

The London Borough of Merton



Equality Impact Assessment for Merton's Local Flood Risk Management Strategy  
September 2014.

## Introduction

- 1.1** The purpose of this Equality Impact Assessment (EqIA) report is to identify the likely impact of Merton's Local Flood Risk Management Strategy (LFRMS) on Merton's diverse communities, recommend any changes to mitigate against any identified impacts and make recommendations to improve the strategy where appropriate.

### The Flood and Water Management Act 2010

- 1.2** The Flood and Water Management Act 2010, sets out which bodies are responsible for managing flood risks. The Environment Agency (EA) has a strategic overview role, while local authorities as Lead Local Flood Authority have a new leadership role in managing local flood risk management. In accordance with the Act one of the responsibilities of LLFA is to produce a Local Flood Risk Management Strategy (LFRMS).

### Background to the Local Flood Risk Management Strategy

- 1.3** In developing the LFRMS, the council consulted with communities, businesses, neighbouring boroughs and key stakeholders to develop a coordinated strategy for local flood risk management across Merton. Merton's LFRMS outlines the priorities for local flood risk management and provides a delivery plan to manage the risk over the next six years in the borough. Merton's LFRMS is accompanied by an Action Plan setting out how the LLFA will deliver the objectives of the strategy over the next six years. Merton's LFRMS clearly sets out its aims and requirements in accordance with the Act:

- the responsibilities and duties of the LLFA
- identify flood risk issues in the borough
- identify the sources of flooding in the borough
- sets out how the LLFA will manage local flood risk
- the responsibilities of key stakeholders with responsibilities for managing flood risk
- the responsibilities of residents, business and developers for managing flood risk

## Equality legislation

- 1.4** The Equality Act 2010 replaces previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection and sets out the different ways in which it is unlawful to treat someone.
- 1.5** Before the Act came into force there were several pieces of legislation to cover discrimination including:
- Sex Discrimination Act 1975
  - Race Relations Act 1976
  - Disability Discrimination Act 1995
- 1.6** At the decision making stage local authorities are required to assess how changes to policies, service delivery and plans will affect different groups. In 2011, the Act extended protection against discrimination to nine 'Protected Characteristics'- which includes the following:
- Age
  - Disability
  - Sex/Gender
  - Race or belief
  - Religion
  - Sexual Orientation
  - Gender Reassignment
  - Marriage and Civil Partnership
  - Pregnancy and Maternity
- 1.7** Furthermore, the Act introduces a 'Public Sector Equality Duty' to ensure that in exercising functions, delivering services and partnership the Council:
- eliminates discrimination, harassment and victimisation,
  - advance equality opportunity between persons who share a protected characteristic and persons who do not share protected characteristic, foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## Merton context

- 1.8** The 2011 Census identified Merton's population as 199,693, an increase of +6% when compared to the 2001 Census (187,919). GLA population projects predicts this will increase by +14% (227,650 when compared to the 2011 Census by 2026. The Census also identified that 49.3% of Merton's population are male residents and 50.7% are female. The proportion of younger and older residents has increased and the average age of residents is 36.3 years.
- 1.9** The borough's growing diversity is complex and interesting but brings challenges because of the variety of people from different backgrounds. Issues of social class are also apparent and it is evident that there is affluence amongst some of the new migrant communities. The east of the borough has more diversity, however; some communities are still experiencing discrimination.
- 1.10** The Census 2011 figures identified:
- <sup>1</sup>48.4% of the population are white British compared to 64% in 2001<sup>2</sup>.
  - 35% of Merton's population is from a Black, Asian and Minority Ethnic (BAME) groups.
- 1.11** Further analysis of the Census 2011 figures indicates:
- 10% decrease in the overall <sup>3</sup>White population
  - 6% increase in the Asian,
  - 3% increase in the Black population
  - 2% increase in <sup>4</sup>Mixed groups
- 1.12** As with other London boroughs there are also significant and established Polish, Irish, and South African populations in Merton. Within schools in Merton 110 languages are spoken. Furthermore, Merton has a large and diverse school population with 55.8% in secondary schools and 60.1% of primary schools are BAME.
- 1.13** Merton is home to people of many religious faiths and beliefs:
- 56.1% of Merton residents identify themselves as Christians (a decrease of 7.5% since 2001)
  - 8.1% Muslim

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<sup>1</sup> White British census tick box was labelled as 'White English/Welsh/Scottish/Northern Irish/British

<sup>2</sup> Pervious census only had 'White' as a response, no detailed categories for 'White' were available.

<sup>3</sup> White British/White Irish/White Gypsy and Irish Traveller/White Other

<sup>4</sup> Mixed/multiple ethnic groups: white and Black Caribbean/white and Black African/White and Asian/ other Mixed.

- 6.1% Hindu
- 0.9% Buddhists
- 0.4% Jewish
- 0.2% Sikh
- 20.6% of residents are not religious (4.1% increase since 2001).

**1.14** In Merton 13.8% of resident's identify themselves as having a disability or long-term health condition, of which 4.2% receive disability allowance and/or attendance allowance combined. 1.3% of men are registered as having a disability compared with 1.4% of women (2001 Census data).

**1.15** According to the 2010 Index of Multiple Deprivation (IMD), nationally Merton is ranked 239 out of 354 (local authorities), where 1 is the most deprived. However, Merton's IMD does hide stark inequalities in the borough between the deprived wards in the east of the borough (Mitcham, South Wimbledon/Colliers Wood and Morden areas) and the more affluent wards in the west (Wimbledon, Wimbledon Park and Raynes Park).

### **The London Borough of Merton Equality and Diversity Strategy**

**1.16** The Council's Equality Strategy 2013-17 provides a framework for Merton's equality objectives and aims to integrate equality and fair treatment issues into the council's day-to-day business.

**1.17** The borough's increasing diversity makes Merton a culturally varied and interesting place to live, work and visit. The strategy builds on the work of the previous Corporate Equality Scheme and focuses on those areas of inequality which impact most on the lives of local people, responds to the changing demographics and promotes better understanding between different communities.

**1.18** The aims of the Council's Equality Strategy is:

- *Bridging the gap between the levels of deprivation and prosperity in Merton particularly focusing on:*
  - *Raising educational attainment for all children and young people and reducing attainment gaps for target groups including children with special education needs or disabilities, those who are looked after in care, specific BAME groups, specific groups for example; white boys and those who are excluded from school.*
  - *Tackling rising unemployment particularly among young BAME communities and disabled residents and supporting those who are long term unemployed back into work.*
  - *Reducing health inequalities particularly the issues affecting some BAME communities, disabled and older residents.*
- *Increasing education and economic opportunity in the east of the borough.*
- *Improving understanding of the borough's diversity and foster better understanding between communities.*

- *Supporting those who do not usually get involved in decision-making to better understand how they can get involved and get their voices heard.*
- *Providing services that meet the needs of a changing population.*
- *Employing staff, that reflects the borough's diversity.*

### **Merton's Equality Objectives**

#### **1.19**

Merton council recognises that understanding its diverse community is the key to addressing some of the complex issues that create barriers and exclusion for some of our residents. Therefore, the council is committed to working toward:

- *Everyone having an opportunity to fulfil their potential*
- *Individuals having choice and control to improve life chances and outcome*
- *Everyone having ways to tackle the barriers that lead to inequality*

**Figure 1:** Equality Impact Assessment.

1. What are the aims, objectives, and desired outcomes of your proposals? (Also explain proposals).

The aims of Merton's LFRMS is to provide a robust local framework to manage and communicate the risks and consequences of flooding in Merton through developing working partnership with local communities, key stakeholders and organisations/bodies with responsibilities for managing flooding in order to better understand and reduce local flood risk in Merton. The LFRMS has a set of objectives to meet the aims and statutory requirements.

1. Identify areas at highest risk of flooding from local sources and develop a prioritised action plan in line with the principles of the Strategy,
2. Work with Risk Management Authorities and stakeholders to identify ways of managing flood risk in those areas at greatest risk within the borough,
3. Work with planners and developers to ensure no increase in risk of flooding from new development,
4. Maximise available resources and funding to target those areas at greatest risk,
5. Prioritise maintenance activities to reduce surface water flooding, and,
6. Advise communities, residents and businesses on the level of flood risk affecting them and how they can better protect themselves and their property.

2. Are there any areas of the policy/project/service/strategy that are governed by statutory or discretionary powers? If so, is there clear guidance as to how to exercise these?

Yes, the Flood Risk Regulations 2009 and the Flood and Water Management Act 2010 enacted by Government in response to the recommendations of the Pitt Review (2007). The Act gives local authorities a new role namely Lead Local Flooding Authority (LLFA) and new responsibilities for leading and co-ordinating the management of local flood risk - surface water run-off, groundwater and smaller watercourses and ditches known as ordinary watercourses. In addition, the delivery of a LFRMS is statutory requirement by the Act to:

- assess the local flood risk
- set out objectives for managing local flooding
- list the costs and benefits of measures proposed to meet these objectives, and how the measures will be paid for.

3. Is this policy/project/service/strategy associated with any other Corporation policies?

Yes, the LFRMS forms a key document in a suite of flood risk management plans/documents which draws together existing flood risk studies and plans into a single document these are

**European:**

EU Water Framework Directive 2009  
Flood and Water Management Act 2010

**National:**

National Planning Framework (2012)  
National Planning Policy Guidance (2014)  
Environment Agency National Strategy (2011)  
Environment Agency Flood Risk Management Plan (2014)  
Water Resources and Land Drainage Act 1991

**Regional:**

The London Plan 2011  
Draft Further Alterations to the Local Plan (2013)  
London Regional Flood Risk Appraisal (2013)  
Thames River Basin Management Plan (2009)  
Flood Risk Management 2014

**Local:**

Merton's Local Plan (Core Planning Strategy 2011, Sites and Policies Plan 2014, Policies Map 2014, South London Waste Plan (2012)  
Merton Strategy Flood Risk Assessment (2008 and 2009)  
Merton's Preliminary Flood Risk Assessment (2011)  
Merton's Surface Water Management Plan (2011)

4. Who is intended to benefit from the policy/project/service/strategy?

The LFRMS is beneficial to local residents, businesses, developers and key stakeholders who maybe at risk of local flooding from surface water run-off, ground water and flooding from ordinary watercourse (non-main river).



5. What are the expected outcomes from the policy/project/service/strategy?

The LFRMS is accompanied by an Action Plan setting out how the council will deliver the objectives of the strategy over the next six years. The Action Plan has a number of measures and actions identified to achieve the outcomes of the LFRMS. The expected outcome of the LFRMS is to help:

- Improve communities, business and developers understanding and awareness of local flood risk issues in the borough
- Communities protect themselves and their property from local flood risk.
- Set out how the LLFA will manage local flooding, how this will be achieved and funded

6. What data, information, evidence, research, statistics, surveys, and consultation(s) have you considered to undertake this screening?

The LFRMS includes data and modelling collected from a number of sources including:

- Merton's local communities (LFRMS survey consultation held between November 2013 – January 2014)
- Neighbouring local authorities
- Flood risk management authorities for example the Environment Agency and Thames Water
- Statutory Consultation
- Flood Risk Maps, FWMP (2014) and SWMP (2011).

The results from the survey, data from flood risk management authorities and other evidence based flooding documents (see question 3) have all informed and guided the LFRMS.

7. Is there evidence to suggest that your proposal(s) could affect some groups of people in different ways?

No.

## Equality impact screening

**Figure 2:** Equality Impact Assessment Screening symbols

Level of impact	Rating symbol	Meaning
<b>Negative</b>	X	Has a negative impact on an equality group.
<b>Positive</b>		Has a positive impact on equality.
<b>Neutral</b>		Neutral in terms of equalities considerations.

**Figure 3: Equality Impact Assessment screening**

Protected Characteristics	Positive Impact	Negative Impact	Neither	Reason / Comment / Evidence
Age				<p>Overall the LFRMS has a positive impact for the 'Protected Characteristics' groups. The aim of the LFRMS is to raise awareness and understanding of local flooding and importantly advise how individuals can help protect themselves and their property against local flood.</p>
Disability and reduced mobility				
Gender Reassignment				
Marriage and Civil Partnership				
Pregnancy and Maternity				
Race				
Religion or Belief				
Sex/Gender				
Sexual Orientation				

## Conclusion

- 1.20** The above screening assessment on the LFRMS has concluded that the plan has a positive impact on the Protected Characteristics. However, it should be noted that some groups disabled/ reduced mobility people, older people and hard to reach groups may have difficulties accessing information on flood risk. Therefore, it is imperative that the Council uses appropriate communication networks to get across the LLFA's messages via specific community groups /organisations for example Help The Aged, ethnic minority groups, local disability organisation/groups and local media (local radio).

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## Appendix 1: Merton's Equality and Diversity Policy Statement

### *Policy statement*

1. Merton Council is committed to promoting equal opportunity and valuing diversity in the community, as an employer and as a provider of services to the people of the borough and its visitors.
2. The London Borough of Merton is committed to carrying out our legal responsibilities including:
  - promoting equal opportunities, social inclusion and human rights; eliminating unlawful discrimination and disadvantage;
  - eliminating harassment and victimisation;
  - promoting a positive attitude towards people of different backgrounds, disabled people and others;
  - encouraging participation by people of all backgrounds in public life;
  - valuing diversity and promoting good relations between individuals, communities and employees of all backgrounds; and
  - taking the necessary steps towards meeting the needs of disabled people and others.

### *Our aims and values*

3. As a Community Leader we are committed to creating a socially inclusive and cohesive community by:
  - working with others to ensure that Merton is a safe place in which to live, work, study or visit;
  - promoting equal opportunity and equal access to employment, services, information and facilities;
  - listening and responding to the views of our communities through appropriate and widespread consultation and participation mechanisms which are accessible to all;
  - encouraging and supporting people to be active in social, cultural and political life;
  - ensuring the information we produce and the events we hold positively reflect and promote the diversity of our communities; and
  - ensuring organisations and businesses that provide goods and service on behalf of Council have appropriate equality procedures in place.
4. As a Service Provider we are committed to ensuring that our services are responsive and accessible to all by:
  - providing fair and appropriate services that meet the wide range of needs of everyone in the community;
  - making it easy for, and encouraging people to use our services, including people who are vulnerable, disadvantaged or harder to reach;
  - ensuring our buildings and open spaces are accessible to everyone, making reasonable adjustments where appropriate;
  - consulting and involving all sections of our community in the design, development and monitoring of our policies and services;
  - monitoring take-up and evaluating services to ensure they do not discriminate or exclude individuals or groups;
  - making sure our policies and procedures for giving grants, and for commissioning and buying in goods and services follow this policy; and
  - making sure that we always consider equality and diversity when planning and delivering services

## Appendix 2

**The Disability Discrimination Act 1995** outlaws the discrimination of disabled people in employment, the provision of goods, facilities and services or the administration or management of premises.

**The Disability Discrimination Amendment Act 2010** introduces a positive duty on public bodies to promote equality for disabled people.

**The Equality Act 2010** introduces a positive duty on public sector bodies to promote equality of opportunity between women and men and eliminate sex discrimination. The Act also protects access discrimination on the grounds of religion or belief in terms of access to good facilities and services.

**Gender Recognition Act 2004** - The purpose of this Act is to provide transsexual people with legal recognition in their acquired gender. Legal recognition follows from the issue of a full gender recognition certificate by a gender recognition panel.

**The Race Relations Act 1976** prohibits discrimination on racial grounds in the areas of employment, education, and the provision of goods, facilities, services and premises.

**The Race Relations Amendment Act 2000** places a statutory duty on all public bodies to promote equal opportunity, eliminate racial discrimination and promote good relations between different racial groups.

**The Race Relations Act 1976 (Amendment) Regulation 2003** introduced new definitions of indirect discrimination and harassment, new burden of proof requirements, continuing protection after employment ceases, new exemption for a determinate job requirement and the removal of certain other exemptions.

**The Sex Discrimination Act 1975** makes it unlawful to discriminate on the grounds of sex. Sex discrimination is unlawful in employment, education, advertising or when providing housing, goods, services or facilities. It is unlawful to discriminate because someone is married, in employment or advertisements for jobs. Along with:

- Sex Discrimination (Indirect Discrimination and Burden of Proof) Regulations 2001,
- Sex Discrimination Act 1975 (Amendment) Regulations 2003, and
- Sex Discrimination Act 1975 (Amendment) Regulations 2008.

**Marriage (Same Sex Couples) Act 2013** makes provision for the marriage of same sex couples in England and Wales, about gender change by married persons and civil partners, about consular functions in relation to marriage, for the marriage of armed forces personnel overseas, for permitting marriages according to the usages of belief organisations to be solemnized on the authority of certificates of a superintendent registrar, for the review of civil partnership, for the review of survivor benefits under occupational pension schemes, and for connected purposes.

**The Sex Discrimination (Gender Reassignment) Regulations 1999** seeks to prevent sex discrimination relating to gender reassignment. It clarified the law for transsexual people in relation to equal pay and treatment in employment and training

## **Glossary**

### ***BAME***

Term currently used to describe a range of minority ethnic communities and groups in the UK – can be used to mean Black and Asian and Mixed racial minority communities and can be used to include all minority groups, including white minority communities such as Gypsies and Travellers

### ***Disability***

Disability is defined as a physical or mental impairment, which has a substantial and long-term effect on an individual's ability to undertake normal day-to-day activities

### ***Discrimination***

Treating an individual or group differently and/or less favourably than others under comparable circumstance. It may be based on a person's race, ethnic origin, disability, age, religion or belief, or their sexual orientation.

### ***Diversity***

Is about all the ways in which people differ and about recognising that differences are a natural part of society. Diversity is about treating people, as individuals and making them feel respected and valued.

### ***Duties***

These are things the law says a public body must do.

### ***Equality***

This means everyone having the same chances to do what they can. Some people may need extra help to get the same chances.

### ***Equality Act 2010 or the Act***

This is the Government's new law to make sure all people are treated fairly.

### ***Equality Analysis (Equality Impact Assessment)***

Is a tool used to identify the potential impact of new, revised policy, service or function on different stakeholder groups; this exercise also helps the council to ensure it fulfils the requirements of the Equality Act 2010.

### ***Equality Duty***

This is a law for public bodies telling them they must think about how they can make sure their work supports equality. For example, in their services, through their jobs, and through the money they spend. Public bodies already need to think about treating people of different races, disabled people, and men and women fairly and equally.

### ***Gender reassignment***

The process of changing or transitioning from one gender to another

***Lesbian, gay and bisexual***

Lesbians are women who are attracted to other women. Gay men are attracted to other men. Bisexual people are attracted to women and to men.

***Marriage and civil partnership***

Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated no less favourably than married couples.

***Not in Education, Employment or Training (NEET)***

NEET is a government acronym for young people aged 16- 24 currently "not in education, employment, or training".

***Pregnancy and maternity***

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

***Protected characteristics***

These are the grounds upon which discrimination is unlawful. The characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.