

EqlA on update to EHRC Statutory Code of Practice for Services, Public Functions and Associations

Corporate Equity, Diversity, and Inclusion team

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What are you equality impact assessing?

2.3 What are the objectives of the work you are impact assessing?

The Equality and Human Rights Commission (EHRC) has published an updated Statutory Code of Practice for Services, Public Functions and Associations. The Code provides guidance on how organisations, including local authorities, should meet their obligations under the Equality Act 2010 when delivering services and exercising public functions. The updated Code reflects developments in equality law since the previous version was published in 2011, including significant case law and legislative changes. It is intended to help organisations understand and apply the Equality Act consistently in practice.

2.4 Is there any other contextual information about this work that is useful for us to know?

As a local authority, we deliver a wide range of public services and exercise public functions every day. Courts and tribunals can take the EHRC Code into account when considering Equality Act cases, making it an

important source of legal and practical guidance. The Code applies to:

- Service delivery
- Customer and resident interactions
- Commissioning and procurement decisions
- Policy development
- Public-facing facilities and spaces
- Complaints handling and decision-making processes

Who have you consulted with to be able to complete this Equality Impact Assessment?

3.2 Please explain more about who you have consulted with regarding this work

Consultation on this work has not yet begun. The work on this equality impact assessment has been led by the Corporate EDI Advisor to develop an initial assessment for the Council on the updated EHRC Statutory Code of Practice for Services, Public Functions and Associations. Further consultation will be sought throughout this work, more information on this is outlined at 3.4.

3.3 What were the outcomes of your consultation?

To be updated following further consultation.

3.4 Are you planning to do any further consultation? If so, who with, and what about?

Yes, the Council will undertake proportionate and meaningful engagement with a broad range of stakeholders to inform implementation of the Equality Act Code of Practice and associated policy changes. This will include engagement with residents and organisations representing people who share protected characteristics under the Equality Act 2010.

Engagement will also include locally significant groups who may experience disadvantage or barriers to accessing services.

Consultation activity will be undertaken through existing equality forums, community and voluntary sector organisations, stakeholder networks, resident groups, staff equality networks, public consultation exercises, focus groups and targeted engagement sessions. Accessible consultation methods and materials will be provided where required.

The purpose of this engagement is to understand potential impacts, identify barriers, gather lived experience, inform decision-making, and ensure that policies, services and practices are designed and delivered in a way that promotes equality, accessibility, inclusion and good relations between communities. Feedback received through consultation and engagement will be considered as part of the ongoing Equality Impact Assessment process and used to inform implementation plans, mitigations and ongoing monitoring arrangements.

What relevant information, evidence, data and research have you used to build up a picture of the likely impacts of this work on the protected and additional characteristics?

Data analysis on this work has not yet begun. This is an initial assessment for the Council on the updated EHRC Statutory Code of Practice for Services, Public Functions and Associations. Further analysis will take place as the council develops the work programme necessary to implement any changes needed.

4.2 What does the data/information outline?

To be completed after further analysis.

4.3 Do you think there is any information missing? Could you seek further information to make a more informed decision on the potential impact of this work on different characteristics?

Yes. This Equality Impact Assessment will be informed by a range of national and local evidence sources to understand the potential impact of implementing the updated EHRC Statutory Code of Practice for Services, Public Functions and Associations.

For example, this will include demographic data from Census 2021, Office for National Statistics (ONS) datasets, local Joint Strategic Needs Assessments (JSNAs), Public Health profiles, service user information, complaints and feedback data, equality monitoring information, and workforce data.

Evidence will be considered in relation to all protected characteristics under the Equality Act 2010.

In addition, the assessment will consider wider inequalities and groups known to experience disadvantage in Westmorland and Furness, including armed forces families, care-experienced people, rural communities, and people experiencing socio-economic disadvantage.

This assessment will also be supplemented by qualitative evidence, including engagement with residents, service users, staff networks, representative organisations, and groups with lived experience of inequality and disadvantage.

This approach ensures that both statistical evidence and lived experience have informed the assessment and supports the Council's commitment to eliminating discrimination, advancing equality of opportunity, and fostering good relations between different communities.

Do you think any of the protected and additional characteristics are likely to be impacted negatively as a result of this work?

Age

Positive impacts

Improved guidance on age discrimination helps council services apply policies consistently and lawfully when considering age-related eligibility, concessions and service design.

Recognition of the links between ageing and disability may improve understanding of the needs of older residents and support more inclusive service planning.

New examples relating to digital access may encourage organisations to consider the impact of digital exclusion on older people when delivering services online.

Greater clarity around lawful age-based exceptions reduces the likelihood of unlawful discrimination and supports fair decision making.

Negative impacts

Greater clarity around lawful age-based exceptions may result in some residents experiencing age-restricted services which they perceive as exclusionary, even where such restrictions are lawful and proportionate.

Increased use of digital services may continue to disadvantage some older residents if appropriate alternative access routes are not maintained.

Assessment

Overall impact is likely to be positive, with benefits outweighing any limited negative effects.

Mitigations

Maintain non-digital routes for accessing council services.

Provide assisted digital support and community access points.

Undertake age impact reviews when introducing technology-based services.

Ensure staff understand lawful and unlawful age discrimination.

Consult with youth councils, older people's forums and representative groups.

Monitor service uptake and complaints by age group.

Disability

Positive impacts

The updated guidance provides significantly greater clarity on the definition of disability, including neurodivergence, long Covid, menopause, fluctuating conditions and non-visible impairments.

Stronger emphasis on reasonable adjustments supports accessibility and improved service outcomes for disabled residents.

Greater detail on anticipatory duties encourages organisations to identify and remove barriers before disabled people experience disadvantage.

Additional examples and case law improve understanding of how to make services accessible and inclusive.

Negative impacts

The assessment identifies potential tension where accessible toilets are used as mixed-sex facilities or "third-space" facilities, which may increase competition for limited accessible provision.

Changes to guidance relating to insurance and financial services may not fully address concerns around historic exclusion or differential treatment experienced by disabled people.

Limited resources may affect an organisation's ability to implement all reasonable adjustments consistently.

Assessment

Impact is strongly positive overall, although monitoring should take place regarding access to accessible toilet facilities and service accessibility

Mitigations

Carry out accessibility audits of facilities and service.

Ensure reasonable adjustment processes are widely publicised.

Provide information in accessible formats (easy read, large print, BSL, audio).

Involve disabled people in service design and review.

Monitor access to accessible toilets and specialist facilities.

Train staff on hidden disabilities, neurodiversity, long-term conditions and reasonable adjustments.

Complete equality act compliance reviews for major projects.

Gender reassignment

Positive impacts

Expanded guidance provides greater clarity on protections available to trans people at all stages of transition.

Inclusion of additional examples may help reduce misunderstanding and improve compliance with the Equality Act.

Clarification regarding discrimination linked to perceived sex may strengthen understanding of legal protections.

Negative impacts

Following the For Women Scotland judgment, organisations may face more complex decisions about single-sex and separate-sex services.

Some trans people may perceive reduced inclusion in certain services where biological sex is relevant to service delivery.

The assessment acknowledges a risk that changes could create tensions between trans people and other protected groups, particularly around changing facilities and toilet provision.

There may be increased uncertainty for service users while organisations interpret and implement new guidance.

Assessment

Impact is mixed, with positive effects from greater legal clarity but some risk of adverse effects relating to inclusion, service access and community relations.

Mitigations

Develop clear policies on single-sex, separate-sex and mixed-sex provision based on legal advice and risk assessment.

Communicate decisions transparently and consistently.

Ensure staff receive training on respectful engagement and confidentiality.

Consider provision of additional private or self-contained facilities where practical

Monitor complaints and customer feedback.

Regularly review arrangements to ensure they remain proportionate and justified.

Engage with trans communities during policy development.

Marriage and Civil Partnership

Positive impacts

Greater legal clarity assists organisations in ensuring equal treatment of people who are married or in civil partnerships.

Improved understanding of legal protections may help reduce discriminatory practices.

Negative impacts

No significant adverse impacts were identified in the government assessment.

Some confusion may arise where legal exceptions apply, but this is likely to be limited.

Assessment

Impact is neutral to positive, with no significant disproportionate adverse effects identified.

Mitigations

Review policies to ensure equal treatment of married couples and civil partners

Monitor complaints relating to relationship status

Ensure staff understand relevant legislative requirements

Pregnancy and maternity

Positive impacts

Improved guidance strengthens understanding of pregnancy and maternity discrimination protections.

Clarification that breastfeeding-related conduct may constitute unlawful conduct strengthens protection for mothers accessing services.

Updated case law provides greater certainty for decision makers and service providers.

Negative impacts

No significant negative impacts were identified.

Risks are primarily linked to inconsistent implementation rather than the guidance itself.

Assessment

Impact is positive, supporting improved equality of opportunity and reduced discrimination.

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Mitigations

Provide suitable seating, rest areas and toilet facilities.

Support breastfeeding within council buildings and services.

Ensure risk assessments consider pregnancy and maternity.

Train staff on pregnancy and maternity discrimination.

Offer flexible appointment arrangements where possible.

Review complaints and feedback from service users who are pregnant or have recently given birth.

Race

Positive impacts

Updated terminology and explanations improve understanding of ethnic origin and racial discrimination.

Additional examples relating to Gypsy and Traveller communities help address issues experienced by historically disadvantaged groups.

Incorporation of recent case law improves consistency and legal certainty.

Negative impacts

Removal of some detailed references to immigration-related exceptions could create a small risk of misunderstanding by organisations applying the law.

Misinterpretation of immigration provisions could potentially increase the risk of discriminatory outcomes if organisations are insufficiently trained.

Assessment

Impact is predominantly positive, with limited and manageable risks.

Mitigations

Provide translation and interpretation services.

Use community engagement and outreach approaches.

Conduct equality monitoring by ethnicity where appropriate.

Review policies for indirect discrimination risks.

Work with local community and faith organisations.

Ensure staff undertake cultural awareness and anti-racism training.

Monitor service access and outcomes across ethnic groups.

Religion or belief

Positive impacts

Updated guidance reflects recent case law concerning protected beliefs and the manifestation of beliefs.

Greater clarity helps decision makers balance competing rights and protected characteristics.

Improved understanding may reduce the risk of unlawful discrimination against people with religious and non-religious beliefs.

Negative impacts

Some individuals may disagree with aspects of the updated guidance relating to protected beliefs and competing rights.

There is potential for disputes where organisations seek to balance freedom of belief against the rights of other protected groups.

Assessment

Impact is positive overall, with improved legal clarity likely to outweigh any concerns arising from competing rights.

Mitigations

Consider religious requirements when designing services and events.

Provide appropriate facilities where reasonable and proportionate.

Develop guidance on managing competing rights.

Train managers and frontline staff on religion and belief protections.

Consult faith and belief groups where changes may affect them.

Monitor complaints and equality outcomes.

Sex

Positive impacts

Guidance provides greater certainty about the legal meaning of sex within the Equality Act following the For Women Scotland judgment.

Improved understanding of lawful provision of single-sex and separate-sex services supports compliant decision making.

Additional information on preventing sexual harassment contributes to safer environments.

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Negative impacts

The assessment identifies potential tension between the rights and expectations of women and trans people when services are designed or delivered.

Some women may experience increased scrutiny relating to their appearance or perceived sex, sometimes described as "gender policing".

Organisations may face operational challenges when balancing competing rights in changing rooms, toilets, leisure facilities and associations.

Changes may affect community cohesion where strongly held views exist on sex and gender-related issues.

Assessment

Impact is mixed but generally positive, with legal clarity improved but some community-relations risks requiring careful management.

Mitigations

Undertake documented impact assessments before introducing sex-based arrangements.

Clearly explain the rationale for any single-sex provision.

Consider privacy-enhancing measures such as individual cubicles.

Train staff on equality act requirements and service implementation.

Monitor feedback, complaints and usage patterns.

Review arrangements periodically to ensure they remain proportionate and necessary.

Sexual orientation

Positive impacts

Improved guidance clarifies protections against discrimination and how exceptions operate in relation to same-sex marriage and civil partnerships.

Greater legal certainty may support more inclusive service delivery and improve confidence among LGBT+ residents.

Clarification of rights may help organisations make more consistent and lawful decisions.

Negative impacts

Some tensions may arise where sexual orientation rights intersect with other protected characteristics, particularly religion or belief.

Clarification of legal exceptions may occasionally be perceived as restrictive by some service users.

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Assessment

Impact is positive overall, with improved understanding of legal protections and obligations expected to benefit service users.

Mitigations

Promote inclusive service standards.

Maintain clear anti-discrimination and anti-harassment policies.

Ensure staff receive LGBT+ awareness training.

Support reporting mechanisms for discrimination.

Engage LGBT+ stakeholders during service reviews.

Monitor complaints and satisfaction levels.

Armed forces families

Positive impacts

Clearer equality guidance may improve access to council services for serving personnel, veterans and family members who also share protected characteristics such as disability, sex, pregnancy and maternity, or race.

Improved understanding of discrimination and reasonable adjustments may benefit military families experiencing disabilities, caring responsibilities or frequent relocations.

Greater consistency in service delivery may help families who move between local authority areas.

Negative impacts

The updated Code does not specifically address the Armed Forces Covenant or the particular challenges faced by military families.

Frequent mobility may still create barriers in accessing housing, education, healthcare and community support services.

Rural military communities may continue to experience reduced access to services due to geographical factors.

Assessment

Neutral to positive. No direct impacts identified, but military families may benefit indirectly through stronger equality practice and inclusive service design.

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Mitigations

Consider Armed Forces Covenant duties when making decisions.

Provide flexible service access for mobile military families.

Improve signposting to support services.

Engage with military and veterans' groups.

Monitor impacts on service families where relevant.

People who are care experienced

Positive impacts

Improved understanding of discrimination and disadvantage may support fairer outcomes for care leavers and care-experienced adults.

Enhanced guidance on mental health, neurodiversity and disability may benefit care-experienced people, who experience higher rates of these conditions than the general population.

Greater awareness of intersectionality may improve outcomes for care-experienced individuals who also share protected characteristics.

Negative impacts

Care experience is not currently a protected characteristic under the Equality Act and is therefore not specifically covered by the Code.

Existing stigma and negative assumptions about care experience may continue to affect access to employment, housing and services.

Without targeted policies, inequalities experienced by care leavers may remain hidden within broader equality monitoring.

Assessment

Positive but indirect. Benefits arise mainly through improved inclusion practices rather than specific legal protections for care-experienced people.

Mitigations

Apply a corporate parenting approach to decision making.

Include care experience within equality monitoring where possible.

Provide targeted support for care leavers.

Involve care-experienced people in consultation.

Train staff on trauma-informed practice.

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Review service eligibility criteria for unintended barriers.

Rurality

Positive impacts

Better understanding of digital exclusion, disability and age-related issues may improve service accessibility for rural communities.

The emphasis on reasonable adjustments and accessible service provision may encourage more flexible delivery methods, including outreach, hybrid services and local access points.

Clearer equality guidance may support more consistent service provision across dispersed communities.

Negative impacts

Increasing digitalisation may disproportionately affect rural residents where connectivity is poor.

Rural residents may continue to face longer travel times and reduced public transport access.

Small rural communities may have limited access to specialist support.

Assessment

Mixed but generally positive. Impacts depend largely on how services are delivered locally and whether alternative access arrangements are maintained.

Mitigations

Maintain face-to-face and telephone access options.

Consider transport impacts when changing services.

Use outreach and community hubs.

Improve digital inclusion support.

Carry out rural proofing of significant decisions.

Monitor service access by geography.

Socio-economic inequality

Positive impacts

Clearer anti-discrimination guidance can improve access to services for disadvantaged residents who also share protected characteristics.

Improved understanding of indirect discrimination may help identify policies that disproportionately affect low-income households.

A stronger focus on accessibility may reduce barriers to participation for people experiencing financial hardship.

More inclusive service design can contribute to reducing inequality in outcomes.

Negative impacts

Socio-economic status is not a protected characteristic under the Equality Act in England.

The Code does not directly address poverty, deprivation, debt, food insecurity or financial exclusion.

Digital-first approaches, service charges or complex administrative processes may continue to disproportionately affect lower-income households.

People facing multiple disadvantages may not fully benefit unless organisations actively consider socio-economic impacts alongside equality impacts

Assessment

Positive but indirect. The Code supports fairer decision making but does not directly tackle poverty or socio-economic inequality. Councils should separately assess socio-economic impacts when making decisions.

Mitigations

Assess affordability impacts alongside equality impacts.

Simplify application and access processes.

Provide multiple access routes to services.

Consider concessionary schemes where appropriate.

Undertake targeted engagement with lower-income communities.

Monitor whether particular proposals disproportionately affect deprived communities.

Link EqlAs with poverty and health inequality assessments.

As a result of this Equality Impact Assessment, what will you do next?

The assessment concludes that the updated Code is expected to have an overall positive impact on equality, diversity and inclusion. The revisions provide greater clarity on the application of the Equality Act 2010, reflect significant developments in case law since the previous Code was published, and support public authorities in making lawful, fair and transparent decisions. The changes are expected to assist the Council in meeting its duties to eliminate discrimination, advance equality of opportunity and foster good relations between different groups.

Positive impacts have been identified across all protected characteristics, particularly through improved understanding of age discrimination, disability rights and reasonable adjustments, pregnancy and maternity protections, race equality, religion or belief, sexual orientation and the operation of lawful positive action measures. The updated guidance is expected to improve consistency of decision-making, reduce the risk of unlawful discrimination, and promote more accessible and inclusive services for residents.

The assessment also recognises that some aspects of the updated guidance, particularly those relating to the protected characteristics of sex, gender reassignment and disability, involve the balancing of competing rights and interests. Whilst the revised Code provides greater legal certainty, there remains the potential for differing impacts on some individuals and groups, particularly in relation to the provision of single-sex and separate-sex services, changing facilities and toilet provision. These impacts are not considered disproportionate but will require careful implementation, ongoing engagement with affected communities and regular monitoring to ensure service arrangements remain lawful, proportionate and inclusive.

The Council recognises that disadvantage may be compounded where individuals belong to several groups simultaneously. Decision-makers should consider whether multiple disadvantages could combine to create greater barriers than those identified when characteristics are assessed separately. This approach aligns with the EHRC Code's emphasis on understanding actual disadvantage and the practical effects of policies and public functions.

The assessment highlights the importance of maintaining accessible service delivery models, addressing digital exclusion, considering affordability, and ensuring that vulnerable and disadvantaged groups are able to access services and support on an equitable basis. These considerations will continue to be reflected within service planning and decision-making processes.

A range of mitigation measures have been identified, including staff training, community engagement, consultation with affected groups, accessibility improvements, equality monitoring, regular policy review and the provision of reasonable adjustments where

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required. These measures will help ensure that any potential adverse impacts are minimised and that the benefits of the updated Code are realised across all communities.

Overall, the EqlA concludes that the proposal will have a positive impact on equality, diversity and inclusion, with no disproportionate adverse impacts identified.

Subject to the mitigation measures and ongoing monitoring outlined within this assessment, the proposal is compatible with the Council's Public Sector Equality Duty and its commitment to promoting fair and inclusive access to services for all residents.

This EqlA will be kept live with updated versions shared following further developing consultation and engagement.