

## EXECUTIVE MEMBER - COMMUNITIES AND EDUCATION

<b>Date:</b> Thursday 11th February, 2021
<b>Time:</b> 10.30 am
<b>Venue:</b> Virtual

### AGENDA

Please note: this is a virtual meeting.
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The meeting will be live-streamed via the Council's <a href="#">Youtube channel</a> at 10.30 am on Thursday 11th February, 2021
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1. Corporate equality and inclusion policies - triennial refresh 3 - 44

Charlotte Benjamin  
Director of Legal and Governance Services

Town Hall  
Middlesbrough  
Wednesday 3 February 2021

### MEMBERSHIP

Councillors M Smiles (Chair), ,

### **Assistance in accessing information**

**Should you have any queries on accessing the Agenda and associated information please contact Susie Blood, 01642 729645, [susie\\_blood@middlesbrough.gov.uk](mailto:susie_blood@middlesbrough.gov.uk)**

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<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Director of Legal and Governance Services
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<b>Submitted to:</b>	Executive Member for Communities and Education, 11 February 2021
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<b>Subject:</b>	Corporate equality and inclusion policies – triennial refresh
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**Summary**

**Proposed decision(s)**

That the Executive Member approves the proposed revised corporate policies relating to equality and inclusion (Appendix 1), equality monitoring (Appendix 2), impact assessment (Appendix 3) and the monitoring of hate incidents (Appendix 4).

Report for:	Key decision:	Confidential:	Is the report urgent?
Decision	No	No	No

**Contribution to delivery of the 2020-23 Strategic Plan**

People	Place	Business
The policies will ensure that the Council conducts its business and decision making in line with the requirements of the Equality Act 2010, ensuring that decision-making is fair, transparent and is based on clear evidence.		

**Ward(s) affected**

There is no direct impact on any ward from the recommendations of this report.

## **What is the purpose of this report?**

1. The report seeks approval for proposed revisions to the Council's four corporate equality and inclusion policies following their scheduled triennial review in order to ensure continued compliance with the Equality Act 2010.

## **Why does this report require a Member decision?**

2. Consideration of policies required to ensure compliance with the Equality Act 2010 is a duty reserved to the Executive Member for Communities and Education within the Executive Scheme of Delegation.

## **Report Background**

3. The Equality Act 2010 places a Public Sector Equality Duty (PSED) on the Council and is supported by specific equality regulations that the Council must also comply with.
4. The PSED requires that when taking decisions the Council must have due regard to the need to:
  - eliminate discrimination, harassment and victimisation;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
5. Furthermore, the Act states that compliance with this duty may involve:
  - removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - taking 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; and
  - encouraging 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.
6. The PSED states consideration should also be given to the steps involved in meeting the needs of disabled persons where they are different from the needs of people who are not disabled including, in particular, steps to take account of disabled persons' disabilities.
7. The protected characteristics set out in the Equality Act 2010 are:
  - age;
  - disability;
  - gender reassignment;
  - pregnancy and maternity;
  - race;
  - religion or belief;
  - sex; and
  - sexual orientation.
8. The Act is supported by specific regulations, which place additional duties upon the Council. It is required publish information to demonstrate compliance with the PSED. The Council must also prepare and publish one or more specific and measurable objective it thinks it should achieve to enable it to meet the general PSED.

9. The Council has in place four corporate equality and inclusion policies to ensure compliance with the PSED:

- **Equality and Inclusion Policy:** This policy sets out how the Council will ensure customers, employees and job applicants are treated fairly and in line with the protections set out for relevant characteristics within the Equality Act 2010.
- **Equality Monitoring Policy:** This policy establishes a consistent approach to the collection of user equality and diversity data within the development and delivery of Council services. Provision of this data is discretionary but ensures that the Council is able to understand the impacts of its decisions and services on different groups (including its employees) and communities. Consideration was given to expanding the range of options within the questions to give a richer range of responses. It is not recommended at this time because alignment with the Census which provides the most comprehensive demographic data set for the town. There will be occasions where the Council may choose to expand question sets within targeted consultation to gain richer feedback.
- **Impact Assessment Policy:** This policy sets out the process to be followed to ensure officers developing recommendations fully understand and weigh the consequences of possible and actual interventions and articulate these effectively to decision-makers. It ensures that appropriate consideration is given to the PSED.
- **Monitoring of Hate Incidents Policy:** This policy sets out how the Council will collate details of hate incidents either witnessed by its staff or reported to them. Hate crimes will also be reported to the Police.

10. These policies were approved in November 2017 and are reviewed every three years, unless there are changes to legislation in the intervening period that would require an earlier review. The policies were reviewed in late 2020 and the review resulted in the proposal of minor revisions to the existing policies:

- all policies have been revised to reflect organisational changes since November 2017; and
- the Equality Monitoring Policy has been revised to ensure that the standard questions align with the planned question structure within the 2021 Census.

### **What decision(s) are being asked for?**

11. That the Executive Member approves the proposed revised corporate policies relating to equality and inclusion (Appendix 1), equality monitoring (Appendix 2), impact assessment (Appendix 3) and the monitoring of hate incidents (Appendix 4).

### **Why is this being recommended?**

12. To ensure that the Council retains a framework that provides a structure for fair and transparent decision-making and ensure compliance with the PSED.

### **Other potential decisions and why these have not been recommended**

13. The Council could decide not to adopt corporate policies on equality and inclusion, however legal duties would remain in place and in the absence of standard approaches there would be an increased risk of making decisions that fail to meet those legal duties. As such, this option is not recommended.

14. Alternatively, the Council could combine these policies into fewer than four documents. The number of corporate policies was streamlined at the last review and it is considered appropriate to have a short, overarching equality and inclusion policy for all stakeholders supported by more detailed specific policies for those that use them. As such, this option is not recommended.

### **Impact(s) of recommended decision(s)**

#### ***Legal***

15. The policies will ensure that the Council conducts its business and decision making in line with the requirements of the Equality Act 2010.

#### ***Financial***

16. There are no financial costs directly associated with the approval of the proposed revised policies.

#### ***Policy Framework***

17. The proposed revised policies are aligned with the Council's policy framework.

#### ***Equality and Diversity***

18. An impact assessment of the proposed revised policies is attached at Appendix 5 and found that the policies would have a positive impact on all groups in ensuring that the Council maintains a standard approach and continues to be compliant with the PSED.

#### ***Risk***

19. Approval of the policies will retain a key mitigation of the following risk within the Council's risk registers: 08-035 failure to take proper account of equality legislation results in inequalities complaints and legal challenge.

### **Actions**

20. Following approval the policies will be published on the Council's intranet and Open Data site.

### **Appendices**

- 1 Proposed revised Equality and Inclusion Policy
- 2 Proposed revised Equality Monitoring Policy
- 3 Proposed revised Impact Assessment Policy
- 4 Proposed revised Monitoring of Hate Incidents Policy
- 5 Impact Assessment Level 1: Initial screening assessment – all policies

### **Background papers**

22/11/17 Executive Member for Finance and Governance      Equality and Diversity Policies – 2017 Refresh

**Contact:** Ann-Marie Johnstone, Governance and Information Manager

**Email:** [anmarie\\_johnstone@middlesbrough.gov.uk](mailto:anmarie_johnstone@middlesbrough.gov.uk)

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## Equality and Inclusion Policy 2021-24

<b>Creator</b>	Author(s)	Ann-Marie Johnstone		
	Approved by	Councillor Chris Hobson		
	Department	Legal and Governance Services		
	Service area	Strategy, Information and Governance		
	Head of Service	Paul Stephens		
	Director	Charlotte Benjamin		
<b>Date</b>	Created	2019/02/28		
	Submitted	2019/02/28		
	Approved	2019/06/04		
	Updating Frequency	3 years		
<b>Status</b>	Version: 1			
<b>Contributor(s)</b>	Head of Strategy, Information and Governance (SIRO)			
<b>Subject</b>	Equality and Inclusion			
<b>Type</b>	Policy			
	Vital Record		EIR	
<b>Coverage</b>	Middlesbrough Council			
<b>Language</b>	English			

### Document Control

Version	Date	Revision History	Reviser
1.1	July 2018		AM Johnstone
2.0	February 2021		AM Johnstone

### Distribution List

Version	Date	Name/Service area	Action
1.1			
2.0			

**Contact:** [data@middlesbrough.gov.uk](mailto:data@middlesbrough.gov.uk)

## **Introduction**

This policy sets out Middlesbrough Council's commitment to equality and inclusion and details how considerations relating to equality and inclusion are embedded within corporate governance to ensure that the Council complies with its legal and moral obligations.

## **Aims**

This policy will ensure that the Council:

- has due regard to its duties under the Equality Act 2010;
- provides fair access to employment, promotion, recruitment, selection and training opportunities
- prevents discrimination, harassment or victimisation wherever possible, and is dealt with effectively if it does occur.

## **Scope**

This policy applies to all residents of Middlesbrough and users of the Council's services, direct employees, prospective employees, volunteers and others delivering services on behalf of the Council.

## **The Council's commitment to equality and inclusion**

As a community leader in Middlesbrough, the Council will:

- celebrate the diversity of the town;
- promote tolerance, fairness and community cohesion; and
- encourage and support all local people to be active in public life.

This commitment is embedded within the Council's Strategic Plan and its supporting policy framework.

As a commissioner and provider of services, the Council will:

- seek the views of local communities and service users through meaningful engagement, as appropriate;
- ensure that it understands local needs and shapes services around these needs where practicable;
- provide clear, accessible information about its services; and
- ensure that all customers are treated with dignity and respect, as outlined in its Customer Charter.

As an employer, the Council will:

- ensure that its recruitment and employment practices are fair and transparent;
- take steps wherever possible to employ a workforce that reflects local diversity;
- undertake clear and open communication with its employees;
- ensure employees have fair access to learning and development opportunities where necessary to ensure they have the skills to deliver; and

- ensure that its employees are protected from discrimination, harassment or victimisation as far as is reasonably possible to do so.

## **Policies and practices in place to deliver the Council's commitment**

The Council's commitment to equality and inclusion is embedded within the following strategies, policies, procedures and action plans:

- Impact Assessment policy
- Equality Monitoring policy
- Reviews, Consultation and Redundancy policy
- Corporate Procurement strategy
- Corporate Complaints procedure
- Dignity and Respect at Work policy
- Recruitment and Selection policy
- Agile policies
- Whistleblowing policy
- Appraisals
- Code of Conduct
- Work life balance policy
- Managing health, attendance and wellbeing policy

In addition to the above, the Council has an officer Equality and Inclusion group. This group is led by a member of the Corporate Management Team and includes representation from across the Council. The group is tasked with supporting senior managers to understand the needs of the Council's diverse workforce and supporting work to ensure that the workplace is one that results in people feeling truly valued, respected, supported and heard.

## **Monitoring and reporting**

The Council has a range of measures in place to ensure that it can monitor the effectiveness of its work to ensure fair and equitable outcomes. Progress against these measures is monitored within the Council's performance management framework.

## **Review**

The effectiveness of the Council's overall approach to equality and inclusion is evaluated every year within the Annual Equality and Inclusion report. The report summarises the work of the Council that has been undertaken in the previous calendar year and identifies areas for improvement.

## **Further information**

Further information on the Council's approach to equality and inclusion can be found on the Council's website and intranet.

**Author:** Ann-Marie Johnstone, Governance and Information Manager  
[anmarie\\_johnstone@middlesbrough.gov.uk](mailto:anmarie_johnstone@middlesbrough.gov.uk)

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## Equality Monitoring Policy 2021-24

<b>Creator</b>	Author(s)	Ann-Marie Johnstone		
	Approved by	Councillor Chris Hobson		
	Department	Legal and Governance Services		
	Service area	Strategy, Information and Governance		
	Head of Service	Paul Stephens		
	Director	Charlotte Benjamin		
<b>Date</b>	Created	2010		
	Submitted	2010		
	Approved	February 2021		
	Updating Frequency	3 years		
<b>Status</b>	Version: 4.0			
<b>Contributor(s)</b>	Head of Strategy, Information and Governance (SIRO)			
<b>Subject</b>	Equality monitoring			
<b>Type</b>	Policy			
	Vital Record		EIR	
<b>Coverage</b>	Middlesbrough Council			
<b>Language</b>	English			

### Document Control

Version	Date	Revision History	Reviser
2.0	May 2015	Revision	AM Johnstone
3.0	November 2017	Revision	AM Johnstone
4.0	February 2021	revision	AM Johnstone

### Distribution List

Version	Date	Name/Service area	Action
2.0	May 2015	Departmental Champions – All departments	Dissemination and implementation
3.0	November 2017	All staff via the staff intranet	dissemination
4.0	February 2021	All staff via the staff intranet	dissemination

## BACKGROUND

1. The Public Sector Equality Duty (PSED) places a duty on the Council to consider the needs of diverse groups when designing and delivering services, particularly where those needs may differ because groups or individuals identify with a particular protected characteristic.
2. The PSED requires the Council to 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; and
  - 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.'

3. The eight characteristics encompassed by the duty are:

- age
- disability
- race
- religion or belief
- sex
- sexual orientation
- gender reassignment
- pregnancy and maternity<sup>1</sup>.

4. This policy sets out how equality monitoring is embedded within Council processes, where relevant, to enable data to be gathered from service users, residents and visitors that can be used to inform decision- making, services and priorities to ensure compliance with the PSED.

5. Appropriate and sufficient equality monitoring information will assist to:

- understand trends in accessing services and identify where new or changed services are required;
- provide benchmarks against which realistic targets for improvement can be set;
- identify if policies are adversely affecting people because they hold a protected

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<sup>1</sup> Data on this area is not normally included in standard consultations, however a standard question wording has been included in the equality monitoring form. If planning to use this question, officers must first contact the Data Team for advice.

- characteristic;
- identify the communities using services, the outcomes they experience and groups not accessing services; and
- measure the overall effectiveness of services.

## **PREPARATION AND IMPLEMENTATION**

6. It is important that careful preparation is undertaken prior to the inclusion of equality monitoring questions within processes. Issues that should be considered include:
  - policy context
  - which protected characteristics could proposals / consultation be relevant to
  - who is to collect the information, when, how and from whom?
  - do current processes need to be re-designed to encourage respondents to answer the equality monitoring questions?
  - how the data is to be stored
  - how the data is to be analysed, whether manually or by computer
  - how findings will be monitored and reported
  - how data will be used to improve services or performance
  - confidentiality and data protection requirements.
7. If equality monitoring is to be included within consultation, the Council's Consultation and Engagement Policy should be utilised to ensure best practice is achieved. Appendix one sets out the standard equality monitoring questions for adults.

## **HOW AND WHEN TO MONITOR**

8. Equality monitoring of relevant characteristics should be considered when gathering relevant service user data, seeking views on satisfaction levels, consultation exercises and when managing complaints. If this data is not gathered then it will be difficult to prove services are based on a sound understanding of the different communities that access them. Data that can be disaggregated by protected characteristics will help inform completion of Impact Assessment templates which are required to support formal reports seeking decisions via the Council's formal decision-making processes.
9. Questions should be modified to remove monitoring questions which are not relevant or appropriate to the consultation in question. For example, when asking children under the age of 16, consideration should be given to removing questions around sexual orientation. It may also be appropriate to expand targeted consultation questions where a richer level of feedback is required than can be achieved by the standard set of questions.
10. Equality monitoring can be carried out in a number of ways. Frequency of monitoring can vary according to service requirements.
11. The content of the questions has been aligned with the Census 2021 planned questions where relevant to allow for comparison.





## **DATA PROTECTION ACT 2018**

12. All monitoring information is classed as personal data under the Data Protection Act and needs to be treated as confidential. The Council has a Data Protection policy in place, which sets out how it will ensure compliance with the provisions of the Act.

13. Equalities monitoring can involve asking for and recording personal data about individuals. The legislation exists to protect individuals against the misuse of that data, and all records whether manual or computerised must meet the requirements of the Act. The Data Protection Act describes when personal data can be gathered.

14. Data should only be used for the purpose it was collected for and in line with a relevant Privacy Notice. This should not be a barrier to equalities monitoring but will require officers to clearly set out how data will be used.

## **REPORTING FINDINGS**

15. Where equality monitoring has taken place as part of a customer satisfaction survey or consultation, providing feedback is fundamental. The outcomes should be made available, details of what has happened as a result of the process should be communicated to participants as a whole.

## **COMPLIANCE**

16. Compliance with this policy will be measured in a number of ways:

- Impact Assessments are scrutinised to ensure they are based on robust data
- consultations submitted to Performance and Partnerships team for inclusion on the consultation portal will be quality assured.

## **ROLES AND RESPONSIBILITIES**

17. All members of staff undertaking equality monitoring processes are responsible for ensuring they comply with the Equality Monitoring policy.

## **REVIEW FREQUENCY**

18. The policy will be reviewed every three years unless there is a change in legislation or there are concerns that the policy is no longer fit for purpose.

## **CONTACTS FOR SUPPORT AND ADVICE**

19. If you require further advice please contact the Data Team.

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## Impact Assessment Policy 2021-24

<b>Creator</b>	Author(s)	Ann-Marie Johnstone		
	Approved by	Councillor Chris Hobson		
	Department	Legal and Governance Services		
	Service area	Strategy, Information and Governance		
	Head of Service	Paul Stephens		
	Director	Charlotte Benjamin		
<b>Date</b>	Created	September 2017		
	Submitted	February 2021		
	Approved	February 2021		
	Updating Frequency	3 years		
<b>Status</b>	Version: 6			
<b>Contributor(s)</b>	Head of Strategy, Information and Governance (SIRO)			
<b>Subject</b>	Impact Assessments			
<b>Type</b>	Policy			
	Vital Record	Yes	ELR	n/a
<b>Coverage</b>	Middlesbrough Council			
<b>Language</b>	English			
<b>Document Control</b>				
<b>Version</b>	<b>Date</b>	<b>Revision History</b>	<b>Reviser</b>	
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	
<b>Distribution List</b>				
<b>Version</b>	<b>Date</b>	<b>Name/Service area</b>	<b>Action</b>	
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	
<b>Contact:</b>	<a href="mailto:data@middlesbrough.gov.uk">data@middlesbrough.gov.uk</a>			

## 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.<sup>1</sup>

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

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.

The protected characteristics are:

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

- Age
- Disability
- Gender reassignment
- Pregnancy or maternity
- Race
- Religion or belief
- Sex
- 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 damaged 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.

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 Public Sector Equality Duty but also to wider implications of the decision (such as social, environmental and economic impacts). This enables a full and integrated assessment of the impacts of the decision to be presented to decision-makers and stakeholders<sup>2</sup>. Appendix 2 sets out background and signposts to further information on areas to be considered in impact assessment.

## **Corporate Impact Assessment process**

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

Level 1: Initial screening assessment

Level 2: Full impact assessment.

### **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 services<sup>3</sup>.

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;

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

<sup>3</sup> 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. 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.

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.

### **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.

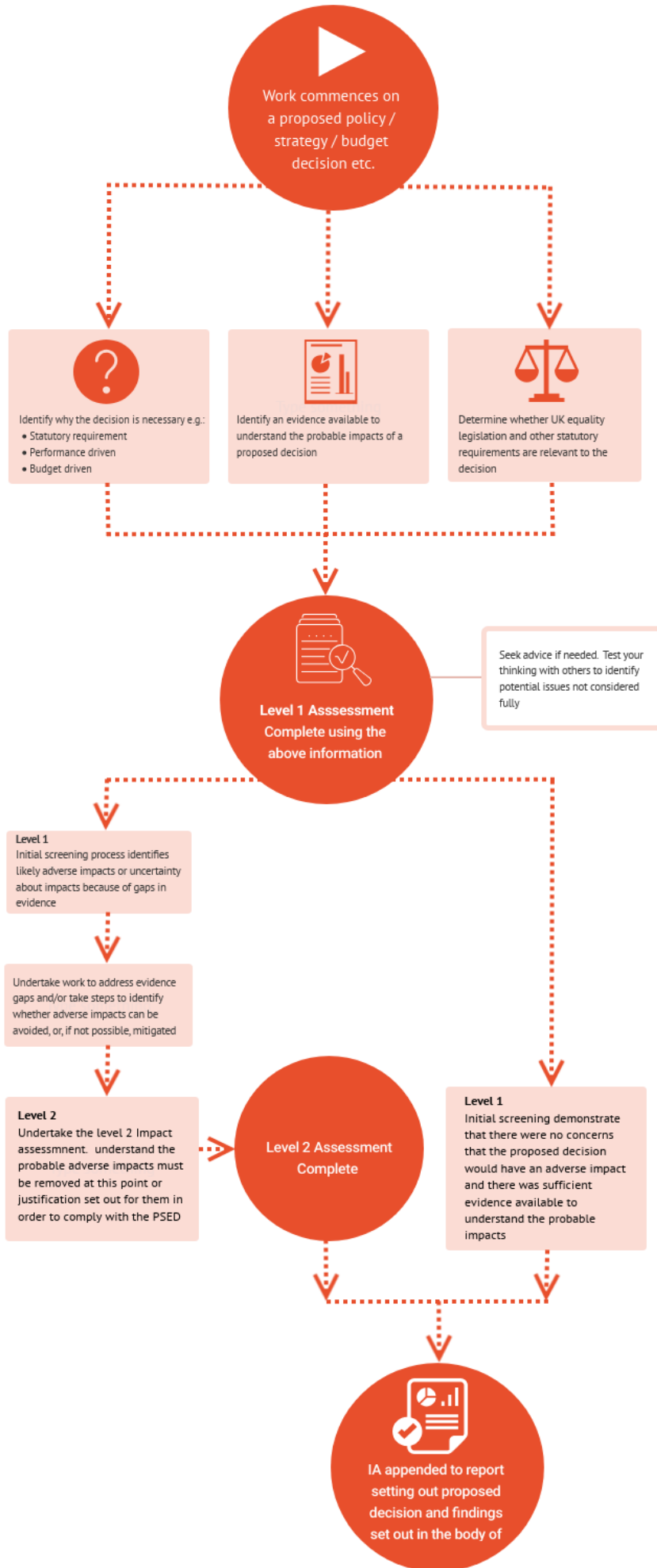
### **Review**

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  
Governance and Information Manager  
[ann-marie\\_johnstone@middlesbrough.gov.uk](mailto:ann-marie_johnstone@middlesbrough.gov.uk)  
01642 729080

**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: <http://www.bih.org.uk/>.

Public sector guidance is also available from the Ministry of Justice:

<http://www.justice.gov.uk/guidance/humanrights.htm>.

**If there is any concern that a decision could contravene the Human Rights Act, advice should be sought from Legal and Democratic Services before proceeding.<sup>4</sup>**

## **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:

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<sup>4</sup> This section will be updated as the UK progresses its exit from the European Union to capture any changes that may occur to human rights legislation.

<b>Age</b>	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.
<b>Disability</b>	<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>
<b>Gender reassignment</b>	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.
<b>Pregnancy and maternity</b>	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.
<b>Race</b>	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. For example, Ealing Borough 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.
<b>Religion or belief</b>	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.
<b>Sex</b>	Non-gender specific services that are predominantly accessed by male or female service users might indicate the existence of barriers. The <a href="#">Equality and Human Rights Commission</a> 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.
<b>Sexual Orientation</b>	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.

Failure to assess the impact of a decision against the protected characteristics affected could leave the Council vulnerable to legal challenge.

### **3. 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](#) provides guidance on how to assess decisions to ensure both the community cohesion and equality duty requirements are reflected.

### **4. Supporting evidence**

A sufficient level of evidence will be required in order to understand the impact of 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.

### **5. Sources of support**

Contact the Corporate Strategy Team if you have any further advice or guidance requirements.

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

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

Screening questions	Response			Evidence
	No	Yes	Uncertain	
<b>Human Rights</b> 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.
<b>Equality</b> 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.
<b>Community cohesion</b> 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.
<b>Next steps:</b> ➡ 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.				

<b>Assessment completed by:</b>		<b>Head of Service:</b>	
<b>Date:</b>		<b>Date:</b>	

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

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

**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
<b>Mitigating actions</b>	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.		
<b>Promotion</b>	Outline how the decision and its impacts will be publicised both internally and externally as applicable.		
<b>Monitoring and evaluation</b>	Outline how the implementation of the decision will be monitored and evaluated to identify any areas of unexpected negative impact.		

<b>Assessment completed by:</b>		<b>Head of Service:</b>	
<b>Date:</b>		<b>Date:</b>	





## Monitoring of Hate Incidents Policy 2021-24

<b>Title</b>	Monitoring of Hate Incidents Policy		
<b>Creator</b>	Author(s)	Ann-Marie Johnstone	
	Approved by	Executive Member for Finance and Governance	
	Department	Legal and Governance Services	
	Service area	Strategy, Information and Governance	
	Head of Service	Paul Stephens	
	Director	Charlotte Benjamin	
<b>Date</b>	Created	December 2010	
	Submitted	February 2021	
	Approved	February 2021	
	Updating Frequency	3 years	
<b>Status</b>	Version: 4		
<b>Contributor(s)</b>	Head of Strategy, Information and Governance (SIRO); Head of Stronger Communities		
<b>Subject</b>	Hate Incidents		
<b>Type</b>	Policy		
	Vital Record		EIR
<b>Coverage</b>	Middlesbrough Council		
<b>Language</b>	English		

### Document Control

Version	Date	Revision History	Reviser
1.0	December 2010	First version	Ann-Marie Johnstone
2.0	December 2013	Second revision	Ann-Marie Johnstone
3.0	November 2017	Third revision	Ann-Marie Johnstone
4.0	February 2021	Fourth revision	Ann-Marie Johnstone

### Distribution List

Version	Date	Name/Service area	Action
4.0	February 2021	All staff	Dissemination on the intranet and internet

**Contact:** [data@middlesbrough.gov.uk](mailto:data@middlesbrough.gov.uk)

## **INTRODUCTION**

1. This policy sets out the Council's position in relation to the internal monitoring of 'hate incidents' either witnessed by or reported to staff. It also summarises the hate incident monitoring process put in place to ensure compliance with the policy. There are a number of Council policies in place that may be relevant when managing the consequences of hate incidents including the Disciplinary Policy, Dignity and respect at Work Policy, Grievance Policy, Whistleblowing Policy and the Corporate Complaints Policy.
2. The Police should always be notified immediately if it is suspected that a crime has been committed.

## **SCOPE**

3. This policy applies to all Council staff. Schools are responsible for putting individual policies in place to address hate incidents. Companies delivering public functions on behalf of the Council must have policies in place to ensure they comply with the Public Sector Equality Duty. Members may also wish to use this mechanism to report incidents or they may wish to report concerns directly to the Monitoring Officer.

## **POLICY STATEMENT**

4. The Council actively promotes good relations between all groups and is committed to taking all necessary steps to eliminate hate incidents within the town. It aims to achieve this by ensuring that all hate incidents witnessed by, or reported to, staff are properly recorded and dealt with appropriately.
5. The Equality Act 2010 requires that the Council is able to demonstrate it has due regard to the need to eliminate discrimination, harassment and victimisation by tackling prejudice against each of the characteristics that must be protected under the public sector single equality duty, namely:
  - Age
  - Disability
  - Race
  - Religion or belief
  - Sex
  - Sexual orientation
  - Gender reassignment
  - Pregnancy and maternity.

## **WHAT IS A HATE INCIDENT?**

6. A hate incident is defined by the Association of Chief Police Officers as "any incident which may or may not constitute a criminal offence that is perceived by the victim, or any other person, as being motivated by prejudice or hate". It is wider than a hate crime, which is a criminal act that has been motivated by hate or prejudice. Hate incidents can take many forms, e.g. verbal abuse of a staff member that includes racist insults.

## **ROLES AND RESPONSIBILITIES**

7. Staff are responsible for ensuring that they report any incident, which they may witness or experience, to ensure the Council is able to take appropriate action.
8. All staff must understand the Council's position on equality and diversity (this is signposted on the staff intranet page and with e-learning training). Behaviours and competencies expectations for all employees are set out within the Middlesbrough Employee Framework.

## **RECORDING AND FOLLOWING UP ARRANGEMENTS**

9. Officers wishing to report a hate incident should contact the Governance and Information Team either by telephone (01642 729080) or email (annmarie\_johnstone@middlesbrough.gov.uk). The information required when reporting an incident is detailed in the paper form attached at Appendix 1. The Council's policies including those set out in paragraph 1 will be applied as required. Information may be shared with partners, subject to data protection requirements.

### **REVIEW FREQUENCY**

10. The policy will be reviewed every three years unless there is a change in legislation or there is concern that the policy is no longer fit for purpose, in which case it will be revised earlier.

### **CONTACTS FOR SUPPORT AND ADVICE**

11. If you require further advice please contact the Governance and Information Team.

## HATE INCIDENT REPORTING FORM

Incident reported by (provide name and job title):	
Time, date and location of incident:	
Victim name:	
Victim details (repeat as necessary where there is more than one victim):	
Is the incident classed as a bullying incident (see relevant HR policy where Council staff are involved).	
Is the incident part of a series?	
Has the incident been reported to the Police? <sup>1</sup>	

## Additional details about the incident

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## Nature of the incident (tick all that apply)

Assault / attack		Verbal abuse	
Graffiti		Threatening behaviour	
Arson		Written / printed material	
Malicious call		Criminal damage	
Internet / text bullying		Other (specify)	

## Which of the protected characteristics was the incident believed to be relevant?

	Select all that apply	Where selected give provide relevant details
Gender		
Gender reassignment		
Ethnicity		
Age		
Religion or belief		
Sexual orientation		
Disability		
Pregnancy and		

<sup>1</sup> As set out in the policy, incidents that are considered to meet the definition of a hate crime should also be recorded with the Police

maternity		
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**Perpetrator details (repeat section as necessary):**

<b>Identify (if known):</b>	
<b>Gender</b>	
<b>Ethnicity</b>	
<b>Age</b>	
<b>Religion or belief</b>	
<b>Sexual orientation</b>	
<b>Disability</b>	

**Provide details of action taken afterwards, by whom and whether further action is required:<sup>2</sup>**

<b>Are there any concerns that the incident could impact on community cohesion / tensions?</b>	
<b>Has the incident been reported in the press?</b>	
<b>Is the victim happy for details of the incident to be shared with public sector partners including health, other local authorities and Police?</b>	

**Completed forms should be returned to the Corporate Strategy Team either by email ([annmarie\\_johnstone@middlesbrough.gov.uk](mailto:annmarie_johnstone@middlesbrough.gov.uk)) or post to Strategy, Information and Governance, Performance and Policy, 2<sup>nd</sup> floor Civic Centre.**

<sup>2</sup> Seek advice on completion of this section if required.

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Template for Impact Assessment Level 1: Initial screening assessment

<b>Subject of assessment:</b>	Corporate Equality and inclusion policies – triennial refresh			
<b>Coverage:</b>	Cross cutting			
<b>This is a decision relating to:</b>	<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 checked="" type="checkbox"/> Review
	<input type="checkbox"/> Organisational change	<input type="checkbox"/> Other (please state)		
<b>It is a:</b>	<b>New approach:</b>	<input type="checkbox"/>	<b>Revision of an existing approach:</b>	<input checked="" type="checkbox"/>
<b>It is driven by:</b>	<b>Legislation:</b>	<input checked="" type="checkbox"/>	<b>Local or corporate requirements:</b>	<input type="checkbox"/>
<b>Description:</b>	<ul style="list-style-type: none"> <li>○ <a href="#">Key aims, objectives and activities</a></li> <li>○ To ensure that the Council continues to have a policy framework in place to support compliance with the Public Sector Equality Duty contained within the Equality Act 2010.</li> <li>○ <a href="#">Statutory drivers (set out exact reference)</a></li> <li>○ The Equality Act 2010.</li> <li>○ <a href="#">Differences from any previous approach</a></li> <li>○ The policies have been refreshed to reflect organisational changes since November 2017 and to align the equality monitoring wording with the planned 2021 Census.</li> <li>○ <a href="#">Key stakeholders and intended beneficiaries (internal and external as appropriate)</a></li> <li>○ The key stakeholders include customers of council services, staff, trade unions, local partners and national government.</li> <li>○ <a href="#">Intended outcomes.</a></li> <li>○ To ensure the council has policies that support fair, transparent, evidence based decision-making.</li> </ul>			
<b>Live date:</b>	February 2021			
<b>Lifespan:</b>	3 years			
<b>Date of next review:</b>	February 2024.			

Screening questions	Response			Evidence
	No	Yes	Uncertain	
<b>Human Rights</b> Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>This policies, in particular the Impact Assessment policy, are designed to ensure that potential impacts on human rights are considered as part of the development of proposed decisions. These policies will have a positive impact on the protection of those absolute and limited rights.</p> <p>Evidence used to inform this assessment includes analysis of the Equality Act requirements and advice published by the Equality and Human Rights Commission.</p>
<b>Equality</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The Public Sector Equality Duty (PSED) requires that when exercising its functions the Councils must have due regard to the need to:-</p> <ul style="list-style-type: none"> <li>eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</li> <li>advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and</li> <li>foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul> <p>In having due regard to the need to advance equality of opportunity, the Council must consider, as part of a single equality duty:</p> <ul style="list-style-type: none"> <li>removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;</li> <li>taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it; and</li> <li>encouraging people who share a protected characteristic to participate in public life or in any other activity in which participation is low.</li> </ul> <p>The proposed policies will ensure consistent consideration of this duty within the Council's decision making processes. Having the policies in place will have a positive impact on all the protected characteristics, ensuring that due regard is given to the areas where decisions could impact differently on groups and individuals because they hold one or more protected characteristics.</p> <p>Evidence used to inform this assessment includes analysis of the Equality Act requirements and advice published by the Equality and Human Rights Commission.</p>
<b>Community cohesion</b> Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed policies will ensure consistent consideration of community cohesion considerations within the Council's decision making processes. Having the policies in place will have a positive impact on this.</p> <p>Evidence used to inform this assessment includes analysis of the Equality Act requirements and advice published by the Equality and Human Rights Commission.</p>

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

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

<b>Assessment completed by:</b>	Ann-Marie Johnstone	<b>Head of Service:</b>	Paul Stephens
<b>Date:</b>	8/1/2021	<b>Date:</b>	11/1/2021

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