

Section 4

Equality

Analysis Toolkit

**Introduction of Blue Badge Policy Including
a Proposal to Charge for Blue Badges**

For Decision Making Items

November 2015

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

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

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

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

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

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

This process should be completed with reference to the most recent, updated version of the Equality Analysis Step by Step Guidance (to be distributed) or EHRC guidance at <http://www.equalityhumanrights.com/private-and-public-sector-guidance/public-sector-providers/public-sector-equality-duty>

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

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

Support and training on the Equality Duty and its implications is available from the County Equality and Cohesion Team by contacting AskEquality@lancashire.gov.uk

Specific advice on completing the Equality Analysis is available from your Service contact in the Equality and Cohesion Team or from Jeanette Binns Jeanette.binns@lancashire.gov.uk

Name/Nature of the Decision

Proposal for the Introduction of a Lancashire Blue Badge Policy, including the Introduction of Charging for Blue Badges

What in summary is the proposal being considered?

To introduce a Lancashire Blue Badge Policy which reflects the guidelines for administering the Blue Badge Scheme which are set by the Department for Transport. The policy provides clarity on how Lancashire County Council administers and assesses Blue Badge applications and includes a recommendation to introduce a charge of £10 per printed Badge. The introduction of a charge would bring the County Council in line with all other authorities administering the Blue Badge scheme, the vast majority of which charge the full £10.

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 decision is likely to affect people across the county in the same way.

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

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

The decision will have an impact upon people with a disability, excluding deaf people. This will particularly have an impact on people with disabilities affecting their mobility / walking ability, as the Blue Badge scheme is specifically designed to assist these people to access goods and services by allowing them to park closer to their destinations.

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.

The Blue Badge Service holds records of all current Blue Badge holders and of people who have applied for Blue Badges within the last three years. Successful Blue Badge applicants are considered to have a permanent and substantial disability that means that they are unable to or have very considerable difficulty in walking. A large proportion of applicants are also elderly, due to walking ability being one of the characteristics that is affected by disabilities encountered in old age.

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)

A consultation with members of the public has not been carried out. This is because the policy mainly reflects the guidelines published by the Department for Transport and to which the Blue Badge Service already works. The policy has been drafted in accordance with the guidelines issued by the Department for Transport and as a result of evaluation of other local authorities' policies and procedures.

Local authorities have been able to charge up to £10 for successful Blue Badge applications since January 2012. Research has revealed that Lancashire is the highest issuing authority of Blue Badges in the country and the only authority to provide Badges free of charge. Neighbouring authorities such as Blackpool, Bolton and Blackburn with Darwen Borough all charge the maximum £10 fee and have charged for Blue Badges since the scheme began in 2000. These authorities therefore did not carry out a consultation with members of the public regarding charging.

General and charging policies from other authorities have been evaluated and considered when drafting the Lancashire Blue Badge policy.

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 foster 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.

The proposal could lead to a low impact on disabled groups due to the fact the Blue Badges should only be issued to people who are disabled. Therefore, this group of people would be impacted by having to pay the £10 charge whereas they may previously have received their Blue Badge free of charge. This may result in a reduction of applications from disabled people who may not be happy or willing to pay the £10 charge, which could in turn result in that user group being less able to participate in public life as they may have difficulty in accessing goods and service without a Blue Badge.

However, Blue Badge are issued for period of three years and provide Badge holders with a range of national parking concessions, including free parking. It is therefore considered that the financial and social benefits of the Badge far outweigh the £10 cost of the badge.

Additionally, customer applying for a Blue Badge from any other local authority would be required to pay for the Badge, with only a handful of authorities charging less than £10.

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.

The availability of benefits for disabled people may result in a cumulative effect of disabled people being less able to afford to pay the £10 charge for the Badge.

However, it is considered that the cumulative effect of this would be minimal due to the low cost of the Badge and Badge lasting for a duration of three years.

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

As a result of the analysis carried out, the original proposal will be continued, as it is considered that the impact to disabled people would be minimal. This is in light of neighbouring and the vast majority of other authorities in England charging £10 for Blue Badges and the policy being drafted based on the guidelines issued by the Department for Transport.

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.

Although card payment will be encouraged as far as possible, an alternative payment method (i.e. cheques) will be able to ensure people who do not have credit or debit card can still access the Blue Badge scheme.

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.

The introduction of introducing the £10 charge for Blue Badges could allow the service to recover up to 58% of its total operating costs based on current activity levels. This would also ensure that Lancashire County Council's Blue Badge service is standardised in line with other authorities across the country.

Not taking forward the proposal at this time will mean that the Blue Badge Service will continue to be an expensive service to be run by the council.

The negative effects on disabled people applying for Blue Badges could be that they experience difficulty in paying the £10 charge or are deterred from applying for a Blue Badge. However, it is considered that the risk of this would be small due to the small charge incurred and the benefits of the Blue Badge far outweighing the costs.

Question 8 – Final Proposal

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

The proposal is to approve the draft Lancashire Blue Badge policy and introduce the £10 charge for Badges from 01 January 2016.

Disabled people will be affected by this proposal as those wishing to apply for a Blue Badge will now have to pay £10 for them.

Question 9 – Review and Monitoring Arrangements

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

The policy will be reviewed annually to ensure that it remains in accordance with any further guidance issued by the Department for Transport.

The number of applications will also be actively monitored to detect any decline in application numbers following the £10 charge. If a decline is seen, market research could be carried out to assess if this is due to the introduction of charging and, if so, marketing activity around the benefits of Blue Badges could be carried out to counteract this.

Equality Analysis Prepared By Helena Burrows

Position/Role: Change Manager

Equality Analysis Endorsed by Head of Customer Access Service:

Phyl Chapman

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