

Section 4

Equality Analysis Toolkit

Corporate Strategy

For Decision Making Items

26 November 2015

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

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

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

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

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

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

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

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

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

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

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

AskEquality@lancashire.gov.uk

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

Jeanette.binns@lancashire.gov.uk

Name/Nature of the Decision

The Cabinet is asked to recommend that Full Council agree the updated Corporate Strategy

What in summary is the proposal being considered?

The Corporate Strategy sets out the future direction for the County Council, covering a timeframe to 2021 and beyond. The document being considered is the Core Strategy, detailing the core purpose, vision, values, approach and evidence base which we will use to inform and guide what we do.

Our Corporate Strategy will form a framework which sets out:

- our vision, values, high level priorities and overall approach
- our evidence base
- thematic strategies such as our financial strategy
- our risk, quality and performance framework
- service delivery plans
- annual budgets.

The document being considered provides the starting point for that framework and, as such, it is important that elected members understand the content and lead its further development. A consultation period ran until 2 October 2015. During this time we held briefings for elected members and employees whilst also consulting with our partners, to ensure that wherever possible our core strategy is inclusive and our proposed approach is understood.

Over the coming months we will use our vision, values, high level priorities and overall approach as a reference point for the further prioritisation of our financial resources.

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.

Our approach for this strategy is driven by need in localities and our strategic outcomes are;

- To live a healthy life
- To live in a decent home in a good environment
- To have employment that provides an income that allows full participation in society.

We will use evidence based service planning using information on relative material, using the Indices of Multiple Deprivation (IMD) and population distribution and natural geographical communities. We will develop a single Neighbourhoods Plan which reflects the different levels and types of needs within our communities across the 34 planning areas.

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.

The Strategy will impact on all residents who use county council services.

We will use the evidence base and 34 service planning areas to inform our decisions relating to services provided to communities and complete the necessary equality analysis where decisions are taken on future service delivery.

Although we cannot be certain at this stage of the strategy development, it is acknowledged there will likely be an impact on some specific individual groups, from experience of completing previous equality analysis on services across the organisation the following protected characteristics have been impacted upon most, disability (all groups), age (older and younger), gender and ethnicity.

However, we are confident that services will have due regard to the requirements of the Public Sector Equality Duty when decisions are being made and deliver the most effective services they can within the resources allocated.

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

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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.)

N/A

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.

In developing the corporate strategy, we have identified the Strategic Outcomes and Priorities that the organisation will focus on. We will plan service delivery using the "baseline needs assessments for Lancashire service planning areas" (which includes information on population, age, deprivation, ethnicity, mosaic profiles).

The focus of the strategy is on enabling people to help themselves and build strong and resilient communities.

A copy of the Baseline needs assessments for Lancashire service planning areas is available within the appendix.

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)

Yes, we consulted with key stakeholders over the period 20 August to 2 October 2015. During this period, we also held briefings for elected members and employees, who were provided with opportunities to seek clarification on both the strategy document and the supporting evidence base.

The key themes identified as a result of consultation feedback were:

- generally, support for the vision, values, strategic outcomes and priorities but a request for more detail on our future service delivery model and what that will mean in practice
- a desire for more emphasis and explanation of how we will work with partners, across all sectors
- the single neighbourhoods plan was being mistaken for 12 neighbourhood plans
- alignment of the 34 Service Planning Areas with political administration areas and planning areas used by Partners
- need for greater clarity in priorities related to the older population and rural communities
- the supporting evidence base needed to be refreshed to take account of the most recently available data

The consultation feedback has informed some redrafting of the strategy which was presented for consultation. The key changes have been to:

- Simplify the language used to describe our priorities
- Provide a sharper focus on the financial challenges that we face
- Strengthen our aim of working with partners, across all sectors, to address the challenges that we collectively face
- Refresh our evidence base to take account of the most recently available datasets

Stakeholders that have been consulted on the draft strategy include:

- Lancashire County council Elected Members
- The Office of the Police and Crime Commissioner
- The Lancashire Combined Fire Authority

- Recognised Trade Unions
- Borough, City and Unitary Councils in Lancashire
- Third Sector Lancashire
- Lancashire Association of Local Councils
- Lancashire Safeguarding Children's Board
- Lancashire Care Association
- Lancashire Parent Carer Forum
- The Older People's Forum
- The Chamber of Commerce
- The Lancashire Enterprise Partnership
- Healthwatch Lancashire
- The Clinical Commissioning Groups
- Young People's Engagement Forums
- Members of Parliament
- Society of Local Council Clerks
- MEPs
- NHS Hospital Trusts
- HE/FE establishments
- Commissioners on the Lancashire Fairness Commission

Responses received are available within the appendix.

In developing the strategy, we have looked at the makeup of our communities (which includes the protected characteristic groups) using the service planning areas data (IMD 2015 and Mosaic profiling) to inform future service design and delivery. The draft strategy was published on the county council's website in August in line with the publication timescales for decisions.

Specific protected characteristic groups were given the opportunity to comment on the consultation document via stakeholder networks such as; Third Sector Lancashire, Older People's Forum, Young People's Engagement Forums and the Lancashire Fairness Commission.

Further consultation will be carried out which will inform individual service level equality analysis against our strategic outcomes and priorities.

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.

In order to plan service delivery, we have used the 'Baseline needs assessments for Lancashire service planning areas' against budget constraints. At this stage it is not possible to analyse the impact against protected characteristics groups however, in the decision making process we will have due regard to the Public Sector Equality Duty requirements and the Prevent Duty to minimise any negative impact on our communities.

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.

<p>Yes, due to this continued period of austerity nationally, we recognise that there may be decisions on policy, funding, delivery of services for example, the Care Act, Social Value Act, Welfare Reform Act, CT&S Act 2015(Prevent), and the Cities and Local Government Devolution Bill, that will have a combined cumulative effect on groups in Lancashire. However, we will endeavour to minimise the impact through processes such as performance management systems, strong decision making structures and equality analysis at service planning area levels.</p>

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

<p>The development of the corporate strategy framework has been built upon strong, research and intelligence, budget allocation, national policies and most importantly</p>

the needs of our communities ('Baseline needs assessments for Lancashire service planning areas')

Following the consultation with key stakeholders, we have redrafted the strategy which was presented for consultation with the following key changes to:

- Simplify the language used to describe our priorities
- Provide a sharper focus on the financial challenges that we face
- Strengthen our aim of working with partners, across all sectors, to address the challenges that we collectively face
- Refresh our evidence base to take account of the most recently available datasets

This Equality Analysis has been reviewed in line with the above consultation changes and where it's been possible. Responses received via the consultation are available within the appendix.

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.

Any mitigation will be managed through the service planning and development stages of how we will deliver against our strategic outcomes and priorities. We will also complete an Equality Analysis at this level.

Question 7 – Balancing the Proposal/Countervailing Factors

At this point you need to weigh up the reasons for the proposal – e.g. need for budget savings; damaging effects of not taking forward the proposal at this time – against the findings of your analysis. Please describe this assessment. It is important here to ensure that the assessment of any negative effects upon those sharing protected

characteristics is full and frank. The full extent of actual adverse impacts must be acknowledged and taken into account, or the assessment will be inadequate. What is required is an honest evaluation, and not a marketing exercise. Conversely, while adverse effects should be frankly acknowledged, they need not be overstated or exaggerated. Where effects are not serious, this too should be made clear.

This is the overarching core strategy that sets out the county council's purpose, vision, priorities and resources and any impact will be analysed at service level.

Lancashire is a socially and geographically diverse county. How we meet needs will be different for different groups of citizens and different communities. Our resources are very limited and as a result our services will be tightly focussed on meeting statutory minimum requirements in relation to need. Beyond this our resources will be allocated in line with the priorities set out in this core strategy.

Question 8 – Final Proposal

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

The corporate strategy will still be published for consideration by Cabinet with the recognition that it may impact on all protected characteristics. However, as mentioned throughout this whole analysis, where there will be an impact on a specific service to a specific characteristic, the relevant assessment will be carried out and due regard taken into consideration when the relevant councillor or officer takes the decision.

Question 9 – Review and Monitoring Arrangements

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

Because the strategy is evidence based we will constantly review and monitor performance, adapting activity to ensure that actions stemming from this strategy are robust, up to date and effective.

Equality Analysis Prepared By Lynne Johnstone

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

Equality Analysis Endorsed by Line Manager and/or Service Head Dave Carr, Head of Service, Policy, Information and Commissioning (Start Well)

Decision Signed Off By

Cabinet Member or Director

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

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

Service contacts in the Equality & Cohesion Team are:

Karen Beaumont – Equality & Cohesion Manager

Karen.beaumont@lancashire.gov.uk

Contact for Adult Services ; Policy Information and Commissioning (Age Well); Health Equity, Welfare and Partnerships (PH); Patient Safety and Quality Improvement (PH).

Jeanette Binns – Equality & Cohesion Manager

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Contact for Community Services; Development and Corporate Services; Customer Access; Policy Commissioning and Information (Live Well); Trading Standards and Scientific Services (PH), Lancashire Pension Fund

Saulo Cwerner – Equality & Cohesion Manager

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Contact for Children's Services; Policy, Information and Commissioning (Start Well); Wellbeing, Prevention and Early Help (PH); BTLS

Pam Smith – Equality & Cohesion Manager

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Contact for Governance, Finance and Public Services; Communications; Corporate Commissioning (Level 1); Emergency Planning and Resilience (PH).

Thank you