

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:

Data Protection Policy

1. What is the main purpose of the policy?

This policy outlines the guiding principles and key arrangements to ensure the effective, secure and lawful management of personal data.

2. What main areas or activities does it cover?

- Data on current, past and prospective employees
- Data on tenants, leaseholders and other customers
- Data on suppliers, contractors, partners and others.
- Roles and Responsibilities
- Data Protection relationship between CBC and CBH

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

No. This policy is new and closely follows CBC's policy of the same name. However, it largely replaces the previous CBH Information and Confidentiality Policy.

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

- Staff including former, current and prospective
- Customers including tenants, leaseholders, housing applicants

- Contractors, partners and others
- CBC

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

- That the guiding principles and key arrangements for the management of personal data are understood and followed
- That personal data is processed lawfully in all cases

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

- CBC
- CBC and CBH contractors
- The Information Commissioner

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?

No

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.

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.

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):

- The policy helps us comply with the law. In this way, it may help us to avoid discrimination against groups which could be disproportionately impacted by unlawful data processing.

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

- The policy helps us comply with the law. In this way, it may help us to avoid discrimination against groups which could be disproportionately impacted by unlawful data processing.

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

- The policy is not likely to help us meet the third aim of the general duty.

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+)		None identified		None identified
	Younger people (17-25) and children (0-16)		None identified		None identified
Disability	Physical		None identified		None identified
	Sensory		None identified		None identified
	Learning		None identified		None identified
	Mental health issues		None identified		None identified
	Other – <i>specify</i>		None identified		None identified

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
Ethnicity ⁴	White		None identified		None identified
	Black		None identified		None identified
	Chinese		None identified		None identified
	Mixed Ethnic Origin		None identified		None identified
	Gypsies/ Travellers		None identified		None identified
	Other – <i>please state</i>		None identified		None identified
Language	English not first language		None identified	X	The policy is in English.
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

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).

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.

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
Marriage and Civil Partnership	People who are married or in a civil partnership		None identified		None identified

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

Language	English not first language	X	The policy is in English.
-----------------	-----------------------------------	----------	----------------------------------

- The Policy is displayed on the CBH website which offers Google Translate instant text translation.
- CBH officers are able to access professional translation and interpretation services on behalf of customers where appropriate.

11. Could the policy discriminate⁷ against any 'protected characteristic', either directly or indirectly⁸? **No**

(Continues below)

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 <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 (Business Partner: Equality & Safeguarding)

14. Date of completion:

- July 2020

15. Date for update or review of this screening:

- July 2023