

Report

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Report to:	Equal Opportunities Forum
Date of Meeting:	14 September 2010
Report by:	Executive Director (Corporate Resources)

Subject:	Efficiency Savings Equality Impact Assessment Guidance
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ advise the Forum of the updated guidance from the Equality and Human Rights Commission regarding the public sector duties and financial decisions.

2. Recommendation(s)

2.1. The Forum is asked to approve the following recommendation(s):-

- (1) that the guidance be noted.

3. Background

- 3.1. The Equality and Human Rights Commission have published fresh guidance relating to equality impact assessing financial decisions. The guidance aims to ensure decision-makers understand their responsibilities in relation to the public sector equality duties.
- 3.2. In October 2009, the EHRC provided similar guidance relating to the two cases of Harrow and Ealing Councils whereby both were taken to court over their failure to properly conduct equality impact assessments. In both cases, individuals at all levels within the Councils were seen as not having had due regard to the public sector duties.
- 3.3. The EHRC has taken the opportunity to once more remind all involved of the importance of the duty to have due regard when making financial decisions which may alter the manner in which services are delivered.

4. EHRC Guidance

- 4.1. A key part of the new Equality Act and its assorted guidance is about public sector bodies making evidence-based decisions. The EHRC are also keen to point out that:

“These duties do not prevent you from making difficult decisions, but enable you to demonstrate that you are making financial decisions in a fair, transparent and accountable way, considering the needs and the rights of all members of your community.”

- 4.2. The guidance notes that Equality Impact Assessments (EqIA) should help you to:-
- ◆ ensure that your decision does not create or perpetuate any unfair impact
 - ◆ make your decisions based on evidence
 - ◆ make decision-making more transparent
 - ◆ comply with the law
- 4.3. EqIA s should be part of and seen with financial proposals. They should clearly show what evidence has been used to develop a proposal, what the purpose of it is, and whether those likely to be affected have been involved in the process.
- 4.4. You should also be able to tell whether positive or negative impacts have been identified and what course of action is being suggested. From this information you must consider whether the proposal can be justified and whether any plans to alleviate negative impact will ensure that future decisions will not create or perpetuate inequality.
- 4.5. Finally, the guidance notes that, should there be a failure to carry out EqIAs, then public authorities risk discriminating and leave themselves open to legal challenge which may inevitably prove costly and time-consuming.

5. South Lanarkshire EqIA process

- 5.1. Currently, the Council is meeting the requirement by undertaking EqIAs, in relation to all individual efficiency and savings proposals that are directly relevant to our equality duties and will also conduct an overall assessment on the cumulative effect of proposals. Officers are responsible for completing these assessments with the involvement of relevant groups and will report the conclusions as part of committee reports. Further detail on individual assessments is available online via the Council website.

6. Employee Implications

- 6.1. None

7. Financial Implications

- 7.1. There are no financial implications as the EqIA process is well established and any costs met from within current resources.

8. Other Implications

- 8.1. The risk to the Council is that if the Resource does not have due regard to the Public Sector Equality Duty it may lead to non-compliance with equalities legislation. This can carry an unlimited financial penalty.

9. Equality Impact Assessment and Consultation Arrangements

- 9.1. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and, therefore, no impact assessment or consultation is required.

Robert McIlwain
Executive Director (Corporate Resources)

30 August 2010

Link(s) to Council Objectives

- ◆ Fair and open
- ◆ People focused
- ◆ Working with and respecting others
- ◆ Excellent employer
- ◆ Tackling disadvantage and deprivation

Previous References

None

List of Background Papers

None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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