

Section 4

Equality

Analysis Toolkit

BOP – 033 Wellbeing, Prevention and Early
Help Service only
For Decision Making Items

May 2016

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 transformation of the Wellbeing, Prevention and Early Help Service (WPEHS) for children, young people and families in Lancashire.

What in summary is the proposal being considered?

The element of the proposal considered in this analysis relates only to the transformation of the Wellbeing Prevention and Early Help Service for children, young people and families in Lancashire.

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 proposal will affect children, young people and families in all parts of Lancashire but the extent of impact may depend on their location and individual circumstances.

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. The nature of the service is that it is targeted at children, young people and their families. This means that the age protected characteristic (children and young people) and pregnancy and maternity protected characteristic group may be particularly affected. As the Service also provides specific support for some disabled young people up to the age of 25, the disability protected characteristic group may also be affected more than other people in that age group. It is also possible that other protected characteristics – e.g. gender and ethnicity – may be affected given the location of service points (ethnicity) and gender of parents/carers using the Service.

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

Yes

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.

At present there is no detailed information about those potentially affected by this proposal. However, the protected characteristic of age (young people) is inevitably affected by this proposal and it is likely that there may also be impacts on those with the gender, disability, ethnicity, pregnancy and maternity protected characteristics.

More detailed information will be provided when available to update this analysis.

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)

This proposal has been the subject of a range of consultations.

The County Council carried out a corporate stakeholder consultation on its budget proposals from 10 December 2015 to 18 January 2016. This involved sending a letter from the Leader of the County Council outlining the budget position to 334 partners which included a link to the budget proposals and a link to an on-line questionnaire.

Stakeholders could email their response as an alternative to the on-line questionnaire. They were asked for views on the impact of the budget proposals and thoughts on actions that could be taken to mitigate the impact of the policy decisions and budget reductions proposed. These consultation documents were also available on the County Council's "Have Your Say" area on its website for members of the public to read and respond.

The 334 consultees who received the email letter included:

- 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 (LALC)
- Lancashire safeguarding children and adults boards
- Lancashire Care Association
- Lancashire Parent Carer Forum
- The Older Peoples Forum
- The Chamber of Commerce

- The Lancashire Enterprise Partnership
- Healthwatch Lancashire
- The Clinical Commissioning Groups
- Young People's Engagement Forums
- Members of Parliament and Members of the European Parliament who represent Lancashire
- Society of Local Council Clerks
- NHS Hospital Trusts
- Higher Education and Further Education establishments
- Commissioners on the Lancashire Fairness Commission.

There were 357 submissions to the on-line questionnaire with 252 providing a response. A further 19 responses were received via the dedicated email address for the consultation. A section of the report produced for Executive Scrutiny Committee on 19 January and County Council Cabinet on 21 January 2016 summarised the comments in relation to health, wellbeing, prevention and early help as follows:

"A small number of respondents felt that the budget proposals for reducing some of the supportive and early help services were at odds with the need for early intervention to prevent people's need escalating or reaching a crisis in expensive service in the future. ."

A consultation specifically focussing on the Wellbeing Prevention and Early Help Service transformation began on 9 February 2016 running until 21 March 2016. The consultation was available on line or in hard copy format with responses accepted in either format. The consultation information included a short report explaining the proposed transformation.

The narrative for the consultation explained: "This consultation focuses on proposals to transform the Wellbeing, Prevention and Early Help Service for children, young people and families in Lancashire. It describes the implementation plan of the service offer proposals presented to the County Council's Cabinet in February 2015 and agreed subject to consultation on 26 November 2015.

"It has been agreed that the proposed future service model will help deliver £7.4 million budget savings by 2017/18. The new Service will

transform and integrate a range of services within Wellbeing Prevention and Early Help Services and will align existing core offers for childrens centres, young peoples' provision, prevention and early help and Lancashire's response to the national Troubled Families Unit programme.

"The new programme will ensure effective support for 0-19 year olds across Lancashire and support our strategic wellbeing, prevention and early help services, contributing to the delivery of public health responsibilities. It will also further align the ongoing re-procurement of public health services and consider the integration of other services like health visiting and school nursing services, alongside other Council services."

The report of the consultation stated that 2,331 completed questionnaires were received, of these 1,454 were paper based/hard copy responses and 877 were returned online. It is unusual and of note that hard copy/paper based responses have outnumbered on-line submissions to this consultation.

The consultation was available in both childrens centres and youth centres. 97% of respondents were Lancashire residents. The majority of all respondents (83%) had used childrens centres within the last 12 months and 64% of respondents had a child aged 0- 5. The consultation findings therefore significantly represent the views of this group.

In terms of protected characteristics of respondents, the following information was provided:

Gender – 82% of respondents were female and 18% were male. This is a significantly higher proportion of females to males than in the Lancashire population as a whole (51% female and 49% male in the 2011 Census) although given the response rate from users of childrens centres this may not be surprising.

Transgender – 2% of respondents identified as transgender. There is no comparable Census data for this group but the percentage is a little higher than has been seen in other recent consultations (around 1%).

Age – the percentage of young people responding to this consultation was higher than in other similar County Council consultations, although given the nature of the service this is not unexpected. 11% of respondents were aged under 16 and 9% aged 16-19. Almost half of respondents (48%) are aged 20-34 and a quarter (25%) aged 35-49. Responses from people over 50 accounted for about 7% of respondents, this group are less well represented amongst respondents than in other recent consultation but this reflects the nature of the Service.

Disability – 8% of respondents identified as having a disability or being a Deaf person, this is similar to some other consultations. 6% of respondents said that there was a disabled person aged 20-25 in their household, in other consultations this response rate has been around 2% so the higher percentage may reflect the Service's provision for disabled young people aged up to 25.

Pregnancy and Maternity – the demographic information does not provide a complete match for this protected characteristic. 3% of respondents said that they had no children in their household but were expecting, however there may be women who are pregnant or on maternity leave amongst respondents who already have children in their household. 64% of respondents had children aged under 5, this will include some whose children are under 1 so in the "maternity" element of this protected characteristic. Other respondents in the "children in the household" consultation category were: children aged 5-8 24% of respondents; children aged 9-11 15% of respondents; children aged 12-16 19%, children aged 17-19 9%. 10% of respondents had no children under 20 in their household.

Ethnicity – 86% of respondents were English/Scottish/Welsh/Northern Irish/British and 5% were identified as "any other white background". 4% of respondents were Pakistani, 1% each were Bangladeshi, Gypsy or Irish Traveller and Indian. Under 10 people (so less than 0% of respondents) identified in each of the following categories: White and Asian (9), White and Black Caribbean (9), Irish (9), Chinese (8), African (5), Arab (4), Other (3), White and Black African (3) and Caribbean (3). This is a more diverse range of respondents than for other recent consultations and appears to have similar representation

from Black, Asian and other Minority Groups than in the Lancashire population at the 2011 Census where around 8% of the population was from BME groups.

Religion or Belief – 52% of respondents identified as Christian and 39% had no religion. 6% of respondents were Muslim, which appears higher than in other recent consultations. 1% of respondents were identified under "any other religion". Small numbers of people identified as Buddhist (7 people), Hindu (4 people), Jewish (3 people) and Sikh (2 people) but these were not enough to reach a percentage.

Marriage and Civil Partnership – 43% of respondents said they were married and 5% were in a civil partnership. 5% preferred not to say. 47% said they were "none of these" which could include people who are single, widowed and young people/children responding. This seems a higher figure than in other recent consultations which may be reflective of the users of the Service.

Sexual Orientation – 91% of respondents identified as heterosexual/straight, 2% as bisexual, 1% as Gay Man, Lesbian/Gay Woman and "Other" respectively and 5% preferred not to say. These responses are similar to other recent consultations.

This analysis will be further updated to include the significant findings from the consultation in terms of any elements of particular importance to protected characteristics groups and the results of the Staff Consultation which was carried out at the same time.

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.

As some of the services are targeted to children and young people, any impacts from changes to service provision will be felt by these age groups. However, it is not possible to say with any precision what kind of impacts (even whether negative or positive) these changes will have on this group at this time. This Equality Analysis will be updated to include the results of the consultations and other feedback which address the specific points above.

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.

This proposal will be affected by the outcome of the Proposed Property Strategy/Neighbourhood Centres proposal.

The impact will also be affected by recent County Council decisions in relation to provision of subsidies for bus services which have resulted in the withdrawal of a number of services. It was initially thought that over 100 services would be affected but the provision of a £3 million fund to support services and the recommendations of a Cabinet Working Group on Bus Services has resulted in 40 services being taken over by commercial operators, 28 services being supported by the County Council and 2 services jointly by the County Council and Chorley Borough Council. Consequently, some bus routes have merged or changed, frequency of services has changed and there is a particularly significant reduction in evening, Sunday and Bank Holiday services. This may have a particular impact on children and young people's ability to travel to WPEH Services. Children and young people, women, disabled people or those who are pregnant or on maternity leave are amongst the main users of bus services.

Other budget proposals both nationally – in relation to welfare benefits

reform or other support – and locally may also increase the impact of service changes.

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 the same but the results of the consultation are still being considered by the Service prior to any decision.

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.

As part of discussions arising from this consultation, mitigating actions will be considered and this Equality Analysis will be updated to include any proposed mitigation.

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 proposal has emerged following the need for the County Council to make unprecedented budget savings. The Medium Term Financial Strategy reported in the November 2015 forecast that the Council will have a financial shortfall of £262 million in its revenue budget in 2020/21.

This is a combination of reducing resources as a result of the government's extended programme of austerity at the same time as the Council is facing significant increases in both the cost (for example as a result of inflation and the national living wage) and demand for its services.

The revised position following the financial settlement for 2016/17 is now a budget gap of £200.507m by 2020/21. This revised gap takes into account the impact of the settlement, new financial pressures and the savings decisions taken by the Full Council in 2014/15, 2015/16 and 2016/17 regarding the future pattern of council services.

We acknowledge that some protected characteristic groups may be negatively affected by the finalised Property Strategy (Neighbourhood Centres) however we will strive to minimise any negative impacts by developing as many mitigating actions as possible including using the agreed methods of scoring and weighting which reflect protected characteristics considerations for premises identified in the consultation documents.

The Wellbeing Prevention and Early Help Service transformation would assist in doing this. It is acknowledged that this will adversely impact on children and young people, some disabled young people, those who are pregnant or on maternity leave and women disproportionately and in some areas people from BME communities or other ethnic groups nationalities may be disproportionately affected. We will strive to mitigate the impact where possible.

Question 8 – Final Proposal

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

The transformation of the Wellbeing, Prevention and Early Help Service (WPEHS) for children, young people and families in Lancashire.

Question 9 – Review and Monitoring Arrangements

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

Monitoring and review arrangements will be developed with the Service.

Equality Analysis Prepared By Jeanette Binns

Position/Role Equality & Cohesion Manager

Equality Analysis Endorsed by Saeed Sidat

Decision Signed Off By **Saeed Sidat**

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

Jeanette.binns@lancashire.gov.uk

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

Saulo.cwerner@lancashire.gov.uk

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

Pam Smith – Equality & Cohesion Manager

Pam.smith@lancashire.gov.uk

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

Thank you