

# **Equality impact assessment form**

**Directorate: All**

**Organisational Policy**

**Know Your Customer Policy**

**30/10/18**

**Don McLure – Strategic Director of Corporate  
Resources**

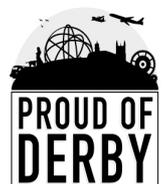
**Corporate Leadership Team Date:**

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Derby City Council



## **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 identity
- 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. Against every negative impact you will need to complete the mitigation section to explain how you will lessen the impact.

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 identity – 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

## **Contact for help**

Ann Webster – Lead on Equality and Diversity

[ann.webster@derby.gov.uk](mailto:ann.webster@derby.gov.uk)

Tel 01332 643722 Minicom 01332 640666 Mobile 07812301144

## 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 – it’s better and safer to do an Equality Impact Assessment than not to bother! 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?

### Know Your Customer Policy 2018

### The assessment team

Programme Manager: Delivering Differently

Other team members:

<b>Job title</b>	<b>Organisation</b>	<b>Area of expertise</b>
Project Manager- Delivering Differently	Derby City Council	Chair of the LGBTQ+ Employee's Network
Lead on Equality and Diversity	Derby City Council	Equality and Diversity across all protected characteristics
Strategic Commissioning &	Derby City Council	Chair of Disabled Employees

Job title	Organisation	Area of expertise
Partnership Officer		Network

## 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 policy is in place to meet the legislative requirements under the Anti-Money Laundering EU Directive (IV) of 2015, Sanctions and Money Laundering Act 2018 and the Money Laundering Regulation, terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017.

The policy details the forms of identification that clients/customers will be required to present before receiving a pre-payment card. These require that all clients provide:

- (a) Proof of their National Insurance (NI) number and
- (b) **Two** pieces of separate evidence to prove the customer's identity **AND** the customer's current address. *Evidence of identity can be in documentary or electronic form.*

The policy is in place to protect the Council and the citizens of Derby from the misappropriation of funds and manage the risk of potential fines and legal penalties enforced for not adhering to the above regulations.

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

The policy will be delivered by any officer processing a client application for an electronic bank account/pre-paid card. The policy is in place to ensure that legislative checks are completed and that due diligence has taken place before the Council/its banking partners\* set up an electronic bank account/pre-paid card\*.

[\*These will be dependent upon current Council contracts and a robust tendering/procurement process]

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

All Council customers who are offered or request the Council to provide electronic banking facilities (pre-pay cards) for appointeeships, direct payments, care leaver payments, benefit payments or homeless payments. Officers dealing with the requests, banking partners and contractors administering the pre- payment cards

**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.**

I have consulted with the Chair of the LGBTQ+ (around the issue of having Birth certificates as an option for ID checking) and the Lead on Equality and Diversity

The policy will be made available in a range of languages and formats as requested

**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 protected characteristic group whether this is a negative or a positive impact. If it's negative, fill in the mitigation section as well to explain how you are going to lessen the impact.**

### **Age**

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
The Policy will apply to young people receiving Care Leaver payments and older disabled people who receive direct payments and apply for an electronic bank account or pre payment card There is a range of identity documents that can be used so that no-one is disadvantaged	Yes		

### **Disability**

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
The Policy will apply to disabled people on Direct Payments if they apply to have an electronic bank account or pre-payment card. There is a range of identity documents that can be used so that no-one is disadvantaged The Policy can be made available in a range of languages and formats so disabled people can	Yes		.

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
access it			

### **Gender identity- trans**

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
We know that there may be some concern about us requesting a birth certificate for identification purposes However, the legislation offers a further three alternatives for proving identity (including Driver's Licence, Valid Passport and Biometric Resident Permit)	<b>Yes</b>		

### **Marriage and Civil Partnership**

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
Not applicable			

### **Pregnancy and maternity**

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
Not applicable – the policy is concerned with confirming ID.			

### **Race**

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
The Policy can be			

provided in a range of languages on request. Birth certificates from other countries will be accepted but may be required to be translated by the Council to ensure that thorough checks are completed in line with current regulations.			
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### Religion or belief or none

What do you already know?	Positive impact	Negative impact	Mitigation
Not applicable – the policy is concerned with confirming ID.			

### Sex

What do you already know?	Positive impact	Negative impact	Mitigation
We know that there may be some concern about us requesting a birth certificate for identification purposes However, the legislation offers a further three alternatives for proving identity (including Driver's Licence, Valid Passport and Biometric Resident Permit)	Yes		

### Sexual orientation

What do you already know?	Positive impact	Negative impact	Mitigation
Not applicable – the policy is concerned with confirming ID.			

**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 policy has been changed to reflect feedback on the wording for our transgendered, gender-fluid and genderqueer customers. It was changed before presenting to the Cabinet member and before sign-off from Legal and Finance.

**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>		<p><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:</p> <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>		<p><b>Stop and rethink</b> the policy when the EIA shows actual or potential unlawful discrimination</p>

Our Assessment team has agreed Outcome number(s)

<p>Number 1</p>
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Why did you come to this decision?

<p>We agreed on outcome 1 - as we felt confident there were enough options for identification so as not to disadvantage any particular group</p>
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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 this table 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

#### Age

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
N/A			

#### Disability

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
N/A			

#### Gender identity - trans

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
N/A			

#### Marriage and Civil Partnership

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
N/A			

#### Pregnancy and maternity

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
N/A			

### **Race**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
N/A			

### **Religion or belief or none**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
N/A			

### **Sex**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
N/A			

### **Sexual orientation**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
N/A			

We can give you this information in any other way, style or language that will help you access it. Please contact us on: 01332 643722  
Minicom: 01332 640666

### Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku.

Prosimy o kontakt: **01332 643722** Tel. tekstowy: 01332 640666

### Punjabi

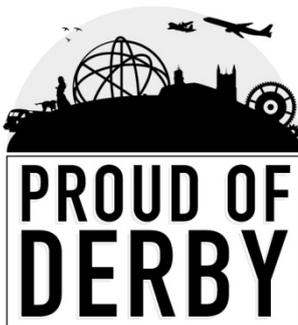
ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਟੈਲੀਫੋਨ **01332 643722** ਮਿਨੀਕਮ 01332 640666 ਤੇ ਸੰਪਰਕ ਕਰੋ।

### Slovakian

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Skontaktujte nás prosím na tel.č: 01332 643722 Minicom 01332 640666

### Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم **01332 643722** پر ہم سے رابطہ کریں۔



Derby City Council