



## Equality Impact Assessment Procedure

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## What is an Equality Impact Assessment?

Making and proposing changes to our existing processes and systems to accommodate diversity and recognising that the issues of equality and diversity need to be progressed together, is where Equality Impact Assessment (EqIA) is a necessary tool of the policy making or service development process. EqIA therefore is not a form filling exercise but a powerful tool that will ultimately lead to changes in policies, procedures, strategies, services and Board proposals, which will improve service delivery to the diverse population that we serve and ensure that as an employer we reflect that population by valuing a diverse workforce.

EqIA is not just about meeting legal requirements. EqIA's are not an end, but are the means to the end goal of improving the Trust as a place to work and making sure that the services we provide can cater to the needs of everyone in the population that we serve.

The aim of the EqIA process is to evaluate:

- The extent of differential impact upon equality groups
- Whether that impact is adverse
- If there are alternatives which remove the adverse impact
- Whether there are measures which can be employed to reduce the adverse impact.

EqIA is a two-stage process, the first stage being an Equality Screening which must be conducted to determine if there is a potential differential impact. If there is, a full Equality Impact Assessment must then be carried out. **The flowchart at Appendix 3 explains the process.**

Differential impact is key to our understanding of the EqIA process. To understand what is meant by differential impact it is helpful to consider the following example.

### **Example:**

We are about to conduct an EqIA on the Recruitment and Selection Procedure within our organisation. If we take the area from which we normally recruit we could determine that 6% of the population could be classed as disabled people (as determined by the definition of disability under the Disability Discrimination Act 2005). An easy measurement that we could make straightaway would be to examine the disability monitoring information of job applicants. If the figure came to 6% there would be no differential impact, if the figure came to 0.5% there would be an adverse differential impact, if the figure came to 9% this would show a positive differential impact towards disabled people, which may suggest an adverse impact on non-disabled applicants for posts with us.

We could continue with these measurements: what percentage of disabled applicants are short listed? What percentage of disabled applicants are appointed? By examining all available data and where necessary generating new data we will be able to measure the impact to see whether it is differential and/or adverse. If a policy or service is found to be both differential and adverse in impact we have to devise alternatives to rectify this or put in place some measures which allows the policy or service to continue but reduces the impact.

The goal of the EqIA is the promotion of equality of opportunity and therefore the real measurement of the success of the EqIA is the examination of the outcomes. In other words how do policies / services change as a result of the EqIA? Upon review of the changes what do service users and staff think of them? Are the changes meeting the intended needs?

### **Some Guiding Principles**

A full EqIA must be carried out where a document or service is found to be of relevance (from the screening stage) to the promotion of the equality and diversity agenda in the following situations:

- All new/reviewed policies, procedures and strategies
- All existing policies, procedures and strategies
- All Service Plans / Board proposals
- As part of service review and service re-design process

EqIA as a process should begin when deciding upon the aims and objectives of a document or service. This should ensure that document or service developers begin to minimise differential impacts at the onset by addressing equality and diversity issues as part and parcel of the document or service development.

Document or service developers should however be mindful of relevance and proportionality when considering the amount of time and resources given to the EqIA process. Some documents or services will have a bigger impact than others and will need far greater consultation than those that are expected to have a minimal differential impact. All documents or service developers are responsible for incorporating equality and diversity into their policy areas, strategies and services and for assessing these documents. This is a continuous process, not a one off exercise.

The outcomes of all screening and EqIA work must be reported to the Equality and Diversity Department. The relevant legislation dictates that they are public documents that must be published. It is therefore vital that outcomes of assessments are reported to the Equality and Diversity Department for publication on the Trust's website.

### **Process Tips**

- EqIA is a legal duty.
- It is meant to be a worthwhile and challenging process, but it is also a subjective process. Therefore a common-sense approach to the analysis is required.
- EqIA must be embedded into the policy making and service development process. Time should therefore be allowed for changes to be made in light of the EqIA. The process is not a last-minute check.
- Always try to 'step outside' of your own role when conducting an EqIA. Try to see the policy or service as an outsider would view it.

- It's not just a paper exercise - time should be allowed for potential collaboration on the EqIA in partnership with stakeholders/interest groups.
- Do not try to do it by yourself! EqIA's are rather like risk assessments and a collaborative view is likely to be more robust than an individual's.
- Where a likely impact is not known action should be taken to try to acquire that information.
- Use existing data and networks where possible to help assess the likely impact.
- Expect to have to do some Equality and Diversity research whilst developing a policy.
- For the development of significant projects or Board proposals e.g. Business Cases for new developments you should consider to allow for the cost of the EqIA in the project budget.

## Guidance for Completing the Equality Screening

### **Important - please refer to this guidance as you complete the Equality Screening Tool at Appendix 1.**

The following describes the basic information that will be required when developing or reviewing all policies, procedures, strategies, services, or Board proposals (hereafter referred to as 'documents'). It is through the screening process that we determine whether a document is relevant to promoting the key aims as set out in Equality, Diversity and Human Rights legislation.

We need a clear view on the following:-

- The aims of the document
- How the document will be put into practice
- What are the intended outcomes of the document?
- How will the achievement of outcomes be measured?
- Who are the stakeholders of the document?
- If the document involves partnership work with other organisations, how will this take place?
- How will the effectiveness of the document be measured?

The process begins by identifying the groups who may be affected by the document, such as:-

- Intended groups
- Other groups who may be recipients of policy or service measures
- Groups who may be affected – both positively and negatively
- People who are excluded from the benefits of the document / service
- Staff involved in the delivery of the document / service

The process goes on to consider these groups by equality strand as listed on the tool (e.g. by disability, age, etc) to determine whether there is any potential differential impact on any of these equality groups.

This is an extremely important stage once the context and background information necessary to complete it have been collected. **It is recommended that this is not completed by one individual**, but brings together the perspectives of different stakeholders who understand the aims of the document, but are also able to clearly identify and anticipate the effects of the document on the equality target groups.

## Guidance for Completing a Full Equality Impact Assessment

**Important** - please refer to this guidance as you complete the Full Equality Impact Assessment Form at Appendix 2.

### Section 1 - Identify the aims of the document / service

You should already have identified from the Equality Screening form what the key issues are in relation to the document, and which equality groups are potentially affected, in either a positive or negative way. You will need to state what the overall aim of the document is and what the intended outcomes are.

**Example:**

An Attendance Management Policy would have been flagged at the screening stage as having a **potential** negative impact on employees with a disability, the key issue being that it might be discriminatory towards staff who have longer or more frequent absences from work because of their disability. The overall aim of the policy would be to provide a framework to manage sickness absence within the organisation, and the intended outcome of the policy may be to reduce the levels of sickness absence within the organisation.

### Section 2 - Legislative Compliance

You must consider the questions in this section in light of the legislative requirements specified below, which we **must** comply with. If the document does not comply with these legislative requirements then unless the non-compliance is legal and justifiable the policy or service **will not be lawful**. In these circumstances, you must contact the Equality and Diversity Department for guidance before proceeding.

**Example:**

Within the above Attendance Management Policy, it would be a legal requirement under the Disability Discrimination Act to make reasonable adjustments for staff who become disabled. However, the policy would legally be able to specify exceptions to this requirement when making adjustments may not be possible.

**EqIA is a legal requirement** placed upon us by the:

- **Race Equality Duty – the Race Relations (Amendment) Act 2000**
- **Disability Equality Duty – the Disability Discrimination Act 2005**
- **Gender Equality Duty – the Equality Act 2006**

A summary of the duties under these Acts is set out in the tables overleaf:

## General Duties

Race	Disability	Gender
<ul style="list-style-type: none"> <li>• Eliminate unlawful racial discrimination</li> <li>• Promote equality of opportunity</li> <li>• Promote good relations between persons of different racial groups</li> </ul>	<ul style="list-style-type: none"> <li>• Eliminate unlawful discrimination</li> <li>• Promote equality of opportunity between disabled people and others</li> <li>• Eliminate disability related harassment</li> <li>• Promote positive attitudes towards disabled people</li> <li>• Take account of disabled person's disabilities, even where that means treating disabled persons more favourably than other people</li> <li>• Encourage participation by disabled people in public life</li> </ul>	<ul style="list-style-type: none"> <li>• Eliminate unlawful discrimination and harassment</li> <li>• Promote equality of opportunity between men and women</li> </ul>

## Specific Duties

Race	Disability	Gender
<ul style="list-style-type: none"> <li>• Publish a Race Equality Scheme (RES) and Action Plan</li> <li>• Complete Race Equality Impact Assessments</li> <li>• Clear and evidenced based race equality goals</li> <li>• Consultation with stakeholders</li> <li>• Employment monitoring</li> <li>• Staff training</li> <li>• Report against RES annually</li> <li>• Review and revise RES every three years</li> </ul>	<ul style="list-style-type: none"> <li>• Publish a Disability Equality Scheme (DES) and Action Plan</li> <li>• Complete Disability Equality Impact Assessments</li> <li>• Clear and evidence based disability equality goals</li> <li>• Involvement of disabled people in development of DES</li> <li>• Report against DES annually</li> <li>• Review and revise DES every three years</li> </ul>	<ul style="list-style-type: none"> <li>• Publish a Gender Equality Scheme (GES) and Action Plan</li> <li>• Complete Gender Equality Impact Assessments</li> <li>• Clear and evidence based gender equality goals</li> <li>• Consultation with stakeholders</li> <li>• Equal Pay policy statement</li> <li>• Report against GES annually</li> <li>• Review and Revise GES every three years</li> </ul>

In addition the following legislation is relevant and therefore as best practice we will conduct EqIA's not only for race, disability and gender but also for sexual orientation, age and religion/belief:

- Employment Equality (Age) Regulations 2006
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Sex Discrimination Act 1975

- Human Rights Act 1998
- Equal Pay Act 1970
- Gender Recognition Act 2004
- The Sex Discrimination (Gender Reassignment) Regulations 1999

### **Human Rights Considerations**

The Human Rights Act (1998) also has an impact on the way we provide our services. There are some rights under the Act which are less relevant for healthcare organisations, such as the Right to free elections, however the most relevant rights for healthcare organisations are:-

- The right to life (Article 2)
- The right not to be tortured or treated in an inhuman or degrading way (Article 13).
- The right to liberty (Article 5)
- The right to respect for private and family life, home and correspondence (Article 8)
- The right not to be discriminated against in relation to any of the rights contained in the European Convention (Article 14).

We must consider in every EqIA whether the above rights may potentially be affected by the document, and if so, is the impact legal and justifiable?

### **Examples of how Human Rights apply in the healthcare setting:**

- Can a person who does not speak English be asked to sign a consent form without an interpreter present? Seeing a patient without an interpreter present when they are clearly required, would affect the right to respect to private and family life, home and correspondence (Article 8).
- Can an organisation follow a 'blanket' policy which does not allow for adjustments to be made for different patients – e.g. on 'toileting' patients at a certain time? It is degrading to make a patient wait for personal hygiene because of a 'blanket' policy which fails to take account of their individual needs, and this could contravene the right not to be tortured or treated in an inhuman or degrading way (Article 13).
- Can a female patient be moved across hospital grounds in just a nightdress which does not cover her shoulders? Moving around the hospital in a night dress which exposes shoulders, may not be the standard dress of many women and as such could affect their dignity. This contradicts the right not to be tortured or treated in an inhuman or degrading way (Article 13).

### **Section 3 – Considering Alternatives**

Could your policy or service provision potentially discriminate against any minority group, or could your document potentially affect anyone's human rights? If **'Yes'**;

- Can the document/service be amended to avoid this?
- If you make changes will this have an impact on another equality group?
- If so, are these changes legal and / or justifiable?

#### **Examples:**

Booking systems are not identifying patients who require interpreters, the result being that patients attend for appointments at hospital without interpreters present. Following an EqlA identifying this, the booking procedure is amended to ensure that interpreters are booked for patients who require them, prior to attending for a hospital appointment.

A Recruitment Policy states that all applicants must be treated equally in the selection process, which has unintentionally led to candidates with dyslexia failing assessment centre tests due to not finishing the tests in time. Following an EqlA, the Policy is rewritten to take account of applicants with different needs including allowing extra time for candidates with dyslexia to complete the tests.

### **Section 4 – Gathering Information**

Gathering information is essential to the EqlA process. You will need to look at the groups you believe are **potentially** affected by your document and work with them. Only by collecting a variety of information will you be able to complete a full EqlA. A great deal of the information that you require to work out the likely impact of the policy is likely already to be in existence. Information is broken down into two forms;

**Qualitative;** anecdotal evidence from people, such as feelings, actions, words, personal stories, comments; and experiences. This could include:-

- comments from staff questionnaires
- comments from patient surveys
- patient's complaints / comments / letters of appreciation
- recent research findings – e.g. those published in a professional journal
- Information from organisations directly in touch with particular groups within the community that we serve.
- Results of recent consultations
- Recommendations from inspection and audit reports
- Analysis of the outcome of similar policies/services in other organisations

This list is not exhaustive and is likely to be different for each document being assessed.

**Quantitative;** this is information collected from data and relevant research you could use including census data, records of attendance, applicants for a vacancy by equality strand or service activity. While doing your equality impact assessment you may find some of your information overlaps into both groups. You don't need to specify which group your information comes from as long as you or your group can

demonstrate all types of information have been considered. To complete your EqIA you will need to demonstrate you have worked in partnership with various community groups who are **potentially** affected by this document. You will need to decide what data is relevant for your document. Examples include;

- local demographics / census information;
- patient / service data by equality strand
- workforce information by equality strand;
- other internal reports and external reports;
- research relating to document you are assessing;
- staff survey data;
- complaints data;
- risk assessment data;
- national survey data;
- results from local questionnaires.

When you have all your information from **all your** sources only then can your group make any informed recommendations.

#### **Example:**

If you wish to undertake a full EqIA of a document, you will need to gather both qualitative and quantitative information. For a Recruitment and Selection Policy the information you would need to collect may include;

- Looking at the recruitment data held in the HR department on applicants, those shortlisted and appointed for posts, by equality strand
- Examining the workforce profile to see if any equality groups are under represented in the workforce, for example disability
- Comparing this to the census information of the local population (i.e. percentage of the community the Trust serves that is disabled)
- Examining how vacancies are advertised – e.g. are they accessible to all?
- Assessing if reasonable adjustments are made to recruitment procedures to allow disabled candidates to attend.
- Considering if there is under-representation of some equality groups, has any research been done as to the reason why?
- Holding a focus group in the community to identify key issues or concerns regarding employment with the Trust
- Using an current research or survey data available which is relevant
- Reviewing exit questionnaires or interview comments from leavers
- Looking at staff survey information
- Asking applicants and staff for comments on the recruitment process
- Considering if any of the information you need is missing
- Considering if you need to do any further work to gather the necessary information

If you were completing a service review you would need to consider;

- Who are the services users?
- Can everyone access your services?
- Does it affect anyone's human rights?
- Does your service meet the equality duties?

- Could your policy be improved to promote best practice?
- Have you worked in partnership with local community groups?

## **Section 5 - Partnership Working, Consultation and Involvement**

There is a specific legal duty to consult with people in the cases of Gender and Race, however in the area of Disability we should not only consult, but we also have a specific legal duty to **involve** disabled people. This could include engaging with staff and members, staff associations or trade unions, other public bodies or voluntary and community groups who will have particular knowledge, skills and experience in relation to the document that is being impact assessed. If relevant and recent consultation data exists, which can be analysed by the relevant equality group, then this may be used. If this is not available, then you will need to undertake consultation as part of the full EqlA process.

You will need to speak to all groups who may be affected by your document. Some ways you may choose to do this include;

- focus groups;
- staff diversity groups or networks;
- community panel members;
- community groups related to an equality strand.
- union groups;
- staff / patients surveys

### **Example:**

When conducting an EqlA on a positive action recruitment campaign targeting people from BME groups, you may consult the following people:

- HR / Recruitment Manager
- Equality and Diversity Lead
- Communications and PR Lead
- BME staff
- Trade Union / Staff Association representatives
- Local BME people
- Local BME community groups

## **Section 6 – Action Plan**

The table in this section must be completed with the agreed actions that have resulted from this EqIA. All actions must be **SMART** (Specific, Measurable, Achievable, Realistic and Timebound). You must also tick in the relevant box which equality group(s) the action impacts upon.

**Example:** in this example the columns for both ‘Race’ and ‘Religion/Belief’ have been ticked as it would be likely that people from a variety of different BME groups may have different religious beliefs.

Action		Benefits / Rationale	Lead	Timescale	Measures of Success	Race	Disability	Gender	Age	Religion / Belief	Sexual Orientation
						Human Rights					
1.	As a result of conducting an impact assessment on a Recruitment & Selection Policy and examining relevant data, the organisation has agreed to undertake a positive action recruitment campaign targeting people from BME groups.	The percentage of the workforce from BME groups should increase, allowing the organisation to be more representative of the communities it serves. It will raise the profile of the organisation with local BME communities.	Recruitment Manager	Campaign to end on x date  Review of success of campaign to take place on x date	A higher percentage of staff from BME groups	√				√	

## Appendix 1 - Equality Impact Assessment Screening Form

**Please refer to the guidance for each section as you complete this form**

1. Directorate /Department \_\_\_\_\_

2. Name of document/service \_\_\_\_\_

3. Type of document/service (ie policy, guidance, business plan, service, etc)

\_\_\_\_\_

4. Is this a new or revised document/service? \_\_\_\_\_

5. Please complete the table below, considering whether the document/service could have any potential impact on any of the equality groups listed below; including patients, staff, visitors or the public. If you identify a potential impact, you must consider if this is legal and / or justifiable (please refer to the guidance on Legislative Compliance on page 5 when considering this).

Equality Group	Does this document or service have a positive, negative or neutral potential impact on any of the equality groups? Please state which for each group.	Please describe the potential impact.	Is this impact legal and justifiable? If yes, please explain how.
<b>Race</b>			
<b>Disability</b>			
<b>Gender</b>			
<b>Age</b>			
<b>Religion</b>			
<b>Sexual Orientation</b>			
<b>Human Rights</b>			

6. If you have identified a **positive or negative** potential impact for any equality group, that is not legal or justifiable, **then you must complete a full Equality Impact Assessment**. Please complete this form before forwarding to the Equality and Diversity Department, who will assist you in arranging a full EqIA.

If you have only identified a **neutral** impact on any equality groups then **no further action is required**. Please complete section 9 and attach a copy of the completed form to the document being screened for approval.

7. Please complete the table below with details of relevant individuals whom you are nominating to conduct the full EqIA on the document / service.

Name	Job Title and Department	Organisation	Contact number and e-mail address

8. Please enter below any additional comments or recommendations you wish to make for the full EqIA.

9. Please enter the details (including signatures) of the individuals who have completed this screening.

Name	Job Title	Department	Signature	Date

**Please return a copy of the completed form to the Equality and Diversity Department for publication (this is a legal requirement).**

## Appendix 2 - Full Equality Impact Assessment Form

**Please refer to the guidance for each section as you complete this form**

Name of document/service being assessed \_\_\_\_\_

Date initial screening completed \_\_\_\_\_

Date of full equality impact assessment commencement \_\_\_\_\_

Date of full equality impact assessment completion \_\_\_\_\_

Please enter the details below of the individuals conducting this assessment.

Name	Job Title	Department and organisation	Signature	Date

### **1. Identify the aims of the document/service**

From the screening, what are the key issues and which equality groups are affected?

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What is the aim of the document / service?

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What are the intended outcomes of the document / service?

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How will you measure the outcomes?

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Who is intended to benefit and how?

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**2. Legislative Compliance**

Does the document/service prevent the promotion of equality of opportunity or good relations between different equality groups? Please state how.

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Does the document/service provision infringe an individual's human rights? Please state how.

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**3. Considering Alternatives**

Can changes be made to the document/service to reduce the impact? (such as amending the wording of a policy or changing a procedure)

If **Yes**, please detail the changes below and proceed to Section 6.

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If **No**, please proceed to Section 4 below.

**4. Gathering Information**

Please state the relevant **qualitative** information that is already available that is being used for this EqIA.

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Please state the relevant **quantitative** information that is already available that is being used for this EqIA.

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Are there any gaps in your information and if so how are you going to address those?

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**5. Partnership Working, Consultation and Involvement**

Do you need to involve, consult or work in partnership with any community group? **Y / N**  
If **Yes**, please state which community group(s).

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Do you need to involve, consult or work in partnership with any staff groups? **Y / N**  
If **Yes**, please state which staff group(s).

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Do you need to involve, consult or work in partnership any specialist services, groups or practitioners? **Y / N**  
If **Yes**, please state which services, groups or practitioners.

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Please complete the table overleaf with details of the meeting(s) held with the above group(s), services or practitioners.

Name of group or specialist involved	Group meeting dates	Recommendations made by groups / agreed outcomes

**6. Action Plan**

You must now complete the Action Plan at Section 6 (overleaf), detailing the agreed actions that are an outcome of this Equality Impact Assessment.

**Following completion, please return a copy of the entire form to the Equality and Diversity Department for publication (this is a legal requirement).**

## 6. Action Plan

Please complete the table below with the agreed actions that have resulted from this EqIA. All actions must be **SMART** (Specific, Measurable, Achievable, Realistic and Timebound). Please tick in the relevant box which equality group(s) the action impacts upon.

Action	Benefits / Rationale	Lead	Timescale	Measures of Success	Race	Disability	Gender	Age	Religion / Belief	Sexual Orientation
					Human Rights					
1.										
2.										
3.										
4.										

**Appendix 3 – Flowchart of Equality Impact Assessment Procedure**

