
Report of the Assistant Chief Executive (Planning, Policy and Improvement))

Scrutiny Board (Central & Corporate Functions)

Date: 6th April 2009

Subject: Impact Assessments in the Decision Making Process

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 INTRODUCTION

1.1 In September 2008 this Scrutiny Board published a final Inquiry report entitled, *'Embedding Equality, Diversity and Cohesion and Integration'*. One of the Board's recommendations in its report was; **"That the Head of Equality develops a realistic and deliverable approach to incorporating impact assessments into the council's decision making process"**. This recommendation was supported by the responsible Executive Member, Councillor Richard Brett.

1.2 In line with this agreed recommendation the Head of Equality has considered the current approach adopted by the Council. In conjunction with the Head of Governance Services and following discussions with Directorate representatives consideration has been given on how to improve the current process to further embed it into the decision making process.

2.0 BACKGROUND

2.1 The council has an agreed approach to undertaking equality, diversity and community cohesion (EDCC) impact assessments. These are used as a way of finding out whether the plans, actions and services of the council will affect some communities or groups of people differently.

2.2 EDCC impact assessments help the council to:

- identify how services can be made more accessible and appropriate
- ensure that different groups are equally served by the policy and decision
- identify improvements to services
- avoid adopting harmful policies or procedures
- make better decisions and become a better employer

And importantly:

- there is a legal requirement to do so in relation to race, disability and gender.
- under other equality legislation, we have a duty to show how our services and policies do not discriminate against all communities. Impact assessments will give us this evidence.
- under the Equality Standard for Local Government (this will change to the Equality Framework for Local Government from April 2009) you have to make sure that all equality strands are considered. The impact assessment should consider disabled people; women, men and trans people; people from black and minority ethnic communities; lesbian, gay and bisexual people; older and younger people; people from different religions and faiths and other socially excluded communities.

2.3 In addition as part of our legal duties we are required to publish details of completed impact assessments. A summary of each completed impact assessment is published on the council's website.

2.4 Directorates and services across the council have developed priority lists for EDCC impact assessments and these were published with the Equality and Diversity Scheme 2008 -2011.

2.5 Progress against this priority list is currently considered as part of the six monthly performance management of the Equality and Diversity Scheme 2008 – 2011.

2.6 Additional EDCC impact assessments are also carried out by services where they are deemed appropriate and necessary.

3.0 Current Position

3.1 Some work undertaken during 2008 on our approach to EDCC impact assessments highlighted the need for the council to ensure a systematic, consistent and outcome directed approach to impact assessments which should generate actions and activities that will result in improved service and employment outcomes.

3.2 In addition an underpinning principle of the Comprehensive Area Agreement (CAA) is that joint inspectorates will assess how well local public services (working in partnership) are addressing the needs of their diverse communities. For local government we would also need to evidence how we scrutinise and challenge our own and our partners' performance with regard to equality impacts and objectives. The Audit Commission themselves have undertaken an equalities impact assessment of CAA.

3.3 This is linked into the new Equality Framework for Local Government (which replaces the Equality Standard). If we are to achieve excellent status we would have to demonstrate that equality objectives arising out of EDCC impact assessments are integrated into strategic plans and priorities and equality outcomes are being achieved.

- 3.4 Key consideration is already given to 'equality, cohesion and narrowing the gap' as part of the corporate report writing guidance and templates which includes Executive Board decisions and the delegated decision process. However, there is not always enough detail on the implications of these considerations and whether or not an EDCC impact assessment has been undertaken. In fact this is also the case for policy and governance implications.
- 3.5 This has been discussed with the Head of Corporate Governance and it has been acknowledged that this and the overall process used for undertaking EDCC impact assessments in the council should be reviewed.
- 3.6 To avoid the process being a 'tick box' exercise, (a concern raised by this Scrutiny Board), any process adopted must be effective, appropriate to the type and level of decision to be taken and non bureaucratic, which could potentially be the case if we just amended the reporting template and guidance.

4.0 Process Changes

- 4.1 The current EDCC impact assessment process has helped towards embedding equality considerations into the decision making and service delivery and improvement process and there is evidence that it is being used across all Directorates and Services. However, it has been identified that this process does not always lend itself well to assessing impacts on major policy changes and key strategies. This will be crucial for CAA and for the council if we are to achieve an Excellent rating in the Equality Framework.
- 4.2 To address this it is proposed that work will take place during 2009/10 to review and refresh the existing process to ensure that the above considerations are incorporated into future processes.
- 4.3 This will build on and link into the work that has already been considered by this Scrutiny Board on 'Embedding Equality in Procurement'
- 4.4 It is proposed that the a similar approach is considered for the corporate EDCC impact assessments. This could result in the development of a two part process that will ensure EDCC considerations are considered at all levels from strategic planning through to service improvement.
- 4.5 Current thinking based is that the first part would be the introduction of an Equality Assurance Process. This would be used primarily for strategic plans and policies and major decisions and can be used to ensure that EDCC considerations are incorporated at the very start of the process. In fact an Equality Assurance exercise was recently piloted on the emerging priority matrix for the Children and Young People's Plan (CYPP) with positive results.
- 4.6 The second part would be the full impact assessment process which would be used to target identified improvement areas that may have been picked up through the Equality Assurance process or as a Directorate/Service priority.
- 4.7 These two parts could be undertaken independently of each other. The Equality Assurance Process would also be another way to identify the priority areas for carrying out full impact assessments. It will not always be necessary to carry out both parts of the process.

- 4.8 The use of EDCC impact assessments is also considered as part of service planning development. It is proposed that during 2009/10 work is undertaken to further embed EDCC impact assessments into the service planning process. In particular, to ensure that services are able to demonstrate that they have identified the barriers which may be leading to the exclusion or potentially unfair treatment of particular groups but also that they are able to demonstrate how these are being fed into the improvement process.
- 4.9 The Head of Governance Services has done some initial work on impact assessments generally in the decision making process. Obviously this remit is wider than EDCC impact assessments and is very much about trying to have a consistent approach to how key decisions impact on all council policy and governance.
- 4.10 Therefore the recommendation to further embed EDCC impact assessments into the decision making process needs to be linked to the wider piece of work that has been identified by the Head of Governance Services. It is anticipated that the outcome of this work will be reported to the Corporate Governance and Audit Committee in the new Municipal Year.
- 4.11 The proposals outlined above would ensure that equality considerations are further embedded into the decision making process and that impact assessments are considered or undertaken at every appropriate stage and evidenced when necessary.

5.0 RECOMMENDATIONS

- 5.1 Members are asked to;
- Note the contents of this report
 - To consider the progress made by the Head of Equality in addressing the Board's recommendations and comment upon the proposals outlined in section 4 and note wider review of the potential use of impact assessments in the decision making process to be considered by the Corporate Governance and Audit Committee in the new Municipal Year

Background Papers

Scrutiny Board Final Inquiry Report '*Embedding Equality, Diversity and Cohesion and Integration*'. September 2008