

DERBYSHIRE COUNTY COUNCIL

CABINET

21 OCTOBER 2014

**Report of the Vice-Chair of the Improvement and Scrutiny Committee -
People**

**REVIEW OF EQUALITY, DIVERSITY AND INCLUSION IN THE DECISION-
MAKING PROCESS – DERBYSHIRE COUNTY COUNCIL**

1. Purpose of the Report

To present Cabinet with the final report of the Scrutiny Review of Equality, Diversity and Inclusion in the Decision-Making Process for Derbyshire County Council.

2. Information and Analysis

- 2.1 The Improvement and Scrutiny Committee – People has completed a review on how equality, diversity and inclusion is considered in the Authority's decision-making process.
- 2.2 A working group of Committee Members was established to conduct the review and the Members appointed to the working group were Councillors S Freeborn (Chair), R Mihaly and D Walton.
- 2.3 The final report of the Scrutiny review working group is attached to this report and gives details of the research and meetings with officers of the County Council which informed the review and helped develop the outcomes and recommendations.

3. Considerations

In preparing this report the relevance of the following factors have been considered: financial, legal, prevention of crime and disorder, equality of opportunity, human rights, personnel, environmental, health, property and transport considerations.

4. Key Decision – No

5. Call-in

Is it required that call-in be waived in respect of the decisions proposed in the report? – No

6. Background Papers

Documents held on file by Improvement and Scrutiny Committee review working group and Minutes of Improvement and Scrutiny Committee meetings.

7. RECOMMENDATION

- (a) that Cabinet considers the report of the Improvement and Scrutiny – People Committee on Equality, Diversity and Inclusion in the Decision-Making Process for Derbyshire County Council and receives the recommendations of the Scrutiny Review
- (b) that Cabinet notes as recommendations are implemented, reports will be submitted to the Improvement and Scrutiny Committee at strategic intervals to enable the monitoring of progress.

Councillor Steve Freeborn

Vice-Chair of the Improvement and Scrutiny Committee – People

Equality, Diversity and Inclusion in the Decision-making Process

**Review by Derbyshire County Council -
Improvement and Scrutiny Committee – People**



Final Report of the Review Working Group

3 September 2014

**Cllr. Steve Freeborn (Committee Chair)
Cllr. Ron Mihaly
Cllr. Daniel Walton**

David Rose – Improvement and Scrutiny Officer, Derbyshire County Council.

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Acknowledgements –

The Chair and Members of the review working group would like to thank the Members and officers of Derbyshire County Council who have contributed to this review:-

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Ian Stephenson	Chief Executive and Chair of Diversity and Inclusion Board
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1. Introduction

Councillor Steve Freeborn, Vice Chair of the Improvement and Scrutiny – People Committee and Chair of the Review Working Group, introduces this report;

“Ensuring there is equality, diversity and inclusion in all Derbyshire County Council’s services is vital. Equally it is important that we are an employer who considers equality, inclusion and diversity in all our policies, procedures and working practices. This review is a result of a desire to continually improve our equality, diversity and inclusion work.

The Council, through its Executive arrangements of Cabinet and Cabinet Portfolio’s makes decisions that affect the lives of all people in Derbyshire. These decisions can range from an approval of a small service contract which supports a small community to a county-wide change of policy. In the context of the Council having to save £157m by 2018 there has never been a more important time to ensure that decisions are made based on a sound understanding of the impacts upon different groups.

It was therefore agreed by the Improvement and Scrutiny Committee – People, to undertake a review to understand the extent of how equality, diversity and inclusion issues are considered by the Authority when making decisions.

Members and officers of Improvement and Scrutiny, Cabinet and officers from all departments have worked together to bring this review to a conclusion and I would like to thank all those involved for their assistance and contributions.”



Councillor Steve Freeborn

Vice Chair, Improvement and Scrutiny Committee -
People

2. Executive Summary

The review has found good working practices with regard to how the Authority incorporates equality, diversity and inclusion in the decision-making process.

This includes comprehensive information regarding how it is responding to the Equality Act 2010 and the Public Sector Equality Duty. The Authority's website has good information for different groups of people and provides content and links to other public bodies for more information and guidance.

The review also found pockets of good practice in the Authority with regard to the use of Equality Impact Analysis (EIA) and other equality considerations. There was also evidence of good use of EIA guidance, which was found to be informative and helpful to officers, especially the flexibility of the EIA process. Evidence also showed that there are good practitioners of equalities in the Authority, who provide excellent advice and mentoring to others.

The review has also found areas of potential development in the Authority's work on equality, diversity and inclusion in the decision-making process.

The review's analysis of Cabinet reports showed a low number that used EIA's to help make recommendations to decision makers. Although the Authority does not legally need to complete an EIA, there were also a relatively small number of reports which provided evidence that there had been equality considerations taken other than the standard language used to fulfil the Public Sector Equality Duty.

The review also found that there is potential to develop the culture of the Authority and to do more work to embed equality, diversity and inclusion into the day to day thinking of officers and Members.

Lastly, the review found that there is scope to develop the consistency of the Authority's approach to doing EIA's, the support and advice that is required to ensure there is sufficient quality control and that there is robust performance management processes to ensure EIA action plans are monitored.

The working group Members has made the following recommendations which the Improvement and Scrutiny Committee – People is asked to accept and refer to Cabinet for approval and implementation of the proposals;

1. The Diversity and Inclusion Board develop the values and principles of equality, diversity and inclusion with Senior Managers through the Leadership Forum.
2. The Diversity and Inclusion Board regularly monitor the mitigating impacts addressed in EIA's across the Authority to understand any cumulative impacts that may occur on any particular group and report to Cabinet as appropriate.
3. The Diversity and Inclusion Board actively seek examples of good practice of EIA's, both in and outside of the Authority, and share with departments.
4. The Diversity and Inclusion Board consider setting up a panel of expert officers and Members (including representatives from the working group) who can act as strategic advisory body for the Authority for decision-making with any associated advice communicated to all Members.
5. The Diversity and Inclusion Board monitor the progress of the pilot to include Health Impact Assessment screening in EIA's and report back to the working group at an appropriate date.
6. That consideration is taken by Strategic Directors that when an EIA is undertaken, it is done so in conjunction with appropriate consultation and completed at the same time.
7. The Diversity and Inclusion Board consider the development of a 'Critical Friend' approach in the Authority's EIA process.
8. The Diversity and Inclusion Board consider developing common standards of information collection and analysis as a way of ensuring quality control.
9. Cabinet only accept EIA's which have been consulted with Legal Services and the Policy and Research Division, and the EIA form be updated to reflect that this consultation has taken place and is published on the Equality and Diversity section of the Authority's website.
10. The Diversity and Inclusion Board review the EIA guidance after 12 months, eliciting the views of users and other officers who have received training.

11. The Diversity and Inclusion Board work with HR to develop training / briefing modules that include equality considerations in decision-making in its existing equality and diversity courses for new and existing employees.
12. That action plans which are part of EIA's are routinely performance managed through the appropriate departmental and corporate performance management systems.

The Improvement and Scrutiny Committee – People will monitor the implementation of these recommendations as and when appropriate.

3. Background to the Review

In July 2013, the Chair and Vice Chair of the Improvement and Scrutiny – People Committee discussed a review of equality, diversity and inclusion at Derbyshire County Council with the Leader of the Council in line with the Manifesto and anticipated Council Plan. This encompassed different lines of inquiry, and was prioritised by two reviews – *recruitment and selection* and *decision-making*.

For the decision-making inquiry, it was agreed that a working group be formed to understand how equality, diversity and inclusion issues were considered by the Authority when making decisions. The working group comprises Councillors Freeborn, Mihaly and Walton. Initial working group meetings were held with input from officers from Policy and Legal departments to develop specific lines of inquiry, which were:

- The national context of effective and fair decision-making
- Analysis of Cabinet decisions since June 2013 and the level of equality, diversity and inclusion considerations
- The use of equality impact analysis in decision-making at Derbyshire County Council including officer's and a Cabinet Member's perspective of the effectiveness of equality impact analysis and the wider equality agenda for decision-making

This review, with detailed research by working group Members, has given rise to a range of recommendations to Cabinet. This will ensure that the Council is meeting its legal obligations and duties as a Service Provider and an Employer. The following chapters take each line of inquiry in turn, with the relevant research findings and recommendations.

4. Initial Research

The working group had preliminary meetings with officers from the Authority's corporate Policy and Legal Services departments. This included the Senior Policy Officer - Equalities and the Assistant Director of Legal Services. From these meetings, the scope and methodology of research was developed. Lines of inquiry were agreed, to ensure that the review would add value to the current knowledge of the Authority as well as avoiding duplication with existing departmental work.

It became apparent through initial discussions that the review should focus on the Equality Impact Analysis (EIA) process and its role in the wider equality agenda. The following sub sections detail the initial research and approaches agreed for each line of inquiry:

4.1 National context of effective and fair decision-making

The Authority utilises guidance from Central Government and national bodies, for example the Equality and Human Rights Commission (EHRC). This ensures compliance with such laws as the Equality Act 2010, as well as providing opportunities to learn best practice in considering equality issues. To provide context to where the Authority lies in its development of equality of opportunity, desk research was undertaken. This included reviewing the EHRC's review of Central Government's decision-making.

4.2 Analysis of Cabinet decisions since June 2013 and the level of equality, diversity and inclusion considerations

Following a working group meeting, it was decided to analyse reports that have gone through the Cabinet process. The analysis would focus on the usage of EIA's in reports or other evidence that showed equality considerations had been referenced.

The analysis looked at 351 reports which were presented to Cabinet since June 2013 and up to and including July 2014.

4.3 The use of equality impact analysis in decision-making at Derbyshire County Council

Following discussions with officers from Policy and Legal, it was agreed to obtain the views and experiences of expert officers in the area of equalities.

Therefore, written evidence was provided by the Authority's Diversity and Inclusion Board, representatives of which include the Chief Executive of the Council (who chairs the Board) and officers from all departments.

4.4 Officer's perspective of the effectiveness of equality impact analysis and the wider equality agenda on report recommendations

Following discussions with officers from the Policy Division and Legal Services, it was agreed to obtain the views and experiences of officers in departments who develop policies and complete Cabinet reports. The working group therefore selected various Cabinet reports that had gone through the process and took evidence from the report authors. The collection of evidence focused on the officer's views and experiences of the EIA process and how it was used to complete reports for Cabinet.

4.5 Cabinet Member perspective of the effectiveness of equality and diversity information when considering report recommendations

Following a working group meeting, it was agreed to hold a discussion with a Cabinet Member. The collection of evidence focused on the Cabinet Member's views and experiences of the information received from reports with regard to equality, diversity and inclusion considerations and the effectiveness to enable decisions to be made.

The following pages detail the findings from the research, analysis and discussions by the different lines of inquiry, together with recommendations, where appropriate.

5. National context of effective and fair decision-making

5.1 Overview of Public Sector Equality Duty

As part of the Equality Act 2010, the Authority is bound by the Public Sector Equality Duty.

The Equality Duty is a duty on public bodies and others carrying out public functions. It ensures that public bodies consider the needs of individuals in their day to day work—when developing policies, delivering services and in relation to their own employees or when recruiting new employees. The Equality Duty supports good decision-making—it encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate, accessible to all, and meet different people's needs.

By understanding the effects of our activities on the different people living in Derbyshire and how inclusive Council services can support and open up people's opportunities, the Authority can be better placed to deliver policies and services that are efficient and effective. The Equality Duty replaced the three previous separate public sector duties for race, gender and disability. The new Equality Duty covers the following 'protected characteristics':

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race—this includes ethnic or national origin, colour and nationality
- Religion and belief—this includes a lack of belief
- Sex or gender, and
- Sexual orientation

It also applies to marriage and civil partnership, but only in respect of the duty to have due regard to the need to eliminate unlawful discrimination.

Having due regard is an important part of the duty and means consciously thinking about the aims of the Equality Duty as part of decision-making. This means that the Authority must consider equality issues when making decisions, when reviewing policies and services, and when proposing changes. Consideration of the effect those decisions, policies or changes have on different people and whether there is more the Authority need to do meet the aims of the duty.

5.2 Equality Impact Analysis

Under the specific public sector duties introduced by the Equality Act 2010 public bodies must have due regard for the need to take account of the general duties when making decisions by seeking to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the act, such as the failure to make reasonable adjustments for disabled people
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

This means ‘consciously thinking’ about the impact of likely decisions affecting policies, services and public functions on the protected groups and considering these before reaching decisions. For example, to alter who qualifies to receive a service, how a service is delivered, and especially where changes are likely to adversely affect any groups of people who have protection under the Equality Act 2010. If public bodies are not robust when completing and considering the implications of proposals, they can leave themselves open to judicial challenges. The working group note that the Authority has not had any recent judicial challenges to any proposed policy changes by a protected characteristic group.

The Authority carries out EIA’s (formerly called equality impact assessment) in order to help it to meet these statutory duties and to ensure fair decision-making.

Equality analysis is an important part of improving Council policies and services as it helps test out whether they are fair and meet the needs of the diverse groups of people living in Derbyshire. The objective of equality analysis is to help decision-makers to evaluate the likely impact of proposed policy and service changes, and where resources permit, to identify improvements which could be made to existing policies and services to make them fairer. Additionally, to ensure the Authority can minimise the impact of difficult financial decisions because of the reduction in the Council's budgets of £157 million to 2018.

The working group note the comprehensive information that is available to different groups of people through various sources, most notably the Authority's website. This includes specific supporting information and guidance for the different protected characteristics and guidance for officers who undertake Equality Impact Analysis.

5.3 Central Government decision-making in accordance with the Public Sector Equality Duty

Central, as well as Local Government, are bound by the Public Sector Equality Duty. This means decision-making by the Government must be in accordance with the same principles as at Derbyshire County Council. With this in mind, the working group note the report published by the EHRC on what manner decisions in the 2010 Spending Review were taken in accordance with the Public Sector Equality Duty (Fair Financial Decision-Making 2014 Progress Report Summary, Equality and Human Rights Commission. June 2014).

The report found that among the large number of measures outlined in the Spending Review, only a small number raised concerns, with six out of nine measures detailed in case studies fully in accord with the duties.

In three cases, however, detailed examination was unable to establish whether or not decisions were in full accord with the requirements of the duties because of a lack of clarity as to where the true site of the decisions lay. The assessment also found evidence of gaps in data and information, hindering impact analysis.

The working group note that some of the issues in which the report by EHRC elicited were similar to ones experienced at the Authority. This includes gaps in data on the different protected characteristics and authoritative sources of advice and expertise on how to develop EIA's. The working group also note

the recommendations which were laid out by the EHRC to Central Government, in particular the following:

- A single point of Government responsible for monitoring and assessing the cumulative impact of future Spending Reviews and budgets
- Establishment of a Fair Financial Decision Advisory Group
- Initial screening of functions or services under consideration for change to understand the potential impact on different groups
- Improvement in data collection processes of different groups

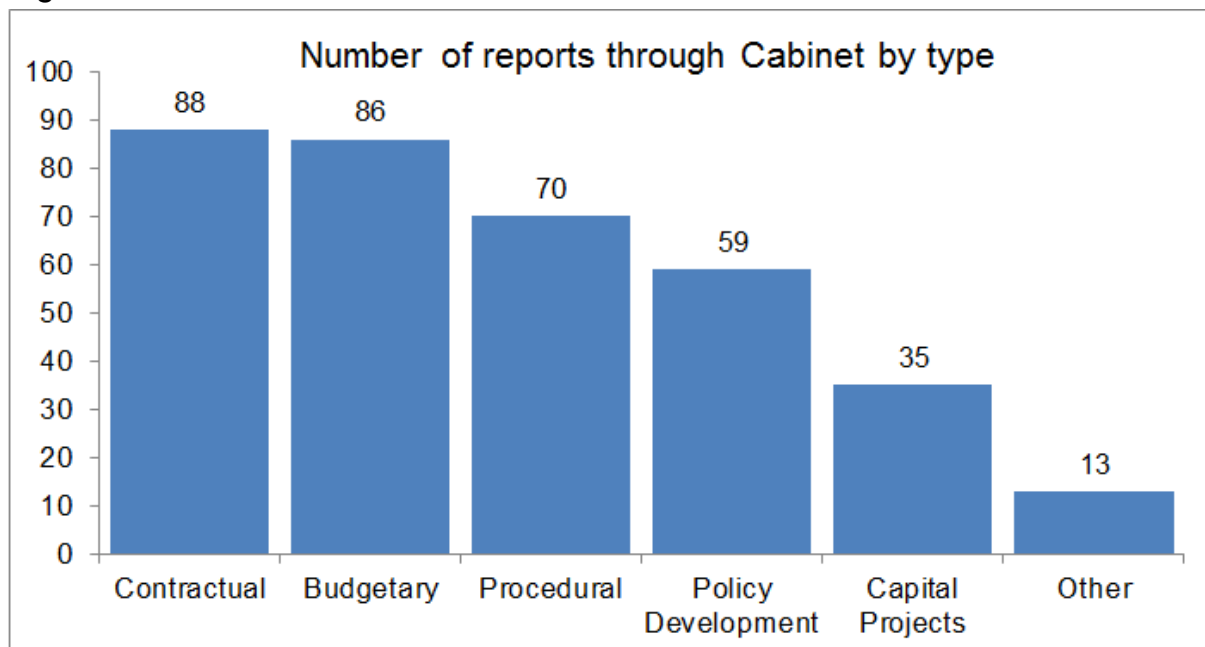
These will be considered more fully in chapter 7.

6. Analysis of Cabinet reports

To understand the extent of which the Authority carries out EIA's and evidence that it gave consideration to different equality groups, an analysis of all Cabinet reports since June 2013 was carried out. The analysis focused on the number of EIA's attached to Cabinet reports and other references to EIA's and equality considerations. It is important to note here that not all Cabinet reports have to have EIA's, as it is not always appropriate.

In all, 351 reports were analysed. Figure one provides a breakdown by type. The types of reports are an officer interpretation, to provide some context into the different areas of decision-making. The types are self-explanatory, although for 'Procedural' this was defined as a Cabinet report which provided an information update or similar.

Figure one:



Source – Officer analysis of Cabinet Reports from derbyshire.gov.uk

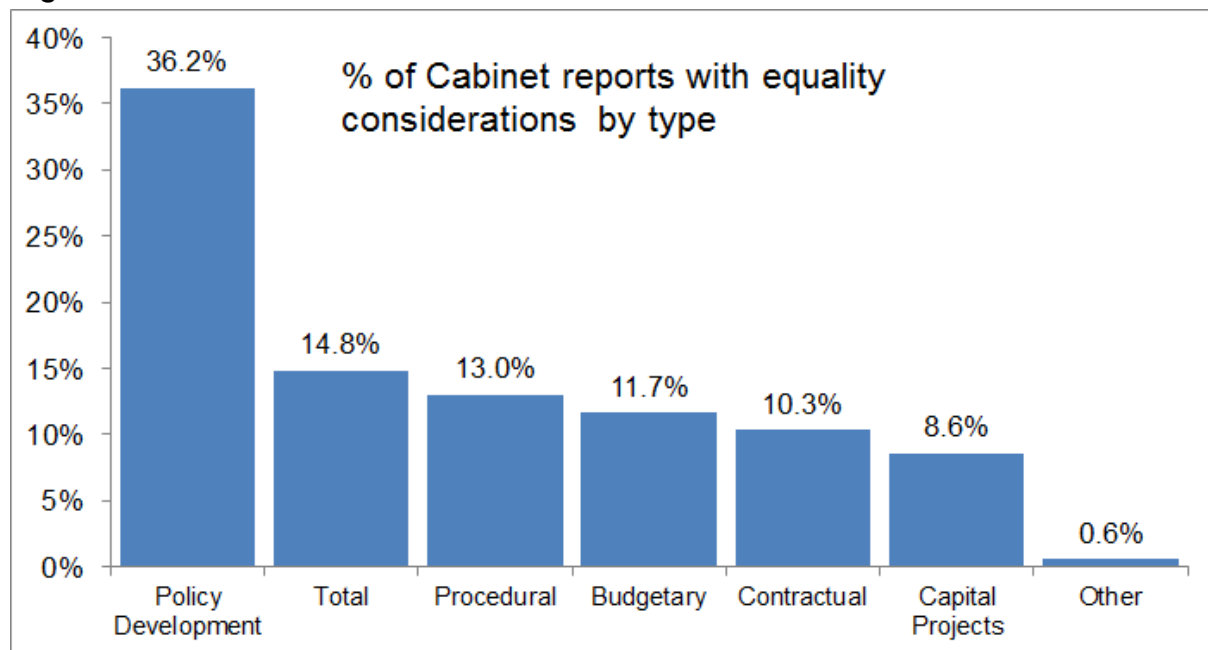
Of the 351 reports analysed, 14 had a completed EIA attached for Cabinet to consider. Another 24 reports stated an EIA would be undertaken at some point. Taking both these together, 11% of Cabinet reports had some sort of specific reference to an EIA being undertaken or had been undertaken.

Of the 351 reports analysed, 52 (15%) had specific information with regard to equality considerations (but not necessarily an EIA). By this, it means more information was available in the Cabinet report than the standard wording that

equality of opportunity had been considered. It is important to state that some of the reports counted here also contained an EIA, so these two numbers are not mutually exclusive. Additional analysis showed that 25 reports contained additional equality information but had no reference to an EIA.

EIA's undertaken were mostly in the area of policy development, which included consultation. Just over a third (36%) of these reports had either considered an EIA or had extra information regarding equality considerations. Figure two demonstrates this further.

Figure two:



Source – Officer analysis of Cabinet Reports from derbyshire.gov.uk

Although no inferences can be made, the working group noted that overall, there tended to be a greater proportion of EIA or equality considerations being completed from a single author of a report (e.g. from one Strategic Director). Where there was a joint report (e.g. Two Strategic Directors co-authoring) there was an under-representation of EIA's. Of the 38 reports where there was an EIA undertaken/would be undertaken, 36 were from a single authored report.

Of the 100 reports which were a 'key decision', 21 stated an EIA was undertaken or would be undertaken. Therefore, for key decisions, there was a near doubling in the percentage of reports referencing EIA compared to all reports (i.e. 21% v 11%).

Whilst the report split by type is based on an arbitrary distinction; the working group note the disproportionate number of Cabinet reports which have an EIA reference for policy development compared to others. For example, the working group note that, although in some cases small, contractual changes can have wide impacts on the people of Derbyshire. Additionally, changes to budgets. Whilst in some cases, equality issues have been considered for these types of reports, more could be done to ensure any mitigating impacts are known. **A recommendation on how this could be developed is provided in more detail in the next chapter (7.4).**

7. The use of Equality Impact Analysis

7.1 Introduction

To understand the effectiveness of EIA's upon decisions made on policy or operational matters, the working group took evidence from a Cabinet Member, the Diversity and Inclusion Board and officers from all departments.

In keeping with the principles of Improvement and Scrutiny, lines of inquiry were designed to help inform recommendations that will improve service provision. The inquiries were non-adversarial, and sought evidence of good practice and where there are potential gaps in the ability of the Authority to consider equality and diversity in the decision-making process.

The lines of inquiry looked specifically at the effectiveness of the EIA guidance, any associated training and the level of competence of analysing and interpreting equality information. Additionally, the overall quality of information provided to enable effective decision-making. Finally, views were sought on how EIA's fit into the wider equality agenda.

To support this, a number of decisions that had gone through the decision-making process were chosen by the working group. Officers and a Cabinet Member who were involved in the process were invited to discuss with the working group how they considered equality and diversity issues. This was in relation to the development of the report that informed the recommendations leading to the decision. In addition, the Diversity and Inclusion Board submitted written evidence.

7.2 Main findings

The working group received lots of evidence with regard to the effectiveness of EIA's and the wider equality agenda. This was both for the Authority and in other local public bodies. The working group noted some common themes which emerged, which are summarised below:

- The Authority needs to develop a better understanding of equality issues, so it is integral to officer's day to day thinking.
- Although there are examples of good practice, there were concerns to the consistency of the EIA approach and the quality of information analysed when considering equality issues. An EIA checklist, core

standards, quality controls and a critical friend approach were seen as ways to address this.

- Guidance was well received in terms of content and flexibility. There were some concerns that officers needed previous experience of equalities to get the best out of the guidance. Additionally, departments were found not to always consult with relevant officers, as per the guidance.
- Training was provided to officers on EIA's and the Equality Act 2010. Training could be further developed to integrate 'real life' experiences of people so officers fully understand the impacts decisions have.
- There should be more robust processes of performance management of EIA's, particularly monitoring action plans to understand how impacts to different groups have been mitigated.

Each of the main findings in detailed further below.

7.3 Culture

A common theme which came from all the sessions was that the Authority can further develop the culture of actively considering equality, diversity and inclusion issues. It was discussed that Members and officers should ensure equality and diversity is in their day to day thinking. The working group note the comments received that this should not be dictatorial.

The working group note the findings that many officers have to sit actively think about equality and diversity issues. More time is needed to embed equality and diversity into the service delivery and service improvement process. Officers who have background and experience in equality and diversity tend to understand issues better and think about these considerations as a matter of course.

The working group also note the evidence collected, as part of the review, into officer perception of equality and diversity against the reality felt by the protected characteristic groups. Officers may, through no fault of their own, believe that a change by the Authority (for example a policy change) has no detrimental effect on different groups. The working group note evidence which highlights this could be to do with a lack of training or understanding of the full impacts. Often, there can be assumptions made that impacts of decisions are mitigated, but these perceptions are not always the same as the real experiences felt by protected characteristic groups. For example, the working

group note the work undertaken by the Authority to improve disabled access to County Hall. This has mitigated some problems but should not mean that the Authority perceives that there are no longer any issues with accessibility.

To ensure impacts are mitigated and that the impacts of decisions made are understood fully, there is a need for Member and officer support. The working group note there could be many different avenues of provision, for example officers taking 'a day in the life of' a person with a protected characteristic, for example, sitting in a wheelchair or shadowing a person from the BME community. The advice and support which is available to officers is vital to ensure that understanding is evidence based, and not based on assumptions. Training is an important element to this, the working group feel, and this is covered in more detail in chapter 7.6. The working group also note the recommendation of the EHRC on an advisory body as described in chapter 5.3. The Authority's Diversity and Inclusion Board is well placed to actively deliver quality advice and ensure it dovetails down through the various departments. Member involvement in the Board is important, in their role as leaders. However, the working group feel that this involvement should relate to strategic matters only, leaving any relevant operational matters to officers.

The working group recommend that the Diversity and Inclusion Board consider setting up a panel of expert officers and Members (including representatives from the working group) who can act as strategic advisory body for the Authority for decision-making with any associated advice communicated to all Members.

In terms of consultation, it was also noted that the Authority needs to understand resident's experiences. People from different groups can speak for themselves, and the Authority should not rely solely on their support (e.g. carers, medical experts) to understand what they want from a service. It was noted that the environment officers work in can affect how they consider equality and diversity issues. For example, officers in finance may not be considering equality and diversity in decisions whereas officers in other areas might, due to it being part of everyday service delivery.

It was discussed that equality and diversity 'champions' (or similar) are useful to have in place for checks and balances to challenge thinking. It was noted that there is already an element of leadership and modelling through the organisation, harnessing mind-sets regarding equality and diversity. The Diversity and Inclusion Board terms of reference includes leading the

development of and improving organisational commitment of equalities for the Authority.

The working group recommend that the Diversity and Inclusion Board develop the values and principles of equality, diversity and inclusion with Senior Managers through the Leadership Forum.

Additionally, the working group note the findings of the EHRC's research into fair financial decision-making as summarised in chapter 5.3. The Commission published its report following an investigation into the 2010 Spending Review and focused on the decision-making of the Government. The robustness of considerations in equality based impacts was central to the research, together with how it is responding to the Public Sector Equality Duty. The report does not deal with local authorities only Central Government. However, the working group note work which has already been undertaken by Nottingham University that has been looking at the impact of the welfare changes on protected groups. Additionally, the working group note the research commissioned by EHRC (Cumulative Impact Assessment – A Research Report by Landman Economics and the National Institute of Economic and Social Research. Summer 2014) to develop a tool for considering the cumulative impact of proposals on protected groups. The key findings are that:

- The impacts of tax and welfare reforms are more negative for families containing at least one disabled person, particularly a disabled child, and that these negative impacts are particularly strong for low income families.
- Women lose somewhat more from the direct tax and welfare changes compared to men. This is mainly because women receive a larger proportion of benefits and tax credits relating to children, and these comprise a large proportion of the social security reforms between 2010 and 2015.
- In terms of public services (as opposed to tax and welfare), Black and Asian households lose out somewhat more than other groups. This is largely due to greater use of further and higher education, and (for Black households) social housing.

The working group note that Members could use EIAs as a means of testing the robustness of information when being asked to make decisions, enabling them to challenge departments where there is insufficient or lack of robust data and consultation. In keeping with developing the culture of the Authority's

equality agenda in the context of reductions in budget, the working group note concerns of the cumulative effect that decisions may have on particular groups. For example, evidence from the Diversity and Inclusion Board shows thought is needed to understand the cumulative impact on groups of proposed changes across the Authority over time. This should include whether specific groups of people are hit more often and harder, as this could at some point support an argument in support of discrimination by a group of people.

The working group recommend that the Diversity and Inclusion Board regularly monitor the mitigating impacts addressed in EIA's across the Authority to understand any cumulative impacts that may occur on any particular group and report to Cabinet as appropriate.

7.4 Process

EIA's are used by the Authority to measure the potential effect of policy and service changes on service users paying particular heed to disadvantaged or minority groups. A common theme from the evidence the working group gathered was that the process of EIA's was generally very well received. The Authority has had a process in place for carrying out equality impact assessments/ analysis for more than 10 years which has been updated and improved on a number of occasions. This has included ensuring the process would help the Council meet the amended public sector duties and 9 protected characteristics introduced by the Equality Act 2010.

EIAs can be most helpful if they are carried out as part of project or proposal development, rather than being viewed as something to be completed at the end of a process – they need to be seen as influencing recommendations and decisions in a real sense, or at least providing good contextual information for decision makers. However, the working group note some of the concerns raised over potential inconsistencies of officers using the process and the extent to the considerations of equality. Officer feedback highlights sporadic use in its best use of EIA's with examples of good and poor practice. However, the working group note that the Authority was not alone in this situation as most large organisations experience similar issues.

The working group recommend that the Diversity and Inclusion Board actively seek examples of good practice of EIA's, both in and outside of the Authority, and share with departments.

Further to this, the working group also note the common theme which questioned whether an EIA is required for a policy / decision and to what level. For example, what is proportionate to the decision being made should have a bearing on the level and resource you put into an EIA.

The working group took evidence of the Health Impact Assessment which Public Health undertakes. Public Health has a Health Assessment process, which is similar to the Authority's Equality Impact Analysis. This is a legacy of what they used to use when in the NHS.

The Health Assessment looks at how to deliver services and the impact on different groups. These tend to be targeted from information showing areas of low deprivation or specific healthcare issues. As part of this, a screening exercise is undertaken to see whether an assessment needs to be carried out. The working group note the pilot undertaken by the Authority of including the Health Impact Assessment screening in EIA's.

The working group recommend the Diversity and Inclusion Board monitor the progress of the pilot to include Health Impact Assessment screening in EIA's and report back to the working group at an appropriate date.

Another theme which materialised from the evidence received was the use of EIA's when consulting the people of Derbyshire. The working group note officer's views that consultation and EIA's can be done together, and perhaps should be. Evidence showed that the Authority's Observatory is used when developing EIA's to understand statistics on different groups. The statistics are a good starting point for any EIA. However, there is an element of 'so what' in that the statistics, for example census information, do not reflect the real needs of different groups. To develop this, it was noted officers need to go out and talk directly to different groups (for example to those who would be affected by a decision) to understand their experiences and feelings. In addition, the statistics do not highlight where there has been discrimination or the real experiences / reflection of a community.

The working group note that consultation with Black and Ethnic Minority (BEM) and Lesbian, Gay, Bisexual and Trans (LGBT) groups was used to help ascertain equality and diversity impacts which may result from service/policy changes. However, to ensure full understanding of the impacts of a decision, the Authority should look to proactively speak too, listen and

learn from the different protected groups. The working group note this should not be limited to the different employer network groups. This engagement should also not be limited to consultation of a potential change (for example, to an existing policy of the Authority) but an on-going dialogue which helps to shape future policy direction. The working group also note evidence that EIA's are usually added as an appendix to the main report of a decision. The summary information should form the 'business case' of the decision and be included in the main report. The process is vital, and has to be part of the thinking when developing decisions, not an add-on.

The working group noted that the final responsibility for ensuring that equality and diversity considerations were accurately represented in the Council's decision-making and policy development rested with the Council's Departmental Directors. They should also take advice from the Legal Services Division. The working group noted that a presentation had been made to Senior Management Team on this issue. However, the working group also note that closer working between departments and Legal Services has ensured that the Council's more detailed assessments (usually around proposed cuts to services) are sufficiently robust enough from a legal perspective. The recent additional co-ordination of consultation has ensured that the Authority has understood local opinion, concerns and how proposed changes have impacted different groups and communities.

It was noted that a key question that could be asked when developing EIA's is "What does it mean for us?" This would help inform how services are being delivered from discussions with people and their experiences. The EIA can evidence these discussions took place, but sometimes do not contain the qualitative insights which come out of these conversations.

The working group recommend that consideration is taken by Strategic Directors that when an EIA is undertaken, it is done so in conjunction with appropriate consultation and completed at the same time.

As part of developing an EIA, there was common evidence of the success of a 'Critical Friend' approach. For example, for one EIA, two different Critical Friends were consulted and were fully part of the analysis. The use of a Critical Friend is seen as important by some officers who gave evidence. The working group note the findings that it ensures the thinking is challenged and breaks down departmental silos. Bringing Critical Friends in at certain stages

of process (initial, consultation, and finalisation) would ensure timescales would not be drawn out too much.

The working group recommend that the Diversity and Inclusion Board consider the development of a ‘Critical Friend’ approach in the Authority’s EIA process.

The working group also note the common theme of quality and standards in EIA’s. Having Core Standards may provide more equity. This could include minimum groups to consult and directorates to involve. There was also a concern of the consistency from the officers writing the reports on their equality and diversity considerations and whether they have sufficient knowledge and experience. For example, how can Members be confident that the report author has fully considered whether there needs to be an EIA or aspects of an EIA when writing up a report?

The working group recommend that the Diversity and Inclusion Board consider developing common standards of information collection and analysis as a way of ensuring quality control.

7.5 Guidance

The working group note officer comments that, historically, guidance on EIAs has been unwieldy which has sometimes resulted in this issue being overlooked or added on as an afterthought in project management. In the early days, guidance tended to be long and overly complex with the result that many found the unwieldy and unhelpful. Over time Councils have become more confident at carrying out EIAs.

The working group note the finding that the Authority’s guidance is very comprehensive, and provides officers with detailed information about what to consider. Additionally, there is very clear information and about the protected characteristics. In particular, the working group note officer’s appreciation of the flexibility that is allowed in the process. For example, evidence from the Diversity and Inclusion Board show that corporate and departmental strategies are difficult to complete equality analysis on, due to their sheer size, scope and complexity. A more relaxed approach is now taken towards these on the understanding that decisions arising out of them will instead be subject to analysis.

The Authority's guidance also compares similarly to other authorities. The working group note the work carried out to understand other authorities EIA's, notably through peer assessments under the Local Government Equality Framework.

The working group note that recently the guidance has been amended to enhance their use during decision-making. Now both Legal Services and the Senior Policy Officer for Equalities should be consulted on EIA's before they are presented at a decision-making committee such as Cabinet. The working group note the evidence supplied by the Diversity and Inclusion Board that not every EIA is forwarded to the Senior Policy Officer for Equalities to assess the quality of the equalities based analysis, nor to be able to share good practice of completed EIA's.

The working group recommend that Cabinet only accept EIA's which have been consulted with Legal Services and the Policy and Research Division, and the EIA form be updated to reflect that this consultation has taken place and is published on the Equality and Diversity section of the Authority's website.

The working group also note the views on how the guidance can be further developed. The evidence showed that the guidance could be condensed and has a look and feel of a 'local authority document'. The document could be more concise and more exciting for officers and Members to use.

The working group recommend that the Diversity and Inclusion Board review the guidance after 12 months, eliciting the views of users and other officers who have received training.

7.6 Training

The working group note the excellent work officers have done in developing training courses and briefing material for EIA's and the Equality Act 2010. This has included briefings to the Corporate Management Team on EIA's and the importance of consultation and training to officers across different departments. Around 500 officers of the County Council had received training on the Equality Act 2010 and EIAs. There is no longer any formal training course available in relation to recruitment and selection – with new recruiters receiving a "briefing" from a Human Resources Consultant instead.

The working group note the evidence from the Diversity and Inclusion Board that all new recruits should have their training needs assessed through the 'MyPlan' process upon their commencement in the Authority. It is not clear that this is currently informing the demand for training on an on-going basis in relation to diversity or EIA's.

Evidence gathered from discussions with officers showed potential other ways of delivering training on equality and diversity. It was discussed that training should be about equality and diversity, not just about the EIA process. Officers are therefore more informed and look at it as part of a wider process.

The working group also note that experience-driven training courses can be beneficial. For example, Blackpool Borough Council had in place a two-day equality and diversity training programme. This provided quality training which challenged participants thinking. Different groups came to the training to discuss and share their experiences and stories. The training was driven by an understanding of people's experiences and feelings. This was in the context of how services which are delivered directly impact them. The training was very powerful and impacted on culture.

The working group also note the challenge to get the right people at training events. There needs to be encouragement for some managers why they need to do it. They understand legal challenge aspect, but need to see the benefit too.

In practice EIAs are about "people" issues and it might be more helpful to think of them in terms of identifying the potential impacts on different groups of people – many people still lack confidence when asked to make judgements around equality and diversity, or do not see them as relevant. The working group note the findings as detailed in chapter 7.3 where the Authority should undertake to understand the experiences of protected characteristics groups. As well as an advisory support, the Authority can provide officers and Members with on-going training. The working group note that this should not be burdensome, and utilise the existing knowledge and talent available in the Authority.

The working group recommend that the Diversity and Inclusion Board work with HR to develop training / briefing modules that include equality considerations in decision-making in its existing equality and diversity courses for new and existing employees.

7.7 Performance Management

It was discussed that the action plans at the end of EIA's can be very important. Officers are specifically required to outline their arrangements for monitoring and review. In particular, this action planning should cover any mitigation based action and any necessary actions for implementation if proposals go ahead.

The working group note the evidence from the Diversity and Inclusion Board that historically, this has been an area of some weakness in the Council's equality impact assessments / analysis. However, more recently departments have begun to use monitoring information to analysis the actual impact of earlier proposals before proceeding with new ones. For example, this has included eligibility for care services and proposals in relation to street lighting.

It was noted that effective performance management of these outcomes may need to be developed. This will ensure the impacts on different groups are reduced as much as possible, in the context of the financial pressures on the Authority.

It was also noted that EIA's can ensure reduction in impacts on groups/ individuals are kept to a minimum. This can include where, if another service provider has been identified to take over from the Authority to deliver (for example, a non-statutory function), the provider can actually do it. In particular, the working group note the evidence of the Diversity and Inclusion Board that the Authority needs to ensure there is a way of analysing any proposed changes and how it may impact other partners. For example, a resulting gap in service provision or support which the Authority assumes can be taken up by other private / public bodies, community or voluntary groups.

The working group recommend that action plans that are part of EIA's are routinely performance managed through the appropriate departmental and corporate performance management systems.

8. Review conclusions

The working group acknowledges the work that the Authority has done to ensure there are equality, diversity and inclusion considerations in its decision-making process.

The challenge for the Authority is to ensure decisions are made based on the best possible knowledge of its implications for different groups. This is especially important considering the financial context and the policy and service changes which the Council is and will have to make.

The findings and recommendations from this review will help the Authority's continual improvement in its equality, diversity and inclusion work. Although the review is focused on the decision-making process, there are implications for the wider agenda of ensuring there is equality of opportunity.

This review should also be seen in the context of the findings from the separate scrutiny of equality and diversity in recruitment and selection at the Authority. A final report will be published in due course and will provide the Authority with further recommendations of how it can look to deliver its equality, diversity and inclusion agenda.