

Section 4

Equality Analysis Toolkit

**Libraries, Museums, Culture and Registrars
Proposed Policy Clarification and Interim
Fees and Charges report
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

Libraries, Museums, Culture and Registrars fees and charges Interim Policy Clarification.

1. To change the fines exemption policy so that only children (people aged under 18) are exempt from being fined for the late return of a loaned item.
2. To re-define and bring clarity to the definition of members who are exempt from paying a fee for loaning audio visual items.

What in summary is the proposal being considered?

1. To introduce a change to overdue charges so that they are applicable to all customers aged 18 and over. The only exceptions will be home library service and mobile library service users. These services are offered to users for less than the minimum of 11 hours because they are not static services and therefore we do not charge.
2. The requirement for all members to pay the appropriate fee for audio visual items with the exception of
 - Visually impaired members
 - Members with dyslexia or who have a disability which significantly impairs their ability to read standard print materials

This is thought to be a reasonable proposal after giving due regard to all groups of people with protected characteristics who may be disadvantaged by this decision. The proposal therefore continues to exempt a number of groups who will or may have difficulty reading standard printed materials.

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 mobile library and home library services can be disrupted, due to staffing issues or problems with volunteers. This is not under the control of the customer so we do not make a charge for the late return of items. The decision will affect all customers apart from those previously mentioned equally across the County.

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- This decision will affect people over 65 and also those who are long term sick or disabled who have previously been exempt from all charges.

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

There will be an impact on customers who are over 65 years old and also for customers who are presently exempt from overdue fines.

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.

This decision does impact on people over 65 and those who are disabled or who consider themselves to have a disability.

We have 65055 members who are adults aged 65 or over; 1115 blind members, 4349 disabled members, 929 long term sick and 3242 other exemptions which may for example include those who have dyslexia.

Together these groups of people make up nearly 15% of our total membership.

We feel that the changes we are proposing will make the charging of

overdue fines a fairer process because it will remove the current inconsistencies and will enable us to offer a wider range of stock to all our customers through encouraging the return of items on time.

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)

We have undertaken a consultation exercise with users of the library service through an in branch survey. The survey clearly sets out the proposed changes to our exemptions policy and the feedback from this survey is attached at annex i. In summary of the 20 sample branches surveyed we received 236 completed forms, 122 of whom felt that the policy should remain as it is and 114 who felt that the proposal to remove exemptions was fair.

In addition to this we have written to the following organisations who represent the interests of affected groups and asked for their comments on our proposals.

Age UK Lancashire

Age Concern, Central Lancashire

East Lancashire Deaf Society

Action for Blind People

Disability First

Lancashire Care

Galloways Society for the Blind

Deafway

East Lancashire Learning Disability Board

Lancashire Learning Disability Consortium

North Lancashire Area Learning Disability Partnership Board

One Voice – Advice, information and support to help disabled people and their families.

Disability Equality NW Ltd

Jinnah Development Trust Ltd - Provides drop in advice and general information for the over 50's.

Pukar Centre – Advice and support for disabled people.

Enterprise 4All NW Ltd - Works with all underrepresented groups from female entrepreneurs and the over 50's to social enterprises and people dealing with a disability.

Friends of Dorothy - Senior Lesbian, Gay, Bisexual and Transgender befriending and support service.

We have also sought to consult and liaise with various representative fora across the County Council. These included the Deafblind, Blind, Older People and Learning Disability fora to enable them to consult with their members.

Many users of the service recognise the need for change in order to help protect the service for all our customers regardless of any protected characteristics they may or may not have.

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.

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| The impact of these proposals will mean that those groups who are not |
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currently required to pay fines are now asked to do so.

The current charges are as follows:

Overdue books are charged at 15p per day per item (to a maximum of £6.00).

For audio visual stock re-hire charges are automatically incurred on items not returned by the due date and are calculated at a daily rate percentage of the full hire charge as follows:

DVD - £2.00 per week ("U" classification DVD - £1.00 per week).

Music CDs - 50p per week.

Audio visual items would not be charged for people in the following groups:

- Visually impaired members
- Members with dyslexia or who have a disability which significantly impairs their ability to read standard print materials

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.

Benefit reforms and changes to the way some social care services are

provided to people by the County Council may also impact customers who are over 65 or who have or consider themselves to have a disability.

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 has not been changed as it is clear from the consultation we have carried out that although there are a number of concerns around payment of fines for those groups who will be affected we are confident that through the measures outlined in mitigation below that groups will become used to managing their accounts in the same way as other members.

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.

There are now a number of ways for customers to renew their items.

These are listed below and the information is also available for customers in every library and on the library website. The proposals would apply only to static sites and do not affect our home or mobile library services.

- Library Elf- This is an on line facility which enables you to receive text or email notifications if your items are approaching the renewal date. You can see all your family member's tickets and also receive notification when reserved items are in. This is a free service.
- On line renewal. Customers can manage their account online and 49% of our registered readers use this service to renew their items. Books can be renewed up to a maximum of 10 times (if they have not been reserved elsewhere).
- By phone.
 1. Lancashire County Council's call centre is open from 8am until 6pm Mon to Fri and from 8am to 4pm on Saturdays and Sundays
 2. A 24 hour renewal line is in operation. Customers can renew their items at any time using this automated system
- Email. An email message can be sent at any time. The email addresses are listed on the library website.
- Items can also be renewed at any Lancashire library in person. The library service increased its opening hours in 2015 so that customers can access a member of staff at a time convenient for them.

It is also worth noting that the majority of members, whether they have protected characteristics or not, are not required to pay fines through effective management of their accounts.

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.

At present, some customers who are exempt from fines keep items for longer than the agreed loan periods. This results in loss of income generation from audio visual items and also prevents other customers from accessing the item.

Now that customers can access the library service online, they are able to see when an item is due back and therefore can reasonably expect to borrow a book after the date it is due to be returned.

Members affected by these proposals represent 15% of our total membership. Current income from fines is £15,341 per month. If these members pay fines at the same rate as other members then this would give a monthly increase in fines income of £2,707.

Stock is often issued to members as a result of their browsing items on the shelves rather than an individual going in with a fixed idea of what they are going to borrow. The public is missing out on many items which they could have borrowed had they been returned on time and were therefore able to be displayed in the library.

Question 8 – Final Proposal

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

To introduce a change to overdue charges so that they are applicable to all customers aged 18 and over. The exceptions to this will be users of the home library service and mobile library service.

Those members who are currently exempt would be required to pay fines under the new proposals.

1. All members will pay the appropriate fee for audio visual items with the exception of:
 - Visually impaired members
 - Members with dyslexia or who have a disability which significantly impairs their ability to read standard print materials

Question 9 – Review and Monitoring Arrangements

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

Stock Issues and fines income will be monitored over the coming months and senior managers kept informed of the impact of any changes on the service through existing reporting arrangements.

We will report back to managers on levels of membership and fines imposed on those groups who are currently exempt and review the decision as necessary once we feel have enough evidence and information on the impact of these proposals.

Equality Analysis Prepared By Andrea Brown, Di Baxter and Gareth Jones

Position/Role: District Library Managers and Senior Business Manager

Equality Analysis Endorsed by Line Manager and/or Chief Officer Ann Marsh, Cultural Services Development Manager

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

Annex i

The in branch consultation in 20 library sites across the county with differing demographics resulted in a very mixed response, details of which can be seen in the table below.

Option A was agreement with current arrangements and option B agreement with the proposals to change.

Comments were invited on the form and whether these were positive or negative comments are also shown in the table.

In summary 122 people felt that the current policy of exemptions should be retained while 114 people felt that it was fair to remove the exemptions for payment of fines.

