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20 June 2016

Dear Councillor

ST EDMUNDSBURY COUNCIL - TUESDAY 28 JUNE 2016
REPORT NO: COU/SE/16/010 - BACKGROUND PAPER

For your information, please find attached Equalities Impact Assessment, which is referred to within Report No: COU/SE/16/010, *Norfolk and Suffolk Devolution Agreement*.

Yours sincerely

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The Norfolk and Suffolk Devolution Deal

Equality Assessment

Phase 1 Findings and Recommendations

June 2016

Summary

1. This report summarises the findings of Phase 1 of the equality assessment of the Norfolk and Suffolk Devolution Deal. It sets out:
 - The purpose of equality assessments (see this page)
 - The legal context (see this page)
 - Overview of the assessment process (see this page)
 - Which people with ‘protected characteristics’ are likely to be affected (Page 3)
 - Potential impact, issues and risks (pages 3 to 5)
 - Human rights implications (Page 5)
 - Recommended actions (Page 5 - 6).

The purpose of an equality assessment

2. Equality assessments enable decision-makers to consider the impact of proposals on people with protected characteristics, prior to decisions being made. Every opportunity can then be taken to promote equality, build positive community relations and eliminate discrimination as part of the proposal.
3. If any potential for adverse impact is identified, mitigating actions can be developed.

Legal and policy context

4. Public authorities have a legal duty under the Equality Act 2010 to consider the implications of proposals on people with protected characteristics. The Act states that public bodies must pay due regard to the need to:
 - Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share itⁱⁱ;
 - Foster good relations between people who share a relevant protected characteristic and people who do not share itⁱⁱⁱ.
5. The full Act is available [here](#).

The assessment process

6. The equality assessment of the Deal comprises two phases, to enable the authorities involved to consider a wide range of evidence before drawing conclusions about likely impacts. This involves reviewing, for example, data about people and services that might

be affected, contextual information about local areas and populations, and crucially, the findings of public consultation:

- **Phase 1** – Draft equality assessment published. Public consultation launched. Where public consultation highlights any specific issues affecting people with protected characteristics, further evidence is gathered to explore these issues and, where appropriate, mitigating actions are identified.
- **Phase 2** - Public consultation closes, the results are analysed. The equality assessment is revised to reflect any equality or accessibility issues highlighted by residents or stakeholders. The revised equality assessment is published.

Who is affected?

7. The Deal will affect everyone in Norfolk and Suffolk – including people who live, work in and visit the region with the following protected characteristics:

Age (people of different age groups; older and younger people)	YES
Disability (all disabilities and long-term health conditions)	YES
Gender reassignment (e.g. people who identify as transgender)	YES
Marriage/civil partnerships	YES
Pregnancy & Maternity	YES
Race (different ethnic groups, including Gypsies and Travellers)	YES
Religion/belief (different faiths, including people with no religion or belief)	YES
Sex (i.e. men/women)	YES
Sexual orientation (e.g. lesbian, gay & bisexual people)	YES

Potential impact

8. The Deal seeks to improve the quality of life for every resident in Norfolk and Suffolk. It has the potential to significantly enhance accessibility and equality of opportunity for people with protected characteristics^{IV}. This is because:
- The Deal represents a lifetime opportunity for the 16 local authorities covering Norfolk and Suffolk to systematically integrate accessibility considerations into core initiatives proposed by the Deal – accelerating progress on equality and accessibility, and addressing persistent barriers to participation.

- The Deal will uniquely position the region to address regional ‘grand challenges’, some of which specifically impact on people with protected characteristics. For example, Norfolk and Suffolk have higher than average numbers of disabled and older residents compared to other areas of the UK. The Deal will enable the region to accelerate health and social care integration, promoting independence and building resilience for future generations^Y.
- The Deal prioritises a number of core initiatives - infrastructure, transport, digital connectivity, housing, economic development, employment and skills, all of which are well documented to have a fundamental impact on the life chances of people with protected characteristics – particularly disabled people, women, Black, Asian and minority ethnic (BAME) people, young people and people who identify as lesbian, gay, bisexual or transgender (LGBT).
- It is worth noting that three of the core initiatives proposed as part of the Deal – digital connectivity, infrastructure and transport – have particular potential to enhance access for disabled and older people. Disabled and older people face persistent barriers in these areas and consistently highlight this in public consultation.
- The Deal will create a better connected region, improving the digital and broadband offer. This could particularly benefit disabled and older/younger people living in rural communities, who are at greater risk of social exclusion and isolation.

Issues and risks

9. Unless a robust mechanism is established to ensure that equality and accessibility are systematically and routinely integrated into all regional strategic planning, design and commissioning activities, there is a risk that sometimes, basic considerations may be missed. This would have the following consequences:
 - Accessibility for people with protected characteristics (particularly older and disabled people, due to the focus of the core initiatives) may be significantly reduced.
 - Opportunities to promote equality for people with protected characteristics may be overlooked – for example, BAME people, disabled and older people, LGTB people, younger people and women.
 - It may be necessary to make reasonable adjustments retrospectively – which is costly, inefficient and inconvenient for the end user.
10. When accessibility is integrated into service design it greatly improves access for disabled and older people. Proposals to enhance the region’s infrastructure and use more technology will particularly impact on different groups of disabled users. For older and disabled people, blind and visually impaired people, Deaf and hearing impaired people, people with learning disabilities/difficulties and people with mental health issues, it will be critical to ensure that infrastructure and technological innovations are accessible.

11. In view of this it is recommended that, if the Deal is implemented, equality assessments should be undertaken at the design stage of all core regional strategic planning and commissioning activities. This will enable accessibility and equality to be routinely and systematically reviewed. In particular, as part of the assessment, guidance should be sought on the minimum and maximum access considerations that could be applied to any given initiative.
12. This would enable decision-makers to consider what would be the most reasonable approach in the circumstances, taking all relevant factors into account - such as regional aspirations for equality; available resources; demand and future proofing. In the medium term, this would have obvious benefits for service quality and would stretch performance on accessibility as far as reasonably practicable. It would also ensure consistency across all aspects of the Deal.
13. It will not always be possible to adopt the course of action that will best promote accessibility and equality for all. However, equality assessments enable informed decisions to be made, that take into account every possible opportunity to minimise disadvantage.
14. If the Deal is implemented, the region should consider adopting a universal equality and accessibility standard. A sample is attached at Annex 1.

Human rights implications

15. Public authorities in the UK are required to act compatibly with the Human Rights Act 1998. This assessment does not identify any human rights issues arising from the Deal. Any specific issues will be addressed in individual equality assessments.

Actions

	Action	Lead	Date
1.	If the Deal is implemented, equality assessments to be undertaken at the design stage of all core regional strategic planning and commissioning activities ^{vi} .	All councils	From implementation
2.	Consider adopting a universal accessibility standard, to clarify expectations and ambitions for creating a more accessible region – now and for future generations.	All councils	From implementation
3.	Ensure that arrangements for public consultation on the Deal are accessible and inclusive, and engage with local communities proportionately.	All councils	From 4 July 2016
4.	Ensure that all health and social care integration initiatives developed take full account of the voice of disabled and older service users (“Nothing about us	All councils	From implementation

	Action	Lead	Date
	without us”).		
5.	Ensure that, in the determination of new democratic arrangements, all appropriate measures are taken to encourage people who share a protected characteristic to participate in public life or in any related activity in which participation is disproportionately low.	All councils	From implementation

Next steps

Phase 2 commences with the analysis of the results of the consultation at the end of August. The equality assessment will be revised to reflect any equality or accessibility issues highlighted by residents or stakeholders, then published.

If the Deal is approved by Councils at the end of October 2016 and the order is laid by the Secretary of State to establish the Combined Authority, further steps would be to implement the actions in the table above.

Evidence used to inform this assessment

- Equality Act 2010
- Public Sector Equality Duty
- Accessibility best practice guidance
- Consultation findings (to be confirmed:
- Respondent numbers and demographic background

Further information

For further information about this equality impact assessment please contact xxxx

Sample universal equality and accessibility standard

The region is committed to providing equality of opportunity and accessible services for everyone in Norfolk and Suffolk.

We do not tolerate unlawful discrimination, harassment or victimisation in service delivery or employment on the grounds of age, disability, gender reassignment, race/ethnicity, religion or belief, sex/gender, sexual orientation, marriage/civil partnership, and pregnancy and maternity (known as 'protected characteristics'). We will not treat anyone less favourably than any other, on the grounds of any protected characteristic, except when such treatment is within the law and determined by lawful requirements.

In adopting the aims of this standard, we will:

- Take steps to remove any barriers which might deter people from accessing services or working in the region
- Promote equality of opportunity between people who share a protected characteristic and people who do not share it
- Take steps to promote understanding, tackle prejudice and foster positive relations between different communities
- Eliminate unlawful discrimination, harassment and bullying
- Undertake equality assessments at the design stage of all core strategic planning, policy development and commissioning activities ([hyperlink to guidance](#))
- Encourage people who share a protected characteristic to participate in public life or in any other activity in which participation is disproportionately low
- Be inclusive by engaging with local communities fairly and proportionately.

Accessibility standard:

Our accessibility standard clarifies our expectations on regional accessibility:

- ✓ Accessibility is embedded in all policies and procedures, service design, planning and commissioning
- ✓ Accessibility is embedded in all employment policies and ways of working
- ✓ Our premises are accessible to customers and staff
- ✓ All ICT equipment and web services are accessible.

As part of our commitment to equality, new elected members and staff are required to undertake [e-learning modules] on equality within their first six months in post. This is part of our commitment to develop understanding of equality and accessibility across the region.

Who this standard affects

This standard affects elected members and all workers including employees, consultants, temporary workers, agency staff and other third parties working on behalf of Norfolk and Suffolk. It also applies to suppliers, sub-contractors and agencies in our supply chain.

<p>This standard applies to (but is not limited to) the planning, design, operation, construction and delivery of services, the provision of goods, facilities and services, exercising of public functions, recruitment and selection, conditions of service, benefits, facilities and pay, training and development, opportunities for promotion, conduct at work, grievance and disciplinary procedures and termination of employment.</p>

We expect all staff to take personal responsibility for familiarising themselves with this standard and conducting themselves in an appropriate manner.

Communication

This standard will be made available to the public, staff and elected members.

Review

We will review the terms of this standard and any associated codes of practice and guidance every three years.

Relevant legislation

In implementing this standard we have regard to our legal obligations under relevant legislation, including the [Equality Act 2010](#) and the Public Sector Equality Duty.

ⁱ The protected characteristics specified by the Equality Act 2010 are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

ii The Act specifies that having due regard to the need to advance equality of opportunity might mean:

- Removing or minimizing disadvantages suffered by people who share a relevant protected characteristic that are connected to that characteristic;
- Taking steps to meet the needs of people who share a relevant protected characteristic that are different from the needs of others;
- Encouraging people who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such people is disproportionately low.

iii Having due regard to the need to foster good relations between people and communities involves having due regard, in particular, to the need to (a) tackle prejudice, and (b) promote understanding.

^{iv} 'Access' is defined as the ability of a user to access a service in relation to physical access, ICT, organisational culture, policy and procedure. It involves meeting any reasonable access needs an individual might have because of a disability, their age, gender, race, sexual orientation or religion or belief. For example, reasonable access could mean a blind person being able to obtain information via self-serve, or an older gay person in residential care feeling comfortable about being open about his sexual orientation with carers. It could also mean a wheelchair user being able to use public transport.

vi This will enable accessibility to be routinely and systematically reviewed. In particular, guidance can be sought on the minimum and maximum access considerations that could be applied to any given initiative. This would enable decision-makers to consider what would be most reasonable approach in the circumstances, taking all relevant factors into account - such as the ambition of the region to provide equality for all; available resources; demand and future proofing. In the medium term, this would have obvious benefits for service quality and would stretch performance on accessibility and equality as far as reasonably practicable. It would also ensure consistency across all aspects of the Deal.

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