

Agenda item:

Title of meeting: The Governance and Audit & Standards Committee

Date of meeting: 30 January 2014

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 26th September 2013.

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. Any potential negative impact on any of the equality groups should be given 'due regard' throughout the process of (re)design / development, decision-making and implementation of our policies, strategies, projects and services.

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 (EIA) process which assists compliance with the Public Sector 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.

3.1.4. 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.

3.2. Compliance of council services with the Equality Impact Assessment process

3.2.1. As part of the council's EIA process, council services are required to undertake 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'.

The table below shows the individual services' compliance with the council's 3 yearly rolling EIAs as at 20th December 2013. The table illustrates that the majority of the services continue to be 100% compliant. Adult Social Care have significantly improved its compliance over the last few months, and continue to have no outstanding EIAs. Transport & Environment Services have also made a notable progress in undertaking 3 yearly EIAs, but still have 4 outstanding EIAs. Children's Social Services continue to have one outstanding EIA, making them 88% complaint. Corporate Assets, Business & Standards also now have one EIA which is overdue. Housing & Property Services' compliance has seen

a decline in the last quarter - their 5 EIAs have become overdue making them 74% compliant. Finance Services also have a few (3) outstanding EIAs now, but have assured us that they would be completed in the next couple of weeks. The Equality & diversity team is working with these services to ensure that these EIAs are completed without further delay.

Directorate	Service	Compliance
Public Health	Health, Safety & Licensing	100% - no change
People Services	Education & Strategic Commissioning	100% - no change
	Children's Social Care and Safeguarding	88% (1 of 9 EIAs outstanding) - no change
	Adult Social Care	100% - no change
	Revenues and Benefits	100% - no change
Regeneration	City Development & Cultural Services	100% - no change
	Corporate Assets, Business & Standards	90% (1 of 10 outstanding) - down from 100%
	Transport & Environment	77% (4 of 17 outstanding) - up from 40%
	Housing & Property Services	74% (5 of 19 outstanding) - down from 100%
Performance / Support Services	Information Services	100% - no change
	Finance	58% (3 of 7 outstanding) - down from 100%
	HR, Legal & Performance	100% - no change
	Customer, Community & Democratic Services	100% - no change

3.2.2. All additional EIAs being undertaken on other proposed new or changed projects, policies, services and strategies that are placed before relevant decision-makers are monitored by the Equality & diversity team regularly through the Future Work Programme, regular liaison with democratic services, equality leads and other officers in individual services, and by checking meeting agendas of council decision-makers.

Council services are overall pro-active in planning for equality analysis as part of their project processes and contacting the Equality & diversity team for advice and support. The issue is often around quality of the EIAs produced. The Equality & diversity team however works with individual officers on their better understanding of the Equality Duty and improvements in quality of their

EIAs before they are finalised and put before decision-makers. Officers are usually cooperative and implement the team's advice.

In addition, in order 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:

- a) Provides reports on developments in equality law to Strategic Directors Board, Departmental Management Team Meetings, and the Governance and Audit & Standards Committee.
- b) Works with our Learning & development services to ensure that their training courses are up-to-date.
- c) 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.
- d) Makes information about the council's legal obligations and the EIA process available on our main website at:
<http://www.portsmouth.gov.uk/yourcouncil/equality-and-diversity.html>.
- e) Provides regular legal updates as well as information about diversity events on our Equality & diversity in Portsmouth blog at:
<http://pccequality.blogspot.co.uk/>.

The Equality & diversity team are currently working with services across the council to ensure that all relevant budgetary savings proposals are properly consulted on with the public and assessed for any equality impact.

4. Reasons for recommendations

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

5. Equality impact assessment (EIA)

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

6. Head of legal services, comments

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

7. Head of finance's comments

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

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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	

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Signed by: