



Derby City Council

Equality impact assessment form

Directorate - Communities and Place

Service area - Community Leisure

**Name of policy, strategy, review or function
being assessed – Closure of water play facility,
Derby Arboretum Park**

Date of assessment - 23 February 2016

**Signed off by
Cabinet, Personnel Committee or Chief Officer
Group's decision**

Date published on website

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

ann.webster@derby.gov.uk

Tel 01332 643722

Minicom 01332 640666

Mobile 07812 300079

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?

The assessment team

Team leader's name and job title – Stuart Kitchen, Parks Development Officer
Other team members

Name	Job title	Organisation	Area of expertise
Mick McNaught	Community Parks Officer	Derby City Council	Parks Management
Neil Granthier	Community Parks Officer	Derby City Council	Parks Management

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.

To close the seasonal water play facility at Derby Arboretum Park as a budget saving measure. The water play is open for fifteen weeks, weekends only from spring bank holiday until the start of the school summer holidays when it is open on a daily basis until September. It is costly to run with the chemicals required to operate it, the mains water costs and associated staffing costs. The park has some of the best play facilities in the city and therefore provides significant play value for local children throughout the year. The water play is a desirable seasonal addition to this offering, but the need to make budget savings has led to the proposal to close this facility whilst continuing to provide and maintain what is one of the best play areas in the city.

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

The water play facility is provided by the Parks Team within the Leisure and Culture Directorate. The closure of the facility was put forward as part of the Council's budget proposals.

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

The main customers affected by this proposal are children and families primarily from the Normanton and Arboretum wards who might use the water play facilities at Derby Arboretum Park, for a limited period during the summer months.

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.

Consultation has taken place as part of the City Council's budget consultation process.

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

Equality groups	What do you already know?	No impact	Positive impact	Negative impact	Not sure
Age	This proposal affects children young people and families who might use the facilities concerned for a limited period during the summer months.			√	
Disability	The facilities concerned are available to all and could therefore have some impact on disabled users.				√
Gender reassignment - trans	Should have no impact	√			
Marriage and civil partnership	Should have no impact	√			
Pregnancy and maternity	Should have no impact	√			
Race	The facility concerned is located in one of the most diverse communities in the city. However the park will still offer some of the best play facilities in the city following the water play closure.			√	
Religion or belief or	Should have no impact				√

none					
Sex	Should have no impact	√			
Sexual Orientation	Should have no impact	√			
Families and people on low income	Offers a play opportunity for those on low income, but there are alternative opportunities within the city.			√	

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 lesson any negative impact on any of the equality groups? How are you going to fill any gaps in information you have discovered?

Even without the water play, which is only used for a limited seasonal period, Derby Arboretum has some of the best play facilities in the city which are available all the year round. The park also offers significant informal play and educational facilities with its banks, trees and heritage landscape. The park also offers opportunities to practise cricket and football and other all the year round within sports courts and cricket nets.

The City Council is one of the very few local authorities in the country who still provides a large paddling pool facility on one of its parks. The Paddling Pool is located on Derby's most popular park, Markeaton, and is available for children throughout the city to use and enjoy through the summer months. To complement this there is a range of attractive and exciting play and sporting opportunities on this park which is a regional facility, offering an affordable day out for all including those on low incomes.

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?

Outcome 1		No major change needed – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken
Outcome 2		Adjust the policy to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
Outcome 3	√	Continue the policy 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"> • sufficient plans to stop or minimise the negative impact • mitigating actions for any remaining negative impacts • plans to monitor the actual impact.
Outcome 4		Stop and rethink the policy when the EIA shows actual or potential unlawful discrimination

Our Assessment team has agreed Outcome number(s)

Outcome 3 – The impact of the decision to close the water play should only have a very limited impact. The facility is only operational for a few weeks per year and the effect of its loss would be mitigated by the fact that following significant investment, Derby Arboretum continues to offer some of the best play facilities in the city which are open to everyone, every day. For those who would like to enjoy water play, the paddling pool at Markeaton Park is only a few miles away and offers an affordable day out experience for all including those on low incomes which we will advertise at the Arboretum.

Why did you come to this decision?

Budget pressures have meant that we have had to look at ways to reduce costs to the service as a whole whilst minimising impact. The water play is a seasonal facility, which may not be available much anyway due to the weather during some years. Its loss is mitigated by other play facilities both on Derby Arboretum Park and on other parks within the city.

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

What are we going to do to advance equality?	How are we going to do it?	When will we do it?	What difference will this make?	Lead officer	Monitoring arrangements
To staff and resource Derby Arboretum Park during summer 2016, to a higher level than other parks with the exception of Markeaton Park.	By providing staff resources to ensure that parks is safe, clean and well maintained	2016	Will ensure that park is well maintained	M McNaught	Regular Management Meeting
To enter Derby Arboretum Park for a Green Flag Award and prepare the park to achieve this national benchmarking standard.	Staff resources and partnership working to include the development of a management plan to drive a process of continuing improvement.	2016	Will ensure that the park is continually improving against nationally recognised criteria	M McNaught, S Webster, S Kitchen	Regular Management Meeting
Development of a Friends group to engage local people and communities in all aspects of park life	Cultivating Friends Project running with partners and park user groups to set up a Friends Group	2016	Friends group will work with the parks team to identify future areas of improvement for developing park activities and action plan.	M McNaught	Regular Management Meeting
Promoting free and affordable	Posters and leaflets on the	2016	Raise awareness of recreational facilities that	M McNaught	Regular Management Meeting

recreational facilities across the city	Arboretum		can be accessed		

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