



Equality Impact Assessment Toolkit

A practical step-by-step approach
to conducting
Equality Impact Assessments

Completing effective Equality Impact Assessments will ensure that:

- The principle of fairness is at the centre of your customer, member and employee care
- You have taken the needs and rights of everyone into account before making decisions that will affect them as groups or as individuals

What is an Equality Impact Assessment (EqIA)?

Impact assessments are an assessment of the potential and/or actual impact of our work on customers, members and employees. This involves anticipating the consequences of policies, functions or services on people and making sure that, as far as possible, any negative consequences are identified and then eliminated or minimised and opportunities for promoting equality are maximised by:

- Taking account of the needs, circumstances and experiences of those who are affected
- Identifying actual and/or potential inequalities in outcomes, including unlawful discrimination
- Considering other ways of achieving the aims of your policy/service in order to minimise or remove any possible adverse impact

Why must you complete an Equality Impact Assessment?

Local authorities have a statutory duty to prepare race, disability and gender equality schemes and to undertake impact assessments under the following:

- Race Relations (Amendment) Act 2000
- Disability Discrimination Act 2005
- Equality Act 2006
- Human Rights Act 1998
- UN Convention on the Rights of the Child

The Council has produced schemes that explain how it will:

- Review its services by way of Equality Impact Assessments
- Involve disabled people in Equality Impact Assessments
- Gather information to use in Equality Impact Assessments and the preparation of Equality Schemes
- Decide its priorities
- Develop an action plan describing what the Council will do, when and by whom
- Implement the action plan and monitor progress
- Publish its annual Equality Report



For more information about the schemes please contact:

- **Emma Duncan, Legal Services Manager, Legal Services**
- **Kate Sullivan, Community Liaison Officer, Active Communities Team**

To meet the requirements of Comprehensive Performance Assessment (CPA) and Audit Commission inspections the Council must demonstrate that equality and diversity are integral to its decision-making and planning. A programme of effective EqIAs built into departmental and service unit planning, being consistently and systematically completed will provide evidence of such integration of equality and diversity in service planning.

In its Corporate Planning the Council has set itself targets to achieve and maintain appropriate levels against the Equality Standards for Local Government. EqIAs will provide evidence against these standards.

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EqIA – The Benefits

Apart from our need to comply with legislation, completing effective EqIAs will bring other benefits, including:

- Improving the quality of our services
- Ensuring policies are targeted effectively
- Encouraging greater openness in policy making
- Encouraging the Council to anticipate problems and make informed decisions
- Improve the Council's ability to deliver suitable and accessible services to meet varied needs.
- Increase confidence in Council services.
- Developing good practice.
- Avoiding claims of unlawful discrimination.



You should not regard EqIAs as an add-on or extra burden on the Council. It is vital that assessments and consultations are seen as an integral part of policy and service development processes.

Do you need to do an Equality Impact Assessment?

The public sector equality duties for race, gender and disability require the Council to complete EqIAs. It is a legislative requirement. More importantly, there are people at the end of most policies. If your policy affects people you will need to consider completing an EqIA. People are not the same, consequently policies must reflect the fact that different people have different needs.

An EqIA is all about considering how your policy (by policy we mean activities, functions, strategies, programmes, and services or processes) may impact, either positively or negatively, on different sectors of the population in different ways.

This EqIA guidance and tool helps you to identify **who** these people may be; **what** specific needs they may have; and **how** you will consider those needs when developing and reviewing policy. If your policy affects people in any way, you have a responsibility to make sure you know how it affects different groups. More than that, you have a statutory duty to consider and address the impact of your policy on particular groups (disabled people, women and men and different ethnic groups). In addition to these statutory responsibilities the Council has also made a commitment to promoting equality in the areas of religion and belief, age and sexual orientation.

If your policy does affect people – If your policy affects people (service users, members, employees), you must complete the EqIA process.

All of the Council's policies will need to be considered for an EqIA, however, we recognise that this is a process that will take time to deliver. New policies must be impact assessed as a matter of course. Policy areas will also need to prioritise which of their existing policies should take precedence for EqIAs. Directorates may wish to take an approach that firstly considers their key policy areas before considering remaining policies. There may be a natural point at which to begin the EqIA of an existing policy, such as a review, or a progress report.

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If your policy does not affect people - Are you sure?

Will individuals have access to, or be denied access to a service or function as a result of your policy or changes you propose to make to existing services or functions?

Will the implementation of your policy result in individuals being employed, a change in staffing levels, or a change in terms and conditions, employer or location, either directly or indirectly?

Is there a change in the size of a budget, how will this change impact on individuals; will a service be withdrawn, changed or expanded?

If you have answered yes to any of these questions, your policy **does** affect people and you should undertake an EqIA.

Please remember that equality does not mean treating everybody in the same way. If you think that there is no equality impact because your policy applies to 'everyone', then you should reconsider. Just because it applies to everyone, does not mean that everyone will benefit, or be impacted in the same way. This is precisely why we need to complete EqIAs for all of our work. People have different needs and requirements; this process is designed to help you understand them.

If after reading this:

You still believe your policy will not affect people – you will not need to go any further. We understand that some policy areas will genuinely not require an EqIA, so if you are **absolutely sure** that your policy does not need to be assessed then please note that you are nonetheless required to complete and sign off the EqIA form, detailing your decision-making process.

Some things you will need to know and consider before you start the EqIA process

At what point in the Policy cycle do you need to start the EqIA process?

You should aim to carry out the EqIA at the beginning of the planning of a new policy or review of an existing policy. However, it is recognised that it is not always possible to do this and you should therefore do it as soon as is practicable.

Introduction to the EqIA process

A successful EqIA will look at 4 key areas. These are:

1. **Policy** – a clear definition of your policy and its aims;
2. **Collecting evidence** and **engagement** with equality groups;
3. **Differential Impact** – reaching an informed decision on whether or not there is a differential impact on equality groups, at what level and what you will do to address any adverse impact;

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4. **Measuring outcomes** – stating how you will be monitoring and evaluating the policy to ensure that you are continuing to achieve the expected outcomes for all groups.

An EqIA should be considered for the full range of the Council’s activities, strategies, functions, policies and processes. When we use the term “policy” throughout this document, we use it as a “catch-all” for strategies, functions, policies and processes.

To help you do this we have developed a step-by-step process and a record form that will enable you to record and keep all information in one place to support your final EqIA Report:

You should start a record form as soon as you become aware that an EqIA is necessary and keep it up to date throughout the progress of the assessment.

As you work your way through the EqIA you should refer to this guidance at each step and complete the relevant section of the form. If you use the form on a computer, you will find the fields expand to accommodate your notes. This gives you the opportunity to complete a very detailed report whilst having the facility to edit a copy to produce an abbreviated version for executive reporting purposes.

The design of the EqIA allows you to “dip in and out” of the process as and when you are able. You do not have to print it out until the completed EqIA is ready to be signed off. All the fields in the form are mandatory.

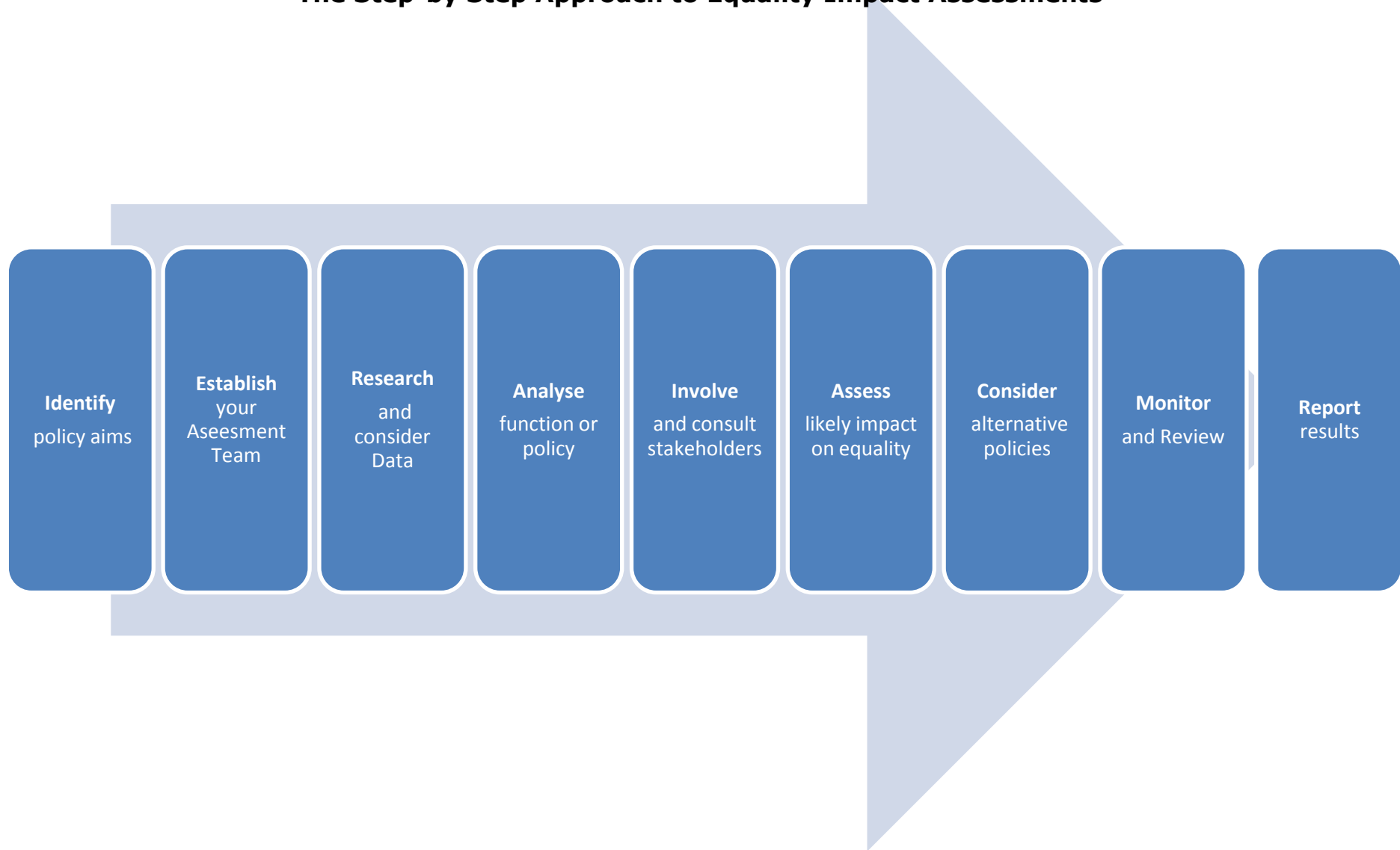
When conducting an EqIA on your policies, you might find it useful to break them down into smaller parts and subject individual constituent parts to the EqIA process. Whilst we appreciate that you may not welcome the idea of undertaking more than one EqIA, we suggest this because doing so might actually make the process easier.

You may also find that much of your evidence, information and consultation responses will apply across a number of assessments. But it is up to you to decide how you should use this tool in a way that suits your policy best. For example, if you have decided that you will need to undertake two separate assessments, you may either wish to complete two separate forms, or to provide two entries in each section of the form.

However, if there are more than two, or you think the information contained in the assessment is quite lengthy, we recommend you complete individual forms for each part. In this case, you should consider the naming convention for each assessment so that it can be easily seen that they are related to the prime policy.

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The Step-by Step Approach to Equality Impact Assessments



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Identify

Define the policy or function to be assessed and record it in sections 1- 4 on the record form.

For a policy: list its aims, objectives and implementation guidance and attach any relevant documentation to the record form. A policy contains the formal and informal decisions about how the Council carries out its duties and uses its powers. The Council's policies are implemented through procedures, which must be included in your EqlA.

For a function: list the policies underpinning the function, their aims, objectives and implementation guidance of the policies and attach any relevant documentation to the record form. A function refers to the full range of the Council's duties and powers. The Council intends that EqlAs are completed for functions, i.e. broad areas of employment and service delivery such as Recruitment and Selection, Benefits, and Procurement. When assessing functions you should be aware that they are underpinned by a range of policies, which are implemented through procedures. Consequently, when assessing a function you must include all relevant policies and procedures in your EqlA.

Being very clear about the aims and objectives of the policy will help you to think about how the needs of different groups of people need to be integrated into the policy's aims and objectives. It helps you think about who is intended to benefit from the policy and how.

When you are defining the aims of the policy, you should also give some thought to the resources that will be (or which have been) allocated to deliver that work. You should also identify any resources (finance, time, staff, equipment, etc.) you will need to complete the EqlA.

Have the potential costs of the policy been set in a way that will help the Council achieve the best outcomes for the diverse communities that the policy will engage with?

Please note: it is very important that you are as clear as possible at this stage of the process, because when you move to the subsequent steps that require you to engage with Council, and other, colleagues who will provide data and other support, they will need you to be very clear about the kind(s) of information and support you need from them so that they are able to effectively provide you with the most relevant and helpful advice.

It is important to avoid over-complicating this part of the process. Be very clear about the scope of the policy or function and of your EqlA. List the most important aims and objectives.

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Establish

Establish your EqIA team, ensuring you assign, agree and acknowledge both collective and individual roles, tasks and responsibilities and record these in section 5 on the form.

Your EqIA team should include relevant people having the necessary skills, abilities and authority. You might consider including team members who have understanding of the needs of a range of groups:

1. The different groups that may be affected by the policy, for example:
 - a. The intended target group(s), e.g. disabled people, migrant workers
 - b. Other groups who may receive the service
 - c. Other groups that may be affected unintentionally
 - d. People who may be excluded from the benefits of the proposal
 - e. Staff involved in implementing or delivering the policy or service
2. Other groups that may be socially excluded:
 - a. Low income groups
 - b. Different age groups
 - c. Different genders
 - d. Those in specific geographical areas (rural/urban/deprived)
 - e. Black and other minority ethnic communities
 - f. Disabled people
 - g. People with learning disabilities
 - h. Homeless people
 - i. Refugees and Asylum Seekers
 - j. Gypsy/Traveller groups

You might also ask yourself some further questions:

3. Who wrote the policy?
4. Who knows the background?
5. Do you have anyone with the appropriate management authority?
6. Do you need a specialist?



Not all of these groups will be relevant to your EqIA. You must define the relevant groups for the specific policy when completing sections 8 to 14 on the form.

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Research

Review what data you need to support you in your EqlA. Record data sources, etc. in section 6 on the form and attach any relevant documentation.

You will need to consider how you will identify and collect relevant data that will enable you to assess the likely impact of the policy or function. You may already collect data as part of your function. You should ensure that this is accurate, current and relevant. All Council departments are required to share data to support each other in completing EqlAs.

The people who will benefit from the policy are not a homogenous group. They will have different needs and experiences that will need to be considered when the Council formulates or evaluates its policies.

To understand the different needs and experiences of the people the Council makes policy for, you will need to gather facts and figures about the target audience for the policy. It is important to know **who** will be affected by the proposed changes and **how**.

The data you require may come from a variety of sources - it may be statistical information, research projects that have collected evidence through discussions, focus groups and interviews with different people, or from recognised equality group organisations. It is also important to identify any information or evidence gaps you may have, which may need to be addressed in order to successfully complete the assessment process.

Evidence may include data (facts, figures, research findings, etc) from the Council's own information management systems or research, surveys, consultation exercises, or engagement with various representative groups. In the absence of research there may be anecdotal evidence, feedback from service users and affected groups or ongoing experience, which may indicate potential positive or negative impacts.

During this phase you should also identify sources of expertise and advice in the Council and elsewhere. You should also start to identify the relevant stakeholders who should be included in any consultation process later in your assessment. Record the stakeholders' details in section 7 on the form.

Questions you will need to consider are:

1. What kind of information and data will be required?
2. What kind of information is it? Qualitative? Quantitative?
3. Is data based on recent, relevant consultation covering equality groups, e.g. people from ethnic minorities, disabled people, etc?
4. Who needs to be involved in determining what data you need, e.g. researchers, statisticians, community representatives, etc?
5. What information is needed to ensure that all perspectives are taken into account?
6. What do you need to know specifically in relation to this policy/function/project?
7. What existing quantitative data is available in-house and externally?
8. What existing qualitative or evaluative research is available in-house and externally?

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9. Is there a need to generate new primary data?
10. Who will be partners in information gathering?
11. Is there a need to consult? If so, how can you ensure it is inclusive?
12. Are there any data protection and human rights implications in data collection?

You may find the following types of information useful:

1. Demographic data and other statistics, including census findings, Best Value Performance Indicator satisfaction surveys.
2. Recent research finding including studies of deprivation.
3. Results of consultations or recent findings.
4. Results of equality monitoring data from your Service.
5. Information from groups and agencies directly in touch with disabled groups in the communities you serve, for example qualitative studies by trade unions and voluntary and community organisations.
6. Comparison between your policies and services and similar policies and services in other services and public bodies.
7. Analysis of complaints of discrimination by public bodies in employment or service delivery.
8. Analysis of records of public enquiries about your service and/or services or complaints about them.
9. Recommendations of inspection and audit reports.

It is important to involve service users early in your assessment to mitigate any potentially negative factors. Consequently, you should consider sharing information that is already in the public domain with the people who are likely to be affected by your policy. They will then be better able to understand the basis for your decisions.

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Analyse

Having gathered your data you will need to analyse it and consider how it may impact upon your assessment. Add the outcome of your analysis to section 6 on the form and attach any relevant documentation to the form.

As part of your analysis, it is also important to identify any information or evidence gaps that may need to be addressed in order to successfully complete the assessment process.

The quality and robustness of available evidence will need to be considered carefully.



The **research** and **analyse** steps are critical to your EqIA as they provide the evidence base for later decisions on the impact of; possible amendments to; and implementation of the policy.

Some questions you will need to consider:

1. How will the data be examined, analysed and presented?
2. Has your analysis identified any gaps in the data?
3. Who needs to be involved in the data analysis?
4. Is there a need for secondary analysis of existing data?
5. Who will be responsible for undertaking and overseeing this work?
6. Who will sign off the final data and information assessment?
7. Are there any data protection implications for the analysis phase?
8. Is there a group of people for whom you have little or no information? If so, how do you know how the policy will impact on them?
9. Have you spoken to the right people and asked the right questions?
10. Would it be more helpful if data was disaggregated by different categories (i.e. age, disability, religion and belief, gender, LGBT (lesbian, gay, bisexual and transgender), race)? It is recognised that there may be issues surrounding the availability and quality of evidence for some equality areas, but please remember that evidence for potential adverse or positive impact can be collected from a number of different sources via different methods.

To know if your policy will have the intended affect - you need to know how it will affect different groups within your target audience. Having identified what evidence you have collected, thought now needs to be given as to where, if any, the gaps in evidence may lie.

If your analysis reveals gaps in the data you will need to think about how best to address this:

- How are you going to fill the gaps in knowledge?
- Do you need: more data; the data you have to be disaggregated; some research carried out or do you need to consult interested parties?
- Who should/will you ask?
- Who should/will collect the information/data?
- Is additional consultation or research desirable to investigate the impact of the proposals on people?
- Will this require the collection of new primary data?
- Will this require further analysis of existing data?

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- Are there any experts, relevant groups, stakeholders, members of the public, etc. that can be contacted to get further views or evidence on the issues?

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Involve

You now need to consider who and how you involve in your EqlA by way of consultation. You will have identified relevant stakeholders during your data gathering and should already have their details in section 7. Enter relevant details in section 8 on the form and attach any relevant documentation. You should also record the consultation on the Consultation Finder at <http://www.yournorfolkyoursay.org/>.

Consultation/engagement/involvement is a key part of the process. The public sector equality duties require us to involve, consult and engage with our communities as widely as possible.

Through involvement and consultation, you will also be able to obtain a range of views and perspectives from individuals, specific equality groups or interested bodies about your proposals. It is important, however, to develop a co-ordinated and strategic approach to involvement and consultation to ensure different Council Service areas are engaging with groups on broadly similar questions in concert.

You may find that you have recent, relevant consultation information that you can utilise. If so, you may have sufficient data to move on to the next stage, ensuring that you have fully documented your decision not to consult further.

If you do not have relevant consultation information you must set out your arrangements for consulting those people who are likely to be affected by your proposals. This is a vital element of your EqlA and is an opportunity to obtain feedback on your policy.

Your results will have some influence in your decision making process. You should ensure that you have fully documented how you have used the results of your consultations.

Your consultations must be proportionate and appropriate and you should ensure that you allow sufficient time to complete them and feed the results into your final decision.

In deciding who and how to consult you should consider the following questions:

1. What information are you seeking?
2. What is the scale of the consultation? How many people or groups do you need to consult?
3. How will you determine who will be affected by the policy or change to service?
4. Who is likely to be affected by the policy or change to service?
5. How do evaluations rate the success of previous consultations with particular groups?
6. How will you ensure that those affected will be consulted effectively?
7. What consultation methods will you use?
8. At what stages in the EqlA will you consult?
9. How will you communicate and make information available to those consulted?
10. Will information be accessible to all minority groups? How will you know?
11. What resources are available to encourage full participation of marginalised groups?

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12. Who will you consult (this may include individuals, specific equality groups, or interested bodies)?
13. Have you already held a consultation exercise on your policy area, can the responses be analysed for any potential equality issues?
14. Are you about to hold a consultation exercise, why not use this as an opportunity to explore the equality issues that you need more information on for your equality impact assessment? You could do this by including specific equality questions and/or including a monitoring form to find out who is responding to your consultation which will help you to disaggregate the information by equality strand.
15. In addition any initial work (such as an overview of the available, relevant evidence) you have undertaken for your equality impact assessment may be useful to set out in your consultation process.

You should use the Accessibility Matters Guidance, which is available on the Council's Intranet, to plan your consultation.

The guidance is based on the following principles:

- Consultation methods should be tailored to the groups you wish to reach.
- The process should be properly planned with clear objectives and named responsibilities, a timetabled action plan, training for staff, and clear explanations for consultees.
- There should be monitoring and assessment of the consultation methods and outcomes, with a willingness to change these if they are not genuinely inclusive.
- The consultation methods used should enable the consultees to have enough time and opportunity to respond effectively.
- You will also find it helpful to match the consultation methods you use to the subject of the policy and to the kind of information you are hoping to get.
- Use focus groups so that you can explore issues in greater detail with a few individuals.
- Use existing mechanisms, where possible, to avoid duplication of effort.
- Use written questionnaires or interview surveys to reach a wide audience, or a particular cross-section of your local community.
- Set up lay advisory groups for regular discussion and consultation and choose members for the special skills or experience.
- You should ensure that you consult all those likely to be affected by the policy/function making sure not to forget any equality groups.
- Consult internally with all staff, including trade unions and staff groups.
- Consult externally with relevant stakeholders who are interested in promoting equality – from individuals to community groups.



**For more information please contact:
Maureen Clarke, Active Communities Manager, Active Communities
Team**

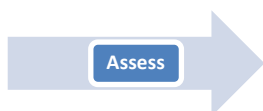


Please note, people do not fit neatly into “boxes” and interests will overlap, in this regard, we should not just consult disabled people on disability issues, or

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lesbian, gay or bisexual people on sexual orientation. A disabled person may also have a faith, will have a sexual orientation, will be of an age, may be a woman and may be from a minority ethnic community.

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Thoroughly assess whether or not there is any adverse impact on any group of people and record your finding, with relevant evidence to support your decision in sections 9 – 14 on the form and attaché any further relevant documentation.

You should now be looking at the information you have collected to assess what it is telling you about the needs of different groups of people, i.e. whether their needs would be met by the policy (or changes to an existing policy) and whether the policy (or changes to an existing policy) would affect some groups differently?



Re-check your information for both validity and accuracy. Limitations in both quantitative and qualitative data may affect your decisions as to possible impacts.

There is no assumption when starting the impact assessment process that there must be something wrong with the policy that you are assessing and that changes will need to be made. We recognise that the policy intention will not necessarily be problematic in itself, but that the delivery mechanisms need to be considered carefully for equality impact if that policy is to deliver successfully for as many people as possible.

It is also recognised that there may be equality issues that require addressing and that the responsibility for action required lies elsewhere. The EQIA may reveal that although the policy and delivery mechanisms are fine, there is nonetheless a failure elsewhere that is impeding the successful delivery of this work. For example, there might be issues that need to be addressed by service deliverers such as training or changes to processes, or there might be a need to change a policy that lies elsewhere to alleviate equality issues identified.

It is important that you set these out clearly in your policy or guidance to highlight these issues to those delivering the policy, i.e. if your policy is to be effective, should you specify that robust training on equality issues will be required?

Use the information you have gathered and analysed during the **Research**, **Analyse** and **Involve** stages to assess the impact of your policy/function on the range of groups in sections 9 – 14 and decide if any impact is adverse.

You will need to answer these questions, basing your answers on the data you have, and the consultations you have done.

1. Does the assessment reveal that the policy/function unlawfully discriminates?
2. Is there evidence of adverse impact on one or more of the equality groups?
3. Does the policy/function fail to promote equality of opportunity or diversity?
4. Are some groups excluded from the benefits of the policy/function?
5. Does the policy/function disadvantage one or more of the equality groups?
6. Are there barriers to accessing the benefits of the policy/function between certain communities?
7. If there are any adverse impacts can they be justified?
8. Is there an adverse impact on any people in respect of either the quantitative or qualitative data?

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9. Does the policy promote equality of opportunity and/or good relations?
10. Is the policy directly or indirectly discriminatory, and if so, can the latter be justified?
11. Is the policy intended to increase equality of opportunity by permitting positive action¹ to redress disadvantages? If so, is it lawful?
12. Is further research or consultation necessary? If so, would this research be proportionate to the importance of the proposed policy?
13. How does relevant current policy affect different groups and sections of those groups?
14. Will the impact of the proposed policy/function be the same or different for each group?
15. Is there any indication or evidence of higher or lower participation or uptake of services by different groups?
16. Are there any groups of people who are excluded from services?
17. Will the proposed changes be beneficial to some or all groups?
18. If the change(s) are going to have an adverse effect on any of the groups - could it amount to unlawful discrimination?

Points to remember:

- Evidence may indicate that there **may or may not** be an equality impact associated with a policy.
- The **absence of evidence** or indicators **does not necessarily mean that there is no impact** on equality.
- **Arrangements should be made to obtain the relevant information** to help in the process of deciding whether or not a policy has a differential adverse (or positive) impact or whether the policy requires further, more in-depth equality impact assessment.
- That an issue may only impact on small numbers of people from the different equality groups **does not** mean that there is **not** an issue or a problem. For example, it may be necessary to consider the needs of minority ethnic communities in rural areas, or lesbian, gay, bisexual or transgendered people who may choose to not identify as such - due to fear of abuse or discrimination.

Whilst the main purpose of the EQIA is to identify and mitigate any potential adverse impact (though where we impact positively we should also be setting this out clearly), it also offers the opportunity to consider how your work can better promote equality of opportunity and good relations. Good relations are unlikely when there is inequality between different groups.

The promotion of equality of opportunity entails more than the elimination of discrimination - it requires proactive measures to be taken. Equalities legislation should not inhibit action to counter disadvantage among particular sections of society – indeed policies that specifically target disadvantaged groups may be an appropriate

¹ **Positive Action:** any policy or service targeted at a particular group by definition will have a differential impact on other groups. The assessment of this impact must take into account whether it is lawful and justifiable to address the needs of a particular group and also whether it promotes equality of opportunity and good relations.

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response to ensuring equalities of opportunity and/or outcomes (remember, equality is not about treating everybody the same).

The public sector equality duties require that the Council, in carrying out its functions, has due regard to the need to promote equality of opportunity between:

- persons of a different race
- men and women
- persons with a disability and without

In addition, the Council's own policies also require due regard to be given to promoting equality of opportunity between:

- persons of a different religion or belief
- persons of different ages
- persons of differing sexual orientations.

The public sector equality duties also require the Council to:-

- promote good relations between people of different racial groups
- promote positive attitudes towards disabled people
- encourage participation by disabled people in public life

In some cases, equality of opportunity may be central to your policy, or may be of particular importance. The opportunity to encourage participation in public life, promote positive attitudes towards groups of individuals or promote good relations between different groups of individuals may be clear and obvious. Other policies however, may appear superficially to be devoid of equal opportunities implications. It must not be assumed that areas which have been immune to challenge or question in the past, do not have implications for equality of opportunity. A fresh look must be given to all areas of existing policy.

We appreciate that this step of the EQIA process may be challenging. If you are unsure, you should seek specialist advice.

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Consider the outcome of your assessment and, if necessary, find and evaluate alternative options and record your recommendations in section 15 on the form, attaching any relevant documentation.



If an identified impact is unlawful, the policy must not be implanted in its current form. It must be changed to remove the unlawful impact or abandoned. Where an adverse impact that is not unlawful is revealed you may consider recommending changes but these do not have to be implemented if the adverse impact can be justified.

If your policy is likely to have an adverse impact on a group of people, the presumption should be that the policy should be changed or amended to lessen or remove this adverse impact. However, when considering making changes to your policies the actions you take should be proportionate. It may not be practical or cost effective to make significant changes that will result in minor effects on outcomes for certain groups of people. However, you will need to be able to justify not taking action if potentially unfair outcomes have been identified through the EQIA process.

It may be possible to make a change that may remove a barrier or have a lasting effect on one or all of the equality groups. It will also be essential to avoid illegal discrimination. The equality impact assessment process is a policy making tool that allows you to identify ways in which the Council can improve its policies and make them better suited for their purpose. You should also consider if you do make any changes whether it will have any resource implications, i.e. will it cost more or should your resources be focussed on ensuring that your policy delivers effectively across different groups?

For example, delivering successfully to both men and to women on the same issue, may require different approaches, different strategies and may require you to consider how to allocate resources effectively so that your policy does not disproportionately benefit one group to the detriment of another.

If changes are going to be made, you should also consider **when and who** needs to make those changes. Inmovable timescales and budgets might mean that no action can be taken immediately, but you will need to set out why you have not been able to act immediately, and you should plan to revisit at the earliest opportunity and set out a timetable for taking forward any action that you believe will need to be taken in order to address equality concerns.

If you do not intend to make changes to your policy in spite of the issues raised by the impact assessment process, you will need to **clearly and robustly justify your reasons for that decision**.

You could recommend changes to the policy, or the way it is planned to implement it, in order to remove or lessen the adverse impact.

You may recommend a different policy/function altogether, which still achieves the aims and objectives or the original proposal whilst avoiding any adverse impact.

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When evaluating other options, consider how far does each option advance or restrict the Council's duty to:

- Promote equality of opportunity between people
- Eliminate discrimination that is unlawful
- Eliminate harassment of people
- Promote positive attitudes between people
- Encourage participation in public life
- Take steps to take account of people's needs, even where that involves treating people more favourably than others.

If you do not recommend an option that is best for these equality duties; what are the consequences for people affected by each option; and what are the consequences for you?

If you have identified any indirectly discriminatory action(s) in the policy/function, can it/they be justified? That is, can you argue credibly that the policy/function aims and objectives are essential and justifiable to the Council and that the means employed in achieving them are appropriate and necessary?

Use the following questions to help you decide what action needs to be taken:

1. If the assessment has revealed unlawful discrimination:
 - a. What is its nature?
 - b. What must happen to prevent it?
 - c. What changes must take place?
2. Can the policy/function be justified in its overall aims?
 - a. If so, how?
3. Could the objectives of the policy/function be met in another way that would not impact adversely?
 - a. What changes could be implemented?
4. If the needs of specific groups are revealed, can they be met
5. Are there budgetary implications for change?
 - a. If so, what are they?

Your decision should be based on the following key factors:

- **The aims and objectives of the policy/function.**
- **The results of your Equality Impact Assessment.**
- **The relative merits of other policies/functions.**
- **The results of your consultation.**

You must ensure that you have recorded your conclusions at each stage of the decision making process. These conclusions can then be brought together in the Equality Impact Assessment report that clearly demonstrates the relative weight

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given to particular forms of data, including the contributions made by consultees during the consultation.

You should provide the reasons for your decision and recommend what is need to ensure an effective and fair implementation of the policy/function including any arrangements for training and regular monitoring post implementation.



You must also check that when recommending an option that reduces adverse impact on one group you do not create and adverse impact on another group. If this is unavoidable you will need to present a clear case to justify this. You must seek legal advice on the issue of whether you can justify any policy that may produce an indirectly discriminatory² impact.

² Indirect Discrimination is described in Appendix 1

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Monitor

As part of your assessment you must consider and recommend how the policy/function should be monitored during implementation. These should be included in section 16 of the form. You should also ensure that those responsible for implementing the policy/function are fully aware of the monitoring regime.

To meet legislative requirements you will need to recommend arrangements to monitor the policy/function regularly once implemented. The Council is also required to monitor existing policies for any adverse impact. Consequently, you should consider whether existing monitoring arrangements are suitable for monitoring the assessed policy/function. If they are not, recommend adjustments to ensure their suitability.

The EqIA is not a one-off event. Just because the assessment suggests the policy/function has no adverse impact, it does not follow that no adverse impact will accrue during implementation. As you will only know the actual impact of the proposed policy/function once it has been implemented, it is vitally important that you recommend robust monitoring and review processes. You must also plan a review as early as possible to see how the policy/function is working in practice.

Good monitoring and evaluation should form part of any policy process, so it is important to ensure that equality is effectively built in to any monitoring and evaluation plans that you have. You will need to consider how you will evaluate whether the positive impact identified has, in fact, occurred, and how you will evaluate whether the action you have taken (or will take) to mitigate adverse impact on equality groups, has been effective.

To ensure that your policy remains focused and is not affected by changing circumstances it is important to keep it under review against the aims and objectives of the policy/function strategy. You should establish monitoring and evaluation processes to periodically assess if and how it is affecting the diverse needs of the target audience - in case there is any unexpected adverse affect or unintentional discrimination. Any evaluation should also consider whether or not the policy provides value for money.

The key to evaluating policy is good management information. This can be by data collection and/or research but should include engaging with the appropriate people from different groups or communities. This will give you indicators that will enable you to assess how far your policy is achieving the desired outcomes. This information may be collected as part of your ongoing monitoring, or may be a separate qualitative exercise. Policy makers should clearly distinguish between evaluation of the process and evaluation of the policy itself.

As a result of your monitoring and review process you might decide that a further assessment should be undertaken if more detailed investigation and analysis is required. There will be some policies where, as a result of undertaking this equality impact assessment process, that you decide a further impact assessment is necessary, although it may not be necessary for all equality groups, depending, of course, on the nature and focus of the policy in question.

Equality Impact Assessments

Identifying that a high impact exists for only one equality group does not mean that a further impact assessment is not required, nor does identifying a high impact for one or more groups mean a further impact assessment must be completed.

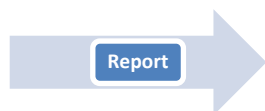
If you discover during the review that the impact assessment process you have undertaken has not given you the required depth of analysis to make an informed assessment; or if upon implementation a further impact is identified; or if you do not think that you have sufficient information to make an informed assessment of the impact of your policy on different equality groups, then you may need to consider further, more detailed work. For example, reviewing this impact assessment process may have highlighted the fact that no information exists for one or more equality groups, or feedback and evidence might reveal that there are some issues for which little or no information exists.

Further impact assessment could include:

- Collecting further data, commissioning research and analysis
- Considering alternative ways to collect information
- Consulting further with people affected by the policy or service

Having undertaken further work, you should then revisit the impact assessment tool as you should now be in a position to complete the impact assessment more fully.

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It is vitally important that you fully report the outcome of your assessment and make it available to all who need to see it. This will include the policy/functions sponsor and any relevant

stakeholders.

The EqIA form that you have completed during your assessment will form the core of your report together with any relevant supporting documentation. You might also produce an abbreviated version of the record form for executive reporting purposes.

Your report must be thorough, accurate, and must demonstrate clearly the process of assessment and how you arrived at your final recommendation(s). You must ensure that you have clearly demonstrated that where an impact accrues, it has been appropriately classified and considered and appropriate recommendations have been made. Where you have the authority to implement your recommendations, you must also show that by doing so you are not creating further adverse impacts. Where you do not have the authority to implement your recommendations, you should provide guidance as to how they may be implemented.

You should now have enough information to decide and report whether or not there is an impact, for any/all of the equality groups and whether the level of impact is in proportion to the policy. You may find it helpful to classify the impact as **high, medium or low** for any of the strands.

High

- There is substantial evidence that people from different groups or communities are (or could be) differently affected by the policy (positively or negatively)
- There is substantial public concern about the policy, or concerns have been raised about the policy's potential impact by relevant bodies
- The policy is relevant to all or part of the respective general duty, in the case of race, disability and gender.

Medium

- There is some evidence that people from different groups or communities are (or could be) differently affected (positively or negatively).
- There is some public concern about the policy.
- The policy is relevant to parts of the respective general duty, in the case of race, disability and gender.

Low

- There is little or no evidence that some people from different groups or communities are (or could be) differently affected (positively or negatively).
- There is little or no evidence of public concern about the policy.
- The policy has little or no relevance to the respective general duty, in the case of race, disability and gender.

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A high impact is not necessarily negative. A high impact might refer to a **positive** or **negative** impact on an equality group, or even a mixture of both.

For some policies a high impact is entirely appropriate as that is the intended effect of the policy. For example, a policy to provide free personal care for older people should have a high positive impact on this age group; it would be worrying if it didn't.



You should remember that if a policy impacts only on a small number of people from a particular equality group, this does **not** equate automatically to a low impact. It might be that a policy has a highly disproportionate negative impact on people from a particular equality group, who are numerically small in number compared to the wider population. This does not mean that the impact is 'low'.

Reports to Cabinet and Corporate Management Team

All such reports should state whether or not an Equality Impact Assessment has been completed. If an EqlA has not been completed, or has been deemed unnecessary, a clear explanation as to why the assessment has not been completed must be given. When reporting the results of EqlAs you should summarise the process used, the main findings and any proposed actions. You may do this by editing a copy of your record form to include the essential information required for reporting purposes.

Elected members have the ultimate duty to ensure that the Council meets its obligations under the general duty of the Race Relations (Amendment) Act 2000, Disability Discrimination Act 2005 and the Equality Act 2006. By effectively completing and reporting EqlAs the Council is able to deliver a significant element of its obligations under these Acts.

Publishing Reports

The Acts referred to above require that EqlA reports are made publicly available. You must, therefore, set out your arrangements for publishing the results of the assessments and any consultation and monitoring arrangements. You must consider these arrangements when planning your assessment and include details in section 15 on the form.

As part of the accountability requirements set out in the legislation you must ensure that your assessment, consultation and monitoring activities and their results are clear and plain to the public. You should achieve this by publishing summaries, an abbreviated version of the form, of your EqlAs annually and distribute them widely and making the full form available to those who ask for them.

When editing the form to provide a summary you should include the following:

- A description and explanation of the proposed policy and a brief account of how you assessed its possible impacts.
- A summary of the results of your assessment, including the likely impact(s) of the proposed policy on promoting equality.
- Any available technical reports and how to get them.
- A review of your proposed policy in the light of the assessment.
- A statement of what you plan to do next.

Equality Impact Assessments

All of this information should be already present in your full report.



When summarising your report, be particularly careful not to change emphasis or meaning. You should also ensure that the report is published in a format(s) that is accessible, taking into account the needs of particular groups.

Equality Impact Assessments

Directorate	Service		Person responsible for the assessment	Date assessment completed
Title of the policy being assessed				
The status of the policy				
1. What are the aims, objectives and purposes of the policy?				
2. Does the policy support other objectives of the council?				
3. Who is intended to benefit from the policy, and in what way?				
4. What outcomes are anticipated from the policy being in place?				
5. Identify and select your assessment team.	Name	Role	Responsibilities	

Equality Impact Assessments

6. What data have you gathered for this assessment? How have you analysed this data?	Source and Age of Data	Owner	Findings	Data Gaps
7. Who are the main stakeholders of this policy?	Community		Staff/Members	Partners
8. Are there any concerns that the policy could have a negative impact with regard to race and ethnicity?	Yes/No	What evidence (actual data or assumptions) do you have to support this?		
9. Are there any concerns that the policy could have a negative impact with regard to gender?	Yes/No	What evidence (actual data or assumptions) do you have to support this?		
10. Are there any concerns that the policy could have a negative impact with regard to disability?	Yes/No	What evidence (actual data or assumptions) do you have to support this?		
11. Are there any concerns	Yes/No	What evidence (actual data or assumptions) do you have to support this?		

Equality Impact Assessments

that the policy could have a negative impact with regard to age?		
12. Are there any concerns that the policy could have a negative impact with regard to religion/belief?	Yes/No	What evidence (actual data or assumptions) do you have to support this?
13. Are there any concerns that the policy could have a negative impact with regard to sexual orientation?	Yes/No	What evidence (actual data or assumptions) do you have to support this?
14. Could the negative impact you have identified in questions 8 - 13 lead to the potential for adverse impact if the policy is implemented? Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason? Can the impact be mitigated by existing means? If yes, what actions will you undertake to mitigate	Yes/No	

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these impacts and revise the policy?			
15. Describe the arrangements for reporting and publishing this assessment.			
Has this assessment been undertaken by a minimum of two staff?	Yes/No	Has this assessment been scrutinised by your Directorate Steering Group?	Yes/No
If the policy is new, or requires a decision by Councillors to revise, has this Equality Impact Assessment been included with the report?			Yes/No
Have any actions identified in this assessment been included in your service equality and diversity action plan?			Yes/No
Completed by:		Signed off by:	

Appendix 1:

DISCRIMINATION

Direct Discrimination

Is treating a person less favourably than another, or others, on the grounds of their age, disability, gender, race, religion or sexual orientation as prescribed in the relevant legislation described in Appendix 2.

In the case of disability, discrimination occurs when a person is treated less favourably than another, or others, for a reason relating to their disability; unless that less favourable treatment can be justified. Employers, providers of goods, services or facilities must make reasonable adjustments. Failure to do so without justification is also discrimination.

Indirect Discrimination

Occurs when a rule, condition, requirement or practice, which applies equally to everyone, has a disproportionate adverse impact on people on the grounds of age, gender, race, religion or sexual orientation and cannot be justified.

Appendix 2:

LEGISLATION

Race Relations Act 1976 (as amended)

Makes it unlawful to discriminate against anyone on grounds of their race, colour, nationality, citizenship or ethnic origin. This legislation applies equally to everyone and applies in employment and in the provision of goods and services, housing, etc.

Race Relations (Amendment) Act 2000

Requires local authorities to promote racial equality by a range of means including publishing a Race Equality Scheme.



Whilst the non-white population of Norfolk is low in comparison with some regions in the UK, you should always be aware of changing trends in migration and reflect the needs of residents of all origins in your policies.

Sex Discrimination Act 1975 (as amended)

Makes it unlawful to discriminate against a person on the grounds of their gender, the fact that they are married, or that they have undergone gender reassignment (2000 amendment). This legislation applies equally to everyone and applies in employment and in the provision of goods and services, housing, etc.

Equal Pay Act 1970 (as amended)

Gives an individual the right to the same contractual pay and benefits as a person of the opposite sex in the same employment where a man and a woman are doing like work; or work related as equivalent under an analytical job evaluation study; or work that is proved to be of equal value.

Equality Act 2006

Amends the Sex Discrimination Act 1975 to place a statutory duty upon all public authorities to promote gender equality. This duty requires public authorities to identify and tackle discrimination, to prevent harassment, and to ensure that their work promotes equality between women and men. Public authorities are required to publish a Gender Equality Scheme to show how they will meet the requirements of the Act.

Disability Discrimination Act 1995

Makes it unlawful to discriminate against a person because of their disability unless, in certain rare cases, it can be justified. This legislation applies only to disabled people and applies in employment and in the provision of goods and services, housing, etc. Employers and providers of goods and services, housing, etc. are required to make reasonable adjustments to enable disabled people to work, access services, etc.

Disability Discrimination Act 2005

Places a statutory duty upon public authorities to promote equality for disabled people and to produce a Disability Equality Scheme setting out how they will meet the duty. Public authorities are required to show due regard for:

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- Promoting equality of opportunity between disabled people and others.
- Eliminating discrimination that is unlawful under the Act.
- Eliminating harassment of disabled people that is related to their disability.
- Promoting positive attitudes towards disabled persons.
- Encouraging participation by disabled people in public life.
- Taking steps to taking account of disabilities, even if that involves treating disabled persons more favourably than others.

Produced by
David Lloyd associates
In partnership with
North Norfolk District Council
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