

Appendix 4

St Andrews Close Pocket Park

Equality with Human Rights Analysis

SECTION A

Name of policy / project / service	St Andrews Close Pocket Park
Background and aims of policy / project / service at outset	To lease the CoLC owned site to the Sincil Community Land Trust for use as a pocket park to provide community open space, add value to biodiversity and create a much needed social and play space within the Sincil bank area.
Person(s) responsible for policy or decision, or advising on decision, and also responsible for equality analysis	Kate Bell Housing Strategy Officer (regeneration)
Key people involved <i>i.e. decision-makers, staff implementing it</i>	Sincil Community Land Trust (SCLT) Sincil Bank Neighbourhood Team Caroline Bird, Community Services Manager Charles Mason, CoLC Solicitor

SECTION B This is to be completed and reviewed as policy / project / service development progresses

	Is the likely effect positive or negative? (please tick all that apply)			Please describe the effect and evidence that supports this and if appropriate who you have consulted with*	Is action possible to mitigate adverse impacts?	Details of action planned including dates, or why action is not possible
	Positive	Negative	None			
Age	√			Initial consultation has been positive and we do not envisage any negative effect on any of the characteristics	NA	As part of the lease, the CLT will be asked to consider equality aspects as part of their decision on the use of the grounds.
Disability including carers (see Glossary)	√				NA	
Gender re-assignment	√				NA	
Pregnancy and maternity	√				NA	
Race	√				NA	
Religion or belief	√				NA	
Sex	√				NA	
Sexual orientation	√				NA	
Marriage/civil partnership	√				NA	

Human Rights (see page 8)	√				NA	
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Did any information gaps exist?	Y/N/NA	If so what were they and what will you do to fill these?
	N	

SECTION C

Decision Point - Outcome of Assessment so far:

Based on the information in section B, what is the decision of the responsible officer (please select one option below):

Tick here

- **No equality or human right Impact** (your analysis shows there is no impact) - sign assessment below
- **No major change required** (your analysis shows no potential for unlawful discrimination, harassment)- sign assessment below
- **Adverse Impact but continue** (record objective justification for continuing despite the impact)-complete sections below
- **Adjust the policy** (Change the proposal to mitigate potential effect) -progress below only AFTER changes made
- **Put Policy on hold** (seek advice from the Policy Unit as adverse effects can't be justified or mitigated) -STOP progress

Checked and approved by responsible officer(s) (Sign and Print Name)		Date	
Checked and approved by Assistant Director (Sign and Print Name)		Date	

When completed, please send to policy@lincoln.gov.uk and include in Committee Reports which are to be sent to the relevant officer in Democratic Services
The Equality and Human Rights Commission guidance to the Public Sector Equality Duty is available via: www.equalityhumanrights.com/new-public-sector-equality-duty-guidance/

City of Lincoln Council Equality and Human Rights Analysis Toolkit: Glossary of Terms

Adult at Risk - an adult at risk is a person aged 18 years or over who is or may be in need of community care services by reason of mental health, age or illness, and who is or may be unable to take care of themselves, or protect themselves against significant harm or exploitation.

Adverse Impact. Identified where the Council's operations has a less favourable effect on one or more groups covered by the Equality Act 2010 than it has on other groups (or a section of a group)

Carer - see also disability by association. A carer is a person who is unpaid and looks after or supports someone else who needs help with their day-to-day life, because of their age, long-term illness, disability, mental health problems, substance misuse

Disability by association. Non-disabled people are also protected from discrimination by association to a disabled person. This might be a friend, partner, colleague or relative. This applies to carers who have a caring responsibility to a disabled person.

Differential Impact. Identified where a policy or practice affects a given group or groups in a different way to other groups. Unlike adverse impact, differential impact can be positive or negative.

Disability. It is defined under the Equality Act 2010 as 'having a physical or mental impairment which has a substantial and adverse long term effect on a person's ability to carry out normal day to day activities'.

Physical impairment is a condition affecting the body, perhaps through sight or hearing loss, a mobility difficulty or a health condition.

Mental impairment is a condition affecting 'mental functioning', for example a learning disability or mental health condition such as manic depression

Diversity. Diversity is about respecting and valuing the differences between people. It is also recognising and understanding the mix of people and communities who use services and their different needs.

Discrimination. Discrimination has been defined as 'the unequal treatment of individuals or groups based on less because of a protected characteristic – see protected characteristic. This includes discrimination by association, perception, direct and indirect discrimination.

Example of discrimination: An employer does not offer a training opportunity to an older member of staff because they assume that they would not be interested, and the opportunity is given to a younger worker

Equality. The right of different groups of people to have a similar social position and receive the same treatment:

Equality Analysis. This is a detailed and systematic analysis of how a policy, practice, procedure or service potentially or actually has differential impact on people of different Protected Characteristics

Equality Objectives. There are specific strategic objectives in the area of equalities and should set out what services are seeking to achieve in each area of service in terms of Equality.

Equality of Opportunity. Equality of opportunity or equality opportunities may be defined as ensuring that everyone is entitled to freedom from discrimination. There are two main types of equality encompassed in equal opportunities:

1. Equality of treatment is concerned with treating everyone the same. Thus, in an organisational context it recognises that institutional discrimination may exist in the form of unfair procedures and practices that favour those with some personal attributes, over others without them. The task of equal opportunities is therefore concerned with the elimination of these barriers.
2. Equality of outcome focuses on policies that either have an equal impact on different groups or intend the same outcomes for different groups.

Evidence. Information or data that shows proof of the impact or non-impact - evidence may include consultations, documented discussions, complaints, surveys, usage data, and customer and employee feedback.

Foster good relations. This is explicitly linked to tackling prejudice and promoting understanding.

General Equality Duty. The public sector equality duty on a public authority when carrying out its functions to have 'due regard' to the need to eliminate unlawful discrimination and harassment, foster good relations and advance equality of opportunity.

Gender reassignment. The process of changing or transitioning from one gender to another – for example male to trans-female or female.

Harassment. This is unwanted behaviour that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating or offensive environment.

Human Rights – Human rights are the basic rights and freedoms that belong to every person in the world - **see below**

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. Single people are not protected. Discrimination on grounds of marriage or civil partnership is prohibited under the Act. The prohibition applies only in relation to employment and not the provision of goods and services.

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.

Protected Characteristics. These are the grounds upon which discrimination is unlawful. The characteristics are:

- Age
- Disability
- Gender reassignment
- Race
- Religion and belief (including lack of belief)
- Sex/gender
- Marriage and civil partnership
- Pregnancy and maternity
- Sexual orientation

Public functions. These are any act or activity undertaken by a public authority in relation to delivery of a public service or carrying out duties or functions of a public nature e.g. the provision of policing and prison services, healthcare, including residential care of the elderly, government policy making or local authority services.

Race. This 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 or 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.

Section 11 of the Children Act. This duty is a duty under the Children Act 2004 that requires all agencies with responsibilities towards children to discharge their functions with regard to the need to safeguard and promote the welfare of children. They must also ensure that anybody providing services on their behalf must do the same. The purpose of this duty is that agencies give appropriate priority to safeguarding children and share concerns at an early stage to encourage preventative action.

Sex. It refers to whether a person is a man or a woman (of any age).

Sexual Orientation. A person's sexual attraction is towards their own sex; the opposite sex; or to both sexes: *Lesbian, Gay or Bisexual*

Victimisation. Victimisation takes place where one person treats another less favourably because he or she has exercised their legal rights in line with the Equality Act 2010 or helped someone else to do so.

Vulnerable Adult. A Vulnerable Adult is defined as someone over 16 who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him/herself or unable to protect him/herself against significant harm or exploitation'

Human Rights - Human rights are the basic rights and freedoms that belong to every person in the world. They help you to flourish and fulfill your potential through:

- [being safe and protected from harm](#)
- [being treated fairly and with dignity](#)
- [living the life you choose](#)

- [taking an active part in your community and wider society.](#)

The Human Rights Act 1998 (also known as the Act or the HRA) came into force in the United Kingdom in October 2000. It is composed of a series of sections that have the effect of codifying the protections in the European Convention on Human Rights into UK law.

The Act sets out the fundamental rights and freedoms that individuals in the UK have access to. They include:

- [Right to life](#)
- [Freedom from torture and inhuman or degrading treatment](#)
- [Right to liberty and security](#)
- [Freedom from slavery and forced labour](#)
- [Right to a fair trial](#)
- [No punishment without law](#)
- [Respect for your private and family life, home and correspondence](#)
- [Freedom of thought, belief and religion](#)
- [Freedom of expression](#)
- [Freedom of assembly and association](#)
- [Right to marry and start a family](#)
- [Protection from discrimination in respect of these rights and freedoms](#)
- [Right to peaceful enjoyment of your property](#)
- [Right to education](#)
- [Right to participate in free elections](#)

Many every day decisions taken in the workplace have no human rights implications. However, by understanding human rights properly you are more likely to know when human rights are relevant and when they are not. This should help you make decisions more confidently, and ensure that your decisions are sound and fair.

Risk Management Checklist

Risk Management Guidance is available on City People (Authority wide/RISK MANAGEMENT/NEW TEMPLATES) but if in doubt please refer to the Council's Risk Co-ordinator, Lara Trickett (Ext 3292). However, at this early stage, just the identification and categorisation of risk need to be developed. The full risk register will be completed as part of Checklist B.

Likelihood Score (This is the likelihood of the risk materialising / happening. The following information will help you to assess:

- A: Almost certain** - Occurs several times per year. It will happen.
- B: Probable** - It has happened before and could happen again.
- C: Possible** - It may happen but it would be unusual.
- D: Hardly ever** - Never heard of it occurring. We can't imagine it occurring.

Also consider when this event / risk may occur. If the risk may occur sooner then it may warrant a higher score.

Impact Score (This is the estimated effect of the risk happening. The following information will help you to assess:

- 4 – Negligible** Impacts can be quickly managed or there is little or no effect
- 3 – Minor** Some work to manage impacts, limited effect
- 2 - Major** Significant work to manage impacts, noticeable effect on services
- 1 - Critical** Long term impact and service suspension/ severe disruption

Likelihood	A Almost Certain	Retain	Transfer Modify Retain	Avoid Transfer Modify	Avoid Transfer Modify
	B Probable	Retain	Prioritise for Modifying Retain	Transfer Modify Retain	Avoid Transfer Modify
	C Possible	Retain	Prioritise for Modifying Retain	Prioritise for Modifying Retain	Transfer Modify Retain
	D Hardly Ever	Retain	Retain	Retain	Prioritise for Modifying Retain
		4 Negligible	3 Minor	2 Major	1 Critical
	Impact				

Risk outcomes:

Avoid: Consider not proceeding with the activity or circumstances that give rise to the risk, without mitigation

Transfer: Pass on or share the risk with a third party (contractor, insurer...)

Modify: Take action to modify the risk (most risks fall in this category)

Retain: Take no action, accept the risk/accept it's not worthwhile implementing extra actions

The template for completing this element is available below or is on City People as Appendix 5

When completing the risk template – remove the content from the coloured boxes; replace with the risk number in its appropriate risk situation

	4 Almost Certain				
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RISK REGISTER:

Risk Description: Risk, cause and consequence	Risk Owner Job title or initials	Risk Appetite 1. Hungry; 2. Creative & aware; 3. Cautious; 4. Averse	Controls/Actions Actions that have or can be taken to reduce the likelihood and/or impact		Current Risk Score	Target Risk Score at end of March 2020	Assurance – status (tool 9) (Full, Substantial, Limited, Inadequate)	Assurance – Direction of Travel (Improving, Static, Declining)
			Current/Already in Place	Required Mitigation (inc timescales)				
That the Pocket Park project fails due to high level of antisocial behavior issues	PC	2	<p>The heads of terms (HOT) for the lease of the park includes a requirement for the park will be locked overnight to reduce the risk of any anti social behaviour issues.</p> <p>The SCLT are required to report any ASB issues to the council ASB team and the Police.</p>	This column can be left to be completed as part of Checklist B once project has been agreed			This column can be left to be completed as part of Checklist B once project has been agreed	This column can be left to be completed as part of Checklist B once project has been agreed
Sincil CLT do not have the capacity to manage the park effectively.	SCLT/CB	2	<p>The SCLT have engaged with local residents and secured support from residents to help to keep the park locked overnight and report any ASB issues.</p> <p>The Neighbourhood Team and Lincoln City Community Foundation are located close to the park and officers are able to provide support to local residents on the occasion that the park gate cannot be locked/unlocked.</p> <p>The HOT includes a break clause in the lease to ensure that the CoLC will terminate</p>					

Risk Description: Risk, cause and consequence	Risk Owner Job title or initials	Risk Appetite 1. Hungry; 2.Creative & aware; 3.Cautious; 4.Averse	Controls/Actions Actions that have or can be taken to reduce the likelihood and/or impact		Current Risk Score	Target Risk Score at end of March 2020	Assurance – status (tool 9) (Full, Substantial, Limited, Inadequate)	Assurance – Direction of Travel (Improving, Static, Declining)
			Current/Already in Place	Required Mitigation (inc timescales)				
				the lease and the park will remain locked at all times.				