

Transferring assets and supporting community proposals to run services



1. Introduction

This guidance aims to clarify our legal responsibilities and demonstrate policy objectives for the achievement of equality when transferring assets and assessing proposals from non-public sector organisations to run services.

Better Together is the 2014-20 strategic vision and direction for Devon County Council. It has five themes:

- Resilient
- Healthy
- Prosperous
- Connected
- Safe

Resilience is the ability to thrive in a changing world and to bounce back from adversity. Under the Resilient theme the goal is for people and communities to enjoy health, happiness and prosperity. Under this theme, the County Council invites communities to volunteer or help to run a local service so that more services will be run locally in the way local people want. To enable this to happen, the County Council says it will “support voluntary and community groups and make Council facilities available”.

We also have a new Operating Model which describes how the organisation will work: its structure, processes and culture. Our new operating model will leave the conventional local authority model behind. We will organise ourselves around people rather than functions, focus on causes before consequences and concern ourselves more with outcomes than outputs.

The transfer of assets to local communities is arising from two agendas:

- Austerity measures imposed by central government resulting in the need to find cheaper ways of delivering services.
- Localism Act (community right to challenge). The community right to challenge is not a mechanism to require relevant authorities to provide services that they have stopped providing, or have taken a decision to stop providing.

Devon County Council is committed to helping communities to make decisions, develop ideas and take on assets and services that it currently delivers. It wants people to have more influence, choice and control over the way in which local services are shaped and delivered, to help communities and voluntary sector organisations develop and grow.

2. Equality Act 2010

It is against the law to discriminate (engage in 'prohibited conduct') against someone because of any of the following **protected characteristics** (whether knowingly or not) -

Age - A particular age (for example, 32 year old) or a range of ages (for example, 18 - 30 year olds).

Disability - A person who has, or has had, a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. (*'Physical' covers sensory impairments*).

Gender reassignment - A person who is proposing to undergo, is undergoing or has undergone gender reassignment (the process of changing physiological or other attributes of sex).

Pregnancy and maternity.

Race - Colour, nationality, ethnic or national origin.

Religion and belief - Religious and philosophical beliefs including lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Sex - A man or a woman.

Sexual orientation - A person's attraction towards someone of the same sex (lesbian or gay), the opposite sex (heterosexual) or to both sexes (bisexual).

This applies in relation to the:

- Provision of services and public functions (whether for payment or not),
- Disposal (letting/selling) of premises,
- Education,
- Work and
- Associations (groups, clubs etc) with 25 or more members and rules to control who can join.

NB Marriage and Civil Partnership is a protected characteristic in relation to Work.

Organisations providing services (including those which are provided for free) should take steps to ensure they do not directly or indirectly discriminate, harass or victimise service users otherwise they could face legal challenge and fines.

There are some exceptions (for example, the ability to provide age or gender specific services where certain conditions are met).

Public Sector Equality Duty

Section 149 of the Equality Act 2010 imposes a duty on public authorities, and other bodies when running public functions, to have due regard to the need to (in relation to all the protected characteristics):

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity (remove or minimise disadvantage; meet people's needs; take account of disabilities; and encourage participation in public life).
- Foster good relations (tackle prejudice and promote understanding).

The equality duty is intended to accelerate progress towards equality for all, by placing a responsibility on bodies subject to the duty to consider how they can work to tackle systemic discrimination and disadvantage affecting people with particular protected characteristics.

The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences decisions and practice. It is good practice for those exercising public functions to keep an accurate record showing that they had actually considered the equality duty and pondered relevant questions.

Compliance with the duty should result in:

- Better-informed decision making and policy development.
- A clearer understanding of the needs of service users, resulting in better quality services which meet varied needs.
- More effective targeting of policy, resources and the use of regulatory powers.
- Better results and greater confidence in, and satisfaction with, public services.

- A more effective use of talent in the workforce.
- A reduction in instances of discrimination and resulting claims.

The Public Services (Social Value) Act 2012 also places a legal duty on public bodies to consider the social, economic and environmental wellbeing of an area in making decisions on commissioning and procurement.

Reasonable Adjustments for Disabled People

The duty to make reasonable adjustments aims to make sure that a disabled person can use a service as close as it is reasonably possible to get to the standard usually offered to non-disabled people. The duty is 'anticipatory' and applies to all services (including community run services) whether provided for free or payment. This means you cannot wait until a disabled person wants to use your services, but must think in advance (and on an ongoing basis) about what disabled people with a range of impairments might reasonably need, such as people who have a visual impairment, a hearing impairment, a mobility impairment or a learning disability.

Positive Action

Under the Equality Act it is permissible to take positive action in employment and provision of services, in fact many community organisations are established along these principles. Positive Action can include targeting or providing a service to a particular section of the community. The Code of Practice states:

People who share a protected characteristic may be socially or economically disadvantaged. Certain groups may experience institutional or systemic discrimination, high levels of poverty and social exclusion, and/or segregation in housing, education or social welfare.

Positive action can include providing additional or bespoke services, separate facilities, accelerated access to services, targeting resources or induction or training opportunities to benefit a particular disadvantaged group.

Where a service provider reasonably thinks that people who share a protected characteristic:

- experience a disadvantage connected to that characteristic; or
- have needs that are different from the needs of persons who do not share that characteristic; or
- have disproportionately low participation in an activity compared to those who do not share that protected characteristic,

then the service provider may take any action which is proportionate to meet the aims stated in the Act ('the stated aims'). The 'stated aims' are:

- enabling or encouraging persons who share the protected characteristic to overcome or minimise that disadvantage;
- meeting those needs, or
- enabling or encouraging persons who share the protected characteristic to participate in that activity.

Further information on the Equality Act is available in the guide at www.devon.gov.uk/equalitylegislation or from the Equality and Human Rights Commission website. County Council Officers and Members may also contact the equality officer at equality@devon.gov.uk for advice, however the equality officer is unable to advise external organisations and members of the public. Members of the public may contact the Equality Advisory and Support Service if they have a question about discrimination at www.equalityadvisoryservice.com.

3. Human Rights Act

Public authorities, and other organisations when they are carrying out 'functions of a public nature', have a duty under the Human Rights Act 1998 not to act incompatibly with rights under the European Convention for the Protection of Fundamental Rights and Freedoms (the Convention).

Public Functions – a definition

Within the Equality Act, a 'public function' is a function that is a function of a public nature for the purposes of the Human Rights Act 1998.

However, there is no definition of a Public Function within the Human Rights Act and the Government have left it for the Courts to determine (Case Law). Case law is specifically trying to avoid being definitive and states that each case relies on its own facts.

It would also seem that many Human Rights campaigners disagree with the way in which it has been interpreted in some cases (particularly in relation to the provision of elderly care). Where law is vague and questionable, it is best to err on the side of caution.

Under the commissioning and procurement requirements of the Equality Act, the authority remains responsible for commissioned services and where an external body carries out a public function (contracted out services), the external body is responsible *but they need to be reminded of their duties by the authority* when the service is transferred over. However, because of the lack of clarity, we will always hesitate in giving any indication of whether or not we consider certain external organisations and their functions to be public functions. If external organisations rely on something that the County Council tells them then get sued, there could be reputational, if not financial, damage to the County Council. **We therefore strongly advise external organisations take their own legal advice as to liability and whether their services are a 'public function' under the Equality Act.**

Case Law

Some services are clearly public functions such as those providing a regulatory and statutory function, including environmental health, trading standards, licensing, and child protection.

The following report considers the interpretation of public authorities and public functions:

<http://www.publications.parliament.uk/pa/jt200304/jtselect/jtrights/39/39.pdf>.

Under section 6(3)(b), those who exercise some public functions but are not “pure” public authorities are required to comply with Convention human rights when they are exercising a “function of a public nature” but not when doing something where the nature of the act is private. So, for example, a private security firm would be required to comply with Convention rights in its running of a prison, but not in its provision of security to a supermarket.

Fully privatised public utilities such as the water companies are established in the case law as “functional” public authorities, performing public functions in their delivery of services.

By contrast, the application of section 6(3)(b) to smaller private or charitable organisations, often providing services under contract from local authorities, has been less clear-cut. In the ‘Leonard Cheshire case’ (Callin, Heather and Ward v Leonard Cheshire Foundation) residents of a care home wished to challenge the decision to close the home and disperse the residents elsewhere. The home was run by a private charitable organisation, but the claimants’ places there were funded by their local authority, under the National Assistance Act 1948, as amended. It was argued that the decision to close the home breached the claimants’ right to respect for the home under Article 8, but the case turned on whether the care home was a functional public authority under section 6(3)(b). The Court of Appeal held that section 6(3)(b) did not apply to the managers of the care home. It noted that there was no material distinction between the services the care home provided for residents funded by the local authority and those it provided to residents funded privately. Furthermore, although the Foundation was performing functions delegated under statutory authority, it was not itself exercising statutory powers. The Court did suggest that contractual arrangements between the delegating public authority and the private service provider could include requirements to comply with Convention rights, and that these provisions could be relied upon by the local authority and, it was suggested, possibly by clients of the private service provider.

There has been a (slightly) more recent House of Lords case – *Aston Cantlow v Wallbank* [2003]. A telling conclusion from the House of Lords (as it was then) is:

- The expression “public authority” is not defined in the HRA 1998 and is not a recognised term of art in English law. The word “public” is used with many shades of meaning. The statutory context of “public authority” is, therefore, all important.
- The broad purpose of section 6(1) of the HRA 1998 is not in doubt: those bodies for whose acts the state is answerable before the European Court of Human Rights shall be subject to a domestic law obligation not to act incompatibly with Convention rights. If they act in breach of this legal obligation, victims may obtain redress from the UK courts rather than having to travel to Strasbourg.

- A "public authority" is essentially a reference to a body whose nature is governmental in a broad sense of the expression, the most obvious examples being government departments, local authorities, the police and armed forces. Such bodies are characterised by having special powers, democratic accountability, public funding in whole or part, the obligation to act only in the public interest, and a statutory constitution.
- It is clear from section 6 that for the purposes of the HRA 1998, public authorities fall into two distinct categories:
 - "Core" or "standard" public authorities, which are so obviously public authorities that it is not necessary to define them expressly. Section 6(1) does not distinguish between public and private functions and assumes that everything that a "core" public authority does is a public function. This suggests that some care needs to be exercised to limit this category to cases where it is clear that this overarching treatment is appropriate.
 - "Hybrid" or "functional" public authorities, which are persons or bodies some of whose functions are of a public nature. A "hybrid" public authority is not a public authority in respect of an act of a private nature and is not absolutely disabled from having Convention rights. In a modern developed state, government functions are often discharged by non-governmental bodies. This type of body is covered by section 6(3) of the HRA 1998, which includes as a public authority, any person whose functions include "functions of a public nature" except to the extent that the nature of the act in question is "private". In this category of public authorities, it is the function that the person is performing that determines whether the body is a "hybrid" public authority.

There can be no single test of universal application as to whether a function is public. Factors to be taken into account include the extent to which in carrying out the relevant function the body is:

- Publicly funded.
- Exercising statutory powers.
- Taking the place of central government or local authorities.
- Providing a public service.

Includes extracts from guidance produced by Equality and Human Rights Commission. As at June 2015.

4. Best Value

Best Value Statutory Guidance issued by the Department for Communities and Local Government in September 2011 sets out 'reasonable expectations of the way authorities should work with voluntary and community groups and small businesses when facing difficult funding decisions'.

Like the Social Value Act (for Commissioning/Procurement activities) under the Duty of Best Value, authorities should consider overall value, including economic, environmental and social value, when reviewing service provision.

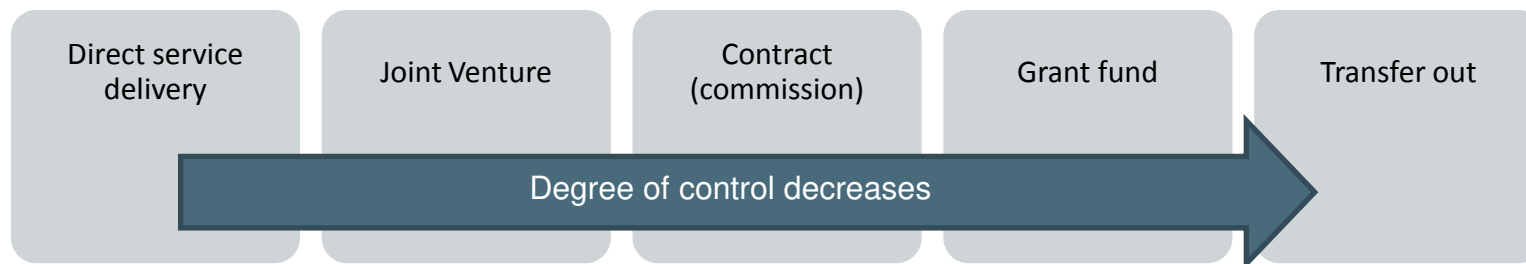
Authorities should be responsive to the benefits and needs of voluntary and community sector organisations of all sizes (honouring the commitments set out in local Compacts) and small businesses.

Authorities should seek to avoid passing on disproportionate reductions – by not passing on larger reductions to the voluntary and community sector and small businesses as a whole, than they take on themselves – and in particular:

- An authority intending to reduce or end funding or other support should give at least three months' notice to both the organisations involved and the public/service users.
- An authority should actively engage the organisation and service users as early as possible before making a decision on: the future of the service; any knock-on effect on assets used to provide this service; and the wider impact on the local community.
- Authorities should make provision for the organisation, service users, and wider community to put forward options on how to reshape the service or project. Local authorities should assist this by making available all appropriate information, in line with the government's 'transparency agenda'. Authorities are also under a Duty to Consult (Section 3 of the Local Government Act 1999).

5. Community leadership and public relations – policy considerations

The level of control and influence the County Council has decreases the further away a service or function becomes.



The Equality Act provides a legal framework, but work on achieving equality can continue beyond the bare minimum statutory requirements. Many private sector companies have seen the benefits of taking a 'public sector approach' to serving the needs of their customers.

Devon County Council and many partners are signed up to the Devon Joint Declaration for Equality and encourages others to do so. The Declaration sets out a vision in which:

People can achieve their own potential and a good quality of life.

Everyone can access services, facilities or information. Different needs are always taken into account.

There is public involvement and influence in decision making, planning, policy and service delivery. People are consulted and listened to through wide, fair and effective representation. There is a strong understanding of the diverse range of needs in Devon's communities, their make-up and changing nature.

Devon is a strong, safe and inclusive community. There are good relations between different communities. People are treated with dignity and respect at work, as customers, and in the community.

People have trust and confidence to report incidents of abuse or discrimination. Concerns are addressed.

Our workforce, at all levels, is supported and broadly reflects the diversity of the community. There is fair pay and employment practice, equal opportunities to progress and develop, and access to flexible working and family-friendly arrangements.

Challenges arising from austerity and changes to public service delivery

During times of austerity there is a rise in ‘far-right’ attitudes. When people feel resources are scarce, they will do what they can to ensure their needs (and the needs of those they share common values/heritage with) are served and ‘the undeserving’ are excluded. It can play out in the media (both formal newspapers and informal social media) – “immigrants, single mums and the disabled” are “scroungers” and “taking from others”. This places vulnerable and minority groups at an increased risk of exclusion, as a result they may depend heavily on charitable support and hand-outs, therefore lacking independence and an opportunity to prosper or live a healthy life.

The ‘dismantling’ of public services could result in a mixed market of providers. This could be very positive if the mix of providers is accessible and responsive, providing choice and control by responding to different needs in the community. However, if an organisation is not inclusive then certain groups will find it inaccessible and be disadvantaged.

Services delivered by public authorities are also generally seen as neutral from political or religious/belief based influence and this makes them accessible to all groups. Faith based organisations are an important feature of the voluntary and community sector and excluding them purely on the basis of being a religious organisation would be discriminatory. There may also be a justified need to provide religious based support (for example, under a Positive Action programme to reach out to a particular community that feels excluded from mainstream services). However, in the same way parents may choose to/choose not to send a child to a school that is run by a religious organisation (in Devon these are Catholic or Church of England schools), they may not want/may want to send their child to a club that is fronted by an organisation with a clear religious ethos. The Census 2011 shows 39% of people do not regard themselves as Christian and this is a significant proportion of the population. Where an organisation has a defined ethos such as a religious school, an element of ‘selection’ can come in to play. Even where there is no religious practice involved, people may not want to be associated with a particular religious organisation when the institution has values which are in conflict with equality and other values (attitudes towards lesbian, gay, bisexual people, attitudes towards women, contraception and abortion etc.). Neutral services do not trigger this kind of selection process.

Staff/managers refusing to provide services to people because of a religious belief has been a frequent subject of case law, in particular two cases which went to the European Court of Human Rights involving a Registrar and Relate Counsellor, a case involving Foster Carers and a case involving Bed and Breakfast owners – all cases involved a refusal to provide a service to same-sex couples. The courts have always upheld the view that religious belief cannot be used as a reason to discriminate in the provision of services.

There have been occasions where religious based organisations have delivered talks in south west schools that have been upsetting and offensive to lesbian, gay and bisexual pupils. The organisations have not necessarily advertised themselves as having a particular religious ethos but on closer scrutiny this connection has been found.

There is plenty of evidence that shows the impact of poor access to services and information, exclusion, discrimination and harassment in the community has an impact on people's health and wellbeing. It can lead to an increase in costs for public authorities through safeguarding intervention and a greater dependence on health and social care intervention. This whole area therefore needs careful consideration when selecting other service providers and transferring public buildings for community use.

6.Steps the County Council can take to ensure equality during transfers

In response to these changes, we have developed a single point of information for communities, to improve transparency and access for more marginalised groups. This is now available at <https://new.devon.gov.uk/communities>. We also need to:

1. Continue to ensure Impact Assessments are completed for closures/service reductions and transfers. Where a service/facility is being offered to a community organisation as an alternative to closure we should give organisations a succinct account of the impacts already identified – both to ensure that they are aware of any potential, additional resource implications in taking the service on and as evidence that we have alerted the organisation to duties they may have under the Equality Act. We should ask about how they will mitigate against any negative impacts and encourage positive impacts, with timescales, and reasons where they are unable to mitigate.
2. Support and influence through guidance and information (for example, signposting all community based services to Equality and Human Rights information on the Equality Act, inviting them to sign up to the Joint Declaration for Equality, sharing the County Council's Equality Policy as best practice to adapt for own use, signposting to BIHR Human Rights resources). Advise organisations to take legal advice on whether the service may be regarded as a Public Function and the application of the Human Rights Act and Equality Act.
3. Consider what 'weighting' to give equality/accessibility issues as part of the Statements of Community Interest process and Asset Disposal Scoring (this should be proportionate to the intended outcomes of the service being provided and needs of the community/service users). Use the questions (Appendix 1) and an Impact Assessment template for this process (Appendix 2).
4. Give community and voluntary sector organisations plenty of lead in time to organise themselves in order to take on services/facilities, ideally involve in discussions at the earliest stage possible.
5. Where an expression of interest is obtained from a religious organisation, ideally it would be part of a mix of providers so there is choice within the community and it is clearly accessible to all groups with robust policies on equality and apparent 'neutrality' of service provision (unless positive action can be justified). Scrutinise organisations for any extreme political views/affiliation and values that could impact on community benefits, including the ability to meet needs and wellbeing. We have also included equality in our Covenant for the transfer of assets (see Appendix 3).

7. Appendices

Appendix 1: Procedural guidance for Expressions of Interest

Key questions for assessing Statements of Community Interest/Impact Assessments (similar questions could be used under any community grants programme)

Expressions of Interest criteria:	
When will your activity take place?	Will it be at a time that is suitable for current or potential service users? For example, some days/times are not suitable because of religious observance, studying, caring or work commitments.
Where will your activity take place?	How will disabled people be able to access the venue (moving around, toilets, getting in and out)? How will people be able to get to the venue (public transport etc.)?
Who are the beneficiaries?	What evidence/data/consultation has been used to identify the need and is it inclusive and comprehensive? Is any Positive Action justified?
Skills and Experience Please provide details of your past and current operational experience, what appropriate skills/training members of	What skills around equality and diversity do staff/volunteers have? – consider attitudinal as well as practical and knowledge based. Does the organisation provide equality training? Does the organisation have an equality policy or statement that covers all relevant protected

<p>your organisation have.</p>	<p>characteristics (is this publicly available – for example on the website)?</p>
<p>Community support</p> <p>It is very important that your proposal has the support of the community as this will help to ensure it is sustainable. Please provide evidence of the support your organisation has from the community, including details of partnership or joint working with other community organisations and evidence of a collaborative approach.</p>	<p>Who is ‘the community’?</p> <p>Have the needs of minority and marginalised groups been considered?</p> <p>Who are the partners? What benefits can be achieved through working with these partners from an equality point of view?</p>
<p>Community Benefit.</p> <p>DCC recognise that devolving assets and responsibility for community provision to the local community can deliver significant benefits to that community, including: increased opportunities for employment, employability and training; tackling social problems including isolation; exclusion and anti social behaviour; improving health and wellbeing of the community and reducing</p>	<p>Where the County Council has decided to close or reduce a service an Impact Assessment would have been carried out*. The impact assessment may have identified specific equality considerations (risk of exclusion/isolation etc.). In what way have these issues/needs been taken into account?</p> <p>*We should give organisations a succinct account of the impacts already identified – both to ensure that they are aware of any potential, additional resource implications in taking the service on and as evidence that we have alerted the organisation to duties they may have under the Equality Act. We should ask about how they will mitigate against any negative impacts, with timescales and reasons where they are unable to mitigate.</p> <p>How can the advancement of equality be achieved through the delivery of this service in this way?</p> <p>How well have all relevant protected characteristics been considered?</p>

<p>environmental impacts through for example, reducing the need to travel; improving building efficiency and raising awareness</p>	<p>Does the organisation hold political, religious or other views that could lead to exclusion for some groups (including groups not wanting to affiliate)? Is it connected financially or in another substantial way to an organisation with such views?</p> <p>Has the organisation given a clear statement of the inclusivity for ALL protected characteristics and the reach of the service they provide? If necessary, consult the equality officer for further advice and ask a direct question about neutrality of provision.</p> <p>How will you make sure your services/environment is welcoming to LGB&T people, ethnic and religious minorities and disabled people?</p>
<p>Employment, Enterprise and Community Wellbeing</p> <p>Please quantify how your proposal delivers the following objectives, provide details and evidence of how you intend to deliver these objectives:</p> <p>New employment.</p> <p>Volunteering opportunities.</p> <p>Formal training opportunities leading top a recognised qualification.</p> <p>Informal training opportunities Employment related advice Work experience opportunities Social Wellbeing.</p>	<p>Are there any ‘value added’ aspects such as positive action for under-represented groups in employment and volunteering opportunities?</p> <p>Does the organisation have an equality policy that covers volunteers and staff? Does it include provisions around pay/benefits and training?</p>

<p>Please set out how your project will provide:</p> <p>Activities or services to target groups outlined in the local plan</p>	<p>Is Positive Action lawful and based upon identified need?</p> <p>Have any needs been overlooked?</p>
<p>Services that wouldn't be delivered by other means</p>	
<p>Increased community capacity (building skills, competencies and abilities to help people to realise their potential)</p>	
<p>Health</p> <p>Please specify any health benefits that your proposal will deliver and the number of people these will affect</p>	<p>How have protected characteristic groups (includes age and gender) been considered?</p>
<p>Equality and diversity</p> <p>One of our core organisational values is to promote high quality services that care for, support and protect the people of Devon. Equality brings quality for everyone and the creation of a fairer society where everyone can</p>	<p>How will the organisation make reasonable adjustments for disabled people – what resources, budget (for physical alterations and alternative formats), policy/procedure or training is needed?</p> <p>Does the building have particular problems making physical alterations difficult or an unreasonable expense?</p> <p>How will you deal with inappropriate language or behaviour – this could be from other service users?</p> <p>Has the organisation been taken to court in relation to discrimination claim in the last five years or</p>

participate and achieve their potential. Equality is not about treating everyone the same; equality is about valuing a person 'as an equal' regardless of their characteristics and treating people according to their needs in order to achieve an equal or fair outcome. An equal society values human diversity, recognising that diversity brings a range of skills, knowledge, values, styles, perspectives and ideas that secure Devon's future as a place where people want to live, work and prosper, and challenges the inequalities that destroy this diversity in our society and organisations. If we proceed with your proposal we will require you to complete an impact assessment

Are there any factors relating to equality and diversity that you have identified so far that will need addressing in relation to your proposal? What are your plans to address these?

been subject to an investigation by a body such as the Equality and Human Rights Commission?

Does the organisation demonstrate an understanding of equality responsibilities under the Equality Act and benefits of addressing inequalities?

Are any negative impacts/disadvantages necessary, reasonable and proportionate (i.e. can they be justified to achieve a legitimate aim)? Is there an alternative, less disadvantageous option?

Will the organisation sign up to the Joint Declaration for Equality (not essential)?

Appendix 2: Impact Assessment template

For further guidance we can signpost organisations to the [social impacts guide](#) and [health needs assessments/data](#). The information below would be reviewed alongside the ‘Statement of Community Interest’ submission.

Name of organisation:

Service/project:

Please provide as much information as possible, but do not feel you have to cover everything – some things may not be relevant or necessary in relation to the service you are providing. Include any improvement plans you may develop to plug gaps.

Protected characteristic:	Age
In what way is this characteristic relevant and what does available data/feedback tell you about the needs/profiles of service users? <i>If it is not relevant, you do not need to continue with the questions below.</i>	
How will you eliminate discrimination? Have you identified potential ‘barriers’ or disadvantage and how will you mitigate against these? Can positive action (i.e. targeting a particular age group be justified)? Are any negative impacts/disadvantages necessary, reasonable and proportionate (i.e. can they be justified to achieve a legitimate aim)?	
In what ways can you advance equality for certain age groups (where necessary)? This includes increasing participation, ensuring/improving access and meeting specific needs.	
What actions will be needed to foster good relations between different age groups? This includes how you will tackle prejudice and harassment such as ageist language/attitudes and promote understanding.	

<p>Are there any Human Rights requirements or other considerations you need to take into account?</p>	
<p style="text-align: right;">Protected characteristic:</p>	<p>Disability (i.e. physical, sensory, learning/cognitive and mental health, long term health conditions), carers</p>
<p>In what way is this characteristic relevant and what does available data/feedback tell you about the needs/profiles of service users? <i>If it is not relevant, you do not need to continue with the questions below.</i></p>	
<p>How will you eliminate discrimination? Have you identified potential 'barriers' or disadvantage and how will you mitigate against these? What reasonable adjustments can be made for disabled people? Are any negative impacts/disadvantages necessary, reasonable and proportionate (i.e. can they be justified to achieve a legitimate aim)?</p>	
<p>In what ways can you advance equality for disabled people (where necessary)? This includes increasing participation, ensuring/improving access and meeting specific needs.</p>	
<p>What actions will be needed to foster good relations between disabled people and people without a disability? This includes how you will tackle prejudice and harassment such as offensive language/attitudes towards disabled people and promote understanding.</p>	
<p>Are there any Human Rights requirements or other considerations you need to take into account?</p>	

<p style="text-align: center;">Protected characteristics:</p>	<p>Race, ethnicity, culture, religion and belief</p> <p>[Separate out if necessary]</p>
<p>In what way is this characteristic relevant and what does available data/feedback tell you about the needs/profiles of service users? <i>If it is not relevant, you do not need to continue with the questions below.</i></p>	
<p>How will you eliminate discrimination? Have you identified potential 'barriers' or disadvantage and how will you mitigate against these? How will you address language barriers where someone's first language is not English? Will your service be accessible to Travellers and Gypsies? How will you meet cultural and religious practices/preferences and accommodate different beliefs (including non-belief)? Can positive action (i.e. targeting services to people from ethnic minority communities be justified)? Are any negative impacts/disadvantages necessary, reasonable and proportionate (i.e. can they be justified to achieve a legitimate aim)?</p>	
<p>In what ways can you advance equality (where necessary)? This includes increasing participation, ensuring/improving access and meeting specific needs.</p>	
<p>What actions will be needed to foster good relations between different groups? This includes how you will tackle prejudice and harassment such as racist language/attitudes and promote understanding.</p>	
<p>Are there any Human Rights requirements or other considerations you need to take into account?</p>	

<p>Protected characteristics:</p>	<p>Sex and gender identity (male, female, people who are undergoing/undergone gender re-assignment, non-gender conforming), pregnancy and maternity (women).</p> <p>[Separate out if necessary]</p>
<p>In what way is this characteristic relevant and what does available data/feedback tell you about the needs/profiles of service users? <i>If it is not relevant, you do not need to continue with the questions below.</i></p>	
<p>How will you eliminate discrimination? Have you identified potential 'barriers' or disadvantage and how will you mitigate against these? How will you ensure staff/volunteers are aware it is unlawful to ban women from breastfeeding in public? Can positive action (i.e. women's only group) be justified? Are any negative impacts/disadvantages necessary, reasonable and proportionate (i.e. can they be justified to achieve a legitimate aim)?</p>	
<p>In what ways can you advance equality (where necessary)? This includes increasing participation, ensuring/improving access and meeting specific needs.</p>	
<p>What actions will be needed to foster good relations between different groups? This includes how you will tackle prejudice and harassment such as transphobic or sexist language/attitudes and promote understanding. If a member of staff or service user is under-going gender re-assignment, how will you support them?</p>	
<p>Are there any Human Rights requirements or other considerations you need to take into account?</p>	

Protected characteristic:	Sexual orientation (lesbian, gay, bisexual and heterosexual)
<p>In what way is this characteristic relevant and what does available data/feedback tell you about the needs/profiles of service users? <i>If it is not relevant, you do not need to continue with the questions below.</i></p>	
<p>How will you eliminate discrimination? Have you identified potential 'barriers' or disadvantage and how will you mitigate against these? Can positive action (i.e. services for LGB people only be justified)? Are any negative impacts/disadvantages necessary, reasonable and proportionate (i.e. can they be justified to achieve a legitimate aim)?</p>	
<p>In what ways can you advance equality for this protected characteristic? This includes increasing participation, ensuring/improving access and meeting specific needs (where necessary).</p>	
<p>What actions will be needed to foster good relations between different groups? This includes how you will tackle prejudice and harassment such as homophobic language/attitudes and promote understanding.</p>	
<p>Are there any Human Rights requirements or other considerations you need to take into account?</p>	

Protected characteristic:	Other socio-economic considerations (low income, families, homeless people etc).
<p>In what way is this characteristic relevant and what does available data/feedback tell you about the needs/profiles of service users? <i>If it is not relevant, you do not need to continue with the questions below.</i></p>	
<p>Have you identified potential 'barriers' or disadvantage and how will you mitigate against these? Are any negative impacts/disadvantages necessary, reasonable and proportionate?</p>	
<p>In what ways can you improve outcomes for this characteristic? This includes increasing participation, ensuring/improving access and meeting specific needs (where necessary).</p>	
<p>Are there any Human Rights requirements or other considerations you need to take into account?</p>	

Appendix 3 - Equality Covenant (Transfer of Assets)

The premises shall not be used for the purpose of promoting values which conflict with the Public Sector Equality Duty to:

Eliminate discrimination, harassment and victimisation, advance equality and foster good relations. This includes the need to take account of disabled people's needs. Any expression or act of prejudice or unlawful discrimination or any other forms of expression which limit people's freedoms and rights that they hold as a British citizen as set out in Appendix A will be in contravention of this covenant.

Appendix A

Refusing to provide access to the service (including information about the service) because of a protected characteristic which amounts to unlawful discrimination as defined in the Equality Act 2010.

Refusing to make a reasonable adjustment for a disabled person (as defined in the Equality Act 2010).

Causing or permitting to occur harassment, intimidation, fear, alarm or distress in line with the Protection from Harassment Act 1997.

Promoting extremism or division in society (extremism is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs (including no belief).

Inciting hatred towards a person or group.

Imparting advice or information that would pressurise against or deny:

- A woman's right to terminate a pregnancy.
- The right to form relationships and a family, including same sex relationships.
- The right to adopt or foster children as a same sex couple.
- The right to undergo gender reassignment and identify by any gender of that person's choosing.
- A woman's freedom and equal status to men.
- The right to medical treatment or assistance for an illness, accident or condition.
- Access to contraception, family planning and sexual health advice.

- Any other rights as defined by the UN Convention of Human Rights and Human Rights Act 1998.
- Any other rights as defined by the Equality Act 2010.