

# EQUALITIES IMPACT ASSESSMENT (EIA) GUIDANCE

## Introduction

Statutory duties have been introduced to encourage a proactive approach to the promotion of equal opportunities. These duties are introduced by:

- The Race Relations (Amendment) Act 2000: The Race Equality Duty, enforced April 2001
- The Disability Discrimination Act 2005: The Disability Equality Duty, enforced December 2006
- The Equality Act 2006: The Gender Equality Duty, enforced April 2007.

Commission for Equality and Human Rights (CEHR)

- CEHR will begin on 1 October 2007
- Race, gender, disability AND sexual orientation, religion or belief and age
- Significant - first time there will be an enforcement body to take forward cases on sexual orientation, religion and belief and age.

The legislation for race, disability and gender requires us to carry out general and specific duties in relation to equality. Within this legislation it states a statutory duty to carry out Equalities Impact Assessments (EIA).

**Please note the word 'activity' will be used throughout this guidance to cover any policy, procedure, strategy, proposal, function etc**

## What is an Equality Impact Assessment?

An EIA is a tool to improve the work of an organisation by making sure it does not discriminate and where possible, it promotes equality. It is a way to make sure staff think carefully about the likely impact of their work on equality groups and take action to improve strategies and initiatives where it has a negative impact. It involves anticipating the consequences of the Council's activities on different sections of the community, making sure that, as far as possible, any negative impacts are minimised or eliminated and that opportunities for promoting equality are maximised.

Within this process each service should identify and include all of the activities it undertakes on behalf of the Council including the policies, procedures and strategies etc associated with that given activity.

An EIA should be conducted in the manner of a risk assessment, which involves predicting and assessing what the implications of the 'activity' are likely to be. All effort must be made to consider the impact on, as wide a range of people and their varied needs as possible.

Cross cutting issues may apply when assessing positive or negative impacts. Identifying any cross cutting issues will allow officers completing the EIA to pin point more accurately those people who could be particularly affected by any negative impacts that the 'activity' may have. This is important because cross cutting issues can act to heighten any potential disadvantages the equality target groups may experience. The effect of cross cutting issues on negative impacts should be thought of as layers which have a compounding effect on each other making a person increasingly more vulnerable to discrimination.

Examples of cross-cutting issues:-

- Rural isolation and geographic location
- Low income
- Disability

### **Who should carry it out?**

It is advised to conduct EIA by using a group of people who are aware of the activity and its associated policies etc, its intentions, and how it affects members of the public. Involvement could include policy makers, frontline staff, specialist staff, individuals from equality target groups etc.

- Utilise the knowledge and expertise of staff/management
- Analyse the outcomes of previous consultations
- Analyse previous complaints, comments, evaluations and monitoring processes
- Analyse research/reports; including new research being published
- Seek advice from internal/external specialists in related fields and/or those staff who have been involved in the implementation of previous 'activity' in the area under analysis

### **When should it be done?**

Once all existing activities etc have been assessed an EIA should be carried out when:

- Developing a new policy, function, procedure etc
- Reviewing existing policies, functions, procedures etc

All managers are responsible for incorporating equalities into their areas of work.

An EIA is an ongoing process rather than a one-off exercise. The outcomes and recommendations of the assessment should be fed into the future developments of the activity. It is important to remember that any modification must also go through the EIA process.

Do not be deterred from continuing the EIA if there are deficits in information; note what they are and carry on to gain completion of the assessment. In some instances it may be that we do not know what the impact will be on every group.

### **Impact and Relevance**

**High relevance** – implies that there is lots of evidence or concern about negative impacts on different groups.

**Medium relevance** – implies that there is some evidence or concern about negative impacts on different groups.

**Low relevance** – implies that there is little evidence or concern about negative impacts on different groups.

**No relevance** – implies that there is no evidence or concern about negative impact on different groups

## **Consultation**

All EIA should include consultation with relevant stakeholders to ensure that no unjustified negative impact on any particular group or groups of people occurs.

An equalities consultation forum is being developed corporately to scrutinise all impact assessments, in addition to any consultation departments carry out.

## **Recommendations and Monitoring Procedures**

It is essential that the recommendations elicited from the EIA are acted upon, this will involve the development of an action plan with named lead officers and time-scales.

A copy of all signed EIA must be sent to the Equal Opportunities Officer.

## **Glossary of terms (with examples where appropriate)**

**Impact Assessment:** The goal of impact assessments is for the authority to be enabled to gauge, audit and assess how the existing or proposed 'activity' will effect communities including equality groups.

**'Activity':** is everything that we do as an employer and service provider. We must identify and impact assess all the activities that we undertake on behalf of the Council including the policies, procedures, strategic plans, projects, proposals for service provision/change, care plans, service plans, single shared assessments, carer assessments etc. associated with that given activity.

**Positive Impact:** A positive impact is an impact that could improve equal opportunities and / or relations between different groups. Positive impacts are permissible but you must always be able to demonstrate that positive impacts are justifiable in law and do not amount to discrimination for any other group.

**Negative Impact:** A negative impact is an impact that could disadvantage one or more groups. This disadvantage may have a greater impact on one group than another.

**Direct Discrimination:** Treating a person less favourably than another on any grounds, including those of race, disability, gender, sexual orientation, religious belief or age.

**Example:** A forklift operator discovers that her male job-share partner is being paid a higher salary than she is although they both have the same range of skills and experience and perform the same tasks. When she approaches her manager to ask why this is the case she is told that the other member of staff is more senior in age than her; and it has always been company policy to pay those who are older in age more money. This comes under the Employment Equality Act (Age) Regulations 2006 and may also come under the Equal Pay Act (1970) if it is found that only more "senior" **male** forklift operators are paid more.

**Indirect Discrimination:** The application of a 'provision, criterion or practice' that puts groups of people or individuals at a particular disadvantage and can not be shown to be a proportionate means of achieving a legitimate aim.

**Example:** A security firm advertises for staff and includes a height requirement of 6ft 2ins. This is indirect discrimination because men are normally taller than women, therefore the height requirement puts women at a particular disadvantage when compared to men. This also discriminates against races where men and women are on average smaller in stature, e.g., those of Chinese decent. Comes under Gender Equality and Race Equality. The legislation underpinning these are the Sex Discrimination Act (1975) amended (1986). Also comes under the Race Relations Act 1976 and Race Relations (Amendment) Act (2000).

**Harassment:** Harassment is conduct that violates a person's dignity or creates a hostile, intimidating, degrading, humiliating or offensive environment.

**Example:** A lecturer whose son is gay and attends the College where his father works, frequently has comments made to him by both staff and students on his son's sexual orientation. Comes under the Human Rights Act (1998) and the Scotland Act (1998).

**Victimisation:** Victimise a person because they have made or intend to make a complaint or seek to ascertain the right they have or, have given or intended to give evidence in relation to a complaint of discrimination.

**Example:** A worker gives evidence for a colleague who has brought an Employment Tribunal claim against the organisation of discrimination on the grounds of race. When the worker applies for a promotion to a management position, his manager tells him that they are rejecting his application because he is viewed as a "troublemaker" and, consequently, "not suitable management material. Comes under the Human Rights Act (1998) and the Scotland Act (1998).

## Equalities Impact Assessment

**Please note the word ‘activity’ will be used throughout this guidance to cover any policy, procedure, strategy, proposal, function etc**

Column 1 – What is the overall service area that you are assessing? Is it the whole department or the area of work that you are responsible for?

Column 2 – Are there sub-services / areas under the overall service? If so what are they?

Column 3 – What are the specific activities under each of these service areas?

Column 4 – Who is responsible for delivering this activity?

Column 5 – What does this activity do? What is its primary purpose? Is it aimed at all groups or sections of society?

Column 6 – Which groups of the population do you think will be affected by this activity? Please indicate whether high, medium or low in column 7.

State overall service area	State sub-service areas	Title of ‘activity’	Who are the main department(s) / people involved in delivering this activity?	What are the intended outcomes of the activity? How does the service user use this service?	Please indicate the groups that you believe could be affected by this activity is of high, medium or low relevance? Those high or medium will be assessed in-depth on p 7 & 8	Please state whether high, medium or low relevance.
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Development Services	Trading Standards	Enforcement Procedures	Trading Standards Service	<p>Business is well informed about consumer law</p> <p>The enterprise and innovation of responsible business is encouraged by a 'light touch' enforcement approach</p> <p>Rogue and reckless traders are inhibited and disrupted by accurately targeted enforcement action</p> <p>Citizens have the information they need to make informed consumer choices and vulnerable citizens are protected from those who would prey on them</p> <p><b>Our Mission</b></p> <p>To provide mainstream business with valued advice on consumer law</p> <p>To eliminate unnecessary enforcement activity that impacts on responsible business and generally to implement the Government's regulatory reforms</p> <p>To take effective action against rogue and reckless traders to prevent, or minimise, the harm caused by consumer malpractice</p>	Race & ethnic* minority people (incl. travellers)	Low
					Gender (or transgender)	Low
					Disabled people	Low
					People in religious/faith groups	Low
					Older people, children and young people	Low
					Lesbian, gay, bisexual and transgender	Low
					<b>Below are optional non-statutory groups to assess if there is an impact</b>	
					Homeless people	

					People with mental health problems	
					People involved in the criminal justice system	
					People of low income	
					Staff	
					All of the above	

<b>Participants involved in this equalities impact assessment.</b> Who is carrying out this assessment - policy makers, front-line staff, specialist staff etc? Who has been involved?	<b>Were any equalities groups consulted. Give details if so.</b>  <b>Impact assessments will be passed to the equalities forum via the Equal Opportunities Officer</b>	<b>Were any community groups consulted. Give details if so.</b>	<b>Details of any other evidence used to assist this assessment.</b> What else have you used to inform this assessment ie surveys, statistics, general information?
Gordon Christie, Trading Standards (Research, Development & Quality) Ruth Sutherland, Trading Standards, Principal Trading Standards Officer Other Staff Consulted	No	Business community who have either been approached by or have approached the service  It was agreed that there was no demand from the business sector for steps other than offered by the translation service in place.	Impact assessments from other Trading Standards Services. Business questionnaire results Experienced officers in Trading standards Matters TSO(RDQ) member of Equality and Diversity Group
<b>Is there additional information or evidence required to assist with this assessment?</b>			
Limited equalities data available from client profiling			

**Things to look for in all documents:-**

- Language used – it is recommended that plain English be used as far as is practicable, and that the “document” is available in other languages and/or formats if requested”.
- Layout of document – Arial 12 is used and formatting should be consistent avoiding unnecessary “clutter” e.g., underlining, use of boxes.
- Terminology – be aware of using terminology that can be construed to be offensive, e.g. “poor” people; “deaf and dumb”.

**Completing only the groups that have been prioritised as high or medium on page 5:-**

**Consider all the:-**

**Positive impacts (Column B)**

**A positive impact is an impact that could improve equal opportunities and / or relations between different groups. Positive impacts are permissible but you must always be able to demonstrate that positive impacts are justifiable in law and do not amount to discrimination for any other group.**

- Within your activity, what positive initiatives, services etc are already in place i.e. translation and interpretation services?
- Look at the activity and examine how it will be used by each of the groups based on your assessment and decide if you are positively discriminating in some areas.
- Which, if any, equality group is affected positively by these activities? How do you know?

**Negative impacts (Column C)**

**A negative impact is an impact that could disadvantage one or more groups. This disadvantage may have a greater impact on one group than another.**

- What gaps exist which could have a negative impact?
- Can it be accessed by all groups equally or are there negative impacts at the moment which need to be addressed?
- Which equality group, if any, is affected by these gaps?

Equality Group	<b>Column B</b> <b>Positive impacts of policy or function.</b> What we've got in place.	<b>Column C</b> <b>Negative impacts of policy or function.</b> What we need to put in place.
<ul style="list-style-type: none"> <li>• <b>Black &amp; Ethnic Minority people (incl. gypsy/travellers, refugees &amp; asylum seekers)</b></li> </ul>	Notices explaining officer's powers have been translated into number of languages and are carried by officers Caps uniform work maintenance system allows for the Business Record to indicate	Where immediate action required difficulties in obtaining suitable translators at short notice for some purposes (eg formal interviewing under caution). Generally only applicable to transient and

	<p>that a language other than English is the main language</p>	<p>itinerant traders.  Powers notices are limited in the languages available  Perceived may be difficulty in obtaining technical and legal translators in suitable time period.  Enforcement notices and guidance notes issued in.  English and some standard guidance notes.  Only anecdotal evidence available on the numbers of business premises in Moray where English is not a suitable language. (Thought to be very low) Evidence from officers indicate not considered probable that any traders are operating in the Moray area with no access to English.</p>
<ul style="list-style-type: none"> <li>• <b>Gender (or transgender)</b></li> </ul>	<p>Nothing identified other than general points</p>	
<ul style="list-style-type: none"> <li>• <b>Disabled people</b></li> </ul>	<p>Plain language, access via Braille, spoken word, large print as required</p>	<p>Officers means of identification may be an issue for some (the need for immediacy may limit effectiveness of alternatives to photographic warrant cards carried).  Accessibility of publicity (press and internet. Press releases are issued to local radio and internet accessibility programs are available)  Enforcement notices are either sent or handed out in written format (although other formats available on request or where recommended by officer)  Right to complain leaflets available in only 1 format.</p>

• <b>People in religious/faith groups</b>	Nothing identified other than general points	
• <b>Older people, children and young people</b>	Not applicable	
• <b>Lesbian, gay, bisexual and transgender</b>	Nothing identified other than general points	
• <b>Homeless people</b>		
• <b>People with mental health problems</b>		
• <b>People involved in the criminal justice system</b>		
• <b>People of low income</b>		
• <b>All groups</b>	<p>Dedicated Equality Procedures are included within the Trading Standards Service Procedures Manual currently being developed</p> <p>The TSO(RDQ) has been allocated specific duties in regard to Equality and Diversity within the service</p> <p>The service has a quality manual including a specific section on equalities. The manuals are reviewed and all procedures audited.</p>	

<b>Guidance Note: Please set out the series of recommendations. These should include recommendations to address negative impacts listed.</b>		
<b>Recommendation</b> Make sure any changes proposed are again assessed to ensure it does not discriminate towards any group. What are you going to do to meet equalities requirements? You may need to prioritise these actions if there are a lot of them.	<b>Person / Department / Partner agency responsible for implementing recommendation</b>	<b>Date recommendation to be completed by</b>
Review equalities training of staff and specifically the need for refresher training. Where deemed necessary book staff on corporate equality courses (e-learning course is available, social awareness training programs are being planned and other corporate programs are being developed),	Gordon Christie	31.03.08
<p><b>From the outcome of the EIA, have negative impacts been identified?</b></p> <p><b>Who is responsible for drawing up the Action Plan to carry out the recommendations above?</b></p> <p><b>Date to be drawn up by –</b></p>	<p><b>Final Sign Off.</b></p> <p><b>Signature of impact assessor –</b></p> <p><b>Signature of manager –</b></p> <p><b>Date Work Completed –</b></p>	<p><b>Review Date –</b></p> <p><b>Date passed to Equal Opportunities Officer -</b></p>

\*Notes for Guidance: Groups that are recognised by legislation as having ETHNICITY STATUS are:

People of Irish or Scottish origin, Gypsies, Jews and Sikhs. It is recognised that those groups share a common culture and identity and have done so for many hundred years.