

Section 4

Equality

Analysis Toolkit

Property Strategy (Neighbourhood
Centres) v2

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

Property Strategy (Neighbourhood Centres) proposal for consultation.

What in summary is the proposal being considered?

Consideration of a proposed list for consultation of future building use by the County Council. The report contains a 'long' list of 238 premises from which it is proposed that 132 premises/multi-functional Neighbourhood Centres could be selected and form the basis for future service delivery.

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.

Yes it will impact on all communities.

We will use evidence based premises information, including the Indices of Multiple Deprivation (IMD), population distribution and natural geographical communities alongside the draft Corporate Strategy to reflect the different levels and types of needs within our communities alongside responses to the proposed consultation. The information received from Stage 1 consultations for the Library Service, Wellbeing Prevention and Early Help Service and other service consultations will also help to inform this process.

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.

Any proposed reduction in the number of service delivery premises will impact on all residents and others who use county council services. People from all protected characteristics groups will be included within those affected.

The proposal for consultation lists 238 premises. This includes premises which currently provide targeted services such as children's centres, youth services, older people's daytime support services, adult disability day services and other service points which are of particular relevance to people from protected characteristics groups. Proposals for the future use of these locations may have a greater impact amongst those with the age (both younger and older people), pregnancy and maternity, gender and disability protected characteristics groups.

Services will be expected to have due regard to the requirements of the Public Sector Equality Duty when decisions are being made on future service delivery and premises use. The outcome of the proposed consultation will help inform these developments and assess any possible adverse impact on people from protected characteristics groups.

The outcome of this process will also potentially impact on employees of the County Council. Whilst arrangements are in place for specific staff consultations to be carried out separately, in line with service structure proposals – staff may potentially also be affected by the outcome of the Property Strategy proposals.

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.

It is proposed that the reduction in premises from 238 be based upon need across the County using the 2015 English Indices of Multiple Deprivation, population density, detailed analysis of each premise and consultation to identify the candidates for inclusion in the new 'Neighbourhood Centres' portfolio and by exception, which premises would be recommended for disposal. This Equality Analysis reflects the position prior to specific public consultation on the property strategy and will be updated to reflect the outcome of the consultation.

As the premises contained within the consultation include children's centres, youth service premises, older people's daytime support centres and adult disability day services premises amongst others, there is a potential impact particularly on people in the age protected characteristic group (both younger and older people) those who are pregnant or on maternity leave, women and disabled people should

the location of services or nature of facilities provided at individual premises change.

More detailed information on the user profile of many County Council services is not available at this time but will be added where possible as the Equality Analysis is updated.

The final outcome of the Property Strategy proposals may also impact on employees of the County Council in various locations and services. The workforce includes employees from all protected characteristics groups which includes over 73% female employees, 3.34% who are from Black and Minority Ethnic backgrounds and 2.13% who consider themselves to have a disability or to be Deaf people.

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)

The proposed strategy for the rationalisation of public facing service delivery premises has developed alongside the draft Corporate Strategy and has been discussed with relevant heads of service with a view to ensuring that any final recommended list of premises to remain as Neighbourhood Centres would align operationally with various delivery plans, e.g., the Libraries Strategy and the Wellbeing, Prevention and Early Help Strategy which have both been the subject of public consultation during the early months of 2016. The results of these public consultations have been included within service specific equality analyses but will be summarised when this Equality Analysis is updated.

To date, a number and range of e.petitions and hard copy petitions have been received with regard to reductions in services generally or to concerns about the future of particular buildings/services which will also be reflected in the updated Equality Analysis alongside others which may be received as part of the formal public consultation.

A stakeholder consultation on service budget proposals took place between 10 December 2015 and 18 January 2016 which included circulating by email a letter outlining the County Council's budget position, a link to the individual budget

proposals and link to an on-line questionnaire. This went to 334 stakeholders including County Councillors, District/Borough and Unitary Councils, the Older Peoples Forum, young people's engagement forums, the Lancashire Parent Carers Forum, Lancashire Carers Forum, Third Sector Lancashire and other contacts. These stakeholders had also been contacted as part of consultations on the Corporate Strategy. Whilst neither of these consultations specifically referenced issues included in the Property Strategy consultation, they provided some context and background for the Property Strategy proposals for stakeholders.

There have also been 3 briefing sessions for County Councillors and other engagement with them which has provided intelligence on the local context of buildings and service delivery.

Approval for formal public consultation and Stakeholder consultation is being requested at this stage and therefore this Equality Analysis will be updated to reflect the outcome of both consultations.

Separate consultations are being carried out with staff affected by service structure changes and these will be conducted using agreed consultation arrangements.

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.

Neighbourhood Centres will play a key role in future service delivery. At this stage it is not possible to analyse the impact on groups with protected characteristics however, in the decision making process regarding service delivery we will have due regard to the Public Sector Equality Duty requirements and the Prevent Duty to minimise any negative impact on our communities.

The delivery of a more flexible portfolio intends to create additional opportunities to rationalise the portfolio in terms of service delivery premises whilst endeavouring to maintain a County Council presence across the county, particularly in areas of need. It is recognised that this proposal may impact on groups with protected characteristics in terms of location of the new Neighbourhood Centres in particular disabled, age (young and old), pregnancy & maternity e.g. who may have transport, travel and accessibility issues. The criteria used to form the basis of suggestions for the future of individual premises have therefore included features such as numbers of storeys within buildings, car parking facilities and distance

from public transport amongst the assessment criteria.

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.

Proposals contained within the Property Strategy have been developed in light of recent County Council budget proposals concerning the withdrawal of subsidised bus services, so the criteria relating to distance from a bus stop has taken into account changes in bus services which took effect from 3 April 2016. These service changes resulted from recommendations of a Cabinet Working Group on Bus Services as a result of which 40 previously subsidised services would be run commercially, 28 services would be supported by the County Council and 2 others by a combination of the County Council and Chorley Borough Council. A £3 million budget has been allocated to support this. In some cases this has led to the merging of some bus services and changes in route which may affect the ease with which people can travel to current and alternative premises. Changes relating to bus subsidies arrangements has significantly reduced evening and Sunday/Bank Holiday bus services which may combine with proposals in the Property Strategy to more adversely affect some communities and protected characteristic groups – e.g. young people, older people and disabled people who are over-represented amongst bus users.

The proposal should also be viewed alongside others about the future delivery, need and use of services such as the Library Service, Wellbeing Prevention and Early Help Service and consultations on the County Record Office opening hours. It should be noted that issues relating to the future of the Museums Service are being addressed by separate proposals and consultations.

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

At present the proposal remain unchanged, to consult on proposals of which of the 238 premises the County Council will deliver services from, and which services will be delivered there. The detail of this proposal may change in light of the proposed consultation.

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.

Mitigating actions are in the process of being developed and will be informed by the findings of the consultation.

Further Issues already identified that will be considered in finalising the Neighbourhood Centres which are of particular relevance in relation to the Public Sector Equality Duty are:

- Cultural identifiers – whilst the IMD measure in the proposed calculation would take travel horizons into account to some extent, the calculation would not allow for the fact that communities recognise and take ownership of places through cultural identifiers. This can provide a barrier to needy communities in the ownership and access of services, and where possible this will be taken into account in making recommendations.

- The county council's Access Budget may be able to address any accessibility issues.

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.

Question 8 – Final Proposal

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

Property Strategy (Neighbourhood Centres) proposal for consultation.

Question 9 – Review and Monitoring Arrangements

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

Appropriate monitoring procedures will be developed following the implementation of this proposal based on the relevant protected characteristics affected and individual service arrangements.

Equality Analysis Prepared By Emma Pearse

Position/Role: Property Asset Manager (Review)

And Jeanette Binns (Equality and Cohesion Manager)

Equality Analysis Endorsed by Line Manager and/or Service Head:

Mel Ormesher Head of Asset Management

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

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