

Government Office for London

Drugs Team

Guidance on Equality Impact Assessments

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INTRODUCTION

The Race Relations (Amendment) Act 2000 gives public authorities new race equality duties, including those outlined in the Statutory Code of Practice on the Duty to Promote Race Equality. This guidance is designed to help you to do effective Equality Impact Assessments (EIAs). EIAs are a requirement of the Statutory Code of Practice on the Duty to Promote Race Equality and of the Public Body Race Equality Scheme. They are also a useful means of ensuring compliance with other equality legislation, such as the Sex Discrimination Act 1975 and the Disability Discrimination Act 1998.

The general duty to promote race equality means the public authority must take the lead in promoting equality of opportunity and good race relations, and preventing unlawful discrimination. In practice, this means we must take account of race equality in the day to day work of policy-making, service delivery, employment practice and other functions.

Since we must meet all three parts of the general duty - eliminating unlawful discrimination, and promoting equal opportunities and good race relations- we must make sure we know how all our policies and services affect race equality.

However this approach is a generic equalities and diversity approach to impact assessments and should therefore address all key local equalities priorities. As such the collation of data to support this assessment should look to include information about race, gender, disability and other locally defined equality priority areas for example, religion, age, sexual orientation, and other areas of social exclusion.

This guidance and template has been designed for the use of Drugs Action Teams (DATs) and Crime and Disorder Partnerships (CDRPs). Most EIAs are focused towards either a policy or a service or a function of a public body. In the case of DATs and CDRPs there will be both service and policy issues which need to be assessed.

OBJECTIVES OF THE GUIDANCE

- To enable the practitioners to comply with the duties imposed by equality legislation, including the Race Relations (Amendment) Act 2000 and the Code of Practice on the Duty to Promote Race Equality, December 2001
- To provide practical assistance to officers in carrying out EIAs
- To provide information for those who will be engaged in consultations during those assessments.

WHAT IS AN EQUALITY IMPACT ASSESSMENT?

An EIA is a systematic way of finding out whether a service, policy or proposed policy has a differential impact on different groups. It enables agencies to

- Take full account of the needs and experiences of those affected by our policies
- Achieve better results generally
- Identify actual and potential inequalities
- Respond appropriately to those inequalities

An Equality Impact Assessment (EIA) is a way of identifying and isolating the likely equality implications/impacts of implementing a new policy /strategy or initiative or of the operation of a current policy / strategy, function or service.

EIAs are a systematic way of finding out whether a policy or proposed policy affects key equality target groups differently. A working definition of an impact assessment is the process of identifying future consequences of a current or proposed action in terms of race equality, gender equality, disability equality and other key equality areas (as defined locally). The assessment also addresses the task of taking all possible steps to ensure that members of different groups are not adversely affected compared to others.

In order to effectively assess the impact of policies and strategies an assessment format has been designed. This template will independently scrutinise the likely impact of the policy, function or strategy and the likely consequences of the actions that come out of the policy, function or strategy.

Key elements of this Assessment include:

- Setting the Scope of the Assessment
(Defining locally what will be assessed, what aspects of the service or function will be assessed and to define the types of equality target groups the assessment will address)
- Legislative framework for the Service and the EIA
(Including the statutory or discretionary nature of the service, the legal framework within which the service works and the key equalities and diversity legislation that governs the way the service operates)
- Identification of aims and purpose of the service its policies and functions and relevant strategy
(This should also include all the relevant action plans and service plans which define the service and which set out local priorities for service delivery)
- Assessment of the service, policy, function or strategy's implementation framework and delivery mechanisms
(This will look at how the service is delivered operationally, how service beneficiaries are put in contact with the service providers, referral systems, eligibility criteria, operational management systems, staffing, staff training, and research governing the service and assessing the ways the service delivers its work)

- Assessment of the service, policy, function or strategy's scrutiny and monitoring roles
(Specifically this assesses systems which are in place to review and monitor who uses the service and their perceptions of the service and their take up of service provision)
- Consideration of relevant data and research
(Predominantly this will consider the data collected above, it will also draw upon any additional research under taken into service needs, user needs and to support a greater understanding of the range and likely impacts the service has or could have)
- Consideration of previous consultation
(This supports the process by assessing any specific user consultation or general public consultation that has been carried out to assess the service and its achievements, perceptions of the service, awareness of the service and generally to assess the views of the public about the service)
- Formal consideration of actual impact of existing service, policy, function or strategies and likely impact of proposed service, policy, function or strategies
(Taking all that has been gathered above some basic assessment need to be made, has the service reached all its clients, are the different equality groups treated equally, is there any evidence of any disproportionate impact of the service is there any evidence of adverse impact or positive impact)
- Assessment of actual and likely impacts
(Based on the assessment above, this section questions the reasons or likely reasons for this disproportionate impact, adverse impact or positive impacts. In some cases this can be justified and for some cases efforts may have been made to single out target groups for the service and hence to ensure that there is justifiable disproportionate impact)

Summary section

- Identification of disproportionate impacts, both adverse and positive
- Consideration of alternative measures to mitigate adverse impact
- Recognition of the sensitivities surrounding positive impacts
- Recommendations for amending the service, policy, function or strategy
- Future monitoring needs for the service, policy, function or strategy especially for adverse future impacts
- Publication of the EIA

KEY STAGES OF AN EQUALITY IMPACT ASSESSMENT

1. Establish clear aims and objectives for the policy or service (DAT/CDRP/Integrated Service):

- What is the purpose of the policy or service?
- Who is it intended to benefit?
- How will they benefit?
- How does the policy fit with the organisation's or partnership's wider objectives?

2. Consider available data and research

Collect existing data that will help to illustrate the effect of the policy on different racial/other groups (e.g. crime and substance misuse surveys, statistical databases, consultation results, in-depth interviews, academic publications). Identify any areas where more information is needed and commission as necessary.

3. Assess how the service being considered will directly or indirectly impact on different racial/other groups and minority communities, genders and disabilities.

- Use the data to decide whether the service or policy is likely to have a direct or indirect differential impact on different racial/other groups, genders or disabled or able bodies people.
- Consider whether any differential effect amounts to adverse impact on certain racial/other groups, disabled people or genders or unlawful discrimination.

4. If there is adverse impact on a community or section of a community, decide if differential impact is justified.

- Consider alterations to the policy or service that would remove any adverse impact or unlawful discrimination whilst still delivering the policy intention.
- Consider alternative policies that might better achieve the promotion of equality of opportunity and promote good community/race relations.

5. Formal consultation on the policy.

- Consult interested parties, residents, businesses, staff, service users and members of the public on the preferred policy. Use formal and informal community-based approaches that might include consultation meetings, focus groups, and citizens' juries or survey questionnaires. Make sure hard-to-reach/hear communities, overlooked groups or sections of communities are consulted.
- Repeat step 4 if necessary in light of responses to consultation.

- When making a final decision on the policy, take assessments and consultations fully into account.
- Explain clearly how the policy was decided upon and its intended effects and benefits.
- Complete the Equality Impact Assessment Template.

6. Monitoring and review of policy.

- Make arrangements to monitor and review for adverse impact in the future.

7. Publish the results.

- Publish the results of the EIA and consultation.
- Be proportionate and transparent.

These elements are not intended to describe the sequence of events since some may be ongoing, some run consecutively and some are interlinked. In particular, the guidance stresses that consultation should play a significant part in all stages of the process, not simply at the formal stage.

WHEN SHOULD YOU DO AN EQUALITY IMPACT ASSESSMENT?

EIAs should begin as soon as a new policy, service or strategy is considered, it should also support the reviews of existing policies, strategies or services.

- The Race Equality Scheme requires them to be done.
- They should be an integral part of policy making.

A full EIA may not be necessary in every case. For instance,

- Have you already completed an EIA in this area recently?
- Has a full EIA been done recently in a very similar employment or service area?
- Can you justify doing only a partial assessment?

An initial EIA or screening can play a valuable part of new policy formulation, or when considering changes to policy. Base this on

- Existing knowledge
- Existing data
- Best estimates of the size of the issue, and
- The people and/or communities it will effect.

A partial EIA will

- Build on the initial assessment
- Outline risks and benefits, and
- Include the advice of experts and interested groups

A full EIA will include

- The results of external consultation
- A final recommendation, and
- Arrangements for monitoring and evaluating the assessment

We would recommend that DATs and CDRPs need to complete full EIAs as this will support service provision and local crime reduction and substance misuse strategies and action plans.

WHAT IS NEEDED FOR AN EQUALITY IMPACT ASSESSMENT?

To begin an EIA, you will need:

- Documentation about the policy or proposed policy, including aims, objectives and any possible alternatives
- The Race Equality Scheme and the Corporate Service Delivery and Equality Policies of the organisation or partner organisations
- Some knowledge and information about race, gender, disability and other equality issues
- Advice and support from your Equalities specialists
- Any available EIA on similar policies or services

You may also need

- Results of consultation with interested parties, users and the wider community
- Specially commissioned data about the impact of the policy

WHAT SOURCES OF DATA SHOULD YOU CONSIDER?

You will need to consider existing in-house and/or external quantitative and qualitative data.

- Do you need additional data?
- Do you need to generate primary data?
- Is there a need for secondary analysis of existing data? Who will be your partners in gathering information?

HOW SHOULD YOU ANALYSE THE INFORMATION?

Use all your information sources - surveys, statistical databases, consultation results, in-depth interviews and academic publications - to determine the following:

- Is there a differential impact on different racial groups?
- Is there a differential impact on other disadvantaged people and/or communities, for example people who are disabled, lesbians and gay men, women or young people in different communities?
- Is there any difference in the conclusions drawn from different information sources, or are they consistent?

- Does the policy appear to be directly or indirectly discriminatory?
- Is there an alternative measure that could achieve the same goal without adverse impact?

HOW SHOULD YOU DEAL WITH ADVERSE IMPACT?

An EIA will demonstrate whether or not the policy could lead to an adverse impact against certain racial groups, or against other disadvantaged groups. You will need to consider if the outcome of the policy could be considered as direct or indirect discrimination. You may need to seek legal advice on this matter.

If you find that direct or indirect discrimination is possible, you will need to ensure that immediate steps are taken to change the policy since its impact will be unlawful discrimination.

If there is a difference between the impact on different racial groups or other disadvantaged groups, but it does not result in unlawful discrimination, then you will need to consider what steps need to be taken to mitigate the impact or to change the policy or delivery of service.

If any adverse differential impact is found, you must decide if it is justified. You need to consider alternative options to avoid or mitigate adverse impact. You need to consider

- Can the adverse impact be avoided?
- Is the adverse impact justified within the wider aims of the overall policy or function?
- Can you mitigate the adverse impact by taking other steps to compensate?
- Is the policy acting as a barrier to promoting good race/community relations? How does each option challenge or reinforce stereotypes?
- What are the net social/equality benefits of each approach?
- How can you justify the final recommendations on the selected option/s for service delivery or policy?
- How will you monitor the impact on the selected option/s?

Having taken a decision, you will need to introduce the changes in a planned way and provide appropriate training where necessary.

PUBLISHING THE RESULTS

The public authority has a statutory *specific duty* to publish the results of their Equality Impact Assessments, consultations and monitoring, and for ensuring that people have access to the information and services we provide.

You need to meet this duty whilst taking account of the requirements of the Data Protection Act and, at the same time, ensuring full and accountable disclosure.

In publishing the accounts of any assessments, consultations and monitoring, you will need to consider how this might be done effectively through corporate mechanisms. You can consider using the following publishing mechanisms (this is not an exhaustive list):

- Agency magazine for local residents
- In house communications
- The agency/partnership website
- The local strategic partnership's Community Plan
- Scrutiny Reports

You must ensure information reaches all communities and make available in accessible formats such as Braille and audiotape. See Appendix 1 for guidance on publishing in accessible formats.

USING EXISTING ASSESSMENT TOOLS

Maximise this EIA by linking it into your existing tools for assessment:

- Best Value Reviews
- BVPIs and other performance indicators, for example user satisfaction surveys, workforce profiles (BVPI 17)
- Equality Standard for Local Government - audit and self- assessment toolkit (BVPI 2). Get information on this from your Equalities specialist or Equalities Board.
- Equality Action Plans
- Organisation/Directorate/Service Equality Action Plan
- Standard Human Resource monitoring procedures, IIP

APPENDIX I

Legislation:

Legislation

There is an increasing level of legislation governing equalities and diversity, which now impacts on the work of public bodies and agencies. The employment implications of previous legislation are well known. However the shift is now to reinforce this employment focus with a greater emphasis on service delivery, community engagement, and effective representation, social cohesion and service based equalities performance targets.

In short, equality legislation is assisting improvements to public services, through providing a framework for greater transparency and efficiency.

The equalities areas covered by current legislation, regulations, EU Directives and case law include:

Sex and marital status (Sex Discrimination Act 1975)

Race, Nationality, Colour and Ethnic origin Race Relations Act 1967, Race Relations (Amendment) Act 2000

Equal Pay (Equal Pay Act 1970)

Disability (DDA 1995)

Religion (NI Only)

Transsexuals (Gender reassignment)

Pregnancy and Maternity

Ex-offenders

Parental leave

Sexuality

Human Rights (HRA 2002)

Religion and beliefs

Sexual Orientation

Age (2006)

Plus enhancements in relation to Race, Disability, Gender and Equal Pay in 2003-6

2003/4 will be a particularly challenging year in terms of new equalities legislation. Particular priority will have to be given to complying with responsibilities under the Race Relations Amendment Act and the EU Employment and Race Directives.

Appendix II

Equalities Impact Assessment Template

Equalities Impact Assessment: Service and Policy Based

What is an Equality Impact Assessment?

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The template below sets out the methodology for a review process. Clearly not all sections always apply and in some cases data may not be available. However the process of the review should have its benefits. It may be the first or only time the service has been reviewed with a user and beneficiary focus against equality and diversity targets.

The language of the form was originally written for local government but can easily be modified for other agencies. Grids/boxes needn't be strictly adhered to.

Draft Impact Assessment

Department/Team:

Lead Officer:

Tel:

Email:

Name of service: Drugs and Alcohol Action Team (DAAT)

General – Policy Context

NB some basic responses have been given as indication of the way the template should be completed

1. List the functions of the service.

DATs/DAATs aim is to deliver National Drug Strategy locally. Original document is 1998 Strategy "Tackling Drugs to Build a Better Britain".

An Updated Drugs Strategy was produced in December 2002. 4 strands to strategy;

- Providing treatment
- Preventing young people from developing drug problems
- Building community resistance to drug misuse
- Tackling drug supply
- Delivering the Local Alcohol Strategy

The DAAT is currently required to produce 4 local delivery plans on an annual basis for the Government Office for London:

- Treatment Plan
- Young Person's Substance Misuse Plan
- Communities Plan
- Availability Plan
- Alcohol Strategy

2. What are the aims or purpose of the DAT service?

To address substance misuse, to work with partners, to develop interagency approaches to treatment, tackling drug and alcohol related crime and anti social behaviour, reducing the availability of drugs from the market place and to raise awareness and education of drugs and substance misuse with the community and vulnerable groups

Much of the DAATs work is based on the procurement of services, monitoring and reporting of funding bids with external agencies and the support and development of various service providers.

3. Is the service aimed at a particular client group?

Yes Substance Misusers, potential substance misusers and the community at large: However the range of clients and service users include:

Service Providers, eg, Treatment Service providers, Education and Health Services, Day Centres, Youth clubs, family centres, community centres, local businesses, Licenses, Police, Voluntary sector agencies RSL's , Homelessness services, Schools, early years providers, employment service, careers, connections, Social services, Youth Offending Team. Criminal Justice system, probation etc

Substance misusers:

Families' carers friends of substance misusers

People affected by substance misuse i.e. crime and anti social behaviour including fear of crime.

4. Is the provision of the service discretionary or statutory?

Non-Statutory.

Although there is a significant focus on drugs related crime and there is a legal requirement through the C&D Act 1998, for there to be a Crime and Disorder Partnership, a focus of which is Drugs related crime.

5. Is this service provided by one department or in conjunction with other departments, agencies or contractors? If there is involvement from an external providers please outline how you ensure they adhere to your equalities commitments such as our Equal Opportunity Policy?

The work of the DAT is provided on a variety of levels.

- Service planning by the Drugs and Alcohol Action Team staff
- Treatment services through treatment service providers under SLA's and contracts
- Via a partnership network in the community including, health, probation, the police and departments of the local authority

There is currently no formal confirmation of the external agencies EOP other than through the SLA and contracting process, where there is an expectation that the service provider adheres to the Borough's EOP.

6. Explain the relevance of this service to

a) Eliminating Discrimination

In general we work with vulnerable groups and with communities that are often discriminated against. However this has not in the past been a determinant feature of the way the service is planned. The DAAT has been trying to undertake research to the needs and mapping of needs for diversity communities and under-represented groups. Nonetheless we are addressing a number of delivery issues by seeking to address the needs of different groups.

b) Promoting Equal Opportunities

Seek to promote equal opportunities through the DAATs commitment to equal opportunities and the Council's Equal Opportunities policy. However there is a strong awareness that this may not be enough and that in some cases service provision and service access is poor but that in others efforts are being made to address the commitment to equal opportunities in the work of the DAAT.

c) Promoting Good Race/Community Relations

The approach to the work is to address good race relations and community relations. However the impact of this has yet to be tested through research and or consultation.

7. How is the service delivered?

Types of activity (this may need expansion)

Advice,
Planning,
Commissioning, and setting targets
Project management,
Consultation,
Servicing and facilitation the coordination of partnership activity
Publicity and promotion and awareness raising
Report writing,
Campaigning,
Liaison,
Research,
Procurement,
Policy analysis,
Assessment of local needs,
Evaluation and monitoring,

These activities are carried out through the structures of the council (Decision making, policy development political climate), its partners (Service delivery agents and public agencies) and its commissioned service providers.

8. Please give details as to whether:

- there is any eligibility criteria?

Borough residency.

- the service is targeted to local residents or businesses - visitors?

Yes

- the service is regulatory, advisory or care based?

Yes

- the service is free, fee based or commercially driven?

Free

9. Are staff trained in equality awareness and cultural awareness relevant to the needs of your client groups?

DAAT Staff Training?

Disability Awareness for Council employees. There is no formal approach to training other than through appraisal and line management.

DAAT Commissioned services staff training?

No formal requirement other than through QuADS.

10. Are there any factors about the way the service is delivered that could have an equalities impact?

This gives us the opportunity to review those areas where there may be an equalities implication or where there are specific needs of defined target groups. EG

Communication promotions and media formats*

Language and accessible formats*

Service access, location and opening hours*

Level of additional supportive service provision i.e. childcare*

Cost issues

Positive actions to address hard to reach groups (schools and people excluded etc)*

Grant conditionality around geographic areas of deprivation

Treatment criteria, Criminal justice treatment provision, being faster than voluntary referral

Suitability of treatment service*

Staff in services feeling comfortable and aware of needs*

Staff reflecting the community*

11. Additionally Consider:

Opening times: Various according to the nature of the service and the priorities of the service. Satellite services, may be a way to address some of these issues.

Physical Access: Variable and each provider has a responsibility to meet access requirements QuADS?

Translation and interpretation services: the DAAT has some in house capacity for interpretation, CITAS which is council funded (Translation and Interpretation Service) and Language Line.

12. What methods do you use to promote or advertise your service?

Referral, Promotion, Custodial treatment, etc

Open day

Road Show

Referrals

Promotional Material (Frank, Posters, leaflets, cards)

Web site

Borough Magazine

DDTO

Custodial Treatment

13. What measures do you undertake to reach traditionally excluded communities?

Examples of current or previous activity needed here!

14. Has your service been subject to any complaints on the grounds of discrimination? If so, please detail the issues raised and your response

List any specific equalities related complaints

15. What evidence do you have that the target group (as described above) is taking up the service/policy?

This section needs to be expanded to include the services profile of users as obtained through Monitoring Data, NTA returns, Equality Profile of beneficiaries etc

16. What consultation exercises have been carried out over last 2 years and/or are planned in the near future?

Consultation, research, needs analysis, development of services consultation, action planning consultation etc.

17. In particular, what work has been undertaken with BME communities, women and disabled people, lesbians, gay men and bisexuals, younger people etc?

Similar to 13 above this section should list any specific initiatives or actions undertaken to support particular target groups.

18. Is this information on a consultation database held by any of the partners in the DAAT/DAT?

19. Do you intend to carry out any consultation as part of this assessment process?

If so this section should identify the rationale for the consultation and the proposed types nature of the consultation

20. Please outline your awareness of client needs broken down by race, gender, disability etc.

This may replicate 15 above but also serves as a point to list client needs as well

21. Are there any additional equalities monitoring information you collect?

Please attach an example of the monitoring form you use.

22. Does the customer profile of your service reflect the local population or relevant target group or is there under or over representation by certain groups if so state.

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23. If there is over or under representation please explain.

Assessment Summary

From your analysis of monitoring information and consultation to date:

a. Is there a differential impact on any of the equality strands (race, gender or disability) based on the data you have provided?

Race:

Gender:

Disability:

Other:

b. If there are differential impacts, are they adverse or positive?

Adverse

Positive

Race:

Gender:

Disability:

Other:

c. Are there other ways the service could be provided which would achieve its aims without adverse impact?

d. Are there any additional other practical measures that could be implemented to improve the service to achieve its equality and diversity commitments?

e. How will the results feed into the performance planning process?

f. Do you intend to investigate further? If so, please outline what is planned.

Action Plan and Timetable for Implementation

Recommendation	Actions Proposed	Outcome	Milestone and date	Officer Responsible