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Equality Impact Assessment **Guidance**

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INTRODUCTION

These guidelines have been developed to assist managers in completing an Equality Impact Assessment (EqIA) on a policy, procedure, project, strategy, service or function (now referred to as an initiative) for which they have responsibility.

1. WHAT IS AN EQUALITY IMPACT ASSESSMENT?

- EqIA's allow us to assess and record the likely impact of initiatives on individuals and groups in the workforce or in the community.
- EqIA's help the Council meet the requirements of the equality duties and identify active steps that can be taken to promote equality.
- Carrying out an EqIA involves systematically assessing the likely (or actual) effects of initiatives on people in respect of age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, or non belief, sexual orientation, Welsh language, carers and Armed Forces Community. This includes looking for opportunities to promote equality as well as positive or negative impacts.

2. DO I NEED TO WORRY ABOUT EQUALITY IMPACT ASSESSMENTS?

If you have responsibility for an initiative i.e. policy, procedure, project, strategy, service or function the answer is **YES**.

3. WHEN DO I START THE EQIA PROCESS?

It is important that you start completing the EqIA form as soon as possible. An EqIA must be done during the business case writing stage or when a budget decision is being made.

The form is designed so you can add information to reflect your consultation and engagement findings. You need to show the positive and negative impacts that you have found from your consultation with stakeholders and community groups that your decision is likely to affect.

4. WHAT IS THE SCREENING/RELEVANCE PROCESS?

The first stage is screening your initiative.

Screening is used to decide whether the initiative you are responsible for has a high or medium negative impact on any of the protected groups and will require a full EqIA.

Not all initiatives are relevant, e.g. some technical procedures or internal policies may have no bearing on equality & diversity issues and therefore will not have any impact at all.

The Screening/Relevance form is designed to make the process as easy as possible and to ensure that any information gathered at the screening/relevance stage can be used if a full EqIA is required.

5. WHAT DO WE MEAN BY IMPACT?

When we assess our initiatives, there are two possible impacts we may identify:

A Negative or Adverse Impact

This is where it is identified that an initiative (or some aspect of it) may disadvantage one or more sections of the community. The adverse or negative impact may present different disadvantages depending on the section of the community affected and may be more disadvantageous for some than others. A negative impact may be entirely unintentional and only become apparent when research or consultation takes place.

A negative impact may also occur when an initiative is removed or no longer continued. Therefore an EqIA screening should also be conducted during decision-making about whether to end an initiative.

A Positive Impact

This is where it is identified that an initiative (or some aspect of it) may have a positive impact on one or more sections of a community, or improves relationships between different sections of the community. Again this may have differing effects and may be more advantageous to some than others.

Positive impacts assist the Council to meet its obligations under the General Equality Duty and it is important that you also include this information on the screening form.

Definitions of Impacts (applies to Positive & Negative)

High Impact	the initiative is likely to have a substantial effect on a group or groups of people
Medium Impact	the initiative is likely to have some effect on a group or groups of people
Low Impact	the initiative has little effect on a group or groups of people or if negative the affect can be justified or removed or lessened by immediate action

6. JUSTIFICATION OF NEGATIVE IMPACT

There may be some occasions when a negative impact can be justified, this will be determined in a number of ways some of which are identified below:

- For Health & Safety Reasons
- Where the negative impact is temporary and there is no possibility of reducing or removing the impact (e.g. actions are restricted by other rules/regulations)
- Where the overall positive impact outweighs the negative impact

This list is not exhaustive; advice on whether a high or medium negative impact can be justified is available from the Equality & Diversity Team.

If there is any possibility that the negative impact is directly or indirectly discriminatory and it **cannot** be justified and actions must be taken to remove any discriminatory elements if this is not possible then the initiative must be stopped.

N.B. If a High or Medium **Negative** Impact cannot be justified, a Full EqIA MUST be carried out.

7. WHEN SHOULD I THINK ABOUT CARRYING OUT A FULL EqIA?

If the initial screening process has identified actual or potential high or medium negative impact on a particular group or groups then you MUST carry out a full EqIA.

The EqIA process also applies to all projects for which the Council is the lead agency in a multi agency partnership.

8. ENGAGEMENT

What is engagement?

Engagement is a broad term which covers a range of different activities, from formal public consultations to direct engagement with people from protected groups in designing and delivering services. Engagement can tell you where you are successful in promoting equality and where action is most needed. It is particularly useful where there are information gaps.

Why engage?

Apart from the fact that is a legal requirement under the Public Sector Equality Duties it can help you to analyse your policies for their impact on equality. It can help you gather the views, experiences and ideas of those who are, or will be, affected by your decisions. It can help you to base your policy on evidence rather than on assumptions. It can be useful for finding solutions to problems and for overcoming barriers faced by particular groups. Stakeholder engagement can be a valuable way of monitoring and evaluating the success of your initiatives and of understanding where improvements may be necessary.

Engagement can help you to design more appropriate services. These are more likely to be effective and to make better use of resources. You can avoid the costs of remedying and adapting services after their implementation and pre-empt complaints, which can be costly and time-consuming.

Who should you engage with?

You should engage with those who may have an interest in the initiative you are assessing and particularly with those where the screening has identified an actual or possible negative impact.

In practical terms you will not be able to engage with every protected group on every decision, as a starting point you will need to decide how relevant the initiative for any particular group or groups. This information should have been identified during the screening process.

How should you engage?

It is vital to be clear from the outset what you want to get out of your engagement you should consider:

- What are your aims?
- What are the timeframes you have?
- Is there information already in existence that you can use?
- What method of engagement will you use?

The Council Corporate Policy & Consultation Manager should be contacted whenever you wish to set up an engagement process as he will be able to help and advise you.

9. **REPORTING PROCEDURES**

Where the screening process has identified that there is no need to carry out a full EqIA this should be approved by an appropriate Head of Service or Director and a copy of the form returned to the Equality & Diversity Team

Where there is the need for a full EqIA then an EqIA questionnaire and action plan **must** be completed for each initiative. This should be approved by an appropriate Head of Service or Director.

Questionnaires should be kept on file and copied to the Equality & Diversity Team.

If a 'substantial' impact has been identified the EqIA results must be published and available for the public, as required under the Public Sector Equality Duties.

You should ensure that any EqIA that identifies a substantial impact is reported to Corporate Management Team and arrangements made for its publication.

The Equality & Diversity Team will publish an annual Equality Report which will include a summary of EqIA results.

10. **CONTACT DETAILS**

Further details can be obtained from:

The Equality & Diversity Team
The Pavilions
Cambrian Park
Clydach
CF40 2XX

Tel: 01443 424075

e-mail: equality@rctcbc.gov.uk

“EQUALITY CHALLENGE” – AIDE MEMOIR

The following are a list of the challenges/thought processes that have been evident in producing equality challenges to date. The list is not meant to be exhaustive, just indicative of the approach:

<p>Will decisions be lawful i.e. considered, appropriate and based on a full understanding of impacts?</p>	<p>Especially when developing new ideas and/or initiatives, the associated decision-making process can become ‘staged’ – a ‘drip-fed’ succession of decisions</p> <p>A decision 'in principle' cannot necessarily be considered as having an impact but decisions further down the line as a result of the 'in principle' decision will need take into account the full impacts identified</p>
<p>Is there Discrimination? Direct Discrimination by association and Discrimination by perception</p> <p>Indirect</p> <p>Positive Action:</p>	<p>Discrimination directly related to the protected characteristic, or being associated with someone with a protected characteristic (e.g. being a carer for someone with a disability) or being perceived to have a particular protected characteristic (e.g. a male with effeminate mannerisms is assumed to be gay) - in this case the process must be stopped as acting on it will be illegal</p> <p>Where a provision, criterion or practice which may put people who share a protected characteristic at a particular disadvantage, e.g. increased costs to service users could affect those with disabilities more than others as they are 3 times more likely to live in a family where no one is employed. This can be justified but it must be via a 'proportionate means of achieving a legitimate aim', and this must be identified at the beginning of or during the decision making process not decided at the end</p> <p>Positive action can be an action that addresses a pre-existing disadvantage or can be action that adversely affects one characteristic for the benefit of others – i.e. a saving in one area that protects the interests/services of others</p>

Where the proposal concerns one protected characteristic, are there any sub-groups?	For example, a proposal for a cross-authority partnership to address Adult Learning Disability service users might be seen to disadvantage younger people if similar arrangements were not put in place for them
The ‘significance’ of impacts will need to be assessed. What constitutes ‘significant’?	There is no definition of what constitutes 'significant' However, you should consider the number of service users affected; the degree of impact (particularly important if there are very few service users affected) and the financial implications, it should be noted that decisions cannot generally be justified purely for financial reasons. There is a need to know the situation now and to compare it with post proposal implementation
When and how will the proposal be reviewed?	Proposals need to state when they will be reviewed – 1,3 or 5 years and specify what will be measured/monitored to enable an informed decision to be made at the review stage
Is the proposal creating a post code lottery?	Not only do the proposals have to be evaluated across the County, but also any resulting disadvantages when compared with appropriate neighbouring authorities
Have positive impacts been optimised?	Maximising positive benefits is as important as mitigating negative impacts and this is reflected in the Equality Act
Have all reasonable steps been taken to mitigate negative impacts (including making reasonable adjustments)?	Note: some decisions (normally financial) have to be made even though they have obvious negative impacts – this can be lawful as long as they are not directly discriminatory. However, how the impacts can be minimised has to have been thought through and documented appropriately
Does the proposal evidence an understanding of the current (baseline) situation with respect to the protected characteristics?	You can't assess impact without knowing where you are starting from!
Is this proposal associated with any others – is there a cumulative impact to be assessed?	Individual proposals can be appropriate and well considered, but when decisions are made separately they can often affect the same people which can lead to a cumulative impact which can affect a particular group or a particular protected characteristic disproportionately.

Consultation & Engagement

Where consultation/engagement has been required, is there evidence that the people who may be affected by the proposal have been involved? What has been done to ensure that those less able to be involved in consultation have been consulted? Consultation is sometimes offered via questionnaire or electronic feedback. Has due regard been shown to those unable to access either through a lack of technology or capability?

POTENTIAL ISSUES

The table below describes some potential issues you may wish to consider when working with groups or individuals who may have a protected characteristic.

Group	Description	Potential Issues
Disability	<p>This is a very diverse group. It includes disabilities that are related to; mobility, sight, hearing, speech and language disability or difficulty, mental illness, learning difficulty or learning disability, chronic illnesses such as cancer and HIV.</p> <p>A person might have more than one disability.</p> <p>The Council has adopted the Social Model of Disability which focuses on getting rid of the barriers such as:</p> <ul style="list-style-type: none"> Badly designed buildings No Lifts / lifts not working No parking spaces Hypocritical or prejudiced attitudes Poor job prospects Insufficient number of support workers/ enablers/ communicators 	<p>Accessibility of formats and communication, signage (e.g. Braille/audio tape/induction loop/ easy read).</p> <p>Physical and sensory access including transport and the built environment.</p> <p>Allowing a service user sufficient time for example a person who is deaf, or who has a speech impediment, or a learning disability, will require a longer appointment time to be able to either express, fully, their point of view or to taken in the information being presented. This also need to be considered when organising public meetings, consultations etc</p> <p>Many of the barriers people face can be prevented if a little thought is given to how and where a service is provided.</p> <p>The Council has a legal duty to anticipate the needs of disabled customers and to take reasonable steps to remove or reduce barriers that prevent disabled people from accessing services and should take positive steps to ensure that disabled people can access services including making reasonable adjustments. There is also a duty to make reasonable adjustments in terms of employment practice.</p>

Group	Description	Potential Issues
Race	<p>Race includes colour, nationality and ethnic or national origins. A person has the protected characteristic of race if they fall within a particular racial group which is a group of people who have or share a colour, nationality or ethnic or national origins.</p>	<p>Communication formats, language needs, translation and cultural consideration.</p> <p>Impact of living in a majority white environment.</p> <p>Direct and indirect racial harassment and Hate Crime.</p> <p>Consider how cultural issues are taken into account when planning and delivering the service.</p> <p>Isolation and work patterns of minority businesses.</p> <p>Underachievement or under representation in some areas of work and life.</p>
Transgender	<p>A transgender or transsexual person is someone with a condition called 'gender dysphoria', which means the physical sex characteristics they were born with are wrong for them.</p> <p>Most transgender people wish to live as a member of the gender with which they identify and they are entitled to do so by law.</p>	<p>For transgender people it can be very distressing and demeaning to receive services that force them to be seen as their biological gender.</p> <p>The Gender Recognition Act 2004 allows transsexual people who have undergone gender reassignment to apply for a gender recognition certificate.</p> <p>When a full gender recognition certificate has been issued, the person is considered in the eyes of the law to be of the acquired gender.</p>
Gender	<p>Women/girls, men/boys</p>	<p>Hours of access.</p> <p>Women predominantly have main caring responsibility for young children and older relatives.</p> <p>Many lone parents experience high socio-economic inequality.</p> <p>Physical access (e.g. pushchairs and toddlers).</p>

Group	Description	Potential Issues
Gender	Women/girls, men/boys	<p>Single fathers - baby changing facilities are often sited in women's toilets.</p> <p>Terminology of services preferential to mothers e.g. mother and toddler should be parent and toddler.</p> <p>Stereotypical gender assumptions.</p> <p>Underachievement or under representation, balance on groups.</p>
Age	Children, young people and young parents, the elderly or older people, retired.	<p>Assumptions about the age range, capability and generation viewpoints.</p> <p>Services should ensure they are not based on age assumptions and take in to account such things as teenage parents, children as carers, and elderly as service users.</p>
Faith or Belief	<p>Communities or individuals with diverse beliefs and religions.</p> <p>Legislation also covers people who have no religion.</p>	<p>Respecting and reflecting diverse cultures, lifestyles, customs and values for women and men, boys and girls (single sex provision).</p> <p>Observing food rules including rules about preparation and storage of food.</p> <p>Observing religious celebrations, e.g. how are service users and staff members allowed to observe religious practices such as fasting during Ramadan?</p> <p>It needs to be recognised and understood that not all people who are a particular faith will necessarily conform to all parts of that faith.</p> <p>Within each specific Faith there may be individual groups who have different beliefs and practices.</p>

Group	Description	Potential Issues
Sexual Orientation	Lesbian, gay, bi-sexual and heterosexual	<p>Assumptions about partners or family types, invisibility, dignity, and assumptions that all people are in heterosexual relationships. Forms that do not include the options civil partnership/partners</p> <p>Older lesbian, gay and bi-sexual people. Other people may assume they are heterosexual if they are/have been married.</p> <p>Rest/care homes may not cater for the needs of elderly gay people.</p>
Income	Low or no income, unemployed, part time and seasonal workers	Access to personal transport and information technology, child care costs, shift work, double disadvantaged groups (e.g. single young parents, older visually impaired person).
Welsh Language	People who have Welsh as their language of choice, need and/or first language	<p>Access to services and information in Welsh</p> <p>Having to mentally 'translate' verbal or written information which may alter understanding or perception or expression</p> <p>Impact of living in a majority English speaking environment</p> <p>Dealing with lack of understanding of the importance of being able to use their language of choice, need and/or first language.</p> <p>Dealing with barriers associated with using the Welsh language (lack of opportunity, prejudice)</p> <p>Lack of commitment by organisations to use or encourage use of the Welsh language</p>

Group	Description	Potential Issues
Other	For example: Carers Parents Ex- offenders Pregnant Women Armed Forces Community	Opening hours, accessibility of information, cost and availability of relief care. Mobility/Accessibility transport, parking. Toilet facilities. Access to quiet rooms.