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Equality impact introduction and legal background to the 2025-2026 budget proposals

1. Introduction and legal background

- a. This report outlines how the impacts of the Council's budget proposals are being considered within the context of the Equality Act 2010¹. The Act makes it unlawful to discriminate directly or indirectly against an individual because of certain personal characteristics ('protected characteristics'). The Act also requires that equality issues are considered by public bodies as part of decision making, especially where services are reduced or redesigned.
- b. Failure to undertake proportionate Equality Analysis (Equality Impact Assessment) could present risks of legal challenge to the Council for failing to pay due regard to its Public Sector Equality Duty². Courts have held that a local authority has to show they have consciously addressed their mind to the duty and actively considered any new plan or policy in light of the potential impact it may have on particular protected groups.

2. Bath and North East Somerset background

- a. The results of the Census 2021 have been collated and presented via the Strategic Evidence Base, this is available for public access.
- b. Bath and North East Somerset is a diverse area which includes the City of Bath as well as vibrant towns, villages and rural communities. The latest population 2021 United Kingdom Census shows there is an estimated 193,400 residents in B&NES an increase of 9.9% since 2011.
- c. Bath & North East Somerset Council covers approximately 135 square miles. Bath is the largest urban settlement in the area, acting as the commercial and recreational centre of the district. It is home to just over 50% of the B&NES population and is a UNESCO World Heritage Site.
- d. The Ethnicity data from the 2021 Census informs us that 85.6% (165,409) of people in B&NES identify as White British, compared with 90.1% in 2011. The next largest ethnic group is White Other with 5.75% (11,114) of the population. There is an increase of people from all ethnic categories apart from Black, Black British, Caribbean. The area has become more diverse since 2011 with 8.6% of people from a variety of ethnic groups including from the following groups:
 - Chinese (2089 people) 1%
 - Other Asian (1876 people) 0.9%
 - Asian (Indian): (1787 people) 0.9%
 - Mixed white and Asian (1846 people) 0.9%
 - Mixed white and Caribbean (1505 people) 0.7%
 - Black Caribbean (672 people) 0.3%
 - Black British African (980 people)

¹ <https://www.legislation.gov.uk/ukpga/2010/15/contents>

² <https://www.legislation.gov.uk/ukxi/2011/2260/contents/made>

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- e. The 9.9% increase in the size of the population (from an estimated 176,016) to an estimated 193,400 is higher than the overall increase for England (6.6%) and the South West (7.8%). This growth has come from a combination of increasing student numbers at the two Universities and an increasing number of new housing developments.
- f. As of 2021, B&NES is the 11th most densely populated local authority in the South West; since 2011 there has been a 17.5% increase in people aged 65 years and over in B&NES, lower than the national increase of 20.1%. We have also seen an increase of 8.2% in people aged 15-64 years and an increase of 7.6% in children under 15 years.
- g. The 2021 Census data indicates that 16.5% (31,778) of people in B&NES identify as Disabled.
- h. Despite being an area with generally good health and low crime, there is significant variation within the area. Compared with the most affluent communities in the area, the most deprived communities experience a range of inequalities and poorer life outcomes. Bath and North East Somerset is ranked 269 out of 317 Local Authorities in England for overall deprivation, making it one of the least deprived in the country, however two areas are within the most deprived 10% nationally.

3. Actions to date

- a. As part of the Council's equality analysis process, Directors (and their officers with delegated responsibilities) have considered their proposals from an equality perspective. Where available, these have been set out in a 2025/26 budget proposal template, with the high-level intentions outlined. The proposals describe what service redesign is being proposed and should identify if there will be impacts upon residents, employees and/or service users.
- b. This document highlights those individual proposals where Directors have identified a potential impact, either positive or negative on residents, employees and or service users.
- c. This process aims to highlight if any of the proposals have the potential to have significant impacts upon service users, and if so, what actions, if any, could be taken to mitigate any unexpected or unintentional impacts.

4. Equality scrutiny process

- a. The 2025/26 budget proposals have been made available for public consultation from 12 December 2024 until 20 January 2025.
- b. Proposals will be scrutinised by the Corporate Policy Development and Scrutiny Panel on 28 January, before going to cabinet and Council.
- c. The final budget proposals for 2025 to 2026, which will be considered by cabinet on 13 February and Full Council on 25 February, will also reflect any other

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changes to the council's finances, including the level of central government funding, which should be confirmed later in December.

The detailed budget proposals will be drawn up and presented for consideration by councillors at the following meetings:

- d. Children, Adults, Health and Wellbeing Policy Development and Scrutiny Panel on 13 January 2025
- e. Corporate Policy Development and Scrutiny Panel on 14 January 2025
- f. Climate Emergency and Sustainability Policy Development and Scrutiny Panel on 22 January 2025
- g. Corporate Policy Development and Scrutiny Panel on 28 January 2025

5. Savings proposals for 2025-26

- a. Across the Council, every attempt has been made to achieve efficiencies through service redesign, with minimum reduction in frontline services.
- b. It should be noted that a number of proposals refer and rely on income generation. This in itself has the potential to increase pressure on stretched teams and have indirect impacts to other parts of the service, particularly should the income generation not be realised.
- c. Regarding any equality impacts on staff, the council's Human Resources policies and procedures ensure there is full consultation and consideration of staffing matters and that employment-related equality issues are fully considered.

6. Detailed equality analysis

- a. The details of how the selected proposals will be implemented will follow in due course. It is recommended that a comprehensive and detailed equality analysis is carried out on some of the proposals as they are taken forward. This will help to ensure that opportunities to promote equality are identified, and any possible negative impacts or barriers for particular groups are considered, and where possible, mitigated.
- b. As above, regarding equality impacts on staff, the Council's Human Resources policies and procedures ensure there is full consultation and consideration of staffing matters and that employment-related equality issues are fully considered. Therefore, the focus here is largely on impacts upon service delivery and service users.
- c. The process has highlighted a number of proposals where there is a possibility of negative impact upon certain groups of people with protected characteristics and/or opportunities to promote equality. Each item is accompanied by an appropriate recommendation based on information available at time of drafting.
- d. The selected budget proposals, considerations and recommendations are listed in the attached document and are grouped in order of portfolio holder.

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7. Cumulative impacts

- a. Budget proposals have the potential to impact on people across the full range of protected characteristics. In addition, whilst considerations of socio-economic status are not a requirement of the Equality Act public sector duty, the impact of cost of living increases and other financial pressures is an important focus for the Council and its partners.
- b. Financial decisions need to be made with consideration for the unintended effects of budget proposals. The cumulative impact identifies that people may be affected multiple times, by different policies and service changes. i.e. the impact of all the proposals on Disabled people should be viewed together rather than only through the lens of an individual proposal.

8. The socio-economic context

- a. It should be noted that the council aims to ensure that services were protected from reductions as much as possible during this budget setting process. However, with year-on-year savings we must balance the due regard duty and the longer term effects on frontline services that provide support to vulnerable service users as well as those with protected characteristics, particularly those people who may be less able to cope with service changes.
- b. Services users and residents are facing changes from services other than the council, in Bath & North East Somerset this includes some proposals for significant changes to public transport availability. We are mindful that the council budget setting process forms only one part of the challenges that will face our residents over the coming years relating to the economic and cost of living crisis.
- c. Although socio-economic status is not a protected characteristic, this report notes that even relatively modest cost increases for services can have a substantial impact on the lives of households with low income. These households can often be more reliant on a range of public services; the cumulative impacts of multiple small cuts, increases in charges, travel times or costs can represent a significant barrier to accessing services for those on low incomes. This can impact on some peoples' ability/availability for work, thus keeping them in a cycle of limited opportunity to increase the household income.
- d. Ongoing tightening of eligibility thresholds for example for some health and social care provision, sometimes reducing to statutory provision only may cause unexpected consequences for other services, voluntary and community organisations where capacity is already stretched.

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9. Council-wide mitigating action

- a. Bath and North East Somerset Council is committed to addressing any potential negative impacts on people with protected characteristics.
- b. Responsible officers will carry out proportionate equality analysis including equality impact assessment to ensure it has demonstrated due regard to the requirements of the Equality Act 2010. Any consultation carried out on these will aim to reach a variety of people including and especially those who are likely to use the service and who may be affected by any changes.
- c. Undertake regular review of equality analysis and will update documentation as new information becomes available. Responsible officers will ensure that monitoring and analysis is carried out during implementation of proposals; this will be used to identify and develop further mitigations for any unexpected consequences of service changes. Individuals and groups who use services will be encouraged to give feedback on the revised services.
- d. Impacts identified throughout the process along with any monitoring information will be available to inform the following year's budget process.

10. Where specific protected characteristics have been highlighted in initial screening:

Religion and Belief
<p>The Equality Act 2010 states you must not be discriminated against because:</p> <ul style="list-style-type: none">• you are (or are not) of a particular religion• you hold (or do not hold) a particular philosophical belief• someone thinks you are of a particular religion or hold a particular belief (this is known as discrimination by perception)• you are connected to someone who has a religion or belief (this is known as discrimination by association) In the Equality Act religion or belief can mean any religion, for example an organised religion like Christianity, Judaism, Islam or Buddhism, or a smaller religion like Rastafarianism or Paganism, as long as it has a clear structure and belief system. The Equality Act also covers non-belief or a lack of religion or belief.
Potential equality impact:
<ul style="list-style-type: none">➤ Adult Services: Provider Services➤ Transport: Parking Reinvestment Fund➤ Transport: Parking Permit Charges Review

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Across the Budget proposals the initial impact assessments have highlighted potential impacts on individuals in relation to religion and belief especially for emissions-based parking charges which may adversely impact larger families and people accessing their chosen place of worship or meeting place.

Age

The Equality Act 2010 states that you must not be discriminated against because:

- you are (or are not) a certain age or in a certain age group
- someone thinks you are (or are not) a specific age or age group, this is known as discrimination by perception
- you are connected to someone of a specific age or age group, this is known as discrimination by association

Potential equality impact:

- | | |
|---|--|
| <ul style="list-style-type: none">➤ Adult Services: Review of Care Packages➤ Adult Services: Provider Services➤ Children and Young People: Specialist Commissioning Saving➤ Children and Young People: Reunifications➤ Neighbourhoods: Green Waste | <ul style="list-style-type: none">➤ Resources: Artificial Intelligence➤ Resources: Unified Communications➤ Transport: Parking Reinvestment Fund➤ Transport: Parking Permit Charges Review |
|---|--|

Many people who rely on access to public services will either be children and young people or elderly who also have low socio-economic status. The cumulative impact of multiple changes to service delivery and increased fares is likely to disadvantage younger and older people.

The individual service EqIAs will address these issues and will develop mitigations as the proposals are developed and will review these during implementation.

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Sex
<p>The Equality Act 2010 states you must not be discriminated against because:</p> <ul style="list-style-type: none">•you are (or are not) a particular sex•someone thinks you are the opposite sex (this is known as discrimination by perception)•you are connected to someone of a particular sex (this is known as discrimination by association) In the Equality Act, sex can mean either male or female, or a group of people like men or boys, or women or girls.
Potential equality impact:
<ul style="list-style-type: none">➤ Adult Services Review of Care Packages➤ Adult Services: Provider Services➤ Children and Young People: Specialist Commissioning Saving➤ Children and Young People: Reunifications➤ Public Health: RVP Leisure Facilities➤ Transport: Parking Reinvestment Fund➤ Transport: Parking Permit Charges Review
<p>Across the Budget proposals the initial impact assessments have highlighted potential impacts on individuals in relation to sex. Data informs us that boys are more likely to be looked after children.</p> <p>The increase in parking charges could disadvantage people based on their sex, women may feel vulnerable if they cannot access safe spaces to park.</p>
<p>The individual service EqIAs will address these issues and will develop mitigations as the proposals are developed and will review these during implementation.</p>

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Gender Reassignment
The Equality Act 2010 states that you must not be discriminated against because you are transsexual, when your gender identity is different from the gender assigned to you when you were born.
Potential equality impact:
<ul style="list-style-type: none">➤ Adult Services: Provider Services➤ Transport: Parking Reinvestment Fund➤ Transport: Parking Permit Charges Review
Across the Budget proposals the initial impact assessments have highlighted potential impacts on individuals in relation to gender reassignment especially for the impact on mental and physical health and wellbeing.
The individual service EqIAs will address these issues and will develop mitigations as the proposals are developed and will review these during implementation.

Marriage/Civil Partnership
The Equality Act states you must not be discriminated against in employment because you are married or in a civil partnership. In the Equality Act marriage and civil partnership means someone who is legally married or in a civil partnership. Marriage can either be between a man and a woman, or between partners of the same sex. Civil partnership is between partners of the same sex or opposite sex. People do not have this characteristic if they are: <ul style="list-style-type: none">• single• living with someone as a couple neither married nor civil partners• engaged to be married but not married• divorced or a person whose civil partnership has been dissolved
Potential equality impact:
Across the Budget proposals the initial impact assessments have not highlighted any negative impacts on individuals in relation to marriage or civil partnership

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Pregnancy & Maternity
Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.
Potential equality impact:
<ul style="list-style-type: none">➤ Adult Services: Provider Services➤ Transport: Parking Reinvestment Fund➤ Transport: Parking Permit Charges Review➤ Neighbourhoods: Green Waste
The individual service EqIAs will address these issues and will develop mitigations as the proposals are developed and will review these during implementation.

Sexual orientation
The Equality Act 2010 states you must not be discriminated against because: <ul style="list-style-type: none">• you are heterosexual, gay, lesbian or bisexual• someone thinks you have a particular sexual orientation (this is known as discrimination by perception)• you are connected to someone who has a particular sexual orientation (this is known as discrimination by association) In the Equality Act, sexual orientation includes how you choose to express your sexual orientation, such as through your appearance or the places you visit.
Potential equality impact:
<ul style="list-style-type: none">➤ Adult Services: Provider Services➤ Children and Young People: Reunifications
The individual service EqIAs will address these issues and will develop mitigations as the proposals are developed and will review these during implementation.

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Race/Ethnicity
The Equality Act 2010 states you must not be discriminated against because of your race. In the Equality Act, race can mean your colour, or your nationality (including your citizenship). It can also mean your ethnic or national origins, which may not be the same as your current nationality.
Potential equality impact:
<ul style="list-style-type: none">➤ Adult Services Review of Care Packages➤ Adult Services: Provider Services➤ Children and Young People: Specialist Commissioning Saving➤ Children and Young People: Reunifications➤ Transport: Parking Reinvestment Fund➤ Transport: Parking Permit Charges Review
There are risks that people may be disadvantaged due to their ethnicity, in particular with emissions-based parking charges. Ethnic minorities are more likely to be on lower incomes and have larger families so may not have access to compliant cars. Foreign cars will be charged at the highest rate due to a lack of data sharing structures.

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Disability	
<p>The Equality Act 2010 states that you must not be discriminated against because:</p> <ul style="list-style-type: none"> • you have a disability • someone thinks you have a disability (this is known as discrimination by perception) • you are connected to someone with a Disabled person (this is known as discrimination by association) It is not unlawful discrimination to treat a disabled person more favourably than a non-disabled person. <p>In the Equality Act a disability means a physical or a mental condition which has a substantial and long-term impact on your ability to do normal day to day activities. You are covered by the Equality Act if you have a progressive condition like HIV, cancer or multiple sclerosis, even if you are currently able to carry out normal day to day activities. You are protected as soon as you are diagnosed with a progressive condition. You are also covered by the Equality Act if you had a disability in the past.</p>	
Potential equality impact:	
<ul style="list-style-type: none"> ➤ Adult Services Review of Care Packages ➤ Adult Services: Provider Services ➤ Children and Young People: Specialist Commissioning Saving ➤ Children and Young People: Reunifications 	<ul style="list-style-type: none"> ➤ Resources: Artificial Intelligence ➤ Resources: Unified Communications ➤ Transport: Parking Reinvestment Fund ➤ Transport: Parking Permit Charges Review ➤ Neighbourhoods: Green Waste
<p>There is a risk that proposals redesigning service delivery may impact on Disabled people including children and young people with special educational needs and disabilities. Not all Disabled people are blue badge holders but require ease of access to facilities including parking spaces. Cumulative impact of increased costs may result in disadvantage.</p>	
<p>Specific equality analysis for proposals before and during implementation will address and mitigate where possible; ongoing monitoring will inform these mitigations.</p>	

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11. Recommendations for implementation of accepted budget proposals

The following recommendations should be considered (as appropriate), to ensure that equality issues continue to be considered during the implementation stages.

a. Full or proportionate equality impact assessments / equality analysis.

This should be carried out on all proposals where initial reviews have revealed likely impacts upon particular groups of people due to their protected characteristics. EqlAs must be carried out at a formative stage so that the assessment is an integral part of the development of a proposal, not a later justification of a policy that has already been adopted. The assessment should form part of the proposal and should be considered before making the decision. This enables the Council to demonstrate it has taken due regard to equality issues and has thoroughly considered how to meet the requirements of the Public Sector Equality Duty. The Council's Equality Impact Assessment template can be found on the Council's [EIA web pages](#), and support is available from the Equality Team in carrying out the assessments. Completed EIAs should be published on this web page.

b. Inclusive consultation.

Where consultation is required, it is vital that a diverse range of people are encouraged to take part. This will help to identify any additional equality impacts that may need to be addressed and mitigated where possible. A variety of methods should be used to access consultees with varying protected characteristics. The Independent Equality Advisory Group can be used as a consultative body, and will provide further guidance on likely impacts, and ways of mitigating these.

c. Clear and transparent communication.

It is important to ensure that the communication and publicity strategies about service changes are accessible to disabled people (for example, people with visual impairment or learning disability) and to those for whom English is an additional language. The Council has a commissioned interpreting and translation service to assist with this.

d. Including equality issues within commissioning specifications.

Where proposals include commissioning or recommissioning external providers, detailed equality requirements in line with public sector equality duty should be built into contract specifications. This will ensure that best practice relating to equality in delivery of services is continued and improved upon when delivered by external partners.

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e. Workforce training and development.

A number of the budget proposals are dependent upon the ability of officers to recognise opportunities to advance equality (for example, within commissioning, or by targeting services towards those who are most vulnerable). It is also important that officers are aware of, and sensitive to, the particular needs of different groups of people. Equality training is available as part of the Corporate Training programme, and bespoke training can be arranged by the Council's Equality Team.

f. Ongoing monitoring.

Where services are subject to redesign, equality monitoring should be carried out to help identify if the service is operating as intended, if it is reaching and meeting the needs of our most vulnerable communities, and if there are any unforeseen impacts that need to be addressed. (In this instance the EqIA should be updated). The Council's Equality and Diversity internet page can be found [here](#).