

Equalities Impact Assessment Guidelines

Planting the seeds of change

(Revised December 2008)



1. Summary

- 1.1 This guidance explains what an equalities impact assessment (EIA) is, why and when it is necessary to conduct one. It describes Buckinghamshire County Council's EIA process, including ways in which the process can be carried out, for example through integration into other forms of review, and gives examples of what to look for. It also identifies the expected outcome of this process and explains what happens after the EIA has been completed.
- 1.2 The Cohesion and Equalities Team also provide, free of charge, a short training session on equalities impact assessments each month. Dates and booking information can be found on the intranet A to Z>Equalities.
- 1.3 **You only need to carry out an EIA on a new or existing strategy/policy or service which has been identified as relevant to the duties to promote equalities** (see paragraph 4.1). To determine relevance you need to consider whether or not the strategy/policy or service:
 - Affects the public or staff directly
 - Affects how other services are provided
 - Is affecting or could affect particular groups of people differently
 - Has employment implications
- 1.4 An EIA only needs to be carried out once every three years unless there has been a significant change or a significant change is proposed in the interim.

2 Introduction

- 2.1 Legislation has created duties for local authorities which include promoting equality of opportunity, eliminating discrimination and harassment experienced by various groups of people and promoting good relations between different groups of people. Summary information on equalities related legislation can be found on the Council's intranet under A to Z>Equalities. In essence they all require local authorities to consider how their strategies, policies and services impact on different groups of people and identify the outcomes. These requirements are more commonly referred to as an equalities impact assessment (EIA).
- 2.2 In addition, the Comprehensive Area Assessment (CAA) includes consideration of user diversity, equalities and human rights issues throughout the key lines of enquiry and looks for evidence that these have been taken into account when setting regional priorities and delivering fair and equal access to services.
- 2.3 The Council is the biggest single provider of services and facilities to people in the county and the largest single employer. We need to ensure that our policies and services are responsive to the needs of our service users and staff and that we are able to reach everyone who needs our services. The Council's website holds a wide range of data about the demographic and economic make up of the county's population (see Community>Research).

3 What is an equalities impact assessment (EIA)?

3.1 The (EIA) is a systematic tool to test how new and existing policies and services impact on one or more groups of people. The key purpose is to identify direct and indirect discrimination, institutional discrimination (examples can be found on pages 7 to 10) and any gaps in service provision. **If properly carried out**, the outcome will be an action plan that addresses the issues found and is integrated into the relevant performance management framework to ensure implementation and monitoring of outcomes.

3.2 Buckinghamshire County Council's EIA process aims to ensure that:

- We fulfil our duties to promote equalities
- Our actions do not have an illegal discriminatory effect or an unjustifiable adverse impact on particular groups of people
- Where discrimination/adverse impact is legal/justifiable, we try and find ways of mitigating its effect on the groups affected
- We implement the social model of disability when tackling disability inequality. This means that we think that people are disabled because people and organisations fail to properly consider and address the needs of people who have impairments, which, as a result, prevent them from being able to do the day-to-day things that others take for granted
- We promote good relations between people or different groups and foster community cohesion
- We do not unwittingly undermine our own attempts to tackle inequalities, for example, by implementing conditions that create unnecessary or unjustifiable barriers for groups of people in our communities and/or ourselves
- We ascertain any unmet needs and find ways to meet them

3.3 The process is systematic, proactive and explicit to ensure the equalities issues of all our communities are addressed in our day-to-day activity. The outcome is an equalities improvement plan that addresses adverse impact, unmet need and mainstreams community cohesion and equalities into our existing service improvement and performance management systems.

3.4 Equalities are only achievable if there is equality of opportunity, equality of access and equality of treatment; Example 1 below should help to explain what is meant.

Example 1

A person was assessed as being eligible for a council provided meal. In order to receive the meal she was told to attend a day care centre where this meal would be provided. She explained that she was housebound. Arrangements were made so that the meal was delivered to her at home. When she opened the meal she found it contained a pork chop, potatoes and green vegetables. She was unable to eat the meal. She was Jewish and did not eat pork.

Although equal opportunity and equal access was achieved, equal treatment was not. **Treating people equally means treating people according to their need.** It does not mean treating people the same.

4 **When is an equalities impact assessment necessary?**

4.1 All **relevant new** and **changing** strategies/policies and services require an EIA. Relevance is determined by assessing whether the strategy/policy or service can contribute to, or impact upon, the Council's duties to promote equalities, including:

- Eliminating discrimination
- Promoting equal opportunities
- Promoting good relations between people of different groups

4.2 The nature of our policies and functions means that there is very little which is not relevant to the promotion of equalities.

4.3 There is no standard definition of "change", however this guidance advises that it should be 'significant change'. This could mean that a service or policy stops, or there are changes in the way the service is delivered, for example, changes to hours of operation, location or method of delivery, and that it is likely to impact on service users or staff.

4.4 **Reports to Members** proposing the introduction of a new strategy/policy or service, or significant change to an existing strategy/policy or service, will need to show that an EIA has been carried out and report on the findings and resulting action.

4.5 The Council's Community Cohesion & Equalities Scheme contains a list of key strategies/policies and services that have been identified as relevant to the duties to promote equalities and which have been scheduled for EIA over three years. See www.buckscc.gov.uk/equalities

4.6 The schedule is based on each portfolio's assessment of their own services in terms of relevance and priority to promoting equality of race, gender, disability, age, sexual orientation and religion/belief. The approach to scheduling EIAs is a realistic one based on the direct and indirect impact on the public, council priorities and the services' individual annual capacity. The schedule is not an exhaustive list and is subject to annual review to take account of, for example, legislative or organisational changes.

5.0 **A Summary of the Equalities Impact Assessment Process**

5.1 The list below summarises the steps involved in the county's EIA process. However, it is possible to integrate this process into review and improvement activity, for example, using the relevant questions as part of transformation, developing a customer services plan or carrying out a scrutiny review. In taking this approach, it is essential that the resulting equalities actions and

targets set across any of the equalities dimensions be explicitly stated for audit purposes and in recognition of our legal duties to publish the findings.

5.2 The EIA process is made up of the following elements:

- Agreeing the lead officer
- Putting a reference team together
- Working through the questions on the EIA form
- Completing an equalities improvement plan
- Deciding whether you need to consult on your proposed actions
- Internal scrutiny of findings within portfolios and by the Cohesion and Equalities Steering Group
- Integration of the equalities action plan into the appropriate service plan/strategy action plan
- Performance monitoring of the delivery of the equalities actions
- Reviewing the outcomes and using these to inform future improvements
- Ensuring that the completed EIA is available to the public

6.0 Getting Started

6.1 It is important to ensure a team based and open approach to carrying out an EIA assessment. The most comprehensive and well thought out equalities improvement plans tend to be developed as a result of the discussions with a range of staff, partners and service users across the equalities spectrum.

6.2 You will need to gather and consider information about the policy or service that is undergoing EIA. Sources of quantitative information about the communities in Buckinghamshire could, for example, include the Residents' Survey. The council's consultation portal may also provide you with useful information arising from consultations carried out by other services. You can access the portal through the A-Z on the intranet. See also the information on the County Council's website Community>Research.

7.0 Working through the questions

7.1 You can work through the questions in a number of ways, for example:

- The appropriate policy officer or service manager could complete the questions and then share their findings for discussion with a wider group
- The relevant team or reference group could be invited to meet and discuss the questions and complete answers accordingly
- You may find it easier to take the questions and apply another technique to work through them, for example, using swot, mind mapping or value chain analysis

7.1.2 The questions have been categorised under the following headings

- Assessing relevance for equalities impact assessment
- Reviewing the design
- Reviewing the implementation/delivery

- Assessing for adverse impact and discrimination
- Ensuring continuous improvement
- Opportunities for community cohesion and promoting good relations between different groups of people

7.1.3 You will then use results of the above findings to agree the relevant actions, targets and outcomes for the equalities improvement plan. Remember that the EIA will be available to the public so please avoid the use of jargon and acronyms.

7.1.4 If you find that you don't have enough information to answer all the questions posed, consider what additional data, consultation or research is necessary and make this one of the actions for the equalities improvement plan.

7.2 Section A. Assessing relevance for equalities impact assessment

7.2.1 The questions in this section will help you identify whether the strategy/policy or service needs an EIA and assumes that it has not already been included in Cohesion & Equalities Scheme schedule. This section also helps you decide whether you need to carry out an in depth assessment, or whether a light touch review is appropriate. This will depend on whether there has been, for example, an external audit of the service which has resulted in explicitly stated equalities outcomes.

7.3 Section B. Reviewing the design

7.3.1 In this section you will be comparing the need for, and the aims/outcomes of the strategy/policy or service with information about the demographic make up of Buckinghamshire. You will be looking for fitness for purpose, identifying unmet need and any built in barriers to groups of people.

7.3.2 You will also assess, where relevant, how the council's cohesion and equalities priorities and legal requirements have been taken into account for procured services delivered on our behalf. See the [Cohesion & Equalities Strategy & Policy](#) for more details.

7.3.3 Only answer the procurement question if it's relevant to the strategy/policy or service being assessed. Where a claim of discrimination is made against either an employee or organisation that is providing a service on our behalf, we will be jointly liable unless we can demonstrate that we have taken all reasonable and practical steps to prevent discrimination occurring. In effect this means ensuring the contractual arrangements include our duties in relation to equalities, that we agree how these will be monitored (and carry it out) and consider what other support the contractor may need, for example, training.

7.4 Section C. Reviewing the implementation/delivery

7.4.1 You will assess how different groups of people's needs have been addressed in relation to communication and physical access to buildings, open spaces

and modes of transport (including identifying whether there are transport links or disabled parking close by). In addition, you should critically review processes and criteria, and consider what employee training may be required. You will need to be aware of the needs of different impairment groups as well as the various methods that groups of people use to find out information. For example, talking newspapers. Information about accessible communication is available on the council's intranet to help increase your understanding of these issues.

7.5 Section D. Assessing for adverse impact and discrimination

7.5.1 Eliminating discrimination is a key legislative requirement of local government in various equalities focussed legislation. Recent examples are the Disability Discrimination Act 2005 and Equality Act 2006. A summary of the relevant equalities legislative duties can be found on the Council's intranet.

7.5.2 In Section D you will be looking, initially, to identify any adverse impacts. Adverse impact means significant differences in outcomes or in patterns of representation between different groups of people. The former Commission for Racial Equality suggested a four-fifths rule of thumb. Essentially, if the rate for any group is less than four-fifths (or 80%) of the rate of the group with the highest rate, this will be an indication of bias. So, for example, if 60% of white applicants are promoted, no fewer than 48% ($4/5 \times 60\%$) of ethnic minority applicants should also be promoted.

7.5.3 The four-fifths rule is relatively simple to apply, but it has some limitations. If overall numbers are large, differences that may in fact be statistically significant may fall within the rule, so you could be failing to identify real differences. If the numbers are very small, the rule may suggest that differences are meaningful when they are not. However, it is a simple way of assessing differences that may turn out to be statistically significant and in need of further investigation.

7.5.3 If you identify adverse impact, you will next need to determine whether it amounts to illegal discrimination. The box below gives three definitions of discrimination.

Direct Discrimination	Indirect Discrimination	Institutional Discrimination
Treating a person less favourably than others are, or would be, because of their race, gender, disability, age, religious belief or sexual orientation.	Applying a rule or criteria to everyone which: Can be met by a considerably smaller proportion of people from a particular group and is to the disadvantage of the group; and Cannot be justified on non-	The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture and ethnic origin, gender, disability, age, religious belief or sexual orientation. It can be seen or detected in

	discriminatory grounds NB All three conditions must be met.	processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and stereotyping which disadvantage people as a result.
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7.5.4 Examples 2 and 3 below show how you apply the test for indirect discrimination and how you determine whether or not it constitutes illegal discrimination.

Case examples of Indirect Discrimination		
The test conditions	Example 2	Example 3
What is the criterion or requirement applied across the board?	The fire service will not accept candidates who are unable to expand their chest to 40 inches	In order to be a fire-fighter, you cannot have a beard
Are a significant proportion of people affected?	Women are affected	Muslim and Sikh men are affected
What was the justification for this condition?	The fire service said that fire-fighters needed to have good lung capacity so they could hold their breath when going into fires.	A face has to be clean-shaven so that the breathing apparatus is a close fit on the face to protect the fire-fighter
Is it justifiable or legitimate?	Fire-fighters use breathing apparatus when entering fires and chest size is no indicator of lung fill capacity.	It is a requirement of the Health & Safety Regulations that govern fire-fighters in this country
Is it to the detriment of the people affected?	Women are prevented from joining the fire service.	Muslim and Sikh men are prevented from joining the brigade
Is it illegal discrimination?	Yes	No
What happened as a result?	The fire brigade withdrew this condition	The fire brigade decided to work with the manufacturers to try and develop breathing apparatus that can be worn safely on a bearded face

Example 4 below gives an example of institutional discrimination, how it was identified and action taken to eliminate it.

Example 4 – Institutional Discrimination

A target was set to improve the representation of women and black and minority ethnic staff in middle and senior management in one part of the public sector.

In assessing this target it was found that only a small number of women and black and minority ethnic staff had progressed to middle management level and there had been no change at all at senior management level.

In order to be put forward for promotion in this organisation you needed to have two good appraisal reports. Analysis showed that in appraising staff, a complicated competency framework was being used. It included such competencies as ability to communicate and leadership skills. The training to understand the competency framework was a five-day residential course. Most managers weren't attending because they were too busy. Further analysis of the appraisal process found that people with accents, including people from black and minority groups as well as, for example, Glaswegians and Welsh people were being marked down in the Communication competency. The managers carrying out the appraisals thought that having an accent meant that you couldn't communicate effectively. Women were being marked down in the Leadership competency because the male managers didn't think women were capable of leadership skills.

The appraisal process, in particular the competency framework, was fundamentally revised and representation at middle and senior management levels rapidly changed.

- 7.5.5 If you identify adverse impact or discrimination that is illegal, you should aim to deal with it immediately. However, if this is not possible, make sure that the issue is still recorded in the EIA and equalities improvement plan so that you can demonstrate awareness of the issue and programme it for remedy at a later date.
- 7.5.6 If you identify adverse impact or discrimination that is justifiable or legitimate, consider actions to mitigate its effect on those groups of people. This arises out of the duty to promote good relations between people of different groups and is in keeping with the Council's commitment to community cohesion. See indirect discrimination example 3. The fire brigade chose to work with the suppliers to address the issue. They ensured that, in the meantime, their recruitment material made it clear **why** a clean-shaven face was a requirement at this point in time. This was to make sure that people understood that it was not about the organisation discriminating against people because of their religious beliefs. You'll need to decide how you will communicate information to ensure understanding of any issues identified.

- 7.5.7 If you discover unmet needs, consider action to address them. This may mean identifying additional resources, doing things differently or explaining why it may not be immediately possible to address the unmet need. If the unmet need you have identified is unrelated to the EIA being carried you still have a duty to record it for action in the equalities improvement plan in the future and let the appropriate Head of Service know of your findings. If you are not sure which Service has responsibility for the issue you have identified, contact the Cohesion and Equalities Team who will ensure the appropriate officer is notified.
- 7.5.8 The Disability Discrimination Act 2006 requires that disabled people are treated more favourably to ensure that there is equality of outcome. This is sometimes referred to as the concept of reasonable adjustment. The example given in the box below illustrates what this means in practice.

Example 5

A disabled student may need a dedicated car parking space because she is unable to use public transport. Non-disabled users might also want a parking space, but will not suffer the same degree of disadvantage if they do not get one: the disabled student will be unable to attend the course if she does not have the space, whilst the non-disabled student will merely be inconvenienced. More favourable treatment is necessary to provide equality of outcome i.e. both students are able to attend the course.

- 7.5.9 When deciding priorities for action, consider whether adverse impact or discrimination is illegal. These will constitute your top priority. The other priorities will be dependent on such issues as whether a group is particularly excluded or connected to the core business of the service and/or whether there are adjustments that would mean several groups benefit.

7.6 Section E. Ensuring continuous improvement

- 7.6.1 If you are not gathering monitoring data and analysing the information collected, you are only paying lip service to equalities. You will not know if you are reaching the people in need of our services. You are unlikely to be using our resources effectively. The failure to monitor, analyse and act on the findings could result in additional costs to the Council as a result of successful complaints of discrimination and potentially damage the organisation's reputation. Duties to monitor our strategies/policies and services is contained with various equalities legislation and sits at the heart of the Equality Framework for Local Government, which requires the mainstreaming of equalities into service planning and performance monitoring frameworks.
- 7.6.2 This section suggests the sorts of issues you may need to monitor once the EIA process has been completed. Current legislation only requires EIAs to be carried out every three years on existing strategies/policies or services,

unless there is significant change in the interim. Therefore, you need to monitor the ongoing impact of your strategy/policy or service. There is more detailed guidance on monitoring on the intranet (see A to Z>Equalities).

7.6.3 This section also asks you to consider whether the success of your strategy/policy or service could benefit from having a set of differentiated targets to either minimise the risk of failure overall or to improve output. For example, understanding that particular groups of people report different rates of satisfaction or perception may mean that you need to undertake further work to understand what the issues are and possibly set a local target to raise perceptions/satisfaction rates within the group(s) identified.

7.6.4 This targeted approach could equally apply to a local delivery area as well as to a community of interest, for example, disabled people or gypsies and Roma travellers.

7.7 **Section F. Opportunities for community cohesion and promoting good relations between different groups of people**

7.7.1 The questions in this section will help you to consider how community cohesion relates to the strategy/policy/plan/target/service. Building community cohesion – a sense of connection, trust and belonging both within and across communities and groups – is central to our vision of a thriving, diverse county and is a vital part of our approach to tackling inequalities. This means thinking about how we can mainstream community cohesion into our day-to-day service delivery and is just as much about *how* we conduct our business as it is about *what* we do.

7.7.2 You'll need to consider how different groups of people could be brought together, for example to use your services, to form user involvement groups or through consultation exercises.

7.7.3 You will assess whether the way the service is delivered or the way the strategy/policy is implemented could lead to resentment between different groups of people or have the potential for misunderstanding or misrepresentation. You will need to consider whether any of the actions you have identified as a result of the EIA could also have these outcomes.

7.7.4 The answers to these questions will determine what sort of communication actions you'll need to put in place to make sure that people cannot easily misinterpret actions and intentions.

7.8 **The outcome - an equalities improvement plan**

7.8.1 The outcome of an EIA that has been properly conducted is an equalities improvement plan that addresses all the issues identified as a result of the assessment. These need to be developed into actions and targets which are SMART:

Specific	What exactly are you going to do?
Measurable	How will you know when it is done, can it be measured?
Achievable	Can you actually deliver it? What are the risks are involved e.g. is the timescale/resources sufficient?
Relevant	Will this objective lead to the intended outcome?
Time Framed	What's the deadline for achieving the target?

7.8.2 The Employers' Organisation issued guidance around setting equalities objectives and states that it may be useful to recognise that there are different types that can be set.

7.8.3 Process Objectives: how you will attain the overall objective

States what you are doing and how you will do it - describes participants, interactions and activities. For example:

- *By June 2005 the housing manager will establish a programme of positive action training to train at least 10 women and 10 members of the BME community in plumbing and painting and decorating*

7.8.4 Impact Objectives: what impact the process will have

States how attitudes, knowledge and behaviour (short term) will be changed – describes the degree to which you expect this change. For example:

- *At the end of the training, 15 of the people trained will be able to achieve the qualifications and skills necessary to meet the job specifications for entry into the council's maintenance department*

7.8.5 Outcome Objectives: what you will achieve

States what the long term implications of your programme will be – describes the expected outcome for the council/the community/the organisation. (Setting and measuring outcome objectives can be problematic because there may be a range of influences beyond your control that determine whether or not the outcome is achieved.) For example:

- *By 2005 female employment in housing maintenance will have increased to 5% of the workforce and BME employment will have risen to 5% of the workforce*

7.8.6 In setting equalities objectives to meet a particular goal you may need a range of process, impact and outcome objectives.

8.0 The Challenge Process

8.1 Send your draft assessment and equalities improvement plan to your service's Cohesion and Equalities Steering Group representative for consideration by your service equalities group. If you have incorporated the questions into

another review process, please copy the report and resulting action plan instead.

8.2 Once they have commented on it, you need to forward it to the Cohesion and Equalities Team who will look at:

- Any potential gaps
- Whether there has been rigor and challenge without being overly critical
- Whether a number of people have had an input
- The evidence base used and logical links between the findings in the assessment and the actions in the equalities improvement plan
- Use of Plain English throughout the EIA

8.3 Once your EIA and equalities improvement plan has been finally signed off by your Head of service, send it to Angie Sarchet, Cohesion & Equalities Manager. She is responsible for holding all completed assessments and equalities improvement plans and ensuring public access.

8.4 The Cohesion and Equalities Steering Group will consider common threads from the Services' various EIAs and, where necessary, recommend corporate level actions. A summary of this together with a list of EIAs carried out will be included in the annual equalities report to elected members. This is also in fulfilment of legislative requirements.

8.5 The Cohesion and Equalities Team will produce a summary of the EIA and ensure it is published on the Council's website.

9.0 And Finally

9.1 If you have any questions about the EIA process, or would like to attend training you can either contact your service's Cohesion and Equality Steering Group representative, or see the intranet A to Z>Equalities, or Angie Sarchet, Cohesion and Equalities Manager, asarchet@buckscc.gov.uk