

Equality Analysis - Stage One – Initial Analysis

What you are analysing? Scheme for the establishment of a Mayoral West Midlands Combined Authority

Is it a; service function policy procedure

Is it? A new service, function, policy or procedure

An existing service, function, policy or procedure

An amended or revised service/ function/ policy/ or procedure

<p>1. What are the main aims and objectives or purpose of the service, function, policy or procedure (proposal)? What needs or duties is it designed to meet?</p>	<p>The proposed Mayoral WMCA ‘powers and functions’ Scheme details the powers and functions that are being sought by the WMCA to enable the Mayoral WMCA, in conjunction with the Mayor, to deliver the devolution deal.</p> <p>The establishment of a West Midland Combined Authority represented a major opportunity to have a strong, shared voice for the West Midlands and to make a step change in our collective efforts to drive the economic prosperity of the area. Effective engagement with the Local Enterprise Partnerships (“LEPs”) and the wider business community remains critical to the delivery of this ambition.</p> <p>A devolution agreement has been negotiated with central government which supports the public and private sector of the West Midlands to reach its economic potential.</p> <p>The Scheme for a Mayoral West Midlands Combined Authority (Mayoral WMCA) builds on the existing West Midlands Combined Authority by providing the necessary powers and decision making necessary to implement the Agreement.</p> <p>Implementation of the Agreement will enable the West Midlands to tackle the economic and social challenges that the region faces.</p> <p>The Agreement is based on the establishment of an elected Mayor for the West Midlands metropolitan area - working as part of the Combined Authority with a Cabinet of Council Leaders of the Constituent Councils and subject to local democratic scrutiny.</p> <p>Mayoral Powers and Functions: The Mayoral WMCA’s ambition is to increase competitiveness and productivity, create more skilled and better paid jobs, bring more investment into the area, reform public services and reduce the region’s welfare bill.</p> <p>The Mayoral WMCA will deliver outcomes that matter to local people: more jobs, better training and improved skills, faster, more convenient and more integrated transport links and more new homes. It will drive these ambitions through its primary focus to improve the effectiveness and efficiency of transport in the area, the</p>
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	<p>exercise of statutory functions relating to economic development and regeneration in the area, skills and employment and economic conditions in the area.</p> <p>In addition to the existing economic development and regeneration WMCA powers, the Mayoral WMCA will have functions in the following specific areas:</p> <ul style="list-style-type: none"> • Culture • Skills • Employment • Supporting and Attracting Business and Innovation • More and Better Homes • Transport • HS2 Growth • Data Sharing • Finance and Funding <p>Timescales and Next Steps: In May the Combined Authority's agreement will be sought on the Mayoral Scheme. Consultation will take place in Summer and then both the Scheme and the Consultation outcomes will be forwarded to the Secretary of State who will develop a draft order for councils to agree (Sept / Oct).</p>
2. Who is or will be affected by this proposal?	The 7 metropolitan council areas of the WMCA will be affected by this proposal. The 6 non-constituent council areas will also be affected, but to a lesser degree. Intervention within a non-constituent area will only be done where it can demonstrate that it benefits the CA area and agreed with the non-constituent in question. Particular groups affected will be residents, businesses and visitors to the West Midlands region.
3. Is the proposal affected by external drivers for change? (e.g. new or amended legislation, national policy, external inspections etc.)	Yes, there is a national appetite to devolve powers to the regions. A key external driver for change is the recent national Cities and Local Government Devolution Act which gained royal assent in January 2016. The proposed scheme meets the requirements of this Act. A Mayoral Combined Authority has already been created in Manchester.
4. Who is responsible for defining and implementing this proposal?	The 7 constituent authorities of the Combined Authority are responsible for defining the proposed scheme. It has been prepared by the CA Programme Team in consultation with the CA Legal Team. The proposed scheme and the draft order (following consultation of the scheme over the Summer) will be taken to the full council meetings of each of the 7 constituent members' respective authorities. Once approved by councils the draft Order will be written by the Secretary of State.
5. How does Wolverhampton City Council interact with other bodies or organisations in relation to the implementation of the proposal?	Wolverhampton City Council interacts with other bodies or organisations through the established governance framework of the Combined Authority (e.g. Programme Board and Shadow Board). In preparing the scheme, workshops and meetings with relevant colleagues across the West Midlands (e.g. Legal teams) have taken place.
6. What analyses, information or data	The following analyses, information and data relating to the proposal exists:

<p>relating to the proposal already exist?</p>	<ul style="list-style-type: none"> a) Governance review (including analysis of Functional Economic Market Areas) b) Scheme for the establishment of the CA c) Devolution Agreement d) Public Consultation <p>(Further detail on these is provided in appendix 1).</p> <p>The proposal has been developed using and informed by the documents outlined above, as well as discussions with other Combined Authorities and government departments.</p>
<p>7. Is there any evidence of higher or lower take up under the proposal for any particular groups? (from formal monitoring or informal anecdotal evidence)</p>	<p>There is no evidence at this early stage of higher or lower take up under the proposal for any particular groups.</p> <p>The scheme does cover elements where policy development could result in higher or lower uptake for particular groups. For example, the Public Service Reform has a role in improving skills levels so that people have the skills and qualifications to access jobs with a view to move people in those groups to sustained employment.</p> <p>The Mental Health Commission will consider the specific contribution that public sector reform and devolved responsibility could make to the mental health and wellbeing of the population of the WMCA area. Resources will be focussed on keeping people mentally well and enable recovery in people with poor mental health and wellbeing. Surveys and information collated on mental health in Wolverhampton shows there are a disproportionate number of BME's, women and LGBT's with mental health problems, so there are likely to be equality implications in this area which will need to be addressed in subsequent equality analyses.</p> <p>In these instance, specific groups will be targeted to reduce the equality gap e.g. in skills and employment. In line with the Public Sector Equality Duty, equality analysis will be produced where there are policy changes or new policy is implemented where specific equality implications can be considered.</p> <p>The Combined Authority will conform to equality and diversity policies in the same manner as the constituent local authorities. An approach to embed equalities across the CA is being developed to ensure this (see section 22).</p>
<p>8. Is there any evidence that the proposal may be directly or indirectly discriminatory?</p>	<p>There is no evidence at this stage that the proposal may be directly or indirectly discriminatory. At this stage of the process, the governance is being put in place to implement the devolution deal which requires the establishment of the Mayoral scheme.</p> <p>Any policy change that the combined authority goes on to enact will need to undergo an equalities analysis to ensure that it is not directly or indirectly discriminatory. As detailed</p>

	in section 7, in the case of Public Service Reform (skills and employment), there are likely to be specific groups targeted with a view to reduce the equality gap. Similarly, there may be policy development that positively discriminates against those with Mental Health needs.
9. If the proposal is discriminatory, can it be justified?	See above. There is no evidence to suggest the proposal is discriminatory. Specific policy arising from the establishment of the scheme will need to undertake an equality analysis to ensure if policy is discriminatory, it can be justified.
10. If the proposal is not discriminatory, is there any evidence that it has a differential impact?	At this stage there is no evidence there will be a differential impact of the establishment of the scheme. Any policies enacted by the combined authority will undergo further equalities analyses that will conform with the Public Sector Equality Duty. In the case of skills and mental health, there is likely to be a differential impact in the areas of need, where resources are targeted at those who are most in need.
11. If there is a differential impact, is it likely to have an adverse impact on any group?	As above.
12. If there is an adverse impact, can that impact be justified?	As above.
13. What evidence have you used to make your judgment of discrimination and/or adverse impact?	N/A on the scheme proposal, however, policy developed under the scheme will provide evidence on the judgement of discrimination and adverse impact. The Public Service Reform workstream will for example identified particular sectors that need positive targeting in order to improve skills levels so that people have the skills and qualifications to access jobs with a view to move people in those groups to sustained employment. In respect of mental health, resources will be focussed on keeping people mentally well and enable recovery in people with poor mental health and wellbeing.
14. If the discrimination/adverse impact cannot be justified, how do you intend to deal with it? Is there any alternative measure which would achieve the desired aim without the adverse impact identified?	There is no discrimination or adverse impact found at this present stage. Consideration will be made and acted upon throughout of the equality impacts of policies, prior to decisions. In the case of improving skill levels and mental health, positive discrimination can be justified.
15. Does or could, the proposal contribute to a specific duty in equality law? <ul style="list-style-type: none">eliminate discrimination, harassment and victimisation	The development of the Mayoral Scheme will improve economic outcomes across the region, through increased investment and more effective use of devolved powers. Protected groups are often disproportionately economically disadvantaged, so an improvement in skills and employment and reduction in deprivation would

<ul style="list-style-type: none"> • advance equality of opportunity between people from different groups • foster good relations between people from different groups. 	<p>advance the equality of opportunity for these groups. Furthermore increased powers and a linked up approach to transport will enable a combined authority to improve transport services to protected characteristic groups. Often protected groups feature disproportionately in isolated areas of the region and an improved transport offer will further their opportunities.</p>
<p>16. Are there any groups which might be expected to benefit from the intended outcomes but do not?</p>	<p>Not as this stage.</p>
<p>17. Is the proposal intended to increase equality of opportunity by permitting or requiring action to redress disadvantages? If yes, is it lawful?</p>	<p>Yes, the proposal will increase equality of opportunity e.g. through up skilling and reducing the skills gap and policy will be developed through lawful means. In terms of mental health, it is expected that interventions will help keep people mentally well and enable recovery in people with poor mental health and wellbeing.</p> <p>The proposal is not permitting or requiring action to redress disadvantages at this stage. Any such proposals will be assessed as appropriate in the future.</p>
<p>18. Have you consulted as part of your analysis? Who have you consulted? What methods did you use?</p>	<p>The scheme is just a proposal at the moment. A full consultation exercise will take place in Summer over an 8 week period (from 27 June to 22 August).</p>
<p>19. Is there any public concern (in the media etc.) that the proposal is being operated in a discriminatory manner?</p>	<p>No</p>
<p>20. Have there been any important demographic changes or trends locally? If so, are these anticipated or dealt with by the proposal?</p>	<p>No</p>
<p>21. How is information about the proposal publicised?</p>	<p>Information about the proposal will be publicised via the CA website, through the press and at public events.</p>
<p>22. How will you monitor in future?</p>	<p>The Programme Team, in consultation with the Equality Officers of the West Midlands Local Authority Equality Network (WMLAEN), are developing an approach to embed equalities across the work of the Combined Authority which will be signed off formally at the Programme Board later this year. This approach will ensure a consistent approach to each major initiative of the CA being assessed and monitored in order to meet the Public Sector Equality Duty.</p> <p>Members of the WMLAEN are providing the Programme Team with initial ideas which will help to integrate equalities into the Combined Authority (e.g. training, measurement mechanisms etc.). These will be refined</p>

	<p>collectively with the WMLAEN. Following initial feedback, the work to integrate equalities robustly into the Combined Authority will be done with reference to the Brown and Gunning Principles which will be used to develop our work. The WMLAEN will be used as a reference group specifically in relation to policies as they arise. Consideration will be given to having a dedicated resource on equalities embedded into the structure of the Combined Authority.</p> <p>We recognise that the public sector equality duty sets an ongoing requirement to examine policies and strategies as they are developed.</p> <p>Legal Aspects PSED requires those bodies subject to it to have due regard to proposals when they are deciding upon them. Since the Combined Authority is not yet a legal entity, decisions to participate in one fall to local authorities that will become part of the Combined Authority.</p> <p>Once in place, the legal responsibility for complying with the Equality Act falls upon the Combined Authority. In advance of the establishment, authorities will work collaboratively to comply with the Equalities Act.</p>
23. Is there any other relevant information?	No

Appendix 1 - Information and Data relating to the Mayoral Scheme Proposal

a) Governance Review:

Challenges to address in the West Midlands

- A Skills Deficit
- A Legacy of Worklessness
- A Public Service Challenge
- A Connectivity Challenge

Overview of the options

The following table sets out the assessment of the potential options considered.

Option	Evaluation	Rationale
Maintain status quo	×	The current structures leave space for ambiguity and overlap between the various roles and functions of the sub-regional bodies. The opportunity to address the deficiencies highlighted in this review would be missed.
Establish an economic prosperity board	×	The downside of this option is that it misses out on the opportunity to fully achieve coordinated transport and economic benefits.
Form a Combined Authority	✓	A Combined Authority affords the area the best opportunity to address its underlying economic needs. This is as a result of the creation of a legally independent and accountable body that combines powers in respect of economic development/regeneration and transport. In addition it

		provides for the potential for powers to be devolved from central government.
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Summary of benefits

The Combined Authority will:

- facilitate closer partnership working;
- increase the effectiveness and efficiency of the relevant functions and improve outcomes for local people through a co-ordinated approach to tackling the area's priorities;
- improve the exercise of statutory functions through stronger centralised evidence collection and analysis function;
- lead to an improvement in the economic conditions of the area;
- bring together the Integrated Transport Authority functions with Economic Development and Regeneration.

Review Conclusions

In order to deliver the identified improvements in the efficiency and effectiveness of governance of economic development, regeneration and transport in the West Midlands, a Combined Authority should be established pursuant to Section 103 of the Local Democracy, Economic Development and Construction Act 2009. A Combined Authority is the most appropriate option because:

- The West Midlands is a functional economic market area.
- West Midlands sits within a broader and even better defined functional economic market area covered by three Local Enterprise Partnerships.
- It will help that West Midlands is to address the complex and inter-related issues which have held back its growth.
- National and international evidence suggests that dealing with regional issues is best achieved at a regional level.

Creating the right governance arrangements for growth

In the absence of improved governance, the West Midlands risks lagging behind areas which have taken this step and will not meet its ambition to support the re-balancing of the UK economy. The establishment of the region's ITA demonstrated the desire to work together on strategic issues. However, this does not provide a legal link between decisions made in relation to economic development/regeneration and transport. By joining up governance in a more transparent and effective decision making process, decisions will be made in a more effective and efficient way. Any new governance arrangements must eliminate time consuming bureaucracy in the making of strategic decisions for the benefit of the region.

b) Scheme

In relation to functions, powers and duties of the CA, the scheme for the establishment of a Combined Authority for the West Midlands states:

'The Combined Authority's ambition will be to help to increase competitiveness and productivity, create more skilled and better paid jobs, bring more investment into the area, reform public services and reduce the region's welfare bill. The Combined Authority will drive these ambitions through its primary focus to improve the effectiveness and efficiency of transport in the area, the exercise of statutory functions relating to economic development and regeneration in the area, and economic conditions in the area. The Combined Authority will manage a significant programme of investment in transport and economic infrastructure, and influence and align with government investment, in order to boost economic development and regeneration. The related interventions will have differential impacts across the Combined Authority area - Underpinned by the principle that all communities benefit, but

not at the same time and not in the same way. The Combined Authority would seek to achieve this by using evidence based objective means by which to assess interventions, or the design of interventions, so that these are aligned to our balanced economic outcomes for the West Midlands Combined Authority area’.

c) Devolution Agreement

Details of the West Midlands Devolution Agreement can be found at the following web address:

<https://www.gov.uk/government/publications/west-midlands-devolution-deal>

d) Public Consultation

A public consultation was undertaken between January and February 2016 which indicates that the majority of respondents agree with the establishment of the Combined Authority. More details on the public consultation can be found at the following web address:

<https://westmidlandscombinedauthority.org.uk/news/positive-response-to-wmca-survey/>

Is there a need for a full Equality Analysis?

Work through the following questions, recording evidence as appropriate. (These questions are the same as on the framework and flowchart (appendices 2 and 3), use whichever one you prefer.

1. Are there any concerns or evidence that the proposal affects or could affect people differently or that the needs of certain groups would not be met? (Consider all the equality strands – age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. **No**

At this stage no, as the proposal is still in its early development. On-going equality analysis will be undertaken on specific policies and initiatives as they arise, and if it shows a full equality is required, one will be undertaken.

Officer(s) completing the analysis

Job Title	Tel	Date
Chris Tunstall (CA Advisor)	x4429	15/04/2016
Robert Picken (CA Project Officer)	x6356	15/04/2016

Upon completion of this form please record the date sent to:

Authorising Officer		15/04/2016
Head of Equalities		15/04/2016
Equality Project Group	(if appropriate)	15/04/2016