

Equality and Human Rights Commission
Public Sector Guidance

Equality impact assessment quick-start guide

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



Equality and
Human Rights
Commission

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Purpose of this guide

This guide is intended for public authorities in England, Scotland and Wales which are required to undertake equality impact assessments. It aims to support use of the Equality and human Rights Commission’s Equality impact assessment guidance: A step-by-step guide to integrating equality impact assessment into policy making and review.

Ready

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. Carrying out an EIA involves systematically assessing the likely (or actual) effects of policies on people in respect of disability, gender, including gender identity, **(2)** and racial equality and, where you choose,

wider equality areas. **(3)** This includes looking for opportunities to promote equality that may have previously been missed or could be better used, as well as negative or adverse impacts that can be removed or mitigated, **(4)** where possible. If any negative or adverse impacts amount to unlawful discrimination, they must be removed.

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- 1** Public authorities for the purposes of the race equality duty are those who 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** Note that the gender equality duty currently covers those individuals who are ‘intending to undergo, are undergoing or have undergone gender reassignment’ (defined as ‘transsexual people’). However, the Equality and Human Rights Commission recommends that, as a matter of best practice and in the spirit of the Human Rights Act, public authorities should ensure that their policies and procedures incorporate the experiences of the full range of trans people.
 - 3** The current legal requirements relate to race, disability and gender, including gender reassignment, but many public authorities have chosen to extend this to other strands, in anticipation of the Equality Bill becoming law. The Bill proposes to create one new public sector equality duty, which will cover seven equality strands: age, disability, gender, gender reassignment, race, religion or belief, and sexual orientation.
 - 4** ‘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.

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

An EIA has four possible outcomes and more than one may apply to a single policy:

Outcome 1: No major change

The EIA demonstrates the policy is robust; 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

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.)

Set

Getting ready to carry out EIAs

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:

■ **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.

■ **Partnership working and shared policymaking responsibility**

Partnerships on equality should build on existing joint working, such as local strategic partnerships (5) and safeguarding children's boards.

5 The main examples would be Local Strategic Partnerships (LSPs) in England, Local Service Boards (LSB) in Wales and Community Planning Partnership (CPP) in Scotland.

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

■ **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 or general research - 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 need to draw upon local, regional and national research, particularly when internal data is scarce.

■ **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.

■ **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.

■ **Internal systems to ensure EIAs are happening and are of sufficient quality**

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

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.

■ **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 ensuring the person who ultimately decides on the policy is fully aware of the findings.

■ **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.

Go

Carrying out an EIA

The table below is a summary of the key aspects of the equality impact assessment (EIA) process that need to be documented. A detailed guide on how to actually carry out the assessment is available at www.equalityhumanrights.com.

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.

Author/editor/assessor	This should be the person who is responsible for the policy, service, function, etc.
Partners/decision makers/implementers, etc	Identify who else will need to be involved. This can be decision-makers, frontline staff implementing the policy, partner/parent organisations, etc.
Start date	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.
End date	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).
Relevance	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. 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.

Policy aims	<p>It will help to ask:</p> <ul style="list-style-type: none"> ■ Why is the policy needed? ■ What does the authority hope to achieve by it? ■ How will the authority ensure that it works as intended? <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>
Available evidence	<p>Identify what evidence is available and set it out here. This includes evidence from involvement and consultation.</p>
Evidence gaps	<p>Identify where there are gaps in the evidence and set out how these will be filled</p>
Involvement and consultation	<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>
What is the actual/likely impact?	<p>Consider the impact of the policy in respect of the individual requirements of each of the three public sector duties (disability, gender, including gender identity, and race) to which the policy is relevant. 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"> ■ Who benefits? ■ Who doesn't benefit and why not? ■ Who should be expected to benefit and why don't they? <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>
Address the impact	<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"> 1. No major change. 2. Adjust the policy. 3. Continue the policy. 4. Stop and remove the policy. <p>Document the range of options and identify the effects of each. Identify the option(s) chosen and document the reasons for this.</p>

Monitoring and Review	Set out the arrangements for reviewing the actual impact of a new policy or changes to an existing policy once it has been implemented.
Action Plan	<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">■ actions identified as necessary■ details of who is responsible for implementation of actions■ timescale for implementation■ timescale and actions for review, and■ details of how the effects of the actions will be evaluated to measure if expected outcomes are achieved in practice.
Decision making and quality control	Includes sign-off by a responsible officer/equality and human rights team and a member of the senior management team.

Contacts

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The Optima Building, 58 Robertson Street, Glasgow G2 8DU

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Wales

Equality and Human Rights Commission Helpline
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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.

Interpreting service available through Language Line, when you call our helplines.

If you require this publication in an alternative format and/or language please contact the relevant helpline to discuss your needs. All publications are also available to download and order in a variety of formats from our website

www.equalityhumanrights.com

Where to get advice and support

From the Equality and Human Rights Commission

Please see Contacts page at the back of this document.

In your organisation

For further advice and guidance, contact:

Name: _____

Position: _____

Telephone number: _____

Email address: _____