



Equality Analysis

CMTYo26b: Discretionary Concessionary Travel
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

Name/Nature of the Decision

Discretionary Concessionary Travel

What in summary is the proposal being considered?

Modify the Concessionary Travel Scheme to increase the Monday to Friday pre-0930 fare for Disabled NoWcard holders from 50p per journey to £1.00.

The Council operates the mandatory English National Concessionary Travel Scheme (ENCTS). In Lancashire this scheme is called NoWcard.

The NoWcard scheme allows free bus travel (and free travel on Blackpool Tramway to Wyre residents) for NoWcard pass holders from Mondays to Fridays after 9.30am and all day on Saturdays, Sundays and bank holidays.

At our discretion, the scheme also allows holders of a disabled person's NoWcard to travel at a 50p flat fare on journeys on local bus/tram services that begin before 9.30am on Mondays to Fridays.

The 50p fare has been in place for over 10 years.

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.

No specific locational impacts on people using the disabled person's NoWcard.

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.

Changes to the facility that allows holders of a disabled person's NoWcard to travel before 09.30 Monday to Friday on payment of 50p will affect those people with a qualifying disability.

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

See 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.)

NA

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.

There are currently 16,313 holders of disabled persons NoWcards in Lancashire (as of June 2018).
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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)

A public consultation ran for eight weeks between 26 March 2018 and 21 May 2018. In total, 179 completed questionnaires were returned (48 paper questionnaires and 131 online questionnaires).

Paper questionnaires were made available at libraries and transport interchanges. The consultation questionnaire was also available online at www.lancashire.gov.uk in PDF, Microsoft Word, large print and easy read versions. Some local forums were also invited to take part in the consultation and different versions (eg braille and audio CDs) were made available to them. Assisted completion of questionnaires was available on request.

413 stakeholders were emailed at the beginning of the consultation to inform them that the consultation had started. The consultation was also publicised via press release, posters at libraries and interchanges, Twitter and Facebook.

The demographic profile of consultation respondents in terms of their protected characteristics can be summarised as follows:

85% of respondents indicated that they were Lancashire residents whilst 21% of respondents were members of a Voluntary, or Community organisation and 11% of respondents were Elected Members of a Parish or Town Council.

40% of respondents were male and 53% were female, a slightly lower representation of males than in the Lancashire population.

53% of respondents were aged 35-64 which is higher than for a number of service consultations, 18% were aged 65-74, 11% were aged over 75, 7% were aged 20-34, 3% were aged 16-19 and 1% were aged under 16.

34% of respondents did not have a disability and 7% "prefer not to say" so the majority of respondents had a disability –these were identified as physical disability (28%), visually impaired (19%), learning disability (16%), other disability (13%). Mental health condition (12%), Deaf person (7%).

In terms of ethnicity 89% of respondents were White, 1% were Asian/Asian British, 1% identified as "Other" and 10% of respondents "prefer not to say" which indicates some under-representation of various groups compared to the 2011 Census.

Respondents were also asked if there were any children or young people under 20 in their household – 65% said no, 4% (double the usual response to this question) said "no but expecting", 7% of respondents had young people aged 17-19 in their household, 10% had 12-16 year olds, 4% had 9-11 year olds and 5-8 year olds respectively and 2% of respondents had children aged under 5.

Key consultation findings:

- 53% of respondents had a current disabled persons NoWCard.
- Of those respondents who said that they had used their disabled person's NoWcard in the last 12 months about three in every ten (29%) said that they had used their NoWcard for travel before 9.30am from Monday to Friday every or most days in the last 12 month. About a further one in six of those respondents (16%) said that they used their NoWcard for travel before 9.30am from Monday to Friday a few times a week in the last 12 months.
- Respondents who said that they had used their disabled person's NoWcard for travel before 9.30am from Monday to Friday in the last 12 months were then asked why they travel before 9.30am from Monday to Friday using their disabled person's NoWcard. The most common responses to this question were for medical appointments (64%), for leisure (31%) and for shopping (30%). 25% of respondents used their NoWCard for travel to education, 24% used it for travel to work and 20% used it for volunteering. There were smaller percentages who used their NoWCard for travel to be cared for, for caring duties or for other reasons.
- About two-fifths of respondents (42%) agreed with the proposal to increase the flat fare per journey from 50p to £1 for disabled person's NoWcard travel before 9.30am from Monday to Friday. However, about half of respondents (49%) disagreed with the proposal.
- Respondents were asked to explain how the proposal would affect them. A quarter said it won't/very little (25%) and about a fifth (19%) said money is tight/less money for other essentials. Smaller percentages said it would make travel to college/university unaffordable (4%) with some commenting they may not be able to afford lunch at college and a parent with two young people at college explained the proposal would have "double the impact" as they paid both the young persons' bus fares daily which would be unaffordable. 4% said they would be unable to travel for medical appointments or might have to use Patient Transport instead. 3% felt it would penalise them for having a job/working/volunteering.
- A fifth of respondents (20%) said that if the proposal happened it would mean that they would travel less often by bus/tram.
- About two-fifths of respondents (38%) said it is important for them to be able to pay their bus fare with one coin. Some respondents argued that even asking this question was patronising to disabled people, but other comments articulated the importance for them or their disabled child/young person of a single coin being easier to identify and not requiring which coins were needed to "add up" to the correct fare or ask for change/ interact with the driver which was mentioned by some people in relation to those NoWCard holders with learning disabilities, autism or mental health conditions.
- The proposed change is only expected to effect a small percentage of holders- those holders who use the scheme before 9:30. However, in terms of the impact of the proposal there were a couple of instances of people stating that they frequently travel to education, volunteer, or to modest paying jobs and they live in a rural locations or on routes where they have to catch multiple buses. The cost increase (multiple times paying £1 before 9:30) for these people will be significant and may mean that going to their education, volunteering or job is no longer viable. There were also respondents who paid

£1.50 a day currently for their journey and did this on most days of the week and some commented that if the proposal was agreed, in their position a NoWCard may mean them paying more or only marginally less than travellers who bought weekly or monthly saver tickets.

- There were a number of comments from Parish Councils which broadly supported the proposal but a number of other Parish Councils did not. The 50+ Assembly were broadly of the view that the proposal was not unreasonable but recognised that the "jump" in fare was considerable and would adversely impact some people. They believed that paying with a single coin was important but also suggested consideration of other payment methods – e.g. electronic or prepayment. Some consultation respondents also suggested alternative payment methods – e.g. card, smartphone, weekly passes/saver tickets.
- It is also worth noting that some consultation respondents suggested a more graduated increase in fare rather than the doubling of fares in one.

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 will make it more expensive for disabled people to travel before 9.30am. Consultation revealed only a small percentage of holders tend to travel at these times. However, for those who do need to travel before 9:30 a.m. to begin work, fulfil college or university timetables or attend medical appointments the proposal may significantly adversely affect their ability to participate in public life and may not assist in advancing equality of opportunity for this group. Disabled people are twice as likely to be unemployed as non-disabled people and are less likely to have qualifications than non-disabled people. If individuals were to feel it was no longer viable to attend college or university or to remain in work, these disadvantages would increase.

Any effects will particularly be felt by those making a journey which requires more than one bus trip prior to 9:30am although occurrences of this were quite low amongst consultees. It must be recognised that the adverse impact upon this group will be significant.

A number of consultation respondents did feel that the proposal discriminated against disabled people unfairly. It should perhaps be noted that holders of older persons NoWCards pay full fare before 9:30 a.m. and these fares have increased substantially since 2008 and most will have risen by more than 50p per journey.

Some respondents also mentioned that they tried to travel on buses where there were no children and young people travelling to school either because there was insufficient space to travel comfortably with their guide dog/assistance dog or noise levels, bad behaviour or comments made travelling on these buses difficult for a range of disabled people. For those who work or go to college this means travelling on earlier buses. A number of disabled people in various research reports have reported experiencing hate incidents (abuse or comments about their disability) on public transport at school travel times so there may be an adverse

impact on fostering good relations/community cohesion. Hate incidents were not an issue in this consultation but a point for consideration.

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.

Disabled people are still being transferred from Disability Living Allowance (DLA) to Personal Independence Payment (PIP) in Lancashire which can result in a change to the amount of benefit received. A component of both DLA and PIP is about mobility but the assessment criteria has changed so the mobility component may be reduced at the same time as the pre-9:30 concession price is increased. Several consultation respondents identified this as a specific concern for them. Also some disabled people who receive Employment and Support Allowance may be included in those affected by the Universal Credit roll-out difficulties. Others mentioned that disabled people are more reliant on benefits and these had only risen by 2% this year in comparison with the rise in bus fares proposed – though there were other comments that disabled people should not be seen as reliant on benefits by other respondents.

The recent increase in subsidised bus services has partly been designed to assist people to access work, education, volunteering, health and leisure facilities which are also the reasons why many NoWCard holders who are disabled travel before 9:30 a.m. These were also largely to assist people in more rural areas and this has often been identified in the consultation as those people who are more likely to need to catch up to three buses to complete their journeys.

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

The proposal remains unchanged.

The council is in a position where it needs to make substantial budget savings and, whilst this proposal will have a negative impact on a small percentage of people with protected characteristics, it is considered necessary to make this service change.

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.

Publicity and communication with disabled NoWcard holders and bus operators to introduce the change in fare.

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.

The council is in a position where it needs to make substantial budget savings and this proposal will have a negative impact on people with protected characteristics, particularly those with fixed or low incomes or those making journeys which require more than one bus to be taken. The proposal to amend the arrangements for holders of disabled NoWcards may be difficult for those travelling from neighbouring areas with enhanced discretionary travel arrangements.

It is accepted that this will have an adverse impact on some disabled people who travel prior to 9:30 a.m. and that for those who need to catch several buses to make their journey and do so daily, that impact will be significant and adverse.

However, the fare has not risen for over 10 years and whilst the rise to £1 does represent a significant increase, it does retain the possibility for people to pay using a single coin which many indicated in the consultation that they would find easier than using several coins.

Question 8 – Final Proposal

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

Raise the pre-9:30 am. fare from 50p to £1 per journey on buses.

Question 9 – Review and Monitoring Arrangements

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

Feedback from those affected.

Position/Role Transportation Officer

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

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Thank you