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| Subject: | Equality Impact Assessment | | |
| Date of Meeting: | 22 September 2011 | | |
| Report of: | Strategic Director, Communities | | |
| Lead Member: | Cabinet Member for Communities, Equalities & Public Protection | | |
| Contact Officer: | Name: | Mary Evans | Tel: 29-1577 |
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| Key Decision: | No | | |
| Ward(s) affected: | All | | |

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The Council's "Working towards an Equal City": Equality & Inclusion Policy and the Single Equality Scheme set out equality priorities and actions from January 2010 until December 2011. A new policy and action plan is under development for approval by Council in January 2012.
- 1.2 The Equality Act 2010 sets out new legislative requirements in this area including new requirements on the public sector.
- 1.3 This report outlines the council's approach to equality impact assessment as a key process in tackling discrimination and inequality.

2. RECOMMENDATIONS:

- 2.1 That Cabinet agrees the proposed approach to equality impact assessment and ensure that they are taken into account in all decision making across the Council, including issues related to "cumulative impact" on specific communities

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**3.1 Implementation of the Equality Act 2010**

- 3.1.1 The Equality Act replaces the previous anti-discrimination legislation with a single Act that simplifies the law, removing inconsistencies and making it easier to understand. It also strengthens the law to help tackle discrimination and inequality, and expands the Duties placed on public bodies.
- 3.1.2 The Act came into force on October 1 2010. The new public sector Equality Duty came into force on April 6 2011. The Equality Duty aims to embed equality considerations into the day to day work of all public bodies, and those carrying out public functions, so that they tackle discrimination and inequality. The Duty requires public bodies to engage with the diverse communities affected by their

activities and decisions to ensure that policies and services are appropriate and accessible to all and meet different people's needs.

3.1.3 The Duty consists of a **general Duty** and **specific Duties** – the specific Duties are designed to enable public bodies to meet the general Duty. The new Duty replaces the existing public sector equality Duties and covers the following protected characteristics:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race (ethnic or national origin, colour, nationality)
- Religion or belief (including lack of belief)
- Sex
- Sexual orientation

3.1.4 The Duty also applies to 'marriage and civil partnership' but only in respect of the requirement to have due regard to the need to eliminate discrimination.

3.1.5 It is designed to reduce bureaucracy whilst helping public bodies deliver equality outcomes. It will require public bodies to publish more information than before, and to demonstrate how they are delivering improvement so that the public can hold them to account.

3.1.6 The general Duty has 3 aims. Public sector bodies need to be able to evidence that they have given due regard to the impact and potential impact on all people with 'protected characteristics' in shaping policy, in delivering services, and in relation to their own employees, specifically in relation to the duties to:

- **Eliminate unlawful discrimination**, harassment and victimisation and other conduct prohibited under the Equality Act 2010
- **Advance equality of opportunity** between people from different groups
- **Foster good relations** between people from different groups

3.1.7 The specific Duties provide a framework to enable public bodies to meet the general Duty. The Duties require public bodies to set specific, measurable, equality outcomes, embedded into core practice and process, and to publish information on their progress to enable public scrutiny and accountability.

3.1.8 There is no longer a specific duty to undertake a defined Equality Impact Assessment process, however it is an approach that will enable the council to meet the aims under the General Duty as above (3.6) and to robustly evidence compliance. EIAs should therefore be completed on all new policies, strategies and services; and existing services every 3 years, or at re-design, whenever is most relevant

3.2 Historical Use of Equality Impact Assessment

3.2.1 Equality Impact Assessments are designed to use data and consultation to influence how we deliver services to meet the needs of the city's diverse

communities. Prior to the Equality Act 2010 they were timetabled across all services and required for all service reviews, new policy development and particularly for key decision making.

- 3.2.2 Screening Equality Impact Assessments were prepared for the Budget in 2010. These were intended to highlight issues where diverse groups might be disproportionately affected by changes to funding or services and were used internally in the council and by other external stakeholders in the process.
- 3.2.3 Summaries of completed Equality Impact Assessments can be found on the council's main website. These summaries give an overview of the full assessments by detailing key outcomes and actions on how outcomes will be implemented to improve the service or policy.

3.3 Background and City Context

3.3.1 Although not specifically required by the new legislation, Equality Impact Assessments do provide a clear process to demonstrate that we have consciously thought about the three aims of the Equality Duty as part of the process of decision-making, in relation to how we act as an employer; how we develop, evaluate and review policy; how we design, deliver and evaluate services, and how we commission and procure from others. They also help us ensure that we meet the new legal requirements for the analysis of data, the publishing of this data, and the development of equality objectives. In addition, alongside the City Community Engagement Framework and the Sustainability Strategy it provides a framework for implementation of the Corporate Plan objectives to:

- Tackling Inequality
- Building a more Sustainable City
- Involving People

3.3.2 In the current context of reduced resources for council activity there is a clear potential risk that services to vulnerable people and groups will be adversely affected by budget reductions. This may include those who are covered by the Equality Act 2010 and any decisions will therefore potential contravene this legislation.

3.3.3 In May 2011 the high court ruled that Birmingham city council had acted unlawfully over a decision to cut its provision of care for disabled people. The judgment said that there had been a failure to take proper account of the duty to promote equality under laws on disability and discrimination. When setting its budget and altering its eligibility policy, Birmingham had not given proper consideration to the impact on disabled people and had failed to adequately consult on its proposals. Birmingham council had failed to ask the right questions and councillors were not given the right information to answer those questions. Essential information on the plans was either unclear or only provided at a very late stage. Equality Impact Assessment provides a mechanism for providing this information in a timely and consistent manner.

3.3.4 There is a wealth of experience and knowledge held by individuals and the city's Community & Voluntary Sector who provide a wide range of services to

vulnerable people and represent the views of communities of interest. They are interested in the use of Equality Impact Assessment and can add information and challenge to the council's own assessments.

3.4 Proposed New Approach to Equality Impact Assessment (EIA)

- 3.4.1 In the light of the Equality Act 2010 and changes within the council we have reviewed and streamlined the EIA Toolkit (see Appendix A). All the steps remain the same and the full, detailed guidance is still available for people to use, but given the increasing level of familiarity with and confidence in the EIA process across the council we have been able to focus in on the key issues and principles behind impact assessment. We have emphasised the service focus, the need to evidence consideration of the general duties, and the requirements for a good assessment. The new Toolkit has been reviewed by the Community and Voluntary Sector Forum locally as well, as a key stakeholder in the process.
- 3.4.2 The templates for formal council reports have also been amended to explicitly reference the need for an EIA, asking officers to explain either how the issues identified in the EIA have been incorporated into a report, or if one has not been completed to explain why it is not needed.
- 3.4.3 Equality implications for staff are rarely to be incorporated within Equality Impact Assessments due to the need to ensure confidentiality for the individuals concerned. The council's Change Management processes have been developed by HR to incorporate equality issues into staff consultation and wider staffing implications should be fed back via HR to inform the People Strategy.
- 3.4.4 Corporate Management Team will hold responsibility for taking an overview on Equality Impact Assessments and assessing the cumulative impact of decisions on equality groups. Officers are currently exploring how to ensure that this work is resourced adequately.
- 3.4.5 As a key next step there will be more extensive Equality Impact Assessment of the council's budget decision making for the 2012/13 financial year.

4. CONSULTATION

- 4.1 As highlighted above the new EIA Toolkit has been commented upon by the local Community and Voluntary Sector Forum, who have also suggested some improvements to the full guidance that supports it. Internally, the Toolkits have been developed in partnership with the corporate Equality Steering Group members, who are all equality leads in their respective units across the council

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The resources to fund ongoing work as described in this report are met from current council budgets and partnership funding.
- 5.2 Equality Impact Assessments will be used to inform budget development for 2012/13 and 2013/14.

Finance Officer Consulted: Anne Silley

Date: 05/08/11

Legal Implications:

- 5.2 The statutory framework for the council's Single Equality Scheme is the Equality Act 2010, in particular sections 149 to 157 which set out the 'Public Sector Equality Duty' consisting of a general duty and supporting, specific, duties. The general duty came into force on 6 April 2011 and the specific duties will oblige the council to publish no later than 31 January 2012 information (as specified in regulations) to demonstrate its compliance with the general duty.

Lawyer Consulted:

Oliver Dixon

Date: 15/08/11

Equalities Implications:

- 5.3 The equalities implications are directly addressed by the work contained within the report.

Sustainability Implications:

- 5.4 None directly in relation to this report.

Crime & Disorder Implications:

- 5.5 The Crime and Disorder Reduction Partnership and the Partnership Community Safety Team are key contributors to equalities & inclusion work in the city.

Risk and Opportunity Management Implications:

- 5.6 The implications for risk are directly addressed by the actions contained within the report.

Corporate / Citywide Implications:

- 5.7 The actions contained within the report have been developed with input from all council Units.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The alternative to continuing the use of Equality Impact Assessment would be the development of new systems for the publication of data linked to equality objectives. There would not therefore be a process for systematically and publicly addressing equality issues in decision making

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To ensure that the council effectively implements the duties set out in the Equality Act 2010 whilst addressing its own equality and inclusion objectives

SUPPORTING DOCUMENTATION

Appendices:

Appendix A: Equality Impact Assessment toolkit (revised July 2011)

Documents in Members' Rooms

None

Background Documents

None