

Hampshire Fire and Rescue Authority

Standards and Governance Committee

Item 9

11 December 2014

Impact Assessment Report

Report by the Chief Officer

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1 Summary

- 1.1 The aim of this report is to raise awareness of the Service's obligations towards government recommendations/legislation regarding The Public Sector Equality Duty, People and Equality Impact Assessments (EIAs).

The HFRS Risk Review project will be entering into public consultation over the next year and it is an appropriate opportunity at this time to review and refresh the Service's Impact Assessment Policy and Tool.

2 Recommendations

- 2.1 That a review of the current HFRS Impact Assessment Policy be carried out by the Project Management Office (PMO) with the involvement of the HFRS Inclusion team. This will need to be completed by the end of January 2015.
- 2.2 That the Committee recommends to the Performance Review and Scrutiny Committee that it receives a report regarding any proposed revisions to the Impact Assessment Policy at its meeting on 10 February 2015.
- 2.3 That the PMO actively promotes the newly revised Impact Assessment Policy and Tool via web pages, project management forums and other communication methods, linking the tool to the Equality Act 2010 and highlighting the equality obligations of the Authority, for 'go live' on 1 April 2015.
- 2.4 That a review of the existing Impact Assessment Tool (and associated guidance material) be carried out, and any appropriate revisions be undertaken, by the PMO to ensure that it is fit for purpose, compliant with the reviewed policy and in operation by 1 April 2015, having been promoted by the PMO in accordance with paragraph 2.3.
- 2.5 That the PMO carries out regular Quality Assurance (QA) activities to ensure that the newly revised Impact Assessment Tool and associated procedures are adhered to. QA should commence as soon as an entry is submitted. Monitoring of the entry should be undertaken throughout the lifecycle of the change, as well as business as usual. It is recommended that impacts should be monitored for at least six months after implementation.
- 2.6 That the PMO monitors completion of an Equality Impact Assessment and a People Impact Assessment for all key HFRS Projects, activities and events, providing

guidance and awareness raising where required.

3 Introduction and background

3.1 The Public Sector Equality Duty forms part of the Equality Act 2010 and came into force in April 2011. The main duty (section 149) states that “...all public authorities must have due regard to the need to eliminate conduct that is prohibited by the Act” (*House of Commons Library, 2014 – Appendix A*).

3.2 Public authorities must also pay due regard to the equality of opportunity and relations between those who share a Protected Characteristic and those who do not.

3.3 The Equality Act 2010 defines ‘conduct’ as discrimination, harassment and/or victimisation in relation to the nine Protected Characteristics detailed in section 4 of the Act: These Characteristics are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion and Belief
- Sex
- Sexual Orientation

3.4 There is no requirement within the Equality Act for public authorities to carry out Equality Impact Assessments. Instead, a High Court judgment ruled that “rather than carrying out a formal equality impact assessment, the authority has to state that it has paid due regard to its equality obligations”. It is important to highlight cases of discrimination that have been brought against local authorities in recent years following plans to change or remove services where an EIA had not taken place:

- Southall Black Sisters (SBS – funded by Ealing council to assist women from black and minority backgrounds who experience domestic violence around the borough of Ealing) used the equality duty to successfully overturn funding cuts from Ealing Council in 2007. Ealing Council had not undertaken an Equality Impact Assessment when making the decision.
- In 2011 Gloucestershire County Council and Somerset County Council made the decision to withdraw funding for library services. Both authorities were held to be unlawful due to possible discrimination against people with physical disabilities, women and the elderly. Both councils had carried out Equality Impact Assessments but still could not prove that due regard had been paid to the obligations set out in the Public Sector Equality Duty.

3.5 Public authorities must assess the impact of proposed policies on equality but no required format has been specified, only that consideration should be given to the reports/research data gathered from fieldwork and consultation. Recommendations for adequate record keeping have been emphasised.

3.6 The HFRS Impact Assessment Policy states that “It is the policy of Hampshire Fire and Rescue Service (HFRS) that an Impact Assessment will be completed to ensure our compliance with legislative requirements (Health and Safety and People Impact Assessments [PIAs]) and aid informed cost benefit and environmental decision making. An Impact Assessment should be completed for all: Policies (new or reviewed), Projects (local, departmental or corporate), Systems (new or revised), Initiatives, Events, Working Practices (new or revised) and Procurement”.

4 HFRS Online Impact Assessment Tool

4.1 The HFRS online Impact Assessment tool has been created in order to meet government recommendations and guidance. It was built in-house following best practice research into EIAs created by other fire and rescue services (Tyne and Wear FRS, Avon FRS) as well as guidance obtained from the Chief Fire Officers Association and South West Equality Network’s EIA toolkit.

4.2 The tool is owned by the HFRS Project Management Office and identifies potential impacts of a project/activity/event on:

- People (incorporates the nine Protected Characteristics)
- Health and Safety
- Resources
- Environment

It is designed to:

- Ensure compliance with legislative requirements, ultimately avoiding judicial review.
- Aid informed cost/benefit and environmental decision making
- Highlight areas of work for projects/events to focus on
- Inform corporate risks
- Highlight project interdependencies/lessons learned for project boards
- Act as a proactive and open source to communicate and stimulate thinking for Project Managers/decision-makers

4.3 Results produced by the tool enable the Project Manager/decision-maker to identify potential impacts from the key areas as listed in paragraph 3.6. Once this is understood, the information can be used to assist with identifying and measuring risks, including the planning of appropriate mitigating actions to reduce the impact.

5 Current Usage

5.1 The PMO advises that an initial Impact Assessment is completed for all corporate projects and as recommended within the PMO Project Management Lifecycle, is regularly reviewed throughout the duration of the project, including transition to BAU (Business As Usual). In some cases the PMO recommends the creation of a new Impact Assessment, purely for BAU.

5.2 To assist in the creation of this report, the HFRS Knowledge Management Team has carried out high level Quality Assurance of the current Online Impact Assessment tool. Basic findings indicate inconsistent practice.

- 5.3 The policy guidance note: 'Guidance for the completion of an integrated impact assessment' was in need of review in June 2014.
- 5.4 It is not possible to state the number of projects/activities/initiatives that require/will require a completed impact assessment. This has been scheduled for review by SMT in December 2014 and will be included in the progress report for the next Standards and Governance Committee in April 2015.
- 5.5 The findings of the high level Quality Assurance indicate that awareness of the tool and its usage should be raised. Once submitted, entries should be quality assured and reviewed at regular intervals as detailed at paragraph 2.5.
- 5.6 It is recognised that the HFRS Risk Review Project has taken a very different approach to that of HFRS historic internal projects. To ensure that impacts of any changes in services are identified for all and fully understood, the Risk Review Project team has put in place methods to capture data regarding the nine Protected Characteristics at early stages of both internal and external engagement activities. Capturing this information helps the team to monitor the diversity within the feedback groups and identify any gaps, developing relationships between those who come under the nine Characteristics as well as those who do not.

6 Risk Analysis

- 6.1 Associated risks and issues of projects/activities could be missed. If risks are not identified and/or controlled, this could result in unplanned delays/costs to the delivery of Service priorities.
- 6.2 Projects/activities/events with uncompleted Impact Assessments are more susceptible to challenge from those representing the nine Protected Characteristics which could lead to legal challenge prosecution if the Service is found liable for discrimination.
- 6.3 Lack of completed Impact Assessments limits the Service's ability to measure/benchmark against compliance with the Equality Act 2010 and associated legislation.
- 6.4 Lack of completed Impact Assessments limits the Service's ability to measure/benchmark against compliance with other Fire and Rescue Services/external organisations/peer groups.

7 People Impact Assessment

- 7.1 The proposals in this report are considered compatible with the provisions of the equality and human rights legislation.

8 Resource implications

- 8.1 Human Resources
There are no human resource requirements identified at this stage.
- 8.2 Physical Resources
There are no physical requirements identified at this stage.
- 8.3 Information and Communications Technology Resources

Support will be required from the Business Intelligence Tool in order to implement the changes required for the Impact Assessment Online tool.

- 8.4 Financial Implications
No financial implications have been identified at this stage.

9 Conclusion

- 9.1 The HFRS Impact Assessment Policy was put in place to ensure due regard is paid to the equality responsibilities of the Authority. However, as stated in paragraph 3.4, there is no requirement within the Equality Act for public authorities to carry out EIAs. HFRS has proactively chosen to make completing EIAs a mandatory activity and will ensure that completion of EIAs becomes a routine working practice and implement a system to gain assurance that EIAs are completed in accordance with policy.

10 Background papers

- 10.1 The following documents disclose the facts or matters on which this report, or an important part of it, is based and has been relied upon to a material extent in the preparation of the report:

Website: www.UniteForSociety.org

Article: How Southall Black Sisters successfully used the Equality Duty against Ealing Council

<http://www.uniteforoursociety.org/blog/entry/how-southall-black-sisters-successfully-used-the-equality-duty/>

Website: UKHumanrightsblog

Article: Successful challenge to library closures: lip service not enough for equality duties – Gloucestershire and Somerset County Council

<http://ukhumanrightsblog.com/2011/11/24/successful-challenge-to-library-closures-lip-service-not-enough-for-equality-duties-shaheen-rahman/>

Website: www.dorsetfire.gov.uk

Document: South West Equality Network Equality Impact Assessment Toolkit

http://www.dorsetfire.gov.uk/files/6813/8598/2440/EIA_Toolkit_with_Appendixs.pdf

Website: www.equalityhumanrights.com

Article: Public Sector Equality Duty

<http://www.equalityhumanrights.com/public-sector-equality-duty>

Note: The list excludes documents that disclose exempt or confidential information defined in the Act.