

Short Equality Impact and Outcome Assessment (EIA) Template - 2018

EIAs make services better for everyone and support value for money by getting services right first time.

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users¹. They analyse how all our work as a council might impact differently on different groups². They help us make good decisions and evidence how we have reached these decisions³.

See end notes for full guidance. Either hover the mouse over the end note link (eg: ID No.⁹) or use the hyperlinks ('Ctrl' key and left click).

For further support or advice please contact:

- **BHCC: Communities, Equality and Third Sector Team on ext 2301**
- **CCG: Engagement and Equalities team (Jane Lodge/Debbie Ludlam)**

1. Equality Impact and Outcomes Assessment (EIA) Template

First, consider whether you need to complete an EIA, or if there is another way to evidence assessment of impacts, or that an EIA is not needed⁴.

Title of EIA⁵	Hackney Carriage (HC) WAV policy review	ID No.⁶	NCH37
Team/Department⁷	Taxi Licensing Team		
Focus of EIA⁸	<p>This EIA is to assess a policy review which took place to remove the requirement that a Hackney Carriage Vehicle must become wheelchair accessible following transfer to another person but confirm that existing compulsory wheelchair accessible vehicles (WAVs) must remain wheelchair accessible.</p> <p>The previous policy required that any vehicle transferred to another person will be required to become wheelchair accessible at renewal following transfer. The Policy was adopted following an Equalities Review in HC & Private Hire (PH) policies in 2010 and was one measure adopted to boost the number of WAVs in the hackney fleet, which was deemed necessary at the time.</p> <p>We've now seen an increase from 25% to 50%. The Council was pleased to have met our target of</p>		

50% through this policy, but also recognises the importance of having a mixed fleet as being the best way to provide transport for a range of disabled passengers and older people. The HC Un Met Demand survey (Nov 2018) concluded that “it appears the best level of WAV for this area might be 50% - focus on improving vehicle emissions whilst ensuring the level of WAV remains.”

According to the latest DfT figures, Brighton and Hove actually comes out with 33% of its overall licensed vehicle fleet WAV. This puts us 29th out of 292 English licensing authorities (as at end of March 2019) in terms of its place in overall WAV levels.

The policy change in March 2019 proposed that on the transfer of a licence there was no longer the requirement for it to automatically become a WAV if it had been a saloon taxi before. However, any taxi that was registered as a WAV previously had to remain as such. This was as a result of the Unmet Demand survey, which was a major survey carried out to see what demand there was for all types of taxis in the city. This survey stated that we were at over 50% on WAVs – one of the highest proportions in the country – and that it was counter-indicative to keep increasing the number of WAVs at the then current rate.

The change was made at the Licensing Committee in March where various alternatives were put before the committee and an informed discussion took place. It was the committee which decided to move from the policy whereby all licence transfers had to be to a WAV, because it was felt the policy would lead to a disproportionate number of WAVs, which would not benefit the broad range of people who use taxis. A number of disabled people who are not wheelchairs users had written and complained to the Council about how inaccessible WAVS are for them (e.g. that the steps are too high). The Alzheimer’s Association had also fed back that there were numerous complaints about what they saw as the lack of saloon taxis which they felt were easier to access for their beneficiaries. This feedback was also taken on board and highlighted that saloon cars are favoured by some disabled residents, and so reducing the level of saloon cars might have a negative impact on them.

We went through an engagement process whereby key stakeholders, including Possability People were fully consulted on the Unmet Demand Survey that informed the policy change. Comments from Possability People were noted, including in relation to latent demand. The Unmet demand survey authors felt that there was as much discussion regarding those with disabilities as was reasonable. There was no further response from Possability people even though they had the on-street questionnaire to complete and also options for others to contact the report’s authors.

The change that was made at the March committee was felt to be one which was relatively minor, but which responded to changes pointed out in the Unmet Demand survey in a proportionate and responsible manner, whilst supporting the council to retain the current high proportion of WAVs.

	<p>We regularly review our policies according to any new evidence we find, and will continue to do so with this policy. If there are any equality implications impacted by the minor adjustment that was made to the policy we will seek to understand and mitigate them where possible. We are also planning to carry out a “Secret Shopper” exercise for taxis and this will include WAVs, which will inform our ongoing review of the quality of service provision and understanding of whether it meets the needs of service-users.</p> <p>Plans for the future/ future EIA:</p> <p>In due course, the Council is aiming to move the taxi fleet towards electric cars, but currently there is not the infrastructure to support this. However, rapid charging hubs for taxis should be installed by end of 2020. We will be reviewing the transfers of licences at a future date when the situation regarding electric vehicles is more conducive to change (or when legislation has an impact on this, which may happen). This will involve a major consultation with all parties involved in the taxi service and those who use those services, in particular an Equality Impact Assessment will be undertaken as there may well be a major impact on WAVs.</p>
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Assessment of overall impacts and any further recommendations⁹

For clarity all disproportionate impacts on specific groups are highlighted in the single section below.

Overall impacts and notes:

- Wheelchair users – need to use WAVs.
- Other disabled residents / long term health conditions/ older people – feedback on preferring saloons (unable to access or difficult to access WAVs).
- Information to inform minor policy change included – results from Unmet Demand Survey 2018, feedback from stakeholder groups including Possability People, Alzheimer’s Association, Age UK, Blind veterans, Guide Dogs UK, Impetus, Martlets, Pavilions, Scope, YMCA, WiSE, complaints of feedback from residents, recognition that the aims of the policy 2010 to increase the proportion of WAVs to 50% had been met .

Potential issues	Mitigating actions
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- Perception that there are/will be fewer WAVs.
- That the provision as it stands based on 50/50 WAV to Saloon provision does not meet service users' needs in reality.

- Existing WAVs must remain WAVs and this will be communicated to service users.
- Undertake an ongoing review to ensure this policy change has no adverse impact on equality or the quality of service. This will include the following steps outlined in Actions planned below–

Actions planned¹⁰ Review policy and consult trade and relevant stakeholders.

- Step 1- Complete this Short EIA form and consider any additional information that might need to inform the ongoing review.
- Step 2 – Discussion at the taxi forum (s) in conjunction with the relevant stakeholders,
- Step 3 - offering to meet with Possability People again.
- Step 4 – carry out a “Secret Shopper” exercise for taxis and this will include WAVs, which will inform our ongoing review of the quality of service provision and understanding of whether it meets the needs of service-users.
- We have undertaken to review the policy change between now and the period leading up to the March 2020 committee.

EIA sign-off: (for the EIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

Person completing the EIA: **Jim Whitelegg**

Date: 20 August 2019

CCG or BHCC Equality lead: **Anna Spragg**

Date: 28 August 2019

Guidance end-notes

¹ The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- **Knowledge:** everyone working for the council must be aware of our equality duties and apply them appropriately in their work.
- **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
- **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and influence the process.
- **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
- **No delegation:** the council is responsible for ensuring that any contracted services which provide services on our behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice. It is a duty that cannot be delegated.
- **Review:** the equality duty is a continuing duty. It applies when a policy is developed/agreed, and when it is implemented/reviewed.
- **Proper Record Keeping:** to show that we have fulfilled our duties we must keep records of the process and the impacts identified.

NB: Filling out this EIA in itself does not meet the requirements of the equality duty. All the requirements above must be fulfilled or the EIA (and any decision based on it) may be open to challenge. Properly used, an EIA can be a tool to help us comply with our equality duty and as a record that to demonstrate that we have done so.

² Our duties in the Equality Act 2010

As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people with 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, those groups' vulnerability, and how serious any potential impacts might be. We use this EIA template to complete this process and evidence our consideration.

The following are the duties in the Act. You must give 'due regard' (pay conscious attention) to the need to:

- **avoid, reduce or minimise negative impact** (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- **promote equality of opportunity.** This means the need to:
 - Remove or minimise disadvantages suffered by equality groups
 - Take steps to meet the needs of equality groups
 - Encourage equality groups to participate in public life or any other activity where participation is disproportionately low
 - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **foster good relations between people who share a protected characteristic and those who do not.** This means:
 - Tackle prejudice
 - Promote understanding

³ EIAs are always proportionate to:

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- The size of the service or scope of the policy/strategy
 - The resources involved
 - The numbers of people affected
 - The size of the likely impact
 - The vulnerability of the people affected

The greater the potential adverse impact of the proposed policy on a protected group (e.g. disabled people), the more vulnerable the group in the context being considered, the more thorough and demanding the process required by the Act will be.

⁴ **When to complete an EIA:**

- When planning or developing a new service, policy or strategy
- When reviewing an existing service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the city (eg: a change in population), or at a national level (eg: a change of legislation)

Assessment of equality impact can be evidenced as part of the process of reviewing or needs assessment or strategy development or consultation or planning. It does not have to be on this template, but must be documented. Wherever possible, build the EIA into your usual planning/review processes.

Do you need to complete an EIA? Consider:

- Is the policy, decision or service likely to be relevant to any people because of their protected characteristics?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

⁵ **Title of EIA:** This should clearly explain what service / policy / strategy / change you are assessing

⁶ ID no: The unique reference for this EIA. If in doubt contact your CCG or BHCC equality lead (see page 1)

⁷ **Team/Department:** Main team responsible for the policy, practice, service or function being assessed

⁸ **Focus of EIA:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

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- What are the main aims or purpose of the policy, practice, service or function?
 - Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.
 - How does it fit with other services?
 - Who is affected by the policy, practice, service or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
 - What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes or improvements, and what should the benefits be?
 - What do existing or previous inspections of the policy, practice, service or function tell you?
 - What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make these clear.

⁹ **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy,
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

¹⁰ **Action Planning:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.

