

Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA)

Name of service change: *New Shropshire Council Highways Maintenance arrangements from April 2018.*

Contextual Notes 2016

The What and the Why:

The Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA) approach helps to identify whether or not any new or significant changes to services, including policies, procedures, functions or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

This assessment encompasses consideration of social inclusion. This is so that we are thinking as carefully and completely as possible about all Shropshire groups and communities, including people in rural areas and people we may describe as vulnerable, for example due to low income or to safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, eg Age. We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging or delivering services.

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. Carrying out ESIIAs helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision making processes. These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

The How:

The guidance and the evidence template are combined into one document for ease of access and usage, including questions that set out to act as useful prompts to service areas at each stage. The assessment comprises two parts: a screening part, and a full report part.

Screening (Part One) enables energies to be focussed on the service changes for which there are potentially important equalities and human rights implications. If screening indicates that the impact is likely to be positive overall, or is likely to have a medium or low negative or positive impact on certain groups of people, a full report is not required. Energies should instead focus on review and monitoring and ongoing evidence collection, enabling incremental improvements and adjustments that will lead to overall positive impacts for all groups in Shropshire.

A ***full report (Part Two)*** needs to be carried out where screening indicates that there are considered to be or likely to be significant negative impacts for certain groups of people, and/or where there are human rights implications. Where there is some uncertainty as to what decision to reach based on the evidence available, a full report is recommended, as it enables more evidence to be collected that will help the service area to reach an informed opinion.

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.

Name of service change

New Shropshire Council Highways Maintenance arrangements from April 2018.

Aims of the service change and description

Shropshire Council as a Highway Authority has a statutory duty to maintain and manage the highway network in a safe and usable condition and specifically this principle applies to all decisions affecting policy, priority, programming and implementation of highway works.

Shropshire Council is required to procure a new Highways Maintenance arrangement from April 2018.

The service change relates to approval being sought to procure a particular type of contract service model.

The service is also subject to reducing capital and revenue budgets, and is required to reduce expenditure across the contract period significantly.

The model has been proposed in order to attempt to position the service and the Council to participate in a sector that has an evolving market place, to reflect the changes to service pressures, strategic drivers of change and the ongoing financial pressures that the Council face.

At this stage, the service area is seeking approval to procure and implement a delivery model described as a "Term Maintenance" model. The service area is therefore asking for delegated authority to ensure that the process of service information and contract documentation is generated and circulated to the market.

Under a Term Maintenance Contract model, as used by for example Worcestershire, Herefordshire and Solihull, the local authority manages the procurement and management of numerous service providers covering the full range of highways services.

Such an approach sees the appointment of a single contractor delivering the highways and environmental maintenance services.

The rationale for this approach and the evidence and influences that informed this decision are detailed in committee report to Cabinet, available via the committee pages of the Council's website at www.shropshire.gov.uk

Intended audiences and target groups for the service change

The service model, when fully completed with all contract documentation, will impact across all areas of Shropshire and therefore all those who live in, work in and visit Shropshire.

The full equality impact information cannot as yet be ascertained. Once the procurement process is underway, then an assessment of the budgetary impact will be available, and general or targeted consultation will be required, in order to inform the final report in 2017 to Cabinet.

The issues, documentation and contract information from private organisations will be available to inform this process.

Evidence used for screening of the service change

The rationale for this approach and the evidence and influences that informed this decision are detailed in committee report to Cabinet, available via the committee pages of the Council's website at www.shropshire.gov.uk

Further information will begin to become available once the procurement process has been initiated, and will add to the incremental collection of data and therefore improve the ability of the service area to recommend policy decisions and carry out service changes based on robust evidence.

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

During 2015 and 2016, internal and external discussions and facilitated workshops with Shropshire Council staff, Portfolio Holder and Mouchel were undertaken. External visits and discussions were held with other local authorities, service providers and external advisors in order to determine the most appropriate model going forward.

Once the likely impact on particular geographical areas or communities is better understood, a separate communication, consultation exercise will be required. It is anticipated that a further Stage One screening equality impact assessment will need to be carried out, with the possibility of a Stage 2 assessment, to support the final report to Cabinet in 2017.

This information will not therefore be available until the procurement process has begun.

However, as the Council acts either as a provider or a client to other services and service providers within and external to the Council, it has already been identified that these future arrangements and discussions will need to be undertaken, not only with the public and therefore with groupings who may be particularly affected, but also with stakeholders, for example:

- ST&R Housing
- Elections
- Emergency response
- Outdoor Recreation (direct and indirect delivery)
- Supporting Rights of Way

- Tree Safety
- Town and Parish Councils
- Third parties (schools etc.)
- Other local authorities across Shropshire's borders
- The Marches Local Enterprise Partnership (LEP)
- Government bodies and agencies eg Environment Agency

On **local engagement**, the Highways Service continues to receive continued service demands (increasing traffic growth, increased housing development pressure with inevitable increases in infrastructure roads, pavements, signs, street lights, street furniture), along with customer expectations of the service. This requires further efforts to provide improved quality of information through social media, established communication channels and traditional planning and briefing of statutory and non-statutory consultees. Improvements in 'on-line information', such as work and programme schedules and blogs are also providing pro-active sources of information and are available now on the Council's web site.

Customer Satisfaction with Highways and Environment in Shropshire remains relatively high (source: NHT Survey 2014 - 2015), which places customer satisfaction higher than the average for all highway authorities by residents participating in the survey. The downward pressure on budgets (both capital and revenue) i.e. less available financial resources, will inevitably affect satisfaction as the volume of work reduces on a year on year basis. In the 2016/17 financial year, significant revenue and capital budget reductions have influenced upon service delivery, therefore a reduction in future satisfaction is inevitable. Cabinet will note that satisfaction is a key indicator in the current Corporate Plan. Data collected to assess customer satisfaction will need to include equality data where possible, including data to help assess impact for rural communities and those at risk of social exclusion.

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 groups;
 - 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.

Protected Characteristic groups and other groups in Shropshire	High negative impact <i>Part Two ESIIA required</i>	High positive impact <i>Part One ESIIA required</i>	Medium positive or negative impact <i>Part One ESIIA required</i>	Low positive or negative impact <i>Part One ESIIA required</i>
Age (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 eg older person with disability)				
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)				
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				

Other: Social Inclusion (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)				
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Guidance on what a negative impact might look like

High Negative	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
Medium Negative	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
Low Negative	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.

Actions to mitigate negative impact or enhance positive impact of the service change
<p>The Highways Service has undertaken a significant Market Engagement exercise, this is the subject of a detailed report to Cabinet, to ensure that decisions it makes in the near future are understood, and that the market has provided sufficient confidence that the service provision will be attractive to external organisations.</p> <p>Whilst the aspiration will be for a low to medium positive impact on all groupings within the community as a result of the intended service change, further consultation will enable more information to be collected in this regard, with consequent opportunity to take any necessary actions to mitigate negative impact or enhance positive impact of the intended service change.</p> <p>For example, Cabinet will be conscious that work across the county to assist Town and Parish Councils, supporting Shropshire Council and the associated grounds maintenance responsibilities have progressed well. A number of Town and Parish Councils have stated</p>

that they wish to undertake grounds maintenance and detailed discussions are being conducted in respect of the methods by which this could be achieved.

This is anticipated to help ensure positive impacts for communities through engagement at this local level, whilst the ongoing dialogue will enable further evidence of likely equality impacts to be collected.

Actions to review and monitor the impact of the service change

Highways is one of the most visible, perception forming, geographically spread and demand led services the Council delivers, and challenges on the prioritisation, selection and investment decisions are a constant for the service in terms of local justification. A simple but well managed model, with good systems and processes is essential to invest funding and deal with the demand pressures on the service.

It will be similarly essential to communicate the rationale for the intended service change, and to assess and manage any impacts including unintended consequences that may bring negative impacts for any groupings.

The Highways service will consult at the appropriate time, via a range of communication mechanisms, including on line surveys, focus groups, formal external consultation exercise and ongoing dialogue with stakeholders, and will then be in position to consider further actions to review and monitor the impact of the intended service change.

Scrutiny at Part One screening stage

People involved	Signatures	Date
<i>Lead officer carrying out the screening</i>		
<i>Any internal support*</i>		
<i>Any external support**</i>	 Mrs Lois Dale, Rurality and Equalities Specialist	22 nd September 2016
<i>Head of service</i>	Steve Brown	19 th September 2016

***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
<i>Lead officer's name</i>		
<i>Head of service's name</i>	Steve Brown	19th September 2016

Shropshire Council Part 2 ESIIA: full report

Guidance notes on how to carry out the full report

The decision that you are seeking to make, as a result of carrying out this full report, will take one of four routes:

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

The Part Two Full Report therefore starts with a forensic scrutiny of the evidence and consultation results considered during Part One Screening, and identification of gaps in data for people in any of the nine Protected Characteristic groups and people who may be at risk of social exclusion, e.g. rural communities. There may also be gaps identified to you independently of this process, from sources including the intended audiences and target groups themselves.

The forensic scrutiny stage enables you to assess:

- **Which gaps need to be filled right now, to help you to make a decision about the likely impact of the proposed service change?**

This could involve methods such as: one off service area focus groups; use of customer records; examination of data held elsewhere in the organisation, such as corporate customer complaints; and reference to data held by similar authorities or at national level from which reliable comparisons might be drawn, including via the Rural Services Network. Quantitative evidence could include data from NHS Foundation Trusts, community and voluntary sector bodies, and partnerships including the Local Enterprise Partnership and the Health and Well Being Board. Qualitative evidence could include commentary from stakeholders.

- **Which gaps could be filled within a timeframe that will enable you to monitor potential barriers and any positive or negative impacts on groups and individuals further along into the process?**

This could potentially be as part of wider corporate and partnership efforts to strengthen the evidence base on equalities. Examples would be: joint information sharing protocols about victims of hate crime incidents; the collection of data that will fill gaps across a number of service areas, e.g. needs of young people with learning disabilities as they progress through into independent living; and publicity awareness campaigns that encourage open feedback and suggestions from a variety of audiences.

Once you have identified your evidence gaps, and decided on the actions you will take right now and further into the process, please record your activity in the following boxes. Please extend the boxes as needed.

Evidence used for assessment of the service change: activity record

How did you carry out further research into the nine Protected Characteristic groups and those who may be at risk of social exclusion, about their current needs and aspirations and about the likely impacts and barriers that they face in day to day living?

And what did it tell you?

Specific consultation and engagement with intended audiences and target groups for the service change: activity record

How did you carry out further specific consultation and engagement activity with the intended audiences and with other stakeholders who may be affected by the service change?

And what did it tell you?

Further and ongoing research and consultation with intended audiences and target groups for the service change: activity record

What further research, consultation and engagement activity do you think is required to help fill gaps in our understanding about the potential or known affect that this proposed service change may have on any of the ten groupings and on the intended audiences and target groups? This could be by your service area and/or at corporate and partnership level.

Full report assessment for each group

Please rate the impact as you now perceive it, by inserting a tick. Please give brief comments for each group, to give context to your decision, including what barriers these groups or individuals may face.

Protected Characteristic groups and other groups in Shropshire	High negative impact	High positive impact	Medium positive or negative impact	Low positive or negative impact
Age (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 eg older person with disability)				
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)				
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Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				
Other: Social Inclusion (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)				

ESIIA Full Report decision, review and monitoring

Summary of findings and analysis - ESIIA decision

You should now be in a position to record your decision. Please highlight in bold the route that you have decided to take.

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

Please add any brief overall comments to explain your choice.

You will then need to create an action plan and attach it to this report, to set out what further activity is taking place or is programmed that will:

- *mitigate negative impact or enhance positive impact of the service change,*
- AND**
- *review and monitor the impact of the service change*

Please try to ensure that:

- *Your decision is based on the aims of the service change, the evidence collected, consultation and engagement results, relative merits of alternative approaches and compliance with legislation, and that records are kept;*
- *The action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.*

Scrutiny at Part Two full report stage

People involved	Signatures	Date
<i>Lead officer</i>		
<i>Any internal support</i>		
<i>Any external support</i>		
<i>Head of service</i>		

Sign off at Part Two full report stage

Signature (Lead Officer)	Signature (Head of Service)
Date:	Date:

Appendix: ESIIA Part Two Full Report: Guidance Notes on Action Plan

Please base your action plan on the evidence you find to support your decisions, and the challenges and opportunities you have identified. It could include arrangements for:

- continuing engagement and involvement with intended audiences, target groups and stakeholders;
- monitoring and evaluating the service change for its impact on different groups throughout the process and as the service change is carried out;
- ensuring that any pilot projects are evaluated and take account of issues described in the assessment, and that they are assessed to make sure they are having intended impact;
- ensuring that relevant colleagues are made aware of the assessment;
- disseminating information about the assessment to all relevant stakeholders who will be implementing the service change;
- strengthening the evidence base on equalities.

Please also consider:

- resource implications for in-house and external delivery of the service;
- arrangements for ensuring that external providers of the service are monitored for compliance with the Council's commitments to equality, diversity and social inclusion, and legal requirements including duties under the Equality Act 2010.

And finally, please also ensure that the action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.

These are:

- Eliminating discrimination, harassment and victimisation
- Advancing equality of opportunity
- Fostering good relations

Note: Shropshire Council has referred to good practice elsewhere in refreshing previous equality impact assessment material in 2014 and replacing it with this ESIIA material. The Council is grateful in particular to Leicestershire County Council, for graciously allowing use to be made of their Equality and Human Rights Impact Assessments (EHRIs) material and associated documentation.

For further information on the use of ESIIAs: please contact your head of service or contact Mrs Lois Dale, Rurality and Equalities Specialist and Council policy support on equality, via telephone 01743 255684, or email lois.dale@shropshire.gov.uk.