

Equality Impact Assessment - Guidance

1. What is Equality Impact Assessment?

Equality Impact Assessment is a tool for helping us to consider the potential impact that our activities (services, projects, strategies, policies etc) might have on our community (staff, service users, patients, carers and others), from different perspectives.

The assessment should be an **open and honest assessment** of potential impacts and effects.

Nine equality characteristics are considered within an Equality Impact Assessment:

Protected Characteristics
1. Age
2. Disability
3. Gender Reassignment
4. Marriage & Civil Partnership
5. Pregnancy & Maternity
6. Race
7. Religion & Belief
8. Sex
9. Sexual Orientation

These are protected characteristics which are protected under the Equality Act – see Appendix A for more detailed definitions. In addition to these, consideration of the impact on other vulnerable groups and other areas of known health inequalities should also be undertaken.

Each assessment should include both potential **positive** impacts for each characteristic, as well as potential **negative** impacts. Remember – identifying potential negative impacts is a good thing, because it enables us to take steps to address or minimise these. Greater concern is likely to arise from an assessment which only identifies neutral impacts for all characteristics, as it potentially suggests a lack of detailed consideration.

2. Why do we do Equality Impact Assessment?

Equality Impact Assessment helps us provide better services to our service users, staff and the communities we serve, by making sure that all our activities help to **promote equality, challenge discrimination**, and are **genuinely accessible to all**.

Equality Impact Assessment also helps us fulfil our **legal obligations** under equality legislation. **The Equality Act 2010** places a Specific Duty on public sector organisations to carry out Equality Impact Assessment on our activities, against each of the nine protected characteristics. The duty to assess the impact of activities on equality also applies to partnerships, contractual relationships and multi-agency projects.

Be Aware: Courts have found against organisations who have failed to undertake Equality Impact Assessments, and where the impact of activities were not properly considered from an equality perspective and could potentially lead to the further disadvantaging of certain groups.

3. When should we do an Equality Impact Assessment?

An Equality Impact Assessment should be carried out early in the planning, development or review of any activity within the organisation. This helps to ensure that **equality is placed at the heart of everything we are doing**. It also enables any adjustments to be made at an early stage, rather than as an afterthought.

Examples of activities for which an EIA would be required include:

Activities		
• Service changes or redesign	• Organisational change	• Processes & procedures
• Projects & plans	• Strategies	• Guidelines
• Functions	• Policies	• Systems
• Care Pathways	• Practices	• Proposals

*NB. We have used the word “**activity**” to refer to all of the above, and be aware that this list is not exhaustive.*

An EIA should be carried out for any new activity, even if the only people affected will be staff members. Staff are also protected by the Equality Act 2010, and may also be disadvantaged by a policy which isn't properly considered. **Two different EIA forms are available**: one for just the workforce for internal activities, and another which covers everyone else.

With a larger project, strategy or service redesign, an EIA should be completed both in the planning phase and as the project progresses, to ensure the on-going equality impact is taken into account.

An Equality Impact Assessment Flow Chart outlining the process can be found at Appendix B.

4. Who should be involved in an Equality Impact Assessment?

The individual responsible for the activity (service redesign, project, function, strategy, policy etc) is the person responsible for ensuring that an EIA is carried out.

Good practice is for the EIA to be undertaken by a **minimum of three people**, to help provide different perspectives, to positively challenge how things are done, and to ensure a fair, open and honest assessment.

It is also important for you to involve people who will be impacted by the activity in the EIA process. This could be involving a member of staff who will be affected by the implementation of a new policy, or service user(s) of a particular service being redesigned. For larger scale changes and service redesigns, larger scale engagement and involvement of service users, staff, communities and other affected groups will be necessary to help inform the EIA.

5. What information should I consult to help with completing the Equality Impact Assessment?

It would be important to consult any relevant data or information you have in relation to the activity, to help inform your assessment of potential equality impact. This will depend on the activity being assessed, and could include:

- Demographic data for the relevant locality
- Staff demographic data for those affected by the implementation of this activity
- Demographic data held about affected communities and/or users of a service
- Usage data for a particular service

- Feedback from engagement and consultation undertaken
- Complaints
- Information from the implementation of similar activities internally or externally
- NB. This list is not exhaustive and it would be up to you to identify relevant data sources

6. What is a positive or negative impact, and how do I decide?

A **positive impact** is when an activity could have a positive effect on one or more groups or communities, or improve equality and/or relationships between different communities.

Example: In renovating a reception area, accessible counters and induction loops are to be made available, thereby improving the accessibility for disabled people

A **negative impact** is when one particular group does not receive the same level or quality of services as other groups, or are left at a disadvantage compared to other groups.

Example: Organisational publications not being made available in different formats or languages, which could disadvantage people with certain impairments or for whom English is a second language

Remember to consider both potential **direct** and **indirect** impacts. See Appendix A for definitions of direct and indirect discrimination.

Key ways to help you identify whether there might be a positive and/or negative impact include:

- Involving people from the key groups affected by the activity in the equality impact assessment
- Have a minimum of three people involved in the assessment, to provide different perspectives and to challenge
- Collate and refer to data, evidence or research relevant to the activity (this could be internally held information, and/or external data where something similar has been done)
- Consult with representatives of the affected groups or relevant organisations

7. Top Five Do's and Don'ts of Equality Impact Assessment

Do:	Don't:
1. Be open and honest in your assessment of the equality impact – and use your common sense. Put yourself in the shoes of others experiencing this activity	1. Think of this as a tick box exercise – equality is a core part of our activities
2. Carry out an Equality Impact Assessment on all activities you lead on, including service redesigns, strategies, projects and policies etc.	2. Copy and paste the same response into each box without careful consideration
3. Complete an Equality Impact Assessment early in the planning and development process – to help avoid any surprises	3. Leave the equality impact assessment until the end of the project or process
4. Think critically, and consider the potential <i>positive</i> impact of the activity as well as the <i>negative</i>	4. Just write that there is no positive or negative impact because you think anything else will lead to criticism or cause you more work – better to identify a potential issue now and be able to take steps to address it, than have to go to court to explain yourself!
5. Involve other key people in the assessment to provide different perspectives and challenge	5. Forget to incorporate a copy of the equality impact assessment with its associated report

Appendix A – Useful Equality Definitions

The Nine Protected Characteristics

Protected Characteristic	Definition
Age	Refers to a person belonging to a particular age (for example 19 year olds) or range of ages (for example 50 to 65 year olds).
Disability	A person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.
Gender Reassignment & Transgender	The process of transitioning from one gender to another. This includes people who have expressed a desire to change gender, live as another gender or dress as another gender.
Marriage & Civil Partnership	Marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple. Same-sex 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 & 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	Refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.
Religion & Belief	Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (such as Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.
Sex	A man or a woman.
Sexual Orientation	Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

Other Useful Definitions

Direct discrimination means treating someone less favourably than someone else because of a protected characteristic..

Example - An employer does not interview a job applicant because of the applicant's age.

Indirect discrimination means putting in place a rule or policy or way of doing things that has a worse impact on someone with a protected characteristic than someone without one, when this cannot be objectively justified.

Example - A hair salon owner has a policy of not employing stylists who cover their hair, believing it is important for them to exhibit their flamboyant haircuts. It is clear that this policy puts Muslim and Sikh women at a particular disadvantage as well as Sikh men who cover their hair. This may be indirect discrimination unless the policy can be objectively justified.

Discrimination by association means treating someone less favourably than another person because they are associated with a person who has a protected characteristic.

Example - An employer offers flexible working to all staff. Requests are supposed to be considered based on business need. A manager allows a man's request to work flexibly to train for a qualification, but does not allow another man's request to work flexibly to care for his disabled child. If the manager's decision is because the child is disabled, this is likely to be direct disability discrimination because of the man's association with his child.

Discrimination by perception means treating one person less favourably than someone else, because you incorrectly think they have a protected characteristic.

Example - A bed and breakfast hotel owner falsely tells a man that there are no rooms available because the owner believes the man is gay. Even if the man is not gay, the owner is discriminating on grounds of perception.

Appendix B – Equality Impact Assessment Flow Chart

