

Equality Analysis Form

Delivering for Croydon

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1. Introduction

1.1 Purpose of Equality Analysis

The council has an important role in creating a fair society through the services we provide, the people we employ and the money we spend. Equality is integral to everything the council does. We are committed to making Croydon a stronger, fairer borough where no community or individual is held back.

Undertaking an Equality Analysis helps to determine whether a proposed change will have a positive, negative, or no impact on groups that share a protected characteristic. Conclusions drawn from Equality Analyses helps us to better understand the needs of all our communities, enable us to target services and budgets more effectively and also helps us to comply with the Equality Act 2010.

An equality analysis must be completed as early as possible during the planning stages of any proposed change to ensure information gained from the process is incorporated in any decisions made.

In practice, the term '**proposed change**' broadly covers the following:-

- Policies, strategies and plans;
- Projects and programmes;
- Commissioning (including re-commissioning and de-commissioning);
- Service review;
- Budget allocation/analysis;
- Staff restructures (including outsourcing);
- Business transformation programmes;
- Organisational change programmes;
- Processes (for example thresholds, eligibility, entitlements, and access criteria).

2. Proposed change

| | |
|---|---|
| Directorate | Sustainable Communities, Regeneration & Economic Recovery Directorate |
| Title of proposed change | Hawkhurst Road Definitive Map Modification Order |
| Name of Officer carrying out Equality Analysis | Rowland Gordon |

2.1 Purpose of proposed change (see 1.1 above for examples of proposed changes)

This Equality Analysis is required in respect of an application for a Definitive Map Modification Order ('DMMO') submitted to the Council on 11 September 2019 relating to the legal status of a portion of Hawkhurst Road, a route within the London Borough of Croydon. It sets out the Council's statutory duties in relation to maintenance of the Definitive Map and Statement and in respect of applications for a DMMO

DMMO's are legal orders that amend the definitive map and statement: conclusive legal record of public rights. Any person(s) may apply to modify the definitive map and statement. A DMMO application must be supported by evidence, and this can take the form of archival or user evidence, or a mixture of both.

A definitive map modification order does not create public rights of way, it reflects the existing situation, by formally recording the 'way' on the definitive map and statement.

3. Impact of the proposed change

Important Note: It is necessary to determine how each of the protected groups could be impacted by the proposed change. Summarise any positive impacts or benefits, any negative impacts and any neutral impacts and the evidence you have taken into account to reach this conclusion. Be aware that there may be positive, negative and neutral impacts within each characteristic.

Where an impact is unknown, state so. If there is insufficient information or evidence to reach a decision you will need to gather appropriate quantitative and qualitative information from a range of sources e.g. Croydon Observatory a useful source of information such as Borough Strategies and Plans, Borough and Ward Profiles, Joint Strategic Health Needs Assessments <http://www.croydonobservatory.org/> Other sources include performance monitoring reports, complaints, survey data, audit reports, inspection reports, national research and feedback gained through engagement with service users, voluntary and community organisations and contractors.

3.1 Deciding whether the potential impact is positive or negative

There is a statutory requirement to investigate applications for Definitive Map Modification Orders, regardless as to whether the outcome would benefit or prejudice owners, occupiers or members of the general public. There is however also a statutory requirement under section 149 Equality Act 2010 to consider the need to promote equality for persons with the following "protected characteristics" noted below. Due regards will need to be the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard to the need to –
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristics.
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (eg different types of disabilities, etc)

- encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- c) Foster good relations between persons who share a relevant protected characteristic and those who do not share it.

The DMMO decision does not change the responsibility or maintenance standards. Responsibility remains with the residents and the maintenance is only for the purposes of allowing access to those leading or riding horses.

The DMMO process follows set statutory procedure. Should a claim be successful any subsequent works to the right of way will take into consideration Equalities Act requirements in terms of accessibility:

Table 1 – Positive/Negative impact

| For each protected characteristic group show whether the impact of the proposed change on service users and/or staff is positive or negative by briefly outlining the nature of the impact in the appropriate column. If it is decided that analysis is not relevant to some groups, this should be recorded and explained. In all circumstances you should list the source of the evidence used to make this judgement where possible. | | | |
|---|---|--|--|
| Protected characteristic group(s) | Positive impact | Negative impact | Source of evidence |
| Age | If the process is successful, a public right of way would be formally recorded on the definitive map and statement and made available for public use. | If the application criteria, has not been met, the definitive map modification order application cannot progress | The publishing of a draft Definitive Map Modification Order and the consideration of any comments/ objections received |
| Disability | If the process is successful, a public right of way would be formally recorded on the definitive map and statement and made available for public use. | If the application criteria, has not been met, the definitive map modification order application cannot progress | The publishing of a draft Definitive Map Modification Order and the consideration of any comments/ objections received |
| Sex | If the process is successful, a public right of way would be formally recorded on the definitive map and statement and made available for public use. | If the application criteria, has not been met, the definitive map modification order application cannot progress | The publishing of a draft Definitive Map Modification Order and the consideration of any comments/ objections received |

| | | | |
|-------------------------------|---|--|--|
| Gender Identity | If the process is successful, a public right of way would be formally recorded on the definitive map and statement and made available for public use. | If the application criteria, has not been met, the definitive map modification order application cannot progress | The publishing of a draft Definitive Map Modification Order and the consideration of any comments/ objections received |
| Marriage or Civil Partnership | If the process is successful, a public right of way would be formally recorded on the definitive map and statement and made available for public use. | If the application criteria, has not been met, the definitive map modification order application cannot progress | The publishing of a draft Definitive Map Modification Order and the consideration of any comments/ objections received |
| Religion or belief | If the process is successful, a public right of way would be formally recorded on the definitive map and statement and made available for public use. | If the application criteria, has not been met, the definitive map modification order application cannot progress | The publishing of a draft Definitive Map Modification Order and the consideration of any comments/ objections received |
| Race | If the process is successful, a public right of way would be formally recorded on the definitive map and statement and made available for public use. | If the application criteria, has not been met, the definitive map modification order application cannot progress | The publishing of a draft Definitive Map Modification Order and the consideration of any comments/ objections received |
| Sexual Orientation | If the process is successful, a public right of way would be formally recorded on the definitive map and statement and made available for public use. | If the application criteria, has not been met, the definitive map modification order application cannot progress | The publishing of a draft Definitive Map Modification Order and the consideration of any comments/ objections received |
| Pregnancy or Maternity | If the process is successful, a public right of way would be formally recorded on the definitive map and statement and made available for public use. | If the application criteria, has not been met, the definitive map modification order application cannot progress | The publishing of a draft Definitive Map Modification Order and the consideration of any comments/ objections received |

Important note: You must act to eliminate any potential negative impact which, if it occurred would breach the Equality Act 2010. In some situations this could mean abandoning your proposed change as you may not be able to take action to mitigate all negative impacts.

When you act to reduce any negative impact or maximise any positive impact, you must ensure that this does not create a negative impact on service users and/or staff belonging to groups that share protected characteristics. **Please use table 4 to record actions that will be taken to remove or minimise any potential negative impact**

3.2 Additional information needed to determine impact of proposed change

Table 2 – Additional information needed to determine impact of proposed change

If you need to undertake further research and data gathering to help determine the likely impact of the proposed change, outline the information needed in this table. Please use the table below to describe any consultation with stakeholders and summarise how it has influenced the proposed change. Please attach evidence or provide link to appropriate data or reports:

| Additional information needed and or Consultation Findings | Information source | Date for completion |
|---|--------------------|---------------------|
| The report and subsequently publishing of the Definitive Map Modification Order will invite objections which will need to be considered before any changes to the Definitive Map can be made. | | 29 August 2022 |
| | | |

For guidance and support with consultation and engagement visit <https://intranet.croydon.gov.uk/working-croydon/communications/consultation-and-engagement/starting-engagement-or-consultation>

3.3 Impact scores

1. Determine the Likelihood of impact. You can do this by using the key in table 5 as a guide, for the purpose of this example, the likelihood of impact score is 2 (likely to impact)
2. Determine the Severity of impact. You can do this by using the key in table 5 as a guide, for the purpose of this example, the Severity of impact score is also 2 (likely to impact)
3. Calculate the equality impact score using table 4 below and the formula **Likelihood x Severity** and record it in table 5, for the purpose of this example - **Likelihood (2) x Severity (2) = 4**

Table 4 – Equality Impact Score

| | | | | |
|---------------------------|-----------------------------|---|---|---|
| Severity of Impact | 3 | 3 | 6 | 9 |
| | 2 | 2 | 4 | 6 |
| | 1 | 1 | 2 | 3 |
| | | 1 | 2 | 3 |
| | Likelihood of Impact | | | |

Key

| Risk Index | Risk Magnitude |
|------------|----------------|
| 6 – 9 | High |
| 3 – 5 | Medium |
| 1 – 3 | Low |

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Table 3 – Impact scores

| <p>Column 1</p> <p>PROTECTED GROUP</p> | <p>Column 2</p> <p>LIKELIHOOD OF IMPACT SCORE</p> <p>Use the key below to score the likelihood of the proposed change impacting each of the protected groups, by inserting either 1, 2, or 3 against each protected group.</p> <p>1 = Unlikely to impact 2 = Likely to impact 3 = Certain to impact</p> | <p>Column 3</p> <p>SEVERITY OF IMPACT SCORE</p> <p>Use the key below to score the severity of impact of the proposed change on each of the protected groups, by inserting either 1, 2, or 3 against each protected group.</p> <p>1 = Unlikely to impact 2 = Likely to impact 3 = Certain to impact</p> | <p>Column 4</p> <p>EQUALITY IMPACT SCORE</p> <p>Calculate the equality impact score for each protected group by multiplying scores in column 2 by scores in column 3. Enter the results below against each protected group.</p> <p>Equality impact score = likelihood of impact score x severity of impact score.</p> |
|--|--|---|---|
| Age | 1 | 1 | 1 |
| Disability | 1 | 1 | 1 |
| Gender | 1 | 1 | 1 |
| Gender reassignment | 1 | 1 | 1 |
| Marriage / Civil Partnership | 1 | 1 | 1 |
| Race | 1 | 1 | 1 |
| Religion or belief | 1 | 1 | 1 |
| Sexual Orientation | 1 | 1 | 1 |
| Pregnancy or Maternity | 1 | 1 | 1 |

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4. Statutory duties

4.1 Public Sector Duties

Tick the relevant box(es) to indicate whether the proposed change will adversely impact the Council's ability to meet any of the Public Sector Duties in the Equality Act 2010 set out below.

Advancing equality of opportunity between people who belong to protected groups

Eliminating unlawful discrimination, harassment and victimisation

Fostering good relations between people who belong to protected characteristic groups

Important note: If the proposed change adversely impacts the Council's ability to meet any of the Public Sector Duties set out above, mitigating actions must be outlined in the Action Plan in section 5 below.

5. Action Plan to mitigate negative impacts of proposed change

Important note: Describe what alternatives have been considered and/or what actions will be taken to remove or minimise any potential negative impact identified above (table 1). Attach evidence or provide link to appropriate data, reports, etc.):

Table 4 – Action Plan to mitigate negative impacts

| Complete this table to show any negative impacts identified for service users and/or staff from protected groups, and planned actions mitigate them. | | | | |
|--|--|---|----------------|---------------------|
| Protected characteristic | Negative impact | Mitigating action(s) | Action owner | Date for completion |
| Disability | Unlikely to impact at this time | The Definitive Map Modification Order will invite objections which will need to be considered before any changes to the Definitive Map can be made. | Rowland Gordon | 29 August 2022 |
| Race | Unlikely to impact at this time | As above | Rowland Gordon | 29 August 2022 |
| Sex (gender) | Unlikely to impact at this time | As above | Rowland Gordon | 29 August 2022 |
| Gender reassignment | Unlikely to impact at this time | As above | Rowland Gordon | 29 August 2022 |
| Sexual orientation | Unlikely to impact at this time | As above | Rowland Gordon | 29 August 2022 |
| Age | Unlikely to impact at this time | As above | Rowland Gordon | 29 August 2022 |

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|----------------------------|--|----------|----------------|----------------|
| Religion or belief | Unlikely to impact at this time | As above | Rowland Gordon | 29 August 2022 |
| Pregnancy or maternity | Unlikely to impact at this time | As above | Rowland Gordon | 29 August 2022 |
| Marriage/civil partnership | Unlikely to impact at this time | As above | Rowland Gordon | 29 August 2022 |

6. Decision on the proposed change

| Based on the information outlined in this Equality Analysis enter X in column 3 (Conclusion) alongside the relevant statement to show your conclusion. | | |
|--|---|-----------------------------|
| Decision | Definition | Conclusion - Mark 'X' below |
| No major change | Our analysis demonstrates that the policy is robust. The evidence shows no potential for discrimination and we have taken all opportunities to advance equality and foster good relations, subject to continuing monitoring and review. This report seeks to clarify the status of the routes as restricted byways under section 53 (3)(c) (i) of the Wildlife and Countryside Act 1981 and to the Definitive Map and Statement | X |
| Adjust the proposed change | We will take steps to lessen the impact of the proposed change should it adversely impact the Council's ability to meet any of the Public Sector Duties set out under section 4 above, remove barriers or better promote equality. We are going to take action to ensure these opportunities are realised. If you reach this conclusion, you must outline the actions you will take in Action Plan in section 5 of the Equality Analysis form | |
| Continue the proposed change | We will adopt or continue with the change, despite potential for adverse impact or opportunities to lessen the impact of discrimination, harassment or victimisation and better advance equality and foster good relations between groups through the change. However, we are not planning to implement them as we are satisfied that our project will not lead to unlawful discrimination and there are justifiable reasons to continue as planned. If you reach this conclusion, you should clearly set out the justifications for doing this and it must be in line with the duty to have due regard and how you reached this decision. | |
| Stop or amend the proposed change | Our change would have adverse effects on one or more protected groups that are not justified and cannot be mitigated. Our proposed change must be stopped or amended. | |

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| Will this decision be considered at a scheduled meeting? e.g. Contracts and Commissioning Board (CCB) / Cabinet | Delegated decision by the Corporate Director Sustainable Communities, Regeneration & Economic Recovery Date: 2 June 2022 |
|---|---|

7. Sign-Off

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| Officers that must approve this decision | |
| Equalities Lead | Name: Gavin Handford Date: 1 June 2022 Position: Director of Policy, Programmes & Performance |
| Director | Name: Nick Hibberd Date: 20 July 2022 Position: Corporate Director – Sustainable Communities, Regeneration and Economic Recovery |