



## Shropshire Equality and Social Inclusion Impact Assessment (ESIIA)

### Contextual Notes 2014

#### *The What and the Why:*

The Equality and Social Inclusion Impact Assessment (ESIIA) tool replaces the Equality Impact Needs Assessment (EINA) tool previously in use by Shropshire Council. It is a tool to help us to identify whether or not any new or significant changes to services, including policies, procedures, functions or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

What we are now doing is broadening out such assessments to consider social inclusion. This is so that we are thinking as carefully and completely as possible about all groups and communities in Shropshire, including people in rural areas and people we may describe as vulnerable, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, eg Age, eg Gender Reassignment. We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging or delivering services.

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services, such as through a new policy or a change in procedure. Carrying out ESIIAs helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010 to have what is called *due regard* to the three equality aims in our decision making processes. These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

#### *The How:*

The assessment comprises two parts: a screening part, and a full report part.

**Screening (Part One)** enables energies to be focussed on the service changes for which there are potentially important equalities and human rights implications. If screening indicates that the impact is likely to be positive overall, or is likely to have a medium or low negative or positive impact on certain groups of people, a full report is not required. Energies should instead focus on review and monitoring and ongoing evidence collection, enabling incremental improvements and adjustments that will lead to overall positive impacts for all groups in Shropshire.

A **full report (Part Two)** needs to be carried out where screening indicates that there are considered to be or likely to be significant negative impacts for certain groups of people, and/or where there are human rights implications. If you are not sure, a full report is recommended, as it enables more evidence to be collected that will help you to reach an informed opinion.

## Shropshire Council Part 1 ESIIA: initial screening and assessment

*Please note: prompt questions and guidance within boxes are in italics. You are welcome to type over them when completing this form. Please extend the boxes if you need more space for your commentary.*

### Name of service change

Transfer of the delivery of certain regulatory services comprising Development Management, Building Control, Land Charges, Street Naming and Numbering and Local Land and Property Gazetteer, Public Protection (including Trading Standards, Environmental Health and Licensing functions and Parking Enforcement), Historic and Natural Environment and the Regulation of Private Sector Housing to ip&e Ltd.

ip&e Ltd (Inspiring Partnerships & Enterprise Ltd) is a wholly owned Council company that provides public services on behalf of Shropshire Council. It aims to enable the Council to reinvest profit from any trading back into services.

### Aims of the service change and description

The long-term aim of the transfer is to protect the delivery of key statutory services that the Council has a legal duty to deliver. At this stage the intention is to transfer delivery of the services on a 12 month interim basis. This will involve the secondment of relevant staff into ip&e Ltd. It will allow work on the new methods of service delivery and savings to commence whilst further work is undertaken to establish an appropriate employment arrangement that will allow lawful regulatory decision making and the exercise of statutory powers to continue. It will also allow further work to be undertaken to create opportunities to legally generate income.

The new methods of service delivery aim to reduce operating costs and support costs and create a commercial support service that will generate new and increasing income streams. This aims to deliver savings for the Council by closing the funding gap that future reductions in central Government funding will create and enhance the opportunities that the Council has to maintain the delivery of adequate statutory services.

The longer term commissioning options will be the subject of further consideration by the Council during the 12 month interim period.

### Intended audiences and target groups for the service change

The service change impacts on a wide range of stakeholders. An indication of the extent is given by in the list below:

- Whole population, e.g. residents, businesses, Elected Members, MPs
- Local authority cross-border, regional and national enforcement working arrangements e.g. regional enforcement partnerships such as the Staffordshire & Shropshire Food Liaison Group, CEntSA, Scambusters, Illegal Money Lending Team, West Mercia Pollution group, Midlands Joint Advisory Council for Environmental Protection
- Town and Parish Councils
- Community and voluntary groups/agencies, e.g. Local & National Citizen Advice Bureaux, Residents Associations, Civic Societies, Neighbourhood Forums
- Trade organisations/groups, e.g. Planning Agents Forum, Federation of Small

Businesses, Chamber of Commerce, National Farmers Union

- National government agencies, e.g. Defra, DCLG, Food Standards Agency, Health & Safety Executive, Environment Agency, Drinking Water Inspectorate
- West Mercia Police and other police forces, Natural England, Environment Agency, English Heritage, Planning Inspectorate, HM Land Registry
- The Marches Local Enterprise Partnership (LEP)
- Local Nature Partnership

### **Evidence used for screening of the service change**

The primary evidence used in developing the proposal to transfer the delivery of the service into ip&e Ltd is the Council's past and future financial savings targets and the impact this has had and will continue to have on service area budgets, staffing numbers and on the resilience and the level and quality of the services that can be delivered now and in the future.

As part of the appraisal process additional evidence focussing on risk factors was also brought together and considered including:

- Risk of legal challenge
- Real or perceived conflicts of interest
- Operational flexibility
- Service delivery/quality
- Employment and HR risks
- Flexibility to control costs
- Ability to maximise income streams

### **Specific consultation and engagement with intended audiences and target groups for the service change**

Formal consultation with communities, service users, partners and stakeholders took place between 12 May 2014 and 4 July 2014 via the Council's consultation web portal and additionally around 650 key stakeholders, partners and town and parish councils were asked directly to comment via email. This consultation was based on presenting a subsidiary of ip&e Ltd as the proposed delivery model or alternatively the services remaining within the Council. The feedback and outcomes of the consultation were detailed in a report to Cabinet in July 2014. In summary, whilst the feedback was limited, it did not result in any significant changes. The concerns raised had already been identified and accounted for in the ongoing redesign work of the services.

The current proposal for the Services to be delivered by ip&e Ltd and not by a separate subsidiary company is a shift from the options that were originally consulted upon between May 2014 and July 2014. However, the practical effect of this change does not produce a materially different set of circumstances, particularly from the consultee's perspective; consequently further statutory consultation has not been undertaken. (Note: Statutory consultation differs from the common law right to be consulted and is, in effect, an extension of the democratic process that informs a Council decision.) The key point is that the Council is moving the services from direct provision to provision through a council owned company.

## Potential impact on Protected Characteristic groups and on social inclusion

### Guidance notes on how to carry out the initial assessment

Using the results of evidence gathering and specific consultation and engagement, please consider how the service change as proposed may affect people within the nine Protected Characteristic groups and people at risk of social exclusion.

1. Have the intended audiences and target groups been consulted about:
  - their current needs and aspirations and what is important to them;
  - the potential impact of this service change on them, whether positive or negative, intended or unintended;
  - the potential barriers they may face.
2. If the intended audience and target groups have not been consulted directly, have representatives been consulted, or people with specialist knowledge, or research explored?
3. Have other stakeholder groups and secondary groups, for example carers of service users, been explored in terms of potential unintended impacts?
4. Are there systems set up to:
  - monitor the impact, positive or negative, intended or intended, for all the different groups;
  - enable open feedback and suggestions from a variety of audiences through a variety of methods.
5. Are there any Human Rights implications? For example, is there a breach of one or more of the human rights of an individual or group?
6. Will the service change as proposed have a positive or negative impact on fostering good relations?
7. Will the service change as proposed have a positive or negative impact on social inclusion?

### Guidance on what a negative impact might look like

<b>High Negative</b>	Significant potential impact, risk of exposure, history of complaints, no mitigating measures in place or no evidence available: urgent need for consultation with customers, general public, workforce
<b>Medium Negative</b>	Some potential impact, some mitigating measures in place but no evidence available how effective they are: would be beneficial to consult with customers, general public, workforce
<b>Low Negative</b>	Almost bordering on non-relevance to the ESIA process (heavily legislation led, very little discretion can be exercised, limited public facing aspect, national policy affecting degree of local impact possible)

## Initial assessment for each group

Please rate the impact that you perceive the service change is likely to have on a group, through inserting a tick in the relevant column.

<b>Protected Characteristic groups and other groups in Shropshire</b>	<b>High negative impact</b> <i>Part Two ESIIA required</i>	<b>High positive impact</b> <i>Part One ESIIA required</i>	<b>Medium positive or negative impact</b> <i>Part One ESIIA required</i>	<b>Low positive or negative impact</b> <i>Part One ESIIA required</i>
<b>Age</b> (please include children, young people, people of working age, older people. Some people may belong to more than one group eg young person with disability)				✓
<b>Disability</b> (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)				✓
<b>Gender re-assignment</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
<b>Marriage and Civil Partnership</b> (please include associated aspects: caring responsibility, potential for bullying and harassment)				✓
<b>Pregnancy &amp; Maternity</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
<b>Race</b> (please include: ethnicity, nationality, culture, language, gypsy, traveller)				✓
<b>Religion and belief</b> (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				✓
<b>Sex</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
<b>Sexual Orientation</b> (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				✓
<b>Other: Social Inclusion</b> (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people you consider to be vulnerable)				✓

## Decision, review and monitoring

Decision	Yes	No
Part One ESIIA Only?	✓	
Proceed to Part Two Full Report?		✓

***If Part One, please now use the boxes below and sign off at the foot of the page. If Part Two, please move on to the full report stage.***

### **Actions to mitigate negative impact or enhance positive impact of the service change**

Overall, the transfer of the delivery of the services into ip&e Ltd will continue to deliver the in-scope services without adversely impacting on any of the protected characteristic groups listed above. It is likely that the impact will be neutral to low positive but with the potential, in the longer term, to provide a medium positive impact on a number of the groups. This is on the basis that the commercial support service creates sufficient income to improve the level and quality of service delivery to all the population, including the protected characteristic groups specifically identified above. The fundamental nature of the in-scope services are such that they focus on issues that do impact on a number of the protected characteristic groups. However, the very fact that the delivery of the services is transferring to ip&e Ltd, will, not of itself, lead to an impact (either positive or negative) on any of the groups. However, it is recognised that it will be a key role of the commissioners to monitor the impact of the 12 month interim arrangement and to seek feedback from relevant groups to ensure the impact of the change remains at least neutral. If it is found that there is a negative impact, it will be necessary to determine the action required to address this negative impact.

The initial transfer does not change the policies or practices that the services currently operate under. Any developments post the transfer will not be implemented without additional ESIIA(s) being completed. As the new service delivery model develops over the next 12 months further consultation/assessment, as necessary, will be undertaken before decisions are taken about the future commissioning options for these services.

### **Actions to review and monitor the impact of the service change**

An outline framework has been developed setting out the governance arrangements that will be in place. The framework includes:

- provision by ip&e Ltd of financial and performance information as required by the service contract
- a system of quality auditing by the commissioners, being officers with knowledge and appropriate experience of the in-scope services
- regular performance management meetings between the two parties
- oversight through existing council governance arrangements supporting the strategic contract with ip&e Ltd
- a specific service contract governance board that acts in an advisory capacity to

Cabinet/Council; portfolio holders will sit on this board

- an annual review process including review of locally set statutory fees and an annual report to Cabinet explaining the results of the annual review and overall performance against the contract

The proposed governance arrangements also include control arising from the direct line management from the Council of the senior officer with delegated responsibility for the various statutory duties, decisions and powers; the senior officer being one of the staff seconded by the Council into ip&e Ltd. The secondment agreement between the Council and ip&e Ltd will set out this arrangement. The line management for the purposes of officers involved in statutory decision making will flow from the senior officer down through the management tree of the Services to all other officers who are seconded for the purpose of making delegated decisions and/or authorised for the purpose of exercising legal powers.

The service contract will include requirements for ip&e Ltd to ensure on-going wider member engagement. In addition, appropriate member involvement and oversight will be ensured through relevant portfolio holders. The portfolio holders will be members of the Contract Governance Board and will receive the performance monitoring and financial information that is submitted to this Board. The Council will be advised through the normal decision making channels, including the portfolio holders and Cabinet, as appropriate. In addition, the governance framework includes the requirement for an annual report to Cabinet.

Elected Members, in their role as community representatives/leaders, will be key in understanding the impact on communities. Feedback will be sought from Members to inform the ongoing review and monitoring of the impact of the transfer and will be fed into the process prior to the commissioning options being brought back before Cabinet.

### Scrutiny at Part One screening stage

People involved	Signatures	Date
Lead officer carrying out the screening Frances Darling, Senior Commissioner	Frances M. Darling	3/2/15
Any internal support Miranda Garrard, Specialist Commissioner	MC Garrard	03/2/15
Kieron Smith, Specialist Commissioner	KS Smith	03/2/15
Paul McGreary, Head of Public Protection	Paul McGreary	03.02.15
Any external support (None)	N/A	N/A
Head of service Paul McGreary	Paul McGreary	03.02.15

### Sign off at Part One screening stage

Name	Signatures	Date
Lead officer's name		

Frances Darling	Frances M. Darling	3/2/15
Head of service's name Paul McGreary	Paul McGreary	03.02.15

## Shropshire Council Part 2 ESIIA: full report

### Guidance notes on how to carry out the full report

The decision that you are seeking to make, as a result of carrying out this full report, will take one of four routes:

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

The Part Two Full Report therefore starts with a forensic scrutiny of the evidence and consultation results considered during Part One Screening, and identification of gaps in data for people in any of the nine Protected Characteristic groups and people who may be at risk of social exclusion, eg rural communities. There may also be gaps identified to you independently of this process, from sources including the intended audiences and target groups themselves.

The forensic scrutiny stage enables you to assess:

- **Which gaps need to be filled right now, to help you to make a decision about the likely impact of the proposed service change?**

This could involve methods such as: one off service area focus groups; use of customer records; examination of data held elsewhere in the organisation, such as corporate customer complaints; and reference to data held by similar authorities or at national level from which reliable comparisons might be drawn, including via the Rural Services Network. Quantitative evidence could include data from NHS Foundation Trusts, community and voluntary sector bodies, and partnerships including the Local Enterprise Partnership and the Health and Well Being Board. Qualitative evidence could include commentary from stakeholders.

- **Which gaps could be filled within a timeframe that will enable you to monitor potential barriers and any positive or negative impacts on groups and individuals further along into the process?**



This could potentially be as part of wider corporate and partnership efforts to strengthen the evidence base on equalities. Examples would be: joint information sharing protocols about victims of hate crime incidents; the collection of data that will fill gaps across a number of service areas, eg needs of young people with learning disabilities as they progress through into independent living; and publicity awareness campaigns that encourage open feedback and suggestions from a variety of audiences.

Once you have identified your evidence gaps, and decided on the actions you will take right now and further into the process, please record your activity in the following boxes. Please extend the boxes as needed.

**Evidence used for assessment of the service change: activity record**

*How did you carry out further research into the nine Protected Characteristic groups and those who may be at risk of social exclusion, about their current needs and aspirations and about the likely impacts and barriers that they face in day to day living?*

*And what did it tell you?*

**Specific consultation and engagement with intended audiences and target groups for the service change: activity record**

*How did you carry out further specific consultation and engagement activity with the intended audiences and with other stakeholders who may be affected by the service change?*

*And what did it tell you?*

**Further and ongoing research and consultation with intended audiences and target groups for the service change: activity record**

*What further research, consultation and engagement activity do you think is required to help fill gaps in our understanding about the potential or known affect that this proposed service change may have on any of the ten groupings and on the intended audiences and target groups? This could be by your service area and/or at corporate and partnership level.*

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### Full report assessment for each group

*Please rate the impact as you now perceive it, by inserting a tick. Please give brief comments for each group, to give context to your decision, including what barriers these groups or individual may face.*

Protected Characteristic groups and other groups in Shropshire	High negative impact	High positive impact	Medium positive or negative impact	Low positive or negative impact
<b>Age</b> (please include children, young people, people of working age, older people. Some people may belong to more than one group eg young person with disability)				
<b>Disability</b> (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)				
<b>Gender re-assignment</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
<b>Marriage and Civil Partnership</b> (please include associated aspects: caring responsibility, potential for bullying and harassment)				
<b>Pregnancy &amp; Maternity</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
<b>Race</b> (please include: ethnicity, nationality, culture, language, gypsy, traveller)				
<b>Religion and belief</b> (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				
<b>Sex</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
<b>Sexual Orientation</b> (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				

Other: Social Inclusion (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people you consider to be vulnerable)				
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## ESIA Full Report decision, review and monitoring

### Summary of findings and analysis - ESIA decision

*You should now be in a position to record your decision. Please highlight in bold the route that you have decided to take.*

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

*Please add any brief overall comments to explain your choice.*

*You will then need to create an action plan and attach it to this report, to set out what further activity is taking place or is programmed that will:*

- *mitigate negative impact or enhance positive impact of the service change,*
- AND
- *review and monitor the impact of the service change*

*Please try to ensure that:*

- *Your decision is based on the aims of the service change, the evidence collected, consultation and engagement results, relative merits of alternative approaches and compliance with legislation, and that records are kept;*
- *The action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.*

## Scrutiny at Part Two full report stage

People involved	Signatures	Date
Lead officer		
Any internal support		
Any external support		
Head of service		

## Sign off at Part Two full report stage

Signature (Lead Officer)	Signature (Head of Service)
Date:	Date:

## Appendix: ESIIA Part Two Full Report: Guidance Notes on Action Plan

Please base your action plan on the evidence you find to support your decisions, and the challenges and opportunities you have identified. It could include arrangements for:

- continuing engagement and involvement with intended audiences, target groups and stakeholders;
- monitoring and evaluating the service change for its impact on different groups throughout the process and as the service change is carried out;
- ensuring that any pilot projects are evaluated and take account of issues described in the assessment, and that they are assessed to make sure they are having intended impact;
- ensuring that relevant colleagues are made aware of the assessment;
- disseminating information about the assessment to all relevant stakeholders who will be implementing the service change;
- strengthening the evidence base on equalities.

Please also consider:

- resource implications for in-house and external delivery of the service;
- arrangements for ensuring that external providers of the service are monitored for compliance with the Council's commitments to equality, diversity and social inclusion, and legal requirements including duties under the Equality Act 2010.

And finally, please also ensure that the action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.

These are:

- Eliminating discrimination, harassment and victimisation
- Advancing equality of opportunity
- Fostering good relations

***Note for 2014 refresh of our corporate equality impact assessment approach: Shropshire Council has referred to good practice elsewhere in refreshing the EINA material and replacing it with this ESIIA material. The Council is grateful in particular to Leicestershire County Council, for graciously allowing use to be made of their Equality and Human Rights Impact Assessments (EHRIs) material and associated documentation.***

***For further information on the use of ESIIAs: please contact your head of service or contact Mrs Lois Dale, Principal Rural Policy Officer and internal policy support on equality, via telephone 01743 255667, or email [lois.dale@shropshire.gov.uk](mailto:lois.dale@shropshire.gov.uk).***

