

Appendix 4

Equality Impact Assessment Guidelines

Contents

1. What is an Equality Impact Assessment?
2. Why do we need to carry out Equality Impact Assessments?
3. How to conduct an Equality Impact Assessment
 - 3.1. Decide who will carry out the assessment
 - 3.2. Identify the aims and scope of the policy
 - 3.3. Consider data and research that is relevant to the policy
 - 3.4. Determine the level of assessment required
 - 3.5. Involve and consult relevant stakeholders
 - 3.6. Assess the potential impact/outcomes of the policy
 - 3.7. Actions following the identification of an adverse impact
 - 3.8. Define arrangements for future monitoring
4. The Corporate Equality Structure
5. Publication of the Results of the Impact Assessment

Addendum

- A. Equality Impact Assessment Summary

1. What is an Equality Impact Assessment?

An Equality Impact Assessment is a thorough and systematic way of ensuring that our legal obligations are met in relation to identifying and addressing any potential inequalities or discriminatory elements resulting from strategy, policy or practice. Equality Impact Assessments also provide a framework to assess and consult on how policies and functions impact on equal access and inclusion both in relation to employment and service provision to different equalities groups. This involves anticipating the consequences of policies on various equalities groups through consultation and recommending change where it is needed to ensure that as far as possible any adverse impact for a particular group or sector of the community is eliminated, minimised or counterbalanced by other measures.

Equality Impact Assessments are not a separate, add on exercise and should be a part of the normal policy making and work processes within the organisation. The Equality Impact Assessment process should begin as soon as a decision has been made to develop or review a policy, proposal, strategy, procedure, business case, function or project. The results of equality impact assessments will be published.

This guidance aims to set out the arrangements for:

- Carrying out Impact assessments.
- Assessing and consulting on the likely impact of proposed policies on equality.
- Monitoring policies for any adverse impact on equality.
- Making sure that the public has access to this information.

2. Why do we need to carry out an Equality Impact Assessment?

2.1. It is a statutory requirement

The need to undertake Equality Impact Assessments stems from the different strands of Equality legislation including:

- Race Relations (Amendment) Act 2000,
- Disability Discrimination Act 2005,
- Sex Discrimination Act (1975) as amended by the Equality Act 2006.

This legislation places general duties on Public Bodies to promote equality in their policy making, service delivery and employment with the aim of eliminating unlawful discrimination and promoting equality of opportunity. The legislation also places responsibility for specific duties to develop Actions Plans to identify and address any inequalities. The Trust has chosen to have a **Single Integrated Equality Scheme** to address all the equality strands of **Race, Disability and Gender** in addition to taking into account the Employment Equality Regulations relating to **Age, Religion or Belief and Sexual Orientation. Culture and Social Class** also affect an individual's ability to access services and employment and

good practice suggests that these factors should be taken into account in the Impact Assessment process.

2.2. To comply with Standards for Better Health

Equality is integral to all elements of the Standards for Better Health focusing in particular on ensuring that:

- the needs of patients and carers are met in a way which is appropriate for them,
- that all equality groups have equal access to information and services,
- that the workforce profile is representative of the workforce as a whole,

2.3. It is good practice and will help deliver key national and local agendas

If the Equality Impact Assessment process is mainstreamed effectively into the policy development processes that exist in the Trust it can be used to drive forward the improvement agenda locally by helping:

- Make individuals and teams think carefully about the likely impact of their proposed / revised policy on different community groups,
- Identify what is working well as well as what needs to be improved,
- Develop policies that focus on outcomes and tangible improvements,
- Improve access for minority groups, such as, those for whom English is not a first language, gypsies and travelers and people with disabilities,
- Take into account the needs and experiences of those groups of people who will be affected by our policies,
- Identify the real and possible inequalities people will experience by implementing the proposed policy,
- Think about alternative policies or measures that might address any adverse impact or inequality,
- Help mainstream equalities in our policies and practice,
- Help us target resources more effectively,
- Increase transparency in way policies and services are developed and delivered,
- Become more accountable to the community that we serve.

3. How to conduct an Equality Impact Assessment

The following steps need to be undertaken to conduct an Equality Impact Assessment:

3. 1. Decide who will carry out the Equality Impact Assessment

The individual responsible should be identified at the outset. Where a detailed assessment is required it is good practice to establish a small team that will take joint responsibility for carrying out and addressing the findings of the impact

assessment. The team could consist of individuals responsible for developing the policy, proposal, service or function, relevant service managers, a front line staff member who can give the customer's perspective and a Senior Manager who has the necessary authority to ensure that any decisions made as a result of the assessment are implemented. The individual responsible must present the outcome of the Impact Assessment to the Impact Assessment Group before submitting the policy or proposal for ratification or agreement.

3.2 Identify the aims and scope of the policy

The Impact Assessment process should focus on how important the function or policy being examined is to achieving equality. What is expected to happen if the policy is effective in supporting equality in the delivery of the organisations strategic objectives?

The following questions may prove helpful:

- Who will benefit from the policy?
- Who might be adversely affected by the policy?
- How does the function or policy fit into the Trusts wider aims?
- How will it be put into practice, and who will be responsible for it?
- Who are the key stakeholders?
- What outcomes do these stakeholders want to achieve?
- What outcomes do you want to achieve?
- How will you measure progress towards and/or achievement of those outcomes?
- How does it relate to other NHS policies in this area?
- How does your department interface with other bodies in relation to the implementation of this function or policy?
- Could this policy affect some equalities groups differently?
- Will this policy promote equal access to information and services for all groups?
- Does the policy have any specially designed measures to promote equality of opportunity?
- Does the policy support the criteria set out in Standards for Better Health?
- Does the policy or its implementation break or has a potential to break the law in relation to the:
 - Race Relations Amendment Act (2000)
 - The Sex Discrimination Act (1976)
 - The Disability Discrimination Act (1995)
 - The Equal Pay Act (1970)
 - The Human Rights Act (1999)
 - Employment Equality Regulations (2003)
Age, Religion or Belief and Sexual Orientation
- Does the policy indirectly discriminate on the grounds of race, gender, disability, age, sexual orientation and religion or belief?

In order to assess the potential for indirect discrimination please consider the following:

- Does the policy in its intention or implementation target or exclude a specific equality category? If so, is this justified?
- Does the policy in its intention or implementation affect some equality categories disproportionately? Is this justified?
- Is the policy likely to be equally accessed by all equality categories/? If not, can this be justified?
- Are there barriers that might inhibit access to the service or benefits of the policy?

Please consider issues in relation to the following;

Communications and information

- Will information about the policy or service be available in alternative formats?
- Will people with visual/auditory impairments be able to easily contact and communicate with the service?
- Will the information or service be easily accessible to patients with learning disabilities

Physical access

- Can people who use mobility aids or wheelchairs access the service?

Location

- Is the service located in an area accessible to the equalities groups within the community that it serves?

Sensitivity

- Is the policy or service sensitive to the needs and cultures of different equalities groups, for example, religious needs?

3.3 Consider available data and research that is relevant to the policy

An Equality Impact Assessment depends upon the effective use of data and research that is relevant to the policy. Managers responsible for developing and implementing the policy need to decide and document which data, monitoring information and research will be examined in order to form an opinion about the impact of the policy upon the equalities groups and sub-groups within them.

The data sources that are considered should include:

- Quantitative data - data that provides numerical information for example, population figures, number of users / non-users
- Qualitative data – data that furnishes evidence of people’s perception / views of the service / policy, for example, analysis of complaints, outcomes of focus groups, discussions, customer or public surveys.

The starting point for an Equality Impact Assessment is a thorough audit and analysis of available data that will enable you to form an opinion about the impact the policy would have on different equalities groups. The data / research that is looked at for a specific policy should be relevant, reliable and up-to-date and could include:

- Local population data including the census 2001 figures
- Data that is gathered by the Trust such as service user data, customer satisfaction data, customer complaints data and equality monitoring data.
- Comparisons with similar policies in other trusts
- One off data gathering research exercises through consultations or focus groups
- Other demographic data, for example, data published by the Primary Care Trust, Strategic Health Authority or the Department of Health.

Along with this, information that might have been gathered through all previous consultations across all departments should be used to inform the decision making process. Likewise, academic publications, consultant's reports and any consultation with the trade unions and the voluntary and community sector should continue to inform the process. The impact assessment should clearly identify and document gaps and inadequacies in the data, explain how these will be addressed and how the future impact of the policy will be monitored.

3.4. Determine the level of assessment required

Determine and record the level of assessment required in relation to the equality strands (race, gender, disability, sexual orientation, age, religion or belief, culture and social class). The level of assessment should be proportionate to the likely impact of the policy itself. Issues that need to be considered in making a judgment on the relevance and the impact of the policy on the equalities groups include:

- the number of people likely to be affected by the policy
- the size of the budget or the amount of money involved
- the extent of the proposed change and the wider public policy implications.

It may be helpful to classify the degree of relevance as follows:

- High relevance - needs a detailed and thorough process with significant external input
- Medium relevance - needs robust assessment process with some external input
- Low relevance - needs a degree of assessment but may not require external input

Policies that are likely to have a significant impact on the local community and various equalities groups will need to undergo a more rigorous assessment.

Where the policy does not impact on service provision or employment or it is not subject to any of the equality legislation there may not be any need to carry out an impact assessment. In this instance the policy should be submitted to the Impact Assessment Group in the usual way with supporting documentation outlining why no further impact assessment is necessary.

3.5 Involve and consult relevant stakeholders

Equality Impact Assessments must be informed by consultation. If you have relevant recent consultation data that has been gathered in the process of developing the policy then it can be used for the impact assessment. If you do not then you will have to undertake consultation as a part of the assessment process. The depth and degree of any consultation will be determined by the proportion of relevance that the policy has on the relevant equality groups. Those who are likely to be directly affected by the policy should be consulted, for example,

- service users and potential users from the different equality groups
- appropriate staff
- relevant interest groups

Consider the following prior to undertaking consultation:

- Review the results of previous consultation exercises to see if we already have recent relevant consultation data. If we do have such data, analyse whether there are any gaps and decide on how the consultation can be focused to plug any gaps in existing information?
- Consider whether other departments across the Trust who may want to undertake consultation and where possible look for synergies
- Decide on the focus of the consultation (refer back to scope of the Impact Assessment in 3.2).
- Decide which equality groups may be affected by the policy and should therefore be consulted. In most cases this may well be all equality categories. It is important to remember that equality groups are not homogeneous and that you might need to consult with a number of sub-groups. For instance, you may need to consult with a number of ethnic minority groups or disability interest groups rather than just one.
- Record which groups were consulted and why others were not consulted.

Decide on how you will consult keeping in mind the following:

- The consultation methodologies should be appropriate to the nature of the policy and the target audience. The methodologies that might be used include focus groups, surveys/questionnaires, open meetings and interviews with community groups
- Ensure sufficient time to enable effective and meaningful consultation.
- Consultation exercises should be accessible to all equality groups, for example, accessible venues for public meetings, availability of translation of written materials, interpreters at public meetings, large print used for written exercises and provision of crèche facilities

- It is essential to publicise the consultation in order to inform the public and relevant equalities groups about the policy being assessed, and to invite comments on it.

3.6 Assessment of the impact / outcomes of a policy

Use the information that is gathered from the analysis of data, review of existing research and consultation exercises to decide whether or not there is or is likely to be a differential or adverse impact, whether direct or indirect upon equalities groups. An impact is defined as an intentional or unintentional consequence or significant change in people's lives brought about by a policy action or a series of actions. The equality impact assessment focuses on identifying adverse impact i.e. where the effect is negative and is potentially unlawful. When considering an adverse impact, the following questions need to be considered:

Does the equality impact assessment reveal that:

- The policy unlawfully discriminates against one or more equality group or sub-group within them
- There is an adverse impact upon one or more equality group or sub- group
- The policy fails to promote equality of access or opportunity for any group
- Some equality group or sub-group may be excluded from the benefits of the policy
- There are barriers to certain groups within the community enjoying the benefits of the policy
- The policy disadvantages one or more equality group or sub-group

3.7 Actions following the identification of an adverse impact

This is a crucial stage in assessing the impact of a policy. If an equality impact assessment reveals that the specific policy is likely to have an adverse impact on some equalities groups then there is a need to consider ways of dealing with the differential impact:

- Can the policy be amended to meet the needs of equality groups?
- Is there need for further data or consultation?
- What actions are necessary to address the adverse impact?

There is a need to ensure that an option for alleviating an adverse impact for a particular group does not in turn create an adverse impact for another group. In these circumstances, the option chosen should be that which promotes equality of opportunity and social inclusion. If an adverse impact is unavoidable then it must be justified and referred to the Equality Steering Group by the Impact Assessment Group.

It is also important to remember that some policies are targeted at particular equalities groups and these by definition will have a differential impact. This type of differential impact can be justified as a part of a wider strategy of positive or

affirmative action in relation to particular equalities groups. Where this is the case, it is necessary to justify the actions and provide a clear and legal rationale for them.

3.8 Defining arrangements for future monitoring of the policy for any adverse impact

It is important to remember that Equality Impact Assessments are not one-off exercises. We will only know the actual impact of the proposed policy when it is put into practice. Therefore, there is a need to make arrangements to monitor the policy on a regular, ongoing basis. You will need to consider the following questions when developing a monitoring process for the proposed policy:

- Who will be responsible for monitoring?
- What has to be monitored?
- Are there monitoring procedures already in place that can generate this information?
- Can existing monitoring procedures be adapted to collect the additional information required in relation to this policy?
- What monitoring techniques and tools will be most effective?
- What performance indicators or targets will be used to monitor the effectiveness of this policy?
- In what format will the monitoring information be published?

The key point to remember is that monitoring is not solely about data collection. It consists of continuous scrutinising, follow-up and evaluation of policies. Monitoring is not an end in itself but provides the data for the next cycle of policy review.

4. The Corporate Equality Structure

Within the Trust the overall responsibility for Equality lies with the Trust Board and to support this agenda there is an Equality Steering Group chaired by the Chief Executive. The Equality Steering Group will be supported by the proposed Impact Assessment Group which will comprise representatives from staff side, management and various interest groups depending on the policy, proposal or function under consideration. All members of both groups who are Trust employees will undergo training in Impact Assessment methodology.

All policies/business cases and service changes will be submitted to the Impact Assessment Group with Addendum A (Impact Assessment Summary) before being submitted for ratification. The purpose of the Impact Assessment Group will be to ensure that the impact assessment process for each policy/proposal has been followed. Where actions have been identified and these cannot be accommodated within the policy/proposal it will be for the Impact Assessment Group to submit the details to the Equality Steering Group who will prioritise actions and where necessary amend the equality action plans.

5. Publication of the results of the Equality Impact Assessment

There is a requirement to publish the results of Equality Impact Assessments, consultations and the monitoring that is carried out to evaluate the impact of a policy. Therefore, the results of the Equality Impact Assessment must be published and made available to the public when a policy, service or function is introduced or reviewed.