



MENHENIOT NEIGHBOURHOOD PLAN EQUALITIES IMPACT ASSESSMENT - STAGE ONE

October 2017

Menheniot Neighbourhood Plan Team

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MENHENIOT PARISH NEIGHBOURHOOD PLAN

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INTRODUCTION.

Completing an Equalities Impact Assessment (EIA) is a key tool in ensuring that a Neighbourhood Plan benefits an areas entire community.

The 2010 Equalities Act makes it illegal to make decisions that impact on the Equality and Diversity rights of groups or individuals. This EIA is intended to show how Menheniot Parish Council’s decision-making process on the Neighbourhood Plan will use evidence to support the decisions made 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. The EIA will be conducted at the start of the Neighbourhood Plan process, repeated again prior to the Pre-Submission Consultation stage, and will form an input to the Basic Conditions evidence.

TERMINOLOGY

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. The community and the people that receive services from Menheniot Parish Council 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.

Equality – seeks to ensure everyone receives fair and equal treatment. In some cases this may mean changing the way in which we do things based on people’s differences (e.g producing information in a different format for someone with a sight impairment).

PRINCIPLE

In formulating the Neighbourhood Plan, Menheniot Parish Council will reflect the diversity of the whole community, take into account the needs of different sectors of the community, and ensure that all members of the community have the opportunity to inform the plan through the development of an Engagement Strategy.

PROTECTED CHARACTERISTICS

The 9 Protected Characteristics under the 2010 Act are:

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.

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?

The reason for carrying out this EIA is to ensure that decisions made by Menheniot Parish Council on the Neighbourhood Plan 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.*

Additional characteristics important to Cornwall

8. *Socio-Economic - Cornwall as a whole is not deprived but there are areas where there are very high levels of deprivation and this is an important factor when completing an EIA.*
9. *Rural Isolation - Cornwall is a very rural county and this can affect the way we deliver services. Rurality issues may be important when completing an EIA.*

Baseline Data

Approximately 324 (19%) of Menheniot's usually resident population were under 18 years old, whilst the number of younger adults (18 to 44) was 466, about 27% of the total. These are groups that are usually quite hard to engage with as their attention is strongly drawn elsewhere – the 'adventure' of growing up, intensive school work, beginning work and developing careers, young and demanding families, etc and special effort will be necessary to get these youngsters involved so that they are fairly represented in the Plan process.

The number of more mature working age people (45-65) was around 556 (32%) whilst the 370 older people (65+) represented 22% of the total. Notably around 50 were 85+, likely to suffer mobility, access, and health issues that could restrict their ability to become involved in the Plan.

The nationality, national origin, religion and ethnic group information from the Census illustrates that Menheniot is a community with little diversity. There was a significantly greater proportion of white people compared to England (98.6% compared to 79.8%). This bias was reflected in the low proportions of mixed/multi ethnic, Asian, and black people (11, or 0.6% compared to 2.2% nationally). The proportions for religions such as Buddhist, Hindu, Muslim and Sikh was also very below average (20, 1.2% compared to 8.7%). The significance of this lack of diversity is that it's possible for minority groups to 'disappear' against the predominant background, and therefore to be un-engaged in the Plan process. For example in 2011 the proportion of people living in Menheniot with English as main language was 99% compared to 90.9% nationally. However some 0.1% of people lived in a household where no English was spoken as the main language and so may have difficulty dealing with Plan materials delivered in English.

In terms of health, 382 of residents (22.3% compared to 17.6% nationally) said that their day-to-day activities were limited through ill-health. Of these 165 (9.6% compared to 8.3% nationally) of residents said that their day-to-day activities were limited a lot. Of these, 106 or 41.2% were of working age (compared to 43.7% nationally). So, there is a sizeable proportion of residents who through ill health or disability may find it difficult to become engaged in the Plan unless measures are taken to include them.

Some 238 people were recoded as carers, 13.9% of the usually resident, with some 62 people (or 3.6%) providing more than 50 hours caring per week.

No census data on sexual orientation and gender preference is available. The ONS Integrated Household Survey 2011 found 1.9% to be lesbian, gay or bisexual. However Stonewall says that the UK Government estimate, used for policy making, that 5% to 7% of the population is lesbian, gay, bisexual, transgender or questioning (LGBTQ), is reasonable. This implies that between 70 and 100 of the usually resident population over 16 (1412) may be LGBTQ.

Equality Impact Assessment

Name of Officer/s completing assessment:	Steve Besford-Foster
Date of Assessment:	11 th October 2017
Name of document or policy being assessed:	Creation of Menheniot Parish Neighbourhood Plan
What are the aims, objectives, outcomes, purpose of the policy, service change, function that you are assessing?	A local land-use plan adopted by Menheniot Parish Council that meets the sustainable development needs of the Menheniot Parish Community, is supported by the Menheniot Parish community at referendum, and eventually becomes part of the statutory Development Plan for Cornwall.
Who implements or delivers the policy, service or function? State if this is undertaken by more than one team, including any external partners.	Menheniot Parish TC is 'qualifying body' under Localism act with power to create the NP. The NP is drawn up by a Steering Group made up of Councillors, local people and organisations.
Who will be affected by this proposal? For example, who are the external/internal customers, communities, partners, stakeholders, the workforce etc.	All local residents All local businesses All those with a 'stakehold' in Menheniot Parish Visitors to Menheniot Parish
What are the likely positive or negative impacts for the group/s identified in (3) above? What particular groups are affected more than others and why?	NP should lead to a balanced approach to development in the next 13 years that meets current needs whilst protecting the interests of future generations. In so doing the NP may include policies for new housing,

	<p>employment areas, retail, leisure and entertainment, which whilst benefiting the community at large may be perceived to be against interest of particular individuals (e.g. people whose immediate living environment may be affected).</p> <p>In the NDP process, it is possible that some residents, such as young people, may be less engaged and their 'voice' dis-proportionately muted in comparison to other groups, to their disadvantage.</p> <p>Also, possible that some resultant developments are not as accessible as may be possible if not effectually influenced/controlled (for example the creation of environments that are wheelchair unfriendly). It is also a risk that inappropriate language may be used in community based engagement processes.</p>
<p>Have the impacts identified in (4) above been assessed using up to date and reliable evidence and data? Do you need to engage or consult with any identified group/s?</p>	<p>The process of writing the NDP will include measures to ensure that all sectors are given reasonable opportunity to have a say in the process, for example by widespread engagement opportunities based on an analysis of demographic data, targeting those within particular characteristic groups, using a range of formats for information giving/gathering, and seeking representation from all sectors on the Steering Group. Representative organizations will also be engaged with, in accordance with the Menheniot Parish Neighbourhood Development Plan Engagement Strategy.</p> <p>With regard to inappropriate language, Steering Group members will be encouraged to use terminology that is currently regarded as being inoffensive (See Appendix A)</p> <p>When the draft NDP is completed, it will be assessed under Stage Two of the process, using the template attached at appendix B.</p>
<p>Are any of these identified groups considered to be vulnerable? If so have you consulted with or plan to consult with any relevant representative organisation.</p>	<p>Young people and vulnerable adults, older people, and persons with disabilities may be affected. Representative organizations will be engaged with.</p>

What plans do you have in place, or are developing, that will mitigate the likely identified negative impacts? For example, what plans, if any, will be put in place to reduce the impact?	Proposals for development put forward in the NP will be checked for negative impacts (using a 'proofing checklist' based on the criteria of this EIA statement) and mitigation measures devised.
Do you have plans in place to monitor the impact of the proposals once they have been implemented? The full impact of the decision may only be known after the proposals have been implemented.	Implementation impacts will be monitored by the Council when reviewing and making recommendations on Planning applications
What course of action does this EIA suggest you take? More than one of the following may apply	
Outcome 1: No major change required. The EIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken	√
Outcome 2: Adjust the policy to remove barriers identified by the EIA or better promote equality. Are you satisfied that the proposed adjustments will remove the barriers identified?	
Outcome 3: Continue the policy despite potential for adverse impact or missed opportunities to promote equality identified. You will need to ensure that the EIA clearly sets out the justifications for continuing with it. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact (see questions below)	
Outcome 4: Stop and rethink the policy when the EIA shows actual or potential unlawful discrimination	
Summary of proposals	
No negative impacts have been identified at this time in this EIA, but there are clear risks that some groups may fail to become involved in writing this community based NDP, with the result that their interests are not represented proportionately in the final NDP.	
However the NDP will be reviewed at each stage of development. The process following on will need to be informed through the development of an Engagement Strategy/Plan that assesses how groups and individuals can be included in plan making, potential barriers to engagement and potential solutions.	
Key Impacts – risk of exclusion of certain groups with particular needs and subsequent poor developments or needs not met.	
Course of action – adoption of Engagement Strategy to ensure all are involved in creating the NP, 'Equalities proofing' of proposals and policies.	

Appendix A: Guide to terminology to avoid offence.

Do Not Use	Do Use
Blind	Has a visual impairment (many people who are registered blind have some sight).
Coloured	Black, Asian, Chinese etc.
Crippled	People with impairments and long-term health conditions
Deaf mute/profoundly deaf/hard of hearing	Use 'deaf' if you know someone has no hearing. If a person has some hearing use 'hearing impairment'
Dumb	(Has / with a) speech impediment
Half-cast	Mixed race
Handicapped person	Disabled person or person with a disability
Mentally handicapped / mentally disabled	(Has / with) learning disability
Mongolism	Downs Syndrome
Negro & other derivatives	Black
Non - white	Black (an all encompassing term where visible skin colour difference exists)
Normal people / able-bodied people	Non-disabled people
Spastic	Person with Cerebral Palsy
Suffering from / victim of / stricken by / afflicted by	Has / with... arthritis, a mental health problem, diabetes etc
The disabled	Disabled persons / persons with disabilities
The elderly	Older person/people
Wheelchair bound	Wheelchair user
Queer, camp, butch, etc	LGBTQ – or use each of these words as appropriate: Lesbian, Gay, Bi-sexual, Trans-sexual, Questioning

Appendix B: Equality Statement Stage 2 Template

1. Introduction – a short Introduction drawn from this document.

2. Methodology – Brief description of the methodology used drawn from this document. Gives an assessment as to whether the Menheniot Neighbourhood Development Plan has a positive, negative or neutral impact on each of the protected characteristics (in so far as data is available), by using a grid which gives a brief justification of the policies and proposals in the Neighbourhood Plan, identifies of any mitigation necessary. Negative impacts are given a high, medium or low assessment.

- High impact - A significant potential impact, risk of exposure, history of complaints, no mitigation measures in place etc.
- Medium impact - Some potential impact exists, some mitigating measures are in place, poor evidence.
- Low impact - Almost no relevancy to the process, e.g. an area that is very much legislation-led

3. Summary Data – Drawn from this document using census and other data to give a picture of the current demographic profile of Menheniot.

4. Community Engagement Strategy – Reference to the community engagement strategy adopted for the NDP process.

5. Vision and Aims of the NDP – the NDP vision and whether it is likely to have an equalities impact.

6. The Plan Objectives and their Impact – Brief description of the NDP objectives.

7. Summary of Policies and their Impact – A look-up table of polices related to the Objectives, followed by an assessment table based on the following:

Objective						
Protected characteristic	Assessed Impact					Comments and Mitigation
	Positive	Neutral	Negative Low	Negative Med	Negative High	
Age						Comments: MITIGATION:
Disability						
Gender reassignment						

Marriage and civil partnership						
Pregnancy and maternity						
Race						
Religion and Belief						
Sex						
Sexual orientation						

8. Conclusions and Overview – indicating any negative impacts and their mitigation, any positive impacts, and drawing out conclusion on overall impact on local community.