

Equality Impact Assessment for CAPITAL PROGRAMME 2023-24 to 2032-33

Following the introduction of the Equality Act 2010 ('the EA') a public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the EA;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic (as defined by the EA) and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics set out in the EA are age, disability, ethnicity, gender reassignment, pregnancy/ maternity, religion or belief, sex and sexual orientation. Marriage and civil partnership are also protected characteristics for the purposes of the duty to eliminate discrimination. When making decisions the County Council also considers other matters such as the impact of rurality, deprivation and being a carer, where relevant.

The Capital Programme requires Members to have due regard to the Equality Duty contained in Section 149 of the EA as set out above.

Having "due regard" does not necessarily require the achievement of all the aims set out in section 149 of the EA. Instead it requires that Members understand the consequences of the decision for people in relation to their protected characteristics and consider these alongside other relevant factors when making the decision to pursue one course of action rather than another, alternative course of action that may have different consequences. The regard which is necessary will depend upon the circumstances of the decision in question and should be proportionate. Where a decision is likely to have an impact on a significant number of people, or where it is likely to have a significant impact on even a small number of people, the regard required will be high.

This means that in setting the Capital Programme, the three equality aims set out above have to be considered as a relevant factor alongside financial constraints and all other relevant considerations. Due to the ongoing financial pressures the Council is facing, the current capital programme focusses on a strategy to deliver core need as efficiently as possible. As agreed, service developments and investment opportunities that are outside core need are required either to be match funded or produce a business case that demonstrates benefits. Approved bids are added to the programme in line with current variation policy and financial regulations. Members must consider the equalities impacts, as identified, of agreeing this capital programme.

Specifically, Members need to take account of what the potential impacts of spending on this proposed programme will be for the communities in East Sussex, and take the same account of equality impacts if proposing amendments or alternative spending. It will be open to Directors and Lead Members at the time of taking those decisions to spend more on one activity and less or none on another, with due reference to equality impacts. Where further assessment of equality impact is needed to assess more detailed plans, this has been indicated, and Directors and Lead Members will need to further consider these impacts and their implications for decisions.

The EA does not require the use of a specific template for an equality impact assessment (EqIA); however the cases considering the public sector equality duty have held that a documented process is the best way to demonstrate that the equalities impacts have been identified and considered, proportionate to the impacts identified. All proposals have been assessed for their equality impacts. Where a project which was included in the Capital Programme is likely to have disproportionate impacts upon people sharing protected characteristics, officers have considered the consequences of that particular project or bid and have summarised these impacts for Members to consider and identified potential mitigating actions. Where impacts are potentially greater and a full EqIA has been conducted these are available as background documents. Members must read the full version of the EqIAs and take their findings into consideration when determining these proposals.

CAPITAL PROGRAMME 2023/24 to 2032/33	
Proposal	Summary of equality impact assessment
<b>Adult Social Care</b>	
House Adaptations (Adults): Older People's/LD Service Improvements	No disproportionate equality impacts are identified. Requests for this fund are based upon individual assessment of need, and comprehensively screened to ensure they meet the agreed defined criteria for funding. Older People's/LD Service Improvements EqIA, updated in February 2021, is attached.

Learning Disability Supported Living	<p>A business case has been developed which includes reference to an initial EqlA, completed with involvement from the care provider and from the Community Learning Disability Team. Further equality assessment will be undertaken, subject to proposals and funding being agreed.</p> <p>The initial analysis in the EqlA has also indicated that, if the project progresses as expected, there is unlikely to be a long-term detrimental impact relating to people’s protected characteristics as a result of any service model changes.</p> <p>Initial EqlA for this proposal is attached “Affinity Trust (Beckley Close and Jasmine Lodge) deregistration and change from Residential Care to Supported Living” (updated July 2022 from original assessment in October 2021). This EqlA remains a draft and will be updated as the proposal develops.</p>
<b>Business Services</b>	
SALIX Contract	<p>No disproportionate equality impacts are identified in relation to this programme. Funding for this scheme was agreed previously. Programme relates solely to carbon reduction measures in schools and ESCC buildings, identified and prioritised based on energy consumption. No further equality impact assessment is required.</p>
Core Programme - Schools Basic Need	<p>A full EqlA Schools Basic Need Capital Programme EqlA was completed in January 2021 and updated in November 2022 and is attached.</p>

<p>Special Educational Needs (SEN)</p>	<p>The EqlA for the schools' basic need capital programme includes information about the need for more SEN places. In addition, parents/carers and school communities were consulted on our SEND place planning strategy in May / June 2021. Respondents agreed with our priorities for provision and also identified further gaps in SEND provision across the county. A report on the findings of the consultation was shared with the East Sussex Parent and Carer Forum and posted on the ISEND local offer pages. The recently published School Organisation Plan 2022 to 2026 sets out our SEND place planning strategy in further detail.</p> <p>Schools Basic Need Capital Programme EqlA, updated in November 2022, is attached.</p>
<p>Special Educational Needs - Grove Park Additional Places</p>	<p>The EqlA for the schools' basic need capital programme includes information about the need for more SEN places. In addition, we consulted parents/carers and school communities on our SEND place planning strategy in May / June 2021. Respondents agreed with our priorities for provision and also identified further gaps in SEND provision across the county.</p> <p>Schools Basic Need Capital Programme EqlA, updated in November 2022, is attached.</p> <p>A full EqlA specifically for the Grove Park proposal will be undertaken at the stage of statutory proposals.</p>
<p>Disability Children's Homes</p>	<p>The proposal will lead to improvements in the service that can be provided to disabled children that need residential care, as more children who require this support will be able to access it. Plans for the site respond to the changing profile and needs of the disabled children and young people currently requiring full-time accommodation or respite care. Feedback from parents and carers clearly sets out the demand for more residential provision. This proposal responds directly to this identified need and feedback.</p> <p>There are potential benefits here for young people who need more of their own space and who are approaching transition period. There are benefits to young people and their families of more availability of specialist provision.</p> <p>No negative impacts are identified and no additional actions are required beyond those already included in the plans.</p> <p>'Disability Children's Homes: Sorrel Drive - Adaptations' EqlA, completed in November 2022, is attached.</p>

Core Programme - Capital Building improvements	No EqIA needed as spend is prioritised according to agreed Capital Programme priorities.
Core Programme - IT & Digital Strategy implementation	'IT&D Core Programme' EqIA was completed in 2021 on this project and is attached.
<b>Children's Services</b>	
House Adaptations for Disabled Children's Carers Homes	<p>The proposal has the potential for positive impact on the protected characteristic of 'age' and 'disability' - as the capital for house adaptations is aimed at support children and young people who are disabled. The is to improve the adaptability of homes so that disabled children can have accessible facilities.</p> <p>The Disabled Facility Grant (DFG) is allocated by central Government direct to District and Borough Councils. The grant is intended to provide for adaptations to the homes of adults and children with disabilities. Where the needs of young people cannot be met by the DFG then the councils can approach ESCC for additional capital funding (with a fixed maximum). Each application is assessed against previously agreed criteria to ensure fair allocation of resource.</p> <p>No further equality assessment is required.</p>
Schools Delegated Capital	<p>No disproportionate equality impacts are identified.</p> <p>Schools delegated capital is funding that comes into the LA for maintained schools and then delegated to each school via a formula to be used for small capital works.</p> <p>No further equality impact assessment is required.</p>

Communities, Economy & Transport	
Broadband	<p>No disproportionate equality impacts are identified.</p> <p>Equality impacts were assessed prior to contract award for each of the three infrastructure delivery contracts (2013, 2015 and 2018) and prior to becoming a “top up” funder to DCMS’s Gigabit Voucher Scheme (2020). No disproportionate impacts were identified, as eligibility is based on technical criteria relating to properties not occupiers.</p> <p>No further equality impact assessment is required.</p>
Council’s Climate Emergency Plan (CEP)	<p>No disproportionate equality impacts are identified.</p> <p>The CEP is a high-level plan and, as such, much of the implementation detail will be in plans and strategies that fit in below the main CEP. These plans will receive their own EqlAs, where appropriate.</p> <p>No further equality impact assessment is required at this stage.</p>
Flood & Coastal Resilience Innovation Programme	<p>The project will monitor water levels to understand and then better manage flooding risk in the catchment area. Communications and engagement plans will need to identify, understand and be responsive to diverse people’s needs.</p> <p>An engagement and communication strategy is being developed at present and equality implications are a key part of this process in order to ensure actions to address these are embedded in the implementation phases.</p> <p>There is also an ongoing process of evaluation throughout the programme and any additional impacts identified through this will be reviewed and considered to improve engagement over time. Potential equality implications of the communications and engagement strategy will be identified and actions defined as part of the strategy development and then reviewed and evaluated as part of the project implementation.</p>
Bexhill and Hastings Link Road (BHLR) Complementary Measures	<p>No disproportionate equality impacts are identified.</p> <p>Work on the Link Road has been completed. Remaining spend relates to completion costs and there are no equality impacts arising from the remaining funding.</p> <p>No further equality impact assessment is required.</p>

Economic Intervention Fund - Grants	<p>No disproportionate equality impacts are identified.</p> <p>Grants are offered to expanding or relocating businesses, thus the applicants are generally established companies. Efforts to improve equality access earlier in the business life cycle, at pre-start or start-up stage, are addressed elsewhere in the Economic Development service.</p> <p>An EqlA is not required at this time but this will be reassessed at the point of re-contracting (2023).</p>
Economic Intervention Fund - Loans	<p>No disproportionate equality impacts are identified.</p> <p>The ESI Loan fund is a revolving self-financing fund from an original allocation from the capital programme and the Government's Regional Growth Fund eight years ago. As with the grants it is aimed at supporting existing businesses grow or relocate to the county and is delivered in partnership with Locate East Sussex, our commissioned Inward Investment service.</p> <p>No further equality impact assessment is required.</p>
Stalled Sites	<p>No disproportionate equality impacts are identified.</p> <p>This is a residual fund originally allocated in 2015. It is open to owners of sites that are undeveloped due to difficult site constraints and helps with funding site investigation and business cases and in some cases provides loans for pre-development work. The eligibility is based on the site not the owners. Applications also come from local authorities.</p> <p>No further equality impact assessment is required.</p>
Upgrading Empty Commercial Properties	<p>Project now closed. Remaining spend relates to completion costs and there are no equality impacts arising from the remaining funding.</p> <p>No further equality impact assessment is required.</p>
Community Match Fund	<p>Equality Impact Assessments are completed for each project within this fund. Impacts may vary depending on the project funded. Funding for this scheme was agreed previously. Funding allocation is per agreed annual spend and follows agreed spend criteria.</p>

Community Road Safety Interventions	<p>No disproportionate equality impacts are identified.</p> <p>Allocation of £250k per year from the current Community Match underspend to provide community focused road safety interventions, based on two stage appraisal process and criteria. Criteria include assessment of location, including proximity to schools, GP surgeries, hospitals and shops where road users may be more vulnerable.</p> <p>No EqlA is needed.</p>
Newhaven Port Access Road	<p>No disproportionate equality impacts are identified.</p> <p>Note: this project is concluding and has followed previously agreed plans.</p> <p>No further equality impact assessment is required.</p>
Real Time Passenger Information	<p>The project is an ongoing one, based on previously agreed principles. Impacts are positive in that the project aims to provide additional, accessible information to support people to access bus services.</p> <p>The impacts of this project are considered within the ‘Bus Service Improvement Plan’ EqlA - attached.</p>
Bus Service Improvement Plan	<p>People sharing the following characteristics may experience barriers when accessing buses which the BSIP aims to address: age (older and younger people), disability, ethnicity, religion, sexual orientation, gender reassignment, sex (women). There are also potential positive impacts in relation to rurality and people on low incomes. The improvements made by the BSIP aim to improve accessibility for all. There will also be an ongoing engagement mechanism organised with the independent watchdog Transport Focus.</p> <p>‘Bus Service Improvement Plan’ EqlA, completed November 2022, is attached</p>
Queensway Depot Development (Formerly Eastern)	<p>No disproportionate equality impacts are identified.</p> <p>The project is to develop a new building. Any requirements in relation to building accessibility will be considered in planning stages.</p> <p>No further equality impact assessment is required.</p>



The Keep	<ol style="list-style-type: none"> <li>1. Internal maintenance, flooring and furniture: No equality impacts are identified as there will be no changes to accessibility within the building. No further assessment required.</li> <li>2. Building Maintenance System (BMS): No equality impacts are identified as the BMS regulates only temperature and humidity of building. No further assessment required.</li> <li>3. Foyer improvements: Changes to physical layout have the potential to impact on disabled people and others with limited mobility. An EqlA will be completed as part of the planning process to ensure ongoing accessibility of the physical layout. This will also allow exploration of options for wider engagement with groups and communities.</li> <li>4. There is potential for some impacts on disabled people in relation to access to and exit from the alternative research spaces, but proposed mitigations minimise these impacts. A full EqlA will be completed if this proposal is accepted.</li> <li>5. Security improvements: No disproportionate equality impacts are identified. No further equality assessment is required.</li> </ol>
Other Integrated Transport Schemes	EqlAs are completed for each project in this programme. Impacts may vary according to the detail of the project. Impacts and actions are identified in the specific EqlA for each project
Exceat Bridge Replacement (Formerly Maintenance)	Work on this project is ongoing and impacts identified in the EqlA remain accurate. 'Exceat Bridge' EqlA, completed in 2019 and reviewed in 2021, is attached.
Core Programme - refurbishment of Hollington, Rye and Newhaven libraries	<p>An EqlA and access audit are being completed for each refurbishment once initial scoping has been completed. Opportunities have been identified to improve access to the buildings, review stock, and to include hearing loops and these will be built into the developments.</p> <p>All alterations linked to findings have been made prior to full specifications being drafted for tender to ensure that we have an accurate assessment of works proposed which reflect the needs of the service.</p> <p>'Libraries Capital Programme' EqlAs for Hollington, Newhaven and Rye are attached.</p>

<p>Core Programme - Highways Structural Maintenance</p>	<p>No disproportionate equality impacts are identified. Maintenance of public highways and public rights of way across the county is a statutory requirement of the County Council under the Highways Act. Priorities are defined based on the overarching principle of 'Asset Condition', which is that the Council ensures that it is investing in its assets to maintain a basic level of condition, which allows the Council to deliver its Priority Outcomes, meeting any security and health and safety requirements. All potential projects are assessed against agreed criteria. No further equality impact assessment is required.</p>
<p>Core Programme - Bridge Assessment Strengthening</p>	<p>No disproportionate equality impacts are identified. As traffic continues to increase on our roads there is requirement for a programme of bridge strengthening and replacement to ensure they remain safe. Priorities are defined based on the overarching principle of 'Asset Condition', which is that the Council ensures that it is investing in its assets to maintain a basic level of condition, which allows the Council to deliver its Priority Outcomes, meeting any security and health and safety requirements. All potential projects are assessed against agreed criteria. No further equality impact assessment is required.</p>
<p>Core Programme - Street Lighting and Traffic Signals - life expired equipment</p>	<p>No disproportionate equality impacts are identified. Programme ensures that street lighting is adequate and, as the existing stock comes to the end of its life, it is replaced with modern, energy efficient, technology that also addresses the issue of light pollution. Also ensures that the maintenance of traffic signals is adequate to meet the needs of maintaining safe roads and that meet the needs of all users. Priorities are defined based on the overarching principle of 'Asset Condition', which is that the Council ensures that it is investing in its assets to maintain a basic level of condition, which allows the Council to deliver its Priority Outcomes, meeting any security and health and safety requirements. All potential projects are assessed against agreed criteria. No further equality impact assessment is required.</p>

<p>Visibly Better Roads</p>	<p>No disproportionate equality impacts are identified.  Maintenance of public highways and public rights of way across the county is a statutory requirement of the County Council under the Highways Act. All potential projects are assessed against agreed criteria.  No further equality impact assessment is required.</p>
<p>Core Programme - Rights of Way Surface Repairs and Bridge Replacement Programme</p>	<p>No disproportionate equality impacts are identified.  Programme maintains and protects the public's right to use the 2000 miles (3,500km) of footpaths, bridleways and byways in East Sussex. Priorities are defined based on the overarching principle of 'Asset Condition', which is that the Council ensures that it is investing in its assets to maintain a basic level of condition, which allows the Council to deliver its Priority Outcomes, meeting any security and health and safety requirements. All potential projects are assessed against agreed criteria.  No further equality impact assessment is required.</p>
<p><b>Local Enterprise Partnership (LEP)/South East Local Enterprise Partnership (SELEP) schemes</b></p>	<p>LEP funding is allocated for specific, defined projects, and the council's role in these varies, whether that be lead, partner or funding manager. In the course of the development of the project business case and the delivery of the project, the promoting local authority ensures that any equality implications are considered as part of their decision-making process and where possible identify mitigating factors where an impact against any of the protected characteristics has been identified. Criteria for some funding is set externally (for example, by government) and cannot be influenced by the council.</p> <p>Teams will continue to ensure that equality impacts and actions are identified in LEP funded projects as appropriate, in line with the council's role in the projects and the scope to influence. Projects where the County Council is the lead will be subject to the same EqIA processes that apply to all projects in the capital programme.</p>