



Health and Well Being Overview and Scrutiny Committee

Date:	Monday, 18 June 2012
Time:	6.15 pm
Venue:	Committee Room 1 - Wallasey Town Hall

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AGENDA

1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST / PARTY WHIP

Members are asked to consider whether they have personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they are.

Members are reminded that they should also declare, pursuant to paragraph 18 of the Overview and Scrutiny Procedure Rules, whether they are subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

2. MINUTES (Pages 1 - 10)

To receive the minutes of the Health and Well Being Overview and Scrutiny Committee held on 12 March 2012.

3. APPOINTMENT OF VICE-CHAIR

The Committee is invited to appoint a Vice-Chair.

4. PUBLIC HEALTH UPDATE

To receive a verbal update from the Director of Public Health, Fiona Johnstone

5. CLINICAL COMMISSIONING GROUPS UPDATE

To receive a verbal update from Dr Phil Jennings, Clinical Commissioning Groups

6. EQUALITY IMPACT ASSESSMENTS - REFERRAL FROM SCRUTINY PROGRAMME BOARD (Pages 11 - 20)

The Scrutiny Programme Board at its meeting on 28 February, 2012 (minute 33 refers) referred this report with the following resolution:

“(1) The contents of the report be noted; and

(2) That the report be referred to all five Overview and Scrutiny Committees for their consideration.

7. WORK PROGRAMME

The Committee is requested to consider what issues should form the basis of its work programme for the ensuing municipal year.

8. FORWARD PLAN

The Forward Plan for the period June to September 2012 has now been published on the Council’s intranet/website and Members are invited to review the Plan prior to the meeting in order for the Committee to consider, having regard to the Committee’s work programme, whether scrutiny should take place of any items contained within the Plan and, if so, how it could be done within relevant timescales and resources.

9. ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR

HEALTH AND WELL BEING OVERVIEW AND SCRUTINY COMMITTEE

Monday, 12 March 2012

Present: Councillor P Glasman (Chair)

Councillors	A Bridson	L Rowlands
	P Doughty	J Walsh
	M Hornby	G Watt
	C Povall	P Williams
	D Roberts	

Co-opted: D Hill S Saagar
S Wall

57 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST / PARTY WHIP

Members were asked to consider whether they had a personal or prejudicial interest in any matters to be considered at the meeting and, if so, to declare them and state what they were.

Members were reminded that they should also declare, pursuant to paragraph 18 of the Overview and Scrutiny Procedure Rules, whether they were subject to a party whip in connection with any matter to be considered and, if so, to declare it and state the nature of the whipping arrangement.

Councillor Mrs P M Williams declared a personal interest in the item, 'Presentation on Kent House CQC Report' by virtue of it being in the Oxtton ward.

58 MINUTES

Members were requested to receive the minutes of the meeting of the Health and Well Being Overview and Scrutiny Committee meetings held on 19 January and 6 February, 2012.

The Chair referred to minute 48 (19/1/12) 'Annual Public Health Report' and requested that the minute be amended to record her expression of thanks to the Director of Public Health for her presentation.

In respect of minute 55 (6/2/12) 'Further Consideration of Anna Klonowski Associates Ltd (AKA) Report – Independent Review of the Council's Response to Claims Made by Martin Morton (and Others)', the Chair requested that the minute be amended at the paragraph beginning, 'Some Members informed.....' the second sentence should read, 'It was noted that the Overview and Scrutiny Committee did not know about the inspection at Kent House'.

Responding to comments on the minutes concerning the AKA Report, the Director of Adult Social Services stated that companies which had been criticised in the report were no longer operating contracts with the Council. However, former Directors of those companies were still involved in the care sector and further work was being undertaken with the Care Quality Commission regarding this. He informed the Committee that he had that day received a report from Caroline McKenna regarding safeguarding issues raised in the AKA Report, and once he had shared it with the Leader of the Council he would be able to share it with the Committee.

In respect of minute 42 (19/1/12), 'Vascular Surgery – Update Report on the Consultation Process', the Chair informed the Committee that the petition regarding the proposed changes would be debated at the Council meeting on 16 April. Martin McEwan, Director of Communications and Engagement, NHS Cheshire, Warrington and Wirral, had informed the Chair that the consultation process would end on 16 June, 2012 and a list of further consultation events was available.

In respect of minute 49 (19/1/12), 'Work Programme', the Chair informed the Committee that a report on changes to maternity services would be brought to the next meeting by the Clinical Commissioning Groups.

Resolved – That the minutes of the meetings of 19 January and 6 February, 2012 be approved as a correct record, subject to the two amendments referred to above.

59 SOCIAL CARE SERVICES FOR PEOPLE WITH DEMENTIA

The Director of Adult Social Services submitted a report which set out the challenges faced by the Council and its partners in supporting people with dementia in Wirral. Set against a backdrop of significant demographic growth in the Wirral older population where the prevalence of dementia was higher, the Committee was invited to consider their further scrutiny role in this area. The report listed a number of options for consideration as follows:

- Contributing to a current programme of engagement events which were setting priorities for development in this area.
- Nominating lead officers from this Committee to develop a scrutiny work programme for dementia services.
- Identifying specific areas of interest within the field of dementia. Examples could include the experience of carers in accessing support services for family members with dementia, standards of quality in care homes and safeguarding adults with dementia.
- Receiving additional reports from officers as advised on key issues:
 - Finance
 - Workforce
 - Performance
 - Developments
 - Systems modelling and evidenced based improvements
 - Site/observational visits to dementia services by members in areas of interest

With the agreement of the Chair, the report was considered concurrently with the report of the Acting Chief Executive of the Wirral University Teaching Hospital NHS Foundation Trust, which Lesley Metcalfe, Deputy Director of Nursing, introduced on

the progress made against the recommendations in “The care of people with dementia in an acute hospital setting” Final Report February 2011 scrutiny review. The report gave details of how each recommendation was being addressed.

Responding to comments from Members, Rick O’Brien, Head of Personal Assessment and Planning, commented that he would supply the information to the Committee on the number of specialist care homes dealing with dementia and also on the ratio of support staff to specialist staff. A lot of work had gone into developing robust partnership arrangements with the co-location of social care teams and the development of memory services. There were also five new staff in the contracts section which would strengthen quality assurance and ensure better checks on care homes and other services to make sure people with dementia got the best possible care.

The Chair welcomed the reports and Members suggested that this would be a good area for a scrutiny review in the forthcoming municipal year.

Resolved – That the options for further scrutiny by this Committee on Dementia Services be noted.

60 **PROGRESS REPORT FOR DEMENTIA SCRUTINY REVIEW - THE CARE OF PEOPLE WITH DEMENTIA IN AN ACUTE HOSPITAL SETTING**

This item was considered concurrently with the report, ‘Social Care Services for People with Dementia’ (see minute 59 ante).

Resolved – That Committee notes -

(1) Progress is being made with the dementia care action plan as described and the Dementia Care Steering group remains active in the pursuit of improvement. A Dementia awareness day has taken place on 9 January 2012, to celebrate and promote the work that has been done during 2011 and advertise initiatives for 2012. Collaboration with partners such as the Older People’s Parliament, Age Concern, Alzheimer’s Society and volunteers will continue to support the delivery of action required to improve the care for patients and their relatives and carers at the Trust.

(2) Publication in December 2011 of the final Report of the National Audit of Dementia Care in General Hospitals 2011, contains recommendations for action which will further populate the existing dementia care action plan for the Trust throughout 2012.

61 **PRESENTATION ON KENT HOUSE CQC REPORT**

Sheena Cumiskey, Chief Executive, and Andy Styring, Director of Operations at the Cheshire and Wirral Partnership NHS Foundation Trust, gave a presentation on the outcome of the Care Quality Commission (CQC) inspection at Kent House, Oxton, a hospital for people with learning disabilities.

They outlined the reason for the inspection, the process of the inspection and the immediate actions taken afterwards. The CQC had carried out a re-inspection on 13

December, 2011 at which it had found that Kent House was compliant and doing everything that it should be doing.

Responding to comments from Members, both Sheena and Andy gave a full explanation as to the circumstances giving rise to the original inspection and outlined the plans for the future. These would include, even greater patient and carer feedback to the Board, implement findings of external review of Board assurance systems and invitation to staff advocacy group to assist in improving the patient experience. They also assured the Committee that they would be looking at how in future any such issues arising would be reported to this Committee.

In connection with this item, Gary Doherty, Acting Chief Executive of the Wirral University Teaching Hospital NHS Foundation Trust, suggested that a future meeting could consider the issue of medicine management in the Hospital Trusts.

Resolved – That the presentation be noted and the thanks of the Committee be accorded to both Sheena Cumiskey and Andy Styring for their full explanation.

62 **LINKS TRANSITION TO A LOCAL HEALTH WATCH ORGANISATION**

The Director of Adult Social Services submitted a report on the progress towards establishing a local HealthWatch organisation as directed by the Health and Social Care Bill which was currently progressing towards Royal Assent.

In Wirral, Voluntary Community Action Wirral (VCAW) currently had the contract to host the Wirral LINKs and had successfully provided support and guidance for the activities of the Wirral LINKs to date. The Health and Social Care Bill (2011) made provisions for the establishment of HealthWatch England and the transition of existing LINKs into local HealthWatch organisations. This was to have taken effect from 1 October 2012. However, a new start date of April 2013 was announced on 3 January 2012. The Act would charge Local Authorities with the duty to ensure that there was an effective and efficient local HealthWatch in their area, with functions, roles and responsibilities not currently available to LINKs.

During the course of discussion on this item, Councillor Hornby declared a personal interest by virtue of him being a Director trustee of VCAW.

Diane Hill informed the meeting that she was part of the transition group which was working through very complicated issues including the possibility of LINKs being part of HealthWatch.

Chris Beyga, Head of Personal Support, informed the Committee that the work of LINKs would dovetail into HealthWatch and she would provide regular updates to the Committee on progress.

Resolved - That this Committee supports the Transition Group in seeking to develop the most appropriate model for a successful Wirral HealthWatch organisation.

63 **BRIEFING UPDATE FROM CLINICAL COMMISSIONING GROUPS**

The Chair suggested that this item be considered in conjunction with the item, 'New Legislative Framework Summary Report'.

Dr Phil Jennings, of the Wirral Health Commissioning Consortium, one of the three clinical commissioning groups (CCGs) gave an update on the latest situation with regard to the commissioning of services. The three CCGs were not geographically aligned and the Strategic Health Authority and the Department of Health had confirmed their expectation that CCGs should cover a defined geographical area. Having considered a number of options, the three CCGs had decided to look to adopting a federated model, whereby a single overarching governing body would be created with the three CCGs becoming sub-divisions of this one structure. The governing body, reflecting the spirit of the Health and Social Care Bill, would have seven GP representatives with seats allocated proportionately:

- Wirral Health Commissioning Consortium – 3 seats
- Wirral GP Commissioning Consortium – 3 seats
- Wirral NHS Alliance – 1 seat

From this group would emerge one accountable officer which the group would be asked to nominate with the decision being taken nationally. There would also be patient representatives on the governing body along with an external nurse and external consultant from outside of Wirral.

The proposal would be taken out to all the GP Practices over the next few weeks and an application made to the National Commissioning Board in the summer with a view to a single Wirral CCG being signalled for authorisation from as early as October 2012 although it would not actually become a statutory body until April 2013.

Responding to comments from Members, Dr Jennings said that although people might draw comparisons of the new CCG with the previous PCT, the new body would be clinically led with many more clinicians involved. The new governing body was also a lot leaner in terms of a management structure. The new CCG structure would allow GPs to maintain some autonomy and he was confident that it would allow for navigation of the different health needs evident across the differing areas of Wirral. They would be examining ways to see how patient input could be captured across the 3 CCG sub-divisions and at least 2 patient representatives would sit on the governing body. Once the PCT clusters were disbanded in 2013 the main body above the CCGs would be the National Commissioning Body with regional outposts.

Gary Doherty, Acting Chief Executive of the Wirral University Teaching Hospital NHS Foundation Trust, welcomed the CCG model being proposed which would mean the Trust dealing with one single body rather than with three.

The Chair referred to the briefing paper, 'New Legislative Framework – Update' which had been considered by the Scrutiny Programme Board at its meetings on 4 January and 28 February, 2012, and which had been produced by the Centre for Public Scrutiny. A summary report on the content of the Policy Briefing, and its implications for Wirral, had then been presented to the Scrutiny Programme Board on 28 February, 2012. The Chair referred in particular to that part of the paper on the Health and Social Care Bill. The Bill amended the scrutiny provisions in the National

Health Service Act 2006. Powers were now to be exercised by the authority, rather than by a health overview and scrutiny committee. This provided more flexibility to local authorities in how they managed the delivery of their scrutiny responsibilities. This could enable creativity but risked dilution of independent scrutiny. Once the work of the Democracy Working Party was completed, the options for the most appropriate arrangements for health scrutiny would become clearer. The Chair suggested that every Member should receive this briefing paper.

Resolved –

(1) That the update on the Clinical Commissioning Groups be noted and Dr Phil Jennings provide regular updates to the Committee.

(2) That Committee would welcome regular updates on the implications of the Health and Social Care Bill.

The Chair then adjourned the meeting for a 5 minute break.

The Committee reconvened at 8.20pm and agenda items 9 and 10 were considered next.

64 NEW LEGISLATIVE FRAMEWORK SUMMARY REPORT

See minute 63 ante.

65 KINGSLEY HOUSE, WALLASEY - BRIEFING NOTE

Christine Beyga, Head of Personal Support, introduced a briefing note which gave details surrounding the recent adverse CQC inspection report at Kingsley House, Residential Home (Mental Health), in Wallasey. The note also detailed the action taken since, including an action plan, the date for completion of all its requirements being 23 March, 2012. In addition to the action plan an internal review had also been instigated to identify what, if any, practice issues could have prevented the deterioration of quality of care and standards at the home.

She stated that the home would receive ongoing support from an experienced manager identified by the Department of Adult Social Services (DASS) as well as the Staff Development Unit. DASS Quality Assurance and Contract Manager would carry out an inspection in the week beginning 26 March 2012. The CQC would carry out an unannounced inspection on an undisclosed date within the next three months. The internal review would report back by the end of March with a full report to the Director of Adult Social Services and Lead Member and a lessons learnt meeting would be held with senior managers and operational staff to identify any practice issues and areas for development.

Responding to comments from Members, Christine Beyga informed the Committee that there was an annual review of services and the Contracts Team had now been

strengthened and was working with a whole range of providers and carrying out formal visits. The home itself would bear the costs of any remedial work required.

The Chair suggested that the Director of Adult Social Services should consider providing a list of homes within each ward to all Councillors and there was a need for regular updates. The Director commented that he was keen to have discussions with Committee members about Councillors' involvement in lay visits to homes.

Resolved - That Committee notes and accepts the content of this briefing note as part of the ongoing process of working with the home owner to address the concerns raised and also to ensure an investigation is undertaken into the role of DASS and the Cheshire Wirral Partnership.

66 TRANSFORMATION OF DAY SERVICES - BRIEFING NOTE

Christine Beyga, Head of Personal Support, introduced a briefing note on the progress of the current consultation in relation to Day Services and Daytime Provision and development of a Business Centre/Social Enterprise Network. The consultation period had ended on 14 February with, to date 491 returned surveys, a 44% return rate. During the consultation the reasons for the consultation were outlined which included:

- The current cost of day services
- Attendance levels throughout 2008 – 2011 which had significantly dropped from 693 in 2008 to 554 in 2011

Following completion of the formal consultation a Data Analysis Group had been set up to consider and analyse all information and data gathered as part of the consultation which included:

- Qualitative data from surveys and face to face meetings
- Capacity and attendance data for all day services and day time activities
- Fully costed options appraisals for each building currently used as a day service, including building condition and status

In addition to all of the above a sub group of elected members from this Committee had undertaken consultation and scrutiny of the process. The group had conducted visits to centres and had had a full day of meeting key stakeholders to garner opinion not only on the consultation process but about the wider issues around how day services needed to be in Wirral. The group would present its findings to the Committee at its next meeting.

Between March and April analysis of the information received back would be undertaken with involvement from people who used services, parents and carers. Analysis of the consultation and a presentation of available options would be made to Cabinet in May 2012. There would be a further consultation process on the available options for the future of day service provision and delivery from July to September 2012, with a final report to Cabinet in October 2012. Implementation of the transformation of Day Services would then take place in January 2013.

The Chair commented that it had been a useful exercise being involved in the sub group and expressed her thanks to Nikki Hancocks in the Integrated Communities and Well Being Branch of the Department for organising the sub group.

Resolved – That Committee notes and accepts the content of this briefing note as part of the ongoing process of consultation and agree to accept a fuller report to the next meeting, following submission of a Cabinet report which will seek approval to consult on identified options that have emerged from the full consultation.

67 **2011/12 THIRD QUARTER PERFORMANCE AND FINANCIAL REVIEW**

Steve Rowley, Head of Service (Finance and Performance) introduced the third quarter performance and financial review report which set out the progress made against the indicators for 2011/2012 in the Council's Corporate Plan in relation to health and well being.

He referred to those performance indicators which had exceeded or met their target, performance issues which weren't achieving on target, and the corrective action being taken to address them. Budget pressures of £6.8 million had been identified.

Both Steve Rowley and the Director responded to comments from the Committee on those performance indicators which were under achieving. In respect of safeguarding referrals a peer review had been commissioned, there was a need for reassurance that safeguarding was as good as it should be and a report would be brought to the next Committee. The Director acknowledged the need for improvements in performance across a number of critical areas.

Resolved – That the report be noted.

68 **WORK PROGRAMME**

The Committee received an update on its work programme and Members were invited to consider whether any issues should be added to the schedule for the forthcoming municipal year.

A Member suggested that a report could be brought to the next meeting on the Clatterbridge Centre for Oncology, following press reports of a proposal to move some services to Liverpool. The Committee would also receive reports on the latest position regarding vascular services.

Resolved – That the report and addition to the work programme be noted.

69 **FORWARD PLAN**

The Committee had been invited to review the Forward Plan prior to the meeting in order for it to consider, having regard to the Committee's work programme, whether scrutiny should take place of any items contained within the Plan and, if so, how it could be done within relevant timescales and resources.

Resolved – That the Forward Plan be noted.

70 **MINUTES OF THE CHESHIRE AND WIRRAL COUNCILS JOINT SCRUTINY COMMITTEE**

Resolved – That the minutes of the meeting of the Cheshire and Wirral Council’s Joint Scrutiny Committee held on 23 January 2012, be noted.

71 **ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR**

The Chair read out an email she had received from Sue Lowe, Co-opted Carers representative on the Committee, who had tendered her resignation from the Committee due to continuing ill health. The Chair expressed the Committee’s thanks to Sue for all her work with the Committee over the past three years.

The Chair also thanked Gary Doherty, who was attending his last Committee as Acting Chief Executive of the Wirral University Teaching Hospital NHS Foundation Trust, as a new Chief Executive had now been appointed and the Committee wished him well for the future.

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WIRRAL COUNCIL

SCRUTINY PROGRAMME BOARD

28 FEBRUARY 2012

SUBJECT:	EQUALITY AND IMPACT ASSESSMENTS
WARD/S AFFECTED:	<i>ALL</i>
REPORT OF:	<i>DIRECTOR OF LAW, HR AND ASSET MANAGEMENT</i>
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

1.1 This summary report (Appendix 1) is at the request of members at the last Scrutiny Programme Board held on 4 January 2012. The report summarises the CfPS Policy Briefing 'Equality Impact Assessments.

2.0 RECOMMENDATION

2.1 Members are requested to note the report.

3.0 BACKGROUND AND KEY ISSUES

3.1 As part of the Equality Duty 2010 and further The Public Sector Equality Duty which came into full force in April 2011, the Council has a legal requirement to give due regard to the impact of its policies and decisions on people who share protected characteristics (race, gender, disability, sexual orientation, age, religion / belief, gender re-assignment, marriage / civil partnership, pregnancy / maternity).

3.2 As part of the Independent Corporate Governance Review report, AKA highlighted 'shortfalls in the way the Council evaluated the impact of its policies both prior to execution and in response to evidence about the impact'. Subsequently the report identified 'Equalities' as an area for improvement.

4.0 RELEVANT RISKS

4.1 As outlined in 3.2 above.

4.2 The Council failing to meet legal requirements.

4.3 The Council open to reputational risk.

4.4 The Council open to legal challenge.

5.0 OTHER OPTIONS CONSIDERED

5.1 None

6.0 CONSULTATION

6.1 None

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

7.1 None

8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

8.1 None

9.0 LEGAL IMPLICATIONS

9.1 By not formally adopting Equality Impact Assessments as the Council's process for giving due regard to the impact of its policies and decisions, the Council is open to legal challenge.

9.2 The Council constitution will need reviewing to take account of the new legislation.

10.0 EQUALITIES IMPLICATIONS

10.1 As part of the Equality Duty 2010, which came into full force in April 2011, the Council has a legal requirement to give due regard to the impact of its policies and decisions on people who share protected characteristics (race, gender, disability, sexual orientation, age, religion / belief, gender re-assignment, marriage / civil partnership, pregnancy / maternity).

11.0 CARBON REDUCTION IMPLICATIONS

11.1 None

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 Equality Impact Assessments can and should inform planning and community safety policies and decisions.

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APPENDICES

APPENDIX 1

Summary report on CfPS Policy Briefing 'Equality Impact Assessment'

APPENDIX 2

Equality Impact Toolkit (new version February 2012)

APPENDIX 1

**SCRUTINY PROGRAMME BOARD
28 FEBRUARY 2012**

EQUALITY AND IMPACT ASSESSMENTS

SUMMARY

At the previous meeting of the Scrutiny Programme Board held on 4 January 2012, a CfPS Policy Briefing entitled 'Equality Impact Assessments' was provided to members. Members made a request that the Policy Briefing be summarised for this meeting of the Scrutiny Board.

BACKGROUND: PUBLIC SECTOR EQUALITY DUTY

The Equalities Act 2010 ("The Act") has two main purposes:

- to harmonise discrimination law, and
- to strengthen the law to support progress on equality.

The Public Sector Equality Duty ("PSED") (section 149 of The Act) came into force on 5 April 2011.

The PSED applies to public bodies and others carrying out public functions. It supports good decision-making by ensuring public bodies consider how different people will be affected by their activities, helping them to deliver policies and services which are efficient and effective; accessible to all and which meet different people's needs.

The PSED is supported by specific duties, as set out in the Statutory Code of Practice, which came into force on 10 September 2011. The specific duties require public bodies:

- to publish relevant, proportionate information demonstrating their compliance with the PSED; and
- to set themselves specific and measurable equality objectives.

Section 31 and 32 of the Equality Act gives the Equalities and Human Rights Commission ("EHRC") the power to issue "a compliance notice" if these duties are not being carried out. Individuals disadvantaged by public sector decisions can still bring an action under the Human Rights Act 1998.

EQUALITY IMPACT ASSESSMENTS (EIAs)

All council officers, from recycling officers to transport planners to social workers to librarians, have a duty to consider access to the services they provide and the implications of the policies they develop for all groups in the local community: it is not only the responsibility of the equalities officer or diversity champion. Likewise, consideration of equalities issues is important to scrutiny committees, whether they are carrying out a

review of the council's recycling policy, monitoring children's social services or challenging the development of the library plan.

An intrinsic part of the PSED is the preparation of EIAs. EIAs have been operational in WMBC since 2008 and are published on the Council's website. EIAs should be produced whenever a WMBC policy is being developed. An EIA will enable the Council to make an informed judgement as to whether a policy will have unintended, negative consequences for certain people.

According to the EHRC, an EIA can have one of four outcomes:

- No major change
- Adjust the policy
- Continue the policy
- Stop and remove the policy

A robust methodology in the completion of EIAs will allow the Council to affirm that it has made a policy decision in a logical way, and that no assumptions have been made about the impact of a certain section of the community.

As it is important to consider the broad policy impacts of decisions, the effective production of EIAs relies on the principles of equality being "mainstreamed" within the wider decision making process. It is difficult to think of any policy change that the Council could implement that would have no impact whatsoever on local people.

The North West Employers Organisation Equality network has asked WMBC to be a case study in EIAs. WMBC were one of the first in the region to redesign its toolkit following the introduction of The Act in 2010.

It is essential that the Council's EIA process becomes more robust in terms of completion, quality assurance, scrutiny and transparency.

As part of the Independent Corporate Governance Review report, AKA highlighted "shortfalls" in the way the Council evaluates the impact of its policies both prior to execution and in response to evidence about the impact". Subsequently, the AKA report identified "Equalities" as an area for improvement.

Failure to carry out EIAs will leave the Council:

- failing to meet legal requirements.
- open to reputational risk.
- open to legal challenge.

It was agreed at Cabinet 12 January 2012 that the authority formally adopts EIAs as the Council's process for giving due regard to the impact of its policies and decisions.

SCRUTINY AND EIAs

At national level there have been a number of decisions overturned due to EIAs having been carried out ineffectively, or not considering the full issues.

Using EIAs to analyse proposed service changes (as part of a “pre-scrutiny” process) immediately focuses on the results of that change, rather than the process used to reach it.

An approach taken in Gloucestershire whereby EIAs (renamed “community impact assessments”) are now sent to O&S committees before being signed off by the relevant cabinet member, the intention being that this provides a way of building “pre-scrutiny” into the process and to provide additional political leadership. This suggests a new and more focused approach to “pre-scrutiny” more generally, where a discussion of methodology is mixed with a broader, substantive discussion on the policy

THE EQUALITY FRAMEWORK FOR LOCAL GOVERNMENT

In 2009 WMBC adopted this framework as a benchmarking toolkit. The toolkit involves an assessment and categorisation in one of three levels:

- Development;
- Achieving; and
- Excellent.

WMBC is currently “Achieving” and is looking to become “Excellent”.

This framework strongly promotes the use of scrutiny in establishing a culturally different approach to equality. Councillor engagement is particularly encouraged as part of this process.

SCRUTINY REVIEWS

Scrutiny reviews should involve a consideration of the way in which recommendations will impact upon different local residents. An awareness of equalities issues in the planning, delivering and monitoring of scrutiny reviews will enhance their robustness and ensure that recommendations have a greater chance of being implemented.

Using scrutiny reviews to examine equalities issues also brings wider benefits to the council. Involving a range of councillors in equalities work draws on their community experience and knowledge, raising issues that may not immediately occur to officers who may be less connected to local communities. The process of challenge and review can also provide an opportunity for officers to step back from day-to-day service delivery and reflect on its impact on the whole community.

Focusing on broader issues of concern to the community, rather than simply looking at internal council policies and services, can be a useful way for scrutiny to set and own its own agenda and helps avoid the temptation to politicise the scrutiny process. All members of a scrutiny panel, whether from the administration or opposition groups, can share, for example, a common desire to improve local health inequalities for or ensure better access to transport services.

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Equality Impact Toolkit (new version February 2012)

Section 1: Your details

Council officer:

Email address:

Head of Service:

Chief Officer:

Department:

Date:

Section 2: What Council function / proposal is being assessed?**Section 2b: Is this EIA being submitted to Cabinet or Overview & Scrutiny Committee?**

Yes / No

If 'yes' please state which meeting and what date

.....

And please add hyperlink to your published EIA on the Council's website

.....

Section 3: Will the Council function / proposal affect equality in? (please tick relevant boxes)

- Services**
- The workforce**
- Communities**
- Other** (please state)

If you have ticked one or more of above, please go to section 4.

- None** (please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 4: Within the Equality Duty 2010, there are 3 legal requirements. Will the Council function / proposal support the way the Council (please tick relevant boxes)

- Eliminates unlawful discrimination, harassment and victimisation
- Advances equality of opportunity
- Fosters good relations between groups of people

If you have ticked one or more of above, please go to section 5.

- None** (please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 5: Will the function / proposal have a positive or negative impact on any of the protected groups (race, gender, disability, gender reassignment, age, pregnancy and maternity, religion and belief, sexual orientation, marriage and civil partnership)?

You may also want to consider socio-economic status of individuals.

Please list in the table below and include actions required to mitigate any negative impact.

Protected characteristic	Positive or negative impact	Action required to mitigate any negative impact	Lead person	Timescale	Resource implications

Section 5a: Where and how will the above actions be monitored?

Section 5b: If you think there is no negative impact, what is your reasoning behind this?

Section 6: What research / data / information have you used in support of this process?

Section 7: Are you intending to carry out any consultation with regard to this Council function / policy?

Yes / No – (please delete as appropriate)

If 'yes' please continue to section 8.

If 'no' please state your reason(s) why:

(please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 8: How will consultation take place?

Before you complete your consultation, please email your 'incomplete' EIA to equalitywatch@wirral.gov.uk via your Chief Officer in order for the Council to ensure it is meeting it's legal requirements. The EIA will be published with a note saying we are awaiting outcomes from a consultation exercise.

Once you have completed your consultation, please review your actions in section 5. Then email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for re-publishing.

Section 9: Have you remembered to:

- a) Add a hyperlink to your published EIA on the Council website? (section 2b)
- b) Include any positive impacts as well as negative impacts? (section 5)
- c) Send this EIA to equalitywatch@wirral.gov.uk via your Chief Officer?
- d) Review section 5 once consultation has taken place and sent your completed EIA to equalitywatch@wirral.gov.uk via your Chief Officer for re-publishing?