The Protected Characteristics and Beyond

BITE SIZE GUIDE

CORNERSTONE TOWER HAMLETS

RESOLVE EVOLVE

thcvs Council for Voluntary Service

Overview

This bitesize resource is designed to support public sector staff in addressing inequalities through understanding protected characteristics. It shows how to strengthen resident voice through community engagement and coproduction, to influence policy development, commissioning, service design and delivery approaches. It focuses on enabling staff to explore how to create a partnership with residents and community organisations representing people with lived experiences, who can give insights into how to make services more targeted and cost effective. It also seeks to inform the ways partners can effectively work together and in collaboration with public sector bodies

This bitesize guide, Protected Characteristics and beyond, is part of a series of four bitesize guides that summarise the key points from the Cornerstone Good Practice Guide on developing inclusive Equality Impact Assessments into a more accessible format:

1. Strengthening resident voice.
2. Unlocking the true power of coproduction.
3. Understanding intersectionality.
4. Protected characteristics and beyond.

The Tower Hamlets Cornerstone Project

The Tower Hamlets Cornerstone Project is a partnership between Tower Hamlets Council for Voluntary Service (THCVS) the infrastructure organisation supporting the voluntary sector in the London Borough of Tower Hamlets and six community organisations representing protected characteristics.

The two-year project, funded by The National Lottery, developed an approach to influence more inclusive decision-making across public sector agencies in Tower Hamlets. The project created a model for voluntary sector partnership for public sector bodies wanting to work with local communities to address inequalities within policy making services in Tower Hamlets. The continuing goal is to ensure that all residents benefit from improved planning and decision-making that better reflects the experiences and needs of disadvantaged and marginalised communities across London.

The project developed a Good Practice Guide to support council and NHS officers to undertake inclusive Equality Impact Assessment: , in order to raise awareness and improve the visibility and understanding of the different equalities' issues and experiences across our communities through practical, lived understanding of intersectionality and how this applies to residents.

As part of strengthening resident voice, through raising awareness with communities, the project developed a leaflet for residents in English, Somali and Bengali, both as a written and audio resource.

Introduction

This short guide highlights the importance of looking beyond the nine protected characteristics when carrying out an Equality Impact Assessment (EqIA). While these characteristics are a vital legal framework, they do not recognise that people's lives are more complex and there is a wider range of factors that shape people's experiences or can create barriers to services or in employment.

By considering the wider issues - such as socio-economic background, caring responsibilities, education and language, as well as thinking intersectionally* - local authorities and the NHS can ensure their EqIAs are more comprehensive, relevant, and impactful.

*Please see the Bitesize Guide "Intersectionality and Equality Impact Assessment".

Sections

1. What are the protected characteristics?
2. Why go 'beyond'?
3. Considering intersectionality.
4. How might 'thinking beyond' show?
5. Conclusion.

Section 1: What are the protected characteristics?

Summary

The Equality Act 2010 sets out nine protected characteristics[1] that provide the legal framework for Equality Impact Assessments, as well as the law preventing discrimination and promoting equality.

The nine protected characteristics:

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

Can you think of areas included in these characteristics that seem to be rarely thought about?

In Tower Hamlets caring experience is also recognised as a protected characteristic. When carrying out an EqIA, individuals often use a list that states only the above, but there are many additional areas included within these characteristics that are not always mentioned or thought about. In fact, sometimes on the 'list', it says 'religion or belief' only, with no specific mention of 'philosophical belief' which is an important part of the protected characteristic and may be relevant in some EqIAs.

Some areas to consider in an EqIA:

Philosophical belief

Examples of legally recognised philosophical beliefs include:

- Ethical veganism (as opposed to dietary veganism, because it is about a moral conviction affecting daily life).
- Belief in man-made climate change and the moral duty to act on it.
- A lack of belief in climate change (non-belief can be protected just as belief can).
- Humanism (a non-religious worldview focused on human welfare and reason).
- Spiritualism (belief in communication with spirits of the dead).

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1 Cornerstone EqIA Good Practice Guide: Please refer to pages 13, 14, 25, 26, 52 and 53 in the guide for all references to Protected Characteristics.

The following additional areas, whilst included in the main 'nine' characteristics, are often overlooked:

Protected characteristic	Areas often not considered but included
Age	Young people particularly in life transition stages such as care leavers, also young carers. Tower Hamlets has 'care experience' as its 10th protected characteristic.
Disability	Fluctuating or "invisible" conditions (e.g. relating to mental health, chronic pain). Neurodivergence (often now listed separately). Learning disabilities and developmental conditions. Disabled people with multiple conditions or impairments.
Marriage and civil partnership	Civil partnership is often ignored now.
Race	Colour, nationality (including citizenship), and ethnic or national origins. Caste if linked to social stratification based on ancestry. Migrants, refugees, asylum seekers, and Gypsy, Roma and Irish Traveller communities.
Religion or belief	Less well-known faith groups. Non-religious worldviews such as humanism. Philosophical beliefs (e.g. ethical veganism, climate change). No belief.
Sexual orientation	Bisexual is often ignored as part of this characteristic.

Note: These examples are not comprehensive and will change with case law but are some of the areas regularly missed when they could be relevant to the EqIA decisions.

Section 2: Why go 'beyond'?

Summary

While the Equality Act provides an essential legal framework, it does not capture every factor that shapes people's opportunities or experiences. There are many aspects of identity and circumstance that fall outside the law but still create barriers to equality. In this section we look at some of these wider issues, to encourage a more inclusive and realistic approach to Equality Impact Assessments.

What is going beyond?

The primary purpose of EqIAs is to assess the potential impact of policies and practices on people in relation to the protected characteristics; however, it is clear that the protected characteristics are not the only personal characteristics that can, and often do, have a major impact on individuals' lives. Common areas that are considered, and that it is good practice to consider, are:

- Education, language and literacy.
- Neurodivergence (aspects beyond the disability definition in the Equality Act).
- Parents and carers.
- Socio-economic status: Class, income, poverty, employment status.

What areas can you think of beyond these personal characteristics, and the protected characteristics, where you have seen or experienced exclusion, discrimination or unequal treatment in service delivery?

These are all areas where assumptions can easily be made when developing or reviewing policies, practices and projects. It is, therefore, essential that these are considered. Thinking even more widely, there are also other potentially important areas, depending on the focus of the EqIA:

- **Health:** (beyond disability).
- **Caring responsibilities:** carers of children, disabled adults, older relatives, young carers.
- **Migration status:** refugees, asylum seekers, undocumented migrants.
- **Language and communication.**
- **Geography:** rural isolation, regional disparities.
- **Relationships** beyond the Equality Act: long-term cohabiting partners, non-traditional family arrangements.
- **Health status:** people with temporary conditions, addiction.
- **Digital access**: individuals and communities affected by digital exclusion or a lack of technology.

Without comprehensive consideration, residents and other potential service users may be accidentally excluded in situations where small adjustments could make a significant difference to many.

Section 3:
Also consider intersectionality

Summary

Intersectionality reminds us that people's experiences are shaped by more than one factor at a time. In this brief section, we recognise the importance of considering the intersections beyond the protected characteristics.

The importance

The concept of intersectionality, developed by legal scholar Kimberlé Crenshaw, was introduced to expose how systems of power can overlap to create unique forms of injustice. Her work showed how Black women were being marginalised at the intersection of racism and sexism, and how legal and social systems often failed to recognise this compounded discrimination. Intersectionality, therefore, reminds us that inequality is often not based on a single characteristic, the overlap of different aspects of the characteristics can result in very specific and entrenched barriers.

At the same time, the idea of "intersections" is relevant to us all. None of us is only one aspect of one characteristic; our identities and circumstances are always multi-layered. People may be affected by a mix of race, gender, disability, caring responsibilities, income, or other factors that combine to shape opportunities and experiences. For EqIAs, this means recognising both the injustices that intersectionality was designed to highlight, and the wider reality that everyone's life involves intersections. Taking this approach helps ensure EqIAs are grounded in lived experience and better able to identify barriers that might otherwise be overlooked.

(See the Guide on Intersectionality and EqIAs for more detailed information).

Section 4: How might 'thinking beyond' show?

Here are two examples to consider:

A: New Bus Route Planning
The local authority is reviewing and updating bus routes and timetables.

What was considered:

- Age.
- Disability.
- Geography – coverage for key areas.
- Priority: Environmental targets and cost-efficiency.

What has been missed from the considerations that could be important in final decision making?

Specifically considered:

- People working night shifts (e.g. cleaners, healthcare assistants).
- Disabled people – wide consideration.
- Parents with young children and older people with no access to cars/alternative transport.

Missing from the considerations:

- People who may feel (and be) unsafe going extra distances when it's dark.
- People on low incomes and travelling at unusual hours for work but living in areas being considered for the reduction/deletion of routes.
- Though disability has been considered, this is often limited to physical access and mobility. Has there been wider consideration?
- Considerations that would be potentially helpful for neurodivergent people, and others, such as clear signage and different forms of messaging.

B: Digital Service Roll-Out
The local authority is introducing a new online-only application system for accessing council services.
In planning the rollout, the team considered the following:

- Age.
- Disability, with a focus on ensuring the platform met accessibility standards for users with visual impairments.

Priorities: Efficiency and digital accessibility compliance.

They also identified some other potential users who might face challenges:

- People with low digital literacy.
- People with limited English.
- Carers supporting others to complete applications.
- People with dexterity issues, such as difficulty using a mouse.
- People who may have difficulties with time limits on the completion of the form, the page 'timing out'.

What has been missed from the considerations that could be important in final decision making?

A number of considerations were missed, including:

- People with no access to smart devices, data or private internet or computers. This could include people on low incomes, who may have health issues restricting their access to public computers.
- Neurodivergent users who may need clearer layouts, plain language, options on colours or alternatives to long online forms.
- British Sign Language (BSL) and other sign language users, who may not be well supported by written English-only instructions.

Section 5: Conclusion

Summary

EqIAs are most effective when they go beyond simply listing the protected characteristics. The Equality Act provides a legal baseline, but people's real experiences are often shaped by overlooked aspects within the law and wider factors which are not recognised. By also considering how these different aspects intersect, EqIAs can better reflect people's lives and lead to fairer, more inclusive policies, practices and decisions.

Key takeaways:

- The nine protected characteristics are the legal foundation for equality, but they are not the whole picture.
- Within each characteristic, there are additional legally recognised aspects that are often overlooked.
- The law does not cover many important characteristics (such as socio-economic circumstances) but people still experience barriers to services based on those wider characteristics.
- Thinking in terms of intersectionality helps to highlight both complex systemic assumptions and unjust practices, and the everyday intersections that shape all our lives.
- Strong EqIAs look at characteristics individually, beyond the law, and in combination, to understand the real impact on people and communities.

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RESOLVE EVOLVE

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