

Cabinet – 24 January 2017

Item 5 – Reconciling Policy Performance and Resources

Equality Impact Assessments

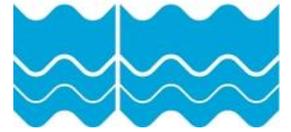
Equality Impact Assessment – Adult Social Care Learning Disability Residential Services and Day Service provision in the Chailey and Crowborough localities

Equality Impact Assessment – Adult Social Care – Capital Funding towards major housing adaptations

Equality Impact Assessment – Children’s Services – House adaptations for disabled children in foster carer homes

Equality Impact Assessment – Schools Basic Need Capital Programme

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Equality Impact Assessment

Strategy or Policy Template

Name of the strategy or policy
Capital Funding Adaptation Major Adaptations

File ref:		Issue No:	
Date of Issue:	June 13	Review date:	

Contents

Equality Impact Assessment 1

Part 1 The Public Sector Equality Duty and Equality Impact Assessments (EIA) 2

Part 2 – Aims and implementation of the proposal, strategy or policy 5

The statutory duties of local authorities in connection with adaptations are laid out
low: be 6

Part 4 – Assessment of impact 8

Part 5 – Conclusions and recommendations for decision makers 17

Part 6 – Equality impact assessment action plan 19

How to use this form

Press F11 to jump from field to field in the form.

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You can delete the comments as you would for normal text, but they will not show up if you print out the form.

Part 1 The Public Sector Equality Duty and Equality Impact Assessments (EIA)

1.1 The Council must have due regard to its Public Sector Equality Duty when making all decisions at member and officer level. An EIA is the best method by which the Council can determine the impact of a proposal on equalities, particularly for major decisions. However, the level of analysis should be proportionate to the relevance of the duty to the service or decision.

1.2 This is one of two forms that the County Council uses for Equality Impact Assessments, both of which are available on the intranet. This form is designed for any proposal, strategy or policy. The other form looks at services or projects.

1.3 The Public Sector Equality Duty (PSED)

The public sector duty is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have “due regard” to the need to

- eliminate direct and indirect discrimination, harassment and victimisation and other conduct prohibited under the Act,
- advance equality of opportunity and foster good relations between those who share a “protected characteristic” and those who do not share that protected characteristic (see below for “protected characteristics”
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

These are sometimes called equality aims.

1.4 A “protected characteristic” is defined in the Act as:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race (including ethnic or national origins, colour or nationality)
- religion or belief;
- sex;
- sexual orientation.

Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.

The previous public sector equalities duties only covered race, disability and gender.

1.5 East Sussex County Council also considers the following additional groups/factors when carry out analysis:

- Carers – A carer spends a significant proportion of their life providing unpaid support to family or potentially friends. This could be caring for a relative, partner or friend who is ill, frail, disabled or has mental health or substance misuse problems. [Carers at the Heart of 21st Century Families and Communities, 2008]
- Literacy/Numeracy Skills

- Part time workers
- Rurality

1.6 Advancing equality (the second of the equality aims) involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristic
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people including steps to take account of disabled people's disabilities
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

NB Please note that, for disabled persons, the Council must have regard to the possible need for steps that amount to positive discrimination, to "level the playing field" with non-disabled persons, e.g. in accessing services through dedicated car parking spaces.

1.6 Guidance on Compliance with The Public Sector Equality Duty (PSED) for officers and decision makers:

1.6.1 To comply with the duty, the Council must have "due regard" to the three equality aims set out above. This means the PSED must be considered as a factor to consider alongside other relevant factors such as budgetary, economic and practical factors.

1.6.2 What regard is "due" in any given case will depend on the circumstances. A proposal which, if implemented, would have particularly negative or widespread effects on (say) women, or the elderly, or people of a particular ethnic group would require officers and members to give considerable regard to the equalities aims. A proposal which had limited differential or discriminatory effect will probably require less regard.

1.6.3 *Some key points to note :*

- The duty is regarded by the Courts as being very important.
- Officers and members must be aware of the duty and give it conscious consideration: e.g. by considering open-mindedly the EIA and its findings when making a decision. When members are taking a decision, this duty can't be delegated by the members, e.g. to an officer.
- EIAs must be evidence based.
- There must be an assessment of the practical impact of decisions on equalities, measures to avoid or mitigate negative impact and their effectiveness.
- There must be compliance with the duty when proposals are being formulated by officers and by members in taking decisions: the Council can't rely on an EIA produced after the decision is made.
- The duty is ongoing: EIA's should be developed over time and there should be evidence of monitoring impact after the decision.
- The duty is not, however, to achieve the three equality aims but to consider them – the duty does not stop tough decisions sometimes being made.

- The decision maker may take into account other countervailing (i.e. opposing) factors that may objectively justify taking a decision which has negative impact on equalities (for instance, cost factors)

1.6.4 In addition to the Act, the Council is required to comply with any statutory Code of Practice issued by the Equality and Human Rights Commission. New Codes of Practice under the new Act have yet to be published. However, Codes of Practice issued under the previous legislation remain relevant and the Equality and Human Rights Commission has also published guidance on the new public sector equality duty.

Part 2 – Aims and implementation of the proposal, strategy or policy

2.1 What is being assessed?

a) Proposal or name of the strategy or policy.

Adult Social Care (ASC) Capital Funding contribution towards Major Adaptations

b) What is the main purpose or aims of proposal, strategy or policy?

This proposal would adjust the existing policy on allocating Capital Funding for Major Adaptations to an individual home. The aim is to ensure a fair and equitable allocation and commitment of the Capital Adaptations Budget for Major Adaptations, taking into account some of the additional difficulties experienced by disabled and older people with a physical/functional difficulty living in the community.

Historically there has been an under spend on the East Sussex Capital Programme allocation from the capital budget which is designated for topping up funding on those adaptations that exceed the £30,000 Disabled Facilities Grant (DFG) available funding. There is an opportunity to look at if the budget could be used differently to mitigate some of the difficulties by assisting:

- Disabled individuals who need major adaptations to their property seem on paper to have sufficient funds to cover a loan for costs above £30,000 but in reality have heavy outgoing that will prevent them from taking out such a loan.
- Where individuals are assessed to contribute towards the cost of the adaptation following the grant final assessment who on paper seem to have sufficient income (assessed by the District and Borough using the national financial assessment for Disabled Facilities Grant) but in reality have heavy outgoing and are unable to get a loan. In these cases ESCC would pay the assessed contribution and require the individual to repay back the amount loan over time based on an amount they could afford.
- Where the disabled person eligible needs exceed the scope for provision by the housing authority i.e. they fall outside the mandatory provisions for a DFG

c) Manager(s) and section or service responsible for completing the assessment

Deborah Winterburn Operational Head of Service Adult Social Care

2.2 Who is affected by the proposal, strategy or policy? Who is it intended to benefit and how?

Adults with a Physical Disability

2.3 How is, or will, the proposal, strategy or policy be put into practice and who is, or will be, responsible for it?

Currently the policy is operational within Adult Social Care. Key practitioners responsible for the assessment of need eligible for funding from the capital budget are Occupational Therapy Staff. The professional staff, following an assessment of need differentiate between what is desirable – what may be a perfectly legitimate aspiration on the part of the individual and what is actually needed for which support from the public purse is justified.

When considering whether works are necessary and appropriate the assessment by the therapist must consider whether the proposed adaptation is needed in order for a care plan to be implemented and/or to enable the disabled occupant to remain in their own home, retaining or regaining a greater degree of independence.

The proposed works would be expected to meet the assessed needs of the individual and take into account both medical and physical needs. There may be also times when the psychological needs of both the disabled person and their carer will need specification consideration, particularly where the proposed works can assist in ensuring the ongoing care being given.

2.4 Are there any partners involved? E.g. NHS Trust, voluntary/community organisations, the private sector? If yes, how are partners involved?

District and Borough Housing departments are responsible for the allocation of the Disabled Facilities Budget to which this capital funding relates.

Also these partners are responsible for funding the Adaptation Support Services that support individuals through the adaptation process.

2.5 Is this project or procedure affected by legislation, legislative change, service review or strategic planning activity?

The statutory duties of local authorities in connection with adaptations are laid out below:

- National Assistance Act 1948
- The Chronically Sick and Disabled Person Act 1970
- Health and Social Services Act and Social Security Adjudication Act 1983
- Disabled Person Act 1986
- NHS and Community Care Act 1990
- Housing Construction and Regeneration Act 1996. This act requires the Housing Authorities to consult with Adult Social Care on the adaptations needs of the individual seeking help through the adaptation.
- Adult Social Care may use the principals in Fair Access to Care guidance to guide decisions on eligibility of needs.

- Part 3 – Methodology, consultation, data and research used to determine impact on protected characteristics.

3.1 List all examples of quantitative and qualitative data or any consultation information available that will enable the impact assessment to be undertaken.

Types of evidence identified as relevant have X marked against them			
	Employee Monitoring Data		Staff Surveys
	Service User Data		Contract/Supplier Monitoring Data
	Recent Local Consultations		Data from other agencies, e.g. Police, Health, Fire and Rescue Services, third sector
	Complaints		Risk Assessments
	Service User Surveys		Research Findings
x	Census Data		East Sussex Demographics
	Previous Equality Impact Assessments		National Reports
	Other organisations Equality Impact Assessments	x	Any other evidence? Strategic Housing Commissioners

3.2 Evidence of complaints against the strategy or policy on grounds of discrimination.

None reported or collated by ASC Community Relations Team

3.3 If you carried out any consultation or research on the strategy or policy explain what consultation has been carried out.

No consultation has been carried out

3.4 What does the consultation, research and/or data indicate about the positive or negative impact of the strategy or policy?

None undertaken

Part 4 – Assessment of impact

4.1 Age: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County /District/Borough?

The overall population of East Sussex is **527,209** (2011 Census data) and is projected to continue increasing over the next few years. The population by age breakdown for East Sussex is:

Age	Population
15-29	83,791
30-44	90,220
45-64	147,613
65+	120,722

People are living longer and by 2020, it is estimated that around 38% of the UK population will be aged 50 plus and in East Sussex the figure is likely to be as high as 50%.

We know that East Sussex has a higher than average older population with around 23% of people aged over 65, compared to the national average of 16%. There are 228,881 people aged 50+ (43.4%) in East Sussex, and 20,022 (3.8%) of these are aged over 85 – East Sussex has one of the highest populations of people aged 85+ in the UK. (2011 mid-year estimates, based on 2011 Census data). The highest percentage of people over 65 years of age is in Rother, where the figure is 28.6% of the total East Sussex population.

b) How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?

This policy relates to adults with a physical disability including working age and older people

c) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?

1. There is a potential for a positive impact on disabled people of a working age who on paper people seem to have sufficient income (assessed by District and Borough using the national financial assessment for Disabled Facilities Grant) but in reality have heavy outgoings that may mean they are unable to get loans to cover the element of the costs of work they would be responsible for.

The proposal is to waive the necessity for individuals to apply for a loan themselves. ESCC would pay peoples assessed contribution upfront; and require weekly re-payments to recoup costs over time based on the amount they can afford to pay.

This is a change since historically the Capital Budget has only been used to fund top-up funding for major adaptations (i.e. those over the £30,000 where the Disabled Facilities Grant does not cover the full cost of works).

d) What is the proposals impact on different ages/age groups?

There will be an overall positive impact helping overcome the barriers to independent living and reduce risks posed by the living environment for older disabled people living in their own home and to support the care provided by paid or unpaid carers.

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

Requests for top-up funding for major adaptations are made by the person who has carried out the assessment with the individual. This is usually an Occupational Therapist. The request is made when it is known that the proposed adaptation to meet the assessed eligible need will exceed the 30K maximum DFG. This is often after an appointed

Surveyor, Environmental Health Officer or building contractor has priced the value of the works proposed.

The process to access capital funding where adaptations exceed 30K is clearly outlined in the major Adaptation Policy and Operational Instructions.

Practitioners present their case at Housing Solution Forums, held jointly with District and Boroughs to ensure that fair, consistent and cost effective solutions are considered when major adaptations are being proposed.

The allocated practitioner must then present the request at a subsequent panel chaired by the Head of Service who is the allocated budget holder for the Capital Budget in line with the Departments Scheme of Delegation.

Where an individual has been assessed to contribute towards the cost of the adaptation the individual needs to demonstrate that they are unable to afford the contribution. They are asked to provide written evidence e.g. from banks or building societies evidencing that they are unable to raise the capital required to fund their assessed contribution through equity release, re-mortgage or a person loan.

f) Provide details of the mitigation. N/A

g) How will the policy changes be monitored?

The Policy and Operational Instruction are reviewed yearly with yearly update and reminders sent to relevant practitioners.

4.2 Disability: Testing of disproportionate, negative, neutral or positive impact.

How is this protected characteristic reflected in the County/District/Borough? Residents(working age only) with limiting long-term illness in 2011 by districts (numbers)

Type	All people	People with long-term health problem or disability	Day-to-day activities limited a little	Day-to-day activities limited a lot	People without long-term health problem or disability
Geography					
England & Wales	56075912	10048441	5278729	4769712	46027471
South East	8634750	1356204	762561	593643	7278546
East Sussex	526671	107145	58902	48243	419526
Eastbourne	99412	20831	11209	9622	78581
Hastings	90254	19956	10375	9581	70298
Lewes	97502	19054	10583	8471	78448
Rother	90588	21242	11591	9651	69346
Wealden	148915	26062	15144	10918	122853

Residents(working age only with limiting long-term illness in 2011 by districts (%))

Type	All people	People with long-term health problem or disability	Day-to-day activities limited a little	Day-to-day activities limited a lot	People without long-term health problem or disability
Geography					
England & Wales	100	17.9	9.4	8.5	82.1
South East	100	15.7	8.8	6.9	84.3
East Sussex	100	20.3	11.2	9.2	79.7
Eastbourne	100	21	11.3	9.7	79
Hastings	100	22.1	11.5	10.6	77.9
Lewes	100	19.5	10.9	8.7	80.5
Rother	100	23.4	12.8	10.7	76.6
Wealden	100	17.5	10.2	7.3	82.5

Disability Living Allowance claimants by age group in February 2012

Time period	Feb-12			
Broad age	Total	Percent aged under 16	Percent aged 16-59	Percent aged 60 and over

Geography				
Great Britain	3,267,910	10.5	50.1	39.4
South East	331,800	14.1	53.5	32.4
East Sussex	25,080	11.2	53.5	35.4

Source: Department for Work and Pensions, Longitudinal Study, NOMIS

Projected limiting long-term illness by age group, 2010-2026

Measure		Number				Percent of total population			
Age group		All people	0-17	18-64	65+	All people	0-17	18-64	65+
Geography	Year								
East Sussex	2010	105,047	4,755	43,646	56,647	20.4	4.6	15.0	46.8
	2026	124,992	4,352	42,392	78,248	23.9	4.7	15.9	47.6

Source: ESCC projections, November 2011

Projected disability by age group, 2010-2026

Measure		Number				Percent of total population			
Age group		All people	10-17	18-64	65+	All people	10-17	18-64	65+
Geography	Year								
East Sussex	2010	85,428	1,952	34,041	49,435	16.6	3.9	11.7	40.9

	2026	103,415	1,826	33,202	68,386	19.7	3.9	12.5	41.6
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Source: ESCC projections, November 2011 Employment and Support Allowance and Incapacity Benefit claimants in February 2011

b) How is this protected characteristic reflected in the population of those impacted by the proposal?

There is a potential for a positive impact on disabled people of a working age who through waiving the financial contribution in circumstances where on paper people have sufficient income (assessed by District and Borough using the national financial assessment for Disabled Facilities Grant) but in reality have heavy outgoings that may mean they are unable to get loans to cover the element of the costs of work they would be responsible for. One proposal is to waiver the necessity for individuals to apply for a loan themselves; ESCC to pay peoples assessed contribution upfront; and require weekly re-payments to recoup costs over time based on the amount they can afford to pay.

c) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?

Yes – see above

d) What is the proposal, strategy or policy’s impact on people who have a disability?

The proposal will have a positive impact on disabled people helping overcome the barriers to independent living and reduce risks posed by the living environment for disabled people living in their own home.

d) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

Request for top-up funding for major adaptations are made by the allocated practitioner when it appears that an adaptation will exceed the 30K maximum DFG funding. The process to access capital funding where adaptations exceed 30K is clearly outlined in the major Adaptation Policy and Operational Instructions, Practitioners present their case at Housing Solution Forums, held jointly with District and Boroughs to ensure that fair, consistent and cost effective solutions are considered when major adaptations are being proposed. A subsequent panel is then held with the Head of Service where a discretionary top-up funding is requested.

f) Provide details of any mitigation. N/A

g) How will policy changes be monitored?

The Policy and Operational Instruction are reviewed yearly with yearly update and reminders sent to relevant practitioners & through the panel process

4.3 Ethnicity: Testing of disproportionate, negative, neutral or positive impact.

Not applicable- Neutral impact

4.4 Gender/Transgender: Testing of disproportionate, negative, neutral or positive impact

a) How is this protected characteristic target group reflected in the County/District/Borough?

Not applicable- neutral impact

4.5 Marital Status/Civil Partnership: Testing of disproportionate, negative, neutral or positive impact.

Not applicable

4.6 Pregnancy and maternity: Testing of disproportionate, negative, neutral or positive impact.

Not applicable

4.7 Religion, Belief: Testing of disproportionate, negative, neutral or positive impact.

Not applicable

4.8 Sexual Orientation - Gay, Lesbian, Bisexual and Heterosexual: Testing of disproportionate, negative, neutral or positive impact.

Not applicable

4.9 Other: Additional groups/factors that may experience impacts - testing of disproportionate, negative, neutral or positive impact.

- **Carers**

- a) **How are these groups/factors reflected in the County/District/Borough?**

Carers

Table 2.4: Carers as a percentage of the total caring population by gender, health and Black and Ethnic Minority

	Total number of carers	total number of carers providing 20-49 hours of caring per week	Number of carers providing 50+ hours of caring per week	% of carers providing 50+ hours of caring	Total number of female carers	Total number of male carers	Total number of carers from black and ethnic minority groups	% of carers in poor health	% of carers providing 50+ hours of caring per week and also in poor health
East Sussex County	50,648	4,633	9,803	19.35%	29,643	21,005	2,094	10.22%	18.77%
Eastbourne	8,512	911	1,837	20.95%	5,143	3,514	471	11.27%	19.91%
Hastings	8,471	896	1,987	23.01%	4,991	3,635	429	12.67%	21.58%
Lewes	9,510	862	1,682	17.34%	5,607	4,053	395	9.70%	18.22%
Rother	9,324	861	1,869	19.56%	5,566	3,892	393	10.62%	18.18%
Wealden	14,040	1,103	2,428	16.92%	8,336	5,911	506	8.19%	16.32%

- b) **How is this group/factor reflected in the population of those impacted by the proposal, strategy or policy?**

- c) **Will people within these groups or affected by these factors be more affected by the proposal, policy or strategy than those in the general population who are not in those groups or affected by these factors?**

This proposal will help overcome the barriers to independent living and reduce risks posed by the living environment for older and physical disabled people living in their own home. This will support the care provided by paid or unpaid carers and will be likely to contribute to reducing risk and have an overall positive impact on the health of carers in those households

- d) **What is the proposal, strategy or policy's impact on the factor or identified group?**

There will be a positive impact on carers as above.

- e) **What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

Request for top-up funding for major adaptations are made by the allocated practitioner when it appears that an adaptation will exceed the 30K maximum DFG

funding. The process to access capital funding where adaptations exceed 30K is clearly outlined in the major Adaptation Policy and Operational Instructions, Practitioners present their case at Housing Solution Forums, held jointly with District and Boroughs to ensure that fair, consistent and cost effective solutions are considered when major adaptations are being proposed. A subsequent panel is then held with the Head of Service where a discretionary top-up funding is requested

f) Provide details of the mitigation.

Not applicable- positive impact

g) How will any mitigation measures be monitored?

The Policy and Operational Instruction are reviewed yearly with yearly update and reminders sent to relevant practitioners

4.10 Human rights- Human rights place all public authorities – under an obligation to treat you with fairness, equality, dignity, respect and autonomy. **Please look at the table below to consider if your proposal, policy or strategy may potentially interfere with a human right.**

Articles	
A2	Right to life (e.g. pain relief, suicide prevention)
A3	Prohibition of torture, inhuman or degrading treatment (service users unable to consent, dignity of living circumstances)
A4	Prohibition of slavery and forced labour (e.g. safeguarding vulnerable adults)
A5	Right to liberty and security (financial abuse)
A6 & 7	Rights to a fair trial; and no punishment without law (e.g. staff tribunals)
A8	Right to respect for private and family life, home and correspondence (e.g. confidentiality, access to family)
A9	Freedom of thought, conscience and religion (e.g. sacred space, culturally appropriate approaches)
A10	Freedom of expression (whistle-blowing policies)
A11	Freedom of assembly and association (e.g. recognition of trade unions)
A12	Right to marry and found a family (e.g. fertility, pregnancy)
Protocols	
P1.A1	Protection of property (service users property/belongings)
P1.A2	Right to education (e.g. access to learning, accessible information)
P1.A3	Right to free elections (Elected Members)

Part 5 – Conclusions and recommendations for decision makers

5.1 Summarise how this proposal/policy/strategy will show due regard for the three aims of the general duty across all the protected characteristics and ESCC additional groups.

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people from different groups

The policy changes will support independent living for disabled and older people, helping to prevent delays in necessary adaptations and essential equipment.

- Foster good relations between people from different groups

5.2 Impact assessment outcome Based on the analysis of the impact in part four please mark below ('X') with a summary of your recommendation.

X	Outcome of impact assessment	Please explain your answer fully.
	<p>A No major change – Your analysis demonstrates that the policy/strategy is robust and the evidence shows no potential for discrimination and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.</p>	<p>The Policy will update to reflect the changes proposed.</p>
x	<p>B Adjust the policy/strategy – This involves taking steps to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential effect.</p>	
	<p>C Continue the policy/strategy - This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate</p>	
	<p>D Stop and remove the policy/strategy – If there are adverse effects that are not justified and cannot be mitigated, you will want to consider stopping the policy/strategy altogether. If a policy/strategy shows unlawful discrimination it <i>must</i> be removed or changed.</p>	

5.3 What equality monitoring, evaluation, review systems have been set up to carry out regular checks on the effects of the proposal, strategy or policy?

The Policy and Operational Instruction are reviewed yearly with yearly update and reminders sent to relevant practitioners 'About you' information is also recorded on all ASC clients and will be used to identify any trends in allocation of funds by protected characteristics. This will be overseen by the Operational Head of Service Adult Social Care.

5.6 When will the amended proposal, strategy or policy be reviewed?

April 2015

Date completed:	June 2013	Signed by (person completing)	Deborah Winterburn
		Role of person completing	Operational Head of Service Adult Social Care
Date:	June 2013	Signed by (Manager)	

Part 6 – Equality impact assessment action plan

If this will be filled in at a later date when proposals have been decided please tick here and fill in the summary report.

The table below should be completed using the information from the equality impact assessment to produce an action plan for the implementation of the proposals to:

1. Lower the negative impact, and/or
2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e. increase the positive impact
4. **If no actions fill in separate summary sheet.**

Please ensure that you update your service/business plan within the equality objectives/targets and actions identified below:

Area for improvement	Changes proposed	Lead Manager	Timescale	Resource implications	Where incorporated/flagged? (e.g. business plan/strategic plan/steering group/DMT)
Cascade of the revised Major Adaptation Process updating staff on the changes	ASC funding of assessed contribution	D Winterburn	October 2013	None	DMT
Monitoring trends in allocation by protected characteristics	Oversight of About You information	D Winterburn	Annual with review of policy operation	None	DMT

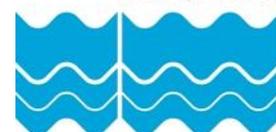
Equality Impact Assessment

Update guidance to staff and public on the changes to assessed contribution	Guidance and Public Information	D Winterburn	October 2013	None	DMT
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From your analysis please identify any risks not addressed giving reasons and how this has been highlighted within your Directorate:

Area of Risk	Type of Risk? (Legal, Moral, Financial)	Can this be addressed at a later date? (e.g. next financial year/through a business case)	Where flagged? (e.g. business plan/strategic plan/steering group/DMT)	Lead Manager	Date resolved (if applicable)

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Equality Impact Assessment

Project or Service Template

Name of the proposal, project or service
Residential Services and Southview Day Service Consultation

File ref:	RS & SDS	Issue No:	Draft 1
Date of Issue:	March 2016	Review date:	tbc

Contents

Part 1 – The Public Sector Equality Duty and Equality Impact Assessments (EIA)	1
Part 2 – Aims and implementation of the proposal, project or service	4
Part 3 – Methodology, consultation, data and research used to determine impact on protected characteristics.	8
Part 4 – Assessment of impact	14
Part 5 – Conclusions and recommendations for decision makers	46
Part 6 – Equality impact assessment action plan.....	50

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1.3 The Public Sector Equality Duty (PSED)

The public sector duty is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have “due regard” to the need to

- eliminate direct and indirect discrimination, harassment and victimisation and other conduct prohibited under the Act,
- advance equality of opportunity and foster good relations between those who share a “protected characteristic” and those who do not share that protected characteristic (see below for “protected characteristics”
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

These are sometimes called equality aims.

1.4 A “protected characteristic” is defined in the Act as:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race (including ethnic or national origins, colour or nationality)
- religion or belief;
- sex;
- sexual orientation.

Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.

The previous public sector equalities duties only covered race, disability and gender.

1.5 East Sussex County Council also considers the following additional groups/factors when carry out analysis:

- Carers – A carer spends a significant proportion of their life providing unpaid support to family or potentially friends. This could be caring for a relative, partner or friend who is ill, frail, disabled or has mental health or substance misuse problems. [Carers at the Heart of 21st Century Families and Communities, 2008]
- Literacy/Numeracy Skills

- Part time workers
- Rurality

1.6 Advancing equality (the second of the equality aims) involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristic
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people including steps to take account of disabled people's disabilities
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

NB Please note that, for disabled persons, the Council must have regard to the possible need for steps that amount to positive discrimination, to "level the playing field" with non-disabled persons, e.g. in accessing services through dedicated car parking spaces.

1.6 Guidance on Compliance with The Public Sector Equality Duty (PSED) for officers and decision makers:

1.6.1 To comply with the duty, the Council must have "due regard" to the three equality aims set out above. This means the PSED must be considered as a factor to consider alongside other relevant factors such as budgetary, economic and practical factors.

1.6.2 What regard is "due" in any given case will depend on the circumstances. A proposal which, if implemented, would have particularly negative or widespread effects on (say) women, or the elderly, or people of a particular ethnic group would require officers and members to give considerable regard to the equalities aims. A proposal which had limited differential or discriminatory effect will probably require less regard.

1.6.3 *Some key points to note :*

- The duty is regarded by the Courts as being very important.
- Officers and members must be aware of the duty and give it conscious consideration: e.g. by considering open-mindedly the EIA and its findings when making a decision. When members are taking a decision, this duty can't be delegated by the members, e.g. to an officer.
- EIAs must be evidence based.
- There must be an assessment of the practical impact of decisions on equalities, measures to avoid or mitigate negative impact and their effectiveness.
- There must be compliance with the duty when proposals are being formulated by officers and by members in taking decisions: the Council can't rely on an EIA produced after the decision is made.
- The duty is ongoing: EIA's should be developed over time and there should be evidence of monitoring impact after the decision.
- The duty is not, however, to achieve the three equality aims but to consider them – the duty does not stop tough decisions sometimes being made.

- The decision maker may take into account other countervailing (i.e. opposing) factors that may objectively justify taking a decision which has negative impact on equalities (for instance, cost factors)

1.6.4 In addition to the Act, the Council is required to comply with any statutory Code of Practice issued by the Equality and Human Rights Commission. New Codes of Practice under the new Act have yet to be published. However, Codes of Practice issued under the previous legislation remain relevant and the Equality and Human Rights Commission has also published guidance on the new public sector equality duty.

Part 2 – Aims and implementation of the proposal, project or service

2.1 What is being assessed?

a) Proposal or name of the project or service.

Residential Services and Southview Day Service Consultation

b) What is the main purpose or aims of proposal, project or service?

To undertake a consultation and share proposals to look at changing the way we provide residential and day services across the (Crowborough/Chailey)locality.

1. To provide a new residential and supported living service from one site in Crowborough.
2. To move the 3 residential homes in Chailey and Crowborough to the new site.
3. To close the 3 residential homes; Greenacres, Beacongate and The Gables.
4. To include a day service on the ground floor of the new building.
5. To move Southview Day Service to the new day service.
6. To close the Southview day service building.

c) Manager(s) and section or service responsible for completing the assessment

Beverly Scott, Operations Manager, Adult Social care, Learning Disability Directly Provided Services, Residential Services and Day Services.

2.2 Who is affected by the proposal, project or service? Who is it intended to benefit and how?

1. Clients who live in the 3 Residential Homes at Greenacres, Beacongate and The Gables.
2. Relatives and Families of clients who live in the 3 Residential Homes at Greenacres, Beacongate and The Gables.
3. Clients who use Southview Day Service now and future clients to the service.
4. Parents and Carers of clients who attend Southview Day Service now and in the future.
5. The proposals outline the need to look at the current services on offer and the need to provide services in the future that;
 - a. Are good quality services that are value for money

- b. Are what people want now and in the future
 - c. Meet a range of needs
 - d. Maintain Residential services in this locality
 - e. Maintain a Day Service in this locality
6. Clients will benefit by being able to access a day service that is flexible, modern, develops opportunities for greater community involvement and offers a range of activities to meet a range of needs, including those with higher support needs and skills development for those able to benefit from them.
7. Residential clients will benefit by being able to live in a range of residential and supported living accommodation. The proposed facilities would provide more choice and flexibility for residents, offer better facilities including en-suites, more communal spaces, we would develop an environment that will meet a range of needs. There would also be the added benefit of an on-site day service and restaurant facility. The day service facilities will also be available to residential clients 24/7 outside of the usual day service opening hours.

2.3 How is, or will, the proposal, project or service be put into practice and who is, or will be, responsible for it?

The consultation runs from 15th February to 13th May 2016. Following close of the consultation feedback will be collated and recommendations submitted to DMT (Departmental Management Team) in May with a Lead Member report in June 2016. If the proposals are agreed there will be an extensive transition period to work with the services and clients, parent/carers and relatives/families to move forward with the plan working towards the new service provision. (July 2016 – March 2017)

This will include:

1. A project team will be established to drive forward and manage the proposed changes. These will include:
 - a. Seeking planning permission for the proposed new site.
 - b. Building work to “Hookstead” the proposed site.
 - c. Working with specialist/ Health partners to ensure the new service design meets a range of needs.
 - d. Working with clients, parents/carers, relatives/families to look at the proposed service/ plans and how this will meet their needs.
 - e. Working with Advocacy Services and IMCA’s (Independent Mental Capacity Assessor) to ensure clients best interests.

- f. Working with the Community Learning Disability Team (CLDT) to ensure any client reviews that are needed are undertaken.
- g. Working with key stakeholders and neighbours throughout.

2. Beverly Scott, Operations Manager will be the main project lead supported by Helen Fitcher. Practice Manager and Gemma Wanstall, DPS Manager for the Residential Homes and Southview Day Service.

2.4 Are there any partners involved? E.g. NHS Trust, voluntary/community organisations, the private sector? If yes, how are partners involved?

Yes – we will be working with our key partners from the Community Learning Disability Health Team/ Sussex Partnership Trust (SALT – Speech and Language Therapists and Occupational Therapists) to ensure all clients' needs are met.

2.5 Is this proposal, project or service affected by legislation, legislative change, service review or strategic planning activity?

This is part of the strategic development of Learning Disability Directly Provided Services, to ensure that we provide services that are fit for purpose and fit for the future, good quality and value for money.

This proposal also includes savings of £250,000 that contribute to the overall ASC (Adult Social Care) savings targets.

2.6 How do people access or how are people referred to your proposal, project or service? Please explain fully.

All referrals to the services (Residential and Day Service) come from the ASC, Community Learning Disability Teams (CLDT). Clients need to be eligible for ASC funding and have a Learning Disability to access the service.

2.7 If there is a referral method how are people assessed to use the proposal, project or service? Please explain fully.

The CLDT team complete a referral on behalf of the client and send to the service. The service then assesses the referral to ensure they can meet the needs of the client at which point the service is agreed.

2.8 How, when and where is your proposal, project or service provided? Please explain fully.

Adult Social Care's Learning Disability Residential Service comprises of 3 group homes:

- Greenacres – a 7 bedded residential home for adults with a Learning Disability in South Chailey
- The Gables – a 5 bedded residential home for adults with a Learning Disability in Crowborough
- Beacongate - a 5 bedded residential home for adults with a Learning Disability in Crowborough

There are currently a total of 16 clients who live in the homes listed above, with 1 vacancy currently at Greenacres.

We support clients to live their lives to the full, promoting independence and enabling them to live their lives as they choose. Most of the clients have lived in the homes for many years and all have support from the Adult Social Care Appointeeship team to manage their finances.

The group homes are all in need of significant improvement, have high unit costs and have either limited or no option for extending. Each home has one main communal area and residents use communal personal care/ bathroom facilities.

A proposed alternative site has been identified at 'Hookstead' in Crowborough. 'Hookstead' is currently empty, save for the East Sussex Registration Service which occupies 15% of the available floor space.

The proposal is to provide a range of residential and supported living options on the proposed site in Crowborough for up to 16 clients **and the potential to develop in the future a single person service in this locality**. The proposed facilities would provide more choice and flexibility for residents, offer better facilities including en-suites, more communal spaces, we would develop an environment that will meet a range of needs. There would also be the added benefit of an on-site day service and restaurant facility.

We feel that the proposed new residential service in Crowborough will be more cost effective to run and offer better accommodation and a better service to each person living there.

Adult Social Care's Learning Disability Day Centre in Crowborough, Southview Close provides supports to adults with a Learning Disability.

The service provides support to 25 – 30 clients each day to undertake a range of sessions and activities both at the service and in the community. The range of activities is tailored around client's needs and includes, sports, art & craft, skills development, ICT, community engagement and volunteering.

Southview Day service is located in a building that is under used and in need of significant refurbishment /repair. It has been recognised that the building is not ideal and an alternative site has been sought for several years without any success.

The proposal around consolidating the group homes onto one site gives us the opportunity to look at moving the Southview Day service to the ground floor of the same building. The proposed new day service would be able to provide support for up to 45+ clients a day and offer a range of activity/ session rooms that would meet a range of client needs.

The Consultation runs from 15th February until 13th May 2016. DMT paper in May, with a Lead Member report in June 2016. If the proposals are agreed we would be looking at a transition period from July 16 – March 17 to undertake the building works required and implement the new service model.

See section 2.3 for information about how this would be implemented.

Part 3 – Methodology, consultation, data and research used to determine impact on protected characteristics.

3.1 List all examples of quantitative and qualitative data or any consultation information available that will enable the impact assessment to be undertaken.

Types of evidence identified as relevant have X marked against them			
	Employee Monitoring Data		Staff Surveys
x	Service User Data		Contract/Supplier Monitoring Data
x	Recent Local Consultations		Data from other agencies, e.g. Police, Health, Fire and Rescue Services, third sector
x	Complaints		Risk Assessments
x	Service User Surveys	x	Research Findings
	Census Data	x	East Sussex Demographics
	Previous Equality Impact Assessments		National Reports
	Other organisations Equality Impact Assessments		Any other evidence

3.2 Evidence of complaints against the proposal, project or service on grounds of discrimination.

We reviewed complaints received from across all 3 **Residential Services** between 1/1/2014 and 12/2/16.

- There was only 1 complaint logged during this time. This related to The Gables and concerns around refuse waste. The complaint was upheld and the service has adapted its practice to address the issue raised.

We reviewed complaints received from **Southview Day Service** between 1/1/2014 and 12/2/16

- There were a total of 2 complaints logged during this time. One related to the sessions on offer at the service which was no upheld. The other related to a transport concern which was addressed.

None of the complaints listed above show any complaints against the proposals on the grounds of discrimination

3.3 Are there any potential impacts concerning safeguarding that this assessment should take account of? Please consider any

past evidence of safeguarding events or potential risks that could arise.

None known

3.4 If you carried out any consultation or research explain what has been carried out.

The consultation on the proposals runs from 15th February – 13th May 2016.

The consultation has included:-

Residential Services

1. Invite letters sent out to Families/relatives of Residential clients (week commencing 12th February) to attend consultation meeting.
2. Invite letter/poster sent out to Residential clients informing of consultation meetings on 14th March 2016 at each home.
3. Consultation meetings held with Residential Families/Relatives on 4th, 5th, 7th and 10th March 2016. These were all 1:1 meetings, either face to face or through SKYPE/Conference call and included the following:
 - a. Informal presentation on proposals, including pictures of the proposed site.
 - b. Information on how they could have their say, including copies of the information sheet and questionnaires available on the council's website.
 - c. The opportunity to view early plans of the proposed new site and shown pictures of another recently refurbished building to show the standard to be expected.
 - d. The opportunity to ask questions and share their comments/thoughts about the proposals
 - e. Conversations about the best way to talk to their relative and whether they wanted to be present to support them.
4. (Week Commencing 7th March) Informal residential client meetings with staff to introduce the proposals ahead of the formal consultation meetings on 14th March.
5. Consultation Meetings with Residential clients were held on Monday 14th March 2016. 11am at Greenacres, 3pm at The Gables and 4pm at Beacongate.
 - a. POHWER Advocacy Service attended, supporting clients to have their say.
 - b. Clients were given information about the proposals and asked the questions in the questionnaire as a group and individually to gain

- specific feedback at the event. Clients were encouraged to give their thoughts verbally, using symbols/signs and through the use of stickers to express how they felt.
- c. Clients were given copies of the easy read questionnaire and the easy read information document.
 - d. Clients were also given an easy read key messages document :
 - i. Everyone who needs a service will continue to have one
 - ii. Where you get your service may change
 - iii. If there is going to be a change to where you get your service, you can request a review
 - iv. Everyone who gets Council transport will continue to.
 - e. Clients could also view information about:
 - i. The building plans for “Hookstead” including the Residential and day Service Areas
 - ii. Photographs to show examples of another recently refurbished accommodation service and what this could look like.
6. Client drop in event with POHWER is being held at each of the Residential Homes during the consultation.
7. Client meetings throughout the consultation will focus on one of the questions from the consultation to gain additional feedback and client comments.
8. How people can have their say includes:
- a. Events listed above
 - b. On line and downloadable easy read questionnaire www.eastsussex.gov.uk
 - c. Consultation in box ASCLDDPSconsultation@eastsussex.gov.uk
 - d. Writing to: The Annexe, Linden Court, Birch Close, Eastbourne, BN23 6PE
 - e. Speaking to staff/ keyworkers and/or the Manager of The 3 Residential Homes (The Gables, Beacongate, and Greenacres).
9. Responses to Frequently Asked Questions (FAQ's) will be issued on 30th April 16, in response to the feedback during the consultation.

Southview Close Day Service

1. Letters sent out to Clients, Parent/Carers of Southview Close (15th February 2016) informing of the consultation and of a meeting to be arranged in April 16.
2. Letter sent out to Clients, Parent/Carers on 15th March 2016 inviting them to Consultation events on 12th April 2016.
3. A consultation meeting with parents and carers was held on Tuesday 12th April 2016. An extended day service was offered to all unpaid carers to support them to attend the event.
 - a. A presentation was given to share the proposals.
 - b. Parents/carers were given information on how they could have their say, including copies of the information sheet and questionnaires available on the council's website.
 - c. They were given the opportunity to ask questions and share their comments/thoughts about the proposals
 - d. They were also given the opportunity to view early plans of the proposed new site and shown pictures of other recently refurbished buildings (An accommodation service and a day service) to show the standard to be expected.
 - e. A proposed timetable of what sessions could be available in the new day service was also shared.
4. Consultation meeting with clients was held on Tuesday 12th April 2016.
 - a. POhWER Advocacy Service attended, supporting clients to have their say.
 - b. Clients were given information in small group about the proposals and asked the questions in the questionnaire as a group and individually to gain specific feedback at the event. Clients were encouraged to give their thoughts verbally, using symbols/signs and through the use of stickers to express how they felt.
 - c. Clients were given copies of the easy read questionnaire and the easy read information document.
 - d. Clients were also given an easy read key messages document :
 - i. Everyone who needs a service will continue to have one
 - ii. Where you get your service may change
 - iii. If there is going to be a change to where you get your service, you can request a review
 - iv. Everyone who gets Council transport will continue to.

- e. Clients could also view information about:
 - i. The building plans for “Hookstead” including the Day Service Areas
 - ii. Photographs to show examples of another modern day service building and what this could look like.
 - iii. A proposed timetable of what sessions could be available in the new day service.
5. Client drop in event with POHWER is being held at Southview Close Day Service during the consultation.
6. Clients, Parent/Carers are also being asked about the sessions and activities they like doing so we can make sure these are included in the new day service.
7. Transport requirements for the proposed service are being reviewed to share with clients and parents/carers should the proposals go ahead.
8. How people can have their say includes:
 - a. Events listed above
 - b. On line and downloadable easy read questionnaire www.eastsussex.gov.uk
 - c. Consultation in box ASCLDDPSconsultation@eastsussex.gov.uk
 - d. Writing to: The Annexe, Linden Court, Birch Close, Eastbourne, BN23 6PE
 - e. Speaking to staff/ keyworkers and/or the Manager of Southview Day Service.
9. Responses to Frequently Asked Questions (FAQ's) will be issued on 30th April 16, in response to the feedback during the consultation.

3.5 What does the consultation, research and/or data indicate about the positive or negative impact of the proposal, project or service?

Residential and Southview

- Acknowledgement that we are not stopping anyone's service and that this may be a change to, where they get their service or where they live.
- Residential and Day Service clients have said they would like to visit the proposed service in Crowborough so they can make a better decision about the proposals.
- Many people felt it was important to keep the same staff team to maintain consistency for clients.

- People felt it was important that clients had the opportunity to shape the design of the new services, particularly the outside garden spaces.
- There were some comments about whether more lifts were needed in the design of the new service.

Residential

- Some residential clients said it was hard to decide if they wanted to move because they couldn't see what it would look like because the building work needs to be done.
- Acknowledgement from relatives and families that we can maintain the "status quo" whilst undertaking all the building works.
- People were concerned about change and what can be done to reduce anxiety around change. It is important to allow time for clients to adjust.
- Many residential family/relatives felt this proposal could work and that a phased transition would need to be slow and carefully planned.
- People felt that the new building will allow people living in the accommodation to be more independent.
- Many people felt it was important to keep the same staff team to maintain consistency for clients.
- People felt it was important that clients have a say in the layout/ design and decoration of their new home.
- People were positive about the facilities offered as part of the proposals and the increased space available. People felt the new building would allow people to have accommodation more tailored to their needs.
- People commented that people would be able to have their own private bathroom which will aid privacy and dignity of people living in the accommodation.
- There were some concerns about more clients in one home and whether this would mean more noise.
- Some people felt it was a good idea for the Residential service to be able to use the day service facilities out of hours.

Southview Day Centre

- Several day service clients and parent/carers wanted to know about the activities that the new day service would offer and felt it was important to keep doing the things they liked doing now. They also felt it was important to be able to keep the local links with the community in Crowborough.
- Some people commented on how important it was to make sure the support was in place for residents who had no family representation.

- Some people felt it was important to be able to see the plans for the proposed service and to have updates that were accessible for clients, to include pictures.
- Some clients, parent/carers from Southview Day service were concerned about any changes to their current transport arrangements.
- A couple of clients were concerned about how they would walk to the new Day service as it crossed a main road.
- People queried how the day service facilities and space would be managed / shared with the people living in the accommodation.
- Some people were concerned whether the new building had sufficient access in corridors for wheelchair users and toilet facilities available for the day service.
- Some people felt it was positive that the new building would have bigger corridors so easier for wheelchair users to move around.

Part 4 – Assessment of impact

4.1 Age: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County/District/Borough?

The overall population of East Sussex is **527,209** (2011 Census data) and is projected to continue increasing over the next few years. The population by age breakdown for East Sussex is:

Age	Population
15-29	83,791
30-44	90,220
45-64	147,613
65+	120,722

People are living longer and by 2020, it is estimated that around 38% of the UK population will be aged 50 plus and in East Sussex the figure is likely to be as high as 50%.

We know that East Sussex has a higher than average older population with around 23% of people aged over 65, compared to the national average of 16%. There are 228,881 people aged 50+ (43.4%) in East Sussex, and 20,022 (3.8%) of these are aged over 85 – East Sussex has one of the highest populations of people aged 85+ in the UK. (2011 mid-year estimates, based on 2011 Census data). The highest percentage of people over 65 years of age is in Rother, where the figure is 28.6% of the total East Sussex population.

b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

Residential services:

The total number of residential clients affected by the proposals is 16.

The average age range of these clients is outlined below:

Age	No. of clients
15 – 29	0
30 – 44	0
45 – 64	12
65+	4

Clients who can access the service are 18+ there is no upper age limit to access the service. As the above data shows most of the residential clients accessing the services are 45 – 64 with a small number being above this. Currently there is no clients who are younger than this.

Southview Day Service

The total number of Southview clients affected by the proposals is 48.

The average age range of these clients is outlined below:

Age	No. of clients
15 – 29	8
30 – 44	12
45 – 64	23
65+	5

Clients who can access the service are 18+ there is no upper age limit to access the service. As the above data shows most of the clients accessing the Southview service are working age, with a small number being above this.

- c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**

Yes, as outlined above most of the clients using the day service are working age.

In relation to residential clients, the majority are between the ages of 45 – 64 which shows an aging population of clients living in these homes.

- d) What is the proposal, project or service's impact on different ages/age groups?**

The proposal is to provide a Day Service on the same site as the accommodation service.

The Day service will offer a range of options to individuals that meet a range of needs so people can choose the services/activities that meet these, which may or

may not be related to their age. All ages will be catered for (18+), mostly working age, including support for people around developing skills towards independence and employment.

The proposed accommodation service will offer a range of accommodation to meet a range of needs. This will include en-suite facilities, bedsit/flats. People moving to the new accommodation will be involved in the design and layout of their rooms.

Any changes will be phased and fully supported by experienced staff known to individuals concerned.

e) What actions are to/or will be taken to avoid any negative impact or to better advance equality?

Residential clients and their families/ representatives will be involved in the planning of the new service.

OT (Occupational Therapist) and SALT (Speech and Language Therapist) work with clients currently and will be involved in the design/ layout and equipment needs for the new service. This includes catering for clients as they are getting older.

We will be reviewing the "Older Peoples Toolkit" to see if there are any additional design features that need to be incorporated into the new accommodation service.

Day service clients and parent/carers will be involved in the planning for the new service.

All clients (18+) will be catered for as part of the Day service offer, ranging from sensory experiences for clients with more complex needs to skills development for clients working towards independence and employability.

f) Provide details of the mitigation.

Both the proposed services will be fully accessible and provide a range of facilities to meet a range of needs particularly Learning Disability and Physical/Sensory needs. This would also include support needs for residential clients around getting older.

Expertise from specialist OT/ Physio and SALT is being sourced to ensure the design of the new services meet these needs.

g) How will any mitigation measures be monitored?

See full information in Section 5.3

Regular updates on progress following the consultation to implement the proposals (if agreed) will be shared with clients, their representatives, parents/carers and families/relatives throughout the process.

Clients' meetings and feedback will be gathered regularly.

Individual transition plans will be agreed with clients their representatives, parents/carers and families/relatives to support people through the changes. This will include any support they would need that relates to their ethnicity.

Input from the Speech and Language Team (SALT) and Physio/OT support is being sought as part of the planning process in the design of the new services. Specialist support is also sought for specific individual client needs in respect of their personalised support plan.

A review of the new services will be undertaken and feedback gained on how things are going six months after implementation of the proposals. This will include services to all clients accessing both Residential and Day Services, including focussing on any support need relating to their age.

Clients have a review every 12 months; the first review after implementation of the proposal will include review of their support following the changes. In addition to this clients will be offered a review on request if they need one.

4.2 Disability: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County /District/Borough?

Residents(working age only) with limiting long-term illness in 2011 by districts (numbers)

Type	All people	People with long-term health problem or disability	Day-to-day activities limited a little	Day-to-day activities limited a lot	People without long-term health problem or disability
Geography					
England & Wales	56075912	10048441	5278729	4769712	46027471
South East	8634750	1356204	762561	593643	7278546
East Sussex	526671	107145	58902	48243	419526
Eastbourne	99412	20831	11209	9622	78581
Hastings	90254	19956	10375	9581	70298
Lewes	97502	19054	10583	8471	78448
Rother	90588	21242	11591	9651	69346
Wealden	148915	26062	15144	10918	122853

Residents(working age only with limiting long-term illness in 2011 by districts (%))

Type	All people	People with long-term health problem or disability	Day-to-day activities limited a little	Day-to-day activities limited a lot	People without long-term health problem or disability
Geography					
England & Wales	100	17.9	9.4	8.5	82.1
South East	100	15.7	8.8	6.9	84.3
East Sussex	100	20.3	11.2	9.2	79.7
Eastbourne	100	21	11.3	9.7	79
Hastings	100	22.1	11.5	10.6	77.9
Lewes	100	19.5	10.9	8.7	80.5
Rother	100	23.4	12.8	10.7	76.6
Wealden	100	17.5	10.2	7.3	82.5

b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

Residential Services

People with long-term health problem or disability	Day-to-day activities limited a little	Day-to-day activities limited a lot	People without long-term health problem or disability
16		16	nil

Southview Day Service

People with long-term health problem or disability	Day-to-day activities limited a little	Day-to-day activities limited a lot	People without long-term health problem or disability
48	30	18	nil

c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

Yes

All of the clients that are affected have a Learning Disability, a small number also have a physical disability.

5 clients who access the residential services have a physical disability relating to their mobility of which 5 are wheelchair users.

2 clients who access residential services have a sensory impairment

13 clients who access the day service have a physical disability relating to their mobility of which 5 are wheelchair users.

9 clients who access the day service have a sensory impairment.

d) What is the proposal, project or service's impact on people who have a disability?

The proposal is to provide a new residential/ supported living service on one site alongside a day service which will be located on the ground floor.

The Residential service will provide a range of accommodation for 16 clients, offering them on-suite accommodation to meet a range of needs in relation to their Learning Disability, including their physical and sensory needs. The proposed design offers more space both individually and communal space to move around and offers more flexibility to meet a range of needs. **The accommodation will be tailored to meet individual needs.**

The proposed day service will provide a range of activities that meet the needs of all clients, including their physical and sensory needs. The day service facilities will also be available out of hours to the residential clients.

The proposed day service layout offers an increase in size compared to what is currently offered at Southview. The new service will be able to offer larger rooms and wider corridors so it is easier for clients to move around, particularly for those with wheelchairs.

There is a range of staff with the skills and ability to meet a range of needs and to support client preferences around their Learning Disability, physical disabilities and sensory needs.

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

The services are specially designed for Adults with a Learning Disability so the services and what they offer, directly supports the needs of this client group.

The proposed day service facilities and the proposed accommodation have considered the needs of this client group, accessibility, as well as physio and sensory equipment to support a range of needs.

The services works in a person centred way to support the person to receive support in a way they choose taking into account their needs and preferences.

We will only make changes after we have spoken to people about their needs, clients can request a review if they need one from the Community Learning Disability Team.

Any changes will be phased and fully supported by experienced staff known to individuals concerned.

f) Provide details of any mitigation.

Both the proposed services will be fully accessible and provide a range of facilities to meet a range of needs particularly Learning Disability and Physical/Sensory needs.

Expertise from specialist OT/ Physio and SALT is being sourced to ensure the design of the new services meet these needs.

g) How will any mitigation measures be monitored?

See full information in Section 5.3

Regular updates on progress following the consultation to implement the proposals (if agreed) will be shared with clients, their representatives, parents/carers and families/relatives throughout the process.

Clients' meetings and feedback will be gathered regularly.

Complaints/ comments and Compliments will be monitored and any learning will be taken into account.

Individual transition plans will be agreed with clients their representatives, parents/carers and families/relatives to support people through the changes. This will include any support they would need that relates to their ethnicity.

Input from the Speech and Language Team (SALT) and Physio/OT support is being sought as part of the planning process in the design of the new services. Specialist support is also sought for specific individual client needs in respect of their personalised support plan.

A review of the new services will be undertaken and feedback gained on how things are going six months after implementation of the proposals. This will include services to all clients accessing both Residential and Day Services, including focussing on any support need around their ethnicity, beliefs and preferences.

Clients have a review every 12 months; the first review after implementation of the proposal will include review of their support following the changes. In addition to this clients will be offered a review on request if they need one.

4.3 Ethnicity: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County /District/Borough?

The overall population of East Sussex is 527,209 (2011 Census data) and is projected to continue increasing over the next few years. The population aged 65+ (males) and 60+ (females) by ethnic group for East Sussex is shown in the table in Section 4.1 above, page 12. Census figures below demonstrate ethnic diversity in the area as 8.3% overall. Increases are particularly in the 'White other' and 'mixed' categories reflecting East European and other white groups migration and other societal changes. Largest overall minority populations are 'White other' and 'Asian and Asian British'.

Ethnic group in 2011 by districts

Ethnicity	All people	British and Northern Irish	Irish	Gypsy or Irish Traveller	Other White	All Mixed	All Asian or Asian British	All Black or Black British	Other ethnic group
Geography									
England & Wales	100	80.5	0.9	0.1	4.4	2.2	7.5	3.3	1
South East	100	85.2	0.9	0.2	4.4	1.9	5.2	1.6	0.6
East Sussex	100	91.7	0.8	0.2	3.4	1.4	1.7	0.6	0.3
Eastbourne	100	87.4	1	0.1	5.6	1.8	2.8	0.8	0.5
Hastings	100	89.3	0.8	0.2	3.5	2.2	2.4	1.2	0.5
Lewes	100	92.5	0.8	0.1	3.2	1.3	1.4	0.4	0.3
Rother	100	94.1	0.7	0.1	2.1	1.1	1.2	0.3	0.2
Wealden	100	93.8	0.6	0.2	2.8	1	1.2	0.2	0.2

Ethnic group in 2011 by districts (%)

Ethnicity	All people	British and Northern Irish	Irish	Gypsy or Irish Traveller	Other White	All Mixed	All Asian or Asian British	All Black or Black British	Other ethnic group
Geography									
England & Wales	56075912	45134686	531087	57680	2485942	1224400	4213531	1864890	563696
South East	8634750	7358998	73571	14542	380709	167764	452042	136013	51111
East Sussex	526671	482769	3966	815	17872	7473	9143	2912	1721
Eastbourne	99412	86903	978	66	5561	1791	2795	783	535
Hastings	90254	80624	702	150	3155	1948	2126	1065	484
Lewes	97502	90218	757	97	3087	1275	1400	416	252
Rother	90588	85279	596	134	1942	1031	1103	305	198
Wealden	148915	139745	933	368	4127	1428	1719	343	252

Ethnic group in 2011 by gender: Male

Ethnic groups	All people	White: British	White: Other White	All Mixed	All Asian or Asian British	All Black or Black British	All Chinese or Other Ethnic Group
Geography							
England	25514600	21065200	906400	481200	1623800	751400	424100
South East	4134900	3549400	154700	72200	182000	78700	58800
East Sussex	245100	219700	7200	3600	5900	4100	2500
Eastbourne	45600	39900	1700	800	1500	700	600
Hastings	42200	36600	1300	800	1000	1600	500
Lewes	46400	42100	1300	700	1000	400	500
Rother	42200	38400	900	600	1100	600	300
Wealden	68800	62700	1900	800	1500	800	600

Ethnic group in 2011 by gender: Male (%)

Ethnic groups	All people	White: British	White: Other White	All Mixed	All Asian or Asian British	All Black or Black British	All Chinese or Other Ethnic Group
Geography							
England	49.2	40.7	1.7	0.9	3.1	1.5	0.8
South East	49	42.1	1.8	0.9	2.2	0.9	0.7
East Sussex	47.9	42.9	1.4	0.7	1.2	0.8	0.5
Eastbourne	47.3	41.4	1.8	0.8	1.6	0.7	0.6
Hastings	48.6	42.1	1.5	0.9	1.2	1.8	0.6
Lewes	48.1	43.7	1.3	0.7	1	0.4	0.5
Rother	47.3	43	1	0.7	1.2	0.7	0.3
Wealden	48.1	43.8	1.3	0.6	1	0.6	0.4

Ethnic group in 2011 by gender: Female

Ethnic groups	All people	White: British	White: Other White	All Mixed	All Asian or Asian British	All Black or Black British	All Chinese or Other Ethnic Group
Geography							
England	26295200	21828100	955400	475500	1542900	770000	427500
South East	4300800	3681700	180000	72700	175000	79300	66000
East Sussex	266900	238500	9100	3800	5800	4200	2900
Eastbourne	50900	44400	2100	800	1600	800	800
Hastings	44800	39000	1600	800	900	1600	500
Lewes	50000	45200	1700	700	900	400	500
Rother	47000	42700	1200	600	1000	600	400
Wealden	74300	67300	2500	800	1300	800	700

Ethnic group in 2011 by gender: Female (%)

Ethnic groups	All people	White: British	White: Other White	All Mixed	All Asian or Asian British	All Black or Black British	All Chinese or Other Ethnic Group
Geography							
England	50.8	42.1	1.8	0.9	3	1.5	0.8
South East	51	43.6	2.1	0.9	2.1	0.9	0.8
East Sussex	52.1	46.6	1.8	0.7	1.1	0.8	0.6
Eastbourne	52.8	46.1	2.2	0.8	1.7	0.8	0.8
Hastings	51.6	44.9	1.8	0.9	1	1.8	0.6
Lewes	51.9	46.9	1.8	0.7	0.9	0.4	0.5
Rother	52.7	47.9	1.3	0.7	1.1	0.7	0.4
Wealden	51.9	47	1.7	0.6	0.9	0.6	0.5

Language Service suppliers report the following languages to be commonly in use in the county (June 2015):

- British Sign Language, Mandarin, Czech, Polish, Portuguese, Russian, Bengali, Arabic, Albanian, Lithuanian, Turkish

518 BME people who received long-term support between 1st April 2014 and 31st March 2015: (18th May 2015)

Number of clients receiving long-term support by preferred language:

Arabic	3
Bengali	1
British Sign Language	4
Cantonese	2
Dari	1
English	323
Farsi	2
Greek	2
Italian	2
Other language	27

Polish	2
Portuguese	2
Spanish	4
Turkish	1
Unknown	8
Not recorded	134
Total	518

b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

Residential Service clients:

Ethnicity	All people	British and Northern Irish	Irish	Gypsy or Irish Traveller	Other White	All Mixed	All Asian or Asian British	All Black or Black British	Other ethnic group
	16	16							

And list of preferred language of residential clients:

Arabic	
Bengali	
British Sign Language	
Cantonese	
Dari	
English	16
Farsi	
Greek	
Italian	
Other language	
Polish	
Portuguese	
Spanish	
Turkish	
Unknown	
Not recorded	
Total	16

Southview Day Service clients:

Ethnicity

Ethnicity	All people	British and Northern Irish	Irish	Gypsy or Irish Traveller	Other White	All Mixed	All Asian or Asian British	All Black or Black British	Other ethnic group
		48							

And list of preferred language of clients

Arabic	
Bengali	
British Sign Language	
Cantonese	
Dari	
English	48
Farsi	
Greek	
Italian	
Other language	
Polish	
Portuguese	
Spanish	
Turkish	
Unknown	
Not recorded	
Total	48

- c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**

Analysis of the current clients across Residential Services and Southview Day Service shows an under-representation of people with BME groups compared with the wider population.

All referrals to the services come through the Community Learning Disability Teams (CLDT).

- d) What is the proposal, project or service's impact on those who are from different ethnic backgrounds?**

Both services work in a person centred way to support the person to receive support in the way they choose taking into account their personal preferences and beliefs. In respect of residential services, this includes supporting the person to live the life they choose.

If an individual needed additional support in relation to their preferred language and/or beliefs we would seek additional support to ensure staff are skilled to meet the individual's needs. Translation/language support is also available to carers/family.

- e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

Staff have training in relation to equality and diversity and work in a person centred way to ensure clients' needs, preferences and beliefs are catered for.

We will continue to monitor ethnicity for the Residential Service and Southview Day Service going forward.

Equality Impact Team (Claire Debenham & Liz Jones) to discuss with the LD commissioning team to understand more about this and look at how this can be acted on.

- f) Provide details of any mitigation.**

There is an under representation of BME groups compared to the general population, this will be monitored using information collated from new referrals.

As stated above the Equality Impact Team will speak with commissioners to understand why this is the case and any further action.

- g) How will any mitigation measures be monitored?**

See full information in Section 5.3

Regular updates on progress following the consultation to implement the proposals (if agreed) will be shared with clients, their representatives, parents/carers and families/relatives throughout the process.

Clients' meetings and feedback will be gathered regularly.

Complaints/ comments and Compliments will be monitored and any learning will be taken into account.

Individual transition plans will be agreed with clients their representatives, parents/carers and families/relatives to support people through the changes. This will include any support they would need that relates to their ethnicity.

A review of the new services will be undertaken and feedback gained on how things are going six months after implementation of the proposals. This will include services to all clients accessing both Residential and Day Services, including focussing on any support need around their ethnicity, beliefs and preferences.

Clients have a review every 12 months; the first review after implementation of the proposal will include review of their support following the changes. In addition to this clients will be offered a review on request if they need one.

Information on Ethnicity will continue to be collated for existing clients and any new potential referrals, ensuring this is monitored.

4.4 Gender/Transgender: Testing of disproportionate, negative, neutral or positive impact

a) How is this protected characteristic target group reflected in the County/District/Borough?

Data from the 2011 Census shows the population of East Sussex to be **527,209**, broken down into the following gender and age groupings:

		Total	18+	18-64	65+	18-64 %	65+ %
Female	EAST SUSSEX	273,142	222,604	154,510	68,094	69.4	30.6
Male	EAST SUSSEX	254,067	200,320	147,692	52,628	73.7	26.3
All people	EAST SUSSEX	527,209	422,924	302,202	120,722	71.5	28.5

Source: ONS Mid Year Population Estimates 2011 (based on Census) released on 25th September by ONS

Gender Identity:

Transgender men and women are reluctant to 'come out' to policy makers and researchers, seeing little benefit in doing so and fearing discrimination and harassment. In addition, sources such as the census have not collected gender identity data to date.

In an attempt to gather data on numbers of transgender people in East Sussex, and better understand their needs to ensure an appropriate service response for this group, data from 254 "About You" forms were analysed in Quarter 2, as part of the Listening To You satisfaction questionnaires. The questionnaires were sent to a random sample of service users who had had the provision of OT equipment or sensory equipment / service in the 3 last months; people who had a Direct Payment put in place or reviewed in the last 3 months; and carers. The responses received showed:

- 1% of respondents stated they were transgender
- 5% of respondents said they preferred not to say,
- 94% of respondents stated they were not transgender.

(Source: ASC Equalities Data Set, January 2012)

b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

Residential Services

Out of the 16 clients living in the residential homes, there are 11 male and 5 female.

Southview Services

Out of the 48 clients accessing Southview day service, there are 26 male and 22 female.

c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

No

d) What is the proposal, project or service's impact on different genders?

The proposal is to provide a new residential/ supported living service on one site alongside a day service which will be located on the ground floor.

The new Residential service will provide a range of accommodation for 16 clients, offering them on-suite accommodation to meet a range of needs irrespective of their gender.

Individual flats and/or rooms with en-suite facilities will offer increase privacy and dignity for all people living in the accommodation.

The proposed day service will provide a range of activities that meet the needs of all clients irrespective of their gender. The day service facilities will also be available out of hours to the residential clients.

There is a range of staff with the skills and ability to meet a range of needs and to support client preferences around male/female support staff.

Staff receive equalities training to support them in their role.

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

The provision of both services is the same for all clients accessing them.

Clients have regular reviews that support them to look at and agree support in line with their needs and preferences.

Residential clients in addition to the above have monthly 1:1 meetings with their keyworker to ensure the support they receive meets their need and preferences.

f) Provide details of any mitigation.

The provision of both services is the same for all clients accessing them and is tailored to meet their needs and preferences.

g) How will any mitigation measures be monitored?

See full information in Section 5.3

Bi Weekly project meetings have been ongoing throughout the consultation and will continue for the duration of the building work, transition and embedding the proposals. This will include parent/carer and family/relative representation.

Regular updates on progress following the consultation to implement the proposals will be shared with clients, family/relatives and parents/carers throughout the process.

Client meetings are held monthly at Southview Day service and each of the 3 Residential Homes to get client feedback on how things are going. These will continue following the implementation of the new services. Client feedback cards are used monthly in both services to gain client feedback on how things are going.

Compliments/ complaint and minor concern monitoring and logs are in place and will continue going forward.

Individual transition plans will be agreed with clients and parents/carers to support them through the changes.

A review of the new services will be undertaken and feedback gained on how things are going six months after implementation of the proposals.

Clients have a review every 12 months, the first review after implementation of the proposal will include review of their support following the changes. In addition to this clients will be offered a review on request if they need one.

4.5 Marital Status/Civil Partnership: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic target group reflected in the County/District/Borough?

Marital status in 2011 – districts

Marital Status	All people aged 16 and over	Single	Married	In a registered same-sex civil partnership	Separated	Divorced	Widowed
Geography							
England & Wales	45496780	15730275	21196684	104942	1195882	4099330	3169667
South East	6992666	2230242	3448947	16398	177075	637433	482571
East Sussex	435515	126922	210786	1471	11954	46470	37912
Eastbourne	82691	27558	35418	290	2454	9487	7484
Hastings	73488	26836	28842	235	2731	9431	5413
Lewes	80534	23126	39956	403	2049	8225	6775
Rother	76359	18891	39152	247	1957	7871	8241
Wealden	122443	30511	67418	296	2763	11456	9999

Marital status in 2011 – districts(%)

Marital Status	All people aged 16 and over	Single	Married	In a registered same-sex civil partnership	Separated	Divorced	Widowed
Geography							
England & Wales	100	34.6	46.6	0.2	2.6	9	7
South East	100	31.9	49.3	0.2	2.5	9.1	6.9
East Sussex	100	29.1	48.4	0.3	2.7	10.7	8.7
Eastbourne	100	33.3	42.8	0.4	3	11.5	9.1
Hastings	100	36.5	39.2	0.3	3.7	12.8	7.4
Lewes	100	28.7	49.6	0.5	2.5	10.2	8.4
Rother	100	24.7	51.3	0.3	2.6	10.3	10.8
Wealden	100	24.9	55.1	0.2	2.3	9.4	8.2

b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

Out of the 16 Residential clients and 48 Southview clients, from the information available to the service, all clients are listed as single.

c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

No

d) What is the proposal, project or service's impact on people who are married or same sex couples who have celebrated a civil partnership?

No impact

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

The services work in a person centred way to support people to live their life/ receive support in the way they choose taking into account their personal beliefs and preferences.

f) Provide details of any mitigation.

g) How will any mitigation measures be monitored?

4.6 Pregnancy and maternity: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic target group reflected in the County/District/Borough?

Live births by age of mother in 2011

Age of mother	All live births	Under 20	20-24	25-29	30-34	35-39	40 and over
Geography							
England & Wales	723913	36435	134946	200587	207151	115444	29350
South East	107132	4521	17097	27456	32823	20214	5021
East Sussex	5399	305	1028	1449	1455	915	247
Eastbourne	1185	80	216	346	327	176	40
Hastings	1202	95	309	315	290	150	-
Lewes	945	41	165	251	249	189	50
Rother	753	43	141	211	183	135	40
Wealden	1314	46	197	326	406	265	-

No data are available regarding the total number of pregnancies, or the number of live births to disabled women.

b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

No impact identified

4.7 Religion, Belief: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County/District/Borough?

Religion and belief 2011 - districts

Religions	All people	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Other religions	No religion	Religion not stated
Geography										
England & Wales	56075912	33243175	247743	816633	263346	2706066	423158	240530	14097229	4038032
South East	8634750	5160128	43946	92499	17761	201651	54941	39672	2388286	635866
East Sussex	526671	315659	2190	1501	1074	4201	178	3508	155723	42637
Eastbourne	99412	59232	482	429	211	1458	53	586	28995	7966
Hastings	90254	46832	475	423	142	1159	38	668	33066	7451
Lewes	97502	55572	489	257	320	558	42	603	31641	8020
Rother	90588	58706	290	171	170	460	12	525	22864	7390
Wealden	148915	95317	454	221	231	566	33	1126	39157	11810

Religion and belief 2011 – districts (%)

Religions	All people	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Other religions	No religion	Religion not stated
Geography										
England & Wales	100	59.3	0.4	1.5	0.5	4.8	0.8	0.4	25.1	7.2
South East	100	59.8	0.5	1.1	0.2	2.3	0.6	0.5	27.7	7.4
East Sussex	100	59.9	0.4	0.3	0.2	0.8	0	0.7	29.6	8.1
Eastbourne	100	59.6	0.5	0.4	0.2	1.5	0.1	0.6	29.2	8
Hastings	100	51.9	0.5	0.5	0.2	1.3	0	0.7	36.6	8.3
Lewes	100	57	0.5	0.3	0.3	0.6	0	0.6	32.5	8.2
Rother	100	64.8	0.3	0.2	0.2	0.5	0	0.6	25.2	8.2
Wealden	100	64	0.3	0.1	0.2	0.4	0	0.8	26.3	7.9

b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

Residential Service Clients:

Religions	All people	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Other religions	No religion	Religion not stated
		5								11

Southview Day Service Clients:

Religions	All people	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Other religions	No religion	Religion not stated
	48	17			1					30

- c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**

Yes. Faith and spirituality affects how people experience their care and support. National data (2001 Citizenship Survey) indicates that Christian people (33%) were much less likely than all other main religions (79% of Muslim, 74% of Sikh, and 70% of Hindu people) to say that they practised their religion. The proportion of Muslim people who practised their religion increased over time (from 73% in 2005 to 79% in 2009-10). Of those with a religion, a third (33%) said that religion influenced their everyday life in terms of where they lived, worked, their friends or other social connections. Muslim and Sikh people were more likely than Christian people to say that this was the case. As in previous surveys, Muslim people were regarded by the population in general as the group most likely to encounter religious prejudice

- d) What is the proposal, project or service's impact on the people with different religions and beliefs?**

No impact

- e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

The services work in a person centred way to support people to live their life/ receive support in the way they choose taking into account their personal beliefs and preferences.

4.8 Sexual Orientation - Gay, Lesbian, Bisexual and Heterosexual: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County/District/Borough?

Estimates of the UK LGB population generally vary between 5%-7% of the overall population (www.stonewall.org.uk). The Office of National Statistics (ONS) estimate is lower than this, based on responses to surveys. All estimates are subject to the very significant caveat that many LGB and T people are reluctant to 'come out' to policy makers and researchers, seeing little benefit in doing so and fearing discrimination and harassment. In addition, sources such as the census have not collected sexual orientation or gender identity data to date.

Taking the Stonewall estimate as a guide, this means that in East Sussex, with a population of 527,209 (2011 Census), 26,360 – 36,904 people, including older people, are likely to be LGB. <http://www.eastsussexjsna.org.uk/briefings.aspx>.

Population over 65 in 2011, with *estimated* numbers of LGB people over 65 by districts in East Sussex

Age	All people	65+	65+ %	65+ male	65+ male%	65+ female	65+ female%
Geography							
England and Wales	56075912	9223073	16.4	4096161	7.3	5126912	9.1
South East	8634750	1482020	17.2	656272	7.6	825748	9.6
East Sussex	526671	119763	22.7	52124	9.9	67639	12.8
Eastbourne	99412	22303	22.4	9363	9.4	12940	13
Hastings	90254	15401	17.1	6803	7.5	8598	9.5
Lewes	97502	22154	22.7	9623	9.9	12531	12.9
Rother	90588	25763	28.4	11174	12.3	14589	16.1
Wealden	148915	34142	22.9	15161	10.2	18981	12.7

Age	All people	65+	65+ LGB (5%)
Geography			
England and Wales	56075912	9223073	
South East	8634750	1482020	
East Sussex	526671	119763	5988
Eastbourne	99412	22303	1115
Hastings	90254	15401	770
Lewes	97502	22154	1107
Rother	90588	25763	1288
Wealden	148915	34142	1707

(5% Estimate)

b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

LGB people are included in the population of people receiving assessments and using care and support. Quantitative information about LGBT people receiving advice and assessment or who are clients and carers is not currently collected by ASC. However, some information is being gathered through customer satisfaction surveys. These are sample surveys across a proportion of clients for particular services, including assessment, and typically achieve a response rate of 25%. At the moment a full year's returns are not available and it is not yet possible to extract meaningful patterns of opinion. Data for the last quarter (Q4 January-March 2014) are shown below:

Customer satisfaction survey 2013/14 Qtr 4 (January to March 2014)

Of the **247 people** who answered the questions about sexuality (333 people left the questions blank):

Heterosexual/Straight	91% (225 people)
Other	1% (3 people)
Prefer not to say	6% (14 people)
Gay man	<1% (1 person)
Bi/Bisexual	1% (3 people)
Gay woman/Lesbian	<1% (1 people)

- c) **Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**

No

- d) **What is the proposal, project or service's impact on people with differing sexual orientation?**

No impact identified

4.9 Other: Additional groups/factors that may experience impacts - testing of disproportionate, negative, neutral or positive impact.

4.9.1 Rural population

a) How are these groups/factors reflected in the County/District/Borough?

Population by age groups and gender in 2011

Age	All people	0-14	15-29	30-44	45-64	65+
Geography						
England and Wales	56075912	9891138	11183239	11515165	14263297	9223073
South East	8634750	1535168	1604028	1761278	2252256	1482020
East Sussex	526671	84910	83732	90763	147503	119763
Eastbourne	99412	15574	18407	18195	24933	22303
Hastings	90254	15659	17149	17677	24368	15401
Lewes	97502	15832	14854	16907	27755	22154
Rother	90588	13214	12047	13026	26538	25763
Wealden	148915	24631	21275	24958	43909	34142

Population by age groups and gender in 2011(%)

Age	All people	0-14	15-29	30-44	45-64	65+
Geography						
England and Wales	100	17.6	19.9	20.5	25.4	16.4
South East	100	17.8	18.6	20.4	26.1	17.2
East Sussex	100	16.1	15.9	17.2	28	22.7
Eastbourne	100	15.7	18.5	18.3	25.1	22.4
Hastings	100	17.3	19	19.6	27	17.1
Lewes	100	16.2	15.2	17.3	28.5	22.7
Rother	100	14.6	13.3	14.4	29.3	28.4
Wealden	100	16.5	14.3	16.8	29.5	22.9

b) How is this group/factor reflected in the population of those impacted by the proposal, project or service?

Residential Services:

The Residential service in South Chailey could be considered as a rural location. In total 6 clients live here, the proposals are to move this service to the new site in Crowborough.

Southview Day Service:

The Southview day service has 11 clients in total who live in small villages/ rural areas. The current proposals include moving the day service one mile up the road from the current site in Crowborough. Transport arrangements already in place are expected to remain the same.

c) Will people within these groups or affected by these factors be more affected by the proposal, project or service than those in the general population who are not in those groups or affected by these factors?

No impact for Southview Day service clients and parent/carers identified.

No impact identified for clients living in the 2 Crowborough residential services.

Clients at the South Chailey Residential service will be affected if the proposals go ahead.

d) What is the proposal, project or service's impact on the factor or identified group?

The 6 residential clients from the Chailey service would be moving away from their current village/ rural location to Crowborough. This will mean they may have to change the support they receive from local services and the facilities they access e.g. GP surgeries, pharmacies and local shops.

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

As the proposed new residential service is only a half an hour drive away, clients will still have opportunities to visit Chailey regularly, attending local events and to still be part of the local community if they choose to.

Clients will be supported through the changes and introduced to local services and amenities as part of a personalised transition plan.

f) Provide details of the mitigation.

We will work with individuals to support them to access the right local services for them in line with their needs and preferences.

We will work with individuals to support them to retain links with their previous local community if they wish to.

g) How will any mitigation measures be monitored?

See full information in Section 5.3

Bi Weekly project meetings have been ongoing throughout the consultation and will continue for the duration of the building work, transition and embedding the proposals.

Individual transition plans will be agreed with clients, family/relatives and parents/carers to aid them through the changes.

A review of the new Residential Service and the Day Service will be undertaken and feedback gained on how things are going six months after implementation of the proposals.

Clients have a review every 12 months, the first review after implementation of the proposal will include review of their support following the changes. In addition to this clients will be offered a review on request if they need one.

4.9.2 Carers

a) How are these groups/factors reflected in the County/District/ Borough?

Provision of unpaid care in 2011 - districts

Provision unpaid care	All people	People provides no unpaid care	People provide unpaid care	Provides 1 to 19 hours unpaid care a week	Provides 20 to 49 hours unpaid care a week	Provides 50 or more hours unpaid care a week
Geography						
England & Wales	56075912	50275666	5800246	3665072	775189	1359985
South East	8634750	7787397	847353	577114	96883	173356
East Sussex	526671	467262	59409	39537	6745	13127
Eastbourne	99412	88894	10518	6678	1261	2579
Hastings	90254	80812	9442	5708	1321	2413
Lewes	97502	86001	11501	8000	1197	2304
Rother	90588	79327	11261	7279	1250	2732
Wealden	148915	132228	16687	11872	1716	3099

Provision of unpaid care in 2011 – districts (%)

Provision unpaid care	All people	People provides no unpaid care	People provide unpaid care	Provides 1 to 19 hours unpaid care a week	Provides 20 to 49 hours unpaid care a week	Provides 50 or more hours unpaid care a week
Geography						
England & Wales	100	89.7	10.3	6.5	1.4	2.4
South East	100	90.2	9.8	6.7	1.1	2
East Sussex	100	88.7	11.3	7.5	1.3	2.5
Eastbourne	100	89.4	10.6	6.7	1.3	2.6
Hastings	100	89.5	10.5	6.3	1.5	2.7
Lewes	100	88.2	11.8	8.2	1.2	2.4
Rother	100	87.6	12.4	8	1.4	3
Wealden	100	88.8	11.2	8	1.2	2.1

a) How is this group/factor reflected in the population of those impacted by the proposal, project or service?

Residential Service:

Out of the 16 clients this proposal affects, 10 have family/relatives that are involved in their lives. They live in a range of locations (6 live within East Sussex - Brighton, Crowborough, Ringmer, Hastings and Rye, 3 live in other counties - Devon, Kent, Buckinghamshire, and 1 lives abroad – Luxembourg.)

Southview Day Service:

Unpaid Carers – 25 Carers are unpaid and have 24/7 caring responsibilities for 25 clients.

Paid Carers:

- 5 Residential providers provide care for 9 clients.
- 3 Supported Living providers provide support for 8 clients.
- 1 Shared Lives provider supports 2 clients.

b) Will people within these groups or affected by these factors be more affected by the proposal, project or service than those in the general population who are not in those groups or affected by these factors?

Minimal impact identified.

c) What is the proposal, project or service's impact on the factor or identified group?

2 Families/ Relatives of residential clients who live in Chailey may have to travel further to visit their relative should the proposals be agreed.

In relation to Southview Carers the proposed new service is within a mile of the current service. Current transport arrangements are expected to remain unchanged as there is only a 1 mile difference between the existing and proposed day service. Of the 4 clients who currently walk to Southview, 2 would require additional support to cross the main road to the proposed service **to maintain their independence.**

d) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

We will continue to provide Council transport to people who currently receive this. We will work with individuals to ensure that where unpaid carers are eligible for support with transport we can provide this.

We will work with clients who currently walk/ travel independently to the day service to receive additional travel training to support them to access the new service as needed. This could also include provision of a meeting point with staff to support people to cross the main road to the new service if required.

We will ensure effective communication is shared with carers throughout the process, including updates on changes following comments/feedback received.

We have issued frequently asked questions (FAQ's) in response to questions and comments raised from clients, parents /carers. We have also sent out letters to carers' signposting them to the FAQ's.

We are not stopping anyone's service. We will still provide services for individuals that need one.

e) Provide details of the mitigation.

We will work with unpaid and paid carers to look at the best options to support them through the changes, as detailed above.

We will continue to provide a service for everyone that needs one.

f) How will any mitigation measures be monitored?

See full information in Section 5.3

Bi Weekly project meetings have been ongoing throughout the consultation and will continue for the duration of the building work, transition and embedding the proposals. This will include parent/carer and family/relative representation.

Regular updates on progress following the consultation to implement the proposals will be shared with clients, parents/carers and relatives/family throughout the process. This is ongoing and includes the FAQ's.

Individual transition plans will be agreed with clients, family/relatives and parents/carers to aid them through the changes.

A review of the new Residential Service and the Day Service will be undertaken and feedback gained on how things are going six months after implementation of the proposals.

Clients have a review every 12 months, the first review after implementation of the proposal will include review of their support following the changes. In addition to this clients will be offered a review on request if they need one.

4.10 Human rights - Human rights place all public authorities – under an obligation to treat you with fairness, equality, dignity, respect and autonomy. **Please look at the table below to consider if your proposal, project or service may potentially interfere with a human right.**

Articles	
A2	Right to life (e.g. pain relief, suicide prevention)
A3	Prohibition of torture, inhuman or degrading treatment (service users unable to consent, dignity of living circumstances)
A4	Prohibition of slavery and forced labour (e.g. safeguarding vulnerable adults)
A5	Right to liberty and security (financial abuse)
A6 & 7	Rights to a fair trial; and no punishment without law (e.g. staff tribunals)
A8	Right to respect for private and family life, home and correspondence (e.g. confidentiality, access to family)
A9	Freedom of thought, conscience and religion (e.g. sacred space, culturally appropriate approaches)
A10	Freedom of expression (whistle-blowing policies)
A11	Freedom of assembly and association (e.g. recognition of trade unions)
A12	Right to marry and found a family (e.g. fertility, pregnancy)
Protocols	
P1.A1	Protection of property (service users property/belongings)
P1.A2	Right to education (e.g. access to learning, accessible information)
P1.A3	Right to free elections (Elected Members)

Part 5 – Conclusions and recommendations for decision makers

5.1 Summarise how this proposal/policy/strategy will show due regard for the three aims of the general duty across all the protected characteristics and ESCC additional groups.

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people from different groups
- Foster good relations between people from different groups

We will be paying due regard to the above when supporting clients through the changes, providing services that are accessible and meeting their needs and preferences.

We feel the proposal will provide improved accommodation and opportunities for people to live more independently and be part of their community.

The proposal will provide improved facilities for people and increase opportunities to be part of the community, promote engagement with the local community by improved deployment of staff.

5.2 Impact assessment outcome Based on the analysis of the impact in part four mark below ('X') with a summary of your recommendation.

X	Outcome of impact assessment	Please explain your answer fully.
X	A No major change – Your analysis demonstrates that the policy/strategy is robust and the evidence shows no potential for discrimination and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.	<p>Residential Service</p> <p>The proposed residential service will offer a range of accommodation with improved facilities, including en-suites to meet the needs of individuals in line with their needs and preferences.</p> <p>Building works will be undertaken to ensure the environment meets this range of needs.</p> <p>There will be opportunities for individuals to be fully involved in the design and layout of their rooms/flats.</p> <p>Clients will be supported through the changes as part of a personalised transition plan.</p> <p>Southview day service</p> <p>The proposed day service will offer a good range of sessions/ activities to meet a range of needs for</p>
	B Adjust the policy/strategy – This involves taking steps to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential effect.	
	C Continue the policy/strategy - This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate	
	D Stop and remove the policy/strategy – If there are adverse effects that are not justified and cannot be mitigated, you will want to consider stopping the policy/strategy altogether. If a policy/strategy shows unlawful discrimination it <i>must</i> be removed or changed.	

Equality Impact Assessment

		<p>individuals in line with their needs and preferences.</p> <p>The range of sessions will cater for all clients including those wishing to develop skills towards independence and/or employment, those with complex needs / disabilities as well as supporting new clients coming through transition and those getting older.</p> <p>Building works will be undertaken to ensure the environments meet this range of needs.</p>
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5.3 What equality monitoring, evaluation, review systems have been set up to carry out regular checks on the effects of the proposal, project or service?

(Give details)

Bi Weekly project meetings have been ongoing throughout the consultation and will continue for the duration of the building work, transition and embedding the proposals. This will include parent/carer and family/relative representation.

We will be working closely with our Health partners to ensure the design and layout of the new services meets clients' needs both now and in the future.

Regular updates on progress following the consultation to implement the proposals will be shared with clients, family/relatives and parents/carers throughout the process.

Client meetings are held monthly at Southview Day service and each of the 3 Residential Homes to get client feedback on how things are going. These will continue following the implementation of the new services.

Client feedback cards are used monthly in both services to gain client feedback on how things are going.

In addition POhWER have been providing advocacy support for the duration of the consultation to support people to have their say about the proposals. This has included attendance at key consultation events and separate drop in events at all the Residential Services and Southview Day Service.

Advocacy support will continue throughout the transition period, in particular for Residential clients, providing IMCA's for clients without any other representation or where families live a long way away.

Compliments/ complaint and minor concern monitoring and logs are in place and will continue going forward.

Compliance and SPOT checks happen on a monthly basis in all our services and part of these include speaking to clients about their thoughts on services.

Individual transition plans will be agreed with clients and parents/carers to support them through the changes.

A review of the new services will be undertaken and feedback gained on how things are going six months after implementation of the proposals.

Occupancy and capacity figures will be monitored on a monthly basis for the new Day Service to monitor levels of referrals and throughput of the service.

Clients have a review every 12 months, the first review after implementation of the proposal will include review of their support following the changes. In addition to this clients will be offered a review on request if they need one.

5.6 When will the amended proposal, proposal, project or service be reviewed?

Equality Impact Assessment

Client support will be continually reviewed throughout to ensure they receive the right support for them.

Residential clients will be fully involved in choosing where they live and the design, decoration and layout of their home.

Southview clients will be involved in the planning of the new day service, including decoration, layout and equipment.

A review of the locality offer will be undertaken and feedback gained on how things are going six months after implementation of the proposals.

Date completed:	5/5/16	Signed by (person completing)	B.Scott
		Role of person completing	Operations Manager
Date:		Signed by (Manager)	

Part 6 – Equality impact assessment action plan

If this will be filled in at a later date when proposals have been decided please tick here and fill in the summary report.

The table below should be completed using the information from the equality impact assessment to produce an action plan for the implementation of the proposals to:

1. Lower the negative impact, and/or
2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e. increase the positive impact
4. **If no actions fill in separate summary sheet.**

Please ensure that you update your service/business plan within the equality objectives/targets and actions identified below:

Page 75

Areas of improvement	Changes proposed	Lead Manager	Timescale	Resource implications	Where incorporated/flagged? (e.g. business plan/strategic plan/steering group/DMT)
Residential/Southview Unfamiliarity/ concern around changes	Visits to the outside of “Hookstead” and the surrounding area are being arranged. Additional visits will be offered/ arranged as the project moves forward to keep individuals informed.	Gemma Wanstall Beverly Scott/ Adrian Turner	During consultation and prior to implementation of any changes	Staff and management time	LD DPS Business Plan/ Residential & Day services Team Plans
Residential/Southview Concerns around transition and need for	Transition plans will be put in place for individuals that need	Gemma Wanstall/ Jeanette Gallivan-Young/ Graham	Jan – May 2017	Staff , CLDT and management time	LD DPS Business Plan/ Residential & Day services Team Plans

Equality Impact Assessment

slow and considered plans.	one.	Jeffery			
<p>Residential/Southview Changes in service</p> <p>Residential Only</p>	<p>Clients, parent/carers will be offered a review on request if they need one.</p> <p>Advocacy will be available for the duration of the consultation and after if proposals agreed.</p> <p>A formal decision making process will be initiated with people who do not have capacity to make a decision to move, to confirm that this is in their best interests. IMCA's will be made available, if proposals are agreed.</p> <p>Care Managers to coordinate the decision making process where people are represented by their families.</p> <p>Residential clients will be reviewed as part of transition plans.</p>	<p>Beverly Scott/ Graham Jeffery</p> <p>Beverly Scott/ Gina Sammarco</p> <p>Graham Jeffery</p> <p>Steve Veevers (Commissioner)</p> <p>Graham Jeffery</p> <p>Graham Jeffrey/Gemma Wanstall</p>	<p>Prior to implementation of any changes</p> <p>During consultation and prior to any changes</p> <p>Prior to implementation of any changes</p> <p>Prior to implementation of any changes</p> <p>Prior to implementation of any changes</p>	<p>CLDT time</p> <p>POhWER staff time</p> <p>CLDT time</p> <p>Commissioners time IMCA's time</p> <p>Care manager/ CLDT time</p> <p>CLDT & Management time</p>	<p>LD DPS Business Plan/ Residential & Day services Team Plans</p>

Equality Impact Assessment

Southview Queries around the design of the day service and whether this is wheelchair accessible.	The proposed building design for "Hookstead" has been specifically designed to meet these needs. We will have additional input from OT/SALT in the detailed layout and design as the building works progress.	Beverly Scott/ Adrian Turner	August 2016	Management and Physio/SALT time	LD DPS Business Plan/ Day services Team Plan
Southview Concerns about changes to transport provision and/or how people would get to the new service	We will work with individuals to support them to access the most appropriate transport provision for them.	Gemma Wanstall/ Shirin White/ Graham Jeffrey	Prior to implementation of proposal	Staff time	LD DPS Business Plan/ Day services Team Plan
Southview Concerns around changes to activities /sessions	We are working with clients, parent/carers to ensure that the new day service offer includes sessions and activities that people enjoy and want to continue.	Gemma Wanstall/Brian Clifford	Initial draft during consultation for clients, parent/carers to comment on. Final offer to share if proposals are agreed.	Staff and management time.	LD DPS Business Plan/ Day services Team Plan
Residential Concerns about more people living together. Concerns about more people meaning more	We will work with individuals to ensure their accommodation and service meets their needs.	Beverly Scott/ Gemma Wanstall/ Graham Jeffery	Prior to implementation of the new service	Staff and management time	LD DPS Business Plan/ Residential services Team Plan

Equality Impact Assessment

Page 78

noise	The new residential service at Hookstead will provide larger accommodation and therefore people will have more of their own space as well as more space generally across the service.	Gemma Wanstall/ Teresa Harrison	Prior to implementation of the new service	Management time.	
Residential Aging population of existing clients	We will working with clients, families/ representatives to ensure the design and layout of individual rooms meet individual needs We will use the “Older People Toolkit” to ensure the design of the new service meets these needs.	Beverly Scott/ Gemma Wanstall/ Adrian Turner Teresa Harrison/ Jacqui Gough	If proposals agreed, during building works and prior to implementation.	Staff and Management time. Building contractor time.	LD DPS Business Plan/ Residential services Team Plan
Apparent under representation of BME people amongst service users	Discussion with commissioners	Claire Debenham/ Richard Lewis	June 2016	Staff time	

6.1 Accepted Risk

From your analysis please identify any risks not addressed giving reasons and how this has been highlighted within your Directorate:

Area of Risk	Type of Risk? (Legal, Moral, Financial)	Can this be addressed at a later date? (e.g. next financial year/through a business case)	Where flagged? (e.g. business plan/strategic plan/steering group/DMT)	Lead Manager	Date resolved (if applicable)

Equality Impact Assessment

Strategy or Policy Template

Name of the strategy or policy
House Adaptations for Disabled Children and carers homes – Capital bid

File ref:	Adaptations – Carers of disabled cyp	Issue No:	
Date of Issue:	17 January 2012	Review date:	31 July 2012

Contents

Equality Impact Assessment	1
Part 1 The Public Sector Equality Duty and Equality Impact Assessments (EIA)....	2
Part 2 – Aims and implementation of the proposal, strategy or policy	5
Part 3 – Methodology, consultation, data and research used to determine impact on protected characteristics.	6
Part 4 – Assessment of impact	7
Part 5 – Conclusions and recommendations for decision makers	17
Part 6 – Equality impact assessment action plan	19
(a) 6.1 Accepted Risk.....	20

Part 1 The Public Sector Equality Duty and Equality Impact Assessments (EIA)

1.1 The Council must have due regard to its Public Sector Equality Duty when making all decisions at member and officer level. An EIA is the best method by which the Council can determine the impact of a proposal on equalities, particularly for major decisions. However, the level of analysis should be proportionate to the relevance of the duty to the service or decision.

1.2 This is one of two forms that the County Council uses for Equality Impact Assessments, both of which are available on the intranet. This form is designed for any proposal, strategy or policy. The other form looks at services or projects.

1.3 The Public Sector Equality Duty (PSED)

The public sector duty is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have “due regard” to the need to

- eliminate direct and indirect discrimination, harassment and victimisation and other conduct prohibited under the Act,
- advance equality of opportunity and foster good relations between those who share a “protected characteristic” and those who do not share that protected characteristic (see below for “protected characteristics”)
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

These are sometimes called equality aims.

1.4 A “protected characteristic” is defined in the Act as:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race (including ethnic or national origins, colour or nationality)
- religion or belief;
- sex;
- sexual orientation.

Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.

The previous public sector equalities duties only covered race, disability and gender.

1.5 East Sussex County Council also considers the following additional groups/factors when carry out analysis:

- Carers – A carer spends a significant proportion of their life providing unpaid support to family or potentially friends. This could be caring for a relative, partner or friend who is ill, frail, disabled or has mental health or substance misuse problems. [Carers at the Heart of 21st Century Families and Communities, 2008]
- Literacy/Numeracy Skills

- Part time workers
- Rurality

1.6 Advancing equality (the second of the equality aims) involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristic
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people including steps to take account of disabled people's disabilities
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

NB Please note that, for disabled persons, the Council must have regard to the possible need for steps that amount to positive discrimination, to "level the playing field" with non-disabled persons, e.g. in accessing services through dedicated car parking spaces.

1.6 Guidance on Compliance with The Public Sector Equality Duty (PSED) for officers and decision makers:

1.6.1 To comply with the duty, the Council must have "due regard" to the three equality aims set out above. This means the PSED must be considered as a factor to consider alongside other relevant factors such as budgetary, economic and practical factors.

1.6.2 What regard is "due" in any given case will depend on the circumstances. A proposal which, if implemented, would have particularly negative or widespread effects on (say) women, or the elderly, or people of a particular ethnic group would require officers and members to give considerable regard to the equalities aims. A proposal which had limited differential or discriminatory effect will probably require less regard.

1.6.3 *Some key points to note :*

- The duty is regarded by the Courts as being very important.
- Officers and members must be aware of the duty and give it conscious consideration: e.g. by considering open-mindedly the EIA and its findings when making a decision. When members are taking a decision, this duty can't be delegated by the members, e.g. to an officer.
- EIAs must be evidence based.
- There must be an assessment of the practical impact of decisions on equalities, measures to avoid or mitigate negative impact and their effectiveness.
- There must be compliance with the duty when proposals are being formulated by officers and by members in taking decisions: the Council can't rely on an EIA produced after the decision is made.
- The duty is ongoing: EIA's should be developed over time and there should be evidence of monitoring impact after the decision.
- The duty is not, however, to achieve the three equality aims but to consider them – the duty does not stop tough decisions sometimes being made.

- The decision maker may take into account other countervailing (i.e. opposing) factors that may objectively justify taking a decision which has negative impact on equalities (for instance, cost factors)

1.6.4 In addition to the Act, the Council is required to comply with any statutory Code of Practice issued by the Equality and Human Rights Commission. New Codes of Practice under the new Act have yet to be published. However, Codes of Practice issued under the previous legislation remain relevant and the Equality and Human Rights Commission has also published guidance on the new public sector equality duty.

Part 2 – Aims and implementation of the proposal, strategy or policy

2.1 What is being assessed?

a) Proposal or name of the strategy or policy.

House Adaptations for Disabled children and carers homes

b) What is the main purpose or aims of proposal, strategy or policy?

To present a bid to receive grants from capital strategy which, if successful, are to be used for home adaptations for foster carers that are accepting children “under permanence”. This means the child will remain with them until at least the age of 18 years. The ability to adapt a foster carers home reduces the amount of agency care that has to be purchased by ESCC.

c) Manager(s) and section or service responsible for completing the assessment

Melanie Griffin, Capital Strategy Team

2.2 Who is affected by the proposal, strategy or policy? Who is it intended to benefit and how?

Children and young people who are disabled and need either short break or permanent care support.

2.3 How is, or will, the proposal, strategy or policy be put into practice and who is, or will be, responsible for it?

Melanie Griffin, Capital Strategy Team

2.4 Are there any partners involved? E.g. NHS Trust, voluntary/community organisations, the private sector? If yes, how are partners involved?

Foster carers, care homes

2.5 Is this project or procedure affected by legislation, legislative change, service review or strategic planning activity?

Service priority to ensure we are addressing resource implications of agency care, which takes up valuable resources that could be better deployed elsewhere.

Part 3 – Methodology, consultation, data and research used to determine impact on protected characteristics.

3.1 List all examples of quantitative and qualitative data or any consultation information available that will enable the impact assessment to be undertaken.

Types of evidence identified as relevant have X marked against them			
	Employee Monitoring Data		Staff Surveys
x	Service User Data		Contract/Supplier Monitoring Data
	Recent Local Consultations		Data from other agencies, e.g. Police, Health, Fire and Rescue Services, third sector
	Complaints		Risk Assessments
	Service User Surveys		Research Findings
	Census Data		East Sussex Demographics
	Previous Equality Impact Assessments		National Reports
	Other organisations Equality Impact Assessments	x	Staff intelligence and awareness of local need

3.2 Evidence of complaints against the strategy or policy on grounds of discrimination.

No

3.3 If you carried out any consultation or research on the strategy or policy explain what consultation has been carried out.

n/a

3.4 What does the consultation, research and/or data indicate about the positive or negative impact of the strategy or policy?

Part 4 – Assessment of impact

4.1 Age: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County /District/Borough?

This policy aims to benefit disabled children and young people who are given a level of carer by the Council.

b) How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?

100% of the population impact are children and young people.

c) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?

Yes – as above

d) What is the proposal, strategy or policy's impact on different ages/age groups?

Positive as it benefits them

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

n/a

f) Provide details of the mitigation.

g) How will any mitigation measures be monitored?

4.2 Disability: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County/District/Borough?

The Fostering Service is currently marketing to target 40 additional foster/short break carers over the next year to bring the total numbers of carers to 300.

b) How is this protected characteristic reflected in the reflected in the population of those impacted by the proposal, strategy or policy?

The estimate is that 11 carers' homes will require adaptations to enable the disabled children to be given care that is not by agency provision. 100% of this policy's target population is disabled.

c) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?

Yes

d) What is the proposal, strategy or policy's impact on people who have a disability?

Positive – if disabled children are placed within adapted homes of long term carers, this will create a more stable, physically and emotionally supportive environment for them.

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

n/a

f) Provide details of any mitigation.

g) How will any mitigation measures be monitored?

4.3 Ethnicity: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County/District/Borough?

Not relevant

b) How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?

c) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?

d) What is the proposal, strategy or policy's impact on those who are from different ethnic backgrounds?

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

f) Provide details of any mitigation.

g) How will any mitigation measures be monitored?

4.4 Gender/Transgender: Testing of disproportionate, negative, neutral or positive impact

- a) **How is this protected characteristic target group reflected in the County/District/Borough?**

Not relevant

- b) **How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?**

- c) **Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?**

- d) **What is the proposal, strategy or policy's impact on different genders?**

- e) **What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

- f) **Provide details of any mitigation.**

- g) **How will any mitigation measures be monitored?**

4.5 Marital Status/Civil Partnership: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic target group reflected in the County/District/Borough?

Not relevant

b) How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?

c) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?

d) What is the proposal, strategy or policy's impact on people who are married or same sex couples who have celebrated a civil partnership?

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

f) Provide details of any mitigation.

g) How will any mitigation measures be monitored?

4.6 Pregnancy and maternity: Testing of disproportionate, negative, neutral or positive impact.

- a) **How is this protected characteristic target group reflected in the County/District/Borough?**

Not relevant

- b) **How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?**

- c) **Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?**

- d) **What is the proposal, strategy or policy's impact on pregnant women and women within the first 26 weeks of maternity leave?**

- e) **What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

- f) **Provide details of the mitigation**

- g) **How will any mitigation measures be monitored?**

4.7 Religion, Belief: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County/District/Borough?

Not relevant

b) How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?

c) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic.

d) What is the proposal, strategy or policy's impact on the people with different religions and beliefs?

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

f) Provide details of any mitigation.

g) How will any mitigation measures be monitored?

4.8 Sexual Orientation - Gay, Lesbian, Bisexual and Heterosexual: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County/District/Borough?

Not relevant

b) How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?

c) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?

d) What is the proposal, strategy or policy's impact on people with differing sexual orientation?

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

f) Provide details of the mitigation

g) How will any mitigation measures be monitored?

- 4.9 Other: Additional groups/factors that may experience impacts - testing of disproportionate, negative, neutral or positive impact.**
- a) How are these groups/factors reflected in the County/District/Borough?**

 - b) How is this group/factor reflected in the population of those impacted by the proposal, strategy or policy?**

 - c) Will people within these groups or affected by these factors be more affected by the proposal, policy or strategy than those in the general population who are not in those groups or affected by these factors?**

 - d) What is the proposal, strategy or policy's impact on the factor or identified group?**

 - e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

 - f) Provide details of the mitigation.**

 - g) How will any mitigation measures be monitored?**

4.10 Human rights- Human rights place all public authorities – under an obligation to treat you with fairness, equality, dignity, respect and autonomy. **Please look at the table below to consider if your proposal, policy or strategy may potentially interfere with a human right.**

Articles	
A2	Right to life (e.g. pain relief, suicide prevention)
A3	Prohibition of torture, inhuman or degrading treatment (service users unable to consent, dignity of living circumstances)
A4	Prohibition of slavery and forced labour (e.g. safeguarding vulnerable adults)
A5	Right to liberty and security (financial abuse)
A6 & 7	Rights to a fair trial; and no punishment without law (e.g. staff tribunals)
A8	Right to respect for private and family life, home and correspondence (e.g. confidentiality, access to family)
A9	Freedom of thought, conscience and religion (e.g. sacred space, culturally appropriate approaches)
A10	Freedom of expression (whistle-blowing policies)
A11	Freedom of assembly and association (e.g. recognition of trade unions)
A12	Right to marry and found a family (e.g. fertility, pregnancy)
Protocols	
P1.A1	Protection of property (service users property/belongings)
P1.A2	Right to education (e.g. access to learning, accessible information)
P1.A3	Right to free elections (Elected Members)

Part 5 – Conclusions and recommendations for decision makers

5.1 Summarise how this proposal/policy/strategy will show due regard for the three aims of the general duty across all the protected characteristics and ESCC additional groups.

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people from different groups
- Foster good relations between people from different groups

This proposal relates to the development of the local community’s potential for better care for vulnerable children. The grants are to be used for home adaptations for foster carers who are accepting children ‘under permanence’ i.e. the child remains with them until at least the age of 18. The priority for the service is to get ‘hard to place’ children in foster homes. Some of these children may have specific behavioural or other disability issues that have prevented them from being fostered previously. The proposal will impact positively on disability.

5.2 Impact assessment outcome Based on the analysis of the impact in part four please mark below ('X') with a summary of your recommendation.

X	Outcome of impact assessment	Please explain your answer fully.
x	A No major change – Your analysis demonstrates that the policy/strategy is robust and the evidence shows no potential for discrimination and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.	
	B Adjust the policy/strategy – This involves taking steps to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential effect.	
	C Continue the policy/strategy - This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate	
	D Stop and remove the policy/strategy – If there are adverse effects that are not justified and cannot be mitigated, you will want to consider stopping the policy/strategy altogether. If a policy/strategy shows unlawful discrimination it <i>must</i> be removed or changed.	

5.3 What equality monitoring, evaluation, review systems have been set up to carry out regular checks on the effects of the proposal, strategy or policy?

(Give details)

Capital Strategy Team, Joint Deputy Directors meetings every 6 months

5.6 When will the amended proposal, strategy or policy be reviewed?

31 July 2012

Date completed:	16 January 2012	Signed by (person completing)	Melanie Griffin
		Role of person completing	Head of Capital Strategy
Date:	18 January 2012	Signed by (Manager)	Hazel Cunningham

Part 6 – Equality impact assessment action plan

If this will be filled in at a later date when proposals have been decided please tick here and fill in the summary report.

The table below should be completed using the information from the equality impact assessment to produce an action plan for the implementation of the proposals to:

1. Lower the negative impact, and/or
2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e. increase the positive impact
4. **If no actions fill in separate summary sheet.**

Please ensure that you update your service/business plan within the equality objectives/targets and actions identified below:

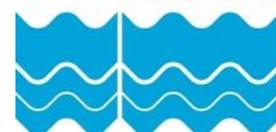
Area for improvement	Changes proposed	Lead Manager	Timescale	Resource implications	Where incorporated/flagged? (e.g. business plan/strategic plan/steering group/DMT)

(a) 6.1 Accepted Risk

From your analysis please identify any risks not addressed giving reasons and how this has been highlighted within your Directorate:

Area of Risk	Type of Risk? (Legal, Moral, Financial)	Can this be addressed at a later date? (e.g. next financial year/through a business case)	Where flagged? (e.g. business plan/strategic plan/steering group/DMT)	Lead Manager	Date resolved (if applicable)

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Equality Impact Assessment

Project or Service Template

Name of the proposal, project or service
Schools Basic Need Capital Programme

File ref:	Schools Basic Need Capital Programme 2018/19 to 2022/23	Issue No:	1.0
Date of Issue:	December 2016	Review date:	

Contents

Part 1 – The Public Sector Equality Duty and Equality Impact Assessments (EIA).....	2
Part 2 – Aims and implementation of the proposal, project or service.....	4
Part 3 – Methodology, consultation, data and research used to determine impact on protected characteristics.	8
Part 4 – Assessment of impact.....	9
Part 5 – Conclusions and recommendations for decision makers.....	22
Part 6 – Equality impact assessment action plan.....	24

Part 1 – The Public Sector Equality Duty and Equality Impact Assessments (EIA)

1.1 The Council must have due regard to its Public Sector Equality Duty when making all decisions at member and officer level. An EIA is the best method by which the Council can determine the impact of a proposal on equalities, particularly for major decisions. However, the level of analysis should be proportionate to the relevance of the duty to the service or decision.

1.2 This is one of two forms that the County Council uses for Equality Impact Assessments, both of which are available on the intranet. This form is designed for any proposal, project or service. The other form looks at services or projects.

1.3 The Public Sector Equality Duty (PSED)

The public sector duty is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have “due regard” to the need to

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. (see below for “protected characteristics”)

These are sometimes called equality aims.

1.4 A “protected characteristic” is defined in the Act as:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race (including ethnic or national origins, colour or nationality)
- religion or belief;
- sex;
- sexual orientation.

Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.

The previous public sector equalities duties only covered race, disability and gender.

1.5 East Sussex County Council also considers the following additional groups/factors when carry out analysis:

- Carers – A carer spends a significant proportion of their life providing unpaid support to family or potentially friends. This could be caring for a relative, partner or friend who is ill, frail, disabled or has mental health or substance misuse problems. [Carers at the Heart of 21st Century Families and Communities, 2008]
- Literacy/Numeracy Skills
- Part time workers
- Rurality

1.6 Advancing equality (the second of the equality aims) involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristic

Equality Impact Assessment

- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people including steps to take account of disabled people's disabilities
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

NB Please note that, for disabled persons, the Council must have regard to the possible need for steps that amount to positive discrimination, to "level the playing field" with non-disabled persons, e.g. in accessing services through dedicated car parking spaces.

1.6 Guidance on Compliance with The Public Sector Equality Duty (PSED) for officers and decision makers:

1.6.1 To comply with the duty, the Council must have "due regard" to the three equality aims set out above. This means the PSED must be considered as a factor to consider alongside other relevant factors such as budgetary, economic and practical factors.

1.6.2 What regard is "due" in any given case will depend on the circumstances. A proposal which, if implemented, would have particularly negative or widespread effects on (say) women, or the elderly, or people of a particular ethnic group would require officers and members to give considerable regard to the equalities aims. A proposal which had limited differential or discriminatory effect will probably require less regard.

1.6.3 *Some key points to note :*

- The duty is regarded by the Courts as being very important.
- Officers and members must be aware of the duty and give it conscious consideration: e.g. by considering open-mindedly the EIA and its findings when making a decision. When members are taking a decision, this duty can't be delegated by the members, e.g. to an officer.
- EIAs must be evidence based.
- There must be an assessment of the practical impact of decisions on equalities, measures to avoid or mitigate negative impact and their effectiveness.
- There must be compliance with the duty when proposals are being formulated by officers and by members in taking decisions: the Council can't rely on an EIA produced after the decision is made.
- The duty is ongoing: EIA's should be developed over time and there should be evidence of monitoring impact after the decision.
- The duty is not, however, to achieve the three equality aims but to consider them – the duty does not stop tough decisions sometimes being made.
- The decision maker may take into account other countervailing (i.e. opposing) factors that may objectively justify taking a decision which has negative impact on equalities (for instance, cost factors)

1.6.4 In addition to the Act, the Council is required to comply with any statutory Code of Practice issued by the Equality and Human Rights Commission. New Codes of Practice under the new Act have yet to be published. However, Codes of Practice issued under the previous legislation remain relevant and the Equality and Human Rights Commission has also published guidance on the new public sector equality duty.

Part 2 – Aims and implementation of the proposal, project or service

2.1 What is being assessed?

a) Proposal or name of the project or service.

Schools Basic Need Capital Programme 2018/19 to 2022/23

b) What is the main purpose or aims of proposal, project or service?

Over the period to 2022/23 the Local Authority is predicting that the number of children attending state-funded primary schools in East Sussex will grow to approximately 40,000 (an increase of 6% on 2015/16 figures).

The Local Authority expects the number of young people attending state-funded secondary schools in East Sussex, which has been falling in recent years, to rise to approximately 30,100 by 2022/23 (an increase of 16% on 2015/16 figures). Numbers will then continue to grow, reflecting the higher intakes coming through from the primary phase.

In addition, and based on the latest SEND pupil forecasts, there is a need for a further 197 special school places by 2023/24 across the following three need types:

PMLD and ASD – 117 places
SEMH – 80 places

The Local Authority has a statutory duty to ensure there are sufficient, high quality education places in the county to meet present and future demand across all phases of education. The Schools Basic Need Capital Programme enables the Local Authority to deliver new places in the areas of greatest demand.

c) Manager(s) and section or service responsible for completing the assessment

Gary Langford, Place Planning Manager, Standards and Learning Effectiveness Services, Children's Services Department

2.2 Who is affected by the proposal, project or service? Who is it intended to benefit and how?

Local children and their families

The Local Authority

2.3 How is, or will, the proposal, project or service be put into practice and who is, or will be, responsible for it?

The Local Authority will work in partnership with schools, academy trusts, dioceses, project teams and other key partners to deliver the programme. The programme is overseen by the Schools sub Capital Board which reports to the Capital and Asset Strategy Board. Where applicable, the Lead Member for Education and Inclusion, Special Educational Needs and Disability will make final decisions on individual proposals following consultation with key stakeholders.

2.4 Are there any partners involved? E.g. NHS Trust, voluntary/community organisations, the private sector? If yes, how are partners involved?

Equality Impact Assessment

The Local Authority engages with groups of schools, academy trusts, dioceses and district councils in drawing up proposals for school expansions and/or the establishment of new schools.

2.5 Is this proposal, project or service affected by legislation, legislative change, service review or strategic planning activity?

Local authorities are under a statutory duty to ensure the sufficiency of school places in their area.

Where a Local Authority identifies the need for a new school, to meet basic need, section 6A of EIA 2006 places the Local Authority under a duty to seek proposals to establish an academy (free school) via the 'free school presumption'. The Local Authority is responsible for providing the site for the new school and meeting all associated capital and pre-/post-opening revenue costs. All new free school presumption proposals require the Regional Schools Commissioner's approval (on behalf of the Secretary of State) as it is the Secretary of State who will enter into a funding agreement with the academy trust/sponsor.

If the free school presumption does not result in a suitable proposal, a statutory competition can be held under 'section 7' of EIA 2006. This will not require a separate application for approval, since the Secretary of State will inform the Local Authority that approval to hold a competition is given at the same time as informing the Local Authority that no suitable free school was identified.

Free school presumption proposals and proposals for foundation, foundation special and voluntary schools can be submitted into the competition. However the Regional Schools Commissioner will consider any free school proposals first when making a decision on the case.

Any persons ('proposer') e.g. Local Authority or diocese may publish a proposal, at any time, for a new school outside of the free school presumption and competitions process under section 11 of EIA 2006. The Secretary of State's consent is not required in the case of proposals for:

- a new community or foundation primary school to replace a maintained infant and a maintained junior school;
- a new voluntary-aided school in order to meet demand for a specific type of place e.g. places to meet demand from those of a particular faith;
- a new foundation or voluntary school resulting from the reorganisation of existing faith schools in an area, including an existing faith school losing or changing its religious designation;
- a new foundation or community school, where there were no suitable free school proposals and a competition has been held but did not identify a suitable provider;
- a former independent school wishing to join the maintained sector; and
- a new Local Authority maintained nursery school.

The proposer should be able to demonstrate to the decision-maker a clear demand for the places the new school will provide.

Local authorities wishing to propose expansion of a community, foundation or voluntary school can do so by following a statutory process set out in the School Organisation (Prescribed Alterations to Maintained School) (England) Regulations 2013.

Equality Impact Assessment

Academies wishing to expand must follow a separate process. Decisions on academy expansions are taken by the Regional Schools Commissioner or the Secretary of State as appropriate.

The Education Commissioning Plan (ECP) 2015 to 2019 sets out how the Local Authority, as a strategic commissioner of education, seeks to meet the challenge of ensuring there are sufficient education places for all children from two to 19 years of age. The plan is produced by the Standards and Learning Effectiveness Service in the Children's Services Department and was approved for publication by the Lead Member for Learning and School Effectiveness on 21 December 2015.

Proposals for new schools and school expansions will be based on information contained in the ECP which is updated every two years. The ECP is informed by the Local Authority's pupil forecasting model which is revised annually taking account of the following factors:

- existing and planned capacities of school places as well as published intake numbers
- existing numbers of pupils in schools (from pupil census data)
- future births and resulting primary reception numbers
- parental preference for primary and infant reception year, junior year 3 and secondary year 7 places as expressed through the school admission system
- transfer (cohort survival) rates between school year groups
- transfers and transfer rates between infant and junior and primary and secondary schools
- staying-on rates into sixth forms
- additional pupils arising from new housing development in each area.

2.6 How do people access or how are people referred to your proposal, project or service? Please explain fully.

The ECP is available on the East Sussex County Council website at:

<https://new.eastsussex.gov.uk/educationandlearning/management/download>

2.7 If there is a referral method how are people assessed to use the proposal, project or service? Please explain fully.

n/a

2.8 How, when and where is your proposal, project or service provided? Please explain fully.

The following areas of basic need have been identified and, subject to funding being secured through the capital programme, the Local Authority aims to deliver additional school places in these areas during the 2018/19 to 2022/23 capital programme period.

Primary places

- Hailsham – 420 additional places
- Polegate / Willingdon – 210 additional places

Equality Impact Assessment

- Bexhill – 210 additional places
- Frant – 35 additional places
- Uckfield – 210 additional places

Secondary places

- Eastbourne – 240 additional places
- Hastings – 60 additional places
- Newhaven/Peacehaven – 210 places
- Seaford – 150 places
- Hailsham – 300 places
- Willingdon – 150 places
- Uckfield – 150 places

Special school places

- Eastbourne/Hastings – 196 additional places

In addition to the provision of permanent places, where pupil growth is identified as a short term issue, a 'bulge' in pupil numbers, the Local Authority will use temporary accommodation to ensure it can react quickly to provide additional places in areas of pressure. Using temporary accommodation is a recognised way of providing additional places in the short term and it provides a valuable and flexible resource to enable the Local Authority to fulfil its obligations.

An annual programme of Temporary Accommodation will be funded from the Schools Basic Need Capital Programme between 2018/19 and 2022/23 to facilitate this.

Part 3 – Methodology, consultation, data and research used to determine impact on protected characteristics.

3.1 List all examples of quantitative and qualitative data or any consultation information available that will enable the impact assessment to be undertaken.

Types of evidence identified as relevant have X marked against them			
	Employee Monitoring Data		Staff Surveys
	Service User Data		Contract/Supplier Monitoring Data
X	Recent Local Consultations	X	Data from other agencies, e.g. Police, Health, Fire and Rescue Services, third sector
	Complaints		Risk Assessments
	Service User Surveys		Research Findings
X	Census Data	X	East Sussex Demographics
	Previous Equality Impact Assessments		National Reports
	Other organisations Equality Impact Assessments		Any other evidence?

3.2 Evidence of complaints against the proposal, project or service on grounds of discrimination. None received to date.

3.3 If you carried out any consultation or research on the proposal, project or service explain what consultation has been carried out.

Consultations on individual proposals will be undertaken where appropriate before final decisions are taken on which projects should be taken forward in each area of basic need.

3.4 What does the consultation, research and/or data indicate about the positive or negative impact of the proposal, project or service? Separate EQIAs will be carried out as part of the consultation for each individual proposal. At this stage the Local Authority believes each proposal will have a positive impact for local children, including those with SEND, as the expansion of existing schools / provision of new schools will allow more families to access a school place in their local area. Extended or new provision will also be compliant with DDA regulations and the Equality Act 2010 for disabled pupils.

Part 4 – Assessment of impact

4.1 Age: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County/District/Borough?

There are 62,471 children and young people aged 4-16 attending primary, secondary and special schools in East Sussex. Pupil numbers by Key Stage are:

Mainstream schools:

Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
5,624	10,979	21,007	14,314	9,683	61,607

Special schools:

Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
42	86	231	274	231	864

Source: School Census January 2016

b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

The proposals will affect children and young people of primary school and secondary school age both in mainstream and special schools:

Number of children in each Basic Need Planning Area¹:

	Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
Bexhill	419	770	1,421	1,246	905	4,761
Eastbourne	1,107	2,241	3,980	2,903	1,892	12,123
Frant	15	30	56			101
Hailsham	256	500	901	575	364	2,596
Hastings	1,050	1,931	3,924	2,272	1,575	10,752
Newhaven	138	266	497	317	235	1,453
Peacehaven	193	422	760	539	345	2,259
Polegate / Willingdon	149	242	490	579	400	1,860
Seaford	237	473	873	720	468	2,771
Uckfield	159	323	666	817	532	2,497

¹ Includes special schools

Source: School Census January 2016

Equality Impact Assessment

- c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**

Children and young people of school age in areas of basic need will be more affected by the proposals than children and young people in other areas of the county where there is not predicted to be pressure on school places.

- d) What is the proposal, project or service's impact on different ages/age groups?**

Each proposal will have a positive impact on local school age children and young people and their families as it will enable more children and young people to access a school place in their local area.

The Council is very experienced in construction projects at schools and the health and safety of children is paramount when any building project takes place. Build programmes would be developed to minimise disruption to teaching and learning during this time.

- e) What actions are to/or will be taken to avoid any negative impact or to better advance equality?**

The Local Authority does not believe the proposals will have a negative impact.

- f) Provide details of the mitigation.**

N/A

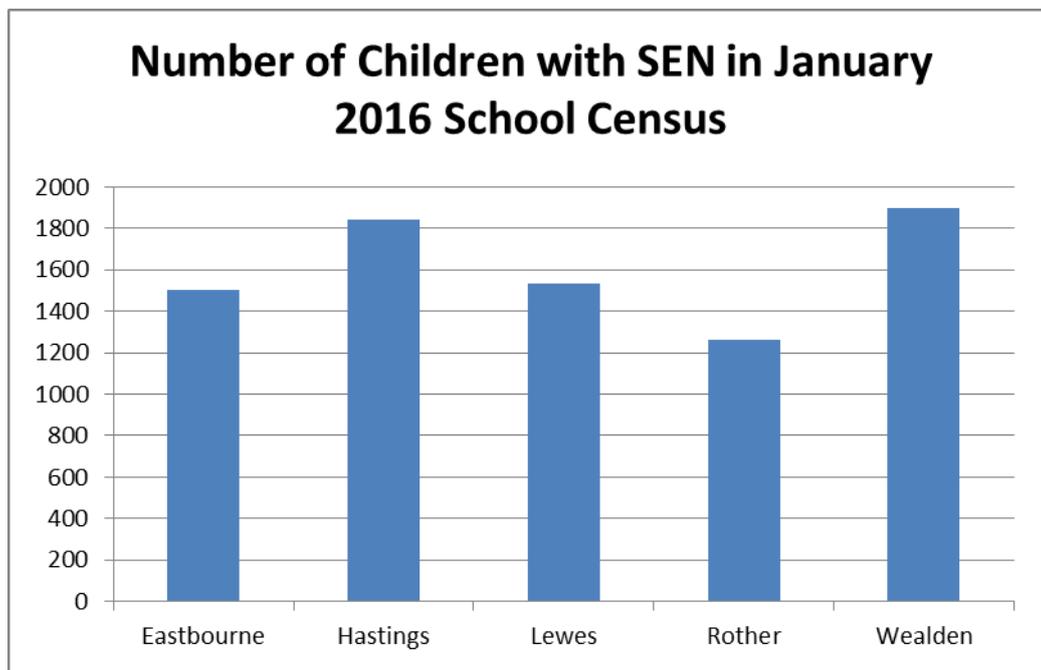
- g) How will any mitigation measures be monitored?**

N/A

4.2 Disability: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County /District/Borough?

The following chart shows the number of children recorded as having Special Educational Needs (SEN) in the January 2016 school census (children attending East Sussex maintained primary schools and academies). District/ Borough information relates to the pupil's home address as reported in the January 2016 school census.

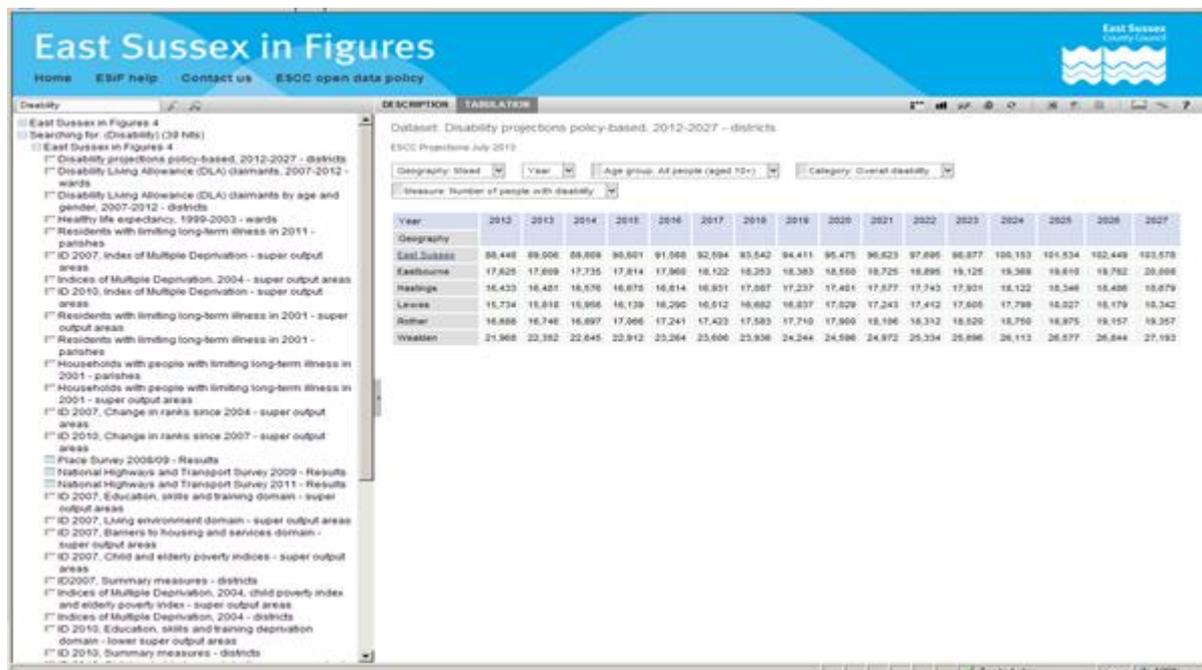


In East Sussex there were 7,988 children recorded as having Special Educational Needs in the January 2016 school census. This is broken down by Borough / District as follows:

Eastbourne	1,516
Hastings	1,749
Lewes	1,599
Rother	1,273
Wealden	1,851

Disability projections published on East Sussex in Figures (ESiF) in July 2013 put the total number of people with a disability in East Sussex at 89,006 for 2013. The figures for each Borough / District are:

Eastbourne	17,609
Hastings	16,481
Lewes	15,818
Rother	16,746
Wealden	22,352



b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

The proposals will affect all children and young people attending schools in areas of basic need including those with SEND at mainstream and special schools:

Number of SEND pupils in each basic Need Planning Area¹:

	Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
Bexhill	27	59	183	181	152	602
Eastbourne	107	318	533	340	223	1,521
Frant		2	7			9
Hailsham	10	48	114	89	61	322
Hastings	76	214	665	468	324	1,747
Newhaven	12	56	107	37	31	243
Peacehaven	21	58	97	76	68	320
Polegate / Willingdon	12	19	84	36	19	170
Seaford	10	43	135	84	52	324
Uckfield	24	38	112	94	27	295

¹ Includes special schools
Source: Schools Census January 2016

c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

Children and young people of school age with SEND in areas of basic need will be more affected by the proposals than children and young people with SEND in other areas of the county where there is not predicted to be pressure on school places.

Equality Impact Assessment

d) What is the proposal, project or service's impact on people who have a disability?

Each proposal will have a positive impact on local school age children and young people with SEND and their families as it will enable more children and young people to access a school place in their local area. New special schools will have a positive impact on children from a wider area who will be able to travel to the new provision rather than attend expensive independent provision sometimes out of county.

The Council is very experienced in construction projects at schools and the health and safety of children is paramount when any building project takes place. Build programmes would be developed to minimise disruption to teaching and learning during this time.

Each proposal will have a positive impact as all new and extended provision will be compliant with DDA regulations and the Equality Act 2010 for disabled pupils.

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

The Local Authority does not believe the proposals will have a negative impact.

f) Provide details of any mitigation.

N/A

g) How will any mitigation measures be monitored?

N/A

4.3 Ethnicity: Testing of disproportionate, negative, neutral or positive impact. Race categories are: Colour. E.g. being black or white, Nationality e.g. being a British, Australian or Swiss citizen, Ethnic or national origins e.g. being from a Roma background or of Chinese Heritage

a) How is this protected characteristic reflected in the County /District/Borough?

At the January 2016 census 87.8% of the school age population in East Sussex are of White British Heritage. This is below the figure for the whole of East Sussex which stands at 91.7% of the population (taken from the 2011 census). Where ethnicity is known 12.2% of the school age population in East Sussex are from ethnic minority backgrounds compared to 8.3% for the population as a whole in East Sussex (2011 census).

Mainstream schools:

Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
691	1,524	2,687	1,612	1,023	7,537

Special schools:

Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
7	16	39	25	25	112

Equality Impact Assessment

b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

The proposals will affect all children and young people attending schools in areas of basic need including those with the protected characteristic:

Number of BME pupils in each Basic Need Planning Area¹:

	Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
Bexhill	47	101	198	228	150	724
Eastbourne	219	521	786	457	303	2,286
Frant	1	5	8			14
Hailsham	22	39	75	54	39	229
Hastings	174	330	587	266	173	1,530
Newhaven	18	33	51	29	7	138
Peacehaven	23	68	105	48	24	268
Polegate / Willingdon	15	30	48	42	30	165
Seaford	25	51	101	71	36	284
Uckfield	18	37	84	46	33	218

¹ Includes special schools

Source: School Census January 2016

c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

We do not believe that people with the protected characteristic will be more affected by the proposal than those in the general population who do not share that protected characteristic as new places will be provided for everyone.

d) What is the proposal, project or service's impact on those who are from different ethnic backgrounds?

Each proposal will have a positive impact on local school age children and young people and their families, including those from different ethnic backgrounds, as it will enable more children and young people to access a school place in their local area.

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

The Local Authority does not believe the proposals will have a negative impact.

The Council is very experienced in construction projects at schools and the health and safety of children is paramount when any building project takes place. Build programmes would be developed to minimise disruption to teaching and learning during this time.

f) Provide details of any mitigation.

N/A

Equality Impact Assessment

g) How will any mitigation measures be monitored?

N/A

4.4 Gender/Transgender: Testing of disproportionate, negative, neutral or positive impact

a) How is this protected characteristic target group reflected in the County/District/Borough?

Of the 62,471 children and young people aged 4-16 attending primary, secondary and special schools in East Sussex, 30,212 (48.4%) are female and 32,259 (51.6%) are male. This compares to the East Sussex figures of 51.8% for females and 48.2% for males (2011 census).

Mainstream schools:

	Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total %
Male	2,878	5,665	10,866	7,299	4,888	50.6 (31,596)
Female	2,727	5,325	10,146	7,009	4,804	48 (30,011)

Special schools:

	Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total %
Male	32	62	183	204	182	1.1 (663)
Female	10	24	46	70	51	0.3 (201)

b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

The data above shows that girls attending school in East Sussex are under-represented when compared to the figure for the county as a whole, whereas boys attending school in East Sussex are over-represented.

Gender split in each Basic Need Planning Area¹:

		Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
Bexhill	M	206	386	692	649	432	2,365
	F	213	383	730	597	471	2,394
Eastbourne	M	582	1,182	1,992	1,435	992	6,183

Equality Impact Assessment

	F	521	1,065	1,725	1,471	926	5,708
Frant	M	7	17	21			45
	F	8	13	35			56
Hailsham	M	138	237	458	286	195	1,314
	F	118	263	443	289	169	1,282
Hastings	M	550	979	2,072	1,194	778	5,573
	F	497	954	1,853	1,078	794	5,176
Newhaven	M	76	140	255	171	114	756
	F	62	126	242	146	121	697
Peacehaven	M	97	220	388	283	182	1,170
	F	96	202	372	255	164	1,089
Polegate / Willingdon	M	85	119	273	293	209	979
	F	64	123	217	286	191	881
Seaford	M	115	228	478	370	249	1,440
	F	122	244	396	348	221	1,331
Uckfield	M	79	175	345	431	273	1,303
	F	78	149	322	385	259	1,193

¹ Includes special schools

Source: School Census January 2016

- c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**

The Local Authority does not believe that any one gender will be more affected by the proposals than the other as the vast majority of schools in East Sussex are co-educational. Only two schools (both secondary academies) in the county are single-sex (they share a sixth form), but there are no proposals to enlarge either of these schools.

- d) What is the proposal, project or service's impact on different genders?**

The Local Authority does not believe there will be an impact on different genders as places will be provided for everyone.

- e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

The Local Authority does not believe the proposals will have a negative impact.

The Council is very experienced in construction projects at schools and the health and safety of children is paramount when any building project takes place. Build programmes would be developed to minimise disruption to teaching and learning during this time.

- f) Provide details of any mitigation.**

N/A

- g) How will any mitigation measures be monitored?**

Equality Impact Assessment

N/A

4.5 Marital Status/Civil Partnership: Testing of disproportionate, negative, neutral or positive impact.

- a) **How is this protected characteristic target group reflected in the County/District/Borough?**

We do not consider marital status/civil partnership characteristics to be relevant to the proposal.

- b) **How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?**

N/A

- c) **Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**

N/A

- d) **What is the proposal, project or service's impact on people who are married or same sex couples who have celebrated a civil partnership?**

N/A

- e) **What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

N/A

- f) **Provide details of any mitigation.**

N/A

- g) **How will any mitigation measures be monitored?**

N/A

4.6 Pregnancy and maternity: Testing of disproportionate, negative, neutral or positive impact.

- a) **How is this protected characteristic target group reflected in the County/District/Borough?**

We do not consider pregnancy and maternity characteristics to be relevant to the proposal.

- b) **How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?**

N/A

Equality Impact Assessment

- c) **Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**

N/A

- d) **What is the proposal, project or service's impact on pregnant women and women within the first 26 weeks of maternity leave?**

N/A

- e) **What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

N/A

- f) **Provide details of the mitigation**

N/A

- g) **How will any mitigation measures be monitored?**

N/A

4.7 Religion, Belief: Testing of disproportionate, negative, neutral or positive impact.

- a) **How is this protected characteristic reflected in the County/District/Borough?**

There is a broad and diverse range of provision across East Sussex for children and young people in East Sussex:

Of the 192 schools in East Sussex on 1 September 2015, 66 are Community, 47 are Voluntary Controlled (VC), 29 are Voluntary Aided (VA) and 50 are academies*, free schools, foundation schools, studio schools and university technical colleges.

*Two academies are part of the Diocese of Chichester Academy Trust.

- b) At the January 2016 census 15,373 children and young people aged 4-16 attended VC or VA schools in East Sussex. This equates to almost 25% of the school age population in the county.

- c) **How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?**

Percentage total of pupils attending either a VA or VC school in each of the planning areas:

(* this includes Church schools which have converted to academy and special schools)

Planning Area	Number and % of VA and VC schools in each planning area	Number and % of pupils attending a VA or VC school in each planning area
Bexhill	4 of 11 (36%)	1,851 of 4,761 (39%)
Eastbourne	6 of 29 (21%)	2,444 of 12,123 (20%)
Frant	1 of 1 (100%)	101 of 101 (100%)
Hailsham	0 of 7 (0%)	0 of 2,596 (0%)
Hastings	6 of 25 (24%)	2,103 of 10,752 (20%)
Newhaven	0 of 6 (0%)	0 of 1,453 (0%)
Peacehaven	0 of 4 (0%)	0 of 2,259 (0%)
Polegate/Willingdon	0 of 3 (0%)	0 of 1,860 (0%)
Seaford	1 of 6 (17%)	200 of 2,771 (7%)
Uckfield	2 of 6 (33%)	327 of 2,497 (13%)

Source: School Census January 2016

- d) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**

The majority of VA schools are also community schools in that they accept pupils of different faiths or no faith. It is possible that some school expansion proposals which come forward might be for VC or VA schools if that is considered the most appropriate solution for an area and there is sufficient demand for faith places to justify expansion.

- e) What is the proposal, project or service's impact on the people with different religions and beliefs?**

The Local Authority does not believe there will be an impact on people with different religions and beliefs as there will continue to be a diverse range of provision across the county for children and young people.

- What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

The Local Authority does not believe the proposals will have a negative impact.

- f) Provide details of any mitigation.**

N/A

- g) How will any mitigation measures be monitored?**

N/A

4.8 Sexual Orientation - Gay, Lesbian, Bisexual and Heterosexual: Testing of disproportionate, negative, neutral or positive impact.

Equality Impact Assessment

- a) **How is this protected characteristic reflected in the County/District/Borough?**

We do not consider sexual orientation characteristics to be relevant to the proposal.

- b) **How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?**

N/A

- c) **Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**

N/A

- d) **What is the proposal, project or service's impact on people with differing sexual orientation?**

N/A

- e) **What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

N/A

- f) **Provide details of the mitigation**

N/A

- g) **How will any mitigation measures be monitored?**

N/A

4.9 **Other: Additional groups/factors that may experience impacts - testing of disproportionate, negative, neutral or positive impact.**

- a) **How are these groups/factors reflected in the County/District/ Borough?**

We do not consider other groups/factors to be relevant to the proposal.

Places will be available regardless of background, gender, deprivation etc in line with the Admissions Code.

- b) **How is this group/factor reflected in the population of those impacted by the proposal, project or service?**

N/A

- c) **Will people within these groups or affected by these factors be more affected by the proposal, project or service than those in the general population who are not in those groups or affected by these factors?**

N/A

- d) **What is the proposal, project or service's impact on the factor or identified group?**

Equality Impact Assessment

N/A

- e) **What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

N/A

- f) **Provide details of the mitigation.**

N/A

- g) **How will any mitigation measures be monitored?**

N/A

4.10 **Human rights** - Human rights place all public authorities – under an obligation to treat you with fairness, equality, dignity, respect and autonomy. **Please look at the table below to consider if your proposal, project or service may potentially interfere with a human right.**

No human rights implications have been identified.

Articles	
A2	Right to life (e.g. pain relief, suicide prevention)
A3	Prohibition of torture, inhuman or degrading treatment (service users unable to consent, dignity of living circumstances)
A4	Prohibition of slavery and forced labour (e.g. safeguarding vulnerable adults)
A5	Right to liberty and security (financial abuse)
A6 & 7	Rights to a fair trial; and no punishment without law (e.g. staff tribunals)
A8	Right to respect for private and family life, home and correspondence (e.g. confidentiality, access to family)
A9	Freedom of thought, conscience and religion (e.g. sacred space, culturally appropriate approaches)
A10	Freedom of expression (whistle-blowing policies)
A11	Freedom of assembly and association (e.g. recognition of trade unions)
A12	Right to marry and found a family (e.g. fertility, pregnancy)
Protocols	
P1.A1	Protection of property (service users property/belongings)
P1.A2	Right to education (e.g. access to learning, accessible information)
P1.A3	Right to free elections (Elected Members)

Part 5 – Conclusions and recommendations for decision makers

5.1 Summarise how this proposal/policy/strategy will show due regard for the three aims of the general duty across all the protected characteristics and ESCC additional groups.

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people from different groups
- Foster good relations between people from different groups

Each project will deliver more school places in areas where demand for places currently outstrips provision.

By providing additional places in these areas, more local children will be able to access a place at their local school.

Each project will have a positive impact as all new provision will be compliant with DDA regulations.

5.2 Impact assessment outcome Based on the analysis of the impact in part four mark below ('X') with a summary of your recommendation.

X	Outcome of impact assessment	Please explain your answer fully.
x	A No major change – Your analysis demonstrates that the policy/strategy is robust and the evidence shows no potential for discrimination and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.	The proposals will have a positive impact on mainstream and special school children and young people as each project will deliver more school places in areas where demand for places currently outstrips provision as a result of a rising birth rate and/or housing development.
	B Adjust the policy/strategy – This involves taking steps to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential effect.	By providing additional places in these areas, more local children will be able to access a place at their local school.
	C Continue the policy/strategy - This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate	All new and extended provision will be compliant with DDA regulations and the Equality Act 2010 for disabled pupils.
	D Stop and remove the policy/strategy – If there are adverse effects that are not justified and cannot be mitigated, you will want to consider stopping the policy/strategy altogether. If a policy/strategy shows unlawful discrimination it <i>must</i> be removed or changed.	The Local Authority will be able to discharge its statutory duty to ensure a sufficient supply of school places for everyone, regardless of their background, gender, deprivation etc in line with the Admissions Code.

5.3 What equality monitoring, evaluation, review systems have been set up to carry out regular checks on the effects of the proposal, project or service?

Equality Impact Assessment

Where appropriate a separate EqIA will be undertaken for each proposal within the programme before a final decision is taken on whether to proceed with a project to provide more places.

5.4 When will the amended proposal, proposal, project or service be reviewed?

See 5.3 above

Date completed:	15 December 2016	Signed by (person completing)	Gary Langford
Role of person completing			Place Planning Manager
Date:	15 December 2016	Signed by (Manager)	Jessica Stubbings

Part 6 – Equality impact assessment action plan

If this will be filled in at a later date when proposals have been decided please tick here and fill in the summary report.

The table below should be completed using the information from the equality impact assessment to produce an action plan for the implementation of the proposals to:

1. Lower the negative impact, and/or
2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e. increase the positive impact
4. **If no actions fill in separate summary sheet.**

Please ensure that you update your service/business plan within the equality objectives/targets and actions identified below:

Area for improvement	Changes proposed	Lead Manager	Timescale	Resource implications	Where incorporated/flagged? (e.g. business plan/strategic plan/steering group/DMT)

6.1 Accepted Risk

From your analysis please identify any risks not addressed giving reasons and how this has been highlighted within your Directorate:

Area of Risk	Type of Risk? (Legal, Moral, Financial)	Can this be addressed at a later date? (e.g. next financial year/through a business case)	Where flagged? (e.g. business plan/strategic plan/steering group/DMT)	Lead Manager	Date resolved (if applicable)

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