

EXECUTIVE MEMBER - THE MAYOR

Date: Thursday 1st May, 2025 Time: 11.00 am Venue: Spencer Room, Municipal Buildings

AGENDA

1. Welcome and Fire Evacuation Procedure

In the event the fire alarm sounds attendees will be advised to evacuate the building via the nearest fire exit and assemble at the Bottle of Notes opposite MIMA.

- | | |
|----------------------------------|---------|
| 2. Impact Assessment Policy | 3 - 30 |
| 3. Out of Hours Registrars Offer | 31 - 46 |

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Wednesday 23 April 2025

MEMBERSHIP

Mayor C Cooke

Assistance in accessing information

Should you have any queries on accessing the Agenda and associated information please contact Chris Lunn, 01642 729742, chris_lunn@middlesbrough.gov.uk

This page is intentionally left blank

MIDDLESBROUGH COUNCIL	
------------------------------	--

Report of:	Chief Executive
Relevant Executive Member:	Mayor
Submitted to:	Single Member Executive – The Mayor
Date:	1 May 2025
Title:	Impact Assessment Policy
Report for:	Decision
Status:	Public
Council Plan priority:	Delivering Best Value
Key decision:	No
Why:	Decision does not reach the threshold to be a key decision
Subject to call in?	Yes
Why:	The report is not urgent.

Proposed decision(s)
<p>That the Mayor:</p> <ul style="list-style-type: none"> • APPROVES the revised Impact Assessment Policy.

Executive summary
<p>The report proposes a revision to the Council's Impact Assessment policy, in response to a recommendation from the recent poverty sprint, that the Council should embed systematic consideration of the impact of its decisions on poverty in Middlesbrough.</p> <p>The report sets out that this revision will support the Council to deliver its commitment within the Council Plan that reducing poverty will be at the heart of everything we do as this is central to all of the ambitions within the Council Plan. The Council could choose not to amend the Impact Assessment Policy, however it would be missing an opportunity to embed an approach that would champion a consistent, considered approach that would support delivery of its aim of reducing poverty.</p> <p>A revised Impact Assessment Policy is appended for consideration.</p>

1. Purpose of this report and its contribution to the achievement of the Council Plan ambitions

1.1 The purpose of this report is to set out a proposed revised Impact Assessment Policy.

Our ambitions	Summary of how this report will support delivery of these ambitions and the underpinning aims
A successful and ambitious town	<p>Ensuring the Council considers the impact of its decisions against its commitment to reducing poverty, it will ensure that decisions that are brought forward with the aim of delivering the aims within this ambition, consider their impact on positive within plans to:</p> <ul style="list-style-type: none"> - attract and grow businesses to increase employment opportunities - Improve attainment in education and skills - Ensure housing provision meets local demand.
A healthy Place	<p>Revision of the policy will support the Council to deliver the underpinning aim within this theme 'reducing poverty'.</p> <p>It is proposed to revise the policy to include a commitment to assess the impact of Council decision-making on its commitment within the Council Plan 2024-2027, that reducing poverty will be at the heart of everything we do as this is central to all of the ambitions within the Council Plan.</p>
Safe and resilient communities	<p>Ensuring the Council considers the impact of its decisions against its commitment to reducing poverty, it will ensure that decisions that are brought forward with the aim of delivering the aims within this ambition, consider their impact on positive within plans to:</p> <ul style="list-style-type: none"> - support adults to be independent for longer - improve transport and digital connectivity - promote new ideas and community initiatives - reduce crime and anti-social behaviour
Delivering best value	<p>Ensuring the Council considers the impact of its decisions against its commitment to reducing poverty, it will ensure that decisions that are brought forward with the aim of delivering the aims within this ambition, consider their impact on positive within plans to:</p> <ul style="list-style-type: none"> - ensure robust and effective corporate governance - set a balanced revenue budget and Medium Term Financial Plan to restore financial resilience and sustainability.

2. Recommendations

2.1 That the Mayor:

- **APPROVES** the revised Impact Assessment Policy.

3. Rationale for the recommended decision(s)

- 3.1 Putting in place a systematic approach to assessing the impact of the Council's decision-making on its ambition to reduce poverty, will ensure that there is an improved focus on this within decision-making processes.

4. Background and relevant information

- 4.1 Regular reviews of policies are required to ensure that they:

- are continuing to meet the needs of the organisation,
- reflect case law that impacts on impact assessment processes
- continue to reflect best practice.

- 4.2 The Impact Assessment policy is scheduled for review every three years. It is not yet due to be reviewed, however an interim review is proposed to enable the Council to systematically assess the impact of its decision-making on its underpinning ambition of reducing poverty, which cuts across all of the Council Plan ambitions. This was one of the actions identified from a recent poverty sprint held by the Council with partners to identify the steps that could be taken to maximise whole-Council, cross-policy, cross-strategy action to drive real change to poverty in Middlesbrough.

- 4.3 Steps have also been taken to amend the committee report format template to ensure that it has a section which will set out the impact of proposed decisions on the reducing poverty aim.

5. Other potential alternative(s) and why these have not been recommended

- 5.1 The Council could choose not to amend the Impact Assessment Policy, however it would be missing an opportunity to embed an approach that would champion a consistent, considered approach that would support delivery of its aim of reducing poverty.

6. Impact(s) of the recommended decision(s)

Topic	Impact
Financial (including procurement and Social Value)	There are no direct implications arising as a result of this report.
Legal	As set out previously, the policy has been put in place to ensure compliance with the Public Sector Equality duty.
Risk	<p>The policy positively impacts on the following risks within the Council's Strategic Risk Register:</p> <ul style="list-style-type: none"> - Corporate Governance is not fit for purpose - Unlawful decision by the Council

	- Threats to social cohesion and democratic resilience.
Human Rights, Public Sector Equality Duty and Community Cohesion	This policy will ensure that the Council continues to comply with the Public Sector Equality Duty. A stage one Impact assessment has been completed (appended to this report at Appendix 2) which found that the policy would have a positive impact, ensuring there continues to be a framework in place to ensure decisions taken by the Council have due regard to the Public Sector Equality Duty.
Reducing poverty	The revised impact assessment policy will include consideration of this theme, impacting positively on the Council's ability to ensure that proposed decisions have an appropriate focus on the impact they can have on reducing poverty.
Climate Change / Environmental	There are no direct implications arising as a result of this report.
Children and Young People Cared for by the Authority and Care Leavers	The policy will continue to ensure the impact of Council decision-making on this group is considered within the impact assessment process.
Data Protection	There are no direct implications arising as a result of this report.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Publish the revised policy	Head of Governance, Information and Policy	May 2025
Delivery of training sessions to report authors on the additional requirements and updated e-learning to address this as well as signposting to data sources to assist authors to assess the impact of their decisions.	Head of Governance, Information and Policy	June 2025

Appendices

1	Impact Assessment Policy and supporting toolkit
2	Impact assessment (current template)

Background papers

Body	Report title	Date
Executive Member for Finance and Governance	Corporate Equality and Inclusion Policies – triennial refresh	20 March 2024

Contact: Ann-Marie Johnstone, Head of Governance, Policy and Information
Email: ann-marie_johnstone@middlesbrough.gov.uk



Impact Assessment Policy 2025-28

Creator	Author(s)	Ann-Marie Johnstone			
	Approved by	Executive Member for Finance and Governance			
	Department	Legal and Governance Services			
	Service area	Governance, Policy and Information			
	Head of Service	Ann-Marie Johnstone, Head of Governance, Policy and Information			
	Director	Charlotte Benjamin, Director of Legal and Governance Services			
Date	Created	September 2017			
	Submitted	April 2025			
	Approved	TBC			
	Updating Frequency	3 years			
Status	Version: 7				
Contributor (s)	Head of Governance, Policy and Information (SIRO). Policy Business Partner				
Subject	Impact Assessments				
Type	Policy				
	Vital Record	Yes	EIR	n/a	
Coverage	Middlesbrough Council				
Language	English				
Document Control					
Version	Date	Revision History		Reviser	
4.0	May 2014	Revision to include health impact assessments following transfer of public health duties		Ann-Marie Johnstone	
5.0	February 2018	3 year revision		Ann-Marie Johnstone	
6.0	February 2021	3 year Revision		Ann-Marie Johnstone	
7.0	December 2023	Review to include consideration of impacts on the Armed Forces duty, inclusion of care leavers		Shagufta Hussain, Ann-Marie Johnstone	
8.0	May 2025	Review to include a commitment to assessing the impact of decisions on the council's ambition to reduce poverty		Ann-Marie Johnstone	
Distribution List					
Version	Date	Name/Service area		Action	
3.0	September 2013	All staff via the staff intranet		dissemination	
4.0	May 2014	All staff via the staff intranet		dissemination	
5.0	March 2018	All staff via intranet		dissemination	
6.0	February 2021	All staff via intranet		dissemination	
7.0	February 2024	All staff via intranet		dissemination	
8.0	May 2025	All staff via intranet and e-learning		dissemination	

Contact: data@middlesbrough.gov.uk

Introduction

Impact Assessment (IA) is a continuous process to help decision-makers fully understand and weigh the consequences of possible and actual interventions. In general terms, decisions relating to the following must be considered for impact-assessment:

- new or revised strategies, policies or procedures;
- new or revised services/functions, programmes or projects;
- taking decisions to cease services and/or contracts where they are delivering services that are relevant to the Public Sector Equality Duty; or
- budget reductions or investment proposals impacting on services.¹

IA has multiple legal drivers, notably in relation to the Human Rights Act 1998 and groups protected under UK equality law. A decision that results in *unjustified* adverse impacts on human rights or on those groups or communities of interest protected by law is unacceptable.

The preparation and publication of IAs ensures fairness and transparency in decision-making and enables those with an interest to understand and challenge the rationale for decisions and understand how, and to what extent the decision is likely to impact on them.

This Policy sets out how the Council will undertake IAs to ensure compliance with statutory and best practice requirements and consistency in approach across the organisation.

Statutory drivers

Equality Act

The Public Sector Equality duty, contained in the Equality Act (2010) requires that the Council must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

¹ Please note that the application of policies in individual circumstances is also subject to the equality duty.

The protected characteristics are:

- | | |
|--------------------------|----------------------|
| ▪ Age | ▪ Race |
| ▪ Disability | ▪ Religion or belief |
| ▪ Gender reassignment | ▪ Sex |
| ▪ Pregnancy or maternity | ▪ Sexual orientation |

N.B. There are also certain protections in place for carers and marriage and civil partnerships in relation to the prevention of discrimination.

Non-compliance with this requirement opens the Council to the risk of challenge via the Local Government Ombudsman, judicial review or another process, which could result in the decision being overturned and significant costs and reputational damage incurred.

The Act provides protection from direct discrimination, indirect discrimination, harassment or victimisation because someone holds one of the protected characteristics. For the purposes of impact assessments, it is particularly important to consider whether there could be any unintentional barriers to accessing a service which could result in indirect discrimination. For example, placing a service in a building that is not accessible could mean people with a disability could have difficulty accessing services.

Armed Forces Covenant Statutory Duty

The Armed Forces Act 2021 placed a legal obligation on the Council that it must have due regard to the following when exercising 'a relevant function':

- the unique obligations of, and sacrifices made by, the Armed Forces
- the principle that it is desirable to remove disadvantages arising for Service people from membership, or former membership, of the Armed Forces, and
- the principle that special provision for Service people may be justified by the effects on such people of membership, or former membership, of the Armed Forces.

The functions this duty applies to are:

- Health - provision of services; planning and funding; and co-operation between bodies and professionals for local authority delivered healthcare services.
- Education - Compulsory education settings: admissions; educational attainment and curriculum; child wellbeing; transport; attendance; additional needs support; and use of Service Pupil Premium funding.
- Housing - allocations policy for social housing; tenancy strategies; homelessness; and disabled facilities grants.

Non-Statutory Drivers

Care Leavers

In addition to legal protections that may exist under the Public Sector Equality Duty, the Council has chosen to include Care Leavers as a separate grouping within its impact assessment policy. Where the impact assessment process is required, consideration must be given to the impact a decision will have on care experienced people.

Reducing Poverty

The priority of reducing poverty sits within the Council Plan and underpins the four aims that Middlesbrough will:

- be a successful and ambitious town;
- be a healthy place;
- have safe and resilient communities; and
- deliver best value.

As a result, poverty has been included as an area of assessment within the Council's Impact Assessment policy. It will require consideration to be given on the impact proposals could have on groups in poverty or at risk of falling into poverty.

Standardised report formats

The Council has a comprehensive set of report standards that combine with the impact assessment process to ensure that due regard is given not only to the statutory requirements set out above but also to wider implications of the decision. This enables a full and integrated assessment of the impacts of the decision to be presented to decision-makers and stakeholders². Appendix 1 provides a flow chart to assess whether an impact assessment may be needed. Appendix 2 sets out background and signposts to further information on areas to be considered in impact assessment. Appendices 3 and 4 contain the Impact assessment templates

Corporate Impact Assessment process

There are two levels to the Council's IA process:

Level 1: Initial screening assessment (Appendix 3)

Level 2: Full impact assessment (Appendix 4).

Level 1: Initial screening assessment

A Level 1 assessment must be completed where decisions are potentially relevant to the Public Sector Equality Duty (or reviewed/updated if one has been completed previously) for:

- new or revised strategies, policies or procedures;
- new or revised services/functions, programmes or projects; or
- budget reductions or investment proposals impacting on services³.

The Level 1 template is attached at Appendix 3. It represents a simple test to determine whether:

- there will be no negative impacts as a result of the decision; or
- there will be some negative impacts as a result of the decision;

² Environmental Impact Assessment is a specific technical requirement for certain types development consent, and so is not included within this process.

³ The [Equality and Human Rights Commission](#) provides further guidance on the particular issues around impact assessments and their role in financial decisions.

- taking decisions to cease services and/or contracts where they are delivering services that are relevant to the Public Sector Equality Duty (PSED) could have a negative impact; or
- the impacts of the proposed decision are unknown.

In the event that **sufficient evidence** is available to say with certainty that no negative impacts on the areas assessed will result from the implementation of the decision, then the process completes at Level 1. A Level 2 assessment must be completed where it is known that there will be adverse impacts or where the probable impact is uncertain. As the process implies, completion of an IA must be embedded within the policy / decision development process and it should commence when the process is at a formative stage. i.e. the findings of the impact assessment process should shape the development of the proposed policy / decision.

Where the Council shares responsibility for the implementation of the decision, all responsible parties should jointly complete the Level 1 assessment. Where the Council has some involvement in a policy determined elsewhere, then the Council's IA will only be done on the part of the policy performed by the Council.

As an IA progresses, it may become evident that other policies or functions will be affected by proposed changes to the specific area under assessment. In such instances, the full impact of the decision, including knock-on effects for related areas, can be assessed in a single exercise.

The complexity of an IA will be shaped by the extent to which a proposal is relevant to the equality duty and the nature of the proposal. The most complex and contentious IAs are likely to require a significant length of time to compile and analyse the relevant evidence.

Level 2: Full impact assessment

A Level 2 assessment must be undertaken where the Level 1 assessment has identified potential negative impacts or uncertainty around impacts in relation to the statutory PSED. The purpose of the Level 2 is to ensure the PSED is fully considered. Action must be taken to gather evidence where there is uncertainty around impacts. The Council will also require a level 2 IA for the non-statutory elements of this policy, following the same principles.

If a proposal could have an adverse impact, level 2 must quantify impacts where they were unknown at level 1 and assess whether that impact could be avoided, if it cannot be avoided then can it be mitigated. Finally, if it cannot be avoided or mitigated, can it be justified.

Impacts can be either:

None: there will be no change in the outcomes experienced by groups or individuals that hold a particular protected diversity characteristic as a result of the decision.

Positive: will actively promote equality of opportunity for one or more groups or individuals that hold a particular protected diversity characteristic, improve equal opportunities / relations between groups or bring benefits in line with the Councils' agreed strategies.

Negative: will cause disadvantage or exclusion, or hinder the achievement of the Councils' agreed strategies. If such an impact is identified the IA should consider whether it can be

avoided. If it cannot be avoided then consideration should be given to mitigating the impact by minimising it or counter balancing it with other measures. If it cannot be, then the decision can only be taken if there is sound justification for it.

Quality checking

Each completed IA (both Level 1 and 2) must be approved and signed-off by the appropriate Head of Service. It is the author's responsibility to ensure that the completed document meets the required standards of the organisation. The Governance and Information manager can provide advice and guidance on the content of impact assessments.

Further guidance on the legal requirements of the impact assessment process is available from the [Equality and Human Rights Commission](#). Government also publish detailed guidance on lawful decision that includes sections on consultation, human rights and the Public Sector Equality Duty. Entitled: [Judge on your Shoulder](#).

Reporting

The report seeking approval for the recommended option must outline the findings of the IA in the main body of the report, and attach the IA document(s) as an appendix. Where multiple IAs have been completed, all IAs must be appended to the report.

The IA process is set out in full in the flow chart at Appendix 1.

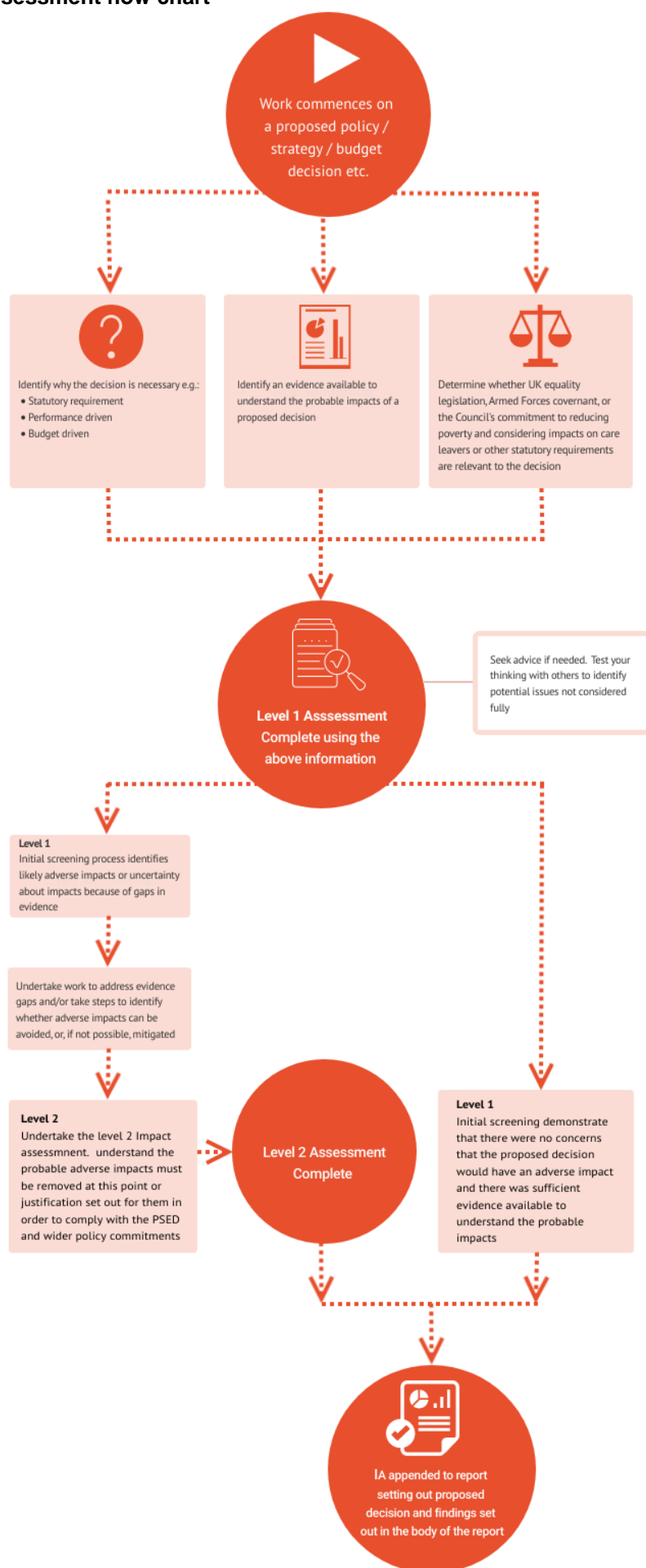
Review

This policy will be reviewed every three years, unless there is case law or new legislation in the interim that means the policy is no longer fit for purpose.

Contact:

Ann-Marie Johnstone
Head of Governance, Policy and Information
ann-marie_johnstone@middlesbrough.gov.uk

Appendix 1: Impact Assessment flow chart



Appendix 2: What Needs To Be Considered In Impact Assessments?

1. Human Rights

The Human Rights Act 1998 (in effect from October 2000) makes part of UK law the 16 basic rights contained in the 1951 European Convention on Human Rights and subsequent protocols:

- The right to life (Article 2) *Absolute right*
- The right not to be tortured or treated in an inhuman or degrading way (Article 3) *Absolute right*
- The right to be free from slavery or forced labour (Article 4) *Absolute right*
- The right to liberty (Article 5) *Limited right*
- The right to a fair trial (Article 6) *Limited right*
- The right to no punishment without law (Article 7) *Absolute right*
- The right to respect for private and family life, home and correspondence (Article 8) *Qualified right*
- The right to freedom of thought, conscience and religion (Article 9) *Qualified right*
- The right to freedom of expression (Article 10) *Qualified right*
- The right to freedom of assembly and association (Article 11) *Qualified right*
- The right to marry and found a family (Article 12) *Limited right*
- The right not to be discriminated against in relation to any of the rights contained in the European Convention (Article 14) *Qualified right*
- The right to peaceful enjoyment of possessions (Article 1 of Protocol 1) *Qualified right*
- The right to education (Article 2 of Protocol 1) *Qualified right*
- The right to free elections (Article 3 of Protocol 1) *Qualified right*.

It is unlawful for public authorities to act in a way that is incompatible with a Convention right and anyone who feels that a public authority has acted incompatibly with their Convention rights can raise this before an appropriate UK court or tribunal. Many everyday decisions taken in the workplace are not affected by human rights. Nevertheless, the Council has an obligation to act in accordance with the Convention rights.

Not all the Convention rights operate in the same way. Some are 'absolute' while others are 'limited' or 'qualified' in nature.

Absolute rights: States cannot opt out of these rights under any circumstances – not even during war or public emergency. There is no possible justification for interference with them and they cannot be balanced against any public interest. Examples of absolute rights are the prohibition of torture and inhuman or degrading treatment in Article 3, and the prohibition of slavery in Article 4(1).

Limited rights: These are rights that are not balanced against the rights of others, but which are limited under explicit and finite circumstances. An example is the right to liberty and security in Article 5.

Qualified rights: These are rights that can be interfered with in order to protect the rights of other people or the public interest. Interference with qualified rights may only be justified where the restriction:

- is lawful – this means that it is in accordance with the law, which must be established, accessible and sufficiently clear

- has a legitimate aim – the restriction must pursue a permissible aim as set out in the relevant Article. Public authorities may only rely on the expressly stated legitimate aim when restricting the right in question. Some of the protected interests are: national security, the protection of health and morals, the prevention of crime, and the protection of the rights of others
- is necessary in a democratic society – the restriction must fulfill a pressing social need and must be proportionate to that need.

The British Institute of Human Rights provides further information: [British Institute of Human Rights \(bihr.org.uk\)](http://bihr.org.uk).

If there is any concern that a decision could contravene the Human Rights Act, advice should be sought from the Monitoring Officer before proceeding.⁴

2. Equality

The Equality Act 2010 requires that the impact of recommendations is considered as part of the decision making process. Section 149 of the Act requires that the Council must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The characteristics that are protected by the equality duty are:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation.

Protected characteristic	Guidance
Age	The Act includes specific protections against age discrimination in employment and the provision of services in certain circumstances. Age restrictions may be justified if it is necessary to provide age-appropriate services.
Disability	<p>Equality legislation protects people with a disability from indirect discrimination. Consideration should therefore be given to universal policies that may inadvertently place someone at a disadvantage because of their disability.</p> <p>The Equality Act includes the requirement that reasonable adjustments are made to ensure people are not treated unfavourably because of their disability. The Act makes clear that it is lawful to treat a disabled person more favourably than a non-disabled person as part of steps to ensure they achieve equal outcomes.</p> <p>Impact assessments will focus on considering whether there could be adverse impacts on people with disabilities because of a proposal, whether those impacts would be disproportionate and would also give consideration to treating those with a disability differently to support achievement of equal outcomes.</p> <p>Evidence of the removal or minimisation of barriers and any provisions that have been put in place to support the achievement of equal outcomes should be included within an IA. Barriers to access for people with disabilities could include physical access issues; lack of provision of information in a format that meets; or unnecessary criteria or practices that would put a disabled person at a substantial disadvantage compared to someone without a disability.</p>
Gender reassignment	The Equality Act 2010 provides protections for people undergoing gender reassignment. There have been a number of studies undertaken either at the national level or in other areas of the country, which could be used to inform judgements in the first instance. The numbers of people within the local transgender community are quite small, therefore it is more difficult to gather data on the impact of decisions on this group of people at the local level.
Pregnancy and maternity	The Equality Act 2010 has included some protections for pregnancy and maternity as a diversity characteristic and includes a series of protections from discrimination in both work and non-work cases to protect women who are pregnant or on maternity leave from being treated unfavourably.
Race	Issues that might be relevant when considering the impact of a proposal on race may be whether a group could be disproportionately adversely affected by the proposal because of its location, the nature of the service, its target audience.
Religion or belief	Religion or belief can affect lifestyle in terms of dress, diet and daily observances. Evidence to support the assessment could include sensitivity around these issues where applicable, which could lead to considerations such as the timing of events, food and refreshments provision, uniform requirements etc.
Sex	Non-gender specific services that are predominantly accessed by male or female service users might indicate the existence of barriers. The <u>Equality and Human Rights Commission</u> provides detailed guidance on gender rights. There are a number of data sources containing results that are disaggregated by sex which could be used to support assessments of impact.
Sexual Orientation	Sources of evidence to help make an informed assessment can include customer data if sexual orientation is gathered within equal opportunities forms. Where there are gaps in information, there are a number of advocacy groups (local and national) that could provide sources of evidence. There are also a number of studies that have been undertaken at a national level by both Stonewall and the Equality and Human Rights Commission that may be relevant to the decision.

Examples of where court cases have been brought against public authorities, using the provisions set out in the PSED:

- A Council successfully defended a legal challenge that alleged it had failed to have due regard to the PSED when deciding to reduce Youth Services. The Council's processes were found to be robust because they set out in explicit detail, the likely impact of the proposed cuts, identified the protected characteristic affected and set out the evidence

that it had gathered to be able to assess impact. It then also set out the steps it had follow to consider minimising or mitigating the impact and when it could not do so fully, justification of it. This meant it complied with the requirements of the duty.

- When Government failed to adequately set out the very significant impacts that a decision cease to discretionary cash payments to disabled people to assist them to lead independent lives. It lost a legal challenge on the lawfulness of that decision. While an equality impact assessment has been completed, it was not enough to demonstrate compliance with the PSED. The references in the documents set out for the decision maker did not demonstrate that there were potentially very grave impact upon individuals in the relevant group of disabled persons, within the context of a consideration of the statutory requirements for disabled people as a whole. The IA did not set out the responses from consultation that had made clear that independent living could be put seriously in peril for a large number of people if the decision was enacted.
- A Council failed to consider the impact of a proposal to change domestic violence services on the BME community when it decided to close a BME specialist domestic violence service. This resulted in a successful legal challenge of that decision on the grounds that it had failed to comply with the requirements of the PSED.
- A Police Force that piloted use of automated facial recognition technology (AFR) failed to comply with the PSED as they failed to consider the public concern that AFR could result in an unacceptable bias on grounds of race or gender following concerns expressed that it was less able to accurately identify women and people from the BAME community. The fact that the technology was being piloted made no difference to the duty.
- A school had a uniform policy which permitted only one pair of plain ear studs and a wristwatch to be worn by pupils. A Sikh pupil wore to school her Kara (a narrow steel bangle with great significance for Sikhs). A teacher at the school asked the girl to remove it because it contravened the uniform policy. The girl's requests to be exempted from the policy were refused by the school.

Failure to assess the impact of a decision against the protected characteristics, in line with the PSED affected could leave the Council vulnerable to legal challenge.

3. Care Leavers

In addition to legal protections that may exist under the Public Sector Equality Duty, the Council has chosen to include Care Leavers as a separate grouping within its impact assessment policy. Where the impact assessment process is required, consideration must be given to the impact a decision will have on care experienced people.

This is a non-statutory requirement to single out this group, however a proposal relevant to this group could also be relevant to one or more of the legally protected characteristics within the PSED. The Council's policy in relation to this group is to have due regard to impacts on this group, with the aim that they should be avoided if possible. If they cannot be avoided, they should be mitigated, and if they cannot be fully mitigated, the decision maker should consider whether they can be justified.

4. Reducing Poverty

The priority of Reducing Poverty underpins all four of the Council Plan ambitions.

As a result, poverty has been included as an area of assessment within the Council's Impact Assessment policy. It will require consideration to be given on the impact proposals could have on groups in poverty or at risk of falling into poverty.

Again, this is a non-statutory requirement to single out this topic, however a proposal relevant to this topic could also be relevant to one or more of the legally protected characteristics within the PSED. The Council's policy in relation to this topic is to have due regard to impacts proposals could have on the priority of reducing poverty, with the aim that adverse impacts should be avoided if possible. If they cannot be avoided, they should be mitigated, and if they cannot be fully mitigated, the decision maker should consider whether they can be justified.

5. Armed Forces

Armed Forces Covenant Statutory Duty

The Armed Forces Act 2021 placed a legal obligation on the Council that it must have due regard to the following when exercising 'a relevant function':

- the unique obligations of, and sacrifices made by, the Armed Forces
- the principle that it is desirable to remove disadvantages arising for Service people from membership, or former membership, of the Armed Forces, and
- the principle that special provision for Service people may be justified by the effects on such people of membership, or former membership, of the Armed Forces.

The functions this duty applies to are:

- Health - provision of services; planning and funding; and co-operation between bodies and professionals for local authority delivered healthcare services
- Education - Compulsory education settings: admissions; educational attainment and curriculum; child wellbeing; transport; attendance; additional needs support; and use of Service Pupil Premium funding.
- Housing - allocations policy for social housing; tenancy strategies; homelessness; and disabled facilities grants.

6. Community cohesion

The duty to ensure community cohesion by "fostering good relations" between different groups or communities of interest by tackling prejudice and promoting understanding is set out within the Equality Act 2010 single equality duty. There is a clear link between equalities and community cohesion, in that people who are unfairly disadvantaged are more likely to feel and express resentment towards other, more advantaged groups.

Community cohesion therefore requires Council services to be sensitive to those issues which could impact adversely on community cohesion. Although issues of race, deprivation, social exclusion and faith remain the more pressing community cohesion priorities in some parts of the country, there are other issues that affect community cohesion including the economy, intergenerational issues, health inequalities, relations between new and indigenous communities, and issues around the treatment of disabled and lesbian, gay, bisexual, and transgender people. Consideration should be given to how integration can be encouraged at all possible levels as well as to what actions may have an adverse impact.

The [Equality and Human Rights Commission \(equalityhumanrights.com\)](http://equalityhumanrights.com) provides guidance on how to assess decisions to ensure both the community cohesion and equality duty requirements are reflected.

7. Supporting evidence

A sufficient level of evidence will be required in order to understand the impact of the proposal on relevant equality characteristics. Evidence can be quantitative (e.g. statistical data) or qualitative (e.g. service user feedback). When identifying evidence sources consider whether:

- the Council already routinely collects information which can be disaggregated by relevant equality characteristics that could support the completion of an IA
- information is available from other sources e.g. national or regional studies, Equality and Human Rights Commission research etc.

Where there is a lack of evidence steps should be taken to address this within the IA process. Evidence should be provided when assessing the impact of a proposal **and** when assessing the extent to which actions could avoid or mitigate an impact.

8. Sources of support

Contact the Governance, Policy and Information Service if you have any further advice or guidance requirements.

Template for Impact Assessment Level 1: Initial screening assessment
Appendix 3

Subject of assessment:	Insert title			
Coverage:	State the extent or scope e.g. overarching/crosscutting or service-specific.			
This is a decision relating to:	<input type="checkbox"/> Strategy	<input type="checkbox"/> Policy	<input type="checkbox"/> Service	<input type="checkbox"/> Function
	<input type="checkbox"/> Process/procedure	<input type="checkbox"/> Programme	<input type="checkbox"/> Project	<input type="checkbox"/> Review
	<input type="checkbox"/> Organisational change	<input type="checkbox"/> Other (please state)		
It is a:	New approach:	<input type="checkbox"/>	Revision of an existing approach:	<input type="checkbox"/>
It is driven by:	Legislation:	<input type="checkbox"/>	Local or corporate requirements:	<input type="checkbox"/>
Description:	Insert short description, using the following as sub-headings: <ul style="list-style-type: none"> • Key aims, objectives and activities • Statutory drivers (set out exact reference) • Differences from any previous approach • Key stakeholders and intended beneficiaries (internal and external as appropriate) • Intended outcomes. 			
Live date:	When will this be implemented?			
Lifespan:	Between which dates will this apply?			
Date of next review:	When will the next review be undertaken? State any triggers for early review.			

Screening questions	Response			Evidence
	No	Yes	Uncertain	
Human Rights Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Outline the evidence supporting the assessment.
Equality Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Outline the evidence supporting the assessment.
Community cohesion Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Outline the evidence supporting the assessment.
Armed Forces Could the decision impact negatively on those who are currently members of the armed forces of former members in the areas of Council delivered healthcare, compulsory education and housing policies?*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Outline the evidence supporting the assessment.
Care leavers Could the decision impact negatively on those who are care experienced?*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Outline the evidence supporting the assessment.
Reducing Poverty Could the decision impact negatively on the Council's ambitions to reduce poverty in the town?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Outline the evidence supporting the assessment.
Next steps: ➡ If the answer to all of the above screening questions is No then the process is completed. ➡ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed.				

Assessment completed by:		Head of Service:	
Date:		Date:	

* Consult the Impact Assessment further guidance for details on the issues covered by each of these broad questions prior to completion.

Subject of assessment:	Insert title			
Coverage:	State the extent or scope e.g. overarching/crosscutting or service-specific.			
This is a decision relating to:	<input type="checkbox"/> Strategy	<input type="checkbox"/> Policy	<input type="checkbox"/> Service	<input type="checkbox"/> Function
	<input type="checkbox"/> Process/procedure	<input type="checkbox"/> Programme	<input type="checkbox"/> Project	<input type="checkbox"/> Review
	<input type="checkbox"/> Organisational change	<input type="checkbox"/> Other (please state)		
It is a:	New approach:	<input type="checkbox"/>	Revision of an existing approach:	<input type="checkbox"/>
It is driven by:	Legislation:	<input type="checkbox"/>	Local or corporate requirements:	<input type="checkbox"/>
Description:	Insert short description, using the following as sub-headings: <ul style="list-style-type: none"> • Key aims, objectives and activities • Statutory drivers (set out exact reference) • Differences from any previous approach • Key stakeholders and intended beneficiaries (internal and external) • Intended outcomes. 			
Live date:	When will this be implemented?			
Lifespan:	Between which dates will this apply?			
Date of next review:	When will the next review be undertaken? State any triggers for early review.			

Assessment issue	Impacts identified					Rationale and supporting evidence
	None	Positive	Negative		Uncertain	
			Justified	Mitigated		
Human Rights						
Engagement with Convention Rights (as set out in section 1, appendix 2 of the Impact Assessment Policy).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Equality						
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles. NB the following cells can be merged as appropriate.
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Pregnancy / maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Religion or belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Marriage / civil partnership**	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Dependants / caring responsibilities**	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Criminal record / offending past**	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.

** Indicates this is not included within the single equality duty placed upon public authorities by the Equality Act. See guidance for further details.

Assessment issue	Impacts identified					Rationale and supporting evidence
	None	Positive	Negative		Uncertain	
			Justified	Mitigated		
Community cohesion						
Individual communities / neighbourhoods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Relations between communities / neighbourhoods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Armed Forces Covenant						
Council delivered healthcare services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Compulsory Education - admissions; educational attainment and curriculum; child wellbeing; transport; attendance; additional needs support; and Service Pupil Premium funding	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Housing, homelessness and disabled facilities grants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles
Care leavers						
Care experienced people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.
Reducing Poverty						
Reducing poverty	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Explanatory text. Outline the evidence supporting the assessment. Do not simply quote research or report titles.

Next steps:

- ➡ If the answer to some questions remains Uncertain, then further work must be undertaken to clarify impacts. Repeat the process until there is certainty, but ensure that the amount of work undertaken is proportionate to the decision required. No relevant report should be submitted for approval until there is a satisfactory level of certainty around the impacts of the recommended decision.
- ➡ Be sure that any likely differential impacts identified through the process (positive or negative) are well evidenced and clearly marked in the template.
- ➡ Where the impact is negative, be clear that this can be justified with the justification outlined. If it cannot, the recommended decision must be reviewed.
- ➡ Where negative impacts are unjustified and *unavoidable*, actions must be put in place to remove or mitigate impacts. These should be listed in the action plan below.
- ➡ The results of the IA process (including changes made to the proposed approach and further actions) should be outlined the main body of the report, and the completed IA template appended to that report.

In addition to the above the report author may also wish to consider completing a discretionary Health impact assessment. Guidance on when this is appropriate should be sought from the Public Health team.

Further actions		Lead	Deadline
Mitigating actions	Identify actions in place or to be undertaken to mitigate impacts identified. Sufficient evidence must be provided to demonstrate to the decision maker that the impact will be mitigated by these actions.		
Promotion	Outline how the decision and its impacts will be publicised both internally and externally as applicable.		
Monitoring and evaluation	Outline how the implementation of the decision will be monitored and evaluated to identify any areas of unexpected negative impact.		

Assessment completed by:		Head of Service:	
Date:		Date:	

This page is intentionally left blank

Impact Assessment Level 1 Impact Assessment Policy: Initial screening assessment

Subject of assessment:	Impact Assessment Policy			
Coverage:	Cross-cutting			
This is a decision relating to:	<input type="checkbox"/> Strategy	<input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Service	<input type="checkbox"/> Function
	<input type="checkbox"/> Process/procedure	<input type="checkbox"/> Programme	<input type="checkbox"/> Project	<input type="checkbox"/> Review
	<input type="checkbox"/> Organisational change	<input type="checkbox"/> Other (please state)		
It is a:	New approach:	<input type="checkbox"/>	Revision of an existing approach:	<input checked="" type="checkbox"/>
It is driven by:	Legislation:	<input checked="" type="checkbox"/>	Local or corporate requirements:	<input checked="" type="checkbox"/>
Description:	<ul style="list-style-type: none"> • Key aims, objectives and activities The policy revision has been undertaken to take the opportunity to ensure the Council has a systematic approach to assessing the impact of poverty within its decision-making. • Statutory drivers (set out exact reference) The current policy reflects the requirements of legislation to consider the impact of decisions on equality and community cohesion and to consider the impact of certain decisions on Armed forces leavers. The relevant legislation is the Equality Act 2010 and the Armed Forces Covenant Legal Duty • Differences from any previous approach The revised policy includes a proposal to consider impacts on the Council's aim to reduce poverty. • Key stakeholders and intended beneficiaries (internal and external as appropriate) All residents and partners. • Intended outcomes Improved outcomes for all. 			
Live date:	May 2025			
Lifespan:	May 2025 – May 2028			
Date of next review:	May 2028			

Screening questions	Response			Evidence
	No	Yes	Uncertain	
Human Rights Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The policy positively supports human rights. The impact assessment policy contains a section to ensure that report authors consider the impact of proposed decisions on human rights. Evidence used to inform this assessment includes the content of the Impact Assessment policy and feedback from application of the current policy.
Equality Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Council has a duty to consider the impact of the proposal on relevant protected characteristics to ensure it has due regard to the public sector equality duty. The duty means the Council must have due regard when taking decisions to the need to: <ul style="list-style-type: none"> a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The policies are designed to ensure compliance with this duty.
Community cohesion Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The policy will continue to support community cohesion by ensuring the Council's practices and processes are fair and compliant with the PSED.
Armed Forces Could the decision impact negatively on those who are currently members of the armed forces or former members in the areas of Council delivered healthcare, compulsory education and housing policies?*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The policy will ensure that due regard is given to the impact of proposed decisions on Armed Forces current and former members, where they have additional protections as a result of the Armed Forces Covenant.
Care leavers Could the decision impact negatively on those who are care experienced?*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The policy will ensure that the impact of proposed decisions on care leavers is considered within the Council's decision-making processes.

* Consult the Impact Assessment further guidance for details on the issues covered by each of these broad questions prior to completion.

Assessment completed by:		Head of Service:	Ann-Marie Johnstone
Date:		Date:	13/3/2025

This page is intentionally left blank

MIDDLESBROUGH COUNCIL	
------------------------------	--

Report of:	Director of Legal & Governance Services
Relevant Executive Member:	Mayor
Submitted to:	Single Member Executive – The Mayor
Date:	1 May 2025
Title:	Out of Hours Registrar Offer
Report for:	Decision
Status:	Public
Council Plan priority:	Delivering Best Value
Key decision:	Yes
Why:	Decision(s) will have a significant impact in two or more wards
Subject to call in?:	Yes
Why:	Non Urgent decision

Executive summary
<p>This report seeks approval of the minor amendments to the Out of Hours Registrars offer to reflect the needs of the community and to continue to deliver best value.</p> <p>The decision requires Single Member Executive approval as it is a ‘minor variation to an existing policy or procedure’ as per Section 6.38.2(a) of the constitution</p> <p>The Out of Hours Registrars offer, as set out in the Registration & Bereavement Services Charter, currently offers an on-call service of two hours each Saturday and Sunday from 9am to 11am. The cover for this call out is provided by a rota of Registrars. The minor amendment would be to have the on-call service on a Saturday only. It is proposed that this change would take effect from the 1st June 2025.</p> <p>Making this change will bring us in line with other Local Authorities in the area and will not have an impact on the delivery of the service to the community. The response to any need will continue to be within the General Register Office handbook guidelines.</p> <p>Although this reduction would not result in a significant financial saving, it Delivers Best Value as the service is not being used significantly within the community, and would have a benefit for the wellbeing of the Registrars Team.</p>

Consultation has taken place with local funeral directors in regard to the proposed change. No feedback was received.

Other options have been considered but have been discounted, primarily due to not meeting the needs of the community, and/or additional cost.

The updated charter also includes some amendments to provide clarification around the introduction of the Medical Examiner process.

Implications of the recommendation(s) have been considered by the appropriate officers of the Council and are set out in the main body of the report.

1. Purpose

- 1.1 To seek approval of the minor amendments to the Out of Hours Registrars offer to reflect the needs of the community and to continue to deliver best value.
- 1.2 The decision requires Single Member Executive approval as it is a 'minor variation to an existing policy or procedure' as per Section 6.38.2(a) of the constitution.

2. Recommendations

- 2.1 That the Mayor / Executive Member for Legal & Governance Services
 - Approves the changes to the Out of Hours Registrars offer as set out in the Registration & Bereavement Services Charter, namely to remove the offer of an on call service on Sundays and to provide clarification around the introduction of the Medical Examiner process.

3. Rationale for the recommended decision(s)

- 3.1 The Out of Hours Registrars offer, as set out in the Registration & Bereavement Services Charter, currently offers an on-call service of two hours each Saturday and Sunday from 9am to 11am. The cover for this call out is provided by a rota of Registrars.
- 3.2 Since the Medical Examiner changes in September 2024, which are set out in Section 4 of this report, the use of this service has been monitored as part of an informal review of its impact. Within that 6 month period, no calls have been received on Sundays.
- 3.3 The proposed change to the offer would bring Middlesbrough in line with other Local Authorities in the region.
- 3.4 Although this reduction would not result in a significant financial saving, it provides Best Value as the service is not being used significantly within the community, and would have a significant benefit for the wellbeing of the Registrars Team.

- 3.5 An Equality Impact Assessment has been completed which concludes that the amendment to the on-call offer would not negatively impact on any specific groups or individuals.
- 3.6 The duty appointment slot would remain available each weekday and the service would continue to work within the guidance of the General Register Office handbook.
- 3.7 Other options have been considered but have been discounted for the reasons as set out below in Section 5, primarily due to not meeting the needs of the community, and/or additional cost.

4. Background and relevant information

- 4.1. The Out of Hours Registrars offer, as set out in the Registration & Bereavement Services Charter, currently offers an on-call service of two hours each Saturday and Sunday from 9am to 11am. The cover for this call out is provided by a rota of Registrars.
- 4.2. The charter states as follows:

The Registrar will be on call on a Saturday & Sunday morning between the hours of 9:00am and 11:00am (excluding bank holidays & festive holidays) to issue any paperwork for any urgent faith burials / cremations or an 'Out of England Order'. Contact Tel 01642 726050 and ask to be connected to the Registrar on call service.

- 4.3. There are three main circumstances in which the on call service would be required by members of the community:-

Certificate for burial or cremation before registration

Known as a 'green form' this is the certificate issued by the Registrar before the death has been registered which allows the funeral to proceed either through burial or cremation. These are often needed in an urgent basis for faith burials where the burial needs to take place in a short space of time.

Out of England Order

This is the legal document which is required to move a deceased person's body out of England and is issued by the coroner. The registrar would then be required to complete the full death registration rather than just the burial order.

Urgent marriages and civil partnerships

If either party of marriage is critically ill and not expected to recover, a ceremony can take place using a Registrar General's Licence from the Registration district where that person is located.

- 4.4. The most common requirement for the on call service in Middlesbrough is around the green forms.

- 4.5. In September 2024 the process for death registrations was changed by the introduction of the Medical Examiner.
- 4.6. Pre September 2024 the attending doctor who treated the deceased would complete and sign the Medical Certificate of Cause of Death (MCCD). This certificate was then used to register the death, or issue the green form before registration if requested for an urgent burial / cremation.
- 4.7. If the death was sudden, unexplained, or suspicious, it would be referred to a coroner. The coroner would investigate and determine the cause of death, then issue the necessary documentation.
- 4.8. There was no independent review of the cause of death for cases that were not referred to a coroner. This meant that the accuracy and consistency of death certificates relied solely on the attending doctor's assessment.
- 4.9. The Medical Examiner (ME) system was introduced in September 2024. This system meant that MEs signed the MCCDs in those cases that didn't require coroner involvement rather than the attending doctor, and it aimed to provide an independent review as well as improving accuracy, involving families more, and increasing transparency in the death registration process.
- 4.10. As a result of the ME system being introduced, the Registration Service have been monitoring the impact of this change, particularly in terms of lead times between dates of death and registration dates, and looking at the calls into the weekend on call service.
- 4.11. This is on the basis that there is not an on call service for MEs over the weekend, therefore the MCCDs required to register the death, or issue the green form, will not be signed at the weekend, save for some that are done on a 'goodwill' or ad hoc basis. Without the ME signed MCCDs, the green cannot be issued.
- 4.12. Since the introduction of the ME System there has not been any calls to the on-call service on Sundays and only 3 on Saturdays. Data was not kept pre September 2024 in regard to the number of calls for the purpose of comparison, however the number of calls, particularly on Sundays has always been minimal.
- 4.13. As part of this review, we have also considered the offer from other Local Authorities in the area. Stockton Council offers an on call service on Saturday's only, and Redcar & Cleveland offer no on call service at all.
- 4.14. We are therefore proposing that the on call service is reduced and should be offered on a Saturday only, amending the charter, as at Appendix 1, as follows:

The Registrar will be on call on a Saturday morning between the hours of 9:00am and 11:00am (excluding bank holidays & festive holidays) to issue any paperwork for any urgent faith burials / cremations or an 'Out of England Order'. Contact Tel 01642 726050 and ask to be connected to the Registrar on call service.

- 4.15. Making this change will bring us in line with other Local Authorities in the area and will not have an impact on the delivery of the service to the community.
- 4.16. The response to any need will remain within the General Register Office handbook guidelines as follows:

Certificate for burial or cremation before registration

GRO Handbook - No set timeframe however 'to be issued as soon as possible'
The on call service will still be available on Saturdays for any deaths that occur and have the signed MCCD

Any deaths after that time will be picked up on Monday within the duty officer slot, which is 9-11am each week day and means that a registrar will be available to process any urgent requests

Out of England Order

GRO Handbook – 'The body shall not be removed out of England before the expiration of a period of 4 clear days after the day on which notice of intention to remove the body was received by the coroner'.

Any requests for an out of England order that would be required on a Sunday could be dealt with on a Monday within the duty officer slot and still be within this timeframe.

Urgent marriages and civil partnerships

GRO Handbook does not have any timescales included, however due to the nature of the request, we would always prioritise the ceremony to be carried out as soon as possible.

Any requests for urgent ceremony would be unlikely to be carried out on the same day, as necessary paperwork is required to enable a notice of marriage to be given and only one Registrar is on call and two staff are legally required for a ceremony to take place. Therefore any requests on a Sunday could be dealt with on a Monday within the duty officer slot.

- 4.17. The amendment to the on call service will have a huge impact on the wellbeing of the team. At the moment, whoever is the weekend duty needs to be available for any on calls for both Saturdays and Sundays, which impacts on their free time as they need to be at home in order to be able to access their laptops should a call come in. As the service is not required, as evidenced by the lack of calls, balancing the needs of the community with the wellbeing of the team, the amendment could be made with no impact.
- 4.18. For the avoidance of any doubt, the on call service would continue on Saturdays.
- 4.19. There are also some minor amendments to provide clarification around the introduction of the Medical Examiner process. Highlighted in yellow on the draft amended charter attached at Appendix 1.

4.20. Consultation has taken place with 38 local funeral directors, all of whom were provided with a copy of the amended charter, with the changes outlined, as well as the rationale for the change. Comments were invited to be provided by email by 11th April 2025. There was also an opportunity to attend to an online consultation session on the 10th April 2025 so that comments could be provided in person. No feedback was received.

5. Other potential alternative(s) and why these have not been recommended

5.1 **Remove the out of hours option for both Saturdays and Sundays** – this change would bring Middlesbrough out of line with other Local Authorities in the area and would not best meet the needs of the community in terms of being able to respond to any urgent requests.

5.2 **Offer from another LA** – we have had an offer from Surrey Local Authority who are offering to provide an out of hours burial order service for Registration & Nationality Services across England and Wales.

They are ‘proposing a service that offers specific hours on Saturdays, Sundays, and Bank Holidays, where our dedicated team will be available to process burial orders (also known as “greens”). We’re ready to assist when families need it most and to provide this service seamlessly with minimal disruption’.

The offer is for 4 hours of cover on each Saturday, Sunday and Bank Holiday in a year with a cost of £6,720.00 per annum.

As the service is not currently being used by the community, this would not deliver best value as an option.

5.3 **Do Nothing** – the on call offer could remain for both Saturdays and Sundays but this does not provide best value as the service is not being used on this day.

6. Impact(s) of the recommended decision(s)

Topic	Impact
Financial (including procurement and Social Value)	<p>The current on-call hourly rate is £2.53 per hour.</p> <p>The on-call fee for the two hours therefore costs £5.06 for each Sunday, and with an annual cost of £263.12</p> <p>This does not include any overtime fees that would be incurred should any action be required whilst on call. The hourly rate for overtime on a Sunday is time and a half, which would be on average £24.15 per hour, with a minimum of two hours paid.</p>

	Therefore the financial impact of the decision is minimal.
Legal	There are no legal implications – the proposed changes to the offer would still meet the General Register Office Guidance in terms of timescales for registration for both Faith Burials and for Out of England.
Risk	There are no risks which will be impacted by the implementation of this decision.
Human Rights, Public Sector Equality Duty and Community Cohesion	<p>An Equality Impact Assessment has been completed which concludes that there is no adverse effect for any protected group.</p> <p>The General Register Office Guidance will continue to be complied with and the duty appointment slot would remain available each weekday.</p> <p>The Public Sector Equality Duty contains a duty to ensure community cohesion by fostering good relations between different groups or communities of interest by tackling prejudice and promoting understanding.</p> <p>The Register Office Team will continue to work with our partners within the community, including James Cook Hospital and local funeral directors, by way of informing them of any changes and the reasons for any change.</p> <p>We will also continue to review any feedback received.</p>
Climate Change / Environmental	This decision will not impact on Climate Change and/or Environmental
Children and Young People Cared for by the Authority and Care Leavers	The Equality Impact Assessment did not identify any impact on Children or Young People cared for by the Authority and care leavers.
Data Protection	Data Protection will not be impacted by the implementation of this decision as it does change the collation and use of personal data.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Circulate the updated Customer Charter to our partners including James Cook Hospital and local funeral directors	Sarah Teece – Principal Registration Officer	30 th May 2025
Update our website with the updated policy	Rachel May - Principal Business Development and Support Officer	30 th May 2025
Annual Review of Offer	Sarah Teece – Principal Registration Officer	30 th May 2026

Appendices

1	Amended Registration & Bereavement Services Charter
2	Equality Impact Assessment – completed
3	

Background papers

Body	Report title	Date
None		

Contact: Ann-Marie Wilson – Head of Legal Services (People)

Email: annmarie_wilson@middlesbrough.gov.uk

Middlesbrough Council

Registration & Bereavement Services Charter

We aim to provide dignified registration, burial and cremation functions which will provide caring and sensitive services to the bereaved members of the community.

What you can expect from us:

- ❖ The deceased and bereaved family and friends will always be our focus.
- ❖ We will be professional and helpful at all times.
- ❖ We will provide an empathetic, professional, and respectful registration service.
- ❖ We will conduct dignified and respectful burial and cremation services.
- ❖ We will endeavour to provide services that meet the needs of the whole community and are responsive to individuals wishes
- ❖ We will maintain a safe and peaceful environment for burial and cremations
- ❖ We will work closely with funeral directors, memorial masons, the NHS, and other organisations to ensure professionalism and high standards throughout the registration and bereavement process
- ❖ We will treat you fairly, with dignity, respect, honesty and follow the Councils Employee Code of Conduct
- ❖ We will endeavor to provide services in consideration of the needs and wishes of individuals, families, our communities and faith groups. However, this may not always be possible and we reserve the right to offer a reasonable alternative service or arrangement.

You can help us by

- ❖ Adhering to the timescales for the submission of documentation, regarding registration, burial, and cremation services
- ❖ Undertaking business activities in accordance with the Councils Standing Orders
- ❖ Treating our employees with Dignity & Respect
- ❖ Providing us with all the required information in a timely manner and informing us of any changes in circumstances.
- ❖ Managing and setting family expectations regarding policies, procedures and timescales

Customer Service

If you need to visit us in person, we aim to:

- ❖ Follow the principles of the Councils Customer Charter
- ❖ Ensure you are greeted by a member of staff as quickly as possible, arranging a private interview room if necessary.
- ❖ Do our best to accommodate any additional needs you may have, in a safe and friendly environment.
- ❖ Ensure that our customer service staff wear named ID badges.

Complaints, Queries

If you contact us by email or in writing, we will aim to:

- ❖ Respond to your query at the first point of contact and if this is not possible, we will acknowledge receipt of your correspondence where appropriate and explain why and let you know when you can expect a response.
- ❖ Reply using plain, jargon-free language.
- ❖ If you have complained, if appropriate, we will resolve your issue informally. Where required we will investigate your complaint further, providing a full response and/or update in a timely manner.

DIGNITY AND RESPECT

Middlesbrough Council is committed to a positive workplace environment in which all employees, councillors, service users and members of the public are treated with dignity and respect.

How we interact with work colleagues, business partners & the public will affect the day to day working environment. Concerns over service delivery need to be resolved in an amicable manner.

Characteristics of a Respectful Working Relationship

Include:

- Polite behaviour – courteous and considerate behaviour towards each other
- Welcoming and valuing people with different backgrounds, cultures, strengths, and opinions
- Freedom from disrespectful, discriminating, bullying, and harassing behaviour
- Working constructively with each other

Middlesbrough Council continues to engage with all funeral providers and families and carries out its role with dignity and respect, positively and professionally.

However, Middlesbrough Council takes a Zero tolerance stance, and will take proportionate and appropriate action against provider who does not treat our employees with dignity & respect or who demonstrate inappropriate conduct towards the Council or our staff.

We hope that a continued professional relationship can continue without the for this and any issues are resolved at the earliest opportunity.

Service standards

Registration

Registration is via appointment only. Customers without an appointment will not be able to complete their business on the day.

The Register Office will endeavor to comply with the following:

- ❖ Offer an appointment to customers wishing to register a death within five working days.
- ❖ All customers will be seen within 10 minutes of their appointment time.
- ❖ A form 9 burial / cremation order can only be issued upon receipt of an electronic Medical Certificate of Cause of Death signed by the doctor, providing it is fully completed and has

been scrutinised and signed off by the Medical Examiner and paperwork has been issued by the Coroner where necessary.

- ❖ If a body is to be taken out of England and Wales, it is a requirement for the death to be registered so that an official death certificate can be issued for travel. A death registration appointment will only be made upon receipt of an electronic Medical Certificate of Cause of Death signed by the doctor, providing it is fully completed and has been scrutinised and signed off by the Medical Examiner. The Coroner will also need to be informed to issue relevant paperwork in order for the registration to proceed. Appointments are subject to staffing and resource availability.
- ❖ Any requests for an urgent faith burial / cremation or an 'Out of England Order' will be dealt with during the week Monday – Friday between 9:00am - 11:00am and 2:00pm - 4:00pm (excluding bank holidays & festive holidays) this is subject to staffing and resource availability.
- ❖ The Registrar will be on call on **Saturday morning** between the hours of 9:00am and 11:00am (excluding bank holidays & festive holidays) to issue any paperwork for any urgent faith burials / cremations or to register a death if an 'Out of England' request is received. **The Registrar should only be contacted once the Medical Examiner has confirmed that the Medical Certificate of Cause of Death has been signed off and sent electronically to the Register Office.**
Please call 01642 726050 and ask to be connected to the Registrar on call if you require this service.

Burials & Cremations

- ❖ For a comprehensive understand of the Bereavement Service provided by Middlesbrough Council please follow the link [Cemeteries and crematorium | Middlesbrough Council](#);
- ❖ Specific requirements relating to Funeral Directors can be found by following the link [Funeral directors | Middlesbrough Council](#)
- ❖ To allow a same day Burial service to be requested, the Funeral Director is required to provide all necessary documentation to Bereavement Services with as much notice as possible. Without the statutory documentation being provided in an acceptable timescale, we reserve the right to defer or cancel the funeral arrangement.
- ❖ The time for a same day burial to take place will be determined by Bereavement Services with the latest time being 2:30 pm in Autumn / Winter and 3pm Spring / Summer and will be granted subject to the registration of death & Certificate for burial or Cremation (part B) being received from the Register Office or Coroners.
- ❖ We will always endeavor to provide where appropriate, for cultural or religious reasons, a same day burial. However, we reserve the right to refuse such requests where circumstances mean we are unable to provide this, for example this may be due to accessibility to the burial plot, availability of council resources and environmental conditions. Where these conditions cannot be met, arrangements will be made for a burial to take place on the next suitable available date and time.
- ❖ Any requests for same day burials (outside of the normal working week Mon-Fri) must be made between 9 am and 11am with a fully completed application. Any request is subject to the conditions above. Further specific details are available on the Council's Website.

This page is intentionally left blank

Template for Impact Assessment Level 1: Initial screening assessment

Subject of assessment:	Out of Hours registrar offer			
Coverage:	Service specific			
This is a decision relating to:	<input type="checkbox"/> Strategy	<input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Service	<input type="checkbox"/> Function
	<input type="checkbox"/> Process/procedure	<input type="checkbox"/> Programme	<input type="checkbox"/> Project	<input type="checkbox"/> Review
	<input type="checkbox"/> Organisational change	<input type="checkbox"/> Other (please state)		
It is a:	New approach:	<input type="checkbox"/>	Revision of an existing approach:	X
It is driven by:	Legislation:	<input type="checkbox"/>	Local or corporate requirements:	X
Description:	<ul style="list-style-type: none"> • Key aims, objectives and activities The Out of Hours Registrars offer, as set out in the Registration & Bereavement Services Charter, currently offers an on-call service of two hours each Saturday and Sunday from 9am to 11am. The cover for this call out is provided by a rota of Registrars. A minor amendment is suggested to have the on-call service on a Saturday only. • Statutory drivers (set out exact reference) Any changes to the charter or the registration offer need to be in line with the General Register Office handbook guidelines. The suggested amendment is in line with this approach • Differences from any previous approach This would be a change to remove the on-call offer on a Sunday, which is a minor change to the previous approach. • Key stakeholders and intended beneficiaries (internal and external as appropriate) Members of the local community Registrars Service - MBC Bereavement Services – MBC James Cook University Hospital Local funeral directors • Intended outcomes. To Deliver Best Value and to ensure that the service meets the current needs of the community. 			
Live date:	Proposed to be implemented from the 01.06.2025.			

Lifespan:	Until any further change
Date of next review:	One year post implementation

Screening questions	Response			Evidence
	No	Yes	Uncertain	
Human Rights Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?	X	<input type="checkbox"/>	<input type="checkbox"/>	<p>The register office work closely with the different groups and communities within the neighbourhood and are fully aware of their service area needs, particularly in regards to faith burials which have a time sensitive need to be considered.</p> <p>The amendment to the on-call offer would not negatively impact on those groups or individuals.</p> <p>The duty appointment slot would remain available each weekday and the service would continue to work within the guidance of the General Register Office handbook.</p>
Equality Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?	X	<input type="checkbox"/>	<input type="checkbox"/>	<p>The register office work closely with the different groups and communities within the neighbourhood and are fully aware of their service area needs, particularly in regards to faith burials which have a time sensitive need to be considered.</p> <p>The amendment to the on-call offer would not negatively impact on those groups or individuals.</p> <p>The duty appointment slot would remain available each weekday and the service would continue to work within the guidance of the General Register Office handbook.</p>
Community cohesion Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?	X	<input type="checkbox"/>	<input type="checkbox"/>	<p>The register office work closely with the different groups and communities within the neighbourhood and are fully aware of their service area need.</p> <p>The amendment to the on-call offer would not negatively impact on those groups or individuals.</p> <p>The duty appointment slot would remain available each weekday and the service would continue to work within the guidance of the General Register Office handbook.</p>
Armed Forces Could the decision impact negatively on those who are currently members of the armed forces of former members in the areas of Council delivered healthcare, compulsory education and housing policies?	X	<input type="checkbox"/>	<input type="checkbox"/>	<p>The amendment to the on-call offer would not negatively impact on those who are current of former members of the armed forces as there is no suggestion that this service is used more by them than other members of the community.</p>
Care leavers Could the decision impact negatively on those who are care experienced?	X	<input type="checkbox"/>	<input type="checkbox"/>	<p>The amendment to the on-call offer would not negatively impact on those who are care experienced as there is no suggestion that this service is used more by care leavers than other members of the community.</p>

* Consult the Impact Assessment further guidance for details on the issues covered by each of theses broad questions prior to completion.

Screening questions	Response	Evidence
<p>Next steps:</p> <ul style="list-style-type: none"> ➡ If the answer to all of the above screening questions is No then the process is completed. ➡ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed. 		

Assessment completed by:	Ann-Marie Wilson	Head of Service:	Ann-Marie Wilson
Date:	12.03.2025	Date:	12.03.2025