

Equality Impact Assessment

An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in decision-making.

When to assess

An EIA should be carried out when you are changing, removing or introducing a new service, policy or function. The assessment should be proportionate; a major financial decision will need to be assessed more closely than a minor policy change.

Public sector equality duty

The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:

- 1) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- 2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- 3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

These are known as the three aims of the general equality duty.

Protected characteristics

The Equality Act 2010 sets out nine protected characteristics that apply to the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Ethnicity
- Religion or belief
- Sex
- Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

We also ask you to consider other socially excluded groups, which could include people who are geographically isolated from services, with low literacy skills or living in poverty or low incomes; this may impact on aspirations, health or other areas of their life which are not protected by the Equality Act, but should be considered when delivering services.

Due regard

To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations.

How much regard is 'due' will depend on the circumstances and in particular on the relevance of the aims in the general equality duty to the decision or function in question. The greater the relevance and potential impact, the higher the regard required by the duty. The three aims of the duty may be more relevant to some functions than others; or they may be more relevant to some protected characteristics than others.

Collecting and using equality information

[The Equalities and Human Rights Commission](#) (EHRC) states that 'Having due regard to the aims of the general equality duty requires public authorities to have an adequate evidence base for their decision making'. We need to make sure that we understand the potential impact of decisions on people with different protected characteristics. This will help us to reduce or remove unhelpful impacts. We need to consider this information before and as decisions are being made.

There are a number of publications and websites that may be useful in understanding the profile of users of a service, or those who may be affected.

- The Office for National Statistics Neighbourhoods website <https://www.ons.gov.uk/>
- Kent County Council Facts and Figures about Kent <http://www.kent.gov.uk/about-the-council/information-and-data/Facts-and-figures-about-Kent>
- Public health and social care data http://www.kpho.org.uk/search?mode=results&queries_exclude_query=no&queries_excludefromsearch_query=yes&queries_keyword_query=Swale

At this stage you may find that you need further information and will need to undertake engagement or consultation. Identify the gaps in your knowledge and take steps to fill these.

Case law principles

A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The person completing the EIA should have knowledge and understanding of the service, policy, strategy, practice, plan.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- A public authority is responsible for ensuring that any contracted organisations which provide services on their behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice.
- The duty is a continuing one. It applies when a service, policy, strategy, practice or plan is developed or agreed, and when it is implemented or reviewed.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- The general equality duty is not a duty to achieve a result, it is a duty to have due regard to the need achieve the aims of the duty.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

Lead officer:	Andre Bowen, Service Improvement & Project Manager
Decision maker:	Environment and Climate Change Committee
People involved:	<i>Who is involved in this EIA?</i>
Decision: • Policy, project, service, contract	• Policy • Change

Review, change, new, stop	
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	<i>What date is it going to SMT/Cabinet or Council?</i> <i>NB. SMT will want to see a EIA attached even if the final decision lies with Cabinet or Council</i>
Summary of the decision: - Aims and objectives - Key actions - Expected outcomes - Who will be affected and how? - How many people will be affected?	In June 2013, Swale Borough Council approved the then new Customer Access Strategy. The overall aim of this strategy was “ensuring easy, clear and convenient access to Swale’s services for all”. As part of the Housing and Communities Service Action Plan 2023-2024, it was agreed to review the Customer Access Strategy. This was agreed in ordered to ensure team structures are in place to support a stronger Customer Service Centre digital resilience and exploit opportunities where they exist. Due to the budget pressures being experienced for not only the 2025/26 financial year but also the years following, the Council has had to fundamentally review what services it provides and how they are provided to try and identify savings to help achieve a balanced sustainable budget in future years. The key actions are; 1. The recommendation includes introducing a new Customer Experience Strategy in place of the former Customer Access Strategy to match service delivery with trends in customer demands and resources. 2. To note the proposed action plan. 3. Delegate authority to the Director of Resources and Director of Regeneration and Neighbourhoods, to take relevant actions to facilitate the required transformation activities. The expected outcomes include; 1. Support the Corporate Plan objective of ‘Running the Council’ by working within our resources, and delivering in a transparent and efficient way. 2. There is also a link to the ‘Community’ objective through the work that will be undertaken with other public sector organisations and community groups to provide digital assistance to support people who find it difficult using online services. 3. Cost savings in the long term along with improved efficiency and productivity. Also enhanced service delivery, better resident analytics and increased accessibility of services. 4. Improved social equity where everyone, regardless of their background or circumstances, has fair access to opportunities, resources, and services. Promoting more inclusive communities, resilience, and productivity. 5. Streamlined processes reduce complexity, eliminate unnecessary steps, and improve overall efficiency. By simplifying workflows, Swale can save time, lower costs, and deliver services more quickly and consistently. 6. Reducing reliance on paper-based or manual tasked based channels supports sustainability goals, less prone to human errors, faster resolution times and higher satisfaction. Also

	investing in more modern, effective channels prepares the organisation for evolving customer expectations and technological advancements. Any customer, including residents, visitors, businesses, partners, suppliers, community groups, staff, neighbouring authorities and government bodies will be affected.
Information and research: • Outline the information and research that has informed the decision. • Include sources and key findings. • Include information on how the decision will affect people with different protected characteristics.	The Customer Experience Strategy aims to ensure that all customers have the best possible experience, benefiting from accessible and high-quality services. To shape the outcomes of the Customer Experience Strategy, views were sought from residents, business partners, the voluntary sector, staff and members. Consideration was also given to the broader national context and the strategies implemented by neighbouring councils. Customers expectations are increasing, where they expect faster, more personalised interactions, connected experiences across digital channels and to be able to contact the council at a time convenient to them.
Consultation: • Has there been specific consultation on this decision? • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • Can any conclusions be drawn from the analysis on how the decision will affect people with different protected characteristics?	Elected members took part in an early engagement workshop to understand the challenges and opportunities that exist. Member input was used to shape the new proposed Customer Experience Strategy. Officers from across the Council which included representatives from every department contributed towards the development of the proposed new strategy. Shared buildings partners have also been consulted on their views. The Sheppey Gateway Steering Group were also further consulted for further information about the customer experience specifically at the Gateway. There were also several presentations at Area Committees across where attendees were asked for their opinions on how the customer experience could be improved. Members of the public and visitors were given an opportunity to provide feedback on their experiences and suggestions. All voluntary groups were contacted directly via the Swale CVS network to ensure that feedback was gathered from individuals across all protected characteristics—including age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, ethnicity, religion or belief, sex, sexual orientation—as well as other socially excluded groups, helping to ensure representation reflective of Swale's population.

Is the decision relevant to the aims of the equality duty?

Guidance on the aims can be found in the EHRC's PSSED Technical Guidance -

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

Aim	Yes/No
1) Eliminate discrimination, harassment and victimisation	No

2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	No

Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Characteristic	Relevance to decision High/Medium/Low/None	Impact of decision Positive/Negative/Neutral
Age	Medium	Neutral
Disability	Medium	Neutral
Gender reassignment	None	Neutral
Marriage and civil partnership	None	Neutral
Pregnancy and maternity	None	Neutral
Ethnicity	Medium	Neutral
Religion or belief	None	Neutral
Sex	None	Neutral
Sexual orientation	None	Neutral
Other socially excluded groups ¹	None	Neutral

Conclusion:

- Consider how due regard has been had to the equality duty, from start to finish.
- There should be no unlawful discrimination arising from the decision.

Advise on the overall equality implications that should be taken into account in the final decision, considering relevance and impact.

Summarise this conclusion in the body of your report

An improved customer experience enabled by digital technology, along with a commitment to digital inclusion in theory will not impact individuals negatively. However, customers will be provided with support which will be particularly beneficial for older people, disabled people and people with English as a second language.

Whereas improved consistency through seamlessly delivering a consistent customer experience across multiple channels and touchpoints as well as reduced reliance on less effective customer channels will not have a negative impact.

Age - Older people are often more likely to be digitally excluded and need support to use self-service tools.

Disability - People with learning disabilities may be digitally excluded. People with cognitive or memory impairments often struggle with complex navigation, remembering passwords, or understanding multi-step processes online. Websites and digital platforms that are fully compatible with screen readers and proper contrast and text scaling can make it easier for visually impaired users to access services independently.

Ethnicity – English as a second language customers may also face overlapping challenges with digital literacy, particularly if they are new to the country or unfamiliar with local systems. Making the language simpler, processes streamlined and support available enables English as a second language customers to access services and improve the customer experience.

Although resources are to be reallocated to provide the best customer experience for customers, those who are older, have English as a

¹ Other socially excluded groups could include those with literacy issues, people living in poverty or on low incomes or people who are geographically isolated from services

	second language or with disabilities will still be able to access services and receive an improved experience. The Customer Experience Strategy aims to improve digital literacy throughout Swale as well as improve the customer experience for those who are older, those with disabilities and those who speak English as a second language, who are more likely to be digitally excluded.
--	---

Timing

- Having 'due regard' is a state of mind. It should be considered at the inception of any decision.
- Due regard should be considered throughout the development of the decision. Notes should be taken on how due regard to the equality duty has been considered through research, meetings, project teams, committees and consultations.
- The completion of the EIA is a way of effectively summarising the due regard shown to the equality duty throughout the development of the decision. The completed EIA must inform the final decision-making process. The decision-maker must be aware of the duty and the completed EIA.

Full technical guidance on the public sector equality duty can be found at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

Please send the EIA in draft to Janet Dart in the Comms and Policy Team (janetdart@swale.gov.uk) who will review it with colleagues and let you have any comments or suggested changes.

This Equality Impact Assessment should form an appendix to any EMT/SMT or committee report relating to the decision, and a summary should be included in the 'Equality and Diversity' section of the standard committee report template under 'Section 6 – Implications'.