

# Charnwood Borough Council

## Equality Impact Assessment 'Knowing the needs of your customers and employees'

### ■ Background

An Equality Impact Assessment is an improvement tool. It will assist you in ensuring that you have thought about the needs and impacts of your service/policy/function in relation to the protected characteristics. It enables a systematic approach to identifying and recording gaps and actions.

### ■ Legislation- Equality Duty

As a local authority that provides services to the public, Charnwood Borough Council has a legal responsibility to ensure that we can demonstrate having paid due regard to the need to:

- ✓ Eliminate discrimination, harassment and victimisation
- ✓ Advance Equality of Opportunity
- ✓ Foster good relations

For the following protected characteristics:

1. Age
2. Disability
3. Gender reassignment
4. Marriage and civil partnership
5. Pregnancy and maternity
6. Race
7. Religion and belief
8. Sex
9. Sexual orientation

What is prohibited?

1. Direct Discrimination
2. Indirect Discrimination
3. Harassment
4. Victimisation
5. Discrimination by association
6. Discrimination by perception
7. Pregnancy and maternity discrimination
8. Discrimination arising from disability
9. Failing to make reasonable adjustments

**Note: Complete the action plan as you go through the questions**

■ **Step 1 – Introductory information**

Title of the policy	Charnwood Museum: Provision of mixed-sex toilet facility
Name of lead officer and others undertaking this assessment	Cassandra Costelow, Kevin Stanley
Date EIA started	04/03/2020
Date EIA completed	04/03/2020

■ **Step 2 – Overview of policy/function being assessed:**

Outline: What is the purpose of this policy? (Specify aims and objectives)
<p>To retrospectively consider the impact of the new mixed-sex toilet facility within the Charnwood Museum which opened in January 2019.</p> <p>Whilst equalities considerations were paramount to decision making, when developing the mixed-sex facility at Charnwood Museum, it is acknowledged that the service failed in its responsibility to complete an Equality Impact Assessment and document the findings of potential negative impacts, potential barriers to service delivery and record any required mitigating action.</p> <p>To date, no specific individuals/ groups have challenged the mixed-sex provision at Charnwood Museum. However, given a recent challenge as to the suitability of the mixed-sex toilet facility and its impact (specifically to women, young girls and religious or cultural considerations impacting on their use of the facility) it was felt appropriate to undertake an Equality Impact Assessment, to ensure the Council was meeting its responsibilities under the Equality Act 2010 and providing fair, non-discriminatory services to our customers.</p> <p>The mixed-sex toilet facility was constructed in-line with building regulations. Each cubicle is of a solid wall structure, with lockable doors that meet ground level. All toilet facilities contain a bin for sanitary waste. Provision of washing facilities is provided in a shared neutral space, outside of the toilet areas; investigation into providing a sink within the ambulant cubicle has been made and is feasible, a sink will be provided at earliest opportunity.</p> <p>The toilet facility has one multi-functional ambulant cubicle that can accommodate users with additional equipment such as pushchairs, buggies and walkers and/or parents/guardians having to change babes in arms or younger children. In addition, a separate accessible toilet facility is provided adjacent to this mixed-sex facility being reviewed.</p>
What specific group/s is the policy designed to affect/impact and what is the intended change or outcome for them?
General public attending the Museum and/or using the Queens Park Café.
Which groups have been consulted as part of the creation or review of the policy?
<p>Whilst no specific groups, as categorised by the protected characteristics were consulted, anecdotal evidence was sought from customers, when reviewing the provision of the toilet.</p> <p>Advice was also sought from other public museums and galleries, who had undertaken and implemented similar style, mixed-sex facilities. Advice was also undertaken, under building regulations, to establish the correct design for the facility.</p>

### ■ Step 3 – What we already know and where there are gaps

List any existing information/data do you have/monitor about different diverse groups in relation to this policy? Such as in relation to age, disability, gender reassignment, marriage and civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation etc.

Data/information such as:

- Consultation
- Previous Equality Impact Assessments
- Demographic information
- Anecdotal and other evidence

Due to the nature of the museum service which provides free access to the museum, specific data as to the demographics breakdown of customers is not established. The museum is targeted at families primarily, but with the users of the Queens Park and the Café facility are also likely regular users of the facility.

Qualitative research highlights that:

- Women tend to use the bathroom more frequently than males because, on the whole, women have smaller bladders. Women also have more reasons to use the toilet than men, including menstruation, menopause, pregnancy, incontinence etc.
- Women also take longer to use the bathroom, not only because they need to urinate in a seated position, but also because women's clothing (tights, skirts etc.) is generally more restrictive.
- Some Islamic, Hindu, and Orthodox Jewish women are forbidden to share public toilet buildings with male strangers, especially when menstruating.
- Traditional toilet provision can be an issue for members of the trans community. Deciding which bathroom to use can be a daily source of distress for non-binary people, who can often face discrimination and verbal or even physical assault for using what others perceive to be the 'wrong' bathroom.
- Mixed-sex toilet provision can make life easier for parents who need to accompany a young child of the opposite sex to the bathroom, whereby the only alternative is to let children use the facilities unattended.
- Many people feel embarrassed by using the toilet around people of their own sex, much less the opposite sex. Paruresis, which is a form of social anxiety that prevents sufferers from being able to go to the toilet in the presence of others, is thought to affect around 4 million men & women in the UK. There is no data on how shared facilities affect paruresis, it is reasonable to assume that the problem would be compounded by the presence of members of the opposite sex.
- All toilet facilities that can be used by women, should contain a bin for sanitary waste.
- An increasing number of women are using moon cups as an environmental form of sanitary protection, but these have to be washed out, something that would be difficult in mixed toilets with shared washing facilities.
- Strong debate surrounding mixed-sex toilet provision centres on children and safeguarding issues. Appropriate safeguarding considerations would need to be in place regarding this.

- One of the key criticisms of mixed-sex toilet facilities is that they could lead to a rise in sexual assaults/ anti-social behavior. While the likelihood of this is low, appropriate considerations would need to be in place regarding this.

What does this information / data tell you about diverse group? If you do not hold or have access to any data/information on diverse groups, what do you need to begin collating / monitoring? (Please list)

The nature of the museum operation does not lend itself to establishing clear user demographic information as it operates informally with customers attending without appointment or ticket, users of the café can access the facilities from a separate entry point. The work required to collect user data would be prohibitive. However, we can ensure any general negative impacts are fully considered and mitigating action put in place to remove barriers to access. If further specific issues are raised on an individual basis, these would be addressed and responded to in a timely and proportionate manner.

#### ■ Step 4 – Do we need to seek the views of others? If so, who?

In light of the answers you have given in Step 3, do you need to consult with specific groups to identify needs / issues? If not, please explain why.

At this stage, it is not felt relevant to further consult with individuals/ groups on any of the issues raised as mitigating action will remove any potential barriers to accessing service provision. However, should further issues be raised, we would look to consult with appropriate groups to identify solutions and ensure we continue to promote a non-discriminatory service.

#### ■ Step 5 – Assessing the impact

In light of any data/consultation/information and your own knowledge and awareness, please identify whether the policy has a positive or negative impact on the individuals or community groups (including what barriers these individuals or groups may face) who identify with any 'protected characteristics' and provide an explanation for your decision (please refer to the general duties on the front page).

	Comments
Age	<p>The toilet facility caters for all age groups either individually or accompanied i.e. young children, vulnerable adults. Additionally, the design of the toilets supports supervision by parents with young children. Therefore, a positive impact of this mixed-sex facility is that it makes it far easier for parents to accompany children, of the opposite sex, to use the facility, rather than the alternative to let children use the facilities unattended.</p> <p>There is some controversy surrounding mixed-sex facilities seems to centre on children and safeguarding considerations. It is anticipated that children visiting the museum and the facilities will be accompanied by a parent/ guardian. Any children visiting the museum on an educational visit, without a parent/ guardian use the alternative facilities at the Museum supervised by teaching staff and do not use the mixed-sex facilities provided.</p> <p>However, additional toilets/ facilities are available for all age groups should the mixed-sex toilets not be appropriate to their individual circumstance.</p> <p>As mitigating action, it is noted that additional promotion/ signposting of these facilities be created to raise awareness of alternative options.</p>

	<p><b>Neutral/ positive impact created upon the protected characteristic of age.</b></p>
<p><b>Disability</b> (Physical, visual, hearing, learning disabilities, mental health)</p>	<p>The toilet facility has one multi-functional ambulant cubicle that can accommodate users and/or parents/guardians having to change babies in arms or younger children.</p> <p>In addition, a separate accessible toilet facility is provided adjacent to the facility being reviewed. There is firm acknowledgment that this provision is a priority for disabled users and should not be used as a universal facility as alternative to the unisex toilet facility.</p> <p>Sufferers of paruresis, a form of social anxiety that prevents sufferers from being able to go to the toilet in the presence of others may potentially be compounded by the presence of members of the opposite sex.</p> <p>However, additional toilets/ facilities are available for both men and women should the mixed-sex toilets not be appropriate to their individual circumstance.</p> <p>As mitigating action, it is noted that additional promotion/ signposting of these facilities be created to raise awareness of alternative options.</p> <p><b>Neutral/ positive impact created upon the protected characteristic of disability.</b></p>
<p><b>Gender Reassignment</b> (Transgender)</p>	<p>Evidence showcases that mixed-sex toilets are far more inclusive for the trans community as deciding which bathroom to use can be a source of distress for people who identify as non-binary/ transgender.</p> <p>Persons undergoing or having completed gender reassignment are able to use this facility without fear of inappropriate comment or challenge as to their presence within the toilet facility by others.</p> <p><b>Positive impact created upon the protected characteristic of gender re-assignment.</b></p>
<p><b>Race</b></p>	<p>Customers are not prevented from using this facility due to their race.</p> <p><b>Neutral impact created upon the protected characteristic of race.</b></p>
<p><b>Religion or Belief</b> (Includes no belief)</p>	<p>Customers are generally not prevented from using this facility due to their religion or belief.</p> <p>Evidence/consultation highlights potential negative impact upon some Islamic, Hindu, and Orthodox Jewish women are forbidden to share public toilet buildings with male strangers, especially when menstruating. There may also be other religious reasons why male/ female customers may not be able to share this shared facility.</p> <p>However, additional toilets/ facilities are available for both men and women should the mixed-sex toilets not be appropriate to their individual circumstance.</p>

	<p>As mitigating action, it is noted that additional promotion/ signposting of these facilities be created to raise awareness of alternative options.</p> <p><b>Neutral impact created upon the protected characteristic of religion or belief.</b></p>
<b>Sex</b>	<p>People of both sex are permitted to use this facility. Cubicles are of a solid wall structure &amp; with lockable doors that meet ground level. All toilet facilities that can be used by women, contain a bin for sanitary waste.</p> <p>Mixed-sex facilities support parents and carers in supervising children or persons in their care.</p> <p>There is a perception that mixed-sex facilities could lead to a rise in sexual assaults etc. The security and safety of customers is paramount, CCTV in the area adjacent to the toilets and presence of staff who undertake regular checks is considered to be an appropriate deterrent to such behaviour.</p> <p>An increasing number of women are using Moon cups as an environmental form of sanitary protection, but these have to be washed out: something that would be difficult in mixed toilets with shared washing facilities.</p> <p>However, additional toilets/ facilities are available for both men and women should the mixed-sex toilets not be appropriate to their individual circumstance.</p> <p>As mitigating action, it is noted that additional promotion/ signposting of these facilities be created to raise awareness of alternative options.</p> <p><b>Neutral impact created upon the protected characteristic of sex.</b></p>
<b>Sexual Orientation</b>	<p>Customers sexual orientation does not prevent them from using this facility.</p> <p><b>Neutral impact created upon the protected characteristic of sexual orientation.</b></p>
<b>Other protected groups (Pregnancy &amp; maternity, marriage &amp; civil partnership)</b>	<p>Generally, customers considered within other groups are not prevented from using this facility. However, additional toilets/ facilities are available for pregnant women or women breastfeeding etc. should the mixed-sex toilets not be appropriate to their individual circumstance.</p> <p>As mitigating action, it is noted that additional promotion/ signposting of these facilities be created to raise awareness of alternative options.</p> <p><b>Neutral impact created upon the protected characteristic of pregnancy &amp; maternity, marriage &amp; civil partnership.</b></p>
<b>Other socially excluded groups (carers, low literacy, priority neighbourhoods, health inequalities, rural</b>	<p>Carers- the toilet facility is suitable for carers who will be accompanying others i.e. young children, vulnerable adults irrespective of sex.</p>

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.

Please note:

- a) If you have identified adverse impact or discrimination that is illegal, you are required to take action to remedy this immediately.
- b) Additionally, if you have identified adverse impact that is justifiable or legitimate, you will need to consider what actions can be taken to mitigate its effect on those groups of people.

Based on the finding of this assessment, there are potential negative impacts upon the following protected characteristics:

- **Age: Potential negative impacts surrounding children and safeguarding considerations.** It is anticipated that children visiting the museum and the facilities will be accompanied by a parent/ guardian. Any children visiting the museum on an educational visit, without a parent/ guardian use the alternative facilities in the Museum educational area and do not use the mixed-sex facilities provided.

As mitigating action, additional toilets/ facilities are available for all age groups should the mixed-sex toilets not be appropriate to their individual circumstance. Access to these toilets will require an intervention by museum staff and will not be possible when the museum is closed but the café is open.

**Disability: Potential negative impacts for sufferers of paruresis**, a form of social anxiety that prevents sufferers from being able to go to the toilet in the presence of others may potentially be compounded by the presence of members of the opposite sex. Access to these toilets will require an intervention by museum staff and will not be possible when the museum is closed but the café is open.

As mitigating action, additional toilets/ facilities are available for both men and women should the mixed-sex toilets not be appropriate to their individual circumstance.

- **Pregnancy & Maternity: Potential negative impacts may occur in individual circumstances.** There may be circumstances that mixed-sex facilities are not appropriate for pregnant women or women breastfeeding etc.

As mitigating action, additional toilets/ facilities are available for both men and women should the mixed-sex toilets not be appropriate to their individual circumstance. Access to these toilets will require an intervention by museum staff and will not be possible when the museum is closed but the café is open.

- **Religion or Belief: Potential negative impacts upon some Islamic, Hindu, and Orthodox Jewish women are forbidden to share public toilet buildings** with male strangers, especially when menstruating. There may also be other religious reasons why male/ female customers may not be able to share this shared facility.

As mitigating action, additional toilets/ facilities are available for both men and women should the mixed-sex toilets not be appropriate to their individual circumstance. Access to these toilets will require an intervention by museum staff and will not be possible when the museum is closed but the café is open.

- **Sex: Potential negative impact surrounding the perception of mixed-sex facilities could lead to a rise in sexual assaults/ anti-social behavior etc. and women during menstruation.**

The security and safety of customers is paramount, as mitigating action, CCTV in the area adjacent to the toilets and presence of staff who undertake regular checks is considered to be an appropriate deterrent to such behaviour.

Also, additional toilets/ facilities are available for both men and women should the mixed-sex toilets not be appropriate to their individual circumstance. Access to these toilets will require an intervention by museum staff and will not be possible when the museum is closed but the café is open.

Mitigating Action:

1. The museum has single sex toilets facilities located within the educational area of the venue, access to these toilets will require an intervention by museum staff particularly when schools are using the education room. The Museum has a duty of care to safeguarding children therefore access to the single sex toilets may be restricted at times. Access to these toilets will not be possible when the museum is closed but the café is open.
2. Improvements to signage on the unisex toilets to ensure all customers are aware of their designation before entering will be introduced.
3. The provision of a wash basin for the ambulant cubicle has been investigated and is feasible. A wash basin will be installed at the earliest possibility.
4. Information advising of availability of single sex toilets will be displayed and staff will be briefed on this option and how it will be managed.

Summarise your findings and give an overview as to whether the policy will meet Charnwood Borough Council's responsibilities in relation to equality and diversity (please refer to the general duties on the front page).

The proposed actions and by making the single sex toilets available to customers under some restrictions i.e. when schools are using the educational room will ensure that the museum is providing toilet facilities that can cater for all customers.

Signage in particular will better promote the facilities and options available to our customers.

■ **Step 6- Monitoring, evaluation and review**

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

The museum actively seeks feedback from customers about their customer journey and will continue to monitor this to respond the customers need where practicable.

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.

Recommendations are specific to this element of the Museum operation so not clearly relevant to other areas. However, lessons learnt will be shared to ensure considerations are taken into account should other services be looking to implement mixed-sex facilities in the future.

■ **Step 7- Action Plan**

**Please include any identified concerns/actions/issues in this action plan:**

**The issues identified should inform your Service Plan and, if appropriate, your Consultation Plan**

Reference Number	Action	Responsible Officer	Target Date
001	Improvements to signage on the unisex toilets to ensure all customers are aware of their designation before entering will be introduced.	C. Costelow/ K. Stanley	March 2020
002	Information advising of availability of single sex toilets will be displayed and staff will be briefed on this option and how it will be managed.	C. Costelow/ K. Stanley	March 2020
003	Install wash basin in ambulant toilet cubicle	C. Costelow/K. Stanley	April 2020
004	Continue to monitor analyse customer feedback and respond to customer need where practicable and reasonable.	C. Costelow/ K. Stanley	On-going

■ **Step 8- Who needs to know about the outcomes of this assessment and how will they be informed?**

	Who needs to know (Please tick)	How they will be informed (we have a legal duty to publish EIA's)
<b>Employees</b>	✓	Through team briefings.
<b>Service users</b>	✓	By information posters and appropriate signage.
<b>Partners and stakeholders</b>	✓	Advice provided when relevant.
<b>Others</b>	✓	Hiring groups through Terms & Conditions.
<b>To ensure ease of access, what other communication needs/concerns are there?</b>		

<b>Please delete as appropriate</b>
<b>I agree with this assessment / action plan</b>
<b>Signed (Service Head):</b>
<b>Date: 04/03/2020</b>