

	Agenda Item 6
	ES/056/11
Committee:	Executive Scrutiny Committee
Date:	29 November 2011
Review of Equality Impact Assessments	
Enquiries to:	Yvonne Howard, Head of Diversity and Equality 01245 431718 yvonne.howard@essex.gov.uk

Purpose of the report

This report sets out for the Committee the process and requirements for undertaking Equality Impact Assessments and the benefits.

Introduction

Since 2009 the Committee has been undertaking a review into the Council's Transformation Programme. The requirement to undertake an Equality Impact Assessment (EqiA) has been raised during a number of evidence sessions, and the Committee has expressed a desire to undertake a review into this topic.

Background

In 2008 the Council identified the increased future demand for services within a tightening fiscal climate would result in a funding gap of £300 million by 2013. In response the Council initiated the Essex Works Customers First Transformation Programme to achieve the necessary efficiency savings and to radically change the way the Council conducts its business. An EqiA is the tool the Council uses to assess the implications of its spending decisions on the whole community and to develop the new way of working.

When an Equality Impact Assessment is required

An EqiA should be carried out whenever the Council plan, change or remove a service, policy or function, and should be an integral part of service planning and policy development. The process should also compliment the commissioning cycle. Carrying out an EqiA supports the Council to:

- eliminate discrimination
- tackle inequality
- become more customer focussed by developing a better understanding of the community we serve
- drive out savings by targeting resources effectively
- adhere to the transparency and accountability element of the Public Sector Equality Duty

EqlAs improve organisational change for the whole community and not just minority groups. They are no longer a statutory requirement. However, public bodies are still required to assess the impact of their decisions, and be transparent and accountable to communities about the decisions that they are making.

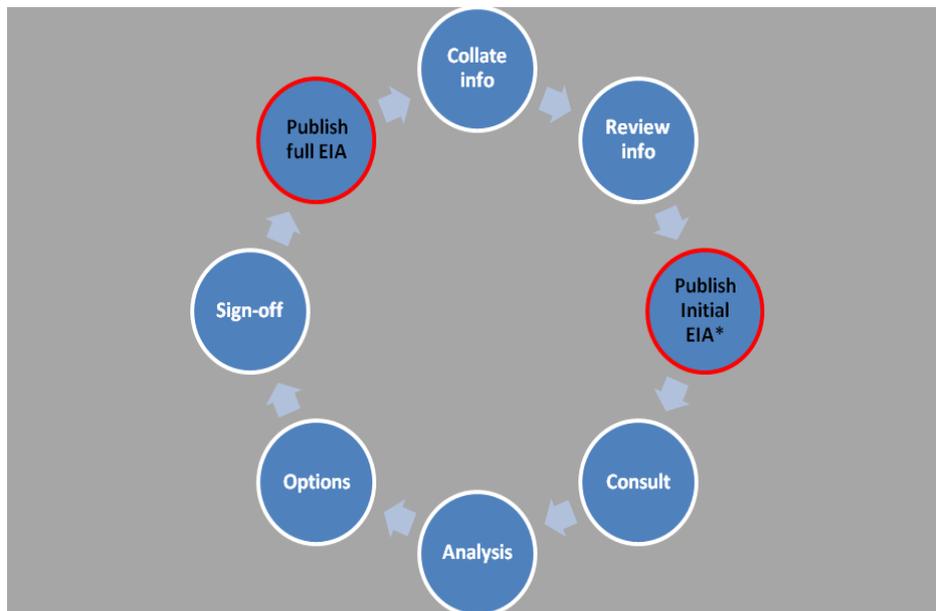
The process for undertaking Equality Impact Assessments

The process for undertaking an EqIA is divided into two parts. Part One: An initial Assessment (Screening) and Part Two: A Full Impact Assessment. In many instances only the Initial Assessment will be required.

A thorough and thoughtful consideration is given to each of the equality characteristics in order to determine whether a full impact assessment is required. The Council has adopted the following characteristics for EqIA

- Age- particularly older and younger people
- Disability - including mental health issues and learning impairments
- Marital Status and civil partnerships
- Religion and belief
- Pregnancy and Maternity
- Race (ethnicity)
- Sex (gender) and transgender
- Sexual Orientation
- Socio / economic status- not protected by equality legislation but pertinent issue for the county

Figure 1- EqIA Cycle



The plan for carrying out an EIA should follow the following steps.

Part One: Initial Impact Assessment

- Identify and collate what information is currently known and available in relation to the activity proposed and protected groups and characteristics
- Review current information (desk top research), make conclusion where sufficient information is available
- Determine whether the proposal is of high, medium or low relevance to equality and/or whether there are known adverse impacts
- If proposal is of high or medium relevance or there are known adverse impacts progress to a full impact assessments
- If the proposal is of low relevance to equality or has low impacts-no further action is required
- Publish the EIA

Part Two: Full Impact Assessment

- Carry out consultation activity where appropriate (primary research)
- Analyse the information and conclude on the findings for each protected group/characteristic
- Agree mitigating actions or options
- Present the EIA for sign-off (depending upon the scale of the EIA this will be presented to either the line manager, the Head of Service or Director)
- Publish the full EIA or a summary of the findings on the Internet
- Implement actions
- Monitor and Review outcomes

Ownership and responsibility for an impact assessment lies at service level. Service managers and frontline staff are important in the assessment process. They will be involved in implementing actions and changes that the assessment identifies as necessary.

Current employee training and awareness arrangements for undertaking Equality Impact Assessments

During 2010/11, monthly training provision equipped employees to undertake EqlAs. These were reinforced by briefing events for senior managers and members with 'surgery' sessions to deal with specific issues. Courses were well attended with approximately 15 people attending each monthly session from a range of departments across the Council.

The Council reviewed the EqlA training in May 2011 and subsequently commissioned a new provider to deliver the training which will take effect from December 2011.

Diversity and Equality awareness is integral to the Corporate Governance training currently being rolled out across the Council. This mandatory training for officers will heighten their awareness of the importance of carrying out credible equality analysis.

Is the requirement to undertake the Equality Impact Assessment process embedded across the organisation?

Equality analysis is undertaken across the Council. The frequency and timeliness are dependent upon the strength of the equality governance within directorates.

Most EqlAs are developed to support a business case where the procedure requires officers to identify whether the proposal is relevant to equality with regards to access, experience and outcomes. Resultant EqlAs at this stage consist of a high level assessment proportionate to the level of effort invested in a proposal which may change substantially. The challenge is to ensure that the assessment process is progressed to a detailed analysis to avoid a 'box ticking' outcome and to use the assessment to influence a decision.

Those service areas that are transforming are using the process more vigorously when reductions in budgets are identified. Officers are hindered, at times, by a lack of data and information related to service uptake broken down by equality characteristics. The situation is improving due to the increased activity for providing commissioners with relevant information through Essex Insight and the Joint Strategic Needs Assessment.

Ensuring that papers presented for scrutiny take into account equality considerations remains a challenge. The message will be reinforced within the mandatory governance training for officers and through Directorate Equality Steering Groups. Members will also

be encouraged to question the rigour of equality analysis at all points of decision making.

The consequences for the Council if Equality Impact Assessments are not undertaken in a timely fashion

The Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken – that is, in the development of policy options, and in making a final decision. The Council cannot satisfy the Equality Duty by justifying a decision after it has been taken. Equality Impact Assessments should therefore be undertaken in a timely fashion to influence and support our decisions.

The Equality and Human Rights Commission has a power to enforce breaches of the general and specific equality duty by serving a compliance notice upon completion of a formal assessment. It also has a power to institute judicial review proceedings where a public authority has breached the general equality duty.

Is there a requirement to make Equality Impact Assessments available to the public?

The Council has specific Public Sector Equality duties to: publish data, assess impact, set equality objectives and; report progress at least annually. The information will need to show that the Council has properly considered how its activities both as an employer and a service provider affect people with different protected characteristics. Publishing EqlAs supports the Council in meeting this duty.

Outcome of the Equality Framework Review

The Equality Framework for Local Government provides a mechanism for the Essex County Council to ensure that it is meeting its legal requirements under the Equality Act 2010 and acting fairly in all its roles, including: community champion, provider and commissioner of services and as one of the largest employers in the county.

The review was conducted in two stages consisting of a desk based consideration of a self assessment narrative and interviews with a range of staff and elected members to 'test' the evidence.

The report findings highlighted officers' enthusiasm, momentum in the authority and an understanding of the link between this agenda, achieving the overall aspirations of the council and meeting the council's legal duties under the Equality Act 2010. This bodes

well for the council to seek a peer challenge against the “Excellent” level of the EFLG in spring 2012.

Particular strengths identified include:

- The pace of change on this agenda has accelerated over the last two years;
- There is enthusiasm and commitment and an acknowledgement of the business case for this agenda in some service areas. Several people mentioned the change in language from “political correctness” to “improved service delivery” as evidence of this;
- There was evidence of good practice in some key service areas such as, for example improved access to passenger transport and adult community learning;
- There was evidence of member and senior officer leadership at corporate level to take the work forward;
- Clear links have been made between corporate priorities and diversity and equality;
- There was evidence of initiatives to “narrow the gap” by reducing inequalities for example in educational achievement;
- There is an “infrastructure” to deliver on the agenda which function effectively at corporate level and in some directorates;
- There is evidence of effective engagement with service users/VCS/ other partners and internal staff networks.

Areas for improvement include:

- There is a need to strengthen the governance arrangements for diversity and equality in some directorates and with tangible links with Cabinet to ensure consistency across the council;
- Develop the capacity of managers in all service areas to produce and take ownership of effective and robust Equality Impact Assessments (EIAs);
- Diversity and Equality function to focus fully on the strategic direction of the agenda rather than on operational/process issues e.g. quality checking all EIAs;
- There is a need to evidence the effective use of the “Balanced Score Card” in progressing the agenda in all directorates;
- There have been a number of pilots across the council and it is important for the learning from these to be captured and embedded.

Potential Risks:

- This transitional period presents both a major opportunity and a potential threat. It offers a great opportunity to further embed diversity and equality considerations in key policies and practices including the development of the new corporate vision and our new ways of working to achieve £300 million pounds of efficiencies. The pace of change could also result in this opportunity being lost.
- Achieving real outcomes is dependent upon maintaining the focus and momentum on an ongoing basis and to build upon/ consolidate the hard work achieved to date.

- Strengthening the governance arrangements for diversity and equality in some directorates to ensure consistency across the council will rely upon the availability of the skills and capacity within the directorate Equality and Diversity Steering groups and corporate policy functions.

The risks identified within the assessment will be mitigated by achieving all the actions set out within the 'EFLG- Achieving Excellent' action plan. The plan has been accepted by the Corporate Leadership Team (CLT) and is being considered by PLT.

What has changed as a result of completing Equality Impact Assessments?

During 2010/11, the Council used EqlAs to support its budgetary decisions. The Council is able to articulate those proposals which exposed the organisation to high risks of failing to meet its equality duties and those that would benefit from mitigating actions to reduce or alleviate medium to high adverse impacts. Further attention was paid to equality considerations for the 2011/12 budget setting process to give members assurance of the impact of their decisions.

Customers of the Council's mainstream and targeted services are likely to be older and younger vulnerable people, children, disabled people, women, certain black and minority ethnic groups including Gypsies and Travellers, people on lower income and carers. Individuals with one or more of these characteristics or circumstances are more likely to experience the benefits and disbenefits of substantial changes in our services.

- **Achieving fair decisions for employees**

A substantial part of the Council's efficiency savings is delivered by a reduction in the number of posts and office relocations. Women, disabled people and older and younger employees are likely to be disproportionately impacted by structural reviews.

Women make up 74.1%¹ of the workforce. They continue to be those primarily, with family and caring commitments and are likely to be part time workers or have an alternative flexible work pattern. Any increase in travel time may incur additional care costs and transport. Flexible working opportunities that support the business needs continue to be promoted to all employees at a departmental level.

Disabled employees (representing 3.1% of the workforce) may require alternative transport arrangements and reasonable adjustments for relocation or redeployment. The Council has used job carving in the past to support learning disabled people into jobs. Restructures may risk the continuation of these positive interventions. Screening processes for large scale reviews take into account any measures that would disadvantage disabled employees.

¹ As at October 2011

Employees over 50 represent 38.7%² of the Council's total workforce. Using early retirement and voluntary redundancy as part of the mechanism to avoid compulsory redundancies may lead to a disproportionate number of older people leaving the Council. Staff leaving through early retirement is on a voluntary basis and therefore no differential impact is envisaged in relation to these individuals. Monitoring data also substantiates this finding.

The Council benefits from consulting with employee network groups and panels to take into account the views of employees in developing HR policies and strategies to ensure that employees do not experience any disadvantage or indirect discrimination.

- **Service Improvement**

EqlAs achieved improvements to a range of services including: the retendering of mental health services where EqlA altered the service specification to better meet the needs of service users; improved access to intervention services e.g. outreach services for families in the moderation of challenging behaviour in disabled children, the service will be targeted to families where there is low uptake .

- **Good Policy Development**

The development of the emerging Corporate Vision and the Child Poverty Strategy are examples of how the EqlA has influenced the development of policy and strategies. Consultation on the vision took into account the need to hear the view of a range of citizens. Sound interrogation of data informs the development of the Child Poverty Strategy with targeted interventions for those children at risk.

- **Increase Knowledge of our customers**

Engagement with relevant stakeholders increases our understanding of our customers coupled with further data collection and analysis. The development of the revised Diversity and Equality Strategy compliments the expansion of Essex Insight by highlighting what we understand and do not know about our customers.

How does the Council ensure Equality and Diversity issues are monitored effectively?

Directorate Steering Group are currently entrusted with the monitoring of actions. The consistency of observations remains a challenge due to the need for groups to also take on a strategic role and to delivery against their daily responsibilities. The proposal is to embed the monitoring function into mainstream performance and project management systems. This shift is already working within some directorates.

² As at October 2011

The Equality and Diversity function is accountable for understanding the overall picture of performance and reporting to the Diversity and Equality Board and the Corporate Leadership team. The function also is a signpost for information, to guide the EIA process for large scale projects, the analysis in particular, and prepares an Annual Report on the activities and performance outcomes from the impact assessments.

Risks

Risks are reflected within the outcome of the equality framework review and the need to ensure that capacity to deliver is maintained through mainstreaming equality, diversity and fairness considerations within all Council functions.