

Shropshire Council
Equality, Social Inclusion and Health Impact Assessment (ESHIA)
Initial Screening Record 2021-2022

A. Summary Sheet on Accountability and Actions

Name of proposed service change
Policy for the Enforcement and Determination of Financial Penalties for Breaches of Relevant Letting Agency Requirements

Name of lead officer carrying out the screening
Grant Tunnadine Trading Standards and Parking Enforcement Team Manager

Decision, review, and monitoring

Decision	Yes	No
Initial (part one) ESHIA Only?	x	
Proceed to Full ESHIA or HIA (part two) Report?		x

If completion of an initial or Part One assessment is an appropriate and proportionate action at this stage, please use the boxes above. If a Full or Part Two report is required, please move on to full report stage once you have completed this initial screening assessment as a record of the considerations which you have given to this matter.

Actions to mitigate negative impact or enhance positive impact of the service change in terms of equality, social inclusion, and health considerations
<p>The service change is a proposal to introduce a new Council policy to enforce legal provisions that would govern the trading behaviour of persons engaged in letting agency work and property management business within the Private Rented Sector Housing (PRSH) market.</p> <p>Introducing the policy would allow the Council to effectively enforce and issue civil (financial) penalties in circumstances where tenants/prospective tenants are charged fees other than permitted fees, where letting agents are not members of a redress scheme and/or a client money protection scheme and where letting agents' fees and charges are not transparent/publicised appropriately.</p> <p>The introduction of such a policy is anticipated to bring a positive impact across all Protected Characteristic groupings, as all are individuals who could potentially seek to rent a property, within the community, principally by the removal of and deterring of rogue landlords/letting agents/property management businesses from operating within Shropshire.</p>

The introduction of such a policy provides the Council with the necessary tools to undertake effective enforcement against those landlords/letting agents/property management businesses who persistently or deliberately choose to ignore the legal requirements which afford protections to potentially vulnerable individuals and households.

We take particular regard in Shropshire of people and groupings who may be considered to be vulnerable by virtue of their individual or household circumstances, through a tenth category of Social Inclusion. This category includes people in rural areas and people or households that we may describe as vulnerable. Examples could be households on low incomes or people for whom there are safeguarding concerns, as well as people in fuel poverty, people in rural areas, and veterans and serving members of the armed forces and their families.

The draft policy, at Appendix 2, helpfully includes a non-exhaustive list of the people and households that we may regard as vulnerable, for whom the likely equality impact is anticipated to be low to medium positive.

Without the policy, the Council's power to take action would, in effect, be significantly reduced and adversely impacted to such an extent that the legislation would be ineffective within the Council's area. All prospective tenants would be vulnerable to non-permitted fees, being unaware of charges for services and the protections afforded from membership of client money protection and redress schemes. Without having such a policy, it would clearly have a negative impact for the community.

Any adverse impacts of the policy on landlords/letting agents/property management businesses who may themselves have protected characteristics is mitigated against by virtue of the fact that the Council's approach, and methods to determine penalties is set out in the policy, and this will apply to all landlords/letting agents/property management businesses. In addition, any enforcement action will be taken in line with the principles set out in the Council's Better Regulation and Enforcement Policy which is documented and available on the Council's website. However, any person operating in the private rented sector market has a duty to comply with the law and it is only those acting unlawfully that will be targeted by this policy.

The public consultation undertaken by the Council has provided an opportunity for all to comment on the proposals, including members of the public, households likely to be affected now and in the future, and landlords/letting agents/property management businesses and their trade bodies who are most likely to be impacted by the policy.

Where action is required, the Council will seek to maximise publicity from any successful interventions to further advise and deter other rogues and to raise awareness with current tenants (who may already unwittingly themselves be victims) as well as prospective tenants.

Actions to review and monitor the impact of the service change in terms of equality, social inclusion, and health considerations

The intention is that the impact of imposing or anticipating that civil penalties could be imposed will provide the required deterrent and in itself achieve a greater level of compliance without actually needing to act under the policy (the deterrent effect) and that this can be monitored through the level of compliance seen during inspections (physical visits/online website assessments) and through the numbers of complaints received by the Council.

Enforcement is always considered as a last resort action, to be taken against those who persistently choose not to comply with legal requirements. In line with the Council's Enforcement and Better Regulation Policy, we will always look to work with landlords/letting agents/property management businesses who wish to operate within the law, providing the necessary advice and guidance in order to assist them to improve compliance and this approach will continue under the new policy. We anticipate that including the option to impose penalties of up to £30,000 (for certain offences) will demonstrate to both tenants and landlords/letting agents/property management businesses that the Council shares the Government's desire to support good landlords/letting agents/property management businesses, who are committed to working within the legal framework and that the Council will crack down severely on the small percentage of unscrupulous landlords/letting agents/property management businesses who repeatedly flout the law and seek profit from their non-compliance.

With the introduction of this policy there is an expectation that enquiries and complaints from tenants/prospective tenants will be received and that the service will be in a position to monitor these levels over time.

No comments, either positive or negative, have been received in response to the consultation that was organised to further inform the proposed policy. As a result, no adjustments are considered necessary at this time, including with regard to equality impacts. We will, however, continue to work with all those who may be impacted by the policy and in particular those target groupings e.g. older people and households on low incomes, in order to seek to ensure that the positive impacts are enhanced.

Customer feedback will also continue be collected through a variety of existing mechanisms, including complaints/compliments and there will be ongoing engagement with relevant portfolio holders and with Shropshire Council Elected Members as local community leaders for their locality.

The Trading Standards Team will be participating in a regional project (across 14 other local authorities), which is being funded nationally and which will be aimed at assessing the level of compliance with this legislation and undertaking enforcement action where required. Participation in this project will also provide very useful data covering all 14 authorities within the West Midlands region, which we can use to determine the level of compliance found in Shropshire compared with the region as a whole. This will be useful information to provide benchmark

data and to provide a guide/steer to inform the need for future work including inspections and enforcement activities.

Associated ESHIAs

An Equality and Social Inclusion Impact Assessment (ESIA) was completed when the Private Rented Sector Housing Enforcement Policy was approved in 2019, and a more recent ESHIA was undertaken between March and May 2022 as part of the process to update the Private Rented Sector Housing Enforcement Policy. This policy focuses on housing standards, the health and safety of tenants and the energy efficiency of rented accommodation.

The proposed Policy for the Enforcement and Determination of Financial Penalties for Breaches of Relevant Letting Agency Requirements is separate from the Private Rented Sector Housing Enforcement Policy, and it focuses on preventing economic detriment for tenants that can occur as a result of unfair, unscrupulous and fraudulent practices undertaken by certain letting agents and property management businesses.

Nevertheless, both policies are aimed at ensuring the Council can use the powers, including civil/financial penalties, available to it in law to more effectively control the private rented sector market as a whole.

Actions to mitigate negative impact, enhance positive impact, and review and monitor overall impacts in terms of any other considerations. This includes climate change considerations

Climate change

On face value there is no direct impact on climate change; However, indirectly, those letting agents and property management businesses who are failing to comply with the legal requirements that this Policy seeks to address are more likely to be failing to address other legal requirements which can affect the properties they rent out; this could include provisions within the Energy Performance Regulations and the Electrical Safety Standards Regulations. Energy performance of properties and the amount of energy required to heat and keep homes adequately heated have a direct impact on the climate.

Addressing non-compliance through a joined-up enforcement approach with other regulators may address a wider scale of problems beyond those issues that are identified in relation to letting agents and property management businesses. In this way, it may be possible to create a positive climate outcome through forcing those agents/businesses to improve the energy efficiency of their properties or to drive out those from the marketplace who are only concerned with making profits and are not investing in their properties. This would be with the intention that such properties could be taken on by more responsible agents/businesses who are prepared to undertake the required energy efficiency improvement works.

Health and wellbeing

It is reasonable to conclude that tenants who are subjected to illegal fees (especially where they are unable to afford them) or where their money/deposits are not protected or who are not able to address problems with their lettings agent or property management business due to their being no redress scheme will have their health and wellbeing, in particular their mental health, adversely affected. This is compounded at this time with the additional financial pressures caused with the rising living costs.

The introduction of civil penalties of up to £30,000 for the most serious offences demonstrates the commitment the Council shares with the Government to support good lettings agents and property management businesses who comply with legal requirements and to crack down on the small number of unscrupulous lettings agents and property management businesses who flout the law, seek to profit from their non-compliance and put individuals (who are often considered vulnerable due to their circumstances) at greater risk.

Housing is a key determinant of health and wellbeing, and this policy should ensure tenants are not subjected to unnecessary financial burdens such as overtly high deposit costs or front-loading rent. This should make it more affordable for tenants to rent or move between rental properties should circumstances change. This could be especially important for low-income vulnerable groups, such as young people, single parent families, people with disabilities, who already face challenges in finding affordable homes and have limited alternative housing available to them.

This policy also gives tenants a level of agency and redress to positively challenge landlords/letting agents/property management businesses, should they be subject to fees that are not publicised or unlawful. Evidence shows that tenants can feel vulnerable when raising issues with landlords/letting agents/property management businesses for fear of repercussions and this affects their wellbeing significantly. By having a policy and law in place, this may support and empower tenants to raise relevant issues. In turn, this will provide security and potentially improved mental health and wellbeing.

Shelter (2022) Legal: Renting

https://england.shelter.org.uk/professional_resources/legal/costs_of_renting/tenant_fees_and_other_costs/fees_a_landlord_or_agent_can_lawfully_charge

Harris, J., & McKee, K. (2021). Health and wellbeing in the UK private rented sector: enhancing capabilities-Part 2: Findings from tenant interviews.

We are committed to working with lettings agents and property management businesses to ensure tenants are not subjected to these unnecessary financial burdens.

Economic and societal/wider community

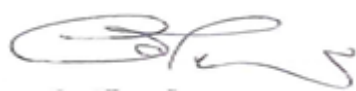
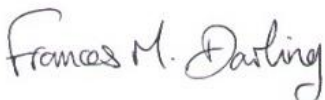
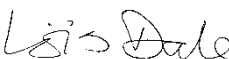
This policy will potentially have a small but direct impact on an individual's economic circumstances, the local economy and the local community especially in the current climate of rising energy costs and with the general costs of living increasing.

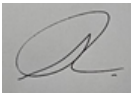
Having a market operating on a level playing field, which is fair and equitable for all will undoubtedly prove beneficial to the local community. Lettings agents and property management businesses who fail to adhere to legislative requirements create an unfair trading environment that undermines the operation of legitimate businesses and, if unchallenged, would result in a lowering of standards. There is additional reputational harm and damage to the Council if we are seen to exhibit an apparent inability or unwillingness to carry out a proactive enforcement approach.

Confident consumers will support the economy and this policy is intended to avoid unexpected and unreasonable costs from being charged, whilst also providing the protection enshrined in law to be available to all to enable them to rent property confident in the knowledge that monies provided and retained as deposits are adequately protected and that they are empowered to resolve matters effectively.

Penalties that may be issued to the small number of landlords/letting agents/property management businesses for breaching requirements will be available for the Council to reinvest in the service provision in this particular field, thereby further reinforcing community, consumer and business confidence that the Council can and will tackle the issues that arise, in ways that are proactive and proportionate.

Scrutiny at Part One screening stage


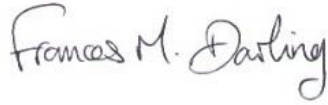
People involved	Signatures	Date
<i>Lead officer carrying out the screening</i> Grant Tunadine Trading Standards and Parking Enforcement Team Manager		13 June 2022
<i>Any internal service area support*</i> Frances Darling Head of Business and Consumer Protection		21 June 2022
<i>Any external support**</i> Mrs Lois Dale Rurality and Equalities Specialist		17 th June 2022
Amanda Cheeseman		20 June 2022

Public Health Development Officer		
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**This refers to other officers within the service area*

***This refers to support external to the service but within the Council, e.g., the Rurality and Equalities Specialist, the Feedback and Insight Team, performance data specialists, Climate Change specialists, and Public Health colleagues*

Sign off at Part One screening stage

Name	Signatures	Date
<i>Lead officer's name</i> Grant Tunadine Trading Standards and Parking Enforcement Team Manager		22/06/2022
<i>Accountable officer's name</i> Frances Darling Head of Business and Consumer Protection		22 June 2022

**This may either be the Head of Service or the lead officer*

B. Detailed Screening Assessment

Aims of the service change and description
<p>This is a proposal to implement a policy that will set out the Council's approach to the enforcement and determination of financial (civil) penalties in circumstances where persons engaged in letting agency work and property management business fail to comply with legislative requirements.</p> <p>The Council has a statutory responsibility to regulate specific aspects of the letting agency and property management market through ensuring that tenants are only charged permitted fees, that where appropriate letting agents are members of a redress scheme and a client money protection scheme and that letting agents' fees and charges are transparent/publicised appropriately.</p> <p>The Tenants Fees Act 2019 ('the 2019 Act') was introduced to make renting fairer and more affordable for tenants by reducing the costs at the outset of a tenancy by introducing a ban on certain fees payable by the tenant and also creating a 'permitted payment' regime.</p> <p>The 2019 Act also amended other legislation referred to as 'relevant letting agency legislation' requiring, where necessary, membership of client money protection schemes and redress schemes as well as provisions concerning the publication of</p>

information about such membership together with the information about relevant fees.

Where evidence of infringements under the 2019 Act or 'relevant letting agency legislation' is identified, the Council may, in certain circumstances, consider issuing a financial penalty for a civil breach or, as an alternative to prosecution, in respect of a criminal offence. The level of the financial penalty varies depending on the actual infringement; however, it can be as much as £30,000 in certain circumstances.

Where the Council wishes to utilise financial penalties for breaches for any of these infringements, statutory guidance accompanying the legislative controls clearly states that the Council is expected to develop, document and publish a policy, which sets out how it will determine the appropriate level of any financial penalty. It is in line with this statutory guidance that the draft policy setting out the Council's approach to enforcement and determination of any financial penalty has been produced.

The National Trading Standards Estate and Letting Agency Team (NTSELAT) is the Lead Enforcement Authority as arranged by the Secretary of State (Department for Levelling Up, Housing and Communities) under section 24 of the 2019 Act and, amongst other duties, is responsible for overseeing the enforcement of relevant letting agency legislation in England.

In order to ensure financial penalties are used fairly and are set at an appropriate level, the Council's policy follows the provisions and processes set out in the NTSELAT policy. This means that culpability and harm will be considered, together with the following factors, when determining the level of penalty to impose for a breach of any relevant letting agency legislation:

- Severity of the breach
- Punishment of the landlord or agent
- Aggravating and mitigating factors
- Fairness and proportionality

The policy sets out the process that Council officers will follow to determine the amount of any financial penalty and provides a series of tables to ensure, as far as reasonably practicable, consistency and transparency when determining the actual level of a financial penalty.

Utilising the NTSELAT policy as the basis for the Council's policy means the Council can demonstrate that it has followed best practice and has had due regard to the requirements of the statutory guidance, whilst also ensuring enforcement action is considered and applied in a manner consistent with other councils across England.

The policy does not stand alone; it is intended to be read and considered alongside the Council's Better Regulation and Enforcement Policy, which was itself formally agreed by the Council on 25 July 2018. The implementation of the policy, together with the Council's Better Regulation and Enforcement Policy, will

provide a framework that will better enable the Council to ensure the protections available to tenants, who can often be considered vulnerable due to their circumstances, are being met.

Intended audiences and target groups for the service change

A wider list of intended audiences is listed below; however, primarily, the intended audiences for this service change are landlords, letting agents and property management businesses, together with those individuals seeking to rent a property. With many such contractual/rental situations there can be an imbalance in the positions of the parties with those seeking to find somewhere to live often in a position that can make them vulnerable to exploitation. The balance of power can often appear to be in the favour of the landlord/letting agent/property management business. The legislation upon which the policy is based is intended to afford protections to address any imbalance in power.

- Households/individuals already living in private sector rented housing
- Households/individuals who may wish to live in private sector rented housing
- Local landlords/letting agents/property management businesses
- National Residential Landlords Association
- Communities in Shropshire
- Shropshire Council elected members as community leaders
- Shropshire MPs
- Partner agencies and organisations

Evidence used for screening of the service change

The Council's Better Regulation and Enforcement Policy provides guidance to officers, businesses, residents and the general public on the range of options that are available to achieve compliance with all legislation enforced by Shropshire Council.

Specific national legislation introduced by the Government:

- Tenant Fees Act 2019
- Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019
- Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014
- Consumer Rights Act 2015 (as amended)

Specific statutory guidance:

- Tenant Fees Act 2019: statutory guidance for enforcement authorities
- Mandatory Client money protection for property agents: enforcement guidance for local authorities

The Policy is required to enable the Council to enforce the above legislation and sets out how the Council will determine the amount of any civil penalty when there is evidence of non-compliance under the above legislation.

This ESHIA is a screening one carried out at the end of a period of consultation. Ahead of the findings, it was anticipated that they may be similar to those obtained with regard to the consultation carried out in respect of the Private Sector Housing Enforcement Policy.

Specific consultation and engagement with intended audiences and target groups for the service change

The Cabinet approved a public consultation in respect of the draft policy, details of which can be found in the report presented to Cabinet on the 6 April 2022 at Agenda Item 7 ([Agenda for Cabinet on Wednesday, 6th April, 2022, 10.30 am — Shropshire Council](#)). The consultation was undertaken over a six-week period from 9 May 2022 to 20 June 2022. The consultation was made generally available to all interested parties, including letting agents/property management businesses and tenants, through the Council's Get Involved pages of its website. In addition, direct notification of the consultation was provided to the following key stakeholders:

- UK Association of Letting Agents
- Propertymark
- National Residential Landlords Association
- National Residential Landlords Association Shropshire Branch
- British Landlord Association
- Shropshire Housing Alliance
- CAB Shropshire

No comments, either positive or negative, have been received in response to the consultation that was organised to further inform the proposed policy. As a result, no adjustments are considered necessary at this time, including with regard to equality impacts. We will, however, continue to work with all those who may be impacted by the policy and in particular those target groupings e.g. older people and households on low incomes, in order to seek to ensure that the positive impacts are enhanced.

Customer feedback will also continue be collected through a variety of existing mechanisms, including complaints/compliments and there will be ongoing engagement with relevant portfolio holders and with Shropshire Council Elected Members as local community leaders for their locality.

As the Trading Standards Team is participating in a regional project (across 14 other West Midlands local authorities), we will be sharing the results of our consultation with these authorities in order to see if the responses are the same or

different across the region and to what extent this has any wider impacts that we need to consider further.

Initial equality impact assessment by grouping (Initial health impact assessment is included below)

Please rate the impact that you perceive the service change is likely to have on a group, through stating this in the relevant column.

Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.

Protected Characteristic groupings and other groupings in Shropshire	High negative impact <i>Part Two ESIA required</i>	High positive impact <i>Part One ESIA required</i>	Medium positive or negative impact <i>Part One ESIA required</i>	Low positive, negative, or neutral impact (please specify) <i>Part One ESIA required</i>
<u>Age</u> (please include children, young people, young people leaving care, people of working age, older people. Some people may belong to more than one group e.g., a child or young person for whom there are safeguarding concerns e.g., an older person with disability)				Low positive
<u>Disability</u> (please include mental health conditions and syndromes; hidden disabilities including autism and Crohn's disease; physical and sensory disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; and HIV)				Low positive
<u>Gender re-assignment</u> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				Low positive
<u>Marriage and Civil Partnership</u> (please include associated aspects: caring responsibility, potential for bullying and harassment)				Low positive
<u>Pregnancy and Maternity</u> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				Low positive
<u>Race</u> (please include ethnicity, nationality, culture, language, Gypsy, Traveller)				Low positive
<u>Religion and belief</u>				Low positive

(please include Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Nonconformists; Rastafarianism; Shinto, Sikhism, Taoism, Zoroastrianism, and any others)				
Sex (this can also be viewed as relating to gender. Please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				Low positive
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				Low positive
Other: Social Inclusion (please include families and friends with caring responsibilities; households in poverty; people for whom there are safeguarding concerns; people you consider to be vulnerable; people with health inequalities; refugees and asylum seekers; rural communities; veterans and serving members of the armed forces and their families)			Potential for medium positive	

Initial health and wellbeing impact assessment by category

Please rate the impact that you perceive the service change is likely to have with regard to health and wellbeing, through stating this in the relevant column.

Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.

Health and wellbeing: individuals and communities in Shropshire	High negative impact <i>Part Two HIA required</i>	High positive impact	Medium positive or negative impact	Low positive negative or neutral impact (please specify)
Will the proposal have a direct impact on an individual's health, mental health and wellbeing? For example, would it cause ill health, affecting social inclusion, independence and participation? .			Medium positive	
Will the proposal indirectly impact an individual's ability to				Low positive

<p>improve their own health and wellbeing?</p> <p>For example, will it affect their ability to be physically active, choose healthy food, reduce drinking and smoking?</p> <p>.</p>				
<p>Will the policy have a <i>direct impact</i> on the community - social, economic and environmental living conditions that would impact health?</p> <p>For example, would it affect housing, transport, child development, education, employment opportunities, availability of green space or climate change mitigation?</p> <p>.</p>				<p>Low positive</p>
<p>Will there be a likely change in <i>demand</i> for or access to health and social care services?</p> <p>For example: Primary Care, Hospital Care, Community Services, Mental Health, Local Authority services including Social Services?</p> <p>.</p>				<p>Neutral</p>

Identification of likely impact of the service change in terms of other considerations including climate change and economic or societal impacts

This service change, whilst generally minor in nature would overall present a low positive impact for communities, local businesses and any person looking to rent a property. The impacts are intended to assist local authorities to raise standards and target the small number of agents/businesses who flout the law. By utilising the provisions, the Council is able to ensure the highest standards are maintained with individuals afforded the protections they are entitled to and that businesses operate on a level playing field.

When considered in conjunction with the Council’s Private Rented Sector Housing Enforcement Policy it will provide a broader level of protection and a greater opportunity of tackling those choosing not to comply with significant and effective sanctions.

The fundamental principles enshrined in the policy are aimed at ensuring the protection of human rights, particularly those that relate to the right to a fair trial, no punishment without law, right to respect for private and family life, prohibition of discrimination and protection of property. As a result, implementation of the Policy is unlikely to be at variance with the Human Rights Act 1998 and is unlikely to result in any adverse human rights implications.

Guidance Notes

1. Legal Context

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. It is up to us as an authority to decide what form our equality impact assessment may take. By way of illustration, some local authorities focus more overtly upon human rights; some include safeguarding. It is about what is considered to be needed in a local authority's area, in line with local factors such as demography and strategic objectives as well as with the national legislative imperatives.

Carrying out these impact assessments helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision making processes.

These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

These screening assessments for any proposed service change go to Cabinet as part of the committee report, or occasionally direct to Full Council, unless they are ones to do with Licensing, in which case they go to Strategic Licensing Committee.

Service areas would ordinarily carry out a screening assessment, or Part One equality impact assessment. This enables energies to be focussed on review and monitoring and ongoing evidence collection about the positive or negative impacts of a service change upon groupings in the community, and for any adjustments to be considered and made accordingly.

These screening assessments are recommended to be undertaken at timely points in the development and implementation of the proposed service change.

For example, an ESHIA would be a recommended course of action before a consultation. This would draw upon the evidence available at that time, and identify the target audiences, and assess at that initial stage what the likely impact of the service change could be across the Protected Characteristic groupings and our tenth category of Social Inclusion. This ESHIA would set out intended actions to engage with the groupings, particularly those who are historically less likely to engage in public consultation eg young people, as otherwise we would not know their specific needs.

A second ESHIA would then be carried out after the consultation, to say what the feedback was, to set out changes proposed as a result of the feedback, and to say where responses were low and what the plans are to engage with groupings who did not really respond. This ESHIA would also draw more upon actions to review impacts in order to mitigate the negative and accentuate the positive. Examples of this approach include the Great Outdoors Strategy, and the Economic Growth Strategy 2017-2021

Meeting our Public Sector Equality Duty through carrying out these ESHIAs is very much about using them as an opportunity to demonstrate ongoing engagement across groupings and to thus visibly show we are taking what is called due regard of the needs of people in protected characteristic groupings

If the screening indicates that there are likely to be significant negative impacts for groupings within the community, the service area would need to carry out a full report, or Part Two assessment. This will enable more evidence to be collected that will help the service area to reach an informed opinion.

In practice, Part Two or Full Screening Assessments have only been recommended twice since 2014, as the ongoing mitigation of negative equality impacts should serve to keep them below the threshold for triggering a Full Screening Assessment. The expectation is that Full Screening Assessments in regard to Health Impacts may occasionally need to be undertaken, but this would be very much the exception rather than the rule.

2. Council Wide and Service Area Policy and Practice on Equality, Social Inclusion and Health

This involves taking an equality and social inclusion approach in planning changes to services, policies, or procedures, including those that may be required by Government.

The decisions that you make when you are planning a service change need to be recorded, to demonstrate that you have thought about the possible equality impacts on communities and to show openness and transparency in your decision-making processes.

This is where Equality, Social Inclusion and Health Impact Assessments (ESHIA) come in. Where you carry out an ESHIA in your service area, this provides an opportunity to show:

- What evidence you have drawn upon to help you to recommend a strategy or policy or a course of action to Cabinet.
- What target groups and audiences you have worked with to date.
- What actions you will take in order to mitigate any likely negative impact upon a group or groupings, and enhance any positive effects for a group or groupings; and
- What actions you are planning to review the impact of your planned service change.

The formal template is there not only to help the service area but also to act as a stand-alone for a member of the public to read. The approach helps to identify whether or not any new or significant changes to services, including policies, procedures, functions, or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

This assessment encompasses consideration of social inclusion. This is so that we are thinking as carefully and completely as possible about all Shropshire groups and communities, including people in rural areas and people or households that we may describe as vulnerable.

Examples could be households on low incomes or people for whom there are safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, e.g., Age. Another specific vulnerable grouping is veterans and serving members of the Armed Forces, who face particular challenges with regard to access to Health, to Education, and to Housing.

We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging, or delivering services.

When you are not carrying out an ESHIA, you still need to demonstrate and record that you have considered equality in your decision-making processes. It is up to you what format you choose.–You could use a checklist, an explanatory note, or a document setting out our expectations of standards of behaviour, for contractors to read and sign. It may well not be something that is in the public domain like an ESHIA, but you should still be ready for it to be made available.

Both the approaches sit with a manager, and the manager has to make the call, and record the decision made on behalf of the Council. Help and guidance is also available via the Commissioning Support Team, either for data, or for policy advice from the Rurality and Equalities Specialist. Here are some examples to get you thinking.

Carry out an ESHIA:

- If you are building or reconfiguring a building.
- If you are planning to reduce or remove a service.
- If you are consulting on a policy or a strategy.
- If you are bringing in a change to a process or procedure that involves other stakeholders and the wider community as well as particular groupings

For example, there may be a planned change to a leisure facility. This gives you the chance to look at things like flexible changing room provision, which will maximise positive impacts for everyone. A specific grouping that would benefit would be people undergoing gender reassignment

Carry out an equality and social inclusion approach:

- If you are setting out how you expect a contractor to behave with regard to equality, where you are commissioning a service or product from them.
- If you are setting out the standards of behaviour that we expect from people who work with vulnerable groupings, such as taxi drivers that we license.
- If you are planning consultation and engagement activity, where we need to collect equality data in ways that will be proportionate and non-intrusive as well as meaningful for the purposes of the consultation itself.
- If you are looking at services provided by others that help the community, where we need to demonstrate a community leadership approach

For example, you may be involved in commissioning a production to tour schools or appear at a local venue, whether a community hall or somewhere like Theatre Severn. The production company should be made aware of our equality policies and our expectation that they will seek to avoid promotion of potentially negative stereotypes. Specific groupings that could be affected include: Disability, Race, Religion and Belief, and Sexual Orientation. There is positive impact to be gained from positive portrayals and use of appropriate and respectful language in regard to these groupings in particular.

3. Council wide and service area policy and practice on health and wellbeing

This is a relatively new area to record within our overall assessments of impacts, for individual and for communities, and as such we are asking service area leads to consider health and wellbeing impacts, much as they have been doing during 2020-2021, and to look at these in the context of direct and indirect impacts for individuals and for communities. A better understanding across the Council of these impacts will also better enable the Public Health colleagues to prioritise activities to reduce health inequalities in ways that are evidence based and that link effectively with equality impact considerations and climate change mitigation.

Health in All Policies – Health Impact Assessment

Health in All Policies is an upstream approach for health and wellbeing promotion and prevention, and to reduce health inequalities. The Health Impact Assessment (HIA) is the supporting mechanism

- Health Impact Assessment (HIA) is the technical name for a common-sense idea. It is a process that considers the wider effects of local policies, strategies and initiatives and how they, in turn, may affect people's health and wellbeing.
- Health Impact Assessment is a means of assessing both the positive and negative health impacts of a policy. It is also a means of developing good evidence-based policy and strategy using a structured process to review the impact.

- A Health Impact Assessment seeks to determine how to maximise health benefits and reduce health inequalities. It identifies any unintended health consequences. These consequences may support policy and strategy or may lead to suggestions for improvements.
- An agreed framework will set out a clear pathway through which a policy or strategy can be assessed and impacts with outcomes identified. It also sets out the support mechanisms for maximising health benefits.

The embedding of a Health in All Policies approach will support Shropshire Council through evidence-based practice and a whole systems approach, in achieving our corporate and partnership strategic priorities. This will assist the Council and partners in promoting, enabling and sustaining the health and wellbeing of individuals and communities whilst reducing health inequalities.

Individuals

Will the proposal have a *direct impact* on health, mental health and wellbeing?

For example, would it cause ill health, affecting social inclusion, independence and participation?

Will the proposal directly affect an individual's ability to improve their own health and wellbeing?

This could include the following: their ability to be physically active e.g., being able to use a cycle route; to access food more easily; to change lifestyle in ways that are of positive impact for their health.

An example of this could be that you may be involved in proposals for the establishment of safer walking and cycling routes (e.g., green highways), and changes to public transport that could encourage people away from car usage. and increase the number of journeys that they make on public transport, by foot or on bicycle or scooter. This could improve lives.

Will the proposal *indirectly impact* an individual's ability to improve their own health and wellbeing?

This could include the following: their ability to access local facilities e.g., to access food more easily, or to access a means of mobility to local services and amenities? (e.g. change to bus route)

Similarly to the above, an example of this could be that you may be involved in proposals for the establishment of safer walking and cycling routes (e.g. pedestrianisation of town centres), and changes to public transport that could encourage people away from car usage, and increase the number of journeys that they make on public transport, by foot or on bicycle or scooter. This could improve their health and well being.

Communities

Will the proposal directly or indirectly affect the physical health, mental health, and wellbeing of the wider community?

A *direct impact* could include either the causing of ill health, affecting social inclusion, independence and participation, or the promotion of better health.

An example of this could be that safer walking and cycling routes could help the wider community, as more people across groupings may be encouraged to walk more, and as there will be reductions in emission leading to better air quality.

An *indirect impact* could mean that a service change could indirectly affect living and working conditions and therefore the health and well being of the wider community.

An example of this could be: an increase in the availability of warm homes would improve the quality of the housing offer in Shropshire and reduce the costs for households of having a warm home in Shropshire. Often a health promoting approach also supports our agenda to reduce the level of Carbon Dioxide emissions and to reduce the impact of climate change.

Please record whether at this stage you consider the proposed service change to have a direct or an indirect impact upon communities.

Demand

Will there be a change in demand for or access to health, local authority and social care services?

For example: Primary Care, Hospital Care, Community Services, Mental Health and Social Services?

An example of this could be: a new housing development in an area would affect demand for primary care and local authority facilities and services in that location and surrounding areas. If the housing development does not factor in consideration of availability of green space and safety within the public realm, further down the line there could be an increased demand upon health and social care services as a result of the lack of opportunities for physical recreation, and reluctance of some groupings to venture outside if they do not perceive it to be safe.

For further information on the use of ESHIAs: please contact your head of service or contact Mrs Lois Dale, Rurality and Equalities Specialist and Council policy support on equality, via telephone 01743 258528, or email lois.dale@shropshire.gov.uk.

For further guidance on public health policy considerations: please contact Amanda Cheeseman Development Officer in Public Health, via telephone 01743 253164 or email amanda.cheeseman@shropshire.gov.uk