

# City of York Council and Centre for Applied Human Rights

## Human Rights and Equality Assessment Tool (HREA)

An Equality Assessment Tool is an evidence-based approach designed to help organisations ensure that any Policy, Criterion or Practice (PCP), is fair and does not create barriers or disadvantage any protected groups from participation. This covers both strategic and operational activities.

City of York Council (CYC) combines this approach with York's commitment as a Human Rights City to produce a Human Rights and Equality Assessment tool (HREA).

This document enables CYC to evidence its legal duty to give 'due regard' to those with protected characteristics under the Equality Act and consider Human Rights at the same time.

Whether a HREA is needed or not will depend on the likely impact that a PCP may have and relevance of the activity to Equality and Human Rights.

The HREA should be started when the need for a new PCP is first identified, or when an existing one is reviewed. It is essential to continue to update the HREA during the life of the PCP, as and when new information is learned. It is not complete until the PCP is complete.

Non-discrimination is a minimum standard. The development of the HREA should prompt critical discussion and highlight disproportionate impacts.

Balancing residents' rights and CYC duties can be very complex and sometimes there will be no 'win-win', so compromises or mitigations may need to be identified to ensure the best outcomes.

Finally, the value in a HREA is in both the short and long term, by investing in this process CYC will create robust, meaningful, and empowering policies that are more likely to stand the test of time.

## Who is submitting the proposal?

<b>Directorate</b>	Communities		
<b>Service Area</b>	Bereavement Services		
<b>Name of proposal</b>	Fulford Cemetery		
<b>Lead Officer</b>	Eilidh Carricker		
<b>Date Assessment Started</b>	28 May 2026		
<b>Date Assessment Completed</b>	03 June 2026		
<b>Names of those who contributed to the assessment</b>			
<b>Name</b>	<b>Job Title</b>	<b>Organisation</b>	<b>Area of Expertise</b>
Eilidh Carricker	Head of Corporate Customer Services	City of York Council	Bereavement Services
Paula Wilkinson	Web Services Manager	City of York Council	HREAT
Michael Broadley	Cemetery Supervisor	City of York Council	Bereavement Services

## Step 1 – Aims and intended outcomes

1.1	<b>What is the purpose of the proposal</b>
	Please explain your proposal in plain English avoiding acronyms and jargon. Consider using Age 9 English.
	The purpose of the proposal is for CYC (subject to negotiations) to take over the permanent management of Fulford Cemetery. The intention is for Bereavement Services to manage Fulford Cemetery on a permanent basis once temporary management arrangements end of 31 July 2027.
1.2	<b>Are there any external considerations?</b>
	Legislation / government directive / codes of practice etc.
	There is no statutory duty on a local authority to provide burial facilities, but if one should choose to, the management is governed by the Local Authority Cemeteries Order 1977.
1.3	<b>Who are the stakeholders and what are their interests?</b>
	Consider both internal and external stakeholders.
	<ul style="list-style-type: none"><li>• The deceased families will have a long-term interest in the management of the Cemetery.</li><li>• Funeral directors use the Cemetery to conduct burials.</li><li>• York's Islam community support families who use the Cemetery to bury loved ones.</li><li>• SANDS has a dedicated memorial with space for families to visit, spend time and place flowers.</li><li>• CWWG (Commonwealth War Graves) has war graves throughout Fulford Cemetery. There is a contract in place for the upkeep and maintenance of these graves.</li><li>• Bereavement services staff currently support the management of the Cemetery this may become permanent.</li><li>• Various volunteering groups who support the general upkeep of the Cemetery.</li></ul>

- Stonemasons – NAMM or BRAMM registered monumental masons may erect memorials within the cemetery subject to permission being granted by the cemetery office. Permits to carry out the work is subject to the relevant fee being paid by the monumental mason.

#### 1.4 What results / outcomes do we want to achieve and for whom?

Explain what outcomes you want to achieve for stakeholders, staff and the wider community. Demonstrate how the proposal links to the Council Plan (2023- 2027) and other corporate strategies and plans. Highlight how the proposal meets the objectives of Equalities, Affordability, Climate and Health.

The outcome is for all of York’s residents and beyond to have access to a properly managed cemetery service that safely supports and respects the bereaved and their loved ones in a cost-effective way.

Core Policies of the Council Plan:

- I. Affordability: the opportunity to improve the range of services provided, such as simple burials which will increase options for people who want a burial but cannot afford the cost of a full service.
- II. Environment: there is an opportunity to create biodiversity at Fulford Cemetery, creating a welcoming and tranquil environment for loved ones and others to visit, reflect and enjoy.
- III. Equalities and Human Rights: everyone deserves dignity in death and families deserve the right to have a properly managed cemetery in York.
- IV. Health Inequalities: the site and associated activities / developments create opportunities to reduce social isolation, increase volunteering, as well as a new space for walking and reflection which are known to improve wellbeing.

## Step 2 – Resources utilised

3.1	<b>What sources of data, evidence and consultation feedback have you used to help understand the impact of the proposal on equality rights and human rights?</b>	
	Please consider a range of sources, including consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.	
	<b>Source of data / supporting evidence</b>	<b>Reason for using this source</b>
	Web Services Manager	HREAT champion
	Michael Broadley	Bereavement services expert
Kate Haigh	Bereavement services expert	
<a href="https://www.equalityhumanrights.com/human-rights/human-rights-act">https://www.equalityhumanrights.com/human-rights/human-rights-act</a>	Additional research	

### Step 3 – Screening the impacts or effects.

#### 3.1 Equality-related obligations derive from the Equality Act of 2010 and the Human Rights Act of 1998.

Once you have engaged with stakeholders you will need to identify how this proposal impacts on their human rights and equalities.

Although table one looks complex, its purpose is to facilitate an initial screening of equalities and human rights impacts of your proposal.

Many human rights and equalities will not be affected by the decision you are seeking Executive or Council approval for and so can be left blank. The aim here is to identify pressure points regarding human rights and equalities that require attention.

Please see the Appendix for details of the protected characteristics and human rights to consider

The rights listed below in the first column are the relevant ones from the Human Rights Act, and the York Human Rights City Network Indicator Report (non-discrimination, education, health and social care, housing, a decent standard of living). The human rights in the Indicator Report were selected by residents of York as their priority rights. In the first row the protected characteristics under the Equality Act are listed, to which 'Everyone' has been added to capture impacts that affect everyone without distinction.

Step 3.1 Table 1 – Screening the impacts or effects

Equalities Human Rights	Everyone	Age including financial, digital exclusion impacts	Disability Including financial, digital exclusion impacts	Gender	Gender reassign- ment Including Trans, Non- binary, Intersex	Marriage and civil partnership	Pregnancy and maternity	Race	Religion and belief	Sexual orientation	Carers inc financial, digital exclusion impacts	Low- income groups inc financial, digital exclusion impacts	Veteran, armed forces community	Those with experience of Care
Right to life*														
Prohibition of torture*	X													
Prohibition of slavery and forced labour*														
Right to liberty, movement and security (including freedom of movement)***														
Right to a fair trial*														
No punishment without law*														
Right to private and family life***	X													
Freedom of thought, conscience, and belief***	X								X					
Freedom of expression***	X													
Freedom of assembly***	X													
Right to marry***														
Right to property***														

Right to education***														
Right to free elections***														
Right to housing***														

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## Step 3.2 Table 2 – Assessing the impact of your proposal

Here you will need to record the details on all the impacts identified for both Human Rights and those with Protected Characteristics.

Where you have identified an impact on a protected characteristic/human right in the table above, please indicate whether this is positive or negative and give a description of this impact. If you run out of rows, please add as necessary.

### Rights clashes and restrictions

Where rights clash or are being restricted, you will need to explain how the decision has been taken, that the limitation on human rights is provided by law, for a legitimate purpose (justified), and proportionate (the minimum necessary restriction on rights).

Use the following guidance to inform your responses:

First, think about what equalities or rights might be engaged by the proposal, and describe the likely impact of the proposal, and provide an evaluation.

Use the following questions to inform your responses if human rights or equalities are limited or qualified in any way:

- Why are a person's rights being restricted?
- What is the problem being addressed by the restriction on someone's rights?
- Will the restriction lead to a reduction in the problem?
- Does that restriction involve a blanket policy, or does it allow for different cases to be treated differently?
- Does a less restrictive alternative exist?
- Has sufficient regard been paid to the rights and interests of those affected?
- Do safeguards exist against error or abuse?

**Table 2**

Protected Characteristics or Human Rights	Key findings / impacts	Positive (+) Negative (-) (Neutral (0)	High (H) Medium (M) Low (L)
Age			
Disability			
Gender reassignment			
Marriage and Civil Partnership			
Pregnancy and Maternity			
Race			
Religion and Belief	Changing the management of Fulford Cemetery from Fulford Parish Council to City of York Council should not impact the practise of aligning the service with the deceased’s faith.	0	L
Sex			
Sexual Orientation			

<b>Other social – economic groups</b>			
<b>Carer</b>			
<b>Care Leavers</b>			
<b>Low income groups</b>	Changing the management of Fulford Cemetery from Fulford Parish Council to City of York Council creates the opportunity to implement lower cost burial options such as direct burials (with no service, mourners or ceremonies).	+	H
<b>Veterans and armed Forces</b>			
<b>Other</b>	Changing the management of Fulford Cemetery from Fulford Parish Council to City of York Council creates opportunities for cross directorate working to create a tranquil and safe green space for everyone to visit.	+	L
<b>Human Rights (list any rights impacted)</b>			
<b>Prohibition of torture</b>	Changing the management of Fulford Cemetery from Fulford Parish Council to City of York Council should not impact the level of care and dignity shown to the deceased and their loves ones.	0	L
<b>Right to private and family life***</b>	Changing the management of Fulford Cemetery from Fulford Parish Council to City of York Council should not affect the privacy of any correspondence between the deceased families and the service.	0	L
<b>Freedom of thought,</b>	Changing the management of Fulford Cemetery from Fulford Parish Council to City of York Council should not affect the freedom of	0	L

<b>conscience, and belief***</b>	thought, conscience, and belief of the deceased loves ones when requesting funeral arrangements.		
<b>Freedom of expression***</b>	Changing the management of Fulford Cemetery from Fulford Parish Council to City of York Council should not affect the expression of views when requesting funeral arrangements.	0	L
<b>Freedom of assembly***</b>	Changing the management of Fulford Cemetery from Fulford Parish Council to City of York Council should not affect the assembly of the deceased loves ones when attending a burial.	0	L

### Step 4 – Gaps in data and knowledge

<b>4.1</b>	<b>What are the main gaps in information and understanding of the impact of your proposal?</b>		
	When conducting your screening, you may have discovered gaps in data or knowledge that make it difficult to assess whether your proposal had a positive or negative impact on human rights/equalities. Please indicate actions you will take to resolve this gap. As your proposal progresses you may be able to resolve this knowledge gap –please indicate when it was resolved.		
	<b>Gaps in data or knowledge</b>	<b>Action to deal with this</b>	<b>Date resolved</b>
	None	Not applicable	Not applicable

## Step 5 - Maximising positive impacts

<b>5.1</b>	<b>What has been done to optimise opportunities to advance equality / human rights or foster good relations?</b>
	<p>Under the UK's Human Rights Act 1998, deceased individuals generally do not have legal standing to bring claims, as human rights are tied to living persons. However, the immediate family or personal representatives can bring claims, particularly regarding the state's duty to investigate deaths or protect life.</p> <p>Nevertheless, time has been spent considering the human rights and the impact the change in management may have on those rights and protected characteristics.</p>

## Step 6 – Recommendations and conclusions of the assessment

<b>6.1</b>	<b>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision.</b>	
	<b>Important:</b> If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column. There are four main options you can take:	
	No major change to the proposal	The HREAT demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality / human rights and foster good relations, subject to continuing monitor and review.
	Adjust the proposal	The HREAT identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
	Continue with the proposal (despite the potential for adverse impact)	You should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations

	Stop and remove the proposal	If there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.
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	Option Selected	Conclusion / justifications
	No major change to the proposal	The proposal is to change the Council responsible for managing the service. There are no proposed changes to policies and procedures that may affect the deceased's loved one's human rights at this time. If that were to change a further HREAT would be documented.

## Step 7 – Summary of agreed actions resulting from the assessment

7.1	<b>What action, by whom, will be undertaken as a result of the impact assessment.</b>			
	List below the actions or mitigations that have been identified and who will be responsible to carrying them out. Add as many lines as you need.			
	Impact / Issue	Actions to be taken	Person Responsible	Timescale
	Stakeholder engagement	Maintain good working relationships with all stakeholders of the Cemetery	Bereavement services	TBC

Step 8 - Monitor, review and improve

<b>8.1</b>	<b>How will the impact of your proposal be monitored and improved upon going forward?</b>
	Consider how will you identify the impact of activities on protected characteristics, other marginalised groups and human rights going forward? How will any learning and enhancements be capitalised on and embedded?
	There are no impacts identified.  The proposal is to change the Council responsible for managing the service. There are no proposed changes to policies and procedures that may affect the deceased's loved one's human rights at this time. If that were to change a further HREAT would be documented.

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## Appendix A

### **Equality, Diversity & Inclusion (EDI): Protected characteristics**

Under the public sector duties introduced by the Equality Act 2010 public bodies must have due regard for the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the act, such as the failure to make reasonable adjustments for disabled people
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

These duties relate to the nine protected characteristic groups defined by the Equality Act 2010 (outlined in the table below).

The Council recognises that a person's socio-economic background and whether they live in a rural or urban location can be important factors in determining fair access to services, employment and treatment. When carrying out analysis, you must also consider socio-economic issues and rural / urban location issues. In addition to the nine protected characteristic the HREAT includes the following equality groups:

- Carers
- Low income groups
- Veterans, armed forces community
- Experience of care/Other (other groups that are impacted)

### **Human rights differ from equalities in two main ways:**

- First, human rights apply to everyone and not just groups with protected characteristics.
- Second, they allow for the balancing of rights, priorities, and risks. Many rights are not absolute and can be limited or qualified in particular circumstances.

The following guidance identifies which rights are most likely to be engaged by proposals in certain policy areas. This doesn't mean that you should not consider whether other rights might be engaged.

## There are three types of human rights in the Human Rights Act:

**Absolute rights:** Cannot be breached in any circumstances e.g. right to life and to protection from torture and inhuman or degrading treatment.

**Limited rights:** can only be restricted in specific situations e.g. a person can be deprived of their liberty if they are convicted of an offence and imprisoned.

**Qualified rights:** human rights can be restricted if it is in the interests of the wider community or to protect other people's rights e.g. freedom of movement and assembly were restricted during the Covid-19 pandemic in the interests of public health.

As limited and qualified rights are not absolute, they sometimes have to be balanced in decision making. In Table 1, absolute rights are indicated with an \*; limited rights with a \*\*; and qualified rights with a \*\*\*.

Right	Description	Focus Area
<b>Right to life</b>	<p>Nobody, including the Government, can take someone's life away. Public authorities must take appropriate measures to safeguard life including by protecting people whose life might be in danger.</p> <p>Public authorities should also consider the right to life when making decisions that might endanger or affect life expectancy.</p> <p>When public officials may be involved in an instance when someone died, public authorities must investigate.</p>	<ul style="list-style-type: none"> <li>• Benefits and money</li> <li>• Births, deaths and marriages</li> <li>• Children and families</li> <li>• Environment and animals</li> <li>• Health and social care</li> <li>• Housing</li> <li>• Planning and building</li> <li>• Waste and recycling</li> </ul>
<b>Right to liberty and security</b>	<p>It focuses on protecting individuals' freedom from unreasonable detention, as opposed to protecting personal safety. However, there is case law from other jurisdictions where this right also covers personal safety in conditions other than detention.</p>	<ul style="list-style-type: none"> <li>• Right to liberty and security</li> </ul>
<b>Freedom from torture and inhuman or degrading treatment</b>	<p>Torture consists in causing very serious and cruel physical or mental pain or suffering.</p> <p>Inhuman treatment or punishment is treatment which causes intense physical or mental suffering. Degrading treatment means treatment that is extremely humiliating and undignified.</p> <p>Inhuman or degrading treatment could include:</p> <p>serious physical assault; very severe detention conditions or restraints; serious physical or psychological abuse in a health or care setting.</p>	<ul style="list-style-type: none"> <li>• Children and families</li> <li>• Health and social care</li> </ul>
<b>Right to marry and start a family</b>	<p>Right of men and women of marriageable age to marry and to start a family.</p>	<ul style="list-style-type: none"> <li>• Births, deaths and marriages</li> </ul>

Right	Description	Focus Area
<b>Prohibition of slavery and forced labour</b>	<p>Slavery is when someone owns someone else like a piece of property.</p> <p>Servitude is when someone provides services to a person for no reward and is unable to stop due to coercion.</p> <p>Forced or compulsory labour is when someone is forced to do work to which they have not agreed to, under the threat of punishment.</p>	<ul style="list-style-type: none"> <li>• Children and families</li> <li>• Jobs, training and volunteering</li> <li>• People and communities</li> </ul>
<b>Right to a fair trial</b>	<p>This right is triggered when someone is charged with a criminal offence and have to go to court, or</p> <p>a public authority is making a decision that has an impact on someone's civil rights or obligations.</p>	<ul style="list-style-type: none"> <li>• Environment and animals</li> <li>• Health and social care</li> <li>• People and communities</li> <li>• Streets, roads and pavements</li> </ul>
<b>No punishment without law</b>	<p>No one can be charged with a criminal offence for an action that was not a crime when it was committed.</p> <p>Public authorities must explain clearly what counts as a criminal offence so that people know when they are breaking the law.</p>	<ul style="list-style-type: none"> <li>• Environment and animals</li> <li>• People and communities</li> <li>• Streets, roads and pavements</li> </ul>
<b>Right to property</b>	<p>No public authority, without very good reason can take away one's property, which may include things like land, houses, objects, shares, licences, leases, patents, money, pensions and certain types of welfare benefits. This right applies to companies as well as individuals.</p>	<ul style="list-style-type: none"> <li>• Benefits and money</li> <li>• Business</li> <li>• Council tax</li> <li>• Environment and animals</li> <li>• Housing</li> <li>• Planning and building</li> <li>• Travel and transport</li> <li>• Streets, roads &amp; pavements</li> <li>• Waste and recycling</li> </ul>

Right	Description	Focus Area
<b>Right to private and family life, home and correspondence</b>	<p>This includes one's right to determine their sexual orientation, lifestyle, and the way one looks and dresses. It also includes the right to control who sees and touches one's body. It further covers one's right to develop their personal identity and to forge friendships and other relationships, the right to participate in essential economic, social, cultural and leisure activities. In some circumstances, public authorities may need to facilitate the enjoyment of one's right to a private life, including their ability to participate in society.</p> <p>It also means that personal information about anyone (including official records, photographs, letters, diaries and medical records) should be kept securely and not shared without their permission, except in certain circumstances.</p>	<ul style="list-style-type: none"> <li>• Benefits and money</li> <li>• Births, deaths and marriages</li> <li>• Children and families</li> <li>• Health and social care</li> <li>• Jobs, training and volunteering</li> <li>• Parking and permits</li> <li>• Planning and building</li> <li>• Schools and education</li> <li>• Sports and leisure</li> </ul>
<b>Right to free elections</b>	<p>Public authorities must support the right to free expression by holding free elections at reasonable intervals. These elections must enable anyone to vote in secret.</p>	<ul style="list-style-type: none"> <li>• Births, deaths and marriages</li> <li>• People and communities</li> </ul>

Right	Description	Focus Area
<b>Freedom of thought, conscience and belief</b>	<p>This may include the right to change religion or beliefs, the right to put one's thoughts and beliefs into action, for example by exercising the right to wear religious clothing, the right to talk about one's own beliefs or take part in religious worship. Public authorities cannot stop anyone from practising their religion, without very good reason.</p> <p>This right protects a wide range of non-religious beliefs including atheism, agnosticism, veganism and pacifism.</p> <p>This includes the right to express views aloud (for example through public protest and demonstrations) or through published articles, books or leaflets, television or radio broadcasting, works of art, the internet and social media. It further protects the right to receive information from other people by, for example, being part of an audience or reading a magazine.</p>	<ul style="list-style-type: none"> <li>• Business</li> <li>• Schools and education</li> </ul>
<b>Freedom of expression</b>	<p>This includes the right to express views aloud (for example through public protest and demonstrations) or through published articles, books or leaflets, television or radio broadcasting, works of art, the internet and social media. It further protects the right to receive information from other people by, for example, being part of an audience or reading a magazine.</p>	<ul style="list-style-type: none"> <li>• Business</li> <li>• Environment and animals</li> <li>• People and communities</li> <li>• Schools and education</li> <li>• Sports and leisure</li> </ul>
<b>Freedom of assembly and association</b>	<p>This encompasses the right to form and be part of a trade union, a political party or any another association or voluntary group. Nobody has the right to force anyone to join a protest, trade union, political party or another association.</p>	<ul style="list-style-type: none"> <li>• Environment and animals</li> <li>• Jobs, training and volunteering</li> <li>• People and communities</li> <li>• Travel and transport</li> <li>• Streets, roads and pavements</li> </ul>

Right	Description	Focus Area
<b>Right to education</b>	<p>This right protects one's right to an effective education within the UK's existing educational institutions. It relates to primary, secondary, and higher education. Parents have a right to ensure that their religious and philosophical beliefs are respected during their children's education.</p>	<ul style="list-style-type: none"> <li>• Children and families</li> <li>• Environment and animals</li> <li>• Jobs, training and volunteering</li> <li>• People and communities</li> <li>• Schools and education</li> <li>• Sports and leisure</li> </ul>
<b>Right to housing</b>	<p>Adequate housing must provide more than four walls and a roof. For housing to be adequate, it must, at a minimum, meet the following criteria:</p> <p>Security of tenure, that is legal protection against forced evictions, harassment and other threats; availability of services, materials, facilities and infrastructure; affordability, which means that housing is not adequate if its cost threatens or compromises the occupants' enjoyment of other human rights; Habitability, which relates to physical safety or adequate space, as well as protection against the cold, damp, heat, rain, wind, other threats to health and structural hazards; accessibility, in that it must accommodate the specific needs of disadvantaged and marginalised groups; location, which means that it must not be cut off from employment opportunities, health-care services, schools, childcare centres and other social facilities, or it must not be located in polluted or dangerous areas; cultural adequacy, which means that it must respect and take into account the expression of cultural identity.</p>	<ul style="list-style-type: none"> <li>• Benefits and money</li> <li>• Housing</li> <li>• People and communities</li> <li>• Planning and building</li> <li>• Waste and recycling</li> </ul>