

## Factsheet 79

# Equality, discrimination and the Public Sector Equality Duty

August 2022

### About this factsheet

The *Equality Act 2010* (*the Act*) came into force on 1 October 2010.

It combined almost all previous anti-discrimination laws in a single piece of legislation. It expanded the scope of discrimination law to cover: Age, Disability, Gender Reassignment (or Transgender), Marriage and Civil Partnership, Pregnancy and Maternity, Race, Sex, Religion and belief, and Sexual Orientation.

This factsheet explains basic information about discrimination and equality as covered by the Act. One of its most important aspects of the Act is the Public Sector Equality Duty – a duty for public bodies to consider and apply fairness and equality, especially in making decisions or policies.

The information in this factsheet is applicable across the whole UK and is correct at the time of publishing.

If you need more detailed advice or representation, you can contact a local service. Age UK Advice, Age Cymru Advice, or Age Scotland Helpline can give you contact details for services in your area.

Contact details for any organisation mentioned in this factsheet can be found in the *Useful organisations* section.

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# 1 What is the Equality Act?

The *Equality Act 2010* ('the Act') protects you from discrimination. This means discrimination or unfair treatment based on certain personal characteristics when at work, accessing a service, and in certain other situations is unlawful. The Act applies to discrimination based on:

- Age
- Disability
- Gender reassignment
- Marriage or civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

These are called '*protected characteristics*' under the Act.

## 1.1 How does the law protect me from age discrimination?

You are protected against different types of discrimination under the Act.

### Direct discrimination

This happens if you are treated less favourably by someone than they would treat others because of a protected characteristic. For example, your local gym refuses to give you a membership because of your age.

Direct discrimination on the basis of protected characteristics cannot be objectively justified, except in some cases involving age (see below).

### Indirect discrimination

This happens where a policy or practice is applied equally to everyone but has a disproportionate negative effect on people who share a protected characteristic with you such as age.

For example, Jay is 68 years old. An optician says anyone can pay for glasses in instalments if they work. This disadvantages Jay and other people also over State Pension age who are less likely to work than people under 66 years.

### Objective justification

Direct and indirect discrimination are unlawful unless the organisation can objectively justify it. That is, it can show that there is a real need for the policy or practice, and that it acted appropriately and necessarily in trying to meet that need.

## Harassment

This is if you experience behaviour related to a protected characteristic that makes you feel intimidated, humiliated, offended, or degraded, or that creates a hostile environment. For example, a nurse makes offensive jokes about your age or religion whilst you are in hospital.

## Victimisation

This is if you are treated unfairly because you do a '*protected act*' or the person or organisation thinks you have done, or might do, a protected act. Protected acts include making a claim or complaint about discrimination or harassment or giving evidence when someone else makes a claim or complaint.

For example, the nurse who made offensive jokes about your age treats you badly because she thinks you have made a complaint to her supervisor about the jokes.

## Failure to make reasonable adjustments

Not providing disabled people with the reasonable adjustments they need to access jobs, education and services as easily as non-disabled people is also unlawful under the Act.

## Public Sector Equality Duty

The Public Sector Equality Duty (PSED) means that, when making decisions, public bodies such as local authorities, hospital trusts and police authorities must give serious consideration to the need to:

- eliminate unlawful discrimination and other conduct prohibited by the Act
- advance equality of opportunities between people sharing a protected characteristic and those who do not, including through encouraging participation, removing or minimising disadvantages, and taking steps to meet needs
- foster good relations between people with protected characteristics and others.

They must consider the needs of people with protected characteristics, including older people, when considering introducing a new policy or reviewing existing ones as well as when planning or carrying out their public duties or services.

For example, if a public body is considering cancelling a local bus service but the service is used a lot by older people to get to local health services, the impact on older people should be pro-actively considered when a decision is made.

## 1.2 Reasonable adjustments

The reasonable adjustments duty contains three requirements that apply:

- to employers, service providers, public bodies, educational institutions, associations and landlords
- in situations where a disabled person would otherwise be placed at a substantial disadvantage compared with people who are not disabled.

The first requirement involves making changes to overcome barriers created by the physical features. This includes steps, parking areas, signage, floor covering, furniture and toilets or washing facilities.

The second requirement involves providing extra equipment ('*an auxiliary aid*') or getting someone to do something to assist the disabled person ('*an auxiliary service*'). This includes providing personalised communication aids for people with autism or a learning disability that make it easier for them to communicate with others or providing people who are deaf with a hearing loop or sign language interpreter.

The last requirement involves changing the way things are done, if disabled people are put at a substantial disadvantage by a provision, criterion, or practice.

This includes providing information in easyread format on making appointments or repeating explanations of what is happening in a clear and simple way. It can also include changes to policies such as requiring customers to queue for a service, which disadvantages a disabled person who finds it difficult to stand for long periods.

The duty to make reasonable adjustments in the context of service provision is anticipatory. This means service providers and those exercising a public function should not wait for disabled people to tell them that they need reasonable adjustments put in place to use their services.

Instead, they should:

- think in advance (and on an ongoing basis) about what disabled people with a range of impairments might reasonably need to access the same opportunities as non-disabled, and
- put reasonable adjustments in place to proactively remove barriers that could put disabled people at a substantial disadvantage.

The duty to make reasonable adjustments is a continuing duty that should be kept under regular review. It is not something that needs simply to be considered once only and then forgotten.

If a disabled person wants to use an organisation's services but finds barriers, then that organisation must think about reasonable adjustments. This applies whether or not it has already made any adjustments.

If the organisation changes what it does, the way that it does it, or moves premises or makes changes to existing premises, it should review the adjustments it has made. What was originally a reasonable step to take may no longer be enough.

Equally, a step that might previously have been an unreasonable one for an organisation to have taken could become a reasonable step because circumstances have changed. For example, technological developments may provide new or better solutions to the problems of inaccessible services.

### **Example**

A library has a small number of computers for the public to use. When the computers were originally installed, the library investigated the option of incorporating text-to-speech software for people with a visual impairment. It rejected the option because the software was very expensive and not particularly effective. It would not have been a reasonable step for the library to have to take at that stage.

The library proposes to replace the computers. It makes enquiries and establishes that text-to-speech software is now efficient and within the library's budget. The library decides to install the software on the replacement computers. This is likely to be a reasonable step for the library to have to take at this time.

### **What is reasonable?**

It depends on factors such as:

- how effective the change will be in assisting disabled people in general or a particular customer, client, service user, or member
- whether it can actually be done
- the cost, and
- the organisation's resources and size.

It is not permissible to pass the costs of making an adjustment on to the disabled person.

Some adjustments are well known now so organisations should be able to anticipate them (for example, providing information in easyread, hearing loops, braille, large print, BLS, etc).

Organisations cannot be expected to anticipate the needs of every person using their services. Disabled people can suggest reasonable adjustments but they do not have to. It is up to the organisation to find the answer and decide if it is reasonable for them. It can be helpful for a disabled person to tell an organisation about reasonable adjustments others have put in place to remove similar barriers.

### 1.3 In what situations does the Equality Act apply?

The Act covers a wide range of relationships, including the provision of goods, facilities or services, as well as employment. For example:

**Consumer services** such as:

- Shops
- Hotels
- Leisure facilities

**Health services** such as:

- Your GP surgery
- Hospitals
- Dentists

Public services such as the NHS cannot provide substandard services or refuse to provide services purely because of your age, unless there is a good and sufficient reason. For example, you should not be refused treatment because of a '*stereotypical*' view of your age. Instead, the NHS must look at each case individually to decide what treatment options should be offered.

However, age ranges selected for cancer screening or a vaccination programme are examples of where there may be objective justification for different treatment due to age.

**Employment** includes:

- Your treatment in the workplace
- Applying for a job

**Public services** include:

- Local authority services
- Local transport
- Housing associations

#### 1.3.1 Exemptions

Specific exemptions to the Act allow discrimination based on age or other protected characteristics in certain situations. Examples of activities that may be permitted under these exemptions, subject to certain conditions being met, include:

- age-related holidays offered for over 50's or 18-30's only
- discounts in shops for people aged 65 years and over
- social or leisure clubs catering for people of specific ages only.

There is an exemption for financial services, including banks, building societies, and insurance companies which allows them to use age limits when deciding what services to offer.

If using age to assess risk, for example refusing insurance to an older person, or charging more, they must ensure their decision is based on reliable and relevant information, which shows people over a certain age are at greater risk.

## 1.4 What do I do if I have been discriminated against?

How you take action depends on who your complaint is against but as a general guide, you should first make notes about what has happened and collect any related evidence. Next, you can:

**Step one:** Find out about the complaints procedure for the organisation you want to complain about. For example:

- If it is your employer, speak to your manager or human resources to ask them about the grievance procedure. You may wish to seek advice or information first, for example from the ACAS helpline, EASS, your trade union, or local Citizens Advice.
- If it is a shop or hotel, contact the manager or customer services.
- If it is your GP surgery, ask to see a copy of their complaints procedure.

**Step two:** Send in details of your complaint to the organisation concerned about what happened, and when. Make it clear you are complaining about age (or other) discrimination.

It can help to suggest solutions, for example, you want an apology, or a reasonable adjustment to be put in place if you are disabled so you can access the same goods, facilities and services as other people. You may want members of staff to be retrained.

Try to keep your complaint polite and to the point.

**Step three:** If you are unhappy with their response, you may have to go to the next step of the complaints procedure, for example, contact the head office or the relevant Ombudsman. In employment disputes, use the ACAS early conciliation process if you are considering making a claim to an employment tribunal.

Note there are different time limits for taking action, depending on the nature of your complaint. For more details, see [www.equalityhumanrights.com/en/advice-and-guidance/time-limits-discrimination-claims](http://www.equalityhumanrights.com/en/advice-and-guidance/time-limits-discrimination-claims)

If you are unsure what to do next, seek further advice from EASS. If you are seeking legal advice, contact the Law Society for details of solicitors who specialise in public law, but remember, this may incur costs.

See factsheet 43, *Getting legal and financial advice*, for more information. In **Scotland**, see their guide, *Finding and paying for legal advice*, at:

[www.ageuk.org.uk/scotland/information-advice/legal-and-family-issues/finding-and-paying-for-legal-advice](http://www.ageuk.org.uk/scotland/information-advice/legal-and-family-issues/finding-and-paying-for-legal-advice)

## 2 Public Sector Equality Duty (PSED)

The Act consolidated several duties contained in previous legislation to create a single PSED. This duty requires public bodies to have due regard to equality in carrying out their functions, especially in making decisions or policies, as explained in more detail below.

### 2.1 Why is it important?

No-one should experience discrimination because of their age, disability, or other protected characteristics such as race, sex or sexuality. The PSED aims to put such equality considerations at the heart of decision making by public bodies.

### 2.2 General duties

Section 149(1) of the Act defines what the PSED means in terms of general and specific duties.

The Act places a general duty on the public sector. In the exercise of its functions, a public authority must have due regard to the need to:

- **eliminate discrimination**, harassment, victimisation, and any other conduct that is prohibited under the Act
- **advance equality** of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and
- **foster good relations** between people who share a relevant protected characteristic and people who do not.

An aim of these duties is to encourage public bodies to consider how they can positively contribute to the advancement of equality and good relations. Equality considerations should be reflected in the design of policies, the delivery of services, including internal policies and reviews.

In government guidelines, further considerations for public bodies exercising the duty are highlighted:

- **Knowledge:** Persons in public bodies responsible for making policies or making decisions should be familiar with the requirements of the PSED.
- **Timeliness:** A public body making a decision or policy must consider the PSED before making the decision or policy and not afterwards.
- **Real consideration:** A public body must properly and genuinely consider equality when making decisions or policy.

There are exceptions to these duties, but these are narrow and relate to the discharge by public bodies of their functions in limited circumstances.

## 2.3 Specific duties

In **England**, public bodies have specific duties and responsibilities to prepare and publish objectives they believe necessary to achieve the general duties, in a format easily understandable to the public. These must be specific, measurable, and revisited every four years. They must publish information demonstrating compliance with the general duties at regular intervals of, at most, 12 months from the previous report.

In **Wales**, the specific duties are different, but the responsibilities on public bodies are very similar. For example, they must publish objectives to meet the general duty, plus a statement setting out the steps they have taken (or intend to take) to meet the objectives.

## 3 Who does the PSED apply to?

### 3.1 Public bodies

Public bodies are national and local Government bodies carrying out functions for the public and include:

- Government departments such as DWP, HM Revenue and Customs, etc
- Local authorities
- NHS bodies e.g. hospitals
- Transport and educational bodies
- The police
- Other bodies carrying out public functions on behalf of the above.

The list of bodies is not exhaustive – the complete list is in Schedule 19 of the Act. There is provision for additional bodies specific to Wales (Part 2) and Scotland (Part 3). See [www.legislation.gov.uk/ukpga/2010/15/schedule/19](http://www.legislation.gov.uk/ukpga/2010/15/schedule/19) for the list.

### 3.2 Private bodies carrying out public functions

A private organisation is generally considered to carry out a public function if it is carrying out activities on behalf of the State. For example, a private company running a local authority housing benefit service is carrying out a public function and is subject to the PSED.

A private body might be exercising a public function if, for example, it:

- is publicly funded, e.g. a GP's surgery under the NHS, or care home commissioned by the local authority
- carries out duties that the law says should be carried out by a public body (e.g. public utilities)
- carries out duties in place of, or works closely with, government in carrying out duties (e.g. private security company at a detention centre).

## 4 The PSED and older people

The PSED as it relates to older people is in addition to individual rights under other parts of the Equality Act, such as equality in employment, goods and services as noted in section 1.3. This means:

- public bodies must have due consideration to age equality in making policies and decisions, and
- you can challenge a decision or policy of a public body if it fails to consider the impact of the decision on older people by, for example, not carrying out an Equality Impact Assessment (EIA) or not considering the EIA results.

Older people have a right to have their interests considered by a public body when decisions are made using the Act and supporting regulations, as well as other existing judicial and legal means.

## 5 How can I challenge a breach of the PSED?

### 5.1 Enforce the PSED without going to court

If you believe a public body is in breach of the PSED, you can make a formal complaint using the public body's complaints or reporting procedure. All avenues to resolving the matter must be exhausted before court proceedings can be filed.

Courts have a duty to ensure all means of resolving problems are exhausted before litigation. Court proceedings involve considerable legal expense and complex legal processes. An unsuccessful party is often liable to pay the costs of the other side. It is important to pursue all means of resolving a claim to try to avoid the need to resort to litigation.

### 5.2 How to do this yourself

If a public body makes a policy or decision that has a negative effect on older people (or any other category you belong to), you should:

- write to them using their complaints procedure asking if they have given due consideration to the impact of the decision on older people
- when you receive a response, consider whether there has been proper consideration of the impact of the decision on older people. Seek advice from a Citizens Advice or a solicitor (who may charge you)

if you are unhappy with the response or there is no response from the public body, contact the EASS who may refer your complaint to the EHRC if appropriate.

### 5.3 What the EHRC can do

The Equalities and Human Rights Commission (EHRC) is responsible for enforcing the Act. They have power to monitor compliance with and enforce the PSED.

The EHRC look at complaints referred to it to assess whether it would be appropriate to use its litigation or enforcement powers. In doing so, it considers whether the complaint aligns with its strategic plan and business plan and satisfies the factors set out in its litigation and enforcement policy.

**Compliance notices:** The EHRC can assess a public body's compliance with the general and specific duties and issue a compliance notice if there has been a breach of either duty. Instead, it may enter into an agreement requiring the body to take certain steps to comply with either duty and not carry out an assessment or issue a compliance notice.

**Judicial review:** A person whose rights have been affected by a breach of the PSED can apply for judicial review to the High Court. An application for judicial review must meet certain requirements:

- the application must generally be made promptly and certainly within three months of the date of the action complained of. Shorter time limits apply in some cases
- the person or organisation making the complaint must be directly affected by the action challenged or act for someone whose rights have been affected, e.g. someone with a Lasting Power of Attorney in England and Wales, or Continuing or Welfare Power of Attorney in Scotland
- the action challenged must be an exercise of a public function

If an application for judicial review is successful, the Court can make one or more orders, depending on the nature of the application. For example:

- they can reverse an action taken by the public body
- prevent the public body from taking action in breach of the PSED or compel it to take action to comply with it..

Any proceedings for enforcement of the PSED must be in public law. This means it must be through judicial review in the High Court. You cannot bring an action against a public body for breach of an individual contract. For example, you cannot use the PSED to sue your council for failing to pay you for gardening services rendered.

The EHRC has a specific power to make an application for judicial review in its own name where a public body has breached the general or specific duties. The EHRC can also intervene as a neutral third party in judicial review claims filed by individuals and organisations to help to clarify the law.

It is possible for private individuals and organisations to take judicial review proceedings without legal representation. However, these proceedings are very complex and there can be significant costs attached to taking action. Always seek professional advice from a specialist adviser.

### Note

Consider your claim very carefully and get advice on its potential for success. If there are other routes to challenge a decision, it is best to try these before thinking about applying for a judicial review.

Beyond their powers to monitor and take enforcement action in relation to the PSED compliance of public bodies, the Commission has broader range of enforcement powers under the Equality Act 2006.

These are exercised when the Commission considers they can achieve change by clarifying the law, highlighting priority issues, or changing policies & practices that cause significant disadvantage.

These powers include:

- the ability to conduct a formal investigation into individual organisations if there is a concern an unlawful act has occurred
- the ability to conduct a formal inquiry to compel evidence across a sector and for organisations to have due regard to recommendations coming from an inquiry
- to enter into legal agreements with organisations to agree not to commit an unlawful act
- to enter into legal proceedings to prevent or restrain an unlawful act
- to bring claims for judicial review
- to issue unlawful act notices
- to provide legal assistance in cases that will have strategic impact.

More information on this can be found on the EHRC's website:  
[www.equalityhumanrights.com/en/our-powers/inquiries-investigations-and-wider-powers/how-request-review-use-enforcement-power](http://www.equalityhumanrights.com/en/our-powers/inquiries-investigations-and-wider-powers/how-request-review-use-enforcement-power)

The EHRC publishes guidance on the PSED which details how public bodies can comply. It is on their website at:  
[www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance](http://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance)

## 6 Equality impact assessment

Before the Act, public bodies had a legal responsibility to comply with Disability, Race, and Gender Equality duties in making policies or carrying out functions by carrying out an '*equality impact assessment*' (EIA).

An EIA assesses how policies and decisions of a public body are likely to affect, or have affected, people in protected categories, looking for ways to promote equality and remove negative aspects that may be discriminatory. It should be far-reaching and comprehensive, analysing the potential of the policy to give rise to discrimination.

Under the Act, public bodies no longer have a legal duty to carry out an EIA, nor to use specific templates, but most continue to do so. This is likely to carry on being seen as good practice in showing compliance with the PSED. Case law has established that carrying out an EIA and looking at the equality impact of proposed and existing policies is a key way for public authorities to demonstrate '*due regard*' to their duties.

Regardless, it is still a requirement of public bodies to consider the equality impact of their policies appropriately, following the Brown principles (see case 1 in section 7). If a public body carries out an EIA, it should be done effectively and comprehensively. Information contained within the EIA should be fully considered if a decision is made or a policy devised to which the EIA applies.

Although public bodies no longer have a legal duty to carry out an EIA, an individual or organisation who believes a public body has not carried out an EIA before making a policy or decision can apply for judicial review of the policy or decision if it believes the lack of the EIA demonstrates a failure to comply with the PSED.

## 7 How the PSED has been applied

These legal decisions help show how public bodies should take action to comply with the PSED and provide guidance on the correct approach.

### **Case 1 R. (Brown) v. Secretary of State for Work and Pensions [2008] EWHC 3158**

The court considered what a relevant body must do to fulfil its obligation to have due regard to the aims set out in the general equality duty. The six '*Brown principles*' have been accepted by courts in later cases. Amongst the key principles are that:

- public bodies must be aware of their duties under the PSED and have '*due regard*' to the aims of the duty
- due regard must be considered before and at the time decisions are made in relation to policies that affect people with protected characteristics, not afterwards (continues overleaf)

- the duty must be exercised in substance, with rigour and in a manner that means consideration will influence the final decision
- the duty is a non-delegable one. The duty always remains the responsibility of the body subject to the duty. In practice, another body may actually carry out practical steps to fulfil a policy
- it is good practice for those exercising public functions to keep an accurate record showing that they had actually considered the general equality duty and pondered relevant questions.

### **Case 2 (AA and others) v Sandwell Metropolitan Borough Council CO/633/2014**

Sandwell Council introduced minimum residency requirements for anyone claiming Council Tax Reduction (CTR) in their area. Three women took the council to court on various grounds, including that the council had failed to comply with the PSED under section 149 of the Act.

The court found against the council, stating in their decision:

*94. Section 149 was undoubtedly engaged: indeed, that was well-recognised by the Council, in the way in which it conducted an EIA at various stages before the residence requirement was tabled. However, there is simply no evidence that the Council conducted any assessment at all of the race or gender impact of the residence requirement at or before it adopted the 2013-14 CTR Scheme; and scant evidence that it did so prior to the 2014-15 Scheme.*

*I do not consider that the evidence that there is (e.g. with regard to feedback towards the end of 2013, from wherever it came) is sufficient to show that the Council grappled at all with the effects of the requirement on those with the identified protected characteristics.*

*95. On the evidence, I cannot but find that the Council was in breach of its section 149 duty. That duty is important; and, had the Council been rigorous in satisfying its obligation to have due regard to the relevant characteristics, then, again, it may not have proceeded with the unlawful course that it followed.*

The High Court struck down the policy in a highly critical judgment. Mr Justice Hickinbottom ruled the two-year residency rule was unlawful on six separate grounds. The Council acted outside its statutory powers, the rule was irrational and discriminated on grounds of race and gender, and the Council failed to hold any consultation or comply with its equality duties.

### **Case 3 R (Rahman) v Birmingham City Council (2011) EWHC 944 (Admin)**

Birmingham City Council decided to restrict care provision to those with critical needs. Local users challenged this on the ground that the Council had failed to consider race and disability equality impacts. The Court accepted this and decided the decision was unlawful.

#### **Case 4 R (Chavda) v London Borough of Harrow (2008) 100 BMLR 27**

The London Borough of Harrow decided to make cuts to its social care services, restricting them to people with critical needs. Their EIA showed it would affect disabled people particularly, but this was not brought to the attention of the councillors making the decision.

An application for judicial review was filed by users of the care services in the Borough. The Court decided that as the Council had not considered the disability equality duty, its decision was unlawful.

#### **Case 5 Aaron Hunt v North Somerset Council [2012] EWHC 1928 (Admin)**

The local authority was faced with significant funding cuts. During a review, they identified there a need to consider making substantial financial savings in respect of providing youth services. They decided to review youth service provision through promoting other funded activities and making cuts to services. Specific budget reductions were set.

The Claimant argued that in approving budget reductions, the authority had failed to have regard to the PSED. The judge disagreed and held the evidence showed council members did have due regard to the PSED when they reached their decision to approve the revenue budget.

The EIA identified the budget proposals which had a high impact on service-users; it dealt explicitly and in detail with the impact of the reduction in the youth-service budget; it referred explicitly to the impact on a number of the protected characteristics itemised in section 149. It set out information on which it based its conclusions and steps to be taken to minimise or mitigate that impact.

#### **Case 6 SH v Norfolk County Council [2020] EWHC 3426 (Admin)**

SH challenged the basis on which the council calculated the charges she must pay for council-provided care. The council introduced a new charging policy, significantly reducing the minimum level of income an adult in SH's position could receive before being charged for care.

The court decided the charging policy discriminated against severely disabled people. It had a disparate impact on severely disabled people, with high care needs and significant barriers to work. Unlike SH, less disabled people may be able to supplement their income with earnings from employment or self-employment.

The council argued the charging policy could be justified by the aims of encouraging independence and having a sustainable charging regime, as it was using some savings to invest in employment opportunities for disabled people. The court held the differential impact of the policy on the most severely disabled people was manifestly without reasonable foundation. NCC failed to consider the Policy had the effect of limiting SH's independence and was in fact a perverse and unintended outcome.

## 8 Human rights in the UK

Human rights in the UK are found in the *Human Rights Act 1998*, which implements the *European Convention of Human Rights* (ECHR) in the UK. They include:

- the right to life
- the right not to be subjected to torture, inhuman or degrading treatment
- the right to liberty
- the right to a fair trial
- the right to respect for and freedom from interference with privacy and family life
- the right to marriage and family
- the right to freedom from discrimination in the enjoyment of rights and freedoms under the ECHR.

These rights are important and affect everyone, including older people, in their daily life. If your human rights have been breached by a public body, you can apply for a judicial review of the decision, policy or action complained of.

### 8.1 Human rights impact assessment

Human rights impact assessments (HRIAs), like EIAs, analyse how a policy affects people's human rights.

The difference is EIAs focus on protected categories of people, while HRIAs focus on how policies affect people generally, but with reference to specific rights. It is good practice for a public body to have an HRIA policy alongside an EIA.

Human rights procedures are not part of the PSED. Human rights are guaranteed as basic rights that people are entitled to. Equality ensures all categories of people are treated equally and given the same rights: so they often go together.

There is no requirement for public authorities to conduct HRIAs. The legal requirement is for public authorities to act in a way that is compatible with human rights.

## Useful organisations

### **Advisory, Conciliation and Arbitration Service (ACAS)**

[www.acas.org.uk](http://www.acas.org.uk)

Telephone helpline 0300 123 1100 Mon-Fri 8am-6pm

Independent organisation aiming to improve employment relations.

### **British Institute of Human Rights (BIHR)**

[www.bihr.org.uk/olderpeopleguide](http://www.bihr.org.uk/olderpeopleguide)

Telephone 020 7882 5850

Produce a guide with Age UK called *Older People and Human rights – a guide for older people*, which can be downloaded from their website.

### **Citizens Advice**

England or Wales go to [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

Northern Ireland go to [www.citizensadvice.co.uk](http://www.citizensadvice.co.uk)

Scotland go to [www.cas.org.uk](http://www.cas.org.uk)

In England telephone 0800 144 8848

In Wales telephone 0800 702 2020

In Scotland telephone 0800 028 1456

National network of advice centres offering free, confidential, independent advice, face to face or by telephone.

### **Equality Advisory Support Service (EASS)**

[www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)

Telephone helpline 0808 800 0082 Mon-Fri 9am-7pm, Sat 10am-2pm

Funded by the EHRC, the Helpline provides information and advice.

### **Equality and Human Rights Commission (EHRC)**

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

Independent statutory body with the responsibility to encourage equality and diversity, eliminate unlawful discrimination, and protect and promote the human rights of everyone in Britain.

### **Government Equalities Office (GEO)**

[www.gov.uk/government/organisations/government-equalities-office](http://www.gov.uk/government/organisations/government-equalities-office)

Responsible for the government's overall strategy on equality issues.

In **Wales**, see the '*Equality*' section of the **Welsh Government** website:

[www.gov.wales/equality](http://www.gov.wales/equality)

### **Law Centres Network**

[www.lawcentres.org.uk](http://www.lawcentres.org.uk)

Telephone 020 3637 1330

Find if there is a Law Centre near you via the website. Law Centres Network does not give advice directly to the public.

**Law Society**

<http://solicitors.lawsociety.org.uk>

Telephone 020 7320 5757

Searchable database of regulated solicitors in England and Wales.

**Law Society of Scotland**

<https://www.lawscot.org.uk/>

Telephone 0131 226 7411

**Liberty**

[www.liberty-human-rights.org.uk/](http://www.liberty-human-rights.org.uk/)

A non-profit-making organisation protecting and promoting civil liberties and human rights.

**Local Government Association (LGA)**

[www.local.gov.uk/](http://www.local.gov.uk/)

Telephone 020 7664 3000

LGA supports improvement and innovation in local government through networks, online resources and support from councillors and peers.

In **Wales**, contact the **Welsh Local Government Association (WLGA)**

[www.wlga.gov.uk](http://www.wlga.gov.uk)

Telephone 07553 655 939

In **Scotland**, contact **COSLA**

[www.cosla.gov.uk/](http://www.cosla.gov.uk/)

Telephone 0131 474 9200

**Older People's Commissioner for Wales**

<https://olderpeople.wales/>

Telephone 03442 640 670

An independent voice and champion for older people across Wales, standing up and speaking out on their behalf.

**Ombudsman Association**

[www.ombudsmanassociation.org](http://www.ombudsmanassociation.org)

Ombudsmen deal with complaints from the public about certain public bodies and private services. Their services are free of charge.

**Scottish Human Rights Commission**

[www.scottishhumanrights.com](http://www.scottishhumanrights.com)

Telephone 0131 244 3550

Independent public body, accountable to the Scottish Parliament. They have a general duty to promote awareness, understanding and respect for all human rights – economic, social, cultural, civil and political – to everyone, everywhere in Scotland, and to encourage best practice.



## Age UK

Age UK provides advice and information for people in later life through our Age UK Advice line, publications and online. Call Age UK Advice to find out whether there is a local Age UK near you, and to order free copies of our information guides and factsheets.

### Age UK Advice

[www.ageuk.org.uk](http://www.ageuk.org.uk)

0800 169 65 65

Lines are open seven days a week from 8.00am to 7.00pm

### In Wales contact

#### Age Cymru Advice

[www.agecymru.org.uk](http://www.agecymru.org.uk)

0300 303 4498

### In Northern Ireland contact

#### Age NI

[www.ageni.org](http://www.ageni.org)

0808 808 7575

### In Scotland contact

#### Age Scotland

[www.agescotland.org.uk](http://www.agescotland.org.uk)

0800 124 4222

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## Our publications are available in large print and audio formats

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The evidence sources used to create this factsheet are available on request. Contact [resources@ageuk.org.uk](mailto:resources@ageuk.org.uk)

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