

APPENDIX 3

Equality Impact Assessment

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.

Public bodies are required in it 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 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.

The Council has agreed to treat people who have care experience as if they had a protected characteristic.

The duty 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:	Chief Executive's	Lead officer responsible for EIA	Chief Communities Officer
Name of the policy or function to be assessed:	Hate Crime Policy		
Names of the officers undertaking the assessment:	Chief Communities Officer		
Is this a new or an existing policy or function?	New		
<p>1. What are the aims and objectives of the policy or function? Broxtowe Borough Council's (the Council's) Vision for Broxtowe is <i>"a great place where people enjoy living, working and spending leisure time."</i> The Council's corporate objective for Community Safety is <i>"Broxtowe will be a place where people feel safe and secure in their communities."</i></p> <p>This policy sets out the Council's commitment to tackling hate crime and hate incidents and how it will support this through its decision making, service delivery and by the actions it will develop to implement the policy.</p>			
<p>2. What outcomes do you want to achieve from the policy or function? Increased awareness of hate crime among staff and residents Increased reporting of hate crime Reduced tolerance of hate crime</p> <ul style="list-style-type: none"> • Implement and maintain systems of working practice to support victims of hate crimes and hate incidents. • To fully assist relevant agencies in the support and promotion of the welfare of all community members. • To develop and implement appropriate procedures to prevent hate incidents/ hate crime. • To ensure that all employees understand and follow the relevant procedures when they have concerns about a hate incident or hate crime 			
<p>3. Who is intended to benefit from the policy or function? Residents, visitors, and workforce in the Borough; Broxtowe Borough Council employees</p>			
<p>4. Who are the main stakeholders in relation to the policy or function? Adult residents of the Borough; Broxtowe Borough Council staff, Nottinghamshire</p>			

Safeguarding Adults Board; Nottinghamshire County Council; relevant partner agencies, charities and organisations.

5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?

- In year ending March 2022, there were 155,841 hate crimes recorded by the police in England and Wales, a 26 per cent increase compared with the previous year. This was the biggest percentage increase in hate crimes since year ending March 2017, when there was a 29 per cent rise.

(<https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2021-to-2022/hate-crime-england-and-wales-2021-to-2022>)

6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?

- due to significant improvements in police recorded crime made in recent years, it is uncertain to what degree the increase in police recorded hate crime is a genuine rise, or due to continued recording improvements and more victims having the confidence to report these crimes to the police
- as in previous years, the majority of hate crimes were racially motivated, accounting for over two-thirds of such offences (70%; 109,843 offences); these types of hate crime increased by 19 per cent between year ending March 2021 and year ending March 2022

(<https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2021-to-2022/hate-crime-england-and-wales-2021-to-2022>)

Local statistics are set out in the covering report

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

The Council works in close partnership with a number of stakeholders including the Beeston Muslim Community Association; the disability forum; LGBTQ representative organisations and voluntary sector organisations such as Mencap, within the Notts hate crime partnership; the police and County Council. Views from all these stakeholders influence the policy, and action plan proposed.

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?**

Given that the policy is about preventing hate crime in all its forms, it will involve all people due to the potential for prejudice to be shown, often leading to hate incidents, on the basis of any one of the nine protected characteristics laid down in the equalities legislation. Hate crime is greatly under reported, especially by certain groups – eg people with disabilities.

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

Positive steps are taken to encourage reporting of hate crime by all protected characteristic groups including reaching out to minority groups

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

The perceptions of certain protected characteristic groups and their confidence in institutions including the Police can impact on whether people are willing to report hate crime. The Police therefore take special steps to quality check supervise and monitor recording of hate crime and action taken, through to monitoring satisfaction with hate crime outcomes. In fact hate crime victims have one of the highest satisfaction rates in terms of how satisfied they are with the outcomes of their reports compared with all other crime categories.

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

Yes, Positively addressing the issue of hate incidents and hate crime in all its forms is a positive contributor to equality and good community relations

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

Statistics are regularly monitored through local crime prevention teams and by the hate crime partnership. Particular emphasis is placed on addressing repeat victimisation, and ensuring victims are linked to sources of support including victim care.

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: Ensure victims of hate crime of all ages can recognise hate crime and know how to report it.

Disability: Raise awareness of disability hate crime and support and encourage reporting

Gender: Misogyny is a specific category of hate crime which is monitored by Police and partners

Gender Reassignment: Hate crime targeting this protected characteristic would be covered by the Policy

Marriage and Civil Partnership: Hate crime targeting this protected characteristic would be covered by the Policy

Pregnancy and Maternity Hate crime targeting this protected characteristic would be covered by the Policy

Race: Racially motivated hate crime is the largest crime category. It continues to be actively addressed through the Policy and action plan and is covered by the policy

Religion and Belief: The Notts hate crime partnership has various actions around addressing islamophobia. The Policy covers hate crime targeting this protected characteristic

Sexual Orientation: Hate crime targeting this protected characteristic is covered by the policy

Care Experience: The chief Executive has been invited to be part of a group helping to devise ways of improving EIAs in connection with people with care experience. The learning will be integrated into our approaches.

Chief Executive: Ruth Hyde

Signature: 