

## **APPENDICES 8 to 10**

### **Contents**

Appendix 8 Specific Legal Implications

Appendix 9 Policy and Equalities Analysis

Appendix 10 Making Fair Financial Decisions Guidance

## Appendix 8

### Specific Legal Implications

Reference	Description	Savings Yr1/2/3 Total £'000	Legal implications
	<b>Theme A: Productivity</b>		
A-01	Productivity Staff Savings	6,000	Not known.  This is a saving of approx 3% across all services and it is for individual service managers to identify the measures to be taken to ensure that staff costs remain within budgets which will not increase with inflation for two years.
A-02	Enforcement Review – New Ways of Working	100	N/A
A-03	Review of work related travel arrangements to reduce costs	300	There will need to be a procurement process to identify a car and bike club scheme that would partner up with the Council
A-04	Process automation in Revenues and Benefits	160	None
A-05	Revenues and Benefits – Additional process automation	400	None
A-06	Process automation in Revenues and Benefits	400	None
A-07	Housing – Licensing and Housing Enforcement – New ways of working	202	No current legal implications – vacant posts being deleted and intro of new procedures.

A-08	Reduction in printing and paper	35	None
	<b>Theme B: Joint Working and Partnerships</b>		
B-02, C-03, E-06, F-03, F-04, F-05	Changes to Children's Social Care services	1,200	None
B-04	Stop Smoking Service medications	221	Approval required from SEL CCG Governing Body.
B-05	Housing – Capitalise project costs to the Disabled Facilities Grant (DFG)	425	At this time, it is the source of the staff funding budget that is being proposed to be changed, not a change to any contractual terms nor is it being proposed to change any service provision. If this is approved this will be dealt with through financial accounting processes.
B-06	Main Grants Programme	800	Full legal consideration will be given as the proposals are developed. It is clear as stated in the proposal that there will need to be consultation and full consideration will need to be given to the potential equalities impacts both when formulating the detailed proposals and when taking future decisions.
B-07	Council Events	100	None
B-08	No longer offer money management services for ASC clients lacking mental capacity to do so themselves	160	None
B-09	Ending free travel provision through the discretionary freedom pass scheme	300	None
B-10	Assemblies	223	The Assembly Programme is part of the Council's Constitution so this proposal, if accepted, would require that document to be amended.

	<b>Theme C: Service Reconfiguration</b>		
C-01	Redesign of Children's Joint Commissioning Service	140	None
C-02	Day Service and Supported Learning integration	150	Legal implications will depend on the detailed approach to be taken, but it is likely that matters to be considered will include consultation requirements, consideration of equalities impacts and (where appropriate) contract change.
B-02, C-03, E-06, F-03, F-04, F-05	Changes to Children's Social Care services	430	None
C-05	Housing – Service Reconfiguration in Housing Needs	127	No Implications at present as this is a realignment.
C-07	Review of Short Breaks delivery	165	None at present
C-08	Mobile Telephony	100	None at present
	<b>Theme D: Assets Rationalisation</b>		
D-01	Generating greater value from Lewisham's asset base	500	The Council already has a delivery Partner procured (Grainger) who could form part of the delivery system for this proposal. Otherwise, there are no specific legal implications at this stage and these will need to be considered as proposals are brought forward.
D-02, D-05, D-07, D-08	Generating greater value from Lewisham's asset base – Miscellaneous Items	250	The Council's functions in respect of homelessness are contained in Part 7 of the Housing Act 1996. A tenancy granted to a homeless household as part of any function under Part 7 of the Housing Act 1996 will not be secure, unless the local authority has notified the tenant that it is to be regarded as a secure tenancy. This enables the Council to grant short term non secure tenancies of TA for people where the

			Council is exercising its functions under Part 7.
D-03	Facilities management general cost reduction	50	N/A
D-04	Revision of security services	100	N/A
D-06	Catford Campus - Estate Consolidation	697	The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on 4 April. These Regulations permit public committee meetings to be held virtually. However, these are temporary changes which have been put in place during the coronavirus pandemic. There is nothing to suggest that authorities will not be required to revert to holding public meetings in person in due course. Accordingly, any proposal to mothball the Civic Suite will need to ensure that the Council will continue to be in a position to hold public committee meetings once the temporary changes come to an end
	<b>Theme E: Commercial approach</b>		
E-01	Improved debt collection	500	None. The specific legislation relied upon for the charging of the service / raising of the debt will be considered prior to the Council levy such charges.
E-02	Income from Building Control	50	N/A
E-03	Review of Council fees and charges	150	The Council relies on various acts of legislation and powers to levy fees and charges for services. These are always explicitly considered and commented on in setting these. Only fees and charges for which the Council can recover full costs of

			service delivery fall within the scope of this item.
E-04	Fees and Charges/ Client contributions	82	Detailed proposals will need to take account of the Council's statutory obligations and powers, including those set out in the document and equalities issues. The report confirms that consultation will be undertaken and full decision reports will contain detailed legal advice.
E-05	Traded Services with Schools	100	Detailed proposals will need to take account of the Council's statutory obligations and powers to trade and make charges.
B-02, C-03, E-06, F-03, F-04, F-05	Changes to Children's Social Care services	300	None
E-07	Housing – Bring rents for Private Sector Lease (PSL) and Private Managed Accommodation (PMA) in line with London Housing Allowance.	675	We are currently undertaking a full equalities impact assessment which will be available when it is complete and It will be brought back to members for considerable
E-08	Contract Efficiencies – inflation management	500	There are no specific legal implications arising from this cut. All contracts let separately consider any legal implications from a procurement and service specification
E-09	Realising the Benefits of the Oracle Cloud Solution	200	To the extent that the proposal is for the onward selling of some services to schools consideration will need to be given to the Council's powers to undertake that activity, at the point more detailed proposals are formulated.
E-10	Bereavement Services	250	Final decisions on the level of future charges will need to take into account the statutory framework for delivery of funeral services.
	<b>Theme F: Better demand management</b>		

F-01	Improved management of demand and productivity, Promoting and sustaining independence and making sure longer term support reflects a strength based approach to meeting assessed needs	3,000	ASC is a statutory service, all decisions made regarding how an enquiry is dealt with or the levels of care provided must comply with the care Act requirements and the national framework for Continuing health care
F-11 and F-02	Changes to Children's Social Care services	2,050	None
B-02, C-03, E-06, F-03, F-04, F-05	Changes to Children's Social Care services	1,060	None
F-06	Reducing costs of care for Adults with a Learning disability and Young people transitioning to adulthood	760	These proposals will take account and meet requirements of the following legislation:  The care Act 2014, National framework for NHS CHC, Children's and Young people's Act 1989 and 2008, Children's act 1989,2004, 2010, and The breaks for carers of Disabled children regulation 2011.
F-07	Reducing ASC costs associated with care and support - Enablement	200	Care Act 2014 TUPE regulations
F-08	Reducing ASC costs associated with care and support – Telecare/Linkline	100	Care Act 2014 TUPE regulations
F-09	Reducing ASC costs associated with care and support – Passenger Transport	600	Care Act 2014 TUPE regulations

F-10	Early Help (Children & Family Centres)	200	Current contract may need to be extended with a variation.
F-12	Housing – Optimise distribution of NRPF budget	300	This is a re-distribution of the budget. In the event there are proposals to materially change the service provision as a consequence, then an equalities assessment will be required
F-15	Street Cleansing - 5% Budget Saving Option for year 2022 - 2023	330	The Environmental Protection Act 1990 and DEFRA Code of Practice
F-16	Waste Minimisation for 2023 - 2024	250	<ul style="list-style-type: none"> <li>• Government targets for Waste including recycling and minimisation</li> <li>• The Mayor for London's Environment Strategy and its Reduction and Recycling Plan (RRP) process</li> </ul>
F-17 and F-18	Climate Emergency – Parking	1,500	Use of surplus income from parking charges and penalty charges is governed by section 55 of the Road Traffic Regulation Act 1984.



## Appendix 9

### Policy and Equalities Analysis – Budget Savings Proposals 2021-22

#### Introduction

This report summarises the anticipated impact of 2021-22 budget savings proposals on characteristics protected under the Equality Act 2010 and anticipated impact of the proposals on the corporate strategy priorities. In addition, the report highlights the anticipated impact of budget savings proposals on wards.

#### Impact of budget savings proposals on protected characteristics

Table A below, shows the anticipated impact of budget savings proposals on protected characteristics. Specifically the table shows that the protected characteristics of ethnicity, gender age, disability and pregnancy & maternity are the only ones with ‘high impact’ savings proposals against them. Of these, the protected characteristic of age has five ‘high impact’ proposals against it, whilst gender and disability each have four. By contrast, ethnicity and pregnancy & maternity have three and one ‘high impact’ savings proposal against them, respectively.

The balance of proposals which are anticipated to have a ‘medium impact’ is spread across all protected groups. However, the greatest number of ‘medium impact’ proposals (four each) affect the protected characteristics of disability and age.

Notable in the table below, is the high number of savings proposals, where there is expected to be low or no impact on protected characteristics.

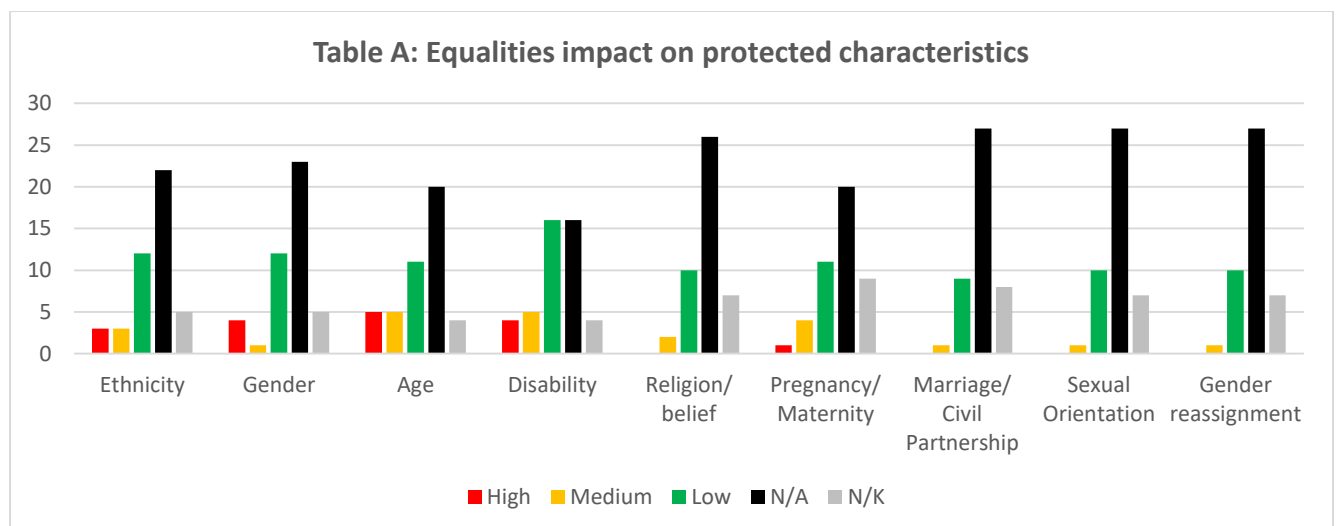


Table B below, shows the overall (cumulative) impact of savings proposals. This is based on an assessment of ‘high’, ‘medium’ and ‘low’ judgements across the various protected characteristics. Specifically, the table shows that about two thirds of savings proposals will have either a ‘low impact’ or no impact (not applicable). By contrast, savings judged to be ‘high impact’ represent about one in ten of the total number of proposals put forward. An example of a budget savings proposal with a

'high impact' is: reducing adults social care costs associated with care and support (£600k). The above-mentioned savings proposal is expected to have a 'high impact' on ethnicity, gender and age.

The table also shows that there are a number of savings proposals where the anticipated impact is recorded as not known (N/K), because no information was provided. However, the absence of this information is more likely to indicate that there was either no impact or no obvious impact.

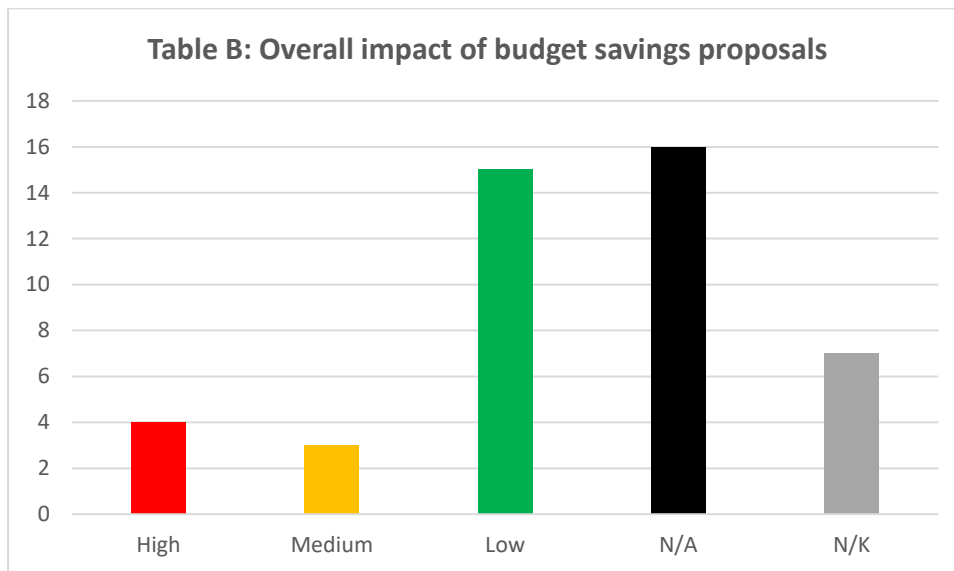
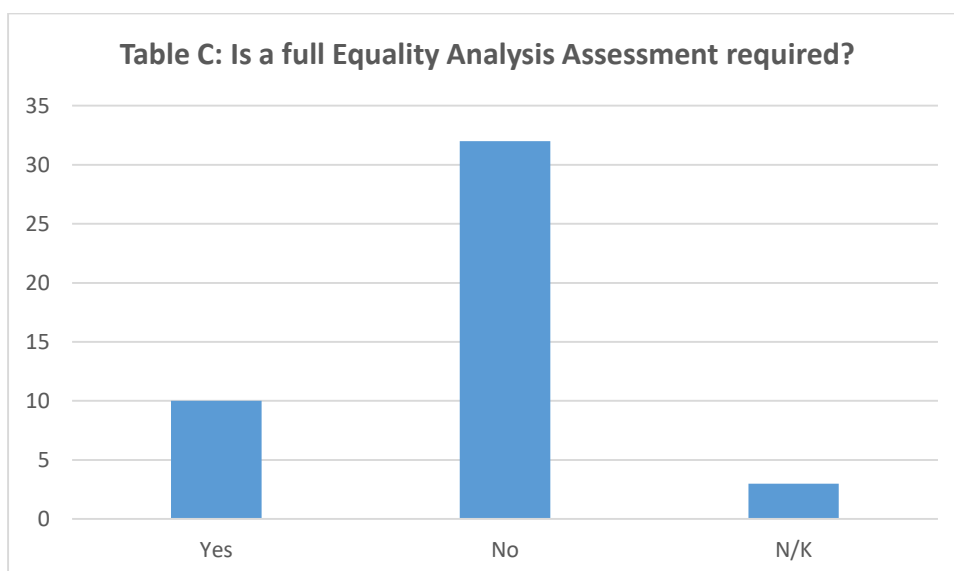


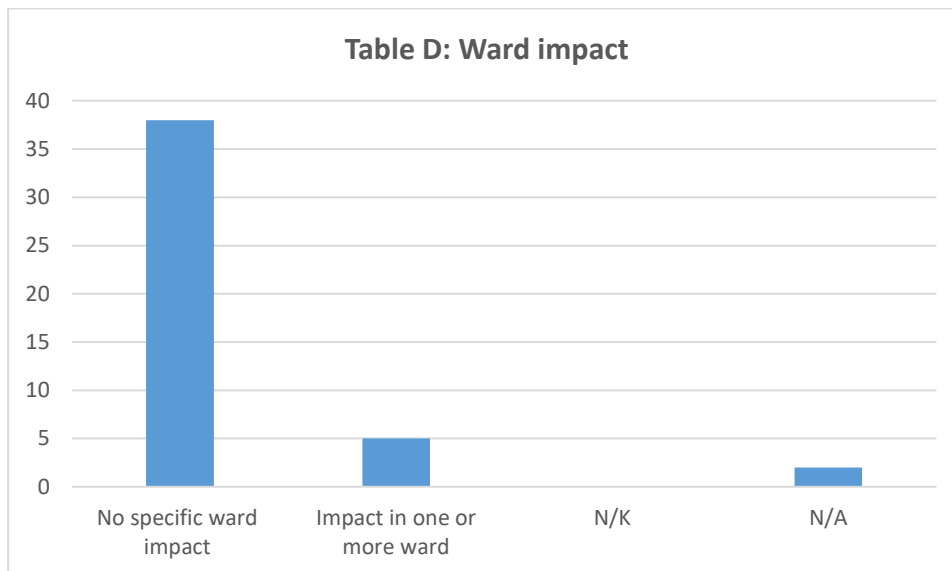
Table C, below shows the number of budget savings proposals where a full Equality Analysis Assessment (EAA) is required. Specifically, it shows that ten savings proposals will require a full EAA. An example of a budget saving where a full EAA is required is the proposal to bring rents for private sector lease and private managed accommodation in line with the London Housing Allowance.



### Geographical impact of budget savings proposals

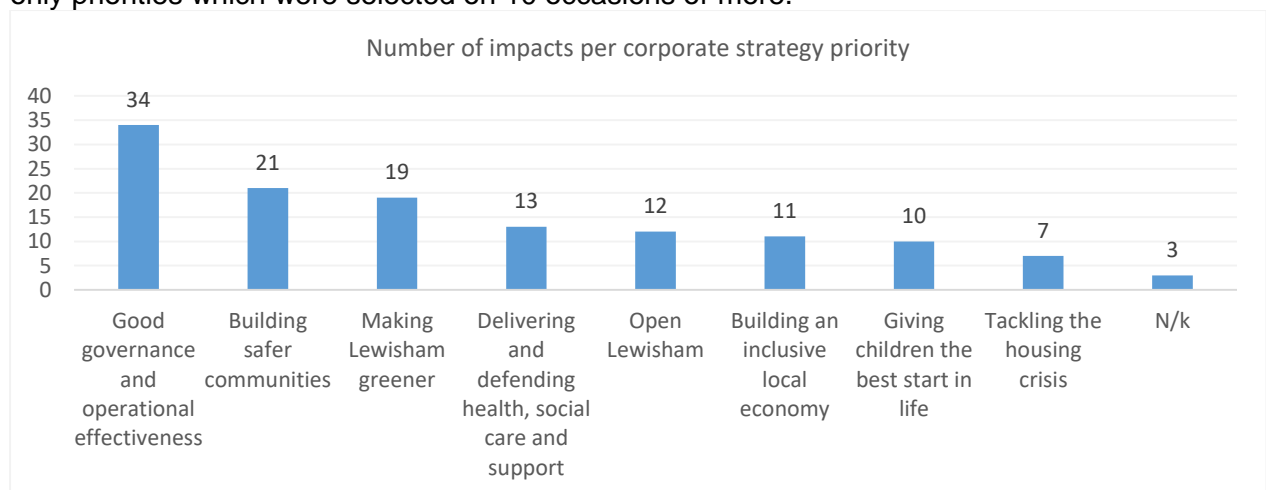
Table D below, shows that for the vast majority of savings proposals (more than two thirds) there is no specific ward impact.

The table shows that there are several savings proposals that are anticipated to have an impact on specific wards. These include a proposal for a £35k savings from the annual Blackheath Fireworks and a £300k proposed saving from the voluntary and community sector grants budget.



### Impact on corporate strategy priorities

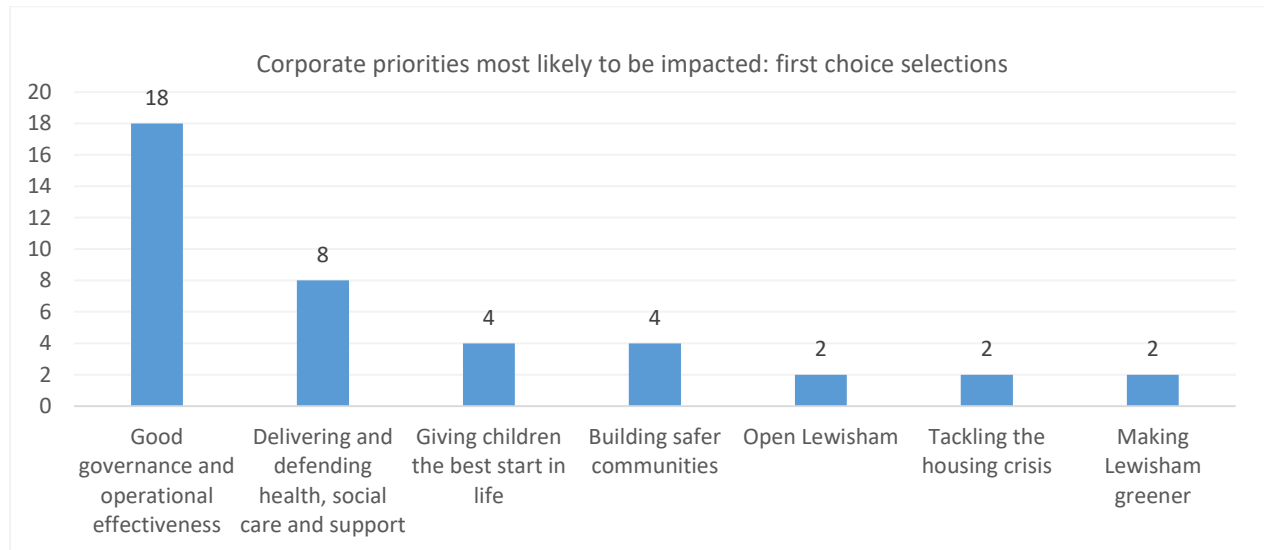
The information in the chart below shows the ranking of corporate strategy priorities relative to the number of impacts that savings proposals are expected to have on them. Specifically, the chart shows that 'good governance and organisational effectiveness' was selected on 34 occasions. The priority with the next highest number of impacts is 'building safer communities' which was selected on 21 occasions. Thereafter, 'making Lewisham greener' (19), 'delivering and defending health, social care and support' (13) and 'open Lewisham' (12), building and inclusive economy (11) and 'giving children the best start in life' are the only priorities which were selected on 10 occasions or more.



The information in the chart below shows the ranking of corporate strategy priorities relative to the number of times they were chosen first (in terms of likelihood of impact). The chart

clearly shows that ‘good governance and organisational effectiveness’ was the first choice selection on 18 occasions, which is as many times as the next four priorities put together: ‘defending and delivering health, social care and support’ (8), ‘giving children the best start in life’ (4), ‘building safer communities’ (4) and ‘open Lewisham’ (2).

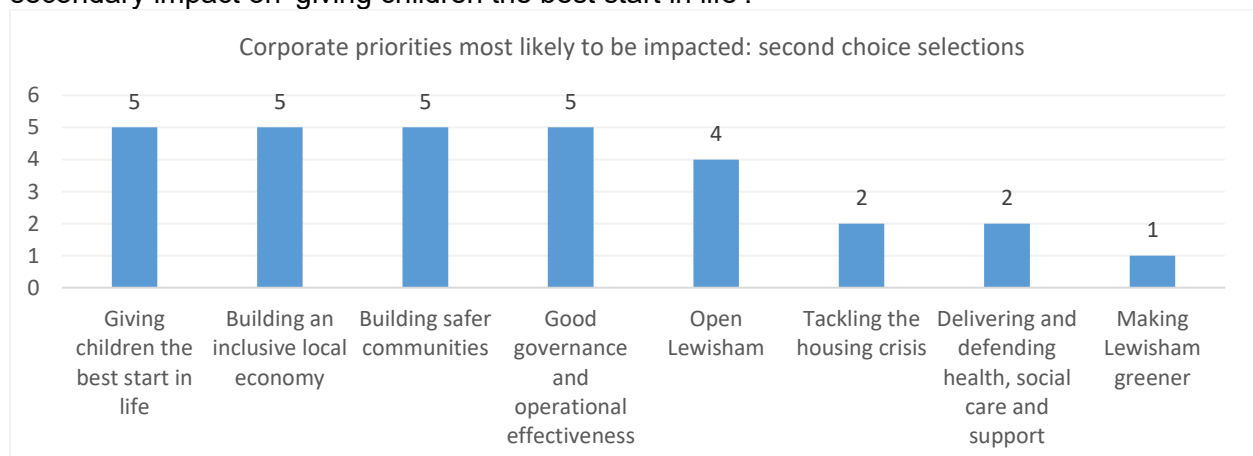
An example of a first choice selection is the £600K-674K saving proposed from the Catford campus estate consolidation, which primarily impacts ‘good governance and organisational effectiveness’.



The information in the chart below shows the ranking of corporate strategy priorities relative to the number of times they were chosen second (in terms of likelihood of impact).

Specifically, the chart shows that four priorities: ‘giving children the best start in life’, ‘building an inclusive local economy’, ‘building safer communities’ and ‘good governance and organisational effectiveness’ were each second choice selections on five occasions. By contrast, ‘open Lewisham’ (4), ‘tackling the housing crisis’ (2), ‘delivering and defending health, social care and support’ (2) and ‘making Lewisham greener’ were second choice selections less frequently.

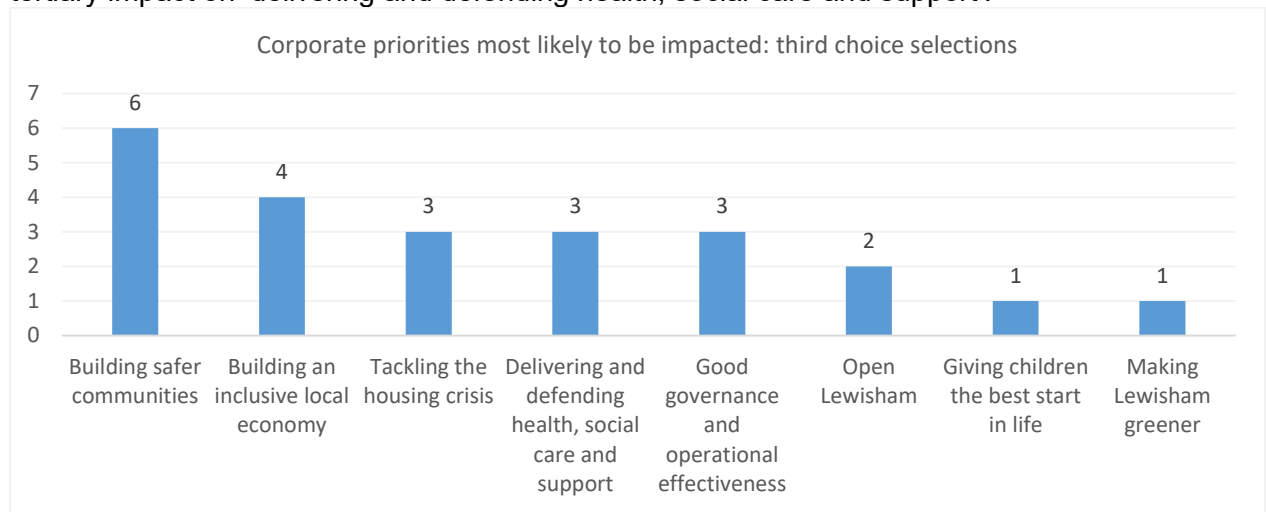
An example of a second choice selection is the £1.5M saving proposed from the reduction of costs of care for adults with a learning disability and young people transitioning to adulthood, which primarily impacts ‘delivering and defending health, social care and support’, but has a secondary impact on ‘giving children the best start in life’.



The information in the chart below shows the ranking of corporate strategy priorities relative to the number of times they were chosen third (in terms of likelihood of impact). Specifically, the chart shows that ‘building safer communities’ was a third choice selection on six occasions. By contrast, ‘building an inclusive local economy’, was a third choice selection on four occasions, whilst ‘tackling the housing crisis’, ‘delivering and defending, health social

care and support' and 'good governance and organisational effectiveness' where third choice selections on three occasions each.

An example of a third choice selection is the £165K saving proposed from the review of short breaks delivery, which principally impacts 'giving children the best start in life', but has a tertiary impact on 'delivering and defending health, social care and support'.



## Appendix 10



### **Making fair financial decisions Guidance for decision-makers**

3<sup>rd</sup> edition, January 2015

## **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 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 people with different protected characteristics.

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.

## **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 characteristics 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 1998. We would therefore recommend that public authorities consider the potential impact their decisions could have on human rights.

## 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 people with protected characteristics 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 at [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

## 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 with protected characteristics.

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 characteristics.** Individual decisions should also be informed by the wider context of decisions in your own and other relevant public authorities, so that people with particular protected characteristics 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.

## 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.

## 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 characteristics.

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 characteristics. 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 characteristics 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.

## **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. Legal cases have shown what can happen when authorities do not consider their equality duties when making decisions.

**Example:** A court 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 people with particular protected characteristics and perpetuate or worsen inequality.

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