

Equality impact assessments



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Further to the Equalities Act 2010, public bodies are now under a duty to consider the impact of their decisions on those people who identify with any of the nine “protected characteristics” in the Act. As well as ensuring that people are not subject to discrimination, this also involves taking positive steps in the policy development process to build in an understanding of the needs of people from different minorities.

An intrinsic part of this is the preparation of “equality impact assessments” (EqIAs, sometimes known as EIAs¹), documents which should be produced by public sector bodies whenever a policy is being developed. An EqIA allows the authority to make a judgment as to whether a policy will have unintended, negative consequences for certain people. It can also help to maximise the positive impacts of policy changes, and make improvements more effective on the ground.

This briefing explores how scrutiny itself can use EqIAs to examine council and partner policy changes, and how scrutiny can mainstream an understanding of equality into its own work, in order to become more effective.

Section 1 draws on information available at <http://www.idea.gov.uk/idk/core/page.do?pagelId=8017174> and guidance produced by the Equality and Human Rights Commission, published at http://www.equalityhumanrights.com/uploaded_files/eiaguidance.pdf

This briefing also draws on a previous publication, “Equal to the task”, published by CfPS in 2007.

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¹ Most of the equality-specific literature uses the initials EIA, but this abbreviation is also used for economic or environmental impact assessments in different contexts. This briefing will use EqIA to avoid any confusion.

1. **What is “equality”, and what are equality impact assessments?**

What is “equality”?

- 1.1 The notion of equality is that people deserve to be given the same opportunities, and to be treated with the same respect, irrespective of their personal choice, personal circumstances, or how they identify themselves. A variety of legislation has been passed over the past two hundred years – ranging from the abolition of slavery in the early 19th century, through the Married Women’s Property Act 1882, to the Equalities Act 2010 – which have aimed to reduce or eliminate the practice of discrimination against certain people or groups of people.
- 1.2 These protections have been deemed necessary by Parliament to ensure that people who might otherwise be disenfranchised and vulnerable – because they are in a minority, for example – cannot be ignored because of who they are. While in some instances the market has helped to resolve some of these issues – disability access in certain shops, for example, was not uncommon before the implementation of the Disability Discrimination Act, because of a clear customer need – some people or groups of people lack the economic or political power to ensure that they are treated the same as others. As such, legal protection is necessary to ensure that they can play an equal part in society, and that they can rely on equal treatment in the delivery of services either by private or public bodies.
- 1.3 There have been a number of significant examples of discrimination in the past that successive Acts of Parliament and other provisions have helped to combat:
 - “Equal pay for work of equal value” for women and those in ethnic minorities²;
 - Respect for the cultural differences of those in ethnic and religious minorities (most prominently in the imposition of staff uniforms for certain jobs, such as Sikh police officers³);
 - Forms of discrimination which are more “passive” – public infrastructure which is not designed to meet the needs of those in wheelchairs, for example⁴.
- 1.4 Article 8 of the European Convention on Human Rights⁵ (incorporated into UK law by the Human Rights Act 1998) provides protection for people’s

² Equal Pay Act 1970

³ Race Relations Act 1976, Racial and Religious Hatred Act 2006

⁴ Disability Discrimination Act 1995

⁵ <http://conventions.coe.int/treaty/en/Treaties/Html/005.htm>

private and family life, which can be seen as a necessary partner to the rights conferred in the Equality Act. Section 14 of the Act⁶ provides general protections against discrimination, which again can be seen in the context of the duties in the Equality Act.

- 1.5 The rights we are talking about apply equally to all people. By definition they are not restricted to a certain group or groups and cannot be “lost” or rescinded because of personal behaviour, or the behaviour of a group of people. This is the nature of the rule of law, of human rights and of the principle of equality itself, and is why they apply to people who may not be popular in the rest of the society – asylum seekers, terrorists, and prisoners, for example. If rights – and the principles around equality of treatment that underpin them – can be withdrawn on general principles (ie because of the characteristics of a particular class of person) they cease to be rights and become privileges⁷. It should be noted the European Convention contains several specific qualifications to some of the human rights it protects⁸. Under the Equality Act, however, there are no circumstances in which rights can be withdrawn⁹.

The public sector equality duty

- 1.6 In April 2011 the public sector equality duty came into force, following the coming into force of the Equality Act in October 2010. The new duty differs slightly in England, Wales and Scotland, reflecting the national devolution settlements. Nationwide, a statutory Code of Practice has been published which has legal force and which sets out some basic requirements.
- 1.7 The duty covers the nine “protected characteristics” in the Act – age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex and sexual orientation.
- 1.8 The general duties in the Act apply to “services”¹⁰ whether or not delivered by a public body. These are so-called “negative” duties – essentially, a duty not to discriminate against anyone on account of the protected characteristics. The focus with negative duties lies in identifying where discrimination has happened and remedying the situation.

⁶ <http://www.legislation.gov.uk/ukpga/2010/15/contents>

⁷ This universality is the principle underpinning the concept of human rights. It is given prominence in the Universal Declaration on Human Rights (1949)

⁸ For example, the right to “derogate” from certain rights during a state of emergency.

⁹ Although there are some minor exceptions which can be applied under certain circumstances (carriage of assistance dogs in taxis, for example).

¹⁰ It was on the basis of these wide provisions around services that the publicity around the legality, or otherwise, of B&B owners turning away gay guests was centred – see <http://www.guardian.co.uk/politics/2010/apr/09/chrisgrayling-general-election-2010>

- 1.9 The public sector duty is slightly different. As well as a duty not to discriminate, the public sector equality duty (PSED) imposes a requirement to consider the needs of those people with the protected characteristics when making decisions. There is also a requirement to consider socio-economic equality in decision-making. This bolsters the need to carry out equality impact assessments. The responsibility to consider equality in strategic planning gives the PSED a different flavour – it contains “positive” equality duties. Positive duties are usually regarded as having three elements:
- consultative policy-making processes
 - the need to “mainstream” equality
 - the carrying out of impact assessments on the likely effects of forthcoming decisions¹¹.
- 1.10 Sections 31 and 32 of the Equality Act gives the Equalities and Human Rights Commission (EHRC) the power to issue a “compliance notice” if these positive duties are not being carried out. Individuals disadvantaged by public sector decisions can still bring an action under the Human Rights Act 1998¹².
- 1.11 Why is the different between a “negative” and a “positive” duty an important one? – the difference is not an academic one. Strong opinions were expressed by campaigners as the Act was introduced in Parliament, who felt that the emphasis on negative duties would risk service providers, including public authorities, adopting a “reactive” approach to equalities.
- 1.12 Essentially, this means that negative duties aim to prevent one behaviour, rather than encouraging another. It places the burden and responsibility for equality on the minority (bringing the action or making the complaint) rather than on the institution (which is not under a duty to take a positive approach to equality)¹³. A criticism of the “anti-discrimination” ethos is that it sets those with protected characteristics apart from the rest of the community, implying that “normal” services are, and should be, designed for the majority of people¹⁴. It also creates difficulties when more than one of the protected characteristics come into play, because the complainant will need to prove which of these characteristics has provoked the discrimination being complained of¹⁵.
- 1.13 So, while public authorities (including councils) are under a positive duty to promote equality and think about the effects of their decisions on a wider range of people, the negative focus of the rest of the Act on anti-

¹¹ Feldman, 2002

¹² Negative anti-discrimination duties are set out in section 14 of the Act

¹³ McLaughlin, 2007

¹⁴ Ibid

¹⁵ Doyle, 2006

discrimination could risk promoting the development of a compliance culture which focuses on the form rather than the substance of the duty. The equivocal nature of the response to the imposition, and subsequent abolition¹⁶, of the duties to involve¹⁷ and to promote local democracy¹⁸ support the view held by many experts in that area that the focus on formal “duties” to engage people in particular ways was not an entirely helpful approach.

- 1.14 This potential tension is particularly apparent in the production of equality impact assessments (EqIAs). As we will see, the effective production of EqIAs relies on the principles of equality being “mainstreamed” within the wider decision-making processes of the authority, which we will go on to consider in the next section.

What are equality impact assessments?

- 1.15 The basics - Equality impact assessments (EqIAs) are analyses of any policy, service or proposal for change. At their most basic level, EqIAs provide an opportunity to ensure that the authority (or its partners) are complying with their statutory obligations around the nine protected characteristics mentioned above.
- 1.16 Authorities are required to develop their own methodology for carrying out EqIAs (reflecting the fact that they will be different depending on the organisation to which they apply).
- 1.17 Given that the PSED only came into force in early 2011, a number of organisations have yet to update their EqIA methodology to account for the larger range of protected characteristics. In those cases where this has happened, there may not be sufficient examples of the new EqIA “in action” to form a conclusion about their operation.
- 1.18 However, authorities have been carrying out EqIAs in some form for a significant length of time. Government departments, local authorities, PCTs, police authorities and a range of other bodies all have separate methodologies. Some have different methodologies for different services.
- 1.17 A number of organisations have developed a relatively light touch approach to EqIAs, focusing on the protected characteristics. “Checklists”

¹⁶ A bundle of views can be found at <https://bitly.com/bundles/timjhughes/2>

¹⁷ Originally proposed in “Best value: new draft statutory guidance” (DCLG, 2011); <http://www.communities.gov.uk/documents/localgovernment/pdf/1885419.pdf>

¹⁸ The duty was brought in through the Local Democracy, Economic Development and Construction Act 2009, but was not subject to a commencement order, and has since been repealed.

are common¹⁹, to address the issue that some authorities have encountered of a lack of staff expertise to consider equality issues effectively. Of course, this raises the concern that EqIAs are being used as an adjunct to the policy development process, rather than as an integral part of it²⁰.

1.18 Other authorities have adopted a more expansive approach. The Greater London Authority, for example, has put in place detailed guidance for use by its employees²¹.

1.19 Whatever system is adopted, methodologies tend to have a number of common features:

- Some identification of the aims and objectives of the policy;
- An assessment of the evidence available to make a judgment on the policy impacts, and any evidence gaps, including any evidence from consultation;
- An assessment based on the above of the effects of the policy, answering the questions:
 - Who benefits?
 - Who doesn't benefit, and why not?
 - Who should be expected to benefit and why don't they?

1.20 The expectation is that these questions should be used as the basis for a narrative consideration of the impacts, which may incorporate other issues. It gives added credence to the view that a "checklist" approach may not be wholly appropriate.

1.21 The outcome - According to the EHRC, an EqIA can have one of four outcomes:

Outcome 1: No major change: the EqIA demonstrates the policy is robust and there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.

Outcome 2: Adjust the policy: the EqIA identifies potential problems or missed opportunities. Adjust the policy to remove barriers or better promote equality.

Outcome 3: Continue the policy: the EqIA identifies the potential for adverse impact or missed opportunities to promote equality. Clearly set out the justifications for continuing with it. The justification should be included in the EqIA and must be in line with the duty to have due regard.

¹⁹ For example, Tendring DC - <http://www.tendringdc.gov.uk/NR/rdonlyres/F90BE936-F02E-45E8-8847-0B113C682F01/0/Landandpropertystrategy.pdf>

²⁰ Chaney and Ross (2004)

²¹ <http://www.london.gov.uk/eqiaguide/index.jsp>

For the most important relevant policies, compelling reasons will be needed.

Outcome 4: Stop and remove the policy: the policy shows actual or potential unlawful discrimination. It must be stopped and removed or changed²².

- 1.22 Outcome 4 requires an understanding of what would make a proposed course of action unlawful. These possible outcomes also demonstrate the conflation of positive and negative equality models, as discussed above.
- 1.23 A robust EqIA methodology will allow the authority to check that its decisions are being made in a logical way, and that no assumptions have been made about the impact on a certain section of the community. The policy may relate to one particular group of people, but the EqIA may throw up an unintended impact amongst some people with one or more of the protected characteristics. An EqIA allows a clear way to analyse these issues, and to produce a defined result at the end, with a system for amending the policy if that should be necessary. It is not an academic, desk-based exercise, but a dynamic one that draws on evidence from a wide range of sources. As we shall see, it should be considered as an integral part of the policy development process rather than as a bolt-on extra.
- 1.24 It is important to consider the broad policy impacts of decisions, rather than merely using EqIAs as a post-facto exercise in justification. Research has demonstrated that EqIAs have been considered as a retroactive, checking mechanism, driven by process, rather than as a tool to improve policy²³ (highlighting the points made earlier about the difference between positive and negative equality duties).
- 1.26 When it should be done – different organisations have adopted different approaches in deciding when an equality impact assessment should be carried out. The general consensus²⁴ supported by EHRC and Local Government Group guidance is that they should be carried out as part of any planned policy change. Some authorities have sought to make a distinction between those policies that will, and will not, have an impact on the public²⁵. However, even internal decisions which do not appear at first glance to have a direct impact on service users may well do so remotely. It is difficult to think of a policy change that a council could implement that would have no impact whatsoever on local people. Integrating EqIAs

²² “Equality impact assessments: quick start guide” (EHRC, 2010), http://www.equalityhumanrights.com/uploaded_files/PSD/equality_impact_assessment_guidance_quick-start_guide.pdf p4

²³ Chaney and Ross (2004)

²⁴ “Equality impact assessments: guidance” (EHRC, 2009), http://www.equalityhumanrights.com/uploaded_files/eiaguidance.pdf

²⁵ For example, Tendring DC and others.

within other assessment procedures – or within project planning itself – may provide a way to ensure that this can be done proportionally. We go on to talk about this in the next section.

Links to sustainability and other assessment methods - mainstreaming

- 1.27 Viewing EqlAs as a “standalone” assessment may not be the best approach, as we have noted earlier. Equally, it may not be wise to limit a discussion of equality to single services, issues, or organisations. The question lies in how properly to “mainstream” a consideration of equalities into other business – not only business of the council, but the business of a wider group of local partners as well.
- 1.28 Not a great deal of British research has been carried out on the incorporation of EqlAs into wider impact assessments (such as economic, social or environmental assessments). However, the research that has been carried out does demonstrate that value of such an approach in bringing equalities together with other long-term planning issues – especially in large projects²⁶. The benefits, and costs, of this approach will be considered in more depth in the next section.
- 1.29 There is a possibility that EqlAs could be rolled in to systems for project planning. Part of project planning involves considering impacts, risks and, to an extent, the long-term sustainability of the policy or project being proposed. Building equalities into this approach could provide a viable method of mainstreaming equality, and ensuring that it does not become a duplicating, reactive, ancillary assessment exercise for authorities.
- 1.30 Some research has suggested a “multi-strand” approach to mainstreaming, whereby “protected characteristics” are examined together, rather than individually, and as part of a wider discussion in the EqlA of more general equality impacts²⁷. Potential barriers to this more nuanced approach – which is highly qualitative in nature – relate to the skills of people carrying out EqlAs and, importantly, a lack of data on which to make judgments (as datasets, too, may not have been designed to tease out potential inequality issues)²⁸.
- 1.31 A number of public bodies have sought to establish a mainstreaming approach to dealing with equalities. The devolved administrations in the UK provide good examples, as they were established in the late 90s and early 00s, as the concept of mainstreaming equalities was first gaining

²⁶ Glasson and Wood (2009), focusing on urban regeneration projects. Of particular note is the case study on the incorporation of EqlAs in wider sustainability initiatives on the major Woodberry Down regeneration project in Hackney in 2006.

²⁷ Parken (2010)

²⁸ See also Walby (2005) on related points.

widespread currency – as such, an understanding of equalities could be built into their processes from the ground up. Systems in operation in London and Wales²⁹ (for example) may, therefore, be instructive.

- 1.32 It is, however, difficult to see from this research, and from practical experience, how the structural approach to EqlAs being suggested will lead to a broader consensus across the organisation of the importance of equalities to policy-making more generally – particularly in older organisations with an existing organisational culture which may tend to marginalise equality issues. This cultural challenge will be explored later, in the section on scrutiny’s involvement.

Why is this something in which scrutiny should be interested?

- 1.33 At national level, there have been a number of examples of decisions being overturned on the basis of an EqlA having been carried out ineffectively, or not considering the full issues³⁰. The Government’s plans around universal benefits have also been subject to the criticism that they will create “ghettoes”³¹. More broadly, public sector unions have suggested that the public sector equality duty may be used to challenge procurement decisions³².
- 1.34 We are not suggesting that scrutiny should take a combative approach, examining EqlAs and using them to attempt to “strike down” decisions, either as part of call-in or as a separate process. Scrutiny can, however, allow an authority and its partners to think more carefully about how they carry out EqlAs, and minimise the possibility that they will be inadequate (legally or otherwise). Enhancing the quality of EqlAs – whether through the promotion of mainstreaming or simply the encouragement, through scrutiny’s involvement, of a more robust and qualitative approach to these vital exercises – will enhance the quality of decision-making.
- 1.35 In particular, using equality impacts to analyse a proposed service change (as part of a “pre-scrutiny” process) immediately focuses on the results of that change, rather than the process used to reach it. By examining equality issues, scrutiny can also ensure that it focuses on results, rather than internal systems.

²⁹ “Mainstreaming equalities review” (National Assembly for Wales: 2004), also “Single equality scheme: consultation document” (Welsh Assembly Government: 2008)

³⁰ For example, changes to funding of voluntary groups in London - <http://www.bbc.co.uk/news/uk-politics-12402301>

³¹ See the Crisis response to the benefit proposals - <http://www.crisis.org.uk/data/files/publications/1010%2021st%20Century%20Welfare%20FINAL.pdf>

³² “The Public Sector Equality Duty: Interim Guidance for UNISON Branches” (2011), section 4

- 1.36 The approach to mainstreaming, above, suggests ways in which equality can be tied into project planning, and potentially into “pre-scrutiny” activities.

An example

- 1.37 Because it can be quite difficult to understand the connection between the practical implications of policy change and how they link with equality, we will briefly consider an example, both to highlight the issues we have examined and to act as an introduction to the next section, which will examine how scrutiny can use EqlAs in its own investigations.
- 1.38 The Department for Communities and Local Government are planning changes around neighbourhood planning (which we discuss in more detail in our policy briefing on the Localism Bill). As part of this process an EqlA has been prepared.
- 1.39 The EqlA follows the broad methodology described above – with some caveats. It examines aims only in general terms, in the context of the broader aims of the Localism Bill. It does not set out clearly the evidence base on which the policy objectives are founded.
- 1.40 It does seek to set out – in detail – some of the potential barriers which local people could face, but only with specific reference to the individual “protected characteristics”, and not in the context of wider socio-economic inequality or a consideration of how different issues interact with each other (see the section, above, on mainstreaming). The DCLG methodology for EqlAs may mean that wider barriers (such as, in this case, those identified by the Town and Country Planning Association³³) – may not be considered in sufficient depth.
- 1.41 The EqlA then goes on to identify the means adopted to resolve these potential barriers (again, reflecting the “negative equality” approach outlined above).

We will seek to ensure that best practice is adopted as appropriate in respect of the public availability of documents, the accessibility of premises, the publicity surrounding neighbourhood planning work and the availability of translations³⁴.

- 1.42 There is a question mark, though, over whether this, and other associated mitigation, adequately addresses some of the wider equality issues. Community disagreement, local authority unwillingness to engage with neighbourhood structures, the creation of “neighbourhood forums” which

³³ http://www.tcpa.org.uk/data/files/resources/1045/Lords_Localism-Bill-Briefing_June2011.pdf

³⁴ “Neighbourhood planning: equality impact assessments” (DCLG, 2011), section 2

could well lack accountability – the opportunity to address these issues has not been taken.

- 1.43 This brief analysis identifies how an EqlA can be used as a springboard for wider discussion – focused on the end-impact of a policy change, and framed in a way that emphasises the need for that policy change to be an effective one. It demonstrates how scrutiny can use this information to exert real change, at the time a decision is being made, or before. The next section will explore the precise ways in which scrutiny functions can go about doing this.

2. How scrutiny can use EqlAs in an investigation

Has the council's / the partner's methodology been properly adhered to?

- 2.1 This is a minimal, basic test about the internal efficacy of the EqlA system within the council and its departments, or within its partners. Councils with a defined methodology for EqlAs can have their processes effectively “audited” by scrutiny, which could have an oversight role.
- 2.2 Scrutiny committees wishing to take this approach could request a quarterly, out-of-committee update on all EqlAs being developed, ensuring that milestones for production were being hit and that the right people were being involved in their preparation at the right stage. EqlA processes causing particular concern – missed deadlines, incomplete or inaccurate assessments, for example – could be considered in more detail at committee. At the moment, CfPS is not aware of any authorities that have adopted this approach.
- 2.3 This approach is more similar to audit. It is quite likely that council officers will carry out this analysis themselves as part of ongoing project management systems, but attention from scrutiny might serve both to highlight recurring, cross-cutting issues with methodologies, instances where EqlAs are being carried out at the wrong time or in the wrong way.
- 2.4 In reality, carrying out reviews of EqlAs in this way may lead naturally to the approach outlined in sections 2.6 onwards. .
- 2.5 An approach was agreed in May 2011 in **Gloucestershire** whereby equality impact assessments (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 process³⁵ and to provide additional political

³⁵ <http://glostext.gloucestershire.gov.uk/ieListDocuments.aspx?CId=264&MId=7102> – see minute

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.

Has the EqlA accurately reflected any issues around equality – and does the proposed outcome and response deal with any issues that have arisen?

- 2.6 This takes a more substantive approach, involving an assessment of the pros and cons of a given policy rather than merely whether the EqlA methodology has been followed. It could also be used to highlight flaws within the council’s EqlA methodology itself.
- 2.7 Here, scrutiny would be looking at the judgments sitting behind an EqlA, rather than the mere fact that the form of the assessment had been carried out successfully. Questions could be asked such as:
- Have wider social and economic equality issues been considered?
 - Has the EqlA taken a measured (and transparent) approach to risk?
 - How have equality risks been assessed?
- 2.8 There is an argument that scrutiny’s involvement in policy development could be pegged to the EqlA process – especially if EqlAs are carried out as part of a broader “sustainability assessment”, as discussed in the earlier section on mainstreaming. The EqlAs for certain large projects or strategies could incorporate evidence from scrutiny as part of their methodology.
- 2.9 Authorities such as **Northampton** have incorporated a consideration of EqlAs into scrutiny reviews³⁶. This constitutes another approach, but the pros and cons need to be carefully considered. In some instances, EqlAs (which are designed for the most part to deal with specific plans and programmes) may be out of date, or may not conform precisely to a scrutiny review’s terms of reference.
- 2.10 **Cheshire West and Chester** has also examined the role that scrutiny members can play in evaluating EqlAs, and has put steps in place – including training for members – to ensure that scrutiny can effectively

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http://www.northampton.gov.uk/site/scripts/documents_info.php?documentID=464&pageNumber=11

consider equality issues as part of the discussion of policy development proposals³⁷.

Is the council's general approach to equality robust?

- 2.11 This is more fundamental, more difficult, but arguably the most valuable approach. It looks at the heart of the organisation's attitude towards equality – at its effectiveness at mainstreaming the equality agenda.
- 2.12 Work on this issue would probably take the form of a task and finish scrutiny review, that would examine EqIAs as case studies, as part of a wider consideration of the subject. .
- 2.13 Work the Centre for Public Scrutiny has carried out in its Health Inequalities Programme investigates some of these broader issues³⁸. Here, scrutiny has engaged not directly with the EqIA process, but with a broad issue that highlighted an inequality, trying to develop techniques to overcome it. This demonstrates the value of “building in” an understanding of equality to the wider processes of policy development.
- 2.14 The Equality Framework for Local Government – the EFLG is an evolution of the former Equality Standard for Local Government, which dates back to 2001. In its current form, the EFLG provides a toolkit allowing authorities to explore and improve how they respond to, and act on, equality issues³⁹. The framework involves the assessment of the authority and its categorisation in one of three bands – developing, achieving or excellent.
- 2.15 The EFLG strongly promotes the use of scrutiny in establishing a culturally different approach to equality. Councillor engagement is particularly encouraged as part of this process. Where councils are using the framework to enhance their work – or even where they aren't – the prominence of scrutiny in the EFLG demonstrates that it can play an important role in pushing this cultural approach forward.
- 2.16 Partnership work - Scrutiny could use its cross-cutting strengths to examine any divergence between the way the council approaches equality, and the wider partnership's approach. Differences in approach amongst different partners could significantly hinder developments. The methodology adopted for EqIAs must, by necessity, differ by area – but the culture and ethos underlying it must not. Scrutiny could help to

³⁷ Annual Report 2010/11 – accessible via link at http://cheshirewestandchester.gov.uk/democracy_and_elections/councillors_and_committees/scrutiny_committee/201011.aspx?removelink=yes

³⁸ “Peeling the Onion” (CfPS: 2011)

³⁹ <http://www.idea.gov.uk/idk/core/page.do?pagelD=9491107>

rationalise some of these issues, developing a more consistent collective understanding of challenges and their solutions. This is something that was partially addressed in the Total Place programme⁴⁰.

- 2.17 Limitations - The limitations of this approach should, however, be acknowledged. A “scrutiny review of equalities” risks reinforcing the notion that equality is a tacked-on extra, rather than an integrated part of the process. Scrutiny might wish to conduct a wider review of sustainability, incorporating equality as an important element (as we discussed earlier on mainstreaming). It may be sufficient to ensure that equality issues are highlighted as part and parcel of scrutiny’s standard work programme – this may, in fact, achieve better results. However, there may be some value in carrying out a focused review, if only to highlight the need, across departmental and organisational boundaries, for equalities to be centre stage.

3. How scrutiny can use EqlAs in its own work

- 3.1 Scrutiny also has a duty to consider equalities in the work that it does. Scrutiny reviews involve gathering evidence from the public, and carrying out investigations that will have an impact on the ground. Inevitably, this will involve a consideration of the way in which those recommendations will impact upon different local residents. An awareness of equalities issues in the planning, delivering and monitoring of scrutiny reviews will, arguably, enhance their robustness and ensure that recommendations have a greater chance of being implemented. They can also serve to enhance organisational understanding of equalities issues (connecting back to the points made above on mainstreaming).
- 3.2 Some authorities have sought to integrate EqlAs into the scrutiny process (as we have seen above). It is much less common to see scrutiny review recommendations themselves subject to an EqlA.
- 3.3 A way to integrate this effectively into scrutiny work could be to build an awareness of equalities into both work programming and the scoping of individual reviews. Annual reports could address how scrutiny has been able to involve as wide a range of people as possible into both the planning of work, and its delivery. It could provide an effective way to enhance scrutiny’s visibility to the wider public.

⁴⁰ See our publication, “Between a rock and a hard place” (2010), <http://www.cfps.org.uk/publications?item=99&offset=0>

Further reading

CfPS documents

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