

**Title of meeting:** The Governance and Audit & Standards Committee

**Date of meeting:** 24 January 2013

**Subject:** Update on the Council's compliance with its Equality Duty and Equality Impact Assessment Process

**Report by:** City Solicitor

**Wards affected:** All

**Key decision:** No

**Full Council decision:** No

---

**1. Purpose of report**

- 1.1. To update the Committee on the compliance of council services with the Equality Duty and the Equality Impact Assessment process since the last report dated 27<sup>th</sup> September 2012.
- 1.2. To update the Committee on the progress of age equality audit in Adult Social Care following an introduction of age discrimination ban in the provision of services and performance of public functions.

**2. Recommendations**

- 2.1. That the Committee notes the contents of the report;
- 2.2. That the Committee continues to monitor the compliance of the Council services with the Equality Duty and the Equality Impact Assessment process adopted by the Council, on a quarterly basis.
- 2.3. That the City Solicitor continues to report on such compliance to the Committee on a quarterly basis.

### **3. Update on the Council's compliance with the Equality Duty and the Equality Impact Assessment (EIA) process**

#### **3.1. Background**

- 3.1.1. The Equality Act 2010 introduced the Public Sector Equality Duty requiring the council to consider the impact of its policies, strategies, projects and services on people with any of the nine 'protected characteristics': These are age, race, disability, sex, gender reassignment, sexual orientation, religion, pregnancy and maternity, marriage or civil partnership.
- 3.1.2. Non-compliance can lead to costly, time-consuming and reputation-damaging legal challenge by individuals or pressure groups.
- 3.1.3. The Council has a well-established Equality Impact Assessment process which ensures compliance with the Public Sector Equality Duty.
- 3.1.4. We have recently received a letter of advice from the Department for Communities and Local Government, following the Prime Minister's speech to CBI in November calling time on the production of Equality Impact Assessments. That letter of advice suggests that local authorities should be able to have due regard to the Equality Duty without the need to undertake, in their view, time-consuming, bureaucratic tick-box exercises in the form of formal written EIAs.
- 3.1.5. The Prime Minister's call for an end to EIAs is not a change in the Equality Law but purely a call for a change in practice as EIAs have never been a legal requirement. What the law continues to require is that public bodies, including local authorities, undertake Equality Analyses of their projects, services, policies and functions. The letter of advice suggests that simple audit trail should be sufficient to evidence that due regard has been had to the Equality Duty. The view of our Equality and diversity team however is that, without our well-established EIA process, the council would not have any means of properly evidencing and monitoring of compliance with the Equality Duty.

#### **3.2. Table showing compliance of individual services with the Equality Impact Assessment process**

The table below shows the individual services' compliance with the council's 3 yearly rolling EIA process as at 11<sup>th</sup> January 2013. This process sets deadlines for EIAs to be completed on the major services, policies, and functions of the council that have been identified by the management and the Equality &

diversity team as having a potential present or future disproportionately negative impact on people possessing any of the ‘protected characteristics’. All completed non-exempt EIAs are published on the equality pages of the council website.

The table does not take account of the additional EIAs being undertaken on other proposed new or changed projects, policies, services and strategies that are placed before relevant decision-makers. These are monitored by the Equality & diversity team regularly through the Future Work Programme. Council services are overall pro-active in planning for equality analysis as part of their project processes and / or contacting the Equality & diversity team for advice and support. The Team is currently assisting services to undertake EIAs on the proposed budgetary savings in readiness for the Full Council budget decision meeting in February 2013.

The table below illustrates that most of the services continue to be 100% compliant. Thanks to efforts of the Equality & diversity team, Children’s Social Care and Housing Management have recently completed all their outstanding EIAs. Adult Social Care has also improved its compliance by undertaking two of the five outstanding EIAs. The time for completion of the remaining three EIAs has been extended to February 2013 to await results of the consultation and the impact of the proposed budgetary savings in Adult Social Care. We however have not yet had any update from Traffic and Transportation service regarding their list of EIAs, following the service’s restructure.

The equality & diversity team will work with these services to ensure that the outstanding EIAs are completed without further delay.

<b>Directorate</b>	<b>Service</b>	<b>Compliance</b>
Adult Services	Community Safety	100% - no change
	Health Improvement and Development	100% - no change
	Adult Social Care	100% - up by 18%
	Housing Management	100% - up by 20%
	Customer, Community and Democratic Services	100% - no change
	Revenues and Benefits	100% - no change
Young People	Education	100% - no change
	Children’s Social Care	100% - up by 50%
	Audit and Performance Improvement	100% - no change
Regeneration	Planning	100% - no change

	Community Housing and Regeneration	100% - no change
	Traffic and Transportation	The service has undergone a restructure and we are waiting for the service management to review their list of EIAs.
	Culture	75% - down from 100%
Performance / Support Services	Information Services	100% - no change
	Finance	100% - no change
	Legal, Licensing and Registrars	100% - no change
	Asset Management	100% - no change
	Human Resources	100% - no change

## **5. Update on age equality audit in Adult Social Care**

**5.1.** The previous report provided an update on the recent introduction of the age discrimination ban in the provision of services and the performance of the public functions in October 2012, which means that all unjustifiable age related discrimination in services has become unlawful. Nationally, Adult Social Care is considered by the government as the area where age discrimination practices are present and therefore need addressing. Therefore, Portsmouth City Council's Adult Social Care department is planning to undertake an age equality audit to ensure that its policies and practices are non-discriminatory and based on individual need only. The audit is expected to commence in February 2013.

## **6. Reasons for recommendations**

**6.1.** To ensure that the Council complies with its legal obligations under the Equality law.

## **7. Equality impact assessment (EIA)**

**7.1.** This report does not require an Equality Impact Assessment as it does not propose any new or changed services, policies or strategies.

## **8. Head of legal services, comments**

**8.1.** Legal advice and the effect of non-compliance are set out in this report.

**9. Head of finance’s comments**

**9.1.** There are no financial implications arising from the recommendations in this report.

.....  
Signed by:

**Appendices: Nil**

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Nil	

.....  
Signed by: