

# MEETING THE PUBLIC SECTOR EQUALITY DUTY

## INTRODUCTION TO THE NOTE

This note outlines the role of the Public Sector Equality Duty (PSED) within the Towns Fund and provides some material to support its discharge.

## INTRODUCTION TO THE PUBLIC SECTOR EQUALITY DUTY AND PROTECTED CHARACTERISTICS

The Equality Act 2010<sup>1</sup> set out measures to protect people from discrimination. The 'axes' on which this is defined and measured cover the nine protected characteristics:

- **Age**
- **Disability**
- **Gender reassignment**
- **Marriage and civil partnership** (note, this is a protected characteristic only in regard to eliminating discrimination)
- **Pregnancy and maternity**
- **Race**
- **Region or belief**
- **Sex**
- **Sexual orientation**

The Equality Act also sets the PSED, requiring public bodies (as defined in the Act, but for the purposes of the Towns Fund, covering all local authorities) to consider how their policies or decisions affect people who are protected under the Equality Act.

The standard set is to ensure local authorities 'have due regard' to the need to '*eliminate discrimination ... advance quality of opportunity, and ... foster good relations between different people*'. As such, it is a positive or affirmative duty, in that equality should be promoted, as opposed to a 'do not harm' duty to not worsen a situation. To support this, positive discrimination is possible.

Additionally, in 2014 Government introduced a requirement for government departments to explicitly consider the family perspective in decision making – the 'Family Test'<sup>2</sup>. Whilst the Family Test only applies to government departments and not local authorities, Towns may choose to consider alongside the protected characteristics.

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<sup>1</sup> <https://www.gov.uk/guidance/equality-act-2010-guidance>

<sup>2</sup> Government has published guidance on the Family Test. Although this is not required from local authorities, the same considerations are often part of local authority decision making and policy targeting. It is not a statutory requirement, but there is an expectation that government departments will undertake it where it is relevant and proportionate to do so. Although Government Departments are expected to document the Family Test, they are not obliged to publish them.

## DISCHARGING THE PUBLIC SECTOR EQUALITY DUTY

PSED is discharged in different manners, depending on whether a specific project/programme is being assessed or it is a wider programme/strategy.

- For a specific project or programme (such as a local plan, development proposal that might require planning permission or is a particular thing in a particular place) the PSED is normally demonstrated and discharged through an equalities impact assessment (EqIA). There is no mandatory or statutory requirement to complete an EqIA, nor for a record to be kept of how equalities considerations have been taken into account. However, both are considered good practice and provide a trail for audit, challenge and defence.
- For a programme, strategy or something that covers a wider area (even nation-wide) or wider array of projects it would be more usual to wrap the PSED into a regulatory impact assessment (RIA), considered alongside other strategic considerations. (It should be noted that government RIA guidance<sup>3</sup> does talk about the impact on places, businesses and people but does not refer explicitly to protected characteristics, and as such does not fulfil the PSED.)

Towns Fund bids are likely to comprise a range of projects and may cover a substantial geographic area. They therefore 'fall between' an EqIA and an RIA, and it is suggested that both these scales/types of assessment are required.

To support Towns in discharging the PSED, a set of two inter-related templates are provided which together provide a simple framework for considering impact on the protected characteristics as well as the Family Test (if chosen to include in the assessment):

- a project-level assessment template; and
- a programme-level assessment template.

The templates reflect the principles of EqIA and RIA and provide an integrated method for assessment and recording. Notwithstanding the templates, local authorities are responsible for the proportionality and robustness of their assessment, and may need to go beyond the templates to reflect local circumstances and/or to undertake a more detailed assessment of projects of a higher intensity or complexity.

As well as simply discharging the PSED for its own sake, assessing how projects and the wider programme impact on different groups of people is a valuable exercise in making sure that the Towns Fund investment benefits all and is as successful as possible. Following the assessment, there may be a need for further actions, including changing aspects of the projects or even re-prioritising projects. The TFDP have developed a Project Re-Prioritisation Tool for Stage 2 of the Towns Fund, which nudges you to ensure you have considered relevant PSED implications on your projects during project confirmation stage. You can download that tool and watch a tutorial for how to use it by clicking this link:

<https://townsfund.org.uk/resources-collection/project-re-prioritisation-tool>.

<sup>3</sup> <https://www.gov.uk/government/collections/impact-assessments-guidance-for-government-departments>

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**SAMPLE PROJECT-LEVEL ASSESSMENT TEMPLATE**

A sample project-level assessment table is provided below, which follows EqIA principles to help to provide assurance that the duty has been appropriately discharged (and the outcomes recorded). Each box should be limited to around 250 words, and some may not be relevant (e.g. where there is no negative or mixed effect). The template can be completed for each project and submitted alongside the business case, as well as included in the summary document. Towns may make amendments to the template to reflect local circumstances or needs.

**(Note, there is an alternative, long-form layout to this template in Appendix A, which you may find easier to complete. You might choose to use this version as a summary / comparison version.)**

<b>Name of project:</b>	<b>Bowes Court/Street Housing Energy Improvements</b>
<b>Project objectives:</b> (describe the project's aim as it relates to protected characteristics)	Delivery of a comprehensive retrofit solution that will make the homes within Bowes Court and Bowes Street, Blyth, warm, energy efficient and damp and mould free. Refurbishment of these homes will contribute to reducing the stock of poor-quality housing in Blyth and the associated health, environmental, and economic harms this causes. It will help improve the health outcomes for residents, as well as improving energy efficiency, which will reduce energy costs for tenants and support Northumberland County Council and Government Net Zero ambitions.

Consideration	Protected Characteristics (Part 1)				
	Age	Disability	Gender reassignment	Marriage and civil partnerships	Pregnancy and maternity
Baseline situation (describe only where different to the national average, or where otherwise relevant)	<p><b>CONTEXT STATEMENT</b></p> <p>Northumberland County Council is the northernmost county in England, covering an area of 5,013km squared, of which 96.7% is classed as rural and a population of 316,000. Around half of the population live in the South-East of the county, which covers only 3% of Northumberland. Principal towns include Ashington, Blyth and Cramlington and are distinctly built up in character with modern housing development and industrial estates. In comparison, the rural parts of the county are very sparsely populated. The life expectancy for someone born in Northumberland has risen by three years over the past decade, from 78 years to 81 years. The median average age in Northumberland in 2021 was 48.9, with over 18s representing 85% of the population. According to mid-year population estimates published by the ONS in 2019, males account for 48.9% of Northumberland's population, while females made up 51.1% of the total. People under the age of 16 represent 15% of the population and over 65's represent 25.6% of the population. (Source: Equality Information Report 2023) <a href="http://northumberland.gov.uk">Equality Information Report (northumberland.gov.uk)</a></p> <p>Blyth has three of the four wards (Cowpen, Blyth Town, Isabella) with the worst life expectancy in Northumberland. Quality of housing has a direct impact on the health of residents and this project will deliver improvements to homes to eradicate cold, damp, mould and condensation, leading to better health outcomes for residents in one of the most disadvantaged areas in Blyth</p> <p>42% of residents within Bowes Court and Bowes Street are within the adult social care system. Of these residents, 43% have a physical disability, 37% have mental health issues, and 20% are considered vulnerable due to issues such as domestic violence, poverty, bereavement, or cognitive decline.</p> <p>Available data on residents is currently limited therefore there is little evidence of the potential effect on protected characteristic groups. Further consultation with the residents to gather the required data will inform a full assessment.</p>				
Assessment text (summary of how the proposed project affects the protected characteristic)	Reasonable adjustments will be applied across the project to ensure effective communication for residents within this protected characteristic.	Reasonable adjustments will be applied across the project to ensure effective communication for residents within this protected characteristic.	Can deliver project without disadvantage.	Can deliver project without disadvantage.	Reasonable adjustments will be applied across the project to ensure effective communication for residents within this protected characteristic.
Is the effect positive/negative/mixed? (add an explanation)	M	M	+VE	+VE	M
	Negative Impacts: <ul style="list-style-type: none"> <li>Potential for the work to cause disruption and upheaval for older residents.</li> </ul>	Negative Impacts: <ul style="list-style-type: none"> <li>Limited access to attend consultation events for those with mobility issues.</li> </ul>	No known negative impacts.	No known negative impacts.	Negative Impacts: <ul style="list-style-type: none"> <li>Potential difficulties attending consultation event due to difficulties in</li> </ul>

Consideration	Protected Characteristics (Part 1)				
	Age	Disability	Gender reassignment	Marriage and civil partnerships	Pregnancy and maternity
	Positive Impacts: <ul style="list-style-type: none"> <li>The project will improve the health outcomes for residents by making the homes warm, energy efficient and damp and mould free.</li> </ul>	<ul style="list-style-type: none"> <li>Potential difficulties understanding discussion for those with hearing/visual impairment.</li> <li>Potential difficulties with concentration for attendees with neuro-disabilities.</li> <li>Potential disruption to residents accessing their homes for the duration of the work.</li> </ul> Positive Impacts: <ul style="list-style-type: none"> <li>Improved living conditions for those residents that suffer from a lack of mobility which means that they spend a greater amount of time in the home.</li> <li>Improved living conditions for those residents that suffer from respiratory and heart conditions that are exacerbated by cold, damp and mould.</li> </ul>			managing early childcare responsibilities. <ul style="list-style-type: none"> <li>Potential disruption to residents accessing their homes for the duration of the work.</li> </ul> Positive Impacts: <ul style="list-style-type: none"> <li>The project will improve the health outcomes for residents, including young children, by making the homes warm, energy efficient and damp and mould free.</li> </ul>
<b>If the effect is negative or mixed:</b>					
Is the effect significant? <i>(add an explanation)</i>	N	N	Y / N	Y / N	N
	No – Effective communication, care and consideration to be given for the duration of the works to ensure disruption and upheaval is kept to a minimum.	No – Reasonable adjustments to ensure effective communication can be applied during the project.  Careful consideration to be given in the planning stage to ensure residents retain safe access to their homes for the duration of the work.	Not applicable.	Not applicable.	No – Reasonable adjustments to ensure effective communication can be applied during the project.  Careful consideration to be given in the planning stage to ensure residents retain safe access to their homes for the duration of the work.
What embedded mitigation does the project contain?	Ongoing communication with the residents for the duration of the project.	Individual home visits can be arranged for those that are unable to attend the consultation event due to mobility issues.  Inclusion of family members, carer givers or friends during communication with residents can be arranged when needed.  Information can be provided in alternative formats to suit the needs of the residents.	Not applicable.	Not applicable.	Individual home visits can be arranged for those that are unable to attend the consultation event due to difficulties in managing early childcare responsibilities.

Consideration	Protected Characteristics (Part 1)				
	Age	Disability	Gender reassignment	Marriage and civil partnerships	Pregnancy and maternity
What residual significant effects remain?	Not applicable.	None.	Not applicable.	Not applicable.	None.
Is there an in-combination effect across multiple protected characteristics (across both Part 1 and Part 2 of the assessment table)? <i>(e.g. the proposed project has minor effects across several protected characteristics which, when considered together, have a more significant impact)</i>	Not applicable.				
What action is required? Who will be accountable for it? <i>(this could include further mitigation measures or re-prioritisation of projects)</i>	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.

Consideration	Protected Characteristics (Part 2)				
	Race	Religion or belief	Sex	Sexual orientation	'Family Test' (if used)
Baseline situation <i>(describe only where different to the national average, or where otherwise relevant)</i>	<p><b>CONTEXT STATEMENT</b></p> <p>Northumberland County Council is the northernmost county in England, covering an area of 5,013km squared, of which 96.7% is classed as rural and a population of 316,000. Around half of the population live in the South-East of the county, which covers only 3% of Northumberland. Principal towns include Ashington, Blyth and Cramlington and are distinctly built up in character with modern housing development and industrial estates. In comparison, the rural parts of the county are very sparsely populated. The life expectancy for someone born in Northumberland has risen by three years over the past decade, from 78 years to 81 years. The median average age in Northumberland in 2021 was 48.9, with over 18s representing 85% of the population. According to mid-year population estimates published by the ONS in 2019, males account for 48.9% of Northumberland's population, while females made up 51.1% of the total. People under the age of 16 represent 15% of the population and over 65's represent 25.6% of the population. (Source: Equality Information Report 2023)</p>				

Consideration	Protected Characteristics (Part 2)				
	Race	Religion or belief	Sex	Sexual orientation	'Family Test' (if used)
	<p>Blyth has three of the four wards (Cowpen, Blyth Town, Isabella) with the worst life expectancy in Northumberland. Quality of housing has a direct impact on the health of residents and this project will deliver improvements to homes to eradicate cold, damp, mould and condensation, leading to better health outcomes for residents in one of the most disadvantaged areas in Blyth</p> <p>42% of residents within Bowes Court and Bowes Street are within the adult social care system. Of these residents, 43% have a physical disability, 37% have mental health issues, and 20% are considered vulnerable due to issues such as domestic violence, poverty, bereavement, or cognitive decline.</p> <p>Available data on residents is currently limited therefore there is little evidence of the potential effect on protected characteristic groups. Further consultation with the residents to gather the required data will inform a full assessment.</p>				
Assessment text <i>(summary of how the proposed project affects the protected characteristic)</i>	Reasonable adjustments will be applied across the project to ensure effective communication for residents within this protected characteristic.	Can deliver project without disadvantage.  Consideration to be given to residents within this group to ensure minimal disruption during cultural and religious holidays or practices.	Can deliver project without disadvantage.	Can deliver project without disadvantage.	
Is the effect positive/negative/mixed? <i>(add an explanation)</i>	M	+VE	+VE	+VE	+VE / M / -VE
	Negative Impacts - <ul style="list-style-type: none"> <li>Residents may require written communications to be provided in alternative languages.</li> <li>Residents may require an interpreter during verbal communications.</li> </ul> Positive Impacts - <ul style="list-style-type: none"> <li>The project will improve the health outcomes for residents by making the homes warm, energy efficient and damp and mould free.</li> </ul>	No known negative impact.	No known negative impact.	No known negative impact.	
<b>If the effect is negative or mixed:</b>					
Is the effect significant? <i>(add an explanation)</i>	N	Y / N	Y / N	Y / N	Y / N
	No – Reasonable adjustments to ensure effective communication can be applied during the project.	Not applicable.	Not applicable.	Not applicable.	
What embedded mitigation does the project contain?	Written communications can be provided in alternative languages if required.  Verbal communications can be provided with the aid of an interpreter if required.	Not applicable.	Not applicable.	Not applicable.	

Consideration	Protected Characteristics (Part 2)				
	Race	Religion or belief	Sex	Sexual orientation	'Family Test' (if used)
What residual significant effects remain?	None.	Not applicable.	Not applicable.	Not applicable.	
Is there an in-combination effect across multiple protected characteristics (across both Part 1 and Part 2 of the assessment table)? <i>(e.g. the proposed project has minor effects across several protected characteristics which, when considered together, have a more significant impact)</i>	Not applicable.				
What action is required? Who will be accountable for it? <i>(this could include further mitigation measures or re-prioritisation of projects)</i>	Not applicable.	Not applicable.	Not applicable.	Not applicable.	



**SAMPLE PROGRAMME-LEVEL ASSESSMENT TEMPLATE**

Following project-level assessment, a programme-level assessment should be undertaken which considers effects on the protected characteristics across the whole portfolio of projects. A sample programme-level assessment table is provided below, to be submitted alongside the business case and included in the summary document. It is suggested that the overall assessment should be around 500 words across the assessment, although this will depend on the issues arising. As above, Towns may make amendments to the template to reflect local circumstances etc.

[Town name] Programme Level Public Sector Equality Duty (PSED) Assessment	
Consideration	Response
Summary of the main findings of project-level assessments undertaken:	
Is there an additional cumulative impact at the programme level? <i>(e.g. whether the combined impact of more than one project on protected characteristic(s) has a different or more significant effect than when considered on a project-by-project basis)</i>	

**[Town name] Programme Level Public Sector Equality Duty (PSED) Assessment**

**Consideration**

**Response**

Are there any other impacts of the Towns Fund programme which are not included elsewhere in the PSED assessment?

What actions (if any) have arisen from the assessment?

## FURTHER INFORMATION AND GUIDANCE

- [Quick Start Guide to the Public Sector Equality Duty](#)<sup>4</sup>
- [Equality and Human Rights Commission Guide to Meeting the PSED in Policy and Decision-Making](#)<sup>5</sup>
- [Equality and Human Rights Commission Technical Guidance on Assessment](#)<sup>6</sup>.

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<sup>4</sup> <https://www.gov.uk/government/publications/public-sector-quick-start-guide-to-the-public-sector-equality-duty>

<sup>5</sup> [https://www.equalityhumanrights.com/sites/default/files/meeting\\_the\\_duty\\_in\\_policy\\_and\\_decision-making.pdf](https://www.equalityhumanrights.com/sites/default/files/meeting_the_duty_in_policy_and_decision-making.pdf)

<sup>6</sup> [https://www.equalityhumanrights.com/sites/default/files/technical\\_guidance\\_on\\_the\\_psed\\_england.pdf](https://www.equalityhumanrights.com/sites/default/files/technical_guidance_on_the_psed_england.pdf)

## APPENDIX A: SAMPLE PROJECT-LEVEL ASSESSMENT TEMPLATE – LONG FORM

This is an alternative, longer-form version of the project-level assessment template provided above. Each response should be limited to around 250 words, and some may not be relevant (e.g. where there is no negative or mixed effect).

The template can be completed for each project and submitted alongside the business case, as well as included in the summary document. Towns may make amendments to the template to reflect local circumstances or needs.

<b>Name of project:</b>	
<b>Project objectives:</b> (describe the project's aim as it relates to protected characteristics)	

### Age

Consideration	Response
Baseline situation <i>(describe only where different to the national average, or where otherwise relevant)</i>	
Assessment text <i>(summary of how the proposed project affects the protected characteristic)</i>	
Is the effect positive/negative/mixed? <i>(add an explanation)</i>	+VE / M / -VE
<b>If the effect is negative or mixed:</b>	
Is the effect significant? <i>(add an explanation)</i>	Y / N
What embedded mitigation does the project contain?	
What residual significant effects remain?	
What action is required? Who will be accountable for it? <i>(this could include further mitigation measures or re-prioritisation of projects)</i>	

## Disability

Consideration	Response
Baseline situation <i>(describe only where different to the national average, or where otherwise relevant)</i>	
Assessment text <i>(summary of how the proposed project affects the protected characteristic)</i>	
Is the effect positive/negative/mixed? <i>(add an explanation)</i>	+VE / M / -VE
<b>If the effect is negative or mixed:</b>	
Is the effect significant? <i>(add an explanation)</i>	Y / N
What embedded mitigation does the project contain?	
What residual significant effects remain?	
What action is required? Who will be accountable for it? <i>(this could include further mitigation measures or re-prioritisation of projects)</i>	

## Gender reassignment

Consideration	Response
Baseline situation <i>(describe only where different to the national average, or where otherwise relevant)</i>	
Assessment text <i>(summary of how the proposed project affects the protected characteristic)</i>	
Is the effect positive/negative/mixed? <i>(add an explanation)</i>	+VE / M / -VE
<b>If the effect is negative or mixed:</b>	
	Y / N

Consideration	Response
Is the effect significant? <i>(add an explanation)</i>	
What embedded mitigation does the project contain?	
What residual significant effects remain?	
What action is required? Who will be accountable for it? <i>(this could include further mitigation measures or re-prioritisation of projects)</i>	

**Marriage and civil partnership** (note, this is a protected characteristic only in regard to eliminating discrimination)

Consideration	Response
Baseline situation <i>(describe only where different to the national average, or where otherwise relevant)</i>	
Assessment text <i>(summary of how the proposed project affects the protected characteristic)</i>	
Is the effect positive/negative/mixed? <i>(add an explanation)</i>	+VE / M / -VE
<b>If the effect is negative or mixed:</b>	
Is the effect significant? <i>(add an explanation)</i>	Y / N
What embedded mitigation does the project contain?	
What residual significant effects remain?	
What action is required? Who will be accountable for it? <i>(this could include further mitigation measures or re-prioritisation of projects)</i>	

## Pregnancy and maternity

Consideration	Response
Baseline situation <i>(describe only where different to the national average, or where otherwise relevant)</i>	
Assessment text <i>(summary of how the proposed project affects the protected characteristic)</i>	
Is the effect positive/negative/mixed? <i>(add an explanation)</i>	+VE / M / -VE
<b>If the effect is negative or mixed:</b>	
Is the effect significant? <i>(add an explanation)</i>	Y / N
What embedded mitigation does the project contain?	
What residual significant effects remain?	
What action is required? Who will be accountable for it? <i>(this could include further mitigation measures or re-prioritisation of projects)</i>	

## Race

Consideration	Response
Baseline situation <i>(describe only where different to the national average, or where otherwise relevant)</i>	
Assessment text <i>(summary of how the proposed project affects the protected characteristic)</i>	
Is the effect positive/negative/mixed? <i>(add an explanation)</i>	+VE / M / -VE
<b>If the effect is negative or mixed:</b>	
	Y / N

Consideration	Response
Is the effect significant? <i>(add an explanation)</i>	
What embedded mitigation does the project contain?	
What residual significant effects remain?	
What action is required? Who will be accountable for it? <i>(this could include further mitigation measures or re-prioritisation of projects)</i>	

### Region or belief

Consideration	Response
Baseline situation <i>(describe only where different to the national average, or where otherwise relevant)</i>	
Assessment text <i>(summary of how the proposed project affects the protected characteristic)</i>	
Is the effect positive/negative/mixed? <i>(add an explanation)</i>	+VE / M / -VE
<b>If the effect is negative or mixed:</b>	
Is the effect significant? <i>(add an explanation)</i>	Y / N
What embedded mitigation does the project contain?	
What residual significant effects remain?	
What action is required? Who will be accountable for it? <i>(this could include further mitigation measures or re-prioritisation of projects)</i>	



**Sex**

Consideration	Response
Baseline situation <i>(describe only where different to the national average, or where otherwise relevant)</i>	
Assessment text <i>(summary of how the proposed project affects the protected characteristic)</i>	
Is the effect positive/negative/mixed? <i>(add an explanation)</i>	+VE / M / -VE
<b>If the effect is negative or mixed:</b>	
Is the effect significant? <i>(add an explanation)</i>	Y / N
What embedded mitigation does the project contain?	
What residual significant effects remain?	
What action is required? Who will be accountable for it? <i>(this could include further mitigation measures or re-prioritisation of projects)</i>	

**Sexual orientation**

Consideration	Response
Baseline situation <i>(describe only where different to the national average, or where otherwise relevant)</i>	
Assessment text <i>(summary of how the proposed project affects the protected characteristic)</i>	
Is the effect positive/negative/mixed? <i>(add an explanation)</i>	+VE / M / -VE
<b>If the effect is negative or mixed:</b>	
	Y / N

Consideration	Response
Is the effect significant? <i>(add an explanation)</i>	
What embedded mitigation does the project contain?	
What residual significant effects remain?	
What action is required? Who will be accountable for it? <i>(this could include further mitigation measures or re-prioritisation of projects)</i>	

### Family Test (if used)

Consideration	Response
Baseline situation <i>(describe only where different to the national average, or where otherwise relevant)</i>	
Assessment text <i>(summary of how the proposed project affects the protected characteristic)</i>	
Is the effect positive/negative/mixed? <i>(add an explanation)</i>	+VE / M / -VE
<b>If the effect is negative or mixed:</b>	
Is the effect significant? <i>(add an explanation)</i>	Y / N
What embedded mitigation does the project contain?	
What residual significant effects remain?	
What action is required? Who will be accountable for it? <i>(this could include further mitigation measures or re-prioritisation of projects)</i>	

## In-combination effects

Consideration	Response
Is there an in-combination effect across multiple protected characteristics? <i>(e.g. the proposed project has minor effects across several protected characteristics which, when considered together, have a more significant impact)</i>	
What action is required? Who will be accountable for it? <i>(this could include further mitigation measures or re-prioritisation of projects)</i>	