

Appendix D

Section 2

Equality Analysis

Provision of Residential Disabled Parking
Bays in Lancashire - Draft Policy

For officers developing policies,
strategies and project plans

What is the purpose of the Toolkit

The toolkit is a corporate guidance document that is designed to encourage county council officers to think about the work they are doing, or about to do, from the citizen's perspective, to ensure that they have developed their services and policies with people's needs in mind, and can provide evidence of this process.

As officers, our aim is to provide the very best for the people of Lancashire. The toolkit is a fundamental part of the systematic process we use to plan and develop our services, policies, strategies and partnerships so that they better meet the needs of all our citizens. Through the toolkit we can encourage wider take-up of services, and make sure that all communities are satisfied with our services.

The toolkit is also an equality analysis/impact assessment process. As a public authority, we are obliged to carry out equality analysis as part and parcel of all our functions, including front-facing services and policies. In terms of section 149 of the Equality Act 2010, we are required to pay "due regard" to the need to eliminate discrimination and inequality and to promote equality of opportunity between groups sharing certain protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. 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.

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.

The Equality and Human Rights Commission (EHRC) have been tasked with making sure that public authorities are having "due regard" to the general public sector equality duty in all their activities and can specifically enforce the general duties to eliminate discrimination and harassment which is unlawful, the duty to advance equality of opportunity and to foster good relations between communities. [EHRC - New public sector equality duty guidance](#)

Regulations under the Equality Act require the County Council to publish information to demonstrate its compliance with the public sector equality duty imposed by section 149(1) of the Equality Act by 31 January 2012.

In addition, the EHRC, other auditors, and members of the public through Freedom of Information (FOI) requests, are entitled to ask for and see evidence of equality analyses/impact assessments. Insufficient evidence exposes the Council to the risk of challenge under the Equality Act.

Who should use the Toolkit and when?

Anybody who is developing or revising a policy, project plan or strategy. You should use the toolkit when you are:

- developing a new policy, project plan or strategy. It should be used at the initial scoping stage and feedback should inform the content of the policy, project plan or strategy;
- revising a policy, project plan or strategy. It should be used at the start of the revision during the information gathering stage and feedback should influence the content of the revision;
- It should be used as part of the review of the policy, project plan or strategy and feedback should inform decisions about whether or not to change or discontinue the policy.
- it may be appropriate to conduct a briefer analysis at the very early stages of policy formulation and a more detailed analysis as the policy takes shape and before the decision is taken.

(Where a policy, strategy or project plan is to be submitted to a Cabinet Member for formal approval, a shorter equality impact assessment process – the Equality Decision Making Analysis (Toolkit 4) template – should be completed to demonstrate

compliance with the Equality Act and included in the decision-making process documentation . This template can be found at <http://lccintranet2/corporate/web/?siteid=5580&pageid=33450&e=e>

Officers responsible for developing policies, project plans and strategies should follow the steps on pages 5 - 14.

Support and training on issues associated with the Equality Act 2010 is available from the County Equality and Cohesion Team on

AskEquality@lancashire.gov.uk

For advice on how to complete this document please contact either your Directorate contact in the Equality and Cohesion Team or Jeanette Binns at jeanette.binns@lancashire.gov.uk

1) What is the aim of your policy/project plan/strategy?

This should correspond with the County Council's Corporate Strategy or your Directorate's objectives.

The aim of the policy is to provide those drivers with severe mobility issues access to parking facilities close to their homes where no reasonable alternative is available. This policy is an update to an existing policy which aims to take into consideration welfare reform changes, organisational changes within the County Council and also to ensure the policy is implemented uniformly and without discrimination.

2) What outcomes do you want to achieve from your policy/project plan/strategy?

- To update the existing policy whilst keeping its core aims and thereby improve the service provided.
- To continue to provide parking facilities for those residents of Lancashire who are drivers with significant mobility impairment and who do not have access to off street parking nor land available to them which could be made into offstreet parking.
- To provide bays for parents, with disabled children, who do not have access to off street parking nor land available to them which could be made into off street parking.
- To reduce the time taken to introduce parking bays for successful applicants.
- To introduce a process by which passengers with significant mobility issues may also be considered.
- To introduce a clear and transparent process for dealing with applications and appeals.
- To standardise how this service is delivered throughout Lancashire.

3) What are the potential barriers to achieving these outcomes? E.g. lack of resources, need for staff training, getting buy in from

partners, tight timescales, negative impacts on particular communities etc.

There are no potential barriers to achieving the policy goals. However some staff training will be required to ensure all officers who provide the service are aware of the revisions to the policy.

4) Who are the people who will benefit from your policy/project plan/ strategy?

The answer to this question could be everyone in Lancashire, or it could be everyone within a district of Lancashire, e.g. Burnley, or everyone within a ward e.g. Daneshouse etc. Alternatively, the answer could be a particular group of people e.g. young people in Leyland, people with a particular disability in Frenchwood etc.

Information on Lancashire's population can be found at <http://www.lancashire.gov.uk/profile>

All drivers with significant mobility issues, who have a vehicle registered to them and live in Lancashire, but do not have the facility of parking or land available to create parking close to their homes will benefit from this policy. In addition some able bodied drivers who care for a disabled person living at the same address will also benefit from this policy.

5) What information have you used to help develop your policy/project plan/strategy? Please keep any information in case evidence is needed.

Your answer should include consideration of the demographic profile of the area at which your policy/project plan/strategy is aimed.

Some information on the breakdown of populations can be obtained

from Lancashire Profile (see <http://www.lancashire.gov.uk/profile/>)

You might also have information from other sources that could help you e.g.

- service user surveys and panels
- service user satisfaction surveys
- focus groups
- community consultation and engagement exercises
- residents' surveys, including the Living in Lancashire survey (see <http://lccintranet2/corporate/web/?siteid=2660&pageid=3543&e=e>)
- discussions with front line employees
- complaints, compliments, and comments
- Customer Focus Consultancy (see lccintranet2/corporate/web/?siteid=5196&pageid=27362)
- Joint Strategic Needs Assessment (JSNA) (see <http://www.lancashire.gov.uk/jsna>)
- mystery shopping
- structured consultation and engagement exercises
- talking to voluntary, community, and faith sector (VCFS) organisations
- feedback from district and sub district groups i.e. Local Strategic Partnerships, Area Forums, Area Committees, Neighbourhood Management Boards, Parish and Town Council meetings, Police and Community Together (PACT) meetings etc. (see lccintranet/corporate/atoz/a_to_z/service.asp?u_id=2339&tab=1 and <http://www.lancashirepartnership.co.uk/content.asp?siteid=3813&pageid=17990&e=e> for more information).
- research on national and local issues.

Once you have found information, you need to record how this will influence your policy/project plan/strategy i.e. how the needs of particular groups will be met in your policy/project plan/strategy.

- Researched similar provision throughout English County Councils.
- Researched welfare reform payments.
- Investigated numbers and nature of complaints with regard the implementation of the existing policy.
- Internal consultation with existing service providers throughout the County – e.g. adult community service, Lancashire Highways service.
- Internal consultation with environment management team.
- Internal consultation with legal team.
- Internal consultation with county equality and cohesion team.
- External consultation with cross section of disability groups.

6) Does your policy/project plan/strategy take into consideration the views of those potentially affected? Please keep any information in case evidence is needed.

Where appropriate, have you consulted or otherwise engaged with those potentially affected? One of the purposes of consultation is to feed into the equality analysis so as to evaluate how the proposal will affect groups of people who share the following protected characteristics under the Equality Act:

- age
- disability, including Deaf people
- gender reassignment/gender identity
- race/ethnicity/nationality
- sex/gender
- pregnancy or maternity
- religion or belief
- 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

prohibited by the Act).

In deciding how and with what groups to engage, one needs to be sensible and reasonable as to who is potentially affected by the proposal in question - the focus should be on those protected characteristics which are potentially relevant given the measure being considered.

Depending on the nature of the policy in question it may be appropriate to focus particularly on how it is likely to affect:

- children and young people
- older people
- people with a range of disabilities and Deaf people
- people of different religions and beliefs
- people of different races, ethnicities, nationalities and communities
- Gypsies Roma and Traveller communities
- Lesbian, Gay and Bisexual or Transgender people
- men
- women
- pregnant women or people with young children
- people living in deprived areas
- people living in rural areas
- Children Looked After
- carers
- other groups as appropriate e.g. teenage parents, offenders etc

See

<http://lccintranet2/corporate/web/?siteid=5580&pageid=31774&e=e> for a directory of equality groups you can consult.

The policy is specifically aimed at helping residents who are significantly mobility impaired. As a consequence targeted consultation with a cross section of disability groups has taken place. The groups consulted are:-

- Age UK Lancashire
- Age Concern Central Lancashire
- Disability First
- One Voice
- Disability Equality (NW) Ltd
- Pukar Centre
- In addition the policy has been developed with input from the county equality and cohesion team.

7) Where appropriate, does the information you have collected take into consideration the views of the following? Please ensure you keep any information in case evidence is needed.

- Voluntary, Community and Faith Sector (VCFS) organisations
- county councillors
- parish and town councils
- district ward councillors
- overview and scrutiny committees
- district councils
- other statutory agencies e.g. National Health Service, Lancashire Constabulary etc.

As identified above, a number of disability and age related VCFS organisations have been consulted. However as the policy is a revision of an existing policy it is considered unnecessary to seek wider comment. The policy will be presented in a report to the Cabinet Member for Highways and Transport for consideration. Relevant voluntary organisations were identified in Question 6 above. The three groups who have responded - Disability Equality North West;

Age Concern Central Lancashire and Age UK East Lancashire - are broadly supportive of the proposals/policy as were members of the County Council's Disabled Workers Forum Steering Group when it was raised at their July 2014 meeting.

8) Have you posted your consultation on the LCC consultation website?

All LCC consultations are required to be placed on the LCC 'have your say' website. To register your consultation on the site click on lccintranet2/corporate/consultation/responses/responses.asp?siteid=5140&pageid=29003&e=e

No. The Policy is a revision of an existing Policy which should not adversely impact on people with relevant protected characteristics and may actually have a positive effect. Consequently it is felt to be unnecessary to seek a full public consultation.

9) Taking into consideration the information you have collected already, are there any potential negative impacts that might affect citizens because of their:

- age
- disability including Deaf people
- race/ethnicity/nationality
- sex/gender
- gender reassignment/gender identity
- religion or belief
- sexual orientation
- pregnancy or being on maternity leave
- marriage or civil patnership 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 prohibited by the Act).

It is important to bear in mind in conducting this analysis that the overlap of two protected characteristics may result in disadvantage – for example, age and disability, race and gender and so on.

Please note that the consideration of potential negative effects should be specific and realistic. Potential adverse effects should not be minimised or exaggerated.

Non – Statutory Characteristics/Groups

In addition to the characteristics specifically protected under the Equality Act, it may be appropriate in particular contexts to consider potential effects relating to:

- having young children
- living in an area of deprivation
- living in a rural area
- Children Looked After
- young people not in education, employment and training (NEET)
- teenage parents
- carers
- offenders, people out of work, problem drug users etc.

The existing residential disabled parking bay policy impacts adversely on people over the age of 65, parents with disabled children and residents who care for significantly disabled individuals who need constant care as they are not eligible to receive a residential disabled parking bay. This policy revision aims to remove these restrictions so that where appropriate these categories of driver/carer can also be considered. This has been welcomed by respondents to the consultation. There are no further potential impacts anticipated for Lancashire citizens as part of this policy revision.

10) Could the implementation of your policy, project or strategy combine with other factors to heighten disadvantage amongst any of the above groups (i.e. their cumulative effects)? Are you aware of other proposals within LCC, locally or nationally, which may disadvantage or target the same groups – e.g. changes in adult social care charges might combine with increased fares on community transport and national benefit changes to increase the impact felt by some disabled people)

No negative impacts are envisaged.

11) Insofar as the policy, strategy or project plan under consideration, whether viewed alone or in combination with other factors, is likely to have adverse effects on groups sharing relevant protected characteristics, you must consider how to mitigate such adverse effects.

Please set out any steps you will take to mitigate/reduce any potential adverse effects of your proposal on those sharing any relevant protected characteristic.

It is important here to do a genuine and realistic evaluation of the likely effectiveness of the mitigation proposed. Over optimistic and over-generalised assessments are likely to fall short of the “due regard” requirement.

Also consider if the mitigation might adversely affect any other groups and how this might be managed.

None envisaged – however, whilst other groups cannot be identified as potentially adversely affected it is envisaged that parking opportunities for other residents will be reduced in relevant areas.

12) Think about the potential positive impacts your policy, project

plan or strategy could have on certain groups of people, and in particular those sharing the protected characteristics. What are they and how could they be developed?

Use this information to think about how your policy, project plan or strategy could improve the quality of life for certain citizens.

Will the positive impacts be accompanied by any negative impacts on groups of citizens sharing the protected characteristics? If so, how might these be addressed/balanced or mitigated?

By providing specific parking facilities for mobility impaired individuals it will mean removing access to some available parking for other residents. Were appropriate the investigating officer will have the discretion to limit the aggregated available disabled parking space provision on any given street in order to balance the needs of all residents.

13) How can your policy/project plan/strategy contribute to the following priority areas:

- Eliminating discrimination, harassment, victimisation or any other unlawful conduct

How will your policy/project/strategy contribute to this area? Will employees receive training to ensure they treat everyone with dignity and respect? Will eligibility criteria be based on fair and objective requirements? Will steps be taken where appropriate to accommodate special needs, for example arising from disability?

It is important to bear in mind that tackling discrimination goes beyond direct discrimination to policies which are indirectly discriminatory because they have a disproportionate adverse impact on individuals sharing particular protected characteristics

- Tackling social exclusion /Advancing Equality of Opportunity between persons who share relevant protected characteristics and those who do not share them

This will involve taking steps to remove or minimise disadvantages suffered by persons who share a relevant protected characteristic and that are connected to that particular characteristic. It may also require taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it, and encouraging persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

It is important to bear in mind that taking steps to meet the needs of disabled persons which are different from those of persons who do not share that disability include steps to take account of the disabilities in question. This may even include treating some persons more favourably than others in order to allow them to participate in social or public life.

Activities that help improve social inclusion include those that improve the quality of life for people who are disadvantaged or are in danger of poor outcomes in their lives through various circumstances e.g. a lack of money, difficulty in accessing services/buildings, and barriers to taking part in relationships and activities that are available to most people in communities etc.

- Improving community cohesion /Fostering Good Relations between persons who share a relevant protected characteristic and those who do not share it

This may include thinking about ways to tackle prejudice and promote understanding between groups of people with protected characteristics and those who do not share those characteristics.

Activities that help improve community cohesion include those that bring people from different communities together (e.g. people of different

ethnicities, faiths, ages, geographical backgrounds etc); those that empower communities and those that reduce tensions in communities.

(See the Community Cohesion website at

<http://www.lancashire.gov.uk/corporate/web/view.asp?siteid=2966&pageid=5956&e=e> for more information).

- Improving health and wellbeing

Health and wellbeing means that people feel well enough and sufficiently supported to live their lives to the full. Activities that help improve health and wellbeing include those that ensure that basic needs are met, that individuals have a sense of purpose, that they feel able to achieve important personal goals and participate in society.

- Supporting the county council's role as a corporate parent

The Corporate Parenting Board ensures that Children Looked After have the same opportunities as their peers to a good quality of life. Activities that help support this are those that help improve health and wellbeing outcomes for children and young people who are looked after and those that support them to be prepared for the future. (See Corporate Parenting Board website at lccintranet2/corporate/web/view.asp?siteid=4183&pageid=17628&e=e for more information).

The County Council has no readily available method of determining individuals mobility needs. It is therefore proposed that the eligibility criteria be based on fair and objective requirements already undertaken through external and independent bodies. These requirements also protect the needs of other groups by being robust in nature so by ensuring the policy is not open to abuse or interpretation.

In terms of providing the service the policy is positive in helping the health and wellbeing of successful applicants by ensuring those most in need get the help they require. As a consequence the policy will help the

resident maintain their independence and mobility and consequently access to the greater community and its services.

In addition the provision of specific parking facilities can help overcome feelings of intimidation in areas where parking demand is high and space is at a premium.

As part of the policy process immediate neighbours are asked for their views on individual applications thereby promoting community cohesion and fostering an atmosphere of understanding.

14) Taking into consideration all the information you have collected in answering the previous questions, what are the changes/actions you will carry out to tackle any issues you have identified before finalising your policy/project plan/strategy and who will carry them out? For example will there be no change to your original plans/policy/project; will you adjust it slightly; will you adjust it considerably; have you stopped and fully reconsidered the proposal?

In reaching this conclusion what other considerations – financial, operational, practical – have informed your response (countervailing factors) to lead you to this outcome.

This policy is a revision of an existing and as such it aims to address several issues which make the current policy difficult to implement. Consequently it is the conclusion that this revised policy should be implemented in full as proposed.

15) How will the effectiveness of the new policy/project/strategy be monitored?

The effectiveness of the policy will be monitored by considering

feedback from users of the service and from professionals who administer the service.

16) When will you review your policy/project plan/strategy?

There is no specific timeframe for reviewing this policy. However the policy should be reviewed when any organisational or legislative change dictates that the it can no longer be delivered in its current form.

Name of officer completing this template Ray Bennett

Role Principal Engineer

Date 11th September 2014

Name of Line Manager overseeing this Analysis

Name Oliver Starkey

Role Public Realm Manager

Date 11th September 2014

Name of Chief Officer/SMT Member Signing Off this Policy/Project/Strategy John Fillis

Role Cabinet Member for Highways and Transport

Date December 2014

Publish your assessment

Please ensure a copy of your Analysis is retained with other information about the development/review of this policy/project/strategy.

Please also ensure any Action Points are entered on Form EAP001 and forwarded to your Directorate contact in the Equality and Cohesion Team.

Directorate contacts in the County Equality and Cohesion Team are:

Karen Beaumont – Equality & Cohesion Manager

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Thank you