



Equality Impact Assessment Guidance

April 2020

Introduction

The purpose of this document is to provide clear guidance for officers preparing to complete an Equality Impact Assessment (EqIA)

The public sector equality duty (the PSED) requires public authorities to have “due regard” to:

- The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by or under the Equality Act 2010 (section 149(1)(a)).
- The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (section 149(1)(b)). This involves having due regard to the needs to:
 - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it ; and
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Section 149(6) makes it clear that compliance with the PSED in section 149(1) may involve treating some people more favourably than others, but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the Equality Act 2010 (this includes breach of an equality clause or rule or breach of a non-discrimination rule.

- The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it (section 149(1)(c)). (This includes having due regard to the need to tackle prejudice and to promote understanding (section 149(5)).

What is an Equality Impact Assessment?

An Equality Impact Assessment is a way to formally investigate the effects on equality of particular decisions. The exercise enables a systematic assessment of the adverse impact of any change in policy, practice or procedure to be carried out.

An EqIA enables us to check the potential impacts on residents and employees of our policies, services and projects. It's an opportunity to challenge how we currently do things.

EqIAs help us meet our public sector equality duty as laid out in the Equality Act 2010. They also help us in our progression towards 'Excellence' of the Equality Framework for Local Government.

Why carry out an EqIA?

EqIAs help to improve the services we provide so that they meet the different needs of people that use them. As a public body we have a legal duty pay due regard and this can be demonstrated by carrying out an EqIA.

Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. The 'protection' relates to protection from discrimination. The relevant protected characteristics covered by sections 149(1)(a)-149(1)(c) include:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race – this includes ethnic or national origins, colour and nationality
- Religion or belief
- Sex (gender)
- Sexual orientation

The relevant protected characteristics referred to in sections 149(1)(b) and 149(1)(c) do not include the protected characteristic of marriage/civil partnership. In relation to this protected characteristic a public authority subject to the PSED need only comply with the first strand of the duty that is the duty to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by or under the Equality Act 2010.

Key features of an EqIA

- Identify decisions, policies and procedures formal and informal that may have an effect on the equality of those with protected characteristics
- First level screening
- Second level scoping – look at any available data, establish equality relevance, prioritise
- Data gathering & consultation
- Assess level of impact on equality relevance
- Further consultation
- Mitigate or Eliminate
- Action Plans & Review
- Publish data

Who should carry out an EqIA?

The officer leading the project is responsible for completing the EqIA, but may require assistance or expertise from colleagues.

All EqIAs must be approved and signed off by the relevant Director or Head of Service.

Carrying out an EqIA should not create extra work; it should be part of your normal service planning process. Most of the information required should already be available to you through other work already undertaken e.g. service user monitoring, analysis of complaints and national research.

All approved and signed EqIAs are recorded in a central register. Please email your completed draft EqIA to MDamigos@aylesburyvaledc.gov.uk. Please allow up to 21 days for a response regarding your draft. EqIAs can be made available for information upon request.

If you have any queries, please email MDamigos@aylesburyvaledc.gov.uk.

When should an EqIA be carried out?

The purpose of an EqIA is to take account of equality as plans develop. Just 'doing it at the end' will not enable you to properly involve the relevant people and opportunities for picking up issues and making adjustments will be missed. Therefore an EqIA should be started at the outset and develop until a final proposal is adopted. There are legal cases that show why EqIAs should be carried out at the start see '[Southall Black Sisters vs Ealing Council](#)'.

Carrying out EqIAs should be an integral part of policy or service development/change (this includes budget changes), not just a form filling exercise. Larger projects may need more than one EqIA if different areas are impacted by the change.

The Screening Exercise

This first stage of an EqIA should include asking:

What is the purpose of the proposed function or policy?

Who is affected by it?

Is there any evidence that groups have different needs, experiences and priorities in relation to this policy?

Example 1: Payroll

- What is the purpose of the policy? To pay employees for hours worked.
- Are there concurrent objectives? Regular monthly payments through BACS
- Who created the policy? Finance Department.
- Who is responsible for implementing the policy? Finance department.
- Who is affected by the policy? All staff.
- Is there any evidence that different groups have different needs in relation to this policy? No
- Does the policy have the potential to meet or hinder the equality and diversity policies or objectives of the authority? As this policy is about the operation of the payroll (not the setting of pay) it does not affect equality and diversity because the method of payment, the way it is administered and its aims could not be affected by the race, gender, sexuality etc. of an individual. It also does not seem to have the potential to affect the equality and diversity aims of the authority. Therefore this policy would not require a full assessment.

If you answered yes or unsure to any of these questions you should carry out an EqIA. If you are unsure of the requirement you can contact MDamigos@aylesburyvaledc.gov.uk.

Remember – If you are not going to carry out a full EqIA, you must give a reason for this decision, and record this decision formally so you can provide it if challenged.

Involvement of Target Equality Groups

One of the most significant elements of the Equality Act 2010 is its emphasis on involvement of equality target groups at all stages. This will include staff, service users and external organisations.

Full Impact Assessments

Step 1 – Introduction

Provide names and contact details of the officers involved in the Policy/Service being assessed.

Step 2 – Scoping

Describe what you are assessing. This information is available from the screening exercise.

Step 3 – Information gathering

Impact assessments are not possible without adequate data. Internal and external data can be analysed for differential impacts on equality groups.

a) Consider Existing Data

National data and research can be useful in identifying barriers, issues and areas where equality is likely to be a priority. For example:

Research undertaken by the Equality & Human Rights Commission

Research undertaken by trades unions

Commissioned research and reports

Census data

Labour force surveys

Institutional data can also be used to identify local barriers. These include:

- Ethnic monitoring data

- Surveys and consultation

Any project that requires consultation will automatically require an EqIA.

More information about how to conduct a consultation in line with our Consultation Process, Policy and

Guidance can be found on the intranet. For advice on consultations please email

consultations@buckscc.gov.uk.

- Complaints and grievances

b) Consider 'missing data'

When assessing the impact of the policies and procedures it is essential that we also consider 'missing data'. On the surface a policy may indicate that it does not have an adverse impact of a particular group, however, the lack of data may be indicative of discriminatory practice.

Making a judgement about impacts

Once all available data has been gathered, it should be examined to check whether there is evidence:

- Lower take up/participation rates by disadvantaged groups generally
- Lower take up/participation by certain groups
- Eligibility criteria which disadvantages groups
- Access to services being reduced or denied to people
- People facing increased difficulty as a result of a policy/practice
- A policy/practice resulting in reduced benefits for equality groups

Step 4 – Improvement Plan - Finding ways of mitigating or eliminating any adverse impact

Where a potential impact has been identified an assessment should be made of the severity of the impact. Where the policy or practice would result in practice which is potentially unlawful changes should clearly be made. The objectives of the policy or practice should be re-examined to find out if there is an alternative way of meeting the

desired objectives without the adverse impact. If the adverse impact is potentially unlawful and alternatives cannot be found the policy or practice may need to be completely redesigned. The opportunity should be taken to consider whether there are ways, not just of removing the adverse impact, but of creating a positive one.

One of the key aspects of the equality legislation is that information gathering is not an end in itself. Buckinghamshire Council will need to demonstrate that it has used this information to help it make decisions about what actions would best improve equality. It will also have to demonstrate that these actions have been prioritised and implemented and justify where actions has not been taken.

Individuals from the equality target group should have been involved in the impact assessment process and any changes to policies and practices where resulted. The amended policy or practice should therefore reflect many of their concerns. However, it is important to consult widely before the implementation.

Step 6 – Publish data

Buckinghamshire Council is required by law to publish the findings and action plan outcomes of the EqIA. This information must be accessible to both staff and the public. The information must convey clearly the priority that Buckinghamshire Council has allocated to the Impact Assessment outcomes; the data must be updated on a regular basis to indicate what work has been undertaken to meet these outcomes.

All approved and signed EqIAs are recorded in a central register. Please email your completed EqIA to MDamigos@aylesburyvaledc.gov.uk. EqIAs can be made available for information upon request.

Further information and advice

For advice please contact Maria Damigos MDamigos@aylesburyvaledc.gov.uk.