

Equality Impact Assessment

Public bodies are required in to have **due regard** to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited under 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 Equality Act 2010 replaces the previous 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. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

The **public sector Equality Duty** came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following **protected characteristics**:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having **due regard** means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they

design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to **advance equality of opportunity** involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

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

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they **considered the aims of the Equality Duty**. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	CEX	Lead officer responsible for EIA	Aaron Gidney
Name of the policy or function to be assessed:		Smoke Free Site Policy	
Names of the officers undertaking the assessment:		Aaron Gidney	
Is this a new or an existing policy or function?		New	
<p>1. What are the aims and objectives of the policy or function?</p> <p>To prohibit smoking and vaping on all Council Sites, including boundaries in order to protect the health of all employees and visitors of the Council.</p>			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>A smoke free site policy will promote and protect the long-term health of employees and demonstrates compliance with the Health and Safety at Work Act 1974.</p>			
<p>3. Who is intended to benefit from the policy or function?</p> <p>All employees and the public visiting Council Offices.</p>			
<p>4. Who are the main stakeholders in relation to the policy or function?</p> <p>All employees, agency workers, contractors and the public.</p>			
<p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</p> <p>The implications of smoking and passive smoking has been well-documented and can adversely affect all groups of people regardless of protected characteristics.</p>			
<p>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?</p> <p>Proposed policy has been through LJCC Working Group, Health & Safety Committee with union consultation in order to understand any impact on different groups.</p>			

7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?

Union comments from their members have been, in general, supportive of the policy with some exceptions from those who do smoke.

8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways?

In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:

- **Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?**

Although smokers may not support the introduction of the policy, it is not intended to be a punitive measure, rather to protect the health of the overall workforce in accordance with the Health and Safety at Work Act 1974.

- **Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?**

Yes. All employees are subject to the policy.

- **Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?**

No. All employees are subject to the policy.

- **Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?**

Neutral impact.

- **What further evidence is needed to understand the impact on equality?**

None.

9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?
Age: Positive impact – all employees will be protected from passive smoking
Disability: A person with limited mobility may find difficulties leaving a site in order to smoke, however, this will protect work colleagues or members of the public from passive smoking. The policy will have a positive impact on individual's with conditions such as asthma.
Gender: Positive impact – all employees will be protected from passive smoking
Gender Reassignment: Positive impact – all employees will be protected from passive smoking
Marriage and Civil Partnership: Positive impact – all employees will be protected from passive smoking
Pregnancy and Maternity: Positive impact – the policy will protect expectant mothers from passive smoking.
Race: Positive impact – all employees will be protected from passive smoking
Religion and Belief: Positive impact – all employees will be protected from passive smoking
Sexual Orientation: Positive impact – all employees will be protected from passive smoking

Head of Service:

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

Signature of Head of Service:

REFERENCE

Action Plan

Action to be taken	What outcome is wanted?	What milestones will be used?	Who is the Lead Responsible Officer?	What is the Target Date for Completion?