

Colchester Borough Council

Equality Impact Assessment Form - An Analysis of the Effects on Equality

Section 1: Initial Equality Impact Assessment

Name of policy to be assessed:

- The Constitution

NB: 'Policy' is meant broadly to mean policy, strategy, service, function, activity or decision.

<http://www.colchester.gov.uk/constitution>

1. What is the main purpose of the policy?

- Under the Localism Act 2011 the Council is required to have a constitution in relation to governance and decision making.

2. What main areas or activities does it cover?

- To enable Councillors, officers and the public to understand the Council's decision making procedures.
- Statutory requirements regarding governance.
- The Council's own governance arrangements.

3. Are there changes to an existing policy being considered in this assessment? If so what are they?

- No.

4. Who are the main audience, users or customers who will be affected by the policy?

- Borough Councillors
- Council officers

- Businesses and residents of the borough
- Members of the public

5. What outcomes do you want to achieve from the policy?

- Transparency in decision making and governance
- Probity and good governance

6. Are other service areas or partner agencies involved in delivery? If so, please give details below:

- No.

7. Are you aware of any relevant information, data, surveys or consultations¹ which help us to assess the likely or actual impact of the policy upon customers or staff?

- No.

If so provide details and include a link to the document or source where available.

8. The 'general duty' states that we must have "due regard" to the need to:

- (a) eliminate unlawful discrimination, harassment and victimisation?
- (b) advance equality of opportunity between people who share a 'protected characteristic'² and those who do not?³
- (c) foster good relations between people who share a protected characteristic and those who do not?⁴

¹Click on [surveys or consultations](#) for more information. The Council's surveys and consultations include 'equality monitoring information' to help us identify any particular concerns or views expressed by any particular group or 'protected characteristic'. It can also help us to assess how representative of our customers the respondent group is. Local Data on the Protected Characteristics is available [on this page](#) of the Hub.

² The Equality Act's 'protected characteristics' include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief and sex and sexual orientation. It also covers marriage and civil partnerships, but not for all aspects of the duty.

³ This involves having due regard, in particular, to the need to: (a) remove or minimise disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic; (b) 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, and (c) 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.

⁴ This involves having due regard, in particular, to the need to (a) tackle prejudice, and (b) promote understanding.

Not all policies help us to meet the ‘general duty’, but most do.

Where applicable, explain how this policy helps us to meet the ‘general duty’:

The policy helps us to ‘eliminate unlawful discrimination, harassment and victimisation’ in the following way(s):

- Treatment by the Council detailed at Article 3.01 (f).

The policy helps us to ‘advance equality of opportunity...’ in the following way(s):

- Treatment by the Council detailed at Article 3.01 (f).

The policy helps us to ‘foster good relations...’ in the following way(s):

- Article 3: “This Article sets out what citizens can expect from the Council and what rights they have. The Constitution also shows how the Council expects to be treated by citizens in return.”

9. This section helps us to identify any disproportionate impacts. Please indicate in the table below whether the policy is likely to particularly benefit or disadvantage any of the ‘protected characteristics’.

Remember to include reference to any relevant consultation, data or information.

‘Protected characteristic’ group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
Age	Older people (60+)		No specific impact identified		No specific impact identified
	Younger people (17-25) and children (0-16)		No specific impact identified		No specific impact identified
Disability	Physical		No specific impact identified		No specific impact identified
	Sensory		No specific impact identified		No specific impact identified
	Learning		No specific impact identified		No specific impact identified
	Mental health issues		No specific impact identified		No specific impact identified
	Other – <i>specify</i>				

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
Ethnicity ⁵	White		No specific impact identified		No specific impact identified
	Black		No specific impact identified		No specific impact identified
	Chinese		No specific impact identified		No specific impact identified
	Mixed Ethnic Origin		No specific impact identified		No specific impact identified
	Gypsies/ Travellers		No specific impact identified		No specific impact identified
	Other – <i>please state</i>				
Language	English not first language		No specific impact identified		No specific impact identified
Pregnancy and Maternity	Women who are pregnant or have given birth in last 26 weeks		No specific impact identified		No specific impact identified
Religion or Belief	People with a religious belief (or none)		No specific impact identified		No specific impact identified
Sex	Men		No specific impact identified		No specific impact identified
	Women		No specific impact identified		No specific impact identified
Gender Reassignment ⁶	Transgender/ Transsexual		No specific impact identified		No specific impact identified
Sexual Orientation	Bisexual, Heterosexual, Gay or Lesbian		No specific impact identified		No specific impact identified
Marriage and Civil	People who are married or in a civil		No specific impact identified		No specific impact identified

⁵ National Census 2011 categories are: Bangladeshi, Indian, Pakistani, Other Asian (Asian or Asian British), African, Caribbean, Other Black (Black or Black British), White and Black African, White and Asian, White and Black Caribbean (Mixed), British, Irish, Other White (White), Chinese, Other (Other Ethnic Group).

⁶ The protected characteristic of gender reassignment is defined by the Equality Act 2010 as “a person proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.” This is a personal process that may involve medical interventions such as counselling, psychotherapy, hormone therapy or surgery, but does not have to. NB: It is generally held that transgender people disguise their features or clothing to resemble their preferred sex, whereas transsexual people wish to change their body to completely resemble their preferred sex.

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
Partnership	partnership				

10. If you have identified any negative impacts (above) how can they be minimised or removed?

(This is a key section: Please deal with each negative impact noted above in turn.)

- N/a.

11. Could the policy discriminate⁷ against any 'protected characteristic', either directly or indirectly⁸?

- No.

⁷ The Council has a general duty to 'eliminate unlawful discrimination, harassment and victimisation'. Direct discrimination occurs when a person is treated less favourably than another in a comparable situation because of their 'protected characteristic' whether on grounds of age, disability, pregnancy and maternity, ethnicity; religion or belief; sex (gender), sexual orientation, or marriage and civil partnership. Indirect discrimination occurs when an apparently neutral provision or practice would nevertheless disadvantage people on the grounds of their 'protected characteristic'.

⁸ If you answer 'yes' to question 11 (above) you will need to complete this section *and* go on to complete Section 2 in order to conduct a full Equality Impact Assessment.

Summary and findings of Initial Equality Impact Assessment

12. Please put a tick in the relevant box to confirm your findings, and what the next step is:

Findings	Action required
No negative impacts have been identified X	Sign off screening and finish.
Negative impacts have been identified but have been minimised or removed	Sign off screening and finish.
Negative impacts could not be minimised or removed <input type="checkbox"/>	Sign off screening and complete a full impact assessment – Section 2.
There is insufficient evidence to make a judgement. <input type="checkbox"/>	Sign off screening and complete a full impact assessment – Section 2.

13. Name and job title of person completing this form:

- Andrew Weavers, Monitoring Officer

14. Date of completion:

- 1 June 2015
- Reviewed and updated 5 February 2020

15. Date for update or review of this screening:

- Next review February 2023 or upon significant change to the Constitution.