

## What equalities legislation is there?

The [Equality Act 2010](#) is a single legal framework that seeks to provide a clear basis upon which to tackle disadvantage and discrimination. Most of the provisions of the Act came into force in October 2010, replacing and consolidating nine pieces of legislation. The Act seeks to ensure people are not discriminated against because they **share certain ‘protected characteristics’**<sup>1</sup>, are **assumed to share** those characteristics or **associate with other people** that share a protected characteristic. It also aims to increase equality of opportunity and foster good relations between groups.

In the Act the Government created a [Public Sector Equality Duty](#). This Duty seeks to ensure public authorities play their part in making society fairer by requiring them 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 those who do not share it.

The Act covers both direct and indirect discrimination<sup>2</sup>. The Act also extended protection to those experiencing associative discrimination. This occurs when a victim of discrimination does not have a protected characteristic but is discriminated against because of their association with someone who does e.g. the parent of a disabled child. It also extended the concept of discrimination by perception, where a victim of discrimination is presumed to have a protected characteristic, whether they do have it or not.

## What does ‘due regard’ mean?

Having ‘due regard’ means giving an appropriate level of consideration to equalities issues. The Equality Act 2010 explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

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<sup>1</sup> The ‘protected characteristics’ defined in the Act are: age; disability; gender reassignment; pregnancy and maternity; race (including ethnic or national origins, colour or nationality); religion or belief (including lack of belief); sex and sexual orientation. Marriage and civil partnerships is also protected but only with regards to the need to eliminate discrimination.

<sup>2</sup> Equality Law provides [useful summaries](#) of different types of discrimination.

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The Act also states that meeting different needs involves taking steps to take account of disabled people's disabilities. It also describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. Further, it states that compliance with the duty may involve treating some people more favourably than others.

The issue of 'due regard' has been considered in a number of Court cases<sup>3</sup>. It has been emphasised that there are no "prescribed" steps that public bodies must take to demonstrate due regard. In addition there are no particular outcomes that authorities must achieve for those that share protected characteristics as a result of having had 'due regard'. Rather the test of whether an authority has given due regard is a test of substance not "of mere form or box ticking". The duty therefore must be performed "with rigour and with an open mind" and where it forms part of a decision to be made by Members it is important for officers to "be rigorous in enquiring and reporting to them".

**Surrey County Council demonstrates how it has applied 'due regard' to equalities by developing Equality Impact Assessments (EIAs) and incorporating the findings from these assessments into changes it makes to services, functions or policies.**

Surrey County Council has also made a wider commitment to fairness and respect, which underpins everything we do. Our [One Council One Team Fairness and Respect Strategy 2012-2017](#) sets out our equality objectives for the organisation. It also demonstrates our commitment to deliver these objectives in partnership with local organisations and public bodies that are best placed to improve services for Surrey's residents.

## What is this guidance and template for?

This guidance and template seeks to support staff when they are developing an EIA by:

- asking a series of questions that will ensure the equalities implications of any policy, function or service are considered in a robust fashion;
- ensuring that an action plan is produced to address any impacts that are identified; and
- ensuring that decision makers are provided with clear information about the potential impact of decisions on people with protected characteristics.

## Do I need to complete an Equality Impact Assessment?

As a first step you will need to determine whether you need to complete an EIA for the policy, function or service you are developing or changing. The key question is whether any aspect of a new policy, function or service, or changes to an existing one, will have an impact on residents or staff, particularly people sharing protected characteristics. If it will then it is likely that an EIA will need to be completed<sup>4</sup>. **Very few of our policies, functions or services will have no equalities implications for either our residents or our staff.**

<sup>3</sup> The Equality and Human Rights Commission has produced a summary of the implications of these cases in [The Public Sector Equality Duties and financial decisions](#).

<sup>4</sup> The Equality and Human Rights Commission publication [Meeting the equality duty in policy and decision-making](#) includes useful guidance on what should be assessed.

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**However, the level of detail within the EIA should be proportionate to the issue being considered and the scale of the impact.** This means that the range of data used and the extent of community engagement undertaken should be proportionate to the issue being considered. For example, changes to an adult social care service that supports vulnerable elderly residents are likely to require a detailed EIA. However, changes to highway verge maintenance are likely to require either a light touch EIA or no EIA at all. **It is for Directorates to decide the level of detail required in their EIAs.**

**If you decide not to complete an EIA, you must make a record of this decision.** This might take the form of minutes of a meeting, an internal email or a record in a service plan. Most importantly, it must make clear **why you have concluded that an EIA is unnecessary**

## When should I complete an Equality Impact Assessment?

Consideration of equalities is an ongoing process. Your assessment should start early in the development of a new or amended policy, service or function. **It is vital that your consideration of equalities issues is not a one-off exercise undertaken at the end of a project.** You need only publish your final EIA. However, you should keep previous versions of your EIA as a record of how the proposals changed as a result of your analysis.

## What if I identify negative impacts that can't be mitigated?

The outcome of your equality analysis is only one factor in the overall decision making process. Other factors (such as financial issues or legal matters) may have equal or greater influence over the decision. Further, the new or amended policy, service or function may have to proceed even though not all of the negative equality impacts can be mitigated. The important thing is that decision makers are aware of the equalities implications of the new or amended policy, service or function when making their decision and these implications are considered alongside all other factors.

## How should I finalise my Equality Impact Assessment?

All EIAs should be approved by an appropriate level of management in accordance with equalities processes in your Directorate. This may include consideration of your EIA by your Directorate Equality Group, if you have one. Your Strategic Director, Leadership Team and/or Cabinet Member may also wish to approve your EIA.

**Once your EIA is approved, you should send it to the Chief Executive's Policy Team (Equality and Diversity/CEO/SCC) for publication on the Council's website.** It is important that we publish our EIAs as this is one of the ways that we demonstrate how we have paid 'due regard' to the equalities issues identified in the Equality Act.

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## 1. Topic of assessment

<b>EIA title:</b>	Decision by Cabinet to proceed with a variation to the Waste Disposal Project Agreement to develop the Eco Park
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<b>EIA author:</b>	Richard Parkinson, Waste Group Manager, Surrey CC
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## 2. Approval

	Name	Date approved
<b>Approved by<sup>5</sup></b>	E&I Directorate Equalities Group	23 May 2013

## 3. Quality control

<b>Version number</b>	v.2	<b>EIA completed</b>	14 May 2013
<b>Date saved</b>	4 June 2013	<b>EIA published</b>	14 June 2013 (with related Cabinet report)

## 4. EIA team

Name	Job title (if applicable)	Organisation	Role
Richard Parkinson	Waste Group Manager	SCC	Wrote this EIA
Jason Russell Jan Haunton Andrew Stokes Les Andrews Lesley Harding Nick Hinds Louise Ivison Mike Dawson Geoff Turner David Greenwood Maureen Prescott	E&I Directorate Equalities Group	SCC	Reviewed, commented on and approved this EIA

## 5. Explaining the matter being assessed

<b>What policy, function or</b>	Surrey County Council is deciding whether to proceed with the development of an Eco Park at Charlton Lane, Shepperton. The Eco
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<sup>5</sup> Refer to earlier guidance for details on getting approval for your EIA.

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<p><b>service is being introduced or reviewed?</b></p>	<p>Park will be developed on the site of an existing waste transfer station and community recycling centre and will comprise a gasification plant for residual waste, an anaerobic digestion plant for food waste, a materials bulking facility , a visitor centre and the retention of the existing community recycling centre with some modifications</p>
<p><b>What proposals are you assessing?</b></p>	<p>Planning consent for the development of the Eco Park was granted by the County Planning Authority in March 2012 and an Environmental Permit was issued by the Environment Agency in October 2012. The proposal being assessed is the decision to proceed with a variation to the Waste Disposal Project Agreement between SITA and Surrey County Council so as to enable the development of the Eco Park to proceed.</p>
<p><b>Who is affected by the proposals outlined above?</b></p>	<p>The community recycling centre and the visitor centre will be used by members of the public and the gasification plant, anaerobic digestion plant and the material bulking facility will only be used by staff and contractors or district /borough council drivers delivering or removing waste and recyclables or maintaining the plant. Surrey County council staff will also make periodic visits to the site</p>

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## 6. Sources of information

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<b>Engagement carried out</b>
<p>Extensive public engagement was undertaken during the planning application process both by applicant SITA and by the County Planning Authority in accordance with the SCC Statement of Community Involvement as part of the planning determination process. In addition public consultation was undertaken by the Environment Agency as part of the environmental permit determination process.</p> <p>In December 2008 customer surveys were undertaken at all of the Surrey community recycling centres, including the site at Charlton Lane. The survey included feedback on the use of the site and the helpfulness of the site staff.</p> <p>SITA Surrey also record and monitor customer feedback as part of their contract performance monitoring.</p> <p>Every quarter the county council undertakes a Surrey resident survey to gauge the level of satisfaction with its services, including community recycling centres.</p>
<b>Data used</b>
<ul style="list-style-type: none"><li>• Planning application – Summary of feedback in planning committee report</li><li>• Surrey CC Customer survey, Charlton Lane CRC , December 2008</li><li>• User feedback/complaints compiled by SITA</li><li>• Surrey CC quarterly residents survey.</li></ul>

## 7. Impact of the new/amended policy, service or function

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## 7a. Impact of the proposals on residents and service users with protected characteristics

Protected characteristic <sup>6</sup>	Potential positive impacts	Potential negative impacts	Evidence
Age	None.	None	The decision to amend the Waste Disposal Project Agreement to deliver the Eco Park will not in itself have any direct impact on residents and service users with protected characteristics such as age. The main impacts on residents would arise from use of the community recycling centre. However there will be no material changes to the operation of the community recycling centre as a result of the Eco Park development. An EIA was undertaken on operation of community recycling centres in 2009. This has been reviewed and remains valid. The buildings on site, including the visitor centre have been designed to be fully compliant with the Disability Discrimination Act for example incorporating lift facilities and ambulant disabled staircases.
Disability	None	None	See above
Gender reassignment	None	None	See above
Pregnancy and maternity	None	None	See above
Race	None	None	See above In addition, signage at the CRC assists users of the CRC whose first language is not English. Site management staff are trained to be aware of the need to direct users where necessary.

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<sup>6</sup> More information on the definitions of these groups can be found [here](#).

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<b>Religion and belief</b>	None	None	See above
<b>Sex</b>	None	None	See above
<b>Sexual orientation</b>	None	None	See above
<b>Marriage and civil partnerships</b>	None	None	See above

### 7b. Impact of the proposals on staff with protected characteristics

Protected characteristic	Potential positive impacts	Potential negative impacts	Evidence
Page 78 <b>Age</b>	New buildings will be designed to comply with the Disability Discrimination Act and therefore would be suitable for staff who may have reduced mobility through age related disability.	It is possible that some areas of the plant building may not be easily accessible due to the complex nature of the process equipment	Design and Access Statement submitted by SITA as part of the Planning application and in particular Section 10.5 dealing with Inclusive Access
<b>Disability</b>	New buildings will be designed to comply with the Disability Discrimination Act and therefore would be suitable for staff who may have reduced mobility	It is possible that some areas of the plant building may not be easily accessible due to the complex nature of the process equipment	Design and Access Statement submitted by SITA as part of the Planning application and in particular Section 10.5 dealing with Inclusive Access. SITA (The employer) have an equality and diversity policy in place and also provide awareness training to all staff. SITA regularly review its equality and diversity policy and its staff awareness training programme to ensure that they are effective and up to date.
<b>Gender reassignment</b>	None	None	SITA (The employer) have an equality and diversity policy in place and also provide awareness training to all staff. SITA regularly review its equality and



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			diversity policy and its staff awareness training programme to ensure that they are effective and up to date.
<b>Pregnancy and maternity</b>	New buildings will be designed to comply with the Disability Discrimination Act and therefore would be suitable for staff who may have reduced mobility due to pregnancy or maternity	It is possible that some areas of the plant building may not be easily accessible due to the complex nature of the process equipment	Design and Access Statement submitted by SITA as part of the Planning application and in particular Section 10.5 dealing with Inclusive Access. SITA (The employer) have an equality and diversity policy in place and also provide awareness training to all staff. SITA regularly review its equality and diversity policy and its staff awareness training programme to ensure that they are effective and up to date.
<b>Race</b>	None	None	SITA (The employer) have an equality and diversity policy in place and also provide awareness training to all staff. SITA regularly review its equality and diversity policy and its staff awareness training programme to ensure that they are effective and up to date.
<b>Religion and belief</b>	None	None	SITA (The employer) have an equality and diversity policy in place and also provide awareness training to all staff. SITA regularly review its equality and diversity policy and its staff awareness training programme to ensure that they are effective and up to date.
<b>Sex</b>	None	None	SITA (The employer) have an equality and diversity policy in place and also provide awareness training to all staff. SITA regularly review its equality and diversity policy and its staff awareness training programme to ensure that they are effective and up to date.
<b>Sexual orientation</b>	None	None	SITA (The employer) have an equality and diversity policy in place and also provide awareness training to all staff. SITA regularly review its equality and diversity policy and its staff awareness training programme to ensure that they are effective and up to

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			date.
<b>Marriage and civil partnerships</b>	None	None	SITA (The employer) have an equality and diversity policy in place and also provide awareness training to all staff. SITA regularly review its equality and diversity policy and its staff awareness training programme to ensure that they are effective and up to date.

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## 8. Amendments to the proposals

Change	Reason for change
None required	N/A

## 9. Action plan

Potential impact (positive or negative)	Action needed to maximise positive impact or mitigate negative impact	By when	Owner
None	N/A		

## 10. Potential negative impacts that cannot be mitigated

Potential negative impact	Protected characteristic(s) that could be affected
None	N/A

## 11. Summary of key impacts and actions

<b>Information and engagement underpinning equalities analysis</b>	<p>The main potential impact arises from residents use of the community recycling centre and in particular residents with reduced mobility. The decision to proceed with the Eco Park will not materially change how the community recycling centre is operated. The operation of the community recycling centre was subject to a previous EIA in March 2009. This EIA has been reviewed and remains valid. Continued monitoring of customer feedback has not identified any particular issue relating to service users with protected characteristics.</p>
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<b>Key impacts (positive and/or negative) on people with protected characteristics</b>	None
<b>Changes you have made to the proposal as a result of the EIA</b>	None
<b>Key mitigating actions planned to address any outstanding negative impacts</b>	None
<b>Potential negative impacts that cannot be mitigated</b>	None