

Section 4

Equality Analysis Toolkit

Insert EAT subject here
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 - [EHRC - New public sector equality duty guidance](#)

Document 2 "Equality Analysis and the Equality Duty: Guidance for Public Authorities" may also be used for reference as necessary.

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 Directorate contact in the Equality and Cohesion Team or from Jeanette Binns

Jeanette.binns@lancashire.gov.uk

Name/Nature of the Decision

Implementation of the agreed restructure and modernisation of the Overnight Break Service for Children and Young People with disabilities- first phase. Identification of the site for the first new build and the current units that will be replaced by this new provision.

What in summary is the proposal being considered?

To build the first purpose built unit on the site of a former Adult Respite Unit, at Lynnhurst, Farrington to serve the Preston, Leyland and Chorley area and merge 3 existing units- The Bungalow. Longcopse and Maplewood, with the new build when open.

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.

This proposal will impact only on service to Preston, Leyland and Chorley residents who currently or potentially will, access the residential short break service for children and young people with disabilities. This is the first phase of a county wide restructure of the service and additional Cabinets reports will be presented to implement the restructure in other areas. The new service offer will match current need, in terms of nights available, as the new unit will be operational for 364 nights per year. Existing units are closed for a significant number of nights. The provision will meet the needs of all young people with disabilities, assessed as eligible and requiring overnight breaks, even those with the most complex needs. Currently not all units can meet the needs of all young people due to building restrictions. Young people in other parts of the county with complex needs are currently served by units in their areas but the new build could be accessed by any young

person in Lancashire, if it is assessed that a local unit could not meet their need.

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.

The service has information on the ages, gender and disabilities of service users as provided by IDSS when provision is commissioned.

Age range currently from 11 – 18.

The number of young people currently accessing the 3 units proposed for merger are: The Bungalow: 14 (Medical Needs 4, Autism 7, Challenging Behaviour 3) , Maplewood: 26 (Medical Needs 8, Autism 11, Challenging Behaviour 7) , Longcopse: 10 (Medical Needs 6,

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 wide ranging consultation was carried out in Spring 2013 as part of a Cabinet Paper on the Restructure of Respite Services for Children and Young People with Disabilities. Part of the subsequent decision, based on the outcome of that consultation, was to agree the replacement of the current Residential Overnight Break Units, in a phased way, with purpose built units to meet all needs. The first area identified is Preston, Leyland and Chorley, due to structural problems with existing buildings. A report went to Cabinet in October 2013 requesting authorisation to consult on the site of the first build, the area to be served and those existing units that will merge on the new site once built. An 8 week consultation has been carried out which has included on line. Hard copy and face to face events, with parents, young people, staff and commissioners. The results of that consultation and recommendations are the subject on this current report.

Summary of Consultation responses

There have been 37 responses received by questionnaire.

The overwhelming response in relation to the preferred site for the building of the new provision has been in favour of the Lynnhurst site. Reasons given have included:

- better accessibility due to proximity to motorways, less traffic congestion in the area, more central location, good parking and access options;
- potential of environment/grounds to provide exciting opportunities for the children and young people to access a range of physical activities, outdoor experiences, horticultural activities;
- potential of grounds to be utilised to provide more family/communal activities;
- quieter and more private surrounding environment;
- provides greater security.

Lynnhurst 29 Rydal 1 Either site 6 Neither site 1

The response in relation to the proposed area to be served has indicated an overwhelming acceptance of the merger of the 3 named existing units into the new build.

Accept merger of 3 named units 36
Do not accept merger of 3 named units. 1

Responses from face to face meetings with parents/carers.

Unit	Date	No of parents	No. Of staff
The Bungalow	18th Nov 2013	5	11
Maplewood	19th Nov 2013	10	17
Longcopse	19th Nov 2013	3	9

Parents.

Main Issues raised.

- Transport- length of journey for some will increase- from school to unit or home to unit. For some journey from home to unit will be shorter. It was suggested that a mini bus be considered to help those parents without cars.
- Capacity of units to meet current and future needs.
- Building needs to be environmentally friendly.
- Impact on staff jobs.
- Age range service will provide for- several parents urged a wide age range to be catered for.
- Design of the building- a suggestion about a possible reconfigure of specialist bedrooms- this has been explored and is being implemented.
- Developing input from NHS.
- Opening date.

General responses

- Many positive responses to the building specification and facilities.
- Positive responses to the opportunities to develop the outside space/environment at Lynnhurst site including family activities.
- Urge to move on with the restructure and have facilities in use.
- Assurance that parents will continue their support of the provision through fund raising , supporting activities etc

Responses from face to face meetings with staff.

Main Issues Raised

- Capacity of units to meet current and future needs.
- Process for merging the units in relation to posts and staffing.
- Age range service will provide for.
- Time scales.

General Responses

- Very positive response to the new building and specifications.
- Positive response to Lynnhurst location based on accessibility and environment.
- Opportunity to further develop an excellent service – exciting.

Issues raised in these meetings, written responses submitted by commissioners and those comments included on questionnaires have been addressed through a Frequently Asked Questions document. Copy attached as part of Cabinet Report.

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 have an impact on the distance travelled to access the service for a proportion of service users. Some service users will have shorter journeys. The sites have been selected in part on their accessibility to motorways, main roads and public transport. The vast majority of service users require transport by car, taxi or specialist vehicles. A large proportion of transport is currently provided by the authority. It has been suggested that the new unit could have use of a

mini bus to help those families where transport could be an issues and this will be considered. The improved facilities will, however, greatly enhance the service to all young people eligible to access it. Purpose build provision will increase opportunities and provide a wider range of activities which will have a benefit to families as well as the young people. Facilities are to include a community room to provide space for family activities, training and support for parents.

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.

Any policy decision in relation to transport provision could have an impact.

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

No

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.

Feasibility study on use of mini buses for the new unit. This will be carried out as part of the transition plan with the support of IDSS , Finance and Transport Teams and with parent/carers involvement.

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 main purpose of the proposal is to provide high quality, and

sustainable short breaks for children and young people with disabilities to support families under strain to cope and stay together and help and enable the young people to reach their potential. The current provision is not sustainable or fit for purpose due to inadequate buildings. There is also a reputational risk to the LA/CC of not implementing the decision to provide purpose build units.

Question 8 – Final Proposal

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

To build the first purpose built unit on the site of a former Adult Respite Unit, at Lynnhurst, Farrington to serve the Preston, Leyland and Chorley area and merge 3 existing units- The Bungalow. Longcopse and Maplewood, with the new build when open. Impact on some families with children with disabilities accessing short breaks in relation to length of journey- for some longer, others shorter. Access to improved facilities for all eligible young people.

Question 9 – Review and Monitoring Arrangements

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

Transition Plan to manage merging of units and move to new premises.
Monitor transport arrangements and costs.

Equality Analysis Prepared By Audrey Swann

Position/Role Acting Head of ACERS

Equality Analysis Endorsed by Line Manager and/or Chief Officer

Decision Signed Off By

Cabinet Member/Chief Officer or SMT Member

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 Directorate's contact in the Equality and Cohesion Team.

Directorate contacts in the Equality & Cohesion Team are:

Karen Beaumont – Equality & Cohesion Manager

Karen.beaumont@lancashire.gov.uk

Contact for Adult & Community Services Directorate

Jeanette Binns – Equality & Cohesion Manager

Jeanette.binns@lancashire.gov.uk

Contact for Environment Directorate, Lancashire County Commercial Group and One Connect Limited

Saulo Cwerner – Equality & Cohesion Manager

Saulo.cwerner@lancashire.gov.uk

Contact for Children & Young Peoples Directorate

Pam Smith – Equality & Cohesion Manager

Pam.smith@lancashire.gov.uk

Contact for Office of the Chief Executive and the County Treasurer's Directorate

Thank you