

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Draft Local Government (Wales) Bill
Name of official:	
Department:	EPS
Date:	
Signature:	

1. Please provide a brief description of the policy/decision

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

This Equality Impact Assessment relates to the Draft Local Government (Wales) Bill (“the Draft Bill”), published in November 2015 alongside a public consultation document and draft Explanatory Memorandum, including a draft regulatory impact assessment.

The Draft Bill proposes a wide range of fundamental reforms to Local Government to ensure strong performance, robust democracy, good governance, and effective delivery for communities. These reforms include:

- A programme of Local Authority mergers, establishing new counties and councils.
- Measures to provide greater transparency in County Council governance and procedures, including supporting public participation, introducing corporate planning, compulsory annual reporting by Elected Members, clarifying roles of elected members and officials, and compulsory broadcasting of council meetings.
- Measures to strengthen the diversity of leadership.
- Measures to manage performance among senior officials and County Council members, with a strengthened role for Standards Committees in relation to member performance.
- Reforming and strengthening Community Councils, including holding a review of Community Council arrangements, and introducing a system for recognising ‘competent’ Community Councils.
- Setting up Community Area Committees led by Elected Members to engage effectively with communities and improve local decision-making.
- Providing County Councils and Community Councils with Competence with a General Power of Competence, allowing them to become more innovative and to explore alternative models of service delivery.
- Redesigning the approach to County Council performance management and improvement through self assessment and peer review.
- Strengthening the role of local democratic scrutiny and strengthening the links between audit inspection and regulation bodies.
- Establishing a statutory Public Services Staff Commission.

The Draft Bill has been developed through three White Papers.

The first White Paper, *Reforming Local Government* outlined the Welsh Government's response to the findings of the Commission on Public Service Governance and Delivery in relation to Local Government. It proposed major reform to Local Government through two pieces of primary legislation. The first piece, puts in place preparations for a programme of Local Government mergers and reform, such as the setting up of Transition Committees and enabling the Local Democracy and Boundary Commission for Wales to undertake preparatory work in advance of mergers. This was introduced to the National Assembly in January 2015.

The second White Paper, *Public Services Staff Commission*, was launched in October 2014. It proposed the establishment of a Staff Commission to develop and disseminate good practice in workforce arrangements across public services. The Staff Commission was established on a non-statutory basis in autumn 2015.

The third White Paper, *Reforming Local Government: Power to Local People*, was published in February 2015. It focused on the internal development of Local Authorities to complement and support the structural reform set out in the first White Paper, *Reforming Local Government*. It proposed a range of fundamental reforms to ensure strong performance, robust democracy, good governance and effective delivery for communities. These proposals form the basis of this Draft Bill published for consultation.

It is intended that a Bill based upon the Draft Bill will be introduced into the National Assembly following the 2016 Assembly elections. It is anticipated that a further Equality Impact Assessment will be published at this point.

2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

This EIA is published alongside the Draft Bill and the accompanying consultation document and additional proposals. The proposals have been informed by a formal public consultation on the White Paper *Reforming Local Government: Power to Local People*, which outlined the Welsh Minister's original legislative proposals.

Several versions of that consultation were published, including in plain English, and a version for children and young people. The version for children and young people contained shorter and simpler survey questions focusing on the issues of greatest interest to a younger audience. All versions were available in English and Welsh. The consultation was also available as a Snap web-based survey, compliant with Level 3 of the WAI W3C web accessibility standards.

The consultation specifically asked for views on the potential impacts of the proposed changes on people with protected characteristics. The Welsh Government used its

stakeholder networks, including those of the Equalities Division, to encourage a wide range of responses from different groups of people. A number of events were held across Wales specifically aimed at people with protected characteristics, with the content and format adapted according to the group. Respondents to the consultation and associated stakeholder events included the Welsh Local Government Association (WLGA), One Voice Wales, the Wales Council for Voluntary Action (WCVA), the Equalities and Human Rights Coalition, Gwent Older People's Forum, the Children's Commissioner, the Older People's Commissioner, the Welsh Language Commissioner and the Equality and Human Rights Commission in Wales. Four workshops for the third sector gave a range of voluntary groups representing or working with people with protected characteristics the opportunity to respond.

A public awareness campaign was also conducted to achieve as wide a public response to the proposals as possible, which included advertising on social media, radio, bus and newspaper advertising. More than 700 responses from members of the public were received.

The online consultation on the White Paper asked a series of questions on the potential effects of the proposals on equalities. Relatively few public respondents answered these questions, which was likely due to the fact that few proposals in the White Paper relate specifically to equalities. Many responses commented on equalities issues more generally, rather than in relation to the impacts of these proposals. The strongest emerging theme was that the proposed reforms were likely to encourage a greater diversity of representation in Local Government, and that more transparent and open Local Government would be likely to benefit equalities generally. A small number of respondents explicitly suggested equalities had not been discussed sufficiently by the proposals, although a similar number suggested that the White Paper over-emphasised equalities.

The Welsh Ministers have considered this feedback, alongside the responses relating to individual proposals set out in the White Paper. Given that few negative impacts on equalities as a direct result of this Bill have been identified, and few opportunities to strengthen the impacts on equalities were identified, the Welsh Ministers have not made any changes to the proposals that were in the White Paper and which are being pursued in the draft Bill with regards to equality. More general amendments have however, been made to a number of specific provisions.

The potential impact of the draft Bill and the further proposals set out in the consultation document on equalities will continue to be assessed and monitored. The publication of the Draft Bill and the accompanying consultation document gives stakeholders an opportunity to make their views known on these proposals, and to influence the Local Government (Wales) Bill as introduced to the National Assembly, which is anticipated to take place following the elections in 2016.

The Draft Bill and accompanying consultation document will be published in English and Welsh. Large print, Braille and alternative language versions will be available on request. A summary and analysis of the consultation responses will be published on the Welsh Government website and all responses will be available to view. The views expressed through the consultation will form part of the evidence used by the Welsh Minister to inform the proposals in the Local Government (Wales) Bill when introduced to the National Assembly.

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

Below is a list of the main sources of evidence considered when developing the Draft Bill.

The report of the Commission on Public Service Governance and Delivery

The Commission on Public Service Governance and Delivery (“the Commission”) reported on how public services in Wales are governed and delivered, and how this needs to change to meet the needs of people today, and in order to sustainably meet future challenges. The Commission made 62 recommendations for the reform of public services in Wales, many of which related to Local Government. In particular, the Commission made recommendations relating to merging Local Authorities; reform of community governance; partnership working; governance and accountability; the role of scrutiny; information management and digital services; performance management; and leadership, culture and values.

In reaching its conclusions, the Commission considered various reports, research and analysis on public service governance and delivery in Wales, the rest of the UK, and internationally. It also commissioned its own research from Cardiff Business School, and considered the 2013 National Survey for Wales. The Commission also gathered evidence from a wide range of organisations, through the following methods:

- An open call for written evidence was directly issued to over 1,000 organisations and individuals, and was also available online. This call engaged both service users and service providers. The call for service user evidence was drafted with Welsh Government social researchers to ensure its accessibility to a broad audience.
- An intensive programme of formal Commission meetings taking oral evidence.
- Research reviews through the Public Policy Institute, together with an active search for research, performance information and reviews from as diverse a range of sources as possible.
- A series of public drop-in workshops across Wales, including attendance at the Royal Welsh Show and the National Eisteddfod.

The Welsh Government’s response to the Commission’s recommendations was published in the two White Papers: *Devolution, Democracy and Delivery: Improving Public Services for People in Wales*, and *Reforming Local Government: Power to Local People*.

The evidence base for the Draft Bill

The Draft Bill is based on the proposals discussed in the White Paper *Reforming Local Government: Power to Local People*, and the responses received to the public consultation on that White Paper. The White Paper included an extensive list of evidence sources underpinning the policy proposals.

As outlined above, 726 results were received to the 12-week consultation on the White Paper, which closed in April 2015. A range of questions specifically asked for views on the potential impacts of the proposals on people with protected characteristics. A range of stakeholder events were held across Wales specifically aimed at people with protected characteristics. The evidence gathered was analysed by Welsh Government social researchers, and used by the Welsh Minister to inform the Draft Bill.

During the development of the White Paper, the Welsh Government commissioned a number of reviews and specific pieces of research. This sought to provide evidence where the base was otherwise weak, including attitudes towards Local Government, diversity in Local Government, community governance, and co-production. The Welsh Government research also sought to review the effectiveness of its current policies, including those on audit, inspection and regulation; Local Government scrutiny; operation of the executive and scrutiny system in Local Government, and implementation of the Local Government (Wales) Measure 2011.

Officials also held meetings with a number of stakeholders during the development of the White Paper, which have formed part of the evidence informing the Draft Bill. These included three workshops with leaders and Chief Executives of Local Authorities, chaired by the Minister for Public Services, and two policy workshops with Local Government senior management. Officials attended meetings of the WLGA heads of policy and democratic services networks, and face to face meetings were held with WLGA officers, WCVA officers, UK Government officials, One Voice Wales, Society for Local Council Clerks, Wales Audit Office, Estyn, Care and Social Services Inspectorate Wales, Centre for Public Scrutiny and others. Briefing meetings were also held with the Welsh Language Commissioner, the Children's Commissioner, the Older People's Commissioner for Wales, and the Equalities and Human Rights Commissioner for Wales.

A wide range of published research was also used to develop the White Paper, and the Draft Bill. Some of the main sources, including Welsh Government-commissioned research, are listed below.

Local Government Reform

1. *British local government reform: the nineteenth century and after*, J.P.D.Dunbabin, The English Historical Review, Vol.92, No.365, 1977
2. *Paving the way: Helping Councils Prepare for the Future*, Local Government Reorganisation Bulletin No 2, Audit Commission, 1996
3. *All Change: Managing reorganisation and beyond*, Local Government Reorganisation Bulletin No 4, Audit Commission, 1996
4. *Local Voices: Modernising Local Government in Wales*, Welsh Office, 1998
5. *A new partnership? The National Assembly for Wales and Local Government*, Laffin, Taylor and Thomas, Joseph Rowntree Foundation, 2002
6. [The Lyons Inquiry into Local Government](#), 2007

7. [*The Relational State*](#), IPPR, 2012
8. [*Learning to Improve: An Independent Assessment of the Welsh Government's Policies for Local Government, 2007-2011*](#), Cardiff Business School, Welsh Government Social Research, 2013
9. [*Making Sense of the Future*](#), INLOGOV, University of Birmingham, 2013
10. [*Moving beyond the market: a new agenda for public services*](#), NEF, 2014
11. [*The Condition of Britain*](#), IPPR, 2014

Local Government Governance and Performance

1. [*Report into How the Local Government Act 2000 is Working*](#), The Transport, Local Government and the Regions Committee, 2002
2. [*The Operation of New Political Management Structures in Local Government*](#), Local Government and Public Services Committee, National Assembly for Wales, 2004,
3. [*Frontline councillors and decision making*](#), Tracy Gardiner, Joseph Rowntree Foundation, 2006
4. [*A Shared Responsibility*](#), Welsh Assembly Government, 2007
5. [*Joint inspectorates' review of inter-agency arrangements and practice to safeguard and protect children in Pembrokeshire*](#), CSSIW, 2011
6. [*A report on the quality of local authority education services for children and young people in Pembrokeshire County Council*](#), Estyn, 2012
7. [*Special Inspection – Implementation of Safeguarding Arrangements, Pembrokeshire County Council*](#), WAO, 2012
8. [*Peer Review of Merthyr Tydfil County Borough Council*](#), WLGA, 2012
9. [*Promoting Local Democracy*](#), Welsh Government, 2012
10. [*Do Outcome Based Approaches to Service Delivery Work? Local Authority Outcome Agreements in Wales*](#), Dr Jennifer Law, University of South Wales, 2013
11. [*Corporate peer challenge adding value*](#), Local Government Association, 2013
12. [*Review of Future Delivery of Education Services in Wales*](#), Welsh Government, 2013
13. [*Peer Review of Carmarthenshire County Council*](#), WLGA, 2014
14. [*Supporting Councils to succeed: Independent evaluation of the LGA's corporate peer challenge programme*](#), Local Government Association, 2014
15. [*The way forward: an independent review of the governance and organisational capabilities of Birmingham City Council*](#), Sir Bob Kerlake, 2014
16. [*An Evaluation of Welsh Local Government Executive and Scrutiny Arrangements*](#), Downe et al, Welsh Government, 2015

Diversity

1. *The Political and Institutional Effects of Term Limits*, Sarbaugh-Thompson et al, 2004
2. [*Representing the future: The report of the Councillors Commission*](#), Councillors Commission, 2007
3. [*The 2008 Survey of Local Election Candidates*](#), IdeA, 2008
4. [*Are we being served? The Report of the Councillor Commission Expert Panel Wales*](#), 2009

5. [Women's' leadership, employment and participation in the third sector and social enterprises](#), Third Sector Research Centre, Briefing Paper 40, 2010.
6. [Close to Parity](#), Rowena Lewis, Clore Duffield Foundation, 2010
7. *Legislative Term Limits and State Aid to Local Governments*, Yakovle et al, 2012
8. [Local Government Candidates Survey 2012](#), Welsh Government, 2013
9. *Long CEO Tenure Can Hurt Performance*, Luo, Kanuri & Andrews, Harvard Business Review, March 2013
10. *Last in, first out – Gendered patterns of local councillor dropout*, Allen, P. A., 2013, *British Politics* 8(2) pp.207-224
11. [Senior management pay across the Welsh public sector](#), Wales Audit Office, February 2014.
12. [Inquiry into Local Government Chief Officer Remuneration](#), Communities and Local Government Select Committee, 2014
13. [On Balance: Diversifying Democracy in Local Government in Wales](#), Report of the Expert Group on Diversity in Local Government, 2014
14. [Standing for election in the United Kingdom](#), Report and Recommendations, Electoral Commission, 2015

Community Governance

1. [Research Study into the Role, Functions and Future Potential of Community Councils in Wales](#), University of Wales Aberystwyth for Welsh Government, 2003
2. [People, Plans and Partnerships: A National Evaluation of Community Strategies in Wales](#), Welsh Assembly Government, 2006
3. [Neighbourhood Management Pathfinders: Final Evaluation Report](#), Department for Communities and Local Government, 2008
4. *The Limits of Co-ordination: Community Strategies as Multi-purpose Vehicles in Wales*, Sullivan & Williams, Local Government Studies, Vol.35, No. 2, pp.161-180, April 2009
5. [Community and Town Councils Survey 2010: Findings report](#), Welsh Government, 2011
6. [Developing a Comprehensive Understanding of Community and Town Councils in Wales: Evidence review for the Welsh Government](#), Woods, Aberystwyth University, 2013
7. [Improving Financial Management and Governance: issues from the Audit of Community Council Accounts 2011-12](#), WAO, 2013
8. [Putting people at the centre](#), WCVA, 2014
9. [Financial Management and Governance in Local Councils 2012-13](#), WAO, 2014
10. [Bringing the Power of the Citizen into Local Public Services – an Evidence Review](#), Tony Bovaird and Elke Loeffler, Welsh Government Social Research, 2014
11. [Community Democratic Governance: Evidence Synthesis and Advice](#), Tony Bovaird, INLOGOV, University of Birmingham, Welsh Government Social Research, 2014.
12. [Community and Town Councils in Wales](#), IFF Research for Welsh Government, 2014
13. [Report of the Welsh Co-operative and Mutuels Commission](#), Welsh Government, 2014

Scrutiny and Accountability

1. [*A Scoping Study of Complaints*](#), Susan Lambert for the Older People's Commissioner for Wales, 2010
2. [*Measuring what matters*](#), Cabinet Office, 2011
3. [*Chief Inspector's Annual Report 2010-11*](#), Care and Social Services Inspectorate Wales, 2011
4. [*Annual Report 2009-10*](#), Estyn, 2011
5. [*A cunning plan? Devising a scrutiny work programme*](#), Centre for Public Scrutiny, 2011
6. [*Tipping the Scales*](#), Centre for Public Scrutiny, 2012
7. [*Valuing Inclusion*](#), Centre for Public Scrutiny, 2012
8. [*Joining Up the Dots: Overview and Scrutiny in Local Government Since 2003*](#), Centre for Public Scrutiny, 2012
9. [*A Review of the NHS Hospitals Complaints System Putting Patients Back in the Picture*](#), Ann Clwyd MP and Prof. Tricia Hart, October 2013
10. [*A local Public Accounts Committee for every place: a CfPS proposal*](#), Centre for Public Scrutiny, 2013
11. [*Good Scrutiny? Good Question!*](#), Wales Audit Office, 2014
12. [*Annual Survey of Overview and Scrutiny in Local Government, 2013-14*](#), Centre for Public Scrutiny, 2014
13. [*Practice guide 2: Pre-decision scrutiny*](#), Centre for Public Scrutiny, 2014
14. [*Phase 1 – Draft Report: Review of Audit, Inspection and Regulation*](#), Shared Intelligence for Welsh Government, 2014 and the *Additional Concluding Section* (to be published early 2015)

This evidence led the Welsh Government to a range of key findings about the challenges facing Local Government in Wales. With regard to equalities, these were categorised under three broad headings:

- **Diversity:** It is important that Local Government closely represents the communities it serves, and Welsh Ministers believe there is a diversity deficit in Local Government. The body of Elected Members does not reflect the communities they represent, particularly in relation to age, gender and ethnicity. This is similar for senior officers in Local Government. Moreover, the culture and working practices within Local Authorities are not always conducive to encouraging diversity. Online responses to the consultation on the White Paper *Reforming Local Government: Power to Local People* strongly supported proposals to increase diversity among Elected Members, although free-form respondents also highlighted the practical challenges of increasing diversity.
- **Involving people:** Local Government does not involve service users, vulnerable groups, their families and front line staff consistently or sufficiently in the design, commissioning, delivery and assessment of services. Given the future financial and demographic challenges facing Local Government, it needs to involve residents more extensively in shaping the communities they live in, so communities have greater say over how services and facilities are run, and how they can contribute to their running.
- **Corporate governance and improvement:** The Welsh Ministers believe visionary and focused leadership is the most important factor in ensuring Local Authorities are able to provide sustainable outcomes for local areas. Leadership

must be supported by capable and consistent management. Strengthening Local Authorities' corporate governance procedures would support leadership and management, in order to deliver effective decisions and services. Strengthened leadership and governance would also support Local Authorities to identify and make the most of opportunities for transforming and sustaining the services delivered. This is likely to build better local strategies for equalities and diversity, the Welsh language, and engagement with communities.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

The Draft Bill seeks to build capability and capacity among Local Authorities, through a range of reforms to structure and governance. In so doing, it seeks to strengthen the way that Local Authorities take decisions and deliver services, including regarding diversity and equality. The full and eventual outcomes of the Draft Bill will be determined by Local Authorities themselves, and it is important not to pre-empt these decisions here. The impacts will be appraised by Local Authorities in due course, as they take those decisions. This includes individual decisions on services and staffing in Local Authorities. Rather, **the Draft Bill seeks to ensure that Local Authorities are best placed to take those local decisions at the most appropriate local level.** Empowering Local Authorities to best represent and serve protected groups at a local level is likely to deliver the most effective long-term benefits.

It is important to note that while the Draft Bill contains few provisions relating to specific groups of people, **all of society is likely to benefit from a Local Government with a strengthened capability and capacity, able to take decisions and deliver services more effectively.** Provisions to improve the diversity and openness of Local Government are likely to benefit groups with protected characteristics in particular.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people <i>(Children and young people, up to 18)</i>	X			<p>The proposals in the Draft Bill and accompanying consultation paper will have a positive impact on people of all ages, and no negative impacts on people of any age have been identified.</p> <p>The Welsh Ministers want electors and communities to be able to closely identify with their elected representatives. This is helped when the membership of elected bodies reflects, as far as possible, its electorate. This suggests an equal gender split, a balanced age profile and a fairer representation of black, Asian and minority ethnic people. This is not simply a desire to achieve greater equality, important though that it. It is far more likely that a Council will make decisions which meet the needs of the whole community if all interests are represented in the Council chamber.</p>
People 18- 50	X			<p>The Draft Bill therefore seeks to widen diversity within Local Government, and to ensure Local Government is more open and involving of its local communities. Several areas of the Draft Bill, identified below, will have a positive impact on people because of their age.</p>
Older people (50+)	X			<p>Diversity</p> <p>The Expert Group on Diversity in Local Government, in its report “On Balance”, produced in its report of March 2014 revealed a significant diversity deficit in Local Government. The body of Elected Members does not reflect the communities they represent, with notable weaknesses in relation to age. This severe imbalance is also reflected in the make up of Local Authority leadership. The Draft Bill therefore includes provisions to encourage the membership of elected Local Government to reflect its electorate. It strengthens guidance-making powers in the Local</p>



			<p>Government Act 2000 to encompass council leaders and to allow reference to equality and diversity. The Welsh Government intends to use these enhanced powers to require leaders to consider the interests of promoting diversity when appointing their Cabinets and assistant cabinet members – a new category provided for in the Bill..</p> <p>Involving people</p> <p>Preparation work for the Draft Bill also found that Local Government does not involve service users, vulnerable groups, their families and front line staff sufficiently in the design, commissioning, delivery and assessment of services. Given the future financial and demographic challenges facing Local Government it needs to involve residents more extensively in shaping the communities they live in, so that communities have a much greater say over how services and facilities are run, and how they can contribute to the running of them.</p> <p>The Draft Bill seeks to enable communities to be actively involved in developing and delivering services which meet their needs, including the needs of vulnerable groups such as children and young people and the elderly.</p> <p>The Draft Bill proposes to review Community Council arrangements, with a view to grouping smaller communities under common Community Councils, resulting in greater capacity, capability and resilience. This will better position Community Councils to undertake a greater role in the delivery of public services to the communities they serve. The Draft Bill also introduces a system of 'Community Councils with Competence' to encourage improved and more consistent standards of governance and financial management, professional capacity and capability, and democratic accountability.</p> <p>Moreover, the Draft Bill proposes to set up Community Area Committees to act as a conduit between County Councils and local communities, through the community bodies which serve those communities. Communities would be able to have their voice heard on the priorities and objectives for their area,.</p>
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			<p>Corporate Governance and Improvement</p> <p>Effective governance and leadership is essential to deliver effective outcomes for all people. Strategies and policies for equalities and diversity, the Welsh language and community engagement are not always sufficiently embedded in the corporate governance and accountability processes of County Councils. Welsh Ministers also believe that, on some occasions, Local Government could make more of available opportunities for transforming and sustaining the services delivered.</p> <p>The Draft Bill therefore proposes to strengthen the links between audit, inspection, regulation bodies. External review bodies have a crucial role to play in scrutinising services and outcomes for children and young people, vulnerable adults, and older people. These review bodies will coordinate more closely together in the future, and will together take a greater interest in overarching issues and governance as well as service-based issues. Should it be required, Welsh Ministers will be able to provide support to County Councils based on governance as well as service-based concerns, and upon the advice of an independent review. County Councils' internal audit processes will be strengthened. These measures mean that Local Government is more likely to make the most of opportunities to transform and sustain services. This will benefit people of all ages, both should there be any particular shortcoming, and by improving decision-making and service-delivery more generally.</p> <p>A separate Children's Rights Impact Assessment (CRIA) has been completed, further considering the impact the Bill could have on children and young people.</p>
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4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment			X	<p>None of the proposals in the Draft Bill or the accompanying consultation document relate only to people with disabilities, and no negative impacts on people with disabilities have been identified.</p> <p>However, people with disabilities are likely to benefit from the Draft Bill's general aims to address diversity, increase community engagement and strengthen the capability and capacity of Local Government so as to enable them to make robust decisions and deliver effective services.</p> <p>The specific elements of the Draft Bill identified as having a positive impact on people because of their age will also impact positively on people with disabilities, in particular the proposals to increase community engagement and address equalities and diversity in Local Government.</p>
Hearing impairment			X	
Physically disabled			X	
Learning disability			X	
Mental health problem			X	
Other impairments issues			X	

4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male			X	None of the proposals in the Draft Bill and accompanying consultation document relate only to people of a particular gender, and no negative impacts upon people of a particular gender have been identified.
Female	X			<p>However, preparation work for the Draft Bill has found that there is a diversity deficit in Local Government, as the body of Elected Members does not always reflect the communities they represent. This involves particularly notable weaknesses in relation to gender. A report by the Expert Group on Diversity in Local Government, <i>On Balance</i>, showed the make-up of Councils in Wales to be a poor reflection of the communities they serve. Women make up just over half the population overall, but among Elected Members are outnumbered by men by almost three to one. Moreover, the culture and working practices of Local Authorities are not always conducive to encouraging diversity.</p> <p>The proposals in the Draft Bill that have been identified as having a positive impact on people because of their age will also relate to gender. People of both genders are likely to benefit from the Bill's general aims to strengthen the capability and capacity of Local Government, enabling them to make robust decisions and deliver effective services. The Draft Bill's proposals to address the diversity deficit in Local Government will positively impact on females who are currently particularly under-represented in Local Authority leadership.</p>



4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			X	<p>None of the proposals in the Draft Bill and accompanying consultation document relate only to people who are transgender, and no negative impacts upon people who are transgender have been identified.</p> <p>However, the proposals which seek to encourage diversity in Local Government, increase community engagement and strengthen the capability and capacity of Local Government so as to enable them to make robust decisions and deliver effective services will positively impact on all citizens.</p>

4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage			X	None of the proposals in the Draft Bill and accompanying consultation document relate only to people who are married or in a civil partnership and no negative impacts upon married people or people in a civil partnership have been identified.
Civil Partnership			X	However, the proposals which seek to encourage diversity in Local Government, increase community engagement and strengthen the capability and capacity of Local Government so as to enable them to make robust decisions and deliver effective services will positively impact on all citizens.



4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy			X	None of the proposals in the Draft Bill or the accompanying consultation document relate only to people during pregnancy and maternity and no negative impacts on such people have been identified.
Maternity (the period after birth)			X	However, the proposals which seek to encourage diversity in Local Government, increase community engagement and strengthen the capability and capacity of Local Government so as to enable them to make robust decisions and deliver effective services will positively impact on all citizens.



4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,			X	<p>None of the proposals in the Draft Bill or accompanying consultation document relate only to people of a particular race and no negative impacts upon people of a particular race have been identified.</p> <p>However, people of all races are likely to benefit from the Draft Bill's general aims to address diversity, increase community engagement and strengthen the capability and capacity of Local Government so as to enable them to make robust decisions and deliver effective services.</p> <p>The specific elements of the Draft Bill identified as having a positive impact on people because of their age will also relate to race, in particular the proposals to increase community engagement and address equalities and diversity in Local Government.</p>
National Origin (e.g. Welsh, English)			X	
Asylum Seeker and Refugees			X	
Gypsies and Travellers			X	
Migrants			X	
Others			X	

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)			X	<p>None of the proposals in the Draft Bill or the accompanying consultation document relate only to people of any particular religion, belief, or non-belief and no negative impacts upon such people have been identified.</p> <p>However, the proposals which seek to encourage diversity in Local Government, increase community engagement and strengthen the capability and capacity of Local Government so as to enable them to make robust decisions and deliver effective services will positively impact on all citizens</p>
Belief e.g. Humanists			X	
Non-belief			X	

4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			X	None of the proposals in the Draft Bill or the accompanying consultation document relate only to people of any particular sexual orientation and no negative impacts upon such people have been identified.
Lesbians			X	However, all citizen's are likely to benefit from the Draft Bill's general aims to address diversity, increase community engagement and strengthen the capability and capacity of Local Government so as to enable them to make robust decisions and deliver effective services.
Bi-sexual			X	The specific elements of the Draft Bill identified as having a positive impact on people because of their age will also have a positive impact on gay man, lesbians and bi-sexuals, in particular the proposals to increase community engagement and address equalities and diversity in Local Government.



4.10 Do you think that this policy will have a positive or negative impact on people’s human rights? *Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.*

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN Conventions			X	<p>None of the proposals in the Draft Bill or the accompanying consultation document relate only to human rights and no negative impacts upon citizens’ human rights have been identified.</p> <p>However, the proposals which seek to encourage diversity in Local Government, increase community engagement and strengthen the capability and capacity of Local Government so as to enable them to make robust decisions and deliver effective services will positively impact on all citizens.</p>

If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.



Equality Impact Assessment – Part 2

1. Building on the evidence you gathered and considered in Part 1, please consider the following:

1.1 How could, or does, the policy help advance / promote equality of opportunity?

For example, positive measures designed to address disadvantage and reach different communities or protected groups?

The findings identified above have shaped the Welsh Government's policy development in relation to diversity, the involvement of service users, community governance and community rights, and corporate governance and improvement.

1. Diversity

It is important that Local Government closely represents the communities it serves, and preparation work undertaken in connection with the development of the Draft Bill has found that there is a diversity deficit in Local Government. The body of Elected Members does not reflect the communities they represent, particularly in relation to age, gender and ethnicity. This is similar for senior officers in Local Government. Moreover, the culture and working practices within Local Authorities are not always conducive to encouraging diversity.

The Draft Bill and the accompanying consultation document propose measures to address these equality and diversity issues, including:

- A power to provide council Leaders with guidance relating to equality and diversity. The Welsh Government intends to use this power to ensure that when selecting their Cabinets and assistant cabinet members they take the promotion of diversity into account.. In the consultation to the White Paper *Reforming Local Government: Power to Local People*, 72% of online respondents supported requiring Leaders to have regard to diversity when appointing their Cabinet.
- Placing a duty on leaders of political groups to take reasonable steps to promote and maintain high standards of conduct by members or their groups, which is to extend beyond the conduct of members at council meetings.
- The role of Elected Members would be clearly set out in law, and would include a responsibility to engage with all members of the community. This would likely

improve the representation of all members of local communities, particularly those whose voices might otherwise not be heard.

- A proposal to expand the remit of County Council Standards Committees, to enable them to take into account the performance of Elected Members in their duties.

2. Involving people

The evidence outlined previously has found that Local Government does not sufficiently involve service users, vulnerable groups, their families and front line staff in the design, commissioning, delivery, assessment, and improvement of services. Given the future financial and demographic challenges facing Local Government, it needs to involve residents more extensively in shaping the communities they live in, so that communities have greater say over how services and facilities are run, and how they can contribute to their running. The Draft Bill therefore, includes proposals which seek to promote public participation:

- The Draft Bill seeks to enable communities and Community Councils to become more active and innovative in decision-making and service design and delivery. This would include decisions relating to, and services provided to, vulnerable groups in communities, such as children and families, young people, and the elderly.
- The Draft Bill proposes to review Community Council arrangements with a view to grouping smaller communities under common Community Councils, to foster greater resilience, capacity, and capability. Larger Community Councils are more likely to be able to avail themselves of the proposals relating to community councils with competence and thus make use of the proposed General Power of Competence which is also being proposed. This will enable these Community Councils to develop innovative and ambitious models of service delivery, which could be of particular benefit to vulnerable groups.
- The Draft Bill proposes to set up Community Area Committees, to act as a conduit between County Councils and local communities. A greater level of involvement with and by communities improve the likelihood of achieving equality of opportunity through decisions and the delivery of services which better reflect all elements of a diverse community.
- This Bill also proposes to clearly set out in law the roles of Elected Members, including Cabinet members, and the chief executive. This will encourage robust performance (and performance management) of the roles, including their commitment to equality of opportunity.
- Local Authorities will be required to develop and implement public participation strategies. This is likely to ensure a consistently robust level of engagement across Local Government with all communities, improving equality of opportunity to have views and opinions taken into account. It is considered that vulnerable groups and groups with protected characteristics are particularly likely to benefit from this formalised engagement.

- The Bill proposes to require all full Council and Executive meetings to be broadcast. This would support Local Government in becoming more open, equal, and accessible to all. Leaders will also hold public ‘question times’ as part of council meetings, again encouraging greater openness and transparency.
- As part of their new duties to promote access to Local Government, County Councils will be required to encourage local people to participate in, and influence, the making of decisions by the County Council. This will include promoting awareness of how to become an elected member, facilitating access to information about decisions and facilitating ways to make representations to the County Council. This includes for Local Authorities in its area – such as community councils, fire and rescue authorities, and National Park Authorities.

3. Corporate governance and improvement

The Welsh Ministers believe that visionary and focused leadership is the most important factor in ensuring County Councils are able to provide sustainable outcomes for local areas. Leadership must be supported by capable and consistent management. Strengthening County Councils’ corporate governance procedures would better support leadership and management, in order to deliver effective decisions and services. As well as supporting Local Government to fulfil its core functions better, strengthened leadership would better support local strategies for equalities and diversity, the Welsh language, and engagement with communities.

Therefore, the Draft Bill proposes to:

- Require a County Council to prepare and publish a corporate plan, which will present the opportunity for the integration of the County Council’s strategic equalities objectives.
- Require the Leader of a County Council to manage the performance of the Council’s Chief Executive. This could include setting objectives for the Chief Executive relating to equalities.
- Clarify the responsibilities and remit of Audit Committees, and expand their independent membership. The Draft Bill will also require that Audit Committees be chaired by an independent person. This will enable Audit Committee to become a powerful force to assist Chief Executives of County Councils to fulfil their statutory improvement functions, and to provide assurance that the County Council has procedures in place to secure continuing improvement.
- Strengthen the links between audit, inspection and regulation bodies. The Draft Bill proposes to require the Wales Audit Office, Estyn and CSSIW to come together to produce an annual ‘combined assessment’ of each County Council’s governance and organisation. This should identify any cross-cutting opportunities for improvement across a County Council, including in regard to providing equality of opportunity.
- Strengthen County Councils’ own performance improvement regimes, by introducing requirements for self assessment and peer reviews. These processes should ensure that all County Council are able to identify and act on

all opportunities for transforming and sustaining the services they deliver in a timely and effective manner. This should ensure that where opportunities for improving equality of opportunity exist – in both decision-making and service-delivery – they can be realised.

- Provide the Welsh Ministers with a wider range of options for supporting County Councils, where required. The Welsh Ministers will be able to provide support based on governance as well as service-based concerns, and upon the advice of an independent inquiry. Appropriate, timely, and justified support will be more likely to enable long-term improvement, resulting in better governance and service-delivery among County Councils.

The proposals identified above should enable County Councils to deliver strong positive impacts on diversity and equality of opportunity (including for vulnerable groups and those with protected characteristics) and on service delivery and community cohesion.

1.2 How could / does the policy / decision help to eliminate unlawful discrimination, harassment or victimisation?

The proposals in the Draft Bill and the accompanying consultation document to strengthen capacity and capability across Local Government should reduce the chances of unlawful discrimination, harassment, or victimisation. The Draft Bill seeks to create a more diverse, representative, transparent Local Government, which will positively and openly involve all members of the community. However, the Draft Bill also proposes several measures which would distinctly contribute to eliminating discrimination, harassment, or victimisation.

Standards Committees and monitoring officers already play a key role in supporting and advising Members on conduct matters. The Bill proposes a new power for Standards Committees to consider cases where there are serious concerns that an Elected Member is failing to fulfil their duties satisfactorily. Standards Committees would be provided with appropriate sanctions which could be imposed, and there would be safeguards against vexatious complaints. This is likely to encourage a higher standard of performance among all Elected Members. Standards Committees will publish annual reports on their activities to ensure openness and transparency and the sharing of best practice.

The Welsh Ministers will be provided with a wider range of options in terms of supporting County Councils, should support be required. The Welsh Ministers will be able to provide support based on governance as well as service-based concerns, and upon the advice of an independent review. Appropriate, timely, and justified support will be more likely to enable long-term improvement. As well as being able to effectively respond to any particular cases of unlawful discrimination, harassment, or victimisation, a culture of openness and diversity could also benefit from the support provided for more general governance issues.

1.3 How could/does the policy impact on advancing / promoting good relations and wider community cohesion?

The proposals in the Draft Bill and the accompanying consultation document seek to establish more effective community involvement in Local Government, by enabling greater sharing of power and responsibility between County Councils and the communities they serve. This should enable communities to go beyond having their voice heard to actively seeking to take responsibility for the changes and improvements they wish to see in their community.

Improving the capability and capacity of Community Councils will enable them to become more ambitious in their service delivery, and more representative of their communities. Moreover, Member-led Community Area Committees will create a conduit between County Councils and their communities, and would involve both community councils and the third sector. The range of reforms proposed would likely ensure that Local Government is more equally representative and open, which in turn would advance and promote wider community cohesion.

2. Strengthening the policy

2.1 If the policy is likely to have a negative effect ('adverse impact') on any of the protected groups or good relations, what are the reasons for this?

What practical changes/actions could help reduce or remove any negative impacts identified in Part 1?

No negative effects have been identified.

2.2 If no action is to be taken to remove or mitigate negative / adverse impact, please justify why.

(Please remember that if you have identified unlawful discrimination (immediate or potential) as a result of the policy, the policy must be changed or revised.)

No negative impacts have been identified.

3. Monitoring, evaluating and reviewing

How will you monitor the impact and effectiveness of the policy?

List details of any follow-up work that will be undertaken in relation to the policy (e.g. consultations, specific monitoring etc).

The Welsh Ministers will consult on the practical application of the provisions in this Draft Bill, which are based on the proposals set out in the White Paper *Reforming Local Government: Power to Local People*.

The responses to this consultation will inform the development of the Local Government (Wales) Bill which will be introduced into the National Assembly for Wales, which is anticipated to take place in 2016. This is likely to be accompanied by a revised EIA. The potential equality impacts of mergers and reform will continue to be assessed and monitored as the Reforming Local Government programme progresses.

The results of all impact assessments where the impact is significant will be published on the Welsh Government's website.

This EIA will form part of the evidence that the Welsh Ministers consider when finalising the provisions of the Local Government (Wales) Bill to be introduced to the National Assembly in the next Assembly.

This EIA and any future EIAs will be published on the Welsh Government website.

4. Declaration

***Please delete as appropriate:**

The policy *does / does not have a significant impact upon equality issues

Official completing the EIA
Name:
Department:
Date:
Signature:
Head of Division (Sign-off)
Name:
Job title and department:
Date:
Signature:
Review Date: