

Carmarthenshire County Council

Assessing Impact

The Equality Act 2010

The Equality Act 2010 (the Act) brings together and replaces the previous anti-discrimination laws with a single Act. It simplifies and strengthens the law, removes inconsistencies and makes it easier for people to understand and comply with it. The majority of the Act came into force on 1 October 2010.

The Act includes a new public sector equality duty (the 'general duty'), replacing the separate duties on race, disability and gender equality. This came into force on 5 April 2011.

What is the general duty?

The aim of the general duty is to ensure that public authorities and those carrying out a public function consider how they can positively contribute to a fairer society through advancing equality and good relations in their day-to-day activities. The duty ensures that equality considerations are built into the design of policies and the delivery of services and that they are kept under review. This will achieve better outcomes for all.

The duties are legal obligations. Failure to meet the duties may result in authorities being exposed to legal challenge.

Under equality legislation, public authorities have legal duties to pay 'due regard' to the need to eliminate discrimination and promote equality with regard to race, disability and gender, including gender reassignment, as well as to promote good race relations. The Equality Act 2010 introduces a new public sector duty which extends this coverage to age, sexual orientation, pregnancy and maternity, and religion or belief. The law requires that this duty to pay 'due regard' be demonstrated in the decision making process. It is also important to note that public authorities subject to the equality duties are also likely to be subject to the obligations under the Human Rights Act and it is therefore wise also to consider the potential impact that decisions could have on human rights as part of the same process.

Carmarthenshire's approach to Equality Impact

In order to ensure that the council is considering the potential equality impact of its proposed policies and practices, and in order to evidence that we have done so, every proposal will be required to be supported by the attached Equality Impact Assessment.

Where this assessment identifies a significant impact then more detail may be required.

Reporting on assessments

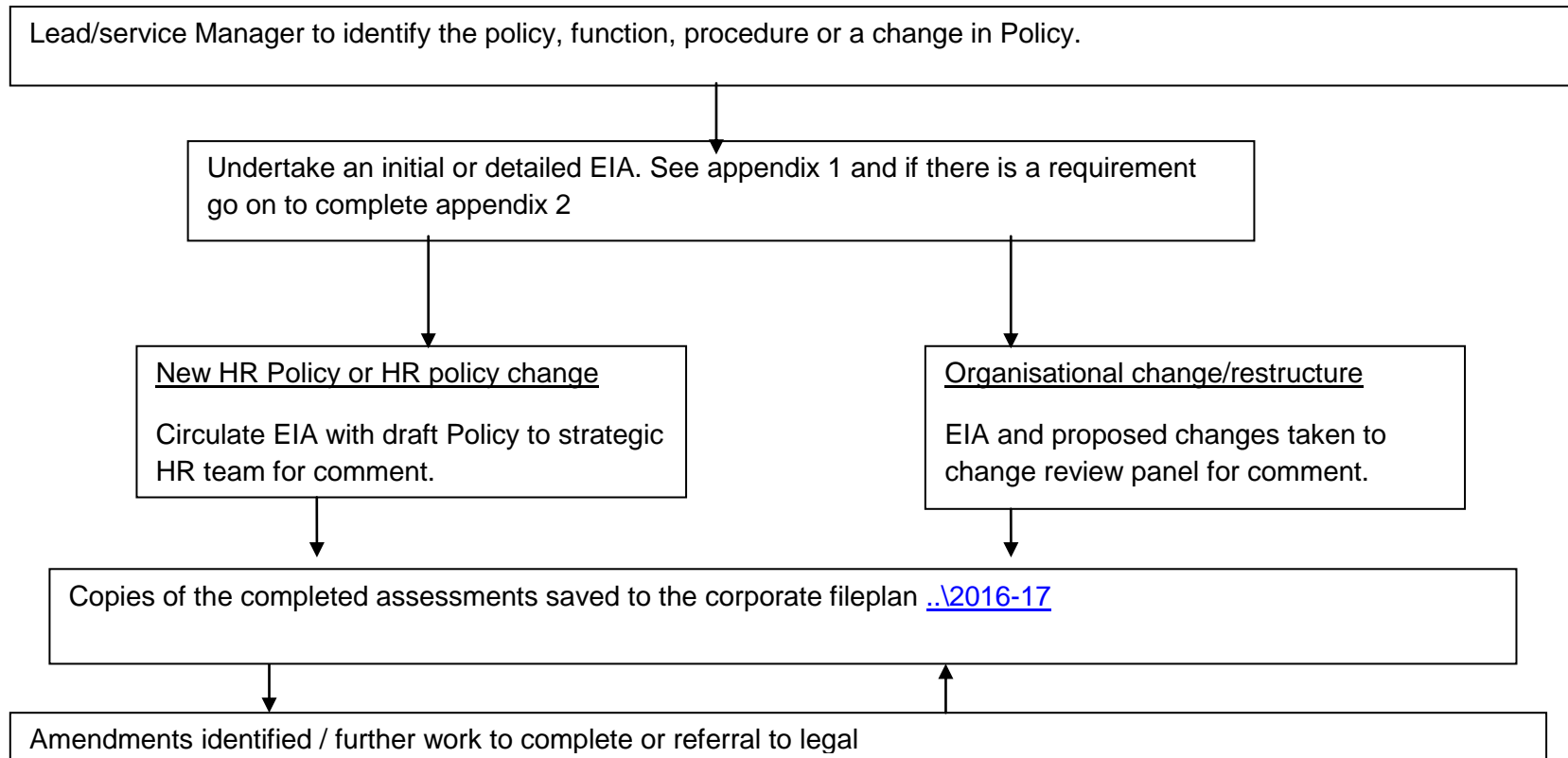
Where it is clear from the assessment that the likely impact on the authority's ability to meet the general duty is substantial, then it must publish a report.

Initial and Detailed Equality Impact Assessments

The initial EIA (appendix 1) is a simple and quick method of assessing the effect of a policy, function, procedure, decision including financial cuts on one or more of the protected characteristics.

The Service Manager responsible for the relevant new or revised policies, functions, procedures and financial decisions must undertake, at least, an initial EIA and where relevant a detailed Equality Impact Assessment (appendix 2); EIA must be attached as background paper with reports to Executive and Scrutiny .

Equality impact assessment – Process to follow where HR implications have been identified



Initial Equalities Impact Assessment Template

Appendix 1

Department: Environment	Completed by (lead): Rhys Davies	Date of initial assessment: November 2018 Revision Dates: February 2019
Area to be assessed: (i.e. name of policy, function, procedure, practice or a financial decision)	The Public Health (Wales) Act 2017 ('the Act') brings together a range of practical actions for improving and protecting health. Part 8 of the Act introduces provision of toilets and specifically local toilets strategies which led to the development of the Carmarthenshire Local Toilet Strategy.	
Is this existing or new function/policy, procedure, practice or decision?	New	
What evidence has been used to inform the assessment and policy? (please list only)		
Public Health (Wales) Act 2017 - Part 8 A requirement to identify budget efficiencies.		

1. Describe the aims, objectives or purpose of the proposed function/policy, practice, procedure or decision and who is intended to benefit.	<p>There is no statutory requirement for local authorities to provide public toilets, however, the Local Toilet Strategy aims to mitigate potential impacts where there may be a loss of existing toilet provision. As a result of unprecedented financial cutbacks within local government, Carmarthenshire County Council, like many other local authorities, need to change the way it provides certain services as we seek to utilise more creative ways of providing some services such as public toilet facilities.</p> <p>The aim is for any potential impact to be mitigated by making toilets in more council facilities available for public use and to work with the private sector to help promote their facilities. The Local Toilets Strategy will affect the public generally, including people that live or work in Carmarthenshire, or the 3 million people who visit the county each year.</p> <p>The recommendations from this strategy support the vision of a healthy Carmarthenshire which values diversity, equality and social inclusion, as well as giving support to the people, businesses and the communities within the county. Toilet provision has a significant impact on social inclusion and basic equality, as well as public health and hygiene issues.</p>
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<p>The Public Sector Equality Duty requires the Council to have “due regard” to the need to:-</p> <p>(1) eliminate unlawful discrimination, harassment and victimisation;</p> <p>(2) advance equality of opportunity between different groups; and</p> <p>(3) foster good relations between different groups</p> <p>(see guidance notes)</p>		<p>2. What is the level of impact on each group/ protected characteristics in terms of the three aims of the duty? Please indicate high (H) medium (M), low (L), no effect (N) for each.</p>	<p>3. Identify the risk or positive effect that could result for each of the group/protected characteristics?</p>		<p>4. If there is a disproportionately negative impact what mitigating factors have you considered?</p>
<p>Protected characteristics</p>		<p>Age</p>	<p>Risks</p>	<p>Positive effects</p>	
		<p>Disability</p>			
		<p>L</p>	<p>There is a risk that older people can be disproportionately affected by poor provision. Some older people may be less likely to leave their homes without having confidence that adequate facilities will be available to them. This can contribute to increased social isolation and inactivity, as well as affecting people’s ability to maintain independence and dignity in later life.</p>	<p>Whilst some potential risks have been identified in general terms, the strategy aims to improve the quantity and quality of toilet provision for all. The strategy should see an increase in general provision across the county.</p>	
		<p>L</p>	<p>There is a risk that people with disabilities can be disproportionately</p>	<p>Whilst some potential risks have been identified in general terms, the strategy where practical</p>	

			<p>affected by poor provision. As indicated by the consultation feedback, some people with disabilities may be less likely to leave their homes without having confidence that adequate facilities will be available to them. This can contribute to increased social isolation and inactivity, as well as affecting people's ability to maintain independence and dignity.</p>	<p>aims to improve the quantity and quality of toilet provision for all. The strategy should see an increase in general provision across the county.</p> <p>Users of disabled facilities would be able to utilise a RADAR key (for a small fee). This arrangement will continue.</p>	
	Gender reassignment	L	<p>Carmarthenshire County Council holds limited data regarding transgender people's experiences of using the county's toilet facilities. Under current laws, however, transgender people have a default right to use whichever single-sex area they choose, but could potentially be turned away if doing so can be justified as proportionate.</p> <p>Signing bathrooms by the amenity they</p>	<p>Whilst some potential risks have been identified, the strategy where practical aims to improve the quantity and quality of toilet provision for all. The strategy should see an increase in general provision across the county. A number of facilities are already gender neutral but the strategy should see an increase in provision of gender neutral facilities across the county.</p>	

			provide, rather than the gender they are deemed to be used by, could be explored as a way to remove the gender binary from public spaces.		
	Race	N	There is no disproportionate negative nor positive impact on this particular protected characteristic group.		
	Religion/Belief	N	There is no disproportionate negative nor positive impact on this particular protected characteristic group.		
	Pregnancy and maternity	L	Pregnant women will need to use toilet facilities more often. A growing foetus presses on the bladder and so pregnant women will need more regular toilet breaks.	Where practical, the strategy aims to improve quantity and quality of toilets for the benefit of all users including baby changing facilities etc.	
	Sexual Orientation	L	There is no disproportionate negative nor positive impact on this particular protected characteristic group.		

Sex	L	<p>Women take longer to go to the toilet because of a range of sartorial, biological and functional reasons. Women have more functions than men and at any time about a quarter of all women of childbearing age will be menstruating, whereas pregnant women, those at menopause and those with diabetes...will need to use the toilet more often.</p> <p>The Community Toilet Scheme (a scheme by which local authorities work in partnership with local businesses to provide toilets for the public) may not appeal to women, as many of the local businesses tend to be pubs, and women might be less happy entering a pub, particularly on their own and in the evening, than men are.</p>	<p>Whilst some potential risks have been identified, the strategy where practical aims to improve the quantity and quality of toilet provision for all. The strategy should see an increase in general provision across the county.</p> <p>Consideration will be given (subject to funding) to establishing a Community Toilet Scheme to include a wide range of facilities to provide better access and choice.</p>	
Welsh language	N	<p>The Local Toilets Strategy will not affect opportunities for people to use the</p>		

			Welsh language, and it will treat the Welsh language no less favourably than the English language.		
	Drivers	L	Commercial travellers, delivery drivers, emergency services and transient workers rely on clean toilet facilities being accessible whilst they undertaking their day-to-day activities in the county. They may even avoid drinking to reduce frequency of toilet stops.	Whilst some potential risks have been identified, the strategy where practical aims to improve the quantity and quality of toilet provision for all. The strategy should see an increase in provision across the county.	
	People of any age with urinary conditions.		There is a risk that people of any age with urinary problems, bladder infections, incontinence and/or prostate problems, or stomach upsets can be disproportionately affected by poor provision. These people may be less likely to leave their homes without having confidence that adequate facilities will be available to them. This can contribute to increased social isolation and inactivity,	Whilst some potential risks have been identified in general terms, the strategy aims to improve the quantity and quality of toilet provision for all. The strategy should see an increase in provision across the county.	

			as well as affecting people's ability to maintain independence and dignity.		
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5. Has there been any consultation/engagement with the appropriate protected characteristics? YES NO

A public toilets assessment of needs survey was undertaken during October/November 2018 to assist in developing the local toilets strategy. A summary of the results are included in the Local Toilet Strategy document, however, further detail regarding the protected characteristics is as follows:

Age

44% of respondents to our assessment of needs survey were over 55 years of age. 89% of over 55s who responded said they worried about whether they would be able to access a toilet when out and about. Most comments referred to concerns over poor standards of cleanliness; the need for facilities at beaches, walk paths and villages not just towns; as well as the need for them to be open all hours, year round.

Disability

12% of respondents to our assessment of needs survey considered themselves to be disabled. 91% of people with disabilities said they worried about whether they would be able to access a toilet when out and about and 85% found it difficult to find a toilet when out and about. 69% confirmed the lack of toilet provision has stopped them visiting a shopping area or location, whilst 46% have been refused use of a toilet by a private business in Carmarthenshire. The majority of comments referred to a need for facilities at beaches, walk paths and villages not just towns; a need for them to open all hours, year round; and a need for more facilities for disabled and people with specific medical needs.

Gender Reassignment

0.4% of respondents to our assessment of needs survey said that they are not the same gender as when assigned at birth. These respondents felt there was a need to reopen out-of-town public toilets; and there were worries about accessing a toilet when out and about.

Race

0.01% of respondents to our assessment of needs survey said that they were of Asian/Black/African/Caribbean/Mixed ethnic groups. 83% of these respondents were women; and 66% considered baby changing facilities to be poor.

Religion / Belief

Information not collected

Pregnancy and maternity

Although this demographic information was not collected during the survey, one respondent identified as pregnant.

Sexual orientation

3% of respondents to our assessment of needs survey identify themselves as either Lesbian, Gay, or Bisexual. 80% of these respondents worried about accessing a toilet when out and about; 86% found it difficult to find a toilet when out and about; 66% had been refused to use a toilet by businesses (compared with 41% of all respondents who had been refused); 53% confirmed the lack of toilet provision has stopped them visiting a shopping area or location. Amongst the comments made by these respondents, the main issue was the poor standards of cleanliness.

Sex

Out of all the respondents to our assessment of needs survey, 69% were female; 27% were male, and 4% preferred not to say. Amongst the comments made by female respondents, the main issues were: poor standards of cleanliness; the toilets were locked; or that they had insufficient money / change to pay. Fewer issues were reported amongst male respondents although inability to access toilets was the main issue, either because they were closed or because they didn't have money to pay.

Welsh language

Out of all the respondents to our assessment of needs survey, 19% said that Welsh is their preferred language; 81% chose English as their preferred language; 1% said 'other'. No issues or suggestions were made during the consultation regarding language usage.

6. What action(s) will you take to reduce any disproportionately negative impact, if any?

The strategy aims (where practical) to improve the quantity and quality of toilet provision for all. In Carmarthenshire, we will ensure that we assess the needs of the community in relation to toilets, and then take a strategic and transparent approach to best meet that need. This may include decisions to close a traditional public toilet or building when appropriate to do so, however, by improving the planning of provision, any such decisions will be taken within the overall context of meeting their communities' identified needs. A strategic approach will also help to mitigate any negative impacts of changes to provision. The Strategy will establish a Toilet Strategy Study Group (TSSG) from within its departmental structures and for the management and senior staff to share knowledge, experiences and current working practices in developing this strategy. The aim of the group is to work collaboratively to identify opportunities to improve future provision, with consideration given to Changing Places facilities where practicable.

The EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken. Some possible negative impacts may result from the closure of traditional toilet blocks but actions are proposed to mitigate these and the impacts are outweighed by the overall benefits of ensuring sustainable toilet provision across the County. We will continue to assess the strategy's impact on our public sector duty to eliminate discrimination and promote equality.

7. Procurement		
Following collation of evidence for this assessment, are there any procurement implications to the activity, proposal, or service. Please take the findings of this assessment into your procurement plan. Contact the corporate procurement unit for further advice.		
N/A		
8. Human resources		
Following collation of evidence for this assessment, are there any Human resource implications to the activity, proposal or service?		
N/A		
9. Based on the information in sections 2 and 6, should this function/policy/procedure/practice or a decision proceed to Detailed Impact Assessment? (recommended if one or more H under section 2)	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Approved by: Head of Service	Ainsley Williams	Date: 08/03/2018

Detailed Equalities Impact Assessment Template

Appendix 2

Department:	Please see initial impact assessment
Completed by (lead):	
Date of Detailed assessment:	
Area to be assessed: (<i>Policy, function, procedure, practice or a financial decision</i>)	Please see initial impact assessment
Is this existing or new function/policy/Procedure/ practice	Please see initial impact assessment

1. Describe the aims, objectives or purpose of the function/policy, practice or procedure and who is intended to benefit.	Please see initial impact assessment
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<p>2. Please list any existing documents, evidence, research which have been used to inform the Detailed equality impact assessment. (This must include relevant data used in this assessment)</p>				
<p>3. Has any consultation, involvement been undertaken with the protected characteristics to inform this assessment? (please provide details, who and how consulted)</p>				
<p>4. What is the actual/likely impact?</p>				
<p>5. What actions are proposed to address the impact? (<i>The actions needs to be specific, measurable and outcome based</i>)</p>	<p>What are we going to do</p>	<p>Who will be responsible</p>	<p>When will it be completed</p>	<p>How will we know we have achieved our objective</p>

6. How will actions be monitored?				
Approved by: Head of Service		Date:		

Thank you for completing this assessment.

For further information regarding Assessing Impact, please contact the -

Policy & Partnership Team

Chief Executive's Department

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