



Derby City Council

# **Equality impact assessment form**

**Directorate**

Communities and Place

**Service area**

Projects, Water and Flood Risk Management

**Name of policy, strategy, review or function  
being assessed**

Flood Risk Management Strategy for Derby

**Date of assessment**

12/10/2016

**Signed off by**

Dave Bartram

## Equality impact assessment – please read this section first before you do the assessment

This is our equality impact assessment form to help you equality check what you are doing when you are about to produce a new policy, review an older one, write a strategy or plan or review your services and functions. In fact you need to do an equality impact assessment whenever a decision is needed that affects people and **before** that decision is made.

So why do we need to do equality impact assessments? Although the law does not require us to do them now, the courts still place significant weight on the existence of some form of documentary evidence of compliance with the **Public Sector Equality Duty** when determining judicial review cases. This method helps us to make our decisions fairly, taking into account any equality implications, so yes we still need to do them.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have ‘**due regard**’ to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a ‘**relevant protected characteristic**’ and people who don’t.

Having ‘due regard’ means:

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

The protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity

- race
- religion or belief
- sex
- sexual orientation

This completed form should be attached to any Chief Officer Group, Cabinet or Personnel Committee report to help elected members make their decisions by taking the equality implications into account. Equality impact assessments **must be done before** decisions are made. Include the Cabinet or Personnel Committee's decision on the front sheet when you know it.

You'll find that doing these assessments will help you to:

- understand your customers' and communities needs
- develop service improvements
- improve service satisfaction
- demonstrate that you have been fair and open and considered equality when working on re-structuring
- make sure you pay due regard to the requirements of the Public Sector Equality Duty.

Don't do the form by yourself, get a small team together and make sure you include key people in the team such as representatives from our Diversity Forums and employee networks and you could invite trade union representatives too – the more knowledge around the table the better. You also need to decide how and who you will consult with to help inform the equality impact assessment. Our Lead on Equality and Diversity can help with useful contacts – we have a team of people who are used to doing these assessments and can help with information on barriers facing particular groups and remedies to overcome these barriers.

You'll need to pull together all the information you can about how what you are assessing affects different groups of people and then examine this information to check whether some people will be negatively or positively affected. Then you'll need to look at ways of lessening any negative effects or making the service more accessible – this is where your assessment team is very useful and you can also use the wider community.

Agree an equality action plan with your assessment team, setting targets for dealing with any negative effects or gaps in information you

may have found. Set up a way of monitoring these actions to make sure they are done and include them in your service business plans.

When you have completed the assessment, get it signed by your Head of Service or Service Director and send it to our Lead on Equality and Diversity for checking and to publish on our website. It is a public document so must not contain any jargon and be easy to understand.

Remember, we need to do these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law – Equality Act 2010.

### **Equality groups and protected characteristics**

These are the equality groups of people we need to think about when we are doing equality impact assessments and these people can be our customers or our employees and job applicants...

- Age equality – the effects on younger and older people
- Disability equality – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties and people with physical impairments
- Gender reassignment – the effects on trans people
- Marriage and civil partnership equality
- Pregnancy and maternity equality - women who are pregnant or who have recently had a baby, including breast feeding mothers
- Race equality – the effects on minority ethnic communities, including newer communities, gypsies and travellers and the Roma community
- Religion and belief or non-belief equality – the effects on religious and cultural communities, customers and employees
- Sex equality – the effects on both men and women and boys and girls

- Sexual Orientation equality – the effects on lesbians, gay men and bisexual people

In addition, we have decided to look at the effects on families and people on low incomes too as we feel this is very important.

## **Contact for help**

Ann Webster – Lead on Equality and Diversity

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## **The form**

We use the term ‘policy’ as shorthand on this form for the full range of policies, practices, plans, reviews, activities and procedures.

Policies will usually fall into three main categories...

- Organisational policies and functions, such as recruitment, complaints procedures, re-structures
- Key decisions such as allocating funding to voluntary organisations, budget setting
- Policies that set criteria or guidelines for others to use, such as criteria about school admissions, procurement methods, disabled facilities grants, on street parking bays

If in doubt - do one! You never know when we may get a legal challenge and someone applies for Judicial Review.

## **What’s the name of the policy you are assessing?**

Flood Risk Management Strategy for Derby

## **The assessment team**

Team leader’s name and job title –

Other team members

<b>Name</b>	<b>Job title</b>	<b>Organisation</b>	<b>Area of expertise</b>
David Bartram	Head of Service	Streetpride	Municipal Engineering, Flood Risk and Maintenance
Kevin Tozer	Team Leader	Streetpride	Engineering and Flood Risk

### **Step 1 – setting the scene**

Make sure you have clear aims and objectives on what you are impact assessing – this way you keep to the purpose of the assessment and are less likely to get side tracked.

#### **1 What are the main aims, objectives and purpose of the policy? How does it fit in with the wider aims of the Council and wider Derby Plan? Include here any links to the Council Plan, Derby Plan or your Directorate Service Plan.**

The Council has a Statutory Duty to publish, maintain and review a Flood Risk Management Strategy (FRMS) which outlines how the authority is planning for and intends to manage flood risk in the city, from all sources other than Main River.

The FRMS briefly describes the flood risks to Derby but does not repeat the information in other documents including the Strategic Flood Risk Assessment, Surface Water Management Plan and Preliminary Flood Risk Assessment, all of which are available on the Derby City Council website and are updated periodically.

The completed FRMS provides details of the action plan of measures which the council intends to under which aim to reduce, manage and provide mitigation against the consequences of a flood event, should one occur.

This report outlines the potential impacts to residents of Derby as a consequence of implementation of the FRMS action plan.

**2 Who delivers/will deliver the policy, including any consultation on it and any outside organisations who deliver under procurement arrangements?**

Projects, Water and Flood Risk Management Team.

**3 Who are the main customers, users, partners, employees or groups affected by this proposal?**

Customers may be any resident or person who currently lives, works in or visits the city, whom may be affected by a flood event, either directly through flooding of premises or indirectly through the loss of any critical highway or infrastructure asset.

**Step 2 – collecting information and assessing impact**

**4 Who have you consulted and engaged with so far about this policy, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as**

**accessible locations, interpreters and translations, accessible documents.**

A draft document was issued to internal departments within the authority for initial comments.  
 Alterations to the original draft have been incorporated in the draft public consultation document.  
 Public consultation process to commence the 16<sup>th</sup> December and close 24<sup>th</sup> January 2017.  
 The consultation process will include the following:  
 Members of the public;  
 Neighbouring Local Authorities;  
 Severn Trent Water;  
 Heritage England;  
 Natural England;  
 Highways England;  
 Derby City Spatial Planners;  
 Derby City Parks;  
 The Environment Agency;  
 Derbyshire Constabulary,  
 Derbyshire Fire and Rescue;  
 Derby City Emergency Planners.

**5 Using the skills and knowledge in your assessment team, and from any consultation you have done, what do you already know about the equality impact of the policy on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each equality group whether this is a negative impact, a positive one or if you are not sure**

<b>Equality groups</b>	<b>What do you already know?</b>	<b>No impact</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Not sure</b>
<b>Age</b>	Elderly residents may have mobility issues and as a consequence may be more difficult to evacuate, if a flood were to occur. Evacuated elderly residents may be at additional risk if suitable alternative		<b>x</b>		



	accommodation / rescue centre provision is not available.				
<b>Disability</b>	Disabled residents, particularly those who may be bedridden may be more difficult to evacuate if a flood were to occur. As a consequence they would be at significant risk. Evacuated disabled residents may be at additional risk if suitable alternative accommodation / rescue centre provision is not available.		<b>x</b>		
<b>Gender reassignment - trans</b>	No Specific Impact.	<b>x</b>			
<b>Marriage and civil partnership</b>	No Specific Impact.	<b>x</b>			
<b>Pregnancy and maternity</b>	Women who are heavily pregnant are at increased risk as they may require emergency evacuation, which may be problematic during flood events.		<b>x</b>		
<b>Race</b>	No Specific Impact.	<b>x</b>			
<b>Religion or belief or none</b>	No Specific Impact.	<b>x</b>			
<b>Sex</b>	No Specific Impact.	<b>x</b>			
<b>Sexual Orientation</b>	No Specific Impact.	<b>x</b>			
<b>Families and people on low income</b>	Families and people on low incomes may find it difficult to find alternative		<b>x</b>		

	accommodation if the properties are inundated during a flood. Additionally they may also suffer an extra burden through loss of earnings / increased costs as work places may need to close down during an event / or transport costs increase, through the loss of critical highway networks.				
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**Important** - For any of the equality groups you don't have any information about, then make it an equality action at the end of this assessment to find out. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later. You can get lots of information on reports done from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

**6 From the information you have collected, how are you going to lessen any negative impact on any of the equality groups? How are you going to fill any gaps in information you have discovered?**

The FRMS has an action plan, with measures which if implemented will reduce the impact of flooding to the residents of Derby. Furthermore, the FRMS action plan will propose measures which if implemented will help to plan for and provide mitigation against the loss of critical highways and other municipal infrastructure, were a flood to occur.

### Step 3 – deciding on the outcome

**7 What outcome does this assessment suggest you take? – You might find more than one applies. Please also tell us why you have come to this decision?**

<b>Outcome 1</b>	<b>x</b>	<b>No major change needed</b> – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken
<b>Outcome 2</b>		<b>Adjust the policy</b> to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
<b>Outcome 3</b>		<b>Continue the policy</b> despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are: <ul style="list-style-type: none"> <li>• sufficient plans to stop or minimise the negative impact</li> <li>• mitigating actions for any remaining negative impacts</li> <li>• plans to monitor the actual impact.</li> </ul>
<b>Outcome 4</b>		<b>Stop and rethink</b> the policy when the EIA shows actual or potential unlawful discrimination

Our Assessment team has agreed Outcome number(s)

**1**

Why did you come to this decision?

Implementation of the FRMS action plan will provide benefits to the city by reducing / managing flood risk for all residents, including those perhaps classed as being more vulnerable.

The implementation plan will improve the current drainage asset in the city in order to reduce flood risk. Improvements to any drainage network will be undertaken in a manner which aligns with current asset management principles, with schemes being promoted on a risk prioritisation basis, in order to achieve the most cost beneficial outcomes.

If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the policy. You also need to make sure that there are actions in the Equality Action Plan to lessen the effect of the negative impact. This is really important and may face a legal challenge in the future.

If you have decided on **Outcome 4** then if the proposal continues, without any mitigating actions, it may be likely that we will face a legal challenge and possibly a Judicial Review on the process - it is really important that the equality impact assessment is done thoroughly, as this is what the Judge will consider.

#### **Step 4 – equality action plan – setting targets and monitoring**

- 8 Fill in the table (on the next page) with the equality actions you have come up with during the assessment. Indicate how you plan to monitor the equality impact of the proposals, once they have been implemented.**

## Equality action plan – setting targets and monitoring

[illegible]

**Make sure you include these actions in your Directorate service business plans.**