

## Shropshire Equality and Social Inclusion Impact Assessment (ESIIA)

### Contextual Notes 2014

#### ***The What and the Why:***

The Equality and Social Inclusion Impact Assessment (ESIIA) tool replaces the Equality Impact Needs Assessment (EINA) tool previously in use by Shropshire Council. It is a tool to help us 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.

What we are now doing is broadening out such assessments to consider social inclusion. This is so that we are thinking as carefully and completely as possible about all groups and communities in Shropshire, including people in rural areas and people we may describe as vulnerable, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, eg Age, eg Gender Reassignment. 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, such as through a new policy or a change in procedure. 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 to have what is called *due regard* to the three equality aims in our decision making processes. These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

#### ***The How:***

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. If you are not sure, a full report is recommended, as it enables more evidence to be collected that will help you 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

Hackney Carriage and Private Hire Licensing Policy

### Aims of the service change and description

The Council's existing Hackney Carriage and Private Hire Licensing Policy came into effect on 1 October 2011. It is largely based on the policy that was brought into effect when Shropshire Council was formed in 2009; consequently, the foundation of the Council's current Policy is, in effect, over 5 years old. The Policy requires updating to better reflect the Council's priorities and outcomes for 2014 – 2017, in particular in relation to protecting people from harm, promoting health and managing the environment. In addition, licensing administrative processes have been tightened to improve safeguarding practices and to introduce targeted enforcement. The Policy needs to be amended to reflect these current practices.

### Intended audiences and target groups for the service change

- Persons who wish to apply for hackney carriage and private hire vehicle, drivers or operator licenses.
- Persons who hold existing licences, including those that are the subject of review.
- The Council, in its capacity as the licensing authority, including licensing officers, members of the relevant licensing committees and the internal panel (or other relevant decision making bodies).
- Licensing consultants, solicitors and barristers advising and/or representing applicants/license holders.
- Magistrates and judges hearing appeals against Council decisions.
- Members of the public who use hackney carriage/private hire services.
- Other local authorities, particularly Telford & Wrekin Council and others that border the Shropshire Council area.

### Evidence used for screening of the service change

- Feedback from the hackney carriage/private hire trade via Taxi Forums that indicated the existing policy was not working as well as it could for a number of reasons.
- Ongoing and ad hoc comments made to the Licensing Team Manager and officers by stakeholders between June 2012 and February 2014 indicating the existing policy required updating.
- Officer feedback in relation to difficulties encountered when making licensing decisions around determining whether an applicant is a 'fit and proper person' to hold a driver's licence based on insufficient clarity on the criteria to be satisfied.
- Outcome of the Independent Enquiry into Child Sexual Exploitation in Rotherham 1997 – 2013 undertaken by Alexi Jay OBE; in particular the report stated - '*One of the common threads running through child sexual exploitation across England has been*

*the prominent role of taxi drivers in being directly linked to children who were abused.'*

- The Council's drive to increase the robustness of safeguarding practices, particularly with respect to children and vulnerable adults.
- Joint letter from the Department for Communities and Local Government and the Department for Education received by the Council asking it to consider whether it had adequate measures in place to ensure it could not be accused of similar failings to those found at Rotherham Metropolitan Borough Council.
- Letter received by the Council from the Shropshire Safeguarding Children Board specifically requesting assurances with respect to taxi licensing.
- Letter received by the Council from the Department for Transport reminding Councils of their responsibilities with respect to taxi licensing and encouraging the use of all the tools at their disposal when making licensing decisions.

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

The Strategic Licensing Committee (SLC) commenced the process of reviewing the Policy in March 2014 when it confirmed that informal engagement with the hackney carriage and private hire trade was to be undertaken through a number of 'Taxi Forum' meetings across the County. Stakeholders were informed directly via email about the Forums which were held between the 15 April 2014 and 24 April 2014; the trade had the opportunity to identify areas of the Policy where improvements could be made.

In May 2014 a further report was presented to the SLC with a revised Policy that captured the improvements suggested by the trade, together with changes identified by the licensing service. A decision was made by the SLC to formally consult on the revised Policy for a period of 12 weeks from 2 June 2014 to 24 August 2014. This was carried out through the Council's website and advertised in the Shropshire Star newspaper.

In September 2014, the outcome of the 12 week consultation was presented to the SLC with a further revision of the Policy. The content now focussed more on safeguarding and the environment as well as incorporating the necessary changes to strengthen the application process and provide the means for robust enforcement to increase compliance across the hackney carriage and private hire trades. Consequently, the SLC supported a further period of consultation and this was carried out between 29 September 2014 and 2 November 2014 using the Council's website, an additional 'Taxi Forum' meeting held on the 28 October 2014 in Shrewsbury and a further advertisement in the Shropshire Star.

An analysis of the responses received was undertaken and the results collated for the SLC to consider. Each response was fully considered by officers and a summary prepared for the SLC. The summary detailed the degree to which the proposed policy had/had not been amended, together with explanatory comments where this was necessary. A revised policy document, with relevant tracked changes, was made available to the SLC. In addition, the proposed improvements and substantive changes, compared with the current 2011 Policy, were also provided.

The first draft of the policy that was published for consultation has changed considerably in response to consultation feedback. A significant proportion of the Policy is based on stakeholder feedback that has been accepted and included in the Policy.

The Enterprise & Growth Scrutiny Committee considered the overarching scope and purpose of the proposed Policy at the meeting held on 6 November 2014. There was overall support for the direction of the Policy with respect to ensuring public safety.

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

### Guidance notes on how to carry out the initial assessment

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 representatives been consulted, or people with specialist knowledge, or research 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 unintended, for all the 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?
7. Will the service change as proposed have a positive or negative impact on social inclusion?

### 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</b>	Some potential impact, some mitigating measures in place but no evidence

<b>Negative</b>	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)



### 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.

<b>Protected Characteristic groups and other groups in Shropshire</b>	<b>High negative impact</b> <i>Part Two ESIIA required</i>	<b>High positive impact</b> <i>Part One ESIIA required</i>	<b>Medium positive or negative impact</b> <i>Part One ESIIA required</i>	<b>Low positive or negative impact</b> <i>Part One ESIIA required</i>
<b>Age</b> (please include children, young people, people of working age, older people. Some people may belong to more than one group e.g. young 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)				✓

<p><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 you consider to be vulnerable)</p>				
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**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>For all the groups, except ‘social inclusion’, the impact is rated as positive - either ‘medium positive’ or ‘low positive’. However, in practice, with the exception of ‘age’, ‘disability’, ‘race’ and ‘sex’, the impact in reality is likely to be neutral – neither positive nor negative – with no anticipated need to take actions to mitigate or enhance the impact. The assessment took into account children and young people who are looked after by Shropshire Council and the families of children in need when considering the ‘age’ group and vulnerable adults, e.g. adults with learning disabilities, when considering the ‘disability’ group.</p> <p>With respect to ‘age’, ‘race’ and ‘sex’, proactive and visible enforcement of the requirements of the Policy, in particular the conditions applicable to each licence type, together with the associated legislation will enhance the positive impact of the changes made to the Policy. In addition, it is the intention to increase and strengthen the role that West Mercia Police (WMP) and other appropriate external agencies have in the review of new licence applications/existing licences by widening the constitution of the Council’s internal Licensing Panel to include representatives from WMP and other agencies. This will specifically enhance the positive impact of the Policy on ‘age’ and ‘disability’ groups with respect to safeguarding responsibilities affecting children, young people and vulnerable adults.</p> <p>To further enhance the impact on the ‘disability’ group, in particular physical disability, there is a commitment to work with the trade on a voluntary basis to understand and address vehicle accessibility issues across the hackney carriage and private hire fleet.</p> <p>With respect to ‘social inclusion’, the impact is rated as ‘low negative’ with respect to rural communities. This is largely based on the potential effect that the introduction of the European Emissions Standards has on the economic viability of those hackney carriage and private hire businesses that are based in the more rural parts of the County. The impact is not fully known in respect of these businesses. To mitigate the impact, the licensing service intends to further publicise the changes to the Policy once it is formally adopted through providing advice/information directly to all businesses affected at the point of application/renewal of licences as well as generally through the Council’s website and social</p>

media channels. It is also intends to provide 1:1 advice to businesses that request this in order to help provide the most economic solutions to sourcing vehicles that comply with the emissions requirements.

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

The Policy will be formally reviewed after 3 years. However, it will be the subject of continuous evaluation and, if necessary, formally reviewed at any time. At the time of review all relevant stakeholders will again be consulted. Any licensed driver or operator may request a review of the Policy at any time. This is made clear in the Policy itself.

There will be ongoing dialogue with the trade through direct contact and ‘Taxi Forums’ or similar meetings that will provide the opportunity for the trade to provide feedback to the licensing team. A dedicated telephone number and email address is and will continue to be generally publicised on the Council’s website for other stakeholders, including members of the public, to provide feedback on the impact of the changes made to the Policy. In addition, these contacts, together with social media contacts, will be publicised in hackney carriage and private hire vehicles to encourage service users to provide feedback to the Council. All feedback will be recorded either on the Idox system used to administer the licensing regime or in appropriate electronic files maintained by the Licensing Team Manager.

With respect to ‘age’ and ‘disability’ groups, in particular around the Council’s safeguarding responsibilities, there will be ongoing dialogue with the Shropshire Children Safeguarding Board. In addition, dialogue with West Mercia Police and those service areas within the Council that have particular responsibilities for the care of children and young people and vulnerable adults, i.e. currently Children Services and Adult Services, will occur as a result of the increasing role that officers from these services play in the review process applicable to new licence applications and existing licences.

Elected Member involvement will continue through the Strategic Licensing Committee and the Licensing & Safety Sub-Committee, with issues brought before these Committees as appropriate.

**Scrutiny at Part One screening stage**

<b>People involved</b>	<b>Signatures</b>	<b>Date</b>
Lead Officer Carrying out Screening - Frances Darling (Senior Commissioner)		
*Internal Support - Mandy Beever (Transactional Manager)		
*External Support – Lois Dale (Principal Rural Policy Officer)		
Head of Service - Paul McCreary (Head of Public Protection)		

\*In this context, internal refers to officers from within the service area being assessed, i.e. the licensing service within Public Protection; external means external to the service and NOT external to the Council.

## Sign off at Part One screening stage

Name	Signatures	Date
Lead Officer - Frances Darling (Senior Commissioner)		
Head of Service - Paul McGreary (Head of Public Protection)		

## 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, eg 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, eg 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 individual may face.*

<b>Protected Characteristic groups and other groups in Shropshire</b>	<b>High negative impact</b>	<b>High positive impact</b>	<b>Medium positive or negative impact</b>	<b>Low positive or negative impact</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 young 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 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
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<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**

<b>Signature (Lead Officer)</b>	<b>Signature (Head of Service)</b>
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 for 2014 refresh of our corporate equality impact assessment approach: Shropshire Council has referred to good practice elsewhere in refreshing the EINA material 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 EHRIs: please contact your head of service or contact Mrs Lois Dale, Principal Rural Policy Officer and internal policy support on equality, via telephone 01743 255667, or email [lois.dale@shropshire.gov.uk](mailto:lois.dale@shropshire.gov.uk).***