

Section 4

Equality Analysis Toolkit

**Burnley BEST Dial-A-Ride Taxi Service
For Decision Making Items**

February 2018

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 future of the Burnley BEST Dial-A-Ride Taxi Service.

What in summary is the proposal being considered?

The proposal is to consider the future of the Burnley BEST Dial-A-Ride Taxi Service.

The Service was set up in 2010 following cessation of an Urban Bus Challenge Fund project which had run for the previous 5 years which supported people in Burnley and Pendle to travel to work or training where there was no public transport or the person was unable to use it due to mobility difficulties.

The post 2010 Service is provided by Crusader Cars who use their own vehicles and take bookings for journeys. Lancashire County Council maintains the list of members/users and assesses eligibility for membership.

The Scheme is available for members to make journeys to and from work or training between 05.30 a.m. and 23.00 p.m. Monday to Saturday, although journeys must be booked at least 24 hours in advance. The cost of journeys has remained unchanged since March 2010 at £2 per journey or £18 for a saver strip covering 10 journeys.

The cost of the Burnley BEST scheme- see below.

	Net Cost	Rev/Cost	Subsidy per passenger
2010/11 (part period)	£13,135.50	27%	£4.33
2011/12 Actual	£21,026.90	30%	£4.29
2012/13 Actual	£28,139.98	27%	£5.02
2013/14 Actual	£28,538.41	26%	£5.78
2014/15 Actual	£29,953.29	21%	£6.81
2015/16 Actual	£31,316.33	21%	£7.01
2016/17 Actual	£29,158.00	19%	£7.50
2017/18 Estimated	£27,982.00	19%	£7.71

Over the same period the number of users has steadily reduced. Initially there were over 30 regular users in 2010, by 2016 this had reduced to 11 regular users and 9 users in February 2018. NB: These users were the same people, the only changes were that numbers of users decreased.

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.

No. The Burnley BEST Dial-A-Ride Taxi Service operates in Burnley and Pendle and specifically in the LCC Electoral Divisions of Nelson South, Pendle Central, Burnley Rural, Pendle East, Pendle West, Burnley Central East, Burnley North East, Padiham & Burnley West and Burnley South West.

To be eligible to use the Scheme members must need the service to access employment or training, be unable to use the public transport network in East Lancashire either due to lack of appropriate services at times required or due to mobility difficulties. Eligibility is assessed before people can be accepted on to Burnley BEST.

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.

Information about Burnley BEST current users was obtained from the consultation responses received in August to October 2016. 11 responses were received. Of those responding to the equality/demographic questions.

5 were male and 5 were female. This is reflective of the Lancashire population in terms of gender.

All 10 respondents were aged 35-64, which is higher than the LCC population of 58% of residents in the 20-64 age group and Burnley and Pendle where 59% of residents are aged 20-64.

None of the respondents stated that they had a disability. This contrasts with the Lancashire population whose activities are limited a little (10%) or a lot (10%) and those in Burnley (12% have activities limited a lot and 11% have activities limited a little) and Pendle (10% of residents have day to day activities limited a lot and 11% have day to day activities limited a little).

8 respondents were white British, 1 identified as White Rhodesian and 1 as Asian Pakistani. This is broadly reflective of the population in Lancashire but lower than the BME percentage for both Burnley (12.6%) and Pendle (20.1%).

Information on other protected characteristics was not requested in this consultation.

Any change in arrangements would have some level of impact on current Scheme Members and most significantly on regular Burnley BEST users.

Any decision to cease support for Burnley BEST would also adversely affect the contractor Crusader Cars and may impact on their drivers and call handlers.

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.

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None of the respondents stated that they had a disability. This contrasts with the Lancashire population whose activities are limited a little (10%) or a lot (10%) and those in Burnley (12% have activities limited a lot and 11% have activities limited a little) and Pendle (10% of residents have day to day activities limited a lot and 11% have day to day activities limited a little).

8 respondents were white British, 1 identified as White Rhodesian and 1 as Asian Pakistani. This is broadly reflective of the population in Lancashire but lower than the BME percentage for both Burnley (12.6%) and Pendle (20.1%).

Information on other protected characteristics was not requested in this consultation.

There are currently 11 scheme users. Any change in arrangements will adversely impact these members but will most significantly impact those who regularly use the Burnley BEST Scheme.

Any withdrawal of support for Burnley BEST would also impact on the contractor Crusader Cars and potentially on its drivers and call handlers.

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)

Initially when the Burnley BEST was relaunched in 2010 approaches were made to Burnley Borough Council, Pendle Borough Council and 21 companies/organisations associated with Scheme members at that time seeking ideas of how the costs could be supported or seeking contributions towards the financing of the Scheme – these were unsuccessful. A consultation had also been carried out with Scheme members who were very appreciative of the relaunched service.

In August 2016 all current and recently lapsed Burnley BEST members were sent a personal consultation questionnaire. An 8-week consultation period was set with a closing date of October set for receipt of completed/returned questionnaires. 11 responses were received.

10 respondents used Burnley BEST every or most days and one respondent used it a few times a week.

4 respondents made journeys between 5:30 a.m. and 7:30 a.m. whilst 5 used it between 7:30 and 9:30 a.m. and 1 respondent between 9:30 and 3p.m.. 9 respondents made journeys between 3p.m. and 4:30p.m and 1 made journeys between 8p.m. and 10 p.m.

10 respondents used Burnley BEST to travel to and from employment. Comments included that the journeys were not possible by public transport to meet shift patterns, etc or that the durations of journeys (e.g. 2 hours) made them impossible on public transport.

None of the respondents could identify an alternative means of getting to work if the Burnley BEST facility ended, 9 indicated that they would use none of the other methods suggested and 1 respondent didn't know what they would do.

All 10 respondents said that they would be unable to pay the full cost of £9 per journey if Burnley BEST ceased. Some indicated that they may be able to make a higher contribution towards the journey costs but others said they were on the minimum wage and would find increases in fares difficult to meet.

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 only those who cannot use public transport in East Lancashire either because it is not available or due to mobility difficulties/disabilities are eligible to use the Scheme, any ceassation of the arrangement will inevitably make it more difficult or impossible for those people to get to and from work or training. None of the respondents to the consultation had a disability but all indicated that either because of their shift patterns or because of the journey times involved in using public transport the only way they could get to work was by using Burnley BEST. Any change would affect their ability to participate in public life and adversely affect their equality of opportunity to work. A number of respondents said that they would have to change jobs or give up their jobs if the Scheme was no longer available and one stated that they had taken their current job because the service was available to get them to and from work. This was because the journey was complicated or no bus services would allow them to reach work for their contracted working times.

Respondents were also concerned as to whether any changes might result in an increase in fares for journeys. A number identified that they were on the minimum wage and that any change would have implications for their finances.

The impact on community cohesion/fostering good relations is difficult to identify. However, many respondents did emphasise how courteous the drivers and other staff of Crusader Cars have been with them

Although no-one identified as having a disability amongst respondents, one respondent said they had poor eyesight and therefore could not drive. Another respondent identified as a single parent and said the service was essential to allow her to continue working a look after her child.

Several respondents said that the service allowed them to get to and from work safely, whilst another said that in addition to a lengthy bus journey to work if the service were withdrawn, they would also need to cross a very busy road which raised safety concerns for that respondent.

The cost of travel for those taking Burnley BEST journeys has been unchanged since 2010 at £2 per journey or £18 for a saver strip covering 10 journeys. Any change to make the Service more reflective of its actual costs either by charging an increased flat rate fare (£9 per journey) or by charging on a more individualised arrangement based on the length of journey will inevitably impact on the financial resources of current Scheme members. The extent of the impact will vary for each individual Member but is most likely to affect those who are regular users of the Scheme and who frequently use it.

The availability of Burnley BEST has contributed for those current and previous scheme users, potentially reducing social isolation. Going to work is often identified as generally good for people's health and wellbeing at contributing to reduced social isolation as a person is travelling (with a driver in this situation) and working with colleagues. Should scheme members be unable to remain in work – as some have suggested – this could contribute to increasing their social isolation.

It is unlikely that any decision to cease or change the Burnley BEST service could be said to discriminate on grounds of gender, age, ethnicity or disability as there appears not to be a disproportionately adverse effect in terms of younger or older people, ethnicity, gender or disability.

This is a Scheme which only operates in the Burnley and Pendle areas and has no equivalent supported by the County Council elsewhere in Lancashire. It is arguable that residents in other parts of the county may face similar difficulties in getting to and from work or in selecting what posts they may be able to take up and which are impracticable for similar reasons to those which the Burnley BEST consultation respondents have identified. However, those situations would not be impacted in the same way by a County Council decision as will the situation for the current users of Burnley BEST.

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.

As part of the County Council's 2016/17 budget a budget option affecting withdrawal of support for subsidised bus services was included. The final outcome of this proposal was the creation of a £3 million fund to retain a number of bus Services particularly to assist people to access education, employment, health, social and leisure activities. Bus operators and other Councils also assisted in retaining other routes. However, a number of early morning and late evening/night Services have ended, other Services have merged or

routes have changed. This may have impacted on the availability of alternative Services which, for a few Scheme members, may increase the effect of this decision.

It is possible that some members of Burnley BEST may be affected by changes associated with the Government's reforms to welfare benefits.

More general benefit changes – i.e. the move to Universal Credit, etc – may affect some Scheme members.

Question 5 – Identifying Initial Results of Your Analysis

As a result of your analysis have you changed/amended your original proposal?

Please identify how –

For example:

Adjusted the original proposal – briefly outline the adjustments

Continuing with the Original Proposal – briefly explain why

Stopped the Proposal and Revised it - briefly explain

NO- NA

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 none of the consultation respondents identified as having a disability, it is difficult to identify any mitigation which might be considered at this time.

However, one respondent in their comments indicated they had poor eyesight, this might raise the possibility for that individual of considering approaching the DWP's Access to Work Scheme which can potentially assist eligible disabled people with additional work related costs arising from a disability.

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.

Given the increasing cost to the County Council of supporting the Burnley BEST scheme, periodic reviews of its sustainability have taken place since 2010. This has coincided with a period of unprecedented financial restraint for the County Council. More recently the County Council has been forced to move towards providing Services on the basis of those which are statutory. The support provided by the Burnley BEST Scheme does not fall within the range of provision which the County Council is statutorily required to deliver.

It is also estimated that the County Council faces a funding gap of £144 million by 2020/21.

It is acknowledged that any change to arrangements for members/users of the Burnley BEST Scheme will have a significant impact on the individuals concerned in terms of their ability to travel to and from their place of work.

Question 8 – Final Proposal

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

The future of the Burnley BEST Dial-A-Ride taxi service.

Question 9 – Review and Monitoring Arrangements

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

Review and monitoring arrangements will be considered in light of the outcome of this decision.

Equality Analysis Prepared By

Position/Role

Equality Analysis Endorsed by Line Manager and/or Service Head

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