

SCRUTINY BOARD (RESOURCES AND COUNCIL SERVICES)

INQUIRY INTO THE COUNCIL'S DECISION MAKING AND DUE REGARD TO EQUALITY

TERMS OF REFERENCE

1.0 Introduction

- 1.1 The council has a well-established equality impact assessment process, designed to ensure that the council is both compliant with the legal requirement to show 'due regard' to equality and that we live up to the council's own ambitions to contribute to achieving equality. It forms part of the guidance on 'corporate considerations'¹ for decision making.
- 1.2 Corporate Leadership Team (CLT) recently endorsed the equality impact assessment process, concluding that it can be easily and effectively applied to decisions relating to existing and/or proposed functions, services, employment, policies, practices and strategies; facilitates full consideration and includes all protected equality characteristics; enables communities and interested groups to be involved appropriately in considering the impact of any proposals; and provides flexibility to apply the methodology to different types of decision at different scales, from Delegated decisions to the approval of the authorities budget. Indeed CLT requested that the process be strengthened to include other specific areas which align with the council's wider priorities, such as
- Poverty, inequality and deprivation
 - Locality working
 - new communities and changing demographics
- 1.3 Notwithstanding the above, the Leader of Council has requested that Scrutiny Board (Resources and Council Services) undertake its own assessment of the Equality Impact Assessment process, using particularly scrutiny's ability to enable the voice and concerns of the public to be heard by inviting the views of the wider community.

2.0 Scope of the inquiry

- 2.1 The purpose of the Inquiry is to make an assessment of and, where appropriate, make recommendations on the following areas:
- Whether the current Equality Impact Assessment process provides the quality assurance of decision making demanded by the council

¹ Guidance for officers writing reports to committees or to support delegated decisions

- Whether the current Equality Impact Assessment process enables communities and interested groups to be involved appropriately in considering the impact of any proposals or whether other mechanisms should be adopted.
- Whether there is sufficient support within the council to help promote and develop the equality agenda and to act as the champions for the nine 'equality characteristics' (Equality Areas); Race, Disability, Gender, Transgender, Age, Sexual orientation, Religion or Belief, Pregnancy and Maternity and Carers.
- Whether the current process for 'due regard' and approaches to wider involvement and engagement specifically meet the needs of disabled people in Leeds. This is a particular issue that has been raised through the council's Equalities Assembly Disability Hub as a barrier to inclusion.

3.0 Desired Outcomes and Measures of Success

3.1 The decision to undertake this Inquiry has been based on the Board's belief that to fulfil our ambitions to be the best council in the UK we require processes which are fit for purpose, do not burden the council with unnecessary bureaucracy but which do quality assure our work and decision making and ensure we consider the wider implications and impacts.

3.2 It is important to consider how the Scrutiny Board will deem if its inquiry has been successful in making a difference to local people. Some measures of success may be obvious at the initial stages of an inquiry and can be included in these terms of reference. Other measures of success may become apparent as the inquiry progresses and discussions take place.

3.3 Some potential initial measures of success are:

- Confirmation from decision makers (officers and elected members) that the Council's approach to equality impact is robust and appropriate
- Acknowledgment from the wider community that our decision making processes are robust and appropriate

4.0 Comments of the relevant Director and Executive Member

4.1 In line with Scrutiny Board Procedure Rule 12.1 where a Scrutiny Board undertakes an Inquiry the Scrutiny Board shall consult with any relevant Director and Executive Member on the terms of reference. Any comments will be reflected in the final terms of reference.

5.0 Timetable for the inquiry

5.1 The Inquiry will take place over two formal Scrutiny Board sessions and a number of working groups.

6.0 Submission of evidence

6.1 Session one – 24th March 2014

- To hear from equality officers about current processes, national guidance and standards, benchmarking with the Core Cities and the five West Yorkshire authorities
- To hear from a Director/officer practitioner about the practical use of Equality Impact Assessments
- To hear from Members of the Member Champion Working

Working Group

- To hear evidence from representatives from Equality Assembly

6.2 Session two – 7th April 2014

- To consider the Boards draft report including and observations and recommendations.

7.0 Witnesses

7.1 The following witnesses have been identified as possible contributors to the Inquiry:

- Equality team
- Officers from with Directorates
- Members of the Member Champions Working Group
- Third Sector representatives
- Equality Assembly

8.0 Equality and Diversity / Cohesion and Integration

8.1 The Equality Improvement Priorities 2011 to 2015 have been developed to ensure our legal duties are met under the Equality Act 2010. The priorities will help the council to achieve its ambition to be the best City in the UK and ensure that as a city work takes place to reduce disadvantage, discrimination and inequalities of opportunity.

8.2 Equality and diversity will be a consideration throughout the Scrutiny Inquiry and due regard will be given to equality through the use of evidence, written and verbal, outcomes from consultation and engagement activities.

8.3 The Scrutiny Board may engage and involve interested groups and individuals (both internal and external to the council) to inform recommendations.

8.4 Where an impact has been identified this will be reflected in the final inquiry report, post inquiry. Where a Scrutiny Board recommendation is agreed the individual, organisation or group responsible for implementation or delivery

should give due regard to equality and diversity, conducting impact assessments where it is deemed appropriate.

9.0 Post inquiry report monitoring arrangements

- 9.1 Following the completion of the Scrutiny inquiry and the publication of the final inquiry report and recommendations, the implementation of the agreed recommendations will be monitored.
- 9.2 The monitoring will be undertaken by the Board. This will be done at regular intervals appropriate to the content of the recommendation.