

Section 4

Equality Analysis Toolkit

Independent Travel Training
For Decision Making Items

November 2011

What is the Purpose of the Equality Decision-Making Analysis?

The Analysis is designed to be used where a decision is being made at Cabinet Member or Overview and Scrutiny level or if a decision is being made primarily for budget reasons. The Analysis should be referred to on the decision making template (e.g. E6 form).

When fully followed this process will assist in ensuring that the decision-makers meet the requirement of section 149 of the Equality Act 2010 to have due regard to the need: to eliminate discrimination, harassment, victimisation or other unlawful conduct under the Act; to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard means analysing, at each step of formulating, deciding upon and implementing policy, what the effect of that policy is or may be upon groups who share these protected characteristics defined by the Equality Act. The protected characteristics are: age, disability, gender reassignment, race, sex, religion or belief, sexual orientation or pregnancy and maternity – and in some circumstances marriage and civil partnership status.

It is important to bear in mind that "due regard" means the level of scrutiny and evaluation that is reasonable and proportionate in the particular context. That means that different proposals, and different stages of policy development, may require more or less intense analysis. Discretion and common sense are required in the use of this tool.

It is also important to remember that what the law requires is that the duty is fulfilled in substance – not that a particular form is completed in a particular way. It is important to use common sense and to pay attention to the context in using and adapting these tools.

This process should be completed with reference to the most recent, updated version of the Equality Analysis Step by Step Guidance (to be distributed) or EHRC guidance at

<http://www.equalityhumanrights.com/private-and-public-sector-guidance/public-sector-providers/public-sector-equality-duty>

This toolkit is designed to ensure that the section 149 analysis is properly carried out, and that there is a clear record to this effect. The Analysis should be completed in a timely, thorough way and should inform the whole of the decision-making process. It must be considered by the person making the final decision and must be made available with other documents relating to the decision.

The documents should also be retained following any decision as they may be requested as part of enquiries from the Equality and Human Rights Commission or Freedom of Information requests.

Support and training on the Equality Duty and its implications is available from the County Equality and Cohesion Team by contacting

AskEquality@lancashire.gov.uk

Specific advice on completing the Equality Analysis is available from your Service contact in the Equality and Cohesion Team or from Jeanette Binns

Jeanette.binns@lancashire.gov.uk

Name/Nature of the Decision

Independent Travel Training

What in summary is the proposal being considered?

New service model

This proposal is to introduce Independent Travel Training (ITT) across Lancashire to improve the quality of life of individuals, in particular those who rely on local authority transport support.

Independent travel training is the provision of training and support, to develop a range of educational, social and personal skills necessary for a person to travel safely and independently in the community. Travel training also enables people to travel in a more sustainable way (i.e. by public transport, on foot or by bicycle).

The benefits to the individual and their families/carers are long term as the training often results in lifelong changes in behaviour among learners. Independent Travel Training supports the principles of the SEND reform code of practice in supporting the successful preparation for adulthood, including independent living and employment.

Travel training provides tailored and practical help in travelling by public transport, on foot or by bicycle. The training activity can be short-term, supporting a person to become familiar and confident when learning a new route, through to longer-term more intensive involvement, encompassing the need to acquire a range of the essential skills most people take for granted (e.g. managing money). Travel training can take many different forms, including a practical hands-on element involving accompanied journeys, as well as some classroom based tuition.

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Is the decision likely to affect people across the county in a similar way or are specific areas likely to be affected – e.g. are a set number of branches/sites to be affected? If so you will need to consider whether there are equality related issues associated with the locations selected – e.g. greater percentage of BME residents in a particular area where a closure is proposed as opposed to an area where a facility is remaining open.

The new service model for Independent Travel Training will impact on particular

groups of individuals, and it is likely to create a decrease in service provision.

Could the decision have a particular impact on any group of individuals sharing protected characteristics under the Equality Act 2010, namely:

- Age
- Disability including Deaf people
- Gender reassignment
- Pregnancy and maternity
- Race/ethnicity/nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership Status

In considering this question you should identify and record any particular impact on people in a sub-group of any of the above – e.g. people with a particular disability or from a particular religious or ethnic group.

It is particularly important to consider whether any decision is likely to impact adversely on any group of people sharing protected characteristics to a disproportionate extent. Any such disproportionate impact will need to be objectively justified.

Yes

If you have answered "Yes" to this question in relation to any of the above characteristics, – please go to Question 1.

If you have answered "No" in relation to all the protected characteristics, please briefly document your reasons below and attach this to the decision-making papers. (It goes without saying that if the lack of impact is obvious, it need only be very briefly noted.)

Question 1 – Background Evidence

What information do you have about the different groups of people who may be affected by this decision – e.g. employees or service users (you could use monitoring data, survey data, etc to compile this). As indicated above, the relevant protected characteristics are:

- Age
- Disability including Deaf people
- Gender reassignment/gender identity
- Pregnancy and maternity
- Race/Ethnicity/Nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership status (in respect of which the s. 149 requires only that due regard be paid to the need to eliminate discrimination, harassment or victimisation or other conduct which is prohibited by the Act).

In considering this question you should again consider whether the decision under consideration could impact upon specific sub-groups e.g. people of a specific religion or people with a particular disability. You should also consider how the decision is likely to affect those who share two or more of the protected characteristics – for example, older women, disabled, elderly people, and so on.

Independent Travel Training seeks to provide a reasonable and proportionate level of **additional** service. This service is needs-led and so, will promote equality by implementing the provision of appropriate services to meet the needs of all individuals Independent Travel Training is appropriate for.

Disability including Deaf people – ITT eligibility will be available for all, however the training is predominantly aimed at people who are less able or less inclined to travel independently. This includes (but is not limited to) people with reduced mobility and learning difficulties, and enables them to have equality of access and independence. It assists in overcoming challenges, removes barriers to independent travel and gives people greater access to education, jobs, services and social networks. It empowers people to take greater control in their lives, enabling them to learn new skills and take advantage of opportunities in their communities.

Age – Travel training ideally is a ‘cradle to grave’ experience, following that person as an individual all through their life; through school, college, training and

employment or later on throughout life.

Question 2 – Engagement/Consultation

How have you tried to involve people/groups that are potentially affected by your decision? Please describe what engagement has taken place, with whom and when.

(Please ensure that you retain evidence of the consultation in case of any further enquiries. This includes the results of consultation or data gathering at any stage of the process)

Engagement and consultation has taken place at the SEND reform board, whose cohort is from essential stakeholders (e.g. current specialist services, schools; service user parent/carer representatives). It was clear from the stakeholders consulted at this board, that to enable wider training development that the ITT scheme needs to be properly resourced in order to implement it effectively and consistently.

Once the ITT staff are in place, further consultation plans as part of an awareness raising launch, will include organisations that work with particular groups (e.g. mainstream schools, adult learning groups; youth groups).

Question 3 – Analysing Impact

Could your proposal potentially disadvantage particular groups sharing any of the protected characteristics and if so which groups and in what way?

It is particularly important in considering this question to get to grips with the actual practical impact on those affected. The decision-makers need to know in clear and specific terms what the impact may be and how serious, or perhaps minor, it may be – will people need to walk a few metres further to catch a bus, or to attend school? Will they be cut off altogether from vital services? The answers to such questions must be fully and frankly documented, for better or for worse, so that they can be properly evaluated when the decision is made.

Could your proposal potentially impact on individuals sharing the protected characteristics in any of the following ways:

- Could it discriminate unlawfully against individuals sharing any of the protected characteristics, whether directly or indirectly; if so, it must be amended. Bear in mind that this may involve taking steps to meet the specific needs of disabled people arising from their disabilities

- Could it advance equality of opportunity for those who share a particular protected characteristic? If not could it be developed or modified in order to do so?
- Does it encourage persons who share a relevant protected characteristic to participate in public life or in any activity in which participation by such persons is disproportionately low? If not could it be developed or modified in order to do so?
- Will the proposal contribute to fostering good relations between those who share a relevant protected characteristic and those who do not, for example by tackling prejudice and promoting understanding? If not could it be developed or modified in order to do so? Please identify any findings and how they might be addressed.

Independent Travel Training will advance equality of opportunity for those who have a disability as it improves an individual's access to jobs, education, services and recreational facilities, and supports the objectives of promoting equality of opportunity and independence.

The ITT scheme will impact on an individual's isolation factor. They may need to walk further to access transport, but this will be done by working in an empowering way which helps individuals to improve their situation and take greater control over their lives. This asset based approach will develop strengths rather than need, especially for individuals with protected characteristics, to improve the outcomes for themselves.

Group training sessions encourage the individuals on the training to practice together and this encourages a peer support approach.

For those who ITT is not appropriate for, there will still be the same level of service available as they currently receive under the local authority's statutory responsibility to provide transport to education for those under 16 years of age.

Question 4 –Combined/Cumulative Effect

Could the effects of your decision combine with other factors or decisions taken at local or national level to exacerbate the impact on any groups?

For example - if the proposal is to impose charges for adult social care, its impact on disabled people might be increased by other decisions within the County Council (e.g. increases in the fares charged for Community Transport and reductions in respite care) and national proposals (e.g. the availability of some benefits) . Whilst LCC cannot control some of these decisions, they could increase the adverse effect

of the proposal. The LCC has a legal duty to consider this aspect, and to evaluate the decision, including mitigation, accordingly.

If Yes – please identify these.

It is anticipated that this piece of work will not heighten or exacerbate any disadvantage among any of the identified groups. The ITT scheme will be provided alongside the provision of transport to education. This is a statutory responsibility for local authorities for those under 16 years of age.

However, Lancashire County Council currently provide this for all children and young people attending education. If this non-statutory support is withdrawn at a future date, the Independent Travel Scheme will enhance the options available to those who will no longer be able to receive statutory provision, as the individual will still be able to access the ITT scheme, if not already trained to access public transport for education, training or employment already.

Question 5 – Identifying Initial Results of Your Analysis

As a result of your analysis have you changed/amended your original proposal?

Please identify how –

For example:

Adjusted the original proposal – briefly outline the adjustments

Continuing with the Original Proposal – briefly explain why

Stopped the Proposal and Revised it - briefly explain

As this is an additional service, there would be no benefits to adjusting the original proposal.

Question 6 - Mitigation

Please set out any steps you will take to mitigate/reduce any potential adverse effects of your decision on those sharing any particular protected characteristic. It is important here to do a genuine and realistic evaluation of the effectiveness of the mitigation contemplated. Over-optimistic and over-generalised assessments are likely to fall short of the “due regard” requirement.

Also consider if any mitigation might adversely affect any other groups and how this might be managed.

As no adverse impacts on the protected groups are anticipated by introducing an Independent Travel Training scheme, no mitigation is required at this stage.

From other local authorities who have introduced ITT schemes, there may be resistance from the following:

Parental or carer resistance - The most common challenge faced by travel training schemes is that of overcoming parental or carer resistance for their dependant to participate in the training. Parents and carers will often have understandable concerns about allowing their dependants to be put in what they perceive to be risky situations. Gaining the trust of parents and carers and subsequent 'buy-in' is essential if training is to be successful.

A general lack of awareness of travel training and/or the fear of the unknown, sometimes combined with a perception among parents that their entitlements or benefits will be reduced or removed if their son or daughter becomes independent can mean that a number of individuals may be excluded from developing skills that can increase their independence and quality of life.

This can be minimised by engaging parents and carers fully in the assessments and discussions when their dependent is on the scheme.

Resistance from School and Teachers:

Resistance can come from within schools. Some schools see it as a problem in that students become more independent and start displaying associated behavioural patterns (such as absenteeism and unpunctuality), as they are no longer driven from home to school and supervised all the way. Upon learning how to travel independently, individuals may now be liable to getting diverted, or indeed have the opportunity to not turn up.

This can be minimised by ensuring the school is proactively involved in the scheme and selected members if the school staff are trained and become 'champions' of the scheme.

Scheme Delivery in Rural Areas:

The operation of travel training schemes in rural areas can be more challenging than in urban areas. One key barrier is the higher cost of training in a rural area, as a result of the longer distances being travelled by trainers and learners. This can be exacerbated by difficulties associated with travel through multiple journeys which necessitate more than one operator. A further constraint is presented by a lack of or infrequent services in rural areas, which can limit the potential for engagement. An assessment of suitability should be conducted at an early stage of the process, covering not only the suitability of the individual and the willingness of parent/carers, but also the feasibility of seeking alternative means of travel for an existing journey.

The views of those being most affected by the ITT scheme are heavily embedded into the main processes and functions.

- In addition, an evidence based monitoring and evaluation tool will help identify individual needs more easily
- Case studies will be used at regular intervals to gather the wider impacts of

the scheme, enabling any process or procedural issues to be identified and remedied quickly.

- Awareness, training and identification improvements in the wider aspect of the scheme will reduce potential adverse effects on those not directly benefitting from the service

Question 7 – Balancing the Proposal/Countervailing Factors

At this point you need to weigh up the reasons for the proposal – e.g. need for budget savings; damaging effects of not taking forward the proposal at this time – against the findings of your analysis. Please describe this assessment. It is important here to ensure that the assessment of any negative effects upon those sharing protected characteristics is full and frank. The full extent of actual adverse impacts must be acknowledged and taken into account, or the assessment will be inadequate. What is required is an honest evaluation, and not a marketing exercise. Conversely, while adverse effects should be frankly acknowledged, they need not be overstated or exaggerated. Where effects are not serious, this too should be made clear.

This additional service addresses some of the disproportionate need for support for those who will benefit from an Independent Travel Training scheme. It has been based on needs-led, statistical evidence already in place in many local authorities across the country.

As such, the scheme responses will differ both in terms of level of need and type of support required, according to the individual's ability.

Question 8 – Final Proposal

In summary, what is your final proposal and which groups may be affected and how?

As this additional service will be advantageous to those individuals with protected characteristics, the final proposal remains the same. However, close monitoring of additional needs or particular groups disadvantaged by ITT will take place, and proportionate responses will be taken.

Question 9 – Review and Monitoring Arrangements

Describe what arrangements you will put in place to review and monitor the effects of your proposal.

It is intended that this scheme can coordinate progress whilst maximising delivery and benefits. This will be done by incorporating the scheme into LCC's Integrated

Transport Service and aligned to the SEND service through regular co-working.

Monitoring of the scheme will be done in the following ways:

- Integrated Transport service day-to-day management.
- Scheme overview at the SEND Transport Project Board (which currently meets monthly). This group will monitor and evaluate the project and establish trends, gaps and needs, which will be considered for development of future proposals.
- Case studies will be reviewed at the end of each monitoring period to identify learning and the wider impacts of the scheme
- The SEND Board will be updated on a quarterly basis

Equality Analysis Prepared By: Helene Cooper

Position/Role: Commissioning Manager, Policy, Information & Commissioning (Live Well)

Equality Analysis Endorsed by Line Manager and/or Service Head: Brendan Lee/
Oliver Starkey

Decision Signed Off By

Cabinet Member or Director

Please remember to ensure the Equality Decision Making Analysis is submitted with the decision-making report and a copy is retained with other papers relating to the decision.

Where specific actions are identified as part of the Analysis please ensure that an EAP001 form is completed and forwarded to your Service contact in the Equality and Cohesion Team.