

Report

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Report to:	Equal Opportunities Forum
Date of Meeting:	8 December 2009
Report by:	Executive Director (Corporate Resources)

Subject:	Impact Assessment - Update
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ advise Forum members of the progress the Council has made to date in carrying out equality and human rights impact assessments

2. Recommendation(s)

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

- (1) that the contents of the report be noted.

3. Background

- 3.1. Since 2002, legislation on race, disability and gender equality has been amended to introduce a pro-active duty on the public sector to “promote equality of opportunity” and tackle discrimination. Underpinning this duty is a requirement to assess and monitor the delivery of policies and public functions which are relevant to the equality duty for any adverse impact. This process is to be applied to new or changed policies, functions or services as well as existing ones which are “relevant”.
- 3.2. As previously reported to the Forum, work was carried out in 2007 by members of the Equality and Diversity Working Group to develop an online impact assessment toolkit. This created a process which allows employees to capture all relevant information in a central database which publishes the outcomes of the assessments directly to the Council website. This enables the Council to meet its duty of making available all assessments to the public.
- 3.3. By November 2008, the Council met its commitment of assessing 289 strategies, functions and policies. This was a retrospective look at the work of the Council, however, it enabled the process of impact assessment to be embedded into the work of officers when they are writing or revising strategies, policies and functions. This is a key part of mainstreaming equalities as it ensures that the public sector duties are thought of at the start of a process and that due regard is given.
- 3.4. This ongoing work has highlighted the need for the Council to review and revise the manner in which it collects and monitors both the profile of its workforce and the uptake of services to ensure that we have a better understanding of the impact our work is having. This work can help improve the way in which services are targeted and improve general efficiency and effectiveness by ensuring that we are taking a proactive approach and not a reactive one.

- 3.5. The Council provides training for all those who might be involved in developing policies. Training for those employees has been taking place since October 2007 and consists of a 1 day course which takes delegates through the process. All delegates who attend the course get the opportunity to carry out an impact assessment on a policy for their Resource. This thereby provides supervised practice as well as contributing to the completion of the assessment programme.

4. Our Progress to Date

- 4.1. Currently over 291 employees from across all Resources have attended our equality and human rights impact assessment training course and have access to the online form. Training is continuing on a regular basis to ensure those involved have the appropriate knowledge and understanding of our public sector duties.
- 4.2. There are currently a total of 289 assessments published on the Council website. A further 119 assessments are currently in the system and are awaiting approval with the majority of these relating to the 2010/11 financial savings proposals. These assessments are currently being quality assured and will be published by the end of November.
- 4.3. Of the assessments carried out, 70% have concluded that that there is no adverse impact on any part of the community or workforce covered by equalities legislation and, in 30%, there is or may be adverse impact. Where this is the case these assessments have set out action plans to either gather more relevant information or to make appropriate changes to the strategy, policy or function.
- 4.4. An example of where change has been required is the assessment of personnel policies. For a number of these it has been identified that current monitoring systems are not as robust as required. As such work has been undertaken to amend the equal opportunities monitoring form used by the Council and in future both recruitment and service delivery will be able to be analysed in greater detail by the 7 equalities categories. This will lead to a greater understanding of the effect and impact of strategies, policies and functions and will lead to improvements where necessary.
- 4.5. Another example of where change has been made was the recent assessment of the Disabled Persons Parking Bay criteria whereby a review of the existing system was undertaken in light of the recently introduced Disabled Persons Parking Places (Scotland) Act 2009. The assessment was conducted with representatives from Corporate, Enterprise and Social Work Resources as well as members from the South Lanarkshire Access Panel. This ensured that the changes made to the criteria were in line with the Act and were acceptable to members of the public that they would most affect.

5. Priorities for the Year Ahead

- 5.1. COSLA have recently notified all Chief Executives and Directors of Finance that the Equality and Human Rights Commission are inviting tenders for the examination of local authority funding decisions in Scotland, relating to the 3 public sector equality duties.
- 5.2. The Commission is suggesting that recent developments may have resulted in councils making decisions which potentially have or will have negative consequences for equality mandate groups. It states that the Concordat between the Scottish Government and COSLA brought about, amongst other changes, the removal of ring-fenced funding, which may have an impact on service delivery and

the global economic downturn has resulted in local authorities facing extreme financial constraints.

- 5.3. The planned project will involve a retrospective analysis of the extent to which local authorities have taken into account the race, disability and gender equality duties when making particular funding decisions and, as such, all decisions made in financial years 2006/2007, 2007/2008 and 2008/2009 are to be investigated.
- 5.4. We have recently carried out impact assessments on all efficiency saving proposals for financial year 2010/2011 and, as such, work has been carried out by the Equality and Diversity Working Group to quality assure these. In light of the EHRC tender and guidance they have provided relating to financial decision making, work has been undertaken to review assessments. This was to ensure that all assessments provided a clear basis for decision making and were realistic in assessing impact upon equality groups. In the tender documentation the EHRC stated:-

“In carrying out the analyses, the Commission is not examining the merits of the particular decisions; rather, the Commission is looking at the consideration of equality issues during the decision-making process, and the impact that the decision has had on the relevant equality groups.”

6. Employee Implications

- 6.1 Employees will continue to receive appropriate training to ensure they have the skills and knowledge to undertake and record assessments.

7. Financial Implications

- 7.1 Associated costs will be met from existing resources.

8. Other Implications

- 8.1 None.

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 is required.
- 9.2 There was no requirement to undertake any consultation in terms of the information contained within this report.

Robert McIlwain
Executive Director (Corporate Resources)

26 November 2009

Link(s) to Council Objectives

- ◆ Successful and inclusive communities
- ◆ Safe and healthy communities
- ◆ Working and learning communities
- ◆ Modernising and improving

Previous References

- ◆ Equal Opportunities Forum – 20 May 2008

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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