

Report to Scrutiny Commission

Neighbourhood Services and Community
Involvement Scrutiny Commission

Date of Commission meeting: 6th February 2014

Equalities

Report from the Director of Delivery, Communications
and Political Governance



Leicester
City Council

Useful Information:

- Ward(s) affected: All
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- Date of Exec meeting N/A

1. Summary

The report describes the way equalities considerations are supported and embedded into council business.

2. Recommendation(s) to scrutiny

Scrutiny is asked to note the way in which equalities considerations are addressed and to note that they do have responsibility to pay 'due regard' to the equality implications of the decisions/recommendations they make in their reports as part of the council's decision making process.

3. Supporting Information

The Equalities Team

3.1 The equalities team, located within the Delivery, Communications and Political Governance Division, currently has 3.6 FTE posts: the corporate equalities lead and 3 equalities officers, 1 who works part-time. The team's overall role is to support the council in achieving the best outcomes for Leicester's population by considering the impacts of its practices and proposals for change on different groups of people – based on their protected characteristics (age, sex, disability, race, sexual orientation, religion or belief, gender reassignment, and pregnancy and maternity) and in so doing, ensure that the council meets its Public Sector Equality Duty.

3.2 The Equality Act 2010 in regard to the Public Sector Equality Duty states that a public authority must have due regard for the need to:

- Eliminate discrimination, harassment and victimisation
- 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 The Public Sector Equality Duty requires decision makers to have 'due regard' to the impacts of their decisions, the protected characteristics of those affected, and for adverse impacts, how these can be mitigated or removed. All reports involving decisions and recommendations, by both scrutiny commissions and the Executive, contain a standard paragraph summarising the equality impact assessment of the decision at hand, produced by the corporate equalities lead. A completed Equality Impact Assessment template may be included in the report if a fuller consideration of equality implications is required. There is no requirement, per se, to produce an Equality Impact Assessment – only to demonstrate that equality considerations were given due regard in the decision making process.

- 3.4 The role of the corporate equalities lead is to provide a strategic overview for the development and implementation of its equality and diversity strategy and related action plans; guidance on embedding equalities considerations in day to day practice; support for the council's seven employee groups through the work of the Employee Group Forum; and provision of technical advice on how best to meet the council's Public Sector Equality Duty.
- 3.5 Each of the equalities officers carries out corporate as well as service based activities. Corporate roles include preparing material on equalities for dissemination across the council; supporting staff groups and facilitating staff engagement events; collecting evidence and preparing submissions for various equality indexes (Equality Framework for Local Government; Stonewall Workplace Equality Index); co-ordinating delivery of Access to Work reasonable adjustments for disabled employees. Each officer supports a department and provides advice on meeting the Public Sector Equality Duty within the specific service context. They also carry out equalities team briefings and take part in specific projects upon the request of the department.
- 3.6 The aim of the equalities team briefings is to ensure that all staff have the same understanding of equalities and focuses on a quick reference guide setting out how it is embedded within the work of the council. The briefings also include an LGBT (lesbian, gay, bisexual and transgender) equality awareness survey to identify what issues the council should target. The discussion gives staff the opportunity to raise issues that affect their work such as, problems arising from gaps in customer monitoring information; harassment and discrimination they may experience/witness; additional demands placed on them arising from welfare reforms (form filling requests and need for up to date information on available support). Equalities officers signpost people to relevant policies and practices elsewhere that may be of use, and alert relevant officers to the issues raised. This has resulted in targeted training being commissioned with the LGBT Centre for several services, and circulation of census findings enabling staff to better understand the diverse and changing nature of the city they serve.

What the team can and cannot influence

- 3.7 Legal judgements articulate that our equality duty and consideration of equality implications, is a continuing requirement: not only at the start and throughout any planning process, but also after a decision is taken, during its implementation. Process is a key consideration and faulty process can be a basis for legal challenge. Members of the equalities team meet with officers at the beginning of a project to clarify process, equality considerations and potential impacts to ensure that the process is robust and defensible. Equality officers also quality assure any EIA templates completed and ensure that appropriate equality impacts are identified in the report to ensure that due regard is met.
- 3.8 Another underlying consideration for a robust planning process is being well informed on the issue at hand. The equalities team works with the Research and Intelligence Team to ensure that relevant information on the changing profile and needs of the city is packaged and available for consideration by

officers and decision makers.

- 3.9 The act of considering equalities implications can influence outcomes of projects. A recent review of the implementation of 2011/12 Budget EIAs and their proposed mitigating actions indicated that where the council had scope to deliver mitigating actions, mitigating actions were carried out. The effect of these mitigating actions for many of the proposals reviewed was to achieve positive outcomes for those affected by the service change, and in effect, address the negative impacts anticipated in the original EIA.
- 3.10 The duty expects that we do influence outcomes, within reason. Some of the original budget EIAs indicated little or no scope to mitigate against anticipated negative impact. For many of these proposals consultation was carried out to explore how best to address need and reduce anticipated negative impacts. In implementation, however, some negative impacts could not be avoided.
- 3.11 The Equality and Human Rights Commission's equality measurement framework lists 10 equality outcome factors, which assist us in the identification of positive and negative outcomes. They are: participation, influence and voice; individual family and social life; education and learning; identity, expression and self-respect; standard of living; productive and valued activities; health; legal security; physical security; and life.

Addressing negative impacts

- 3.12 Budget reports since the introduction of the Government's significant spending reductions in 2010, have focused on equality implications and developing a cumulative view of their scope and impact on city residents. The 2013/14 budget report considered the impact of the proposals on different households to determine if there was a disproportionate negative impact on any specific group. There was not.
- 3.13 Recent legal challenges regarding the need to reduce service expenditure and service provision within the context of meeting the Public Sector Equality Duty highlight the importance of understanding the needs we meet and being able to demonstrate that we meet them appropriately for service users across the range of protected characteristics. The law provides us the flexibility and discretion on how we go about delivering that service as long as needs continue to be met. The law also enables us to make decisions that do have negative impacts on people with protected characteristics protected by the Equality Act 2010, as long as decision makers pay due regard to their negative impacts, and that mitigating actions to reduce those negative impacts are explored and presented for consideration. The equalities team shares relevant legal cases with services to ensure that they understand these legal parameters.
- 3.14 With the implementation of the Government's welfare reforms as of April 2013, their impact on local households has also been a factor for consideration by the council. Research on the impact of welfare reform will inform how the council can, in turn, attempt to mitigate the adverse impacts being experienced by local residents as a result of these external actions by

means of the services it provides.

Ensuring a fair approach for communities

- 3.15 The equality and diversity strategy states the council's commitment to make sure that the way we meet individual and community needs is fair, equitable and helps ensure that limited resources are targeted at those most in need. It also includes the commitment to engage with local residents and communities, with young and older people, to get their views and understand their needs as well as their concerns.
- 3.16 The outcomes of legal challenges on grounds of not meeting the authority's Public Sector Equality Duty highlight the importance the courts place on consultation as a means of ensuring that those involved throughout the decision making process understand service users needs along with the potential impacts on users of any proposed service changes. A recent challenge also demonstrated the need to ensure that this information on equality impacts identified through the consultation process were presented to decision makers within the final report, in order to ensure that they paid due regard to their equality implications. The court overturned the decision because of this omission.
- 3.17 Consultation and community engagement can take place in many forms. The main issue for consideration is that the council is able to evidence how individual service user and community considerations, where appropriate, have informed the decision making process.
- 3.18 The equalities team plays an important role in quality assuring the equality impact assessments carried out by officers during process of developing proposals and producing reports. The council also tests the quality of its equality impact assessments through external scrutiny. The City Mayor and Executive have hosted an independent Budget EIA Review Panel towards the end of the budget cycle for the past two budgets. The panel consists of independent equality experts who review the robustness of the assessments undertaken and provide feedback to both senior service managers and Executive Members on their respective EIAs. The panel has been effective in influencing improvements in the quality of EIAs since its inception and it is planned to use this approach to test EIAs arising from the spending review programme.

4. Financial, legal and other implications

4.1 Financial implications

There are no significant financial implications arising directly from this report. However, a robust approach to equalities as described helps to ensure the effective allocation of resources and minimises the likelihood of potentially costly challenges to decisions.

Colin Sharpe, Head of Finance, ext. 374081

4.2 Legal implications

To be inserted

4.3. Climate Change implications

There are no climate change implications.

4.4 Equality Impact Assessment

The report describes practice in place for the council to meet its Public Sector Equality Duty as set out in the Equality Act 2010.

4.5 Other Implications

(You will have considered other implications in preparing this report. Please indicate any which apply?)

5. Background information and other papers:

6. Summary of appendices:

7. Is this a private report ?

(If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)