



## **Equality impact assessment update**

### **Summary report for the Implementation of the Code of Practice Well Managed Highway Infrastructure, 2016**

**Date of assessment update:** August 2019

**Manager(s) name:** Pippa Mabey

**Role:** Highway Service Development Manager

**Impact assessment (project or service, strategy or policy) that was updated:**

Highway Maintenance - Consideration of Character  
Highway Inspection Manual

#### **Background**

The above policies have been reviewed and amended in line with the recommendations set out in the Code of Practice – Well Managed Highway Infrastructure, 2016. This is a nationally recognised best practice guide for authorities to use when developing their approach to highway infrastructure. The code advocates a flexible, risk based approach to highway maintenance decision making taking into consideration local needs, priorities and affordability.

An Equality Impact Assessment has not previously been carried out on these policies so the existing policy statements have been assessed as well as the proposed amendments.

#### **Summary of findings**

Research suggests that these policies are expected to have a generally positive impact on safety and accessibility for all users including those with protected characteristics.

A review of customer feedback has highlighted that some individuals may be more affected by defects on the highway than others. For example, those with mobility or visual impairments may be more likely to trip on an uneven surface. In Conservation Areas, some non-standard materials such as paving slabs can be more costly to maintain in a safe condition.

The new approach allows for consideration of a wider range of factors (including user needs) when assessing risk and making decisions. Although it is not possible to completely eliminate the greater risk some users face, the new policies will ensure a more realistic assessment of risk and will help to ensure we have the best network condition for the investment available.

### Summary of recommendations and key points of action plan:

It is recommended that the policy is subject to regular review. The policy review process will take into consideration feedback/complaints from users, particularly where it relates to equality, to help support and inform decision making.

### Groups that this project or service will impact upon

Please mark the appropriate boxes with an 'x'

	Positive	Negative
Age	X	
Disability	X	
Ethnicity		
Gender/Transgender		
Marriage or Civil partnership		
Pregnancy and Maternity	X	
Religion/Belief		
Sexual Orientation		
Other (including carers/rurality etc)		
All		

# Equality Impact Assessment

## Strategy or Policy Template

<b>Name of the strategy or policy</b>
<b>Implementation of the Code of Practice – Well Managed Highway Infrastructure, 2016</b>

<b>File ref:</b>		<b>Issue No:</b>	
<b>Date of Issue:</b>	<b>Septembr 2019</b>	<b>Review date:</b>	<b>2021</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, 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 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, strategy or policy

### 2.1 What is being assessed?

#### a) Proposal or name of the strategy or policy.

	Policy	Impact of policy change
Rescind the Policy	<p><b>PS 7.3 Maintenance of Footways – materials</b></p> <p><i>Sets out approach to maintenance of footways in Conservation Areas</i></p>	This policy is superseded by the new Highway Maintenance - Consideration of Character policy– see details below
	<p><b>Transport Asset Management Plan (TAMP)</b></p> <p><i>Sets out approach to Highway maintenance, including details of the maintenance hierarchies, maintenance standards, inspection frequencies and defect classification.</i></p>	This plan is superseded by the new Highway Inspection Manual – see details below.
	<p><b>Cycling Policy</b></p> <p><i>Sets out the measures to be taken to help ensure that cyclists can use the highway network safely</i></p>	No impact. This policy has been superseded by the Third Local Transport Plan 2011-2026. The policy is being rescinded to avoid confusion.
Update the Policy	<p><b>PS 10.1 Street Lighting</b></p> <p><i>Sets out policy on street lighting maintenance</i></p>	Section on street lighting in conservation areas has been moved to the new Maintenance in Conservation Areas policy – see details below.
New Policy Required	<p><b>Highway Maintenance - Consideration of Character</b></p> <p><i>Sets out approach to maintenance in Conservation Areas</i></p>	Changes to policy will result in a more flexible, collaborative approach to using non-standard Highway materials in Conservation Areas with decisions made on a case by case basis taking into consideration a wider range of factors.
Amendments to Highway Contract	<p><b>Highways and Infrastructure Services Contract</b></p>	Changes to contract to allow contractor greater flexibility in determining defect response times based on an assessment of risk.

<b>New Inspection Manual</b>	<b>Highway Inspection Manual</b> <i>Sets out approach to Highway maintenance, including details of the maintenance hierarchies, maintenance standards, inspection frequencies and defect classification.</i>	Changes to our approach will allow for a greater assessment of risk in determining the network hierarchy, inspection frequencies, defect classification and response times in line with current best practice recommendations.
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**b) What is the main purpose or aims of proposal, strategy or policy?**

Many of the tasks carried out by East Sussex County Council's Highways department are statutory duties or powers defined by national legislation. The highway policies set out the County Council's position where local discretion is permitted in how duties or powers are applied, or in areas for which there is no legislation.

Highway maintenance policies and standards have been developed and adopted by East Sussex County Council over the years:

- to ensure compliance with statutory requirements and industry best practice;
- to align with corporate priorities and the local transport policy;
- in response to incremental changes and improvements to operational practices; and
- to provide consistency and clarity for customers and key decision-makers.

Policies have been reviewed and amended following changes to the recommendations set out in the Code of Practice – Well Managed Highway Infrastructure, 2016. The code advocates a flexible, risk based approach to highway maintenance and the policies have been updated accordingly.

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

Highways Contract Management Group – Service Development Manager / Service Support Officer.

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

All highway users in East Sussex.

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

The policies will be put into practice by East Sussex County Council and its Highway Infrastructure Services Contract provider.

Overall responsibility for setting and reviewing highway maintenance policies will sit within the County Council, Highways Contract Management Group, Communities, Economy and Transport department.

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

Highway service contract delivery partners.

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

There is a well-defined statutory duty on the authority to provide highway maintenance services. The principle legislation is detailed within the Highways Act 1980 and in particular clauses 36, 41 and 58:

- Clause 36 – highways maintainable at public expense
- Clause 41 – local authority duty to maintain the highway
- Clause 58 – defence to claims arising from accident and injury on the highway

Other legislation exists that is relevant to specific policies. This is listed within each policy. There are also a range of codes of practice and national guidance informing the level and standard of maintenance works on the highway.

Policies are also affected by:

- County Council corporate priorities;
- Transport and Environment Portfolio Plan;
- The Council's Local Transport Policy; and
- Outcomes contained within the Highways Infrastructure Services Contract 2016-22.

All highways related policies are approved by the County Council, Lead Member for Transport and Environment and are subject to a regular programme of review.

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

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

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

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

A review of all customer contact between September 2017 and March 2019 that has been escalated to the level of a formal complaint was carried out. In this time we have received three complaints related to the policies being assessed in their current forms:

- Resident tripped over an uneven pavement and required hospital treatment. They felt that the intervention levels for repair were too high to keep the pavements safe for elderly residents.
- Resident reported that the unevenness of the pavement was unsafe for a particular individual with a mental health disability.
- A partially sighted wheelchair user reported suffering accessibility issues because of overgrown vegetation. They were concerned that the timescales for resolving the issue were too long.

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

The following consultation and research has been carried out:

- Review of customer satisfaction on current policies and service levels
- Internal research between the following: CET Highways Contract Management Group, ESCC Legal Services, East Sussex Highways technical experts and relevant teams, Insurance and Risk Management Team

- External consultation between CET Highways Contract Management Group and local planning authorities and conservation groups
- Review of best practice guidance including Well-Managed Highway Infrastructure: A Code of Practice 2016, UK Roads Liaison Group, guidance and national legislation
- Review of similar policies from neighbouring authorities

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

Research indicates that the proposed recommendations and updates to these policies would have a positive or neutral impact.

The policies will allow for a greater flexibility of approach based on an assessment of risk which will allow a wider variety of factors to be taken into consideration.

Adopting the principles of the code will promote consideration of all the implications pertaining to service level decisions including the Public Equality Duty.

## 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 highway service covers the entire county of East Sussex. East 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

Source: 2011 Census, Office for National Statistics

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

The highways service covers the entire county of East Sussex and is used by both residents and visitors to the County. The proportion of highway users of different ages 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, policy or strategy than those in the general population who do not share that protected characteristic?

Some people of different age groups may be more affected than others.

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

The implementation of a more flexible, risk based approach will generally have a positive impact for all age groups ensuring that highways are kept safe and accessible.

It is acknowledged that some individuals may be more affected by defects on the highway than others. For example, young children and the elderly may be more likely to trip on an uneven surface. Some non-standard materials such as paving slabs that are used in conservation areas can be more likely to create trip hazards.

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

Consideration of the needs and safety of all highway users, including those that are most vulnerable or have protected characteristics, is embedded within the Highways and Infrastructure Services Contract and the Council's Highway Asset Management Policy and Strategy. Specific needs will be considered when decisions are made in the implementation of this policy.

The new policies allow for the consideration of a wider range of factors (including user needs) when assessing risk and deciding on the best course of action.

Limited resources will mean that it is not possible to repair all defects that could be a hazard for all highway users even where a risk has been established. To ensure we have the best (and safest) network condition for the investment available, it is necessary to target resources where the risks to road users are highest. However, the risk based approach will allow for a more realistic assessment of risk and is expected to keep the highway safer and more accessible for all users which will benefit those of different age groups.

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

The Highways Contact Centre provides an accessible 24hr service for people to report problems and safety concerns.

We will monitor and take into consideration any feedback received specific to these policies and use it to support future reviews and EqlAs. Our policies and arrangements for equalities and the issues raised in this EqlA will be considered each time a policy is reviewed.

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.

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

The Highway Contract Management Team manages and monitors all policies through an existing performance management framework and ensures that all policies and associated EqlAs are reviewed within appropriate timescales.

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

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

The highway service covers the entire county of East Sussex.

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

Source: 2011 Census, Office for National Statistics

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

The highway service covers the entire county of East Sussex and it is used by both residents and visitors. The proportion of highway users with this protected characteristic is likely to be the same as the population figures shown above.

### 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, people with some types of disability may be more affected than others.

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

The implementation of a more flexible, risk based approach will generally have a positive impact for those with disabilities ensuring that highways are kept safe and accessible.

It is acknowledged that some individuals may be more affected by defects on the highway than others. For example, people with limited mobility or visual impairment may be more likely to trip on an uneven surface. Some non-standard materials such as paving slabs that are used in conservation areas can be more likely to create trip hazards.

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

Consideration of the needs and safety of all highway users, including those that are most vulnerable or have protected characteristics, is embedded within the Highways and Infrastructure Services Contract and the Council's Highway Asset Management Policy and Strategy. Specific needs will be considered when decisions are made in the implementation of this policy.

The new policies allow for the consideration of a wider range of factors (including user needs) when assessing risk and deciding on the best course of action.

Limited resources will mean that it is not possible to repair all defects that could be a hazard for all highway users even where a risk has been established. To ensure we have the best (and safest) network condition for the investment available, it is necessary to target resources where the risks to road users are highest. However, the risk based approach will allow for a more realistic assessment of risk and is expected to keep the highway safer and more accessible for all users which will benefit those with disabilities.

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

The Highways Contact Centre provides an accessible 24hr service for people to report problems and safety concerns.

We will monitor and take into consideration any feedback received specific to these policies and use it to support future reviews and EqlAs. Our policies and arrangements for equalities and the issues raised in this EqlA will be considered each time a policy is reviewed.

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.

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

The Highway Contract Management Team manage and monitor all policies through an existing performance management framework and ensure that all policies and associated EqlAs are reviewed within appropriate timescales.

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

- 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?**

The highways service covers the entire county of East Sussex.

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
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

Source: 2011 Census, Office for National Statistics

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

The highways service covers the entire county of East Sussex and is used by both residents and visitors to the County. 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, policy or strategy than those in the general population who do not share that protected characteristic?**

No.

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

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

**4.4 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

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

The highways service covers the entire county of East Sussex and is used by both residents and visitors to the County. 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, policy or strategy than those in the general population who do not share that protected characteristic?**

No.

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

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

**4.5 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

Source: 2011 Census, Office for National Statistics

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

The highways service covers the entire county of East Sussex and is used by both residents and visitors to the County. 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, policy or strategy than those in the general population who do not share that protected characteristic?**

No.

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

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?**

Measure	Number of live births						
Age of mother	All live births	Under 20	20-24	25-29	30-34	35-39	40 and over
Geography							
England and Wales	729,674	33,815	132,456	202,370	216,242	114,797	29,994
South East	107,858	4,191	16,781	27,651	34,322	19,725	5,188

Source: 2011 Census, Office for National Statistics

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

The highways service covers the entire county of East Sussex and is used by both residents and visitors to the County. 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, policy or strategy than those in the general population who do not share that protected characteristic?**

Yes, pregnant or people on maternity leave may be more affected than others due to use of buggies etc.

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

The implementation of a more flexible, risk based approach will generally have a positive impact for pregnancy and maternity ensuring that highways are kept safe and accessible.

It is acknowledged that some individuals may be more affected by defects on the highway than others. For example, people with limited mobility or visual impairment may be more likely to trip on an uneven surface. Some non-standard materials such as paving slabs that are used in conservation areas can be more likely to create trip hazards.

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

Consideration of the needs and safety of all highway users, including those that are most vulnerable or have protected characteristics, is embedded within the Highways and Infrastructure Services Contract and the Council's Highway Asset Management Policy and Strategy. Specific needs will be considered when decisions are made in the implementation of this policy.

The new policies allow for the consideration of a wider range of factors (including user needs) when assessing risk and deciding on the best course of action.

Limited resources will mean that it is not possible to repair all defects that could be a hazard for all highway users even where a risk has been established. To ensure we have the best (and safest) network condition for the investment available, it is necessary to target resources where the risks to road users are highest. However, the risk based

approach will allow for a more realistic assessment of risk and is expected to keep the highway safer and more accessible for all users which will benefit those who are pregnant or on maternity.

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

The Highways Contact Centre provides an accessible 24hr service for people to report problems and safety concerns.

We will monitor and take into consideration any feedback received specific to these policies and use it to support future reviews and EqlAs. Our policies and arrangements for equalities and the issues raised in this EqlA will be considered each time a policy is reviewed.

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.

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

The Highway Contract Management Team manages and monitors all policies through an existing performance management framework and ensures that all policies and associated EqlAs are reviewed within appropriate timescales.

**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
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

Source: 2011 Census, Office for National Statistics

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

The highways service covers the entire county of East Sussex and is used by both residents and visitors to the County. The proportion of highway users with this protected characteristic is likely to be the same as in the population figures above.

**b) 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?**

No.

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

N/A

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

N/A

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

N/A

**f) 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 highways service covers the entire county of East Sussex

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 552,300 (East Sussex in Figures website) around 27,615 - 38,661 people are likely to be LGB.

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

The highways service covers the entire county of East Sussex and is used by both residents and visitors to the County. The proportion of highway users with this protected characteristic is likely to be the same as in the population figures above.

**i) 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?**

No.

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

N/A

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

N/A

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

N/A

**m) 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 characteristics of those in rural areas, carers, part time workers and those with poor literacy/numeracy skills are not considered relevant to this assessment as they are unlikely to be affected differently to others by any of the changes to policies.

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

The highways service covers the entire county of East Sussex and is used by both residents and visitors to the County. The proportion of highway users with this protected characteristic is likely to be the same as in the figures above.

**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?**

No

**d) What is the proposal, strategy or policy'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?**

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 issues 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. We will continue to work with local communities to ensure that there is a good understanding of the principles of Asset Management, which in turn will enable local councils to better appreciate the rationale behind the decisions that are made.

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

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

N/A

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

N/A

**4.10 Human rights-** Human rights place all public authorities – under an obligation to treat you with fairness, equality, dignity, respect and autonomy.

**Please look at the table below to consider if your proposal, policy or strategy may potentially interfere with a human right.**

<b>Articles</b>	
<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;

The policies are based on national legislation and best practice guidelines.

The policies 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.

ESCC retains control of highway related policy and the Highway Contract Management Group manages this function. This includes the monitoring of performance and compliance and the investigation of complaints relating to equalities issues.

- Advance equality of opportunity between people from different groups

The highways contract and associated policies aim to provide the best network condition for the investment available, improving access for older people, people with disabilities and pregnant or people on maternity. These policies have taken into consideration the needs of all highway users including these groups. The more flexible, risk based approach is expected to improve safety and accessibility for all highway users including those with protected characteristics.

- 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 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 highways service affects anyone that uses the highway network in East Sussex. The policies referenced in this report focus on supporting ESCC priorities and highways outcomes. Some activities are legislated requirements and others are in reference to nationally recognised best practice approaches.
	<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.	Research indicates that although it is not possible to completely eliminate risk and that this risk may be slightly higher for some users with protected characteristics, that the new approach
X	<b>C Continue the policy/strategy</b> - This means adopting your proposals, despite any adverse	Research indicates that although it is not possible to completely eliminate risk and that this risk may be slightly higher for some users with protected characteristics, that the new approach

## Equality Impact Assessment

	effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate	will help to ensure the best network condition for the investment available. The changes to the policies are expected to improve the safety and accessibility of the highway network for all users including those with protected characteristics.
	<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?

A system has been put in place to review these policies on a regular basis or more often where incidents, complaints/feedback, changes to legislation or best practice necessitate this.

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

Minimum every 2 years.

<b>Date completed:</b>	<b>Feb 2019</b>	<b>Signed by (person completing)</b>	<b>Stephanie Everest</b>
		<b>Role of person completing</b>	<b>Service Support Officer</b>
<b>Date:</b>	<b>August 2019</b>	<b>Signed by (Manager)</b>	<b>Pippa Mabey</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)

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**(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)