



Equality Impact Assessments (EqIA) Guidance Notes

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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
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

The council also considers:

- care experience
- People in rural areas
- Socio-economic status

- Armed forces personnel/ veterans

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

Care Experience

Care Experience refers to any person who is/has experience of child protection or children’s social services at any point in their lives. This includes current children in care, current care leavers and adults aged over 24 who no longer receive support from children’s social care.

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 personnel/veterans

The Armed Forces Duty requires councils to consider the needs of Armed Forces Personnel/Veterans in relation to School Admissions, Public Health and Housing. By including them as a locally adopted protected characteristics the Duty will be extended to cover all functions of the Council.

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 council 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 council.

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

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

4.0 What are the requirements of EqIA?

Requirements: To meet the test of 'due regard' an EqIA 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 EqIA 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 EqIA process: Screening EqIAs

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

Screening EqIA: This is a high level EqIA 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 EqIA should set out the change required without needing a Full EqIA;
- Whether there is evidence of substantial impact that requires a full EqIA.

Each Screening EqIA should be completed using the Screening EqIA 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 EqIAs apply to:

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

A Full EqIA not required?

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

6.0 Stage 2 of the EqIA process: Full EqIA (where required)

A Full EqIA 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 EqIA 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 EqIA should be carried out and recorded using the Full EqIA 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 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 EqIA.
- 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
- 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 EqIA 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.

8.0 Further information, help and advice

Please contact the policy and performance team, currently:

ellie.greenwood@westmorlandandfurness.gov.uk

9.0 Rural proofing:

The term 'rural proofing' is used to define a systematic approach which identifies any notable rural differentials likely to impact on service effectiveness and outcomes. The objective is to ensure equitable outcomes for service users who live in rural areas.

Rural settlements in England are usually defined for statistical purposes as those with a population of less than 10,000. This includes small towns, villages, hamlets and isolated farms or dwellings. However, it is recognised that somewhat larger towns often play an important role as service and employment centres for their rural hinterland.

- **Demographics:** There are proportionately more elderly people and fewer younger people in rural populations compared with urban ones.
- **Access to services:** The combination of distance, transport links and low population density in rural areas can lead to challenges in accessing and providing services.
- **Service infrastructure:** Lower levels of infrastructure such as low broadband speeds and variable mobile coverage can be a barrier for rural businesses and limit the growth in rural productivity.
- **Employment:** The variety of employment opportunities, the availability of people with the right skills, and access to training can be lower in rural areas.

Rural residents should not be beyond a certain distance to services, should not bear a cost for rural dwelling, and should have easy access to services.

Principles of rural proofing (ACRE):

- Demonstrate leadership by producing a comprehensive rural strategy
- Ensure fair funding which takes proper account of rural costs
- Invest in rural infrastructure that is fit for the future
- Adapt and mitigate for climate change
- Create the conditions for a prosperous rural economy
- Design services so they meet rural needs

- Deliver services as locally as possible
- Support the key contribution of the voluntary and community sector
- Devolve decision-making powers closer to communities

1) Will your decision affect any other services in a rural area?

Think about all the services the Council provides, plus services offered by public and private bodies such as health authorities and transport providers.

- Consider if you could work together with others to provide a better service all-round.
- Could there be alternative shared funding available?
- Could you integrate the services and cut overheads?
- Could your service help support other rural services such as the village Post Office, village shop or pub?

2) Could you deliver the policy or service you are suggesting through existing service outlets?

Think about the different outlets there are: fire stations, mobile libraries, the local pub, health centres etc.

- Talk to the County Council's Neighbourhood Development Officer who could be a source of valuable local knowledge.
- Discuss the options for jointly delivering a package of services with partners.
- Look at cutting overheads and finding joint funding.
- Consider how you could help support vulnerable rural services such as Post Offices and village shops.
- Think how you are going to deliver your services to isolated users.
- If you need to set up a new network of provision, how much will it cost?
- Will the provision cover the whole area?

3) Will there be an extra cost to delivering your policy or service to rural areas?

Think about the additional miles providers may need to travel, or how people will get to the service you are trying to offer.

- Consider developing a 'sparsity factor' to address this.
- Look at the potential for joint provision to share costs.

- If national funding allocation fails to recognise this issue talk to your Corporate Director and the Policy Unit to see if the Council can lobby on the issue nationally and regionally.

4) Will your decision affect travel needs or the cost of travel for rural communities?

Think about how far you might be asking people to travel and whether or not the road or rail network can support this.

- Look at the possibility of providing a mobile service, offering internet access or co-ordinating transport provision.

5) Does your policy rely on communication of information to clients?

Think about the various ways that information can be shared with people.

- Look at the cost implications of getting the message out to isolated areas.
- Consider using existing networks such as Post Offices, village halls, parish and town councils to reduce costs in rural areas.

6) Will you deliver your policy or service through a third-party?

Think about where such organisations are based and if delivering services in a rural area will be a problem for them.

- Consider if the organisation shares our commitment to thinking rural, or perhaps set them specific targets for delivery in rural areas.
- Some organisations can access extra funds for especially innovative projects.
- Consider whether or not rural organisations have the capacity to deliver the service and consider appropriate support for capacity building before implementation.

7) Does your policy or service rely on an infrastructure that may put rural communities at a disadvantage - is the framework there in rural areas?

Think about what already exists in these areas in terms of information systems, utilities etc; and consider the realities of what this will mean for your decision.

- Could there be an impact on the availability of or access to infrastructure in rural areas (e.g., transport, broadband and mobile)?
- Use the planning system to encourage provision and encourage demand to make the service viable.
- Provide alternative means of accessing the service.

8) Will your decision have an impact on rural businesses and the economy?

- Can extra employment be generated for local people through the policy?

9) Will your decision target disadvantaged residents?

Think about where those classed as disadvantaged live and how disadvantage is defined.

- Will your policy or service pick up those classed as disadvantaged living in rural areas?
- You may need to use smaller area statistics to demonstrate need.
- Think about targeting population groups rather than geographical areas if possible.

References:

[Rural and community development charity for Cumbria - Action with Communities in Cumbria, Penrith, Cumbria \(cumbriaaction.org.uk\)](http://cumbriaaction.org.uk)

[Rural proofing \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

[The-Rural-Coalition-A-Better-Future.pdf \(acre.org.uk\)](http://acre.org.uk)

10.0 Socio economic status

Socio-economic disadvantage means living on a low income compared to others in Westmorland and Furness, with little or no accumulated wealth, leading to greater material deprivation, restricting the ability to access basic goods and services.

When making decisions the council must reduce inequalities of outcome, which result from socio-economic disadvantage.

Consider these additional groups and the impact your proposal may or may not have on them:

- Single parents and vulnerable families.
- Pensioners.
- Looked after children.
- Homeless people.
- Students.
- Single adult households.
- People living in the most deprived areas in Westmorland and Furness.
- People with low literacy and numeracy.
- People who have experienced the asylum system.
- People misusing substances.

- People of all ages leaving a care setting.
- People involved in the criminal justice system.
 - a. What evidence do you have about socio-economic disadvantage and inequalities of outcome relating to this decision?
 - b. Have you engaged with those affected by the decision?
 - c. How can the proposal be improved so it reduces inequalities of outcome as a result of socio economic disadvantage?

Glossary: Definitions of Protected Characteristics

Age: This refers to a person having a particular age or being within an age group.

Disability: A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Includes: Physical/sensory disability; Mental Health; Learning disability.

Sex: This refers to a person being either male or female.

Gender reassignment: This means proposing to undergo, undergoing or having undergone a process to reassign your sex. A person does not need to have undergone medical treatment or surgery in order to be protected from gender reassignment discrimination. Transgender: Anyone whose gender identity is not the same as the sex recorded on their original birth certificate. Gender identity is a term used by some to describe someone's sense of their gender.

Marriage and civil partnership: Marriage is a union between a man and a woman or between a same-sex couple. Same-sex and heterosexual couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).

Pregnancy and maternity: Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Race: It refers to a group of people defined by their colour, nationality (including citizenship), ethnic or national origins. Includes, Asian, Black and White minority ethnic groups inc. Eastern Europeans, Irish people and Gypsy Travellers.

Religion or belief: "Religion" means any religion, including a reference to a lack of religion. "Belief" includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition. The category includes, Christianity, Islam, Judaism, Hinduism, Buddhism, and non-religious beliefs such as Humanism.

Sexual orientation: This is whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

Rurality: Differential impact on people in rural areas (see section 10 above).

Socio-economic status: Differential impact on people due to household or personal income (see section 11 above).

[Protected characteristics | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://equalityhumanrights.com)