

# Information

Sheet Number: 2013-17/205
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for County Councillors

From:	Scott Wooldridge, Governance Manager
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Date:	2 February 2016
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To:	All County Councillors
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## Decision Makers and Legal Duties - Impact Assessments and Statutory Duties

All decision makers within Somerset County Council have a legal duty and responsibility to consider the affect that decision will have on:

- People from the protected characteristics identified under the Equality Act
- How safe people feel within their community and around Somerset
- How safe the data is that we hold on people
- How safe are staff our in their working environment
- What effect it will have on the environment
- How we can support communities within Somerset to get along better

To aid Members involved in setting the Annual Budget at February's Full Council meeting, the Council uses impact assessments to assist decision makers meet their statutory duties and make robust decisions in a practical and proportionate way.

If you are taking a decision you should be made aware of any impact assessment that has been completed and you **must** use it to inform your decision. Some of the budget savings proposals before the Council in February will be supported by an impact assessment and it is essential that all members read and understand these impacts before the Council takes any decisions on the budget. Even where a full impact assessment has not been considered necessary, decision makers need to have due regard to relevant issues prior to taking the decision. Report authors are therefore required to explain any due regard issues within the report to be considered by a decision maker even where a full impact assessment is not considered necessary and any issues will be recorded on the decision record. Where impact assessments have been completed they will also include information on mitigating measures for any impacts that have been identified. The impact assessment will also include a recommendation as to whether or not the proposal should continue in its current form or if it needs to be amended or changed completely.

For the Medium Term Financial Plan a summary assessment has been prepared at Appendix F Summary of Key Impacts and this can be viewed at

<http://www1.somerset.gov.uk/council/board3d/Paper%20B%20Appendix%20F%202016-17%20Summary%20of%20Impacts.pdf> . This looks at the impact assessments completed for

Cabinet and Full Council in February to assist with identification of any key issues. This does not replace the need for decision makers to familiarise themselves with the individual assessments.

Attached to this information sheet is a guidance document for Members that will help with questions to ask when paying due regard.

To view the budget impact assessments that have been completed for the MTFP 2016-17 then please visit the following internet page: [www.somerset.gov.uk/impactassessment](http://www.somerset.gov.uk/impactassessment)

Hardcopies of the budget impact assessments were available at the Scrutiny Committee meetings and will be available for inspection at the Cabinet and Full Council meetings.

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## Member Checklist for Equality Act 2010

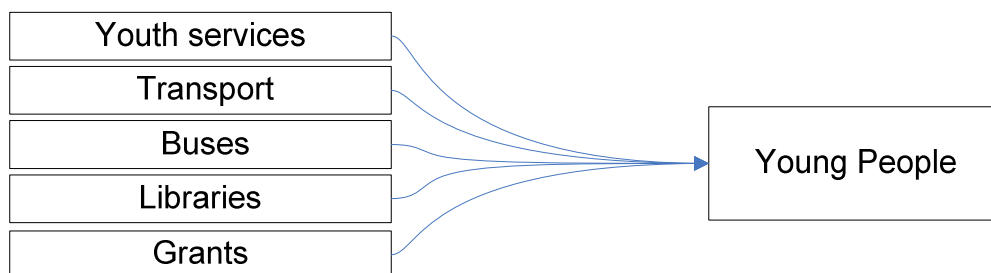
### Things to consider when Demonstrating Due Regard

#### Questions to ask yourself

- Do you feel you have had sufficient training to take this decision?
- Do you understand what you are being asked to make a decision on - is the description clear?
- Is the evidence and data sufficient and giving you confidence that the impact assessment is robust?
- Are the impacts what you would expect to see?
- Where the officer considers there to be no impact has justification for this being given?
- Does the decision affect more than one of the Protected Characteristics?
- Is there evidence that all three of the General Equality Duty have been considered? (see below)?
- Does the impact assessment evidence that equality impacts have been considered from the start of the process?
- Where appropriate, are we working with Partners to identify impacts and achieve mitigation?
- Is the mitigation for the impacts achievable and realistic?
- How do the impacts identified fit with the other elements of the decision (financial, legal etc). Do you have enough information to make the decision?

#### For large decisions such as budget planning please consider the following:

- If a set of smaller decisions are taken together will they have a greater impact on the Protected Characteristics or geographical groups?



#### Potential Remedies for concerns

- Check with the officer on areas you are unclear.
- Delay the decision to improve the information you have and the quality of the assessment
- Do not take the decision
- Ask for an alternative way forward to be identified and worked through

#### General Equality Duties

- Eliminate unlawful discrimination, harassment, victimisation
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

#### Protected Characteristics identified through the Equality Act 2010

Age	This refers to a person belonging to <ul style="list-style-type: none"><li>• a particular age (e.g. 42 year olds)</li><li>• or range of ages (e.g. 18 - 30 year olds)</li></ul>
Disability	A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

	Different disabilities will have different effects on peoples lives; a person with a mobility impairment may require ramps, a lift or hand rails to help the get into and around buildings; a person with a visual impairment will require written documentation in either a larger font or a different format all together. The Equality Act 2010 places duties on providers of service to make reasonable adjustments to the way service is provided. This can mean that people with a disability receive favourable treatment to make sure they receive the same services as the wider community.
Gender Reassignment	Gender Reassignment covers the whole process of transitioning from one gender to another. This begins at the individuals decision to start the process and continues for their life time.
Marriage and Civil Partnership	The Equality Act defines marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.
Pregnancy and Maternity	Maternity refers to the period of 26 weeks after the birth, which reflects the period of a woman's ordinary maternity leave entitlement in the employment context.
Race	It refers to a group of people defined by their race, colour, nationality (including citizenship) ethnic or national origins and includes Gypsies and Travellers.
Religion or Belief	<p>The Equality Act, advise that religion or belief 'must have a clear structure and belief system'. Denominations or sects in a religion are also religions.</p> <p>Belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition. Political beliefs are specifically excluded.</p>
Sex	Women, men, girls, boys,
Sexual orientation	A person's attraction towards their own sex, the opposite sex or both sexes and includes: Lesbian, Gay, Bi-sexual and Heterosexual
Carers through association with disability and age	Carers provide care for anyone (e.g. a parent, child, other relative, an elderly person, friend or neighbour) who has any form of disability (sensory loss, physical, learning disability, mental health problem) long or terminal illness?
<b>Protected Characteristics adopted locally</b>	
Rurality	This term relates to a person whose home is not in a large town or city. Because of this they may become isolated and/or find it harder to access services
Low income	Families or individuals who are existing on a low income. This could be due to a disability, where they live or their employment status.
Military status	Military status aims to look at the effect on currently serving armed forces personnel (including reservists), their families and veteran forces personnel and their families

Rurality

Low Income

Gender Reassignment

Sexual Orientation

Marriage and Civil  
Partnership

Sex

Age

**Protected Characteristics**

Disability

Military Status

Carers

Pregnancy and Maternity

Race (including Gypsies  
and Travellers)

Religion and Belief