

# DEMOCRATIC SERVICES

## Screening for Relevance:

An initial assessment template to help compliance with the Public sector equality duty 2011 and achieve service improvements.

## Introduction

Equality legislation states that a public authority must, in the exercise of its functions, have **due regard** to the need to –

- **Eliminate discrimination, harassment or victimisation**
- **Advance equality of opportunity between different groups, and**
- **Foster good relations**

The Equality Act 2010 has strengthened these provisions and expanded the groups protected by law, as outlined below. The new duty broadens the issues that public bodies have to take into account when making decisions. It requires us to understand the needs of service users and to reflect equality considerations in our employment practice, the design of policies and the delivery of services.

The Act explains that having due regard for advancing equality involves:

- **Removing or minimising disadvantages** suffered by people due to their protected characteristics.
- **Taking steps to meet the needs** of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups **to participate in public life** or in other activities where their participation is disproportionately low.

The Act also states that meeting different needs involves taking steps **to take account of disabled people's disabilities**.

- It describes fostering good relations **as tackling prejudice and promoting understanding between people from different groups**.
- It states that compliance with the duty may involve treating some people more favourably than others.

The new duty covers the following eight protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Public authorities also need to have due regard to the need to eliminate unlawful

discrimination against someone because of their marriage or civil partnership status. This means that the first arm of the duty applies to this characteristic but that the other arms (advancing equality and fostering good relations) do not apply.

This template enables managers and planners to analyse their current services to find out, in a quick and efficient way, how these can be further improved. For example, are the services delivered in a way that meets the needs of all members of our community. If we do not meet such needs then we may be providing this service in an inefficient way. The use of this template will also demonstrate how we meet the public sector equality duty<sup>1</sup> of the Equality Act.

## Relevance and Proportionality

1. To ensure that we are having due regard to the aims of the duty, we need to consider all of our functions in order to determine which of them are relevant to the aims of the duty. Some functions will be relevant to most or all protected groups, Other functions may be relevant to one 'arm' of the duty but not to others, or to the needs of some protected groups but not to others.
2. The duty continues to apply where a service for which the council is responsible is delivered or provided by an external organisation . It also applies to the allocation (or withdrawal) of funding or grants to the voluntary sector.
3. Having **due regard** means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies – such as in how we act as employers; how we develop, evaluate and review policy; how we design, deliver and evaluate services, and how we commission and procure from others.
4. Undertaking this screening for relevance will enable you to ensure that where an area has been assessed as relevant, then whenever a review, change or new development takes place that you undertake an equality impact and needs analysis **as part of** the decision making process. In order to comply with the law an equality impact and needs analysis ( EINA or equivalent ) must be undertaken as part of the process of decision making and not after the decision has been made. Recent Judicial Review judgements are very clear on this.

## Screening template

5. Find below the screening template. It is simple to use and can be completed quickly. Firstly, describe the service or function. Then determine how relevant that service or function is to the protected characteristics and each of the elements of the public sector equality duty.

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<sup>1</sup> For more information on the public sector equality duty, and what it means for our residents and service users, go to RIO [http://rio/home/our\\_organisation/equalities\\_and\\_diversity\\_at\\_richmond/equality\\_impact\\_needs\\_assessment.htm](http://rio/home/our_organisation/equalities_and_diversity_at_richmond/equality_impact_needs_assessment.htm).

6. Examine the highest scoring services/functions to see if any action had been taken to meet the public sector equality duty. If no action has been taken, decide whether and when action is required to do so.
7. In this way the exercise will help you to prioritise and focus on those areas which need to be assessed in which business planning cycle.

### **Screening for Relevance template and Equality Information Audit table:**

Results from both the information audit and screening for relevance will be published and open to stakeholder scrutiny and engagement..Please provide a summary paragraph where no relevance to one or more parts of the equality duty has been assessed.

Under the duty we need to be able to produce a clear rationale as to why there is no relevance to a protected characteristic or one or more parts of the duty. It is important to use information and evidence that you have obtained from the audit exercise and other sources to inform the screening for relevance assessment. At this stage it an initial screening only. A full assessment and analysis will be undertaken as part of a rolling programme, which will be aligned to business planning cycles. The Public sector equality duty is a continuous duty to all areas assessed as relevant.

**Public Sector Equality Duty 2011: Screening for Relevance**

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Service/ Function	Are the areas listed below relevant to your service/ function? Please answer H, M or L for 'High' Medium or Low'											
	Age	Sex	Race	Disab'	Re&B	SO	GeR	P&M	M&CP	Eliminating discrimination, harassment or victimisation	Advancing equality of opportunity between different groups	Fostering good relations
1. Governance (See Overleaf)	H	H	H	H	L	L	L	L	L	H	H	H
2. Member Services	H	H	H	H	H	H	H	H	H	H	H	H
3. Scrutiny (See overleaf)										H	H	H
4. Civic	H	H	H	H	H	H	H	H	H	H	H	H
5.												
6.												
7.												
8.												
9.												
10.												

Legend			
Age	Age	Sex	Sex
Race	Race	Disab'	Disability
Re&B	Religion and Belief	SO	Sexual orientation
GeR	Gender re-assignment	P&M	Pregnancy and maternity



## **Rationale for no relevance to one or more protected characteristics or one or more parts of the duty:**

### **Governance:**

This function ensures that recruitment process for panels/ committees/ working group members take account of equality and diversity matters – members have been offered training on Equality and diversity as part of their ongoing member development programme. Governance also:

- ❖ Ensures that meetings are accessible for all representatives of the community, including disabled access
- ❖ Provision of appropriate facilities – e.g. physical access, differing formats of information (including translation on request to another language, larger font size, Braille) and training for staff.
- ❖ Information which is provided to the public on facilities available
- ❖ Ensure that every member , including co-opted members, signs up to the LBRuT Code of Conduct for Councillors
- ❖ Draft and disseminate protocols for use at public meetings
- ❖ Ensure any incidents recorded as Accident/Incident procedure

### **Scrutiny:**

The scrutiny function is member led and conducts reviews on varying issues. The level to which the protected characteristics are considered depends upon the topic of the review. For example, a review into maternity services will have a disproportionate focus on women of a certain age group (race, religion and belief will also be taken into account in such a review) vis-à-vis the other protected characteristics and the issue is not likely to affect men older members of society. However a review on Parks services will consider the equality implications for majority of protected characteristics.

There may be occasions where scrutiny focuses on the needs of a group with a number of protected characteristics (one could argue positively discriminating) in order to advance equality of opportunity for that group.

Scrutiny is a non executive function therefore other than treating all persons impartially and with respect whilst ensuring accessibility to reviews, documents and meetings:

- ❖ Ensuring that meetings are accessible for all representatives of the community, including disabled access
- ❖ Provision of appropriate facilities – e.g. physical access, differing formats of information (including translation on request to another language, larger font size) and training for staff.
- ❖ Information which is provided to the public on facilities available; it cannot eliminate discrimination, victimisation or harassment. It can however have due regard to these issues and make recommendations about the impact a service may have on these.
- ❖ Ensure any incidents recorded as Accident/Incident procedure