

Due Regard Statement

Person(s) responsible for completing this statement Philip Williams	Date statement started: 21st November 2012 Date statement completed: 4th March 2013
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Name of the policy, service, strategy, procedure or function: (indicate whether new or revised)

Community Right to Challenge

Briefly describe its aims and expected outcomes

This is a new statutory duty to enable relevant bodies (VCS, parish councils and groups of two or more council employees) to submit expressions of interest for taking on the running of council services. The government's stated aim is to increase the diversity of public sector provision, including through community, third sector and staff mutual bodies.

Gathering the evidence base

List the main sources of data, research and other sources of evidence, including full references, used to determine the impact of your work on each of the protected groups. If there are gaps in evidence, state what you will do to close them in the Action plan at the end of this document.

	<p align="center">Service user data</p> <p>(if applicable) If service user data is not available, use the action plan below to identify how service user data will be collated in the future.</p>	<p align="center">Other</p> <p>(for example, local demographic data, research , ONS, partner data, officer knowledge)</p>
<p>All</p>	<p>This policy covers the council’s approach to implementing the Community Right to Challenge. It is intended to cover all relevant services as defined in the Localism Act 2011.</p> <p>To comply with its Equalities Duty the council will consider equalities implications at all key stages in the process:</p> <p><u>Evaluation of the Expression of Interest (Eoi):</u> The officer panel will review the equalities implications of an Eoi to ensure that the impact on people with different protected characteristics is understood. This includes considerations of the implications for any TUPE/staff transfers. An equalities representative will sit on the panel where appropriate.</p> <p><u>Cabinet or Lead Cabinet Member Decision:</u> Any decision to approve or reject an Expression of Interest will consider the equalities advice provided by the officer panel.</p> <p><u>Commissioning a Service Review and Procurement of a new service:</u> Data on service users will be evaluated to ensure that the impact on people with different characteristics is understood and appropriate mitigations are included in the new service specification.</p>	<p>The nature of the evidence base required for each stage in the decision making process will depend upon the service and the users of that service.</p>

Age		
Disability		
Sex		
Race (including Gypsy & Traveller)		
Gender reassignm ent		
Marriage & civil partnership		
Pregnancy & maternity		
Religion or Belief		
Sexual Orientation		

	<p style="text-align: center;">Workforce data</p> <p>If employees are affected by your 'project' please outline the profile of the workforce affected below.</p>
All	<p>This policy covers the council's approach to implementing the Community Right to Challenge. It is intended to cover all relevant services as defined in the Localism Act 2011.</p> <p>To comply with its Equalities Duty the council will consider equalities implications at all key stages in the process:</p> <p><u>Evaluation of the Expression of Interest (Eoi):</u> The officer panel will review the equalities implications of an Eoi to ensure that the impact on members of our workforce with different protected characteristics is understood. This includes considerations of the implications for any TUPE/staff transfers. An equalities representative will sit on the panel where appropriate.</p> <p><u>Cabinet or Lead Cabinet Member Decision:</u> Any decision to approve or reject an Expression of Interest will consider the equalities advice provided by the officer panel.</p> <p><u>Commissioning a Service Review and Procurement of a new service:</u> Data on the workforce will be evaluated to ensure that the impact on staff with different characteristics is understood and appropriate mitigations are included in the new service specification.</p>
Age	
Disability	
Sex	
Race (including Gypsy & Traveller)	

Gender reassignment	
Marriage & civil partnership	
Pregnancy & maternity	
Religion or Belief	
Sexual Orientation	

Consultation and engagement

List all types of consultation that has taken place during the development of this activity. Include on-line consultations, events, meetings with stakeholders, community events, employee consultation exercises etc

The council will promote the Community Right to Challenge on its web site and using other channels in order to raise awareness about how to submit an Expressions of Interest (Eoi). Details of the Eoi process will be published on the council's web site.

Channels including through local councillors, the VCS Assembly, Parish and Town Council newsletter, Village & Community Agents, Area Liaison Officers and its internal website for staff.

Decisions by Cabinet or Lead Cabinet Members regarding Expressions of Interest made will be published on the council's web site.

Where a decision leads to a service review or procurement exercise there will normally be consultation with service users. Depending on the nature of the proposals there may be consultation with staff.

Proposals which are included within the council's draft budget will also be subject to normal budget consultation arrangements.

The council's approach will be reviewed after one year in order to consider ways it can be improved.

Equality analysis: What the evidence shows

Considering the evidence and engagement activity you listed above, please summarise the impact of your work. Consider whether the evidence shows potential for differential impact, if so state whether adverse or positive and for which groups. In the next section you will be required to document how you will mitigate any negative impacts.

Useful questions to consider:

Do policy outcomes and service take-up differ between people with different protected characteristics?

What are the key findings of your engagement?

If there is a greater impact on one group, is that consistent with the policy aims?

If the policy has negative impacts on people with particular characteristics, what steps can be taken to mitigate these effects?

Does any part of the policy discriminate unlawfully?

Will the policy deliver practical benefits for certain groups?

Does the policy miss opportunities to advance equality of opportunity and foster good relations?

Do other policies need to change to enable this policy to be effective?

What are the impacts to the workforce?

Briefly outline your main findings that relate to the Council's commitment to: **Eliminate discrimination (consider potential for indirect discrimination) Advance equality of opportunity Promote good relations. This can include challenges and opportunities.**

Note: If you are assessing a number of options, you should consider the opportunities and challenges of EACH option.

Protected group	Challenge or opportunity
All	<p>It is difficult to assess at this stage the potential impact of this policy on the nine equality groups with protected characteristics. Overall it is more likely to have a positive impact as the government's aim is to increase the diversity of public sector provision, including through community, third sector and staff mutual bodies.</p> <p>This policy creates a formal opportunity for groups representing people with a protected characteristic to step forward and offer to run a service, with enhanced outcomes for these users. However there is a risk that new</p>

	providers may lack expertise on equalities and focus on services for one group of people to the detriment of others.
Age(A)	
Disability (D)	
Sex (S)	
Race (including Gypsy & Traveller)(R)	
Gender reassignment(GR)	
Marriage & civil partnership (MCP)	
Pregnancy & maternity (PM)	
Religion and/or Belief (RAOB)	
Sexual Orientation(SO)	

Carers	

Strengthening actions: Outline what actions have been identified to mitigate the key findings identified above by protected group.

Potential/ actual impact	Protected group (s) affected	Proposed mitigating action(s)	Accountability	Timeframe
Expression of Interest (Eol) does not consider the equalities impact on a protected group	Any/all	Council's officer panel will consider equalities at the Eol evaluation stage.	Officer Panel	Annually from July to September
The Right to Challenge Process does not consider Equalities issues effectively	Any/all	Review process after one year	Lead Commissioner Community Infrastructure	January- March 2014
The Right to Challenge Process does not engage effectively with the VCS and other relevant bodies	Any/all	Review process after one year	Lead Commissioner Community Infrastructure	January- March 2014
Negative impacts on protected groups are not identified	Any/all	Consider equalities at all key stages of decision making and commissioning processes: <ul style="list-style-type: none"> • Evaluation of Eol's • Cabinet or LCM decision; • Service review; and • Procurement of new service 	Lead officer for the service area subject to the Expression of Interest.	As required

Monitoring and Review

Please indicate what processes/actions will be put in place to keep this 'activity' under review.

Action	Accountability	Timeframe
Annual review of process	Lead Commissioner Community Infrastructure	January to March 2014

Sign off and Scrutiny

Signed off as complete by: Philip Williams	Date: 4 th March 2013
Senior level sign off: Director/Head of Service Nigel Riglar	Date: 4 th March 2013
Name of relevant Portfolio Holder/Cabinet Member: Will Windsor-Clive I confirm that I have examined sufficient information and understood the potential impact of the proposal. I am in agreement with the proposed mitigating actions and confirm that I have had due regard to the needs set out in section 149 of the Equality Act 2010.	

Signed by Portfolio Holder/Cabinet Member: 	Date: 4 th March 2013
Assessment published alongside cabinet report	Date: