

Section 4

# Equality

# Analysis Toolkit

Crime and Disorder  
For Decision Making Items

June 2018

## **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.

Specific advice on completing the Equality Analysis and advice, support and training on the Equality Duty and its implications is available from the County Equality and Cohesion Team by contacting

Jeanette Binns (Equality and Cohesion Manager) at

[Jeanette.binns@lancashire.gov.uk](mailto:Jeanette.binns@lancashire.gov.uk)

## **Name/Nature of the Decision**

Budget Option PH012 – CRIME AND DISORDER

## **What in summary is the proposal being considered?**

At Full Council on 8th February 2018, Full Council agreed to consult on the proposed removal of part-funding the police community support officers (PCSOs). There are currently seventeen PCSOs jointly funded by Lancashire County Council and Lancashire Constabulary.

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 decision will impact across the County where LCC funded PSCOs are deployed in the Police Divisions, often in the areas of the County where deprivation and crime & disorder issues are highest; with the two PCSOs embedded in the Safe and Healthy Travel team deployed on the bus network across Lancashire. Originally, the early action posts were part-funded in areas that needed extra support for young people. Since then the constabulary has moved to an early action model and the PCSOs now support both young people and their families

**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.

It is likely that any decision will impact most on race / ethnicity / nationality in that there are often concentrations of Black Minority Ethnic communities in the most deprived parts of the County.

The age group (young people) are likely to be particularly affected by the decision. However the proposal will not cease deployment of PCSOs altogether, although capacity will be reduced.

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.

Lancashire Insight provides data in relation to population by a range of demographics including ethnicity and age. Currently there are 281 PCSO posts (265.72 FTE) in Lancashire Constabulary, of which 50 FTE are part-funded by a mixture of schools, colleges and local authorities. LCC currently part funds 17 Lancashire Constabulary Police Community Support Officers (PCSOs), generally employed in Early Action roles across the County; with 2 posts embedded in the Council's Safe and Healthy Travel Team, managed on a day to day basis by officers of LCC, and dealing with issues of crime and disorder on the bus network, especially in relation to travel to and from school.

Should LCC withdraw funding, it is understood that the Constabulary is likely to consolidate the remaining budget, resulting in the likely retention of 9 out of the 17 posts.

The age group (young people) is likely to be particularly affected by the proposal.

### **Demographic breakdown of consultation respondents**

#### Early Action and Schools Consultation

Of the 45 responses received 16 were male and 27 female with 2 prefer not to say these are fairly standard rates for Lancashire.

There were no transgender respondents out of 45 responses and 3 preferred not to say which is less than the Lancashire average.

38 respondents (84%) were 35-64 years old which is what you would expect.

2% of respondents had a disability and 7% preferred not to say.

40 respondents were white British, 1 Asian or Asian British, 1 Black or Black British and 3 preferred not to say. All of these a bit lower than Lancashire average.

28 respondents were Christian, 3 preferred not to say and 1 Muslim, which is lower than average however 14 respondents stated no religion which is higher than the Lancashire average.

87% of respondents were heterosexual which is average for Lancashire and 4% responded gay man and 2% responded lesbian/gay woman which is higher than Lancashire average and 7% preferred not to say.

Asked whether they had a disabled child or young person in their household 7% responded yes, which is higher than usual, 87% no and 7% preferred not to say.

It is noted that this data would not reflect the children with protected characteristics who use the service.

## Safer Travel Consultation

Of the 156 responses received 57 were male and 86 female with 13 prefer not to say these are fairly standard rates for Lancashire.

There was 1 transgender respondent out of 150 responses, 135 said no and 14 preferred not to say which is fairly standard for Lancashire.

126 respondents (81%) were 35-64 years old which is what you would expect.

3% of respondents had a disability and 11% preferred not to say.

131 respondents were white British, 1 Asian or Asian British, 2 Black or Black British, 1 mixed race and 21 preferred not to say. All of these a bit lower than Lancashire average.

28 respondents were Christian, 2 Buddhist, 19 preferred not to say and 1 Muslim, which is lower than average however 14 respondents stated no religion which is higher than the Lancashire average.

82% of respondents were heterosexual which is average for Lancashire, 1% responded bisexual and 1% responded lesbian/gay woman which is usual for Lancashire, 17% preferred not to say.

Asked whether they had a disabled child or young person in their household 6% responded yes, which is higher than usual, 84% no and 10% preferred not to say.

It is noted that this data would not reflect the children with protected characteristics who use the service.

## 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)

Two consultations were set up to ensure the different service users had chance to report on the relevant service.

Consulted with colleagues e.g. in Children and Families Wellbeing Service; Office of the Police and Crime Commissioner; schools; parents; Lancashire Constabulary and PCSO staff.

The fieldwork ran for six weeks from 5 March until 15 April 2018. In total, 204 completed questionnaires were returned online.

### Early Action and Schools Consultation

Main Findings:

95% of the respondents tended to disagree and strongly disagreed with the proposal to remove the part funding.

When asked why they agreed or disagreed with the proposal 30% of respondents stated they support vulnerable people and their families and 11% said PCSOs save money (the results of dealing with crime/ASB/child in care).

When asked what the impact would be on them if the PCSOs were removed and funding ceased 59% of respondents said the support provided to young people would be reduced/stopped which would have a negative impact on young people. 16% said that there would be a negative effect on local community (increased crime/ASB).

When asked if there was anything else they would like to say 50% of respondents stated that it was an important service.

#### Comments Received Include:

- Schools are expected to not only educate children but act as social workers, mental health workers, spot radicalisation, FGM, the list goes on. It is becoming increasingly difficult to refer into appropriate services to help support YP and their families.
- The early intervention has been so effective. It has helped children to remain in school who were at risk of permanent exclusion, helped parents who felt they were no longer able to manage/cope with their child, helped school to send out clear messages on knife crime, racism, criminal responsibility and malicious communication through social media.
- It would have a huge impact. We have a number of children that work with the early action team. They work on crime, racism and knife crime. Where would we go for this support for our children? Who would deliver this work?

#### Safer Travel Consultation

##### Main Findings:

90% of the respondents tended to disagree and strongly disagreed with the proposal to remove the part funding.

When asked why they agreed or disagreed with the proposal 13% of respondents stated that PCSOs help reduce/prevent bullying 9% stated that ASB is endemic on school bus services- more resources are required to manage it. 4% of respondents said that PCSOs work to deter ASB, benefits elderly and other vulnerable transport users.

When asked what the impact would be on them if the PCSOs were removed and funding ceased 24% of respondents said there would be a decrease in pupil/public safety on public transport. 8% said there would be a negative impact on school and bus service provision. 3% stated that areas/routes with chronic ASB issues would lose their bus service.

When asked if there was anything else they would like to say 23% of respondents stated that PCSOs increase public safety, removing them

would only make it worse and 5% said the bus drivers need the security provided by the PCSOs, as well as pupils.

Comments Received Include:

- My son was bullied badly on the bus. Safer travel stopped it immediately. It's a very valuable service.
- You seem to be doing everything possible to trap blind people in our homes
- Removal of the service will affect the community we live in and the vulnerable individuals who would be affected by removing this service.
- As a parent I am concerned for the students who would be left vulnerable by this service ceasing to exist.

### **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.

The proposal could disadvantage children and young people as these children directly receive and benefit from all of these services and PCSOs.

Removing the Safer Travel PCSOs discourages persons who share a relevant protected characteristic to participate in public life. In the open questions for the Discretionary NoWCard proposal a respondent spoke of not wanting to travel at certain times because of the noise and bad behaviour of school pupils. Others mentioned being unable to access priority seats for disabled people easily or without comment or that other travellers did not help to provide space to accommodate a guide dog owner's dog. Any bus incidents involving school pupils would be dealt with the 2 Safer Travel PCSO's.

In the Equality and Human Rights Commission's formal investigation into disability-related harassment "Hidden In Plain Sight" 2011. On page 83 it states "On and around public transport .....were settings for harassment incidents cited in almost every focus group and interview. These affected respondent's lives not only because of the intrinsic features of the incidents themselves but also because many disabled people rely on public transport. Respondents mentioned being stared or laughed at, avoided and commented on by other passengers. They

also talked about other passengers showing impatience or annoyance, for example, if they were slow or took up a lot of space with aids such as assistance dogs, sticks, frames and wheelchairs".

As the roles of both the Early Action and Safer Travel PCSOs assist with issues such as ASB, racism/racist incidents, bullying, etc. they make a valuable contribution to fostering good relations between communities/community cohesion which could be adversely impacted if the roles are lost. Apart from an impact on disabled people, it is likely that the decision may also affect the elderly.

Also, according to some of the comments received, the roles have contributed to young people not being permanently excluded from school or have provided other support to vulnerable young people and their families. This makes a contribution to those young people's participation in public life and to the advancing of equality for these young people which could be adversely impacted if the services are reduced or ceased.

#### **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 expected there will be a significant impact on the Public and Integrated Transport team as incidents (currently 451 last academic

year of which 15 were hate related incidents, 12 bullying, 32 damage to bus and 83 assault or abuse) will not be investigated or dealt with in an appropriate, timely manner, due to the staff resources required to investigate such incidents. This could have a significant impact, especially where these complaints relate to safeguarding or bullying. Costs from vandalism to the buses would not be recouped as this is usually completed by PCSOs through investigations and interviews with pupils and parents. This may lead to contract prices being inflated for school service tenders, issued by the county council, so that bus operators are not losing money through additional vandalism. It is anticipated that in some cases bus operators may not tender for work in problematic areas. This would mean a potential increase in costs to provide alternative transport for these pupils.

### **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

Continuing with original proposal – PCSO capacity will be reduced, but not totally removed. However it is anticipated that the role that the 2 Safer Travel Officers undertake would cease.

### **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.

It is anticipated that the proposal will reduce PCSO capacity in the County. There are currently 281 PCSO posts (265.72 FTE) in Lancashire Constabulary, of which 50 FTE are part-funded by a mixture of schools, colleges and local authorities.

LCC currently part funds 17 Lancashire Constabulary Police Community Support Officers (PCSOs), generally employed in Early Action roles across the County; with 2 posts embedded in the Council's Safe and Healthy Travel Team, managed on a day to day basis by officers of LCC, and dealing with issues of crime and disorder on the bus network, especially in relation to travel to and from school.

Should LCC withdraw funding, it is understood that the Constabulary is likely to consolidate the remaining budget, resulting in the likely retention of 9 out of the current 17 posts.

LCC will continue to work strategically with the constabulary and wider partners to reduce crime and disorder in the County.

### **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.

In particular for young people using transport to school and also for some others there will be a loss or reduction of service if this proposal is agreed. The protected characteristics with regard to young people, ethnicity and perhaps disability and older people, are likely to be the most adversely affected, particularly in relation to the Safer Travel PCSOs.

LCC is committed to providing efficient and effective services to the people of Lancashire, and particularly to the most vulnerable in our communities. However the council's financial position remains extremely challenging, with a forecasted funding gap of £144m in 2021/22.

It is therefore necessary to take some difficult decisions in order to make further savings. It is understood that other agencies are likely to maintain investment in PCSOs and that the Constabulary is likely to consolidate the remaining budget, resulting in the likely retention of 9 out of the 17 posts.

### **Question 8 – Final Proposal**

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

To cease funding for Police Community Support Officer (PCSO) posts currently part funded by LCC.

It is possible that any decision will impact most on the characteristics of race/ethnicity/nationality in that there are often concentrations of Black Minority Ethnic communities in the most deprived parts of the County. The age group (young people) is likely to be particularly affected by the proposal, although older people may also be impacted.

However the proposal will not cease deployment of PCSOs altogether, although capacity will be reduced, so the degree of impact may be considered as relatively low.

### **Question 9 – Review and Monitoring Arrangements**

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

Monitor through analysis of crime and disorder data, in liaison with Lancashire Constabulary.

Equality Analysis Prepared By Clare Platt

Position/Role Head of Health Equity, Welfare & Partnerships

Equality Analysis Endorsed by Line Manager and/or Service Head

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.**

For further information please contact

Jeanette Binns – Equality & Cohesion Manager

[Jeanette.binns@lancashire.gov.uk](mailto:Jeanette.binns@lancashire.gov.uk)

Thank you