

Title of meeting:	Governance & Audit & Standards Committee	
Date of meeting:	04 November 2016	
Subject:	Monitoring of Equality Impact Assessments through the Committee decision 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 of compliance with the Equality duty and to request agreement to monitor Equality Impact Assessments through the committee decision process.

2. Recommendations

- 2.1. That the Committee notes the contents of the report;
- 2.2. That the Committee agrees to the new process to monitor Equality Impact Assessments set out in paragraph 5.1 to ensure continued compliance of the council services with the Equality Duty and decides how often reports are to be received.
- 2.3. That the City Solicitor continues to report on such compliance to the Committee as required.

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.
- 3.2. The public sector equality duty consists of a general equality duty, which is set out in section 149 of the Equality Act 2010 ("the Act"), and specific duties which are imposed by secondary legislation.

The general equality duty is set out in the Act. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

3.3. These are sometimes referred to as the three aims of the general equality duty. The Act helpfully explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

3.4. Non-compliance can lead to costly, time-consuming and reputation-damaging legal challenge by individuals or pressure groups.

3.5. 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.

3.6. 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.

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

4.1. 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'.

4.2. Since 2000 we have a three year rolling programme of EIAs consisting of the main functions of the service. Services would be required to review these every three years, but if the service/function was being changed an EIA would need to be completed to ensure these changes did not disproportionately impact negatively on the protected characteristics as described by the Act.

4.3. The Equality & diversity team works with services to ensure that EIAs are completed. The monitoring by this Committee has proved beneficial in improving the services' compliance with the EIA process.

- 4.4. 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. However, when required, the team provides additional training and guidance to individual officers
- 4.5. All additional EIAs being undertaken on proposed new or changed projects, policies, services and strategies that are placed before relevant decision-makers are regularly monitored by the Equality & diversity team liaising with democratic services, and other officers in individual services.

5. Proposed Way Forward

- 5.1 The current practice of monitoring EIAs on a three year rolling programme has not always resulted in meaningful outcomes. Consequently Cabinet and Committees can make decisions that could result in adversely impacting on our customers/residents. It is considered that a more effective way forward would be for this Committee to monitor Cabinet and Committee reports on a regular basis to check they have EIAs where required. This would ensure that potential adverse impacts on the community can be highlighted before decisions are made.

6. Reasons for recommendations

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

7. Equality impact assessment

- 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. Legal implications

- 8.1. The report indicates that the Authority is engaged in meeting its full liability with respect to the Public Sector Equality Duty, PSED, ("the duty"), 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.

9. Director of Finance's comments

- 9.1. 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