

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	White Paper: Reforming Local Government: Resilient and Renewed
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 Equalities Impact Assessment relates to the proposals in the White Paper: *Reforming Local Government: Resilient and Renewed*, published for consultation on 31 January 2017, and the proposals which received wide support in the draft Local Government (Wales) Bill published in 2015 (referred to as the Draft Bill throughout the document).

The consultation document sets out the Welsh Government's vision for a new relationship between national and local government. One where there is a mutual understanding and recognition of respective roles and interests, and where all partners have the space to maximise the positive impact they have through working alongside citizens on mutually agreed agendas. It sets out a new approach to reform focused on greater regional working. It sets a framework for local government to work within, providing a menu of options that local government can use, based on their local circumstances and strengths. It also highlights those proposals previously consulted upon which received broad support and we intend to take forward.

This White Paper follows on from three earlier White Papers, an Assembly Act and a Draft Bill.

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 through two pieces of legislation. The first, the Local Government (Wales) Act 2015, put in place preparations for a programme of local government mergers and reform, such as the setting up of Transition Committees.

The second White Paper, *Public Services Staff Commission*, was launched in October 2014. It proposed the establishment of a Commission to develop and disseminate good practice in workforce arrangements across public services. The Public Services 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 councils 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, together with the provisions for local authority mergers, formed the basis of the Draft Bill. However, the Draft Bill, published in October 2015, did not achieve political consensus, with the proposed mergers option not receiving sufficient support. The majority of provisions within the Draft Bill were nevertheless welcomed and are being proposed for inclusion in any future Local Government Bill.

The latest White Paper sets out a new mandatory and systematic approach to regional working, whilst retaining the existing 22 local authorities¹ as the democratic foundation of local government, subject to any voluntary mergers.

Although the White Paper contains no provisions specifically relating to equalities, the provisions should benefit people in all communities in Wales. A summary of relevant proposals and continued commitments from the previous Draft Bill are set out below.

Regional Arrangements

- Create a more resilient and sustainable local government. Increasing capacity and building resilience are essential if local authorities are to meet the financial and demographic challenges that lie ahead.
- Considering a range of regional arrangements, taking into consideration a number of factors and evaluating the benefits and disadvantages of these options.
- Effectively distributing scarce or specialist resources throughout local government.

Shared Service

- Pursuing shared support services and collectively making more rapid and deeper progress in this area, continuing to secure even more efficient delivery of services as well as other wider benefits.
- Consider the possibility of shared services based on shared technology platforms, specialist services and joint or shared transactional services.
- Wider consideration of the potential for better management and use of public sector assets through regional planning and governance.
- A more proactive collaborative asset management approach across the Welsh public sector.

Voluntary Mergers

- Enable local authorities to proceed with voluntary mergers.
- Support local authorities to develop their cases for merger, and help align proposed mergers with any mandatory and systematic regional arrangements. This would be done on the understanding that the rationale and circumstances around any voluntary merger would be unique to the local authorities involved.
- Any voluntary merger proposal should take account of ongoing resilience of the organisation, effective delivery of services and proposed financial position of the

¹ In this document, local authorities refers only to the 22 counties/county borough councils in Wales.

future entity. It must set out sufficient benefits to citizens and communities to warrant the merger. In doing so it must take account of any guidance issued by Welsh Government.

Governance and Accountability

- A regional governance model will require that decisions which are being taken are in the best interests of people across the region.
- Ensuring that Elected Members remain at the heart of the decision making and scrutiny process.
- Regional arrangements will need to be appropriately scrutinised to ensure effective performance and value for money are being delivered, and that better outcomes are being achieved at a regional level.
- Provide a clear framework for making arrangements to hold those making decisions to account.
- A proposed common framework to support pooling of budgets to support functions exercised by Joint Governance Committees.

Performance and improvement

- Reduce performance reporting requirements, including plans, annual reports and strategies. Reducing where possible unnecessary burdens put on local government.
- Put a new duty on leaders of political groups to promote good standards of conduct by their members and co-operate with Standards Committees exercising their functions.
- Where appropriate, Standards Committees will hear cases of alleged failure by members to perform prescribed performance duties, as well as breaches of the member code of conduct.
- As proposed in the Draft Bill, external audit, inspection and review bodies will be required to work more closely together, to ensure they gather a more holistic overview of local authority performance through 'stock take' discussions. These bodies will also be required to cooperate more closely with internal scrutiny committees.
- Local authorities will be required to undertake a robust self assessment process, supported by regular peer reviews.
- A commitment to strengthen the role of Corporate Governance and Audit Committees.
- The Welsh Government will retain a power of intervention and the ability to commission and act upon the findings of independent governance reviews, where there are concerns. This is in addition to intervention arrangements under service specific areas.
- An ongoing commitment to changing performance management arrangements. Subject to consultation, the Welsh Government proposes to repeal Part 1 of the Local Government (Wales) Measure 2009 for all Improvement Authorities.

Leading Localities

- Take steps to increase diversity among those who stand for election and encourage greater participation in local democracy.
- Local authorities will be provided with a General Power of Competence, to allow them to become more innovative in their service delivery.
- Require local authorities to produce strategies explaining how the public can understand how decisions are made and how they can participate in the process.
- Councils will be required to allow Members to attend council meetings remotely if they have domestic, business or travel difficulties preventing them getting to the main meeting.
- Require leaders and elected mayors to make arrangements to make themselves accessible to interaction with the public.
- New arrangements will be put in place to make council meetings more accessible and open, including requirements for the compulsory broadcasting of council meetings.
- Clearer expectations of the performance of Elected Members will be set out in the form of performance duties including duties to report on how they have engaged with the public. Cases of breach of those duties and the right to recall will be considered by Standards Committees.

Community Councils

- Making the General Power of Competence available to innovative ambitious community councils that meet eligibility criteria and are looking for more freedom to serve their communities.
- Put an obligation on community councils to consider and plan for their training needs, publish the plan and review it regularly.
- Ensure citizens are kept informed and have the right to make representations on any business conducted at a council meeting.

Elections and Voting

- An intention to explore how a single electronic register for Wales might be developed.
- Continued commitment to moving to a five-year term for local government, however, in doing so a requirement for greater transparency for those standing for office.
Allow councils in Wales to determine a voting system that best reflects the needs of their local people and communities. Local authorities will be able to decide for themselves between the 'First Past the Post' or the 'Single Transferable Vote' systems for elections to their council.

An updated EIA will be published with any future Bill.

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?

Extensive engagement took place as part of developing earlier proposals. This engagement is outlined in detail in the Equality Impact Assessments that accompanied the previous White Papers and Draft Bill. In summary, a 12-week consultation on the White Paper *Reforming Local Government: Power to Local People*, generated 726 responses and 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.

This EIA is published alongside the White Paper *Reforming Local Government: Resilient and Renewed*. In developing these proposals there has been extensive engagement with local authorities and other stakeholders both at political and officer level.

Three engagement events have been held to which a wide range of stakeholders were invited including the third sector and Commissioners. The WLGA has also provided feedback to the Welsh Government from engagement events which they held.

The Welsh Government will be using the consultation on the White Paper to specifically consider impacts in each service area. This should provide an opportunity for more specific follow-up with people with protected characteristics on things that matter to them. If proposals proceed to the legislation stage, further engagement will take place to help shape the legislative provisions.

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 White Paper.

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 previous 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 White paper and previous Draft Bill

This White Paper is based on the proposals discussed in the White Paper *Reforming Local Government: Power to Local People*, the responses received to the public consultation on that White Paper, and the public response to the Draft Bill. These documents 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 *Reforming Local Government: Power to Local People*, 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 *Reforming Local Government: Power to Local People*, 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 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 Papers, 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 Mutuals 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 currently reflect the communities they represent, particularly in relation to age, gender and ethnicity. 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 should involve service users, vulnerable groups, their families and front line staff consistently and sufficiently in the design, commissioning, delivery and assessment of services. Given the financial and demographic challenges continuing to face local government in the coming years, 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 proposals outlined in the White Paper seek to build the capability and resilience of local authorities, through a range of reforms to governance. In so doing, it seeks to strengthen the way that local authorities take decisions and deliver services, including regarding diversity and equality. As some of the proposals offer guidance and enable local authorities to determine how they achieve outcomes, 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. **The White Paper seeks to ensure that local authorities are best placed to take those decisions at the most appropriate 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 White Paper contains few provisions relating to specific groups of people, **all of society is likely to benefit from a local government with a strengthened capability, resilience 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 White Paper are likely to 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 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 is. 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 White Paper therefore seeks to improve diversity within local government, and to ensure local government is more open and involving of its local communities. Several areas of the White Paper, identified below, will have a positive impact on people because of their age.</p> <p>Diversity</p>
Older people (50+)	X			<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 White Paper therefore includes proposals to encourage the membership of elected local government to reflect its electorate. It strengthens guidance-making powers in the Local Government Act 2000 relating to the appointment of local authorities’ executives to refer to good practice in relation to equality and diversity. The Welsh</p>



			<p>Government intends to use these enhanced powers to require leaders to consider the interests of promoting diversity when appointing their Cabinets and assistants to cabinet members.</p> <p>Involving people</p> <p>Preparation work for the previous White Paper also found that local government could do more to involve service users, vulnerable groups, their families and front line staff sufficiently in the design, commissioning, delivery and assessment of services. Given the financial and demographic challenges continuing to face local government in the coming years, 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. The public participation strategy (s.45 of the Draft Bill) will require local authorities to encourage local people to participate in the making of decisions by the council. This duty will have to take account of the different age groups and characteristics of local people. The duty is supplemented by a guidance power that Welsh Ministers can exercise to specify if any particular age related factors should be addressed in an authority's strategy.</p> <p>Proposals for accountable regional working on a statutory basis present significant opportunities to support more effective implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill ('the ALNET Bill'), introduced in December 2016, and the wider Additional Learning Needs (ALN) transformation programme.</p> <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 local authorities. Welsh Ministers also believe that, on some occasions, local government could make more of available opportunities for transforming and sustaining the services delivered.</p>
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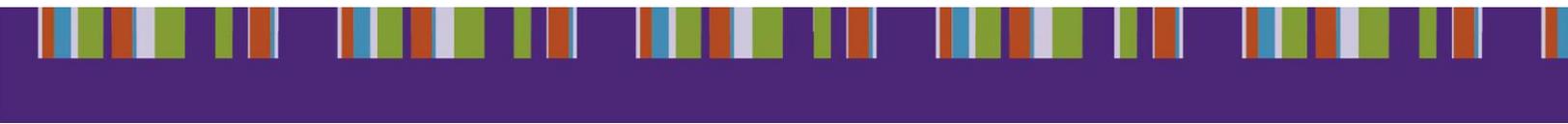


				<p>The Welsh Government remains committed to previous proposals to strengthen the links between audit, inspection, regulation bodies. External review bodies have a crucial role to play in scrutinising services and outcomes for children and young people, vulnerable adults, and older people. These review 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 local authorities and regional bodies based on governance as well as service-based concerns, and upon the advice of an independent review. Local authorities' 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?

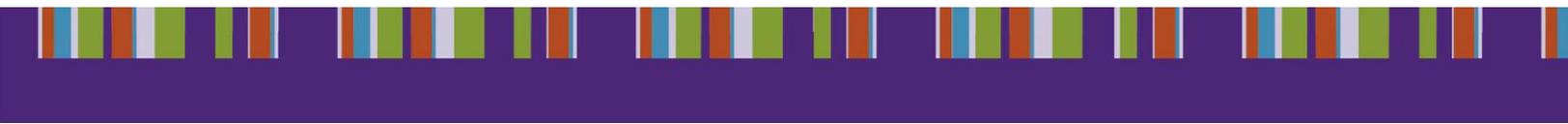
Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment			X	None of the proposals in the White Paper relate only to disabled people, and no negative impacts on people with disabilities have been identified.
Hearing impairment			X	However, disabled people are likely to benefit from the Welsh Government's general aims to address diversity, increase community engagement and strengthen the capability and capacity of local government, enabling them to make robust decisions and deliver effective services. The proposed duty on leaders of political groups to promote high standards of conduct by members
Physically disabled			X	

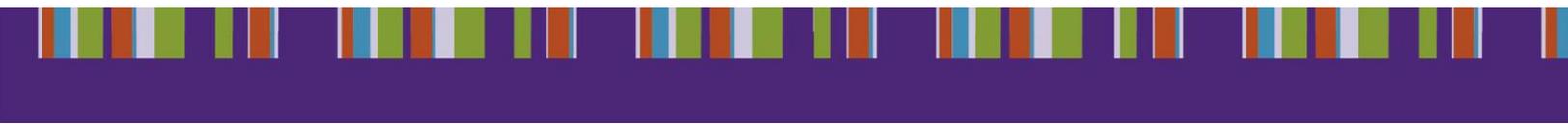
Learning disability			X	<p>of those groups and the associated duty of standards committees to monitor compliance by leaders of political groups with that duty are likely to benefit those who are disabled.</p> <p>Furthermore, if a disabled person became an Elected Member, they would be covered by the Equalities Act, entitling them to the same level of support as an employee, by way of special adaptations.</p> <p>The specific elements of the White Paper identified as having a positive impact on people because of their age will also impact positively on disabled people, in particular the proposals to increase community engagement and address equalities and diversity in local government.</p>
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 White Paper 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 previous White Paper 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 White Paper that have been identified as having a positive impact on people because of their age will also relate to gender. People of all genders are likely to benefit from the general aims to strengthen the capability and capacity of local government, enabling them to make robust decisions and deliver effective services. The White Paper's proposals to address the diversity deficit in local government will impact positively on females who are currently particularly under-represented in local authority membership and leadership. Care allowance is available to councillors who have to provide for children (or dependent adults) to be looked after while they attend to council business.</p> <p>The proposed duty on leaders of political groups to promote high standards of conduct by members of those groups and the associated duty of standards committees to monitor compliance by leaders of political groups with that duty are likely to benefit women.</p>



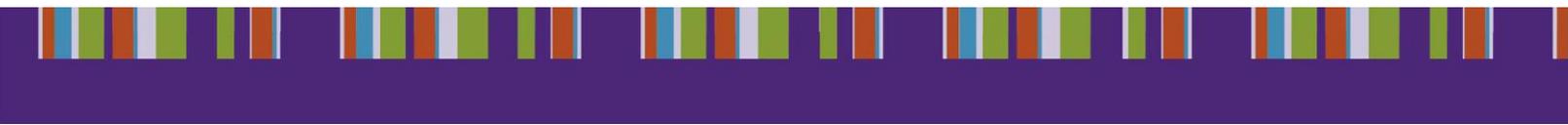


4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			X	<p>None of the proposals in the White Paper relate only to people who are transgender, and no negative impacts upon people who are transgender have been identified.</p> <p>However, the proposals that seek to encourage diversity in local government, increase community engagement and strengthen the capability and capacity of local government, enabling them to make robust decisions and deliver effective services will positively impact on all citizens. The proposed duty on leaders of political groups to promote high standards of conduct by members of those groups and the associated duty of standards committees to monitor compliance by leaders of political groups with that duty are likely to benefit those who are transgender.</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 White Paper 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.

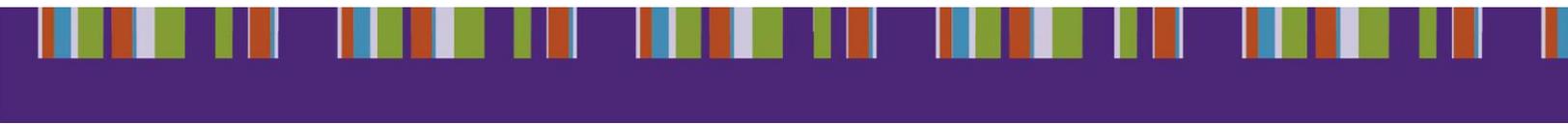


Civil Partnership			X	<p>However, the proposals that seek to encourage diversity in local government, increase community engagement and strengthen the capability and capacity of local government, enabling them to make robust decisions and deliver effective services will positively impact on all citizens.</p> <p>The proposed duty on leaders of political groups to promote high standards of conduct by members of those groups and the associated duty of standards committees to monitor compliance by leaders of political groups with that duty are likely to benefit those who might be at risk of discrimination on grounds of being married or being in a civil partnership.</p>
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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 White Paper 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	<p>However, the proposals that seek to encourage diversity in local government, increase community engagement and strengthen the capability and capacity of local government, enabling them to make robust decisions and deliver effective services will positively impact on all citizens.</p> <p>The proposed duty on leaders of political groups to promote high standards of conduct by members of those groups and the associated duty of standards committees to monitor compliance by leaders of political groups with that duty</p>

				are likely to benefit those who are pregnant or who are mothers.
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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	None of the proposals in the White Paper 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. However, people of all races are likely to benefit from the Welsh Government's general aims to address diversity, increase community engagement and strengthen the capability and capacity of local government, enabling them to make robust decisions and deliver effective services.
National Origin (e.g. Welsh, English)			X	The proposed duty on leaders of political groups to promote high standards of conduct by members of those groups and the associated duty of standards committees to monitor compliance by leaders of political groups with that duty are likely to benefit those who might be at risk of discrimination on grounds of race.
Asylum Seeker and Refugees			X	The specific elements of the White Paper 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.
Gypsies and Travellers			X	
Migrants			X	
Others			X	

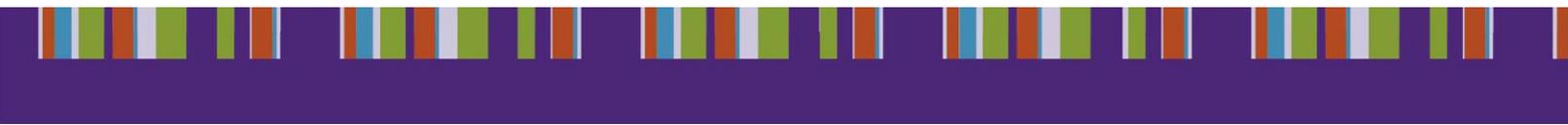
4.8 Because of their religion and belief or non-belief?

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 White Paper 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, enabling them to make robust decisions and deliver effective services will positively impact on all citizens.</p> <p>The proposed duty on leaders of political groups to promote high standards of conduct by members of those groups and the associated duty of standards committees to monitor compliance by leaders of political groups with that duty are likely to benefit those who might be at risk of discrimination on grounds of religion or non-belief.</p>
Belief e.g. Humanists			X	
Non-belief			X	



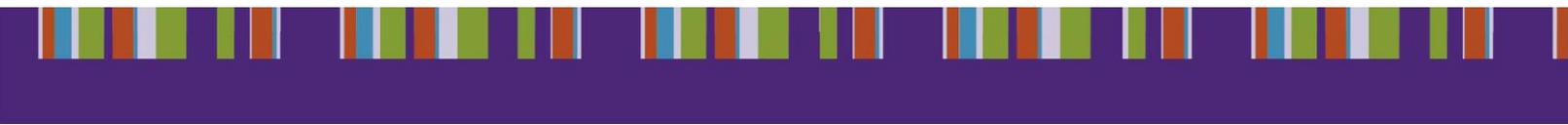
4.9 Because of their sexual orientation?

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 White Paper 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 Welsh Government's general aims to address diversity, increase community engagement and strengthen the capability and capacity of local government, enabling them to make robust decisions and deliver effective services.
Bi-sexual			X	<p>The proposed duty on leaders of political groups to promote high standards of conduct by members of those groups and the associated duty of standards committees to monitor compliance by leaders of political groups with that duty are likely to benefit those who might be at risk of discrimination on grounds of their sexual orientation.</p> <p>The specific elements of the White Paper identified as having a positive impact on people because of their age will also have a positive impact on gay men, lesbians and bi-sexuals, in particular the proposals to increase community engagement and address equalities and diversity in local government.</p>



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>Consideration has been given to human rights throughout the development of the White Paper. For example, the proposals for councillors to have a general duty to report on their engagement activities have led to the need to consider the need to protect the personal data of individuals mentioned in those reports. It is considered that the proposals are proportionate and will strike the balance between letting the public know what members have been doing without requiring the publication of identifying/personal information (securing an individual’s right to a private and family life).</p> <p>Similarly, any consequences flowing from a conviction for double signing a recall petition (e.g. a person convicted of such an offence could be prohibited from standing as a local authority member) may give rise to some human rights issues. At present it is considered that such a proposal would be proportionate to the legitimate aim (of improving standards of conduct of members) although any human rights impacts will continue to be assessed as proposals develop.</p> <p>The proposals that seek to encourage diversity in local government, increase community engagement and strengthen the capability and capacity of local government, enabling 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, 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 previous White Paper has found that there is a diversity deficit in local government. The body of Elected Members does not currently reflect the communities they represent, particularly in relation to age, gender and ethnicity. Moreover, the culture and working practices within local authorities are not always conducive to encouraging diversity amongst Elected Members.

The White Paper proposes 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 good practice in relation to equality and 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.
- Some important aspects of the role of Elected Members would be clearly set out in law as duties relating to their performance of that role, and the proposed duties 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 not be otherwise heard.

- A proposal to expand the remit of Standards Committees, to require them to enforce the performance duties of Elected Members in case of breach.

2. Involving people

The evidence outlined previously has found that local government could do more to involve service users, vulnerable groups, their families and front line staff in the design, commissioning, delivery, assessment, and improvement of services. Given the financial and demographic challenges continuing to face local government in the coming years, 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 White Paper therefore, includes proposals that seek to promote public participation:

- The White Paper encourages local authorities, 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 White Paper emphasises the role that community councils play in involving people in their area. The White Paper proposes to ensure citizens are continually informed and have the right to make representations on any business conducted at a council meeting. Community councils are being supported to raise awareness of and encourage participation in community council elections, and to increase diversity.
- Local authorities would 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 White Paper 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.
- As part of their new duties to promote access to local government, local people will be encouraged to participate in and influence their authority's decision-making. 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 local authority. This extends to all authorities in the area, including community councils, fire and rescue authorities, and National Park Authorities.
- Proposals for accountable regional working on a statutory basis present significant opportunities to support more effective implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill ('the ALNET Bill'),

introduced in December 2016, and the wider Additional Learning Needs (ALN) transformation programme.

- Safe, secure and affordable housing underpins health and well being, children's educational attainment, and the ability of people to participate in labour markets. Collaboration at local, regional and national levels will likely improve the outcomes of children and other people with protected characteristics.

3. Corporate governance and improvement

The Welsh Ministers believe that 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 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 Welsh Government is proposing to:

- Renaming Audit Committees as Corporate Governance and Audit Committees and clarifying their responsibilities and remit while expanding their independent membership. The White Paper will also require that Audit Committees be chaired by an independent person. This will enable Audit Committees to become a powerful force and assist Chief Executives of local authorities to fulfil their statutory improvement functions, providing assurance that the local authority has procedures in place to secure continuing improvement.
- Asking audit, inspection and regulation bodies to work together more effectively and also work more closely with Authorities to support better outcomes for citizens. This should facilitate the identifying of any cross cutting opportunities for improvement across a local authority. Estyn and CSSIW play a crucial role in ensuring high-quality services and outcomes for children and young people, including for those who are particularly vulnerable.
- Strengthen local authorities' own performance improvement regimes, by introducing requirements for self-assessment and peer reviews. These processes should ensure that all local authorities 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.
- Allow the Welsh Government to support local authorities, when required, over a wider range of circumstances. 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 local authorities.

The proposals identified above should enable local authorities 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.

Following the White Paper consultation, if policies are taken forward, they will be developed further and more specific and detailed consideration will be given to their impacts.

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

The proposals in the White Paper are designed to strengthen capacity, resilience and capability across local government and should reduce the chances of unlawful discrimination, harassment, or victimisation. The White Paper seeks to create a more diverse, representative, transparent local government, which will positively and openly involve all members of the community. However, the White Paper 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 Welsh Government remains committed to proposals from the Draft Bill to introduce a new duty for Standards Committees, to consider cases where it is alleged that an Elected Member has breached their performance duties. Standards Committees would be provided with appropriate sanctions that 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 Government would support local authorities, when required, over a wider range of circumstances. 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?

This White Paper sets out a new relationship between national and local government. One where there is a mutual understanding and recognition of respective roles and interests, and where all partners are given the space to maximise the positive impact they have on the lives of citizens.

Improving the capability and capacity of local authorities will enable them to become more ambitious in their service delivery, and more representative of their communities. 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?

While the policies in the White Paper aim to make positive changes, intended to improve the services local authorities provide to everyone in their communities, including protected groups. There is a risk that some negative impacts could materialise. At this stage of the policy development, very few possibilities have been identified, some potential negative impacts include:

- many facets of culture and identity are inherently local and grounded in place. Any regional arrangements will need to be sensitive to the very local impact of decisions, considering the risk that regional decisions could negatively impact local areas;
- if education services are delivered by a new, larger body, the services for additional learning needs children may experience initial disruptions while new processes are being implemented;
- if services are shared and a joint procurement system is implemented, this may result in a different number and variety of products/services being made available to disabled people that they currently receive, which might change the specific services which they receive;
- the introduction of regional bodies might reduce the number of senior posts available, which may reduce the chances of people with protected characteristics being appointed to high level posts; and
- if services are being delivered by new bodies, there may be initial confusion for people with protected characteristics about who to contact regarding their services.

As policy development continues and proposals become more focused, further steps will be taken to identify and assess any potential negative impacts. Part of this includes asking the following questions as part of the White Paper consultation:

31a. The Equalities Impact Assessment published alongside the White Paper outlines the Welsh Government's view of the effect of the proposals contained in the White Paper on protected groups under the Equality Act 2010. The Welsh Government seeks views on that assessment. Are there any other positive or adverse effects not identified in the assessment?

31b. Could the proposals be re-formulated so as to increase the positive effects or reduce any possible adverse effects?

The Welsh Government are seeking feedback on whether all the potential positive and negative impacts have been identified or if there are impacts which have not been fully recognised at this stage.

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.)

Once policy proposals become more specific and the associated negative impacts have been fully assessed, clear plans will be made to mitigate risks.

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 responses to this consultation will inform the development of any future legislative proposal in this area. If a Bill is prepared it will be accompanied by a revised EIA. The potential equality impacts of the White Paper's proposals 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 any proposals for future legislation.

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:

