

Report to :	EXECUTIVE CABINET.
Date :	27 September 2023.
Report of:	Councillor Leanne Feeley – Executive Member for Education, Achievement and Equalities.
Subject :	REVIEW OF EQUALTY IMPACT ASSESSMENT (EIA) FORM AND LOCAL PROTECTED GROUPS
Report Summary :	The new Equality Strategy 2023-27 was agreed at Executive Cabinet in February 2023. Within the new strategy are actions to review the Equality Impact Assessment (EIA) template used by the council and the local protected groups (in addition to those in the Equality Act 2010). The report summarises the evidence used to inform the review and recommendations. The new Equality Impact Assessment (EIA) template is attached at Appendix 1 . The local protected groups are attached at Appendix 2 .
Recommendations :	<ol style="list-style-type: none"> 1) Agree the new Equality Impact Assessment (EIA) template attached at Appendix 1 is adopted by the council. 2) Confirm the corporate standard that Equality Impact Assessments (EIA) should be included with all proposals going through the governance process; cited (with key issues) on the front sheet of reports; and mitigations reviewed after the implementation of proposals. 3) Agree the revised local protected groups (in addition to those in the Equality Act 2010) outlined at Appendix 2 are adopted by the Council.
Links to Corporate Plan:	Equality Impact Assessments (EIA) ensure good service delivery – in particular for groups with additional or different needs – and as such underpin delivery of all the council’s objectives in the Corporate Plan.
Policy Implications :	The report outlines a revised template for completing Equality Impact Assessments (EIA) and confirms the local protected groups in addition to those in the Equality Act 2010. All service changes require an Equality Impact Assessment (EIA), and where appropriate those changes should be adjusted or mitigated as per the findings.
Financial Implications : (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	<p>There are no direct financial implications arising from this report. The 2024/25 budget proposals which are also policy decisions, will be reviewed using the latest Equalities Impact Assessment template.</p> <p>Any changes to policy or service delivery arising from the new guidance will need to be accommodated within existing budgets and/or be subject to separate reports.</p>
Legal Implications : (Authorised by the Borough Solicitor)	The Council as a public sector organisation has a legal duty under the Equality Act 2010 and the Public Sector Equality Duty to identify and consider the impact and potential impact in terms of equality, of our activities. A key tool for undertaking and being able to evidence this is by way of undertaking an equality Impact Assessment (EIA).
Risk Management :	A codified, clearly understood and effectively implemented approach to assessing the impact of changes in council services on protected groups is essential to meeting the organisation’s statutory duties under the Equality Act 2010. Failure to have such as process risks legal challenge, reputational damage and poor service delivery for residents. The refreshed approach outlined further strengthens the

council's current compliance with its legal duties and obligations as community leaders with regards to equality impact and service development.

Access to Information :

The background papers relating to this report can be inspected by contacting Simon Brunet – Head of Policy, Performance, Communications and Scrutiny.



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1. BACKGROUND

- 1.1 The Equality Act 2010 puts a duty of due regard on local authorities regarding those people with protected characteristics. Public authorities are required to assess the impact on protected characteristic groups of new or revised policies and practices. The nine protected characteristics groups are defined in the Act.
- 1.2 The Brown Principles (*) are a judicial guide on how to comply with due regard duties and equalities. They outline six tests around impact assessments. The sixth of those test states, "*it is good practice for those exercising public functions in public authorities to keep an adequate record*".

(*) *R (Brown) v Secretary of State for Work & Pensions & the Secretary of State for Business, Enterprise and Regulatory Reform [2008] EWHC 3158 (Admin)*.

- 1.3 With the Equality Act and the Brown principles in mind, Tameside Council's approach has been to have a standard equality impact assessment (EIA) form that should be used as part of the development of new policies, practices and services.
- 1.4 Tameside Council agreed a new Equality Strategy 2023-27 at Executive Cabinet in February 2023. The new strategy included an action to review the equality impact assessment (EIA) template and the local protected groups (in addition to those in the Equality Act). The response to that action is the subject of this report.

2. EVIDENCE

- 2.1 A range of evidence was used to inform the review of the equality impact assessment (EIA) template and the local protected groups.
 - Review of equality impact assessment forms used by other councils.
 - Review of local protected characteristic groups adopted by other councils.
 - Benchmarking of good practice with key bodies such as the Local Government Association (LGA); the Equality and Human Rights Commission (EHRC); and the Consultation Institute (CI).
 - Feedback from, and discussions with, officers who have completed equality impact assessments (EIA).
 - Feedback and insight from staff re protected groups.
 - Learning from the All-Equals Charter (AEC) accreditation process and feedback.
- 2.2 Having reviewed all the evidence a new equality impact assessment (EIA) template had been developed (see section 3) which includes a refreshed set of local protected groups, in addition to those in the Act (see section 4).

3. EQUALITY IMPACT ASSESSMENTS

- 3.1 Attached at **Appendix 1** is the proposed new equality impact assessment (EIA) form – subject to agreement by Executive Cabinet.
- 3.2 The proposed new template takes a three-stage approach as outlined below.
 - Part A – initial screening
 - To summarise the proposal; make an initial assessment of impact; and decide whether there is a need to do a full EIA (Part B).
 - Part B – full EIA
 - To outline evidence and issues to consider (data & intelligence, engagement & voice, legislation and finance); assess impact; and develop mitigations.
 - Part C – post-implementation
 - To review the impacts and mitigations at 6 and 12 months after the proposal has been implemented.

- 3.3 The corporate standard requires an equality impact assessment (EIA) – using the agreed template – to be completed for all service changes and new strategies and policies. Equality impact assessments (EIA) should be included with all proposals going through the governance process; cited (with key issues) on the front sheet of reports; and mitigations reviewed after the implementation of proposals.

4. PROTECTED GROUPS

- 4.1 Most local authorities include additional local protected groups alongside the nine outlined in the Equality Act 2010. Tameside is one those and has include local protected groups for a number of years. These additional groups have been adopted on the basis of being a priority area of focus for the council and partners and/or a group whose needs require extra attention.
- 4.2 Attached at **Appendix 2** is a proposed refresh of the local protected groups to be adopted by Tameside Council (subject to agreement by Executive Cabinet). The suggested changes are summarised below.

Retain:

- Mental health.
- Carers.
- Socio-economic (adopted in October 2022).
- Cared for children (adopted in March 2023).
- Care leavers (adopted in March 2023).

Adopt:

- Neurodivergence.

Extend:

- Gender identity – go further than the Equality Act 2010 which is limited to ‘Gender Reassignment’.

Re-position:

- Breastfeeding – implicit within pregnancy and maternity in the Equality Act 2010.
- Military veterans – priority focus for last 5 years has raised awareness as planned and is also covered by the ongoing Armed Forces Covenant duty.

- 4.3 Local protected groups will be kept under regular review and will be amended as required and subject to appropriate governance.

5. RECOMMENDATIONS

- 5.1 As set out on the front of the report.