

HAMBLETON

DISTRICT COUNCIL

**EQUALITY IMPACT ASSESSMENT
GUIDE**

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Document Approvals

This document requires the following approvals:

Sponsor Approval	Name	Date
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Contributors

In developing this Guide, the Council uses information and guidelines from various sources including :

<ul style="list-style-type: none"> ▪ Equality Act 2010 	<ul style="list-style-type: none"> ▪ Equality & Human Rights Commission
<ul style="list-style-type: none"> ▪ The Public Sector Equality Duty (PSED) section 149 of the Equality Act 	<ul style="list-style-type: none"> ▪ HDC Equality & Diversity Policy 2013
<ul style="list-style-type: none"> ▪ The Equality Act 2010 (Specific Duties) Regulations 2011 	<ul style="list-style-type: none"> ▪ HDC Equality & Diversity Statement 2013

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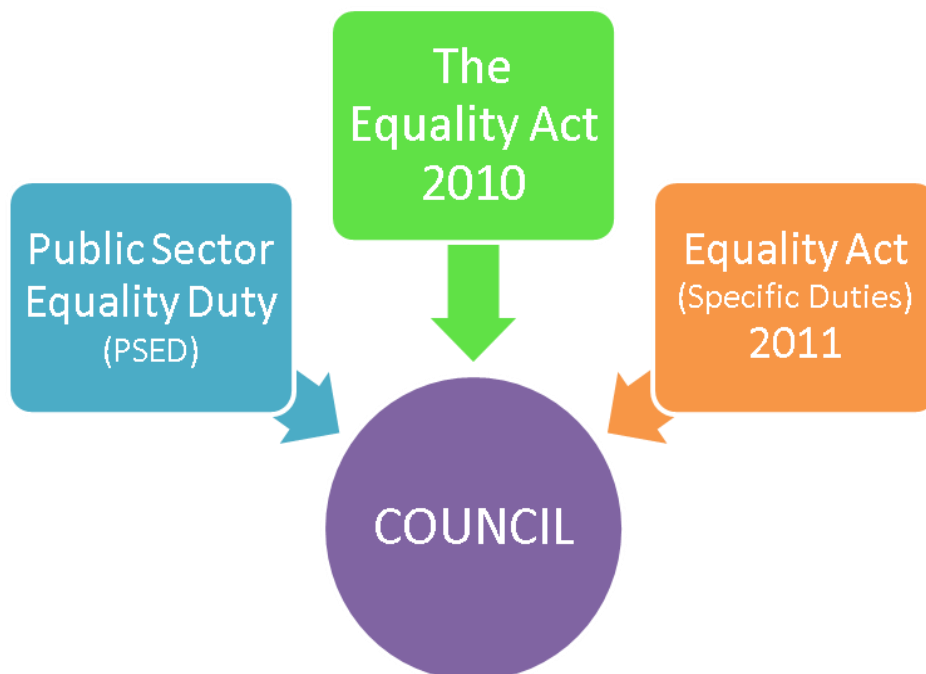
1. Purpose

The purpose of this document is to provide guidance on what an Equality Impact Assessment (EIA) is, the benefits and risks associated for Hambleton District Council ('the Council'), when an EIA should be undertaken, and the procedure to follow.

2. Legislation

Three pieces of legislation govern current Equality and Diversity practice in the public sector:

Figure 1 : Equality & Diversity Legislation



The Equality Act 2010 makes it unlawful to discriminate i.e. provide less favourable treatment to, the 9 protected characteristics of age, disability, gender reassignment, marital status, pregnancy & maternity, race, religion or belief, sex and sexual orientation.

The Public Sector Equality Duty (PSED) at section 149 of the Equality Act requires public bodies to consider all individuals including their own employees when carrying out their day to day activities-shaping policy and delivering services -accepting the need to :

- eliminate discrimination
- advance equality of opportunity, and
- foster good relations between different people

The Equality Act 2010 (Specific Duties) Regulations 2011 requires public bodies to publish information to demonstrate their compliance with the Equality Act.

In combination, this imposes rigorous statutory obligations on the Council to ensure its services are delivered in consideration of all employees, residents and groups within the community, to promote equality of opportunity and- importantly - to **demonstrate** how they do this.

The Council publishes both the Equality & Diversity Policy and Compliance Statement on the website, detailing its commitment to providing equality and fairness. However, the legislation also demands that we publish information on **how** we achieve this.

3. Equality Impact Assessment

Parliament has identified furthering the aims of PSED as a 'need' so the weight given to equality matters in decision-making must reflect this importance. However, the weight given does not depend solely upon the numbers affected as even when the number of people affected is small, the weight given to equality considerations remains high due to the significance and/or seriousness of the impact on those individuals. To broadly assume that by treating everyone the same way we will automatically achieve our equality obligations therefore falls short of PSED and is unacceptable. Consequently, the Council must find a way to determine whether a policy, procedure, service or function affects, or will affect, different people in different ways and to demonstrate it has done so.

Whilst not a mandatory practice, an Equality Impact Assessment (EIA) provides the simplest way for the Council achieve compliance, that is to demonstrate it has in fact considered the equality impact of any new decision, policy, project or scheme. It does not need to be an additional onerous task, much better to incorporate assessment into the Council's existing decision-making process.

The EIA comprises two stages, described more fully further on but can be summarised as :

- **Stage 1 Screening**

- Review proposed significant change to identify potential equality impact, and determine if this impact is positive, neutral or negative.

- **Stage 2 Full Assessment**

- A thorough analysis to eliminate perceived or actual negative equality impact.

An EIA Summary sheet accompanies each stage to facilitate formal sign-off.

If any group is identified as likely to receive a less favourable outcome as a result of any new Council decision, however unintentional, the Council is legally obliged to take reasonable action to rectify this. The EIA process is designed to facilitate this.

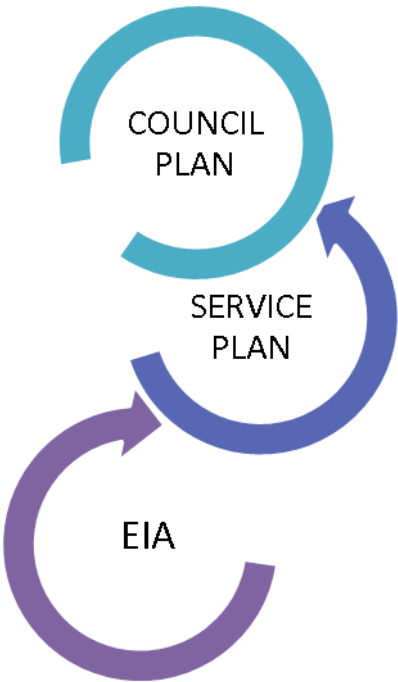
By conducting an EIA, PSED is embedded into the Council's decision-making process ensuring that every policy, project or scheme meets its equality obligations and does not discriminate against any disadvantaged or vulnerable people. Simply put, the EIA provides a way of checking our arrangements to ensure that they meet statutory obligations.

4. When is an EIA needed ?

Any Council decision will necessarily affect one or more groups within the community. Usually the impact will be generally positive, in which case the Council has acted to enhance community relations and service provision. On the other hand, one or more element of the community may unintentionally receive a less favourable outcome, presenting the risk of perceived, or actual, discrimination and consequent legal challenge.

To leave equality assessment until the end of the decision-making process would make it impossible to demonstrate due regard to PSED when decisions were actually being made, leaving the Council open to successful challenge. Council must therefore work to remove, and be seen to remove, this risk by incorporating assessment into mainstream process at the earliest stages of decision-making.

Figure 2 :Where the EIA fits



By embedding EIA within the Council’s existing decision-making practices means the procedure is not onerous and statutory obligations are met as matter of routine to form a natural part of Council’s business process.

It is recommended that Stage 1 Screening evaluation is undertaken as a matter of course in the decision-making and review process, progressing to Stage 2 Full Assessment only if a significant negative impact is determined.

5. Benefits

Undertaking an EIA will help to identify amendments needed to remove any inequality and better meet the needs of individuals and groups. An EIA is a useful tool whereby, if challenged, Council is able to *demonstrate* that due regard was given to all the potential outcomes of any proposed decision, direct and indirect, and that these outcomes were properly recognised and considered. It also provides the opportunity to actively promote equality and encourage cohesiveness within the community.

The key benefits of conducting an EIA can be summarised:

- ensures compliance, mitigates the risk of legal challenge
- increases transparency and robustness of Council decisions, improving customer confidence in the Authority
- supports a truly balanced and representative workforce
- identifies and overcomes potential inequalities of service delivery and access early in the development process
- furthers community links, raising awareness of different groups' needs and aspirations
- improves Council effectiveness in correctly targeting and developing services
- highlights the needs of customers making services appropriate and accessible

Officers with responsibility for drafting or implementing policies and procedures, for managing staff, or for activities involving the public are required to follow these procedures. This applies to all new work as well as existing arrangements.

6. Risks

Non-compliance with *any* legal requirement poses a significant risk. Because we as a Council already comply with equality legislation in many ways the likelihood of a legal challenge may appear slim, and the punishment slight. There is, however, a growing body of case law supporting the need to properly embrace PSED since potential outcomes can have significant financial implications and reputational damage.

One example is Birmingham City Council who has been subject to two successful challenges including their decision to stop funding legal advice services in order to reduce its budget. Withdrawal of funding would have led to a severe reduction in the services offered by three voluntary organisations advising ethnic minorities and disabled people on their legal entitlements. The Council was challenged and found to have breached PSED, in particular with regard to race and disability. The judge also found that even where the context of the decision was a local authority's limited financial resources that did *not* excuse compliance with the equality duties.

Clearly, conducting at least EIA Stage 1 in the early phases of decision-making offers a straightforward opportunity for the Council to mitigate any such risks.

7. Who should undertake the EIA:

As already explained, assessing the impact on equality is most effective when integrated into day-to-day policy making, business planning and other decision-making arrangements. Consequently, it should not be a separate administrative task, but a core part of business planning, in the same way that resources and risk are considered. A designated equality lead can prove useful to oversee and co-ordinate, but it is good practice to incorporate this work as an integral part of policy development. Those involved in making the decision or advising the decision-maker are generally best placed to conduct an EIA, and to monitor its on-going impact. Key decision-makers must be aware of their obligations and given the training and tools with which to perform this function.

At HDC, to ensure Equality & Diversity considerations are properly embedded into the Council's everyday functions, Service Managers will consider potential EIA activity when preparing and reviewing their Service Plans. When a significant equality impact is identified, the Service Manager undertakes an EIA Stage 1, signed off by the Service Director, for review by Management Team. Should further detailed assessment be required the Service Manager would proceed to EIA Stage 2, again to be signed off by the Service Director for initial review by Management Team and, if approved, reported to Cabinet. This simple procedure is detailed more fully at 11. Procedure and illustrated at Appendix A.

8. Two Stages

As previously outlined, EIA is triggered at the point where a decision creates a significant change. There are two stages of assessment:

EIA Stage 1 - Screening

This should form a natural part of the decision-making process carried out at the earliest stages of policy development or service review, then updated as the policy or review develops. Screening must be undertaken at the point in the process when it becomes possible for the findings to inform the final decision.

If Stage 1 demonstrates that the potential impact(s) of a proposed decision is, directly or indirectly, negative, then it is necessary to proceed to :

EIA Stage 2 – Full Assessment

This will be triggered when Stage 1 points to a potentially adverse outcome, such as when Council is :

- making changes that will affect front-line services
- reducing the budget of a service, which will affect front-line services
- changing the way services are funded, which may impact the quality of the service and who can access it
- making a decision that could have a different impact on different groups of people
- making staff redundant or changing their roles (particularly if it impacts on frontline services).
- EIAs also need to be undertaken on how a policy is implemented even if it has been developed by central government (for example cuts to grant funding).

9. Process

There is no mandatory or prescribed assessment methodology, no right or wrong way to conduct an EIA. The crucial consideration is to develop a process that dovetails with existing business structures enabling Council to easily meet its legal obligations.

Conducting an EIA need to be a lengthy process, it is designed to determine :

- whether there is adverse differential impact
- the extent of the differential impact
- what action must be taken to reduce or remove adverse impact
- whether the action required is reasonable

The following outline the necessary elements :

Scope & Objective	<ul style="list-style-type: none"> ▪ identify who should be involved to execute the EIA e.g. the Service Manager, staff advising the Service Manager ▪ determine why the EIA is needed and the desired objectives ▪ define what is to be included within the EIA scope
Data Collection	<ul style="list-style-type: none"> ▪ gather information and data to illustrate the likely impact of the decision ▪ reference could include demographics, customer usage, complaints received ▪ lack of available information is <i>not</i> an adequate reason to ignore equality impact ▪ no decision should be finalised until all relevant information is sourced
Consultation	<ul style="list-style-type: none"> ▪ identify any individuals or groups who should be consulted for further information or input e.g. service users, employees, affected community groups. ▪ prepare a Consultation Brief as appropriate
Findings	<ul style="list-style-type: none"> ▪ assess the likely effect on each of the 9 protected groups : age, disability, gender reassignment, marital status, pregnancy & maternity, race, religion or belief, sex and sexual orientation. ▪ determine if there is a differential impact ▪ if there is a differential impact, determine whether this is adverse i.e. constitutes discrimination, direct or indirect ▪ avoid overly general conclusions as without supporting evidence it is not possible to properly demonstrate PSED compliance
Actions	<ul style="list-style-type: none"> ▪ identify actions required to reduce or remove any adverse impact ▪ identify actions required to promote equality ▪ identify actions required to increase community cohesion ▪ ensure relevant policies are not signed off until it is clear PSED needs are met
Communication	<ul style="list-style-type: none"> ▪ identify who needs to be informed of the new decision ▪ determine how best to communicate the changes e.g. employee benefits matters through the Council intranet and newsletter ▪ publishing assessment findings is mandatory and occurs automatically via the Council’s published reports to Cabinet

10. Evaluation

Assessing impact one quality should not be a one-off exercise. PSED is a continuing duty, whilst policy context and other circumstances will change over time e.g. shifts in resident demographics. There is no point considering the impact of policies on equality if findings are not given active consideration in policy development and decision-making processes. The effectiveness of the EIA process must be monitored to eliminate any unexpected negative outcomes, and to meet changing circumstances.

Consequently, equality considerations must be taken into account both when decisions are being made **and** after policies are in place.

Figure2 : HDC Equality & Diversity in action



11. Procedure

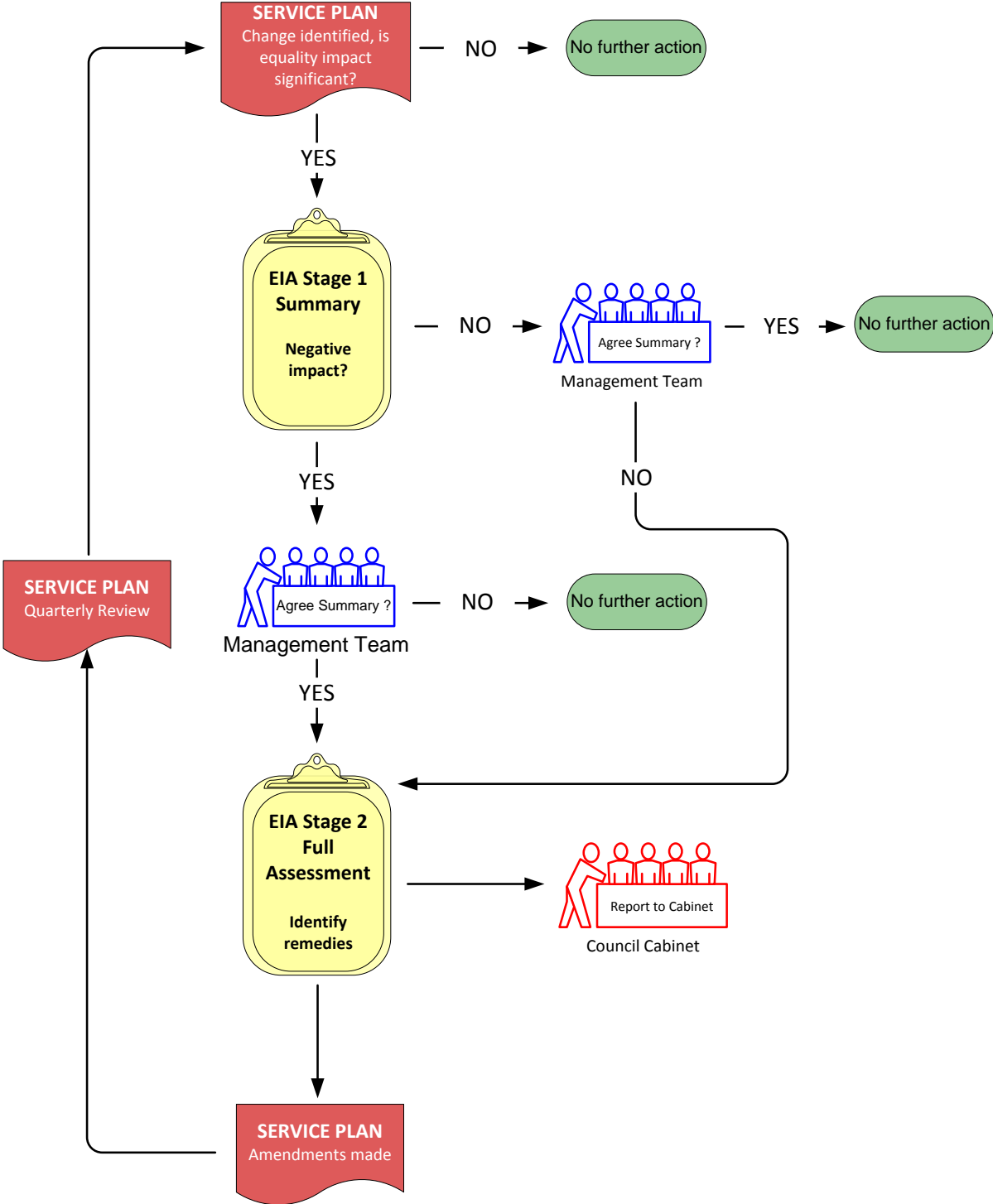
The Council procedure for identifying, conducting, assessing and monitoring Equality & Diversity matters is deliberately straightforward and continuous. Equality is built into service planning allowing Service Managers to consider equality issues within their own department and alert their Service Director to any potential EIA.

Service Managers should take the following steps :

1. Service Plan Review	<ul style="list-style-type: none"> ▪ identify proposed changes or additions to policy or service provision which may impact equality. ▪ assess the level of potential impact.
2. Significant Impact	<ul style="list-style-type: none"> ▪ if potential impact is determined significant, undertake EIA Stage 1 Screening to assess if that impact is likely to be positive, neutral or negative
3. Positive or neutral impact	<ul style="list-style-type: none"> ▪ complete Summary and submit with EIA Stage 1 documentation as report to Management Team for consideration and sign off.
4. Negative impact	<ul style="list-style-type: none"> ▪ if negative, or if Management Team do not agree with findings, proceed to EIA Stage 2 Full Assessment to identify actions required to eliminate adverse impact
5. Report to Cabinet	<ul style="list-style-type: none"> ▪ submit Summary and EIA Stage 2 documentation to Committee for their information and ultimate publication via Committee minutes
6. Implement Actions	<ul style="list-style-type: none"> ▪ amend Service Plan to incorporate findings, implement actions and eliminate adverse equality impact
7. Record keeping	<ul style="list-style-type: none"> ▪ Service Managers must retain all documentation to ensure a full and complete record is retained to evidence equality consideration in service planning, for future reference and in case of future challenge.
8. Monitor	<ul style="list-style-type: none"> ▪ review and modify as developments occur and amendments arise via Quarterly Service Plan review

APPENDIX A

EIA Procedure



APPENDIX B

EIA Summary

To be completed for ALL assessments Stage 1 and Stage 2.

Policy Name	
Relevance <i>Summary - of Stage 1- Screening</i>	
Likely impact <i>Please summarise your conclusions on the proposal's likely impact –negative, positive, or neutral. Please also include a brief explanation of how the proposal was assessed?</i>	
Positive or Neutral Impact : <i>If you consider the outcome of this matter will have a Positive or Neutral impact, no further action is required at this time.</i>	
Negative Impact : Proceed to EIA Stage 2 <i>List the actions that you intend to take to prevent or limit any potential adverse or negative effects on different community groups.</i>	
Monitoring <i>Please summarise the action you intend to take to monitor the actual impact of the policy.</i>	
EIA Completed by	_____ <i>PRINT NAME CLEARLY</i>
SERVICE MANAGER	_____ <i>PLEASE PRINT CLEARLY</i>
Date	____ / ____ / ____
EIA Approved by	_____ <i>PRINT NAME CLEARLY</i>
SERVICE DIRECTOR	_____ <i>PLEASE PRINT CLEARLY</i>
Date	____ / ____ / ____

APPENDIX C

EIA Stage 1 – Screening (Partial Assessment)

Keep all versions of your EIA. An EIA should be finalised once a final decision is taken.

Guidance Notes	EIA Stage 1 – Screening (Partial Assessment)
	1.1 Title of product, project or policy
<i>Include its main aim(s); activities and beneficiaries</i>	1.2 Brief details about the product, project or policy
<i>Will the proposed decision have consequences for local communities or the people that we employ? Is the proposed policy likely to affect either our relations with certain groups or the relationship between different groups?</i>	1.3 Is the proposed product, project or policy relevant to the Council’s general objective to promote equality of opportunity and good relations between persons of different community groups?
<i>Could these consequences differ for different groups? Do people of different groups have different expectations of the policy?</i>	1.4 Is the equality impact of this proposal likely to be positive or neutral? If the answer is yes, submit this report & summary to Management Team.
<i>Is there any evidence that any part of the proposed policy could discriminate unlawfully, directly or indirectly, against particular groups of people? Please explain why.</i>	1.5 Is the equality impact of this proposal likely to be negative? If the answer is yes or you are unsure, proceed to a full assessment.

APPENDIX D

EIA Stage 2 – Full assessment

Keep all versions of your EIA. An EIA should be finalised once a final decision is taken.

Guidance Notes	EIA Stage 2 – Full assessment
	2.1 Title of product, project or policy
<p><i>What are the aims of the policy?</i></p> <p><i>What is it designed to achieve?</i></p> <p><i>Why is it needed?</i></p> <p><i>What outcomes are expected? Who are the main beneficiaries? How will outcomes be measured? What are the risks, and do any of them relate to the Council's objective to promote equality?</i></p>	2.2 Description of product, project, or policy
<p><i>Could the proposed policy affect different groups in society differently?</i></p> <p><i>Will the policy or its implementation break the law or have the potential to break the law?</i></p> <p><i>Is there a public concern (in the media etc) that this function or policy is discriminatory?</i></p> <p><i>What do stakeholders think?</i></p> <p><i>What does available data, information, research, or consultation responses reveal about the likely impact of the policy?.</i></p>	2.3 Is there any evidence to suggest that this could affect some groups of people differently? Is there an adverse impact? What are the reasons for this adverse impact?

APPENDIX D

Guidance Notes	EIA Stage 2 – Full assessment
<p><i>Will it promote equality? Cite the evidence to support your conclusion</i></p>	<p>2.4 Will the proposed policy have a positive or negative effect on our objective to promote equality of opportunity? Will it help eliminate discrimination in any way, or encourage or hinder community relations?</p>
<p><i>How was this EIA completed? How did you engage or involve stakeholders like the staff diversity networks?</i></p>	<p>2.5 Include a brief explanation of how this policy was assessed, and for major proposals include details of the consultation methods used.</p>
	<p>2.6 If the proposed policy/proposal/project does have an adverse impact? Can that impact be justified?</p>
<p><i>What measures do you intend to take mitigate any negative or adverse impact on particular groups?</i></p>	<p>2.7 If the impact cannot be justified, how do you intend to deal with it?</p>
<p><i>Indicate how you intend to evaluate the successful implementation of the proposal? How will this evaluation assess impact on equality?</i></p>	<p>2.8 How do you intend to monitor the impact of this proposal on the Council’s objective to promote equality?</p>