

Equality Impact Assessment – brief guidance and template¹

Public sector bodies need to be able to evidence² that they have given due regard to the impact and potential impact on all people with ‘protected characteristics’³ in shaping policy, in delivering services, and in relation to their own employees.

The following principles, drawn from case law, explain what is essential in order for the Equality Duty to be fulfilled. Public bodies should ensure:

- **Knowledge** – those who exercise the public body’s functions need to be aware of the requirements of the Equality Duty. Compliance with the Equality Duty involves a conscious approach and state of mind.
- **Timeliness** – the Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken – that is, in the development of policy options, and in making a final decision. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.
- **Real consideration** – consideration of the three aims of the Equality Duty must form an integral part of the decision-making process. The Equality Duty is not a matter of box-ticking; it must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- **Sufficient information** – the decision maker must consider what information he or she has and what further information may be needed in order to give proper consideration to the Equality Duty.
- **No delegation** – public bodies are responsible for ensuring that any third parties which exercise functions on their behalf are capable of complying with the Equality Duty, are required to comply with it, and that they do so in practice. It is a duty that cannot be delegated.
- **Review** – public bodies must have regard to the aims of the Equality Duty not only when a policy is developed and decided upon, but also when it is implemented and reviewed. The Equality Duty is a continuing duty.

¹ Information taken from Equality Act 2010: Public Sector Equality Duty What Do I Need To Know? A Quick Start Guide For Public Sector Organisations – Government Equalities Office May 2011

² To councillors, senior managers, service-users, the public and community and voluntary sector groups

³ ‘Protected characteristics’ are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. (Also marriage and civil partnership, but only in relation to eliminating discrimination.)

1. Record of data/engagement; impacts identified; and potential actions to meet the Duties.

	Data¹ that you have	Community engagement exercises or mechanisms²	Impacts identified (actual and potential)³	Potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations (You will prioritise these below)
Community Cohesion (this is what must happen in all communities to enable different groups of people to get on well together. A key contributor is integration which enables new residents and existing residents to adjust to one another)				
Age (people of all ages)				
Disability (a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal				

¹ 'Data' may be monitoring, customer feedback, equalities monitoring, survey responses...

² These may be ongoing links that you have with community and voluntary groups, service-user groups, staff forums; or one-off engagement sessions you have run.

³ If data or engagement are missing and you can not define impacts then your action will be to take steps to collect the missing information.

<p>day-to-day activities)</p>				
<p>Gender reassignment (a transgender person is someone who proposes to, starts or has completed a process to change his or her gender. A person does <u>not</u> need to be under medical supervision to be protected)</p>				
<p>Pregnancy and maternity (protection is during pregnancy and any statutory maternity leave to which the woman is entitled)</p>				
<p>Race (this includes ethnic or national origins, colour or nationality, including refugees and migrants; and Gypsies and Travellers)</p>				
<p>Religion or belief (religion includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also</p>				

<p>covers lack of religion or belief.)</p>				
<p>Sex (both men and women are covered under the Act)</p>				
<p>Sexual orientation (the Act protects bisexual, gay, heterosexual and lesbian people)</p>				
<p>Marriage and civil partnership (only in relation to due regard to the need to eliminate discrimination)</p>				
<p>Other relevant groups, eg: Carers, people experiencing domestic violence, substance misusers, homeless people, looked after children etc</p>				

2. Prioritised Actions:

Action	Timeframe	Lead officer	Evidence of progress	Success measure

Signing of EIA:-

Lead Equality Impact Assessment Officer:

Date:

Head of Service Delivery Unit

Date:

Lead Commissioner (if required):

Date:

Communities and Equality Team

Date:

NB: Actions must now be transferred to service or business plans

You must also complete and submit a summary of the EIA in the Publication Template (see below)

3. Attach data and/or engagement lists as appendices.

Title (of data or engagement)	Date	Main findings	Gaps in data	Contact

More information on the Equality Act 2010 and the General Duties:

Public bodies are required in law to have **due regard** to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **foster good relations** between people who share a protected characteristic and people who do not share it.

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and inequality. The majority of the Act came into force on 1 October 2010.

The **public sector Equality Duty** came into force on 5 April 2011. The Duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, in delivering services, and in relation to their own employees.

The new Equality Duty supports good decision-making – it encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective. The Equality Duty therefore helps public bodies to deliver the Government's overall objectives for public services.

The new Equality Duty replaces the three previous public sector equality duties – for race, disability and gender. The new Equality Duty covers the following **protected characteristics**:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – this includes lack of belief
- sex
- sexual orientation

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

The Equality Duty has three aims. It requires public bodies to have **due regard** to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **foster good relations** between people who share a protected characteristic and people who do not share it.

Having **due regard** means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies – such as in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to **advance equality of opportunity** involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics;
- meet the needs of people with protected characteristics; and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the Equality Duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic – such as providing computer training to older people to help them access information and services.

Taking account of disabled people's disabilities

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

Demonstrating compliance with the Equality Duty

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they considered the aims of the Equality Duty.

It is important for people throughout public bodies to be aware of the Equality Duty. These include:

- Board members – in how they set strategic direction, review performance and ensure good governance of the organisation.
- Senior managers – in how they oversee the design, delivery, quality and effectiveness of the organisation's functions.
- Equality and diversity staff – in how they raise awareness and build capacity about the Equality Duty within the organisation and how they support staff to deliver on their responsibilities.

- Human resources staff – in how they build equality considerations in employment policies and procedures.
- Policy makers – in how they build equality considerations in all stages of the policy making process including review and evaluation.
- Communications staff – in how they ensure equality information is available and accessible.
- Analysts – in how they support the organisation to understand the effect of its policies and practices on equality.
- Front line staff – in how they use equality considerations in the delivery of services to the public.
- Procurement and commissioning staff – in how they build equality considerations in the organisation’s relationships with suppliers.

Keeping a simple record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty – in practice, this means giving greater consideration to the Equality Duty where a function or policy has the potential to have a substantial effect on discrimination or equality of opportunity for the public or the public body’s employees, and less consideration where the potential effect on equality is slight.

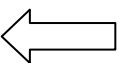
The Duty requires public bodies to think about people’s different needs and how these can be met.

Equality Impact Assessments (EIAs) Summary of stages

- EIAs should be completed on: all new policies, strategies and services; and existing services every 3 years, or at re-design – whenever is most relevant.
- EIAs are about service improvement.
- EIAs use data and consultation to define positive and negative impacts on different communities, including staff.
- Actions defined in the EIAs feed into team/directorate plans.

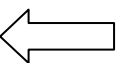
1. Who will contribute to the EIA?

Range of people – offer different perspectives and challenge.
Core team plus people to consult with.



2. Define aims/objectives of the policy/service

Most appropriate range of the EIA for the specific service.



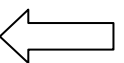
3. Scope and focus of EIA

Identify key groups and an initial hypothesis of issues.
Staffing issues fit here – can use HR for support and/or information.

Consider all aspects of the service.
Proportionate approach – depends on the significance of the policy / strategy / service.
Legal duty applies to contractors as well: contents of the contracts, how they do the work, how we monitor them –
Corporate Procurement Team can help

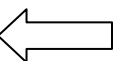
Protected
character-
istics –
legal duty

Social
inclusion
groups



4. Assess existing data or do research

Use the information that already exists.
Identify gaps.
Fill gaps with more research or identify actions for future research.



5. Assess or undertake consultation

Identify and use what exists – aim to co-ordinate with other surveys, consultation, research, evaluation.

Use the Community Engagement Framework approach and standards.

Identify gaps (in data and understanding) and actions.

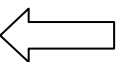


6. Assess impact

Consider and evaluate the findings.

Minimise or remove negative impacts and increase opportunities for positive impacts (eg: community cohesion).

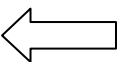
NB: in some areas equalities legislation is over-ridden by other national legislation – this should be stated.



7. Reduce adverse and promote positive impacts

May identify impacts of greater or lesser significance or impacts which cannot be immediately acted upon – process of noting and prioritising.

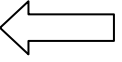
Unlawful adverse impact must be addressed. The emphasis here is on adverse impact, not simply differential impact.



8. Action plan and sign off

EIA signed off by Head of Unit – reflects the corporate responsibility for EIAs.

Actions must be built into team or Unit action plan.

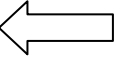


9. Publish results

The publication template is compulsory: this is published to ensure consistency.

The EIA is officially completed when the template is published.

NB: the full EIA is also a public document under Freedom of Information.



10. Monitor and review

The EIA is not the end of the process: it is an evaluation leading to coherent actions for progress, which should then be implemented.

Progress against the EIA timetable is monitored.

Make sure that it is up-to-date

(contact Communities and Equality Team – x 1343 or 1280 or 2301)

Appendix 2
Equalities Impact Assessment Publication Template

Name of review:	
Period of review:	
Date review signed off by Head of Unit / Lead Commissioner:	
Scope of the review:	
Review team:	
Relevant data and research:	
Consultation: indicate who was consulted and how they were consulted	
Assessment of impact, outcomes and key follow-up actions:	
Name and contact details of lead officer responsible for follow-up action:	
For further information on the assessment contact:	