

# Equality and Human Right Impact Assessment: The Form



## EHRIA

### Aberdeen City Council

There are separate guidance notes to accompany this form – “Equality and Human Rights Impact Assessment – the Guide.” Please use these guidance notes as you complete this form. Throughout the form, **the word “proposal” refers to policy, strategy, plan, procedure, report or business case.** This then, embraces a range of different actions such as setting budgets, developing high level strategies and organisational practices such as internal restructuring. Please also refer to the “Completion Terminology” at the end of the form.

## 1: Equality and Human Rights Impact Assessment- Essential Information

<b>Name of Proposal:</b> Review of Accessible Vehicle Policy	<b>Date of Assessment:</b> 18 March 2016
<b>Service:</b> Legal and Democratic Services	<b>Directorate:</b> Corporate Governance
<b>Committee Name or delegated power reference</b> (Where appropriate):  Licensing Committee	<b>Date of Committee</b> (Where appropriate):  6 April 2016
<b>Who does this proposal affect?</b>  Please Tick ✓	Employees <input type="checkbox"/> Job Applicants <input type="checkbox"/> Service Users <input type="checkbox"/> Members of the Public <input checked="" type="checkbox"/> Other (List below) <input checked="" type="checkbox"/>

## 2: Equality and Human Rights Impact Assessment- Pre-screening

Is an impact assessment required?

Yes

No

**If No, what is the evidence to support this decision?**

(Once this section is completed, please complete section 8 of the form).

### 3: Equality and Human Rights Impact Assessment

**a- What are the aims and intended effects of this proposal?**

The report recommends that the Committee continue with the implementation of its policy requiring all taxis to be accessible vehicles by 6 June 2017.

In 1994 the Committee agreed to move to a 100% accessible taxi fleet. It was intended that this would be a gradual move and no fixed date was set for implementation. In 2011 it was noted that the introduction of accessible vehicles to the taxi fleet was slow and that a proposed limit on the number of taxis in the city would further stifle the introduction of accessible vehicles to the fleet. Accordingly at its meeting on 6 June 2012 the Committee agreed that all taxis would require to be accessible by 6 June 2017.

The aim of the policy is to ensure that there is proper provision of taxis and private hire cars to enable persons with a range of disabilities to access these services, whether on the street, at a taxi rank or by pre-booking. It is considered the best option

<p><b>b- What equality data is available in relation to this proposal?</b></p> <p>(Please see guidance notes)</p>	
<p><b>c- List the outcomes from any consultation that relate to equalities and/or human rights issues e.g. with employees, service users, Unions or members of the public that has taken place in relation to the</b></p>	<p>Consultation was carried out prior to the Committee decision on 6 June 2012. In summary, the consultees were in favour of an accessible taxi fleet.</p> <p>There were concerns raised at the time from some</p>

**proposal.**

respondents who wished to see sufficient saloon taxis or suitable taxis for persons with restricted mobility to be made available in the taxi fleet on a continuing basis. These concerns have also been expressed by members of the taxi trade during recent meetings of the Taxi Consultation Group.

It was noted that the time of consultation that the majority of those passengers with a preference for saloon cars advised that they almost exclusively pre-booked their vehicles mainly due to convenience. The request for saloon vehicles to remain within the fleet could therefore be accommodated by private hire cars without any significant restrictions on service to that particular group of passengers. This remains the case. Private hire vehicles will not be subject to the accessible vehicle policy. It is

The Committee was also advised when it took the decision in June 2012 that elderly persons and mobility restricted persons who were capable enough to walk to a taxi rank would also be capable to gain entry and exit

from accessible taxis which all have adaptations for the mobility restricted. It was, and still is, a condition of licence that a driver provides assistance to these passenger groups and in particular assisting said passengers into the priority seat by the driver.

Members of the trade have also expressed concerns regarding the perceived prohibitive cost of obtaining an accessible vehicle. During recent meetings of the Taxi Consultation Group there has been discussion on the downturn in the city economy. Officers are however aware that the cost of second hand accessible vehicles is now on a par with saloon vehicles. The original decision to move to an accessible fleet was taken by the Committee in 1994; in 2012 an implementation date of 6 June 2017 was set for all taxis to be accessible. The Committee has therefore afforded licence holders a significant transitional period. Further, whilst the Committee can have regard to the views of licence holders, in seeking to promote the public sector equality

	<p>duty it must give precedence to protected groups and the public interest as a whole.</p>
<p><b>d- Financial Assessment</b></p> <p>If applicable, state any relevant cost implications or savings expected from the proposal.</p>	<p><b>Costs (£)</b></p> <p>Implementation cost <input data-bbox="1193 515 1413 584" type="text" value="£ 0"/></p> <p>Projected Savings <input data-bbox="1193 632 1413 700" type="text" value="£ 0"/></p>
<p><b>e- How does this proposal contribute to the public sector equality duty: to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations?</b></p>	
<p>The recommendation is to implement the Committee’s policy to have a 100% accessible vehicle taxi fleet. The aim of the policy is to eliminate discrimination and remove or minimise disadvantage experienced by persons with disabilities in accessing taxi services.</p>	



It contributes to the public sector equality duty by promoting equality of access to taxi and private hire car services for persons with and without protected characteristics. The policy is based on the premise that disabled persons should have equal access to taxi services compared with other passenger groups. It aims to minimise disadvantage in accessing taxi services for wheelchair and ambulatory passengers, who themselves have varied needs and preferences in terms of vehicles, by moving to an accessible taxi fleet within a defined timescale, whilst minimising disruption to the existing taxi and private hire fleet. Having a 100% accessible taxi fleet, complimented by a private hire fleet, is considered the best way of ensuring that the needs of passengers were met and ensuring the promotion of the public sector equality duty.

It is recognised that some elderly and disabled groups have a preference for saloon cars. However the range of accessible vehicles is considered wide enough to meet a range of need. Indeed, the range has widened considerably since the Committee's decision in 2012. Drivers are bound by the conditions of their licence to assist such passengers in entering and exiting the vehicle, thereby minimising any difficulties for the passenger. Further saloon vehicles will still be available for pre-booking as private hire cars and it is understood that the number of private hire vehicles will increase, as some licence holders move over from the taxi to the private hire fleet in order to retain a saloon vehicle. It is therefore considered that there will not be any adverse impact on those persons with a preference for a saloon car.

**f- How does this proposal link to the Council's Equality Outcomes?**

The policy seeks to ensure proper provision of taxis and private hire cars to enable persons with a range of disabilities to access the services, whether on the street, at a rank or by pre-booking. The recommendations therefore link to the following equality outcomes:-

- Improved customer service provision which advances equality and addresses people's different needs; and
- An accessible city

#### 4: Equality Impact Assessment - Test

**What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?**

Protected Characteristic:	Neutral Impact: Please √	Positive Impact: Please √	Negative Impact: Please √	Evidence of impact and if applicable, justification where a ' <i>Genuine Determining Reason</i> '* exists *( see completion terminology)
<b>Age</b> (People of all ages)	√			
<b>Disability</b> (Mental, Physical, Sensory and Carers of Disabled people)		√		
<b>Gender Reassignment</b>	√			
<b>Marital Status</b> (Marriage and Civil Partnerships)	√			
<b>Pregnancy and Maternity</b>	√			

## Equality Impact Assessment Test:

**What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?**

Protected Characteristic:	Neutral Impact: Please √	Positive Impact: Please √	Negative Impact: Please √	Evidence of impact and if applicable, justification where a ' <i>Genuine Determining Reason</i> '* exists *( see completion terminology)
<b>Race</b> (All Racial Groups including Gypsy/Travellers)	√			
<b>Religion or Belief or Non-belief</b>	√			
<b>Sex</b> (Women and men)	√			
<b>Sexual Orientation</b> (Heterosexual, Lesbian, Gay And Bisexual)	√			
<b>Other</b> (e.g: Poverty)	√			

## 5: Human Rights Impact Assessment Test

Does this proposal have the potential to impact on an individual's Human Rights? Evidence of impact and , if applicable, justification where the impact is proportionate

**Article 2 of protocol 1: Right to education**

Yes  No

Evidence:

**Article 3: Right not to be subjected to torture, inhumane or degrading treatment or punishment**

Yes  No

Evidence:

<p><b>Article 6: Right to a fair and public hearing</b></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>
<p><b>Article 8: Right to respect for private and family life, home and correspondence</b></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>
<p><b>Article 10: Freedom of expression</b></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>
<p><b>Article 14: Right not to be subject to discrimination</b></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>

<p><b>Other article not listed above, please state:</b></p>	<p>Yes <input type="checkbox"/>      No <input checked="" type="checkbox"/></p> <p><b>Evidence:</b></p>
<p><b>6: Assessment Rating:</b></p>	
<p><b>Please rate the overall equality and human right assessment</b> (Please see Completion terminology)</p>	<p> <input type="checkbox"/> <span style="color: red;">Red</span>      <input type="checkbox"/> <span style="color: red;">Red</span> <span style="color: orange;">Amber</span>      <input type="checkbox"/> <span style="color: orange;">Amber</span>      <input checked="" type="checkbox"/> <span style="color: green;">Green</span> </p>
<p><b>Reason for that rating:</b></p>	

## 7: Action Planning

As a result of performing this assessment, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Identified Risk and to whom:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:



## 8: Sign off

**Completed by (Names and Services) :**

**Signed off by (Head of Service) :**

Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal document and/or committee report to:

Equalities Team  
Customer Service and Performance  
Corporate Governance  
Aberdeen City Council  
**Business Hub 13**  
Second Floor North  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

Telephone 01224 523039 Email [sandrab@aberdeencity.gov.uk](mailto:sandrab@aberdeencity.gov.uk)

## 9: Completion Terminology:

### Assessment Pre-screening Rating:

This section will highlight where there is the obvious potential for a negative impact and subsequent risk of negative media coverage and reputational damage to the Council. Therefore, a full impact assessment is required, for example around sensitive issues such as marching, Gypsy/ Traveller issues, change to social care provision. It should also be completed to evidence why a full impact assessment was not required, example, there is no potential negative impact on people.

### Assessment Rating:

After completing this document, rate the overall assessment as follows:

**Red:** As a result of performing this assessment, it is evident that we will discriminate (direct, indirect, unintentional or otherwise) against one or more of the nine groups of people who share *Protected Characteristics*. It is essential that the use of the proposal be suspended until further work or assessment is performed and the discrimination is removed.

**Red Amber:** As a result of performing this assessment, it is evident that a risk of negative impact exists to one or more of the nine groups of people who share *Protected Characteristics*. However, a genuine determining reason may exist that could legitimise or justify the use of this proposal and further professional advice should be taken.

**Amber:** As a result of performing this assessment, it is evident that a risk of negative impact exists and this risk may be removed or reduced by implementing the actions detailed within the *Action Planning* section of this document.

**Green:** As a result of performing this proposal does not appear to have any adverse impacts on people who share *Protected Characteristics* and no further actions are recommended at this stage.

<p><b>Equality Data:</b></p>	<p>Equality data is internal or external information that may indicate how the proposal being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as ‘<i>Equality Groups</i>’.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> <li>1: Application success rates by <i>Equality Groups</i></li> <li>2: Complaints by <i>Equality Groups</i></li> <li>3: Service usage and withdrawal of services by <i>Equality Groups</i></li> <li>4: Grievances or decisions upheld and dismissed by <i>Equality Groups</i></li> </ol>
<p><b>Genuine Determining Reason</b></p>	<p>Certain discrimination may be capable of being justified on the grounds that:</p> <ol style="list-style-type: none"> <li>(i) <i>A genuine determining reason exists</i></li> <li>(ii) <i>The action is proportionate to the legitimate aims of the organisation</i></li> </ol> <p>Where this is identified, it is recommended that professional and legal advice is sought prior to completing an Equality Impact Assessment.</p>
<p><b>Human Rights</b></p>	<p>The rights set out in the European Convention on Human Rights, as incorporated into the UK Law by the Human Rights Act 1998.</p>
<p><b>Legal Status:</b></p>	<p>This document is designed to assist us in “<i>Identifying and eliminating unlawful Discrimination, Harassment and Victimisation</i>” as required by <i>The Equality Act Public Sector Duty 2011</i>. An Equality Impact Assessment is not, in itself, legally binding and should not be used as a substitute for legal or other professional advice.</p>