

Report of Assistant Chief Executive (Citizens and Communities)

Report to Scrutiny Board (Resources and Council Services)

Date: 24th March 2014

Subject: Leeds City Council's Decision Making Process and Due Regard to Equality

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. This report outlines the approach used by the council to ensure that due regard to equality is considered appropriately in the decision making process.
2. It seeks to answer the specific issues raised in the inquiry terms of reference.

Recommendations

3. Members are invited to consider and make comment on the content of this report

1 Purpose of this report

- 1.1 The council's Corporate Leadership Team (CLT) requested a review of the equality impact assessment process used by the council in 2013. At the end of this review they endorsed the council's approach to giving due regard and the continued use of equality impact assessments. They did however request 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 and new communities and changing demographics
- 1.2 The Leader of the Council has now 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.
- 1.3 This report outlines the current processes, national guidance and standards, and the outcome of a benchmarking exercise with the Core Cities and the five West Yorkshire authorities on their approach to giving 'due regard' to equality in the decision making process.

2 Background information

- 2.1 The Equality Act 2010 introduced the public sector equality duty. This requires that public sector bodies subject to the general equality duty must, in the exercise of their functions, have 'due regard' to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.; and
 - Foster good relations between people who share a protected characteristic and those who do not.
- 2.2 The general equality duty does not set out a particular process for assessing impact on equality that public authorities are expected to follow. Having due regard to the aims of the general equality duty is about informed decision-making, not about carrying out particular processes or producing particular documents.
- 2.3 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 achieve equality.
- 2.4 The review requested by CLT was an opportunity to consider utilising or redesigning the council's equality impact assessment process and consider options for the future.
- 2.5 A desk top review was undertaken to evaluate the council's existing approach and consultation carried out across the council with key internal colleagues and partners. This was then benchmarked against the approach carried out by the

other Core Cities and the five West Yorkshire authorities. Since then further benchmarking has been carried out with the NHS Clinical Commissioning Groups in Leeds and the Ministry of Justice (HMP Leeds.)

- 2.6 The benchmarking exercise identified that the majority of local authorities and our peers continue to use a corporate equality impact assessment process to be able to demonstrate due regard to equality and to ensure that a proportionate level of equality monitoring can be recorded with a clear audit trail which can easily be available for scrutiny and to deal with any external challenges.
- 2.7 The exercise confirmed that the use of equality impact assessments as part of the decision making process is a key way of assessing the implications of decisions on communities. It also recognised that having good equality analysis helps to tackle inequality and target resources efficiently.
- 2.8 Attached as appendix 1 is an example of a completed equality screening and equality impact assessment which has been undertaken by Adult Social Care on a key decision. Officers from Adult Social Care will be in attendance to provide an overview about the practical use of Equality Impact Assessments

3 Key Issues

- 3.1 The key issues that have been identified are detailed below.
- 3.2 **Whether the current Equality Impact Assessment process provides the quality assurance of decision making demanded by the council**
- 3.3 The review of the council's process as outlined above identified that the council's current equality impact assessment process:-
- can easily and effectively be 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 and some other key considerations, such as, poverty;
 - 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 authority's budget.
- 3.4 There is significant buy-in to the current process for giving due regard to equality with support mechanisms that identify and minimise risk which is also well regarded by the council's peers. The council has also been externally recognised as excellent for its equality approach.
- 3.5 In part this is as a result of the effective nature of the equality impact assessment process as a method which has supported the council's guidance on 'corporate considerations' in decision making.
- 3.6 In addition there is a measure in the Best Council Plan that 100% important decisions include due regard for equality.

3.7 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.

The current process outlines that effective involvement includes a broad range of interested or affected people. More diversity means there is a greater resource of insight, perspectives, knowledge and experiences to draw on. This will positively contribute to you're the fact finding and information gathering part of the impact assessment process.

3.8 It recognises that it is not possible for every interested or affected person to be involved in the impact assessment process. It is, therefore, reasonable to take a proportionate approach when deciding the scope of your involvement activities. The more potential impact and relevance the strategy, policy, service or function may have, the more involvement will be needed. The guidance advises the need to consider:

- the nature of the strategy, policy, service or function and the groups of people who are most likely to be affected or interested;
- which groups it is most important to include;
- what involvement activities are already in place that can be used to gain insight – this can help build confidence among communities as they can see that what they have already said is being acted on;
- what information do we already have; and
- what gaps are there in the information, knowledge and involvement?

3.9 This will then determine what further involvement is needed, when it is needed and who needs to be involved. There are many different ways others could be involved in the assessment process. The advice is to use the most effective involvement mechanism for the impact assessment. The examples suggested which could be in addition to any existing mechanisms in place are:-

- Focus groups/ advisory groups;
- Work with representative groups;
- Online involvement;
- Open space discussions; and
- User panels/service users

3.10 In addition the council has developed an approach to involving all our diverse communities.

3.11 The Equalities Assembly was established in 2009 to make it easier for Leeds' diverse communities to engage, influence and challenge the decision the council makes on issues based around equality, diversity, cohesion and integration.

3.12 The Equalities Assembly is made up of 6 Equality Hubs: Age; Black and Minority Ethnic (BME); Carers; Disability; Lesbian, Gay & Bisexual and Transgender (LGBT) and Religion or Belief. With the exception of the Carers Hub, which is a

virtual network, the hubs aim to meet on a quarterly basis and are community led. Their membership is drawn from across all equality strands. Each hub has nominated members to sit on the Hub Representatives Network. The Network is chaired by James Rogers, Assistant Chief Executive (Citizens and Communities) and the aim of it is to meet with senior council officers to discuss cross cutting themes which affect all the hubs.

- 3.13 **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.**
- 3.14 A cross party Member Champions Group has been set up to support and promote the development of the equality agenda across the council. Their role is to lead and influence Elected Members contributions to the equality agenda and assist in developing corporate policy approaches to equality and diversity including having an overview of the performance management of and to provide challenge on progress against the Equality and Diversity Improvement Priorities and the council's wider work on equality.
- 3.15 An Equality and Diversity Board was established in 2009 to promote, integrate and progress equality and diversity issues consistently across all council directorates and services.
- 3.16 The Board is also responsible for the strategic development, monitoring and review of work to progress the corporate policy framework for equality and diversity and to ensure the council meets all of its legal duties.
- 3.17 The Board has an agreed set of terms of reference and the membership is drawn from each of the council's directorates. The Board meet on a quarterly basis and oversee a range of equality activity including:-
- Work to ensure legal compliance;
 - Equality framework validation;
 - Equality and diversity in the decision making process; and
 - Sharing best practise across the organisation

A review of this group is due to take place in the near future.

- 3.18 **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.**
- 3.19 The current process and guidance for undertaking an equality impact assessment recognises that it is not possible for every interested or affected person to be involved in the impact assessment process as outlined above.

3.20 The council have sought to ensure that the needs of disabled people in the city are being heard through the establishment of the Equalities Assembly Disability Hub. They are actively involved in key discussions to ensure disability and other equality related issues are included. This has included setting up specific meetings and workshops to ensure that they are involved in decisions that impact on their community. Specific examples have included:-

- Kirkgate Market consultation –The 2nd phase of consultation took place on 28th February and was attended by representative from all of the hubs, including the Disability Hub;
- Victoria Gate: re-positioning of bus stops/shelters and discussions with highways of the impact on people with visual impairments;
- Workshop on cycle Lanes with Highways which was a specific issue raised by the Disability Hub;
- Working with Metro to set up an Access Group for the Trolleybus scheme which is chaired by a member of the Disability Hub;
- Changes to Blue Badge allocation where the Disability Hub were involved in the equality impact assessment process and participated in the consultation process; and
- Taxi licensing consultation.

3.21 Future work is also planned to involve the Disability Hub and other hub representatives on the:-

- Housing strategy; and
- Cycle Connect

4. Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The report provides a response to a request that Scrutiny Board (Resources and Council Services) and outlines work currently taking place and does not require public consultation. Members of the council's Equality Assembly will be involved and will give evidence at a Working Group that has been set up as part of this inquiry.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 There is no requirement to undertake a screening or EIA on this report as it is a response to a scrutiny board inquiry.

4.3 Council policies and City Priorities

4.3.1 The approach to giving due regard to equality will support the council and its partners ambition for Leeds to be the best city and Leeds City Council to be the best council in the UK - fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

4.3.2 We have set out in the best council plan that this will result in a more enterprising council which is influential supporting the delivery of outcomes in communities. We

wish to achieve progress in many areas, equality, sustainability, tackling poverty and improving the quality of life of citizens, and the local communities which they live in. Equality impact assessments are a key way of assessing the implications of our decisions on communities.

4.4 Resources and value for money

- 4.4.1 The costs associated with the need to give due regard to equality and to undertake an equality impact assessment are now embedded as a key part of the decision making process. Ensuring that due regard to equality is considered using a proportionate and timely approach helps to mitigate against any risk of legal challenge which could be costly and time consuming.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 There is a risk of legal challenge if the council are not able to demonstrate how they have given due regard to equality in the exercise of their functions as outlined in the Equality Act 2010.
- 4.5.2 This report does not contain any confidential or exempted information and is not subject to call in.

4.6 Risk Management

- 4.6.1 The use of equality impact assessments in the decision making process mitigates and controls against the risks associated with meeting our legal duties as outlined in the Equality Act 2010

5. Recommendations

- 5.1 Members are invited to consider and make comment on the content of this report.

6. Background documents¹

- 6.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.