

# **Equality Impact Assessments (EqIA)**

## **Guidance Notes**

**To ensure a consistent approach to completion of Equality Impact Assessments across the Shadow Authorities, Unitary Councils and LGR Programme**

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## **Equality Impact Assessments - Guidance Notes**

**These guidance notes explain what an Equality Impact Assessment (EqIA) is and why, when and how we need to do one. Please use these notes when completing your EqIA.**

An EqIA is a tool to assess whether a decision, policy, service or function pays ‘due regard’ to the Public Sector Equality Duty, which requires public bodies to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations

### **1.0 Introduction**

#### **Equality Act 2010 and the Public Sector Equality Duty**

The Equality Act 2010 offers protection from different types of discrimination, harassment and victimisation on the grounds of a range of people’s characteristics. These ‘protected characteristics’ are:

- age
- disability
- race
- gender reassignment
- pregnancy and maternity
- sexual orientation
- religion and belief, or lack of religion or belief
- marriage and civil partnership
- gender

By integrating consideration of equality and good relations into our day-to-day business we can demonstrate that we are paying “due regard” to the need to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

This is known as the Public Sector Equality Duty and applies to public authorities.

Having “due regard” involves having due regard in particular to the need to:

- Remove or minimise disadvantages suffered by people due to their protected characteristics
- Take steps to meet the needs of persons from protected groups where these are different from the needs of other people
- Encourage persons from protected groups to participate in public life or in other activities where their participation is disproportionately low

There are different types of discrimination:

- Direct - where a person from a protected group is discriminated against
- Indirect - where a situation or practice may lead to discrimination
- By association - where a person suffers discrimination because they are associated with an individual who has a protected characteristic

### **Rurality**

Rurality tests whether a decision/policy/service/function consider whether there is likely to be a different impact in rural areas because of differing circumstances or needs. Access to services and transport are two important considerations for example.

### **Socio-economic status**

Socio-economic status tests whether a decision/policy/service/function consider whether there is likely to be a differential impact on people from a particular income group, especially if lower income households are more likely to be adversely impacted.

### **Armed Forces Community**

The Armed Forces Duty is a legal obligation which requires public bodies to have due regard to the needs of armed forces community when making decisions in the areas of education, healthcare and housing services. The Duty must be complied with when a public body develops, implements and/or reviews a relevant policy or makes decisions on its delivery of relevant services. By including the armed forces community as a locally adopted protected characteristic the Duty will be extended to cover all functions of the Council. The [Statutory Guidance](#) is available online.

## **2.0 What is an Equality Impact Assessment (EqIA)?**

An EqIA is an assessment tool to test for 'due regard' to the Public Sector Equality Duty.

An EqIA helps test the activities of the Shadow Authorities / LGR Programme by identifying any unmet needs and making sure that we do not discriminate. It includes looking for opportunities to promote equality, as well as for negative or adverse impacts that can be removed or reduced.

## **3.0 What is the scope of an EqIA?**

The Public Sector Equality Duty applies to all activities carried out by the Shadow Authorities / LGR Programme.

The table below sets out the scope of an EqIA in terms of decisions, policies, services and functions.

	<b>Scope</b>
Decisions	All executive decisions by Members and Officers including non-key decisions
Policies	<ul style="list-style-type: none"> <li>• The Authority's Constitution and Policy Framework – including the Council Plan, Mid-Term Financial Plan and Workforce Plan.</li> <li>• Key strategic documents that are not in the Policy Framework</li> <li>• Changes to existing policy</li> </ul>
Services	<ul style="list-style-type: none"> <li>• Key service changes</li> <li>• Service operational systems, policies and procedures</li> <li>• Grants, contracts, partnerships or other arrangements for the external provision of services</li> </ul>
Functions	<ul style="list-style-type: none"> <li>• Support functions including employment, finance, IT</li> <li>• Central functions such as policy, performance, communications and procurement</li> <li>• All other function areas of the Council</li> </ul>

## **4.0 What are the requirements of EqlA?**

**Requirements:** To meet the test of 'due regard' an EqlA must be:

- An integral part of any decision or policy making process.
- Completed by an officer with a technical knowledge of the decision, policy, service or function.
- Transparent and publicly available i.e. on committee agendas where an EqlA is informing a decision.
- Able to demonstrate due thought when considering whether there is an impact on a particular protected characteristic.
- Able to evidence based on service data, public statistics, consultation, research or expert policy advice – if required.

## **5.0 Stage 1 of the EqlA process: Screening EqlAs**

There are two stages to the EqlA process – Screening EqlAs, which is a preliminary step, and a Full EqlA which is only required if the Screening EqlA points to evidence of substantial impacts on one or more protected characteristic.

**Screening EqlA:** This is a high level EqlA that tests the relevance of the Public Sector Equality Duty to any decision, policy, service or function. The aim is to check for actual/potential impacts on a particular protected characteristic and if there is impact to determine:

- Whether the impact can be addressed by a change to policy that can be carried out immediately; in which case the Screening EqlA should set out the change required without needing a Full EqlA;
- Whether there is evidence of substantial impact that requires a full EqlA.

**Each Screening EqlA should be should be completed using the Screening EqlA template.**

In deciding whether there is evidence or potential evidence of substantial impact the following checklist can be applied. Does the decision, policy, service or function:

- Have an impact on the public?
- Will it have an impact on service users, communities or employees or partners? Consider this in terms of the numbers of people affected and the likely extent of the impact.
- Does it potentially affect different groups of people differently?
- Does it involve changes to accessibility – i.e. physical access, access to information?
- Does it include making decisions based on someone's individual characteristics, circumstances or needs?
- Is there a history or long - established pattern of unequal outcomes? (and do I have enough evidence to prove otherwise?)
- Is it likely to have a significant impact on someone's life or wellbeing?

Screening EqlAs apply to:

- All executive decisions;
- Major policy, financial or service changes;
- Overall services

A Full EqlA not required?

- Where there has been no change to policies, services or functions
- Where a relevant Screening EqlA has not identified any impacts.
- Where the Screening EqlA has identified impacts that can be easily resolved.

## **6.0 Stage 2 of the EqlA process: Full EqlA (where required)**

A Full EqlA is carried out where there is a reasonable concern that a decision, policy, service or function may have a substantial impact on one or more protected characteristics. The steps of a Full EqlA are as follows:

- Step 1: About the decision, policy, service or function
- Step 2: Gathering information
- Step 3: Assessing the impacts
- Step 4: Action planning
- Step 5: Review

**Each Full EqlA should be carried out and recorded using the Full EqlA template**

The steps below relate to the sections on the EIA template:

**Step 1 About the Decision, Policy, Service or Function**

Identify the aims and objectives including who is affected; the purpose and beneficiaries; how it fits with the Shadow Authority or new Unitary Council's corporate priorities and strategic actions.

**Step 2 Gathering relevant information, evidence, data and research**

If you are making changes to an existing policy or service, you should use data collected about its previous performance which shows whether uptake or satisfaction has been higher or lower for any particular group and if there have been any particular positive or negative effects. You can also use data from other sources.

If it is a new policy or service, where you do not have any specific information about it and its impacts on different groups, you can use information from other sources.

You can use both qualitative and quantitative data. It is important that your EIA is evidence based.

**Example sources of information:**

- Consultation and focus group data with residents and customers - this can be information from previous consultations or a consultation can be carried out as part of the EqlA.
- Targeted engagement with organisations representing people who share a protected characteristic.
- Websites that hold publicly available information such as the Cumbria Intelligence Observatory [www.cumbriaobservatory.org.uk](http://www.cumbriaobservatory.org.uk)
- Benchmarking data with other similar organisations or comparable local authorities
- Relevant think tanks that specialise in policy advocacy for people who share a protected characteristic (see Appendix)
- Complaints and compliments-customer satisfaction and staff surveys
- Service monitoring/take up information
- Regional and national research including academic research

- Central government or national data; information from the most recent Census
- Feedback and anecdotal evidence from frontline employees and partner organisations

### **Gaps in data and knowledge**

There may be little or no actual data available, especially in relation to religion and belief, sexual orientation, marriage and civil partnerships, and gender re-assignment. Practically, this may not be possible to source immediately and it may be necessary to make a decision about how and when you will be able to carry out work to improve your knowledge about a specific community or group, e.g. by carrying out focused consultation with a specific community. This can form part of your EqlA action plan.

### **Step 3 Assessing the Impacts: Understanding the effects of the decision, policy, service or function**

Take each one of the protected characteristic groups and predict the likely impact on people from these groups.

#### **What do we mean by impacts?**

1. A positive impact - where the impact could be beneficial to one or more equality target groups. This benefit may be differential, where the positive impact on one particular group of individuals or equality target group is likely to be greater than on another.
2. A negative or adverse impact - where the impact could disadvantage one or more equality target group. This disadvantage may be differential, in other words the negative impact on one particular group of individuals or equality target group is likely to be greater than on another.

#### **You are also looking for:**

Differential impact - people experiencing the same service differently is OK as long as it meets their needs. Ask yourself "Does this affect different groups of people differently?"

Unmet needs or requirements – and whether these can be proportionally addressed.

Unlawful discrimination.

### **Promoting equality**

EIA's should also highlight opportunities for promoting equality. The following are practical ways to show that opportunities for promoting equality were considered:

- Ways to remove or minimise disadvantages suffered by some groups
- Ways to meet the needs of people with protected characteristics where these are different from the needs of other people
- Ways to encourage people from protected groups to participate in public life or other activities if their participation is disproportionately low.
- Ways to promote good relations between people who share a protected characteristic and those who do not.



## Step 4 Action Planning - Identify actions to prevent inequality and promote equality

Actions should be 'SMART' - specific, measurable, accountable (with named responsibilities), realistic and with defined timescales.

When considering whether there is mitigating action which could be taken, you may wish to consider the following questions for example:

- Are there different ways of delivering the service?
- Could the service be promoted better with groups who are under-represented in your service?
- Could procedures be improved to make it easier for customers to access and use your services?
- Providing information in different formats;
- Speak to service users and staff or analyse previous comments/complaints/suggestions
- Find out what other authorities have done about this issue
- Form a working group in your department to share ideas and expertise
- Ask other partners

## Step 5 Outcome of your EIA

Based on the information collected and the likely impacts identified, what is the outcome of your EIA? Tick the appropriate box on the template.

- **No major change needed** - the analysis shows the policy is robust and evidence shows no potential for discrimination
- **Adjust the policy/function/service** - alternatives have been considered and steps taken to remove barriers or to better advance equality. Complete the action plan
- **Adverse impact(s) identified, but continue** - this will need a justification or reason. Complete the action plan

## Step 6 Review

It is important to monitor the impacts that your EqIA has highlighted and to evaluate whether the actions in the EqIA action plan have been implemented and are effective.

Where actions have not been effective, they should be revisited and revised accordingly. It is a good idea to review your EqIA 12 months after the function that was originally being assessed has become implemented.

It is good practice to build the findings of your EqIA into service plans, objectives and targets.

## 7.0 Who is responsible for carrying out an EqIA?

- Your EIA is owned at service level with officers from within the service that is being analysed taking responsibility for the data gathering, the analysis, the authoring and the action planning. These officers will have the relevant expertise, knowledge and experience of their service.
- It is the responsibility of the service to use the outcome of the EIA to help to shape the service/inform the policy appropriately. The lead person would usually be the named officer on the relevant report being taken through the decision-making process.

## **9.0 Further information, help and advice**

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