

Equality Impact Assessment (EqIA) is the systematic analysis of a policy or policies, in order to identify the potential for an adverse impact on a particular group or community

EQUALITY IMPACT ASSESSMENT

Falmouth Neighbourhood Development Plan 2019 - 2030

Falmouth NDP Stakeholder Group

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1. Introduction

1.1 The Equality Act 2010 (the Act) places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons with a “protected characteristic” and those without.

1.2 Equality Impact Assessment

Equality Impact Assessment (EqIA) is the systematic analysis of a policy or policies, primarily to identify the potential for an adverse impact on a particular group or community, in particularly those with a protected characteristic. It is a method of assessing and recording the likely differential and/or adverse impact of a policy on people from different groups, so that if a policy results in unfairness or discrimination then changes to eliminate or lessen the impact can be considered.

1.3 The 'Protected characteristics' that are defined in the Act. For NDPs the relevant ones are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation, in Cornwall, we also have a category of Cornish Status. This document considers the impact of the policies in the Falmouth Neighbourhood Development Plan (NDP) to ensure that these groups are not being discriminated or disadvantaged by them. The focus is mainly on ‘indirect discrimination’ which can occur when a policy applies to everyone but disadvantages a person with a particular protected characteristic.

1.4 Aims of the EqIA

The underlying purpose of the EqIA is to increase participation and inclusion, to change the culture of public decision making and to nurture a more proactive approach to the promotion of equality and fairness at the heart of public policy. The aim in conducting the EqIA is the promotion of fairness and equality of opportunity and thus it is the outcomes that are of primary concern. The EqIA assesses the impact of the proposed Policies on groups with protected characteristics.

2. Methodology

2.1 An assessment has been made as to whether the Falmouth NDP is expected to have a positive, negative, neutral or positive impact on each of the protected characteristics. A brief exposition of the Policies and notes on any mitigation has been provided.

2.2 The impact of the Policies has been based on the current baseline situation.

High impact - a significant potential discriminatory or disadvantage impact, with no mitigating measures in place etc.

Medium impact - some potential discriminatory or disadvantage impact exists, some mitigating measures are in place..

Low impact - potential discriminatory or disadvantage impact expected.

Where there is a potential positive impact, in that outcome of the policies will be likely to be of benefit to the interest of groups with protected characteristics, this is also indicated.

3. Summary Data

3.1 The table below uses census data to give a picture of the current demographic profile of Falmouth. The data used is from the 2011 Census and shows how the parish differs from Cornwall and the rest of England. Data is not readily available for all protected characteristics at a local level; where it is difficult to give a statistical basis for a group, we have assessed our policies on any implications that they could have on protected groups and sexual orientation. Unless stated otherwise, the data source is from the 2011 Census as reported by the Office for National statistics (ONS).

3.2 The community of Falmouth is made up of different groups and people in varying social and economic circumstances well illustrated in the 2011 Census. Approximately 3,670 (16.8%) of Falmouth’s usually resident population were under 18 years old, a much lower proportion than for all Cornwall (19.3%) and England (21.4%). The number of younger adults (16 to 30) was 5,775, about 26.5% of Falmouth’s usually resident population, which is a significantly higher proportion than for all Cornwall (16.1%) and England (20.2%). Notably in 2011 there was a bulge around a cohort made up of 18 to 23 year olds, such that they made up nearly 60% of all

young adults present, and 16% of the town's usually resident population. These proportions compare to 41.7% and 6.7% for all Cornwall. It's reasonable to assume that this included a substantial number of University students. Assuming that many of these will have left the University to be replaced by fresh intakes of students, then it is likely that a similar enlarged cohort exists in 2019.

Allowing for the imbalance created by the 'bulge' of students (the 2011 census records 3,384 full time students aged 16 to 64 in Falmouth (20.5% of all usual residents aged 16 to 64), the number of more mature working age people at around 8,690 was a proportion fairly typical of Cornwall. The figure of 4,129 older people (65+) was proportionally greater than the national figure. Around 625 were 85+.

3.3 The nationality, national origin, religion and ethnic group information from the Census illustrates that Falmouth is a community with little diversity. Some 94% of residents were born in the UK, compare to 86% nationally. Of the 6% of residents born abroad 41.7% came from Europe, 14.4% from Africa, 20.3% from the Middle East and Asia, 12% from the Americas and 4.2% from Oceania. There was a significantly greater proportion of white people compared to England (97.7% compared to 79.8%). This bias was reflected in the low proportions of mixed/multi ethnic people (300, or 1.4% compared to 2.3% nationally), Asian people (240, or 1.1% compared to 7.8%), and black people (47, or 0.2% compared to 3.5%). The proportions for religions such as Buddhist, Hindu, Muslim and Sikh was also very below average (205, 1% compared to 7.8%), although the proportion asserting other religions (0.8%) was higher than the national figure (0.4%). In 2011 the proportion of people living in Falmouth with English as main language was 96.5% compared to 90.9% nationally. However, some 1.47% of people lived in a household where no English was spoken as the main language.

3.4 In terms of health, 4,055 residents (18.6% compared to 17.6% nationally) said that their day-to-day activities were limited through ill-health. Of these 1,870 (8.6% compared to 8.3% nationally) of residents said that their day-to-day activities were limited a lot. Of these, 775, or 41.4% were of working age (compared to 43.7% nationally). Some 2,638 households (27.7% of total) had at least 1 person with long-term health problems or disability. Nearly 2,300 people were recorded as carers, 10.5% of the usually resident, with some 535 people (or 2.5%) providing more than 50 hours caring per week.

3.5 No census data on sexual orientation and gender preference is available. The ONS Integrated Household Survey 2011 found 1.9% to be lesbian, gay or bisexual. However Stonewall says that the UK Government estimate, used for policy making, that 5% to 7% of the population is lesbian, gay, bisexual, transgender or questioning (LGBTQ), is reasonable. This implies that between 350 and 1,300 of the usually resident population over 16 may describe themselves as LGBTQ.

3.6 In summary, Falmouth has:

- A lower proportion of young people, but a higher proportion of young adults and higher proportion of old people than the national average
- A higher proportion of people with limiting long term illness than the national average
- A much higher proportion of white people than the national average

4. Community Engagement Strategy

4.1 In setting up the Engagement and Consultation Strategy the Stakeholder Group considered the nature and demographics of the town and prepared methods took account of the diversity of the whole community, so all members of the community inform the plan. The team worked hard to design engagement activities that were as fully inclusive as possible, such as good venue access ability for everyone, timings that suited those in work, or with families at home, and a variety of communication methods to reach as wide an audience as possible, including a dedicated interactive website with options to change viewing settings, Facebook and Twitter social media methods, local press and radio posters and flyers, door-to-door summary leaflets, displays at key community areas with a variety of response mechanisms aiming to involve as many people as possible.

5. The Plan Vision

5.1 A vision for Falmouth for 2030 was developed through community engagement:

In 2030, Falmouth will be a distinctive, vibrant, resilient, inclusive and well-balanced, attractive sea-port town. It will form the

sustainable social and economic heart of the wider Falmouth/ Penryn Community Network, serving an important strategic role in enabling Cornwall's economy to reach its full potential, and responding effectively to climate change.

5.2 The broad aims are:

- To enhance the town and maintain its excellent qualities up to 2030 and beyond.
- To balance the competing needs for growth and development with protection and enhancement.
- To promote development that is sustainable socially, economically and environmentally.

5.3 Flowing from these are the sustainability goals for the NDP, supported by key objectives:

<p>SUSTAINABILITY GOAL A. SOCIAL: ENSURING A STRONG, HEALTHY AND JUST SOCIETY</p> <ul style="list-style-type: none"> • Creating and maintaining a balanced town community • Accommodating growth, housing need and university expansion • Managing student growth
<p>KEY OBJECTIVES</p> <p>Housing and Regeneration</p> <ul style="list-style-type: none"> • <i>To create sustainable communities by providing framework plans to help guide the development of Falmouth's urban extensions.</i> • <i>To ensure the urban extensions are connected to the existing housing on the peripheries and to ensure these are supported with the necessary facilities.</i> • <i>To encourage the development of town houses and apartments in order to increase densities and improve the viability of providing affordable and social housing to meet identified needs.</i> • <i>To ensure good, high-quality design to the best current standards for sustainable building.</i> • <i>To ensure that the process of construction meets Considerate Contractor's Standards</i> • <i>To address Falmouth's affordable and social housing needs.</i> <p>Urban capacity</p> <ul style="list-style-type: none"> • <i>To ensure that the potential urban capacity of Falmouth to sustainably accommodate housing, regeneration, improvement and environmental enhancement is achieved</i> <p>The Private Rented Sector and Accommodating Students</p> <ul style="list-style-type: none"> • <i>To maintain community balance, and protect the character and amenity of residential areas that may be subject to changes of use to houses in multiple occupation;</i> • <i>To minimise harm to the living conditions of existing residents of such areas;</i> • <i>To maintain a diverse housing stock which caters for all sections of the population including families;</i> • <i>To optimize the availability of private rented accommodation to meet the housing needs of all Falmouth's residents, , including for affordable and social housing;</i> • <i>To ensure that the economic benefits to be derived from the expansion of the Universities of Falmouth and Exeter are enabled to come forward for the benefit of Falmouth and Cornwall.</i> • <i>To ensure that the likely growth in student numbers is absorbed in ways that are sustainable and work to the benefit of both Falmouth and the Universities</i> • <i>To support the Cornwall Local Plan Site Allocations Development Plan Document strategy for student accommodation.</i>

<p>SUSTAINABILITY GOAL B. ECONOMIC: ACHIEVING A SUSTAINABLE ECONOMY</p> <ul style="list-style-type: none"> • Supporting sustainable growth • Promoting marine and creative and digital industries • Regenerating the town centre
<p>KEY OBJECTIVES</p> <p>Town Centre</p> <ul style="list-style-type: none"> • <i>To consolidate and enhance the 'offer' of Falmouth town centre as an attractive destination for shoppers, visitors and tourists through a Town Centre Strategy:</i> <ul style="list-style-type: none"> ○ <i>Enhancing the quality of the public realm.</i> ○ <i>Creating a pedestrian friendly, safe and accessible environment in the main streets through the town.</i>

- *Managing vehicle movements, deliveries, parking and support shuttle bus services.*
- *Increasing footfall and adding vitality to the town and its daytime, evening and night time activities through:*
 - *support for existing and new businesses;*
 - *infill development to improve vacant or underused premises;*
 - *the use of upper storeys, space for residential, commercial and retail uses;*
- *Protecting and enhancing the historic environment and distinctive character of the*
- *town centre.*
- *Ensuring that any redevelopment opportunities coming forward on the key sites (Quarry Car Park, Church Street Car Park, and former TA site) contribute to the town centre strategy.*

Business, Tourism and Employment

- *To ensure Falmouth's future economic prosperity by providing new opportunities for industry, businesses, tourism, retail, and leisure, and the maintenance and development of existing port operations and related businesses'*
- *To ensure that the positive impacts arising from the presence of the Combined*
- *Universities is optimized*
- *To ensure that Falmouth's tourism infrastructure is enhanced to take into account modern visitor expectations and that the full potential of the towns cultural,*
- *environmental and social assets is released.*
- *To use the town's key assets (marine, learning, tourism industries and its essential character) to position Falmouth as a unique and sustainable place to live, work, visit and learn in.*

SUSTAINABILITY GOAL C. ENVIRONMENTAL: LIVING WITHIN ENVIRONMENTAL LIMITS

- *Creating a better town centre environment*
- *Ensuring adequate provision of infrastructure*
- *Protecting valued green space*
- *Promoting leisure, recreation and culture*
- *Reducing the town's carbon footprint through the use of renewable and low carbon energy sources, energy saving design, and encouraging integrated transport solutions*
- *Avoiding increased vulnerability to the impacts of climate change, such as flooding, coastal change and changes to biodiversity and landscape*
- *Building on Falmouth's Plastic Free Coastline status*

KEY OBJECTIVES

Environment and Open Space

- *To establish policy for the protection and enhancement of key and secondary open spaces*
- *To implement specific and general improvement plans for open spaces in the town*
- *To establish a Falmouth Green Corridor and introduce a Falmouth Garden Walk*
- *To establish a strategy for sports, play and recreation*
- *To identify additional space or sites for allotments and cemeteries*
- *To set out responsibilities for the management and maintenance of open spaces, and support or establish management groups for open spaces and beaches.*

Transport and Connectivity

- *To provide a good public transport service to serve the town and its peripheries*
- *To encourage the use of more sustainable modes of transport through the provision of safe, well-lit and maintained cycle routes and footpaths*
- *To locate and improve car parking to serve the town centre and increase its footfall and economic viability*

Culture and leisure

- *Supporting the cultural sector in Falmouth and influencing development proposals to ensure that they respect or enhance cultural interests that help to build a sustainable and balanced community.*
- *Building or improving places and spaces for the delivery of cultural and health and wellbeing activities thereby tackling deprivation, raising/delivering expectation and ensuring services are adequate for Falmouth and the surrounding area, including a 'cultural hub'*
- *Supporting creativity, innovation and the creative industries by enabling the provision of space and facilities that help to embed creative industries as an essential and accepted part of Cornwall's economy.*
- *Developing ways of funding the cultural sector, through planning agreements and community infrastructure levy, and the provision of opportunities for cultural expression through development.*
- *Introducing measures that support and help develop community arts and the 'festival culture'*

Health and well-being

- *To assist in ensuring that the medical and health facilities required to meet the future needs of Falmouth and its adjoining communities are available locally.*

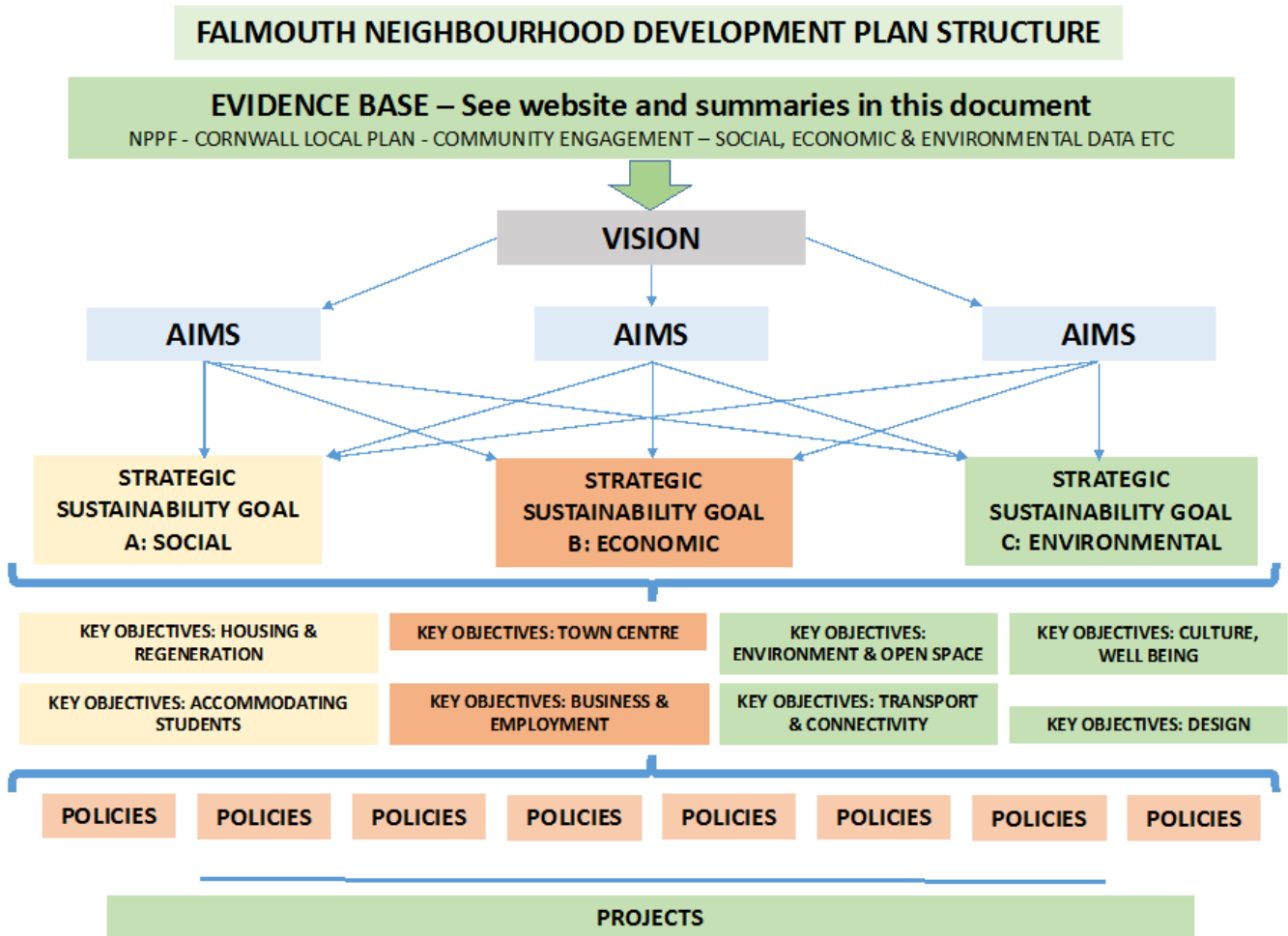
Design Policies

- To ensure that development is designed to the highest standards and respects its setting and surroundings
- To enhance the character of the town, its built environment, views, vistas and open spaces
- To promote place-making, local distinctiveness, and enhance and protect the historic environment of the town

Delivery Plan

- To deliver the Falmouth Neighbourhood Development Plan and the community aspirations it embodies by organising resources and making the best use of funding streams through planning obligations, grant aid and public investment.

Each of the Sustainability Goals is also supported by detailed Planning policies. The impact of these policies on groups with protected characteristics is assessed below.



6. Summary of Policies and Their Impact

6.1 The following table assess the impact of the Falmouth NDP policy set on groups with protected characteristics.

POLICY AREA	IMPACT ON GROUPS WITH PROTECTED CHARACTERISTICS
<p>HOUSING</p> <ul style="list-style-type: none"> • GUIDANCE NOTE HR 1: GUIDING PRINCIPLES FOR FALMOUTH URBAN EXPANSION DEVELOPMENTS • GUIDANCE NOTE HR 2: GUIDING PRINCIPLES FOR THE ASHFIELD COMMUNITY: • GUIDANCE NOTE HR 3: REQUIREMENTS FOR THE LOWER KERGILLIACK COMMUNITY: • POLICY HR 4: FALMOUTH AFC SITE • POLICY HR 5: IDENTIFIED URBAN CAPACITY SITES: • POLICY HR 6: CRITERIA FOR URBAN CAPACITY SITES 	<p>These policies provide criteria for new housing development which help to achieve sustainable, inclusive, accessible and safe neighbourhoods that meet the needs of a wide cross-section of the community. Co-housing is particularly promoted in view of its benefits such as reducing isolation, creating community well-being and resilience, building skills, etc. The impact on the interest of groups with protected characteristics may be expected to be</p>

POLICY AREA	IMPACT ON GROUPS WITH PROTECTED CHARACTERISTICS
<ul style="list-style-type: none"> • POLICY HR 7: COHOUSING AND SELF-BUILD DEVELOPMENTS 	<p>positive, including designs better suited to needs, improved integration and accessibility.</p> <p>LOW IMPACT/POSITIVE IMPACT</p>
<p>STUDENT ACCOMMODATION</p> <ul style="list-style-type: none"> • POLICY HMO1 – STUDENT ACCOMMODATION • POLICY HMO2 – BUILD TO RENT DEVELOPMENT 	<p>The proposed restriction of further HMOs in Policy HMO1 should help protect the residential amenities of groups with protected characteristics and reduce effects on them from the ‘squeezing’ of the private rented sector for non-students, affecting people in housing need, people saving up to enter ownership, and those who choose not to buy as a lifestyle choice. Proposals for hostel accommodation or extra-care managed housing will not be affected by the policy. Policy HMO2’s encouragement of purpose-built premises for rent at affordable private rents and secure family tenancies could also be of benefit to groups with protected characteristics.</p> <p>LOW IMPACT/POSITIVE IMPACT</p>
<p>TOWN CENTRE</p> <ul style="list-style-type: none"> • POLICY TC 1: THE FALMOUTH TOWN CENTRE STRATEGY • POLICY TC 2: CHURCH STREET CAR-PARK • POLICY TC 3: QUARRY CAR PARK • POLICY TC 4: THE FORMER TA SITE • POLICY TC 5: NEW USES FOR UPPER FLOORS IN THE TOWN CENTRE 	<p>The benefits flowing from this set of policies include improved access and signage, reductions in car exhaust emissions, more wheelchair and trolley friendly surfaces, reduction in pedestrian/vehicle shared surfaces, new leisure and performance opportunities, reduced pollution, additional toilet and refreshment facilities, etc all of which will benefit groups with protected characteristics, especially people with disabilities and health concerns. Although most car-parking will be removed from the Church Street site, Policy TC 2 specifically requires the retention of car parking for disabled users.</p> <p>LOW IMPACT/POSITIVE IMPACT</p>
<p>BUSINESS, TOURISM AND EMPLOYMENT</p> <ul style="list-style-type: none"> • POLICY BE 1: SUPPORTING THE HARBOUR, PORT AND DOCKS. • POLICY BE 2: SUPPORTING VALUE ADDED ENTERPRISES • POLICY BE 3: TOURISM FACILITIES AND ACCOMMODATION • POLICY BE 4: PROTECTION OF EXISTING STOCK OF HOLIDAY ACCOMMODATION • POLICY BE 5: FACILITIES FOR SMALL BOAT MOORINGS • POLICY BE 6: REVIVAL OF PRINCE OF WALES PIER • POLICY BE 7: ENHANCING AND PROMOTING THE MOOR • POLICY BE 8: DRACAENA COMMUNITY AND VISITOR FACILITIES • POLICY BE 9: SUPPORTING FESTIVALS INFRASTRUCTURE • POLICY BE 10: SMALL SCALE WORKSHOP DEVELOPMENT • POLICY BE 11: INNOVATION/HOME BUSINESS HUB. • POLICY BE12: HOME BASED ENTERPRISE. 	<p>These policies, which in general will help improve prosperity, should indirectly support groups with protected characteristics by providing additional and enhanced work opportunities, new leisure opportunities etc.</p> <p>LOW IMPACT/POSITIVE IMPACT</p>

POLICY AREA	IMPACT ON GROUPS WITH PROTECTED CHARACTERISTICS
<ul style="list-style-type: none"> • POLICY BE 13: INTENSIFICATION AND ENHANCEMENT OF EXISTING EMPLOYMENT SITES 	
<p>ENVIRONMENT AND OPEN SPACE</p> <ul style="list-style-type: none"> • POLICY FOS 1: PROTECTION OF KEY OPEN SPACES. • POLICY FOS 2: ASSESSMENT OF SECONDARY OPEN SPACES. • POLICY FOS 3: SPECIFIC IMPROVEMENT PROJECTS FOR PENDENNIS POINT AND FALMOUTH SEAFRONT. • POLICY FOS 4: GREEN CORRIDOR AND GARDENS WALK. • POLICY FOS 5: GENERAL OPEN SPACES AND SPORTS, PLAY AND RECREATION FACILITIES. • POLICY FOS 6: FUNDING. • GUIDANCE NOTE FOS 7: PROVISION OF MUNICIPAL FACILITIES – CEMETERIES AND ALLOTMENTS. 	<p>As with the above set of policies, it can be anticipated that these policies will indirectly support groups with protected characteristics by providing additional and enhanced leisure opportunities, and also resisting loss of any existing green spaces, footpath routes etc. etc. The NDP projects associated with this theme will provide opportunities to benefit groups with protected characteristics, for example by improving footpath surfaces, carefully designed lighting, additional seating, spaces for social interaction, and healthy exercise.</p> <p>LOW IMPACT/POSITIVE IMPACT</p>
<p>TRANSPORT AND CONNECTIVITY</p> <ul style="list-style-type: none"> • POLICY TCON 1: SUSTAINABLE TRANSPORT MEASURES IN NEW DEVELOPMENT • POLICY TCON 2: SUSTAINABLE TRANSPORT MEASURES IN THE TOWN CENTRE • GUIDANCE NOTE TCON 3: SUSTAINABLE TRANSPORT AND PERIPHERAL DEVELOPMENT SITES 	<p>Promoting sustainable access can, if not done carefully, be of detriment to the interest of groups with protected characteristics, for example through reducing access for car-users with disabilities, footpaths routes which are insufficiently lit, harsh traffic calming measures, or poorly delineated shared surfaces. Both TCON1 and TCON 2 therefore incorporate a criterion requiring design to take into account the needs of groups with protected characteristics, particularly those with age-related infirmity, disability and/or poor health. These aspects are particularly important in view of the growing elderly population of the town, and its higher than average number of people with long term limiting illness.</p> <p>MEDIUM IMPACT/POSITIVE IMPACT</p>
<p>CULTURE AND LEISURE</p> <ul style="list-style-type: none"> • POLICY CUL 1: DEVELOPMENT OF NEW AND REGENERATION OF CULTURAL FACILITIES. • POLICY CUL 2: PROTECTION OF EXISTING VENUES. • POLICY CUL 3: CULTURAL EXPERTISE IN NEW DEVELOPMENT. • POLICY CUL 4: CULTURAL USE OF OPEN SPACES 	<p>‘Culture’ has long been recognised as a significant contributor to well-being and plays a major role in the lives of groups with protected characteristics. The NDP recognises this on page 63 and 65 of the NDP, as one of the reasons supporting its 4 culture policies. This is particularly important given the much lower than average representation of minority race religion and belief groups in Falmouth.</p> <p>LOW IMPACT/POSITIVE IMPACT</p>
<p>HEALTH AND WELLBEING</p> <ul style="list-style-type: none"> • POLICY HA 1: SUPPORT FOR THE PROVISION OF HEALTH AND SOCIAL FACILITIES. 	<p>Policy HA 1 will be of benefit to groups with protected characteristics as it seeks to support the retention of health facilities in the town to meet the future needs of Falmouth and its adjoining communities.</p> <p>LOW IMPACT/POSITIVE IMPACT</p>
<p>DESIGN AND HISTORIC ENVIRONMENT</p> <ul style="list-style-type: none"> • POLICY DG 1: DESIGN IN HOUSING PROPOSALS. • POLICY DG 2: DEVELOPMENT GENERALLY. 	<p>By supporting development that follows ‘Building for Life’ guidance in new housing the needs of those with health and age-related disabilities should be addressed</p>

POLICY AREA

IMPACT ON GROUPS WITH PROTECTED CHARACTERISTICS

- POLICY DG 3: DESIGN AND LOCAL DISTINCTIVENESS IN THE HISTORIC CORE.
- POLICY DG 4: DESIGN AND LOCAL DISTINCTIVENESS OUTSIDE THE HISTORIC CORE.
- POLICY DG 5: SHOP FRONT DESIGN AND SIGNAGE.
- POLICY DG 6: DESIGN AND THE HISTORIC ENVIRONMENT.
- POLICY DG 7: DESIGN IN THE CONSERVATION AREA.
- POLICY DG 8: DEVELOPMENT WITHIN THE SETTING OF THE CONSERVATION AREA.
- POLICY DG 9: TREES AND LARGE TREE-LIKE SHRUBS IN THE CONSERVATION AREA
- POLICY DG10: HISTORIC PARKS AND GARDENS.
- POLICY DG 11: IMPACT ON VIEWS AND VISTAS.
- PROJECT DG 11: VIEWS AND VISTAS.
- POLICY DG 12: LOCAL LISTING OF NON-DESIGNATED HERITAGE ASSETS.

in this part of the NDP However, measures to retain local distinctiveness in design may for example require the retention of steps or different surface treatments such as Cobbles, or rule against building formats associated with religious beliefs. The NDP therefore includes a note to the effect that in applying the policies in this section users should be aware of and carefully take into account the needs of groups with special characteristics as set out in the Equalities Act 2010.

MEDIUM IMPACT/POSITIVE IMPACT

DELIVERY PLAN

- POLICY DP 1: DELIVERING COMMUNITY PRIORITIES.

LOW IMPACT/POSITIVE IMPACT

7. Conclusion

7.1 An assessment of the policies contained in the Falmouth NDP indicates that none of the policies will have high negative impacts upon groups with protected characteristics, with most being low impact. Many of the policies will make a positive contribution to the needs of those in the community with protected characteristics.