

# The Kent Code

## Issued by the Human Resources Team



### Introduction

The public expects the highest standards of conduct and integrity when providing service from all employees of KCC.

This Code sets out guidelines for the conduct of KCC employees to maintain standards, protect employees from misunderstanding or criticism and protect the reputation of KCC. The basic standards of conduct, as set out in this document, also apply to volunteers, agency workers and others working within KCC such as those who are on work placements and work experience. For clarity, reference to 'you' within this document includes all individuals as set out above.

It refers to statements and requirements contained within the Kent Scheme Terms & Conditions of Service, KCC Financial Regulations and other documents. These are either available via KNet or through your line manager.

This Code forms part of your conditions of service. It is your responsibility to read and apply the standards set out in this and relevant documents including professional codes, policies and guidance (such as those issued by Social Work England, the Health and Care Professions Council (HCPC), Public Health, the Nolan Principles (see Appendix 1), the Chartered Institute of Finance & Accounting (CIPFA) etc.). Any employee acting outside the standards could be subject to disciplinary action.

### A. Standards of Service

1. You will provide appropriate advice to Councillors, work colleagues and the public with impartiality.
2. You will be expected, through agreed procedures, such as KCC's Whistleblowing Procedure, and without fear of recrimination, to bring to the attention of management any irregularity in the provision of service.
3. There is an expectation that you will ensure that your standard of conduct and actions outside of the workplace do not call into question or have a bearing on your working arrangements with KCC and/or could bring KCC into disrepute.
4. You are expected to act with honesty, integrity and behave at all times in a professional manner towards your colleagues, service users, partners, contractors or members of the public and in such a way that does not bring KCC into disrepute.
5. You are required to disclose at the earliest possible opportunity to your line manager if you are arrested and/or are the subject of a criminal investigation by the Police. You must also advise your manager of any resulting action, e.g. the issuing of caution, police warning, a disqualification from driving or the progression of a criminal or civil case against you.

6. You are required to disclose at the earliest possible opportunity to your line manager any matters which could call into question, or could have a bearing on, your working arrangements with KCC and/or could bring KCC into disrepute, e.g. where you and/or a close personal relationship are the subject of an investigation/enquiry being conducted by an external body such as the Police or a professional registration body etc.
7. You must discuss with your line manager\* any close personal relationship with another employee working within KCC if this has the potential to give rise to a conflict of interests.

\* or with your grandparent manager if your disclosure relates to a personal relationship with your line manager

8. You are expected to abide by and demonstrate KCC's values, which can be found on KNet.
9. In accordance with financial procedures, if an irregularity occurs or is suspected which may involve financial loss, you must report it immediately to the Head of Internal Audit.
10. Your engagement or involvement with other organisations should not contravene or compromise KCC's policies or strategies, e.g. Public Health policies.
11. Complaint against employees will be appropriately examined this may include an informal approach in accordance with the Resolution Procedure or, where necessary, a formal investigation process. If you are found not to have upheld professional standards of service and conduct, you may be subject to disciplinary action.
12. In order to assist KCC in delivering the Public Sector Equality Duty, you are expected to respect, incorporate and promote diversity and inclusion in your day to day work Further information about the Public Sector Equality Duty is included in Appendix 2.

## **B. Harassment**

1. Any form of harassment including sexual harassment, bullying, intimidation, unfair discrimination, or victimisation, by or against employees, partner agencies and service users will not be tolerated.
2. You have a duty to ensure the standard of conduct for yourself and for colleagues respects at all times the dignity of others and does not cause offence.
3. You should act in such ways as to avoid all forms of unacceptable behaviour in relation to other employees, partner agencies and service users of KCC.

## **C. Data Protection and Confidentiality**

1. The Data Protection Act 2018 and the General Data Protection Regulation (GDPR) set principles for how personal information can be obtained, held, used or disclosed. You have a legal responsibility to maintain confidentiality, you must apply these principles and comply with related policies.
2. You must complete the mandatory information governance and data protection training and the required refresher training every two years.
3. Where you have access to confidential, politically and/or commercially sensitive or personal information:
  - a. You must not use it for personal reasons or benefit or pass it on to others who might use it in such a way. This includes information about the work of KCC, its employees or members of the public.
  - b. You must respect the privacy and confidentiality of our customers and your colleagues.
  - c. Inappropriate disclosure of information will render you liable to disciplinary action and could lead to criminal prosecution. This will continue to apply after employment has ended in the case of highly confidential information (which is not otherwise in the public domain) and may also lead to civil legal proceedings being taken by KCC. You should contact your line manager if you are in any doubt as to what information KCC considers highly confidential in your service area.
4. You must not misuse your position to request or gain information unnecessary to carrying out your work.
5. You are responsible for the accuracy and legibility of records you create or use in the performance of your duties.

Additional sources of information, including KCC's Privacy Notice and associated guidance, can be found on KNet, with further advice and guidance available on the Information Governance and Freedom of Information pages, including the Information Governance Toolkit.

6. You must comply with the ICT Acceptable Use policy which can be found on KNet.

## **D. Whistleblowing**

KCC is committed to the highest possible standards of openness, honesty and accountability and expect the same commitment for those working within the service. If you become aware of, or directly witness, situations or conduct that make you feel uncomfortable or which you regard as inappropriate you should raise any such serious concerns in accordance with the Whistleblowing Procedure. This provides a means for you to raise concerns about matters not related to your own employment or your work within KCC but which you feel need to be examined. It is intended to encourage you to feel able to raise serious concerns internally within KCC, without

fear of reprisal or victimisation, rather than overlooking a problem or raising the matter outside.

Further information is available within the Whistleblowing Policy and Procedure on KNet.

## **E. Political Neutrality**

1. You serve the Council as a whole and it follows that you must serve **all** elected Members and not just those of the controlling group and you must ensure the individual rights of all elected Members are respected.
2. You may be in a post in which you advise political groups. If you do, you must act with political neutrality. Whilst you may have your own political opinions, you must avoid carrying out your duties in a way which reveals your political affiliation.
3. Some Local Authority Officer roles are politically restricted and therefore post holders are restricted from undertaking any form of political activity. They are:
  - (a) the Head of Paid Service (Chief Executive Officer and Deputy Chief Executive);
  - (b) the statutory Chief Officers (Chief Finance Officer (Corporate Director of Finance & Procurement), Director of Children's Services (Corporate Director Children, Young People and Education) and Director of Adult Social Care and Health ( Corporate Director Adult Social Care and Health), Monitoring Officer (General Counsel), Director of Public Health;
  - (c) the non-statutory Chief Officers (all officers who report directly to the Chief Executive Officer or who report directly or are directly accountable to the local authority or any committee or sub-committee of the authority, other than those whose duties are solely secretarial or clerical);
  - (d) the Deputy Chief Officers (those who report directly to Chief Officers, other than those whose duties are solely secretarial or administrative);
  - (e) Political assistants;
  - (f) Officers who give advice on a regular basis to KCC, to any committee or sub-committee of KCC or to any joint committee on which KCC is represented;
  - (g) Officers who speak on behalf of KCC on a regular basis to journalists or broadcasters;
  - (h) Officers to whom powers are delegated.

Further advice can be sought from Democratic Services.

4. You must seek legal advice if you wish to stand for election as a Councillor for KCC or any other local authority as it could impact upon your employment. Whilst it is not legally possible to continue to work for KCC if you are elected as a KCC Councillor you may be able to serve in public office for other organisations, including other

councils. You should obtain advice from the political party for which you are standing to ensure there is no conflict of interest and your political allegiance does not compromise your working life.

5. If you are involved in politics in your private time, you must not carry out any political activity which might lead the public to think you are acting in your capacity as a KCC employee. It is particularly important, if you are a Member with another council, to keep your two roles separate and not use confidential information obtained in one capacity within the other.

## **F. Relationships**

### **1. Elected Members**

Mutual respect between employees and Members is essential to good local government. Close personal familiarity between employees and individual Members can damage the relationship and prove embarrassing to other employees and Members and should therefore be avoided.

### **2. The local community and service users**

You should always remember your responsibilities to the community you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by KCC policies.

### **3. Media**

If you are not authorised to deal with representatives of the media, you should refer any enquiries you receive to your line manager or to KCC's Press Office.

As a Member-led local authority, Members have to sign off and agree any responses to the media. In addition, the appropriate Director should also be made aware in order to authorise any media response.

If you have specific authority to deal with media enquiries, as agreed by your Cabinet Member, Director and the Press Office, you should only reply to requests for information or questions which relate to the facts of a situation and ensure that you notify the Press Office of any information or comment that you pass on to the media.

If an expression of opinion or official statement of policy is needed, you must speak to your Head of Service.

Every assistance should be given to Members who need information to deal with questions from the media. You should refer to the Press Office Manager for further advice if you are unsure of the protocols.

If you speak as a private individual directly to the press, or at a public meeting or other situation where your remarks may be reported to the press, ensure nothing you say might lead the public to think you are acting in your capacity as a KCC employee.

If you speak on behalf of a recognised trade union you must make it clear that the views you are expressing are those of the trade union you represent and not KCC's.

## **Social Media**

You should be aware that information posted on social media sites is often public and may be viewed by colleagues, residents, and the media/press. You have responsibility to act in the best interests of the people of the County and not breach any confidentiality, post anything that could damage the council's reputation or could have a bearing on your working arrangements with KCC, e.g., sharing confidential or sensitive information.

#### **4. Contractors/Consultants**

All relationships of a business or private nature with internal or external contractors or consultants, or potential contractors or consultants, should be made known to an appropriate senior manager (see Section I on how this should be recorded) as they have the potential to seriously compromise KCC decisions.

Orders and contracts must be awarded in accordance with Spending the Council's Money (which is available on KNet).

#### **G. Staff Appointments and Other Employment Matters**

1. If you are involved in appointing staff, you must ensure decisions to appoint are made on the basis of merit. It would be unlawful to make an appointment based on anything other than the ability of the candidate to undertake the duties of the post.
2. KCC has a detailed process for the appointment of staff that must be followed scrupulously by all employees involved in appointments at all times. Those involved in the process of staff appointments should undertake the available Recruitment & Selection training course and the E-learning on Equality & Diversity in Recruitment and Selection in KCC and Unconscious Bias.
3. To avoid any possible accusation of bias, you should not be involved in an appointment where an applicant is someone with whom you have a close personal relationship.
4. Similarly, you should not be involved in decisions relating to discipline, managing performance and capability issues, promotion or pay adjustments for any other employee who is someone with whom you have a close personal relationship.
5. You are required to disclose to the recruiting manager or line manager any matters which could call into question, or could have a bearing on, your working arrangements with KCC and/or could bring KCC into disrepute, e.g. where you and/or a close personal relationship are the subject of an investigation/enquiry being conducted by an external body such as the Police or a professional registration body etc.
6. You are required to disclose to either the recruiting manager or line manager, any criminal conviction, warning, caution, or reprimand you and/or a close personal relationship receive and/or any matters which could call into question, or could have a bearing on, your working arrangements with KCC, as this may have a potential impact on your job.

7. If you line manage staff, you may give an employer's reference on behalf of KCC for a member of staff or an ex-member of staff, unless otherwise informed. You owe a legal duty of care to ensure the reference is based on fact. If you are asked to provide a reference you are strongly advised to follow the guidelines on employer's references available on KNet and to contact your line manager if you have any concerns.

## **H. Outside Commitments**

1. You must be clear about your contractual obligations and should not take additional or external employment (paid or unpaid) which conflicts with KCC's interests. Therefore, you must discuss with your line manager and obtain their consent before taking up additional employment elsewhere in KCC or with another employer.
2. Where you are permitted to take external employment, no external work of any sort should be undertaken on KCC working premises or during KCC working time.
3. Use of KCC facilities such as telephones, computers etc. is forbidden and correspondence and incoming phone calls related to external work are not permitted.
4. These provisions do not apply to public appointments (e.g. as a magistrate).
5. You may, in a professional capacity whilst undertaking additional or external work, publish books and articles, give lectures, speak on radio or television, or utilise social media platforms and may illustrate these by reference to KCC's activities or policies, but your Corporate Director must be consulted before doing so. You must be clear that any views you express are your own and not necessarily those of KCC.
6. You may retain lecturing fees under the following conditions only:
  - Officers who lecture in their own time for other organisations may retain the whole of any fee payable.
  - Officers who are permitted to lecture to external organisations in KCC's time may retain half of any fee payable.
  - Fees will not be paid to officers who lecture on any of KCC's internal courses, whether in their own time or not.

## **I. Personal Interests**

1. You must declare at the earliest opportunity to your line manager any financial and non-financial interests or commitments which may conflict with KCC's interests, including key strategies and policies. The Declaration of Interest Form must be completed at least annually via Employee Self Service. If a potential conflict of interest is identified this will be referred to the relevant Head of Service (or equivalent level of management).

Membership of, or activity on behalf of, a recognised trade union or professional society does not constitute such an interest.

KCC encourages you to take an active part in the life of your community. This Code does not seek to discourage such involvement. If there is any doubt, advice should be sought from your line manager.

2. You should declare to an appropriate senior manager membership of any organisation, lodge, chapter, society, trust or regular gathering or meeting which is not open to members of the public who are not members of that lodge, chapter, society or trust or requires secrecy about its rules, membership or conduct.
3. In addition to the above, you should advise an appropriate senior manager of your membership of any such organisation where in a specific instance such membership constitutes (or could be perceived as) a conflict of interest.
4. KCC Financial Regulations specify that employees who have a direct or indirect financial interest in a contract shall not be supplied with, or given access to, any tender documents, contracts or other information relating to them, without the authority of the relevant Corporate Director.
5. You must advise a senior manager if you are declared bankrupt or are involved as a Director of a company which is wound up or put into voluntary liquidation if it may impact upon your role and duties. Such information will be treated in the strictest confidence.
6. Intellectual Property Rights are relevant to patents, copyright, database rights, registered and unregistered design rights, trademarks, utility models, plant variety rights and other intellectual property, applications for registration of any of the same, confidential information and know how, whether in all cases registered or unregistered.
7. Where you make or create any Intellectual Property Rights that may be of benefit to KCC in the course of your normal duties, you should inform your manager in writing and, unless an alternative agreement is reached with the relevant Corporate Director, KCC is generally considered the 'owner' so far as the law allows.

## **J. Equality Issues**

You should ensure that policies relating to equality issues are complied with, in addition to the requirements of the law. All members of the local community, customers, clients, job applicants and employees have a right to be treated with fairness and equity.

## **K. Separation of Roles during Tendering**

1. If you are involved in the tendering process and dealing with contractors, you must be clear about the separation of client commissioners and contractor/provider roles within KCC. If you have both a client and contractor responsibility you must be aware of the need for accountability and openness.
2. If you have access to confidential information on tenders or costs for either internal or external contractors, you must not disclose that information to any unauthorised party or organisation.
3. You should ensure no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses



run by them or employing them in a senior or relevant managerial capacity. Reference must be made to Spending the Council's Money (available on KNet).

## **L. Gifts and Hospitality**

1. In accordance with the Council's Anti-Bribery Policy, you should not accept significant personal gifts from contractors, service users, clients, or outside suppliers as this could both compromise you personally and KCC. It is a serious criminal offence to receive or give any gift, loan, fee, reward or advantage to anyone in your capacity as a KCC employee. Minor articles, e.g. diaries, calendars, office items and the like, will not be regarded as a gift. However, consider how these could be perceived in relation to KCC's strategies and policies (e.g. receiving an item that may promote a tobacco company) and, if there is any doubt, a gift should be refused.
2. If you receive unsolicited gifts, they must be returned with a polite refusal letter to the sender. You should also immediately inform your line manager.
3. You may not accept legacies from clients and/or service users or others who may have benefited from your services delivered on behalf of KCC. If you are named as a beneficiary, you should immediately inform your manager.
4. You should only accept offers of hospitality if there is a genuine need to impart information or represent KCC in the community and where you are satisfied that any decisions or strategies and policies are not and will not be compromised. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where KCC should be seen to be represented. They should be properly authorised by your line manager and recorded locally in advance of the event.

KCC should meet the costs of all visits to reference sites, supplier's premises etc. to avoid jeopardising the integrity of any subsequent decisions.

5. When hospitality has to be refused, the invitation should still be recorded.
6. All gifts and hospitality, including those that are declined, must be reported to your line manager, and recorded using Employee Self Service. A guide to using Employee Self Service to declare gifts and hospitality is available on KNet.
7. Many supermarkets, petrol stations and high street stores offer loyalty cards for customers as an incentive to purchase from them. There are various types of loyalty cards, which offer a variety of rewards or bonuses, and it is likely you will have at least one of these cards for your personal use. You should not use your personal loyalty cards when purchasing goods or services on behalf of KCC or its clients. The use of such cards may compromise your professional integrity, particularly if the retail outlet or supplier was chosen because they offer you additional reward and not because it provided the greatest benefit and cost effectiveness to KCC or its clients.
8. Likewise, many credit card companies offer loyalty rewards. The use of personal credit cards to purchase goods or services on behalf of KCC or its clients should be avoided unless no other means of purchase is available.

9. Should any loyalty rewards be received whilst undertaking KCC business where there is no means of these being transferred to KCC, then they can be regarded as the property of the individual, e.g. frequent traveller programmes, hotel loyalty awards etc.

#### **M. Sponsorship - Giving and Receiving**

1. Where an outside organisation wishes to sponsor a KCC activity, whether by invitation, tender, negotiation, voluntarily or in response to an approach by KCC to potential sponsors, you should:
  - a. refer, at the earliest possible stage, to the Anti-Bribery Policy and the Sponsorship Policy & Guidance generally and the section on procurement in particular.
  - b. follow the basic conventions concerning the acceptance of gifts or hospitality and record these arrangements locally.
2. Where KCC wishes to sponsor an event or service, neither you nor your partner, spouse, close friend or relative must benefit from such sponsorship. Similarly, where KCC, through sponsorship, grant aid, financial or other means, gives support in the community, you should ensure impartial advice is given and there is no conflict of interest involved.

#### **N. Health and Safety at Work**

1. You must, by law, take reasonable care for your own health and safety and that of other people who may be affected by anything you do at work.
2. KCC has comprehensive policies on Health and Safety which cover all you need to know about compliance with legislation, standards and KCC procedures in connection with health, safety and welfare at work.

#### **O. Drugs and Alcohol**

1. The use of illegal drugs or misuse of other drugs or alcohol to the extent it affects health, work performance, attendance, conduct or relationships at work is not acceptable. (For further information see KCC's Drugs & Alcohol Policy on KNet.) If you have a drug or alcohol problem that is impacting upon your work, you should discuss the matter with your line manager.
2. You should inform your manager if you are taking prescription medication that could impair your work performance, impact on your ability to carry out your duties and/or could affect your safety and that of others.
3. You must not possess, supply/offer to supply, use illegal drugs or substances commonly referred to as 'legal highs' or new psychoactive substances whilst working.
4. You must not be under the influence of alcohol, illegal drugs, substances commonly referred to as 'legal highs' and/or new psychoactive substances within the workplace.

**P. Equipment and Materials**

1. KCC's telephones, computer systems, other equipment and materials are the property of KCC and are provided for your business purposes and for interaction with the public in the delivery of services. If you are leaving KCC, you must make arrangements with your line manager to return all KCC equipment and property.
2. Some personal use of KCC's electronic communication facilities and devices including phone, internet and email is permitted, provided it is within the scope of KCC's ICT Acceptable Use Policy and ICT User Standards.
3. No software can be used unless there is proof of legal registration to KCC under the Copyright, Designs and Patents Act. No personal software may be used on KCC equipment. It is a criminal offence to knowingly use or make unauthorised copies of KCC registered software.

**Q. Use of Financial Resources**

1. You must ensure you use public funds entrusted to you in a responsible and lawful manner. They must be fully approved and used for the purpose for which they are intended.
2. You should ensure value for money to the local community and avoid legal challenge to KCC.
3. KCC's Financial Regulations and Anti-Fraud & Corruption Strategy must be adhered to at all times.

**RELATED POLICIES, PROCEDURES, GUIDELINES AND SUPPORT – these are available on KNet:**

- \* Drugs & Alcohol Policy
- \* Equality & Diversity Policy Statement
- \* Equality & Human Rights Policy
- \* Managing Stress at Work Policy\* KCC's Financial Regulations
- \* Spending the Council's Money
- \* Anti-Fraud & Corruption Strategy
- \* ICT Acceptable Use Policy
- \* Social Media Guidance
- \* Whistleblowing Policy and Procedure
- \* Smoking and E-cigarette Policy
- \* References Guidance
- \* Health & Safety policies, procedures and guidance
- \* Resolution Policy & Procedure
- \* International Travel Guidance
- \* Expenses Policy, Procedure & Guidance
- \* Anti-Bribery Policy

**Alternative Formats**

This document is available in other formats. Call 03000 421553 or email [alternativeformats@kent.gov.uk](mailto:alternativeformats@kent.gov.uk)

# The 7 principles of public life

The 7 principles of public life, known as the Nolan Principles, outline the ethical standards for anyone working in the public sector – this includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also apply to all those in other sectors delivering public services.

## 1. Selflessness

Holders of public office should act solely in terms of the public interest.

## 2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

## 3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

## 4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

## 5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

## 6. Honesty

Holders of public office should be truthful.

## 7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix 2



### What is the Public Sector Equality Duty?

The equality duty was created by the Equality Act 2010 and replaces the race, disability and gender equality duties. The duty came into force in April 2011 and covers age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. It applies in England, Scotland and in Wales. The general equality duty is set out in section 149 of the Equality Act. In summary, those subject to the general equality duty must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between different groups
- Foster good relations between different groups

The duty to have due regard to the need to eliminate discrimination also covers marriage and civil partnership.

### Which protected characteristics does the Public Sector Equality Duty cover?

The Equality Duty covers: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty to have due regard to the need to eliminate discrimination also covers marriage and civil partnerships.

### Which bodies are subject to the general Public Sector Equality Duty?

There are two ways that a body can be subject to the general equality duty. Those bodies listed in Schedule 19 of the Equality Act 2010 are subject to the general duty. In addition, any organisation which carries out a public function is subject to the general duty. In this situation, the duty will only apply to the organisation's public functions, not to any private functions it carries out. The list of bodies which are subject to the general duty includes key public authorities like local authorities, health, transport and education bodies, the police, the armed forces and central government departments. The list includes many of the same bodies which were previously covered by the race, disability and gender equality duties.

## Who is responsible for enforcing the public sector Equality Duty?

The Equality and Human Rights Commission is responsible for enforcing the equality duty. The Commission may seek to take steps to encourage compliance by public body, before moving to enforcement, where appropriate. The Commission has a number of special statutory powers that it is able to use to enforce the specific duties and the general duty. Both the Commission and affected persons can apply to the High Court for a judicial review in respect of a failure to comply with the general duty.

## Under the equality duty, are public authorities required to monitor all of the protected characteristics of their staff?

Because the general equality duty requires you to analyse the effect of your organisation's functions on all protected groups, public authorities will not be able to meet the duty unless they have enough usable information.

If public authorities have not yet achieved a culture where employees or service users are ready to be asked about their sexual orientation, gender identity or religion or belief, they should take steps to engender a culture of trust in which this information could be collected. There may be other means of identifying the issues faced. Analysing national or local research and engagement with people from those groups can be useful for identifying potential issues of concern.

If this information is collected, it is important to explain why the information is being collected, what it will be used for, and how privacy will be protected.

## What public authorities need to do on assessing impact on equality under the general equality duty

The general equality duty requires public authorities to have due regard to the need to eliminate discrimination; advance equality of opportunity; and foster good relations – when making decisions and setting policies. To do this, it is necessary for the organisation to understand the potential effects of its activities on different people. Where these are not immediately apparent, it may be necessary to carry out some form of assessment or analysis, in order to understand them.

Case law sets out some very clear guidance on what organisations need to do in order to have 'due regard'. This will be relevant to the equality duty. In particular, decision-makers need to:

- be aware of their responsibilities under the duty
- make sure they have adequate evidence (including from consultation, if appropriate) to enable them to understand the potential effects of their decisions on different people covered by the duty
- consciously and actively consider the relevant matters, in such a way that it influences decision-making

- do this before and at the time a decision is taken, not after the event
- be aware that the duty can't be delegated to third parties who are carrying out functions on their behalf

Case law also suggests that it is good practice to document how decisions were reached.