

Item: 5

Monitoring and Audit Committee: 8 February 2024.

Internal Audit Report: Equality Impact Assessments.

Report by Chief Internal Auditor.

1. Purpose of Report

To present the internal audit report on procedures and controls relating to Equality Impact Assessments.

2. Recommendations

The Committee is invited to scrutinise:

2.1.

The findings contained in the internal audit report, attached as Appendix 1 to this report, reviewing procedures and controls in place relating to Equality Impact Assessments, in order to obtain assurance that action has been taken or agreed where necessary.

3. Background

3.1.

The Equality Act 2010 imposes a general equality duty on public authorities to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

3.2.

In 2012, Scottish Ministers made regulations that placed specific duties on Scottish public bodies, such as the Council, to help them meet the general duty. This includes guidance on carrying out impact assessments to demonstrate conformance with equality law.

3.3.

The objective of this audit was to review whether the Council is effectively implementing obligations under equality legislation and policies in conducting Equality Impact Assessments.

4. Audit Findings

4.1.

The audit provides substantial assurance that procedures and controls relating to equality impact assessments are well controlled and managed.

4.2.

The internal audit report, attached as Appendix 1 to this report, includes four low priority recommendations regarding training, consistency, committee reports and complaints. There are no medium or high priority recommendations made as a result of this audit.

4.3.

The Committee is invited to scrutinise the audit findings to obtain assurance that action has been taken or agreed where necessary.

5. Corporate Governance

This report relates to the Council complying with governance and scrutiny and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

6. Financial Implications

There are no financial implications associated directly with the recommendations in this report.

7. Legal Aspects

Complying with recommendations made by the internal auditors helps the Council meet its statutory obligations to secure best value.

8. Contact Officer

Andrew Paterson, Chief Internal Auditor, extension 2107, email andrew.paterson@orkney.gov.uk.

9. Appendix

Appendix 1: Internal Audit Report: Equality Impact Assessments.



Internal Audit

Audit Report

Equality Impact Assessments

Draft issue date: 22 December 2023

Final issue date: 19 January 2024

Distribution list:	<p>Corporate Director for Strategy, Performance and Business Solutions</p> <p>Head of Service (Human Resources and Organisational Development)</p> <p>Head of Service (Improvement and Performance)</p> <p>Service Manager (Organisational Development)</p> <p>Service Manager (Governance)</p> <p>Information Governance Officer</p> <p>Project Officer</p> <p>Equality, Diversity and Inclusion Adviser</p>
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Audit Opinion

Based on our findings in this review we have given the following audit opinion.

Substantial

The framework of governance, risk management and control were found to be comprehensive and effective.

A key to our audit opinions and level of recommendations is shown at the end of this report.

Executive Summary

Orkney Islands Council has an established system in place to undertake Equality Impact Assessments.

There is assurance that many of the controls in place are operating well with a sense that the process is generally well embedded into practice. However, improvements are required to ensure the process is operating consistently in accordance with the Public Sector Equality Duty and ensuring the Council thoroughly considers impact on equality where there are new and revised policies, plans and processes.

Guidance has been developed to assist staff completing Equality Impact Assessments and there are awareness training sessions delivered upon request. The Organisational Development Team provide guidance and advice to officers who need assistance during the process and Committee Services might suggest that an Equality Impact Assessment is appropriate if one has not been submitted with the draft report or at the pre-notification stage. There is an equalities workshop as part of the induction programme held for elected members which covers equality impact assessments.

Areas of good practice were identified during this audit, including:

- Orkney Islands Council strategy and subsequent policies and procedures align with Equality Legislation.
- Annual reports are produced to explain how the Council actively promotes equality and integrates it into work.
- There is comprehensive guidance available to staff, setting out clear expectations of responsibility and when an Equality Impact Assessment is required.
- Training is available to staff should they be required to undertake an Equality Impact Assessment and training is also provided as part of the induction training for newly elected members.
- There are good levels of support available to Council staff from the Organisational Development Team who can share their expertise on matters related to Equalities and also support in developing comprehensive Equality Impact Assessments.
- There were several instances where Equality Impact Assessments were discussed at Committee meetings with Elected Members undertaking their scrutiny role.
- There are some examples of good practice in relation to consultation using a range of methods to engage with communities to support meaningful impact assessment.

- We found that where there were updates to National Strategy resulting in changes to Council policy, Equality Impact Assessments were carried out to assess the impact of these changes on communities in Orkney.
- All Equality Impact Assessments sampled were conducted at the beginning or during the planning process in line with policy.

The report includes 4 recommendations which have arisen from the audit. The number and priority of the recommendations are set out in the table below. The priority headings assist management in assessing the significance of the issues raised.

Responsible officers will be required to update progress on the agreed actions via Pentana Risk.

Total	High	Medium	Low
4	0	0	4

The assistance provided by officers contacted during this audit is gratefully acknowledged.

Introduction

Equality, fairness and inclusion are core principles of Orkney Islands Council which guide decision making across all aims as set out in the Council Plan 2023-28. One of the ways in which the Council ensures equality is through conducting impact assessments.

The Equality Act 2010 imposes a general equality duty (“the Public Sector Equality Duty”) on public authorities to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. In 2012, Scottish Ministers made regulations that placed specific duties on Scottish public bodies, such as Orkney Islands Council, to help them meet the general duty. This includes guidance on carrying out impact assessments to demonstrate conformance with equality law.

The Council has undertaken Equality Impact Assessments since 2008 whereby considerations are given to how policies and functions are likely to affect different groups of people, including staff and the wider Orkney community.

Equality Impact Assessments are in place to ensure that the Council does not discriminate and are conducted for new and revised policies, plans and processes.

The objective of this audit was to review whether the Council is effectively implementing obligations under equality legislation and policies in conducting Equality Impact Assessments.

This review was conducted in conformance with the Public Sector Internal Audit Standards.

Audit Scope

The scope of this audit includes a review of the following:

- A review of the Council's adherence to equality legislation, including the Equality Act 2010 and the Public Sector Equality Duty (PSED) in relation to Equality Impact Assessments (EqIAs).
- Evaluate policies and procedures, strategies and guidance related to EqIAs ensuring they align with best practice.
- Examine how data is collected and used by the Council in identifying disparities and informing decision making when undertaking EqIAs.
- Assess the extent and effectiveness of consultation and engagement with diverse communities and stakeholders in developing and reviewing EqIAs.
- Review the quality of equality impact assessments, including their thoroughness, relevance and timeliness.
- Assess whether the Council conducts EqIAs for all relevant policies, projects and services.
- Examine the effectiveness of mitigation measures put in place to address identified inequalities.
- Evaluate the mechanisms in place for ongoing monitoring of EqIA outcomes and progress.
- Review the transparency and accessibility of equality data and reporting.
- Examine the effectiveness of the Council's response to adverse findings in monitoring and reporting.
- Evaluate the training and awareness programmes in place to ensure that Council staff are knowledgeable about equality and diversity issues in particular the requirement for EqIAs.
- Examine complaints handling procedures in relation to equality issues, looking at responsiveness and fairness.

Audit Findings

1.0 Training

- 1.1 There is mandatory training on Equality and Diversity for all Council Staff. However, our fieldwork identified that there is no formal mandatory training specifically for staff responsible for undertaking equality impact assessments. The Senior Organisational Development Adviser delivers a workshop upon request, rather than regular training sessions to a group of staff which may only become relevant some months later. The training delivered to elected members is comprehensive and relevant elements of this would also be useful for staff conducting Equality Impact Assessments.
- 1.2 At present, there is work being undertaken by the Organisational Development Team to develop new training on the Council's iLearn portal.
- 1.3 Guidance is available to staff on report writing through communications from the Committees team. There is guidance available from Organisational Development on Equality Impact Assessments including a template but it is not in a central location for all staff to access. The Council's intranet page is not suitable as not all Council employees have access to this site (those with a Schools Glow account or Orkney Ferries staff for example).
- 1.4 Equality Impact Assessment training should be mandatory for officers who are responsible for carrying these out to ensure consistency in approach. Training should include sections on the importance and methods of data collection and effective consultation as well as monitoring approaches drawing on examples of best practice within the Council and relevant elements of training delivered to elected members.
- 1.5 A link to the training which is under development for iLearn as well as the training available on request from the Equalities Officer should be included in the template and guidance. Training materials should also be readily accessible such as a platform through the Council Staff Hub page.

Recommendation 1

2.0 Monitoring

- 2.1 From a sample of eight assessments completed across the organisation against guidance published by the Equality and Human Rights Commission, it was clear that there was a difference in level of training, knowledge and an understanding of elements of the process, particularly when detailing how impact should be monitored.
- 2.2 The person responsible for completing the assessment is responsible for considering monitoring arrangements for the impact of the policy or function as well as setting out how this is to be followed up to ensure that monitoring is carried out. However, upon examining the sample, the arrangements for monitoring are not specific and do not identify who is responsible for this in this section.
- 2.3 To ensure consistency and quality of the Equality Impact Assessment process, a proportionate sample of assessments completed from each directorate should be reviewed annually by members of staff with an equalities role to ensure that they are complete, consistent and accessible with a report giving feedback to ensure that there can be lessons learned and improvements made when required.

2.4 Where further actions are identified to mitigate a differential impact on a group with protected characteristics, a link to an action plan should be included within the Equality Impact Assessment template to clarify how these will be implemented and monitored. Any actions required should be added to Pentana to ensure these can be tracked. It should also be made clear how the impact of the policy will be monitored which is an important part of the process.

Recommendation 2

3.0 Reporting Template

- 3.1 We examined a sample of five new or revised plans, policies and processes that did not include an EqlA when presented to Committee and the recordings of the Committee meetings were reviewed. Out of the five that may impact on groups with protected characteristics, where it was decided it wasn't required, only one had a justification for not having an Equality Impact Assessment.
- 3.2 It is common practice that where an Equality Impact Assessment is not required, this section of the report template is deleted. At a high level such as within a Service Delivery Plan there is not usually an expectation of an impact assessment to be included, as these will be completed when the plans are put into action within that planning process.
- 3.3 Under Equality and Human Rights Commission guidance, when screening for a requirement to undertake an Equality Impact Assessment, if the responsible officer decides not to assess the impact of any policy, they will need to be able to explain their decision.
- 3.4 As part of committee reports, Equality, Diversity and Inclusion (EDI) should be a standing section to indicate whether an Equality Impact Assessment has been completed or to explain if a decision has been made not to assess the impact of a new policy, process or plan. This demonstrates evidence of the individual having considered the Equality Impact Assessment process.
- 3.5 Within Directorate Delivery Plans, consideration should be given to including a column in the action plan to prompt the impact on Equality, Diversity and Inclusion to be considered at a high level and ensure they are considered at an early stage of the planning process, further embedding equality into the Council approach.

Recommendation 3

4.0 Communicating Results

- 4.1 Completed assessments are published with committee reports on the Council's website to give greater importance to this document. Prior to this, completed EqlAs had been published on the designated section of the main Council website. However, as they are attached as an appendix to the main Committee report, it is difficult to locate on the main Council website. This affects accessibility and a process should be implemented to ensure Equality Impact Assessments are formally and centrally recorded and maintained with a mechanism to ensure monitoring. Consideration must also be given as to how these can be readily available and accessed by the public.
- 4.2 There is no recommendation required as this action has been agreed in the External Audit Annual Report 2022/23.

5.0 Complaints Monitoring

- 5.1 There are comprehensive complaints procedures and guides to support the handling of complaints. We asked for information on any equality related complaints made during the period of this audit. We received information from two directorates (OHAC and NS&I) confirming that no complaints of this nature had been recorded during the period of this audit. Equalities complaints are not currently categorised as part of the recording and reporting of complaints. However, we are aware of improvements to be made to the complaints system to include categorisation of complaints (this has yet to be implemented due to resource constraints).
- 5.2 Complaints relating to equality, diversity and inclusion should be categorised to support the monitoring of policy within the Council and to spot any trends occurring that impact on equality. Within the complaints monitoring report, a section should be included focusing on equality.

Recommendation 4

Action Plan

Recommendation	Priority	Management Comments	Responsible Officer	Agreed Completion Date
<p>1 Equality Impact Assessment training should be mandatory for officers who are responsible for carrying these out to ensure consistency in approach. Training should include sections on the importance and methods of data collection and effective consultation as well as monitoring approaches drawing on examples of best practice within the Council and relevant elements of training delivered to elected members.</p> <p>A link to the training which is under development for iLearn as well as the training available on request from the Equalities Officer should be included in the Equality Impact Assessment template and guidance. Training materials should also be readily accessible such as a platform through the Council Staff Hub page.</p>	Low	<p>Training resources will be developed and relevant officers will be identified for mandatory training along with an appropriate monitoring process to ensure compliance.</p> <p>OIC Staff Hub pages and EqIA guidance will be updated with links to training. There will no longer be a need for EqIA training on request.</p>	Service Manager (OD)	December 2024
<p>2 To ensure consistency and quality of the Equality Impact Assessment process, a proportionate sample of assessments completed from each directorate should be reviewed annually by members of staff with an equalities role to ensure that they are complete, consistent and accessible with a report giving feedback to ensure that there can be lessons learned and improvements made when required.</p> <p>Where further actions are identified to mitigate a differential impact on a group with protected characteristics, a link to an action plan should</p>	Low	<p>Sampling process will be mapped out and first sample process to be undertaken last quarter 24/25.</p> <p>Action plan template to be developed and</p>	<p>Service Manager (OD)</p> <p>Service Manager (OD)</p>	<p>March 2025</p> <p>August 2024</p>

<p>be included within the Equality Impact Assessment template to clarify how these will be implemented and monitored. Any actions required should be added to Pentana to ensure these can be tracked. It should also be made clear how the impact of the policy will be monitored which is an important part of the process.</p>		<p>included with EqIA template. EqIA guidance and training to be updated.</p>		
<p>3 As part of reports submitted to committee, Equality, Diversity and Inclusion (EDI) should be a standing section to indicate whether an Equality Impact Assessment has been completed or to explain if a decision has been made not to assess the impact of a new policy, process or plan. This demonstrates evidence of the individual having considered the Equality Impact Assessment process.</p> <p>Within Directorate Delivery Plans, consideration should be given to including a column in the action plan to prompt the impact on Equality, Diversity and Inclusion to be considered at a high level and ensure they are considered at an early stage of the planning process, further embedding equality into the Council approach.</p>	<p>Low</p>	<p>The committee report template is currently under review and this recommendation will be incorporated into the new template.</p> <p>This will be considered for inclusion in the existing Directorate Delivery Plan. Any updated plans will be made available on the Council Website.</p>	<p>Service Manager (Governance)</p> <p>Head of Improvement and Performance</p>	<p>May 2024</p> <p>June 2024</p>
<p>4 Complaints relating to equality, diversity and inclusion should be categorised to support the monitoring of policy within the Council and to spot any trends occurring that impact on equality. Within the complaints monitoring report, a section should be included focusing on equality.</p>	<p>Low</p>	<p>The Complaints Handling report will commence the recording of complaints categorised as impacting on equality from the start of the next reporting period.</p>	<p>Service Manager (Governance)</p>	<p>April 2024</p>

Key to Opinion and Priorities

Audit Opinion

Opinion	Definition
Substantial	The framework of governance, risk management and control were found to be comprehensive and effective.
Adequate	Some improvements are required to enhance the effectiveness of the framework of governance, risk management and control.
Limited	There are significant weaknesses in the framework of governance, risk management and control such that it could be or become inadequate and ineffective.
Unsatisfactory	There are fundamental weaknesses in the framework of governance, risk management and control such that it is inadequate and ineffective or is likely to fail.

Recommendations

Priority	Definition	Action Required
High	Significant weakness in governance, risk management and control that if unresolved exposes the organisation to an unacceptable level of residual risk.	Remedial action must be taken urgently and within an agreed timescale.
Medium	Weakness in governance, risk management and control that if unresolved exposes the organisation to a significant level of residual risk.	Remedial action should be taken at the earliest opportunity and within an agreed timescale.
Low	Scope for improvement in governance, risk management and control.	Remedial action should be prioritised and undertaken within an agreed timescale.