offer a wide-ranging perspective of the impact of the budget savings.

Figure 1 and table 1 below illustrates that, of the £38.363m worth of savings identified for 2015/18, £17.5m or 45% are linked to Council priority (J) *'Inspiring efficiency, effectiveness and equity'*. The next highest savings total £7m (just over 18% of the total) is for priority (H) *'Caring for adults and older people'*, followed by £3.3m (nearly 9% of the total) for priority (I) *'Active, healthy citizens'*. It should be noted that these are also the areas of highest spend in the Council's budget.

By contrast smaller savings, all less than 3% of the overall total, are linked to priority (E) *'Strengthening the local economy'* £595k; priority (C) *'Clean, green & liveable'* £790k and priority (D) *'Safety, security & visible presence'* £1m.

<b>Figure 1 [Table 1]: Savings by corporate priority and directorate</b>		
<b>Corporate priority</b>	<b>Savings total (£'000s)</b>	<b>%age</b>
E. Strengthening the local economy	595	1.5
C. Clean, green and liveable	790	2
D. Safety, security & visible presence	1,000	2.6
F. Decent homes for all	1,200	3.1
B. Young people's achievement & involvement	2,157	5.6
G. Protection of children	2,307	6
A. Community leadership & empowerment	2,625	6.8
I. Active healthy, citizens	3,378	8.7
H. Caring for adults & older people	7,002	18.1
J. Inspiring efficiency, effectiveness & equity	17,533	45.4
<b>Grand Total</b>	<b>38,587</b>	<b>100</b>

Figure 2, table 2 below shows the value of savings being proposed by each directorate. The table reveals that savings valued at £16.1m (42% of the total) have been proposed by Community Services, some £5.4m worth of savings (14% of the total) have been proposed by the Children & Young People's Directorate, nearly £5m worth of savings (13% of the total) have been proposed by Resources & Regeneration, whilst Customer Services has proposed savings totalling nearly £2.6m (6% of the overall total).

<b>Figure 2 [Table 2]: Savings by corporate priority and directorate</b>						
<b>Corporate priority</b>	<b>All</b>	<b>COM</b>	<b>CUS</b>	<b>CYP</b>	<b>R&amp;R</b>	<b>Total '000's</b>

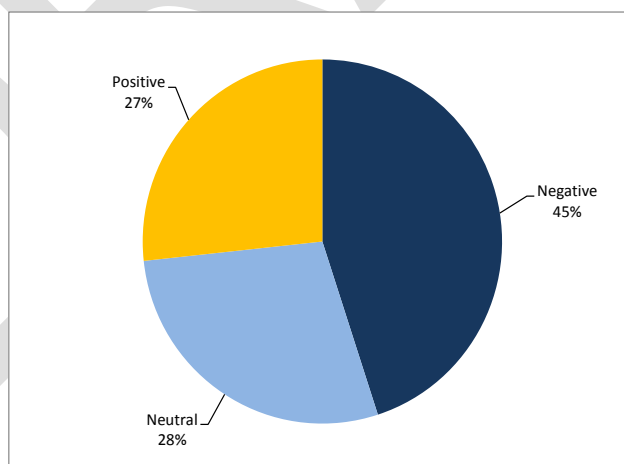
A. Community leadership & empowerment		1,500			1,125	2,625
B. Young people's achievement & involvement				2,157		2,157
C. Cleaner, greener liveable			790			790
D. Safety, security & visible presence		1,000				1,000
E. Strengthening the local economy					595	595
F. Decent homes for all			1,000		200	1,200
G. Protection of children				2,307		2,307
H. Caring for adults and older people		6,802	200			6,802
I. Active, healthy, citizens		3,354				3,354
J. Inspiring efficiency, effectiveness & equity	9,400*	3,530	600	974	3,053	17,533
<b>Total (£'000's)</b>	<b>9,400</b>	<b>16,186</b>	<b>2,590</b>	<b>5,438</b>	<b>4,973</b>	<b>38,587</b>

\*Refers to annual reduction in the application of non-pay inflation, which affects all directorates

### 3. Impact of savings proposals on the Council's corporate priorities

Figure 3 below shows the likely impact of savings proposals upon the delivery of the corporate priorities. These impacts have been identified as positive, negative or neutral. Of those savings proposed for 2015/18, a combined total of £21m or 55% are considered to have an impact that is either 'positive' (27%) or 'neutral' (28%). A further 45% of savings, totalling more than £17m are described as likely to have a 'negative' impact on the delivery of the Council's corporate priorities. The level of savings with a negative or neutral impact is far higher than in previous years.

**Figure 3**



### 4. Geographical impact

All savings proposals for the 2015/18 budget savings round are identified as affecting 'all wards'. As such, there is no specific ward impact arising from the proposals.



## 5. Equalities

The Public Sector Equality Duty (set out in the Equality Act 2010) requires the Council to have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation as well as to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.

The protected groups covered by the Equality Duty are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnerships, but only in respect of eliminating unlawful discrimination, within employment and training. It does not include a socio-economic duty.

The law requires that public authorities demonstrate that they have had 'due regard' to the aims of the Equality Duty in their decision-making. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which the Council can demonstrate that they have had 'due regard'.

Assessing impact on equality is not an end to itself and it should be tailored to, and be proportionate to, the decision being made. Whether it is proportionate for the Council to conduct an Equalities Analysis Assessment of the impact on equality of a financial decision or not depends on its relevance to the authority's particular function and its likely impact on people from protected groups, including staff.

Where proposals are anticipated to have an impact on staffing levels, it will be subject to consultation as stipulated within the Council's Employment/Change Management policies, and services will be required to undertake an Equalities Analysis Assessment (EAA) as part of their restructuring process.

It is also important to note that the Council is subject to the Human Rights Act, and should therefore also consider the potential impact their decisions could have on human rights.

### 5.1 Equalities impact

<b>Figure 4 [Table 3] Equality impacts</b>		
<b>Level of impact</b>	<b>Number of proposals</b>	<b>As a percentage*</b>
<b>High impact</b>	6	16
<b>Medium impact</b>	12	31.5
<b>Low impact</b>	0	0
<b>Low/neutral impact</b>	20	53.5
<b>Total</b>	<b>38</b>	<b>100</b>

Figure 4, table 3 below provides a high-level summary of the equality impact of 2015/18 budget savings proposals. The table reveals that the greater number of savings proposals 20 (53.5% of the total number) are judged as likely to have a low/ neutral equalities impact. By contrast, 12 savings proposals equivalent to 33% of the total number are judged as likely to have a medium equalities impact. Six savings proposals (16% of the total) are judged as likely to have a high equalities impact.

## 5.2 Equalities impact on all protected characteristics

Figure 5, table 4 below looks at the impact of savings proposals on the eight characteristics protected under the Equality Act 2010. The table reveals that the majority of the impacts being reported for each of the protected characteristics will be 'low/ neutral'. However, looking in more detail 'age' has the greatest number of savings that will have a 'high impact' (8), while 'age' and 'gender' are the characteristics that will have the greatest number of savings proposals that will have a 'medium impact' (12 each).

Figure 5 [Table 4] Equality impact by protected characteristic									
Impact	Ethnicity	Gender	Age	Disability	Religion/ Belief	Pregnancy/ Maternity	Marriage & Civil Partnerships	Sexual Orientation	Gender Reassign ment
<b>High</b>	1	2	8	3	0	1	0	1	0
<b>Mediu m</b>	9	12	12	9	1	1	2	4	2
<b>Low</b>	0	0	0	0	0	0	0	0	0
<b>Low/ neutral</b>	28	24	18	26	37	36	36	33	36

Figure 6, table 5 below provides details of all 2015/18 budget savings proposals, which have been identified as having a 'high' equalities impact on protected characteristics.

Figure 6 [Table 5] Proposals with a 'high' equalities impact						
Proposals	Ethnicity	Gender	Age	Disability	Pregnancy/ Maternity	Sexual Orientation
Reduction in the cost of learning and disability provision			<b>Yes</b>	<b>Yes</b>		
Remodelling building-based day services				<b>Yes</b>		
Charging for adult social care services		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>		

Public Health programme review (II)	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>		<b>Yes</b>	<b>Yes</b>
Restructure of the planning service			<b>Yes</b>			
Increasing income from educational psychologists and learning disabilities teams			<b>Yes</b>			
End discretionary Freedom Pass scheme			<b>Yes</b>			
Improve triage for children's social care services and redesign children's centre & early intervention offer			<b>Yes</b>			
Supplementary - Improve triage for Children's Social Care services & re-design Children Centre & Early Intervention offer			<b>Yes</b>			

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## APPENDIX 1E - Making Fair Financial Decisions



**This guidance has been updated to reflect the new equality duty which came into force on 5 April 2011. It provides advice about the general equality duty.**

### **0B Introduction**

With major reductions in public spending, public authorities in Britain are being required to make difficult financial decisions. This guide sets out what is expected of you as a decision-maker or leader of a public authority responsible for delivering key services at a national, regional and/or local level, in order to make such decisions as fair as possible.

The new public sector equality duty (the equality duty) does not prevent you from making difficult decisions such as reorganisations and relocations, redundancies, and service reductions, nor does it stop you from making decisions which may affect one group more than another group. The equality duty enables you to demonstrate that you are making financial decisions in a fair, transparent and accountable way, considering the needs and the rights of different members of your community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different protected groups (or protected characteristics under the Equality Act 2010).

Assessing the impact on equality of proposed changes to policies, procedures and practices is not just something that the law requires, it is a positive opportunity for you as a public authority leader to ensure you make better decisions based on robust evidence.

### **1B What the law requires**

Under the equality duty (set out in the Equality Act 2010), public authorities must have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation as well as to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.

The protected groups covered by the equality duty are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnerships, but only in respect of eliminating unlawful discrimination.

The law requires that public authorities demonstrate that they have had 'due regard' to the aims of the equality duty in their decision-making. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had 'due regard'.

It is also important to note that public authorities subject to the equality duty are also likely to be subject to the Human Rights Act. We would therefore recommend that

public authorities consider the potential impact their decisions could have on human rights.

## 2B Aim of this guide

This guide aims to assist decision-makers in ensuring that:

- The process they follow to assess the impact on equality of financial proposals is robust, and
- The impact that financial proposals could have on protected groups is thoroughly considered before any decisions are arrived at.

We have also produced detailed guidance for those responsible for assessing the impact on equality of their policies, which is available on our website:

[http://www.equalityhumanrights.com/uploaded\\_files/EqualityAct/PSED/equality\\_analysis\\_guidance.pdf](http://www.equalityhumanrights.com/uploaded_files/EqualityAct/PSED/equality_analysis_guidance.pdf)

## 3B The benefits of assessing the impact on equality

By law, your assessments of impact on equality must:

- Contain enough information to enable a public authority to demonstrate it has had 'due regard' to the aims of the equality duty in its decision-making
- Consider ways of mitigating or avoiding any adverse impacts.

Such assessments do not have to take the form of a document called an equality impact assessment. If you choose not to develop a document of this type, then some alternative approach which systematically assesses any adverse impacts of a change in policy, procedure or practice will be required.

Assessing impact on equality is not an end in itself and it should be tailored to, and be proportionate to, the decision that is being made.

Whether it is proportionate for an authority to conduct an assessment of the impact on equality of a financial decision or not depends on its relevance to the authority's particular function and its likely impact on people from the protected groups.

We recommend that you document your assessment of the impact on equality when developing financial proposals. This will help you to:

- **Ensure you have a written record of the equality considerations** you have taken into account.
- **Ensure that your decision includes a consideration of the actions that would help to avoid or mitigate any impacts on particular protected groups.** Individual decisions should also be informed by the wider context of decisions in your own and other relevant public authorities, so that particular groups are not unduly affected by the cumulative effects of different decisions.
- **Make your decisions based on evidence:** a decision which is informed by relevant local and national information about equality is a better quality decision. Assessments of impact on equality provide a clear and systematic way to collect, assess and put forward relevant evidence.
- **Make the decision-making process more transparent:** a process which involves those likely to be affected by the policy, and which is based on evidence, is much more open and transparent. This should also help you secure better public understanding of the difficult decisions you will be making in the coming months.
- **Comply with the law:** a written record can be used to demonstrate that due regard has been had. Failure to meet the equality duty may result in authorities being exposed to costly, time-consuming and reputation-damaging legal challenges.

## 4B When should your assessments be carried out?

Assessments of the impact on equality must be carried out at a **formative stage** so that the assessment is an integral part of the development of a proposed policy, not a

later justification of a policy that has already been adopted. Financial proposals which are relevant to equality, such as those likely to impact on equality in your workforce and/or for your community, should always be subject to a thorough assessment. This includes proposals to outsource or procure any of the functions of your organisation. The assessment should form part of the proposal, and you should consider it carefully **before** making your decision.

If you are presented with a proposal that has not been assessed for its impact on equality, you should question whether this enables you to consider fully the proposed changes and its likely impact. Decisions not to assess the impact on equality should be fully documented, along with the reasons and the evidence used to come to this conclusion. This is important as authorities may need to rely on this documentation if the decision is challenged.

It is also important to remember that the potential impact is not just about numbers. Evidence of a serious impact on a small number of individuals is just as important as something that will impact on many people.

## **5B What should I be looking for in my assessments?**

Assessments of impact on equality need to be based on relevant information and enable the decision-maker to understand the equality implications of a decision and any alternative options or proposals.

As with everything, proportionality is a key principle. Assessing the impact on equality of a major financial proposal is likely to need significantly more effort and resources dedicated to ensuring effective engagement, than a simple assessment of a proposal to save money by changing staff travel arrangements.

There is no prescribed format for assessing the impact on equality, but the following questions and answers provide guidance to assist you in determining whether you consider that an assessment is robust enough to rely on:

### **• Is the purpose of the financial proposal clearly set out?**

A robust assessment will set out the reasons for the change; how this change can impact on protected groups, as well as whom it is intended to benefit; and the intended outcome. You should also think about how individual financial proposals might relate to one another. This is because a series of changes to different policies or services could have a severe impact on particular protected groups.

Joint working with your public authority partners will also help you to consider thoroughly the impact of your joint decisions on the people you collectively serve.

**Example:** A local authority takes separate decisions to limit the eligibility criteria for community care services; increase charges for respite services; scale back its accessible housing programme; and cut concessionary travel. Each separate decision may have a significant effect on the lives of disabled residents, and the cumulative impact of these decisions may be considerable. This combined impact would not be apparent if the decisions were considered in isolation.

### **• Has the assessment considered available evidence?**

Public authorities should consider the information and research already available locally and nationally. The assessment of impact on equality should be underpinned by up-to-date and reliable information about the different protected groups that the proposal is likely to have an impact on. A lack of information is not a sufficient reason to conclude that there is no impact.

### **• Have those likely to be affected by the proposal been engaged?**

Engagement is crucial to assessing the impact on equality. There is no explicit requirement to engage people under the equality duty, but it will help you to improve the equality information that you use to understand the possible impact on your policy on different protected groups. No-one can give you a better insight into how proposed changes will have an impact on, for example, disabled people, than disabled people themselves.

- **Have potential positive and negative impacts been identified?**

It is not enough to state simply that a policy will impact on everyone equally; there should be a more in-depth consideration of available evidence to see if particular protected groups are more likely to be affected than others. Equal treatment does not always produce equal outcomes; sometimes authorities will have to take particular steps for certain groups to address an existing disadvantage or to meet differing needs.

- **What course of action does the assessment suggest that I take? Is it justifiable?**

The assessment should clearly identify the option(s) chosen, and their potential impacts, and document the reasons for this decision. There are four possible outcomes of an assessment of the impact on equality, and more than one may apply to a single proposal:

**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 having identified some potential for adverse impacts or missed opportunities to advance equality.** In this case, the justification should be included in the assessment and should be in line with the duty to have 'due regard'. For the most important relevant policies, compelling reasons will be needed. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact, as discussed below.

**Outcome 4: Stop and rethink** when an assessment shows actual or potential unlawful discrimination.

- **Are there plans to alleviate any negative impacts?**

Where the assessment indicates a potential negative impact, consideration should be given to means of reducing or mitigating this impact. This will in practice be supported by the development of an action plan to reduce impacts. This should identify the responsibility for delivering each action and the associated timescales for implementation. Considering what action you could take to avoid any negative impact is crucial, to reduce the likelihood that the difficult decisions you will have to take in the near future do not create or perpetuate inequality.

**Example:** A University decides to close down its childcare facility to save money, particularly given that it is currently being under-used. It identifies that doing so will have a negative impact on women and individuals from different racial groups, both staff and students.

In order to mitigate such impacts, the University designs an action plan to ensure relevant information on childcare facilities in the area is disseminated to staff and students in a timely manner. This will help to improve partnership working with the local authority and to ensure that sufficient and affordable childcare remains accessible to its students and staff.

- **Are there plans to monitor the actual impact of the proposal?**

Although assessments of impact on equality will help to anticipate a proposal's likely effect on different communities and groups, in reality the full impact of a decision will only be known once it is introduced. It is therefore important to set out arrangements for reviewing the actual impact of the proposals once they have been implemented.

## **6B What happens if you don't properly assess the impact on equality of relevant decisions?**

If you have not carried out an assessment of impact on equality of the proposal, or have not done so thoroughly, you risk leaving yourself open to legal challenges, which are both costly and time-consuming. Recent legal cases have shown what

can happen when authorities do not consider their equality duties when making decisions.

**Example:** A court recently overturned a decision by Haringey Council to consent to a large-scale building redevelopment in Wards Corner in Tottenham, on the basis that the council had not considered the impact of the proposal on different racial groups before granting planning permission.

However, the result can often be far more fundamental than a legal challenge. If people feel that an authority is acting high-handedly or without properly involving its service users or employees, or listening to their concerns, they are likely to be become disillusioned with you.

Above all, authorities which fail to carry out robust assessments of the impact on equality risk making poor and unfair decisions that could discriminate against particular protected groups and perpetuate or worsen inequality.

As part of its regulatory role to ensure compliance with the equality duty, the Commission will monitor financial decisions with a view to ensuring that these have been taken in compliance with the equality duty and have taken into account the need to mitigate negative impacts where possible.

[www.equality.humanrights.com](http://www.equality.humanrights.com)

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