

### **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.

The general equality duty applies to all of the decisions made in the course of exercising public functions, not just to policy development and high-level decision-making. The functions of a public authority include all of its powers and duties. Examples of this include: policy decisions, strategies, individual decision-making, budgetary decisions, public appointments, service provision, statutory discretion, employment of staff and procurement of goods and services.

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.

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.

The Council has also decided to treat people who have care experience as if they had a protected characteristic under the law.

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:	Executive Director	Lead officer responsible for EIA	Assistant Director – Environmental Services			
Name of the policy or function to be assessed:	Unofficial memorial recommendations					
Names of the officers undertaking the assessment:	Assistant Director – Environmental Services					
Is this a new or an existing policy or function?	Recommendations from Overview and Scrutiny Committee					
<b>1. What are the aims and objectives of the policy or function?</b>  To put forward recommendations for Cabinet approval following a comprehensive review of unofficial cemetery memorials. The review was initiated to: <ul style="list-style-type: none"><li>• Consider the differing views of potential stakeholders, including residents, officers, and elected members.</li><li>• Assess operational, health and safety, and accessibility implications of unofficial memorials.</li></ul>						
<b>2. What outcomes do you want to achieve from the policy or function?</b>  The intended outcome of the review was to put forward a set of recommendations for Cabinet approval following consideration of the service and the issue of unofficial memorials.						

### **3. Who is intended to benefit from the policy or function?**

There is no single group intended to benefit directly from the recommendations.

The purpose of the review was to:

- Consider differing views among stakeholders, including residents with unofficial memorials, cemetery visitors, and Council officers.
- Address operational challenges faced by grounds maintenance employees.
- Ensure compliance with health and safety obligations and accessibility requirements.
- Provide Cabinet with recommendations.

### **4. Who are the main stakeholders in relation to the policy or function?**

- Members
- General Management Team (GMT)
- Residents and Grave owners
- Employees in the Council
- Funeral Directors
- Community Groups (Friends of Groups)
- Stonemasons

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

- Approximately 9,000 graves in Borough cemeteries (this does include the graves from the 11 closed church yards).
- 5 Working Cemeteries: Beeston, Stapleford, Kimberley, Eastwood and Chilwell
- 11 Closed Cemeteries. These are managed by Parish Councils. The Parish Council has its only rules and regulations regarding memorials.
- Around 6–7% of graves are out of compliance with current rules (working cemeteries)
- 12 official complaints received: 3–4 individuals in regular contact.
- 94% compliance with existing regulations.

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

Public consultation undertaken from 5 January 2026 to the 16 January 2026. Total number of responses received were 127.

**1. Have you ever experienced any accessibility issues at any of the Borough's cemeteries?**

No	Yes
121 (95%)	6 (5%)

Comments:

Where respondents described accessibility difficulties, these were most often attributed to site conditions rather than memorial boundaries, examples included uneven or sunken ground, potholes, narrow gaps between headstones, leaf litter, and ungritted paths in winter. Requests for practical improvements included: better lighting during darker months, clearer/continuous pathways (including edge plots or path-adjacent graves for those using wheelchairs or scooters), and provision of toilets and hand-washing facilities.

By contrast, many respondents stated said they had personally experienced no barriers from kerb sets or gardens, and some wheelchair users and blind/partially sighted visitors reported that defined borders can aid confidence and site navigation.

**2. Do any of the proposed recommendations in the Overview and Scrutiny report create additional barriers to accessibility for visitors at the cemeteries, particularly those with disabilities, older people, or those with mobility challenges?**

No	Yes
123 (97%)	4 (3%)

Comments:

Most respondents did not consider the proposed recommendations likely to create new barriers for disabled or older visitors. Those who foresaw risks tended to focus on how rules are applied: if restrictions are enforced unevenly or without clear criteria, some visitors could be disadvantaged (for example, if lower-cost materials acceptable to one family are refused for another).

**3. Kerb sets and memorial boundaries (this is a low border, usually made of stone or concrete that surrounds a grave to define its boundary), are deeply personal and sensitive. How can the Council achieve the right balance between respecting this sensitivity and ensuring accessibility for all visitors?**

Respondents typically stated that kerb sets and graveside gardens as deeply personal and important to grief, with many emphasising that respectful, well-kept boundaries can coexist with safe maintenance and visitor access. A recurring view

was that borders help delineate plots, reduce inadvertent footfall across graves, and, particularly for some visitors with visual impairment or mobility aids, provide clearer navigation across the cemetery. Several respondents suggested controls (for example, keeping edges flush/level, limiting height or materials, and assigning upkeep to families) to balance sensitivity with safety and operational needs.

Other respondents suggested that unmanaged or DIY installations may create trip hazards or obstruct equipment, asking for consistent standards and fair, transparent enforcement.

A minority argued that kerb sets and unauthorised tributes should not be permitted at all on safety and equality grounds, favouring a single rule applied equally to all graves.

**4. Do you think the proposed approach to Kerb sets and memorial boundaries as outlined in the recommendations could impact accessibility for visitors within the cemeteries?**

No	Yes
117 (92%)	10 (8%)

Comments:

Many of the comments in this section repeated what had previously been raised. Ensuring level, navigable routes and adequate spacing between headstones was seen as more critical to access than removing kerb sets. Where concerns were expressed, they generally related to visibility of low borders in poor light and the need for clearly defined walking routes that avoid any need to step across graves.

**5. Other suggestions or concerns.**

Beyond accessibility, there was strong sentiment to respect individual grieving practices while upholding safety, tidiness and environmental considerations (for example, discouraging loose plastics, and encouraging compostable tributes).

A separate set of views prioritised consistent enforcement and legal duties of care, arguing that unmanaged surrounds can impede maintenance or grave-digging operations and elevate risk.

There was agreement across all respondents that the cemeteries would benefit from better routine maintenance, improved lighting and CCTV for security, and, where feasible, public conveniences on or near the sites.

Demographic data

**How would you best describe your gender?**

Female	Male	Prefer not to say
56 (64%)	31 (35%)	1 (1%)

Total number of respondents for this question was 88.

**Which of the following age groups do you belong to?**

18-24	25-29	30-44	45-59	60-64	65+
5 (6%)	6 (7%)	21 (24%)	31 (35%)	13 (14%)	13 (14%)

Total number of respondents for this question was 89.

**Ethnicity**

White English/ Welsh/ Scottish/ Northern Ireland/ British	White Gypsy or Irish Traveller	White Irish	Asian or Asian British Indian
78 (88%)	5 (5%)	5 (5%)	1 (1%)

Total number of respondents for this question was 89.

**Whereabouts in Broxtowe do you live?**

Beeston	Bramcote	Brinsley	Chilwell	Eastwood
35 (38%)	8 (9%)	1 (1%)	14 (15%)	8 (9%)
Greasley	Kimberley	Stapleford	Toton	Trowell
2 (2%)	5 (6%)	13 (14%)	3 (4%)	2 (2%)

Total number of respondents for this question was 91.

**Do you consider yourself as disabled or have any long-term health problems that limit daily activity?**

No	Yes
75 (63%)	45 (38%)

Total number of respondents for this question was 120.

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

The stakeholder consultation indicates that the main accessibility impacts reported by cemetery users are linked to the condition of the cemetery environment rather than to graveside borders or memorial gardens. Respondents who described difficulties with access, which accounted for a small proportion of the total, most often referred to uneven or sunken ground, narrow spacing between headstones, limited lighting during winter months and paths that can become slippery or uncleared. Some disabled respondents, including people with mobility aids or visual impairments, commented that clearly defined kerb sets and memorial boundaries can assist with navigation by helping to mark out individual plots and reduce the chance of stepping on graves. Overall, the feedback suggests that equality impacts are influenced more by the general condition and layout of the cemetery rather than by the presence of well-maintained borders within grave spaces.

The consultation also suggests that the proposed recommendations are not expected to create additional barriers for most visitors. Only a small number of respondents identified a potential adverse effect on accessibility.

**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 the consultation did identify some accessibility concerns, these were raised by a relatively small number of respondents. It is important to recognise that the consultation received 127 responses, which may not fully represent the experiences of all cemetery users, particularly those with disabilities who may be more affected by environmental or layout-related barriers.

Importantly, 38 per cent of respondents stated that they consider themselves to have a disability or long-term health condition that limits daily activity, which indicates that disabled people were a significant proportion of the consultation sample. Even so, the limited number of comments raising accessibility difficulties does not necessarily mean that barriers do not exist, only that they were not widely reported within this group of respondents. For this reason, the findings should be interpreted with care, recognising that some impacts may be under-represented and may warrant continued monitoring and engagement to ensure they are fully understood.

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

The recommendations are not likely to be accessed in the same way by all equality groups. Although the approach seeks to respond to the concerns raised by families and to provide a balanced way forward, allowing existing memorial boundaries to remain in place and permitting new memorials within the grave space for future burials may create physical barriers for some visitors. These features have the potential to restrict access between graves, particularly for people with disabilities, including those with mobility impairments or who use wheelchairs. This reflects concerns raised during the earlier Overview and Scrutiny evidence sessions, where accessibility challenges were identified as a potential risk.

While the proposals may not be equally accessed by all groups, any potential impacts can be managed. The Council will continue to work closely with visitor to the cemeteries to understand access needs in more detail as the recommendations are implemented. Clear standards on the size and placement of memorial boundaries, combined with ongoing maintenance and protection of accessible routes, will help ensure that disabled visitors are not disproportionately affected. With these safeguards in place, the approach can be justified as a proportionate response to the consultation evidence while maintaining fairness and sensitivity for all equality groups.

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

The consultation indicates that some barriers may make access more difficult for equality groups, especially disabled people and those with mobility impairments. Although only a minority of respondents raised issues regarding accessibility difficulties to memorial boundaries, the consultation data shows that 38 per cent of respondents stated that they considered themselves to have a disability or long-term health condition that limits daily activity. A smaller number also expressed concern that memorial boundaries or items placed within grave spaces could reduce the width of routes or create obstacles that are harder to navigate for wheelchair users, people with mobility aids and those who are blind or partially sighted.

Continued engagement with cemetery visitors will be essential as the recommendations are implemented, ensuring that any emerging concerns can be identified promptly and addressed through appropriate mitigation.

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

The recommendations have the potential to support equality and positive relationships between different groups, provided they are implemented transparently and in partnership with all key stakeholders. The consultation highlighted differing views, with some people valuing the ability to personalise graves and others emphasising the importance of accessibility and ease of movement around the cemetery. These differing perspectives create an opportunity for the Council to show that it is listening to all groups and is committed to balancing personal expression with inclusive access for everyone.

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

Based on the consultation undertaken, no further evidence is considered essential at this time to identify the potential impacts on equality. The consultation has provided a useful understanding of how the recommendations may affect different groups, including disabled people.

It has though been identified that an accessibility audit of all active cemeteries would be beneficial. While an audit is not required to understand the current impacts of the proposed recommendations, it would provide additional reassurance and support future planning.

In terms of timing, the accessibility audit will be undertaken in February of this year, running alongside the planned review of the cemetery rules and regulations. Completing the audit at this stage would help identify any barriers created either by existing site conditions or by the proposed recommendations. The findings would also inform updates to the rules and regulations, including matters such as kerb set materials and a definitive list of items that can and cannot be placed on graves, helping to ensure that cemeteries remain accessible, safe, and inclusive.

## **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 cemetery pathways and seating areas are suitable for older visitors, who may have reduced mobility or stamina.
- Provide clear signage and resting points to support longer visits for elderly mourners.
- Monitor feedback from older residents to identify any emerging access issues.

### **Disability:**

- Maintain clear, unobstructed pathways. Provide adequate width between graves to support wheelchair and mobility-aid users.
- Undertake periodic accessibility audits across all cemeteries to identify barriers linked to both site conditions and memorial boundaries.
- Engage directly with disabled residents, carers and disability organisations to inform future adjustments.
- Ensure any standards for memorial boundaries include accessibility considerations (for example, height, placement, visibility and maintenance).
- Provide information in accessible formats, including maps showing the easiest routes through each cemetery.

**Gender:** No impacts identified.

**Gender Reassignment:** No impacts identified.

**Marriage and Civil Partnership:** No impacts identified.

**Pregnancy and Maternity:**

- Ensure cemetery pathways and access routes remain safe and unobstructed for visitors who may be pregnant or accompanied by young children in prams.

**Race:** No impacts identified.

**Religion and Belief:**

- Maintain awareness of diverse religious practices surrounding remembrance and graveside customs.
- Ensure that any standards applied to memorial boundaries allow reasonable accommodation of faith-based practices, provided they do not compromise accessibility or safety.
- Engage with faith groups as part of ongoing consultation on cemetery management.

**Sexual Orientation:** No impacts identified.

**Care Experience:**

- Ensure accessible routes are maintained for carers who are visiting with individuals requiring support.
- Engage with carers to understand any specific access needs arising from assisting people with mobility or sensory impairments.
- Provide clear, accessible information about cemetery layouts and the easiest routes to navigate with someone being cared for.

**Chief Executive:**

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: Chief Executive**