**Borough of Poole Equality Impact Assessment**

| | |
|---|---|
| **Function:** | Legal Advice to Council Service Units |
| **Service Unit:** | Legal and Democratic Services |
| **Names & roles of officers/ partners undertaking EQIA:** | Tim Martin, Service Unit Head and Monitoring Officer<br>Peter Woodroffe, Principal Solicitor (Litigation) – Equality Lead Officer<br>Diana Goldsmith, Principal Solicitor (Commercial) and Deputy Monitoring Officer<br>Liz Hall, Business Support Manager (Equality Representative) |
| **Date completed:** | 23 March 2009 |

**Aims of the Function**

The aims of the function are to conclude legal transactions of various kinds and provide legal advice and assistance to the Council and its Service Units in order to ensure probity and legality in its activities. In the Commercial Team, the function is to deal with property or land-related (in its widest sense) and other commercial transactions between the Council and outside person or commercial organisation. In the Litigation Team, the function is to deal mainly with implementing the legal side of the Social Services and Education functions of the Council. Both teams are involved in a wide range of enforcement work on behalf of Council services including criminal prosecutions and civil actions through the courts. The Legal Services Team acts as the legal interface between the instructing front line service unit and the receiver or provider of the service in question. We may also deal directly with complaints or other issues in respect of the Council's functions. Matters may be contentious or non-contentious and concern the civil or criminal law.

It aims to benefit Council Officers, Elected Members, outside bodies and organisations, other local authorities, HMG. We cannot act for or accept instructions on behalf of members of the public but our work brings us into contact with the public in numerous ways.

The Service Unit Head is responsible for the function and it is implemented by 2 principal solicitors, 6 solicitors, 1 practice manager, 3 legal executives, 4 legal assistants, 1 law student and 1 administrative assistant

The function is put into practice by the officers employed by the Council to work in the Legal Services Team. The Service Unit Head is responsible for managing the service by delegating work and responsibilities to the officers in the unit's Management Team and others within the section.

It supports the following Council corporate objectives:

- Supporting Children and Young People
- Promoting Health and Wellbeing
- Protecting Poole's Environment
- Strengthening our Communities
- Developing a Dynamic Economy

And the following Council Priorities:

- Revitalising our Town Centre
- Transforming our Schools for the Future
- Improving Housing for Local People
- Reducing Poole's Carbon Footprint
- Meeting the Needs of our Ageing Population
- Improving Efficiency & Effectiveness

The Council is empowered to employ officers to carry out its work. It ensures actions are not taken ultra vires or in an illegal manner. The Legal Services Team is a support service which assists in the implementation of all the Council's tasks where legal advice or assistance is necessary. It advises upon, issues and completes legal documents such as licensing policies, criminal summonses, contracts for supplies, works and services, transfers and leases or land, pursuing and defending civil actions both for and against the Council. A thread throughout the Team's activities is ensuring compliance with equalities legislation, and legal advice is provided as necessary to this end. It contributes to ensuring that legislative requirements, codes of practice or other related policies are followed which include:

- Local Government Acts (1972), (2000) and (2007)
- All other legislation relating to Local Authorities, their powers, duties and responsibilities

| Equality Strand | EQIA Evidence | SMART Actions | Performance Measures |
|---|---|---|---|
| **People from different age groups** | **Key findings:**<br>Legal Services are not provided directly to the public however there is an involvement with groups such as defendants in debt recovery or enforcement action or with key people involved in planning inquiries or child, adult and education matters which can involve people from different age groups.<br><br>The actions employed by our Legal Services Team in order to perform their key role does not have any differential impact on this equality group. All ages are treated fairly and according to legislation and appropriate guidelines.<br><br>There is a good gender balance of employees within the Section with 50% being male and 50% being female, 65% of employees are within the 40-50 age group, 20% within the 30-40 age group and 15% within the 20-25 age group.<br><br>The service facilitates the education appeals panel which have a tendency to consist of mainly retired persons. The 'recruitment' procedures for the panel may indirectly exclude people from different age groups which could lead to challenges being made.<br><br>**Current mitigating actions/ positive actions**<br>The service provides a very active school work-experience programme to get young people interested in a career in local government law. Participation in careers events.<br>The service supports a 10-month work placement scheme for a university student in their third year of studying for a degree in Law (jointly funded by L&D & Property Services) | Ascertain and review recruitment criteria for education appeals panel members with Lead Officer by end-June 2009 and implement changes to encourage applications from different age groups.<br>Continue to employ trainees and staff from a range of age groups. | BoP175 - % of service users that have perceived the service as good or excellent. |
| **Disabled** | **Key findings:** | | |

| Equality Strand | EQIA Evidence | SMART Actions | Performance Measures |
|---|---|---|---|
| **people** | The building from which Legal Services operates is DDA compliant and does not exclude access to physically disabled groups, however doors to offices do not have automatic opening and closing mechanisms, so it is possible for wheelchair users to encounter difficulties opening the doors to offices. Assistance will be provided to officers or councillors if known in advance.<br>Planning Inquiries take place in the Committee Suite or Council Chamber of the Civic Centre in the evenings with controlled access provided at the Members' Entrance to the building, which at present is not fully DDA compliant.<br>Meetings taking place in any of the corporate room venues within the building are equipped with a hearing loop. A portable hearing loop is available for meetings taking place within any other office area.<br>**Current mitigating actions/ positive actions**<br>Building work being carried out to the Members' Entrance to install ramp access and disabled lift access rendering this access point fully DDA compliant.<br>Business Managers are actively encouraged to attend Prejudice Incident Reporting; Embracing Diversity; Dignity At Work; Recruitment & Selection and EQIA training.<br>Staff have access to awareness training. Staff are aware of the legal duties due to their professional knowledge. We have put in place adjustments in work practices from time to time to allow staff with disabilities to continue to work. | Include section in the Service Level Agreement for 2010-2011outlining translation or interpretation services available if required. | |
| **People of different faith or belief** | **Current mitigating actions/ positive actions**<br>In most cases, decisions to prosecute will be preceded by investigations by Enforcement Officers who will highlight any potential problems/issues defendants may have. | | |

| Equality Strand | EQIA Evidence | SMART Actions | Performance Measures |
|---|---|---|---|
| **Gender / Trans people** | **Key findings:**<br>When interviewing for recruitment of posts we always try to ensure that there is a good gender balance on the interviewing panel to avoid potential gender bias during any part of the recruitment and selection process.<br><br>**Current mitigating actions/ positive actions**<br>Corporate recruitment and selection practices are followed rigidly.<br>All staff actively encouraged to attend the recent series of 'All Things Being Equal' Workshops held at the Guildhall. | Encourage attendance on new course 'Transgender Awareness' in May and June 2009 and distribute NHS leaflet 'Transgender experiences – information and support' throughout unit. | |
| **Black and minority ethnic people** | **Key findings:**<br>Legal Services are not provided directly to the public however the manner in which we communicate with groups such as defendants in debt recovery or enforcement action or with key people involved in planning inquiries or child, adult and education matters can have an impact on people from different ethnic groups such as gypsy travellers, and BME defendants. Decisions to prosecute must be even handed, fair, transparent and not discriminatory. At the same time it will generally be the case that little is known about the personal information of the defendant and there is no power or leverage to monitor this by Legal Services except in obvious cases of gypsy travellers.<br><br>Documents being sent out in relation to client matters are in English but a translation service is available if needed, which is widely publicised throughout the Council (Big Word) – this is not stated, however, within the Client Service Unit Service Level Agreement.<br><br>We need to ascertain how written information is provided to defendants who may have difficulty in reading and writing.<br><br>**Current mitigating actions/ positive actions**<br>Staff encouraged to attend Embracing Diversity workshop to provide a better understanding of the issues facing BMEs and to enhance skills when dealing with this equality group. | Include section in the Service Level Agreement for 2010-2011 outlining translation or interpretation services available if required.<br><br>Ensure all business managers and supervisors have attended Embracing Diversity workshop by end of FY 2009-10. | |

| Equality Strand | EQIA Evidence | | SMART Actions | Performance Measures |
|---|---|---|---|---|
| **Lesbian, Gay or Bisexual people** | **Key findings:** To date no legal advice has been provided to client service units around discrimination on this issue.<br>There has never been any complaint of discrimination in this field against a member of our Unit. | | | |
| **Review date:** | March 2012 | **Sent record to PERD Rep and Improvement and Policy Officer – Equalities** | | 31 March 2009 |