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# Borders Broadband Contract Award and Partnership Agreement

## Appendix A - Equality Impact Assessment

### Borders Broadband Project (A joint initiative between Gloucestershire County Council and Herefordshire Council)

**Date: 30 July 2012**

#### Introduction

This Impact Assessment supports the County Council in meeting its legal obligations under the **Public Sector Equality Duty**, now contained in section 149 of the Equality Act 2010. The Equality Duty ensures that public bodies have due regard to the statutory needs referred to in section 149 when exercising their functions.

Section 149 provides that in exercising its functions an authority must have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it; and
- foster good relations between people who share a protected characteristic and those who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it involves having due regard (in particular) to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and those who do not share it involves having due regard (in particular) to the need to tackle prejudice and to promote understanding.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled person's disabilities.

Compliance with the duties in section 149 may involve treating some persons more favourably than others; but not if that would itself involve conduct which is made unlawful under the Equality Act 2010.

The protected characteristics to which the duty applies are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, also marriage and civil partnership but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having **due regard to** means consciously thinking about the statutory needs as part of the process of decision making, when the proposals are still at a formative stage, and before a decision is reached. This means that consideration of those equality issues must influence the decisions reached by public bodies. The Equality Duty must be exercised in substance, with rigour and with an open mind.

Indirect discrimination occurs where a condition criterion or practice is applied which would put people with one of the protected characteristics at a disadvantage, and the imposition of that condition, criterion or practice is not a proportionate means of achieving a legitimate aim, i.e. it cannot be objectively justified.

It is important to understand and consider how different people will be affected by the decisions the Council makes, so that policies and services are appropriate and accessible to all and meet different people's needs.

This assessment will help you think about the potential impact your proposals will have on all sections of the community. Recognising these impacts early on in the process of developing policies will assist good decision making and ensure that the County Council delivers services appropriate to people's needs. Remember that the Equality Duty involves having due regard to the needs to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not, as well as to eliminate discrimination and other conduct which is unlawful under the Equality Act 2010.

**1. Person responsible for undertaking this assessment:**

<b>Name: Angela Presdee, Investment Manager</b>	<b>Telephone: (01452) 328309</b>
<b>Service: GFirst, driving the Gloucestershire Local Enterprise Partnership</b>	<b>E-mail: <a href="mailto:angela.presdee@glosfirst.co.uk">angela.presdee@glosfirst.co.uk</a></b>

**2. Name and brief description of the policy, service, strategy, procedure or function: (indicate whether new or revised)**

'Grow Gloucestershire' - £12m Economic Stimulus Package – with a focus on Skills, Infrastructure and Homes

Procurement, through an open OJEU process, and contract award to a telecommunications company to install and run a wholesale broadband network. The focus is on the rural part of Gloucestershire (eligible areas) which would not see any significant investment by the private sector without financial incentive/subsidy by the public sector in providing “gap” funding.

**3. Briefly describe its aims and expected outcomes**

The vision of the Borders Broadband Project is to ensure that Herefordshire and Gloucestershire have a fast and affordable broadband service that contributes to better outcomes for all: encourages a great range and quality of service delivery, creates a competitive advantage for business and increases the social inclusion of those living in the most isolated areas.

In service, this means universal service commitment of 2 Mbps speeds for everyone along with access to next generation broadband for as close to 100% of the population as possible by 2016.

The public sector capital contribution to the project in Gloucestershire is £15.6m split between local and national sources. The investment is high, but so are the positive outcomes and community impact through economic benefits to the county, environmental benefits relating to traffic congestion and over CO2 consumption, improved well being of residents, with public services given the opportunity to become more efficient and accessible when delivered electronically. It is expected that the project will have a positive impact on economic productivity of indigenous

businesses will increase having a positive impact on the county's cumulative GVA of £299,015,406 over 10 years and an annual GVA uplift of £32,648,890

#### **4. Describe how this policy will impact on the Council's duty to:**

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity
- Foster good relations

Identify what particular groups of people will be affected by this policy.

The assessment examines the effects of the Borders Broadband project on equalities, especially in paying 'due regard' to 'promote equalities with regard to the protective characteristics'. The core aspect of the project is designed to create an equal opportunity for people to take advantage of digital services. There are three 'characteristics' where due regard needs to be given as well – age, poverty and geographic.

Age - national research and local survey results show that older people are less likely to embrace the new technologies largely because of awareness and skills. However, this is the group who could significantly benefit into their older age through social contact, access to services and supporting care and health requirements. Faster broadband will allow senior citizens to reconnect with their local communities. It will also have a positive impact on young people, in particular around education and e-learning, social interaction, media and networking, as well as broadening their skills in use of and exploitation of new technology.

Poverty - through the public sector are gap funding the installation of the broadband network, there will still be costs of connections, purchase of equipment and monthly internet charges. The Borders Broadband survey shows that cost is a barrier to going on line.

Geographic - through the contract award to the telecommunication company, all households will have access to universal service coverage at 2Mbps (national target) and 88% of residents in Gloucestershire will have access to speeds of 30Mbps (NGA). The contract is the first major step towards meeting the ambition for 100% of people to have access to next generation speeds. However, the most costly areas to reach are those which are most remote/rural, so some people may not have access to speeds they desire/need, as the deployment is to be delivered in phases by 2016, and therefore some communities will receive the improved service much quicker than others.

The current provision is currently failing to deliver the national universal service commitment of 2Mbps of premises in Gloucestershire and significant rural areas are not able to access superfast broadband, compared to some of our more urban areas who have access to the infrastructure, through the commercial roll out by the industry. Without public sector funding, telecommunications companies would not invest in the wholesale broadband network across the rural areas because of the limited return on investment. Consequently without public sector intervention rural will increasingly become digitally divided with business losing competitive advantage and residents unable to take advantage of the financial, educational, social and health benefits of being on-line.

The public sector investment is therefore to mitigate disadvantage caused by the different level of broadband access currently in the county and allow improved access to superfast broadband (Next Generation Access) and wider use of technologies.

#### Businesses

Enable competitiveness globally, provides the ability to grow, create jobs and wage levels and enhances inward investment offer/potential of the county as well as a positive impact on economic productivity and GVA.

#### Residents

96% of existing internet users see broadband as essential, and has improved their home life. Ability to access public services; shop on line and switch to on-line accounts/billing and see benefit from savings; remote telehealth services can assist those vulnerable and sick allowing them to remain in home; access to social media and networks such as skype help address social isolation, specifically older people who want to and encouraged to live in own homes and access to benefits can also be improved via digital media.

#### Education/Learning

Evidence indicates that 2 higher grades can be achieved by school children with use of the internet in homes and students who utilise the internet for study on a regular basis can benefit from improved attainment. Increasingly schools, colleges and training providers making use of virtual learning networks for study – children and students need to have a good level of service to enable them to access learning resources and submit homework and assignments. The consensus is that broadband makes a positive difference to educational effectiveness and the capacity for providers to deliver effective e-learning.

#### Digital Divide

21% of the population in the UK (10.2 adults – 2009) have never accessed the internet and 7.8m had no internet connection at home. The immediate focus is to ensure access to any broadband and sufficient speeds to make connection worthwhile. The infrastructure project will result in improved access – however, though significant this is only one and the first step to ensure people have equal access to digital opportunities. Digital exclusion is one factor next to a range of other exclusion that are often linked whether rural isolation, poverty, unemployment, poor housing, poor health. However, digital inclusion can help to address some of the issues of exclusion.

Take up of services is important to ensure the public sector investment is maximised with residents and businesses making the most of the opportunities being e-connected can bring.

The project will assist with the County Council in meeting its strategic vision, values, objectives and areas of focus – to improve quality of life for Gloucestershire people – through improved access to faster broadband and the wider use of technologies. An improved network will have a positive impact on a number of areas including – improving outcomes for the most vulnerable children, young people and adults, providing the infrastructure and services that keep the county moving and working, promoting long term sustainability, finding the most efficient way of delivering accessible services which satisfy our customers, growing businesses, jobs and wages, increased equalities of opportunity, helping people to live successful lives as independently as possible and helping communities to help themselves.

**5. Provide details of the evidence you have gathered in making this assessment, including data sources, consultation undertaken and the outcome/s of this.**

Calculating the impact of NGA Broadband in Herefordshire and Gloucestershire, 2012.

Communications Infrastructure Report 2011

The Economic Case for Digital Inclusion 2009, Price Waterhouse Coopers

Ageing and the Use of the Internet, Nominet Trust, 2011

Gloucestershire Local Economic Assessment 2011

Agenda for Later Life, Age UK

Project Demand Stimulation Household and Business Surveys – Herefordshire & Gloucestershire (2011)

Consultation for the project can be divided into two key areas – industry consultation specifically on the market failure and interest in the procurement opportunity and residents and business consultation to understand need, demand and non-use of broadband.

In industry consultation, a number of activities took place including an industry day, the projects PQQ response, State Aid Consultation, BT Open Reach Review and secondary consultation with 6 existing wireless ISPs.

With regard to residents and business consultation, the project team distributed two questions in 2011 to understand the local market and gauge demand for improved services, one targeted at businesses and one targeted at residents. In Gloucestershire, with assistance from GRCC the residential survey was widely distributed through their extensive rural networks, including county, district and parish councillors, districts councils, recruitment and support of '364' broadband champions, libraries and local facilities. The survey was also available on-line. In addition, 15 briefings within collections of parish areas have taken place to communicate the project and hear local views/concerns.

Through the LEP/GFirst economic partnership structure, we were able to communicate, promote and encourage response to the on-line survey to the extensive network of business representative bodies and business support organisations across the rural areas of the county.

**6. Is this Policy affected by, or will it have an impact on other Meeting the Challenge proposals? Yes/No. (If yes, please specify relevant project and indicate how it is affected).**

No – it is likely to have a positive impact for the County Council in the longer term from a technological perspective, in assisting with its transformation agenda and addressing future service delivery across the county.

**7. Where any particular group is affected differently by the policy in either a negative or a positive way, if you identify a negative impact, explain what actions you have undertaken or you plan to undertake, including consideration of any alternative proposals, to lessen or negate this impact.**

	Negative	Positive	Neutral	Evidence	Mitigating actions where a negative impact has been identified	How will the mitigating action be monitored/evaluated, including who will be responsible for monitoring.
<b>Age</b> (both older and young people)		✓		<p>Intervention – be part of national go-on line campaign to raise the profile as form of communication in particular use of skype, email and link to national 'give an hour' campaign for people to volunteer for an hour to help kick start people's use of internet.</p> <p>Promote and enhance GRCC's existing Connect programme in rural areas, which has focus on older people.</p> <p>As part of contract award, supplier to run a high level marketing campaign at raising awareness.</p> <p>Work with range of key organisations that</p>		

				<p>have contact with older people to raise awareness of going on-line and offer support through demand stimulation activities.</p> <p>Work with PCT and health services and their telecare plans.</p> <p>Will assist with some of the barriers/challenges faced by young people, in particular those in rural areas with access to and support for education, training and employment opportunities.</p> <p>Will assist with maximising the participation of young people and access to support services to aid their skills development, education, training to enhance employment prospects.</p> <p>Also provide opportunities for young people to exploit use of new technology and stimulate 'innovation and enterprise'</p>		
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<b>Disability (indicate different impacts on different types of disability)</b>			✓	<p>Positive impact for some disabled people – remote diagnostic and telehealth/care services can assist with independent living through access to such services. Faster broadband can be used as a flexible and adaptable tool to deliver affordable, convenient and effective services and enable individuals to use next generation and interactive technologies that assist social impact of daily living, welfare as well as individuals well being.</p> <p>However, need to recognise that some individuals may not be positively impacted dependent on the severity of their disability and their ability to access and utilise services and technology. Some may therefore remain off-line. The challenge will be bridging the gap between availability and adoption of services via the demand stimulation plans.</p>		
<b>Gender reassignment</b>			✓			
<b>Marriage &amp; civil partnership</b>			✓			
<b>Pregnancy &amp; maternity</b>			✓			
<b>Race (including Gypsy &amp; Traveller)</b>			✓			

<b>Religion or Belief</b>			✓			
<b>Sex</b>			✓			
<b>Sexual Orientation</b>			✓			
<b>Indirect Discrimination</b>			✓			
<b>Other groups: e.g. rural isolation, long term unemployed, health inequality, carers</b>		✓		<p>Project will assist in reduction of digital divide and isolation in rural areas, and all residents will benefit with ability to access the improved infrastructure and level of service.</p> <p>Intervention to include infrastructure delivered to allow 100% of 2Mbps universal service coverage across rural areas in county.</p> <p>To continue to seek further funding and embrace new technology and mobile phone infrastructure development to achieve the aspiration of 100% next generation speeds for everyone by 2018.</p>		
<b>Socio-economically deprived groups</b>		✓		<p>Some households in rural areas also live in poverty, as well as other financial pressures associated with living in areas such as costs associated with transport, domestic heating. Therefore have to spend more to achieve the same standard of living equivalent in urban areas.</p> <p>Intervention to include – promote</p>		

				<p>online@home which offers cheaper computer hardware via reconditioned equipment and lower cost subscription charges for people on benefits as an enabler for people to get on-line. Customers will be able to purchase a price range of internet packages for ISPs that suit their means. Prices to be regulated by Ofcom ensures that providers cannot charge more for services in rural than in urban areas and more ISPs able to access network will drive down connection costs. Internet access available at each library enabling people to go on line.</p>		
<p><b>Community Cohesion</b></p>	<p>Provide details of any ways in which the proposed activity would promote equality in the community between those who share a protected characteristic and those who do not, and how it would promote good relations between such groups</p> <ul style="list-style-type: none"> <li>• Is there equality between those who will and won't benefit from the proposal?</li> <li>• Are there strong relationships between groups and communities in the area affected and will the proposed action promote positive relationships?</li> <li>• Does the proposal bring</li> </ul>	<p>The overall vision of the project is to ensure that all communities have access to a fast and affordable broadband service, and encourages a greater range and quality of service delivery, and creates a competitive advantage for all communities, for businesses and households, and increases the social inclusion of those living in the most isolated areas. The infrastructure will provide the ability for everyone to access a good level of service and go on-line and to benefit from the vast opportunities available to individuals and communities as a whole.</p>				

	groups/communities into increased contact with each other?			
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**Declaration**

We are satisfied that an Assessment has been carried out and where a negative impact has been identified, actions have been developed to lessen or negate this impact where possible.

Where the impact on equalities of the policy or proposals is very significant, and mitigating actions do not sufficiently lessen the impact, or mitigating actions cannot be identified, we have considered whether to go ahead with the original proposal at all, or whether to reformulate it.

We understand that the Equality Impact Assessment is required by the County Council and that we take responsibility for the completion and quality of this assessment.

Completed by: Angela Presdee

Date: 30 July 2011

Role: Investment Manager

Countersigned by Head of Service:

Date:

Name of relevant Portfolio Holder/Cabinet Member: .....

I confirm that I have examined and understood the potential impact of the proposal and confirm that I have had due regard to the needs set out in section 149 of the Equality Act 2010.

..... Portfolio Holder/Cabinet Member

Date: .....