

# Equality Impact and Needs Analysis

## Streets for People: Dulwich Village Junction Improvements

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# Section 1: Equality legislation and guidance

See Appendix A for equality legislation.

<b>Proposal to which this equality analysis relates</b>	Dulwich Village Junction Improvements
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<b>Equality analysis author</b>	Centre for Accessible Environments				
<b>Strategic Director:</b>	<b>Director of Environment Environment, Neighbourhoods &amp; Growth</b>				
<b>Department</b>	Highways	<b>Division</b>	Transport Projects		
<b>Design Phase</b>	Scoping – outline design				
<b>Date of review (if applicable)</b>	Initial ENIA July 2023 updated October 2023 Final ENIA February 2024				
<b>Sign-off</b>		<b>Position</b>	Principal Project Manger	<b>Date</b>	13/ 02/2024

## Section 2: EINA Brief

### 1.1 Brief description of proposal

#### Dulwich Village - Streets for People Proposals

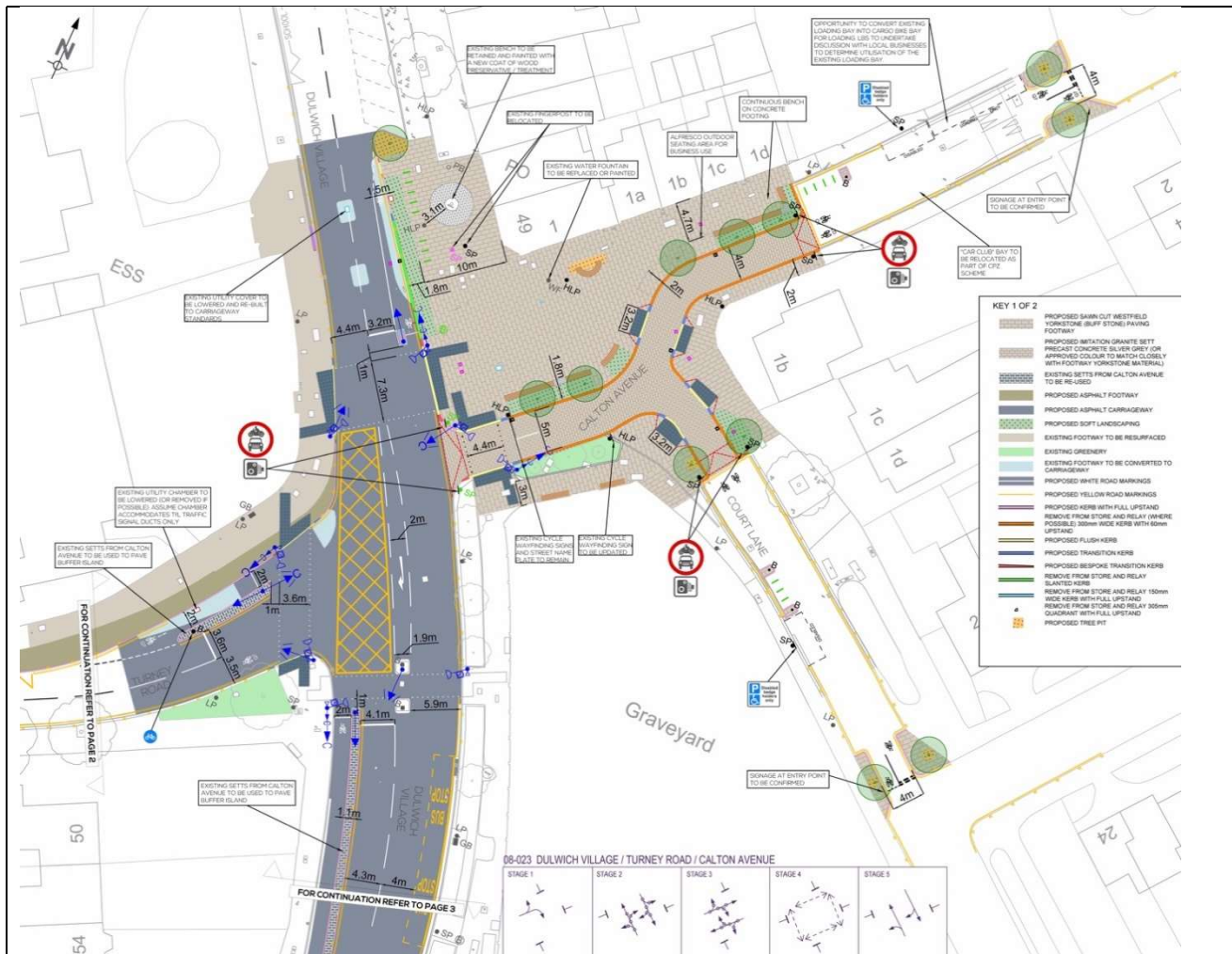
In the summer of 2020, Southwark introduced a traffic filter at the junction of Calton Avenue, Court Lane and Dulwich Village as part of a wider Streetspace programme for the Dulwich area. The Council is carrying out an Equality Impact and Needs analysis (EINA) to ensure the design of the junction scheme delivered is inclusive to all stakeholders and determine any mitigations required in the ongoing scheme development.

Southwark Council is proposing a new street layout for Turney Road/Dulwich Village and Calton Avenue junction. This has been revised as a result of public feedback received during Phase 2 consultation in November and December 2022, and in line with Southwark's new approach to Streets for People. The new design addresses concerns including safety for vulnerable road users; especially along Dulwich Village and its junction with Turney Road , and improving the quality and safety of the public space on Calton Avenue.

#### The proposals aim to provide.

- Good quality space, accessible for all to connect, socialise and play, in a safe and pleasant environment.
- New, wider and more direct pedestrian crossings
- Separating pedestrians, cyclists and motorists; reducing cyclists' speed through traffic calming.
- Accessible cycle parking
- More trees and greenery
- Outdoor seating
- Improving journeys for those who have to use their cars or public transport by reducing northbound congestion on Dulwich Village, near its junction with Red Post Hill .
- Improving the climate resilience and adaptability of the new public space e.g. SUDS

The proposed design provides a T- junction for vehicular traffic between Turney Road and Dulwich Village, with only pedestrians and cyclists permitted to use Calton Avenue.

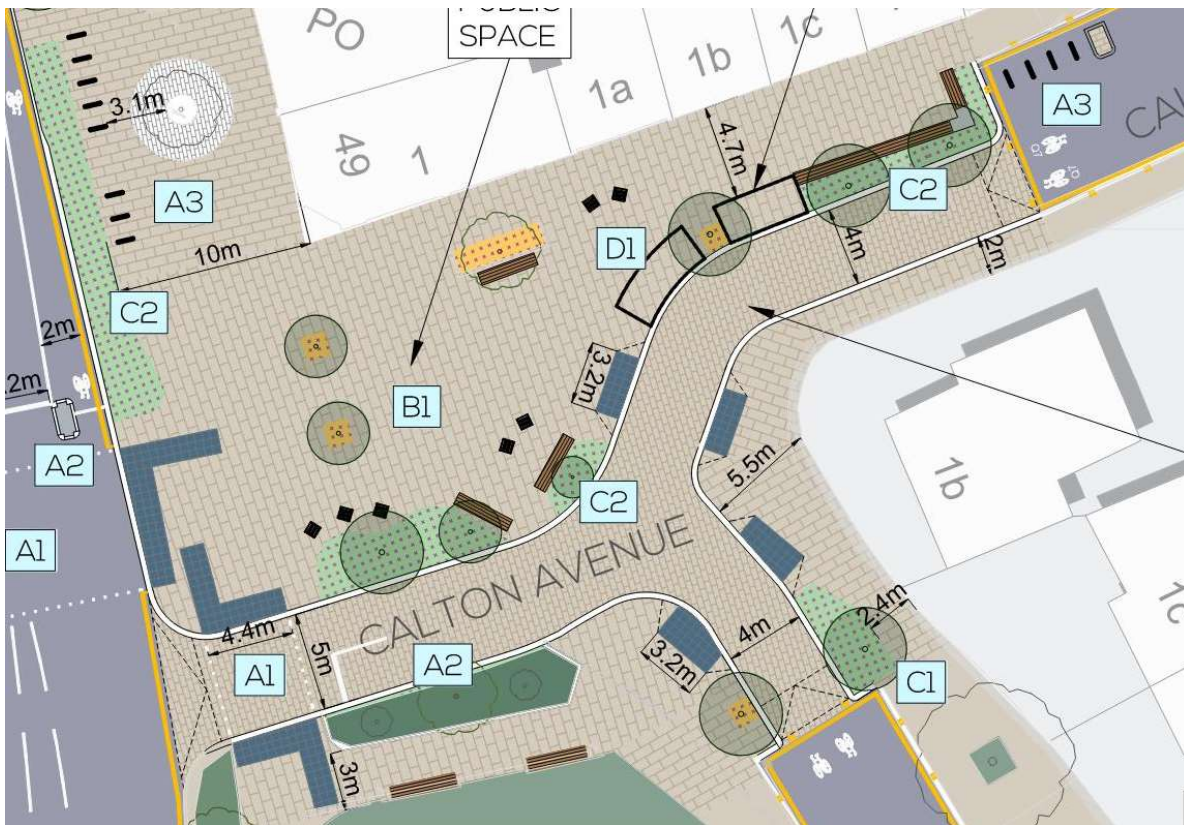


All vehicular turns are permitted at the T-junction which will be signal controlled.

The proposals include:

- Existing 3 stage signalised junction to be replaced by a 5-stage signalisation, including a new all-cycle phase and an all-pedestrian phase.
- The Calton Avenue pedestrianised section of the junction is to be resurfaced, and provided with seating, new trees and soft landscaping.
- The vehicular section of Calton Avenue is converted to a two-way cycle route that can be used by emergency vehicles.
- The cycle lane has a level difference of 60mm with the footway to ensure visually impaired people can register the kerb edge.
- This cycle lane on Calton Avenue will now have three crossings for pedestrians over it, instead of the two previously proposed, and there is an additional crossing over Court Lane. The two uncontrolled crossings have dropped kerbs with contrasting blister tactile warning paving.

- The whole is of controlled crossing at the junction with Dulwich Village is raised on a 60mm upstand.
- The signalised pedestrian crossing of Dulwich Village is to be relocated closer to Calton Avenue on the pedestrian desire line.
- The existing Turney Road staggered pedestrian crossing is to be replaced with a new straight ahead pedestrian crossing.
- A row of 10 car parking spaces is to be removed from the south side of Turney Road near the junction to make way for the widened footway to Turney Road north.
- Guard railing is to be removed along the north side of Turney Road to create more space and a comfortable width for pedestrians. The footway to the north side of Turney Road is to be widened.
- Existing lead-in cycle lanes to the junction from Turney Road and Dulwich Village south side will be provided with a raised buffer island strip to separate them from the carriageway.
- A new segregated 1.5m wide lead-in cycle lane from Dulwich Village north to be created by narrowing the carriageway.
- An 'All Green' pedestrian signal phase for the crossings is provided.





Visual Dulwich Village Carlton Avenue from Southwark Council



Visual Turney Road Junction from Southwark Council



Visual Turney Road from Southwark Council

## Section 3: Southwark Equality Profile

Southwark is one of the most deprived boroughs in England with a rank of 40 out of 326 local authorities. Almost a third of Southwark's residents live in communities ranked in the 20% most income deprived in England. There are high levels of deprivation relating to the outdoor living environment across the borough. When looking at the sub-domain that focuses on air quality and road traffic collisions, all residents in Southwark live in communities ranked as the 20% most deprived in England<sup>1</sup>.

**Almost 1 in 8 residents in South Southwark are disabled, equivalent to 6,600 people.**

### Equality Profile of South Southwark Ward<sup>2</sup> and Dulwich Area<sup>3</sup>

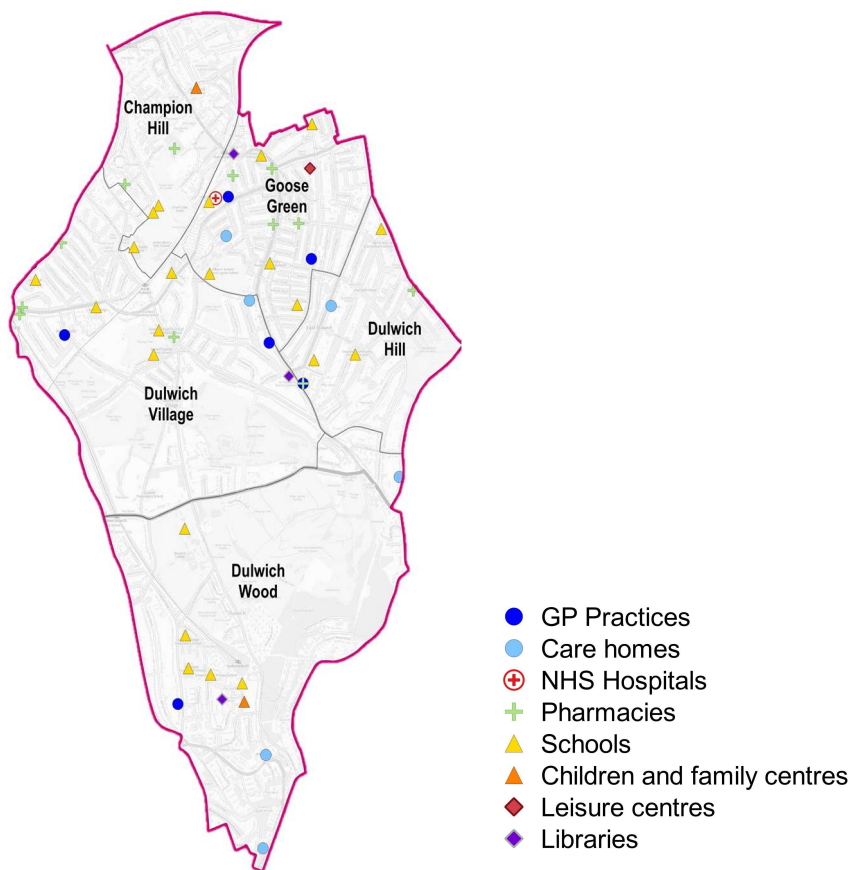
This junction is located in the South Southwark Ward, this ward extends from Champion Hill on the border of Camberwell, down through the neighbourhoods of East Dulwich, and Dulwich, to the southern-most tip of the borough in Dulwich Wood. There are 53,300 residents in the area, of which just over 10,000 are in Dulwich area.

<sup>1</sup> Indices of Deprivation, JSNA Factsheet, Southwark 2019

<sup>2</sup> <https://www.southwark.gov.uk/health-and-wellbeing/public-health/southwark-health-data/our-population/census-and-demographics>

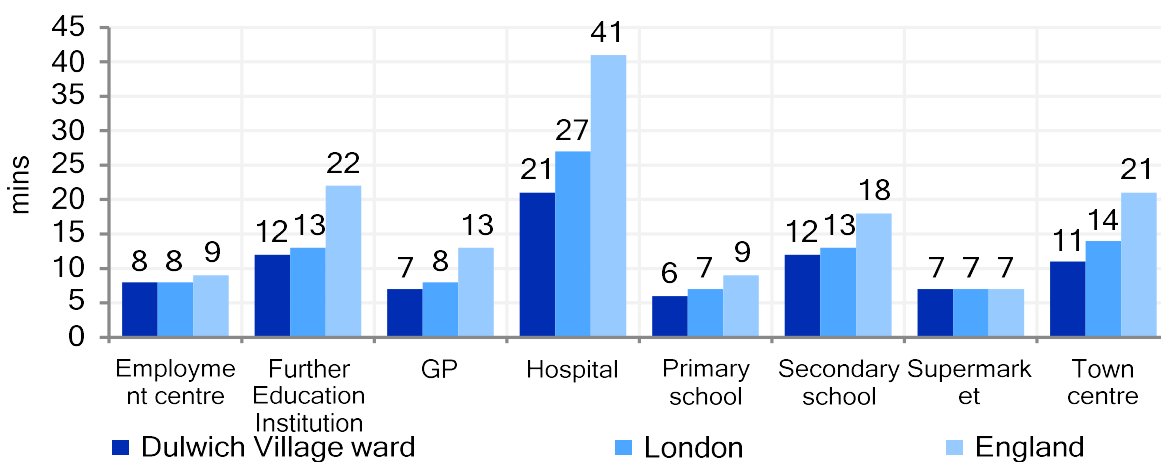
<sup>3</sup> <https://guysandstthomas.communityinsight.org/> Local Insight profile for 'Dulwich Village ward' area

There are a number of schools, GP practices, care homes, and other physical assets throughout the South area<sup>4</sup>, see map below.



### Dulwich ward travel profile

The chart below shows distance and travel times to key services of key services and amenities to people living in Dulwich Village ward when walking or taking public transport.



### Dulwich ward green spaces

Dulwich ward has higher than average total green spaces, see chart below.

<sup>4</sup> <https://www.southwark.gov.uk/health-and-wellbeing/public-health/southwark-health-data/our-population/census-and-demographics>



Total green space	Public parks and gardens greenspace	Tree cover (%)
23.4%	11.42%	19.8
65.9 hectares (England average = 2.2%)	32.1 hectares (England average = 0.8%)	(average = 14.1)
Source: OS data © Crown copyright and database right 2017 / Friends of the Earth 2022		

## Crime

In 2022, there were 131 crimes per 1,000 residents in Southwark, equivalent to over 41,800 recorded. This rate is substantially higher than the London average. In Dulwich, the crime rate is 47.1 in Dulwich Village ward compared with 88.2 across England

## Protected Characteristics under Equality Act 2010

### 3.1 Age

Within Dulwich Village ward the age profile is shown below.

Total Population	Aged 0-15	Aged 16-64	Aged 65+
10,251	2,295	6,442	1,514
48.5% male; 51.5% female	22.4% (England average = 18.6%)	62.8% (England average = 63.0%)	14.8% (England average = 18.4%)
Source: Census 2021			

- A much higher proportion of young children than anywhere else in the borough and above England average.
- A lower-than-average proportion of adults aged 60 and over in Dulwich but it is higher than average in the South ward.
- Within South Southwark, levels of school readiness are amongst the highest in the borough, significantly so in the case of Dulwich Village

### Travel profile of older and younger people<sup>5</sup>

#### Older People

- Walking is the most frequently used type of transport by older Londoners aged 65 and over (87% walk at least once a week).
- Buses are the next most common type of transport used by older Londoners; 65% of Londoners aged 65 or over take the bus at least once a week.
- Among Londoners aged 65-69, 54% drive a car at least once a week, which is higher than Londoners overall (38%). Londoners aged 80 or over are considerably less likely to drive a car, and only 25% drive every week.

<sup>5</sup> [Travel in London: Understanding our diverse communities 2019](#)

- Older Londoners are less likely to walk at least once a week than all Londoners (87% of Londoners aged 65 or over walk once a week compared with 95% of all Londoners).
- Bus use at least once a week among Londoners aged 65 and over is 65%, higher than the proportion for all Londoners (59%).
- Household access to a car reduces with age; 61 per cent of Londoners aged 65 and over have a car in their household compared with 65 per cent across all Londoners.

### Younger People

- Walking is the most commonly used type of transport for younger Londoners, with 97 per cent aged 24 and under walking at least once a week.
- The bus is the next most commonly used transport type for younger Londoners. Among Londoners aged 11-15, 75% use the bus at least once a week, compared with 59 per cent of all Londoners.
- 47% of journeys made by Londoners under the age of 25 are for education compared with 20% for Londoners overall.
- Travelling by car as a passenger continues to decrease as younger Londoners achieve greater independence. Around three-quarters of under-16s (74%) travel by car as a passenger each week compared with 48% of those aged 16 to 24.
- Younger Londoners are more likely to walk almost every day (five or more days a week) with 90% of Londoners aged under 25 stating this compared with 84% of all Londoners.
- Regular bus use is common among younger Londoners. 76% of Londoners under 25 years old use the bus at least once a week and 42% use the bus almost every day (five or more times a week).
- The same proportion of younger Londoners (aged 16-24) as all Londoners sometimes cycle in London: 17 per cent of 16 to 24-year-olds sometimes use a bicycle to get around London. 13% of younger Londoners cycle regularly (at least once a week).
- A key barrier to younger Londoners cycling, particularly younger children, is the perceived safety of the cycling environment by parents. This remains a strong barrier, even when the parent perceives their child to be a skilful cyclist.
- The most common form of transport to and from school among Londoners aged under 16 continues to be walking. 45% of school journeys are made on foot.

## **3.2 Diversity**

The area is the least ethnically diverse overall, with 29% of the population from a non-White ethnic background. However, there are higher than average Black, African, Caribbean and Black British identifying populations in both Champion Hill and Dulwich Wood wards. The Dulwich profile is shown below.

White British	Non-White	White-non-British	Mixed
6,682	2,128	1,462	706
65.1% (England average = 73.5%)	20.7% (England average = 19.0%)	14.2% (England average = 7.5%)	6.9% (England average = 3.0%)
Asian	Black	Another ethnic group	Households with multiple ethnicities
629	574	219	1,058
6.1% (England average = 9.6%)	5.6% (England average = 4.2%)	2.1% (England average = 2.2%)	28.0% (England average = 10.4%)

Source: Census 2021

Population by ethnic group (excluding White British) Source: Census 2021

## Travel profile of Ethnic groups<sup>6</sup>

- Walking at least once a week is almost universal across all ethnic groups.
- Black and Minority Ethnic (BAME) Londoners are more likely than white Londoners to use the bus, DLR or to travel as a car passenger at least once a week.
- The use of buses is particularly high among black Londoners, with 73 per cent using this type of transport at least once a week, compared with 65 per cent of all BAME Londoners and 56 per cent of white Londoners.
- BAME Londoners are more likely than white Londoners to walk (at least once a week) to get to/from work, school or college (60 per cent compared with 44 per cent), to visit friends and relatives (60 per cent compared with 49 per cent) and to take a child to school (41 per cent compared with 27 per cent).
- BAME Londoners are less likely to hold a driving licence than white Londoners (54 per cent BAME aged 17 years or over compared with 71 per cent white). Asian Londoners and Mixed Londoners are slightly more likely than other BAME groups to hold a driving licence (57%).
- Cycling levels among BAME Londoners and white Londoners remain very similar. 17% of BAME Londoners cycle in the Capital at least sometimes, compared with 18% of white Londoners.
- Even though BAME Londoners are less likely to be able to ride a bicycle, they are also more likely to be contemplating increasing their cycling frequency (13 per cent compared with nine per cent of white Londoners).
- BAME Londoners are again more likely than white Londoners to say they will.
- definitely/probably use the Cycleways in the future: 30 per cent compared with 26 per cent (compared with 28 per cent and 21 per cent in November 2014).
- BAME Londoners are less likely than white Londoners to say that they feel
- safe from accidents when walking around London during the day.
- BAME Londoners are slightly less likely than white Londoners to say that they feel safe from accidents when cycling either during the day or at night. Sixteen per cent of white Londoners compared to 11 per cent of BAME Londoners consider themselves very safe from accidents when cycling during the day.

<sup>6</sup> Travel in London: Understanding our diverse communities 2019

### 3.3 Socio Economic Status and Deprivation

Women, disabled people, BAME Londoners and older people are more likely to live in low-income households than other Londoners.

Levels of deprivation in South Southwark are the lowest in the borough, with the wards ranking between 18 and 23 (where 23 is the least deprived), see table below.

Area	ID Score	Ward rank
Champion Hill	18.4	19
Dulwich Hill	17.5	21
Dulwich Village	10.0	23
Dulwich Wood	20.5	18
Goose Green	16.4	22
<b>Southwark</b>	<b>25.3</b>	

Table of deprivation score and rank by ward.

Dulwich Village being the least deprived ward in the borough. All wards have a lower deprivation score than is seen across Southwark as a whole.

- The lowest levels of social and economic disadvantage are seen in South Southwark, with substantially smaller levels of unemployment, and highest median incomes. However, notable disparity exists across the multi-ward area, with Champion Hill and Dulwich Wood facing greater disadvantage than is seen in Dulwich Village ward.
- Another measure of poverty in a community is children living in households claiming out of work benefits. Dulwich Hill, Dulwich Village and Goose Green all have claimant rates significantly lower than Southwark overall and the national average.
- Levels of child poverty in South Southwark are significantly lower than the borough and national averages, though this masks variation across the five wards.

#### Travel profile of people on low incomes

- The most common type of transport used by Londoners on lower incomes is walking (93% walk at least once a week) in line with all Londoners (95%)
- The bus is the next most common type of transport used by Londoners on lower incomes (69% use the bus at least once a week, compared with 59% of all Londoners)
- Londoners with lower household incomes are less likely to use a car (both as a driver and passenger), train and Tube than all Londoners. This is most pronounced with driving a car (23% compared with 38% overall) and using the Tube at least once a week (32% compared with 41% overall)
- The proportion of Londoners with access to at least one car falls with decreasing household income.
- Londoners in lower-income households are less likely to cycle. 8% sometimes used a bike to get around London in the past year compared with 17% of all Londoners.

## 3.4 Health

Overall life expectancy is significantly above the borough average for males and females.

- There are better health outcomes, with lower rates of long-term conditions, hospital admissions and mortality observed across most wards in the area, when compared with Southwark.
- The South area has lower rates of diabetes, asthma, COPD, depression, CHD and hypertension compared to Southwark.
- Lower levels of child excess weight at Reception and Year 6 are seen across wards in South Southwark, with some having significantly lower prevalence. Around one-fifth (19%) of children living in South Southwark are overweight or obese in Reception, rising to around 29% by Year 6. This is substantially lower than the prevalence seen across Southwark.
- Excess weight in Reception is significantly below the borough average in Dulwich Village, and Goose Green. Both these wards, along with Dulwich Hill, also see an excess weight prevalence in Year 6 that is significantly below the borough average.

## 3.5 Disability

The South multi-ward area has a slightly lower proportion of its residents with a disability, compared to the borough and regional average.

- In South Southwark. The proportion of residents disabled under the Equality Act (2010) is highest in Dulwich Wood, equivalent to 1,400 people.
- In Dulwich Village ward the proportion of residents disabled under the Equality Act (2010) with day-to-day activities limited is 1,132 (census 2021) which is equivalent to 11%.
- The chart below shows the proportion of residents in Dulwich Village ward that are disabled under the Equality Act with a limiting long-term illness and those with a long-term health condition, but day-to-day activities are not limited.

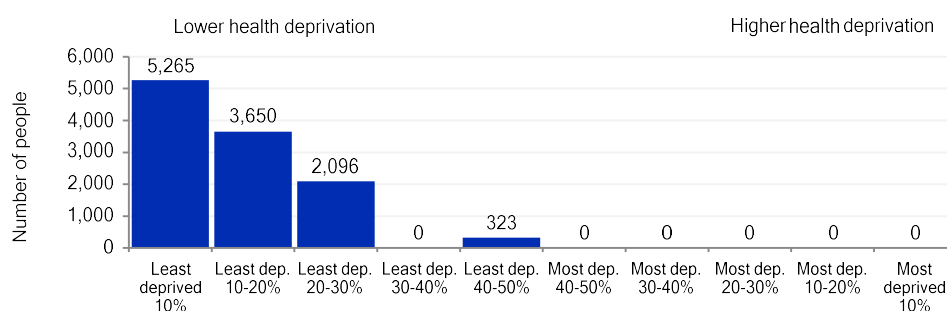


Figure: People with a limiting long-term illness Source: Census 2021

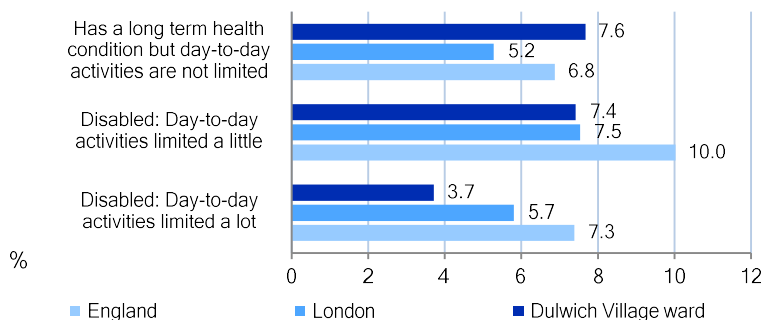


Figure: People with a long-term health condition, but day-to-day activities are not limited.

- Disability benefits claimants on PIP (Personal Independence Payment) or Attendance Allowance (AA) for Dulwich ward are shown below.

AA claimants (Feb-23)	PIP (Jul-23)	PIP Males (Jul-23)	PIP Females (Jul-23)
114	234	92	99
7.6% of people (England= 11.8%)	3.4% of people (England= 8.1%)	2.6% of males (England= 7.4%)	2.9% of females (England= 8.9%)
PIP with mental health conditions (Jul-23)	PIP with respiratory disease (Jul-23)	Households on Universal Credit - Limited Capability for Work Entitlement (May-23)	Disability Living Allowance claimants (Feb-23)
68	05	95	106
1.0% of people (England= 3.0%)	0.1% of people (England= 0.3%)	2.5% of households (England= 4.0%)	0.9% of people (England= 2.0%)
Source: Department for Work and Pensions			

Figure: Personal Independence Payment (PIP) recipients, Source: Department for Work and Pensions (Apr-23)

### Travel Behaviour statistics<sup>7</sup>

- 9% of Londoners consider themselves to have a disability. 84% of these disabilities effect how people travel.
- The most commonly used types of transport by disabled Londoners are walking (81% of disabled Londoners walk at least once a week), the bus (58%) and car as the passenger (42%).
- Disabled Londoners use transport less frequently than non-disabled Londoners. For each type of transport (with the exception of private hire vehicles) a lower proportion of disabled Londoners use each type of transport at least once a week compared with non-disabled Londoners.
- Public transport generally is less commonly used by disabled Londoners than non-disabled Londoners.
- While a considerably lower proportion of disabled Londoners have driven a car to get around London in the past year than non-disabled Londoners (28% compared with 45%), the

<sup>7</sup> [Travel in London: Understanding our diverse communities 2019](#)

proportion who have used a car as a passenger in the last year is the same for both groups (81%).

- Disabled Londoners are less likely to have household access to a car than non-disabled Londoners. Just over half (52%) of disabled Londoners do not have household access to a car compared with 34% of non-disabled Londoners.
- 17% of disabled Londoners sometimes use a bike to get around London, which is a smaller proportion than among non-disabled Londoners (where 18% sometimes use a bike).
- Disabled Londoners are almost as likely as non-disabled Londoners to say that they probably or definitely expect to use Cycleways in the future (27% compared with 28%).
- Disabled Londoners are slightly less likely to have used a private hire/minicab in the past year than non-disabled Londoners (49% compared with 58%). Disabled Londoners are slightly more likely to use minicabs frequently though when compared with non-disabled Londoners; 8% of disabled Londoners use a minicab at least once a week compared with 6% of non-disabled Londoners.
- Sixty-five per cent of disabled Londoners consider the condition of pavements to be a barrier to walking, and 43 per cent report that obstacles on pavements are a barrier to walking more.

### 3.6 Gender

- The three most common transport types used by women at least once a week are walking (95%), bus (63%) and car as a passenger (51%).
- Women are more likely than men to use the bus at least once a week (63% compared with 56%) and are less likely to travel by Tube at least once a week (38% compared with 43%). Women are also less likely than men to cycle in London (13% compared with 22%).
- Women are less likely than men to drive at least once a week (33% compared with 42%).
- Women aged 17 or over who are living in London are less likely than men to have a full driving licence (58% compared with 72%) or have access to a car.
- Women are more likely than men to be travelling with buggies and/or shopping, and this can affect transport choices.

## Section 4: Overview of key stakeholders consulted.

Stakeholders to be consulted	
<b>Key stakeholders</b>	Vehicular drivers and passengers, Bus users Cyclists Pedestrians School children from nursery age upwards

	Local schools Residents and residents associations Businesses and business associations Focus group with disabled cyclists and pedestrians
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## Overview of consultation<sup>8</sup>

Southwark’s consultation will inform the formal decision-making process in spring 2024 with an opportunity to comment on the statutory elements of the project during the statutory consultation phase in spring/summer 2024. The construction is planned to start in summer 2024.

## Engagement Phase 1 in May – June 2022

The first phase of engagement consisted of a number of activities to understand how the junctions currently perform against healthy street objectives;

- Healthy Streets design check
- on-street Healthy Streets survey
- Healthy Streets survey with pupils
- pan-impairment accessibility audit.
- cycling accessibility audit
- ground investigation and junction survey

The surveys indicated.

- Approx 7,000 pedestrians use the Calton Avenue junction per day. Busiest hours are 8am-9am and 3pm-4pm but the volumes are high throughout
- Pedestrian tracking shows the entire space is well used.
- Almost 1,000 cyclists use Calton Avenue junction between 6am and 8pm
- Dulwich Village South to Calton Avenue is the busiest route for cyclists at the junction.
- Cycling southbound along Dulwich Village is the second busiest route after Calton Avenue at the junction.
- Northbound cyclists feel unsafe turning into Calton Avenue from Dulwich Village due to opposing traffic.
- More cyclists turning into Calton Avenue than cars turning into Turney Road at the peak hours.

Feedback from stakeholders included.

- Shopping and travelling to/from school are the main reasons for being on the streets in this area.
- Finding shelter from rain and sun was raised as a concern.
- Generally, most respondents were satisfied with their experience on this street.
- The street should be safer and more enjoyable for older people and children.
- Improve the perception of safety and make it safer for people to cross at side roads.
- Prioritise the space for walking and cycling.
- Make it more accessible for older people.

<sup>8</sup> <https://www.southwark.gov.uk/transport-and-roads/improving-our-streets/live-projects/street-improvements/dulwich-streets-for-people>



- Generally, improve how enjoyable the space is for people walking.

The outcome of this engagement informed the initial design development.

## Engagement Phase 2 in autumn 2022 - concept ideas

This phase included:

- online and locally distributed survey
- door to door survey in Calton Avenue and surrounding streets
- on-street information stall
- workshops with pupils at Alleyn's School and JAGS (James Allen's Girls' School)
- meetings with local residents' associations
- meetings with Dulwich Society, Dulwich Estate and Friends of Dulwich Square
- engagement with local businesses

The consultation received 1,242 responses. The people we spoke to can be summarised as follows:

- 86% were local residents living in the immediate Dulwich Village area.
- 11% identified as being disabled or having a disability.
- 78% declared that they were car owners or had access to a car.

The outcome of this engagement was used to set the design objectives and shape the development for the public space.

One aspect of the proposals that dominated responses was a proposal to ban vehicle access along Turney Road from the junction with Dulwich Village, opposite Calton Avenue and Court Lane. Having considered all the responses, alongside the traffic data and survey work, designs have been developed which retain vehicle access along this section of Turney Road. We have looked at other opportunities to improve the street environment here to support the needs of local pupils, and pedestrians and support safer cycling at all times.

[View the Phase 2 engagement report](#) (PDF, 929kb)

## Streets for People: Dulwich Village, Phase 3 Consultation<sup>9</sup>

Southwark revised proposals following public feedback received during Phase 2 consultation, and in line with Southwark's new approach to [Streets for People](#). This aims to address concerns including safety for vulnerable road users, reducing traffic congestion along Dulwich Village/Red Post Hill junction, and improving the quality and safety of the public space on Calton Avenue.

The consultation was open between December 2023 and January 2024 and included.

- 13 participants in a focussed workshop with users who included disabled people on 16<sup>th</sup> January 2024.
- 2306 flyers were sent to local people.
- Public consultation online with 990 responses received

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<sup>9</sup> <https://consultations.southwark.gov.uk/environment-leisure/dulwich-village-phase-3-design/>

The public consultation included responses from protected characteristics under the Equality Act, 2010 see below.

Option	Total	Percent
I am a disabled person	50	5.05%
I am a carer for a disabled person	86	8.68%
I am 75 years old or older	108	10.91%
I am 65-74 years old	163	16.46%
I am a young person in full time education	28	2.83%
I am a parent or carer of a student at a Dulwich school	314	31.72%
Not Answered	327	33.03%

## Headline Results from consultation with protected characteristic groups

- More accessible car parking bays to be provided near the Village – this should not be echeloning parking.
- Confirmation of kerb height difference between pedestrian footway and cycle track of 60mm high at Calton Avenue
- Visual contrast to be provided between pedestrian area and cycle track.
- Pedestrians want signage and other indicators for cyclists to slow down and give way to pedestrians when using the cycle track, such as SLOW road marking and raised entry tables.
- Road surfaces need to be smooth, firm and level with no steep cross falls.
- Trip hazards on the footway to be minimised.
- Designated parking space/docking for e-bikes and scooters should be provided.
- Loading bay should be relocated near the post office (on Dulwich Village instead of Calton Avenue) as it is currently proposed in an unsuitable location on Calton Avenue where turning is not possible.
- Phasing of signals: Feedback was for sufficient time for pedestrian crossing: attendees were informed that phasing will provide adequate time for pedestrians to cross, with both audible beeps and visual countdown timers provided for reassurance for those crossing. The pedestrian crossing along Dulwich Village of the cycle track will be signalised as part of the signalised junction.
- Cyclists concerned that right turn from Dulwich Village into Calton Avenue is a long way and sufficient time for this right turn should be provided in the cycle signal phase.
- Recycling bins to be provided and clearly labelled/ signed.
- Toilets should be made available for the public. This could be via local businesses such as Community Toilet Scheme These should be ground floor and at least one should be wheelchair accessible. Portaloos to be considered if no other alternatives possible.
- Risk of conflict between cyclists and pedestrians
- Difficult for people with mobility issues (who rely on their car) to access shops and local amenities.
- More measures needed to mitigate restrictions such as improvement to public transport.
- Zebra crossing at Calton Avenue needs more calming measures.
- Concerns of tailbacks and delays caused by the reduction of two car lanes at the Dulwich Village and Red Post Hill junction.
- Concern the removal of islands may mean pedestrians do not have enough time to cross.
- More permeable surfaces and sustainable drainage
- Safety concerns regarding leaf falls creating slip hazard.

- Parking restrictions on Turney Road causes issues for teachers at Dulwich schools
- Businesses fed back this proposal will deter visitors and negatively impact them.
- Concerns are raised about increased pollution and congestion on East Dulwich Grove and Red Post Hill.

## Section 5 Impact on Protected Characteristic Groups

This section considers the potential impacts (positive and negative) on groups with ‘protected characteristics’, the equality information on which this analysis is based and any mitigating actions to be taken, including improvement actions to promote equality and tackle inequalities. An equality analysis also presents as an opportunity to improve services to meet diverse needs, promote equality, tackle inequalities and promote good community relations. It is not just about addressing negative impacts.

The columns include societal issues (discrimination, exclusion, needs etc.) and socio- economic issues (levels of poverty, employment, income). As the two aspects are heavily interrelated it may not be practical to fill out both columns on all protected characteristics. The aim is, however, to ensure that socio-economic issues are given special consideration, as it is the council’s intention to reduce socio-economic inequalities in the borough. Key is also the link between protected characteristics and socio-economic disadvantage, including experiences of multiple disadvantages.

### Socio-economic disadvantage may arise from a range of factors, including:

- poverty
- health
- education
- limited social mobility.
- housing
- a lack of expectations
- discrimination
- multiple disadvantage

<b>5.1 Age</b>	
<b>Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.</b>	<b>Potential Socio-Economic impacts/ needs/issues arising from socio-economic disadvantage (positive and negative)</b>
This junction is located in the South Southwark multi ward area which has more children and young people when compared with Southwark as a whole, particularly so in the Dulwich Village area <sup>10</sup> .	Since cycling is the main means of transport for those low income, the measures would have a positive socio –economic

<sup>10</sup> Multi-Ward Profiles 2109 South Southwark, Southwark’s Joint Strategic Needs Assessment, Public Health Division

Education is a key industry in Dulwich Village with many schools in the area including nurseries, kindergarten and primary schools.

impact by improving safety and access for walking

### **Positive impacts**

#### **1 Wider footway on Turney Road and removal of guard railing**

1. The footway is widened here by an additional 2m making it safer for children walking along.
2. School children and older people particularly will benefit from the wider footways on Turney Road north and the removal of the guardrails around the corner, which will provide more circulation space.

#### **2 The removal of parking from south side of Turney Road**

3. This will make the streets safer for both pedestrians and cyclists, reducing car door collisions for cyclists and making it safer and easier for pedestrians to cross<sup>11</sup>.
4. It also allows seating and resting places to be provided on the widened footway by Dulwich Village C of E Infants' School

#### **3a. Changing staggered crossing to straight ahead crossing on Turney Road and**

#### **3b. Relocating Dulwich Village crossing close to desire line.**

5. Both these measures will reduce walking and crossing distance and will be more convenient for pedestrians, particularly for older pedestrians who may be less mobile and small children who could get easily tired.

#### **6. Resurfacing of Calton Avenue and increased planting and seating (8 x new trees proposed), retention of water fountain.**

7. This is a very positive measure particularly for older people and children. It re-routes vehicular traffic around this area and provides a large traffic free square in the centre of Dulwich Village providing a social focal point and resting place.
8. Older people need places to rest and socialise as more likely to be affected by loneliness and social alienation<sup>12</sup>.
9. Children too need outdoor spaces to play and feel safe en route to school.
10. Greening of the urban environment improves the micro-climate reducing excessive heat and reducing flooding by providing rain water absorption within the rain gardens provided.

<sup>11</sup> "Parked cars may obstruct the view of the road ahead, making it more difficult to see other road users, including crossing pedestrians. Most of the research discussed in this section suggests that on street parking may be correlated with increased RTI risk for all road users" Parking, Road Safety Observatory, 2012

<sup>12</sup> <https://www.gov.uk/government/news/funding-for-transport-projects-to-help-tackle-loneliness>

11. A greener local environment is also known to improve mental health<sup>13 14 15</sup>.

12. Provision of water fountain essential to allow older people and children to spend more time outdoors in hot weather, and to reduce plastic water bottle waste.

**5. New all pedestrian and all cycling phases added to the signalised junction.**

This new phase will improve the safety of cyclists and pedestrians by separating them in time from vehicular flows and will particularly benefit pedestrians and cyclists who are older as well as children who may be less mobile and less aware of danger from vehicular traffic.

**6. Pedestrian crossings combined into a single All Green phase**

13. There are significant safety benefits to having an all-pedestrian phase, which will particularly benefit older people and children.

14. The crossing time of 16 seconds includes a Countdown timer of 10 seconds.

**7 Impact on child cyclists and older cyclists**

15. Creation of new cycle lead in lane, and small protection island on Dulwich Village north is positive for both groups as increases safety. The removal of part of the footway is not significant as it is very wide here.

16. Provision of raised buffer strip to the existing lead in lane from Dulwich Village south will increase safety for all cyclists particularly children and older cyclists.

17. Removal of right turn lead in lane at Dulwich Village south does not affect safety due to cyclists having their own signal phase.

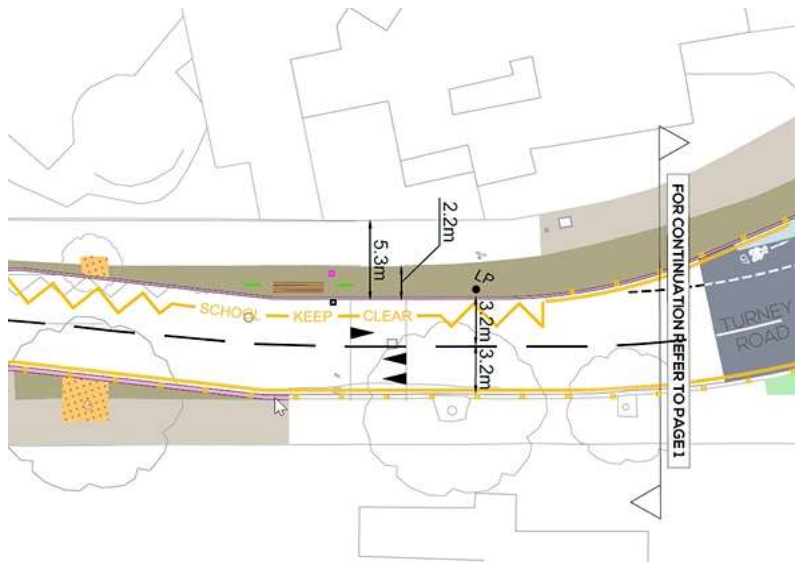
18. Current non-compliance by drivers who use the Calton Avenue cycle lane puts cyclists in danger, particularly more vulnerable older and child cyclists who may not have good reaction time. Mitigation is provided by narrowing the two-way lane and creating two right angle bends to slow any non-compliant drivers from speeding. Camera enforcement is also provided.

19. The guardrail in front of the school gates at Turney Road will be removed. A bench will be located in front of the school gates with cycle racks to each side of the bench which will be a buffer between the children coming out of the school gates and the traffic on Turney Road.

<sup>13</sup> <https://www.froglife.org/2022/03/29/the-benefits-of-green-spaces-and-nature-on-mental-health-2/#:~:text=There%20is%20growing%20evidence%20to,and%20improve%20general%20well%2Dbeing>

<sup>14</sup> <https://www.kcl.ac.uk/students/how-frequently-visiting-green-spaces-benefits-our-mental-health>

<sup>15</sup> [https://www.warwickdc.gov.uk/info/20323/trees/577/the\\_benefits\\_of\\_urban\\_trees#:~:text=Trees%20provide%20shelter%20and%20reduce,air%20conditioning%20during%20hot%20weather](https://www.warwickdc.gov.uk/info/20323/trees/577/the_benefits_of_urban_trees#:~:text=Trees%20provide%20shelter%20and%20reduce,air%20conditioning%20during%20hot%20weather). The benefits of urban trees, Warwick District Council



**Negative impacts**

1. Potential conflict between pedestrians and cyclists at the public space on Calton Avenue
2. Some older people and disabled children may be reliant on cars to travel and there is a lack of parking for disabled car users in the vicinity.
3. Longer wait at traffic signals due to increase to 5 phases of signals for all modes. This may increase pedestrian non-compliance and risk-taking behaviour. Long signal cycles, compounded over multiple intersections, can make crossing a street or walking even a short distance prohibitive and frustrating. This discourages walking altogether, and makes streets into barriers that separate destinations, rather than arteries that stitch them together.
4. The removal of islands may mean pedestrians who require longer time to cross such as disabled or older people may not have enough time to cross.

**Equality and Socio-Economic data on which above analysis is based**

**See Equality Profile in section 3**

**Mitigating and/or improvement actions to be taken**

- Ensure seating is suitable for older people meeting guidance in BS 8300, with range of seating heights, good visual contrast, and some seating provided with armrests and backrests.
- Provide more accessible parking bays near the area.

- Review phasing times and monitor non-compliance or risk taking behaviour at signals

## 5.2 Disability

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

**Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.**

**Potential socio-economic impacts/needs/issues arising from socio-economic disadvantage (positive and negative)**

### Positive impacts

#### **1. Wider footways on Turney Road and removal of guard railing**

Mobility impaired people and many other disabled people will benefit from the wider footways on Turney Road north and the removal of the guardrails around the corner, which will provide more circulation space.

#### **2. The removal of parking from south side of Turney Road**

- This will make the streets safer by making it safer and easier for disabled people to cross.

#### **3a Changing staggered crossing to straight ahead crossing on Turney Road and**

#### **3b Relocating Dulwich Village crossing close to desire line.**

- Both these measures will reduce walking and crossing distance and will be more convenient for disabled pedestrians who may be less mobile and get easily tired.

#### **4. Resurfacing of Calton Avenue and increased planting and seating (8 x new trees proposed), retention of water fountain**

- This is a very positive measure particularly for disabled people. It provides a large traffic free square in the centre of Dulwich Village providing a social focal point and resting place.

All five wards in the South Southwark area have a higher rate of requests for adult social care support than the borough average, more so in the case of Dulwich Hill and Dulwich Village. *This may be an indicator for a higher rate of long-term health conditions or disability.*

- Disabled people need more places to rest if they have mobility impairments.
- Greening of the urban environment improves the micro-climate reducing excessive heat and reducing flooding by providing rain water absorption within the rain gardens provided. Extreme weather conditions disproportionately affect physically vulnerable and disabled people, less able to adopt coping mechanisms.
- A greener local environment is also known to improve mental health.
- Provision of water fountain is essential to allow disabled people to spend more time outdoors in hot weather.

### **5. New all pedestrian and all cycling phases added to the signalised junction**

This new phase will improve the safety of cyclists and pedestrians by separating them in time from vehicular flows and will particularly benefit disabled pedestrians and cyclists who may be less mobile and less aware of danger from vehicular traffic.

### **6. Pedestrian crossings combined into a single All Green phase**

- There are significant safety benefits to having an all-pedestrian phase, which will particularly benefit disabled people.

### **7 Impact on disabled cyclists**

- Creation of new cycle lead in lane, and small protection island on Dulwich Village north is positive as increases safety.
- Provision of raised buffer strip to the existing lead in lane from Dulwich Village south will increase safety for all cyclists particularly disabled cyclists.
- Current non-compliance by drivers who use the Calton Avenue cycle lane puts cyclists in danger, particularly more vulnerable disabled cyclists, who may not have good reaction time. Mitigation is provided by narrowing the two-way lane and creating two right angle bends to slow any non-compliant drivers from speeding. Camera enforcement is also provided.

### **Negative impacts**

1. Potential conflict between pedestrians and cyclists at the new community space on Calton Avenue
2. Some older people and disabled children may be reliant on cars to travel and there is a lack of parking for disabled car users in the vicinity.
3. Longer wait at traffic signals due to increase to 5 phases of signals for all modes. This may increase pedestrian non-compliance and risk-taking behaviour. Long signal cycles, compounded over multiple intersections, can make crossing a street or walking even a short distance prohibitive and frustrating. This discourages walking altogether, and makes streets into barriers that separate destinations, rather than arteries that stitch them together.



4. The removal of islands may mean pedestrians who require longer time to cross such as disabled or older people may not have enough time to cross.	
<b>Mitigating and/or improvement actions to be taken</b>	
<ul style="list-style-type: none"> <li>• Ensure seating is available for disabled people meeting guidance in BS 8300, with range of seating heights, good visual contrast, and some seating provided with armrests and backrests.</li> <li>• Provide more accessible parking bays near the area.</li> <li>• Review phasing times and monitor non-compliance or risk-taking behaviour at signals</li> </ul>	

### 5.3 Gender reassignment:

- The process of transitioning from one gender to another.

Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.	Potential socio-economic impacts/ needs/issues arising from socio-economic disadvantage (positive and negative)
Not applicable	
Equality information on which above analysis is based.	Socio-economic data on which above analysis is based
Not applicable	
<b>Mitigating and/or improvement actions to be taken</b>	
Not applicable	

### 5.4 Marriage and civil partnership

– In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couples. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favorably than married couples and must be treated the same as married couples on a wide range of legal matters. (Only to be considered in respect to the need to eliminate discrimination.)

<b>Potential impacts (positive and negative) of proposed policy/decision/business plan</b>	<b>Potential socio-economic impacts/ needs/issues arising from socio-economic disadvantage (positive and negative)</b>
Not applicable	
<b>Equality information on which above analysis is based</b>	<b>Socio-economic data on which above analysis is based</b>
Not applicable	
<b>Mitigating or improvement actions to be taken</b>	
Not applicable	

## 5.5 Pregnancy and 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 unfavorably because she is breastfeeding.

<b>Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.</b>	<b>Potential socio-economic impacts/ needs/issues arising from socio-economic disadvantage (positive and negative)</b>
<p><b><u>Impact on mothers with young children, and pregnant women.</u></b></p> <p>This junction is in the South Southwark multi ward area which has more children and young people when compared with Southwark as a whole, particularly so in the Dulwich Village area.</p> <p>The following potential impacts on pregnant women and mothers (and fathers or carers) with young children are noted.</p> <p>Many pregnant women can be mobility impaired, getting easily tired and needing frequent rests, so the positive impacts are like those in relation to disabled and older people noted above.</p>	

**Mitigating and/or improvement actions to be taken**

- Ensure seating is suitable meeting guidance in BS 8300, with range of seating heights, good visual contrast, and some seating provided with armrests and backrests.

## 5.6 Race

Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. N.B. Gypsy, Roma and Traveller are recognised racial groups, and their needs should be considered alongside all others.

<p><b>Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.</b></p>	<p><b>Potential socio-economic impacts/ needs/issues arising from socio-economic disadvantage (positive and negative)</b></p>
<p>Not applicable</p>	
<p><b>Equality information on which above analysis is based</b></p>	<p><b>Socio-economic data on which above analysis is based</b></p>
<p><b>Mitigating and/or improvement actions to be taken</b></p>	

## 5.7 Religion and belief

<p><b>Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.</b></p>	<p><b>Potential socio-economic impacts/ needs/issues arising from socio-economic disadvantage (positive and negative)</b></p>
<p>Not applicable</p>	
<p><b>Equality information on which above analysis is based.</b></p>	<p><b>Socio-economic data on which above analysis is based</b></p>
<p><b>Mitigating and/or improvement actions to be taken</b></p>	

## 5.8 Sex

Man or woman.

**Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.**

**Potential socio-economic impacts/ needs/issues arising from socio-economic disadvantage (positive and negative)**

Not applicable

**Equality information on which above analysis is based.**

**Socio-economic data on which above analysis is based**

**Mitigating and/or improvement actions to be taken**

## 5.9 Sexual orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

**Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.**

**Potential socio-economic impacts/ needs/issues arising from socio-economic disadvantage (positive and negative)**

Not applicable

**Equality information on which above analysis is based.**

**Socio-economic data on which above analysis is based**

**Mitigating and/or improvement actions to be taken**

## 5.10 Human Rights

There are 16 rights in the Human Rights Act. Each one is called an article. They are all taken from the European Convention on Human Rights. The Articles are the right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour, Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol

**Potential impacts (positive and negative) of proposed policy/decision/business plan**

Not applicable

**Information on which above analysis is based.**

**Mitigating and/or improvement actions to be taken**

## 5.11 Social equality

**Potential impacts (positive and negative) of proposed policy/decision/business plan**

- This scheme advocates active travel by making walking and wheeling safer. The most common type of transport used by Londoners on lower incomes is walking (93% walk at least once a week) in line with all Londoners (95%).
- The addition of greening through planting trees supports better mental health - green space has a proven track record in reducing the impact of deprivation, delivering better health and wellbeing and creating a strong community. The simple presence of green space is related to a reduced risk of serious problems like depression and lung disease. Living close to green space reduces mortality, which can help reduce the significant gap in life expectancy between rich and poor.<sup>16</sup>

**Information on which above analysis is based.**

Living in an unequal society causes stress and status anxiety, which can impact outcomes such as health. In more equal societies people live longer, are less likely to be mentally ill or obese and there are lower rates of infant mortality

**Mitigating and/or improvement actions to be taken**

Continue to monitor and review the operation and use for the proposal post implementation to ensure social equity impact of sustained and improved for all to benefit

## Section 6 Summary and Recommendations

This report has examined the implementation of a junction scheme impact on Protected Characteristic Groups and determine any mitigations required in the ongoing scheme development. This EINA is an evolving document and will be updated at each engagement phase, as we gather more data and information regarding potential impacts and needs.

<sup>16</sup> 6 Effect of exposure to natural environment on health inequalities: an observational population study, Mitchell, R and Popham, F, The Lancet: 372, 2008.

**Overall, the proposals assessed in the Equality Impact and Needs Analysis will have mainly a positive impact on protected characteristic groups, particularly younger people.**

### **Positive impacts**

1. Wider footways on Turney Road and removal of guard railing make it safer for children walking. School children particularly will benefit which will provide more circulation space. Older and disabled people will also benefit from the additional space created for pedestrians.
2. The removal of parking from south side of Turney Road will make the streets safer for both pedestrians and cyclists, reducing car door collisions for cyclists and making it safer and easier for pedestrians to cross.
3. Changing staggered crossing to straight ahead crossing on Turney Road and relocating Dulwich Village crossing close to desire line. Both these measures will reduce walking and crossing distance and will be more convenient for pedestrians, particularly for disabled and older pedestrians who may be less mobile and for carers with small children who could get easily tired.
4. Resurfacing of Calton Avenue and increased planting and seating (8 x new trees proposed), retention of water fountain is a very positive measure particularly for older and disabled people and children. It re-routes vehicular traffic around this area and provides a large traffic free square in the centre of Dulwich Village providing a social focal point and resting place.
5. New all pedestrian and all cycling phases added to the signalised junction will improve the safety of cyclists and pedestrians by separating them in time from vehicular flows and will particularly benefit pedestrians and cyclists who are older as well as children who may be less mobile and less aware of danger from vehicular traffic.
6. Pedestrian crossings combined into a single 'All Green' phase provide significant safety benefits which will particularly benefit disabled and older people and children. This new phase will improve the safety of cyclists and pedestrians by separating them in time from vehicular flows and will particularly benefit disabled pedestrians and cyclists who may be less mobile and less aware of danger from vehicular traffic.
7. The creation of a new cycle lead in lane, and small protection island on Dulwich Village north is positive for all groups as increases safety.
8. Provision of raised buffer strip to the existing lead in lane from Dulwich Village south will increase safety for all cyclists particularly disabled, children and older cyclists.
9. Removal of right turn lead in lane at Dulwich Village south does not affect safety due to cyclists having their own signal phase.
10. The guardrail in front of the school gates at Turney Road will be removed. A bench will be in front of the school gates with cycle racks to each side of the bench which will be a safety buffer between the children coming out of the school gates and the traffic on Turney Road.

11. The removal of parking from south side of Turney Road will make the streets safer by making it safer and easier for disabled people to cross and allows more greening of this section of street with two new tree pits created.
12. The addition of greening through planting trees supports better health and wellbeing and creating a stronger community.

### **Negative impacts**

1. Potential conflict between pedestrians and cyclists at the new community space on Calton Avenue
2. Some older people and disabled children may be reliant on cars to travel and there is a lack of parking for disabled car users in the vicinity.
3. Longer wait at traffic signals due to increase to 5 phases of signals for all modes. This may increase pedestrian non-compliance and risk-taking behaviour. Long signal cycles, compounded over multiple intersections, can make crossing a street or walking even a short distance prohibitive and frustrating. This discourages walking altogether, and makes streets into barriers that separate destinations, rather than arteries that stitch them together.
4. The removal of islands may mean pedestrians who require longer time to cross such as disabled or older people may not have enough time to cross.

### **Further actions and mitigations proposed.**

1. Continued engagement with protected groups, older, disabled, young people and local business owners representatives to ensure that their concerns are being heard, understood, and addressed. It is good practice to establish an 'Access Panel' to work collaboratively with Southwark Council to mitigate any negative impacts and enhance positive impacts.
2. Current non-compliance by drivers who use the Calton Avenue cycle lane puts cyclists in danger, particularly more vulnerable older and child cyclists who may not have good reaction time. Mitigation is to be provided by narrowing the two-way lane and creating two right angle bends to slow any non-compliant drivers from speeding. Camera enforcement is also provided.
3. Ensure public seating is suitable for older and disabled people meeting guidance in BS 8300, with range of seating heights, good visual contrast, and some seating provided with armrests and backrests.
4. A water fountain should be at a suitable height for children and people of shorter stature and should have a dog bowl.
5. More accessible car parking bays should be available closer to the Village, perhaps relocating the proposed Loading Bay at Calton Avenue.

6. Kerb height difference of 60mm between pedestrian area and cycle route should be provided.
7. Consider providing visually contrasting pedestrian crossings to the cycle track to warn cyclists of potential pedestrians crossing the track.
8. Making public toilets available would enhance the comfort of the space.
9. The public consultation indicated that the accessibility of the street environment could be improved and made safer. Southwark Council should undertake a street access audit of the area around the junction. The audit can also identify areas of potential conflict between cyclists, cars and pedestrians and make recommendations on providing more accessible parking and public seating.
10. As the Council develop the final design, we recommend they commission an Access Consultant to review the designs.
11. Continued effective monitoring by Southwark Council of.
  - motor traffic levels
  - Active travel: walking and cycling levels.
  - Air quality levels

Monitoring reports should include breakdown of protected groups.

12. It should be noted that the outcome of this EQIA report is work in progress, the start of a process of co-evaluation of the scheme with residents, Southwark Council and relevant stakeholders. A traffic scheme can take three or four years to bed in and establish itself before any permanent change in behaviour or traffic pattern is observed and clear evidence obtained.

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## Appendix A ENIA Guidance notes

### The Equality act 2010

Part 3 of the Equality Act 2010 covers the duties for service providers and public functions. The duty on providers of goods, services and facilities was replaced with a duty to make **reasonable adjustments**<sup>17</sup> to

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<sup>17</sup> The EA does not prescribe what a reasonable adjustment might be – this is to be determined by the particular circumstances in each case.



avoid a disabled person being placed at a **substantial disadvantage**<sup>18</sup> compared with non-disabled people when accessing services and facilities.

The EA replaced all previous anti-discrimination laws and protects people with the following nine 'protected characteristics':

- 1) Disability
- 2) Age
- 3) Gender Reassignment
- 4) Pregnancy and Maternity (including breastfeeding)
- 5) Marriage and Civil Partnership
- 6) Race
- 7) Religion or belief
- 8) Sex
- 9) Sexual Orientation

The principles of access to the built environment remains largely unchanged and the terms "DDA", "DDA regs" and "DDA compliant" are still widely used and generally interpreted as pertaining to access for disabled people even though the legislation is subsumed into the Equality Act.

## Duties under the Equality Act

The following information focuses on the law about treatment of disabled people but may also apply to some of the other protected characteristics.

The Act contains provisions on direct discrimination, harassment and indirect discrimination. The law protects anyone who has, or has had, a disability. All service providers<sup>19</sup> must treat everyone accessing their goods, facilities or services fairly, regardless of any protected characteristic (e.g., age, gender, race, sexual orientation, disability, etc.), and should guard against making assumptions about the characteristics of individuals.

Service providers also have an obligation to make reasonable adjustments to help disabled people access their goods, facilities and services. The legal duty to make reasonable adjustments applies only for disabled people, and not to people with other protected characteristics.

Discrimination can arise if:

- A disabled person is treated less favourably, is provided with a lower standard of service or is refused service.
- Reasonable adjustments to the delivery of a service have not been made to allow disabled people to use them.

Different treatment can sometimes be justified and will be lawful if it can be shown that it is intended to meet a legitimate objective in a fair, balanced and reasonable way. This means that a service provider must strike a careful balance between the negative impact of a provision on the disabled person and any lawful reason for applying it.

What is 'reasonable' will depend on a number of circumstances, including the cost of an adjustment. The Equality Act 2010 requires that service providers must think ahead (anticipate) and take steps to address barriers that impede disabled people. Providers should not wait until a disabled person experiences difficulty using a service, as this may make it too late to make the necessary adjustment. It is no longer necessary to show that the provider's practice etc. makes it 'impossible or unreasonably difficult' to access the service - **the test is whether the practice places the disabled person at a "substantial disadvantage"**; legally this is a lower threshold for action.

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<sup>18</sup> Anything that is more than minor or trivial.

<sup>19</sup> Southwark Council is a service provider under the Equality Act

In summary, service providers are required to:

1. Make 'reasonable' changes to the way things are done – such as changing practices, policies or procedures where disabled people would be at a 'substantial disadvantage' e.g., amend a 'no dogs' policy.
2. Make 'reasonable' changes to the built environment - such as making changes to the structure of a building to improve access e.g., fitting handrails alongside steps.
3. Provide auxiliary aids and services - such as providing information in an accessible format, an induction loop for customers with hearing aids.

Above and beyond the service provider duties, the Public Sector has an **additional Equality Duty** (section 149) which has three aims. It requires public bodies to have 'due regard' to the need to:

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

Having 'due regard' means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. **This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.**

Compliance with the Act can only be legally determined through a Civil Action in a Court of Law.

### Other relevant legislation

The Equality Act is not the only legislation that is applicable to the provision of an accessible environment and service, and it should, therefore, be considered in conjunction with other legislative requirements, such as:

- Planning & Highways legislation
- Listed Buildings Consent
- Building Regulations
- Health and Safety Regulations
- Licensing Laws
- The UN Convention on the Rights of Persons with Disabilities\*\*

Note: this is a guide and not a complete list.

\*\*The Convention on the Rights of Persons with Disabilities (CRPD) is an international legal agreement. It exists to protect and promote the human rights of disabled people. The UK signed the treaty in 2009 – a commitment to promote and protect the human rights of disabled people. On accessibility ([Article 9](#)), the Convention requires countries to identify and eliminate obstacles and barriers and ensure that disabled people can access their environment, transportation, public facilities and services, and information and communications technologies. Courts have treated regard to the CRPD as being part and parcel of the duty to have 'due regard' to the equality enhancing aims of s149 Equality Act 2010.

### Things to remember:

Under the Public Sector Equality Duty (PSED) public authorities are required to have due regard to the aims of the general equality duty when making decisions and when setting policies.

Understanding the effect of the council's policies and practices on people with different protected characteristics is an important part of complying with the general equality duty. Under the PSED the council must ensure that:

- Decision-makers are aware of the general equality duty's requirements.
- The general equality duty is complied with before and at the time a particular policy is under consideration and when a decision is taken.
- They consciously consider the need to do the things set out in the aims of the general equality duty as an integral part of the decision-making process.
- They have sufficient information to understand the effects of the policy, or the way a function is carried out, on the aims set out in the general equality duty.
- They review policies or decisions, for example, if the make-up of service users changes, as the general equality duty is a continuing duty.
- They take responsibility for complying with the general equality duty in relation to all their relevant functions. Responsibility cannot be delegated to external organisations that are carrying out public functions on their behalf.
- They consciously consider the need to do the things set out in the aims of the general equality duty not only when a policy is developed and decided upon, but when it is being implemented.

Best practice guidance from the Equality and Human Rights Commission recommends that public bodies:

- Consider all the protected characteristics and all aims of the general equality duty (apart from in relation to marriage and civil partnership, where only the discrimination aim applies).
- Use equality analysis to inform policy as it develops to avoid unnecessary additional activity.
- Focus on the understanding the effects of a policy on equality and any actions needed as a result, not the production of a document.
- Consider how the time and effort involved should relate to the importance of the policy to equality.
- Think about steps to advance equality and good relations as well as eliminate discrimination.
- Use good evidence. Where it isn't available, take steps to gather it (where practical and proportionate).
- Use insights from engagement with employees, service users and others can help provide evidence for equality analysis.

Equality analysis should be referenced in community impact statements in Council reports. Community impact statements are a corporate requirement in all reports to the following meetings: the cabinet, individual decision makers, scrutiny, regulatory committees and community councils. Community impact statements enable decision makers to identify more easily how a decision might affect different communities in Southwark and to consider any implications for equality and diversity.

The public will be able to view and scrutinise any equality analysis undertaken. Equality analysis should therefore be written in a clear and transparent way using plain English. Equality analysis may be published under the council's publishing of equality information or be present with divisional/departmental/service business plans. These will be placed on the website for public view under the council's Publications Scheme.

Equality analysis should be reviewed after a sensible period of time to see if business needs have changed and/or if the effects that were expected have occurred. If not, then you will need to consider amending your policy accordingly. This does not mean repeating the equality analysis, but

using the experience gained through implementation to check the findings and to make any necessary adjustments.

Engagement with the community is recommended as part of the development of equality analysis. The council’s Community Engagement Division and critical friend, the Forum for Equality and Human Rights in Southwark can assist with this (see section below on community engagement and [www.southwarkadvice.org.uk](http://www.southwarkadvice.org.uk)).

Whilst the equality analysis is being considered, Southwark Council recommends considering Socio-Economic implications, as socio-economic inequalities have a strong influence on the environment we live and work in. As a major provider of services to Southwark residents, the council has a legal duty to reduce socio-economic inequalities, and this is reflected in its values and aims. For this reason, the council recommends considering socio-economic impacts in all equality analyses, not forgetting to include identified potential mitigating actions.

Similarly, it is important for the Council to consider the impact of its policies and decisions in relation to tackling the climate emergency. This includes both the potential carbon emissions of a policy or decision and its potential effect on the borough’s biodiversity. You are asked to consider the impact on climate of your policy and decision under discussion by completing the Climate impact section below.

## CAE Scope of Report

This report is based on information and access provided to the consultant at the time of audit. Any recommendations are based upon evidence seen.

CAE are not legal experts and, as such, this review is not a definitive legal view but rather an interpretation of whether the proposal measures impact on any of the protected characteristics under the Equality Act. While every care is taken to interpret current Acts, Regulations and Approved Codes of Practice, these can only be authoritatively interpreted by Courts of Law. Undertaking the recommendations in the report may assist with meeting obligations under the Equality Act 2010 but does not guarantee this, as further adjustments may be needed as and when an individual’s particular disability requires. The Act does not contain prescriptive standards to improve accessibility or inclusion. As such, compliance with the Act cannot ultimately be determined. Only tangible standards set out in guidance documents can be referred to for compliance.

## Report Review

Issue Date	Version	Author	Notes	Sent for review to
	1.0	CAE	For internal review	CAE
	1.0	CAE	Draft review	1 <sup>st</sup> issue to LB Southwark
	1.1	Southwark	Draft review	CAE
	1.2	CAE	Initial report	Southwark
	1.5	CAE	Initial report	Internal review
6/2/24	1.7	CAE	Initial report update	Southwark
9/2/24	1.8	CAE	Final report draft	Southwark