

## Equality Impact Assessment – Guidance

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## **Assessing the impact of our activities\* on equality**

(\*Activity can mean strategy, practice, function, policy, procedure, decision-making, project or service)

### **Background**

The Equality Act 2010 places particular requirements on public bodies, including local authorities. This is known as the Public Sector Equality Duty and it is made up of the general duty supported by specific duties (see appendix 1).

Assessing the impact of our activities on equality is an important part of complying with the general duty and helps us to:

- understand how our activities affect people with protected characteristics\*\* and consider whether they will be effective for different people. For example, does a particular policy meet the needs of people with protected characteristics? Does it minimise disadvantages faced by them?
- identify at the earliest opportunity any discrimination (direct, indirect, intentional or unintentional) against our service users or employees and identify practical steps to address these before a proposed activity is adopted
- integrate equality matters into mainstream policy development so that it becomes part and parcel of our decision-making
- advance equality.

(\*\*The protected characteristics are sex (gender), race, age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, religion and belief, and sexual orientation.)

Equality is about treating people fairly, which could mean treating some people more favourably than others in order to take account of their differing needs.

The weight given to equality issues should be proportionate to the significance of the activity against the aims of the duty (i.e. fostering good relations, advancing equality, eliminating discrimination, harassment. See appendix 1). Generally, greater weight should be given where there is a potential adverse impact on a large number of people who share a protected characteristic or where the impact is serious but may affect less people.

If a decision-maker gives disproportionate weight to factors other than equality, this may be challenged particularly if the decision is based on irrelevant considerations or facts.

### **Which activities need to be assessed?**

Examples include policy decisions, budgetary decisions, changes to service provision and procurement of goods or services.

New or amended policies, processes, working practices, new systems (including those that affect the public) will require assessment.

Restructures that affect a very small number of employees are unlikely to require a full assessment but will require completion of section 1 of the form (appendix 2) including an assessment of whether the activity is relevant to equality. Employment policies and procedures such as the Redundancy Policy and Procedure will have previously been equality impact assessed so the process itself will not require further assessment.

### **When should I conduct an assessment?**

The assessment should be done at the outset during the planning stage and not as an afterthought. Leaving it to the final stages will lead to several problems:

- You will be unlikely to be able to demonstrate that you have had due regard to the aims of the general duty when decisions were made. This would leave you open to legal challenge
- The activity may still lead to potentially discriminatory activity or adverse impacts on particular groups of people
- An opportunity to advance equality may be missed, which may mean people with some protected characteristics do not benefit from the activity to the same extent that others do
- The activity is not likely to be effective in achieving its aims if it hasn't taken into account the impact it will have.

## **How should I assess the impact on equality and use the findings in my activity and decision-making?**

The general equality duty does not specify how impact should be assessed and it is not a legal requirement to complete an 'equality impact assessment' (EIA) form. However, the EIA form provides a structured, consistent, proportionate approach, and provides evidence of your assessment.

If there is evidence that you assessed the impact on equality early on in the planning stage of the proposal and you have factored it in as early as you would for other considerations such as risk, budget, health and safety, then an EIA form does not need to be completed (see example B, appendix 2).

The EIA form covers the following areas:

### **1. Determining the relevance to equality**

Some activities are particularly important for advancing equality or fostering good relations for example, grant-making programmes, changes to service delivery (e.g. withdrawal or reduction of services), and recruitment or pay policies.

Some activities are not particularly relevant to equality, for example, a policy on when to check the temperature of fridges in a kitchen. However, licensing arrangements for clubs may appear to affect everyone in the same way but in practice, they may be highly relevant to the risk of violence towards women or young people. They may also have an impact on the good relations aim of the duty, for example in relation to their effect on lesbian and gay people or certain ethnic minorities.

The EIA form asks the following questions, which can help you decide whether the activity you are assessing is relevant to equality:

- What are the aims, objectives and purpose of the activity? (Does it relate to any equality objectives that have been set by the organisation e.g. in the equality scheme action plan?)
- Is it a major activity, significantly affecting how other services or functions are delivered?
- Who will benefit from this activity and how?
- Does it relate to a function that has been identified as being important to people with particular protected characteristics?
- Does it affect service users, employees or the wider community? (The relevance of an activity to equality depends not just on the number of those affected but on the significance of the impact on them. Does it relate to an area with known inequalities?)

If, based on this initial assessment, you decide that the activity is not relevant to equality, you should be confident of your reasons for this. The fact that 'no information is available' is not adequate. You must record your reasons why an activity is not relevant to demonstrate compliance with the general equality duty.

If there is relevance to equality, you should continue to the next stage, which is to gather basic information to help you undertake the rest of your assessment.

## 2. Gather equality information

Having due regard to the aims of the general equality duty is about using good equality information and analysis (see example A, appendix 2). An EIA should take into consideration factors such as demographic data and other statistics, including census findings, research findings, equality monitoring data, one-off data-gathering exercises. You need to understand the equality profile of your customers (or employees) to understand how your activity may affect them.

It is important to have appropriate and reliable information about the different groups sharing protected characteristics that are likely to be affected. Understanding the impact on different groups is a key step in identifying whether an activity might unlawfully discriminate.

The information that will be most useful will depend on the nature of the activity. In order to identify the impact on people with different protected characteristics, it may be useful to look at:

- Comparisons with similar policies/activities in other services or authorities to help you identify relevant equality issues
- Analysis of enquiries or complaints from the public to help you understand the needs or experiences of different groups of people
- Recommendations from inspections or audits to help you identify any concerns about equality matters from regulators
- Information about the local community, including census findings to help you establish the numbers of people with different protected characteristics
- Recent research from national, regional and local sources that includes information on relevant equality issues
- Results of engagement activities or surveys to help you understand the needs or experiences of people with different protected characteristics
- Information from the public, community groups and voluntary organisations can help you understand the needs or experiences of people with different protected characteristics.

If you do not have equality information about people with particular protected characteristics, consider whether you need to fill information gaps. This could mean undertaking short surveys, or some engagement work. If it is not possible to collect this in time to inform your assessment, consider how you can increase your understanding in the short term for example, meeting with stakeholders. The information you gain from engagement with stakeholders will help you to understand the potential impacts of your activity on different groups.

### **Example**

In developing a new housing strategy, a local authority identifies a number of different elements as being relevant to equality. It decides to focus on those areas when assessing the potential impact on equality. It looks at:

- take-up of housing services
- satisfaction rates and number and type of complaints
- supported housing provision
- homelessness rates and causes
- choice-based lettings
- availability and management of adapted housing
- Gypsy and Irish Traveller site provision
- staff training.

### 3. Analyse your equality information

Analysing your equality data will enable you to make a judgement about the likely impact of the activity on equality. For example, when reviewing a recruitment policy for disability equality, it would be useful to establish how many disabled people have applied for posts, how many were rejected, how many were appointed, and at what pay band. Other information may also be useful such as how long people stay working for the Council and why they leave.

Consider the following:

- Does service take-up differ between people with different protected characteristics?
- What are the key findings of any engagement you have undertaken?
- If there is a greater impact on one group, is that consistent with the aims of the activity?
- If the activity has negative impacts on people sharing particular characteristics, what steps can be taken to mitigate these effects?
- Is any part of the activity unlawful under the Equality Act 2010?
- Will the activity deliver practical benefits for certain groups?
- Does the activity miss opportunities to advance equality of opportunity and foster good relations?
- Do other policies need to change to enable this activity to be effective?

#### Example

A public authority is developing its policy on staff leadership skills. The purpose of developing such a policy is to ensure that all staff gain appropriate training. It assesses the training needs of the staff, and analyses the available information. The assessment shows that there are disproportionately low numbers of women at senior management level and that there is no targeted training available for female staff to gain the appropriate skills. Based on this, the public authority reviews its initial policy aims and decides to implement targeted management training for women staff (which is lawful under the positive action provisions of the Equality Act 2010.)

If you reach a general conclusion that an activity will universally benefit all service users without any evidence to support that conclusion, it may be difficult for you to demonstrate compliance with the general equality duty.

Understanding the impact on equality will be easier for existing activities, because you can base your evaluation on evidence of actual impact, and make a reasonable and informed judgement about whether the activity is having positive or negative consequences for particular protected characteristics. This will enable you to decide whether you need to amend your proposals or introduce measures to mitigate adverse impacts on certain groups.

At this point, you should be able to answer the following questions on the EIA form:

- Is the proposed activity accessible for all the protected groups? Is it likely to affect people with particular protected characteristics differently? (Consider in what ways the activity might create difficulties or barriers to parts of the workforce, community or protected groups. How might one or more groups be excluded because of the activity?)
- Is it likely the proposed activity will have a negative impact on one or more protected groups?
- What action can be taken to address any negative impact? What measures could be included to promote a positive impact? (Consider whether it is possible to amend or change the activity due to the likely adverse impact whilst still delivering the objective. Is it possible to consider a different activity which still achieves the aims but avoids an adverse impact? Is an action plan required to reduce any actual or potential adverse impact?).
- What are the main sources of evidence that have been used to identify the likely impacts on the different protected groups? (E.g. relevant quantitative and qualitative information from sources such as previous EIA's, engagement with staff and service users, equality monitoring, complaints, comments, customer equality profiles, feedback, issues raised at previous consultations and known inequalities).
- Has any consultation been carried out? (e.g. with employees, service users or the wider community)

- Is further consultation required as a result of any negative impact identified? If so, what groups do you intend to engage with and how?
- Conclusion of equality impact assessment - a summary of findings.

#### 4. **Make your decision**

Your decision may lead to your activities benefitting certain groups of people rather than others. Strong evidence and transparency about how you reached your decision should help you to explain and justify your decisions internally and externally. Having your decisions and rationale easily accessible to members of the public should also help to counter any misconceptions.

#### 5. **Implement your decision**

Your assessment should lead you to one of the following courses of action:

- **Continue with the activity** – Your assessment demonstrates that the activity shows no potential for discrimination and that you have taken a proportionate approach to advancing equality of opportunity and fostering good relations. You should document the reasons for this conclusion and the information you used to make this decision.
- **Justify and continue with the activity** – Ultimately, there may be other factors (such as other policy aims or financial constraints) which make it reasonable for you to decide to adopt the activity despite its adverse equality impact. You can choose this option where your activity does not unlawfully discriminate, or where any potential discrimination is indirect and can be objectively justified. You need to take into account the possibility that your decision could be challenged, and consider whether you would be able to satisfy a court that you had due regard to the aims of the general equality duty when you reached your decision. It is particularly important that you document the reasons for your decision and the evidence that supported these reasons.
- **Change the activity** – This involves making changes to the activity to ensure it does not adversely affect certain groups of people, or miss opportunities to affect them positively. This can involve taking steps to mitigate adverse impacts, or to bolster or tailor positive ones. Document the reasons for the steps you are adopting and the information you used to make this decision.
- **Stop the activity** – If analysis of the activity shows a high probability of unavoidable discrimination which (where the law allows it) cannot be objectively justified, consider developing a new approach in order to avoid legal challenges under the Equality Act. Document the reasons for this decision and the information you used to make it.

When you have made your decisions, a senior manager or director must approve them, taking full account of the equality considerations.

#### 6. **Publish your findings and decisions**

You are required to publish equality information to demonstrate compliance with the general equality duty. Documented evidence about your impact assessment is likely to be a key component of this information. The Equality and Human Rights Commission recommend that you publish some records of your equality considerations alongside the relevant policy ideally in a structured way that includes the findings of your assessment and the decisions you made. It is useful to do this before a policy is finalised so that members of the public can engage with you on your findings. Publication should be proportionate. For example, information about the equality implications of Council wide policies on people with different protected characteristics could be published at various stages of policy development. However, a service or team proposing changes to their uniform policy may find it sufficient simply to include details of the findings of its assessment along with any other information sent out to employees and staff representatives.

#### 7. **Monitor actual impact and review policies**

Assessing the impact on equality is an ongoing process that does not end once an activity has been agreed or implemented. Your assessment will have helped you to anticipate and address the activities potential impact on different groups. However, the actual impact of the activity will only be known once it has been

introduced. The experience gained through implementation can be used to consider any possible adjustments to the activity.

You may find that you want to consider revising the activity if unexpected negative impacts occur. Other factors that could suggest the need to make adjustments might include a change in the area demographics, the availability of alternative services or the emergence of new ways to reduce adverse impact. You may find it helpful to set out when the activity will be reviewed. Issues that might be considered include:

- How and when you will measure the impact of the activity.
- When the activity will be reviewed and what could trigger an early revision.
- Who will be responsible for monitoring and review.
- What type of information is needed for monitoring and when it will be analysed.
- How to engage stakeholders in implementation, monitoring and review.

### The Public Sector Equality Duty

The Equality Act 2010 places particular requirements on public bodies, including local authorities. This is known as the Public Sector Equality Duty and it is made up of the general duty supported by specific duties.

The general duty sets out three main aims. As a public body, Guildford Borough Council must have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not.

Having 'due regard' for advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The practical effect is that public bodies have to consider how their policies, programmes and service delivery will affect people with the protected characteristics. For example:

- 'meeting different needs' could involve taking steps to take account of disabled people's disabilities
- 'fostering good relations' could involve tackling prejudice and promoting understanding between people from different groups.

The specific duties are:

Public authorities should publish equality information annually to demonstrate compliance with the general equality duty. This includes information relating to people with protected characteristics who are:

- its employees, or
- affected by its policies and practices e.g. service users.

Public authorities should prepare and publish at least one equality objective it thinks it should achieve in order to meet the general duty. This must be done at least every four years and objectives must be specific and measurable.

## Equality Impact Assessment

The purpose of an assessment is to understand the impact of the Council's activities\* on people from protected groups and to assess whether unlawful discrimination may occur. It also helps to identify key equality issues and highlight opportunities to promote equality across the Council and the community. The assessment should be carried out during the initial stages of the planning process so that any findings can be incorporated into the final proposals and, where appropriate, have a bearing on the outcome.

(\*Activity can mean strategy, practice, function, policy, procedure, decision, project or service)

Name of person completing the assessment	Nathaniel Prodger	Date of assessment	12 <sup>th</sup> January 2023
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Name of the proposed activity being assessed	Climate Change Action Plan	Is this a new or existing activity?	New
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Who will implement the activity and who will be responsible for it?	Multiple departments across GBC will be responsible for dedicated actions to reduce carbon emissions from Council activities.		
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### 1. Determining the relevance to equality

What are the aims, objectives and purpose of the activity?	To produce a pathway to achieving net zero carbon emissions across the activities of GBC. To reduce carbon emissions to net zero by 2030. To provide a leadership role in reducing carbon emissions within our communities to net zero by 2050.		
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Is this a major activity that significantly affects how services or functions are delivered?	Yes	Who will benefit from this activity and how?	Beneficiaries depend on the type of action developed from the action plan. These actions may work to improve community health, provide financial benefits through reduced energy costs, improved resilience across the borough
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Does it relate to a function that has been identified as being important to people with particular protected characteristics?	No	Who are the stakeholders? Does the activity affect employees, service users or the wider community?	The action plan affects all stakeholders in the Guildford Borough. GBC employees, service users and the wider community
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### Based on the above information, is the activity relevant to equality?

Yes – continue to section 2	No  Each of the actions contained within the action plan may affect equality, however this will need to be assessed per action which is currently not practical without further input from all departments within GBC. The
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<p><b>No – please record your reasons why the activity is not relevant to equality</b></p>	<p>action plan presents a pathway to achieve net zero carbon emissions both within the Council and within communities across the borough, it does not presume to develop the programmes required to complete these actions. Each action will need to be subject to development in which all factors, including equality will be assessed.</p>
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2. Is the proposed activity accessible for all the protected groups listed below?  
*(Consider in what ways the activity might create difficulties or barriers to parts of the workforce, community or protected groups. How might one or more groups be excluded because of the activity?)*

Protected groups	Yes	No	Evidence
Disability			
Race			
Gender			
Sexual orientation			
Age			
Religion or belief			
Transgender or transsexual			
Marriage and civil partnership			
Pregnancy or maternity			

3. Is it likely the proposed activity will have a negative impact on one or more protected groups?

Protected groups	Yes	No	Evidence
Disability			
Race			
Gender			
Sexual orientation			
Age			
Religion or belief			
Transgender or transsexual			

Marriage and civil partnership			
Pregnancy or maternity			

4. What action can be taken to address any negative impact? What measures could be included to promote a positive impact? *(Consider whether it is possible to amend or change the activity due to the likely adverse impact whilst still delivering the objective. Is it possible to consider a different activity which still achieves the aims but avoids an adverse impact? Is an action plan required to reduce any actual or potential adverse impact?)*

5. What are the main sources of evidence that have been used to identify the likely impacts on the different protected groups? *(Use relevant quantitative and qualitative information that is available from sources such as previous EIA's, engagement with staff and service users, equality monitoring, complaints, comments, customer equality profiles, feedback, issues raised at previous consultations and known inequalities).*

6. Has any consultation been carried out (e.g. with employees, service users or the wider community)? Please provide details

7. Is further consultation required as a result of any negative impact identified? If so, what groups do you intend to engage with and how?

8. Conclusion of Equality Impact Assessment - please summarise your findings

Name of person completing assessment:

Date:

Job title:

Signature:

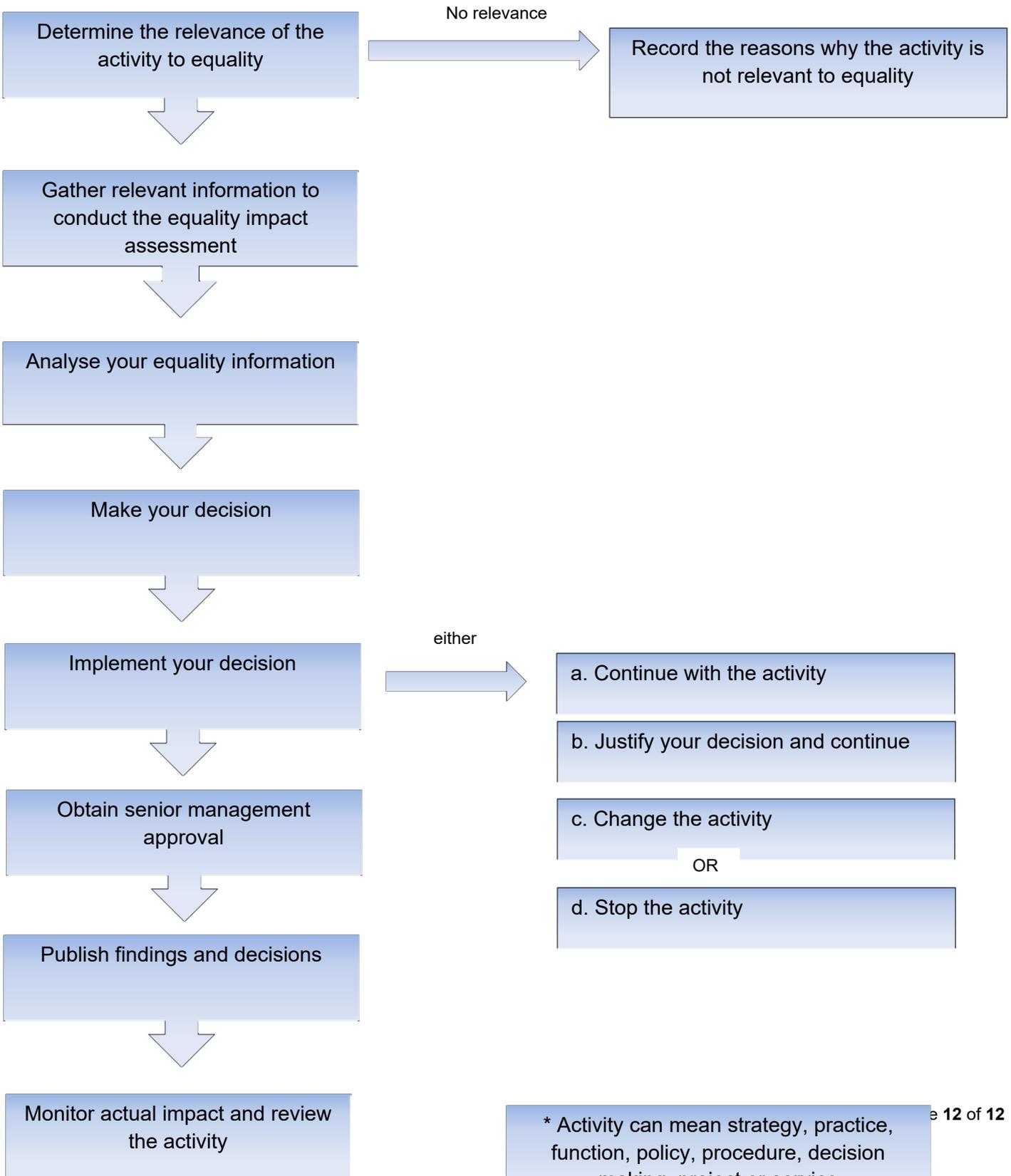
Senior manager name:

Date:

Signature:

Appendix 3

Assessing the impact of your activity\* on equality



\* Activity can mean strategy, practice, function, policy, procedure, decision making, project or service

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