

preparing for the Human Rights Act a survey of local authorities

research briefing three
December 2000

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Executive summary

About the survey

This survey was carried out by the Local Government Association (LGA) research team.

The aim of the survey was to examine local authorities' progress towards implementation of the Human Rights Act, to identify key issues and experiences, and to inform discussions with central government and others.

A questionnaire was sent to the chief executives in all local authorities in England and Wales in May 2000. Responses were received over a four-month period just prior to implementation of the Human Rights Act. As a result, it is likely that responses received earlier in the fieldwork period were at an earlier stage of preparation. Respondents were asked to complete the survey from a corporate perspective, rather than a personal one.

By the end of fieldwork, in September, 215 local authorities had responded, giving a response rate of 52 per cent.

General human rights policy

Local authorities were first asked whether they have a *general* policy on human rights (not one relating specifically to the Human Rights Act):

- a total of 10 per cent of authorities reported they already have one established, while a further 30 per cent reported they were in the process of establishing one. Just over a quarter (28 per cent) of authorities reported they had plans for a general human rights policy.

Human Rights Act planning

Authorities were asked whether, at the time of fieldwork (May - September 2000), they had a strategy or plan to prepare for the implementation of the Human Rights Act:

- more than two-fifths of authorities (44 per cent) already had a plan, and 28 per cent said they were in the process of planning. London boroughs, Welsh authorities and county councils were furthest ahead with their strategies. Over 90 per cent of all these authorities already had a plan or had one in progress.

Checking and auditing policies and procedures

All authorities were asked whether they were checking or auditing their policies and procedures to ensure they meet Human Rights Act requirements:

- the great majority were either already doing so (56 per cent) or had plans to do this (39 per cent);
- as a result of the auditing exercise conducted by these authorities, 28 per cent reported that policies or procedures had already been changed;
- the priority areas for checking policies and procedures which were most often reported were: planning/development control; housing (including allocations, homelessness and repossessions); licensing; employment, equal opportunities and personnel (including disciplinary and grievance procedures, and internal appeals); social services, or specific aspects of social services; and revenues and benefits (including collection, fraud and enforcement);

- when asked whether their authority had developed a system for ensuring that human rights implications are considered in decision-making, over a fifth already had one in place, and the majority (70 per cent) had one planned.

Practicalities of implementing the Human Rights Act

- A total of 63 per cent of authorities reported they had experienced difficulties in preparing for the implementation of the Human Rights Act. Lack of human resources and the uncertain legal position were mentioned most often. Competing policy priorities were also identified as a problem. There were no large differences in the sort of problems encountered by authority type;
- when asked which of these difficulties caused the most problems, the most readily identified one was a lack of human resources (43 per cent).

Training and awareness: officers

- A total of 98 per cent of authorities reported that there had been, or would be, some specialist training of officers about the Human Rights Act. Only six per cent reported this specialist training would be given to all officers, but nearly a quarter (24 per cent) said it would be given to most officers and a further 68 per cent were providing it for 'some' officers;
- staff in legal services departments were most likely to be provided with specialist training;

- more than nine out of ten authorities (93 per cent) reported conducting an exercise to raise general awareness of the Human Rights Act amongst officers;
- this general awareness exercise, in seven out of ten authorities (70 per cent) was aimed at 'all' or 'most' staff. London boroughs and Welsh authorities were more likely to aim it at all staff than other types of authority.

Training and awareness: members

- Nearly half (47 per cent) were providing or planning to provide training or awareness to all of their members. A further fifth (19 per cent) were providing it for most of their members, and over a quarter were providing it to some. Less than one in ten (8 per cent) were not planning anything for any of their members.

Litigation

Respondents were asked whether points from the European Convention of Human Rights (ECHR) had already been raised in correspondence or litigation with their authority:

- the majority of authorities had experienced this, with only 39 per cent reporting this was not the case;
- nearly half all authorities (49 per cent) reported that points had been raised in correspondence, and a quarter (25 per cent) said points had been raised in litigation. Seventeen per cent of authorities said points had been raised in both correspondence and litigation.

Those authorities who reported that points had been raised were asked what the issues were:

- the most likely points raised were related to Article 6 (right to a fair trial in the determination of civil rights and obligations), which was cited by 27 per cent of those authorities, and Article 8 (right to respect for private and family life, home and correspondence), reported by 29 per cent.

Further help

Finally, authorities were asked whether they felt they needed any further help with preparations for implementation of the Human Rights Act:

- the vast majority reported that advice on good practice would be useful (87 per cent), as would information on legal developments (86 per cent);
- also, 60 per cent thought that a network of officers in other local authorities would be helpful.

Preparing for the Human Rights Act

1. Background

The Human Rights Act came fully into force from 2 October 2000. From then on, it became unlawful for any public authority to act inconsistently with the European Convention on Human Rights, which has implications for all areas of local authority activity.

Over the summer of 2000, the Local Government Association undertook a survey of local authorities, to ask them about their work towards implementation of the Human Rights Act, to identify key issues and experiences, to monitor progress, and to inform discussions with central government and others.

All 410 local authorities were sent the questionnaire in May 2000. Responses were received over a four-month period just prior to implementation of the Human Rights Act. As a result, it is likely that responses received earlier in the fieldwork period were at an earlier stage of preparation. Respondents were asked to complete the survey from a corporate perspective rather than a personal one.

A total of 215 responded, giving a response rate of 52 per cent. The breakdown of responses by type of authority is shown in Table 1.1.

Table 1.1: Response rate by type of authority

	Response rate %
County councils	59
District councils	56
London boroughs	39
Metropolitan councils	36
Unitary authorities	49
Welsh unitary authorities	59

Base: all responding authorities (215)

The responses were weighted, to make sure they were representative of all local authority types, and ensure that different types of authority's experiences were not over or under-represented. See Annex A for further information.

2. General human rights policy

Local authorities were first asked whether they have a general policy on human rights (not one relating specifically to the Human Rights Act).

A total of 10 per cent of authorities reported they already have one established, while a further 30 per cent reported they were in the process of establishing one. Just under a third of authorities reported they neither had a general human rights policy, nor was one planned.

Table 2.1 below shows the progress of local authorities with such a policy, and makes visible the differences between type of authority.

London boroughs were most likely to already have a human rights policy established: one in three London authorities said they already had one.

Welsh authorities were more likely to have one in progress, with over two-thirds of

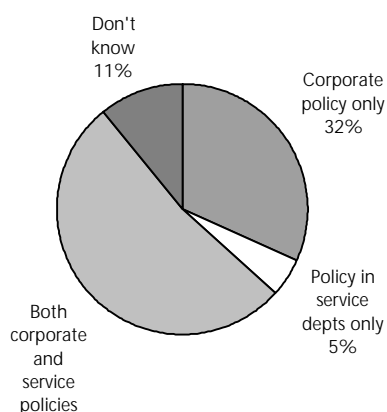
them reporting as such. Only one Welsh authority reported that it did not have a policy, nor was one planned. In contrast, English authorities outside London were less likely to be planning a human rights policy: unitary authorities were least likely to be planning one (two-fifths said they did not have one, nor was one planned).

Table 2.1: Presence of a general human rights policy within authorities

	County council	District council	London borough	Metrop. council	Unitary authority	Welsh unitary authority	All
	%	%	%	%	%	%	%
Yes, already established	6	9	33	0	13	0	10
No, but in progress	41	24	33	37	22	67	30
No, but planned within six months	24	22	7	32	17	17	21
No, but planned in six months or more	6	9	0	0	4	8	7
No, and not planned	24	35	27	32	44	8	32

Base: all responding authorities (210)

Figure 2.1: Nature of human rights policy (planned or existing)



Of the 68 per cent of authorities who said they had a policy, or were planning one, over half said the policy was (or would be) both corporate and service specific. Figure 2.1 shows the different type of human rights policy planned, or existing, within authorities.

3. Human Rights Act planning

Authorities were asked whether, at the time of fieldwork (May - September 2000), they had a strategy or plan to prepare for the implementation of the Human Rights Act.

More than two-fifths of authorities (44 per cent) already had a plan, and 28 per cent said they were in the process of planning. London boroughs, Welsh authorities and county councils were furthest ahead with their strategies. Over 90 per cent of all these authorities already had a plan or had one in progress.

District councils were least likely to be prepared: a fifth (20 per cent) were not expecting to have one within the next six months, or were not planning to have a strategy at all. Interestingly though, despite not having a formal Act implementation plan, all those authorities reported separate plans for specialist training and awareness raising with officers and members, or conducting checks and audits of their policies and procedures.

Table 3.1: Preparation of a plan for the implementation of the Human Rights Act

	County council	District council	London borough	Metrop. council	Unitary authority	Welsh unitary authority	All
	%	%	%	%	%	%	%
Yes, already established	67	38	69	39	46	50	44
No, but in progress	28	27	25	33	25	42	28
No, but planned within six months	0	15	6	17	13	8	12
No, but planned in six months or more	0	4	0	6	4	0	3
No, and not planned	6	16	0	6	13	0	12

Base: all responding authorities (210)

Those authorities who had a plan established or in progress were asked whether it had been considered by members. Thirty-four per cent said members had already considered it, 31 per cent said that members were currently considering it, and 36 per cent said it had not (yet) been considered by them.

They were also asked whether the strategy had a timetable, leading up to implementation. More than half the plans (56 per cent) did have a timetable. The remainder did not (43 per cent), or did not know (2 per cent).

Most authorities (87 per cent) had a corporate contact responsible for implementation of the Human Rights Act. A

smaller number (46 per cent) had departmental contacts. Table 3.2 shows the differences by type of authority.

Table 3.2: Location of contacts for implementation of the Human Rights Act

	County council	District council	London borough	Metrop. council	Unitary authority	Welsh unitary authority	All
	%	%	%	%	%	%	%
Corporate contact	100	83	100	100	79	92	87
Departmental contact:							
all departments	39	13	20	32	17	39	19
most departments	22	6	7	5	9	31	9
some departments	28	11	20	32	30	23	18

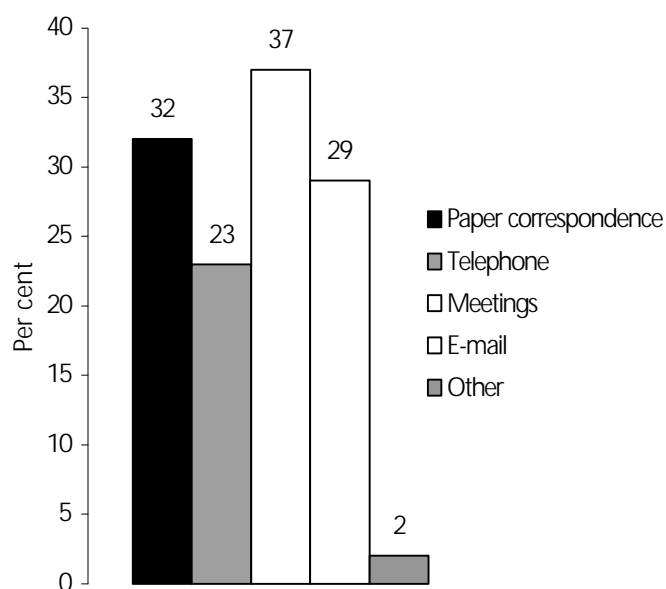
Base: all responding authorities (208-209)

Note: these figures do not total to 100 per cent, since authorities could have both corporate and departmental contacts

For those who had departmental contacts (and, for 90 authorities, had corporate contacts too), the main form of communication between them was at meetings, but paper correspondence and

electronic mail was also popular. As shown in Figure 3.1, the telephone was used least as the main method of communicating.

Figure 3.1: Main method of communication between departmental/corporate contacts

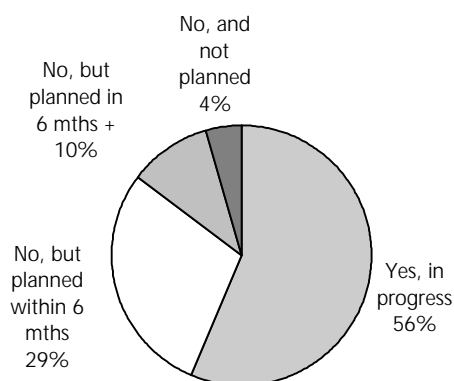


Of the four cases which reported using 'other' methods of communication, three authorities used their intranet, while the other one did not specify what they used.

4. Checking and auditing policies and procedures

All authorities were asked whether they were checking or auditing their policies and procedures to ensure they meet Human Rights Act requirements. The great majority were either already doing so (56 per cent) or had plans to do this (39 per cent). Less than five per cent said they had no plans to do this: of these, the majority were district councils (Figure 4.1).

Figure 4.1: Whether checking or auditing policies to ensure they meet Human Rights Act



Of the 56 per cent of authorities who were already engaged in a policy audit, 28 per cent had produced a template or checklist for this exercise, and another 31 per cent were in the middle of doing so.

The basis for these checklists was most likely to be the Home Office core guidance (indicated by 56 per cent of those who had, or were producing, checklists) or their own and colleague's knowledge (also given by another 56 per cent). The Local Government Association pocket guide was used by 37 per cent of authorities, and 28 per cent used external advisers. Six authorities listed 'other' bases for their templates, which were either advice from Counsel, or from another local authority.

As a result of the auditing exercise conducted by these authorities, 28 per cent reported that policies or procedures had already been changed. As shown in Table 4.1 overleaf, London boroughs were most likely to report that changes had been made (44 per cent).

Table 4.1: Authorities which have made changes as a result of policy/procedure audit

	County council	District council	London borough	Metrop. council	Unitary authority	Welsh unitary authority	All
	%	%	%	%	%	%	%
Yes, changes made	27	23	44	23	35	33	28
No, changes not made	72	77	56	77	65	67	72

Base: all responding authorities who have started an audit (117)

Note: information was not collected about which policies or procedures had been changed

Both those who had started their audit, and those who were planning one, were asked whether they had identified priority areas for checking policies and procedures. Fifty per cent said key areas had been identified, and 50 per cent said not. The key areas for checking which were most often reported were:

- planning/development control (including investigations), which was reported by 68 per cent of the 93 authorities who actually listed their priorities;
- housing (including allocations, homelessness and repossessions), reported by 54 per cent;
- licensing, reported by 39 per cent;
- employment, equal opportunities and personnel (including disciplinary and grievance procedures, and internal appeals), reported by 39 per cent;
- social services, or specific aspects of social services, reported by 32 per cent;
- revenues and benefits (including collection, fraud and enforcement), reported by 26 per cent of the authorities who listed their priorities;

- environmental health, environmental services and trading standards, reported by 23 per cent;
- education (including selection procedures, school exclusions and special educational needs), reported by 17 per cent;
- quasi-judicial committee decision-making and committee reports, was reported by 10 per cent of authorities who listed priorities.

A further 10 per cent of the authorities listed 'general enforcement' as a key issue (without relating it to a particular area). In addition, in 10 per cent of cases 'travellers' were identified as a separate priority, rather than within a specific service.

A large number of other priorities were also identified, but were key areas for only one or two local authorities. For example, one respondent said a key priority was partnership working, and the fact that local authorities may be liable for contraventions of non-public authority partners.

It should be noted that these priorities were those of the corporate respondent to the questionnaire. It is likely that in many cases there may be departmental priorities as well.

Indeed, a number of respondents did not give priorities, but reported that individual departments in their authority had identified their own:

"Each directorate has identified its priority areas, and slice groups are reviewing them within the directorates, with support from legal services." *Unitary authority*

All authorities were asked whether they had a system for ensuring that new policies and procedures met the requirements of the Human Rights Act. For this, a third of

authorities had such a system, while two-thirds did not currently.

When asked whether their authority had developed a system for ensuring that human rights implications are considered in decision-making, over a fifth already had one in place, and the majority had one planned. As shown in Table 4.2 below, just under ten per cent of authorities reported that they were not planning to introduce such a system.

Table 4.2: Has a system been developed for ensuring human right implications are considered in decision-making?

	County council	District council	London borough	Metrop. council	Unitary authority	Welsh unitary authority	All
	%	%	%	%	%	%	%
Yes, already developed	11	19	50	6	26	25	21
No, but in progress	67	36	44	67	30	50	42
No, but planned within six months	17	25	0	22	22	17	21
No, but planned in six months or more	6	8	6	6	0	8	7
No, and not planned	0	12	0	0	22	0	10

Base: all responding authorities (211)

London authorities were furthest ahead, with 50 per cent reporting they already had a system for checking decisions in place. District and unitary authorities were the only ones to say they were not planning to develop one.

Those who had a decision-checking system, or who were planning one, were asked what sort of decisions would be examined.

Eighty-seven per cent of authorities said it would be used for checking member level or committee decisions; just under three-quarters (73 per cent) said it would be used for officer decisions as well.

5. Practicalities of implementing the Human Rights Act

A total of 63 per cent of authorities reported they had experienced difficulties in preparing for the implementation of the Human Rights Act. Table 5.1 shows that county councils, London boroughs and Welsh authorities were much more likely to say this; metropolitan councils were least likely to have experienced problems.

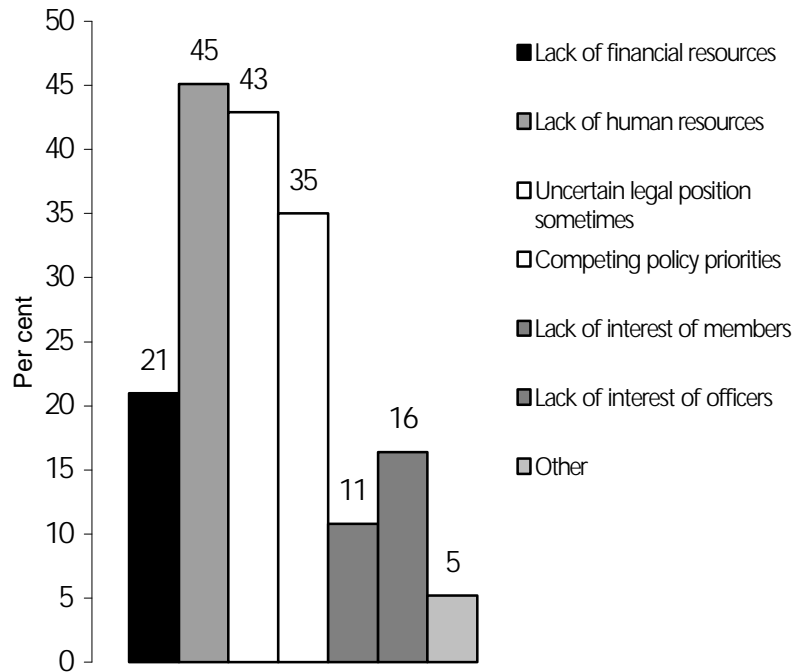
Those who had experienced problems were asked what the difficulties were. Lack of human resources and the uncertain legal position were mentioned most often. Competing policy priorities were also identified as a problem. This is shown in Figure 5.1 overleaf. There were no large differences in the sort of problems encountered by authority type.

Table 5.1: Whether experienced difficulties so far in preparing for the implementation of the Human Rights Act

	County council	District council	London borough	Metrop. council	Unitary authority	Welsh unitary authority	All
	%	%	%	%	%	%	%
Yes	77	61	81	37	56	92	62
No	24	39	19	63	44	8	37

Base: all responding authorities (210)

Figure 5.1: Difficulties experienced in preparing for implementation of the Human Rights Act



Note: these figures do not total to 100 per cent, since authorities could indicate more than one problem

When asked which of these difficulties caused the most problems, the most readily identified one was a lack of human resources (43 per cent). This was the case for all types of authority, except new unitary

authorities, who were more likely to cite that the uncertain legal position in some areas made things difficult (46 per cent of new unitary authorities reported this).

Although only 3 per cent of authorities identified lack of finance as the biggest problem, 95 per cent of authorities said that they did not have an identified budget to prepare for implementation of the Act.

As shown in Figure 5.2, lack of human resources was reported as the biggest problem. However, a greater proportion of authorities had identified human resources to prepare for implementation, than had a budget. Over a quarter (28 per cent) of respondents said there was an identified human resource within their authority. This figure did vary by authority, though, as shown in Table 5.2.

Figure 5.2: Difficulty which has caused, or is causing, most problems for authorities

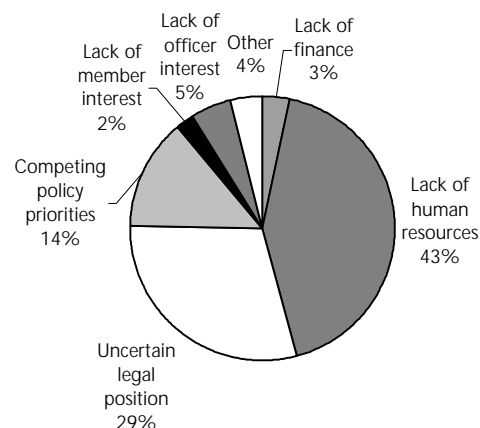


Table 5.2: Whether human resources identified to prepare for implementation of the Human Rights Act

	County council	District council	London borough	Metrop. council	Unitary authority	Welsh unitary authority	All
	%	%	%	%	%	%	%
Yes	35	19	47	37	30	55	28
No	65	81	53	63	70	46	72

Base: all responding authorities (206)

Welsh authorities and London boroughs were much more likely to have staff identified to work on preparing for implementation of the Human Rights Act, while district councils were least likely.

Despite this fact, London boroughs and Welsh authorities were as likely as other councils to say that lack of human resources was their biggest problem.

6. Training and awareness

Training and awareness for officers

A total of 98 per cent of authorities reported that there had been, or would be, some specialist training of officers about the Human Rights Act. Only six per cent reported this specialist training would be

given to all officers, but nearly a quarter (24 per cent) said it would be given to most officers and a further 68 per cent were providing it for 'some' officers.

Table 6.1 shows that London and Welsh authorities were most likely to be providing specialist training to all their officers.

Table 6.1: Whether officers have been, or will be, given specialist training in the Human Rights Act

	County council	District council	London borough	Metrop. council	Unitary authority	Welsh unitary authority	All
	%	%	%	%	%	%	%
All officers	0	5	20	0	4	17	6
Most officers	17	27	7	21	21	33	24
Some officers	83	65	73	79	71	50	68
None of the officers	0	3	0	0	4	0	2

Base: all responding authorities (207)

The officers who have been or will be given specialist training are mainly those who work in 'key positions'. Over three-quarters (76 per cent) of respondents identified that as being the criteria for selection. Officers in 'key departments' were selected by 43 per cent of authorities, and in a third of cases (33 per cent) officers who volunteered or made a request were being provided with specialist training.

were least likely to be in receipt of specialist training, but even then, 63 per cent of authorities reported that 'some' of their administrative staff were being trained.

Table 6.2 overleaf, shows that in 61 per cent of authorities who were providing specialist training, all their chief officers were covered. All service managers were being provided with specialist training in 40 per cent of cases, and all policy officers in just over a third (35 per cent) of cases. Administrators

Table 6.2: Officers in positions or jobs which have been, or will be, given specialist training in the Human Rights Act

	Chief officers %	Service managers %	Policy officers %	Frontline officers %	Admin officers %	Other %
All of them	61	40	35	13	4	18
Most of them	14	34	28	23	12	12
Some of them	21	25	30	56	63	34
None of them	5	1	7	8	20	36

Base: all authorities who are providing any specialist training to officers (153-180)

When asked in which departments the staff with specialist training were located, the most likely areas were legal services, personnel and (where such a department existed) equalities. The service departments most likely to have all or most of their staff

trained were housing (43 per cent) and social services (42 per cent).

Table 6.3 shows the location of officers which had received (or would receive) specialist training.

Table 6.3: Location of officers which have been, or will be, given specialist training in the Human Rights Act

	All staff %	Most staff %	Some staff %	None of the staff %
Corporate policy/Chief Execs Unit (or equivalent)	12	24	61	4
Cultural Services/Tourism (or equivalent)	2	9	68	21
Economic Development (or equivalent)	3	11	67	20
Education	0	27	70	4
Equalities	18	36	45	1
Finance	1	10	74	15
Housing	8	36	53	3
Legal Services	52	26	23	0
Personnel	18	37	42	3
Planning (or equivalent)	9	27	61	3
Public Protection (Environmental Health or Trading Standards)	9	26	61	5
Social Services	3	39	58	0
Transport (or equivalent)	0	19	65	16

Base: all authorities who are providing any specialist training to officers (67-182)

Following on from questions about specialist training, respondents were asked whether there had been or would be an exercise to raise general awareness of the Human Rights Act amongst officers. More than nine out of ten authorities (93 per cent) reported conducting such an exercise.

This general awareness exercise, in seven out of ten authorities (70 per cent) was aimed at 'all' or 'most' staff. London boroughs and Welsh authorities were more likely to aim it at all staff than other types of authority (see Table 6.4, below).

Table 6.4: Whether officers have been, or will be, given general awareness of the Human Rights Act

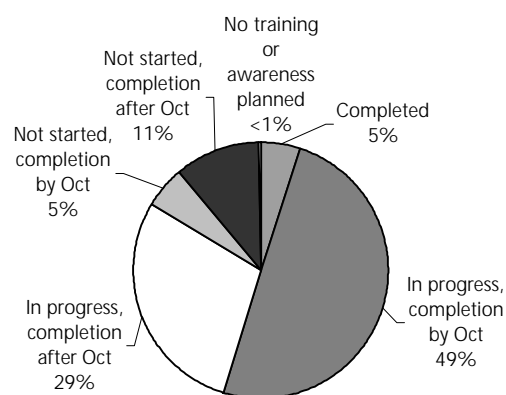
	County council	District council	London borough	Metrop. council	Unitary authority	Welsh unitary authority	All
	%	%	%	%	%	%	%
All officers	20	28	50	17	24	42	29
Most officers	47	45	19	33	43	42	41
Some officers	33	26	31	50	33	17	30
None of the officers	0	1	0	0	0	0	1

Base: all authorities who are providing any general awareness training to officers (197)

All authorities were asked how far they had progressed with providing training and awareness for their officers (see Figure 6.1). The results were broadly the same across authority type, with half all authorities (49 per cent) believing it would be completed by 2 October 2000. Only Metropolitan authorities had a longer timetable than this: 22 per cent said training would be completed by 2 October and a further 56 per cent said that, although training had already started, it would not be completed until after October.

Only one authority, a district council, said they had no current plans to provide any training or awareness at all.

Figure 6.1: Progress on Human Rights Act training and awareness



Training and awareness for members

Authorities were also asked about the training they were providing to members within their authority. Nearly half (47 per cent) were providing or planning to provide training or awareness to all of their members. A further fifth (19 per cent) were providing it for most of their members, and over a quarter were providing it to some. Less than one in ten (8 per cent) were not planning anything for any of their members.

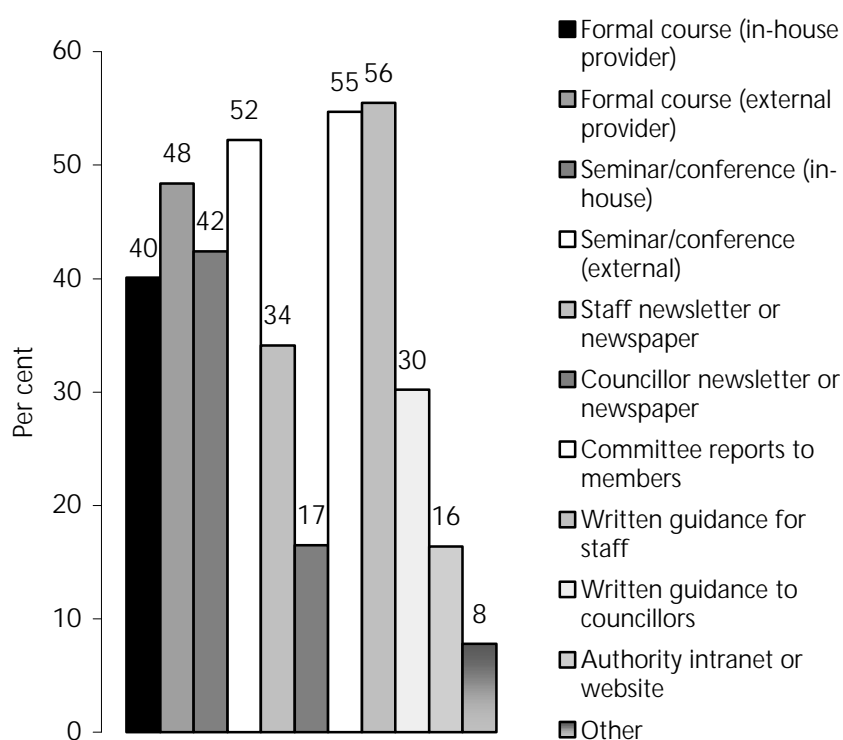
The authorities who were providing training or awareness to most or some of their members were asked how they were selecting those to be trained. They identified members in key positions (23 per cent of authorities) or on key committees

(20 per cent); but nearly a third of authorities (29 per cent) said that members who requested training would be provided with it.

Methods of training and awareness raising

A range of methods were used, or planned, for providing the training and awareness to both officers and members. The most popular methods were written guidance to staff (56 per cent), and committee reports to members (55 per cent). However, about half the authorities also made use of external conferences and seminars, or externally-provided training courses (see Figure 6.2).

Figure 6.2: Methods used for providing training and awareness to officers and members



7. Guidance

Local authorities were asked their opinions of two guidance documents. The first was core guidance from the Home Office Human Rights Task Force, entitled *A New Era of Rights and Responsibilities*.

A fifth of authorities (20 per cent) rated it 'very good', with a further 51 per cent saying it was 'fairly good'. Only 2 per cent said it was 'fairly poor'. Interestingly, 13 per cent of respondents said they could not rate the guidance, which might suggest that they had not used it.

The second guidance document was from the LGA, called *Acting on Rights*. Over a quarter of authorities (28 per cent) said it was 'very good', and a further 47 per cent said it was 'fairly good'. Only 1 per cent said it was 'very' or 'fairly poor'. As with the Home Office guidance, there was a high rate of 'don't know' responses (15 per cent).

To follow up authorities' views of the LGA guidance, they were asked how they used it,

if at all. Over half the respondents (53 per cent) said they used it as a personal reminder, while a third (34 per cent) distributed it to key staff in the authority. Sixteen per cent distributed it at training/awareness sessions, 17 per cent distributed it to members and 4 per cent used it in other ways. However, 21 per cent of respondents said they had not used the guide at all.

8. Litigation

Respondents were asked whether points from the European Convention of Human Rights (ECHR) had already been raised in correspondence or litigation with their authority.

The majority of authorities had experienced this, with only 39 per cent reporting this was not the case. Nearly half all authorities (49 per cent) reported that points had been raised in correspondence, and a quarter (25 per cent) said points had been raised in litigation. Seventeen per cent of authorities said points had been raised in both correspondence and litigation.

Table 8.1: Whether European Convention on Human Rights points have been raised in correspondence or litigation with authorities to date

	County council	District council	London borough	Metrop. council	Unitary authority	Welsh unitary authority	All
	%	%	%	%	%	%	%
Yes, in correspondence only	35	33	25	39	39	0	32
Yes, in litigation only	12	7	6	6	4	17	7
Yes, both in litigation & correspondence	24	12	19	50	17	17	17
No	29	46	44	0	22	58	39
Don't know	0	3	6	6	17	8	5

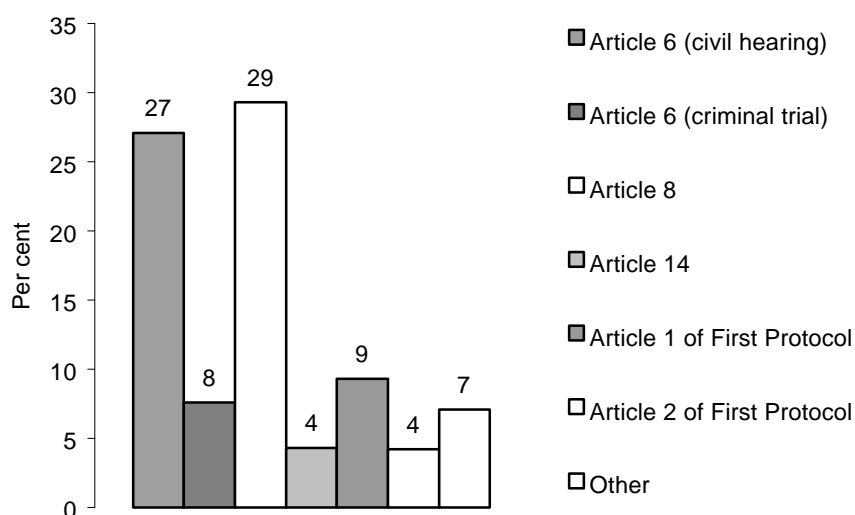
Base: all responding authorities (208)

Welsh authorities were most likely to report they had not had ECHR points in either litigation or correspondence. Metropolitan authorities, on the other hand, all reported that ECHR points had been raised.

Those authorities who reported that points had been raised were asked what the issues

were. The most likely were Article 6 (right to a fair trial in the determination of civil rights and obligations), which was cited by 27 per cent of those authorities, and Article 8 (right to respect for private and family life, home and correspondence), reported by 29 per cent (Figure 8.1).

Figure 8.1: European Convention on Human Rights issues raised in litigation or correspondence with authorities to date



Nearly a fifth (17 per cent, that is 21 local authorities) of those who reported ECHR points had been raised said they were revising policy or procedure as a result of correspondence or litigation: 3 per cent had already made the revisions, while 14 per cent were in the process of doing so.

The policies and procedures being revised were:

- planning/development control (including enforcement, determination of applications and hearings and inquiries), which was reported by 8 of the 21 authorities who said they were revising policy or procedure as a result of correspondence or litigation;
- employment/personnel (including appeals, appraisals, corruption/whistleblowing), which was reported by 5 authorities;

- committees (including reporting procedures, decision-making and quasi-judicious procedures), which was mentioned by 6 authorities;
- housing (including allocations, repossessions and housing review hearings), reported by 4 authorities;
- licensing, reported by 4 authorities;
- social services (including travellers, adoption and child protection), reported by 4 authorities;
- environmental health/trading standards, mentioned by 2 authorities.

The areas which were mentioned by single authorities were general inspections and surveillance, guidance to schools on complaints policies and rights of representation, and parking appeals.

9. Further help

Finally, authorities were asked whether they felt they needed any further help with preparations for implementation of the Human Rights Act. The vast majority reported that advice on good practice would be useful (87 per cent), as would information on legal developments (86 per cent).

Also, 60 per cent thought that a network of officers in other local authorities would be helpful. A slightly smaller proportion, of 46 per cent, said they would like information and advice on specialist issues. These issues included planning (13 authorities asked for this), housing (six authorities) social services (three authorities), and licensing (three authorities).

Seven per cent identified 'other' help, which included:

- practical examples or guidance, as opposed to theoretical assistance (four authorities);
- guidance or standard pro-forma for carrying out audit of functions and activities (two authorities);
- newsletter/information about latest case-law developments (one authority);
- information about corporate [human rights] policies (one authority);
- free material for training and distribution (one authority);
- monitoring of the impact of the Human Rights Act nationally (one authority);
- advice on conducting disciplinary investigations (one authority).

10. Further comments

Authorities were given the option to add any further comments about the implementation of the Human Rights Act, or integrating human rights principles into policy and procedures. Sixty respondents took up this opportunity, and a number of themes emerged from their comments:

Written guidance

A total of 16 authorities made comments about the inadequacy of guidance which was available to them. Comments varied from a complaint about the lack of service-based guidance to requests for more practical guidance and checklists, and criticisms that the guidance which was available was vague and too general:

"Plenty of over-arching advice is available, but what is needed is 'nitty-gritty' front-line service advice." *District council*

"Given the wide-ranging nature of the legislation and Convention Rights a more planned approach, for example a series of service based booklets by the DETR, would have been helpful." *County council*

"Vague booklets advising us to review all our procedures are not...very helpful." *Unitary authority*

A single authority mentioned the good guidance which they had acquired from the LGA.

Training

Four authorities complained about the inadequacy of training courses they had experienced. Some of these complaints were similar in tone to those about the written guidance: that they were too general and not practical enough.

"Many of the training courses offered by the LGA seem only to highlight areas of concern without offering any practical solutions to reduce challenges." *District council*

One authority was particularly concerned about the importance of members and officers understanding the implications of the Human Rights Act properly, and not relying simply on 'checklists' or other systems:

"...if members and officers are properly aware of the HRA's contents, these will automatically be taken into account in drawing up policies and procedures and in decision making. Certainly no 'checklist' or other system can adequately substitute for this. For example, it is felt that it is not sufficient (and indeed possibly dangerous) to simply append 'Human Rights Act Implications' to the end of committee reports. If there are such implications, they need to be addressed in detail in the body of the report." *District council*

This was reflected in the comments of another respondent, who identified the reluctance of officers and members to address issues themselves rather than relying on legal input:

"There can also be a tendency for both officers and members to want to know about the Act, but not to address issues arising from it themselves, relying on legal input on most occasions. This may be due to a lack of practical understanding, but HR is still seen as a legal, not a cultural, issue." *London borough*

Nine authorities took the opportunity to re-emphasise the training work they were doing or planning with members and officers.

Lack of certainty

Fourteen authorities commented on the uncertainty of the impact of the Human Rights Act. Several warned about the dangers of talking up the impact, and others mentioned the difficulties of allocating resources, when it is not totally clear where policies or procedures may contravene the legislation.

"Views vary wildly as to the effect of the HRA. Some believe it will revolutionise English Law – others feel that after an initial rush of dubious challenges it will be a damp squib! Like most authorities, we are bracing ourselves but do not want to oversell the Act." *Unitary authority*

"Apart from any obvious instances where our policies or procedures contravene the legislation, we will be guided by the outcome of early cases in the courts rather than trying to second guess what view the courts are likely to take. A group of officers will be set up to monitor progress." *Unitary authority*

"It is difficult to assess the level of resource (human and financial) that the Act will require. The need for a genuine paper trail demonstrating human rights 'bona-fides' – rather than meaningless pro-formas – will impact upon officers at all levels." *District council*

Resources

Fifteen authorities raised the issue of either the financial resources or human resources required in order to prepare for implementation of the Human Rights Act. In terms of the cost, one authority pointed out:

"It is interesting to note the Home Secretary announced an increase of some £40m to the 'Legal Aid' budget to meet cost of HRA litigation. Where is the acknowledgement of the impact financially on local authorities?" *County council*

Other comments, particularly from small district councils, referred to the lack of human resources available in their authority. There was also reference to the 'policy overload', as staff are trying to deal with a number of other initiatives (such as Best Value, community safety, community planning) at the same time as preparing for implementation of the Act.

Future needs

Finally, nine authorities identified what they saw as future needs, to enable them to keep on top of the human rights agenda. There was some concern that all local authorities are doing the same work separately, and that it would be useful to get feedback from them and share experiences:

"There is very much a feeling of re-inventing the wheel. All local authorities are faced with the same problems and yet we all seem to be learning and proceeding separately." *District council*

In addition, one authority was concerned at an apparent conflict in the guidance being given to magistrates and local authority officers in training, and saw the possibility of co-ordinating and sharing guidance in the future:

"It would help if we could have some details of the training which is being given to magistrates and county courts. This training is, presumably, being co-ordinated by the Lord Chancellors Department, but appears to conflict with some of the local authority guidance...It would seem sensible for all tiers of government to have the same information and a co-ordinated approach rather than waste time and resources arguing between departments." *District council*

A number of authorities suggested that, as court decisions on the Human Rights Act are taken in the future, it would be helpful to have this information disseminated. Suggestions ranged from a regular newsletter, to an area on the internet:

"It will be extremely useful to have information about court decisions on HRA after 2/10/00 – many of these will not otherwise be widely distributed e.g. county court and employment tribunal decisions. The LGA could usefully collect these and put them on its website." *County council*

About the survey

This survey was carried out by the LGA research team.

The aim of the survey was to examine local authorities' progress towards implementation of the Human Rights Act, to identify key issues and experiences, and to inform discussions with central government and others.

A questionnaire was sent to the chief executives in all 410 local authorities in England and Wales in May 2000. A reminder letter was sent out in July 2000. By the end of fieldwork, in September, 215 local authorities had responded, giving a response rate of 52 per cent. The breakdown of responses by type of authority is shown in Table A below.

Table A: Response rate by type of authority

	Response rate %
County councils	59
District councils	56
London boroughs	39
Metropolitan councils	36
Unitary authorities	49
Welsh unitary authorities	59

Base: all responding authorities (215)

The responses were weighted, to make sure they were representative of all local authority types, and ensure that different types of authority's experience were not over- or under-represented.

The weighting factor was calculated by dividing the actual proportions of each type of authority, by the proportion of different authority types who returned the questionnaire. Table B shows the weighting factors.

Table B: Calculation of weighting factors

	Actual proportion of authorities %	Proportion of all questionnaires returned %	Weighting factor %
County councils	8.3	9.3	0.89
District councils	58.0	61.8	0.93
London boroughs	8.0	6.0	1.33
Metropolitan councils	8.8	6.0	1.47
Unitary authorities	11.5	10.7	1.07
Welsh unitary authorities	5.4	6.0	0.90

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