

# Equality impact assessment guidance

A step-by-step guide to integrating  
equality impact assessment into  
policymaking and review

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The Commission's website contains extensive information about the duties including more details on the specific requirements of each. You can find a range of guidance documents, including the statutory guidance contained within the Codes of Practice, and a number of other resources at:

[www.equalityhumanrights.com/  
publicsectorduties](http://www.equalityhumanrights.com/publicsectorduties)

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# Section 1: Introduction

## About this guidance

### Who is it for?

This guidance is for anyone with an interest in the development or revision of policies or services within the public sector, and/or with responsibility for delivering on the race, disability and gender equality duties (Race Equality Duty, Disability Equality Duty, Gender Equality Duty). It may also be useful for private sector organisations who are subject to the general equality duties for their public functions and who need to use equality impact assessments (EIAs) to meet them. It provides practical information, supported by examples of those who have carried out EIAs, to help public authorities integrate EIAs into their policymaking and service development activities.

### Approach

We've aimed this guide at those who are reasonably familiar with the public sector equality duties (more general guidance on the duties can be found on the Commission's website: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)). We recommend you read it alongside the relevant codes of practice.

We've outlined the most common stages of public policy development, with the aim of helping policymakers build EIAs into their own policymaking and review systems, whatever the size of the organisation. Different organisations approach policymaking and reviews in different ways. We've not dictated a rigid route to follow, but rather have provided

methods that can be built into a range of policy developments and review methods, for both new and existing policies and for small and large organisations.

This guidance takes account of the experiences of those who have carried out equality impact assessments and includes examples from different sectors. (Please note: examples illustrate a specific aspect of an EIA and inclusion as an example does not automatically mean the overall EIA is legally compliant.)

### Scope

This guidance explicitly covers the legal requirements of the three existing duties for race, gender (including gender identity) and disability equality. It also covers sexual orientation, religion or belief, and age, which are expected to be included in a single equality duty by April 2011. It applies to England, Scotland and Wales.

There are slight differences between the legal requirements of each of the existing duties: where relevant, we've identified these. As a general principle, wherever one of the duties has a more detailed requirement, the aim should be to 'level up' across the three duties.

It is up to each public authority to decide whether to develop single EIAs or separate assessments for each strand. This guidance will help make sure that EIAs are carried out effectively by adding value to the policy/service development process, whether through single or separate assessments.

# Section 2: An introduction to equality impact assessments

## What is an equality impact assessment?

An equality impact assessment (EIA) is a tool that helps public authorities **(1)** make sure their policies, and the ways they carry out their functions, do what they are intended to do and for everybody.

EIAs help public authorities meet the requirements of the equality duties and identify active steps they can take to promote equality. Carrying out an EIA involves systematically assessing the likely (or actual) effects of policies on people in respect of disability, gender and racial equality, and, where authorities choose, wider equality areas.**(2)** This includes looking for opportunities to promote equality that have previously been missed or could be better used, as well as negative or adverse impacts that can be removed or mitigated,**(3)** where possible. If any negative or adverse impacts amount to unlawful discrimination, they must be removed.

An EIA has four possible outcomes (examples can be found in Section 4). More than one may apply to a single policy:

**Outcome 1:** No major change: the EIA demonstrates the policy is robust and there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.

**Outcome 2:** Adjust the policy: the EIA identifies potential problems or missed opportunities. Adjust the policy to remove barriers or better promote equality.

**Outcome 3:** Continue the policy: the EIA identifies the potential for adverse impact or missed opportunities to promote equality. Clearly set out the justifications for continuing with it. The justification should be included in the EIA and must be in line with the duty to have due regard. For the most important relevant policies, compelling reasons will be needed.

- 1** Public authorities for the purposes of the race equality duty are those that are listed in Schedule 1A of the Race Relations Act 1976 for the purposes of the duty. For the gender and disability duties a public authority is any organisation ‘certain of whose functions are functions of a public nature’.
- 2** The current legal requirements relate to race, disability and gender equality, but many public authorities have chosen to extend this to age, sexual orientation and religion or belief in anticipation of the equality bill becoming law.
- 3** ‘Mitigation’ is when measures are put in place that lessen the negative effects. For example, delivering a service by telephone alone may cause problems for those with a language barrier. Rather than changing the way the service is delivered, this could be mitigated by using telephone interpreting services.

**Outcome 4:** Stop and remove the policy: the policy shows actual or potential unlawful discrimination. It must be stopped and removed or changed (the codes of practice and guidance on each of the public sector duties on the Commission’s website provide information about what constitutes unlawful discrimination).

### What is a policy?

‘Policy’ needs to be understood broadly to embrace the full range of functions, activities and decisions for which the organisation is responsible: essentially everything the authority does. This includes both current policies and new policies under development.

### Who are ‘policymakers’ and ‘policy reviewers’?

For public sector duties, a policymaker or policy reviewer is anyone who makes decisions on what a policy should look like, how a function is carried out, what activities should be done, how services are delivered and so on.

In most organisations there is usually a lead person who ‘owns’ the policy. They should take responsibility for doing the EIA and making sure the results are used in making or reviewing the policy. Others involved should include the EIA in their parts of the policy development work. Deciding how a policy developed elsewhere is carried out is also a relevant function and an EIA may be needed.

### Due regard and proportionality

EIAs are one of the key ways in which public authorities meet their general duties on equality.<sup>(4)</sup> These require that due regard is given to achieving the goals set out in the general duties, all with the aim of achieving greater equality for the affected groups. Due regard comprises two linked elements: proportionality and relevance. The weight that public authorities give to equality should therefore be proportionate to its relevance to a particular function. The greater the relevance of a function to equality, the greater regard that should be paid.

EIAs are crucial to enabling due regard. They can assist public authorities in fully understanding the relevance and effect of policies, and they can help in identifying the most proportionate and effective responses.

#### EIAs: some basic truths

- EIAs are not an end in themselves – they are a way of showing that due regard has been paid to the general duties.
- EIAs should be an integral part of policy development and review, not a one-off or separate exercise.
- EIAs are not just about addressing discrimination or adverse impact; they should also positively promote equal opportunities, improved access, participation in public life and good relations.

<sup>4</sup> These are set out in Appendix 1. More details can be found in the codes of practice and related guidance, available on the Commission’s website at: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

- A policy should be impact-assessed if it is relevant to equality, with the most relevant policies assessed first and most thoroughly.
- The quality of an EIA is not measured by its page count but by the quality of the analysis, the action taken as a result and the outcomes achieved through implementation.
- The time and effort involved should be in proportion to the relevance of the policy.
- Without good evidence, a good EIA will be difficult to achieve.
- Lack of data is never an excuse for not assessing impact – some data will almost always be available and where data isn't available it must be actively gathered.
- The information and insights that can be gained from involvement and consultation are essential, and involvement and consultation should also usually be carried out as part of the main policy development process.
- EIAs should always include an action plan.
- EIAs must always inform the final decision on a policy.
- Unless your policy is already perfect for equality (which is highly unlikely), an EIA should lead to policy change.

### Why impact assess?

The simple answer is that for many it is a legal requirement. But more importantly, it is an effective way of improving policy development and service delivery, making sure that organisations consider the needs of their communities, identify potential steps to promote equality and don't discriminate. It enables evidence-based policymaking, which is at the core of modern public policy, and can allow efficiency savings through more effective services.

### Effective action on equality

EIAs are an opportunity for taking effective action on equality. Preventing discrimination and promoting equality needs to include more than just avoiding certain actions and behaviour. Active steps should be taken to identify potential discrimination and to remove it, or to adapt a service to better promote equality. Policies should, for example, reflect the diversity of the population served, make sure there is equal access for all and take into account unequal caring responsibilities, while recognising that providing the same service in the same way to everyone can sometimes create a disadvantage.

#### Example

A local authority identified employment segregation within its environmental health inspection teams. Female and ethnic minority staff were employed almost exclusively in back-room roles, rather than frontline inspection roles. The local authority introduced an assisted training programme for the back-room employees and improved access to externally validated professional qualifications. This resulted in more participation in inspection grades for female and ethnic minority staff.



## Evidence-based policymaking

Modern public services should be shaped by evidence-based policymaking. This means using evidence to design policy that we know, or at least have strong objective reasons to believe, will work. Without evidence, it can be impossible to tell if good intentions will turn into good outcomes. EIAs provide a clear and structured way to collect, assess and put forward such evidence.

A number of public authorities have found that by looking at a particular policy in respect of equalities they have been able to improve the wider impact of that policy and resulting services.

### Example

A local authority used its EIA methodology to review the take-up of its 'meals on wheels' service. It found there was very little use of the service by people from certain ethnic minority communities. The authority decided to renegotiate the contract and provide a variety of meals which were more likely to appeal to a wider range people. There was a dramatic increase in take-up by ethnic minority people, as well as improved satisfaction levels among 'White British' users who said the choice and quality of the food had improved.

As a result of this success, the authority developed organisation-wide systems for equalities monitoring, involvement and language support. They were able to improve the delivery of their work, provide better, more responsive services, and save money as well.

The use of action-planning in EIAs helps public authorities to more effectively monitor the actual impact following introduction of a policy. This can be highly effective when the action-planning informs mainstream monitoring and evaluation.

## Efficiency savings

EIAs can assist in making sure services are both more efficient and more effective. Efficiency savings can be found in a way that doesn't create costly problems further down the line or for other parts of the organisation.

### Example

The EIA of a taxi and private hire licensing service has helped change enforcement policy, promote driver safety and renew drivers' trust in the local authority.

Bristol City Council identified a number of complaints from taxi drivers who felt that they were not being treated fairly. The majority of drivers were black and ethnic minority.

An analysis of the data revealed there had been significant changes over the years in those applying for licences, with a significant increase in applications from black and ethnic minority drivers, many of whom spoke English as a second language.

Communication issues and difficulty understanding regulations became apparent. Officers needed to be more proactive when explaining the regulations of taxi and private hire licensing, recognising that black and ethnic minority drivers in particular were less likely to have access to this information through family or trade connections. Enforcement action against drivers negatively affected the drivers'

perception of the council, yet drivers needed to understand why breaches had occurred and what their individual responsibilities were.

The policy was revised as a result of the EIA to emphasise promotion and prevention.

This led to the following actions:

- accessible information was produced on rules and regulations
- equality and diversity training was delivered for the Public Protection Committee members and enforcement officers
- ethnic monitoring of drivers was introduced, and
- there was improved support for drivers who experienced racial harassment.

The service now reports fewer enforcement actions and increased trust from drivers.

When they do come before the Committee, most drivers now accept that it is on the basis of sound evidence.

### **Example**

EIA identifies good practice to support staff during a major organisational change.

When the London Probation Service did a major organisational review, one expected outcome was staff redundancies. EIAs were carried out at the proposal stage, looking at equality in relation to both senior staff and administrative and corporate centre staff. Both assessments identified that there might be a negative impact on women and on black and older staff. Fewer jobs would be available, particularly at senior management level. Many older staff had been in post for a number of years and had no recent experience of job applications and interview.

A programme of support was made available to all staff, focusing on briefings about the assessment centre process, as well as job application and interview techniques, careers advice help with writing CVs.

A review of the recruitment process for senior staff following the restructure revealed an increase in black senior managers. There was also no negative impact on women or disabled staff. A more equal balance had been achieved between women and men among administrative staff. The assessment process has given the service a deeper understanding of the workforce and this will continue to be monitored regularly.

## **Relationship with other impact assessments**

When carrying out EIAs, consideration should be given to the relationship with other assessments. Risk assessment can provide useful insights, as can health or human rights impact assessment, among others. Government departments and agencies are required to carry out ‘impact assessments’ (formerly ‘regulatory impact assessments’) which consider factors such as cost and benefits, and environmental and health impacts, and some have chosen to integrate EIAs into this. Where this is done, the EIA must be to the same level of detail as a standalone EIA.

## **UK central government guidance on impact assessment**

<http://www.berr.gov.uk/whatwedo/bre/policy/scrutinising-new-regulations/preparing-impact-assessments/page44077.html>

## **Scottish government information on regulatory impact assessment**

<http://www.scotland.gov.uk/Topics/Business-Industry/support/better-regulation/guidance/RIA-guidance>

# Section 3: Getting ready to carry out equality impact assessments: developing a coherent organisation-wide approach

For equality impact assessments (EIAs) to be effective, they must be systematically carried out across and by all parts of the organisation. They should be done in a way that is both effective and proportionate to the size and structure of the organisation. The important thing is that they work for those doing them, enabling the outcomes and improvements needed to take effective action on equality.

The following eight steps will help to develop a coherent approach to carrying out effective EIAs and embedding them across the organisation. The steps overlap and can reinforce each other:

1. Ensuring a consistent approach with methodologies and templates.
2. Partnership working and shared policymaking responsibility.
3. Sound, consistent data collecting and analysis.
4. Positive involvement of staff and consultation.
5. EIA training.
6. Internal systems to make sure EIAs take place and are of sufficient quality.
7. Using EIAs to pay due regard to equality before and during policy decision making.
8. Publishing.

### **Tips for small organisations**

The different steps can have considerable overlap, with one action meeting a number of different goals.

For example, a small council uses the development of partnerships to team up with neighbouring councils to involve local disability groups (Steps 2, 3 and 4). The groups welcome the opportunity to meet a number of councillors in one go, which saves them and the council significant resources.

By this simple action, the council achieves:

- better coordination with neighbouring councils (Step 2)
- a stronger evidence base for EIAs (Steps 3 and 4)
- greater awareness of disability issues among councillors (Step 5), and
- greater confidence in the council's decisions among disability stakeholders (Step 4).

### **Step 1: Ensuring a consistent approach: methodologies and templates**

Individual public authorities need to develop their own EIA methodology to fully reflect the precise nature of their business and ensure consistency. A wide range of different approaches have been used, many of which are referenced in this guidance. Section 3 provides a detailed outline of what should be covered, and organisations should use this as a starting point for developing an approach tailored to their own organisation and functions.

The method used should allow a clear and structured approach to making sure proper consideration has been given to equality and can be used daily by policymakers. It is also advisable to have the template or method documented and checked by experts who fully understand the legal duties. These could be in-house experts, external lawyers who specialise in the duties, etc.

### **Hints and tips**

All organisations, particularly small ones, will find it useful to have put in place a clear framework. An initial investment of time and, perhaps, money on appropriate advice can save resources when it comes to doing the assessments.

### A good EIA method:

- is focused on the equality goals and identifying the necessary actions
- has been checked by an expert in anti-discrimination and equality law
- is supported by training that looks at ‘whys’ as well as ‘whats’ and ‘hows’
- documents any decision not to carry out an EIA, along with the reasons and evidence used
- includes sections relevant to different stages of the policy development process
- uses open questions, with examples as ‘prompts’
- requires the collection and use of detailed information, including service level data and the results of consultation and/or involvement
- ensures appropriate consultation and involvement are in place to inform the EIA
- includes sign-off by those with authority in the organisation
- is explicitly used in decisions on the policy, and
- includes an action plan, including actions that monitor the actual impact of the policy once it has been implemented.

Documenting the EIA is important to make sure the duties are met. A good EIA template or methodology is key to this. It was held in *R (Kaur and Shah) v London Borough of Ealing* that:

‘The process of assessments should be recorded ... records contribute to transparency. They serve to demonstrate that a genuine assessment has been carried out at a formative stage. They further tend to have the beneficial effect of disciplining the policymaker to undertake the conscientious assessment of the future impact of [his/her] proposed policy.’ (5)

### Step 2: Partnership working and shared responsibility for policymaking

#### Partnership working

Partnership working has a number of benefits. Small organisations can pool resources and offer one another support. It can also make sure that policies developed by different public authorities do not duplicate effort, and that consultation and involvement is meaningful.

#### Example

A local council doesn’t have enough data on the demographic make-up of its area. Realising that other local public authorities (schools, health agencies, police, etc) will all face the same problem, the council approaches them. They pool the data they have and commission new research, sharing the costs and benefits of the results. Through this they also realise that many of their policies overlap and they set up a permanent working group to share information and resources, and enable collaboration on EIAs where appropriate.

Partnerships on equality should build on existing joint working, such as local strategic partnerships and safeguarding children boards.

## Shared responsibility for policymaking

There are a number of organisations, mostly executive agencies of government departments, which in effect roll out and implement policy that is developed elsewhere.

### Example

The Commission's public sector duty assessment of the Department for Work and Pensions (DWP) through Jobcentre Plus recommended that Jobcentre Plus revise their Diversity Impact Assessment (DIA) toolkit and guidance to, among other things, ensure:

- A more seamless integration between DIA work carried out by DWP and Jobcentre Plus at all levels, so that work done at each level (be it at national, regional or district) adds value to the work already completed and avoids duplication of effort and paperwork.
- Jobcentre Plus builds on DWP DIAs where possible, rather than produce new documentation (unless Jobcentre Plus has developed or initiated the policy itself). For example, it may be more effective for Jobcentre Plus to provide operational input into DIAs that are carried out by DWP during the policy development stage and continue to do so throughout the life of the policy, rather than for Jobcentre Plus to commence its own, stand-alone DIA when it comes to Jobcentre Plus having to implement the policy at a later date.

Often policies that are intended to have a positive impact rely heavily on their method of implementation. The policymaker will need to closely monitor this to make sure that the policy has the positive effect intended.

Those who are responsible for the implementation of policies will need to undertake their own assessment to make sure that equality is promoted at this stage. In this context, it makes sense that EIAs of such policies are closely related and we strongly advise that such organisations work together to ensure that their EIA templates are fully integrated.

This helps to make sure that there is no duplication of effort, that responsibility is clearly allocated and that information is properly shared to enable good quality assessments.

## Step 3: Sound, consistent data collection and analysis

While tailored data collection will be necessary for individual EIAs, it is much more efficient to collect certain types of data, such as statistics on employment, general research and so on, across the organisation as part of mainstream data collection and analysis. A reliable resource should be established that policymakers can draw on and contribute to when conducting EIAs. As well as internal equality data, public authorities will also need to draw on local, regional and national research, particularly when internal data is scarce.

Organisations who already routinely collect data or do research as part of evidence-based policymaking should build data collection on equality into these structures.

## Tips for small organisations

Smaller organisations should consider identifying someone to collect information as it becomes available, or to pool resources with other organisations to develop a shared database.

Organisations that are required to have equality schemes are already obliged to have systems in place to collect data on ethnicity, disability (disaggregated by impairment type) and gender (women and men, including gender identity) as part of meeting their duties. Where appropriate, public authorities should also introduce data collection systems for sexual orientation, religion or belief (including those with no religion or belief), and age.

## Example

North West Health Equality Library Portal (HELP) has been set up by the local strategic health authority, NHS North West. An easily accessible and effectively managed centralised repository of up-to-date equality and diversity information and know-how has been developed in order to:

- support the production of effective EIAs of all strategies, policies, plans or activities
- support primary care trusts in achieving world class commissioning competency five (manage knowledge and assess needs)
- identify knowledge and evidence gaps
- share best practice and policy material, and prevent unnecessary duplication of effort, and
- support equality and diversity leads in their roles.

[www.help.northwest.nhs.uk](http://www.help.northwest.nhs.uk)

Those designing data collection systems need to be aware of the sensitivities and concerns in this area and make sure that their systems overcome these. There is a range of detailed guidance to support this, a selection of which is referenced in Appendix 2. This includes guidance from the Information Commissioner's Office ([www.ico.gov.uk](http://www.ico.gov.uk)) on the rules to be followed when using the exceptions to the data protection rules that allow for the handling of personal equalities data. The important thing is to make sure the necessary data is collected so that EIAs can be carried out with confidence in the findings.

## Example

NHS National Services Scotland Information Services Division has carried out a number of initiatives to improve data collection within the NHS, including an ethnic monitoring toolkit. The toolkit includes guidelines and training resources to support the planning and implementation of ethnicity monitoring of patients within NHS Scotland. It includes policy and legal background, plus guidance on project management and ethnicity classifications. A substantial part of the toolkit is a communication guidelines section which includes suggestions for communications approaches and some draft communications materials. [www.isdscotland.org/ethnicmonitoringtoolkit](http://www.isdscotland.org/ethnicmonitoringtoolkit)

A training DVD is currently being developed for staff who will be involved in asking service users to give more personal information across all diversity strands (age, disability, race, faith or belief, gender, sexual orientation, gender identity). Supporting information can be accessed at: [www.isdscotland.org/equalityhappytoaskdvd](http://www.isdscotland.org/equalityhappytoaskdvd)



## **Step 4: Positive involvement and consultation**

The race equality duty requires that proposed policies are consulted on as well as assessed. The gender and disability duties are not as explicit, but require involvement of disabled people and consultation of women and men as a key method of meeting the equality duties. Public authorities who are carrying out their equality schemes should already be routinely involving disabled people and consulting other equality groups.

The information and insights that can be gained from involvement and consultation are crucial to EIAs, allowing those affected by the way a public authority carries out its functions to have a real input, improving outcomes and empowering both service users and employees.

Routine policy development often requires both consultation and involvement of affected groups as part of evidence-based policymaking, so good-quality EIAs need to draw on these. Such wider involvement and consultation approaches should include communities and groups covered by the public sector duties, and wider equality groups. Many of these groups face particular barriers to involvement, which mean that specific, targeted outreach activities and support may be needed.

A range of guidance exists on how to undertake involvement and consultation (for more information see Appendix 2).

### **Example**

One public authority realised that it needed to build the confidence of local lesbian, gay, bisexual and transsexual (LGBT) people to increase participation in involvement events. The authority:

- participated in LGBT history month
- designated key officers to regularly attend local LGBT forum meetings
- bought advertising space in the LGBT press, and
- had a float in the local LGBT Pride parade.

As a result they enjoyed a significant increase in involvement responses and general satisfaction levels among local LGBT residents and stakeholder organisations.

## **Step 5: EIA training**

The race equality duty requires public authorities to train staff to enable them to meet the requirements of the duties. This is strongly recommended for the other grounds. The training should be appropriate to the particular responsibilities of the staff involved and tailored to the authority's own equality scheme/s and EIA tool. It should look at the 'whys' of doing EIAs as well as the 'whats' and 'hows', so that policymakers are able to focus on the outcomes sought.

It is particularly important that training for senior board members (including non-executive members) equips them for their scrutiny role on equality, and to ensure the use of equality impact assessment in decision-making at all levels.

This should not be seen as a one-off exercise. Training should be delivered on a regular basis to both cover new staff and provide refresher training for existing staff.

### **Step 6: Internal systems to ensure EIAs are happening and are of a sufficient quality**

Internal systems will need to be in place to quality assure EIAs. Such mechanisms should be proportionate to the public authority's size and resources, and be supported at senior levels. Organisations have:

- introduced a standing agenda item for their board on EIAs and the duties more broadly
- convened an internal working group, chaired by a member of the senior management team, with representation from each department or directorate to monitor organisation-wide progress on EIAs and wider duties performance
- carried out spot checks on a sample of EIAs in order to test the quality of the assessments
- ensured that relevant policies and EIAs are signed off by equality leads and a member of senior management, with EIA templates adapted to include a sign-off section, and
- introduced a 'critical friends' panel of local senior-level experts to provide a robust challenge to officers regarding EIAs.

While individual EIAs should be undertaken by those responsible for policy development and service delivery, identifying a relevant person, unit or team to support the authority's work on equality (and specifically EIAs) can help to ensure consistency and quality. Public authorities have:

- employed a new equality officer to coordinate and provide advice, or identified an existing staff member who already has responsibility for coordinating activity and provided them with specialist training, which they can then cascade through the organisation, and
- moved existing equality teams from human resources units into the chief executive's department to better coordinate action across all parts of the organisation.

#### **Example: internal scrutiny**

A public authority has established a Chief Executive's Equality and Human Rights sub group that meets on a bi-monthly basis, is chaired by the chief executive and includes nominated senior-level representatives of each of the directorates. Responsibilities include:

- ensuring departmental buy-in on all duties activities
- checking departmental progress on equality scheme commitments
- monitoring completion of EIAs
- implementing organisation-wide action in relation to strategic gaps arising from EIA and other duties activities, and
- ensuring compliance with the duties.

### **Step 7: Using EIAs to pay due regard to equality before and during policy decision-making**

Public authorities need to have systems in place to ensure that EIAs are routinely used in decision-making. This means not only using the results to identify preferred options or to design the policy, but also that the person who ultimately decides on the policy is fully aware of the findings.

#### **Example**

A number of local authorities have decided that all papers and policies that are to be presented to council committees or full council must have an EIA attached. Those that do not are refused sign-off.

### **Step 8: Publishing**

The race equality duty specifically requires any race equality scheme to set out the arrangements for publication of the results of EIAs and consultation. The disability and gender duties recommend publication as an important way of building stakeholder confidence in the robustness of the authority's approach to equality. Having organisation-wide standard formats and systems for documentation and publication will assist this.

# Section 4: Who should carry out an equality impact assessment, when and how?

The table below summarises the key aspects of the equality impact assessment (EIA) process that need to be documented. It is followed by a detailed guide on how to actually carry out the

assessment. The table may be used as a starting point for the organisation's methodology or template, or as a general guide when developing a tailored approach.

<b>Author/editor/assessor</b>	This should be the person who is responsible for the policy, service, function, etc.
<b>Partners/decision-makers/implementers, etc</b>	Identify who else will need to be involved. This can be decision-makers, frontline staff implementing the policy, partner/parent organisations, etc.
<b>Start date</b>	The assessment should be started prior to policy development or at the design stages of the review and continue throughout the policy development/review. For an existing policy, it needs to be ensured that any changes identified as necessary can be implemented.
<b>End date</b>	The assessment will need to inform decision-making so the date should take this into account. It is not however the end of the assessment cycle, which links to review (below).
<b>Relevance</b>	<p>This should outline what the relevance of the policy, service, function, etc is to the general equality duties and equality groups (remembering to consider each of the general duties and not only the duty to eliminate discrimination). This should include which aspects of a policy, service, function, etc are relevant to which duties.</p> <p>Where it is concluded that the policy is not relevant, this should be recorded here with the reasons and evidence. Relevance may be obvious, in which case go straight to an assessment and detailed collection of data. In other instances a screening exercise may be needed, which will use data to identify relevance.</p>

<p><b>Policy aims</b></p>	<p>It will help to ask:</p> <ul style="list-style-type: none"> <li>■ Why is the policy needed?</li> <li>■ What does the authority hope to achieve by it?</li> <li>■ How will the authority ensure that it works as intended?</li> </ul> <p>This is not always easy and a discussion will probably be needed between those who define the policy and those who implement it.</p>
<p><b>Available evidence</b></p>	<p>Identify what evidence is available and set it out here. This includes evidence from involvement and consultation.</p>
<p><b>Evidence gaps</b></p>	<p>Identify where there are gaps in the evidence and set out how these will be filled</p>
<p><b>Involvement and consultation</b></p>	<p>What involvement and consultation has been done in relation to this (or a similar) policy or function, and what are the results? What involvement and consultation will be needed and how will it be undertaken? Report the results.</p>
<p><b>What is the actual/likely impact?</b></p>	<p>Consider the impact of the policy in respect of the individual requirements of each of the three public sector duties (disability, gender and race) to which the policy is relevant.</p> <p>The assessment can be supported with a set of key questions to identify the effect of the policy, tailored to the area being considered. These should cover all relevant aspects of the policy and, where appropriate, the different policy options. Broadly the following should be identified:</p> <ul style="list-style-type: none"> <li>■ Who benefits?</li> <li>■ Who doesn't benefit and why not?</li> <li>■ Who should be expected to benefit and why don't they?</li> </ul> <p>The discussion is likely to reveal additional aspects, so the policy owner should not be constrained by these questions but guided by them. Document the actual or likely impact, along with the evidence used to explain how that conclusion was reached.</p>
<p><b>Address the impact</b></p>	<p>Identify the range of options to address the impact to meet the general duties. Remember to consider each of the general duties. There are four possible options, more than one of which may apply to the policy:</p> <ol style="list-style-type: none"> <li>1. No major change.</li> <li>2. Adjust the policy.</li> <li>3. Continue the policy.</li> <li>4. Stop and remove the policy.</li> </ol> <p>Document the range of options and identify the effects of each. Identify the option(s) chosen and document the reasons for this.</p>

<b>Monitoring and Review</b>	Set out the arrangements for reviewing the actual impact of a new policy or changes to an existing policy once it has been implemented.
<b>Action Plan</b>	<p>An action plan should be developed, monitored and reviewed. This should include evaluation of the changes, to measure whether they have had their intended effect, and of the outcomes achieved.</p> <p>The action plan should include:</p> <ul style="list-style-type: none"><li>■ actions identified as necessary</li><li>■ details of who is responsible for implementation of actions</li><li>■ timescale for implementation</li><li>■ timescale and actions for review, and</li><li>■ details of how the effects of the actions will be evaluated to measure if expected outcomes are achieved in practice.</li></ul>
<b>Decision-making and quality control</b>	Includes sign-off by a responsible officer/equality and human rights team and a member of the senior management team.

### 4.1 Who should carry out the EIAs?

The person conducting an EIA must have a detailed understanding of the policy and policy area and must be in a position to ensure changes are made where they are needed. Usually this is the person responsible for developing the policy, with full support from senior management.

These will rarely be people with extensive expertise in equality, hence the importance of training at Step 5 in Section 3. It may also be useful to consider support mechanisms for policy makers, perhaps identifying a colleague who can give a second opinion and helping them to take a step back and examine the policy objectively.

Equalities officers have an important role to ensure that their colleagues are properly trained in how to carry out EIAs, supporting staff to improve EIAs where needed, monitoring the quality of EIAs being produced and signing off those which are sufficiently rigorous. They should only carry out EIAs of policies for which they are responsible.

External support and expertise can be bought in to help build capacity to undertake EIAs but the routine work should be done by those who develop the policies. EIAs should not routinely be carried out by consultants or external agencies.

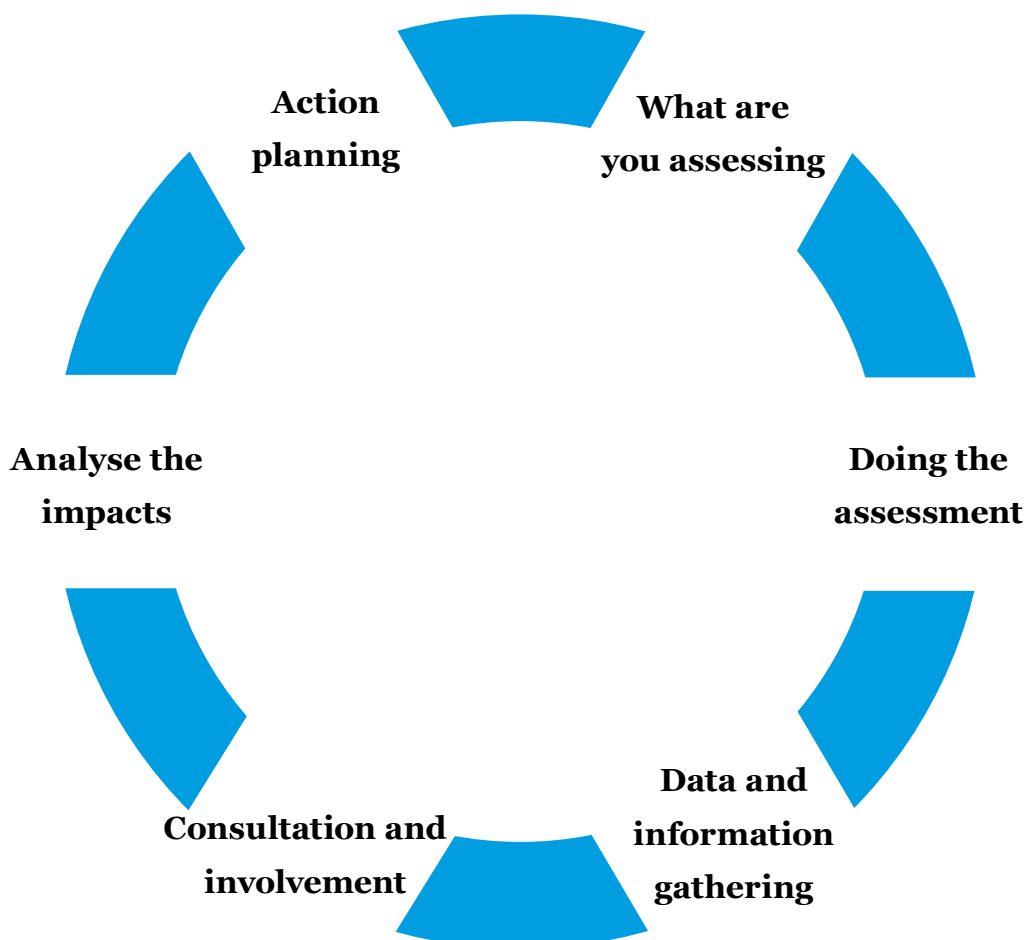
## 4.2 When should an EIA be carried out?

Impact assessment enables the policymaker to look at the policy and how it does or will operate and make a judgment as to the likely or actual impact on equality. The best time to do this is when the policy is being designed or reviewed. EIA should start prior to policy development or at the design stages of the review and continue throughout the policy development/review. If integrated correctly into policy development and review, EIA should not mean unnecessary additional activity.

### **EIA should start before writing begins**

Public policymaking is rarely a simple, linear process and the Commission recognises that individual public authorities should be able to develop an approach that meets their needs. Whatever style of process is used, it is crucial that the EIA starts at the beginning of policy making or review. This will enable equality considerations to be taken into account throughout policy design or review and before a decision is made. It will also identify appropriate actions to monitor and review the policy. EIA is not a one-off exercise; it is an ongoing cyclical process.

**Example:** Acas use the following model to demonstrate the impact assessment cycle: The Continuous Approach Model



## Warning

A number of public authorities have carried out EIAs at the very end of the policy development or review process. This can lead to significant problems. The EIA may be a paper exercise, with equality problems ignored and the policy given a clean bill of health. This is a particular risk where key decisions have already been made or political representatives have given public statements, making it extremely difficult to change the policy sufficiently. Carrying out EIAs at the end of the process can lead to several problems:

- The policy may still contain potentially discriminatory activity or adverse impact, including unintended consequences.
  - There may be an opportunity to promote equality that is missed, meaning that some groups do not benefit from the policy to the same extent as others.
  - It does not meet the legal requirements of the public sector duties and leaves the authority open to compliance action by the Commission or legal challenges by others.
- (6)**

## 4.3 Carrying out an EIA through the policy development process – the five key stages

The Commission has identified five key stages in the policy development process at which the EIA will be relevant and should be built into the wider policy development process:

**Stage 1:** Pre-policy development or policy review planning

**1(i)** Deciding whether a policy or service requires an EIA

**1(ii)** Scoping the EIA

**Stage 2:** Policy drafting and assessing impact

**Stage 3:** Putting in place monitoring, evaluation and review approaches

**Stage 4:** Signing off and publishing the policy

**Stage 5:** Monitoring and reviewing the action plan

**6** See for example *R(C) v Secretary of State for Justice* [2008] EWCA Civ 882 where the lack of a race equality impact assessment contributed to the decision to quash regulations.



## Stage 1: Pre-policy development or policy review planning

Key decisions are made at this point that will determine the scope of the policy and define what it is intended to achieve, including whether an EIA is needed. If so, work is started.

As stated earlier, the aim should be to integrate EIA into policymaking and review. However, if the authority is still working through the ‘back catalogue’ of existing policies, the following steps can assist in deciding if an EIA is needed for an existing policy that is not yet scheduled for review.

### Stage 1(i): Deciding whether a policy or service requires an EIA

#### This involves:

- identifying a policy
- deciding if an EIA is needed – relevance, proportionality and screening

#### Identifying a policy

As stated above, ‘policy’ needs to be understood broadly to embrace the full range of functions, activities and decisions for which the organisation is responsible – essentially everything the authority does. It includes both current policies and new policies under development.

The three public sector duties each deal with existing policies slightly differently. The race equality duty requires that an assessment of current and proposed policies and functions is undertaken to identify those that are the most relevant to race equality, that proposed policies are assessed and consulted on, and that existing policies are monitored for adverse impact on the promotion of race equality. Both

the disability and gender equality duties require the assessment of existing as well as proposed policies that are relevant to equality. They also require the authority to gather information on the effect of their policies on equality.

Regardless of the legal differences, public authorities are required to ensure that all of their policies, both current and proposed, have given proper consideration to equality, in line with their general duties. This doesn’t mean that an EIA is needed for every policy, but it does mean that all policies will need to be checked for their relevance and assessed if appropriate.

### Deciding if an EIA is needed – relevance, proportionality and screening

#### Relevance

Relevance is different from impact. For example, given the significance of the gender pay gap nationally, any changes to pay and conditions will be relevant to gender equality.

#### Tips and hints

Some public authorities have mistakenly used potential for adverse or differential impact as the test for if a policy needs to be impact assessed. It is not necessary at the screening stage to identify adverse or differential impact. Other factors may be used to identify relevance, such as:

- the extent to which a service is or isn’t used by particular groups of people
- whether the policy relates to functions that previous consultation has identified as important, and
- if different groups have different needs or experiences in the area the policy relates to.

### **Policies to promote equality**

The Commission believes that new initiatives or policies introduced specifically to promote equality or tackle the adverse effects of current policies may need to be impact assessed. This is because there is still the potential for discriminatory activity, adverse impact or a missed opportunity to promote equality. This may be particularly important when considering multiple grounds.

(including withdrawal of services), schools admissions and exclusions policies, recruitment or pay policies, and policies that set quality standards for others to follow should always be impact assessed. At the other end of the scale, there will be policies which are not relevant to equality, such as a policy on when to check the temperature of fridges in a hospital (7). It is likely that looking at such policies to decide if they are relevant for equality and documenting the reason why not will be sufficient to show that due regard has been taken.

### **Example**

A policy on tackling gender-based violence is being reviewed by a local authority. EIA may be needed to ensure that the policy is fulfilling its equality-related goals and can meet the needs of all those covered, for example, members of black or ethnic minority communities or disabled people who have experienced gender-based violence.

### **Warning**

It is important to remember that even where a policy is 'screened out', it remains subject to the general duties. Screening out a relevant policy places a public authority at greater risk of legal challenge because it cannot use the EIA process to meet the general duties. Even more importantly, it also means that opportunities to promote equality may have been missed.

### **Proportionality**

Public authorities will need to prioritise so that they can focus their efforts and use their resources most effectively. There is little to be gained by carrying out EIAs of policies which are clearly not relevant. Conversely, if an important policy is left out because relevance hasn't been identified, the public authority is left vulnerable to legal challenge and to implementing poor policy decisions.

It may help to think about policies as having high, medium or low relevance. Policies with high relevance, such as grant-making programmes, changes to service delivery

### **Example: Elias (8)**

In the case of Elias, a policy on eligibility under a non-statutory compensation scheme for those who were interned by the Japanese during World War II was challenged on the basis that it breached the public sector equality duties. The Ministry of Defence considered that there was no race discrimination issue to be addressed, the policy was not included in their race equality scheme and no impact assessment was carried out. This meant that a discriminatory policy was implemented, ultimately leading to a successful legal challenge.

7 This is in fact based on a real example brought to the Commission's attention.

8 R (Elias) v Secretary of State for Defence [2006] EWCA Civ 1293 1 WLR 3213.

Where a public authority decides that a policy is not relevant, it should record and explain the decision and have it checked by the quality assurance systems.

Policies with medium relevance or where the relevance is unclear can be difficult to judge. In these situations, many public authorities have chosen to use a screening process.

## Screening

Screening is a short, sharp exercise that determines relevance. Once it is concluded that an EIA will be needed, screening can stop and EIA begin, regardless of the stage screening has reached. For more difficult decisions, screening may start to look like an EIA, with detailed information and evidence gathered and analysed. If this happens, public authorities should move straight to an EIA. If not, this work will need to be documented so that it does not have to be repeated if (as is likely) an EIA is undertaken.

The following questions can help to identify relevance. This is not an exhaustive list as what makes a policy relevant may be different for a school than for a government department, for a rural area than for an urban area, etc. The EIA methodology or template should consider what prompts are most able to identify relevance in a particular context.

## Potential questions

- Does the policy affect service users, employees or the wider community? Remember – this isn't just about numbers. A potential to affect a small number of people in a significant way is as important as a potential to affect many people.
- Is it a major policy, with a significant effect on how functions are delivered?
- Will it have a significant effect on how other organisations operate? (for example, a central government strategy, inspection criteria, funding criteria, etc).
- Does it involve a significant commitment of resources?
- Does it relate to an area where there are known inequalities (for example, disabled people's access to public transport, the gender pay gap, racist or homophobic bullying in schools, educational attainment of Gypsies and Travellers, etc).

If a public authority has built equality into its data collection, as outlined in Section 3, the information to answer these questions should be readily available and accessible.

## Policies where only one or two of the duties are relevant

A public authority may choose to screen policies against each of the duties, so that they can focus resources on the most relevant.

### Example

By using a screening process, an NHS Trust may decide that the installation of its new computer system is not relevant to the gender and race equality duties, but is relevant to the disability equality duty in terms of accessibility. Consequently, the resulting equality impact assessment would only focus on aspects of the policy which are relevant to the disability duty.

The decision is recorded, along with an explanation of the reasons, and is checked by the NHS Trust's equality team and signed off by the senior manager responsible for internal and external communications.

## Impact identified during screening

While relevance is different from impact, often the data and evidence used to determine relevance can also demonstrate impact. Rather than ignoring this during screening, in such cases it may make sense to simply adjust the policy and put in place monitoring to ensure action is taken if unanticipated impact occurs. This should only be done where the public authority is absolutely confident that no other impact will be identified.

## Decisions not to impact assess

An overarching point to remember is that any decision not to impact assess or to only assess against some of the duties will need to be fully documented, along with the reasons and the evidence used to come to this conclusion. This will need to be checked using the quality assurance systems set out in Section 3. A simple statement of no relevance is insufficient as is a statement of no data or evidence. This is particularly important where the policymaker is not familiar with EIA or with equality concerns, as they are likely to inadvertently miss potential issues that can indicate relevance, mistakenly screening out a relevant policy due to lack of awareness.

**Remember: record, explain, check**

## Publication

Decisions not to undertake an EIA should be published to ensure openness and transparency, and to enable people to understand the decisions taken. This may be as part of the publication of the draft policy if it is consulted on, or as part of the organisation's annual reporting on implementation of their equality scheme. Simply placing the information on the website will often be sufficient as long as it is readily accessible.

## Stage 1(ii): Scoping the EIA

This stage presents public authorities with an opportunity to put in place basic systems so that later stages of the EIA can be carried out without unnecessary delay or fuss. The systems outlined in Section 3, such as data collection and involvement activities, will support this. Rather than relying on the knowledge of the policymaker alone, it will be important at the initial stages of the EIA to bring together all the people who are involved in developing and implementing the policy. It is likely that this will already be happening as part of the pre-policy development or policy review planning and that equality aspects can be built into this discussion.

Where a public authority has put in place partnership arrangements (such as those set out in Section 3) or is an executive agency, this is also an appropriate point at which to bring together the relevant people from partner organisations or the parent department/executive agency.

## Scoping the assessment

At this stage the following should be established:

- a. What are the aims of the policy, how do these relate to equality and are there ways they could better promote equality?
- b. What aspects of the policy are particularly relevant to equality?
- c. Which of the general duties and which of the protected groups is the policy relevant to?
- d. What evidence is already available which will help in the development of both the policy and the EIA?
- e. What are the data and research gaps that need to be filled?
- f. Which communities and groups will need to be involved in the development of the policy?

### **a. What are the aims of the policy, how do these relate to equality and are there ways they could better promote equality?**

It is vital to begin the assessment process with a clear understanding of the policy to be developed. This includes: the purpose of the proposed policy; the context within which it will operate; who it is intended to benefit, and the results aimed for. It will help to ask:

- Why is it needed?
- What does the authority hope to achieve by it?
- How will it be ensured that it works as intended?

In thinking about who it is intended to benefit, it is important to consider the potential impact on all those affected, even where this is not immediately obvious.

Even at this initial stage, it is necessary to start considering potential impacts and how the duties could be better met, perhaps broadening or amending the policy aims themselves.

#### **Example**

A public authority is reviewing its policy on training and personal development. The purpose of the policy is to ensure that all staff gain appropriate training. The review is motivated by the organisation taking on new areas of work, but through thinking about opportunities to promote equality they decide that a specific aim of the policy could be to address a lack of women in senior management in the organisation through targeted management training.

### **b. What aspects of the policy are particularly relevant to equality?**

At the earliest stages, public authorities should identify which key aspects of the policy are relevant to equality. This does not mean that other aspects should be excluded from the assessment, but it will help to focus attention on the most important areas.

The inter-relationship of policies will also need to be considered. For example, where a policy on promotion is being assessed, the impact of policies on training and development may also need to be considered in order to gain a full picture of any barriers or opportunities.

#### **Example**

An authority runs different pension schemes for different categories of staff. If changes to one are being considered, the actual or potential effect of other schemes on equality in the workforce overall (not just those directly affected by the change) will need to be considered to ensure that inequalities between different categories of worker are not perpetuated or made worse.

Where the impact goes beyond the area that the person carrying out the EIA is responsible for, those responsible for other areas should be brought into the process as early as possible.

### Example

A local authority which is developing a new housing strategy may identify the following areas as being particularly relevant to equality:

- take-up of housing services – existing and projected
- satisfaction rates and number and type of complaints from different groups and communities
- supported housing provision
- homelessness rates and causes
- choice-based lettings
- Housing Benefit
- procurement of housing association services
- availability and management of adapted housing
- accessibility of office and internet-based information
- Gypsy and Irish Traveller site provision
- staff training

### c. Which of the general duties and which of the protected groups is the policy relevant to?

If the policy has been screened, the policymaker will already have an idea of which of the duties the policy is most relevant to. If not, assessment should, at least initially, be against each of the three duties (and grounds) and wider equality areas, particularly where the policy has been judged as highly relevant. Diversity within as well as between groups should be considered. If it is decided that assessment is not needed against some of the duties, this should be recorded, explained and put through the organisation's quality assurance mechanisms.

### d. What evidence is already available which will help in the development of both the policy and the EIA?

It is important to have as much up-to-date and reliable data and information as possible about the different groups the proposed policy is likely to affect. The systems outlined in Section 3 should provide a pool of data on which to draw, but this may need to be supplemented for the specific policy under consideration.

The data and information needed will depend on the nature of the proposed policy, but it will probably include many of the items listed below:

- Service-level equality monitoring data (disaggregated by disability, gender, race, age and, where relevant, sexual orientation and religion or belief) for the services being assessed or those which are similar.
- Comparisons with similar policies in other departments or authorities.

- Analysis of records of enquiries or complaints from the public about services or policies.
- Recommendations of inspection and audit reports and reviews.
- Information about the population or local community, including
- census findings.
- Recent research findings from a range of national, regional and
- local sources.
- The results of involvement activities, consultations or recent surveys.
- Information from groups and agencies directly in touch with particular groups in the communities the authority serves; for example, qualitative studies by trade unions and voluntary and community organisations.

The most important and appropriate data is likely to be service-level data. This will provide detailed information about who is using services and about their experiences and outcomes.

### **e. What are the data and research gaps that need to be filled?**

Having put in place the data collection and analysis outlined in Section 3, the authority should be able to access available data. This will also have helped identify gaps in data and those gaps will now start to be filled. Nevertheless, it can still be difficult for some public authorities to find the necessary information. This must never be used as a reason for inaction.

Sometimes the extent of a problem for certain groups is already known, without extensive research to confirm this in detail. In these

circumstances, the focus should be on action – on what needs to be done to promote equality or address discrimination.

Where there is still insufficient information to properly assess the policy, appropriate and proportionate measures will be needed to fill the data gaps. Examples include one-off studies or surveys, or holding informal consultation exercises to supplement the available statistical and qualitative data.

Where this is not possible in time to inform the current EIA, specific action points will be needed in the EIA action plan, with a focus on monitoring the actual impact and policy review.

### **f. Which communities and groups will need to be involved in the development of the policy?**

The information and insights that can be gained from involvement and consultation form a crucial part of the EIA process. Public authorities should first look to data from recent consultation, involvement and research activities. This could be on a recent related policy, a strategy that the policy is partly implementing or recent EIA by the same department. Indeed, this can also help to build confidence among communities, who can see that what they have said is being acted on. Being asked the same thing repeatedly without visible action is a common cause of dissatisfaction with consultation and involvement.

#### **Example**

If a local authority has recently published a new community strategy, it should review the information for the purposes of developing its new housing strategy. An important early question is: what is already known?

### **Example**

Sportscotland carried out an EIA on Out There – the organisation’s policy statement on sport and recreation in the outdoors. The policy forms the basis for the approaches to all outdoor sports across Scotland. It sets out the framework that partner agencies need to take into account when designing, developing and delivering their own schemes and action plans.

Sportscotland consulted widely on the policy and drew on information that was already available to the organisation. Research had already been carried out into the barriers to participation in other sporting areas and its single equality scheme had already pulled much of this information together. It was also able to draw on work that had been carried out by the Countryside Recreation Network.

As a result of the assessment, a new guiding principle was added to Out There, making it

clear that all sectors of the population should be involved in outdoor sport and encouraged to participate. Key policy statements were added to relevant sections, underlining the need to provide facilities and opportunities for sport close to where people live. The chapter on outdoor access was amended to encourage provision for disabled people in the implementation of access rights, including provision for wheelchair users and families with buggies. The policy on charging for sport use of the outdoors was revised to encourage charges to be set at a level that would not exclude certain groups because of cost.

A section has been created, entitled ‘Inclusion’, which outlines the need to address the barriers to participation in sport and recreation in the outdoors that some groups face. That it is crucial to engage with excluded groups to clarify their issues and barriers and to work with them in identifying solutions was also recognised.

The most effective approach is often to build equality considerations into planned consultation and involvement, ensuring that it includes people from the different equality groups.

Planning this in from the beginning enables involvement to be real, informing the design of the policy, and using the most effective and efficient involvement method. As with everything, proportionality is a key principle. EIA of a major new policy or strategy will need significantly more efforts and resources dedicated to ensuring effective consultation and involvement than a simple EIA of a regular policy.



## Stage 2: Policy drafting and assessing impact

### Assess likely impact and opportunities to promote equality

This stage lies at the heart of the impact assessment process. Evidence-based policymaking asks a simple question – what will happen if we do things this way? EIA simply adds another dimension to this question, asking policymakers to specifically think about what will happen to specific groups of people.

#### Hints and tips

It is important to always remember that EIAs are not simply about removing potentially negative impacts, they are also an opportunity to identify ways to promote equality of opportunity and ensure greater access to public services.

#### Working together

The simplest way to carry out this part of the EIA is to bring together the people who are responsible for developing and implementing the policy. If an EIA method or template has been developed, as outlined above, this will provide a structure for the assessment and ensure that all of the right questions are asked. This should lead to an open, honest, robust and rigorous discussion about the potential impact of the policy.

#### Using the data to identify the impact

**Remember:** No data is not a sufficient reason to conclude no impact.

All the information, data and evidence collected so far need to be brought together and applied to the policy as it develops, making a judgment at each step as to what the likely effect will be and if changes are needed. The policy-writing process is not linear and it is likely that each stage will overlap. This is perfectly legitimate, and recognising this can help to avoid a tick box approach to assessment.

#### Example

The Department for Children, School and Families (DCSF) EQUIAs (Equality Impact Assessments) workbook contains direct links from the pro forma to evidence bases and to sections on the relevant issues. By looking at this data on existing inequalities, colleagues are able to see at a glance where the greatest potential for using their policy to enhance equality may lie.

It is never acceptable to simply state that a policy will universally benefit all service users, and therefore the equality groups will automatically benefit. The analysis must be more sophisticated than this, demonstrating consideration of all of the available evidence and addressing any gaps or disparities revealed. Equality will sometimes require specific steps in order to address an existing disadvantage, meet different needs or accommodate difference and diversity.

Failure to recognise this can perpetuate inequalities between or within communities and groups.

### **Example**

EIA and routine monitoring identified that the out-of-borough placements policy of a local authority had not been revised for more than 15 years and was effectively sending significant numbers of ethnic minority children to parts of the country where they were frequently the only ethnic minority child.

As a result, the authority revised its Children Looked After policy and put in place new arrangements, which ensured enhanced support for ethnic minority children in care.

Conversely, policies that are intended to increase equality of opportunity for some groups (for example, by taking advantage of the positive action provisions of the Disability Discrimination Act 1995, Race Relations Act 1976 and Sex Discrimination Act 1975) will also need to be considered to ensure that the policymaker is confident that the policy is lawful and will actually achieve the intended equality goals. Steps may also be needed to counter any resentment or perception of more favourable treatment among other communities and groups.

The most effective way to do this is to use the EIA to ensure that there is clear evidence of the need that is being addressed and that the action is necessary to meet this need. How to communicate such measures to the general public may also be considered as part of the policy design and EIA action plan.

In order to focus and support the assessment, it will help to identify a set of key questions that can be asked. These need to be able to identify the effect of the policy and should be tailored to the area being considered. They

should cover all relevant aspects of the policy and where appropriate the different policy options. The discussion is likely to reveal additional aspects, so the policy owner should be guided but not constrained by these questions.

Broadly the following should be identified:

- Who benefits?
- Who doesn't benefit and why not?
- Who should be expected to benefit and why don't they?

For some policies, the relevant questions will be obvious. For example, in reviewing recruitment policy for disability equality, a public authority will want to ask itself how many disabled people applied, how many were appointed, at what grades and on what salaries. They may also want to extend the assessment to consider retention and promotion rates.

### **Example**

The Open University race equality impact assessment of its broadcast commissioning strategy identified the following questions as central to understanding the impact on ethnic minority groups:

1. Are we producing print on programmes likely to attract a diverse audience?
2. Are the programmes reaching a diverse audience?
3. Are we satisfied that contractors are legally compliant?
4. Are presenters and programmes participants sufficiently diverse?
5. What proportion of students from ethnic minorities register for a course after seeing a broadcast?

Identifying the impacts will be easier for existing policies. For new policies, a prediction will need to be made. This is not a guess, but a structured assessment based on evidence that enables a thorough and deliberative approach to understanding the effect of a policy.

The analysis will need to be sufficiently robust to enable a judgment as to the effects of the general duties that have been identified as relevant. This involves systematically evaluating the proposed policy against all the information and evidence assembled, and making a reasonable judgment as to whether the policy has or is likely to have significant positive or negative consequences for particular group(s) or communities.

When doing this, the policymaker/reviewer will need to be guided by the requirements of the general duties. In considering the duty to eliminate unlawful discrimination, the focus may be on deciding if the impact is discriminatory, where it may be relevant to consider if the policy directly or indirectly causes any inequality identified. However, the cause of the inequality may not be as relevant when considering the duty to promote equality – this duty requires public authorities to take active steps to address inequality, regardless of where it originates from.

### **Example**

Research suggests that disabled children, children from ethnic minority communities and children who are, or are perceived to be, gay, lesbian, bisexual or transgender are especially vulnerable to bullying. Therefore a school or local authority that is looking at its anti-bullying policy will wish to ensure that the policy addresses these issues and may wish to involve these learners and their families in devising the policy.

The questions chosen will need to ensure that each of the relevant general duties is addressed, as well as each of the relevant policy aspects, both identified at Stage 1 above.

Broadly, the questions chosen should cover the following considerations:

- What are the main findings from your involvement and consultation, and do they demonstrate problems that need to be addressed?
- Could the policy outcomes differ according to people's ethnic group, gender, age, disability, religion or belief, or sexual orientation? For example, because they have particular needs, experiences, concerns or priorities in relation to the issues addressed by the policy or practice?
- Is there evidence of higher or lower participation or uptake by different groups?
- Could the policy or practice affect different groups disproportionately? For example, are more women than men affected, more disabled people, etc?
- If there will be a greater impact on one group, is that appropriate and consistent with the policy objective?
- Could the policy or practice disadvantage people of one or more community or group? It is essential to consider not just the intended consequences of the policy or practice but also any unintended consequences and barriers that might prevent it being effective for certain communities or groups.
- Is there any evidence that any part of the proposed policy could discriminate unlawfully, directly or indirectly, against people from some communities or groups?

## Equality impact assessment guidance

- Does the policy include lawful positive action or other methods to address particular needs that should be retained?
- Does the policy miss potential opportunities to promote equality and ensure equitable outcomes for different communities and groups?
- Is there an opportunity to promote positive attitudes to disabled people and good relations between different groups and communities?
- Does the policy have a bearing on participation in public life?
- If so, can participation of disabled people be promoted and are other groups underrepresented?
- Is the proposed policy likely to affect relations between certain communities or groups, for example because it is seen as favouring a particular group or denying opportunities to another?

### Hints and tips

In identifying whether a proposed policy may discriminate unlawfully, more than direct discrimination should be considered. Other prohibited acts include indirect discrimination, harassment, pregnancy and maternity discrimination, discrimination against married people or civil partners, equal pay and failure to make a reasonable adjustment.

Having considered the potential or actual impacts the policymaker should be in a position to make an informed judgment on what should be done. There are four possible options:

### Option 1:

**No major change the EIA demonstrates that the policy is robust and that the evidence shows no potential for discrimination and that all opportunities to promote equality have been taken**

If this conclusion is reached it will be essential to document the reasons why and the evidence used and to have the EIA quality assured. The assessment and the reasons for it will need to be brought to the attention of the decision-maker (if it is not the person assessing the policy).

### Option 2:

**Adjust the policy to remove barriers or better promote equality**

In considering how to adjust the policy, two possible courses of action will need to be considered. Firstly, it may be possible to remove or change the aspect of the policy that creates the unwanted impact.

This simply relates to the particular aspect of the policy and does not mean that the whole policy will have to be abandoned.

### **Example**

When developing its EQUIA of a Bill on further education, the then DfES (now DCSF) identified that a disproportionate number of students from ethnic minority communities left full-time education at 16 and did not return until after the age of 19. This meant that the draft Bill's key proposal to provide financial support for students between the ages of 16 and 19 would not be of equal benefit to these students. Consequently, as a result of its EQUIA, the department extended its financial support to 16-25 year olds.

Secondly, the policymaker may introduce additional measures to reduce or mitigate the potential impact – by setting out the steps that the public authority will take to remove or reduce the potential impact. This could be an adjustment to the policy, substantially replacing the policy with a different approach or introducing additional measures that counteract the unwanted impacts. The impact of any changes needs to be fully understood and assessed to ensure that they do not have unintended consequences and can really achieve the impact expected.

### **Hints and tips**

Remember that it is lawful to take positive action under the Race Relations Act and Sex Discrimination Act. It is not only lawful but part of the general duties to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably. It is also not only lawful but sometimes necessary to put in place single sex provision where there is a real need for it.

### **Example**

While considering its response to growing knife crime, the Metropolitan Police carried out an EIA which identified a high probable impact on black and ethnic minority communities due to any action they might take. It was also aware that members of these communities were keen to see action taken. The impact assessment led to the development of an improved strategy to manage relations between officers and the community, especially during sensitive operations. This included:

- increased community engagement and involvement in operational activities
- members of the local community being part of street operations, leafleting, listening to local people and explaining police procedures, and
- specific training for operational staff to improve the experience of stop and search for all concerned. It was particularly important to ensure that those questioned felt they were being treated with respect and also that they understood the reasons for the police action.

### Option 3:

#### **Continue the policy despite potential for adverse impact or missed opportunities to promote equality**

The EIA needs to clearly set out the justifications for doing this and must be in line with the duty to have due regard. For the most important relevant policies, particularly weighty reasons will be needed. It is important to underline that there can be no justification for direct discrimination and that indirect discrimination will need to be justified according to the legal requirements. Further details can be found in the relevant codes of practice from the Commission website.

### Option 4:

#### **Stop and remove the policy – if the policy shows actual or potential unlawful discrimination it must be stopped and removed or changed**

At the other end of the scale are policies that are discriminatory or that create or enable unlawful discrimination. These must be immediately stopped and changed. Identifying what is and isn't unlawful discrimination can be difficult, even for the courts. For help in identifying what is unlawful discrimination, please refer to the guidance on the Commission website, including the codes of practice on each of the public sector duties and the anti-discrimination legislation.

### Action planning

An action plan should be developed, monitored and reviewed.

The action plan should include:

- actions identified as necessary;
- Identification of who is responsible for implementation of actions
- timescale for implementation
- timescale and actions for review, and
- details of how the effects of actions will be evaluated to measure if expected outcomes are achieved in practice.

### Involvement and consultation

Having planned for involvement and consultation at the pre-policy development stage, this will have fed into and informed the assessment. This should continue, ensuring the EIA is considered as part of any involvement and consultation activities associated with the actual policy once drafted. Attaching the draft EIA to the consultation on the policy and inviting views on its findings is a good way to do this. This should enable an informed view to be given on the options identified as well as the assessment of impacts. Stakeholders' views on the most effective methods of addressing unwanted impacts should be considered. Following consultation and involvement, it may be necessary for the policymaker to go back to the assessment of impact and identification of options, and revise findings.

## Decision-making

The approach to decision-making must be methodical and logical, with records of the procedures and clearly justified decisions at each stage. In the case of a new policy, decision-making is likely to focus on whether to adopt the policy and the form it will take. For an existing policy, the decision may be if a revision is needed, and for a policy that is already being revised, it may be the form of those revisions. The decision will be based on four important factors:

- The aims of the policy.
- The evidence collected and the impacts this has revealed.
- The results of consultations and involvement, formal and informal.
- The relative merits of the different approaches.

The three equality duties give decision-makers a duty to have ‘due regard’ to the need to promote equality. This must mean more than just ticking the right boxes. Equality should be given its proper weight, alongside other statutory duties.

Decisions will involve careful balancing and may finally represent the best accommodation between different interests; for example, if the assessment suggests that two or more groups could be adversely affected by the proposal, and the needs of the groups are in conflict, an appropriate balance will need to be found for the groups and policy in question. The important point is to make sure the conclusions reached can be explained, particularly where the data can be interpreted in different ways.

### Example

An EIA conducted by the Department for the Economy and Transport of the Welsh Assembly Government had a major impact on the development of the transport strategy One Wales: Connecting The Nation. This means that for the first time, the strategy ensures that the development of transport in Wales will take the needs of a diverse range of users into account.

The strategy addresses how people can access physical sites, services and facilities. It also emphasises the importance of planning, especially when developing new sites, facilities and services where accessibility should be a core consideration. A thorough review of data and research was undertaken, and local people were involved through the development of an advisory group representing all equality strands.

This identified high-level issues which will be taken forward in national and local transport plans. These include:

- the importance of continued engagement with the wider community
- the comparative costs of different modes of travel
- the need for joined-up service provision reflecting the needs of users
- the need to improve actual and perceived safety and security of the transport system, and
- the importance of getting street design right.

### Stage 3: Putting in place monitoring, evaluation and review approaches

The assessment, and the involvement and consultations associated with it, will have helped to anticipate the policy's likely effects on different communities and groups. However, the reality is that the actual impact of the policy will only be known once it has been introduced.

It may become necessary to revise the policy where unintended and unexpected negative impacts occur. Additionally, a range of factors can affect a policy's effectiveness. Area demographics can change, leading to different needs that will have to be considered, alternative provision may become available through other sources, or options to reduce an adverse impact that were not there at the time of the initial assessment may become apparent.

Systems to enable monitoring of the actual impact of the policy therefore form a vital part of an EIA and should be set out in the final section of the EIA. In developing these, the following should be considered:

- What the type of data needed is and how often it will be analysed.
- How to continue to involve relevant groups and communities in the implementation and monitoring of the policy (in line with broader policy review and equality scheme commitments).
- Who will be responsible for the monitoring.
- When the policy will be reviewed and what evidence could trigger an early revision.

The type of data used during EIA is also likely to be useful for monitoring. The following are likely to be of particular relevance to monitoring the actual impact:

- Service level data (including the additional data you have identified as part of the EIA).
- Feedback, comments and complaints.
- Inspection reports and other performance evaluations.
- Involvement activities.

This data should be disaggregated for all relevant equality groups and can cover, for example:

- Levels of service take-up by different groups.
- Levels of satisfaction.
- Outcomes for different groups.

#### Example

As a result of internal monitoring systems, a public authority with a funding remit identified that its third sector funding programme was failing to adequately reach ethnic minority, gender specific and disability focused groups. Consequently, it decided to revise its funding arrangements. The accompanying EIA enabled the authority to:

- Improve its monitoring arrangements to include different impairment groups and new and emerging communities.
- Ensure that its new arrangements meet the good relations requirement of the race equality duty.



## Arrangement for policy review

EIA is an ongoing process that does not end once a document has been produced. The assessment and the monitoring and evaluation arrangements will need to be accompanied by a plan that sets out how and when the policy will be reviewed. It will also be important to use the findings of the assessment to identify appropriate ‘triggers’ that will indicate problems with a policy and suggest that a revision will be needed.

The Commission suggests that a review that considers the actual impact of a policy should be undertaken no later than one year after its introduction. This is not repeating the EIA, but going back to the original assessment and using the information and experience gained through implementation to check the findings and make any necessary adjustments. If the authority considers that one year is too short an amount of time in which to see how a particular policy operates, the EIA should document the reasons for this and what the timescale should be.

## Stage 4: Signing off and publishing the policy

### Signing off

In line with the quality assurance systems outlined in Section 3, once the assessment has been completed, it should be signed off by a senior manager/board member within the organisation. This will signal that they are satisfied that the assessment meets the legal requirements and is something which the organisation is happy to sign off as formal policy. If appropriate, the organisation’s legal team (if they have one) should also sign off the EIA.

### Publishing assessment results

The race equality duty requires public authorities who have to publish race equality schemes to also have arrangements for publishing the results of the assessments and consultations of any relevant policy. It is good practice to do so for the other duties and wider equality areas as the aim is to be open about the way policies are made and transparent about the decisions which shape the design and delivery of public services. By focussing on the issues considered and the practical actions taken or planned, this will demonstrate that the authority has considered equality issues and demonstrates their commitment to promoting equality.

## Equality impact assessment guidance

There are a number of different ways in which the results of assessments can be published:

- Publish individual EIAs in full.
- Publish the EIA action plans, together with short summaries.
- Publish a summary report outlining the actions that have arisen from individual EIAs as part of annual reports on the equality duties.

**Please note: EIAs should always be made available in full if requested by members of the public or stakeholder organisations, including meeting any requests for accessible versions.**

### **Stage 5: Monitoring and reviewing the action plan**

As Stage 3 indicates, the EIA process does not end with the introduction of the policy. It is not enough to make the changes expected to eliminate adverse impact or promote equality; it is also necessary to implement the resulting action plan and use the monitoring, evaluation and review processes to ensure that the anticipated impact is the actual impact and that actions are implemented.

Failure to properly monitor the actual impact of an existing policy may leave a public authority open to legal challenge, as well as enforcement action from the Commission. As explained at the start of this guidance, EIA is a tool to assist public authorities in meeting their general duties. Those duties continue to bind public authorities in respect of policies and functions even where an EIA has been carried out, and public authorities need to satisfy themselves on an ongoing basis that they are continuing to meet each of the general duties.

# Appendix 1: The general duties on race, disability and gender

## **Race (in force 2000)**

The Race Relations Act 1976 places a duty on listed public authorities, when carrying out their functions, to have due regard to the need to:

- eliminate unlawful racial discrimination
- promote equality of opportunity, and
- promote good relations between people of different racial groups.

## **Disability (in force 2006)**

The Disability Discrimination Act 1995 places a duty on all public authorities, when carrying out their functions, to have due regard to the need to:

- promote equality of opportunity between disabled persons and other persons
- eliminate discrimination that is unlawful under the Act
- eliminate harassment of disabled persons that is related to their disabilities
- promote positive attitudes towards disabled persons
- encourage participation by disabled persons in public life, and
- take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.

## **Gender (including gender identity) (in force 2007)**

The Sex Discrimination Act 1975 places a duty on all public authorities, when carrying out their functions, to have due regard to the need:

- to eliminate unlawful discrimination and harassment, and
- to promote equality of opportunity between men and women.

The duty to eliminate unlawful discrimination also includes equal pay legislation.

# Appendix 2: Resources

## Codes of practice

The code of practice is the statutory guidance on the legal requirements of each duty. It must be used by public authorities to make sure they are complying with the law. Hard copies of these documents are available from The Stationery Office.

### Race equality duty

Race equality duty code of practice (England and Wales)

Race equality duty code of practice (Scotland)

### Disability equality duty

Disability equality duty code of practice (England and Wales)

Disability equality duty code of practice (Scotland)

### Gender equality duty

Gender equality duty code of practice (England and Wales)

Gender equality duty code of practice (Scotland)

## Equality and Human Rights Commission non-statutory guidance

A range of non-statutory guidance is available from the Commission website. The following are a selection of those that are most relevant to equality impact assessment.

### Evidence and information

#### Race duty

Ethnic monitoring: a guide for public authorities

The race equality duty: ethnic monitoring a guide for public authorities in Scotland

#### Disability duty

Disability equality duty: evidence gathering

Training and information pack for people with learning disabilities and their groups

#### Gender duty

Gathering and using information on gender equality

Gender statistics: an evaluation

### Consultation and involvement

#### Disability duty

Disability equality duty: involvement guidance

#### Gender duty

Consulting stakeholders on gender equality

Gender and engaging with communities

# Appendix 3: Glossary

The terms in this glossary are for explanatory purpose and should not be regarded as legal definitions.

## Action plan

A strategic schedule that sets out:

- the objectives sought
- actions identified as necessary
- who is responsible for implementation of actions
- timescale for implementation
- timescale and actions for review, and
- how the effects of actions will be evaluated to measure if expected outcomes are achieved in practice.

## Adverse impact

Adverse impact occurs when a decision, practice or policy has a negative effect on a protected group. This could be seen in, for example, a significant difference in patterns of representation or outcomes between protected groups, with the difference amounting to a detriment for one or more protected groups.

## Compliance notice

The Equality and Human Rights Commission (the Commission) can, if a public authority does not comply with its general or specific duties, serve a compliance notice on that authority. The notice will state that the authority must meet its duty and inform the Commission within 28 days what it has done or is doing to meet its duty.

A notice can only be served for a breach of a general duty if the Commission has first carried out a formal assessment under s31 of the Equality Act 2006. The Commission can apply to the county court or sheriff court if any authority has failed to comply with a requirement imposed by the order requiring the authority to comply.

## Demographics

The study or collation of characteristics of a human population such as sex, age, marital status, ethnic origin, education, income, religion and place of residence.

## Differential impact

Policies, practices, criterion etc will affect the various protected groups in different ways: this is known as differential impact. Sometimes this is negative, creating a disadvantage, but at other times it can be neutral, where no one is advantaged or disadvantaged, or positive for example, meeting a need for a specific service.

## Direct discrimination

Less favourable treatment on the grounds of race or ethnic origin, age, disability, gender, gender identity, sexual orientation, or religion or belief. For example, a GP surgery refusing to register a new patient because they are a Traveller. Direct discrimination cannot be justified and is unlawful except in extremely limited circumstances.

## Disability-related discrimination

Less favourable treatment for reasons relating to the person's disability, which cannot be justified by the employer or service provider.

## Disability equality scheme

A timetabled and realistic plan setting out an authority's arrangements for meeting the general and specific duties. The code of practice on the disability equality duty sets out what such a scheme needs to contain.

## Due regard

The requirement to give due weight to the need to promote equality of opportunity in proportion to its relevance to disability, race and gender.

## Equality group

An equality group refers to a group within one of the six equality strands: gender (including gender identity); race; disability; religion or belief; age, and sexual orientation.

## Functions

The full range of a public authority's activities, duties and powers.

## Gathering evidence/information

Equality schemes must include a statement of the authority's arrangements for gathering information. Gathering information should be sufficient to inform authorities whether their action plan and their activities and functions are delivering greater equality under race, disability and gender. The Schemes must further specify the arrangements for making use of the information to assist in satisfying

the general duty, in reviewing on a regular basis the effectiveness of its action plan and preparing subsequent equality schemes.

## Gender equality scheme

A timetabled and realistic plan setting out an authority's arrangements for meeting the general and specific duties and setting out its gender equality objectives. The code of practice on the gender equality duty sets out what such a scheme needs to contain.

## General duty

The requirement on public authorities, when carrying out their functions, to have due regard to the need to: promote equality of opportunity; eliminate discrimination that is unlawful under the Race Relations Act 1976, Disability Discrimination Act 1995, Sex Discrimination Act 1975 and Equal Pay Act 1970; and eliminate sexual and disability harassment. Under the Disability Discrimination Act, there is also a requirement to promote positive attitudes towards disabled people; encourage participation by disabled people in public life and to take steps to take account of disabled people's disabilities, even where that involves treating disabled people more favourably than other people.

## Harassment

This is unwanted behaviour that has the purpose or effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. Particular actions or behaviour could be seen as harassment even if not aimed directly at the recipient and not intentionally offensive. It should be remembered that the impact of the behaviour may determine harassment rather than the intent. Harassment on grounds of colour or nationality is not covered by the statutory definition, but may involve less favourable treatment and may be unlawful direct discrimination.

## Impact assessment

Impact assessment is the process which enables an authority to identify and act on the need to modify policies and practices to have due regard to the need to promote equality. The specific duty regulations which are applied to listed authorities set out the requirement for an authority to include in its equality schemes its methods for impact assessment.

## Indirect discrimination

Indirect discrimination refers to applying a provision, criterion or practice which disadvantages people of a particular group (defined by gender, race, age, religion or belief, and sexual orientation). Indirect discrimination is unlawful if it cannot be justified as a proportionate means of achieving a legitimate aim. Currently disabled people are protected by the prohibition on disability-related discrimination rather than indirect discrimination.

On grounds of colour or nationality, indirect discrimination is the use of an apparently non-discriminatory requirement or condition which applies equally to everyone, but can only be met by a considerably smaller proportion of people from a particular racial group, is to the detriment of someone from that group, and cannot be objectively justified.

## Involvement

An active engagement with stakeholders from protected equality strands using accessible mechanisms which must be focused, proportionate, influential, transparent and on-going. 'Involvement' requires more active engagement of stakeholders than 'consultation'.

## Judicial review

A claim to the High Court or the Scottish Court of Session asking the court to review the way a public authority or certain other bodies made a decision. The court can quash a decision and so require the authority to reconsider the matter.

## Mitigation

'Mitigation' is when measures are put in place that lessen the negative effects of a policy or policies. For example, delivering a service by telephone alone may cause problems for those with a language barrier. Rather than changing the way the service is delivered, this could be mitigated by using telephone interpreting services.

## Monitoring

The process of collecting, analysing and evaluating information to measure performance, progress or change.

## Multiple groups

An individual could fall into the category of one or more of the protected groups and could therefore be covered under the different and relevant legislation. For example a woman of ethnic origin who has a disability would have protected rights under Disability Discrimination Act 1995, Sex Discrimination Act 1975, Equal Pay Act 1970 and the Race Relations Act 1976.

## Policies and practices

All proposed and current activities which the authority carries out.

## Positive action

Positive action describes measures targeted at a particular group that are intended to redress past discrimination or to offset the disadvantages arising from existing attitudes, behaviours and structures. Positive action could include the provision of training, targeting specific groups which are under-represented through advertising and recruitment literature.

It should not be confused with positive discrimination, which provides an automatic preference for a person because they belong to a particular group.

## Proportionality

The weight given to equality should be proportionate to its relevance to a particular function. This approach may mean giving greater consideration and resources to functions or policies that have the most effect on the public and employees.

## Protected group

People who are covered and have rights under legislation such as the Disability Discrimination Act 1995, Sex Discrimination Act 1975, Equal Pay Act 1970 and the Race Relations Act 1976.

## Public authority

For the purpose of the disability equality duty under the Disability Discrimination Act 1995 and the gender duty under the Sex Discrimination Act 1975, public authorities are all bodies certain of whose functions are functions of a public nature. Under the Race Relations Act (RRA) 1976, for the purposes of the race equality duty, public authorities are bodies named, defined or described in schedule 1A to the RRA or depending on the context, a body named, defined or described in one of the schedules to the Race Relations Act 1976 (Statutory Duties Order) 2001 and subsequent orders.

## Public procurement

The contractual or other arrangements that a public authority makes to obtain goods, works or services from an outside organisation.

## Publish

Making publicly available; for example, by producing a written or electronic document for distribution. For something to be considered publicly available there must be no barriers to accessing the information, so, for example, alternative formats or languages should routinely be offered.



## Qualitative data

This is information gathered from individuals about their experiences, which is usually gathered by consultation, involvement and research. Qualitative data usually gives less emphasis to statistics.

## Quantitative data

This is statistical information in the form of numbers normally derived from the population in general or from samples of the population. This information is often analysed using descriptive statistics, which consider general profile distributions and trends in the data.

## Race equality scheme

A timetabled and realistic plan, setting out an authority's arrangements for meeting the general and specific duties. The code of practice on the race equality duty sets out what such a scheme needs to contain.

## Reasonable adjustments

This is a legal term introduced under the Disability Discrimination Act 1995. In context, it requires that an employer or service provider has a statutory duty to make 'reasonable adjustments' to ensure that disabled people can fully participate in society. Reasonable adjustments could include a change to a policy or practice, removing a physical barrier, providing an auxiliary aid or providing a service in an alternative way.

## Screening

A short exercise to determine relevance of a policy or proposed policy to equality.

## Specific duties

Certain public authorities listed in the regulations are required to comply with specific duties. These duties are intended to assist authorities in complying with the general duty to promote equality.

## Statutory code of practice

A document, which offers practical guidance on the law, has been approved by parliament and is admissible as evidence in a court of law.



# Contacts

## England

Equality and Human Rights Commission Helpline  
FREEPOST RRLG-GHUX-CTR  
Arndale House, Arndale Centre, Manchester M4 3AQ

Main number 0845 604 6610  
Textphone 0845 604 6620  
Fax 0845 604 6630

## Scotland

Equality and Human Rights Commission Helpline  
FREEPOST RSAB-YJEJ-EXUJ  
The Optima Building, 58 Robertson Street, Glasgow G2 8DU

Main number 0845 604 5510  
Textphone 0845 604 5520  
Fax 0845 604 5530

## Wales

Equality and Human Rights Commission Helpline  
FREEPOST RRLR-UEYB-UYZL  
3rd Floor, 3 Callaghan Square, Cardiff CF10 5BT

Main number 0845 604 8810  
Textphone 0845 604 8820  
Fax 0845 604 8830

## Helpline opening times:

Monday to Friday: 8am – 6pm

Calls from BT landlines are charged at local rates, but calls from mobiles and other providers may vary.

Calls may be monitored for training and quality purposes.

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