

## St Cleer Parish Council Equality Impact

### Background

As a Parish Council, St Cleer has a legal responsibility to ensure that its policies, procedures and functions do not adversely affect the different sections of its diverse community. Discrimination is defined as 'where someone is treated less favourably or put at a disadvantage because of their protected characteristic (such as gender, race or disability) than others without that characteristic'.

St Cleer provides facilities not services therefore this policy relates exclusively to Policy and Procedure (including letting of allotments and the hire / use of the sports and community facilities)

Equality Impact Assessments (EqIA) provide a framework through which each Parish policy or facility is considered in relation to its impact across the **9 protected characteristics of equality**:

- age
- disability
- gender reassignment
- marriage and civil partnerships
- pregnancy and maternity
- race
- religion and belief
- sex and sexual orientation

If an adverse impact is identified then, wherever possible, attempts need to be made to remove or minimise this impact. Ideally, an impact assessment should form part of any new policy or practice and be factored in as early as one would for other considerations such as risk, budget or health and safety. Sometimes EIAs are done retrospectively. The important thing is that they are done. St Cleer recognises that it is in the process of reviewing all of its policies and procedures and this policy sets out the need to factor in EqIA in that, wider, programme *as they relate to policies and practices that are relevant* to equality, under the Race, Disability and Gender Duties.

**Relevance** is to do with whether the policy or practice affects people because of race, disability or gender. Since recruitment could be subject to bias (designed or default) it is considered relevant; since internal control mechanisms in finance at St Cleer with only 1 employee involved, they could be defined as irrelevant as no one would be disadvantaged checking compliance with the Financial Regulations.

St Cleer as a small Parish needs to recognise that its responses need to be **proportionate** to the organisation and as a result to make assessment and change as simple as possible, whilst promoting and safeguarding the protected characteristics.

The Duties also distinguish between '**major**' and '**minor**' policies and practices. The term 'major' describes the importance of the policy or practice to the organisation. All of those deemed 'major' will likely need impact assessments again recruitment would factor here and also procurement where diversity clearly needs to be considered in the purchase, for example, of community benches but not cleaning materials.

They are not only about addressing discrimination or adverse impact. They are about positive promotion of equality of opportunity, improving access, participation in public life and good community relations

### Process

The Group that 'owns' this policy and procedure is the HR Group since the major policies and practices will form under that remit; they may refer certain matters to FGPC, Estates or Parish should they consider that their purview is being exceeded.

The Relevant Policy list of the Council, these will be assessed by 2 Councillors and the Clerk using the simple EQIA form at Appendix 1

Where action needs to be taken, the usual motions process (as outlined in the standing orders) will be employed to manage change and will be recorded in section 3 of the form.

It is noted that this policy has a short 'shelf life' and recognises the legacy issues within the Parish in relation to Policy and Procedure and the aspiration of the Council to improve this situation significantly.

This policy will be reviewed once all policies that are 'relevant' have been reviewed using this simple process and a further informed policy agreed.

**Relevant Policies include:**

- Publications Statement
- Social Media Policy
- Officer Member Protocol
- Code of Conduct
- Standing Orders
- Financial Regulations
- Best Value Statement
- Data Protection Policy
- Recruitment Policy
- Discipline and Grievance Policy
- Capability Policy
- Lone Working Policy
- Complaints Policy
- Approved Contractor application form
- Policy for dealing with abusive, persistent or vexatious matters
- Pavilion Booking Process
- Allotments Hire Agreement
- Planning Coordinator Role
- Training Policy
- More Policies may be added to this list by the HR Group

Date by which all named policies will be reviewed 1.4.2020

**Document Control:**

|                             |         |
|-----------------------------|---------|
| Date                        | 2.7.19  |
| Present to HR Group         | 31.7.19 |
| Present and agree at Parish | 25.9.19 |

Policy \_\_\_\_\_

Date \_\_\_\_\_

Assessors \_\_\_\_\_

1 Are a particular group at a disadvantage as a result of the Policy under assessment?

| Protected Characteristic                                                                                           | Yes | No |
|--------------------------------------------------------------------------------------------------------------------|-----|----|
| Age (Younger People (17-25) and Children / Older People (60+))                                                     |     |    |
| Gender (Men / Women / Other)                                                                                       |     |    |
| Race                                                                                                               |     |    |
| Disability (Learning Difficulties / Hearing Impairment / Visual Impairment / Physical Disability / Mental Illness) |     |    |
| Religion / Belief                                                                                                  |     |    |
| Sexual Orientation (LGBTQ)                                                                                         |     |    |
| Gender Re-assignment                                                                                               |     |    |
| Marriage & Civil Partnership                                                                                       |     |    |
| Pregnancy & Maternity                                                                                              |     |    |

2 What is the level of impact?

| Key Consideration                                                                                                   | Yes | No |
|---------------------------------------------------------------------------------------------------------------------|-----|----|
| Could the Policy or the way in which it is carried out have a negative impact on relations between different groups |     |    |
| Is the negative impact, if any, unavoidable?                                                                        |     |    |
| Can the aims be achieved without causing a negative impact?                                                         |     |    |
| Could taking particular measures reduce the negative impact?                                                        |     |    |
| Is further research or consultation necessary?                                                                      |     |    |

3 Action

|                                                                                                                        |                     |              |
|------------------------------------------------------------------------------------------------------------------------|---------------------|--------------|
| <b>Outcome</b> – specify if it is considered that any legislation (see Appendix 3) may have been or may be compromised |                     |              |
|                                                                                                                        |                     |              |
| <b>Action Plan</b> – Use separate sheet if required                                                                    |                     |              |
|                                                                                                                        |                     |              |
| Date of HR Committee:                                                                                                  |                     |              |
| <b>Result of Consultation with HR</b> Use separate sheet if required                                                   |                     |              |
|                                                                                                                        |                     |              |
| Date of Parish Council:                                                                                                |                     |              |
| <b>Outcome of PC Meeting</b> Use separate sheet if required                                                            |                     |              |
|                                                                                                                        |                     |              |
| <b>Date for next review</b>                                                                                            |                     |              |
| <b>Signed</b>                                                                                                          |                     |              |
| <b>Councillor 1</b>                                                                                                    | <b>Councillor 2</b> | <b>Clerk</b> |
|                                                                                                                        |                     |              |

**The following are key points to consider when undertaking your EIA with regard to each of the following Protected Characteristics:**

**11.1**

**AGE:**

- Any discriminatory employment practices including recruitment, personal development, promotion, entitlements and retention.
- Services should be provided, regardless of age, on the basis of clinical need alone.

**11.2**

**DISABILITY:**

- Reasonable steps that can be taken to accommodate the disabled persons requirements, including:
  - Physical access
  - Format of information
  - Time of interview or consultation event
  - Personal assistance
  - Interpreter
  - Induction loop system
  - Independent living equipment
  - Content of interview of course etc.
- Steps to make reasonable adjustments to service delivery and employment practices to ensure 'accessible to all'.

**11.3**

**GENDER REASSIGNMENT:**

The process of transitioning from one gender to another.

- Equal access to recruitment, personal development, promotion and retention.
- Equality of opportunity in relation to health care for individuals irrespective of whether they are male or female.
- The maintenance of confidentiality about an individual's sexuality.

**1.4**

**MARRIAGE AND CIVIL PARTNERSHIP:**

- Equal access to recruitment, personal development, promotion and retention.
- Equality of opportunity in relation to health care for individuals irrespective of whether they are single, divorced, separated, living together or married or in a civil partnership.

11.5

### **PREGNANCY AND MATERNITY:**

- Equal access to recruitment, personal development, promotion and retention for female employees who are pregnant or on maternity leave.
- Equality of opportunity in relation to health care for women irrespective of whether they are pregnant or on maternity leave.
- Unlawful to treat a woman unfavourably because she is breast feeding.

11.6

### **RACE AND ETHNICITY:**

- The provision of an interpreter for people whose first language is not English.
- Written communication and the use of language particularly jargon or colloquialisms etc.
- Respect in terms of religion, belief and culture.

11.7

### **RELIGION / BELIEF AND CULTURE:**

- Prayer facilities for service users and staff.
- Dietary requirements.
- Gender of staff when caring for patients of opposite sex.
- Respect for requests from staff to have time off for religious festivals and strategies.
- Respect for dress codes (To view the Trust's Dress Code, please visit the Trust's Intranet Website, Policy Library, HR Policies) or click on the following link [Dress\\_Code\\_PolicyJan2008.pdf](#)

11.8

### **SEX / GENDER:**

- Equal access to recruitment, personal development, promotion and retention.
- Childcare arrangements that do not exclude a candidate from employment and the need for flexible working.
- The provision of single sex facilities, toilets, wards etc.
- Equality of opportunity in relation to health care for individuals irrespective of whether they are male, female, single, divorced, separated, living together or married.

11.9

### **SEXUAL ORIENTATION:**

- Recognition and respect of individual's sexuality.
- Recognition of same sex relationships in respect to consent.
- The maintenance of confidentiality about an individual's sexuality.

### **Human Rights Act 1998**

The Human Rights Act 1998 incorporates the principles of the European Convention on Human Rights (1953) and Fundamental Freedoms (ECHR) into English domestic law and is directly enforceable against state and public authorities.

The Human Rights Act allows individuals and organisations to go to court or to a tribunal to seek a remedy if they believe that the rights conferred on them by the European Convention have been violated by a public authority. The ECHR gives people three types of rights: Absolute Rights (no exceptions) / Limited Rights and Qualified Rights.

Every public authority - including courts and tribunals – have to comply with the Act (and therefore with the European Convention).

The Act provides service users with a vehicle through which they can ensure that their human rights are fully taken into account when decisions regarding access to treatment and services are taken.

The Act also covers the right to life or quality of life by providing a mechanism for demanding life saving treatment and for non-life saving treatment where denial would have a severe impact upon the quality of that individuals life. Failure to facilitate equal access to health care can also breach The Human Rights Act.

### **Equality Act 2010**

On 1<sup>st</sup> October 2010, the Government introduced the Equality Act. This Act brings together, harmonises and extends current equality law. It replaces the existing anti-discrimination laws with a single act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it.

The Equality Act 2010 consolidates existing legislation on sex, race, disability, sexual orientation, religion or belief and age and brings together over 116 separate pieces of legislation into one Single Act. It strengthens the law to tackle discrimination and inequality. The aim of the Equality Act is to fight discrimination in all its forms and help to make equality a reality for everyone.

#### **The 9 main pieces of legislation that have merged are:**

- The Equal Pay Act 1970
- The Sex Discrimination Act 1975
- The Race Relations Act 1976
- The Disability Discrimination Act 1976
- The Employment Equality (Religion or Belief) Regulations 2003
- The Employment Equality (Sexual Orientation) Regulations 2003
- The Employment Equality (Age) Regulations 2006
- The Equality Act 2006, Part 2
- The Equality Act (Sexual Orientation) Regulations 2007

#### **One Single Public Sector Equality Duty.**

All Public Authorities must in the exercise of its functions have due regard to the need to:

- Eliminate discrimination, harassment, victimisation, and any other conduct prohibited under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristics and those who do not;
- Foster good relations between persons who share a relevant protected characteristic and those who do not.

The **'Grounds'** upon which discrimination is unlawful has been replaced by the term **'Protected Characteristics'**. Under the Equality Act 2010, it is unlawful to discriminate (treat less favorably) either directly or indirectly because of a protected characteristic in relation to employment; supply of goods and services including education etc.

**Protected Characteristics::**

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation.

The Equality Act 2010 has strengthened and extended the types of discrimination in order to eliminate discrimination, harassment, victimisation.

These include:

- Direct Discrimination
- Indirect Discrimination
- Associative Discrimination
- Perception
- Victimisation
- Harassment
- Third Party Harassment

**What the Equality Bill Does:**

- Introduces a new public sector duty to include **reducing socio economic inequalities**.
- Using **public procurement** to improve equality.
- Revising definition of **gender reassignment**.
- Banning **age discrimination** outside the work place.
- Requiring **gender pay** and employment equality publishing.
- New equality duty on public bodies.
- Extending the scope to use **positive action** to recruit a wider range of people.
- Strengthening the **powers of employment tribunals**.
- Protecting **people from discrimination by association** (e.g. carers / partners of transsexual people) from discrimination.
- Offering new mothers stronger protection when **breast feeding**.
- Banning discrimination in **Private Members Clubs**.
- Strengthening protection from discrimination for **disabled people**. Requires "reasonable adjustments" to be made in particular circumstances in relation to people with disabilities.
- Protecting people from **dual** discrimination (direct discrimination because of a combination of two protected characteristics)
- Providing new protection if you experience discrimination because you are **wrongly thought to have a protected characteristic**.

Ad