

Hampshire Fire and Rescue Authority

Standards and Governance Committee

Item 10

17 December 2015

Impact Assessment Report: Update

Report of the Chief Officer

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1 Summary

- 1.1 This paper outlines the progress of the recommendations agreed in the paper presented to the committee on 11th December 2014 which invited members to consider the position of the Service in relation to the Public Sector Equality Duty, People and Equality Impact Assessments.

2 Recommendations

- 2.1 That the Committee recognises the progress made towards the use of Impact Assessments within Hampshire Fire and Rescue Service, as detailed in this report.
- 2.2 That the Committee is assured that due regard to the Public Sector Equality Duty (PSED) is being paid by the Service.

3 Introduction

- 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*).

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.

- 3.2 The Equality Act 2010 defines conduct as discrimination, harassment and/or victimisation in relation to the 9 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 of Belief
- Sex (Gender)
- Sexual Orientation

3.3 There is no requirement within the Equality Act for public authorities to carry out Equality Impact Assessments. Instead, a High Court judgment rules 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”.

*(Equality Act 2010: guidance - Detailed guidance - GOV.UK)
[Date Accessed: 11th November 2015]*

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.

3.4 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), Initiatives, Events and Procurement”.

3.5 Carrying out people impact assessments which include due consideration of the considerations stated within paragraph 3.4 will strengthen our risk management practices. We will be able to improve our risk management practice by ensuring that the consequences of our proposed policies and actions and projects comply with current legislation and that expectations for equality and diversity in the workplace and the delivery of public services are improved.

4 **Progress**

4.1 Tools

4.1.1 The online Impact Assessment tool is under development, managed by the Knowledge Management department. Launch of the new tool is planned for 2016 (Quarter 1). The tool will be expanded to take a more in-depth approach towards equality and financial impacts and identify associated risks.

4.1.2 Development plans for the existing tool will achieve the following improvements:

- Increased ease of use
- Improved search functionality
- Automation and integration of current Privacy Impact Assessment
- Inclusion of notification functionality (to alert the PM&A team of new entries)
- Redesigned questions to ensure responses are fully considered and comprehensive.

4.2 Process for Embedding Impact Assessment into Planning Frameworks

4.2.1 Once a project is entered onto the Corporate Portfolio at the Pipeline Stage a Project Mandate is created and submitted to SMT for approval. Prior to submission, the Mandate author typically the Senior Responsible Owner (SRO) will be invited by the Performance and Assurance team to attend a 'Mandate Workshop'. The workshop supports the creation of the Mandate and will explore each of the following areas with relevance to that proposed Project:

- Project Objectives and links to Service Priorities
- Project Benefits
- Project Stakeholders
- Project Dependencies
- Project Impact Assessments
- Project Risks and Issues

The Workshop supports the SRO to carry out draft Impact Assessments in readiness for the project board meetings and fully understand any associated risks, specifically focusing on equality and financial risks.

4.2.2 The Performance and Assurance team will lead an Impact Assessment Working Group, consisting of various representatives across the Service, including the Inclusion team to regularly review all Impact Assessments carried out by the organisation. Associated risks will be monitored and if deemed significant will be escalated to SMT for consideration to add to the Corporate Risk Register.

4.2.3 The Performance and Assurance team will ensure that all tools and processes continue to adhere to legislation (Equality Act 2010 and the Data Protection Act 1998) as well any changes made to the Public Sector Equality Duty and Privacy Impact Code of Practice.

5 Risk Analysis

- 5.1 The following risks were originally identified in the previous paper. The above tools and processes will reduce the likelihood of the risks occurring.
 - 5.1.1 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.
 - 5.1.2 Projects/activities with uncompleted Impact Assessments are more susceptible to challenge from those representing the 9 Protected Characteristics which could lead to prosecution if the Service is found liable for discrimination.
 - 5.1.3 Lack of completed Impact Assessments limits the Service's ability to measure/benchmark against compliance with the Equality Act 2010 and associated legislation.
 - 5.1.4 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.

6 Resource Implications

- 6.1 Knowledge Management will be accountable for delivering the Impact Assessment capability on behalf of the service. The KM Performance and Assurance team will retain overall responsibility for all Impact Assessment tools and processes. The KM Research and Intelligence team will be responsible for developing the tools under instruction from the Performance and Assurance team.

7 People Impact Assessments

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