Introduction to the Community Impact Toolkit

This toolkit is designed to help Town and Parish Councils’ undertake a Community Impact Assessment (CIA).

What is a Community Impact assessment?

Completing a CIA is a risk mitigation exercise. Decisions that Parish and Town Councils make, that affect their communities, could be challenged by the very communities that a decision is meant to help.

The associated template explains the how the CIA should be completed and reasons why a CIA should be undertaken.

Completing a CIA ensures that your Council has considered the implications of the decisions that they are making. It provides an evidence base upon which the decision was made and should the decision be challenged, a robust case in support of that decision. This will ensure that the services you provide and the decisions that you make better serves the whole community. It also means that you employ people fairly and comply with all relevant legislation.

Why do we need to concern ourselves with a CIA?

In 2010 the Equalities Act became law. This Act makes it illegal to make decisions that impact on the Equality and Diversity rights of groups or individuals. The CIA (if completed correctly) will show how a Councils decision making process has used evidence to support the decision and where the decision impacts individuals or communities, there is a robust case to show that an individual or group has not been discriminated against.

What do the terms Equality and Diversity (E&D) actually mean?

Diversity - relates to our differences, the characteristics that make us unique. These can be characteristics we are born with i.e. our sex or the gender we identify with, or the people we are attracted to, our age, or our race and cultural background. It can also relate to our beliefs about the world, religion, politics, a person’s disabilities and impairments etc.
**Equality** – seeks to ensure everyone receives fair and equal treatment. However in some cases this may mean changing the way in which we do things based on people’s differences (e.g. as employers, enabling staff to work flexibly around school hours, producing information in a different format for someone with a sight impairment, or changing a building so that people with physical disabilities can use it too).

**Is it really that simple?**

Yes, it really is that simple. The problem with equality and diversity is that the subject is full of jargon and as a result becomes difficult to understand. This turns people off and makes it seem ‘just too difficult’. The E&D agenda may seem bureaucratic and unnecessary, especially for a small parish council but it is important to recognise that we are all responsible for ensuring that we do not unknowingly make decisions that later can be proved to be discriminatory and that people can access the services we provide fairly and equally.

People often think that areas such as equality and diversity relates to somebody else, but in reality we can all be discriminated against because of our sex, our age, our religious beliefs or our marital/civil partnership status.

**But what has E&D to do with my Town or Parish Council?**

A good question. As a Town or Parish Council, it is important to recognise that your community and the people that receive services from you come from different backgrounds and are all individuals. It is a duty under the Equalities Act that everyone work towards creating a culture and practice that recognises, respects, values and harnesses difference for the benefit of our communities. By understanding differences and encouraging others to do the same, you can make your town or parish a great place for our communities to live and work in.

Town and Parish Councils should think about the Equality and Diversity of their communities for several reasons:

- When formulating a Parish or Neighbourhood Plan. How can the plan reflect the diversity of the whole community and how can all members of the community inform the plan.

- All councils provide a range of services that impact on a wide range of people. For example; carrying out grounds
maintenance, maintaining public conveniences, providing public spaces and play areas, running community and volunteer schemes, assisting public consultation on a parish or neighbourhood plan, or simply hiring out meeting spaces. These all impact on people who have protected Equality and Diversity characteristics under the 2010 Act.

- All organisations have to ensure that they have in place recruitment policies and practices if they employ staff (including agency staff, students and volunteers) that satisfy current Equality legislation, for example the Equality Act 2010 and the Public Sector Duty.

- Any local council that is entering into Active Partnering or a commissioning arrangement with Cornwall Council will have to demonstrate its commitment to, and arrangements for Equality and Diversity as part of the agreement. Further information can be seen here - Cornwall Council - Equality and Diversity.

- Having a set of adequate Equality and Diversity policy procedures can also be a requirement of grant giving bodies that local councils may wish to seek support from. This may include a Community Impact Assessment to show that due consideration has been given and that relevant evidence has been used.

- There is a strong public expectation that public bodies have made effective arrangements for fairness.

- Equality and Diversity links to other policies that good councils have in place, such as Health and Safety, Safe Guarding, and Risk Management. It can be seen as an essential part of the risk assessment part of annual audits.

**But Equality and Diversity is so bureaucratic**

The simple answer is that it should not be. Set out below are a number of terms, for example ‘Protected Characteristics’. This simply shows that everyone has a least FIVE of these characteristics. Therefore when making decisions that have an impact on your community it is essential to consider how those
decisions affect the whole of that community. It makes it easier to think of E&D as being about ‘Fairness’, fairness of opportunity in everyday living and in employment.

It would be easy to say that we have to do this because it is the law but it also makes very good business sense to understand who our communities are and how they use our services. By understanding our communities better we can deliver our services fairly to everyone.

Your Council may be put off from setting up equality and diversity arrangements or providing services that require them because they seem too heavy handed, complicated and difficult to keep going. At their simplest, E&D is about putting the interests of people to the fore in everything that we do, and noting down some guidelines and principles for consistency. Good E&D arrangements provide a system where the interests of all people are seen as being really important and that the services your council provides is offered in a way that recognises the diversity of those people.

A good system that recognises the Equality and Diversity of your community and is backed up with a sensible minimum of procedures and rules to ensure that you meet the requirements of E&D law is easy to put in place. These systems will have more ‘buy-in’ and trust in the local government system and are easier to link into the county wide equality and diversity arrangements.

What is Equality and Diversity

The Equality Act 2010 in more detail

Equality Act (2010)

Before the 2010 Act there were 7 strands within Equalities legislation that organisations, including local authorities, had to consider. The 2010 Act extended the existing legal protections to cover these 7 previous strands or characteristics, plus marriage and civil partnerships, pregnant women and new mothers. Any Equality Impact Assessment (or in this case a Community Impact Assessment) must pay ‘due regard’ or consider the following protected characteristics where relevant (this will depend on the service, policy or function you are impact assessing).
The 9 Protected Characteristics under the 2010 Act

Age

Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

Disability

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person’s ability to carry out normal day-to-day activities.

Gender Reassignment

The process of transitioning from one gender to another.

Marriage and Civil Partnership

Marriage is defined as a ‘union between a man and a woman’. Same-sex couples can have their relationships legally recognised as ‘civil partnerships’. Civil partners must be treated the same as married couples on a wide range of legal matters.

Pregnancy and Maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Race

Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion and belief

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g.
Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

**Sex**

Man or a woman.

**Sexual orientation**

Whether a person’s sexual attraction is towards their own sex, the opposite sex or to both sexes.

(These definitions are to help you complete the EIA but if you require more information or guidance then please visit the [Equality and Human Rights Commission](https://www.equalityhumanrights.com) website)

**Additional characteristics important to Cornwall**

**Socio-Economic**

Cornwall as a whole is not deprived but there are areas where there are very high levels of deprivation. Income and other factors can have an impact on how someone may access services, their needs and their quality of life.

**Rural Isolation**

Cornwall is a very rural county and this can affect the way our users/the public can access services, particularly if combined with poor public transport/lack of car ownership etc.

**What is discrimination?**

This toolkit has already stated that the reason for carrying out a CIA is to ensure that decisions made by your council are based on sound evidence and will not discriminate against anyone with any of the 9 protected characteristics (shown above).

Below is a list of ways in which discrimination may occur. It is important to be aware of these as the 2010 Act has added to previous legislation.

1. **Direct** – Occurs when a person is treated less favourably than another because of a protected characteristic they have, or are thought to have, or because they associate with someone who has a protected characteristic.
2. **By Association** - Applied to race, religion or belief and sexual orientation (before 2010 Act), now extended to include age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with someone who possesses a protected characteristic.

3. **Perception** - Applies to age, race, religion or belief and sexual orientation (before 2010 Act), now extended to include disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a protected characteristic. It applies even if the person does not actually possess that characteristic.

4. **Indirect** - Applies to age, race, religion or belief sex, sexual orientation and marriage and civil partnerships (before 2010 Act), now extended to cover disability and gender reassignment. Discrimination can occur when you have a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages people who share protected characteristic.

5. **Harassment** – Is defined as: “Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”

Harassment applies to all protected characteristics except pregnancy and maternity and marriage and civil partnerships. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them and the complainant need not possess the relevant characteristic themselves.

6. **Third Party Harassment** - Applied to sex already, now extended to age, disability, gender reassignment, race, religion or belief and sexual orientation.

7. **Victimisation** - This occurs whereby an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

**Conclusion**

Everyone expects to be treated with dignity and fairness. However, we are always limited by our own experiences. As a result it is all too easy to make decisions that have discriminatory consequences.
for our communities, even if these decisions are made with the best of intentions.

This toolkit will help to ensure that strategies, policies, procedures and practices do not disadvantage people, but instead promote equality and foster an ethos of dignity and respect for all. This toolkit will help Town and Parish Council’s place equality at the heart of service delivery and continue to demonstrate fair and non-discriminatory leadership.