

Equality Impact Assessment (EqIA) (including Welsh Language & Socio-economic Duty)

Mae'r ddogfen hon ar gael yn Gymraeg hefyd.

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|---|---|---------------------------------|------------|
| Name of Policy or Practice | Local Toilet Closures | | |
| Responsible Officer / Head of Department (responsible for the Policy or Practice) | Head of Environment, Roads & Facilities | | |
| Service / Department | Environment, Roads & Facilities | Start Date of Assessment | April 2024 |

| Name of officer(s) (and partners) completing the EqIA | | |
|--|-------------------------------------|---------------------|
| Name(s) | Job Title(s) | Signature(s) |
| | Business Improvement Manager | |
| | Facilities Manager | |
| | Senior Business Improvement Officer | |

*Consider including only job titles when publishing

| Document Version | Revision Date | Briefly Describe the Changes |
|-------------------------|----------------------|-------------------------------------|
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| EqIA Approved by Responsible Officer / Head of Department / Service / Committee | |
|--|---|
| Date EqIA Concluded | June 2024 |
| Name | |
| Job Title | Head of Environment, Roads & Facilities |
| Signature | |

Introduction

This document is a multi-purpose tool ensuring the appropriate steps are taken to comply with the [Public Sector Equality Duty](#) Equality Impact Assessment legislation and to demonstrate that we have shown due regard to the need to reduce inequalities of outcome resulting from socio-economic disadvantage when taking strategic decisions under the [Socio-economic Duty](#). It also ensures consideration of the [Welsh Language Standards](#).

When we plan to introduce a new, or revise an existing, policy or practice, make changes or cuts to a service or make strategic decisions, we are required to consider if the decision would have a disproportionate impact on people sharing one or more [protected characteristic](#) or whether it could create inequalities of outcome around socio-economic disadvantage. Where this is likely to be the case, we must take appropriate action. The EqIA process is not intended to prevent us doing things but to ensure we have considered the impact. It helps us focus on the actions we can take to remove and/or mitigate any disproportionate or discriminatory impact and introduce measures to advance equality of opportunity.

To comply with the [General Duty](#) and [Socio-economic Duty](#), we must have 'due regard' (or consciously consider the need) to: eliminate discrimination, advance equality of opportunity and foster good relations and to the need to reduce the inequalities of outcome resulting from socio-economic disadvantage. The greater the relevance and potential impact, the higher the regard required by the duty. The General Duty will be more relevant to some functions than others and they may also be more relevant to some protected characteristics than others. Our duty must be exercised with rigour, an open mind and considered at a time when it can make a difference to our decisions. Policies with high relevance, such as strategic budgetary decisions, grant-making programmes, changes to service delivery (including withdrawal or reorganisation of services), and recruitment or pay policies should always be subject to an assessment for impact. For further guidance see [EHRC Assessing Impact Guidance](#). Our duty to comply with this legislation cannot be delegated.

This form should demonstrate the steps taken to carry out the assessment including relevant engagement/consultation, the information taken into account, the results of the assessment and any decisions taken in relation to those results. The EqIA should be published where it shows a substantial (or likely) impact on our ability to meet the General Duty.

Benefits of undertaking an EqIA:

- Gain a better understanding of those who may be impacted by the policy or practice
- Better meet differing needs and become more accessible and inclusive
- Enable planning for success – identifies potential pitfalls and unintended consequences before any damage is done
- Enable improved planning that will make decisions proactive rather than reactive, avoid having to reverse decisions which could have cost and reputational implications
- Demonstrate decisions are thought through and have taken into account the views of those affected
- Enable us to manage expectations by explaining the limitations within which we are working (eg, budget)
- Help avoid risks and improve outcomes for individuals
- Remove inappropriate or harmful practices and eliminate institutional discrimination

- Ensure we put Welsh and English Language on an equal footing and that decisions are made that safeguard and promote the use of the Welsh language

Whilst this document may seem lengthy, as well as containing the necessary steps in the process, it also contains guidance notes in the key areas to assist you in undertaking the EqlA. Additional links to further information are also included for assistance. Further information can be found on NHS/ WLGA PSED/ EIA [here](#).

Equality and Welsh Language Impact Assessment Steps

- Step 1 - Identify the Main Aims and Objectives of the Policy or Practice
- Step 2 - Data, Engagement and Assessing the Impact
- Step 3 - Procurement and Partnerships
- Step 4 - Dealing with Adverse or Unlawful Impact and Strengthening the Policy or Practice
- Step 5 - Decision to Proceed
- Step 6 - Actions and Arrangements for Monitoring Outcomes and Reviewing Data
- Step 7 - Publishing the Equality Impact Assessment

Important Note to Completing Officer(s):

It is important that the EqlA is completed when the policy or practice is being developed so that the findings from the EqlA can be used to influence and shape the policy or practice. It is recommended as a minimum, it is completed by a lead officer who is responsible for the policy or practice, a subject matter expert and a critical friend with at least one who has received formal EqlA training. This document needs to be presented to the decision makers along with the draft policy or practice as part of the decision making process.

Where you are developing a high level strategy or plan that does not contain sufficient detail to show how it will impact on individuals or groups (ie, where there will be plans and actions sitting beneath the strategy that will determine this), you should still undertake the full Equality Impact Assessment. You may also need to complete additional EqlA(s) on the plans and actions beneath the high level strategy. This will ensure you demonstrate that you have shown due regard to complying with the [General Duty](#), the [Public Sector Equality Duty](#), the [Welsh Language Standards](#) and the [Socio-economic Duty](#).

If your policy or practice is as a result of a UK, Welsh Government or Local Authority wide directive, you should still assess the impact of this locally to identify any differential impact due to local difference.

You should consider whether other events, eg, Covid-19, Brexit, Black Lives Matter, etc, have highlighted or exacerbated inequalities that need to be addressed as you work through the EqlA.

STEP 1 - Identify the Main Aims and Objectives of the Policy or Practice

1. **What is being assessed?** (Please double click on the relevant box(es) (X) and select 'checked' as appropriate)

- New and revised policies, practices or procedures (which modify service delivery or employment practices)
- Service review or re-organisation proposals which affect the community and/or staff, eg, early years provision, care, education
- Efficiency or saving proposals, eg, resulting in a change in community facilities, activities, support or employment opportunities
- Setting budget allocations for new financial year and strategic financial planning
- Decisions affecting service users, employees or the wider community including (de)commissioning or revised services
- New project proposals affecting staff, communities or accessibility to the built environment, eg, new construction work or adaptations to existing buildings, moving to on-line services, self-service, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation (refer to any national EqIA and consider local impact)
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Service Boards which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services
- Other please explain in the box below:

2. **What are the overall aims, objectives and intended outcomes of the policy or practice?**

The Public Health (Wales) Act 2017 required Local Authorities to take a strategic view across their local area of how toilets can be provided and accessed by the local population, considering a range of options to make facilities available to the public. The Act does not require Local Authorities to

provide or maintain public toilets themselves. It does require them to consider all available options for providing public toilets through direct provision or working with private businesses to make facilities available to the public.

Conwy's Local Toilet Strategy, approved in November 2023, sets out the Council's plan to continue providing public toilets on a cost neutral basis.

In order to deliver this we have reviewed the public toilets in Conwy and determined that it is not possible to continue to provide the existing level of service in the current financial climate and that some facilities are unsustainable.

We no longer have budget to subsidise public toilets, so we have to recoup all running costs from paid-for facilities. We have considered how much facilities get used, where there are other toilets available, and how often facilities are vandalised.

We have written to Town and Community Councils and offered them an opportunity to sponsor the public toilets in their ward for the year 2024/25, only a small amount of positive responses were received to this request. We then wrote asked Town and Community Councils and Elected Members to encourage suitable businesses in their local area to apply to join the Community Toilet Scheme. Information on the Council's website about the scheme has been reviewed and improved.

Toilets in council buildings have been opened up to be available for public use.

By making toilets in Council buildings available for the public to use and continuing to promote our community toilet scheme, which both make facilities available to use free of charge, we are aiming to increase provision of public toilets. This may also provide a better standard of toilets compared to the aging public toilets that are being closed, with more facilities, such as baby change and accessible toilets.

3. Who are the main consultative groups (stakeholders)?

Users of public toilets
Town and Community Councils
Elected Members
Stakeholder groups representing protected characteristics
Local businesses

4. Is the policy related to, influenced by, or affected by other policies or areas of work (internal or external), eg, strategic EqlAs if this is an operational EqlA and vice versa?

STEP 2 - Data, Engagement and Assessing the Impact

When completing this section, you need to consider if you have sufficient information with which to complete your EqIA, or whether you need to undertake a period of engagement/consultation before continuing. The legislation relating to the EqIA process requires you to **engage and involve people who represent the interests of those who share one or more of the protected characteristics and with those who have an interest in the way you carry out your functions**. The socio economic duty also requires us to **take into account the voices of those in the community including those with lived experience of socio economic disadvantage**. You should undertake engagement with communities of interest or communities of place to understand if they are more affected or disadvantaged by your proposals so that you can address inequalities of outcome. This needs to be proportionate to the policy or practice being assessed. Remember that stakeholders can also include our own staff as well as partner organisations.

Before carrying out particular engagement activities, you should first look to data from recent consultations, engagement and research. This could be on a recent related policy or recent assessments undertaken by colleagues or other sources, eg, [Is Wales Fairer?](#), [North Wales Background Data Document](#), InfoBase Cymru, WIMD¹. This can help to build confidence among groups and communities, who can see that what they have said is being acted on. If you have very little or no information from previous engagement that is relevant to this EqIA, you should undertake some engagement work with your stakeholders and with relevant representative groups to ensure that you do not unwittingly overlook the needs of each protected group. It is seldom acceptable to state simply that a policy will universally benefit/disadvantage everyone, and therefore individuals will be affected equally whatever their characteristics. The analysis should be more robust than this, demonstrating consideration of all of the available evidence and addressing any gaps or disparities. Specific steps may be required to address an existing disadvantage or meet different needs.

The Gunning Principles, established from past court cases, can be helpful in ensuring we apply fairness in engagement and consultation:

Principle 1: Consultation must take place when the proposals are still at a formative stage. You must not have already made up your mind.

Principle 2: Sufficient reasons must be put forward to allow for intelligent consideration and response. Have people been given the information and opportunity to influence?

Principle 3: Adequate time must be given for consideration and response. Is the consultation long enough bearing in mind the circumstances?

Principle 4: The product of consultation must be conscientiously taken into account when finalising the decision.

5. Have you complied with the duty to engage as described above and are you sufficiently informed to proceed?

Yes No *(please cross as appropriate X)*

6. If Yes, what engagement activities did you undertake and who with?

¹ Wales Index of Multiple Deprivation

Consultation was undertaken with Town and Community Councils and Elected Members, offering an opportunity to collaborate to keep local toilets open. This resulted in agreement to sponsor 5 public toilets in Conwy, Trefriw and Llanfair TH.

Elected Members and Town & Community Councils were contacted and asked to encourage suitable businesses in their local area to apply for the Community Toilet Scheme. This was successful and resulted in 11 applications.

Service managers of Council buildings that are open to the public have agreed to make the toilets available for public use. This is applicable at 21 council buildings.

7. If No, you may wish to consider pausing at this point while you undertake (further) engagement activities which you can include in the action plan below. Please incorporate any information obtained from this additional activity in the boxes in question 8.

| Action | Dates | Timeframe | Lead Responsibility | Information added to EqIA (✓) |
|--------|-------|-----------|---------------------|-------------------------------|
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8. What information do you hold about the impact on each of the following characteristic and statutory considerations / duties from your experience of current service delivery and recent engagement or consultation? Include any additional relevant data; research and performance management information; surveys; Government, professional body or organisation studies; Census data; Is Wales Fairer? (EHRC² data); information from initial screening; complaints/compliments; service user data and feedback; inspections/ audits; socio-economic data including WIMD³ data. You may wish to include sub-headings showing where each element of your data has come from, eg, national data, local data, organisation data, general or specific engagement exercises, etc. Remember to consider Intersectionality issues, that is, the relationship between overlapping social identities (or socio-economic groups) and protected characteristics.

Consider any positive or negative impact including trends in data, geography (urban or rural issues), demography, access issues, barriers, etc. Also include any areas where there are inequalities of outcome resulting from socio-economic disadvantage or other relevant issues

² Equality and Human Rights Commission

³ Wales Index of Multiple Deprivation

identified by communities of interest or communities of place (ie, where stakeholders, service users, staff, representative bodies, etc. are grouped together because of specific characteristics or where they live) and any issues identified for people living in less favourable social and/or economic circumstances.

| Protected Characteristic /Group | Relevant Data | Positive and / or Negative Impact |
|--|--|--|
| Race | <p>National data on race shows that 2% of the population in Conwy are of Black, Asian and minority ethnic background, which is consistent with the population data for Wales.</p> <p>It is thought that there will be no differential impact on this protected group but we will endeavour to collect equality monitoring data on this protected characteristic where possible to monitor any potential impact.</p> | |
| Disability | <p>National data on disability status shows that 20% of the population of North Wales class themselves as having a disability, 79% class themselves as not disabled and 1% prefer not to say. Responses to the consultation in 2019 showed that 20% class themselves as having a disability and 10% preferred not to say.</p> <p>Although public toilets are closing in some areas the aim of the Local Toilet Strategy is looking to improve the provision of accessible toilets by working with businesses who have this type of facility to make them available and accessible to the public through the community toilet scheme.</p> <p>Allowing the public to use the toilets at Council buildings has further enhanced the availability and quality of disabled facilities.</p> <p>The impact on the group will be both positive and negative: Positive – increased provision of accessible toilets which may be of a better standard than the aging council run public toilets.</p> | Positive and negative |

| Protected Characteristic /Group | Relevant Data | Positive and / or Negative Impact | | | | | | | | | | | | | | | | | | | | | | | | |
|---------------------------------|---|-----------------------------------|-----------|-------------|-------|----|----|-------|-----|-----|-------|-----|-----|-------|-----|-----|-------|-----|-----|-------|-----|-----|-------|----|----|-----------------------|
| | <p>Negative – some accessible toilets are closing and may not be replaced with alternatives in the local area, this is dependent on the availability of businesses to sign up to the community toilet scheme and the location of suitable council buildings.</p> | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sex | <p>National statistics data shows the population of Conwy is 51% female, 49% male, which is consistent with the ratio of female / male in Wales.</p> <p>There was a higher response rate to the consultation in 2019 from females (65%) than males (29%).</p> <p>Although public toilets are closing in some areas the Local Toilet strategy is looking into the availability of non-gender specific toilets in businesses across Conwy to ascertain if it is possible to increase the number that are accessible to the public in the county.</p> | Positive | | | | | | | | | | | | | | | | | | | | | | | | |
| Age | <p>Responses to the public toilet consultation in 2019 were from a range of age groups and were generally consistent with the demographic of Conwy, with the exception of respondents in the age group 75-85 who were under-represented.</p> <table border="1" data-bbox="398 1139 1339 1442"> <thead> <tr> <th>Age range</th> <th>Responses</th> <th>Demographic</th> </tr> </thead> <tbody> <tr> <td>16-24</td> <td>6%</td> <td>9%</td> </tr> <tr> <td>25-34</td> <td>15%</td> <td>10%</td> </tr> <tr> <td>35-44</td> <td>20%</td> <td>10%</td> </tr> <tr> <td>45-54</td> <td>21%</td> <td>13%</td> </tr> <tr> <td>55-64</td> <td>20%</td> <td>15%</td> </tr> <tr> <td>65-74</td> <td>16%</td> <td>14%</td> </tr> <tr> <td>75-85</td> <td>3%</td> <td>9%</td> </tr> </tbody> </table> | Age range | Responses | Demographic | 16-24 | 6% | 9% | 25-34 | 15% | 10% | 35-44 | 20% | 10% | 45-54 | 21% | 13% | 55-64 | 20% | 15% | 65-74 | 16% | 14% | 75-85 | 3% | 9% | Positive and negative |
| Age range | Responses | Demographic | | | | | | | | | | | | | | | | | | | | | | | | |
| 16-24 | 6% | 9% | | | | | | | | | | | | | | | | | | | | | | | | |
| 25-34 | 15% | 10% | | | | | | | | | | | | | | | | | | | | | | | | |
| 35-44 | 20% | 10% | | | | | | | | | | | | | | | | | | | | | | | | |
| 45-54 | 21% | 13% | | | | | | | | | | | | | | | | | | | | | | | | |
| 55-64 | 20% | 15% | | | | | | | | | | | | | | | | | | | | | | | | |
| 65-74 | 16% | 14% | | | | | | | | | | | | | | | | | | | | | | | | |
| 75-85 | 3% | 9% | | | | | | | | | | | | | | | | | | | | | | | | |

| Protected Characteristic /Group | Relevant Data | Positive and / or Negative Impact |
|--|---|--|
| | <p>Information published by the Older People’s Commissioner for Wales has highlighted that the availability of toilets is of particular importance to this protected characteristic.</p> <p>Research carried out by the Older People’s Commissioner for Wales has found that concerns about accessing public toilets can be a barrier and can discourage some older people (aged 60+) from leaving their homes, particularly people with medical conditions.</p> <p>The Commissioner states that actions from Local Authorities such as working with local businesses to expand public toilet provision could bring significant benefits to this group.</p> <p>Although public toilets are closing in some areas the Local Toilet Strategy is looking to work with local businesses and opening up toilets in Council buildings to fill gaps in the provision of local toilets across the county.</p> <p>Information on the location of toilets that are available for public use will be available on the council’s website to ensure the public can find out where the nearest toilet is.</p> <p>Businesses who are part of the community toilet scheme will display a sign in a prominent position to inform the public that the toilets are available for use.</p> <p>The impact on the group will be both positive and negative: Positive – increased provision of accessible toilets which may be of a better standard than the aging council run public toilets.</p> | |

| Protected Characteristic /Group | Relevant Data | Positive and / or Negative Impact |
|--|--|--|
| | <p>Negative – some accessible toilets are closing and may not be replaced with alternatives in the local area, this is dependent on the availability of businesses to sign up to the community toilet scheme and the location of suitable council buildings.</p> | |
| Religion & Belief | <p>National data on religion in Wales show that 53% of the population of North Wales report their religion as Christian, 44% state no religion and 2% report other religions.</p> <p>It is thought that there will be no differential impact on this protected group but we will endeavour to collect equality monitoring data on this protected characteristic where possible to monitor any potential impact.</p> | |
| Sexual Orientation | <p>National data on sexual orientation shows that in North Wales, 96% are heterosexual, 1% gay or lesbian and 0.3% other.</p> <p>It is thought there will be no differential impact on this protected group.</p> | |
| Gender Reassignment | <p>No data relating to gender reassignment or transgender is currently available at local authority or national level.</p> <p>The older public toilet facilities in Conwy are predominantly separated into male/ female facilities whereas many facilities that have been upgraded are unisex.</p> <p>Although local toilets are closing in some areas the Local Toilet strategy is looking into the availability of non-gender specific toilets in businesses across Conwy to ascertain if it is possible to increase the number that are accessible to the public.</p> | Positive |

| Protected Characteristic /Group | Relevant Data | Positive and / or Negative Impact |
|---|---|--|
| Marriage & Civil Partnership | <p>National statistics data on marital status in Wales shows the demographic in North Wales as single (34%), married (50%), widowed (7%) and divorced (9%).</p> <p>It is thought there will be no differential impact on this protected group.</p> | |
| Pregnancy & Maternity | <p>Population data from 2021 shows that 3% of the population in Conwy are aged under 2. 15% of respondents to the consultation in 2019 stated baby change facilities as a facility they would use and many comments related to the need for more baby change facilities.</p> <p>Although local toilets are closing in some areas the Local Toilet Strategy is looking into the availability of baby changing facilities in businesses across Conwy to ascertain if it is possible to increase the number that are accessible to the public.</p> | Positive |
| Welsh Language | <p>No data was collected in relation to the preferred language of respondents to the consultation however all information relating to public toilets is provided in bilingual format therefore it is thought there will be no differential impact on this protected group.</p> | |
| Socio Economic Considerations | <p>Socio economic data relating to Conwy shows that 33% of households have an income below 60% of the Great Britain median, which identifies them as living in poverty.</p> <p>As part of the Local Toilet strategy Conwy County Borough Council will engage with local businesses and encourage them to make their toilets available to the public without an obligation to purchase products or services, which would have a positive impact on this group.</p> | Positive |

| Protected Characteristic /Group | Relevant Data | Positive and / or Negative Impact |
|---------------------------------|--|-----------------------------------|
| | | |
| Human Rights | In accordance with article 14 of the Human Rights Act 1998 we will work to ensure no protected characteristic is treated less favourably than any other in relation to accessing public toilets. | |
| Other (please state) | | |

| | |
|--|---|
| Human Rights Act 1998 <ul style="list-style-type: none"> • Article 2 Right to life • Article 3 Freedom from torture and inhuman or degrading treatment • Article 4 Freedom from Slavery and forced labour • Article 5 Right to liberty and security • Article 6 Right to a fair trial • Article 7 No punishment without law | <ul style="list-style-type: none"> • Article 8 Respect for private life, family, home and correspondence • Article 9 Freedom of thought, belief and religion • Article 10 Freedom of expression • Article 11 Freedom of Assembly and association • Article 12 Right to marry and start a family • Article 13 Right to access effective remedy if rights are violated • Article 14 Protection from discrimination |
|--|---|

9. Are there any data or information gaps and if so what are they and how do you intend to address them?

Consultation responses have given us some data to work with but we will look to collect more equality monitoring data from users of public toilets through future consultation. This will enable us to identify the protected groups who may be differentially impacted by any changes to the service and to engage directly as required.

Note: If it is not possible to obtain this information now, you should include this in your action plan in Step 6 so that this information is available for future EqIAs.

10. If this EqIA is being updated from a previous version of a similar policy or practice, were the intended outcomes of the proposal last time achieved or were there other outcomes? (Please provide details, for example, was the impact confined to the people you initially thought would be affected, or were other people affected and if so, how?)

Local Toilet Strategy EqIA

11. What does your proposal include to demonstrate you have given due regard to the Public Sector Equality Duty (to advance equality of opportunity; help to eliminate unlawful discrimination, harassment, or victimisation and foster good relations and wider community cohesion; as covered by the 3 aims of the General Duty in the Equality Act 2010)?

Conwy's Local Toilet Strategy, approved in November 2023, sets out the Council's plan to continue providing public toilets on a cost neutral basis. In order to deliver this we have reviewed the public toilets in Conwy and determined that it is not possible to continue to provide the existing level of service in the current financial climate and that some facilities are unsustainable.

We no longer have budget to subsidise public toilets, so we have to recoup all running costs from paid-for facilities. We have considered how much facilities get used, where there are other toilets available, and how often facilities are vandalised to ensure the service can continue in a way that is sustainable under current and future financial pressures whilst meeting the needs of residents and visitors to Conwy.

12. How does your proposal demonstrate you have given due regard to the need to address inequalities of outcome as a result of socio-economic disadvantage? (Please note that this is about closing inequality gaps rather than just improving outcomes for everyone.)

It is thought that the closure of toilets will have no differential impact on socio-economically disadvantaged groups as it effects people from all socio-economic backgrounds the same.

13. How does your proposal ensure that you are working in line with the requirements of the Welsh Language Standards (Welsh Language Measure (Wales) 2011), to ensure the Welsh language is not treated less favourably than the English language, and that every opportunity is taken to promote the Welsh language (beyond providing services bilingually) and increase opportunities to use and learn the language in the community?

It is thought there will be no differential impact on this protected group. We will ensure all information relating to local toilets is provided in bilingual format.

14. What is the cumulative impact of this proposal on different protected groups when considering other key decisions affecting these groups made by the organisation? (You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups more adversely because of other decisions the organisation is making, eg, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, eg, disabled people, older people, single parents (who are mainly women), etc)

Although there may be some impact on some of the protected groups, as detailed above, the Local Toilet Strategy aims to enhance local toilet provision through exploring opportunities with Town and Community Councils, local businesses and other Council buildings to provide local toilets across the county and improve the provision in some areas.

15. How does this proposal meet with the 7 goals of the Well-being of Future Generations (Wales) Act 2015 including to create a More Equal Wales? (Summarise findings if you may have already considered this as part of the screening process)

Although there will be closures of public toilets in some areas, delivery of the Local Toilet strategy aims to continue providing public toilets on a cost neutral basis by working with local businesses and town and community councils to increase the number and improve the standard of toilets that are available for public use in Conwy. This will meet the goals of the Wellbeing of Future Generations Act giving consideration to prosperity, resilience, health, equality, culture and global responsibility.

16. Describe any intended negative impact identified and explain why you believe this is justified (for example, on the grounds of advancing equality of opportunity or fostering good relations between those who share a protected characteristic and those who do not or because of an objective justification¹ or positive action²)

Although some potential negative impacts have been identified, where this is the case actions have also been identified which will result in a positive impact, as detailed above.

Note¹: Objective Justification - gives a defence for applying a policy, rule or practice that would otherwise be unlawful direct or indirect discrimination. To rely on the objective justification defence, the employer, service provider or other organisation must show that its policy or rule was for a good reason – that is 'a proportionate means of achieving a legitimate aim'. A **legitimate aim** is the reason behind the discrimination which must not be discriminatory in itself and must be a genuine or real reason, eg, health, safety or welfare of individuals. If the aim is simply to reduce costs because it is cheaper to discriminate, this will not be legitimate. Consider if the importance of the aim outweighs any discriminatory effects of the unfavourable treatment and be sure that there are no alternative measures available that would meet the aim without too much difficulty (proportionate) and would avoid the discriminatory effect.

Note²: Positive Action - The Equality Act 2010 allows for positive action towards a specific group if there is sufficient evidence of need. For example, where an employer takes specific steps to improve equality in the workplace to address any imbalance of opportunity, lessen a disadvantage or increase participation in a particular activity, by, say, increasing the number of disabled people in senior roles where they are under-represented by targeting specific groups with job adverts or offering training to help create opportunities for certain groups. The public sector is expected to consider the use of positive action to help them comply with the Public Sector Equality Duty.

17. Could any of the negative impacts identified amount to unlawful discrimination but are perceived to be unavoidable (eg, reduction in funding)?

Yes No Not Sure *(Please double click on the relevant box (X) and select 'checked' as appropriate)*

18. If you answered Yes or Not Sure to question 17, please state below, which protected group(s) or other groups this applies to and explain why (including likely impact or effects of this proposed change)

19. If you answered No to question 17, are there any barriers identified which amount to a differential impact for certain groups and what are they?

No barriers have been identified to date. We will continue to consult with relevant stakeholders and assess the impacts at different stages. It has been identified that changes to the public toilet service may have more impact (both positive and negative) on certain groups including disability, age, pregnant/ maternity and gender reassignment and stakeholder groups representing these characteristics will be included in consultation on any changes where they may be differentially impacted.

STEP 3 - Procurement and Partnerships

The Public Sector Equality Duty (PSED) requires all public authorities to consider the needs of protected characteristics when designing and delivering public services, including where this is done in partnership with other organisations or through procurement of services. The Welsh Language Standards also require all public authorities to consider the effects of any policy decision, or change in service delivery, on the Welsh language, which includes any work done in partnership or by third parties. We must also ensure we consider the Socio-economic Duty when planning major procurement and commissioning decisions to consider how such arrangements can reduce inequalities of outcome caused by socio-economic disadvantage.

When procuring works, goods or services from other organisations (on the basis of a relevant agreement), we must have due regard to whether it would be appropriate :

- for the award criteria for that contract to include considerations to help meet the General Duty (to eliminate discrimination, promote equality of opportunity and foster good relations);
- to stipulate conditions relating to the performance of the contract to help meet the three aims of the General Duty.

This only applies to contractual arrangements that are “relevant agreements” which means either the award of a ‘public contract’ or the conclusion of a ‘framework agreement’, both of which are regulated by the Public Sector Directive (Directive 2004/18/EC) which regulates the specified EU thresholds. Further information can be found [here](#).

We must consider how such arrangements can improve equal opportunities and reduce inequalities of outcome due to protected characteristics and caused by socio-economic disadvantage, particularly on major procurement and commissioning decisions. The PSED applies to the work that private sector organisations undertake when delivering a public function on our behalf. We therefore need to ensure that those organisations exercise those functions by ensuring our procurement and monitoring of those services complies with the General Duty under Section 149 of the Equality Act 2010. In the same way, the Welsh Language Standards applies to any work undertaken on behalf of, and in the name of, public bodies that are themselves subject to the Standards, and so consideration should be given to how these requirements are monitored and communicated through the procurement documents. The Socio Economic Duty does not pass to a third party through procurement, commissioning or outsourcing. Therefore when we work in partnership with bodies not covered by the Socio Economic Duty, the duty only applies to us as the relevant public body.

20. Is this policy or practice to be carried out wholly or partly by contractors or in partnership with another organisation(s)?

Yes No (Please double click on the relevant box (X) and select 'checked' as appropriate)

If No, please proceed to Step 4

21. If Yes, what steps will you take to comply with the General Equality Duty, Human Rights and Welsh Language Legislation and the Socio-Economic Duty in regard to procurement and/or partnerships? Think about :

Procurement

- Setting out clear equality expectations in Tendering and Specification documentation, showing how promotion of equality may be built into individual procurement projects
- On what you based your decisions in the award process, including consideration of ethnical employment and supply chain code of practice
- Ensure that contract clauses cover the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 and socio-economic requirements as well as Welsh Language Duties (remember that any duties from the Welsh Language Measure 2011 and Welsh Language Standards are also applicable to services provided on your behalf under contract by external bodies).
- Performance and Monitoring measures are included to monitor compliance, managing and enforcing contracts

Partnerships

Be clear about who is responsible for :

- Equality Monitoring relevant data
- Equality Impact Assessments
- Delivering the actions from the EqIA
- Ensuring that equality, human rights and Welsh Language legislation is complied with by all partners
- Demonstrating due regard to the Public Sector Equality Duty and the Socio-Economic duty

We are looking to work collaboratively with town and community councils to keep local toilets open and to apply for grant funding where available to make improvements to existing toilets.
We will take the lead on ensuring equality monitoring data is collected and protected and that equality impact assessments are completed when required.
We will ensure all partners have an opportunity to contribute to this information.

STEP 4 - Dealing with Adverse or Unlawful Impact and Strengthening the Policy or Practice

22. When considering proportionality, does the policy or practice have a significantly positive or negative impact or create inequalities of outcome resulting from socio-economic disadvantage? (Please give brief details)

| Significantly positive impact | Significantly negative impact |
|--|---|
| We are seeking to improve the standard of toilet facilities available for public use through various explorations outlined in the strategy | The possibility of closure of some toilet facilities due to vandalism where repairs are deemed unaffordable |
| We are seeking to increase the number of toilets available for public use through the community toilet scheme and opening up Council buildings | |
| | |

23. It is important that you record the mitigating actions you will take in developing your final policy/practice draft. Record here what measures or changes you will introduce to the policy or practice in the final draft which could reduce or remove any unlawful or negative impact or disadvantage and/or improve equality of opportunity/introduce positive change; or reduce inequalities of outcome resulting from socio-economic disadvantage? (This could also inform the Action Plan in Q34)

| Unlawful or Negative Impact Identified | Mitigation / Positive Actions Taken in the Policy/Practice | Completed (✓) |
|---|---|---------------|
| Closure of public toilets deemed unsustainable to continue operating Future closure of public toilets due to vandalism where repairs are deemed unaffordable | Exploring opportunities to work with Town and Community Councils to keep facilities open. Reviewing the community toilet scheme in Conwy with a view to improving the quality and number of toilets available for public use. Make toilets at Council buildings accessible for public use, where appropriate. | |
| | | |
| | | |

24. Will these measures remove any unlawful impact or disadvantage?

Yes No (Please double click on the relevant box (X) and select 'checked' as appropriate)

25. If No, what actions could you take to achieve the same goal by an alternative means?

26. What other measures or changes could you include to strengthen or change the policy/practice to demonstrate you have given due regard to the Public Sector Equality Duty? (To advance equality of opportunity; help to eliminate unlawful discrimination, harassment or victimisation; and foster good relations and wider community cohesion; as covered by the 3 aims of the General Duty in the Equality Act 2010)

The closure of these toilets are part of the delivery of the Local Toilet Strategy. We will ensure stakeholders are kept informed and we aim to work collaboratively with town and community councils and elected members, who are representatives in our communities, and hope they will provide feedback from their residents from different characteristic groups.

27. What other measures or changes could you include to strengthen or change the policy/practice to demonstrate you have given due regard to the need to reduce inequalities of outcome as a result of socio-economic disadvantage?

The closure of these toilets are part of the delivery of the Local Toilet Strategy. We will ensure stakeholders are kept informed and we aim to work collaboratively with town and community councils and elected members, who are representatives in our communities, and hope they will provide feedback from their residents from different characteristic groups.

28. What other measures or changes could you include to strengthen or change the policy/practice to demonstrate you have followed important legislative considerations to increase opportunities to use the Welsh language and in treating the Welsh language no less favourably than the English language as set out in the Welsh Language (Wales) Measure 2011 and to reduce or prevent any adverse effects that the policy/practice may have on the Welsh language?

The closure of these toilets are part of the delivery of the Local Toilet Strategy. We will ensure stakeholders are kept informed and we aim to work collaboratively with town and community councils and elected members, who are representatives in our communities, and hope they will provide feedback from their residents from different characteristic groups.

29. Do you have enough information to make an informed judgement?

Yes No *(Please double click on the relevant box (X) and select 'checked' as appropriate)*

30. If you answered Yes, please justify:

The local toilet strategy aims to deliver public toilets in a cost neutral way. The closure of these toilets are part of this, alongside working with Town and Community Councils, elected members and local businesses to increase the provision of public toilets in Conwy County.

31. If you answered No, what information do you require and what do you need to do to make a decision?

(Note: Should data collection be included in the action plan (Step 6)?)

[You may need to stop here until you have obtained the additional information]

STEP 5 - Decision to Proceed

32. Using the information you have gathered in Steps 1 – 4 above, please state on the table below whether you are able to proceed with the policy or practice and if so, on what basis?

(Please double click on the relevant box (X) and select 'checked' as appropriate)

| Decision | |
|---|---|
| <input type="checkbox"/> Yes | Continue with policy or practice in its current form |
| <input type="checkbox"/> Yes | Continue with policy or practice but with amendments for improvement or to remove any areas of adverse impact identified in Step 4 |
| <input checked="" type="checkbox"/> Yes | Continue with the plan as any detrimental impact can be justified |
| <input type="checkbox"/> No | Do not continue with this policy or practice as it is not possible to address the adverse impact. Consider alternative ways of addressing the issues. |

33. Are there any final recommendations in relation to the outcome of this Equality Impact Assessment?

STEP 6 - Actions and Arrangements for Monitoring Outcomes and Reviewing Data

The EqIA process is an ongoing one that doesn't end when the policy/practice and EqIA is agreed and implemented. There is a specific legal duty to monitor the impact of policies/practices on equality on an ongoing basis to identify if the outcomes have changed since you introduced or

amended this new policy or practice. If you do not hold relevant data, then you should be taking steps to rectify this in your action plan. To review the EHRC guidance on data collection you can review their [Measurement Framework](#).

34. Please outline below any actions identified in Steps 1-5 or any additional data collection that will help you monitor your policy/practice once implemented:

| Action | Dates | Timeframe | Lead Responsibility | Add to Service Plan (✓) |
|---|-------|-----------|------------------------------|-------------------------|
| A public consultation will be undertaken online during 2025 to gather views on the public toilets service and to gather additional monitoring data on service users | 2025 | | Business Improvement Manager | |
| | | | | |
| | | | | |

35. Please outline below what arrangements you will make to monitor and review the ongoing impact of this policy or practice including timescales for when it should be formally reviewed:

| Monitoring and Review arrangements (including where outcomes will be recorded) | Timeframe & Frequency | Lead Responsibility | Add to Service Plan (✓) |
|---|-----------------------|------------------------------|-------------------------|
| The cost of delivering the public toilet service in 2024/25 will be reviewed in April 2025 to determine future sustainability of the service | April 2025 | Facilities Manager | |
| A public consultation will be undertaken online during 2025 to gather views on the public toilets service and to gather additional monitoring data on service users | 2025 | Business Improvement Manager | |
| | | | |

STEP 7 - Publishing the Equality Impact Assessment

Please arrange for this completed EqIA to be agreed by your Head of Service/Department and arrange for translation and publishing with a copy sent to the Equality Officer.