

Equality Impact Assessment

Strategy or Policy Template

Name of the strategy or policy
Proposal to remove the Sussex Student Card rail subsidy

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

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 EqIA's, 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 21stCentury 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.

1.7 Guidance on Compliance with the PSED for officers and decision makers:

1.7.1 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.

1.7.2 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.

1.7.3 *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)

1.7.4 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.

Cessation of the Sussex Student Card rail subsidy.

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

To remove the 34% discount further education students can get off their rail season ticket. This scheme was originally aimed at all students aged 16-19 using rail services to get to college. Since September 2019, when a national scheme was launched, the number students using the scheme have dwindled. Whilst card holders can still obtain their discount, the new national scheme offers a better discount for students up to 4 months after their 18th birthday.

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

Ian Crudge, Principal Admissions and Transport Officer, Admissions and Transport Team, Children's Services.

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

The proposal affects further education students who are over 18 who travel by rail services to college and complete 3 years of study.

Approx. 5% of further education students complete 3 years of study. There is no data available about the number of 3rd year students travelling by train but some will live within walking distance of their college, some will cycle, some will travel by bus and some will drive or be dropped off by parents or share with friends.

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 Sussex Student Card rail subsidy will cease.

Lou Carter, Assistant Director, Communication, Planning and Performance (Children's Services)

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

Schools and colleges. East Sussex County Council will work with student support services at schools and colleges so that they are able to provide information on other possible sources of funding for young people, and ensure that the hardship fund is appropriately used to support the most vulnerable students.

West Sussex County Council and Brighton & Hove City Council. The Sussex Student Card is run in conjunction between the 3 local authorities. If any of the 'partners' wish to withdraw from the scheme it will have to end. West Sussex is a key contributor to the scheme as rail usage in their area is 3.5 times the amount in East Sussex. Usage in

Brighton & Hove is negligible. West Sussex County Council is also consulting on removing the Sussex Student Card at the end of the current academic year.

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

The legislation that covers this is 509AA of the Education Act. This requires the local authority to publish a transport policy statement on or before 31 May each year which includes details of the transport arrangements available to inform young people in making their post 16 choices.

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

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

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

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

None prior to the consultation survey.

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

Research – Analysis has taken place to establish who may be affected by the removal of this rail subsidy using data from the rail operating company and the supplier of the Sussex Student Card.

Consultation - An online survey was open to the public from 30 March to 1 May to gather feedback on the proposed cessation of the scheme.

Schools and colleges were informed about the consultation and invited to respond. They were asked to notify young people in Years 11, 12 and 13 (and their parents) about the consultation.

A press communication was released on 31 March to publicise the proposal.

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

Research – The results show that many students will actually benefit from using an alternative scheme or will have zero impact on them. A small minority of students following 3 year courses may be less advantaged over the duration of the course.

In the period July – December 2019, the number of new Sussex Student Card issued dropped by more than 94%.

Consultation – Took place between 30 March and 1 May. There were 15 comments left during the consultation period.

Some felt the new national scheme was a better product than the current Sussex Student Card.

Many consultees confused the Sussex Student Card with other national rail products.

Some wanted the national scheme to be extended to the end of Year 14. If the Sussex Student Card scheme is ended there will be a gap in support for students aged over 18 continuing a further education course.

Part 4 – Assessment of impact

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

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

There are approximately 13,000 young people between the ages of 16-19 remaining in education in East Sussex.

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

We have identified a total of 41 students with a valid Sussex Student Card may be continuing with their studies in 2020/2021.

It is impossible to calculate the level of lost discount as this depends on a number of factors which are unique to each student such as the actual cost of travel, duration of season ticket purchased and the level of other subsidies available.

It is also not possible to project accurately the number who will be affected in the future as young people in compulsory education have not made decisions regarding their further education pathway.

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

Yes

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

The policy may have a negative impact on young people aged over 18 years remaining in education in that the level of overall rail discount whilst in further education may be reduced. It depends on the date of birth of the individual.

We have calculated that should the Sussex Student card be removed, students can obtain rail discounts ranging between 22.3% - 38% of the full adult fare.

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

Rolling communications plan to reach those affected so they can investigate other discount schemes or consider applying to their learning provider for direct funding.

Young people yet to embark on further education courses can consider where to study and the journey itself in the knowledge the Sussex Student Card will not be available once they reach 18 years old. Of course, the national scheme offers 50% off of adult fares up to 4 months after the 18th birthday.

f) Provide details of the mitigation.

There are alternative schemes available which will reduce the price of adult rail fares such as:

- Unizone – For those studying in or around Brighton or Worthing, the Unizone ticket gives unlimited travel at a discounted rate
- 16-25 railcard - For those not travelling each day (subject to a minimum fare)
- Disabled Persons Railcard - where there are no time restrictions

In addition, only a small percentage (approx. 5%) of further education students complete 3 years of study. These tend to be on vocational courses at the larger colleges where there are good alternative transport links.

Students suffering from financial hardship can also speak to their college about Bursary/hardship funds to support their attendance.

g) How will any mitigation measures be monitored?

The local authority produces a Post 16 transport policy statement each year. This includes public transport concessions and will be updated as and when necessary.

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

No evidence of disproportionate, negative, neutral or positive impact

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

No evidence of disproportionate, negative, neutral or positive impact

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

No evidence of disproportionate, negative, neutral or positive 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.

No evidence of disproportionate, negative, neutral or positive impact

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

No evidence of disproportionate, negative, neutral or positive impact.

4.9 Other: Deprivation

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

Dataset: Indices of deprivation 2019 - Children affected by income deprivation in 2015 – taken from East Sussex in Figures.

Measure	Total number of children aged 0-15	Number of children living in families affected by income deprivation	Percentage of children living in families affected by income deprivation
Geography			
East Sussex	93,130	14,993	16.1
Eastbourne	17,492	3,376	19.3
Hastings	17,090	4,524	26.5
Lewes	17,454	2,229	12.8
Rother	14,118	2,261	16.0
Wealden	26,976	2,604	9.7

In terms of households, these are classified according to four dimensions of deprivation: Employment, Education, Health and disability and Household overcrowding. A household is classified as being deprived in none, or one to four of these dimensions in any combination. According to census 2011 data, 58% of households in East Sussex is deprived in at least one dimension.

Whilst the group affected are not children, they are likely to still be living at home and therefore the above figures would be a fair representation.

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

Approx 5% of students aged 16-19 follow courses for 3 years.

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?

Yes

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

The removal of the Sussex Student Card could potentially affect poorer students.

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

The Transport Policy Statement will provide details of all other public transport concessions available and will signpost learners to their learning provider to find out about possible sources of direct financial assistance.

f) Provide details of the mitigation.

The affect is alleviated by one or more of the mitigators outlined in paragraph 4.1f.

g) How will any mitigation measures be monitored?

Via complaints and through the annual consultation process.

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.**

The local authority does not consider that the proposal 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

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

X	Outcome of impact assessment	Please explain your answer fully.
X	A No major change – Your analysis demonstrates that the policy/strategy is robust and the evidence shows no potential for discrimination and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.	The analysis suggests that the vast majority of young people of sixth form age will not be affected by the removal of the Sussex Student Card subsidy due to the introduction of the national rail scheme in August 2019.
	B Adjust the policy/strategy – This involves taking steps to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential effect.	A small number of students will be less advantaged. There are a number of mitigations and these are set out fully in 4.1 f)
	C Continue the policy/strategy - This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate	A thorough communication campaign with all stakeholders will ensure that all families and schools/colleges are aware of the changes and mitigations in time to allow for planning.
	D Stop and remove the policy/strategy – If there are adverse effects that are not justified and cannot be mitigated, you will want to consider stopping the policy/strategy altogether. If a policy/strategy shows unlawful discrimination it <i>must</i> be removed or changed.	

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

(Give details)

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

Not applicable

Equality Impact Assessment

Date completed:	4/5/2020	Signed by (person completing)	Ian Crudge
		Role of person completing	Principal Admissions and Transport Officer
Date:	4/5/2020	Signed by (Manager)	Louise Carter

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)
Communication plan	Produce a clear plan to ensure all stakeholders are aware of the changes	Ian Crudge	End of May 2020		
Communication methods	Ensure websites are amended to reflect the provision available ESCC website Connexions 360 Southern Railway	Ian Crudge	End of May 2020		

(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)