

Assessing Equality – The Equality Act 2010

INTRODUCTION

The Equality Act 2010 reminded all public authorities of their duty 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.

The protected groups (previously known as equality strands) are as follows:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Gender
- Sexual orientation
- Marriage and civil partnerships (eliminate unlawful discrimination only)

Other legislation and practice has determined that we extend this to cover:

- Human Rights
- Socio Economic factors

The duty reminds us of the need to analyse the effect of existing and new policies and practices on equality.

The equality analysis should be proportionate and relevant – not just a tick box exercise. In some cases the written record will be a quick set of bullet points or notes under each heading. Others will need a more detailed explanation.

However, legal case law makes it clear that we must carry out the analysis **before making the relevant policy decision**.

A meaningful equality analysis will help the Council make the best decisions or formulate a policy which best meets our customers needs.

Once a Customer Impact Assessment (replacing our existing Equality Impact Assessment) has been completed there is no need to automatically carry out a new assessment each year. A review assessment has been put in place, and can be completed if there has been no change to the original policy, the way it’s implemented and its customer impact.

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A SIMPLE GUIDE TO ASSESSING EQUALITY

What is Customer Impact Assessment (CIA)?

- CIA is the act of systematically assessing the likely (or actual) effects of policies or services on people based on the following:
 - Age
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Gender
 - Sexual orientation
 - Marriage and civil partnerships
 - Human Rights
 - Socio Economic factors

This means considering the above, as set out in the table below, in relation to a policy, practice or service, before a decision is made.

	Eliminating unlawful discrimination, harassment and victimisation	Advancing equality of opportunity between different groups	Fostering good relations between different groups
Disability			
Age			
Pregnancy and maternity			
Race			
Religion or belief			
Sex/ Gender			
Gender reassignment			
Sexual orientation			
Human Rights			
Socio Economic Factors			
Marriage and civil partnerships			

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- You are looking for opportunities to promote equality, and good relations between all groups as well as removing or mitigating negative or adverse impacts.
- Remember it might not be possible to remove all barriers to service or your policy or practice may have a negative impact on certain groups ... please note anything of this nature

Why is it important?

- Assessing equality issues helps us understand the needs of our customers, ensures our decisions meet those needs, and are also cost effective, and demonstratable.
- As a public authority we also have a **legal** duty to show “*due regard*” for equality in decision making and the way services are provided
- To be able us to show “*due regard*”, we need to show that consideration of [possible impact to the groups mentioned have taken place **prior** to a decision being made; that equality issues were considered, and that this consideration was rigorous, open minded, and involved thinking about the three arms of the Equality Act as part of this process, and that potential adverse impacts were either removed or reduced, and that all our decisions can be defended if challenged.
- Documenting our equality analysis enables the Council show it has had “*due regard*” for equality if decisions are challenged. If “*due regard*” for equality can not be shown, decisions may be overturned at judicial review. This could result in lost time, money and negative publicity.
- The sooner equality is considered in a process; the more efficiently that process can be carried out.

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How can equality be assessed?

1. Gather information This can be consulting with relevant groups, using a previous EqIA as a starting point, consultations carried out by other services, details of the service 'hard to reach groups', customer satisfaction surveys, MOASIC data, consider relevance to equality



2. Assess impact Could different groups be affected differently? Is this difference positive or negative? Consider the three arms of the Equality Act in relation to all the protected groups as per the table. NOTE: The quality of the assessment will depend on the quality of the information gathered



3. Take action This could be to reduce negative or increase positive impact. Produce an action plan where appropriate; make actions SMART. Unlawful discrimination MUST be actioned immediately



4. Summarise your findings on the EqIA form. Where it is clear from initial information gathering that a policy will not have any effect on equality, this may simply be a sentence recording this; the greater the relevance to equality, the greater the level of detail required. Publish your findings



5. Monitor the on-going effects of the policy on equality. This is usually in the form of the annual review carried out in October of each year, to fit in with the service planning cycle. The Equality Act is a **continuing** duty!

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Customer Impact Assessment

Name and brief description of policy being analysed:

Electoral Registration and Elections:

To give all residents of the district fair, equal and accessible access to the democratic process at both a national and local level and to ensure all details are accurately recorded on the register of electors in accordance with the law.

Maintain the Register of approximately 76,000 Electors, including additions, deletions and modifications of electors. By processing Individual Electoral Registration forms, and undertaking reviews where necessary. Delivery of Household Enquiry forms to approximately 44,000 households in the district, followed by personal canvass of properties which do not return these forms on an annual basis. This allows us to produce accurate registers including amendments by statutory deadlines.

We are also required to manage the registration for other types of electors including Anonymous, Overseas, Service, Crown Servants, Local Connections and Europeans.

Maintenance of over 12,000 postal votes.

Preparation, conduct and successful operation of inclusive, fair and well run Elections for Parish/Town, District, County, Parliamentary, European Parliamentary, Police & Crime Commissioners and Referendums. Liaise with candidates and agents, hire and staff polling stations, publish statutory notices, issue poll cards, issue and open postal votes, organise and undertake verification and counting of the votes.

Responsible for communication and publicity to raise awareness of joining the register and engagement in the electoral process.

Implement boundary reviews as directed by the Local Government Boundary Commission for England and undertaken polling districts and polling places reviews.

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Information used for customer analysis

Limited data on nationality and age are sought from the annual canvass form, although Invitation to Register forms now ask for people's dates of birth and National Insurance Numbers to enable them to register to help prevent Electoral Fraud, with these details checked against records held by Department of Works and Pensions. Many forms are prescribed within law and there is little discretion to make changes. Guidance from the Electoral Commission suggests that incorporating additional paperwork into canvass mailings should not be favoured.

There is no provision in law to allow us to monitor the equality details of who accesses the polling stations or absent voting systems. Although we do monitor the number of wheelchair users in the polling station log book and monitor any comments or complaints received at the polling station which are reviewed post elections and if needed changes to training provided to staff, accessibility, process and information supplied are made where the law allows.

2	Could particularly benefit	Neutral	May adversely impact	Explanations	Is action possible or required?	Details of actions or explanations if actions are not possible. Ensure details of any actions to be placed in your Service Plan
Race	<input type="checkbox"/>	X	<input type="checkbox"/>	No known impact Where the law allows documents can be supplied in other languages upon request. Canvassers supplied with translation materials to help aid the explanation of the registration function. Work with the traveller and diversity team to encourage registration of residents of traveller sites	N	None identified
Sex	<input type="checkbox"/>	X	<input type="checkbox"/>	No known impact	N	
Gender reassignment	<input type="checkbox"/>	X	<input type="checkbox"/>	No known impact	N	
Disability	<input type="checkbox"/>	X	<input type="checkbox"/>	No known impact however: We conduct disability access audits and the make adaptations to polling stations where necessary	N	

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				<p>and appropriate.</p> <p>We consult disability groups when considering polling district and polling places reviews.</p> <p>Alternative voting arrangements available – Postal/Proxy. Waivers can also be applied to this process where a consistent signature can no longer be provided.</p> <p>Additional assistance provided in polling stations if required – Large print ballot papers, magnifiers, tactile devices, procedure for PO or companions to assist voters</p> <p>Alternative formats such as Braille and large print available on request</p> <p>Due to a change in Elections Law, we now have to ask people to provide dates of births and national insurance numbers as part of their application, which is proving to be a difficulty in care homes as due to the nature of these homes residents do not know national insurance numbers or have any evidence to prove their identity. This issue is being flagged with relevant electoral groups.</p>		
Age	□	X	□	<p>No known impact</p> <p>Only persons aged 18 years and over legally entitled to vote. However 16/17 year olds can register so that they will appear on the register and automatically be entitled to vote from their 18th birthday.</p> <p>Due to a change in Elections Law, we now have to ask people to provide dates of births and national insurance numbers as part of their application,</p>	N	

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				which is proving to be a difficulty in care homes as due to the nature of these homes residents do not know national insurance numbers or have any evidence to prove their identity. This issue is being flagged with relevant electoral groups.		
Sexual orientation	<input type="checkbox"/>	X	<input type="checkbox"/>	No known impact	N	
Religion or belief	<input type="checkbox"/>	X	<input type="checkbox"/>	No known impact Choice of venue (i.e. Church Halls) may deter members of certain communities from attending polling stations. One of our polling station is a church but little adverse impact to this use.	N	
Pregnancy & maternity	<input type="checkbox"/>	X	<input type="checkbox"/>	No known impact Risk assessment undertaken with pregnant polling station staff to mitigate risks.	N	
Marriage & civil partnership	<input type="checkbox"/>	X	<input type="checkbox"/>	No known impact	N	
Human Rights	<input type="checkbox"/>	X	<input type="checkbox"/>	No known impact	N	None identified
Socio Economic	<input type="checkbox"/>	X	<input type="checkbox"/>	No known impact. Rural isolation is an issue in some areas. The Elections team ensure that the availability of polling stations is not affected by the size of a community.	N	None identified
Multiple/ Cross Cutting	<input type="checkbox"/>	x	<input type="checkbox"/>	No known impact	N	None identified

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Outcome(s) of customer analysis

a) Will the policy/ procedure impact on the whole population of Fenland and/ or identified groups within the population; negative neutral positive

No major change needed Adjust the policy Adverse impact but continue Stop and remove / reconsider policy

Arrangements for future monitoring:

Note when analysis will be reviewed; include any equality indicators and performance against those indicators

Ongoing based on feedback from public, candidates & agents, election staff and internal staff to evaluate the service to ensure that it satisfies the needs and requirements of its customers.

Details of any data/ Research used (both FDC & Partners):

No statistics are collected from the range of persons who use the service.

Completed by:

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Position: Team Leader – Elections, Land Charges and Member Services

Approved by (manager signature):

Date published:

Details of any Committee approved by (if applicable):

Date endorsed by Members if applicable: