

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:	Opposite Sex Civil Partnerships
Department and section:	Registration Services Regulatory Services / CEX
Name of lead officer/ job title and others completing this assessment:	Diane Reed Registration and Coroner's Service Manager
Contact telephone numbers:	55565
Name of officer/s responsible for implementing this policy:	As above
Date EHRIA assessment started:	1.12.19
Date EHRIA assessment completed:	

Section 1: Defining the policy

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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>The law relating to civil partnerships has changed. The Civil Partnership (Opposite Sex Couples) Regulations 2019 came into force from 2nd December 2019 in response to a change in law contained in the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019. These regulations enable both same sex and opposite sex couples in England and Wales to form either a civil partnership or marriage as they prefer to formalise their relationship – previously opposite sex couples could only marry and did not have the option of forming a civil partnership.</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>No.</p>																		
3	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p>The change benefits opposite sex couples by extending existing rights that apply to same sex civil partnerships and opposite sex married couples to opposite sex civil partnerships.</p>																		
4	<p>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)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 10%; text-align: center;">Yes</th> <th style="width: 10%; text-align: center;">No</th> <th style="width: 20%; text-align: center;">How?</th> </tr> </thead> <tbody> <tr> <td>Eliminate unlawful discrimination, harassment and victimisation</td> <td style="text-align: center;">X</td> <td></td> <td>By allowing opposite sex couples to form a civil partnership as was only open to same sex couples.</td> </tr> <tr> <td>Advance equality of opportunity between different groups</td> <td style="text-align: center;">X</td> <td></td> <td>As above.</td> </tr> <tr> <td>Foster good relations between different groups</td> <td style="text-align: center;">X</td> <td></td> <td>As above.</td> </tr> </tbody> </table>				Yes	No	How?	Eliminate unlawful discrimination, harassment and victimisation	X		By allowing opposite sex couples to form a civil partnership as was only open to same sex couples.	Advance equality of opportunity between different groups	X		As above.	Foster good relations between different groups	X		As above.
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Section 2: Equality and Human Rights Impact Assessment (EHRIA) Screening

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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

		Yes	No*
5.	Have the target groups been consulted about the following?		
	a) their current needs and aspirations and what is important to them;		X
	b) any potential impact of this change on them (positive and negative, intended and unintended);		X
	c) potential barriers they may face		X
6.	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?		X
7.	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?		X
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 Government issued a policy paper on 10 th July setting out how it intended to legislate for opposite sex civil partnerships by the end of 2019. This did not require a formal consultation although the Government did at the same time seek views on proposals to allow a new right for opposite sex couples to convert from a marriage to a civil partnership for a limited period of time, to run alongside the existing right for same sex couples to convert from a civil partnership to a marriage, before closing the window on both rights. The Government is still analysing the results of this consultation.		

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;		X
	b) enable open feedback and suggestions from different communities		X

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	X	
	Disability	X	
	Gender Reassignment	X	The current restriction on the continuation of same sex civil partnerships, unless both partners simultaneously change their gender (on the grounds of effectively legalising opposite sex civil partnerships if only one of the partners changes their gender) would effectively be removed.
	Marriage and Civil Partnership	X	There will be consequential amendments to the Civil Partnership Act 2004 and other legislation. The alternative to extending civil partnerships to opposite sex couples would be to disadvantage same sex couples by removing the provision for them to make a civil partnership to formalise their relationships
	Pregnancy and Maternity	X	
	Race	X	

	Religion or Belief	X		There will be consequential amendments to other legislation including in relation to religious protections
	Sex	X		The change gives the same rights to opposite sex couples as already granted to same sex couples
	Sexual Orientation	X		Restricting civil partnerships to same sex couples only would knowingly maintain an inequality on the grounds of sexual orientation compared to opposite sex couples
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities		X	
	Community Cohesion		X	
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		X	
	Article 3: Right not to be tortured or treated in an inhuman or degrading way		X	
	Article 4: Right not to be subjected to slavery/ forced labour		X	

	Article 5: Right to liberty and security		X		
	Article 6: Right to a fair trial		X		
	Article 7: No punishment without law		X		
	Article 8: Right to respect for private and family life		X		
	Article 9: Right to freedom of thought, conscience and religion		X		
	Article 10: Right to freedom of expression		X		
	Article 11: Right to freedom of assembly and association		X		
	Article 12: Right to marry		X		
	Article 14: Right not to be discriminated against	X		The change in the law results from a Supreme Court judgement on 27 th June 2018 that the provision of civil partnerships for same sex couples was inconsistent with the European Convention on Human Rights by discriminating against opposite sex couples who wished to have the same right.	
Part 2: The First Protocol					
	Article 1: Protection of property/ peaceful enjoyment		X		
	Article 2: Right to education		X		
	Article 3: Right to free elections		X		
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;			X	
	b) any section of the community may face barriers in benefiting from the proposal			X	
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*, delete Section 3 of this document and complete the declaration at Section 4.

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): Diane Reed.....

Date: 6th January 2020.....

2nd Authorised Signature (DEG Chair): ...Mo Seedat.....

Date: ...14th January 2020...