

Agenda item:

Title of meeting: The Governance and Audit & Standards Committee

Date of meeting: 07 November 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 27 June 2014.

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, 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.

3.1.2. 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 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 16 October 2014. The table illustrates that the majority of services are currently 100% compliant, although four services compliance has dropped since June 14.

Health, safety & licensing has had a major decrease in compliance since June 14, all the overdue EIA's are relating to the licensing function. Licensing have been given an extension for another two EIA's (Policy relating to the grant of permits for amenities on the highway and The statutory process and local policy guidelines relating to the hackney carriage and private hire licensing functions) this is because they will need to go out to consultation as they could have an impact on some of the protected characteristics as described by the Equality Act 2010.

Transport & Environment Service has one outstanding EIA relating the the Dial a ride service.

Housing & Property Services had been given extra time to complete their outstanding EIAs as they were in the process of reviewing some of their policies and planned to undertake satisfaction surveys with service users, this position has not improved since June 14. The delay is also partially attributed to current lack of staff capacity within the service to carry out a number of EIAs at the same time. The Equality & diversity team have met with management to try and resolve these issues.

The Equality & diversity team is working with these services to ensure that these EIAs are completed without further delay. The monitoring by this Committee has proved beneficial in improving the services' compliance with the EIA process.

Directorate	Service	Compliance
Public Health	Health, Safety & Licensing	73% - this is a 27% decrease since June 14
People Services	Education & Strategic Commissioning	100% - no change
	Children's Social Care and Safeguarding	100% - up from 88%
	Adult Social Care	100% - no change
	Revenues and Benefits	100% - no change
Regeneration	City Development & Cultural Services	100% - no change
	Corporate Assets, Business & Standards	100% - up from 90%
	Transport & Environment	93% - this is a 7% decrease from June 14
	Housing & Property Services	71% - this is a 29% decrease from June 14
Performance / Support Services	Information Services	100% - no change
	Finance	100% - no change
	HR, Legal & Performance	100% - no change
	Customer, Community & Democratic Services	100% - no change

3.2.2. 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 through the Future Work Programme, liaison with democratic services, equality leads and other officers in individual services, and by checking agendas in advance of council decision meetings. Below shows the additional EIA's that have been completed since the last update:

Health, Safety & Licensing

Shared Uniform Service Project
Call off contract from the Framework for Learning Disability
Supported Living.
Removal of subsidy paid to Meals on Wheels service

Transport & Environment

Henderson Road Traffic Calming Scheme
Pedestrian crossing addition at Havant Road/Farlington Avenue

Customer, Community & Democratic Services

Review of polling districts and polling places

Education & Strategic Commissioning

Proposal to change The City of Portsmouth Boys' School from a
single sex school to a co-educational school.

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. Occasional prompting is necessary as well as the team's support in ensuring the EIAs are of good quality. When that happens, the team provides additional training and guidance to individual officers in question.

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:
<https://www.portsmouth.gov.uk/ext/community-and-environment/community/equality-and-diversity.aspx>.

- 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/>.

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. The report indicates that the Authority is engaged in meeting its full liability with respect to the Public Sector Equality Duty ("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.

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: