

## Appendix C

### Shropshire Council Part 1 ESIIA: initial screening and assessment

*Please note: prompt questions and guidance within boxes are in italics. You are welcome to type over them when completing this form. Please extend the boxes if you need more space for your commentary.*

<b>Name of service change</b>
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<b>Adoption of a Risk Based Approach for Highways Maintenance – New National Code of Practice.</b>
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<b>Aims of the service change and description</b>
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Shropshire Council is required to review its Risk Based approach towards highway safety inspections, and subsequent supportive documents, in accordance with the national code of practice. This comes into effect on the 1<sup>st</sup> October 2018. The background to this is that the UK Roads Liaison Group produced a document entitled "Well-Managed Highway Infrastructure – A Code of Practice". This code will apply across the United Kingdom and has thirty-six recommendations that all highways authorities should implement. Winter service is also one of these thirty-six recommendations. The code is designed to promote the establishment of an asset-managed approach to the highways infrastructure. Hence, as the highways authority, Shropshire Council must ensure that the requirements of the National Code of Practice are achieved.

Shropshire's highway network comprises more than 5,100 km. It is an extensive and diverse network comprising busy urban roads to lightly trafficked rural lanes which form the majority off the network. Section 41 of the Highways Act (1980) places a duty on the authority to maintain the highway. If a claim is made against the Council resulting from their failure to maintain a highway there is a defence under Section 58 of the Act to prove that the authority has taken such care "as in all the circumstances is reasonably required to secure that the part of the highway to which the action relates was not dangerous to traffic."

Shropshire Council has been very successful in proving a statutory defence under Section 58 through the successful deployment of an inspection and defect response regime, as defined by the safety inspection manual, which is via the Highways Act 1980.

As importantly, the changes being proposed through this risk based approach should serve to demonstrate that the staff involved in carrying out inspections are trained in accordance with the new requirements, and will continue to draw upon their expertise and knowledge in so doing.

<b>Intended audiences and target groups for the service change</b>
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All who live in, work in and visit Shropshire, and therefore make use of the road and associated rail network in order to access facilities, services, education and employment, etc.

### **Evidence used for screening of the service change**

The need to follow the new national code of practice is paramount. Albeit a wide-ranging consultation was undertaken of which the detail of the responses is contained with the appendices of this report

The current Highways Act, Code of Practice, operational review of issues raised contributed to the evidence base in revising policy documentation and the procedural manual .It should be noted, that the key driver is legislative requirement for this report.

### **Specific consultation and engagement with intended audiences and target groups for the service change**

A review of the legal and national code of proactive requirements has been undertaken, a service review of information received and operational issues raised was also undertaken, involving insurance colleagues and the existing policy and manual was updated accordingly for Cabinet approval. The existing procurement process also considered service users, and was subject to previous Cabinet report and ESIAs.

### **Potential impact on Protected Characteristic groups and on social inclusion**

Using the results of evidence gathering and specific consultation and engagement, please consider how the service change as proposed may affect people within the nine Protected Characteristic groups and people at risk of social exclusion.



1. Have the intended audiences and target groups been consulted about:
  - their current needs and aspirations and what is important to them;
  - the potential impact of this service change on them, whether positive or negative, intended or unintended;
  - The potential barriers they may face.
2. If the intended audience and target groups have not been consulted directly, have their representatives or people with specialist knowledge been consulted, or has research been explored?
3. Have other stakeholder groups and secondary groups, for example carers of service users, been explored in terms of potential unintended impacts?
4. Are there systems set up to:
  - monitor the impact, positive or negative, intended or intended, for different group
  - enable open feedback and suggestions from a variety of audiences through a variety of methods.

5. Are there any Human Rights implications? For example, is there a breach of one or more of the human rights of an individual or group?
6. Will the service change as proposed have a positive or negative impact on:
  - fostering good relations?
  - social inclusion

## Initial assessment for each group

*Please rate the impact that you perceive the service change is likely to have on a group, through inserting a tick in the relevant column. Please add any extra notes that you think might be helpful for readers.*


<b>Protected Characteristic groups and other groups in Shropshire</b>	<b>High negative impact <i>Part Two ESIIA required</i></b>	<b>High positive impact <i>Part One ESIIA required</i></b>	<b>Medium positive or negative impact <i>Part One ESIIA required</i></b>	<b>Low positive or negative impact <i>Part One ESIIA required</i></b>
<b>Age</b> (please include children, young people, people of working age, older people. Some people may belong to more than one group eg child for whom there are safeguarding concerns e.g. older person with disability)			✓	
<b>Disability</b> (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)			✓	
<b>Gender re-assignment</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)			✓	
<b>Marriage and Civil Partnership</b> (please include associated aspects: caring responsibility, potential for bullying and harassment)			✓	
<b>Pregnancy &amp; Maternity</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)			✓	
<b>Race</b> (please include: ethnicity, nationality, culture, language, gypsy, traveller)			✓	
<b>Religion and belief</b> (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)			✓	
<b>Sex</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)			✓	

<b>Sexual Orientation</b> (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				
<b>Other: Social Inclusion</b> (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people for whom there are safeguarding concerns; people you consider to be vulnerable)				

### Guidance on what a negative impact might look like

<b>High Negative</b>	Significant potential impact, risk of exposure, history of complaints, no mitigating measures in place or no evidence available: urgent need for consultation with customers, general public, workforce
<b>Medium Negative</b>	Some potential impact, some mitigating measures in place but no evidence available how effective they are: would be beneficial to consult with customers, general public, workforce
<b>Low Negative</b>	Almost bordering on non-relevance to the ESIIA process (heavily legislation led, very little discretion can be exercised, limited public facing aspect, national policy affecting degree of local impact possible)

### Decision, review and monitoring

Decision	Yes	No
Part One ESIIA Only?		
Proceed to Part Two Full Report?		

*If Part One, please now use the boxes below and sign off at the foot of the page. If Part Two, please move on to the full report stage.*

<b>Actions to mitigate negative impact or enhance positive impact of the service change</b>
<p>The screening assessment has indicated that the likely impact in equality terms upon the community, and upon Protected Characteristics groupings within the community, will be neutral to medium positive for all groupings. This is on the basis that the introduction of the risk based approach should lead to greater clarity for the community and for partner organisations such as town and parish councils about the range of inspections that are undertaken, the defect response times and how these are to be applied, and the resultant assurances that the Council will seek to provide about safety outcomes for all groupings in the community.</p> <p>It is also useful from an equality and social inclusion for all groupings to be made aware of the inspections that are not covered by the manual. Winter maintenance will be covered under the Winter Service policy being considered by Cabinet this</p>

autumn. Media campaigns that have a focus upon alerting communities through a variety of mechanisms as to what is covered and what is not, and what the Council will do in such scenarios, are also likely to have a positive impact in reassuring vulnerable people that the Council is taking steps to keep the highway safe even where hazards may have been caused by third parties. The community will also need to be advised of the situation in regard to safety issues on railway land.


#### **Actions to review and monitor the impact of the service change**


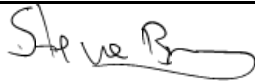
It was encouraging that analysis of the consultation held in August suggests that the survey respondents live throughout the county and that responses were received from a wide range of different community locations across both rural and urban areas. However, the numbers are low, at 191 responses, and the indication is that the Council will need to pay particular attention to working closely with groupings who are not represented in the survey responses, such as younger people, and to ensuring that the documentation and the policy itself is as clear as possible to aid communication with a range of audiences including those whose first language is not English.

From an ongoing engagement angle, the Highways service consults via the annual National Highways and Transport Survey in which residents of Shropshire participate, as well as further internal customer liaison via Shropshire Council on line surveys, customer complaints, liaison with Local Joint Committees (LJCs) and Town and Parish Councils, and other forums where opportunities for engagement may arise.

From an outcomes angle for communities, engagement with all Members as community leaders, and through Cabinet and Portfolio Holder, will help the service and therefore the Council to ensure that information, feedback and concerns are raised with Highways and that actions may then be identified as necessary to mitigate any negative impacts.

#### **Scrutiny at Part One screening stage**


<b>People involved</b>	<b>Signatures</b>	<b>Date</b>
<i>Lead officer carrying out the screening</i>		28 <sup>th</sup> August 2018
<i>Any internal support*</i>		
<i>Any external support**</i>		5 <sup>th</sup> September 2018

	 Mrs Lois Dale, Rurality and Equalities Specialist	
Head of service	 Steve Brown	28 <sup>th</sup> August 2018

*\*This refers to other officers within the service area*

*\*\*This refers either to support external to the service but within the Council, e.g. from the Rurality and Equalities Specialist, or support external to the Council, e.g. from a peer authority*

### Sign off at Part One screening stage

Name	Signatures	Date
Lead officer's name		28 <sup>th</sup> August 2018
Head of service's name	Steve Brown	28 <sup>th</sup> August 2018