

Colchester Borough Homes

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

Section 1: Initial Equality Impact Assessment

Name of policy/ decision to be assessed:

Drugs & Alcohol Policy

1. What is the main purpose of the policy?

- To ensure safety at work for staff and customers
- To help CBH meet its duty of care towards staff and customers
- To ensure staff understand their personal responsibilities

2. What main areas or activities does it cover?

- Use of drugs
- Consumption of alcohol
- Use/ abuse of prescribed or 'over the counter' medication

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?

- Staff
- Sub-contractors

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

- To ensure a safer working environment
- To ensure CBH better meets its legal responsibilities as an employee
- To ensure that staff better understand their personal responsibilities around the use and abuse of alcohol and drugs

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

- The policy applies to all internal CBH services/ departments
- Colchester Borough Council

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

None

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'¹ and those who do not²
- (c) foster good relations between people who share a protected characteristic and those who do not³

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':

¹ 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.

² 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.

³ This involves having due regard, in particular, to the need to (a) tackle prejudice, and (b) promote understanding.

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

- The policy may assist CBH in meeting its duty to have ‘due regard’ to the need to eliminate unlawful harassment. (The influence of alcohol or drugs can impact negatively upon individuals’ behaviour towards staff or customers.)

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

- The policy is not considered likely to assist CBH in meeting this specific aim.

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

- The policy is not considered likely to assist CBH in meeting this specific aim.

See next page below for Section 9

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'.

'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+)		None identified.		None identified
	Younger people (17-25) and children (0-16)		None identified		None identified
Disability	Physical		None identified	X	An employee taking medication for a health condition is protected from unfair treatment under the Equality Act 2010 An employee or subcontractor with an alcohol or drug addiction or dependency is protected from unfair treatment under the Equality Act 2010. <i>See comments below this table on how this potential negative impact has been addressed.</i>
	Sensory				
	Learning				
	Mental health issues				
	Other – <i>specify</i>				
Ethnicity ⁴	White		None identified		None identified
	Black				
	Chinese				
	Mixed Ethnic Origin				
	Gypsies/ Travellers				
	Other – <i>please state</i>				
Language	English not first language		None identified		None identified

⁴ 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).

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
Pregnancy and Maternity	Women who are pregnant or have given birth in last 26 weeks		None identified		None identified
Religion or Belief	People with a religious belief (or none)		None identified		None identified
Sex	Men		None identified		None identified
	Women		None identified		None identified
Gender Reassignment ⁵	Transgender/ Transsexual ⁶		None identified		None identified
Sexual Orientation	Bisexual, Heterosexual, Gay or Lesbian		None identified		None identified
Marriage and Civil Partnership	People who are married or in a civil partnership				

⁵ 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.

⁶ It is generally held that people who are *transgender* disguise their features or clothing to resemble their preferred sex, whereas people who are *transsexual* wish to change their body to completely resemble their preferred sex.

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

			Potential Negative Impact
Disability	Physical	X	An employee taking medication for a health condition is protected from unfair treatment under the Equality Act 2010
	Sensory		
	Learning		
	Mental health issues		
	Other – <i>specify</i>	X	An employee or subcontractor with an alcohol or drug addiction or dependency is protected from unfair treatment under the Equality Act 2010.

The above potential negative impacts are addressed by the policy in the following ways:

- “Employees being tested are given the opportunity to disclose any medication they have taken.” (See line 15, para. 3.10 of *the policy*)
- “We require staff to report the use of prescribed and over-the-counter medicines that might have an impact on their performance to their line manager or to HR.” (See line 1-3, para. 3.13 of *the policy*)
- “Medication... disclosed by an employee shall not be considered as a positive result providing it was disclosed before the drugs and alcohol sample was collected.” (See line 6-8, para 3.11 of *the policy*).
- “Where an employee declares a drug or alcohol problem (excluding immediately prior to a test or once selected for testing) and seeks help prior to being tested, support will be given and treated as with any other illness...” (See line 8-10, para. 3.14 of *the policy*)
- “Where it is found that the employee has a drug or alcohol related addiction or dependency, the disciplinary procedure may be suspended while the employee is referred to an appropriate agency...” (See line 2-5, para, 3.14 of *the policy*)

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,

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 <input type="checkbox"/>	Sign off screening and finish.
Negative impacts have been identified but have been minimised or removed X	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 Harley

14. Date of completion:

- June 2019

15. Date for update or review of this screening:

- June 2022

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.