

Title of meeting:	Governance & Audit & Standards Committee
Date of meeting:	11 March 2016
Subject:	Compliance with Equality Duty and Equality Impact Assessment
Report by:	City Solicitor
Wards affected:	Not applicable
Key decision:	No
Full Council decision:	No

1 Purpose of report

- 1.1 To update Members of the Committee on the compliance of Council services with the Equality Duty and the Equality Impact Assessment process since the last report dated 7 November 2014.

2 Recommendations

- 2.1 It is recommended that Members of the Committee note the report
2.2 It is recommended that Members of the Committee consider whether any further action is required by them.

3 Background

- 3.1 The Equality Act 2010 introduced the Public Sector Equality Duty, which requires the council to consider the impact of its day-to-day activities, including development of new or changed policies, strategies, projects and services, on people with any of the eight 'protected characteristics'. These are age, race, disability, sex, gender reassignment, sexual orientation, religion or belief, and pregnancy and maternity. The council must take steps to identify and mitigate any potential discriminatory or disproportionately negative impact of its activities on any of the equality groups as part of its decision-making and implementation process. A full explanation of the council's obligations under the Equality Duty was provided to the Governance and Audit & Standards Committee in the report of 11 November 2011.
- 3.2 Non-compliance can lead to costly, time-consuming and reputation-damaging legal challenge by individuals or pressure groups.
- 3.3 The council has a well-established Equality Impact Assessment (EIA) process which assists compliance with the Equality Duty. The process requires that a preliminary EIA, if relevant, should be undertaken at the initial stage of (re)design

/ development of a policy, strategy, project or service. If the preliminary EIA identifies a potential negative impact on any of the groups protected under the Equality Act 2010, a full EIA should be undertaken before any final decision is made. The full EIA should take into account results of any public consultation and any other relevant local and national information available, including any effects of similar initiatives elsewhere in the UK.

- 3.4 The EIA process requires that all completed EIAs are sent to the Equality & diversity team for quality assurance before being submitted with a relevant report for a decision.
- 3.5 As part of the council's EIA process, council services are required to undertake and review EIAs 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'. Compliance by individual directorates with EIA process is shown in Appendix A. The following services have outstanding reviews:

<i>Directorate</i>	<i>EIA</i>	<i>Outstanding Requirement</i>
Transport Environment and Business Support	Planning and transport policy	Preliminary EIA and review
Children's Services	Education Improvement Team - Education Officers	Preliminary EIA and review
	Governor Support Service	Preliminary EIA and review
HR, Legal and Procurement	Procurement of Corporate Goods and Service	Preliminary EIA and review
Property and Housing	Money advice for Council tenants	Preliminary EIA and review
	Tenancy Support Service	Preliminary EIA and review
	Resident Participation Service	Full EIA and review
	Private leased scheme	Preliminary EIA and review
	Garage and parking sites	Preliminary EIA and review
Regulatory Services, Community Safety and Troubled Families	Civil contingencies	Full EIA and review
	Pest control	Preliminary EIA and review
Adult Services	Mental Health Recovery	Preliminary EIA and review
	Mental Health	Preliminary EIA and

	Employment Support	review
	Portsmouth Rehabilitation	Preliminary EIA and review
	Respite service for adults over 18 with learning disability	Preliminary EIA and review
	Older persons physical disability team	Preliminary EIA and review
Culture and City Development	Hackney carriage and private hire licensing	Preliminary EIA to full EIA
	Museums	Full EIA and review
Children's Social Care	Positive activities	Preliminary EIA and review
	Information and assessment team	Preliminary EIA and review
	Family Support team	Preliminary EIA and review
	Protection and Court team	Preliminary EIA and review
	Children and Disabilities team	Preliminary EIA and review
	Independent Reviewing Officers and Child Protection Conference Chairs	Preliminary EIA and review
	Family Intervention team	Preliminary EIA and review

3.6 To ensure that council officers and members are provided with information about latest developments in the Equality Law and their implications for the way council services operate, and understand the council's EIA process, the Equality & Diversity Team:

- 3.6.1 Provides reports on developments in equality law to Directors', Departmental Management Team Meetings, and the Governance and Audit & Standards Committee.
- 3.6.2 Works with our Learning & development services to ensure that their training courses are up-to-date.
- 3.6.3 Provides advice and training to council officers on an individual basis - this is often preferred to group training sessions as it helps our officers understand the practical relevance of the Equality Law in the context of their service's work.
- 3.6.4 Makes information about the council's legal obligations and the EIA process available on our main website at <https://www.portsmouth.gov.uk/ext/community-and-environment/community/equality-and-diversity.aspx>
- 3.6.5 Provides regular legal updates as well as information about diversity events on our Equality & diversity in Portsmouth blog <http://pccequality.blogspot.co.uk/>

4 Reasons for recommendations

- 4.1 To ensure the Council complies with its legal obligations under equality law.

5 Equality Impact Assessment (EIA)

- 5.1 Not applicable.

6 Legal implications

- 6.1 The report indicates that the Authority is engaged in meeting its full liability with respect to the Public Sector Equality Duty ("PSED"), this being undertaken via a clear policy of engagement and where appropriate the initiation of an Equality Impact Assessment. This process of EIA, which goes beyond the strict legal duty, to have due regard to the PSED thereby mitigates risk and provides a clear structure for assessment and consideration of equality issues. It is to be remembered that the PSED requires that within the Authority decision making process steps are undertaken to eliminate discrimination, advance equality of opportunity and foster good relations.

7 Finance comments:

- 7.1 There are no financial implications arising from the recommendations set out in this report.

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City Solicitor

Appendices: Appendix A - Schedule of EIA compliance

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
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