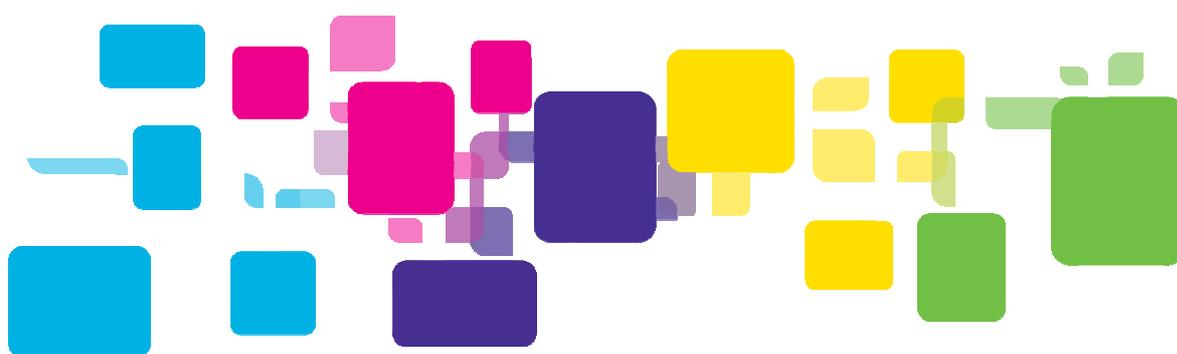


# Equality Impact Analysis: Guidance

## September 2012



# Equality Impact Analysis: Brief Guide

## 1. THE EQUALITY ACT 2010

The Equality Act came into force on 1 October 2010. The Act brings together over 116 separate pieces of legislation into one single Act. Combined, they provide a legal framework to protect the rights of individuals and advance equality of opportunity for all. The Equality Act covers 9 protected characteristics:

- Age
- Gender
- Pregnancy and Maternity
- Religion and Belief
- Marriage and Civil Partnership  
(generally only applies to workplace practices)
- Disability
- Gender Reassignment
- Race
- Sexual Orientation

The Law applies to all employers and service providers. In addition, under the Equality Act 2010 all public organisations have a general duty to:

- Eliminate unlawful discrimination, harassment and victimisation.
- Advance equality of opportunity for people with protected characteristics.
- Foster good relations between people who share a protected characteristic and those who do not.

In order to demonstrate implementation of these duties public bodies are required to undertake and publish outcomes of Equality Impact Analysis.

## 2. WHAT IS AN EQUALITY IMPACT ANALYSIS?

An Equality Impact Analysis is a way of estimating the likely equality implications of either:

- The introduction of a new policy, project, or function or,
- The implementation of an existing policy, project, or function within the organisation.

Once equality implications have been identified, steps can be taken to amend the proposed policy, project or function or amend the way in which it is currently implemented to ensure it is inclusive and does not discriminate (either deliberately or accidentally).

## 3. WHAT NEEDS TO BE ANALYSED FOR ITS IMPACT?

All functions, policies and strategies should be impact analysed as they are created and as part of the review process. Equality issues should also be considered in any procurement process as the legal liability in relation to equality issues usually remains with the public body who commissions the service.

## 4. GATHERING VIEWS AND FEEDBACK

Thinking about equalities implications should be integral to the development and review process for policies/strategies. As part of your development/ review process, you should include questions about equalities when you ask for views or collate feedback from staff/ patients/ carers/ community groups regarding their needs, particularly relating to disability, race, religion/belief and also age, gender, sexual orientation, human rights.

## 5. COMPLETING THE EQUALITY IMPACT ANALYSIS

- *Start thinking early about incorporating equalities into your document*

Thinking about equalities implications should be an integral part of your policy or strategy development/review process. Consider existing views and feedback or whether you need to gather new information.

- *Don't complete the impact assessment on your own*

Once you have the feedback and evidence you need, if you possibly can, gather a few people who are familiar with the policy/ strategy/ service area and work through the impact analysis process together.

- *What is meant by a Negative Impact*

This means that at least one of the different protected characteristics (Race, Gender, Disability, etc) has less favourable access, experience or outcome to the policy or function compared to the others.

- *What is meant by a Positive Impact*

This means that a policy, project service or function has a positive impact on one or more of the equality groups without having any consequential negative impact on any other equality group.

## 6. WHAT TO DO WHEN YOU HAVE COMPLETED YOUR IMPACT ANALYSIS

- *Reflecting outcome of impact analysis within the policy/strategy*

Consider if any of your impact analysis findings and actions need to be reflected within the content of the policy/strategy and alter the wording appropriately. A simple example of this is to ensure you have inserted the information about alternative languages/formats. A brief summary of actions identified should also be included.

- *Action planning*

Build actions identified in the documentation into your team's action planning processes.

- *Action monitoring and progression*

Ensure that your team progresses any actions you have identified through the impact analysis to completion.

- *Sorting out the paperwork*

The completed paperwork should be submitted with the policy for approval and published on the internet site.

# Equality Impact Analysis: Completing The Form

Below is a step by step guide to completing the Equality Impact Analysis Form (EIA)

## 1. EQUALITY IMPACT ANALYSIS

This section is a summary of your policy, project or function, the aims of it and who it will affect

## 2. EQUALITY IMPACT ANALYSIS: SCREENING

This is a summary analysis to identify if the policy, project or function has any potential equality impact (negative or positive) on Equality Groups.

The Screening is a brief process and designed to avoid spending unnecessary time and resources performing a full EIA when it is clear there is likely to be no potential equality implications.

The Screening is designed to make you consider if the policy, project or function will have a positive or negative impact on each of the nine protected characteristics.

Remember that Equality Groups can be internal people (e.g. employees, Volunteers etc.) and external people (e.g. Patients and other customers). External people include those who apply, for example, to the Trust for services, treatment and employment.

If the policy, project or function does have a positive or negative impact on one of the nine protected characteristics a full impact analysis will be required.

If there is a negative impact the impact analysis will allow the user to evidence what the impact is and what changes can be made to reduce or eliminate the impact.

*An example of a negative impact:*

A policy of providing a guide to Trust services in English only will have a Negative Impact on all Patients who do not read English.

This policy is therefore likely to have an Adverse impact on people of a different Race and people who have certain Disabilities.

**Action:**

Consult with groups of different races and people with disabilities including the blind and partially sighted, deaf and hearing impaired those with learning difficulties to find out the best way for them to access the information.

Amend the policy to offer the guide in alternative languages and formats on request or proactively produce the document in a popular format.

If there is a positive impact the impact analysis will allow the user to evidence what the impact is and any engagement which took place to this was best practice for that group:

*An example of a positive impact:*

A Translation and Interpretation Policy is being developed to provide advice on how to access translation and interpretation services for patients and service users.

This policy is likely to have a positive impact on people of a different Race and people who have certain Disabilities.

**Action:**

Consult with groups of different races and people with disabilities including the blind and partially sighted, deaf and hearing impaired those with learning difficulties to find out the best way for them to access the information.

Evidence the outcomes of the engagement in the Impact Analysis and ensure that the policy reflects the results.

In some cases evidence of this positive or negative impact may already exist from previous engagement with the affected protected group. If evidence is available it may not be necessary to go out and engage again but ensure that it is included in the Equality Impact Analysis.

Include the reasoning on the screening form as to why the policy, project or function has a positive or negative impact on one of the nine protected characteristics.

## **If there is no positive or negative impact go to Section 7 of the form**

### **Equality Impact Analysis: Full Assessment**

Where an Initial Screening process has identified some likely affect or impact on Equality groups, a full EIA is required. This is performed using the accompanying Equality Impact Analysis documentation. The EIA document and process has four aims:

- a) To assess the activity to identify if any impact or effect on Equality Groups exists (this will have already been identified as part of the Initial Screening process and the information is simply copied from the Initial Screening documentation).
- b) To assess, record and rate the impact the activity has on Equality Groups.
- c) To detail the actions required to remove, reduce or justify the impact or effect of the activity.
- d) To detail how the actions proposed will be monitored or evaluated.

### **3. EQUALITY IMPACT ANALYSIS: LOCAL PROFILE DATA**

Where it has been identified that a protected characteristic will be impacted on by the policy, project or function it is important that you understand the profile of that group of people and the percentage of the population that it will affect.

In this section you need to gather data regarding the group affected. This data can be found from a variety of sources including:

The Office of National Statistics

<http://www.ons.gov.uk/ons/index.html>

Projecting Adult Needs and Service Information

<http://www.pansi.org.uk/>

Projecting Older People Population Information

<http://www.poppi.org.uk/>

Yorkshire and Humber Public Health Authority

<http://www.yhpho.org.uk/default.aspx>

Health Profiles

<http://www.localhealth.org.uk/>

East Riding Data Observatory

<http://dataobs.eastriding.gov.uk/>

For the East Riding of Yorkshire there is a Knowledge Management Toolkit which is available on the website <http://www.erypct.nhs.uk/templates/Page2682.html?id=3786>

#### **4. EQUALITY IMPACT ANALYSIS: EQUALITY DATA AVAILABLE**

Include in this section details of any data which is already available from the nine protected characteristics, service users or staff via previous engagement or consultation as well as evidence from previous complaints or the usage rates of services for specific groups (are they disproportionately high or low for that group?).

## 5. EQUALITY IMPACT ANALYSIS: ASSESSMENT TEST

This section is to evidence the actual impact (positive or negative) the implementation of this policy, project or function has on employees, service users or other people who share characteristics protected by The Equality Act 2010.

In some circumstances there is a *genuine determining reason* why it may be justifiable to discriminate.

An example of justifiable discrimination
<p>An individual Funding Request Policy advises that the criteria for fertility treatment includes women aged 23-39. This will have a negative impact on women who are aged 22 and under and 40 and over.</p> <p>Nice guidelines advise that the older a woman is the less likely she is to get pregnant. Specifically:</p> <ul style="list-style-type: none"> <li>• For every 100 women who are 23-35 years old more than 20 will get pregnant after one cycle of IVF</li> <li>• For every 100 women who are 36-38 around 15 will get pregnant</li> <li>• For every 100 women aged 39 around 10 will get pregnant</li> <li>• For every 100 women aged 40+ around 6 will get pregnant</li> </ul> <p>You therefore have the best chance of success with IVF if you are between 23 and 39 years old.</p> <p>The discrimination is justified as there is clinical evidence that shows that a treatment is less effective within a certain age band.</p>

See Appendix A for an example of completed EIA Assessment Tests.

## 6. ACTION PLANNING

Where the EIA has revealed that there is risk of an unjustifiable negative impact on one of the nine protected characteristics it is necessary to propose actions which reduce these risks.

This section should include any actions which have been set and the timescale for completion as well as an identified lead who is responsible for ensuring their completion.

The section should include any actions which have been identified and completed during the development process and which have already initiated a change to the policy.

You must ensure that all recommended changes to policy, identified throughout the EIA process, are included in the policy document (ie the policy is amended to reflect the results of the EIA).

## 7. EQUALITY IMPACT ANALYSIS FINDINGS

As a result of completing the EIA you should be in a position to agree an analysis rating:

<p><b>Red</b></p> <p><b>Stop and remove the policy</b></p>	<p><b>Red:</b> As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i>. It is recommended that the use of the policy be suspended until further work or analysis is performed.</p>
<p><b>Red Amber</b></p> <p><b>Continue the policy</b></p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i>. However, a genuine determining reason may exist that could legitimise or justify the use of this policy and further professional advice should be taken.</p>

<p><b>Amber</b></p> <p><b>Adjust the Policy</b></p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the Action Planning section of this document.</p>
<p><b>Green</b></p> <p><b>No major change</b></p>	<p>As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share Protected Characteristics and no further actions are recommended at this stage.</p>

It is important that any of the findings from the EIA are evidenced within the policy which should include a specific section on Equality and Diversity.

A suggested set of wording is included in the EIA form, however, you will need to include any positive and negative impacts you identified as a result of the EIA and any actions which have been or are being carried out.

## 8. SENIOR APPROVAL

The last section is for you to provide any additional comments and to document senior manager approval.

Once the EIA is completed it should be published on the Internet alongside the approved Policy.

A POLICY OF PROVIDING A GUIDE TO TRUST SERVICES IN ENGLISH ONLY

APPENDIX A

## 1. Equality Impact Analysis: Assessment Test

**What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?**

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification where a <i>Genuine Determining Reason</i> exists
<b>Gender</b> (Men and Women)	x			
<b>Race</b> (All Racial Groups)			x	People who cannot read English will not be able to have access to this information
<b>Disability</b> (Mental and Physical)			x	People who are blind or partially sighted or have a learning difficulty may not be able to have access to this information
<b>Religion or Belief</b>	x			
<b>Sexual Orientation</b> (Heterosexual, Homosexual and Bisexual)	x			

## Equality Impact Analysis: Assessment Test (continued)

**What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by *The Equality Act 2010*?**

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and, if applicable, justification where a <i>Genuine Determining Reason</i> exists
<b>Pregnancy and Maternity</b>	x			
<b>Transgender</b>	x			
<b>Marital Status</b>	x			
<b>Age</b>	x			

## 2. Action Planning

**As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by *The Equality Act 2010*?**

Identified Risk:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
<p>People who cannot read English will not be able to have access to this information</p>	<p>Speak with people who already work with different racial groups to find out how they think the information could be made accessible to them.</p> <p>Proactively produce information in a specific language where there is a specific need.</p>			
<p>People who are blind or partially sighted or have a learning difficulty may not be able to have access to this information</p>	<p>Engage with local communities from different disabilities to find out how they in what way they would like to access this information.</p> <p>Speak with people who already work with different disabilities to find out how they think the information could be made accessible to them.</p> <p>Proactively produce information in a specific format as recommended by groups (look at font size, coloured paper)</p>			