

**COUNTY COUNCIL – 8 FEBRUARY 2022**

Item 5 – Report of the Cabinet – Paragraph 1 - Reconciling Policy Performance and Resources

Equality Impact Assessments

Equality Impact Assessment – The Keep opening hours

Equality Impact Assessment – Capital funding major housing adaptations

Equality Impact Assessment – Schools basic need capital programme

Equality Impact Assessment – IT and digital strategy implementation (including automation)

Equality Impact Assessment – IT and digital core capital programme

Equality Impact Assessment – Exceat bridge replacement

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## Keep Sustainability Plan Reduction of opening hours

## Equality Impact Assessment

Name of the proposal, project or service
<b>Proposed reduction to The Keep opening hours</b>

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## **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 21stCentury Families and Communities, 2008]
- Literacy/Numeracy Skills

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- 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.

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- 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.

The proposed reduction to The Keep public opening hours

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

The purpose of the proposal is to ensure the medium-term financial sustainability of The Keep in light of the financial pressures facing partners.

The proposal aims to reduce running costs by reducing public opening hours whilst ensuring continued public access to the collections held at the archive centre, in line with our statutory responsibility. The Keep is currently open to the public five days per week for a total of 36 hours. By shortening opening hours each day, it would be possible to continue to provide access to The Keep five days per week. Overall it is proposed that opening hours are reduced by 12 hours (33%), as detailed below:

	Current	Proposed
<b>Monday</b>	<i>Closed</i>	<i>Closed</i>
<b>Tuesday</b>	9.30am – 5pm	10am – 4pm
<b>Wednesday</b>	10am – 5pm	10am – 4pm
<b>Thursday</b>	9.30am – 5pm	10am – 1pm
<b>Friday</b>	9.30am – 5pm	10am – 4pm
<b>Saturday</b>	9.30am – 4pm	10am – 1pm
<b>Sunday</b>	<i>Closed</i>	<i>Closed</i>
<b>Total</b>	36 hours p/w	24 hours p/w

Opening hours of Accredited Archive Services (AAS) vary considerably across the country. An analysis of the average weekly opening hours of many AAS shows that most are open for an average of 30 – 40 hours per week. The proposed 24 hours

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per week of public opening time at The Keep would, however, be more than the average weekly opening hours of the Shropshire Archives, Denbighshire Archive Service, Warwickshire County Record Office, Bolton Archives and Local Studies Service, and the Cumbria County Council Record Office. The Northumberland Archives are currently open 24 hours per week on average. For comparison the West Sussex Record Office is open for 36.25 hours per week, the Surrey History Centre for 36.75 hours per week and the Kent History and Library Centre for 40 hours per week.

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

Jack Pierce, Principal Customer Services Officer, Communities, Economy and Transport Department

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

The Keep is an archive centre that offers free access to anyone wishing to make use of it. The proposed reduction in opening hours has the potential to affect anyone who chooses to visit The Keep.

In 2019, there were 6,638 visits to The Keep by members of the public to view items from the collections. Due to the impact upon typical visits to The Keep because of the Covid-19 pandemic, we have not revised this statistic from a more recent period.

The Keep partnership also open the facility for pre-booked events including talks and workshops. These pre-booked events could continue outside of public opening hours and so would not be affected by the proposed changes to public 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?**

Public consultation on the proposals was held from 14 September to 25 October 2020. The results of the consultation have informed this EqIA.

Subject to the review of the consultation feedback and approval by all three partners, the new opening hours would be introduced from April 2021.

The members of The Keep Board will be jointly responsible for the proposed changes to opening hours, with the implementation led by the Team Manager, Archive Services and The Keep.

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

The Keep partnership consists of East Sussex County Council, Brighton and Hove City Council and the University of Sussex who work collaboratively to collect and maintain archives and provide public access to archives in their collections.

The Keep Management Team and The Keep Board is comprised of representatives of the three partner organisations.

Sussex Family History Group and University of Sussex lease rooms on site. The use of these rooms would not be affected by the changes to public opening hours; the

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building will remain open to volunteers, lease holders and staff six days/week with staff on site from 8am to 6pm.

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

There is a range of legal obligations and constraints which the authorities have inherited by virtue of the nomination of The Keep as a Local Place of Deposit by the National Archives, through its appointment as a Diocesan Record Office by the Diocesan bishop and as a manorial repository by the Master of the Rolls. In addition, ESRO fulfils the legal duties of ESCC, as well as BHCC and constituent district and parish councils who have chosen to discharge their duties to hold local government records relating to East Sussex and Brighton and Hove.

The public consultation and final EqlA have been undertaken before The Board consider approving any changes to opening hours. This will ensure that a clear evidence base is provided, our statutory responsibilities are adhered to and that we continue to offer reasonable public access to records.

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

The Keep is a public facility open to any member of the public wishing to make use of it.

### **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.**

Please refer to the table in 2.1b) above which shows the current and proposed public opening hours for The Keep. The location and all other aspects of the service will remain unchanged.

## **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 <b>X</b> marked against them			
	Employee Monitoring Data		Staff Surveys
<b>X</b>	Service User Data		Contract/Supplier Monitoring Data
<b>X</b>	Recent Local Consultations		Data from other agencies, e.g. Police, Health, Fire and Rescue Services, third sector
	Complaints		Risk Assessments
<b>X</b>	Service User Surveys	<b>X</b>	Research Findings



<b>X</b>	Census Data	<b>X</b>	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.

This is the final revised and updated EqlA following the recent public consultation regarding these proposals. No complaints on grounds of discrimination have been received to date on our proposals, or previously regarding opening hours at The Keep.

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

In advance of the public consultation, the partnership collected data during the second half of 2019 in relation to the nature of customers' visits to The Keep via a customer survey. This survey data gave the project team and the Board an understanding of the likely impact on customers of a reduction in opening hours and enabled consideration of any potential mitigation that may be required, prior to an opening hours proposal being put to public consultation.

In addition, staff completed a desk survey during the same period to provide insight into the nature of interactions between staff and users during a typical week. The analysis of both of these surveys assisted the formation of the proposal which the Board agreed could be put to public consultation.

The proposals were subject to public consultation from 14 September to 25 October 2020. During the consultation period, 277 customers provided their feedback.

The public consultation questionnaire was designed to inform understanding of who our customers are, the timing, frequency and duration of their visits and what activities and tasks they are predominantly completing when visiting The Keep, as well as whether the proposed change to opening hours would impact on their ability to visit The Keep.

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

The results of the consultation survey will inform the Board's decision regarding an alteration to opening hours. Following analysis of both the customer survey during 2019 and the feedback provided during the public consultation, it is not anticipated that the reduction in opening hours will have a disproportionately negative impact on any of the existing users as access to The Keep five days per week will be maintained. Customers will also still be able to access a range of materials via [The Keep's website](#) and the partnership is committed to the development and improvement of The Keep's digital offer.

## 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?

Protected characteristic		East Sussex	Eastbourne	Hastings	Lewes	Rother	Wealden	Brighton & Hove
<b>Total</b>	Total population, 2018	554,590	103,160	92,855	102,744	95,656	160,175	290,395
<b>Age</b>	Population, 0-15 (%) - 2018	17.1	17.3	18.6	17.3	14.9	17.1	15.6
	Population, 16-64 (%) - 2018	57.3	57.8	61.7	57.1	53.2	56.9	71.1
	Population, 65+ (%) - 2018	25.7	24.9	19.8	25.5	31.9	25.9	13.3

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

Age	Number of respondents	Percentage
Under 18	0	0%
18 – 24	0	0%
25 – 34	12	4.33%
35 – 44	20	7.22%
45 – 54	30	10.83%
55 – 64	82	29.60%
65-74	95	34.30%
75+	25	9.03%
Prefer not to say	4	1.44%
No answer	29	3.25%
<b>Total</b>	<b>277</b>	<b>100%</b>

Respondents to the opening hours consultation from 14 September to 25 October 2020.

#### 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 results of our surveys show that of customers to The Keep are aged 65 and over (43.3%) in addition to the 29.6% of consultees who stated they were between 55 and 64 years old. These groups therefore have the potential to be more affected by the proposals than those in the general population.

However, people aged 55 and older are more likely to be retired and therefore have the flexibility to travel at alternative times of the day, within the proposed new opening hours. In response to the question about employment status, 47.3% of consultees indicated that they consider themselves to be retired whether receiving a pension or not.

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

The impact of the proposals on different age groups is largely dependent on the flexibility they have to travel at different times of the day. Retired people are likely to have greater flexibility as to the time of day they visit The Keep.

The times of day of customer interactions with staff and duration of visits of existing users of The Keep have been analysed and this has been considered in the proposed, reduced opening hours, to enable people to continue to access the centre when it is most convenient for the majority of users.

People aged under 65 are more likely to work full time and therefore access The Keep on Saturdays. This age group could therefore be more impacted by the proposed closure on Saturday afternoons. However, our survey data shows that Saturdays are currently the least popular day with on average only 16 visitors per day, compared to between 27 and 35 on other days.

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

For the protected characteristic of age, we have identified that people aged under 65 in full time employment have the potential to be more impacted by the changes than those who have the flexibility to travel at different times of the day. It is proposed to continue to provide public access to The Keep on Saturday mornings to provide a range of times and days that visitors can engage with services on site.

**f) Provide details of the mitigation**

The Keep will continue to be open to the public five days per week, including Saturday mornings.

In addition, [The Keep's website](#) enables customers to plan their visit to The Keep in advance as well as access some services without the need to visit The Keep building. The website is available 24 hours per day from anywhere with an internet connection. Customers can browse the catalogue, order digital or print copies and purchase research services, view the events programme and book and pay for tickets for events. 92% of consultees have internet access on a device that they own (laptop/PC, mobile phone or tablet).

Customers can register online rather than coming into the centre. This allows them to order documents they source on the catalogue (which they can then view at The Keep in hard copy), create wish-lists and save their searches for use another time.

Support is available if customers need help using the website. "Welcome Wednesday" sessions are run once a month which are supported by volunteers and help new users get to know the set up and collections and these will re-start when Covid-related restrictions permit. [How-to notes are available on the website](#), and in paper form at The Keep. These will be improved to make them more user-friendly and in plain English. Volunteer computer buddies will be recruited to support customers with low IT levels when Covid-related restrictions permit.

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

We will continue to record visitor numbers at The Keep to monitor whether they affected by the changes.

We will continue to record visits to our website, to monitor whether they increase following the reduction in opening hours.

Customer feedback will continue to be monitored to inform future improvements to the website and on-site services.

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

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

Protected characteristic		East Sussex	Eastbourne	Hastings	Lewes	Rother	Wealden	Brighton & Hove
<b>Total</b>	Total population, 2018	554,590	103,160	92,855	102,744	95,656	160,175	290,395
<b>Disability</b>	Limiting long-term illness, 2011	107,145	20,831	19,956	19,054	21,242	26,062	44,569
	Projected LLTI 2017	114,741	22,407	20,822	20,400	21,744	29,367	N/A
	Projected disability, 2017	98,608	19,414	17,419	17,578	18,904	25,293	N/A

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

Disability	Number of respondents	Percentage
Yes	36	13.00%
No	219	79.06%
Prefer not to say/no answer	22	7.94%
<b>Total</b>	<b>277</b>	<b>100%</b>

Respondents to the opening hours consultation from 14 September to 25 October 2020

**Type of disability recorded by respondents to the public consultation 2020**

	Number of respondents	Percentage
Physical impairment	17	29.31%
Sensory impairment	5	8.62%
Long standing illness or health condition	18	31.03%
Mental health condition	8	13.79%
Learning disability	5	8.62%
Prefer not to say/other/no answer	4	6.90%

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Other	1	1.73%
<b>Total</b>	<b>58</b>	<b>100%</b>

Respondents to the opening hours consultation from 14 September to 25 October 2020

**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 data from the public consultation shows that 13% of respondents consider themselves to have a disability.

The proposed reduced opening hours have the potential to negatively impact those people with certain disabilities who as a result of those disabilities have to rely on a personal helper who is not available within the proposed reduced opening hours.

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

The proposed changes have been developed to minimise the impact for current visitors to The Keep. This has been done by opening only 30 minutes later on three days and closing only one hour earlier, with the exception of Thursday and Saturday afternoons when the building would be closed from 1pm. Please refer to the table of current and proposed opening hours in 2.1 b).

Where consultees stated they would not be able to visit the Keep within the proposed public opening hours, they were asked to give reasons. Within these responses there was not any specific or direct reference to a user's disability.

In view of consultation feedback and as a result of the way the proposed reduction in hours is spread across five days, it is not anticipated that the proposed reduction would disproportionately negatively impact disabled customers.

However, any disabled customers who are unable to visit The Keep in the reduced opening hours due to the unavailability of their personal helper or accessible transport may be more reliant on the website, research and reprographics services, or be able to visit The Keep less frequently.

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

A project to improve the accessibility of the website was completed in September 2020 and accessibility standards are adhered to in all correspondence and online messaging.

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

The Keep will continue to be open to the public five days per week, including Saturday mornings and additional support is available for disabled customers, including an accessible building and dedicated car parking spaces.

In addition, customers can access [The Keep website](#). The accessibility of the website was improved in September 2020. Content is available in a format

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that users can recognise and use with the senses that are available to them and is compatible with technologies to assist accessibility such as screen readers to increase font size.

Disabled access to the building and the range of support available is advertised on The Keep website to help customers to plan their visit in advance.

The website enables customers to plan their visit to The Keep in advance as well as access some services without the need to visit The Keep building. Customers can browse the catalogue, find out general information about the collections and services, view the events programme and book and pay for tickets for events.

Customers can register online rather than coming into the centre. This allows them to order documents they source on the catalogue (which they can then view at The Keep in hard copy), create wish-lists and save their searches for use another time.

Support is available if customers need help using the website. "Welcome Wednesday" sessions are run once a month which are supported by volunteers and help new users get to know the set up and collections and these will re-start when Covid-related restrictions permit. [How-to notes are available on the website](#), and in paper form at The Keep. These will be improved to make them more user-friendly and in plain English. Volunteer computer buddies will be recruited to support customers with low IT levels when Covid-related restrictions permit.

### g) How will any mitigation measures be monitored?

Staff will continue to monitor feedback regarding The Keep building and website and make adjustments where appropriate.

### 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?

Protected characteristic		East Sussex	Eastbourne	Hastings	Lewes	Rother	Wealden	Brighton & Hove
Race	White British (%) – 2011	91.7	87.4	89.3	92.5	94.1	93.8	80.5
	Black and Minority Ethnic group (BME) (%) – 2011	8.3	12.6	10.7	7.5	5.9	6.2	19.5

Source: Census, 2011. Aggregated data

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

	Number of respondents	Percentage
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White British	222	80.14%
White Irish	6	2.17%
White Gypsy/Roma	0	0.0
White Irish Traveller	0	0.0
White other	9	3.25%
Mixed white and Black Caribbean	0	0.0
Mixed white and Black African	0	0.0
Mixed white and Asian	0	0.0
Mixed other	1	0.36%
Asian or Asian British Indian	0	0.0
Asian or Asian British Pakistani	0	0.0
Asian or Asian British Bangladeshi	0	0.0
Asian or Asian British other	0	0.0
Black or Black British Caribbean	0	0.0
Black or Black British African	1	0.36%
Black or Black British other	0	0.0
Arab	0	0.0
Chinese	0	0.0
Prefer not to say	20	7.22%
Other ethnic group	4	1.44%
No answer	14	5.05%
<b>Total</b>	<b>277</b>	<b>100%</b>

Respondents to the opening hours consultation from 14 September to 25 October 2020

**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?**

Over 80% of respondents to the customer survey identified as White British and therefore have the potential to be more affected by the reduction in opening hours than those of other ethnicities. The greater impact on the White British group is considered to be a reflection of the general population of users of The Keep rather than any indication of disproportionate impact related to ethnicity.

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

At this stage, there is not considered to be an impact for users of The Keep of the proposed changes to opening hours based on ethnicity.



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

No specific actions are proposed, other than the general mitigations to reduce negative impact.

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

The general approach to avoid or reduce negative impact is to continue to open five days per week.

In addition, [The Keep website](#) enables customers to plan their visit to The Keep in advance as well as access some services without the need to visit The Keep building. The website is available 24 hours per day from anywhere with an internet connection. Customers can browse the catalogue, find out general information about the collections and services, view the events programme and book and pay for tickets for events.

Customers can register as a Reader (get an account/become a member) online rather than coming into the centre. This allows them to order documents they source on the catalogue (which they can then view at The Keep in hard copy), create wish-lists and save their searches for use another time.

Support is available if customers need help using the website. "Welcome Wednesday" sessions are run once a month which are supported by volunteers and help new users get to know the set up and collections and these will re-start when Covid-related restrictions permit. [How-to notes are available on the website](#), and in paper form at The Keep. These will be improved to make them more user-friendly and in plain English. Volunteer computer buddies will be recruited to support customers with low IT levels when Covid-related restrictions permit.

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

No specific actions are proposed however we will continue to monitor customer feedback to ensure that the changes do not impact customers based on ethnicity.

**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?**

Protected characteristic		East Sussex	Eastbourne	Hastings	Lewes	Rother	Wealden	Brighton & Hove
Sex	Male (%) - 2018	48.5	48.5	48.9	48.6	48.2	48.2	50.2
	Female (%) - 2018	51.5	51.5	51.1	51.4	51.8	51.8	49.8

Source: ESIF, 2018. N.B.: Gender reassignment data is not available.



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

Gender	Number of respondents	Percentage
Male	101	36.46%
Female	159	57.40%
Prefer not to say	7	2.53%
No answer	10	3.61%
<b>Total</b>	<b>277</b>	<b>100%</b>

Respondents to the opening hours consultation from 14 September to 25 October 2020

**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 majority (57.4%) of respondents to the customer survey were female and therefore have the potential to be more impacted by the proposed changes than male visitors to The Keep. However at this stage there is not considered to be an impact based on gender.

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

At this stage, there is not considered to be an impact for users of The Keep of the proposed changes to opening hours based on gender as the changes would affect all current and potential users regardless of gender.

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

No specific actions are proposed, other than the general mitigations to reduce negative impact.

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

The general approach to avoid or reduce negative impact is to continue to open five days per week.

In addition, [The Keep website](#) enables customers to plan their visit to The Keep in advance as well as access some services without the need to visit The Keep building. The website is available 24hrs per day from anywhere with an internet connection. Customers can browse the catalogue, find out general information about the collections and services, view the events programme and book and pay for tickets for events.

Customers can register as a Reader (get an account/become a member) online rather than coming into the centre. This allows them to order documents they source on the catalogue (which they can then view at The Keep in hard copy), create wish-lists and save their searches for use another time.

Support is available if customers need help using the website. "Welcome Wednesday" sessions are run once a month which are supported by volunteers and help new users get to know the set up and collections and these will re-start when Covid-related restrictions permit. [How-to notes are](#)

[available on the website](#), and in paper form at The Keep. These will be improved to make them more user-friendly and in plain English. Volunteer computer buddies will be recruited to support customers with low IT levels.

## g) How will any mitigation measures be monitored?

No specific actions are proposed however we will continue to monitor customer feedback to ensure that the changes do not disproportionately impact customers based on gender.

## 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?

Protected characteristic		East Sussex	Eastbourne	Hastings	Lewes	Rother	Wealden	Brighton & Hove
Marital & Civil Partnership status	Single (never married or never registered a same-sex civil partnership) (%) - 2011	29.1	33.3	36.5	28.7	24.7	24.9	50.1
	Married (%) - 2011	48.4	42.8	39.2	49.6	51.3	55.1	31.8
	In a registered same-sex civil partnership (%) – 2011	0.3	0.4	0.3	0.5	0.3	0.2	1.0
	Separated (but still legally married or still legally in a same-sex civil partnership) (%) – 2011	2.7	3	3.7	2.5	2.6	2.3	2.5
	Divorced or formerly in a same-sex civil partnership which is now legally dissolved (%) – 2011	10.7	11.5	12.8	10.2	10.3	9.4	9.1
	Widowed or surviving partner from a same-sex civil partnership (%) - 2011	8.7	9.1	7.4	8.4	10.8	8.2	5.5

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

	Number of respondents	Percentage
Yes	165	59.57%
No	57	20.58%
Prefer not to say	33	11.91%
No answer	22	7.94%
<b>Total</b>	<b>277</b>	<b>100%</b>

2020 Respondents to the opening hours consultation from 14 September to 25 October

### 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?

At this stage, there is not considered to be an impact for users of The Keep of the proposed changes to opening hours based on their marital status.

- 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?**

As above.

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

No specific actions are proposed, other than the general mitigations to reduce negative impact.

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

The general approach to avoid or reduce negative impact is to continue to open five days per week.

In addition, [The Keep website](#) enables customers to plan their visit to The Keep in advance as well as access some services without the need to visit The Keep building. The website is available 24hrs per day from anywhere with an internet connection. Customers can browse the catalogue, find out general information about the collections and services, view the events programme and book and pay for tickets for events.

Customers can register as a Reader (get an account/become a member) online rather than coming into the centre. This allows them to order documents they source on the catalogue (which they can then view at The Keep in hard copy), create wish-lists and save their searches for use another time.

Support is available if customers need help using the website. "Welcome Wednesday" sessions are run once a month which are supported by volunteers and help new users get to know the set up and collections and these will re-start when Covid-related restrictions permit. [How-to notes are available on the website](#), and in paper form at The Keep. These will be improved to make them more user-friendly and in plain English. Volunteer computer buddies will be recruited to support customers with low IT levels when Covid-related restrictions permit.

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

No specific actions are proposed however we will continue to monitor customer feedback to ensure that the changes do not disproportionately impact customers based on marital status.

**4.6 or 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?**

Protected characteristic	East Sussex	Eastbourne	Hastings	Lewes	Rother	Wealden	Brighton & Hove
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## Equality Impact Assessment

Pregnancy & maternity	Live births (2018)	4,941	981	1,069	877	700	1,314	2,521
	Births per 1,000 females (2018)	8.9	9.5	11.5	8.5	7.3	8.2	8.7
	Live births by mother's country of birth - UK (%) (2018)	85.3	75.1	84.8	85.6	91.0	90.0	71.1
	Teenage pregnancy, rate per 1,000 females (2017)	15.9	13.4	30	16.4	18.1	7.5	19.3

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

	Number of respondents	Percentage
Yes	1	0.36%
No	190	68.59%
Prefer not to say	25	9.03%
No answer	61	22.02%
	<b>277</b>	<b>100%</b>

Respondents to the opening hours consultation from 14 September to 25 October

2020

- 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?**

At this stage, there is not considered to be an impact for users of The Keep of the proposed changes to opening hours based on this protected characteristic.

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

As above.

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

No specific actions are proposed, other than the general mitigations to reduce negative impact.

- f) Provide details of the mitigation**

The general approach to avoid or reduce negative impact is to continue to open five days per week.

In addition, [The Keep website](#) enables customers to plan their visit to The Keep in advance as well as access some services without the need to visit The Keep building. The website is available 24hrs per day from anywhere with an internet connection. Customers can browse the catalogue, find out general information about the collections and services, view the events programme and book and pay for tickets for events.

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## Equality Impact Assessment

Keep in hard copy), create wish-lists and save their searches for use another time.

Support is available if customers need help using the website. "Welcome Wednesday" sessions are run once a month which are supported by volunteers and help new users get to know the set up and collections and these will re-start when Covid-related restrictions permit. [How-to notes are available on the website](#), and in paper form at The Keep. These will be improved to make them more user-friendly and in plain English. Volunteer computer buddies will be recruited to support customers with low IT levels when Covid-related restrictions permit.

### g) How will any mitigation measures be monitored?

No specific actions are proposed however we will continue to monitor customer feedback to ensure that the changes do not disproportionately impact pregnant women and women within the first 26 weeks of maternity leave.

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

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

Protected characteristic		East Sussex	Eastbourne	Hastings	Lewes	Rother	Wealden	Brighton & Hove
Religion	Christian (%) – 2011	59.9	59.6	51.9	57	64.8	64	42.9
	No religion (%) – 2011	29.6	29.2	36.6	32.5	25.2	26.3	42.4
	Religion not stated (%) - 2011	8.1	8	8.3	8.2	8.2	7.9	8.8
	Muslim (%) – 2011	0.8	1.5	1.3	0.6	0.5	0.4	2.2
	Other religion (%) – 2011	0.7	0.6	0.7	0.6	0.6	0.8	0.8
	Buddhist (%) – 2011	0.4	0.5	0.5	0.5	0.3	0.3	1.0
	Hindu (%) – 2011	0.3	0.4	0.5	0.3	0.2	0.1	0.7
	Jewish (%) – 2011	0.2	0.2	0.2	0.3	0.2	0.2	1.0
	Sikh (%) – 2011	0	0.1	0	0	0	0	0.1

Source: Census 2011

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

	Number of respondents	Percentage
Christian	88	88.89%
Buddhist	1	1.01%
Hindu	0	0.0
Jewish	1	1.01%
Muslim	1	1.01%
Sikh	0	0.0
Other	8	8.08%
<b>Total</b>	<b>99</b>	<b>100%</b>

Respondents to the opening hours consultation from 14 September to 25 October

2020

- 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?**

At this stage, there is not considered to be an impact for users of The Keep of the proposed changes to opening hours based on religion.

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

As above.

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

No specific actions are proposed, other than the general mitigations to reduce negative impact.

- f) Provide details of any mitigation.**

The general approach to avoid or reduce negative impact is to continue to open five days per week.

In addition, [The Keep website](#) enables customers to plan their visit to The Keep in advance as well as access some services without the need to visit The Keep building. The website is available 24hrs per day from anywhere with an internet connection. Customers can browse the catalogue, find out general information about the collections and services, view the events programme and book and pay for tickets for events.

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

No specific actions are proposed however we will continue to monitor customer feedback to ensure that the changes do not disproportionately impact people who follow a particular religion or hold a particular belief.

**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?**

Sexual Orientation	UK estimate
Heterosexual	93.5%
Lesbian or Gay	1.1%
Bisexual	0.4%
Other	0.3%
Did not answer	4.7%
<b>Total</b>	<b>100%</b>

Source: ONS, Self-Perceived Identity Overview, 2012

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

	Number of respondents	Percentage
Bi/Bisexual	5	1.81%
Heterosexual	192	70.40%
Gay woman / lesbian	5	1.81%
Gay man	9	3.25%
Other	2	0.72%
Prefer not to say	41	14.8%
No answer	20	7.22%
<b>Total</b>	<b>277</b>	<b>100%</b>

Respondents to the opening hours consultation from 14 September to 25 October

2020

**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?**

At this stage, there is not considered to be an impact for users of The Keep of the proposed changes to opening hours based on sexual orientation.

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

As above.

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

No specific actions are proposed, other than the general mitigations to reduce negative impact.

**f) Provide details of the mitigation**



## Equality Impact Assessment

The general approach to avoid or reduce negative impact is to continue to open five days per week.

In addition, [The Keep website](#) enables customers to plan their visit to The Keep in advance as well as access some services without the need to visit The Keep building. The website is available 24hrs per day from anywhere with an internet connection. Customers can browse the catalogue, find out general information about the collections and services, view the events programme and book and pay for tickets for events.

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

No specific actions are proposed however we will continue to monitor customer feedback to ensure that the changes do not disproportionately impact people with this protected characteristic.

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

#### **4.9.1 Additional Factor 1: Carers**

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

##### **Provision of unpaid care, East Sussex and District (Percentage)**

	<b>East Sussex</b>	<b>Eastbourne</b>	<b>Hastings</b>	<b>Lewes</b>	<b>Rother</b>	<b>Wealden</b>	<b>Brighton and Hove<sup>1</sup></b>
People provide no unpaid care	88.7	89.4	89.5	88.2	87.6	88.8	
People provide unpaid care	11.3	10.6	10.5	11.8	12.4	11.2	
Provides 1 to 19 hours unpaid care a week	7.5	6.7	6.3	8.2	8	8	
Provides 20 to 49 hours unpaid care a week	1.3	1.3	1.5	1.2	1.4	1.2	
Provides 50 or more hours unpaid care a week	2.5	2.6	2.7	2.4	3	2.1	

<sup>1</sup> Data for B&H to add



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

	Number of respondents	Percentage
Yes	28	10.11%
No	206	74.37%
Prefer not to say	11	3.97%
Not answered	32	11.55%
<b>Total</b>	<b>277</b>	<b>100%</b>

Respondents to the opening hours consultation from 14 September to 25 October

2020

**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?**

Due to caring responsibilities, carers may have less flexibility about the time and day that they can visit The Keep compared to other members of the public.

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

The proposed changes have been developed to minimise the impact for current visitors to The Keep. This has been done by opening only 30 minutes later on three days and closing only one hour earlier, with the exception of Thursday and Saturday afternoons when the building would be closed from 1pm. Please refer to the table of current and proposed opening hours in 2.1 b).

As a result of the way the proposed reduction in hours is spread across five days, it is not anticipated that the proposed reduction would disproportionately negatively impact customers with caring responsibilities.

However, if people with caring responsibilities were unable to visit within the reduced hours they would be more reliant on the website or be able to visit The Keep less frequently.

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

A project to improve the accessibility of the website was completed in September 2020 and accessibility standards are adhered to in all correspondence and online messaging.

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

The general approach to avoid or reduce negative impact is to continue to open five days per week.

In addition, [The Keep website](#) enables customers to plan their visit to The Keep in advance as well as access some services without the need to visit The Keep building. The website is available 24hrs per day from anywhere with

an internet connection. Customers can browse the catalogue, find out general information about the collections and services, view the events programme and book and pay for tickets for events.

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

No specific actions are proposed however we will continue to monitor customer feedback to ensure that the changes do not disproportionately impact people with this protected characteristic.

**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	
<b>A2</b>	<b>Right to life (e.g. pain relief, suicide prevention)</b>
<b>A3</b>	<b>Prohibition of torture, inhuman or degrading treatment (service users unable to consent, dignity of living circumstances)</b>
<b>A4</b>	<b>Prohibition of slavery and forced labour (e.g. safeguarding vulnerable adults)</b>
<b>A5</b>	<b>Right to liberty and security (financial abuse)</b>
<b>A6 &amp;7</b>	<b>Rights to a fair trial; and no punishment without law (e.g. staff tribunals)</b>
<b>A8</b>	<b>Right to respect for private and family life, home and correspondence (e.g. confidentiality, access to family)</b>
<b>A9</b>	<b>Freedom of thought, conscience and religion (e.g. sacred space, culturally appropriate approaches)</b>
<b>A10</b>	<b>Freedom of expression (whistle-blowing policies)</b>

<b>A11</b>	<b>Freedom of assembly and association (e.g. recognition of trade unions)</b>
<b>A12</b>	<b>Right to marry and found a family (e.g. fertility, pregnancy)</b>
<b>Protocols</b>	
<b>P1.A1</b>	<b>Protection of property (service users property/belongings)</b>
<b>P1.A2</b>	<b>Right to education (e.g. access to learning, accessible information)</b>
<b>P1.A3</b>	<b>Right to free elections (Elected Members)</b>

## 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

The proposed reduction to The Keep opening hours has been developed to avoid disproportionate impact on current users while achieving the required financial saving in order to ensure the medium-term sustainability of The Keep.

Appropriate mitigations have been put in place to avoid unlawful discrimination and advance equality of opportunity. The efficacy of these mitigations will continue to be monitored.

The Keep contributes to the three aims of the general duty by seeking to offer equal access to everyone who wishes to view the archives in our collections.

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

<b>X</b>	<b>Outcome of impact assessment</b>	<b>Please explain your answer fully.</b>
	<b>A No major change</b> – 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.	This is a final EqlA following assessment of the data collected during the public consultation regarding the proposed change to opening hours.  Based on our analysis of public consultation data from 14 September to 25 October 2020, the
	<b>B Adjust the policy/strategy</b> – This involves taking steps to remove barriers or to better	

## Equality Impact Assessment

	advance equality. It can mean introducing measures to mitigate the potential effect.	partnership is satisfied that the adoption of revised opening hours will not unlawfully discriminate against The Keep's current and potential users and that we have taken reasonable steps to ensure the needs and views of protected groups have been considered among existing users of The Keep.
<b>X</b>	<b>C Continue the policy/strategy</b> - 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	
	<b>D Stop and remove the policy/strategy</b> – 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, project or service?

Customer complaints arising from the proposed changes to opening hours will be monitored and kept under review by the Keep Management Team at three-monthly intervals for a period of 12 months.

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

If approved, the proposed changes would be implemented in April 2021 and would be reviewed 12 months after implementation in April 2022.

<b>Date completed:</b>	<b>1/12/2020</b>	<b>Signed by (person completing)</b>	<b>Jack Pierce</b>
		<b>Role of person completing</b>	<b>Principal Customer Services Officer</b>
<b>Date:</b>	<b>4/12/20</b>	<b>Signed by (Manager)</b>	<b>Lucy Corrie</b>

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.

X

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:

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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)

# 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:	Feb 2021

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	be
	low:	6
Part 4	– Assessment of impact .....	8
Part 5	– Conclusions and recommendations for decision makers .....	17
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### How to use this form

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

There are comments on some questions which you can view by pressing the show/hide pilcrow icon in the tool bar of Word. Some of you may use this to show paragraph and other punctuation marks: ¶

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**

Michelle Crouch, Principal OT, ASCH

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

Adults with a physical disability, sensory impairment and mental ill-health.

### **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 medical and physical needs as well as the needs owing to mental ill-health and any sensory impairment. 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 primary statutory duty in relation to this work are contained within the Care Act 2014.

## 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 <b>X</b> 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
<b>x</b>	Census Data		East Sussex Demographics
	Previous Equality Impact Assessments		National Reports
	Other organisations Equality Impact Assessments	<b>x</b>	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 those of working age as well as 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.

Referrals are made through HSCC and NST teams.

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
<b>East Sussex</b>	<b>526671</b>	<b>107145</b>	<b>58902</b>	<b>48243</b>	<b>419526</b>
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
<b>East Sussex</b>	<b>100</b>	<b>20.3</b>	<b>11.2</b>	<b>9.2</b>	<b>79.7</b>
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.

**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 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?**

Need for carers to have support is high.

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.
	<b>A No major change</b> – 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 Policy will update to reflect the changes proposed.
x	<b>B Adjust the policy/strategy</b> – This involves taking steps to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential effect.	
	<b>C Continue the policy/strategy</b> - 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	
	<b>D Stop and remove the policy/strategy</b> – 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?**

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 2024

<b>Date completed:</b>	<b>3<sup>rd</sup> February 2021</b>	<b>Signed by (person completing)</b>	Michelle Crouch
		<b>Role of person completing</b>	Principal Occupational Therapist
<b>Date:</b>	<b>3<sup>rd</sup> February 2021</b>	<b>Signed by (Manager)</b>	



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	Michelle Crouch	April 2024	None	DMT
Monitoring trends in allocation by protected characteristics	Oversight of About You information	Michelle Crouch	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	Michelle Crouch	April 2022	None	DMT
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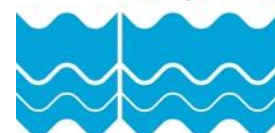
From your analysis please identify any risks not addressed giving reasons and how this has been highlighted within your Directorate:

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
<b>Schools Basic Need Capital Programme</b>

File ref:	Schools Basic Need Capital Programme to 2023/24	Issue No:	1.0
Date of Issue:	January 2021	Review date:	March 2024

### Contents

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## **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.

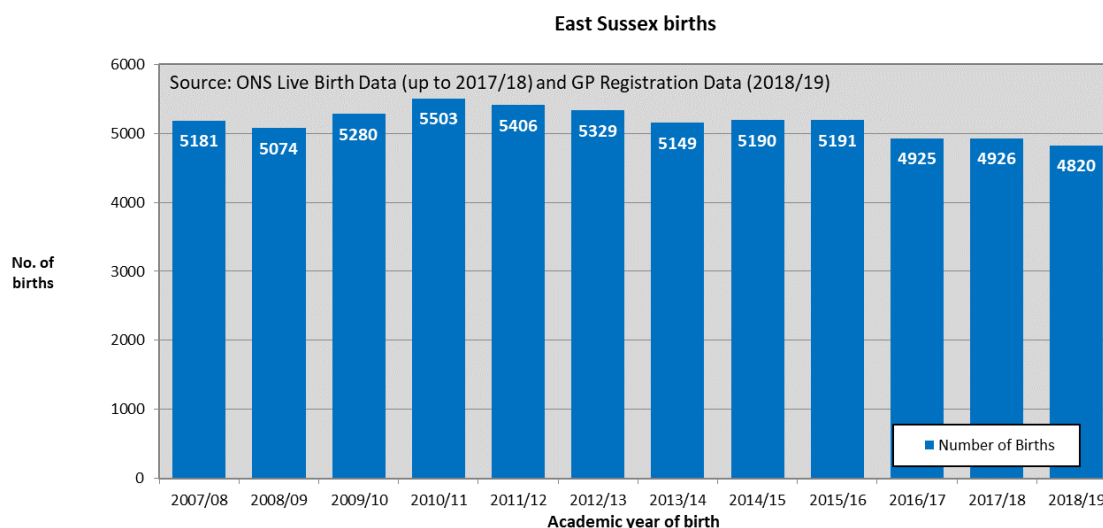
Schools basic need capital programme to 2023/24

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

East Sussex County Council (the local authority) has a statutory duty to ensure that there are sufficient school places in the right locations to meet demand. We are responsible for promoting a good supply of school places that offer high quality education through planning, organising and commissioning places in a way that raises attainment, increases diversity, encourages collaboration between schools and promotes community cohesion. We seek to achieve this in partnership with key stakeholders including headteachers, governors, academy trusts, parents and carers, dioceses, local planning authorities and local communities.

The schools basic need capital programme enables the local authority to deliver new places in the areas of greatest demand.

In East Sussex, births countywide have fallen to 4926 in 2017/18, having peaked at 5503 in 2010/11. The following chart demonstrates this. The forecast for 2018/19 is an estimate based on under one-year olds registered with general practitioners (GPs) as at 31 August 2019.



#### Primary school places

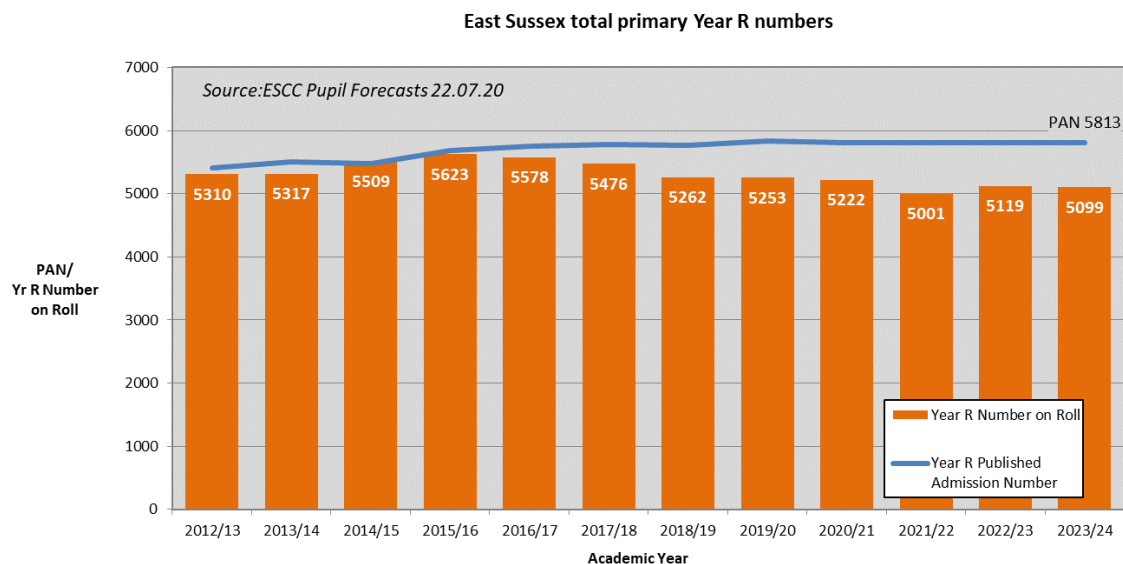
The fall in countywide births is reflected in generally falling primary reception year (Year R) intake numbers since 2015/16. Intake numbers are forecast to remain low until at least 2023/24. The local authority's pupil forecasting model is showing numbers increasing beyond this point. However, intake forecasts beyond 2023/24 are based on demographic projections of future births rather than actual live birth or GP registration data and are less certain. Looking at previous cycles of births and



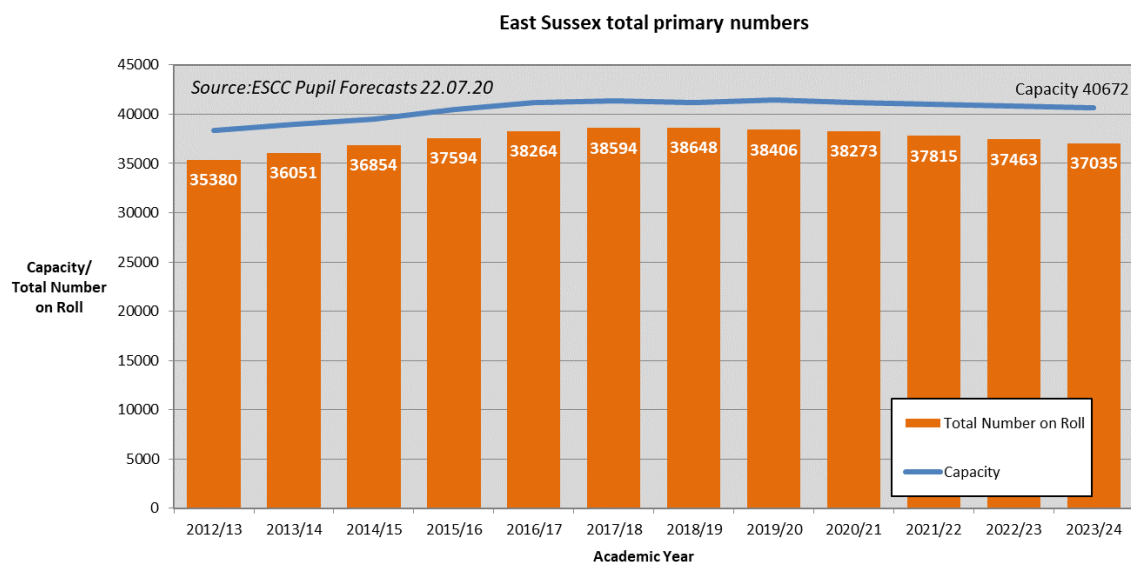
## Equality Impact Assessment

reception intakes, it is very possible that we may not see a recovery in Year R numbers until the second half of the decade.

In areas of the county such as Hailsham and Bexhill, where high volumes of new housing are planned, Year R numbers may well rise sooner than in other parts of East Sussex.

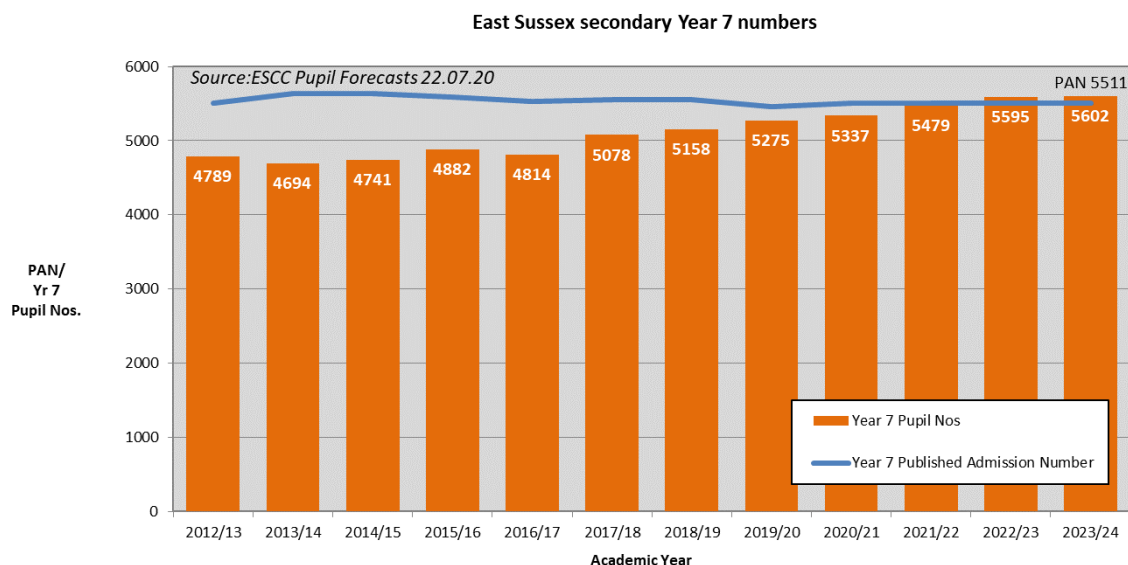


Total numbers on roll in primary schools peaked in 2018/19, and are starting to decline, currently leaving around 7% surplus places overall, although this margin will vary from area to area.

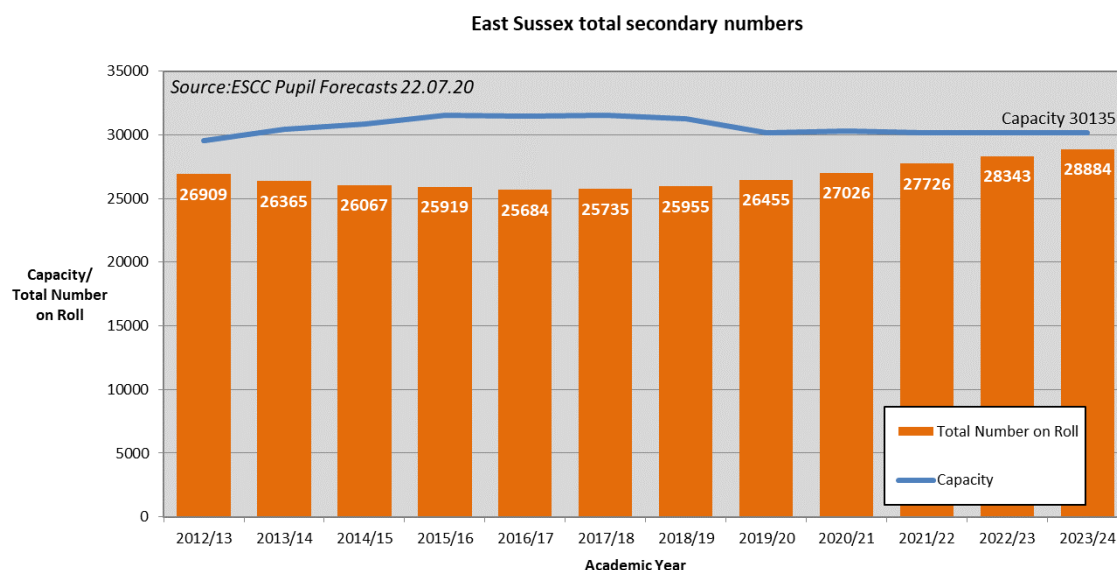


## Secondary school places

Recent high numbers in primary schools are now being reflected in rising secondary Year 7 intakes. Year 7 numbers are predicted to peak around 2022/23 or 2023/24, with total numbers on roll in secondary schools likely to peak around 2024/25 or 2025/26.



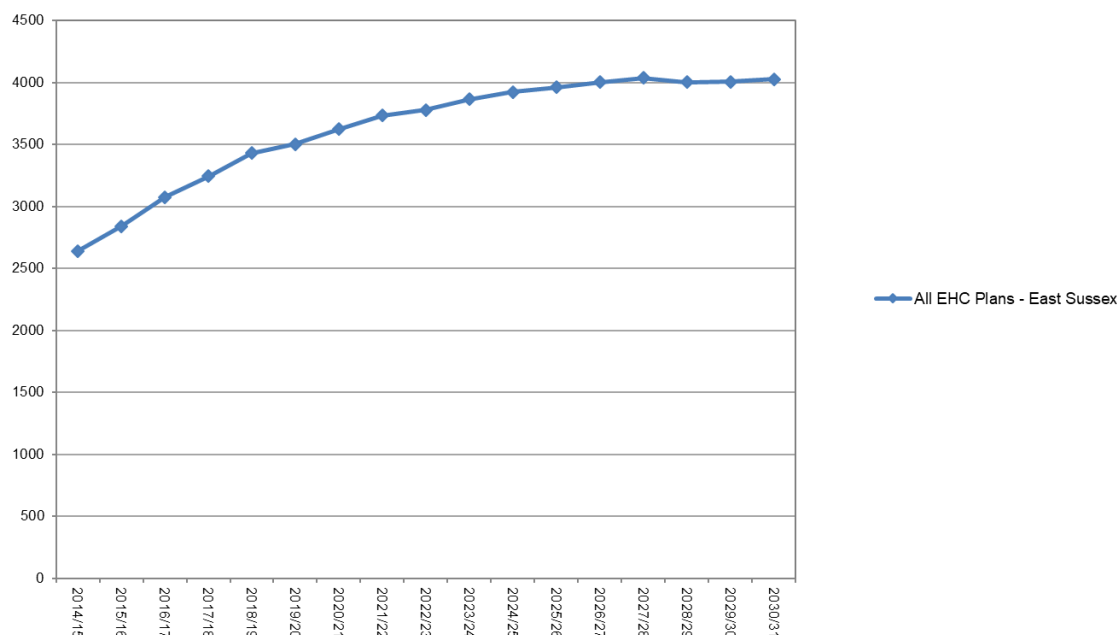
As a result of rising numbers, surplus places in secondary schools, currently at 12% countywide, are predicted to fall rapidly, meaning that by the early to middle part of the decade, compared to currently planned capacities, there will be minimal slack in the system to alleviate the impact of the pressures from rising pupil numbers.



## Special Educational Needs and Disability provision

The local authority's Special Educational Needs and Disability (SEND) forecasting model predicts future numbers of children with SEND and Education, Health and Care Plans (EHCPs) by age, severity band of EHCP and primary need. The SEND forecasts provide clear evidence that we will continue to see an increase in the number of pupils with EHCPs over the next 10-15 years.

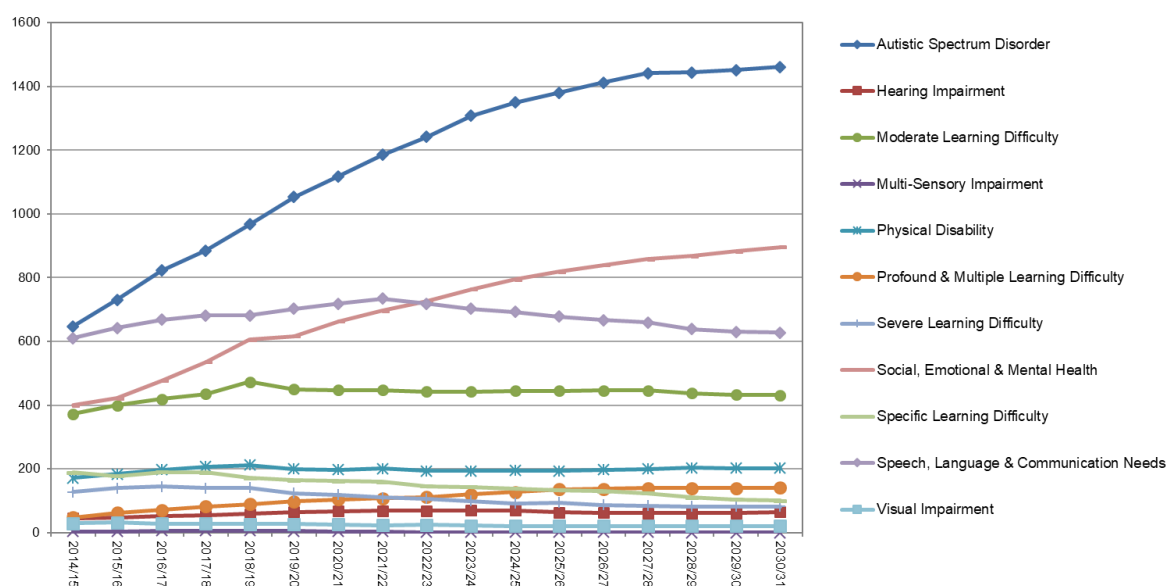
## Overall Numbers with EHCPs – Age 4-24 years



The overall number of children and young people age 4 -24 with EHCPs has been rising in recent years and is forecast to continue to rise, as shown above. From 2019/20 to 2024/25 we are currently predicting an increase of 422 pupils with EHCPs.

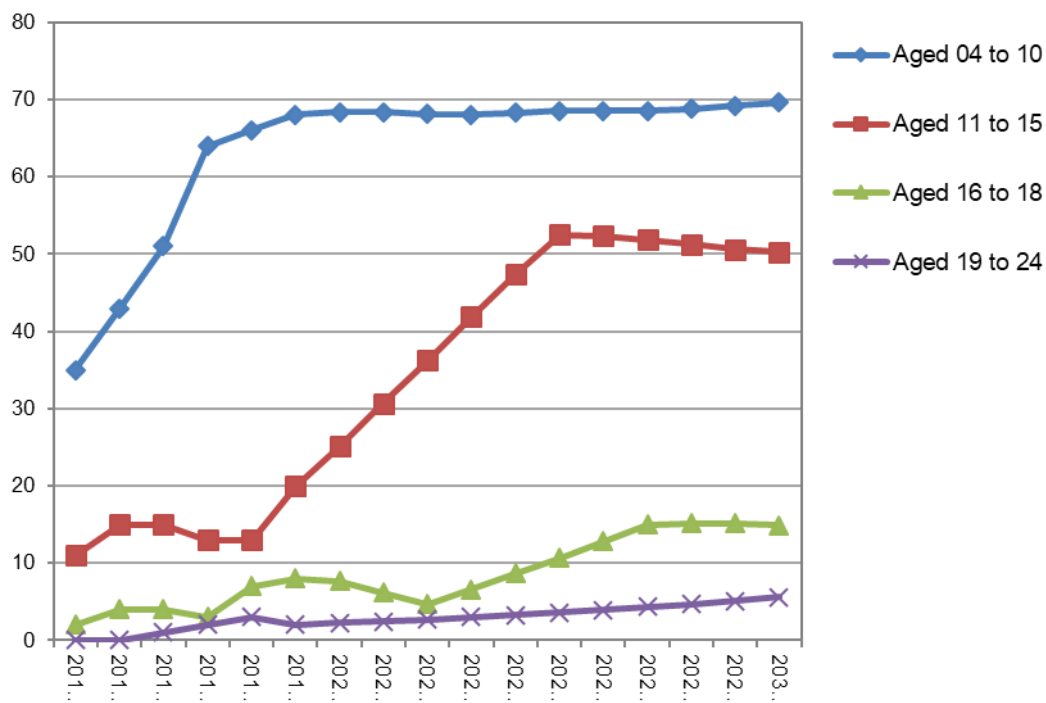
The following chart shows the historic and forecast numbers with plans by primary need group. The chart shows that the two groups with the biggest increases continue to be Autistic Spectrum Disorder (ASD) and Social Emotional and Mental Health (SEMH). Numbers in many other need groups are relatively stable.

## EHCPs by primary need group



The chart below shows how Profound and Multiple Learning Difficulties (PMLD) pupil numbers are also predicted to continue to rise, albeit from a much lower level, as larger numbers in the primary cohort move through into secondary.

**Forecast Number of EHCPs Band A-E (ESCC Domicile Age 4-24)- PMLD**



**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?**

Children and their families will have access to local education provision.

The local authority will be able to meet its statutory duty to deliver sufficient school places, including provision for SEND pupils.

**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, contractors 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?**

The local authority engages with groups of schools, academy trusts, dioceses, district and borough councils and local communities 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.

#### **School Organisation Plan**

The School Organisation Plan (SOP) 2020 to 2024 sets out how the local authority seeks to meet the challenge of ensuring there are sufficient school places in the right locations to meet demand. The SOP is produced annually by the Standards and Learning Effectiveness Service in the Children's Services Department. The current version of the SOP was approved by the Lead Member for Education and Inclusion, Special Educational Needs and Disability on 22 October 2020 and published in November 2020.

Proposals for new schools and school expansions will be based on information contained in the SOP. The SOP 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.

#### **New Schools**

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.

## Equality Impact Assessment

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.

### Expansion of Schools

Local authorities wishing to propose expansion of a maintained school can do so by following a statutory process in accordance with the Education and Inspections Act (EIA) 2006 as amended by the Education Act (EA) 2011 and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013.

Academies wishing to make a significant change, as defined in the Academies Act 2010, must seek the approval of the Regional Schools Commissioner or the Secretary of State.

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

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

[Education Plans – East Sussex County Council](#)

Stakeholders are consulted on maintained school proposals in accordance with the Education and Inspections Act (EIA) 2006 as amended by the Education Act (EA) 2011 and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013. Statutory consultations relating to maintained school proposals can be found on the local authority's consultation hub at: [Consultations in East Sussex](#)

## Equality Impact Assessment

Consultations relating to a significant change to an individual academy should be found on that academy's website.

**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.**

In the capital programme period to 2023/24 additional/new school places are due to be created in the following areas.

Eastbourne

Summerdown School – new special school for 84 places for pupils aged 5-16 with autism and speech language and communication needs and 51 pupils with profound and multiple learning disabilities (PMLD), including 6 places for nursery age children. Operated by Southfield Academy Trust. Planned opening September 2022.

Hailsham

Hailsham Community College – expansion of secondary school by 300 places. Planned implementation September 2022.

Hastings

Flagship School – new special school for 72 pupils ages 7 to 16 with high functioning autism and/or a range of associated social, emotional and mental health difficulties. Operated by the Flagship School Trust. Planned opening September 2021.

Further specialist provision for SEN pupils will also be delivered by 2023/24, including special facilities in mainstream schools. The local authority is currently investigating where and how the extra places will be delivered.

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 in the period to 2023/24 to facilitate this.

In the period beyond 2023/24, further school places are likely to be needed in areas linked to new housing development. On 19th February 2020 Wealden District Council (WDC) took the decision to withdraw its Local Plan after the Planning Inspector found that the plan could not proceed in its current form. Wealden District Council has subsequently embarked on the process of developing a new Local Plan. This will inevitably lead to a period of uncertainty while Wealden District Council reviews its position and begins to form an opinion on the likely quantum and location of future housing development it must plan for in the district. What is almost certain is that this will lead to a greater number of new homes being built in the district in future years. What is less certain at this stage is how much more and where in the district this might happen, and what the likely impact on education provision in those areas will be. Our plans will be updated as appropriate as more information becomes available from the Wealden Local Plan. These plans will be published in the SOP.

Another area of the county where new housing development is likely to lead to the need for additional school places in the future is Bexhill.



## 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 <b>X</b> marked against them			
	Employee Monitoring Data		Staff Surveys
	Service User Data		Contract/Supplier Monitoring Data
<b>X</b>	Recent Local Consultations	<b>X</b>	Data from other agencies, e.g. Police, Health, Fire and Rescue Services, third sector
	Complaints		Risk Assessments
	Service User Surveys		Research Findings
<b>X</b>	Census Data	<b>X</b>	East Sussex Demographics
<b>X</b>	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.

Statutory 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.

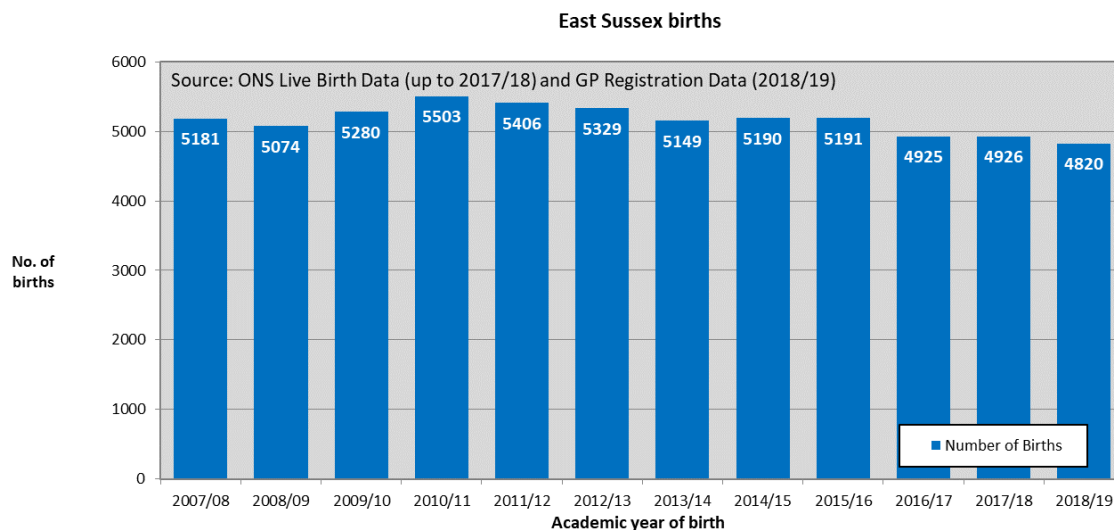


## Part 4 – Assessment of impact

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

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

In East Sussex, births countywide have fallen to 4926 in 2017/18, having peaked at 5503 in 2010/11. The following chart demonstrates this. The forecast for 2018/19 is an estimate based on under one-year olds registered with general practitioners (GPs) as at 31 August 2019.



According to the January 2020 school census, there were 64,361 children and young people aged 4-16 attending primary, secondary and special schools in East Sussex. Pupil numbers by Key Stage were:

#### Mainstream schools:

Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
5,253	10,787	22,379	15,441	9,457	63,317

Source: School Census January 2020

#### Special schools (excluding PRUs):

Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
50	96	274	331	226	977

Source: School Census January 2020

#### 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 and secondary school age both in mainstream and special schools:

Number of children in each Basic Need Planning Area<sup>1</sup>:

	Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
Eastbourne	1,082	2,242	4,633	3,258	1,997	13,212
Hailsham	283	489	1,010	677	380	2,839
Hastings	937	2,038	4,018	2,349	1,462	10,804

<sup>1</sup> Includes special schools

Source: School Census January 2020

- 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 local authority 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?

Disability projections published on East Sussex in Figures (ESiF) in May 2019 put the total number of people with a disability in East Sussex at 101,101.

Dataset: Disability projections (dwelling-led), 2017-2032 - districts

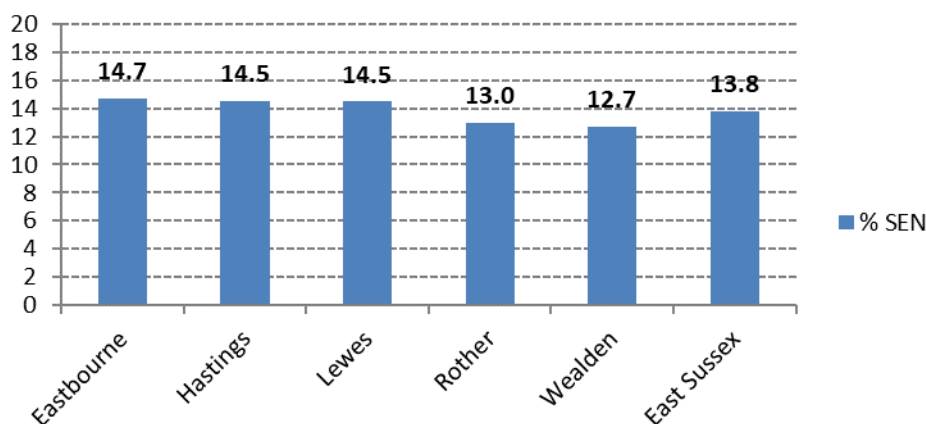
ESCC Projections May 2019

Geography: Mixed Year Age group: All ages Category: Overall disability Measure: Number of people with disability

Year	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Geography																
East Sussex	98,608	99,800	101,101	102,766	104,874	107,010	109,158	111,194	113,369	115,459	117,684	120,015	122,422	124,788	127,219	130,210
Eastbourne	19,414	19,588	19,802	20,053	20,388	20,708	21,058	21,370	21,683	22,001	22,352	22,711	23,104	23,485	23,892	24,396
Hastings	17,419	17,601	17,800	18,030	18,310	18,580	18,878	19,136	19,403	19,665	19,957	20,256	20,582	20,911	21,224	21,594
Lewes	17,578	17,852	18,090	18,402	18,770	19,158	19,559	19,923	20,285	20,596	20,932	21,312	21,683	22,050	22,454	22,968
Rother	18,904	19,083	19,297	19,595	20,006	20,372	20,690	21,024	21,453	21,886	22,318	22,815	23,260	23,687	24,140	24,721
Wealden	25,293	25,676	26,112	26,686	27,400	28,193	28,973	29,741	30,546	31,311	32,124	32,920	33,793	34,654	35,508	36,531

At the January 2020 school census there were 9,535 pupils (14.1%) recorded as having Special Educational Needs (SEN) being educated in state funded schools in East Sussex (of which 152 reside outside of East Sussex).

**% of pupils with SEN - January 2020 School Census - Primary age (Pupil Postcode)**



### 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 SEN.

## Equality Impact Assessment

Number of pupils with SEN in each basic need planning area<sup>1</sup>:

	Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
Eastbourne	145	354	797	509	268	2,083
Hailsham	31	82	164	94	38	409
Hastings	84	350	778	468	266	1,946

<sup>1</sup> Includes special schools

Source: Schools Census January 2020

- 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 SEN in areas of basic need will be more affected by the proposals than children and young people with SEN 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 people who have a disability?**

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

The local authority 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?**

According to the January 2020 school census, nearly 85% of the school age population (Year R – 11) 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, just over 14% 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).

**All minority ethnic pupils on roll at mainstream schools:**

Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
753	1,521	3,274	2,096	1,240	8,884

Source: School Census January 2020

**All minority ethnic pupils on roll at special schools (excluding PRUs):**

Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
14	25	48	52	28	167

Source: School Census January 2020

**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 minority ethnic pupils in each basic need planning area<sup>1</sup>

	Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
Eastbourne	269	485	1,103	609	374	2,840
Hailsham	18	55	105	64	34	276
Hastings	172	384	925	228	309	1,814

<sup>1</sup> Includes special schools

Source: School Census January 2020

**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.

## Equality Impact Assessment

**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 local authority 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?**

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 64,361 children and young people aged 4-16 attending primary, secondary and special schools in East Sussex in January 2020, 31,199 (48.5%) are female and 33,162 (51.5%) 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 (%)
<b>Male</b>	2,656	5,482	11,429	7,955	4,847	32,369 (50.3)
<b>Female</b>	2,597	5,305	10,950	7,486	4,610	30,948 (48.1)

##### Special schools (excluding PRUs):

	Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total %
<b>Male</b>	29	77	209	249	172	736 (1.1)
<b>Female</b>	21	19	65	82	54	241 (0.4)

##### 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 Area<sup>1</sup>:

		Foundation Stage:	KS1:	KS2:	KS3:	KS4:	Total
Eastbourne	M	506	1,117	2,404	1,746	998	6,771
	F	576	1,125	2,229	1,512	999	6,441
Hailsham	M	144	257	520	342	204	1,467
	F	139	232	490	335	176	1,372
Hastings	M	476	1,035	2,042	1,217	761	5,531
	F	461	1,003	1,976	1,132	701	5,273

<sup>1</sup> Includes special schools

Source: School Census January 2018

- 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 all state-funded schools in East Sussex are co-educational.

- 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 local authority 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?**

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?**

The local authority does not consider marital status/civil partnership characteristics to be relevant to the creation of new school places in areas of basic need.

- 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?**

The local authority does not consider pregnancy and maternity characteristics to be relevant to the creation of new school places in areas of basic need.

- 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 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 187 state-funded mainstream and special schools in East Sussex at the start of the 2020/21 academic year:

52 were community

45 were voluntary controlled (VC)

22 were voluntary aided (VA)

3 were foundation

65 were academies or free schools

b) At the January 2020 census 12,542 pupils aged 4-16 attended VC or VA schools in East Sussex. This equates to 19.5% of the school age population in the county (state funded schools only).

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

Number and percentage pupils attending maintained VA or VC schools in each of the planning areas:

Planning Area	Number and % of pupils attending a VA or VC school in each planning area
Eastbourne	1,424 of 13,212 (10.8%)
Hailsham	0 of 2,839 (0%)
Hastings	451 of 10,804 (4.2%)

Source: School Census January 2020

### 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 in the future 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 warrant expansion.

## Equality Impact Assessment

**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.**

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

The local authority does not consider sexual orientation characteristics to be relevant to the creation of new school places in areas of basic need.

- 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?**

The local authority does not consider other groups/factors to be relevant to creation of new school places in areas of basic need.

Places will be available regardless of background, gender, socioeconomic status etc in line with the Admissions Code which all admissions authorities must abide by.

**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?**

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

## Equality Impact Assessment

### 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.**

The local authority considers the creation of new school places should have a positive impact on children and their families. All pupils impacted by proposals to create new places would be enabled to receive a good quality of education. The local authority does not consider that the creation of new school places potentially interferes 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

Each proposal will deliver more school places in areas where demand for places is forecast to outstrip provision.

By creating new school places in these areas, including additional places for SEN pupils, 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 and the Equality Act 2010.

### 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	<b>A No major change</b> – 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 all children and young people, including pupils with SEN, as each project will deliver more school places in areas where demand for places is forecast to outstrip provision.
	<b>B Adjust the policy/strategy</b> – 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.
	<b>C Continue the policy/strategy</b> - 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.  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, socioeconomic status etc in line with the Admissions Code.
	<b>D Stop and remove the policy/strategy</b> – 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.	



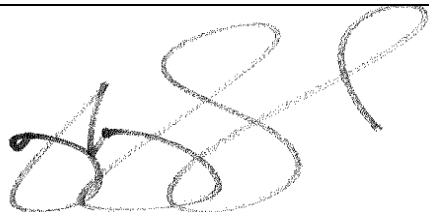
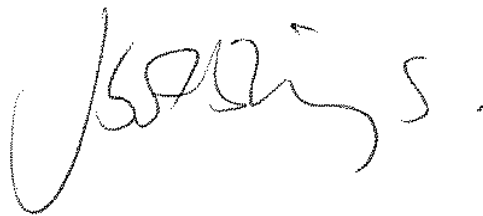
## Equality Impact Assessment

### 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?

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

<b>Date completed:</b>	<b>January 2021</b>	<b>Signed by (person completing)</b>	 <b>Gary Langford</b>
<b>Role of person completing</b>			<b>Place Planning Manager</b>
<b>Date:</b>	<b>January 2021</b>	<b>Signed by (Manager)</b>	 <b>Jessica Stubbings</b> <b>Senior Manager, Partnerships and Governance</b>

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:

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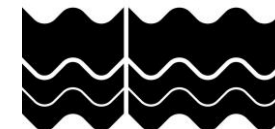
Area for improvement	Changes proposed	Lead Manager	Timescale	Resource implications	Where incorporated/flagged? (e.g. business plan/strategic plan/steering group/DMT)

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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# Equality Impact Analysis Template

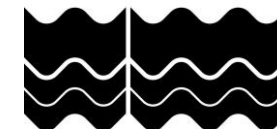
**Equality Impact Analysis (EqIA) (or Equality Impact Assessment) aims to make services and public policy better for all service-users and staff and supports value for money by getting council services right first time.**

We use EqIAs to enable us to consider all relevant information from an Equality requirements perspective when procuring or restructuring a service, or introducing a new policy or strategy. This analysis of impacts is then reflected in the relevant action plan to get the best outcomes for the Council, its staff and service-users<sup>1</sup>.

EqIAs are used to analyse and assess how the Council's work might impact differently on different groups of people<sup>2</sup>. EqIAs help the Council to make good decisions for its service-users, staff and residents and provide evidence that those decision conform with the Council's obligations under the Equality Act 2010<sup>3</sup>.

This template sets out the steps you need to take to complete an EqIA for your project. Guidance for sections is in the end-notes. If you have any questions about your EqIA and/or how to complete this form, please use the contact details at the end of this form.

<b>Title of Project/Service/Policy<sup>4</sup></b>	IT & Digital Strategy Implementation (Utilising Automation)
<b>Team/Department<sup>5</sup></b>	IT & Digital
<b>Directorate</b>	BSD
<b>Provide a comprehensive description of your Project (Service/Policy, etc.) including its Purpose and Scope<sup>6</sup></b>	<p>The IT &amp; Digital efficiency enablers programme looks at existing trends &amp; disruptive solutions within the IT market to invest in technology to keep pace with digital expectations, as well as reducing costs through removing duplication &amp; automating processes.</p> <p>This programme includes projects that support process automation to release time &amp; provide data analytic capabilities to unlock the potential of data to help drive council savings via digitally supported projects. Programmes are funded by individual business case.</p>



## Initial assessment of whether your project requires an EqlA

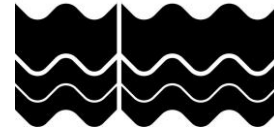
When answering these questions, please keep in mind all legally protected equality characteristics (sex/gender, gender reassignment, religion or belief, age, disability, ethnicity/race, sexual orientation, marriage/civil partnership, pregnancy and maternity) of the people actually or potentially receiving and benefiting from the services or the policy.

In particular consider whether there are any potential equality related barriers that people may experience when getting to know about, accessing or receiving the service or the policy to be introduced or changed.

Discuss the results of your Equality assessment with the Equality Lead for your department and agree whether improvements or changes need to be made to any aspect of your Project.

	Question	Yes	No	Don't Know
1	Is there evidence of different needs, experiences, issues or priorities on the basis of the equality characteristics (listed below) in relation to the service or policy/strategy area?	Yes		
2	Are there any proposed changes in the service/policy that may affect how services are run and/or used or the ways the policy will impact different groups?	Yes		
3	Are there any proposed changes in the service/policy that may affect service-users/staff/residents directly?	Yes		
4	Is there potential for, or evidence that, the service/policy may adversely affect inclusiveness or harm good relations between different groups of people?		No	
5	Is there any potential for, or evidence that any part of the service/aspects of the policy could have a direct or indirect discriminatory effect on service-users/staff/residents?		No	
6	Is there any stakeholder (Council staff, residents, trade unions, service-users, VCSE organisations) concerned about actual, potential, or perceived discrimination/unequal treatment in the service or the Policy on the basis of the equality characteristics set out above that may lead to taking legal action against the Council?		No	
7	Is there any evidence or indication of higher or lower uptake of the service by, or the impact of the policy on, people who share the equality characteristics set out above?		No	

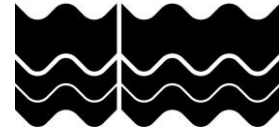
If you have answered "YES" or "DON'T KNOW" to any of the questions above, then the completion of an EqlA is necessary.



The need for an EqlA will depend on:

- How many questions you have answered “yes”, or “don’t know” to;
- The likelihood of the Council facing legal action in relation to the effects of service or the policy may have on groups sharing protected characteristics; and
- The likelihood of adverse publicity and reputational damage for the Council.

Low risk	Medium risk	High risk



# 1. Update on previous EqlAs and outcomes of previous actions (if applicable)<sup>7</sup>

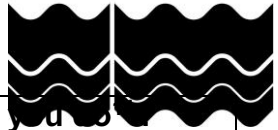
What actions did you plan last time? (List them from the previous EqlA)	What improved as a result? What outcomes have these actions achieved?	What <u>further</u> actions do you need to take? (add these to the Action Plan below)
Not applicable		



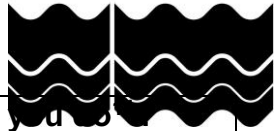
## 2. Review of information, equality analysis and potential actions

Consider the actual or potential impact of your project (service, or policy) against each of the equality characteristics.

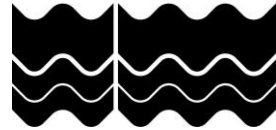
Protected characteristics groups under the Equality Act 2010	What do you know <sup>8</sup> ? Summary of data about your service-users and/or staff	What do people tell you <sup>9</sup> ? Summary of service-user and/or staff feedback	What does this mean <sup>10</sup> ? Impacts identified from data and feedback (actual and potential)	What can you do <sup>11</sup> ? All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
Age <sup>12</sup>	Some service staff & some resident facing services	Help needed with high volume, repetitive tasks to release time for higher value activity	Automation can be used to augment capacity to help manage demand	Use automation to augment existing services as an alternative & additional channel
Disability <sup>13</sup>	Some users have specific technology needs	Needs explored during project requirement setting	Specific hardware, software or presentation formats may be identified	Incorporate design considerations for assistive technologies and include Accessibility Statements
Gender reassignment <sup>14</sup>	Technology projects are gender neutral. Data held within business systems is the responsibility of the business system administrator / information asset owner.	Strategic IT projects deal with the technical platform and are not concerned with the specific detail of business applications.	The Strategic Programme is not responsible for individual application administration.	Review each project at initiation and ensure naming conventions are gender neutral
Pregnancy and maternity <sup>15</sup>	Not relevant in this context	Not relevant in this context	Not relevant in this context	Not relevant in this context



<b>Protected characteristics groups under the Equality Act 2010</b>	<b>What do you know<sup>8</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>9</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>10</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
<b>Race/ethnicity<sup>16</sup></b> Including migrants, refugees and asylum seekers	Strategic technology projects are user agnostic	N/A	N/A	Review periodically and ensure automated responses are appropriate to organisational policy
<b>Religion or belief<sup>17</sup></b>	Strategic technology projects are user agnostic	N/A	N/A	Review periodically and ensure automated responses are appropriate to organisational policy
<b>Sex/Gender<sup>18</sup></b>	Strategic technology projects are user agnostic	N/A	N/A	Review periodically & use gender neutral naming conventions where applicable
<b>Sexual orientation<sup>19</sup></b>	Strategic technology projects are user agnostic	N/A	N/A	Review periodically and ensure automated responses are appropriate to organisational policy
<b>Marriage and civil partnership<sup>20</sup></b>	Strategic technology projects are user agnostic	N/A	N/A	Review periodically and ensure automated responses are appropriate to organisational policy



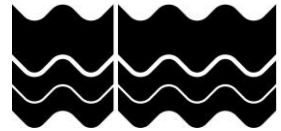
<b>Protected characteristics groups under the Equality Act 2010</b>	<b>What do you know<sup>8</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>9</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>10</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
<b>Impacts on community cohesion<sup>21</sup></b>	Some automated services (for example, digital assistants) are customer facing	Information exists in many places	Automation presents the opportunity to join up information sources intuitively	Ease the customer journey across information sources



### Additional categories

(identified locally as potentially causing / worsening inequality)

Characteristic	What do you know <sup>22</sup> ?	What do people tell you <sup>23</sup> ?	What does this mean <sup>24</sup> ?	What can you do <sup>25</sup> ?
<b>Rurality<sup>26</sup></b>	Strategic technology projects are geographically agnostic, services are designed to be accessible from anywhere	n/a	n/a	n/a
<b>Carers</b>	Strategic technology projects increase accessibility	Alternative channels increase accessibility / more efficient services free up staff time	Technology services support flexible ways of working	Provide highly available and accessible solutions
<b>Other groups that may be differently affected</b> (including but not only: homeless people, substance users, care leavers – see end note) <sup>27</sup>	Digital assistants can make it easier to engage with services	Digital inclusion is an issue	Opportunities to expand digital inclusion explored during project initiation	Work with the Digital Inclusion Group to broaden access opportunities to digital services
<b>Assessment of overall impacts and any further recommendations<sup>28</sup></b> - include assessment of cumulative impacts (where a change in one service/policy/project may have an impact on another)				
The IT & Digital Strategic Capital Programme provides platform capabilities via individual business cases that support the underpinning functioning of the organisation. No significant impacts are expected. However, to minimise and prevent the unintended consequences of changes arising from the investment in technology, colleagues from HR&OD and the IT Accessibility function will be engaged during the process of development and implementation of the capital schemes within this portfolio of work.				



### 3. List detailed data and/or community feedback that informed your EqIA

Source and type of data (e.g. research, or direct engagement (interviews), responses to questionnaires, etc.)	Date	Gaps in data	Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)



#### 4. Prioritised Action Plan<sup>29</sup>

NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
Business cases for each project to reference EQIA	Each project when initiated to include an EQIA	Specific needs of each project will be met	Review benefits of each project	Specific to each project identified timeline
Disability: Specific hardware, software or presentation formats may be identified	Incorporate design considerations for assistive technologies and include Accessibility Statements	Solutions will be designed with optimal accessibility in mind	Feedback on use	Specific to each project
Community Cohesion: Automation presents the opportunity to join up information sources intuitively	Ease the customer journey across information sources	User experience will be enhanced	Use metrics	Specific to each implementation
Digital Inclusion: Opportunities to expand digital inclusion explored during project initiation	Work with the Digital Inclusion Group to broaden access opportunities to digital services	Automation has the potential to enhance the accessibility of services	Increased incorporation up of automated options and user metrics	Specific to each implementation
<b>(Add more rows as needed)</b>				

**EqIA sign-off:** (for the EqIA to be final an email must be sent from the relevant people agreeing it, or this section must be signed)

**Staff member competing Equality Impact Analysis: Nicky Wilkins**

**Date: 3<sup>rd</sup> November 2021**

**Directorate Management Team rep or Head of Service: Matt Scott**

**Date: November 2021**

**Equality lead: Sarah Tighe-Ford**

**Date: 4<sup>th</sup> November 2021**



## Guidance end-notes

<sup>1</sup> The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- **Knowledge:** everyone working for the Council must be aware of the Council's duties under the Equality Act 2010 and ensure they comply with them appropriately in their daily work.
- **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
- **Real Consideration:** the duty must be an integral, rigorous part of your decision-making process and influence the process.
- **Sufficient Information:** you must assess what information you have and what is further needed to give proper consideration.
- **No delegation:** the Council is responsible for ensuring that any contracted services, which are provided on its behalf need also to comply with the same legal obligations under the Equality Act of 2010. You need, therefore, to ensure that the relevant contracts make these obligations clear to the supplier. It is a duty that cannot be delegated.
- **Review:** the equality duty is a continuing duty. It applies when a policy or service is developed/agreed, and when it is implemented and reviewed.
- **Proper Record Keeping:** to prove that the Council has fulfilled its legal obligations under the Equality Act you must keep records of the process you follow and the impacts identified.

NB: Filling out this EqlA in itself does not meet the requirements of the Council's equality duty. All the requirements above must be fulfilled, or the EqlA (and any decision based on it) may be open to challenge. An EqlA therefore can provide evidence that the Council has taken practical steps comply with its equality duty and provide a record that to demonstrate that it has done so.

## <sup>2</sup> Our duties in the Equality Act 2010

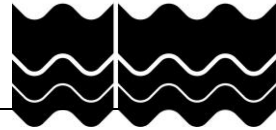
As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the actual and potential impact of our activities on people who share any of the legally 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on the nature of your project, who it might affect, those groups' vulnerability, and the seriousness of any potential impacts it might have. We use this EqlA template to gather information and assess the impact of our project in these areas.

**The following are the duties in the Act. You must give 'due regard' (pay conscious attention) to the need to:**

- **avoid, reduce, minimise or eliminate any negative impact** (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).





- **promote equality of opportunity.** This means the need to:
  - Remove or minimise disadvantages suffered by equality groups
  - Take steps to meet the needs of equality groups
  - Encourage equality groups to participate in public life or any other activity where participation is disproportionately low
  - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **foster good relations between people who share a protected characteristic and those who do not.** This means:
  - Tackle prejudice
  - Promote understanding

<sup>3</sup> **EqIAs are always proportionate** to:

- The nature of the service, or scope of the policy/strategy
- The resources involved
- The number of people affected
- The size of the likely impact
- The vulnerability of the people affected

The greater the potential adverse impact of the proposed service or policy on a protected group (e.g. disabled people), the more thorough and demanding our process must be so that we comply with the Equality Act of 2010.

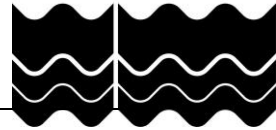
<sup>4</sup> **Title of EqIA:** This should clearly explain what service / policy / strategy / change you are assessing

<sup>5</sup> **Team/Department:** Main team responsible for the policy, practice, service or function being assessed

<sup>6</sup> **Focus of EqIA:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Analysis (EqIA)'

This section should explain what you are assessing:

- What are the main aims or purpose of the service, policy, strategy, practice, or function?
- Who implements, carries out or delivers the service, policy, strategy, practice, or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.
- How does it fit with other services?



- Who is affected by the service, policy, strategy, practice, or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
- What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes, or improvements, are required and what should the benefits be?
- What do existing or previous reviews of the service, policy, strategy, practice, or function indicate to you?
- What is the reason for the proposal, or change (financial, service scope, legal requirements, etc)? The Equality Act requires us to make these clear.

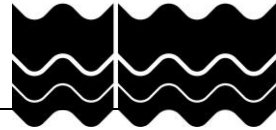
<sup>7</sup> **Previous actions:** If there is no previous EqIA, or this assessment is for a new service, then simply write 'not applicable'.

<sup>8</sup> **Data:** Make sure you have enough information to inform your EqIA.

- What data relevant to the impact on protected groups of the policy/decision/service is available?<sup>8</sup>
- What further evidence is needed and how can you get it? (Eg: further research or engagement with the affected groups).
- What do you already know about needs, access and outcomes? Focus on each of the protected characteristics in turn. Eg: who uses the service? Who doesn't and why? Are there differences in outcomes? Why?
- Have there been any important demographic changes or trends locally? What might they mean for the service or function?
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any groups?
- Do any equality objectives already exist? What is current performance like against them?
- Is the service having a positive or negative effect on particular people in the community, or particular groups / communities?

<sup>9</sup> **Engagement:** You must engage appropriately with those likely to be affected to fulfil the Council's duties under the Equality Act.

- What do people tell you about the services, the policy or the strategy?
- Are there patterns or differences in what people from different groups tell you?
- What information or data will you need from communities?
- How should people be consulted? Consider:
  - (a) consult when proposals are still at a formative stage;
  - (b) explain what is proposed and why, to allow intelligent consideration and response;
  - (c) allow enough time for consultation;
  - (d) make sure what people tell you is properly considered in the final decision.
- Try to consult in ways that ensure all different perspectives can be captured and considered.
- Identify any gaps in who has been consulted and identify ways to address this.



<sup>10</sup> Your EqlA must get to grips fully and properly with actual and potential impacts.

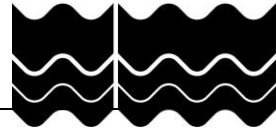
- The Council's obligations under the Equality Act of 2010 do not stop you taking decisions, or introducing well needed changes; however, they require that you take decisions and make changes conscientiously and deliberately confront the anticipated impacts on people.
- Be realistic: don't exaggerate speculative risks and negative impacts.
- Be detailed and specific so decision-makers have a concrete sense of potential effects. Instead of "the policy is likely to disadvantage older women", say how many or what percentage are likely to be affected, how, and to what extent.
- Questions to ask when assessing impacts depend on the context. Examples:
  - Are one or more protected groups affected differently and/or disadvantaged? How, and to what extent?
  - Is there evidence of higher/lower uptake among different groups? Which, and to what extent?
  - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
  - If there is negative differential impact, how can you minimise that while taking into account your overall aims
  - Do the effects amount to unlawful discrimination? If so, the plan must be modified.
  - Does the proposal advance equality of opportunity and/or foster good relations? If not, could it?

<sup>11</sup> Consider all three aims of the Act: removing barriers, and also identifying positive actions to be taken.

- Where you have identified impacts you must state what actions will be taken to remove, reduce or avoid any negative impacts and maximise any positive impacts or advance equality of opportunity.
- Be specific and detailed and explain how far these actions are expected to address the negative impacts.
- If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
- An EqlA which has attempted to airbrush the facts is an EqlA that is vulnerable to challenge.

<sup>12</sup> **Age:** People of all ages

<sup>13</sup> **Disability:** A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The definition includes: sensory impairments, impairments with fluctuating or recurring effects, progressive, organ specific, developmental, learning difficulties, mental health conditions and mental illnesses, produced by injury to the body or brain. Persons with cancer, multiple sclerosis or HIV infection are all now deemed to be disabled persons from the point of diagnosis. Carers of disabled people are protected within the Act by association.



<sup>14</sup> **Gender Reassignment:** In the Act a transgender person is someone who proposes to, starts or has completed a process to change his or her gender. A person does not need to be under medical supervision to be protected

<sup>15</sup> **Pregnancy and Maternity:** Protection is during pregnancy and any statutory maternity leave to which the woman is entitled.

<sup>16</sup> **Race/Ethnicity:** This includes ethnic or national origins, colour or nationality, and includes refugees and migrants, and Gypsies and Travellers. Refugees and migrants means people whose intention is to stay in the UK for at least twelve months (excluding visitors, short term students or tourists). This definition includes asylum seekers; voluntary and involuntary migrants; people who are undocumented; and the children of migrants, even if they were born in the UK.

<sup>17</sup> **Religion and Belief:** Religion includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief.

<sup>18</sup> **Sex/Gender:** Both men and women are covered under the Act.

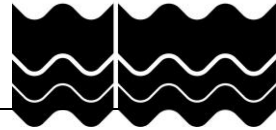
<sup>19</sup> **Sexual Orientation:** The Act protects bisexual, gay, heterosexual and lesbian people

<sup>20</sup> **Marriage and Civil Partnership:** Only in relation to due regard to the need to eliminate discrimination.

<sup>21</sup> **Community Cohesion:** potential impacts on how well people from different communities get on together. The council has a legal duty to foster good relations between groups of people who share different protected characteristics. Some actions or policies may have impacts – or perceived impacts – on how groups see one another or in terms of how the council's resources are seen to be allocated. There may also be opportunities to positively impact on good relations between groups.

<sup>22</sup> **Data:** Make sure you have enough information to inform your EqlA.

- What data relevant to the impact on protected groups of the policy/decision/service is available?<sup>22</sup>
- What further evidence is needed and how can you get it? (Eg: further research or engagement with the affected groups).
- What do you already know about needs, access and outcomes? Focus on each of the protected characteristics in turn. Eg: who uses the service? Who doesn't and why? Are there differences in outcomes? Why?
- Have there been any important demographic changes or trends locally? What might they mean for the service or function?
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any groups?
- Do any equality objectives already exist? What is current performance like against them?



- Is the service having a positive or negative effect on particular people in the community, or particular groups or communities?

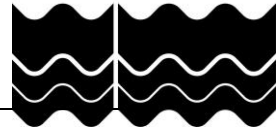
<sup>23</sup> **Engagement:** You must engage appropriately with those likely to be affected to fulfil the Council's duties under the Equality Act .

- What do people tell you about the services, the policy or the strategy?
- Are there patterns or differences in what people from different groups tell you?
- What information or data will you need from communities?
- How should people be consulted? Consider:
  - (a) consult when proposals are still at a formative stage;
  - (b) explain what is proposed and why, to allow intelligent consideration and response;
  - (c) allow enough time for consultation;
  - (d) make sure what people tell you is properly considered in the final decision.
- Try to consult in ways that ensure all different perspectives can be captured and considered.
- Identify any gaps in who has been consulted and identify ways to address this.

<sup>24</sup> Your EqIA must get to grips fully and properly with actual and potential impacts.

- The Council's obligations under the Equality Act of 2010 do not stop you taking decisions, or introducing well needed changes; however, they require that take decisions and make changes conscientiously and deliberately confront the anticipated impacts on people.
- Be realistic: don't exaggerate speculative risks and negative impacts.
- Be detailed and specific so decision-makers have a concrete sense of potential effects. Instead of "the policy is likely to disadvantage older women", say how many or what percentage are likely to be affected, how, and to what extent.
- Questions to ask when assessing impacts depend on the context. Examples:
  - Are one or more protected groups affected differently and/or disadvantaged? How, and to what extent?
  - Is there evidence of higher/lower uptake among different groups? Which, and to what extent?
  - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
  - If there is negative differential impact, how can you minimise that while taking into account your overall aims
  - Do the effects amount to unlawful discrimination? If so the plan must be modified.
  - Does the proposal advance equality of opportunity and/or foster good relations? If not, could it?

<sup>25</sup> Consider all three aims of the Act: removing barriers, and also identifying positive actions to be taken.



- Where you have identified impacts you must state what actions will be taken to remove, reduce or avoid any negative impacts and maximise any positive impacts or advance equality of opportunity.
- Be specific and detailed and explain how far these actions are expected to address the negative impacts.
- If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
- An EqlA which has attempted to airbrush the facts is an EqlA that is vulnerable to challenge.

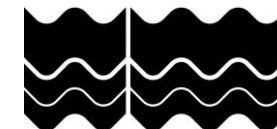
<sup>26</sup> **Rurality:** deprivation is experienced differently between people living in rural and urban areas. In rural areas issues can include isolation, access to services (eg: GPs, pharmacies, libraries, schools), low income / part-time work, infrequent public transport, high transport costs, lack of affordable housing and higher fuel costs. Deprivation can also be more dispersed and less visible.

<sup>27</sup> **Other groups that may be differently affected:** this may vary by services, but examples include: homeless people, substance misusers, people experiencing domestic/sexual violence, looked after children or care leavers, current or former armed forces personnel (or their families), people on the Autistic spectrum etc.

<sup>28</sup> **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy.
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

<sup>29</sup> **Action Planning:** The Council's obligation under the Equality Act of 2010 is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.



## Equality Impact Analysis Template

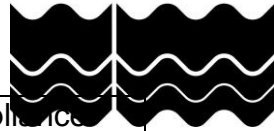
**Equality Impact Analysis (EqIA) (or Equality Impact Assessment) aims to make services and public policy better for all service-users and staff and supports value for money by getting council services right first time.**

We use EqIAs to enable us to consider all relevant information from an Equality requirements perspective when procuring or restructuring a service, or introducing a new policy or strategy. This analysis of impacts is then reflected in the relevant action plan to get the best outcomes for the Council, its staff and service-users<sup>1</sup>.

EqIAs are used to analyse and assess how the Council's work might impact differently on different groups of people<sup>2</sup>. EqIAs help the Council to make good decisions for its service-users, staff and residents and provide evidence that those decision conform with the Council's obligations under the Equality Act 2010<sup>3</sup>.

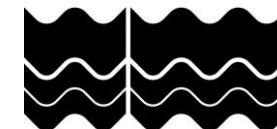
This template sets out the steps you need to take to complete an EqIA for your project. Guidance for sections is in the end-notes. If you have any questions about your EqIA and/or how to complete this form, please use the contact details at the end of this form.

<b>Title of Project/Service/Policy<sup>4</sup></b>	Core Capital Programme
<b>Team/Department<sup>5</sup></b>	IT & Digital
<b>Directorate</b>	BSD
<b>Provide a comprehensive description of your Project (Service/Policy, etc.) including its Purpose and Scope<sup>6</sup></b>	<p>The IT &amp; Digital Core Capital Programme provides the basic technology capabilities that support the underpinning functioning of the organisation. This programme funds activity that is described as <i>Core Need</i>. This means providing technology that enables staff to connect, collaborate and work efficiently from wherever they need to be whilst operating highly available, secure and reliable services to support the continuous working of everything else.</p> <p>Within the programme, there are five essential programmes of foundation activity:</p> <ol style="list-style-type: none"> <li><b>1. Compliance</b> - supporting the Council in meeting its legal requirements &amp; basic operational standards. This ensures the Council can continue to connect to central</li> </ol>



	<p>government &amp; NHS services &amp; maintain the technical controls to meet their compliance requirements. This includes certification for PSN, NHS Data Security &amp; Protection Toolkit &amp; Cyber Essentials Plus. These certifications underpin the council's partnership working programmes &amp; the supportive, connecting technology they rely on.</p> <ol style="list-style-type: none"> <li>2. <b>Cyber Defence</b> - Cyber-attacks are growing more frequent, more sophisticated &amp; more damaging when they succeed. Whilst compliance provides the basics to stay safe and secure, the Cyber Defence Programme proactively enhances our organisation's resilience.</li> <li>3. <b>IT Core Infrastructure</b> - With a basic need to store and manipulate data, these services provide the foundation to support the working of everything else. These are mission critical heartbeat services that are essential to ensure the council keeps working on a resilient and reliable basis.</li> <li>4. <b>Staff Technology Refresh</b> - This programme provides staff with the technology tools that they need to do their work more efficiently. Refreshing equipment at regular intervals is vital to ensure that it stays up to date and safe to use.</li> <li>5. <b>Enterprise Resource Planning</b> - This programme seeks to ensure that the pan enterprise systems that support core business processes and decision making remain reliable, resilient and readily available to keep all other services working.</li> </ol>
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## Initial assessment of whether your project requires an EqlA

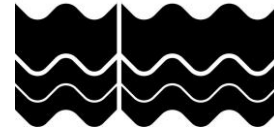
When answering these questions, please keep in mind all legally protected equality characteristics (sex/gender, gender reassignment, religion or belief, age, disability, ethnicity/race, sexual orientation, marriage/civil partnership, pregnancy and maternity) of the people actually or potentially receiving and benefiting from the services or the policy.

In particular consider whether there are any potential equality related barriers that people may experience when getting to know about, accessing or receiving the service or the policy to be introduced or changed.

Discuss the results of your Equality assessment with the Equality Lead for your department and agree whether improvements or changes need to be made to any aspect of your Project.

	Question	Yes	No	Don't Know
1	Is there evidence of different needs, experiences, issues or priorities on the basis of the equality characteristics (listed below) in relation to the service or policy/strategy area?	Yes		
2	Are there any proposed changes in the service/policy that may affect how services are run and/or used or the ways the policy will impact different groups?		No	
3	Are there any proposed changes in the service/policy that may affect service-users/staff/residents directly?		No	
4	Is there potential for, or evidence that, the service/policy may adversely affect inclusiveness or harm good relations between different groups of people?		No	
5	Is there any potential for, or evidence that any part of the service/aspects of the policy could have a direct or indirect discriminatory effect on service-users/staff/residents?		No	
6	Is there any stakeholder (Council staff, residents, trade unions, service-users, VCSE organisations) concerned about actual, potential, or perceived discrimination/unequal treatment in the service or the Policy on the basis of the equality characteristics set out above that may lead to taking legal action against the Council?		No	
7	Is there any evidence or indication of higher or lower uptake of the service by, or the impact of the policy on, people who share the equality characteristics set out above?		No	

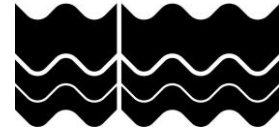
If you have answered "YES" or "DON'T KNOW" to any of the questions above, then the completion of an EqlA is necessary.



The need for an EqlA will depend on:

- How many questions you have answered “yes”, or “don’t know” to;
- The likelihood of the Council facing legal action in relation to the effects of service or the policy may have on groups sharing protected characteristics; and
- The likelihood of adverse publicity and reputational damage for the Council.

Low risk	Medium risk	High risk



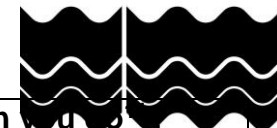
# 1. Update on previous EqlAs and outcomes of previous actions (if applicable)<sup>7</sup>

What actions did you plan last time? (List them from the previous EqlA)	What improved as a result? What outcomes have these actions achieved?	What <u>further</u> actions do you need to take? (add these to the Action Plan below)
Not applicable		

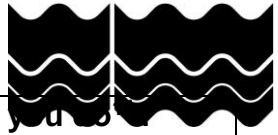
## 2. Review of information, equality analysis and potential actions

Consider the actual or potential impact of your project (service, or policy) against each of the equality characteristics.

Protected characteristics groups under the Equality Act 2010	What do you know <sup>8</sup> ? Summary of data about your service-users and/or staff	What do people tell you <sup>9</sup> ? Summary of service-user and/or staff feedback	What does this mean <sup>10</sup> ? Impacts identified from data and feedback (actual and potential)	What can you do <sup>11</sup> ? All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
Age <sup>12</sup>	All staff & partners over employment age	Feedback collected during and at the end of each project within the programme	IT&D adopt a continual improvement approach throughout the service	Proactively act on Lessons Learnt reports to inform future projects
Disability <sup>13</sup>	Some users have specific technology needs	Information is input into projects via Senior User role or need is identified through the Service Hub	Specific hardware or software may be identified	Referral via IT&D Accessibility Officer ensures right solution is identified.
Gender reassignment <sup>14</sup>	Technology projects are gender neutral. Data held within business systems is the responsibility of the business system administrator / information asset owner.	IT projects within the core programme deal with the technical environment within which assets are hosted and are not concerned with the specific detail of business applications.	The Core Programme is not responsible for individual application administration.	Review each project at initiation
Pregnancy and maternity <sup>15</sup>	Devices that don't connect to the network for defined periods of time are dropped from	People on maternity leave need to be able to log in after extended periods of absence and it is vital that their user	A proactive process is in place to cover long periods of absence to ensure that staff entitled to do so, can connect to	Due to the security implications of access management, this is audited periodically.



<b>Protected characteristics groups under the Equality Act 2010</b>	<b>What do you know<sup>8</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>9</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>10</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
	the network for security & license reasons.	experience of connecting to the network is uninterrupted.	the network whenever they need to.	
<b>Race/ethnicity<sup>16</sup></b> Including migrants, refugees and asylum seekers	Core technology projects are user agnostic	N/A	N/A	Review periodically
<b>Religion or belief<sup>17</sup></b>	Core technology projects are user agnostic	N/A	N/A	Review periodically
<b>Sex/Gender<sup>18</sup></b>	Core technology projects are user agnostic	N/A	N/A	Review periodically
<b>Sexual orientation<sup>19</sup></b>	Core technology projects are user agnostic	N/A	N/A	Review periodically



<b>Protected characteristics groups under the Equality Act 2010</b>	<b>What do you know<sup>8</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>9</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>10</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
<b>Marriage and civil partnership<sup>20</sup></b>	Core technology projects are user agnostic	N/A	N/A	Review periodically
<b>Impacts on community cohesion<sup>21</sup></b>	Technology services enabled by this programme allow staff to connect securely, collaborate with partners and work efficiently from wherever they need to be to carry out their resident facing services.	Projects implemented through the Core Programme help teams stay connected and interact with service users.	Requirements gathering at the outset of a project, captures user requirements and informs outcomes sought	Standard project management methodologies and project governance provides oversight and review.



### Additional categories

(identified locally as potentially causing / worsening inequality)

Characteristic	What do you know <sup>22</sup> ?	What do people tell you <sup>23</sup> ?	What does this mean <sup>24</sup> ?	What can you do <sup>25</sup> ?
<b>Rurality<sup>26</sup></b>	Core technology projects are geographically agnostic, services are designed to enable working from any location	Poor signal reception in some rural areas possible	Alternative solutions are offered to accommodate this	Identify affected spots and proactively offer alternative solutions
<b>Carers</b>	Technology services support hybrid working for maximum flexibility	Staff survey feedback confirms satisfaction with technology tools	Technology services support flexible ways of working	Continue to enable hybrid working
<b>Other groups that may be differently affected</b> (including but not only: homeless people, substance users, care leavers – see end note) <sup>27</sup>	Our core programme projects factor social value in at the procurement stage	People ask regularly how equipment can be reused and repurposed to serve disadvantaged groups	The scale of our work enables social value elements to be factored in at the procurement stage	Repurpose equipment as determined by the Digital Inclusion Board
<b>Assessment of overall impacts and any further recommendations<sup>28</sup></b> - include assessment of cumulative impacts (where a change in one service/policy/project may have an impact on another)				
The IT & Digital Core Capital Programme provides the basic technology capabilities that support the underpinning functioning of the organisation. These services are essential to support the working of everything else. No significant impacts are expected. However, to minimise and prevent the unintended consequences of changes arising from the investment in technology, colleagues from HR&OD and the IT Accessibility function will be engaged during the process of development and implementation of the capital schemes within this portfolio of work.				



### 3. List detailed data and/or community feedback that informed your EqIA

Source and type of data (e.g. research, or direct engagement (interviews), responses to questionnaires, etc.)	Date	Gaps in data	Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)
Review of Capital Forward Plan and Core Plan Projects	14/10/21	n/a	Annual review at IT&D Capital Board to ensure updated in line with programme activity





#### 4. Prioritised Action Plan<sup>29</sup>

NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
Annual review to ensure updated in line with programme activity	Review at IT&D Capital Board	Activity remains aligned with user base	Via benefits identified in each project	Annual activity
Age: ensure all projects meet user needs	Proactively act on Lessons Learnt reports to inform future projects	User satisfaction	User feedback	Specific to each project
Disability: Specific hardware or software may be identified	Referral via IT&D Accessibility Officer ensures right solution is identified.	Solutions will be designed with optimal accessibility in mind	Feedback on use	Specific to each project
Pregnancy / maternity: ensure that staff entitled to do so, can connect to the network whenever they need to	Due to the security implications of access management, this is audited periodically.	Uninterrupted access for authorised business users	Process working as designed and verified periodically via audit	Ongoing
(Add more rows as needed)				

**EqlA sign-off:** (for the EqlA to be final an email must be sent from the relevant people agreeing it, or this section must be signed)

**Staff member completing Equality Impact Analysis: Nicky Wilkins**

**Date: 3<sup>rd</sup> November 2021**

**Directorate Management Team rep or Head of Service: Matt Scott**

**Date: November 2021**

**Equality lead: Sarah Tighe-Ford**

**Date: 4<sup>th</sup> November 2021**



## Guidance end-notes

<sup>1</sup> The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- **Knowledge:** everyone working for the Council must be aware of the Council's duties under the Equality Act 2010 and ensure they comply with them appropriately in their daily work.
- **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
- **Real Consideration:** the duty must be an integral, rigorous part of your decision-making process and influence the process.
- **Sufficient Information:** you must assess what information you have and what is further needed to give proper consideration.
- **No delegation:** the Council is responsible for ensuring that any contracted services, which are provided on its behalf need also to comply with the same legal obligations under the Equality Act of 2010. You need, therefore, to ensure that the relevant contracts make these obligations clear to the supplier. It is a duty that cannot be delegated.
- **Review:** the equality duty is a continuing duty. It applies when a policy or service is developed/agreed, and when it is implemented and reviewed.
- **Proper Record Keeping:** to prove that the Council has fulfilled its legal obligations under the Equality Act you must keep records of the process you follow and the impacts identified.

NB: Filling out this EqlA in itself does not meet the requirements of the Council's equality duty. All the requirements above must be fulfilled, or the EqlA (and any decision based on it) may be open to challenge. An EqlA therefore can provide evidence that the Council has taken practical steps comply with its equality duty and provide a record that to demonstrate that it has done so.

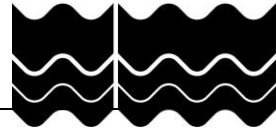
## <sup>2</sup> Our duties in the Equality Act 2010

As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the actual and potential impact of our activities on people who share any of the legally 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on the nature of your project, who it might affect, those groups' vulnerability, and the seriousness of any potential impacts it might have. We use this EqlA template to gather information and assess the impact of our project in these areas.

**The following are the duties in the Act. You must give 'due regard' (pay conscious attention) to the need to:**

- **avoid, reduce, minimise or eliminate any negative impact** (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).



- **promote equality of opportunity.** This means the need to:
  - Remove or minimise disadvantages suffered by equality groups
  - Take steps to meet the needs of equality groups
  - Encourage equality groups to participate in public life or any other activity where participation is disproportionately low
  - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **foster good relations between people who share a protected characteristic and those who do not.** This means:
  - Tackle prejudice
  - Promote understanding

<sup>3</sup> **EqIAs are always proportionate** to:

- The nature of the service, or scope of the policy/strategy
- The resources involved
- The number of people affected
- The size of the likely impact
- The vulnerability of the people affected

The greater the potential adverse impact of the proposed service or policy on a protected group (e.g. disabled people), the more thorough and demanding our process must be so that we comply with the Equality Act of 2010.

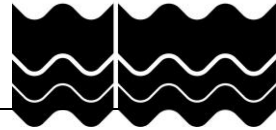
<sup>4</sup> **Title of EqIA:** This should clearly explain what service / policy / strategy / change you are assessing

<sup>5</sup> **Team/Department:** Main team responsible for the policy, practice, service or function being assessed

<sup>6</sup> **Focus of EqIA:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Analysis (EqIA)'

This section should explain what you are assessing:

- What are the main aims or purpose of the service, policy, strategy, practice, or function?
- Who implements, carries out or delivers the service, policy, strategy, practice, or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.
- How does it fit with other services?



- Who is affected by the service, policy, strategy, practice, or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
- What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes, or improvements, are required and what should the benefits be?
- What do existing or previous reviews of the service, policy, strategy, practice, or function indicate to you?
- What is the reason for the proposal, or change (financial, service scope, legal requirements, etc)? The Equality Act requires us to make these clear.

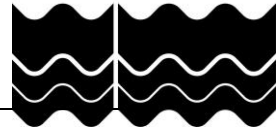
<sup>7</sup> **Previous actions:** If there is no previous EqIA, or this assessment is for a new service, then simply write 'not applicable'.

<sup>8</sup> **Data:** Make sure you have enough information to inform your EqIA.

- What data relevant to the impact on protected groups of the policy/decision/service is available?<sup>8</sup>
- What further evidence is needed and how can you get it? (Eg: further research or engagement with the affected groups).
- What do you already know about needs, access and outcomes? Focus on each of the protected characteristics in turn. Eg: who uses the service? Who doesn't and why? Are there differences in outcomes? Why?
- Have there been any important demographic changes or trends locally? What might they mean for the service or function?
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any groups?
- Do any equality objectives already exist? What is current performance like against them?
- Is the service having a positive or negative effect on particular people in the community, or particular groups / communities?

<sup>9</sup> **Engagement:** You must engage appropriately with those likely to be affected to fulfil the Council's duties under the Equality Act.

- What do people tell you about the services, the policy or the strategy?
- Are there patterns or differences in what people from different groups tell you?
- What information or data will you need from communities?
- How should people be consulted? Consider:
  - (a) consult when proposals are still at a formative stage;
  - (b) explain what is proposed and why, to allow intelligent consideration and response;
  - (c) allow enough time for consultation;
  - (d) make sure what people tell you is properly considered in the final decision.
- Try to consult in ways that ensure all different perspectives can be captured and considered.
- Identify any gaps in who has been consulted and identify ways to address this.



<sup>10</sup> Your EqlA must get to grips fully and properly with actual and potential impacts.

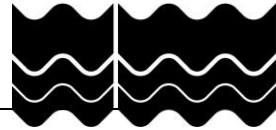
- The Council's obligations under the Equality Act of 2010 do not stop you taking decisions, or introducing well needed changes; however, they require that you take decisions and make changes conscientiously and deliberately confront the anticipated impacts on people.
- Be realistic: don't exaggerate speculative risks and negative impacts.
- Be detailed and specific so decision-makers have a concrete sense of potential effects. Instead of "the policy is likely to disadvantage older women", say how many or what percentage are likely to be affected, how, and to what extent.
- Questions to ask when assessing impacts depend on the context. Examples:
  - Are one or more protected groups affected differently and/or disadvantaged? How, and to what extent?
  - Is there evidence of higher/lower uptake among different groups? Which, and to what extent?
  - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
  - If there is negative differential impact, how can you minimise that while taking into account your overall aims
  - Do the effects amount to unlawful discrimination? If so, the plan must be modified.
  - Does the proposal advance equality of opportunity and/or foster good relations? If not, could it?

<sup>11</sup> Consider all three aims of the Act: removing barriers, and also identifying positive actions to be taken.

- Where you have identified impacts you must state what actions will be taken to remove, reduce or avoid any negative impacts and maximise any positive impacts or advance equality of opportunity.
- Be specific and detailed and explain how far these actions are expected to address the negative impacts.
- If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
- An EqlA which has attempted to airbrush the facts is an EqlA that is vulnerable to challenge.

<sup>12</sup> **Age:** People of all ages

<sup>13</sup> **Disability:** A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The definition includes: sensory impairments, impairments with fluctuating or recurring effects, progressive, organ specific, developmental, learning difficulties, mental health conditions and mental illnesses, produced by injury to the body or brain. Persons with cancer, multiple sclerosis or HIV infection are all now deemed to be disabled persons from the point of diagnosis. Carers of disabled people are protected within the Act by association.



<sup>14</sup> **Gender Reassignment:** In the Act a transgender person is someone who proposes to, starts or has completed a process to change his or her gender. A person does not need to be under medical supervision to be protected

<sup>15</sup> **Pregnancy and Maternity:** Protection is during pregnancy and any statutory maternity leave to which the woman is entitled.

<sup>16</sup> **Race/Ethnicity:** This includes ethnic or national origins, colour or nationality, and includes refugees and migrants, and Gypsies and Travellers. Refugees and migrants means people whose intention is to stay in the UK for at least twelve months (excluding visitors, short term students or tourists). This definition includes asylum seekers; voluntary and involuntary migrants; people who are undocumented; and the children of migrants, even if they were born in the UK.

<sup>17</sup> **Religion and Belief:** Religion includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief.

<sup>18</sup> **Sex/Gender:** Both men and women are covered under the Act.

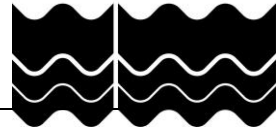
<sup>19</sup> **Sexual Orientation:** The Act protects bisexual, gay, heterosexual and lesbian people

<sup>20</sup> **Marriage and Civil Partnership:** Only in relation to due regard to the need to eliminate discrimination.

<sup>21</sup> **Community Cohesion:** potential impacts on how well people from different communities get on together. The council has a legal duty to foster good relations between groups of people who share different protected characteristics. Some actions or policies may have impacts – or perceived impacts – on how groups see one another or in terms of how the council's resources are seen to be allocated. There may also be opportunities to positively impact on good relations between groups.

<sup>22</sup> **Data:** Make sure you have enough information to inform your EqlA.

- What data relevant to the impact on protected groups of the policy/decision/service is available?<sup>22</sup>
- What further evidence is needed and how can you get it? (Eg: further research or engagement with the affected groups).
- What do you already know about needs, access and outcomes? Focus on each of the protected characteristics in turn. Eg: who uses the service? Who doesn't and why? Are there differences in outcomes? Why?
- Have there been any important demographic changes or trends locally? What might they mean for the service or function?
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any groups?
- Do any equality objectives already exist? What is current performance like against them?



- Is the service having a positive or negative effect on particular people in the community, or particular groups or communities?

<sup>23</sup> **Engagement:** You must engage appropriately with those likely to be affected to fulfil the Council's duties under the Equality Act .

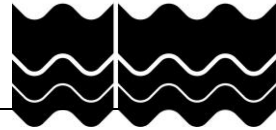
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- Are there patterns or differences in what people from different groups tell you?
- What information or data will you need from communities?
- How should people be consulted? Consider:
  - (a) consult when proposals are still at a formative stage;
  - (b) explain what is proposed and why, to allow intelligent consideration and response;
  - (c) allow enough time for consultation;
  - (d) make sure what people tell you is properly considered in the final decision.
- Try to consult in ways that ensure all different perspectives can be captured and considered.
- Identify any gaps in who has been consulted and identify ways to address this.

<sup>24</sup> Your EqIA must get to grips fully and properly with actual and potential impacts.

- The Council's obligations under the Equality Act of 2010 do not stop you taking decisions, or introducing well needed changes; however, they require that take decisions and make changes conscientiously and deliberately confront the anticipated impacts on people.
- Be realistic: don't exaggerate speculative risks and negative impacts.
- Be detailed and specific so decision-makers have a concrete sense of potential effects. Instead of "the policy is likely to disadvantage older women", say how many or what percentage are likely to be affected, how, and to what extent.
- Questions to ask when assessing impacts depend on the context. Examples:
  - Are one or more protected groups affected differently and/or disadvantaged? How, and to what extent?
  - Is there evidence of higher/lower uptake among different groups? Which, and to what extent?
  - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
  - If there is negative differential impact, how can you minimise that while taking into account your overall aims
  - Do the effects amount to unlawful discrimination? If so the plan must be modified.
  - Does the proposal advance equality of opportunity and/or foster good relations? If not, could it?

<sup>25</sup> Consider all three aims of the Act: removing barriers, and also identifying positive actions to be taken.





- Where you have identified impacts you must state what actions will be taken to remove, reduce or avoid any negative impacts and maximise any positive impacts or advance equality of opportunity.
- Be specific and detailed and explain how far these actions are expected to address the negative impacts.
- If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
- An EqlA which has attempted to airbrush the facts is an EqlA that is vulnerable to challenge.

<sup>26</sup> **Rurality:** deprivation is experienced differently between people living in rural and urban areas. In rural areas issues can include isolation, access to services (eg: GPs, pharmacies, libraries, schools), low income / part-time work, infrequent public transport, high transport costs, lack of affordable housing and higher fuel costs. Deprivation can also be more dispersed and less visible.

<sup>27</sup> **Other groups that may be differently affected:** this may vary by services, but examples include: homeless people, substance misusers, people experiencing domestic/sexual violence, looked after children or care leavers, current or former armed forces personnel (or their families), people on the Autistic spectrum etc.

<sup>28</sup> **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy.
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

<sup>29</sup> **Action Planning:** The Council's obligation under the Equality Act of 2010 is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.

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# Equality Impact Assessment

Name of the proposal, project or service
<b>Exceat Bridge Replacement and Improvement to A259 Corridor</b>

File ref:		Issue No:	2
Date of Issue:	07/11/19	Review date:	07/06/21

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## **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
- 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.**

Exceat Bridge Replacement and Improvement to A259 Corridor

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

This project seeks to address a long standing and well known bottleneck within the East Sussex network and contribute towards economic growth, specifically economic connectivity, within the area.

The project was initiated to explore options to replace the deteriorating Exceat Road Bridge over the Cuckmere river and unlock the full capacity of the network to support employment and housing growth.

The bridge is coming to the end of its serviceable life and has a number of structural defects and layout issues. Following an options appraisal it was determined that it would be more beneficial to replace the existing bridge with a new one designed to address these issues and meet the needs of its users.

The project will address current constraints affecting those with protected characteristics including:

- major congestion spot due to constrained traffic flow/capacity issues, the impact of which is long queues of traffic in both directions from the bridge
- poor access for pedestrians and cyclists
- increasing pollution and health inequalities
- long-term network resilience

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

Pippa Mabey, Project Manager – Highways Funding and Development, Highways Contracts Management Group, CET

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

The following will be affected by the project:

- Local residents and businesses
- Tourists
- Walkers & cyclists
- Wheelchair users and those with disabilities
- Elderly
- People using the road network to travel to work

The project will deliver:

- A new two-lane bridge to replace the existing single-lane priority bridge on a better and safer alignment.
- New footway and crossing points to allow pedestrians to walk safely to the visitor centre, car parks, pub and Country Park without having to cross the road. The footway will be made wide enough to convert into a footway and cycleway so that it can connect to any future cycleways in the area.
- Creation of a shared meeting space in front of the Cuckmere Inn, new viewing platforms on the bridge, cycle racks and benches to support tourism.
- Reduced speed limits, improvements to bus stops, dropped kerbs and better lighting to further improve safety and accessibility.
- Environmental mitigation work that will improve local habitats including restoration of a saltmarsh, adding value and interest to the Park.

It aims to achieve the following objectives:

- Improve the overall connectivity between two of the county's Growth Areas and identified Priority 1 LUF areas (Newhaven and Eastbourne) that suffer from multiple sources of deprivation.
- Address future resilience on the Major Road Network and reduce the risk of bridge failure and the consequential impact this would have for communities linked by the A259.
- Enabling free flowing traffic and consequently remove the current queueing and idling of vehicles, meaning a reduction in carbon emissions and pollution.



- An enhanced, sensitively designed bridge within the protected environment of the South Downs.
- Making pedestrian and cycle connectivity across the bridge and its environs safer, more attractive and accessible to visitors.
- Improve bus journey times by 1 to 3 minutes between Eastbourne and Brighton allowing buses to run more reliably and offer a more attractive travel option for residents and commuters serving the coastal communities along the A259.

**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 ESCC Project Board are responsible for overseeing the project and the work will be instructed and delivered through the current contract mechanisms within our Highways and Infrastructure Services Contract 2016-23.

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

Our Highway service contract providers and sub-contractors are responsible for carrying out the work and recording network information:

Partner	Nature of involvement (financial, operational etc.)
East Sussex County Council	Financial, Project Management. Lead Applicant
Jacobs	Design, Project Management, Operational
Costain	Operational

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

There is a statutory duty on service providers under the Equality Act 2010 to take reasonable steps to remove or alter physical features to improve access for people with disabilities, or provide an alternative method of making services available. (B.4.4.3, Well Managed Highway Infrastructure, 2016)

All new and existing highways related policies are approved by the Lead Member for Transport and Environment and are monitored in conjunction with the highways performance management framework.

All proposals have been developed with reference to the relevant design guidance and in compliance with the Disability Discrimination Act, Manual for Streets 1 and 2, LTN1/20 Cycling Design Guidance, LTN3/08 Developing Streets for mixed purpose, LTN1/97 Keeping the Buses Moving and national best practice recommendations for inclusivity.

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

On completion of the project, people will be able to access the new bridge, footpath, cycle path and crossing as they can currently access the area – there are and will be no restrictions. During the construction phases, access will be maintained so there will be no disruption to service provision.

**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.**

How: The project is a major infrastructure project that is being carried out in several phases over several years.

When: If the project runs to plan the new Exceat bridge, foot and cycle path and pedestrian crossing will be operational by February 2024.

Where: Exceat Bridge and Seven Sisters Country Park Visitor Centre, on the A259, Seaford, East Sussex, BN25 4AB Exceat bridge is part of the A259, one of the principal road networks in East Sussex which serves two of the County's growth areas for housing and employment; Newhaven and Eastbourne/South Wealden. The A259 is a critical route for economic connectivity from the East of the county, along the East Sussex coast to Brighton and through to West Sussex, including linkage to a key port at Newhaven.

## 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 <b>X</b> marked against them			
	Employee Monitoring Data		Staff Surveys
	Service User Data	x	Contract/Supplier Monitoring Data
<b>X</b>	Recent Local Consultations		Data from other agencies, e.g. Police, Health, Fire and Rescue Services, third sector
<b>x</b>	Complaints	x	Risk Assessments
	Service User Surveys	x	Research Findings
<b>x</b>	Census Data	x	East Sussex Demographics
	Previous Equality Impact Assessments	x	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.

Issues raised by respondents to the consultation (including those with protected characteristics) have been considered and assessed where appropriate to determine whether alternative measures or additional mitigations are necessary. This assessment is set out in appendix 2.

Our assessment concludes that, in most cases, the issues raised are unlikely to materialise. In most cases, the alternatives suggested are not appropriate for safety reasons or because of the highly sensitive nature of the area and the need to balance heritage, environmental and safety elements. However, where possible changes have been made to the designs to accommodate the needs of all users e.g. improved design of viewing platforms to make barriers easier to see over. In all cases, suitable mitigation measures are in place to remove or minimise any negative effects.

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

An option study was carried out to consider a variation of proposals to address the exeat bridge issues and select the best option. These options were as follows:

- Option 1- Replace bearings, construct new footbridge and repaint the original girders

- Option 2- Replace bearings, provide vehicular containment parapets, construct new footbridge.
- Option 3- Widen the existing deck, replace bearings and reconstruct existing deck with vehicular containment parapets.
- Option 4- Build new bridge and demolish the existing bridge.

All **project design** complies with the Disability Discrimination Act, Manual for Streets 1 and 2, LTN1/20 Cycling Design Guidance, LTN3/08 Developing Streets for mixed purpose, LTN1/97 Keeping the Buses Moving and national best practice recommendations for inclusivity.

An **economic appraisal** has been carried out in relation to the proposal.

**Road safety audits** have been carried out and used to inform the design.

A **public and stakeholder consultation** took place online during 2020 with options to complete paper or telephone surveys. Telephone and email support was available for anyone needing assistance.

Information was provided to local businesses to display in their premises. Posters were displayed on and around the site and information was shared on websites, social media and the press.

We contacted key stakeholders directly asking them for feedback and their help in reaching people who might be affected by the proposals. These included:

- Eastbourne Access and Eastbourne Disability Involvement Group
- Public Transport Providers and Liaison
- Brighton and Hove Bus and Coach Company Ltd.
- Local Residents and Residents groups

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

The option study recommended that best option would be 4, if the funding can be obtained as it provides a solution for all deficiencies.

The economic appraisal of the Exceat Bridge Replacement demonstrates that the proposed scheme offers high value for money, with a benefit cost ratio of 2.12. In addition to the monetised benefits they found that the scheme would:

- Deliver congestion benefits at other times, with observed traffic volumes during the weekday shoulder peak and Saturday lunchtime peak similar to the weekday AM and PM peak hours
- Improve journey time reliability for vehicular traffic including bus services that serve the A259 corridor
- Reduce the likelihood of severance

- Reduce air pollution from queuing vehicles
- Enhance ecological diversity and value in the long-term through the provision of 1ha of mosaic wetland habitat
- Improve network resilience – the A259 is a key alternative to the A27
- Support tourism and planned housing growth.

The response to the public consultation which took place in 2020 was largely positive towards a new structure. There was no significant difference between responses from those with protected characteristics and those without.

Positive feedback from people with protected characteristics included statements that it would improve travel times to the local hospital, reduce emissions and provide easier pavement accessibility across the bridge. Concern was noted around the viewing platforms and their need to be accessible to all and the safety of children using the viewing platforms. The design has been modified as a result.

See appendix 1 and 2 for further details.

## 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?

Sussex has a higher population of people aged over 65 than the average for England and Wales.

Age	All people	Percent aged 0-14	Percent aged 15-29	Percent aged 30-44	Percent aged 45-64	Percent aged 65+
Geography						
England and Wales	56,075,912	17.6	19.9	20.5	25.4	16.4
South East	8,634,750	17.8	18.6	20.4	26.1	17.2
East Sussex	526,671	16.1	15.9	17.2	28.0	22.7
Eastbourne	99,412	15.7	18.5	18.3	25.1	22.4
Seaford	23,571	13.3	13.8	14.3	28.3	30.4
Newhaven	12,232	18.3	18.2	19.7	26.6	17.2

Source: 2011 Census, Office for National Statistics

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

Eastbourne, Seaford and Newhaven have a higher percentage of over 65 than the South east in total. These towns will be the main sources for those using the Exceat bridge.

In response to a public consultation nearly 50% of all respondents advised they belonged to an age group above 60.

Option	Total	Percent
Under 18	1	0.10%
18 - 24	12	1.19%
25 - 34	76	7.55%
35 - 44	91	9.04%
45 - 54	154	15.29%
55 - 59	95	9.43%
60 - 64	121	12.02%
65 - 74	262	26.02%
75+	106	10.53%
Prefer not to say	40	3.97%
Not Answered	49	4.87%

#### 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?

Any age groups that particularly benefit from improved accessibility such as raised kerbs at bus stops, better crossings, wider footways, benches and shorter journeys will be more affected by the project. (See full details of design elements included to support those with protected characteristics at appendix 1)

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

It will have a positive impact on these age groups.

In response to public consultation, it was noted that access to the nearest hospital is over the bridge and therefore a 2 way system would enable a quicker travel time.

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

See full details of design elements included to support those with protected characteristics at appendix 1.

We will monitor and take into consideration any feedback received specific to these changes and use it to support future reviews and EqlA's.

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

See mitigation measures in section 3.2 above.

**How will any mitigation measures be monitored?**

The Contract Management Group will carry out a stakeholder consultation following construction to assess the impact of the scheme and determine if any further works are necessary.

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

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

Type	All people	Percent people with long-term health problem or disability	Percent day-to-day activities limited a little	Percent day-to-day activities limited a lot	Percent people without long-term health problem or disability
Geography					
England and Wales	56,075,912	17.9	9.4	8.5	82.1
South East	8,634,750	15.7	8.8	6.9	84.3
East Sussex	526,671	20.3	11.2	9.2	79.7
Eastbourne	99,412	21	9.7	11.3	79.0
Seaford	23,571	23.2	10.0	13.1	76.8
Newhaven	12,232	18.9	8.5	10.4	81.1

Source: 2011 Census, Office for National Statistics

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

The proportion of highway users with this protected characteristic is likely to be the same as in the population figures above.

In response to a public consultation 7.35% of 1,007 respondents advised that they considered themselves to be disabled as set out in the Equality Act 2010.

### 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?

People with mobility disabilities or disabilities that affect their ability to cross the road or mean they particularly benefit from improved accessibility such as raised kerbs at bus stops, better crossings, wider footways, benches and shorter journeys will be more affected by the project. (See full details of design elements included to support those with protected characteristics at appendix 1)

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

It will have a positive impact on those with a disability because it will improve accessibility.

See appendix 1 for details of design elements incorporated to improve accessibility for people with disabilities.

In response to a public consultation, out of those who considered themselves disabled, 79.7% felt the proposals to replace Exceat bridge were good. This is very similar to the proportion of positive responses overall.



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

We will monitor and take into consideration any feedback received specific to these changes and use it to support future reviews and EqlA's.

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

See full details of design elements included to support those with protected characteristics at appendix 1.

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

The Contract Management Group will carry out a stakeholder consultation following construction to assess the impact of the scheme and determine if any further works are necessary.

**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?**

Ethnicity	All people	% White British and N Irish	% White Irish	% Gypsy or Irish Traveller	% Other White	% Mixed heritage	% Asian/ Asian British	% Black/ Black British	% other ethnic group
Geography									
England and Wales	56,075,912	80.5	0.9	0.1	4.4	2.2	7.5	3.3	1.0
South East	8,634,750	85.2	0.9	0.2	4.4	1.9	5.2	1.6	0.6
East Sussex	526,671	91.7	0.8	0.2	3.4	1.4	1.7	0.6	0.3
Eastbourne	99,412	87.4	1.0	0.1	5.6	1.8	2.8	0.8	0.5
Seaford	23,571	93.8	0.8	0.0	2.5	0.9	1.5	0.3	0.2
Newhaven	12,232	93.0	0.6	0.1	3.2	1.2	1.1	0.4	0.3

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

The proportion of highway users with this protected characteristic is likely to be the same as in the population figures above who will be impacted by the project.

In response to a public consultation 85.80% of respondents advised that they were White British.

**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 those who are from different ethnic backgrounds?**

It will have a positive impact because it will improve accessibility for all.

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

We will monitor and take into consideration any feedback received specific to these changes and use it to support future reviews and EqIA's.

We will ensure that highway service policies are reviewed against relevant best practice guidance to help avoid any negative impact and ensure the advancement of equality.

Where applicable with certain highway projects a separate EqIA will be carried out. The existing highway service contract provider is required to adopt and following ESCC equalities policies such as the Translation and Interpretation Policy.

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

None necessary in the implementation of these changes.

However it should be noted that Standard Diversity and Equality clauses are included in all highway contract Terms and Conditions and that, when appropriate, an individual EQIA will be completed for new highway schemes or projects.

Contractors are also required to undertake a risk assessment as applicable when carrying out works on the highway to ensure the corrective mitigation action is taken.

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

The Contract Management Group manages and monitors the contract and business service performance targets and ensures works and services comply with the requirements of the Highways Infrastructure Services Contract. This contains specific clauses regarding equality and diversity.

The Contract Management Group will carry out a stakeholder consultation following construction to assess the impact of the scheme and determine if any further works are necessary.

#### 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?

Gender	Geography	All people
All people	England and Wales	56,075,912
	South East	8,634,750
	East Sussex	526,671
Males	England and Wales	27,573,376
	South East	4,239,298
	East Sussex	253,764
Females	England and Wales	28,502,536
	South East	4,395,452
	East Sussex	272,907

Source: 2011 Census, Office for National Statistics

In response to public consultation the following response were received on gender:

Option	Total	Percent
Male	526	52.23%
Female	408	40.52%
Prefer not to say	33	3.28%
Not Answered	40	3.97%

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

The proportion of highway users with this protected characteristic is likely to be the same as in the population figures above.

In response to public consultation, 0.3% advised that they identified as a identify as a transgender or trans person.

##### 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?

It will have a positive impact because it will improve accessibility for all

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

We will monitor and take into consideration any feedback received specific to these policies and use it to support future reviews and EqIA's.

We will ensure that highway service policies are reviewed against relevant best practice guidance to help avoid any negative impact and ensure the advancement of equality.

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

None necessary in the implementation of these changes.

However it should be noted that Standard Diversity and Equality clauses are included in all highway contract Terms and Conditions and that, when appropriate, an individual EQIA will be completed for new highway schemes or projects.

Contractors are also required to undertake a risk assessment as applicable when carrying out works on the highway to ensure the corrective mitigation action is taken.

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

The Contract Management Group manage and monitor the contract and business service performance targets and ensure works and services comply with the requirements of the Highways Infrastructure Services Contract. This contains specific clauses regarding equality and diversity.

The Contract Management Group will carry out a stakeholder consultation following construction to assess the impact of the scheme and determine if any further works are necessary.

#### 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	All people aged 16 and over	Percent single	Percent married	Percent in a registered same-sex civil partnership	Percent separated	Percent divorced	Percent widowed
Geography							
England and Wales	45,496,780	34.6	46.6	0.2	2.6	9.0	7.0
South East	6,992,666	31.9	49.3	0.2	2.5	9.1	6.9
East Sussex	435,515	29.1	48.4	0.3	2.7	10.7	8.7
Eastbourne	82,691	33.3	42.8	0.4	3.0	11.5	9.1

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

The proportion of highway users with this protected characteristic is likely to be the same as in the population figures above.

In response to public consultation, 54.42% advised that they were married or in a civil partnership. Of which 81.75% advised the proposals were good.

23.93% advised that there were not married or in a civil partnership. Of which 84.64% advised the proposals were good.

##### 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?

It will have a positive impact because it will improve accessibility for all

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

We will monitor and take into consideration any feedback received specific to these changes and use it to support future reviews and EqIA's.

We will ensure that highway service policies are reviewed against relevant best practice guidance to help avoid any negative impact and ensure the advancement of equality.

##### f) Provide details of any mitigation.

None necessary in the implementation of these changes.

However it should be noted that Standard Diversity and Equality clauses are included in all highway contract Terms and Conditions and that, when appropriate, an individual EQIA will be completed for new highway schemes or projects.

Contractors are also required to undertake a risk assessment as applicable when carrying out works on the highway to ensure the corrective mitigation action is taken.

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

The Contract Management Group manages and monitors the contract and business service performance targets and ensures works and services comply with the requirements of the Highways Infrastructure Services Contract. This contains specific clauses regarding equality and diversity.

The Contract Management Group will carry out a stakeholder consultation following construction to assess the impact of the scheme and determine if any further works are necessary.

#### 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?

	Age of mother	Under 20	20-24	25-29	30-34	35-39	40 and over
Geography	All live births						
England	663157	20963	96519	185960	210731	120330	28654
South East	101982	2797	12847	26970	33891	20711	4766
East Sussex	5219	186	839	1479	1568	916	231
Eastbourne	1048	44	178	282	338	166	40
Hastings	1115	67	236	341	256	180	35
Lewes	898	16	113	243	295	182	49
Rother	751	32	128	220	201	127	43
Wealden	1407	27	184	393	478	261	64

Source: Dataset: Live births by age of mother, 2001-2016 – districts ESIF

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

The proportion of highway users with this protected characteristic is likely to be the same as in the population figures above.

In response to public consultation, 0.79% advised that they were currently pregnant or have you been pregnant in the last year.

##### 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?

Where pregnancy or maternity affects mobility or need for better accessibility (e.g. getting a buggy on/off a bus or crossing the road), people with this protected characteristic are likely to be more positively affected than others due to accessibility improvements.

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

It will have a positive impact because it will improve accessibility for all.

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

We will monitor and take into consideration any feedback received specific to these policies and use it to support future reviews and EqIA's.

We will ensure that highway service policies are reviewed against relevant best practice guidance to help avoid any negative impact and ensure the advancement of equality.

##### f) Provide details of the mitigation

None necessary in the implementation of these changes.



However it should be noted that Standard Diversity and Equality clauses are included in all highway contract Terms and Conditions and that, when appropriate, an individual EQIA will be completed for new highway schemes or projects.

Contractors are also required to undertake a risk assessment as applicable when carrying out works on the highway to ensure the corrective mitigation action is taken.

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

The Contract Management Group manages and monitors the contract and business service performance targets and ensures works and services comply with the requirements of the Highways Infrastructure Services Contract. This contains specific clauses regarding equality and diversity.

The Contract Management Group will carry out a stakeholder consultation following construction to assess the impact of the scheme and determine if any further works are necessary.

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

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

Religions	All people	% Christian	% Buddhist	% Hindu	% Jewish	% Muslim	% Sikh	% other religions	% no religion	% religion not stated
Geography										
England and Wales	56,075,912	59.3	0.4	1.5	0.5	4.8	0.8	0.4	25.1	7.2
South East	8,634,750	59.8	0.5	1.1	0.2	2.3	0.6	0.5	27.7	7.4
East Sussex	526,671	59.9	0.4	0.3	0.2	0.8	0.0	0.7	29.6	8.1
Eastbourne	99,412	59.6	0.5	0.4	0.2	1.5	0.1	0.6	29.2	8

Source: 2011 Census, Office for National Statistics

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

The proportion of highway users with this protected characteristic is likely to be the same as in the population figures above.

In response to public consultation, 24.03% advised that they regarded themselves as belonging to any particular religion or belief, of that 78.93% advised the proposals were good.

57.50% advised that they did not belong to any particular religion or belief, of those 86.86% advised that the proposals were good.

##### 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 the people with different religions and beliefs?

It will have a positive impact because it will improve accessibility for all.

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

We will monitor and take into consideration any feedback received specific to these policies and use it to support future reviews and EqIA's.

We will ensure that highway service policies are reviewed against relevant best practice guidance to help avoid any negative impact and ensure the advancement of equality.

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

None necessary in the implementation of these changes.

However it should be noted that Standard Diversity and Equality clauses are included in all highway contract Terms and Conditions and that, when appropriate, an individual EQIA will be completed for new highway schemes or projects.

Contractors are also required to undertake a risk assessment as applicable when carrying out works on the highway to ensure the corrective mitigation action is taken.

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

The Contract Management Group manage and monitor the contract and business service performance targets and ensure works and services comply with the requirements of the Highways Infrastructure Services Contract. This contains specific clauses regarding equality and diversity.

The Contract Management Group will carry out a stakeholder consultation following construction to assess the impact of the scheme and determine if any further works are necessary.

#### **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. Official estimates are often lower than this based on responses to surveys. All estimates are subject to the very significant caveat that many LGB 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 so far. Taking the Stonewall estimate as a guide, this means that in East Sussex with a population of 547,797 (East Sussex in Figures website) around 27,389- 38,345 people are likely to be LGB.

In response to public consultation the following responses were given.

Option	Total	Percent
Bi/Bisexual	15	1.49%
Heterosexual/Straight	685	68.02%
Gay woman/Lesbian	4	0.40%
Gay Man	23	2.28%
Other	21	2.09%
Prefer not to say	126	12.51%
Not Answered	133	13.21%

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

The proportion of highway users with this protected characteristic is likely to be the same as in the population figures above.

##### **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?**

It will have a positive impact because it will improve accessibility for all.

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

We will monitor and take into consideration any feedback received specific to these policies and use it to support future reviews and EqIA's.

We will ensure that highway service policies are reviewed against relevant best practice guidance to help avoid any negative impact and ensure the advancement of equality.

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

None necessary in the implementation of these changes.

However it should be noted that Standard Diversity and Equality clauses are included in all highway contract Terms and Conditions and that, when appropriate, an individual EQIA will be completed for new highway schemes or projects.

Contractors are also required to undertake a risk assessment as applicable when carrying out works on the highway to ensure the corrective mitigation action is taken.

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

The Contract Management Group manages and monitors the contract and business service performance targets and ensures works and services comply with the requirements of the Highways Infrastructure Services Contract. This contains specific clauses regarding equality and diversity.

The Contract Management Group will carry out a stakeholder consultation following construction to assess the impact of the scheme and determine if any further works are necessary.

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

Rurality – The landscape in East Sussex is predominantly rural, however the majority of the population live in urban areas, 58% live in the coastal urban areas and a further 18% live in market towns.

Due to the rurality of the area the method of travel to work is predominantly by car or bus. According to the 2011 census, 55% in Eastbourne drive a car or van to work, 58% in Seaford and 56% Newhaven, these are the main population hubs around the Exceat bridge.

The project has the potential to positively impact those who rely on these methods to get to work via the A259 between Eastbourne, Newhaven and Seaford as it will reduce congestion and travel time (see figures at 2.2).

**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?**

Although people in rural areas may be affected differently or have different requirements of the service, following our research, we do not expect this project to affect these groups differently.

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

The improvements to travel times and journey reliability along the A259 are expected to have a positive impact on economic connectivity in the wider area, supporting people living and working in rural areas to access services, work and leisure.

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

Rurality - The highways service has a good track record in engaging with parish councils in rural areas, as well as town councils in smaller towns, on a wide range of issue through the Strengthening Local Relations (SLR) and the Community Highways Initiatives. This provides an opportunity for rural communities to raise any concerns they have or make suggestions which will be taken into consideration when reviewing policies. Engagement and consultation with relevant stakeholders is already underway and will continue through the life of the project.

We will ensure that the policies are also reviewed against relevant best practice guidance to avoid any negative impact to the advancement of equality.

**e) Provide details of the mitigation.**

None necessary in the implementation of these changes.

However it should be noted that Standard Diversity and Equality clauses are included in all highway contract Terms and Conditions and that, when appropriate, an individual EQIA will be completed for new highway schemes or projects.

Contractors are also required to undertake a risk assessment as applicable when carrying out works on the highway to ensure the corrective mitigation action is taken.

**f) How will any mitigation measures be monitored?**

The Contract Management Group manage and monitor the contract and business service performance targets and ensure works and services comply with the requirements of the Highways Infrastructure Services Contract. This contains specific clauses regarding equality and diversity.

**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;

This project takes into consideration national legislation and best practice guidelines.

The project will be implemented by the current highways and infrastructure services contract provider. Standard Diversity and Equality clauses are included in all highway contract Terms and Conditions.

The Highway Contract Management Group will monitor the project including its performance and compliance and investigate any complaints relating to equalities issues.

- Advance equality of opportunity between people from different groups

The highways contract and associated projects aim to support and deliver better value for money and improved network condition, improving access for older people and people with disabilities. This project has taken into consideration the needs of all highway users including these groups.

- Foster good relations between people from different groups

Customer focus and community engagement are embedded into the highways contract and service model and the current service provider is expected to liaise directly with local communities to deliver the service in a fair, transparent manner, considering the needs of all service users.

### 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	<b>A No major change</b> – 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>The analysis suggests there will be no negative impact made upon those with protected characteristics. Instead positive improvements will be made through this project making it more accessible to reach the Seven sisters County Park, cycleway, walkway and information centre. Additionally, for those who live in rural areas and/or rely on a vehicle to get to work, the creation of a 2 way bridge will reduce congestion,</b>
	<b>B Adjust the policy/strategy</b> – This involves taking steps to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential effect.	
	<b>C Continue the policy/strategy</b> - 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	<b>making travel times quicker and reducing the environmental impact of the congestion.</b>
	<b>D Stop and remove the policy/strategy</b> – 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, project or service?

The findings of this EqIA have been considered by the project team against the project's implementation and mitigations put in place where necessary to ensure the project promotes equality, doesn't discriminate and meets the terms of the Equality Act 2010.

The following outcomes will be monitored and evaluated by the Project Board following the completion of the project including seeking feedback from stakeholders including local disability groups:

### Key metrics for monitoring and evaluation

- **Scheme Build.** Key metrics will include the programme, stakeholder management, risk register and scheme benefits. Information will be documented as part of the regular progress meetings, Project Board meetings, and Cabinet papers at key milestones. Feedback will be sought from stakeholders on impact of project.
- **Scheme Delivery.** A detailed comparison of the proposed scheme at funding approval, detailed design and the delivered scheme.
- **Scheme Costs.** A detailed comparison of the cost estimates at funding approval, detailed design, the outturn values once the scheme is delivered and for maintenance costs 5 years after opening.
- **Travel Demand.** Traffic survey (types and number of vehicles and non-motorised user survey). Numbers of passengers using the main bus services on the route.
- **Travel Times and Reliability.** Journey time survey from Seaford to East Dean. An analysis will be undertaken to identify any significant differences between outturn flows and/or speeds compared to those forecast for the scheme. Feedback will also be sought from Brighton and Hove Buses on reliability.
- **Carbon emissions and pollution** using modelling based on traffic data and a review of outturn traffic flows once the scheme is delivered to verify predictions.
- **Safety.** Sussex Police database analysed for slight, serious and fatal accidents at Exceat bridge. Feedback from stakeholders on near misses and perceived safety. Number of crossings made by non-motorised users.

### Governance arrangements

The Project Manager and Project Delivery Team are responsible for delivering the plan, risk management, quality assurance and monitoring and evaluation. They will report to the Project Board and Senior Responsible Officer on progress at least once

## Equality Impact Assessment

per quarter for the duration of the project and at lesser intervals post-construction. They will monitor the progress and impact of the project and present findings to the Council's Capital Board for review. A baseline report, and reports at one and five years after completion of construction will be reviewed by the Project Board and Senior Responsible Officer to assess the impact of the scheme. Scheme progress, monitoring and evaluation reports and lessons learned will be shared with the Government and key internal and external stakeholders as appropriate. This will include equality considerations.

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

Following completion of the project, monitoring will take place within 1 year and again at 5yrs.

<b>Date completed:</b>	<b>14/06/21</b>	<b>Signed by (person completing)</b>	<b>Stephanie Everest</b>
		<b>Role of person completing</b>	<b>Project Manager – Funding and Development</b>
<b>Date:</b>	<b>15/06.21</b>	<b>Signed by (Manager)</b>	<b>Pippa Mabey  Service Development Manager</b>

## 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:**

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







## Appendix 1

### Improvements that will benefit people with protected characteristics

Current issues	Protected characteristic(s) most affected	Proposal	Design compliant with
<p>Narrow footways cannot accommodate passing wheelchairs/pushchairs.</p> <p>Footway only on the north side of the bridge means that most pedestrians need to cross the carriageway twice to cross the river. Particularly unsafe for disabled persons or those with pushchairs.</p>	Wheelchair and pushchair users	<p>Wider footways to allow room for two wheelchairs to pass and with inclines of no steeper than 1 in 20.</p> <p>Footways on both sides of the bridge allowing continuous pedestrian passage without a need to cross the carriageway</p>	Disability Discrimination Act
No raised kerbs at bus stops; harder for people with sight or mobility impairments to get on and off buses.	Vision and mobility impairments, wheelchair and pushchair users	Raised kerbs at bus stops to minimise height difference between kerb and bus floor. (All buses which serve this area are PSVAR compliant and capable of carrying wheelchair users.)	
Existing street lighting of poor quality with uneven distribution of light, especially over the bridge.	Vision impairments	<p>New street lighting columns at pedestrian crossings, side road junction and shared space area.</p> <p>Low level wayfinding lighting over bridge.</p>	Design Manual for Roads and Bridges
No designated crossing points and very poor visibility at the location where most crossings are attempted	Mobility and vision impairments	<p>Dropped kerbs and tactile paving at designated crossing points.</p> <p>Improved layout ensures good vehicle / pedestrian visibility at all crossing locations.</p>	Manuals for Streets

Nowhere safe for people to congregate that is easily accessible	Mobility impairments	Shared space area outside Inn. Wide areas and shallow gradients.	
No viewing platforms. Insufficient space to pass people stopping to admire the view on the bridge.	Age, disability	New viewing platforms. Railings rather than solid walls in shared space / viewing platforms. The railings' simple see-through design will allow, shorter people, those sat in wheelchairs or on benches to appreciate the views.	
No benches	Age, disability, maternity	Benches at three locations to provide rest spots, including space for wheelchairs.	

**Appendix 2 – Stakeholder feedback assessment (those with and without protected characteristics)**

Concerns	Evidence this is unfounded	Issues with alternatives	Mitigation measures in place
<b>Existing bridge with traffic lights would be sufficient</b>	 Modelling suggests future traffic levels will be too high for traffic lights to prevent serious congestion	 No benefits to non-motorised users; no long-term resilience for growth in area	
<b>Improvements might increase traffic volumes, particularly HGVs, to an unacceptable level</b>	 Although traffic is expected to increase nationwide, the nature and location of route means that the bridge is unlikely to be the cause of significant increased traffic. Journeys will simply become more efficient.		 Expected improvements to bus service.  Recent improvements on A27 which is better for HGVs and long-distance travelers
<b>New bridge might result in higher traffic speeds making it less safe for pedestrians</b>	 The design of the new bridge alignment has been done in a way that will safely reduce vehicle speeds.		 The project includes reducing speed limits and provision of traffic calming



<p><b>Controlled crossings or traffic islands needed for safety</b></p> <p>Page 161</p>	<p>✓</p> <p>Road safety audit has concluded that uncontrolled crossing points, which will have significantly better visibility than the current provision will be safe and suitable for all pedestrians. Traffic modelling confirms that the increase in wait times will be marginal.</p>	<p>✓</p> <p>Not possible for environmental reasons as it is part of a dark skies area and the necessary increase in carriageway width to install traffic islands would necessitate a much higher retaining wall infringing on the landscape including a significant reduction of the surrounding saltmarsh.</p> <p>Road safety engineers have confirmed that it would be safer for pedestrians to wait slightly longer on the side of the road, than become stranded in the middle of the road with passing traffic either side.</p>	<p>✓</p> <p>Installation of uncontrolled crossing points to encourage crossing at safe locations.</p> <p>Traffic speed management measures.</p>
<p><b>Environmental concerns</b></p>	<p>✓</p> <p>Environmental Statement and an Ecosystems Services assessment carried out.</p>		<p>✓</p> <p>Mitigation strategy in line with National Planning Policy Framework and Environmental regulations. Includes restoration of nearby salt marsh.</p>

