



Derby City Council

Equality impact assessment form

Directorate

Communities and Place

Service area

Highway Maintenance and Street Lighting

Name of policy, strategy, review or function being assessed

Reduction in Highway Maintenance operational staff

Date of assessment

15/02/2016

Signed off by

David Bartram

**Cabinet, Personnel Committee or Chief Officer
Group's decision**

Date published on website

Equality impact assessment

This is our equality impact assessment form to help you equality check what you are doing when you are about to produce a new policy, review an older one, write a strategy or plan or review your services and functions. In fact you need to do an equality impact assessment whenever a decision is needed that affects people and **before** that decision is made.

So why do we need to do equality impact assessments? Although the law does not require us to do them now, the courts still place significant weight on the existence of some form of documentary evidence of compliance with the **Public Sector Equality Duty** when determining judicial review cases. This method helps us to make our decisions fairly, taking into account any equality implications, so yes we still need to do them.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have '**due regard**' to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a '**relevant protected characteristic**' and people who don't.

Having 'due regard' means:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- encouraging people with certain protected characteristics to participate in public life or in other activities where the participation is disproportionately low.

The protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Classification: OFFICIAL

This completed form should be attached to any Chief Officer Group, Cabinet or Personnel Committee report to help elected members make their decisions by taking the equality implications into account. Equality impact assessments **must be done before** decisions are made. Include the Cabinet or Personnel Committee's decision on the front sheet when you know it.

You'll find that doing these assessments will help you to:

- understand your customers' and communities needs
- develop service improvements
- improve service satisfaction
- demonstrate that you have been fair and open and considered equality when working on re-structuring
- make sure you pay due regard to the requirements of the Public Sector Equality Duty.

Don't do the form by yourself, get a small team together and make sure you include key people in the team such as representatives from our Diversity Forums and employee networks and you could invite trade union representatives too – the more knowledge around the table the better. You also need to decide how and who you will consult with to help inform the equality impact assessment. Our Lead on Equality and Diversity can help with useful contacts – we have a team of people who are used to doing these assessments and can help with information on barriers facing particular groups and remedies to overcome these barriers.

You'll need to pull together all the information you can about how what you are assessing affects different groups of people and then examine this information to check whether some people will be negatively or positively affected. Then you'll need to look at ways of lessening any negative effects or making the service more accessible – this is where your assessment team is very useful and you can also use the wider community.

Agree an equality action plan with your assessment team, setting targets for dealing with any negative effects or gaps in information you may have found. Set up a way of monitoring these actions to make sure they are done and include them in your service business plans.

When you have completed the assessment, get it signed by your Head of Service or Service Director and send it to our Lead on Equality and Diversity for checking and to publish on our website. It is a public document so must not contain any jargon and be easy to understand.

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Remember, we need to do these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law – Equality Act 2010.

Equality groups and protected characteristics

These are the equality groups of people we need to think about when we are doing equality impact assessments and these people can be our customers or our employees and job applicants...

- Age equality – the effects on younger and older people
- Disability equality – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties and people with physical impairments
- Gender reassignment – the effects on trans people
- Marriage and civil partnership equality
- Pregnancy and maternity equality - women who are pregnant or who have recently had a baby, including breast feeding mothers
- Race equality – the effects on minority ethnic communities, including newer communities, gypsies and travellers and the Roma community
- Religion and belief or non-belief equality – the effects on religious and cultural communities, customers and employees
- Sex equality – the effects on both men and women and boys and girls
- Sexual Orientation equality – the effects on lesbians, gay men and bisexual people

In addition, we have decided to look at the effects on families and people on low incomes too as we feel this is very important.

Contact for help

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The form

We use the term 'policy' as shorthand on this form for the full range of policies, practices, plans, reviews, activities and procedures.

Policies will usually fall into three main categories...

- Organisational policies and functions, such as recruitment, complaints procedures, re-structures
- Key decisions such as allocating funding to voluntary organisations, budget setting
- Policies that set criteria or guidelines for others to use, such as criteria about school admissions, procurement methods, disabled facilities grants, on street parking bays

If in doubt - do one! You never know when we may get a legal challenge and someone applies for Judicial Review.

What's the name of the policy you are assessing?

Stopping of proactive repairs on highways and footways

The assessment team

Team leader's name and job title –

Other team members

Name	Job title	Organisation	Area of expertise
David Bartram	Head of Service	Streetpride	Municipal Engineering and Maintenance
David Kinsey	Area Manager	Streetpride	Highway Maintenance

Step 1 – setting the scene

Make sure you have clear aims and objectives on what you are impact assessing – this way you keep to the purpose of the assessment and are less likely to get side tracked.

1 What are the main aims, objectives and purpose of the policy? How does it fit in with the wider aims of the Council and wider Derby Plan? Include here any links to the Council Plan, Derby Plan or your Directorate Service Plan.

As part of the Budget X process we were asked to look at a minimum statutory level of service.

This report outlines the consequences of reducing the number of Highway Inspectors from 6 to 5 and reducing the number of Highway Maintenance Operatives (covering reactive works) from 12 to 10, plus associated plant and material costs. This makes a proposed saving of £167k.

Accepting cuts in highway maintenance does bring some significant risks to the Council, which in summary are:

- i) There will be an increased risk of serious accidents on the highway which will lead to an increase in the number of successful third party claims made against the council
- ii) The highway network will deteriorate at an accelerated rate leading to greater future repair costs.
- iii) The network will not be managed in accordance with asset management principles, leading to a reduction in funding from the Department for Transport.
- iv) The income received from the New Roads and Streetworks Act will reduce and poor quality reinstatements will not be identified, leading to possible accidents, claims and increased deterioration.
- v) The Highways Act will not be enforced, leading to an increase in illegal activities. This will lead to dangerous situations in the highway, the potential for judicial review challenges against the council and further deterioration.

2 Who delivers/will deliver the policy, including any consultation on it and any outside organisations who deliver under procurement arrangements?

Highway Maintenance delivers the service as an in-house provider.

3 Who are the main customers, users, partners, employees or groups affected by this proposal?

Customers can be anyone who uses the highway and footway network.

Step 2 – collecting information and assessing impact

4 Who have you consulted and engaged with so far about this policy, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as accessible locations, interpreters and translations, accessible documents.

Members and chief officers have been consulted as part of the budget savings proposals.

Public consultation was completed as part of the overall budget consultation.

5 Using the skills and knowledge in your assessment team, and from any consultation you have done, what do you already know about the equality impact of the policy on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each equality group whether this is a negative impact, a positive one or if you are not sure

Equality groups	What do you already know?	No impact	Positive impact	Negative impact	Not sure
Age	Older people can be less steady on their feet and more prone to trip hazards. Deteriorating footway and carriageway conditions may lead to increased accidents and a reduced confidence in going out in public.			x	
Disability	As above but especially important with certain impairments such as poor vision or limited mobility. In addition disabled people will			x	

	lose the confidence to go out if they think the pavement will be dangerous, particularly visually impaired people or wheelchair users.				
Gender reassignment - trans	No specific impact on this group	x			
Marriage and civil partnership	No specific impact on this group	x			
Pregnancy and maternity	Women who are heavily pregnant are at increased risk of falls as they may be unsteady on their feet			x	
Race	No specific impact on this group	x			
Religion or belief or none	No specific impact on this group	x			
Sex	No specific impact on this group	x			
Sexual Orientation	No specific impact on this group	x			
Families and people on low income	No specific impact on this group	x			

Important - For any of the equality groups you don't have any information about, then make it an equality action at the end of this assessment to find out. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later. You can get lots of information on reports done from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

6 From the information you have collected, how are you going to lesson any negative impact on any of the equality groups? How are you going to fill any gaps in information you have discovered?

Work is underway to complete a lean review of all highway maintenance activities and to implement a new highway asset management IT system. It is hoped that this will lead to efficiency savings which will deliver the required budget savings without the need to reduce staffing levels.

Step 3 – deciding on the outcome

7 What outcome does this assessment suggest you take? – You might find more than one applies. Please also tell us why you have come to this decision?

Outcome 1		No major change needed – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken
Outcome 2		Adjust the policy to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
Outcome 3	x	Continue the policy despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are: <ul style="list-style-type: none"> • sufficient plans to stop or minimise the negative impact • mitigating actions for any remaining negative impacts • plans to monitor the actual impact.
Outcome 4		Stop and rethink the policy when the EIA shows actual or potential unlawful discrimination

Our Assessment team has agreed Outcome number(s)

3

Why did you come to this decision?

Despite the negative impact this is the only way to deliver the savings required. If the lean review does not deliver the savings required and inspectors and operative's numbers are reduced, then we will not be able to mitigate against the effects of these service cuts.

All highway defects will continue to be prioritised using a risk based approach with the highest risk dealt with first; this will inevitably mean that less serious defects will take longer to deal with.

If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the policy. You also need to make sure that there are actions in the Equality Action Plan to lessen the effect of the negative impact. This is really important and may face a legal challenge in the future.

If you have decided on **Outcome 4** then if the proposal continues, without any mitigating actions, it may be likely that we will face a legal challenge and possibly a Judicial Review on the process - it is really important that the equality impact assessment is done thoroughly, as this is what the Judge will consider.

Step 4 – equality action plan – setting targets and monitoring

8 Fill in the table (on the next page) with the equality actions you have come up with during the assessment. Indicate how you plan to monitor the equality impact of the proposals, once they have been implemented.

