

Equality & Human Rights Impact Assessment (EHRIA)

This Equality and Human Rights Impact Assessment (EHRIA) will enable you to assess the **new, proposed or significantly changed** policy/ practice/ procedure/ function/ service** for equality and human rights implications.

Undertaking this assessment will help you to identify whether or not this policy/ practice/ procedure/ function/ service** may have an adverse impact on a particular community or group of people. It will ultimately ensure that, as an Authority, we do not discriminate and we are able to promote equality, diversity and human rights.

Please refer to the EHRIA [guidance](#) before completing this form. If you need any further information about undertaking and completing the assessment, contact your [Departmental Equalities Group](#) or equality@leics.gov.uk

***Please note: The term 'policy' will be used throughout this assessment as shorthand for policy, practice, procedure, function or service.*

Key Details	
Name of policy being assessed:	Hate Crime and incidents Guidance
Department and section:	Corporate Resources Peoples Services
Name of lead officer/ job title and others completing this assessment:	Julie Dale and Bhawna Chauhan Assistant HR Advisers HR Strategy and Organisational Development Team
Contact telephone numbers:	0116 3050601
Name of officer/s responsible for implementing this policy:	All employees and managers of Leicestershire County Council
Date EHRIA assessment started:	August 2021
Date EHRIA assessment completed:	15 th February 2022

Section 1: Defining the policy

Section 1: Defining the policy

You should begin this assessment by defining and outlining the scope of the policy. You should consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights as outlined in Leicestershire County Council's [Equality Strategy](#).

1	<p>What is new or changed in the policy? <i>What has changed and why?</i></p> <p>Leicestershire County Council has a duty of care and a legal responsibility under the Health and Safety at Work Act (1974) and Management of Health and Safety at Work Regulations (1999), to promote the welfare and safety of all staff whilst at work. The Council is also committed to protecting the health, safety and wellbeing of its employees and it is the right of every employee to be treated with dignity and respect at work.</p> <p>Managers in C&FS were aware that staff in their department had been victim to racially abusive hate incidents by service users and concerns had been raised that the members of staff were not sure what support was available within our organisation and the process to follow. There were also incidents in other departments with frontline staff experiencing aggressive behaviour and in some cases, physical abuse from the public.</p> <p>The guidance provides definitions of both a hate incident and hate crime, how to recognise them, as well as to ensure a consistent approach in dealing with them including the importance of reporting them internally and if appropriate to the police, whether you are a victim, a line manager or witness.</p>
2	<p>Does this relate to any other policy within your department, the Council or with other partner organisations? <i>If yes, please reference the relevant policy or EHRIA. If unknown, further investigation may be required.</i></p> <p>Violence at Work Policy</p> <p>Challenging Behaviour at Work</p> <p>Lone Working Policy</p>
3	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p>All employees of the Council are potentially affected by incidents of aggressive or abusive behaviour by service users, especially those in frontline services.</p> <p>Although a hate crime and/or incident is defined as where the perpetrator's hostility or prejudice against an identifiable group of people based on their race, religion, disability or sexual orientation, is a factor in determining who is victimised, a victim does not have to be a member of the group; in fact, anyone who is perceived to be or associated with an identifiable group of people could be a victim of a hate crime or non-crime hate incident. Hate incidents and crimes can include verbal abuse,</p>

	intimidation, threats, harassment, assault, bullying, or damage to property		
	It is intended that the guidance will provide advice for managers and employees on how to recognise and deal with a hate motivated incident, how to report and support any employee affected.		
4	Will the policy meet the Equality Act 2010 requirements to have due regard to the need to meet any of the following aspects? (Please tick and explain how)		
		Yes	No
		How?	
	Eliminate unlawful discrimination, harassment and victimisation	✓	
Advance equality of opportunity between different groups	✓		By ensuring all employees including witnesses to a hate incident are aware of their responsibilities to report and to ensure safety in the workplace.
Foster good relations between different groups	✓		By ensuring any employee from a vulnerable group who may experience a hate incident, to feel able to report the incident and be supported in the workplace.

Section 2: Equality and Human Rights Impact Assessment (EHRIA) Screening

Section 2: Equality and Human Rights Impact Assessment Screening

The purpose of this section of the assessment is to help you decide if a full EHRIA is required.

If you have already identified that a full EHRIA is needed for a policy/ practice/ procedure/ function/ service, either via service planning processes or other means, then please go straight to Section 3 on Page 7 of this document.

Section 2

A: Research and Consultation

5.	Have the target groups been consulted about the following?	Yes	No*
		✓	
		✓	
	a) their current needs and aspirations and what is important to them;		
	b) any potential impact of this change on them (positive and negative, intended and unintended);		

	c) potential barriers they may face		✓
6.	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?	N/A	
7.	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?		✓
8.	*If you answered 'no' to the questions above, please use the space below to outline either what consultation you are planning to undertake or why you do not consider it to be necessary.		
	The Equality Board has been fully consulted in relation to this document and it has been shared with the recognised trade unions and Workers Groups. No other stakeholder or secondary groups will be affected by this document, as it applies to employees and managers of the Council.		

Section 2

B: Monitoring Impact

9.	Are there systems set up to:	Yes	No
	a) monitor impact (positive and negative, intended and unintended) for different groups;	✓	
	b) enable open feedback and suggestions from different communities	✓	

Note: If no to Question 9, you will need to ensure that monitoring systems are established to check for impact on the protected characteristics.

Section 2

C: Potential Impact

10.	Use the table below to specify if any individuals or community groups who identify with any of the ‘protected characteristics’ may potentially be affected by the policy and describe any positive and negative impacts, including any barriers.			
		Yes	No	Comments
	Age	✓		An employee may be more vulnerable to a hate incident due to people’s prejudices on age, however the guidance has been written in an inclusive manner clarifying that all ages are covered by the same provisions and should not be discriminated.
	Disability	✓		An employee who has a disability may be more vulnerable to a hate incident. The guidance has been

				written in an inclusive manner which clarifies that all people regardless of any disability, are covered by the same provisions and should not be discriminated.
	Gender Reassignment	✓		An employee who is transgender or undergoing reassignment may be more vulnerable to a hate incident. Managers must be sensitive to the fact that disclosing details about a hate incident may also inadvertently reveal information about transgender status which was not already known. This may act as a barrier to accessing the policy.
	Marriage and Civil Partnership	✓		An employee may be more vulnerable depending on their marital or partnership status. The guidance has been written in an inclusive manner which clarifies that all people regardless of who their partner is are covered by the same provisions and should not be discriminated.
	Pregnancy and Maternity	✓		An employee may be more vulnerable to a hate incident due to people's prejudices on pregnancy and maternity, however the guidance has been written in an inclusive manner clarifying that all are covered by the same provisions and should not be discriminated.
	Race	✓		An employee may be the subject of a hate incident or crime based on their race or association. The guidance has been written in an inclusive manner which clarifies that all people regardless of race, are covered by the same provisions and should not be discriminated.
	Religion or Belief	✓		An employee may be the subject of a hate incident or crime based on their religion or association. The guidance has been written in an inclusive manner which clarifies that all people regardless of religious beliefs, are covered by the same provisions and should not be discriminated.
	Sex		✓	
	Sexual Orientation	✓		An employee may be the subject of

				<p>a hate incident or crime based on their sexual orientation or association with the LGBTQ+ community.</p> <p>The guidance has been written in an inclusive manner which clarifies that LGBT people are also covered by the same provisions. However, managers must be sensitive to the fact that disclosing details about a hate incident may also inadvertently reveal information about sexual orientation or transgender status which was not already known. This may act as a barrier to accessing the policy.</p>
	<p>Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities</p>		✓	<p>The guidance relates to internal staff rather than external groups.</p>
	<p>Community Cohesion</p>		✓	<p>Although the guidance relates to internal staff it is aimed at supporting communities who may experience hate incidents.</p>
11.	<p>Are the human rights of individuals <i>potentially</i> affected by this proposal? Could there be an impact on human rights for any of the protected characteristics? (Please tick)</p> <p>Explain why you consider that any particular article in the Human Rights Act may apply to the policy/ practice/ function or procedure and how the human rights of individuals are likely to be affected below: [NB: include positive and negative impacts as well as barriers in benefiting from the above proposal]</p>			
		Yes	No	Comments
Part 1: The Convention- Rights and Freedoms				
	Article 2: Right to life		✓	
	Article 3: Right not to be tortured or treated in an inhuman or degrading way		✓	
	Article 4: Right not to be subjected to slavery/ forced labour		✓	

	Article 5: Right to liberty and security		✓	
	Article 6: Right to a fair trial		✓	
	Article 7: No punishment without law		✓	
	Article 8: Right to respect for private and family life		✓	
	Article 9: Right to freedom of thought, conscience and religion		✓	
	Article 10: Right to freedom of expression		✓	
	Article 11: Right to freedom of assembly and association		✓	
	Article 12: Right to marry		✓	
	Article 14: Right not to be discriminated against	✓		The focus of the guidance is to clarify the roles and responsibilities of all employees when dealing with a hate incident. Employees should feel confident in reporting any incident knowing that will not affect their work record or lead to discrimination.
Part 2: The First Protocol				
	Article 1: Protection of property/ peaceful enjoyment		✓	
	Article 2: Right to education		✓	
	Article 3: Right to free elections		✓	
Section 2				
D: Decision				
13.	Is there evidence or any other reason to suggest that:	Yes	No	Unknown
	a) the policy could have a different affect or adverse impact on any section of the community;		✓	
	b) any section of the community may face barriers in benefiting from the proposal		✓	
13.	Based on the answers to the questions above, what is the likely impact of the policy			

	No Impact <input type="checkbox"/>	Positive Impact <input checked="" type="checkbox"/>	Neutral Impact <input type="checkbox"/>	Negative Impact or Impact Unknown <input type="checkbox"/>
Note: If the decision is 'Negative Impact' or 'Impact Not Known', an EHRIA Report is required.				
14.	Is an EHRIA report required?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

Section 2: Completion of EHRIA Screening

Upon completion of the screening section of this assessment, you should have identified whether an EHRIA Report is required for further investigation of the impacts of this policy.

Option 1: If you identified that an EHRIA Report *is required*, continue to Section 3 on Page 7 of this document.

Option 2: If there are no equality, diversity or human rights impacts identified and an EHRIA report *is not required*, continue to Section 4 on Page 14 of this document.

Section 3: Equality and Human Rights Impact Assessment (EHRIA) Report

Section 3: Equality and Human Rights Impact Assessment Report

This part of the assessment will help you to think *thoroughly* about the impact of the policy and to critically examine whether it is *likely* to have a positive or negative impact on different groups within our diverse communities. It should also identify any barriers that may adversely affect under-represented communities or groups that may be disadvantaged by the way in which we carry out our business.

Using the information gathered either within the EHRIA Screening or independently of this process, this EHRIA Report should be used to consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights as outlined in Leicestershire County Council's Equality Strategy.

Section 3

A: Research and Consultation

When considering the target groups, it is important to think about whether new data needs to be collected or whether there is any existing research that can be utilised.

- 15.** Based on the gaps identified either in the EHRIA Screening or independently of this process, **how** have you now explored the following and **what** does this information/ data tell you about each of the diverse groups?
- a) current needs and aspirations and what is important to individuals and community groups (including human rights);
 - b) likely impacts (positive and negative, intended and unintended) to individuals and community groups (including human rights);
 - c) likely barriers that individuals and community groups may face (including human rights)

- 16.** Is any further research, data collection or evidence required to fill any gaps in your understanding of the potential or known affects of the policy on target groups?

When considering who is affected by this proposed policy, it is important to think about consulting with and involving a range of service users, staff or other stakeholders who may be affected as part of the proposal.

- 17.** Based on the gaps identified either in the EHRIA Screening or independently of

	this process, how have you further consulted with those affected on the likely impact and what does this consultation tell you about each of the diverse groups?
18.	Is any further consultation required to fill any gaps in your understanding of the potential or known effects of the policy on target groups?

Section 3									
B: Recognised Impact									
19.	Based on any evidence and findings, use the table below to specify if any individuals or community groups who identify with any 'protected characteristics' are likely to be affected by this policy. Describe any positive and negative impacts, including what barriers these individuals or groups may face.								
	<table border="1"> <thead> <tr> <th></th> <th>Comments</th> </tr> </thead> <tbody> <tr> <td>Age</td> <td></td> </tr> <tr> <td>Disability</td> <td></td> </tr> <tr> <td>Gender Reassignment</td> <td></td> </tr> </tbody> </table>		Comments	Age		Disability		Gender Reassignment	
	Comments								
Age									
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	Marriage and Civil Partnership	
	Pregnancy and Maternity	
	Race	
	Religion or Belief	
	Sex	
	Sexual Orientation	
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	
	Community Cohesion	

20.	Based on any evidence and findings, use the table below to specify if any particular Articles in the Human Rights Act are likely to apply to the policy. Are the human rights of any individuals or community groups affected by this proposal? Is there an impact on human rights for any of the protected characteristics?	
		Comments
	Part 1: The Convention- Rights and Freedoms	
	Article 2: Right to life	
	Article 3: Right not to be tortured or treated in an inhuman or degrading way	
	Article 4: Right not to be subjected to slavery/ forced	

labour	
Article 5: Right to liberty and security	
Article 6: Right to a fair trial	
Article 7: No punishment without law	
Article 8: Right to respect for private and family life	
Article 9: Right to freedom of thought, conscience and religion	
Article 10: Right to freedom of expression	
Article 11: Right to freedom of assembly and association	
Article 12: Right to marry	
Article 14: Right not to be discriminated against	
Part 2: The First Protocol	
Article 1: Protection of property/ peaceful enjoyment	
Article 2: Right to education	
Article 3: Right to free elections	

Section 3

C: Mitigating and Assessing the Impact

Taking into account the research, data, consultation and information you have reviewed and/ or carried out as part of this EHRIA, it is now essential to assess the impact of the policy.

21. If you consider there to be actual or potential adverse impact or discrimination, please outline this below. State whether it is justifiable or legitimate and give reasons.

NB:

i) If you have identified adverse impact or discrimination that is **illegal**, you are required to take action to remedy this immediately.

ii) If you have identified adverse impact or discrimination that is **justifiable or legitimate**, you will need to consider what actions can be taken to mitigate its effect on those groups of people.

22. Where there are potential barriers, negative impacts identified and/ or barriers or impacts are unknown, please outline how you propose to minimise all negative impact or discrimination.

- a) include any relevant research and consultation findings which highlight the best way in which to minimise negative impact or discrimination
- b) consider what barriers you can remove, whether reasonable adjustments may be necessary and how any unmet needs that you have identified can be addressed
- c) if you are not addressing any negative impacts (including human rights) or potential barriers identified for a particular group, please explain why

Section 3

D: Making a decision

- 23.** Summarise your findings and give an overview as to whether the policy will meet Leicestershire County Council's responsibilities in relation to equality, diversity, community cohesion and human rights.

Section 3

E: Monitoring, evaluation & review of the policy

- 24.** Are there processes in place to review the findings of this EHRIA and make appropriate changes? In particular, how will you monitor potential barriers and any positive/ negative impact?

- 25.** How will the recommendations of this assessment be built into wider planning and review processes?
e.g. policy reviews, annual plans and use of performance management systems

**Section 3:
F: Equality and human rights improvement plan**

Please list all the equality objectives, actions and targets that result from the Equality and Human Rights Impact Assessment (EHRIA) (continue on separate sheets as necessary). These now need to be included in the relevant service plan for mainstreaming and performance management purposes.

Equality Objective	Action	Target	Officer Responsible	By when

Section 4: Sign off and scrutiny

Upon completion, the Lead Officer completing this assessment is required to sign the document in the section below.

It is required that this Equality and Human Rights Impact Assessment (EHRIA) is scrutinised by your Departmental Equalities Group and signed off by the Chair of the Group.

Once scrutiny and sign off has taken place, a depersonalised version of this EHRIA should be published on Leicestershire County Council's website. Please send a copy of this form to the Digital Services Team via web@leics.gov.uk for publishing.

Section 4

A: Sign Off and Scrutiny

Confirm, as appropriate, which elements of the EHRIA have been completed and are required for sign off and scrutiny.

Equality and Human Rights Assessment Screening

Equality and Human Rights Assessment Report

1st Authorised Signature (EHRIA Lead Officer): Julie Dale

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Date: 15/02/2022.....

2nd Authorised Signature (DEG Chair): .



Date: 23 05 22