

Cabinet

22 July 2013

EQUALITIES IMPACT ASSESSMENTS

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TRI-BOROUGH PASSENGER TRANSPORT

APPENDIX B – EQUALITIES IMPACT ASSESSMENT

Overall Information	Details of Full Equality Impact Analysis	
Financial Year and Quarter		
Name and details of policy, strategy, function, project, activity, or programme	<p>Title of EIA: Tri-Borough Passenger Transport</p> <p>In September 2012 Cabinet Members for Adult’s Services and Children’s Services across all three boroughs agreed to initiate a parallel procurement process. The process aims to select and appoint, where possible contractors to provide services to manage passenger transport operations along with a framework for provision of taxi and minibus services for Children’s Services and Adult’s Services service users</p>	
Lead Officers	<p>Tri-borough Children’s Services Name: Karen Tyerman Position: Tri-borough Director for Commissioning (Children’s Services) Email: karen.tyerman@rbkc.gov.uk Telephone No: 020 7361 3614</p>	<p>Tri-borough Adult’s Services Name: Cath Attlee Position: Assistant Director Joint Commissioning Adults Email: cattlee@westminster.gov.uk Telephone No: 020 3350 4499</p>
Lead Borough	Procurement lead – Westminster City Council	
Date of completion of final EIA	Final EIA to be completed at completion of call off process.	

Section 02	Scoping of Full EIA
Plan for completion	
Analyse the impact of the policy, strategy, function, project, activity, or programme	Analyse the impact of the policy on the protected characteristics (including where people / groups may appear in more than one protected characteristic). You should use this to determine whether the policy will have a positive, neutral or negative impact on equality, giving due regard to relevance and proportionality.

The Tri-borough Passenger Transport Procurement Project has a very specific client group of children with special educational needs, looked after children and vulnerable adults, particularly elderly adults and adults with learning disabilities.

Transport services for SEN children currently serve a total of 661 children across 103 destinations. Destinations are to schools and colleges largely but not entirely within the Tri-borough boundaries for both the school/college working day and for pre and post school activities. Of the current 661 service users 94 require individual passenger assistants.

A total of 13 day care centres for the elderly are currently served with approximately 517 clients making use of the passenger transport.

In addition taxi services are provided to 14 destinations to transport adults with learning disabilities and to transport looked after children to contact visits.

The procurement has taken great care to ensure that these groups are not adversely affected by any changes to provision that might potentially occur.

Eligibility policies are not part of the scope of this work. Individuals receiving transport services will not change as a result of this procurement.

The service provided – transport - usually from place of residence to school, day care centre, or contact with birth parents and return – with or without passenger escort – will remain unchanged.

The procurement may mean that clients may experience a change to the transport provider and/or passenger escort and possibly a change to route which the operator takes to the school or day care centre. The exact impact of this will not be known until the call offs have taken place and the actual contractors are known. The specification has been written to ensure that journey times are not significantly increased.

The tender evaluation process has included rigorous assessment of tenders to ensure that bidders have the required experience in the field of passenger transport services for vulnerable adults and children. This has included the requirement to satisfy evaluators across a range of service based scenarios. Quality thresholds ensured that the requisite service standards were met before any price comparisons could be undertaken. Tenders were evaluated by ASC, SEN and LAC

professionals and senior safeguarding professionals from both Adult and Children's Services.

The next stage of the project will involve the planning of routes to prepare for the call offs and then the appointment and mobilisation of contractors for particular routes. Further consultation will take place when the details of such routes are determined to understand the impact of any changes for any individual service user. One of the benefits from a tri-borough transport solution is that it enables some taxis to be replaced by minibuses where children from multiple boroughs travel to the same school, however where it is deemed necessary, taxis can continue to be provided if this is justified.

Mobilisation will include the implementation of a detailed communications plan to ensure all stakeholders and individual service users understand any changes.

Protected characteristic	Borough Analysis	Impact:
Age	<p>All three boroughs Adults who require the provision of transport include a significant proportion who are older service users. We believe that overall the impact of a potential change to transport management and transport provider will be neutral, however as there may be some change from current arrangements for some individuals we will work closely with service users and day care centre managers to ensure any impact of the change is minimised.</p> <p>An analysis of the workforce indicates that there are no specific issues relating to the composition of the workforce and the impact of the changes due to take place.</p> <p>Where appropriate in house staff are being supported to update their qualifications to ensure that they are not disadvantaged in any transfer of employment.</p>	Neutral
Disability	<p>All three boroughs Adults who require the provision of transport include a significant proportion who have disabilities. This is also the case for a number of children who have special educational needs. We believe that overall the impact of a potential change to transport management and transport provider will be</p>	Neutral

	neutral, however as there may be some change from current arrangements for some individuals we will work closely with service users and schools, day care centre managers and other partners to ensure any impact of the change is minimised.		
Gender reassignment	All three boroughs N/A	Neutral	
Marriage and Civil Partnership	All three boroughs N/A	Neutral	
Pregnancy and maternity	All three boroughs N/A	Neutral	
Race	<p>An initial analysis of the workforce indicates that there are no specific issues relating to the composition of the workforce and the impact of the changes due to take place.</p> <p>Where appropriate in house staff are being supported to update their qualifications to ensure that they are not disadvantaged in any transfer of employment.</p>		
Religion/belief (including non-belief)	All three boroughs		
Sex	<p>All three boroughs</p> <p>An analysis of the workforce indicates that there are no specific issues relating to the composition of the workforce and the impact of the changes due to take place.</p> <p>Where appropriate in house staff are being supported to update their qualifications to ensure that they are not disadvantaged in any transfer of employment.</p>		

	Sexual Orientation	All three boroughs N/A		
<p>Human Rights or Children's Rights</p> <p>The report is seeking agreement for WCC to award the Framework Agreements for Lots 1A and 1B (transport operators) as outlined in Section 6.10 of this report, on behalf of itself, LBHF and RBKC.</p>				

Section 03	<p>Analysis of relevant data</p> <p>Examples of data can range from census data to customer satisfaction surveys. Data should involve specialist data and information and where possible, be disaggregated by different equality strands.</p>
Documents and data reviewed	<p>LBHF:</p> <p>RBKC:</p> <p>WCC:</p>
New research	

Section 04	<p>Consultation</p> <p>Complete this section if you have decided to supplement existing data by carrying out additional consultation.</p>
Consultation in each borough	<p>All three boroughs</p> <p>Consultation undertaken and planned as follows:</p> <ul style="list-style-type: none"> Statutory duty to consult parents of children with SEN: Consultation undertaken with teachers and parents of SEN children regarding changes to service

	<p>provision including potential outsourcing (LBHF May - July 2010) Further consultation planned (LBHF/RBKC/WCC) July - September 2013 to inform call offs and mobilisation</p> <ul style="list-style-type: none"> Proposed changes to Transport Management Service (employees): consultation has started and is on going Proposed changes to Transport Management Service (parents, carers, service users, schools, day centres etc): Consultation undertaken with parents of SEN children regarding changes to service provision including potential outsourcing (LBHF May - July 2010) Consultation with day care centre managers, other adult service partners and adult service users LBHF May – July 2010 and August/September 2012 Further consultation planned (LBHF/RBKC/WCC) July - September 2013 to inform call offs and mobilisation Transport Operator Framework (parents, carers, service users where individual transport is affected): Consultation undertaken with parents of SEN children regarding changes to service provision including potential outsourcing (LBHF May - July 2010) Consultation with day care centre managers, other adult service partners and adult service users LBHF May – July 2010 and August/September 2012 Further consultation planned (LBHF/RBKC/WCC) July - September 2013 to inform call offs and mobilisation Rationalisation of routes and transport arrangements (parents, carers, service users if changes affect their transport arrangements; employees if arrangements materially affect work duties): Once arrangements have been proposed – after award of contracts off the framework – see above. <p>As consultation is planned around a number of stages in this process, it is important to ensure that this is carried out using methods that ensure all service users including those with disabilities can participate.</p> <p>Additional consultations regarding eligibility policies have taken place.</p>
<p>Analysis of consultation outcomes for each borough</p>	<p>All three boroughs</p> <p>Consultation with ASC service users highlighted the following areas as being key:</p> <ul style="list-style-type: none"> Punctuality of buses Route planning

	<ul style="list-style-type: none"> • Quality of buses • Drivers <p>Consultation with teachers and parents of SEN children highlighted the following areas as being key:</p> <ul style="list-style-type: none"> • Time keeping • Punctuality • Quality of travel assistance arrangements • Consistency of travel assistance arrangements • Safety <p>As noted above this has already been taken into consideration as part of specifications and evaluations of tenders and will be used again to inform call offs, routing and mobilisation</p> <p>As consultation is ongoing through various stages of the procurement, EIA will be amended and developed further if additional issues are identified which have an impact on people with one or more protected characteristics.</p>
Section 05	Analysis of impact and outcomes
Analysis	<p>All three boroughs</p> <ul style="list-style-type: none"> • The overall conclusion at this stage is that agreement to award the framework agreements for Lots 1A and 1B will not overall have a noticeable impact upon service users as they will continue to be provided with transport as needed. • The main impact will be that the provider of the transport is likely to change although this may also have been the case for some existing arrangements as personnel and routes have been reviewed. Further work is required to fully understand the specific impact for each user once contractors are known. • The EIA will be revised in the light of any implications for people with particular protected characteristics which have not been identified to date
Section 06	Reducing any adverse impacts and recommendations
Outcome of Analysis	No negative impacts identified to date although this EIA will need to be revised in the light of any specific issues identified during further consultation with service users and staff.
Section 07	Action Plan
Action Plan	Note: You will only need to use this section if you have identified actions as a result of your analysis

	Issue identified	Action (s) to be taken	When	Lead officer and borough	Expected outcome	Date added to business/service plan
	Effective consultation of people with disabilities	Planned consultation of service users to include tailored approaches to ensure any barriers to communication are addressed	Ongoing			
	Unforeseen impacts emerge from consultation or research	EIA to be refreshed and further actions planned as appropriate	Ongoing			

Section 08	Agreement, publication and monitoring		
Chief Officers' sign-off	LBHF Name: Andrew Christie Position: Tri-borough Executive Director of Children's Services Email: Andrew.christie@lbhf.gov.uk Telephone No:	RBKC Name: Andrew Christie Position: Tri-borough Executive Director of Children's Services Email: Andrew.christie@lbhf.gov.uk Telephone No:	WCC Name: Andrew Christie Position: Tri-borough Executive Director of Children's Services Email: Andrew.christie@lbhf.gov.uk Telephone No:
Key Decision Report (if relevant)	LBHF Date of report to Cabinet: 22/07/13 Key equalities issues have been included: Yes	RBKC Date of report to Cabinet: 18/07/13 Key equalities issues have been included: Yes	WCC Date of report to Cabinet Sub Committee: w/b 1 st July 13 Key equalities issues have been included: Yes
Lead Equality Manager (where involved)	LBHF Name: Position: Date advice / guidance given: Email: Telephone No:	RBKC Name: Position: Date advice / guidance given: Email: Telephone No:	WCC Name: Position: Date advice / guidance given: Email: Telephone No:

Equality Impact Analysis Initial Screening Tool with Guidance

Overview

This Tool has been produced to help you analyse the likelihood of impacts on the protected characteristics – including where people are represented in more than one – with regard to your new or proposed policy, strategy, function, project or activity. It has been updated to reflect the new public sector equality duty and should be used for decisions from 5th April 2011 onwards. It is designed to help you determine whether you may need to do a Full EIA. If you already know that your decision is likely to be of high relevance to equality, and/or be of high public interest, you should contact the Opportunities Manager, as s/he may recommend moving directly to a Full EIA.

General points

1. 'Due regard' means the regard that is appropriate in all the circumstances. In the case of controversial matters such as service closures or reductions, considerable thought will need to be given the equalities aspects.
2. Wherever appropriate, and in all cases likely to be controversial, the outcome of the EIA needs to be summarised in the Cabinet/Cabinet Member report and equalities issues dealt with and cross referenced as appropriate within the report.
3. Equalities duties are fertile ground for litigation and a failure to deal with them properly can result in considerable delay, expense and reputational damage.
4. Where dealing with obvious equalities issues e.g. changing services to disabled people/children, take care not to lose sight of other less obvious issues for other protected groups.

Timing, and sources of help

Case law has established that having due regard means analysing the impact, and using this to inform decisions, thus demonstrating a conscious approach and state of mind ([2008] EWHC 3158 (Admin), [here](#)). It has also established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, through to the recommendation for decision. It should demonstrably inform, and be made available when the decision that is recommended. This tool contains guidance, and you can also access guidance from the EHRC [here](#). If you are analysing the impact of a budgetary decision, you can find EHRC guidance [here](#). Advice and guidance can be accessed from the Opportunities Manager: PEIA@lbhf.gov.uk or ext 3430.

Initial Screening Equality Impact Analysis Tool

Section 01	Details of Initial Equality Impact Screening Analysis															
Financial Year and Quarter	2013/1 Q1															
Name of policy, strategy, function, project, activity, or programme	<p>SHEPHERDS BUSH TOWN CENTRE (WEST) MAJOR PROJECT</p> <p>This report refines and details the Shepherds Bush Town Centre (West) Major Project to be implemented in 2013-2015 funded by Transport for London (TfL).</p>															
Q1 What are you looking to achieve?	<p>The seven borough transport objectives are below;</p> <ul style="list-style-type: none"> • To support sustainable population and employment growth in the five regeneration areas - White City, Earl's Court/West Kensington, Hammersmith Town Centre, Fulham Riverside and Old Oak Common. • To improve the efficiency of our road network. • To improve the quality of our streets. • To improve air quality in the borough. • To make it easier for everyone to gain access to transport opportunities. • To support residents and businesses by controlling parking spaces fairly. • To reduce the number of people injured and killed on our streets. 															
Q2 Who in the main will benefit?	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Age</td> <td style="width: 60%;">Elderly road users will benefit from accessibility improvements to the boroughs highway network and urban realm</td> <td style="width: 10%;">H</td> <td style="width: 15%;">+</td> </tr> <tr> <td>Disability</td> <td>Mobility impaired road users will benefit from accessibility improvements to the boroughs road network and urban realm</td> <td>H</td> <td>+</td> </tr> <tr> <td>Gender reassignment</td> <td></td> <td>na</td> <td>na</td> </tr> </table>				Age	Elderly road users will benefit from accessibility improvements to the boroughs highway network and urban realm	H	+	Disability	Mobility impaired road users will benefit from accessibility improvements to the boroughs road network and urban realm	H	+	Gender reassignment		na	na
Age	Elderly road users will benefit from accessibility improvements to the boroughs highway network and urban realm	H	+													
Disability	Mobility impaired road users will benefit from accessibility improvements to the boroughs road network and urban realm	H	+													
Gender reassignment		na	na													

	Marriage and Civil Partnership		na	na
	Pregnancy and maternity	Those road users with buggies will benefit from accessibility improvements to the boroughs road network and urban realm	H	+
	Race		na	na
	Religion/belief (including non-belief)		na	na
	Sex	Femal road users benefit from the increase in the perception of personal safety that results from highway improvement projects – eg lighting improvements	M	+
	Sexual Orientation		na	na
	<p>Human Rights and Children’s Rights</p> <p>Will it affect Human Rights, as defined by the Human Rights Act 1998? No</p> <p>Will it affect Children’s Rights, as defined by the UNCRC (1992)? No</p>			
Q3 Does the policy, strategy, function, project, activity, or programme make a positive contribution to	<p>Yes</p> <p>The improvements to the Shepherds Bush area urban realm that result from the delivery of the project, provide a more accessibly environment in which all road users can travel to and from their desired destinations by which ever mode they choose more easily.</p>			

equalities?	
Q4 Does the policy, strategy, function, project, activity, or programme actually or potentially contribute to or hinder equality of opportunity, and/or adversely impact human rights?	No

Initial Screening Equality Impact Analysis Guidance

Section 01	Details of Initial Equalities Impact Screening Analysis
Name of policy, strategy, function, project, activity, or programme	<p>A Policy refers to an approved decision, principle plan or a set of procedures by Cabinet, or a Cabinet Member under delegated powers that affects the way that the Council conducts its business both internally and externally. A policy can include: strategies, guides, manuals and common practice.</p> <p>A Strategy refers to a systematic short term or a long term plan of action that is designed to achieve a specific business benefit or goal(s).</p> <p>A Function refers to any actions and/or activities designed to achieve a specific business benefit or goal.</p> <p>A Project defines how a temporary structure or scheme can achieve a specific business benefit or goal(s). A project can be implemented by setting up aims and objectives, resources, communication, budget needs and timelines.</p> <p>An Activity is a specific task (or a groups of tasks) which can also form as part of a 'function'.</p> <p>A Programme is a portfolio of activities and projects that are co-ordinated and managed as a unit such that they realise common outcomes and benefits.</p>
Q1 What are you looking to achieve?	For example this might help to implement outcomes identified in policies such as the Single Equality Scheme , Disability Equality Scheme , other EIAs in your service department, or in another department that your service/service users also interact with and draw down services from, Corporate Plan , LAA Targets , CAA Aims, UDP , or JSNA .

<p>Q2 Who in the main will benefit?</p>	<p>Hereafter, 'policy' means policy, strategy, function, project, activity, or programme</p> <p>Disability Service providers also have an anticipatory duty to make reasonable adjustments for disabled people. These two duties frequently overlap and it is sensible to consider them together. For example, can you:</p> <ul style="list-style-type: none"> ▪ Provide accessible communications? ▪ Change how you collate and use data? ▪ Revise how you involve service users? <p>Analyse the impact of the policy on the protected characteristics with due regard to the Public Sector Equality Duty.</p> <p>Use your reasoning in order to determine whether the policy will be of high, medium or low relevance to the protected characteristics. What do we mean by these terms?:</p> <p>High</p> <ul style="list-style-type: none"> ▪ The policy, strategy, function, project, activity, or programme is relevant to all or most parts of the general duty, and/or to human rights ▪ There is substantial or a fair amount of evidence that some groups are (or could be) differently affected by it ▪ There is substantial or a fair amount of public concern about it <p>Medium</p> <ul style="list-style-type: none"> ▪ The policy, strategy, function, project, activity, or programme is relevant to most parts of the general duty, and/or to human rights ▪ There is some evidence that some groups are (or could be) differently affected by it ▪ There is some public concern about it <p>Low</p> <ul style="list-style-type: none"> ▪ The policy, strategy, function, project, activity, or programme is not generally relevant to most parts of the general duty, and/or to human rights ▪ There is little evidence that some groups are (or could be) differently affected by it ▪ There is little public concern about it <p>Use your reasoning to determine whether the impact will be positive, neutral, or negative. There are three</p>
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possible outcomes:

- **Positive:** The EIA shows the policy is not likely to result in adverse impact for any protected characteristic and does advance equality of opportunity, and/or fulfils PSED in another way
- **Neutral:** The EIA shows the policy, strategy, function, project or activity is not likely to result in adverse impact for any protected characteristic and does not advance equality of opportunity, and/or fulfils PSED in another way
- **Negative:** The EIA shows the policy, strategy, function, project or activity is likely to have an adverse impact on a particular protected characteristic(s) and potentially does not fulfil PSED, or the negative impact will be mitigated through another means.

Should your policy not be applicable, you must note this and state why.

Human Rights, Children's Rights

Additionally, demonstrate here that the impact on **Human and/or Children's Rights** arising from the policy has been considered.

Human Rights

Public authorities have an obligation to act in accordance with the European Convention on Human Rights. These are:

- Article 2: [Right to life](#)
- Article 3: [Freedom from torture and inhuman or degrading treatment](#)
- Article 4: [Right to liberty and security](#)
- Article 5: [Freedom from slavery and forced labour](#)
- Article 6: [Right to a fair trial](#)
- Article 7: [No punishment without law](#)
- Article 8: [Respect for your private and family life, home and correspondence](#)
- Article 9: [Freedom of thought, belief and religion](#)
- Article 10: [Freedom of expression](#)
- Article 11: [Freedom of assembly and association](#)
- Article 12: [Right to marry and start a family](#)
- Article 14: [Protection from discrimination in respect of these these rights and freedoms](#)
- Article 1 of Protocol 1: [Right to peaceful enjoyment of your property](#)
- Article 2 of Protocol 1: [Right to education](#)
- Article 3 of Protocol 1: [Right to participate in free elections](#)

	<p>(Article 1 of Protocol 13 is: Abolition of the death penalty)</p> <p>Each of the above links takes you to explanations and examples provided by the EHRC. Further, the EHRC and the Ministry of Justice both provide guides for public authorities.</p> <p>Children’s Rights (UNCRC) All children and young people up to the age of 18 years have all the rights in the Convention. Some groups of children and young people - for example those living away from home, and young disabled people - have additional rights to make sure they are treated fairly and their needs are met.</p> <p>Every child in the UK has been entitled to over 40 specific rights. These include:</p> <ul style="list-style-type: none"> ▪ The right to life, survival and development ▪ The right to have their views respected, and to have their best interests considered at all times ▪ The right to a name and nationality, freedom of expression, and access to information concerning them ▪ The right to live in a family environment or alternative care, and to have contact with both parents wherever possible ▪ Health and welfare rights, including rights for disabled children, the right to health and health care, and social security ▪ The right to education, leisure, culture and the arts ▪ Special protection for refugee children, children in the juvenile justice system, children deprived of their liberty and children suffering economic, sexual or other forms of exploitation <p>The rights included in the convention apply to all children and young people, with no exceptions.</p> <p>The above and more information can be found at Direct Gov.</p>
<p>Q3 Does the policy, strategy, function, project, activity, or programme make a positive contribution to equalities?</p>	<p>Yes/No</p> <p>Use your evidence from Q2 to state why</p>
<p>Q4</p>	<p>Yes/No</p>

Does the policy, strategy, function, project, activity, or programme actually or potentially contribute to or hinder equality of opportunity and/or human rights?	If the answer here is 'yes', then it is necessary to go ahead with a Full Equality Impact Analysis. You should also consider a Full Equality Impact Analysis if your decision is likely to be of high relevance to equality, and/or be of high public interest.
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