



## Establishment Committee

**Date:** THURSDAY, 10 MARCH 2016  
**Time:** 12.00 pm  
**Venue:** COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

**Members:** Deputy the Revd Stephen Haines (Chairman)  
Edward Lord (Deputy Chairman)  
Randall Anderson  
Nigel Challis  
Deputy Billy Dove  
Alderman Peter Estlin  
Deputy Kevin Everett  
Deputy Jamie Ingham Clark  
Jeremy Mayhew  
Wendy Mead  
Sylvia Moys  
Deputy Joyce Nash  
Barbara Newman  
Deputy Richard Regan  
Elizabeth Rogula  
Angela Starling  
Philip Woodhouse

**Enquiries:** Chris Braithwaite  
tel. no.: 020 7332 1427  
christopher.braithwaite@cityoflondon.gov.uk

Lunch will be served in the Guildhall Club at 1pm  
**NB: Part of this meeting could be the subject of audio or video recording**

**John Barradell**  
Town Clerk and Chief Executive

# AGENDA

## Part 1 - Public Agenda

1. **APOLOGIES**
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **MINUTES**  
To agree the public minutes and non-public summary of the meeting held on 4 February 2016.  

**For Decision**  
(Pages 1 - 8)
4. **OUTSTANDING ACTIONS REPORT**  
Report of the Town Clerk.  

**For Information**  
(Pages 9 - 14)
5. **EQUALITY AND INCLUSION UPDATE**  
Report of the Director of Human Resources.  

**For Information**  
(Pages 15 - 44)
6. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
7. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
8. **EXCLUSION OF THE PUBLIC**  
MOTION - That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.  

**For Decision**

## Part 2 - Non-Public Agenda

9. **NON-PUBLIC MINUTES**  
To agree the non-public minutes of the meeting held on 4 February 2016.  

**For Decision**  
(Pages 45 - 48)
10. **OUTSTANDING ACTIONS REPORT**  
Report of the Town Clerk.  

**For Information**  
(Pages 49 - 50)

11. **POST TERMINATION OF EMPLOYMENT RESTRICTIONS ON OFFICERS**  
Joint report of the Comptroller and City Solicitor, the City Surveyor and the Director of Human Resources.  

**For Decision**  
(Pages 51 - 58)
12. **EMPLOYMENT TRIBUNAL CASE SUMMARY**  
Report of the Comptroller and City Solicitor.  

**For Information**  
(Pages 59 - 66)
13. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
14. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

### **Part 3 - Confidential Agenda**

15. **CONFIDENTIAL MINUTES**  
To agree the Confidential minutes of the last meeting held on 4 February 2016.  

**For Decision**
16. **RESOLUTION FROM THE BOARD OF GOVERNORS OF THE GUILDHALL SCHOOL OF MUSIC AND DRAMA**  
To consider a resolution from the meeting of the Board of Governors of the Guildhall School of Music and Drama held on 22 February 2016.  

**For Decision**
17. **IT MANAGEMENT ROLES UPDATE**  
Report of the Chamberlain.  

**For Decision**
18. **RESTRUCTURE IN CULTURAL SERVICES SECTION, FINANCIAL SERVICES DIVISION, CHAMBERLAINS**  
Report of the Chamberlain.  

**For Decision**

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## ESTABLISHMENT COMMITTEE

Thursday, 4 February 2016

**Minutes of the meeting of the Establishment Committee held at the Guildhall EC2 at 11.30 am**

### **Present**

#### **Members:**

Deputy the Revd Stephen Haines (Chairman)	Wendy Mead
Edward Lord (Deputy Chairman)	Sylvia Moys
Randall Anderson	Deputy Joyce Nash
Deputy Billy Dove	Barbara Newman
Alderman Peter Estlin	Elizabeth Rogula
Deputy Jamie Ingham Clark	Angela Starling
Jeremy Mayhew	Philip Woodhouse

#### **Officers:**

Simon Murrells	- Assistant Town Clerk
Christopher Braithwaite	- Town Clerk's Department
Giles French	- Town Clerk's Department
Peter Kane	- Chamberlain
Peter Bennett	- City Surveyor
Michael Cogher	- Comptroller and City Solicitor
Chris Pelham	- Community and Children's Services
Chrissie Morgan	- Director of Human Resources
Janet Fortune	- Human Resources Department
Colette Hawkins	- Human Resources Department
Tracey Jansen	- Human Resources Department

#### **1. APOLOGIES**

Apologies for absence were received from Nigel Challis and Deputy Richard Regan.

#### **2. MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

There were no declarations of interest.

#### **3. MINUTES**

**RESOLVED** – That the public minutes and summary of the meeting held on 10 December 2015 be approved as an accurate record.

#### **4. OUTSTANDING ACTIONS REPORT**

The Committee considered a report of the Town Clerk which provided details of outstanding actions from previous meetings.

A Member commented that it was the responsibility of the Investment Committee, not the Policy and Resources Committee, to determine whether to request that the appointment of the City Surveyor was included within its Terms of Reference.

A Member commented that the Terms of Reference for each Committee should include the responsibility for appointing that Committee's Chief Officer. The Town Clerk agreed to provide a report on this matter to this Committee and the relevant Committees.

**RESOLVED** – That the Committee notes the report.

5. **HUMAN RESOURCES DASHBOARDS**

The Committee considered a report of the Director of Human Resources which provided the Committee with the Corporate Human Resources Dashboard, along with the Dashboards for the Town Clerk's Department and the Comptroller and City Solicitor's Department.

A Member commented that the Dashboards provided a lot of useful information, but did appear to be portrayed solely from the management perspective. The Director of Human Resources explained that the Dashboards were intended to be a management tool to inform how the Corporation managed its workforce. The Director explained that a recent wellbeing survey had captured the views of staff, and these findings had been incorporated into the Workforce Strategy programme, which would be rolled out over the next year.

**RESOLVED** – That the Committee notes the report.

6. **TOWN CLERK'S OFFICE (POLICY AND DEMOCRATIC SERVICES) BUSINESS PLAN PROGRESS REPORT**

The Committee considered a report of the Town Clerk which provided an update on the Departmental Business Plan for Policy and Democratic Services. The Town Clerk highlighted the recent Member Survey which had provided useful insight which the Department would utilise to improve the service offered to Members in the future.

Members asked a range of questions about the report, and particularly asked Officers for further information about recent emergency evacuation and invacuation drills which had taken place. Members commented that the first of these drills had been confusing to take part in and had not been well managed. Members also commented that no staff came to the Members' Area on the third floor to ensure that evacuation drill procedures were being followed in that area.

The City Surveyor and the Director of Human Resources explained that the purpose of the exercises had been to expose any flaws or areas for improvement which existed within the current procedures. They agreed that communication to ensure that all people involved in an evacuation or invacuation were properly informed of all updates was a particular area of concern which had been identified.

**RESOLVED** – That the Committee notes the report.

7. **ESTABLISHMENT COMMITTEE RISK - TOWN CLERK'S DEPARTMENT**

The Committee considered a report of the Town Clerk which provided an update on the risk management procedures in place within the Town Clerk's Department.

**RESOLVED** – That the Committee notes the report.

8. **COMPTROLLER AND CITY SOLICITOR'S DEPARTMENTAL BUSINESS PLAN 2015-2018 - PROGRESS REPORT**

The Committee considered a report of the Comptroller and City Solicitor which provided an update on progress in achieving the Strategic Aims which were set out within his departmental business plan.

**RESOLVED** – That the Committee notes the report.

9. **COMPTROLLER AND CITY SOLICITOR'S DEPARTMENTAL STRATEGIC RISK MANAGEMENT REPORT**

The Committee considered a report of the Comptroller and City Solicitor which provided the Committee with information of his departmental strategic risks.

**RESOLVED** – That the Committee notes the report.

10. **STATUTORY DISMISSAL PROCEDURES FOR THE HEAD OF PAID SERVICE (TOWN CLERK AND CHIEF EXECUTIVE), MONITORING OFFICER (COMPTROLLER AND CITY SOLICITOR) AND CHIEF FINANCIAL OFFICER (CHAMBERLAIN)**

The Committee considered a joint report of the Town Clerk and the Director of Human Resources which set out proposals for the Statutory Dismissal Procedures for the Head of Paid Service (Town Clerk and Chief Executive), Monitoring Officer (Comptroller and City Solicitor) and Section 151 Officer (Chamberlain).

A Member suggested that, rather than the oversight of the investigation being the responsibility of the Chairman of the Establishment Committee and the Chairman of the appointing Committee (either Policy and Resources Committee or Finance Committee), that the oversight of the investigation relating to any of the Relevant Officers be the responsibility of Chairman of the Policy and Resources Committee, the Chairman of the Finance Committee and the Chairman of the Establishment Committee. This would ensure that there was an odd number of Members involved in the oversight of the disciplinary procedure, and therefore ensure that a majority approach could be followed in the event of any dispute regarding the best way to proceed.

The Committee agreed with this proposal.

A Member suggested that, to ensure a quorum of Independent Persons was achieved, all three Independent Persons be appointed to the Senior Officer

Review Panel. The Town Clerk clarified that the creation of the Panel and its composition was a matter for the Policy and Resources Committee. The Committee agreed that this amendment should be recommended to the Policy and Resources Committee.

A Member suggested that the role of the Panel could be fulfilled by the Standards Committee, rather than creating a new Committee for this role. The Town Clerk clarified that this would be a matter for the Policy and Resources Committee to determine, but agreed to investigate the legal position in relation to this in advance of that Committee's consideration of this report.

**RESOLVED –** That the Committee:

- a) Agrees that the oversight of the investigation of any complaints regarding the Town Clerk, Comptroller and City Solicitor or Chamberlain be the responsibility of the Chairman of the Policy and Resources Committee, the Chairman of the Finance Committee and the Chairman of the Establishment Committee, and requests that the Policy and Resources Committee and Finance Committee agree to an amended recommendation as such in their consideration of this report;
- b) Recommends to the Policy and Resources Committee an amendment to the proposed Terms of Reference for the Senior Officer Review Panel, such that all three Independent Persons appointed to advise the Standards Committee are appointed to the Panel.
- c) Requests that Officers investigate whether the Standards Committee could fulfil the role of the Senior Officer Review Panel.

11. **SENIOR OFFICER RECRUITMENT PROCEDURE**

The Committee considered a report of the Director of Human Resources which provided the Committee with the proposed Senior Officer Recruitment Procedure.

Members commented that the procedure indicated that Members involved in the interview process for Senior Officers would be provided with recruitment training, but many Members had not yet received this training. The Director of Human Resources explained that the training was available online alongside other Member training modules, but was typically only promoted to Members once they were identified as being due to serve on a recruitment panel.

A Member suggested that, in addition to those positions listed at Appendix 2 to the report, the Senior Officer Recruitment Procedure should also apply to the Assistant Remembrancer (Ceremonial), the Swordbearer and the City Marshall. The Committee agreed to these additions.

**RESOLVED –** That the Committee approves the Senior Officer Recruitment Procedure as set out at Appendix 1 to the report, which will apply to those posts set out at Appendix 2 to the report, plus the Assistant Remembrancer (Ceremonial), the Swordbearer and the City Marshall.



12. **DOMESTIC ABUSE AND STALKING POLICY**

The Committee considered a report of the Director of Human Resources which provided the Committee with the Domestic Abuse and Stalking Policy for approval.

**RESOLVED** – That the Committee approves the Domestic Abuse and Stalking Policy, as set out at Appendix 1 to the report.

13. **DRAFT PAY POLICY STATEMENT 2016/17**

The Committee considered a report of the Director of Human Resources which provided the draft Pay Policy Statement for 2016/17.

A Member suggested that an amendment be made to the list of Senior Management staff at paragraph 14 of the Statement to include the Headteachers of the three Independent Schools and the Remembrancer, with the note at paragraph 15 explaining that they were different from Senior Management for pay purposes. The Member also suggested that the final sentence of paragraph 15 state that the Remembrancer is “The post of Remembrancer is *currently* aligned to Senior Civil Service pay scales.” The Director of Human Resources agreed that these amendments could be added to the Statement.

**RESOLVED** – That subject to the amendments above, the Committee commends the draft Pay Policy Statement for 2016/17 to the Policy and Resources Committee and Court of Common Council for approval.

14. **EQUALITY AND INCLUSION UPDATE**

The Committee considered a report of the Director of Human Resources which provided an update on equality and inclusion activity.

**RESOLVED** – That the Committee notes the report.

15. **OPERATION OF THE SCHEME OF DELEGATIONS - OCTOBER - DECEMBER 2015**

The Committee considered a report of the Director of Human Resources which provided an update on the operation of the Scheme of Delegation in Human Resources matters over the last quarter.

**RESOLVED** – That the Committee notes the report.

16. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions.

17. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

There were no urgent items.

18. **EXCLUSION OF THE PUBLIC**

**RESOLVED** – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of the Schedule 12A of the Local Government Act.

<b>Item</b>	<b>Paragraph</b>
19 – 24, 27	3
25	1, 2, 3
26	1, 2
28, 29, 30, 31, 32	1, 3
33	1

19. **NON-PUBLIC MINUTES**

The non-public minutes and confidential summary of the meeting held on 10 December 2015 were approved.

20. **OUTSTANDING ACTIONS REPORT**

The Committee noted a report of the Town Clerk which provided details of non-public outstanding actions from previous meetings.

21. **RESOLUTION FROM THE HOUSE COMMITTEE OF THE GUILDHALL CLUB**

The Committee considered a resolution from the House Committee of the Guildhall Club. The Committee decided that it did not wish to pursue the matter requested by the House Committee.

22. **SERVICE BASED REVIEW: DEPARTMENTAL MONITORING - TOWN CLERK'S DEPARTMENT**

The Committee noted a report of the Town Clerk which provided an update on progress with his Department's Service Based Review savings. An additional report of the Town Clerk, setting out proposed alternative Service Based Review savings to compensate for reduced savings in other areas, was put around the table. The Committee approved these alternative savings.

23. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions.

24. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

One item of urgent business was raised.

25. **CHAMBERLAIN'S DEPARTMENT - RESTRUCTURE**

The Committee considered and approved a report of the Chamberlain which sought approval for a restructure of his Department.

26. **CONFIDENTIAL MINUTES**

The confidential minutes of the meeting held on 10 December 2015 were approved.

27. **CONFIDENTIAL APPENDIX TO THE OPERATION OF THE SCHEME OF DELEGATIONS - OCTOBER - DECEMBER 2015**  
The Committee noted a confidential appendix to the report of the Director of Human Resources regarding the Operation of the Scheme of Delegations.
28. **CONFIDENTIAL APPENDIX TO THE TOWN CLERK'S SERVICE BASED REVIEW DEPARTMENTAL UPDATE REPORT**  
The Committee noted a confidential appendix to the report of the Town Clerk regarding the Town Clerk's Service Based Review Monitoring Report.
29. **CITY SURVEYOR'S DEPARTMENT - HONORARIA**  
The Committee considered and approved a report of the City Surveyor which requested the payment of honoraria to two employees within his Department.
30. **CITY SURVEYOR'S DEPARTMENT - RESTRUCTURE**  
The Committee considered and approved a report of the City Surveyor which requested approval for the restructure of a Division within his Department.
31. **DEPARTMENT OF COMMUNITY AND CHILDREN'S SERVICES - MARKET FORCES SUPPLEMENT**  
The Committee considered a report of the Director of Community and Children's Services which requested approval for a Market Forces Supplement for a post within his Department.
32. **TOWN CLERK'S DEPARTMENT - MARKET FORCES SUPPLEMENT**  
The Committee considered and approved a report of the Director of Economic Development which requested approval for a Market Forces Supplement for a post within his Department.
33. **GUILDHALL SCHOOL OF MUSIC AND DRAMA - SUCCESSION PLANNING**  
The Committee considered and approved a report of the Town Clerk which requested approval for the Succession Planning arrangements for the Guildhall School of Music and Drama.

**The meeting closed at 1.00 pm**

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Chairman

**Contact Officer: Chris Braithwaite**  
**tel. no.: 020 7332 1427**  
**christopher.braithwaite@cityoflondon.gov.uk**

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## Establishment Committee – Outstanding Actions

Item	Date	Action	Officer responsible	To be completed/ progressed to next stage	Progress Update
1.	10 February 2016, Item 4	<u>Appointment of Chief Officers</u> Town Clerk to ensure that all Committees Terms of Reference include the responsibility for the appointment of their Chief Officer.	Town Clerk	March 2016	The Town Clerk can confirm that the appointment of Directors of top-level Departments (i.e. positions such as Director of Markets and Consumer Protection, Chamberlain etc) are included within the relevant Committee's Terms of References.
2.	10 February 2016, Item 10	<u>Statutory Dismissal Procedures for Town Clerk, Comptroller and Chamberlain</u> The Policy and Resources Committee be requested to agree that all three Independent Persons appointed to advise the Standards Committee are appointed to the Relevant Officer Dismissal Panel. The Town Clerk was also asked to investigate whether the role of the Panel could be fulfilled by the Standards Committee.	Town Clerk	February 2016	This resolution from the Establishment Committee was included with the agenda for the Policy and Resources Committee meeting on 18 February. The resolution also included a note regarding the potential for the role of the Panel to be fulfilled by the Standards Committee.

Item	Date	Action	Officer responsible	To be completed/ progressed to next stage	Progress Update
3.	10 February 2016, Item 13	<u>Pay Policy Statement</u> The Pay Policy Statement be amended to add the Headteachers of the three Independent Schools and the Remembrancer to the list of Senior Management, with the note at paragraph 15 explaining that they were different from Senior Management for pay purposes. The final sentence of paragraph 15 to state that the Remembrancer is "The post of Remembrancer is <i>currently</i> aligned to Senior Civil Service pay scales."	Town Clerk	February 2016	A resolution with these proposed changes was submitted to the Policy and Resources Committee.
4.	10 December 2015, Item 8	<u>Dates and Times of Meetings</u> Town Clerk to identify alternative meeting dates with the Chairman and Deputy Chairman to comply with a six-weekly meeting schedule, on a day other than Thursday.	Town Clerk	February 2016	New meeting dates were emailed to the Committee on Friday, 26 February. These dates are appended to this report.
5.	10 December 2015, Item 8	<u>Updates to Terms of Reference</u> i) Agreed updates to Terms of Reference to be submitted to Policy and Resources Committee in March 2016 and Court in April 2016. ii) A further report to be submitted to his Committee and other relevant Committees regarding the reporting lines for the Central Criminal Court.	i) Town Clerk ii) Town Clerk	i) March 2016 ii) February 2016	i) On track ii) This report is being prepared, and will be included on the agenda for the Committee's April 2016 meeting.

Item	Date	Action	Officer responsible	To be completed/ progressed to next stage	Progress Update
6.	28 October 2015, Item 6	<u>Trade Union Bill</u> Further updates on the implications of the Trade Union Bill to be provided as the Bill progresses through Parliament.	Remembrancer	As required with progress of the Bill	Confirmation is still being sought as to whether this Bill will apply to the Corporation. A further report will be provided to the Committee in April or May.
7.	19 March 2015, Item 6	<u>Shared Parental Leave Policy</u> The Committee agreed that the Shared Parental Leave Policy should be reviewed after a year of operation to determine whether any amendments were required.	Director of Human Resources	March 2016	There has only been one application for Shared Parental Leave over the last year. It is not thought that any review of the Policy is required.

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**Dates of Establishment Committee meetings – 2016/17**

**2016**

- Tuesday, 19 April at 1.45pm
- Thursday, 2 June at 1.45pm
- Tuesday, 12 July at 1.45pm
- Friday, 16 September at 1.45pm
- Tuesday, 25 October at 1.45pm
- Thursday, 1 December at 11.30am

**2017**

- Tuesday, 17 January at 1.45pm
- Tuesday, 14 February at 1.45pm
- Tuesday, 9 May at 11.30am
- Tuesday, 19 June at 1.45pm
- Wednesday, 26 July at 11.30am
- Tuesday, 5 September at 11.30am
- Tuesday, 17 October at 1.45pm
- Tuesday, 5 December at 1.45pm

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<b>Committee:</b> Establishment Committee	<b>Date:</b> 10 March 2016
<b>Subject:</b> Equality and Inclusion - Update	<b>Public</b>
<b>Report of:</b> Director Human Resources	<b>For Information</b>
<b>Report author:</b> Tracey Jansen, Human Resources Department	

## Summary

This report provides Members with an end of year report from the Equality and Inclusion Board. The report also presents the revised Equality and Inclusion Action Plan for 2016 (Appendix 1), the revised Equality Objectives for 2016 – 2020 (Appendix 2) and the new Public Sector Equality Duty Toolkit (Appendix 3).

## Recommendation

Members are asked to note the report.

## Main Report

### Background

1. Further to my report in February 2016, the Equality and Inclusion Board have now met and reviewed the Equality Action Plan for 2015 and agreed a revised plan for 2016. The Board also agreed revised Equality Objectives for 2016 – 2020 which the City Corporation is required to publish and a new Public Sector Equality Duty (PSED) Toolkit for managers.

### Current Position

2. The highlights from the 2015 Equality Action Plan are:
  - a) The Equality and Inclusion Board agreed its terms of reference and membership. It includes the Chairs of the Staff Networks attendance for a session at each meeting.
  - b) The launch and establishment of 6 Equality and Inclusion Staff Networks.
  - c) The annual report including departmental actions for 2014 was published on the internet.
  - d) The current equality objectives were audited and identified the need to update the objectives to ensure compliance with the PSED. Revised objectives for 2016 – 2020 have been agreed by the Board. (as set out at Paragraph 4)

- e) The audit of equality assessment and training identified a patchy approach to equality assessment. A revised toolkit has been drafted and agreed by the Board. (as set out at Paragraph 5)
  - f) The Internal Communications Manager is a member of the Board and has published events, key dates and supported the Networks in communicating their meetings and events. A communications strategy to support embedding Equality and Inclusion has been agreed and will be rolled out during 2016. The key themes are:
    - To support the delivery of the City of London Corporation's commitment to embedding equality, diversity and inclusion at the heart of its strategic direction, day to day operations and relationships at work through timely, relevant and targeted communication.
    - To use a range of communication channels to raise internal awareness and understanding of equality, diversity and inclusion.
    - To align internal and external communication messages relating to equality, diversity and inclusion.
  - g) Departments have reviewed and updated their departmental representatives (champions). A description of the role has been agreed and an initial meeting with the new group has taken place.
  - h) Revisions have been made to the parental, shared parental, adoption and paternity leave schemes to bring them in line with changes to legislation. A managers' guide on Ramadan was produced in conjunction with Faith and Spirituality Network and others are in the planning stages. A review of recruitment and selection is being scoped out and will be fundamental in recruiting, attracting, and retaining a more diverse workforce.
  - i) The business planning template has been amended to reference equality analysis. A session took place with the business planners from all departments on the PSED and the importance of undertaking equality analysis where appropriate to do so.
3. The Board agreed the Corporate E&I Action Plan for 2016 which is attached as Appendix 1. The new plan builds on work started last year and has been streamlined into key topics.
  4. The Board agreed Equality Objectives for 2016-2020 attached as Appendix 2. The Appendix includes the example measures and monitoring arrangements for DCCS. Chief Officers are developing their own action plans and measures that will demonstrate how they will meet the new equality objectives and as appropriate include and monitor of activities/projects/proposals through departmental business plans.
  5. A new PSED Toolkit has been developed and is attached as Appendix 3. The new toolkit gives an overview of the equality duty and guidance on the recording of decision making around 'due regard' whether or not a full equality assessment is undertaken.

6. All Networks have continued to hold their quarterly meetings. City Pride hosted a film screening of the film Carol starring Kate Blanchett on 23 February to coincide with LGBT month. Up and coming events include:
  - The Faith and Spirituality Network will be hosting a multi/no faith Memorial Celebration on 8 March 2.30 – 3.30 in St Lawrence Jewry with Rev David Parrott the City Corporation's Chaplain. The invite is to all staff particularly those who have lost family and loved ones.
  - WIN, the Women's Inclusive Network is hosting its 1<sup>st</sup> anniversary meeting and social event also on 8th March from 4pm to coincide with International Women's day.
  - The Carers Network is planning an event to coincide with the national carers' week in June.
7. Work is also underway to host a joint event in the summer with Kaleidoscope which is a government backed organisation supporting and advising disabled people on how to start up their own businesses.

## **Conclusion**

8. This report provides Members with an update on equality and inclusion initiatives since reporting in February. The new Equality Action Plan and Equality Objectives together with the new PSED Toolkit will ensure that equality and inclusion continues to be embedded in the City Corporation's core business.

## **Appendices**

- Appendix 1 – E&I Action Plan 2016
- Appendix 2 – Equality Objectives 2016 – 2020
- Appendix 3 – PSED Toolkit

**Tracey Jansen**

**Head of Corporate Human Resources and Business Services**

T: 020 7332 3289

E: [tracey.jansen@cityoflondon.gov.uk](mailto:tracey.jansen@cityoflondon.gov.uk)

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**The City of London Corporation**  
**Equalities and Inclusion Action Plan**  
**January 2016 to December 2016**

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The following action plan sets out what the City of London Corporation will do over the next year to promote equality and diversity; harnessing an inclusive workplace and inclusive services for our customers.

This is a living document and will be reviewed and amended as appropriate. We welcome views on the priorities identified. Comments should be sent to Tracey Jansen: Head of Corporate Human Resources and Business Services [tracey.jansen@cityoflondon.gov.uk](mailto:tracey.jansen@cityoflondon.gov.uk) and Lorraine Burke: Interim Head of Projects & programmes (DCCS) [lorraine.burke@cityoflondon.gov.uk](mailto:lorraine.burke@cityoflondon.gov.uk)





# E&I Action Plan 2016 Appendix 1

No.	What is the challenge?	Actions to be taken	Lead	Delivery	Expected Outcomes
3	To comply with the PSED and embed the consideration of equalities into the corporation's decision-making frameworks – to mainstream the process of assessing the equality implications of policy making so that it takes on a more constructive nature and informs the formulation of policy from beginning to end.	<ul style="list-style-type: none"> <li>• Update and publish new equalities objectives for CoL</li> <li>• Launch and promote the new PSED and equality analysis (EA) guidance and templates</li> <li>• Put in place an on-going programme of training and support for all staff/managers who will need to undertake EAs</li> <li>• Review and refresh Colnet to provide access to resources to assist in the development of EAs and understanding of the considerations around equalities that EAs require (To include exemplar business plans / EAs etc.)</li> <li>• Provide briefings and guidance to members around their roles in relation to equalities in their decision making</li> </ul>	<p>DCCS (LB) / HR (TJ)</p> <p>DTC (LMcL)</p> <p>DCCS/Committee services</p>	April 2016	<ul style="list-style-type: none"> <li>• A set of objectives with identified measures from across all CoL departments that will enable us to track and monitor how we are progressing against the equality aims as set out in the Equality Act 2010.</li> <li>• Policy and decision making has due regard to the PSED and aims to deliver positive outcomes for people with protected characteristics.</li> <li>• Staff, managers and members are aware of requirements around the PSED to ensure that due consideration is made in policy and decision making.</li> </ul>
4	Increase the profile of equalities, diversity and inclusion within the Corporation to support its work and outcomes for service users.	<ul style="list-style-type: none"> <li>• Progress the coms E&amp;I strategy around equalities and inclusion</li> <li>• promote and raise awareness of the staff Networks and Equality Champions and their roles</li> <li>• Review and refresh the CoL internet &amp; intranet pages around equalities to ensure current consistent and positive messages are being provided.</li> <li>• Audit Department pages and content on the intranet to consolidate the resources and guidance available to support staff / managers.</li> </ul>	<p>DTC (LMcL) / PRO / DCCS (LB) / HR (TJ)</p>	June 2016	<ul style="list-style-type: none"> <li>• Provide staff with resources and guidance to enable them to confidently promote the equality aims in their work.</li> <li>• Opportunities are taken to raise the profile of equality &amp; inclusion and to support engagement with communities.</li> <li>• There is on-going awareness raising of the relevance of equalities issues.</li> <li>• Improvements are made around equalities communications and feedback is used to do this to do this.</li> <li>• Colnet guidance and resources are accessible for staff and managers</li> </ul>

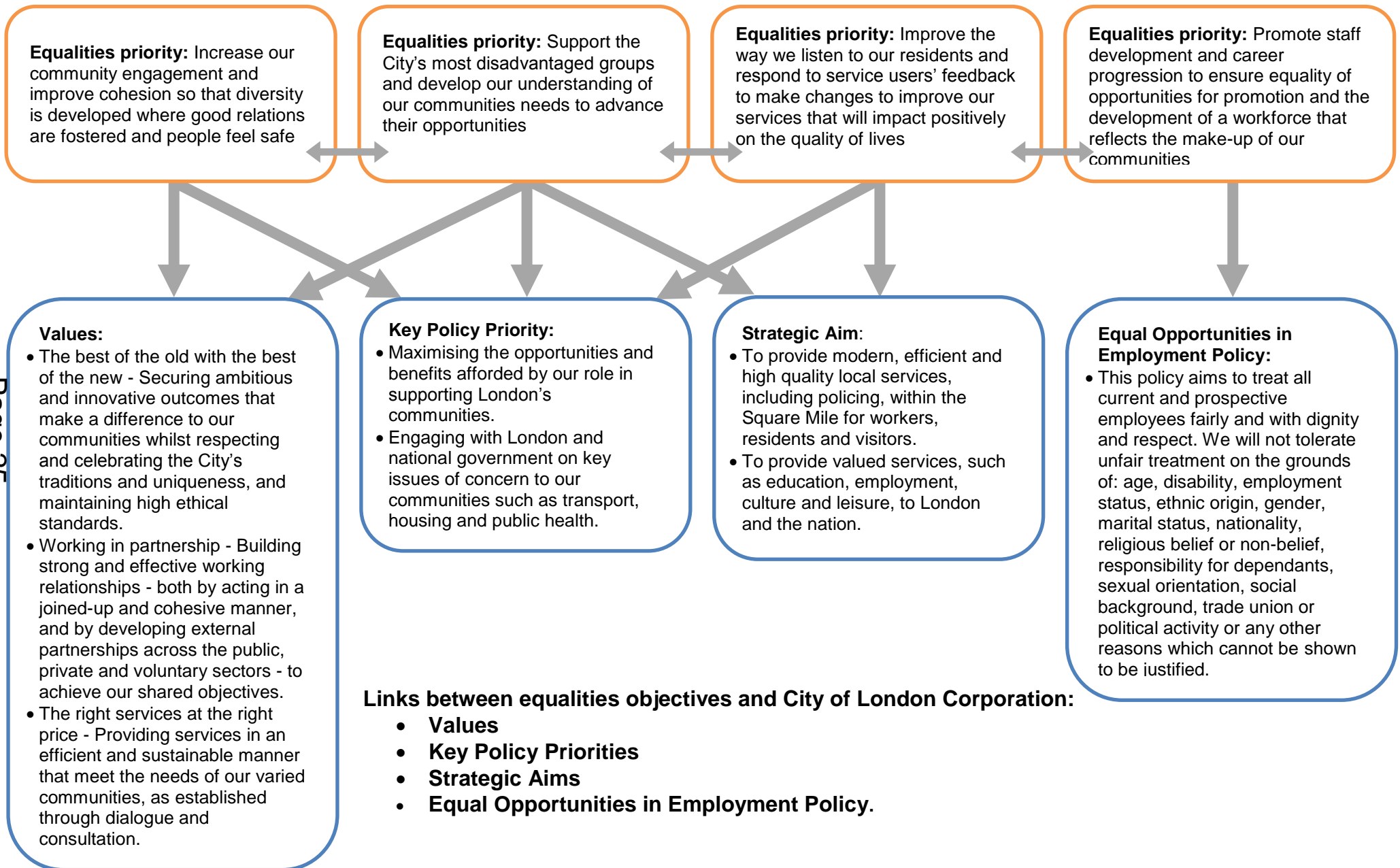
# E&I Action Plan 2016 Appendix 1

No.	What is the challenge?	Actions to be taken	Lead	Delivery	Expected Outcomes
5	<p>Increase employee engagement on equalities related issues</p> <p>Creating a working environment that is inclusive and values the diversity of the workforce</p> <p>Strengthen the role of equalities champions across the organisation</p>	<ul style="list-style-type: none"> <li>• Continue to support and work with the Staff Networks</li> <li>• Develop the support available to Equalities Champions to undertake their role.</li> <li>• Support regular meetings of the Equalities Champions (working group) to share progress, challenges and good practice and improve performance reporting</li> <li>• Equalities Champions progress and updates to be fed into the E&amp;I Board</li> </ul>	DCCS (LB) / HR (TJ)	On-going through to December 2016	<ul style="list-style-type: none"> <li>• Improved understanding of issues from service and employment perspective, improved levels of staff engagement and job satisfaction</li> <li>• Increase the role of the Networks in supporting the embedding of equalities.</li> <li>• For the Board to support the Networks in identifying and breaking down barriers to inclusion with CoL</li> <li>• To raise the profile of equalities and diversity in employment.</li> <li>• Raise of profile of equalities and inclusion within all departments and strengthen ownership of issues</li> <li>• Staff have the opportunity to contribute to the development of the equalities agenda in employment,</li> <li>• Staff have the opportunity to network with others, to share ideas and have development opportunities.</li> </ul>
6	Active engagement with service users, residents and employees – particularly those from protected groups – to mainstream equalities and help the corporation gather evidence to inform service development and decision-making.	<ul style="list-style-type: none"> <li>• Improve the corporation's framework for service user engagement to embed user engagement in decision-making processes and ensure a more joined-up approach across the corporation.</li> <li>• Look at how we can capture all the engagement that happens across the Corporation to enable this information to be used to inform decision making.</li> <li>• Work with Committee &amp; Members Services to identify the ways that Committees/Boards/Members are provided with evidence of equalities consideration to inform their decision making.</li> </ul>	? tba	December 2016	<ul style="list-style-type: none"> <li>• Better understanding of our customers to help ensure that due regard is taken in decision making</li> </ul>

## E&I Action Plan 2016 Appendix 1

No.	What is the challenge?	Actions to be taken	Lead	Delivery	Expected Outcomes
7	Embedding and ownership of equalities in employment consistently across the corporation. Continue to develop HR dashboards to analyse trends and inform HR policy review and development	<ul style="list-style-type: none"> <li>• Commence Recruitment and Selection Project to consider strategic and operational policy and processes around recruitment and selection to address underrepresentation and success rate at the shortlisting and appointing stage of the recruitment process.</li> <li>• HR dashboard data is used to inform workforce development plans</li> </ul>	HR (TJ)	December 2016	<ul style="list-style-type: none"> <li>• Recruitment &amp; Selection Strategy and operational practise reviewed and a planned programme of review and development is agreed and underway</li> <li>• Annual equalities in employment monitoring report is updated and enhanced</li> <li>• Corporate and departmental equalities action plan items are developed</li> </ul>

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**Note:** our communities include residents, visitors, workers, staff and businesses

The Public Sector Equality Duty, as set out in the Equality Act 2010, requires us to develop and publish equalities objectives every 4 years ('... one or more equality objectives which it thinks it should achieve to do any of the things mentioned in the general equality duty ('equality objectives') i.e. to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Objective	Measure	Protected Characteristic	Monitor progress through
<p><b>Increase community engagement and improve community cohesion so that a good residential social mix is developed within our communities where people feel safe</b></p> <p><b>What we want to achieve:</b></p> <ul style="list-style-type: none"> <li>• Build stronger communities</li> <li>• Promote good relations - both within and between communities</li> <li>• Remove barriers that may exist to engagement and help residents (especially those who are under-represented) to participate in local decision making and influence local decisions</li> <li>• Increase engagement with all groups of our residents</li> </ul>	<p>The percentage of tenants who agree 'I am proud of my neighbourhood'</p>	<p>Age Potential to identify other protected characteristics</p>	<p>Estate Satisfaction Survey</p>
	<p>The percentage tenants that feel safe on their estate</p>	<p>Age Potential to identify other protected characteristics</p>	<p>Estate Satisfaction Survey</p>
	<p>Percentage of residents who think there has been a positive impact on policing and dealing with crime</p>	<p>Sex Disability Ethnicity Age</p>	<p>City Wide Residents Meeting</p>
	<p>Percentage of residents who think there has been a positive impact in dealing with anti-social behaviour</p>	<p>Sex Disability Ethnicity Age</p>	<p>City Wide Residents Meeting</p>
	<p>Number of residents signing up for volunteering schemes</p>	<p>Gender Ethnicity Age Disability</p>	<p>Neighbour Network / Time Credits / City Programme (to confirm)</p>

**Note:** our communities include residents, visitors, workers, staff and businesses

Objective	Measure	Protected Characteristic	Monitor progress through
		<b>For individual departments to identify any measures they are currently collecting can be used to show progress against this objective</b>	
<p><b>Support the City’s most disadvantaged groups and develop our understanding of our communities needs</b></p> <p><b>What we want to achieve:</b></p> <ul style="list-style-type: none"> <li>• Increase the opportunity for all residents to participate in the decision making of the City</li> <li>• Improve the ways we identify the groups of City residents who have poorer outcomes than the wider community in key areas</li> <li>• Get people into employment, by supporting those with long term health conditions, mental health problems, and other disabilities</li> <li>• Improve life opportunities for residents / service users by reducing outcome gaps that may exist within the City as well as those that may exist between authorities</li> <li>• Take steps to ensure that services are inclusive; accessible and provided through the most efficient and effective channels available</li> </ul>	Percentage positive increase in changes in Public Health	Sex Disability Ethnicity Age	City Wide Residents Meeting
	The numbers of clients helped to move out of supported living into managing their own tenancy.	Age Disability	ASC01 – Adult Social Care & Homeless Performance Indicator
	Number of people signposted to receive other services that are not social care services i.e. befriending and shopping service (beneficiaries include dementia sufferers & those with mental health issues)	Age Disability	ASC03 – Adult Social Care & Homeless Performance Indicator
	Number of adult safeguarding alerts (within City) Cases = neglect, self-neglect & DV	Age Disability	ASC06 – Adult Social Care & Homeless Performance Indicator
	Proportion of adults with learning disabilities in paid employment	Disability	ASC0F 1E - Adult Social Care & Homeless Performance Indicator
	Develop our		<b>For individual departments to identify any measures</b>

**Note:** our communities include residents, visitors, workers, staff and businesses

Objective	Measure	Protected Characteristic	Monitor progress through
	<p>understanding of the needs of all groups protected under the Equality Act, by building a better profile of service users.</p> <ul style="list-style-type: none"> <li>• Exclusion from School/college of looked after children</li> <li>• Percentage of care leavers in suitable accommodation 19 years old</li> <li>• Percentage take up of school meals</li> <li>• Percentage of Children Achieving Level 5 or above in Maths and English (Key Stage 2)</li> <li>• Percentage of children becoming the subject of Child Protection Plan for a second or subsequent time</li> </ul>	<p><b>they are currently collecting can be used to show progress against this objective</b></p>	<p>To determine if we can identify by any individual equality characteristics: Children &amp; Education Services PIs</p>
<p><b>Improve the way we listen to our residents and respond to service users' feedback to make changes to improve our services that will impact positively impact on the</b></p>	<p>Percentage of residents that think CoL staff keep them well informed about things that might affect them as a tenants (sheltered accommodation)</p>	<p>Age Potential to identify other protected characteristics</p>	<p>STAR Customer Satisfaction Survey (HouseMark)  Housing User Board</p>

**Note:** our communities include residents, visitors, workers, staff and businesses



Objective	Measure	Protected Characteristic	Monitor progress through
<p><b>quality of lives</b></p> <p><b>What we want to achieve:</b></p> <ul style="list-style-type: none"> <li>Take on board the comments and feedback from our residents and service users and use this to make changes and improvements to the way that we do things</li> </ul>	<p>Percentage of residents who think that their views are taken into account and acted on (sheltered accommodation)</p>	<p>Age Potential to identify other protected characteristics</p>	<p>STAR Customer Satisfaction Survey (HouseMark)  Housing User Board</p>
	<ul style="list-style-type: none"> <li>The proportion of carers who report they had been included or consulted in discussion about the person they care for</li> <li>The proportion of people who use services and carers who find it easy to find information about services</li> <li>The proportion of people who use social care services who say that those services have made them feel safe and secure</li> <li>Number of drug and alcohol awareness sessions for young people</li> </ul>	<p>To determine if we can identify by any individual equality characteristics</p>	
			<p><b>For individual departments to identify any measures they are currently collecting can be used to show progress against this objective</b></p>

Objective	Measure	Protected Characteristic	Monitor progress through
<p><b>Embed a culture of equality and inclusion in employment (in recruitment, managing people, career progression, development and training and supporting staff networks) to ensure equality of opportunities, fair treatment of staff and the development of a diverse workforce that understands the needs and is reflective of our communities</b></p> <p><b>What we want to achieve:</b></p> <ul style="list-style-type: none"> <li>• Through fair recruitment &amp; development opportunities ensure our staff are more diverse and representative of our communities</li> <li>• Improve people management skills through learning and development for managers</li> <li>• Attract and retain motivated staff and which support improved service provision</li> <li>• Minimise complaints from staff particular those complaints that are about unfair treatment</li> </ul>	<p>HR Dashboard &amp; Workforce Profile information</p>	<p>Age Disability Race Religion/belief Sex Sexual orientation</p>	<p>HR Dashboard Workforce Profile information and <b>Departmental Workforce Development Plans</b></p>

**Note:** our communities include residents, visitors, workers, staff and businesses



# **PUBLIC SECTOR EQUALITY DUTY - A GUIDE TO MEETING THE DUTY AND UNDERTAKING EQUALITY ANALYSIS**

## Introduction

**The Public Sector Equality Duty (PSED) is set out in the Equality Act 2010 (s.149). This requires public authorities, in the exercise of their functions, to have 'due regard' to the need to:**

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity between people who share a protected characteristic and those who do not, and
- Foster good relations between people who share a protected characteristic and those who do not

The characteristics protected by the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership.
- Pregnancy and maternity
- Race
- Religion or belief
- Sex (gender)
- Sexual orientation

Case law has established the following principles apply to the PSED:

- **Knowledge** – the need to be aware of the requirements of the Equality Duty with a conscious approach and state of mind.
- **Sufficient Information** – must be made available to the decision maker
- **Timeliness** – the Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken not after it has been taken.
- **Real consideration** – consideration must form an integral part of the decision-making process. It is not a matter of box-ticking; it must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- **Sufficient information** – the decision maker must consider what information he or she has and what further information may be needed in order to give proper consideration to the Equality Duty
- **No delegation** - public bodies are responsible for ensuring that any third parties which exercise functions on their behalf are capable of complying with the Equality Duty, are required to comply with it, and that they do so in practice. It is a duty that cannot be delegated.
- **Review** – the duty is continuing applying when a policy is developed and decided upon, but also when it is implemented and reviewed.

**However there is no requirement to:**

- Produce equality analysis or an equality impact assessment
- Indiscriminately collect diversity data where equalities issues are not significant
- Publish lengthy documents to show compliance

- Treat everyone the same. Rather, it requires public bodies to think about people's different needs and how these can be met
- Make services homogeneous or to try to remove or ignore differences between people.

**The key points about demonstrating compliance with the duty are to:**

- Collate sufficient evidence to determine whether changes being considered will have a potential impact on different groups
- Ensure decision makers are aware of the analysis that has been undertaken and what conclusions have been reached on the possible implications
- Keep adequate records of the full decision making process

Complying with the Equality Duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic – such as providing computer training to older people to help them access information and services.

**Taking account of disabled people's disabilities**

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

**What is due regard?**

- It involves considering the aims of the duty in a way that is proportionate to the issue at hand
- Ensuring that real consideration is given to the aims and the impact of policies with rigour and with an open mind in such a way that it influences the final decision
- Due regard should be given before and during policy formation and when a decision is taken including cross cutting ones as the impact can be cumulative.

The general equality duty does not specify how public authorities should analyse the effect of their business activities on different groups of people. However, case law has established that equality analysis is an important way public authorities can demonstrate that they are meeting the requirements.

Even in cases where it is considered that there are no implications of proposed policy and decision making on the PSED it is good practice to record the reasons why and to include these in reports to committees where decisions are being taken.

It is also good practise to consider the duty in relation to current policies, services, procedures etc. even if there is no plan to change them.

Throughout this document the term policy and decision making is used in its broadest sense to include:

- Organisation policies and functions
- Key decisions
- Policies setting out guidance for others.

It includes policy decisions, budgetary decisions, public appointments, service provision, statutory discretion, individual decisions, employing staff and procurement of goods or services.

This equality analysis guidance is designed to help officers think carefully about the impact of policy and decision making on different communities or groups protected by the Equality Act 2010 and to outline a process for undertaking an equality analysis.

## **What is an Equality Analysis?**

An equality analysis is a risk assessment tool that examines whether different groups of people are, or could be, disadvantaged by service provision and decisions made. An equality analysis is a key tool for improving services from an equality perspective. It involves using equality information, and the results of any engagement or consultation with particular reference to the protected characteristics to understand the actual effect or the potential impact of policy and decision making decisions taken.

**The equality analysis should be conducted at the outset of a project and should inform policy formulation/proposals. It cannot be left until the end of the process.**

**The purpose of the equality analysis process is to:**

- Identify unintended consequences and mitigate against them as far as possible, and
- Actively consider ways to advance equality and foster good relations.

When undertaking an equality analysis Officers responsible for developing proposals will need to actively apply due regard as outlined above.

**The objectives of the equality analysis are to:**

- Identify opportunities for action to be taken to advance equality of opportunity in the widest sense
- Try and anticipate the requirements of all service users potentially impacted
- Find out whether or not proposals can or do have any negative impact on any particular group or community and to find ways to avoid or minimise them.

- Integrate equality diversity and inclusion considerations into the everyday business and enhance service planning
- Improve the reputation of the City Corporation as an organisation that listens to all of its communities
- Encourage greater openness and public involvement.

In addition to the protected groups, it may be relevant at the same time to consider the impact of the proposal on other disadvantaged groups that do not readily fall within the protected characteristics, such as children in care, people who are affected by socio-economic disadvantage or who experience significant exclusion or isolation because of poverty or income, education, locality, social class or poor health, ex-offenders, asylum seekers, people who are unemployed, homeless or on a low income.

An equality analysis should indicate improvements in the way policy and services are formulated. Even modest changes that lead to service improvements are important. If it is not possible to mitigate against any identified negative impact, then clear justification should be provided for this.

By undertaking an equality analysis officers will be able to:

- Explore the potential impact of proposals before implementation and improve them by eliminating any adverse effects and increasing the positive effects for equality groups
- Contribute to community cohesion by identifying opportunities to foster good relations between different groups
- Target resources more effectively
- Identify direct or indirect discrimination in current policies and services and improve them by removing or reducing barriers to equality

### **Deciding what needs to be assessed**

The following questions can help determine relevance to equality:

- Does the policy affect service users, employees or the wider community or employees?
- How many people are affected and how significant is the impact on them.
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, significantly affecting how functions are delivered?
- Will the policy have a significant impact on how other organisations operate in terms of equality?
- Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the policy relate to an area with known inequalities?
- Does the policy relate to any equality objectives that have been set?

Consider:

- How the aims of the policy relate to equality.
- Which aspects of the policy are most relevant to equality?
- Aims of the general equality duty and which protected characteristics the policy is most relevant to

If it is not clear if a policy or decision needs to be assessed an equality analysis a Test of Relevance screening tool has been designed to assist officers in determining whether or not a policy or decision will benefit from a full equality analysis. Completing the Test of Relevance screening also provides a formal record of decision making and reasons. It should be noted that the PSED continues up to and after the final decision is taken and so any Test of Relevance and/or full Equality Analysis should be reviewed and evidenced again if there is a change in strategy or decision.

<p><b>Examples of where there is no relevance to equality</b></p>	<p><b>Examples of where there is significant relevance to equality in relation to one or more protected characteristics. An equality analysis should be undertaken in order to demonstrate 'due regard'.</b></p>	<p><b>Examples of where it is unclear how significant relevance to equality is. Applying the test of relevance screening can help determine whether a more detailed equality analysis would be useful to demonstrate 'due regard'</b></p>
<p>Changes to back office internal process</p> <p>Changes to internal supplies/products</p>	<p>Ceasing a particular service to disabled residents</p> <p>Changes to the way a service is delivered, e.g. moving to online access only</p> <p>Changes to eligibility criteria, rules or practices for a service</p> <p>Changes to discretionary fees and charges</p>	<p>The policy decision is mandatory but there may be an element of discretion</p> <p>where a previous EA exists and a review shows that it is still relevant at the time of the final decision; i.e. the facts have not changed</p>



## **How to carry out an Equality Analysis**

An assessor's role is to make sure that an appropriate analysis is undertaken. This can be achieved by making sure that the analysis is documented focussing on identifying the real impact of a decision and set out any mitigation or improvements that can be delivered where necessary. The flow chart on the following page gives an overview of the process.

Depending on the proposal being assessed and data already available, the process of gathering information may take a while to complete and should be planned for. Once it has been gathered the analysis at the heart of the assessment process and the development of an action plan to address any identified inequalities will make the analysis much easier.

### **Who else is involved?**

Chief Officers are responsible for overseeing the equality analysis process within departments to ensure that equality analysis exercises are conducted according to the agreed format and to a consistent standard. Departmental equality champions are a key people to consult when undertaking an equality analysis. Depending on the subject it may be helpful and easier to involve others. Input from another service area or from a related area might bring a fresh perspective and challenge aspects differently. In addition those working in the customer facing roles will have a particularly helpful perspective. Some proposals will be cross departmental and need a joint approach to the equality analysis.

# EA flow chart process - Is an equality analysis required?

**Identify the main aims and consequences of your policy or proposal**  
 Ensure you have read about the Equality Act (2010) and the public sector Equality Duty\* see - <http://colnet/Departments/Pages/News/Equality%20and%20Diversity/About%20Equality-and-Diversity.aspx>

**Does your policy or proposal have a clear and obvious relevance to equality?**

For example are you looking to:

- Cease a service
- Reduce a service or reduce it in particular areas

- Change a way a service is delivered, e.g. moving to online access only

- Change eligibility criteria, rules or practices for a service
- Make changes to discretionary fees and charges or similar

**Yes**

**No / not sure**

**Stage 1 – Undertake test of relevance screening - identify relevance of the proposal to the equality duty**

**Stage 2 - Equality Analysis**

**Impact identified as: potentially / definitely negative or adverse on an equality group**

**Impact identified as: positive / no impact / no potential for negative impact on any equality group**

**2.1 Completing the information gathering and research stage** - gather as much relevant equality-related information, data or research as possible in relation to the policy or proposal, including any engagement or consultation with those affected

**2.2 Analyse the evidence** - make an assessment of the impact or effects on different equality groups

**2.3 – Developing an action plan** – set out the action you will take to improve the positive impact and / or the mitigation action needed to eliminate or reduce any adverse impact that you have identified

**2.4 Director approval and sign off of the equality analysis** - include the findings from the EA in your report or add as an appendix including the action plan

**2.5. Monitor and review** – monitor the delivery of the action plan & ensure that changes arising from the assessment are implemented

**Record on the test of relevance template and get Director to sign off. Confirm your findings in your report**

## \*What is the public sector Equality Duty?

**The Equality Duty has three aims.** It requires public bodies to have due regard to the need to:

1. eliminate unlawful discrimination
2. advance equality of opportunity
3. foster good relations

**Protected characteristics** (equality groups) defined in the Act are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation. Marriage and civil partnership are also protected characteristics for the first equality aim to eliminate discrimination.

## Stage 1 - Test of Relevance Screening

### To identify relevance of the proposal to the equality duty

This is a short exercise that involves looking at the overall proposal and deciding if it is relevant to the PSED.

**Note: If the proposal is of a significant nature and it is apparent from the outset that a full equality analysis will be required, then it is not necessary to complete the Test of Relevance screening template and the full equality analysis and be completed.**

There is a series of questions in the Test of Relevance Screening Template to help decide if the proposal is equality relevant and whether a detailed equality analysis is required. The key question is whether the proposal is likely to be relevant to any of the protected characteristics.

Quite often, the answer may not be so obvious and service-user or provider information will need to be considered to make a preliminary judgment. For example, in considering licensing arrangements, the location of the premises in question and the demographics of the area could affect whether section 149 considerations come into play.

There is no one size fits all approach but the screening process is designed to help fully consider the circumstances.

In general, the following questions all feed into whether an equality analysis is required:

- How many people is the proposal likely to affect?
- How significant is its impact?
- Does it relate to an area where there are known inequalities?

At this initial screening stage, the point is to try to assess obvious negative or positive impact.

If a negative/adverse impact has been identified (actual or potential) during completion of the screening tool, a full equality analysis must be undertaken.

If no negative / adverse impacts arising from the proposal it is not necessary to undertake a full equality analysis.

On completion of the Test of relevance screening officers should:

- Ensure they have fully completed and the Director has signed off the Test of Relevance Screening Template.
- Store the screening template safely so that it can be retrieved if for example, Members request to see it, or there is a freedom of information request or there is a legal challenge.
- If the outcome of the Test of Relevance Screening identifies no or minimal impact refer to it in the Implications section of the report and include reference to it in Background Papers when reporting to Committee or other decision making process.

## Stage 2 - Equality Analysis

### 2.1 Completing the information gathering and research stage

If a Test of Relevance screening Identifies that a full equality analysis is necessary, identify and gather relevant equality-related information, data or research in relation to the proposal including any engagement or consultation with those affected. It is a good idea to determine what data or evidence relevant to the impact of a proposal on the affected groups is already available.

In many cases, the best way to obtain that evidence is to consult or otherwise engage with the affected groups about the potential impact of the proposal. The term “engagement” in this context conveys the full spectrum of ways in which the organisation may interact with those likely to be affected by a proposal. This may include surveys, questionnaires, focus groups meetings etc.

Not all proposals will require full-scale consultation. The form and level of engagement will depend on the context. However failure to engage appropriately with those likely to be affected may result in a failure to fulfil the due regard duty. Other sources of data and information include:

- Census and other local population data
- Equality monitoring data in relation to the take-up and satisfaction of the service
- Equality related employment data where relevant
- Generic or targeted consultation results or research that is available locally, London-wide or nationally
- Complaints from different groups and other feedback
- Colleagues in City of London Corporation or your equivalent in other councils or organisations.

The richer the evidence base the easier the assessment will be. However data may simply not be readily available. Where appropriate and relevant the officer should consider obtaining further information or evidence. This might be through focus groups or a questionnaire. In some cases this will not be possible and information may still be patchy even after taking the extra steps. In this cases the officer should continue with the assessment using the information gathered and include activity in the action plan to find out more about how the particular policy or service can / does affect the protected groups.

### 2.2 Analyse the evidence to make an assessment of the impact or effects on different communities, customer and employee groups

Using the information gathered, the officer should make an informed assessment about the actual or likely impact that the proposal will have on the protected equality groups subject to the Equality Analysis.

Analyse the information and establish:

- What kind of equality impact might there be?
- Is the impact positive or negative or is there a mix of both?
- How significant is the impact in terms of its nature and the number of people likely to be affected?
- On which elements/aims of the Equality Duty will this impact be?
- Could the impact constitute unlawful discrimination?
- Can any negative impact be justified?
- What further information is required to gauge the probability and/or the extent of the impact?
- Where and how can that information be obtained?

Identify and weigh up opposing considerations. These may include the reasons behind the formulation of the proposal, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the proposal must then be measured against the weight of any evidence as to the potential negative equality impacts of the proposal, bearing in mind the various “needs” which are identified in section 149 of the Equality Act (the most relevant of which will usually be the need to advance equality of opportunity).

When analysing the evidence to make the assessment:

- Officers and Members making a decision where there is an equalities impact must give conscious and open minded consideration to the impact of the duty on the decision, e.g. be prepared to change or amend a decision although negative equalities impacts does not stop a decision being made
- The duty is **not**, to achieve the three equality aims but to take them into account when making the final decision – therefore, **the duty does not stop difficult but justifiable decisions being made.**
- The decision maker may take into account opposing factors that may objectively justify taking a decision which has negative impact on equalities, e.g. financial targets, value for money or service needs.

The equality analysis template should be completed as fully and as honestly as possible from the evidence available and gathered and professional knowledge. If the impact is not known then this should be noted. Consideration should be given to find out more and this can be included the action plan that will be develop.

### **2.3 Developing an Action Plan**

Where a negative impact is identified make a plan setting out the action that can and will be taken to improve the positive impact of the proposal and/or the action needed to eliminate or reduce any adverse impact that has been identified balanced against the opposing factors.

This is the most important part of the process and the point of carrying out the assessment is to identify action to eliminate or minimise any negative impact that

has been identified and better ways of delivering services so that all communities who need them can benefit from them.

The usual principles about SMART action plans apply. Consider:

- What actions can be taken to reduce negative impact?
- If the action proposed will not fully mitigate the adverse consequences or if no action is intended explain and justify this.
- Can anything further be done to promote equality of opportunity in relation to any of the equality strands?
- Undertake further consultation/research if necessary?

The full EA template includes 4 possible outcomes. These are:

**Outcome 1:** No major change required when the assessment has not identified any potential for discrimination or adverse impact and all opportunities to advance equality have been taken.

**Outcome 2:** Adjustments to remove barriers identified by the assessment or to better advance equality.

**Outcome 3:** Continue despite having identified some potential for adverse impacts or missed opportunities to advance equality. In this case, the justification should be included in the assessment and should be in line with the duty to have 'due regard'. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact.

**Outcome 4:** Stop and rethink when an assessment shows actual or potential unlawful discrimination.

## **2.4 Director approval and sign off of the equality analysis.**

Once the equality analysis has been completed, the Director (or Directors where the proposal crosses services) should be provided with the equality analysis and supporting documentation for sign off and approval to progress the project/policy prior to finalising recommendations regarding the policy/decision making and prior to committee /decision making process.

As noted above it is good practise to revisit the EA to ensure that during the process of developing proposals/recommendations the EA has not changed?

Only after these steps have been taken, can the policy-makers decide what should happen to the policy/proposal and how it should be progressed. It may be it:

- Can be implemented in its existing form
- Needs to be modified in some way
- Is abandoned altogether

Once proposals are finalised the EA s must be referred to the relevant decision making body in the background papers as a minimum. Where the subject has a significant effect or there is negative impact, report authors should make specific reference to the equality analysis in the body of the report or add it as an appendix including any action plan drawn up to inform decision making.

## **2.5 Record keeping monitoring and review**

Chief Officers are responsible for ensuring that that consideration of due regard to the PSED is recorded and retained.

It is necessary to put in place systems to monitor the delivery of the action plan and ensure that any changes arising from the assessment are implemented. The analysis is not an end in itself but the start of a continuous monitoring and review process.

EA are public documents and can be requested by service users, members or other interested parties. There is no specific legal duty to publish your Equality Analysis, however completed Equality Analysis documentation is subject to Freedom of Information regulations and may be requested by the public.

## Further information and resources

(Note the following links will be published on Colnet)

### Government Equalities Office

GEO has published 2 quick-start guides to help public bodies understand the Equality Duty and the specific duties:

- [Quick start guide: public sector Equality Duty](#)
- [Quick start guide: Specific duties](#)

### Equality and Human Rights Commission

The Equality and Human Rights Commission is the statutory body established to help eliminate discrimination and reduce inequality. The Commission has published new non-statutory guidance on:

- [The essential guide to the public sector Equality Duty](#)
- [Meeting the Equality Duty in policy and decision-making](#)
- [Engagement and the Equality Duty](#)
- [Equality objectives and the Equality Duty](#)
- [Equality information and the Equality Duty](#)
- [Technical guidance on the public sector Equality Duty - England](#)

### Useful websites such as:

- [www.gov.uk/government/organisations/government-equalities-office](http://www.gov.uk/government/organisations/government-equalities-office)
- [www.equalityhumanrights.com/](http://www.equalityhumanrights.com/)
- [www.stonewall.org.uk](http://www.stonewall.org.uk)
- [www.statistics.gov.uk](http://www.statistics.gov.uk)
- [www.ageuk.org.uk/](http://www.ageuk.org.uk/)
- [www.ons.gov.uk/ons/index.htm](http://www.ons.gov.uk/ons/index.htm)
- [www.edf.org.uk/](http://www.edf.org.uk/)
- <http://odi.dwp.gov.uk/>
- [www.rota.org.uk/](http://www.rota.org.uk/)

### City of London Corporation resources:

- <http://www.cityoflondon.gov.uk/business/economic-research-and-information/city-business-library/resource-guides/Pages/Statistics-for-business-and-planning.aspx>
- <http://www.cityoflondon.gov.uk/business/economic-research-and-information/statistics/Pages/default.aspx>



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