GUIDANCE ON EQUALITY IMPACT ASSESSMENTS

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1. **Introduction**

Everyone who has a lead responsibility for developing and administering policies and practices is required to consider and where appropriate, complete and submit an Equality Impact Assessment (EIA).

EIA is not a legal requirement in England, but it is an established and credible tool for demonstrating due regard to the public sector equality duty (PSED), which is required by law.

The University’s Corporate Management Team and the Joint Equality and Diversity Committee will oversee the application and monitoring of EIAs as part of its commitment to promoting equality and diversity and eliminating unlawful discrimination.

This guidance is intended to help you consider the PSED, direct you to further sources of information and advice and where appropriate, complete an EIA.

1. **What is an Equality Impact Assessment?**

An Equality Impact Assessment (EIA) is a practical tool which uses evidence and informed judgements to evaluate if a policy or practice is likely to have a discriminatory impact on people from protected groups once implemented. EIAs can also improve or promote equality.

1. **The Public Sector Equality Duty**

The University has a general equality duty to have due regard to the need to:

* Eliminate unlawful discrimination or other conduct unlawful under the Equality Act 2010
* Advance equality 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

By “due regard” the University must fully consider the implications of its work on Equality and Diversity. The demonstration of careful and comprehensive deliberation about the potential impact of a decision is just as important as the impact of the decision itself.

The EIA should be considered as a tool to help colleagues fully consider their proposal against the Public Sector Equality Duty, and to help record the extent of that consideration.

You will have noticed that the phrase “protected characteristic” in the Public Sector Equality Duty. These are the personal characters that are protected under the Equality Act. These are:

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| Age | Religion or belief | Sexual orientation |
| Disability | Sex | Pregnancy & Maternity (including parental leave & adoption) |
| Race (including ethnicity and nationality) | Gender identity/ reassignment | Marriage or civil partnership |

The PSED covers these nine protected characteristics. However, for marriage and civil partnership, the requirement to give due regard only applies in respect of the need to eliminate unlawful discrimination in employment.

1. **When to complete an Equality Impact Assessment?**

Every decision the University makes should consider our responsibilities under the Equality Act 2010. However it is not necessary or appropriate to run every proposal through the Equality Impact Assessment process.

Everyday operational or management decisions do not need to go through an Equality Impact Assessment because they are governed by policies and practices which themselves should have already been Equality Impact Assessed. Likewise, decisions regarding the procurement of goods or services do not always need an Equality Impact Assessment because the procurement process builds in consideration of Equality and Diversity.

We would therefore suggest that Equality Impact Assessments should be completed when making decisions relating to:

* Formal Policies and Procedures that govern everyday behaviour within the University i.e. Grievance Policy, Student Complaints, etc.
* Organisation Change Proposals
* Substantial building works i.e. development of new buildings or refurbishment that will alter entrances or facilities
* Any other decision that is likely to have a disproportionate impact on a particular group of people as defined by a protected characteristic.

If you do not believe that your decision fits within these four categories then you may decide not to conduct an Equality Impact Assessment. However you will still need to demonstrate that you have considered the equality implications of you proposal. This might include providing a section in your paper about how equality and diversity was considered when developing the proposal and why it wasn’t necessary to undertake a full EIA.

If you are unsure whether you should complete an EIA, you should contact the Head of Equality and Diversity for further guidance.

1. **Who should complete an EIA**

EIAs should not be delegated to equality and diversity practitioners. Managers at all levels should coordinate EIAs, including work stream and project leaders and policy owners. However, it is important to involve people with equality knowledge (not necessarily an equality and diversity practitioner) in an EIA.

1. **Data and Evidence**

Once you have decided that a policy or practice requires a full EIA, your next step should be to gather as much information and data as you can about how it affects people with different characteristics. You should collect both quantitative and qualitative information. It is not sufficient to simply state that there is no information or data available. You should aim to collect data and evidence in relation to all the protected characteristics as far as possible.

**Quantitative data** – involves numbers, statistics and percentages. This might be, for example, results from staff surveys, numbers on a particular course broken down by age, gender, disability etc, statistical information on complaints etc. You could look for both internal and external data such as:

* Staff/Student Surveys
* Data collected by UCAS and HESA relating to staff and students in HE
* Research undertaken by the Commission for Equality and Human Rights
* Labour force surveys

The University’s Strategic Planning Office and/or the Human Resources Service may be able to supply you with useful information in the first instance.

**Qualitative information** – is more in-depth data gathered from interviews and focus groups etc. Qualitative information can supplement quantitative data and can help us understand underlying reasons for particular statistical patterns. It is particularly important when quantitative data is unavailable or inadequate.

It is important to involve groups who may be affected in the process of equality impact assessments and analysis. We also need to demonstrate how we engaged with different groups of people who might be affected by a policy or practice.

The University has three staff forums representing groups of staff with protected characteristics who are available for you to discuss your policy or practice and receive feedback to support the development of your proposal. The staff networks are:

* The Disabled Staff Network
* BAME Staff Network
* LBGT Staff Network

The University’s recognised trade unions (UCU and UNISON) also provide valuable sources of information.

Gathering data and evidence does not have to be an onerous or burdensome task. If you need further guidance about this, please contact the Head of Equality and Diversity.

1. **Analysing the data and looking for equality impact**

Once you have collected the information, you need to analyse it. Look for patterns and significant or noticeable differences between different people and groups.

A useful and often used approach is to look at possible and actual barriers for particular groups: does anything in the policy or practice present specific difficulties for different groups, or does anything stop them taking full advantage?

Do particular people or groups use a policy or function more or less than others? Are fewer BAME people promoted? Are women making more complaints than men? Are younger people subjected to disciplinary proceedings? Are particular job families underrepresented on training courses or do they have different levels of sickness absence?

Cross reference this data against any other data you have collected and also analyse your qualitative information.

Have particular focus groups or staff forums expressed concerns over particular parts of a policy or practice.

**Adverse impact** means that the policy or practice intentionally or unintentionally affects people differently.This is unlawful except in very limited circumstances and changes must be made to the policy or practice to eliminate this.

It is possible in very limited cases that adverse impact can be justified, although such cases are rare and we must show that we did try to find a non-discriminatory solution first, without success. Cases where adverse impact may be justifiable include:

* A genuine requirement of the policy or practice that certain people must be excluded or differently affected
* Health and safety ground require adverse or differential impact
* Security considerations

**Different impact** means that although the policy or practice isn’t intended to affect people differently, and indeed on paper it doesn’t, in reality the way it applies or is applied to people affects them in different ways.Differential impact can be either positive or negative. It can also be direct or indirect.

1. **How To Complete an Equality Impact Assessment**

We would recommend that you begin work on your EIA at an early stage of the development of your proposal. In doing so, this will provide an opportunity to improve your proposal. You should follow the following five steps:

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| **Steps in the EIA process** | **Questions for equality consideration** |
| 1. Consider relevant evidence relating to people who share a protected characteristic | What potential positive/neutral/negative impacts can be identified?  What does evidence demonstrate about positive/neutral/negative impacts for different protected characteristic groups? E.g. statistics on participation, progression or outcomes, feedback or complaints  Does the policy/procedure/practice/decision take account of the needs of people with difference protected characteristics? How is this demonstrated? |
| 1. Assess the impact of applying a decision of a new or revised policy or practice against the needs of the PSED and each protected characteristic |
| 1. Act on the result of the assessment | What action will you take to address negative/promote positive impact, including addressing any gaps in evidence?  How will you ensure there is/will be no unlawful discrimination?  How is/will equality of opportunity be advanced?  How are/will good relations be fostered? |
| 1. Publish the results of the assessment | The results of your EIA will be published on the Equality and Diversity website. In addition, the University will share this information with relevant groups e.g. the Equality and Diversity Operational Group and the Equality and Diversity Committee |
| 1. Monitor and review the decision/application of the policy or procedure and it’s impact on equality | How will you ensure and demonstrate that your actions are effective?  How will you periodically check that equality impacts have not changed? |

If you have any questions about the Equality Impact Assessment, or require support completing the pro-forma, please email the Head of Equality and Diversity.

1. **Sources of Support**

* “Diversity in the Workplace” online training accessed through the HR website.
* Equality and Human Rights Commission
* Advance HE
* Public Sector Equality Duty (PSED) ACAS
* The Equality Act 2010

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| VERSION 2.0 | AUTHOR/OWNER: Will Cooling/Tracey Hulme | EQUALITY AND DIVERSITY |
| APPROVED DATE | APPROVED BY: |  |
| REVIEW DATE: |  |  |

**Equality Impact Assessment**

**Recording EIA Findings**

**Title of Proposal: Person Responsible for Proposal: Author of Assessment: Date Completed:**

**Q1.**Please briefly outline the policy or action that you are proposing, including details of who will implement it

**Q2.**Please outline who you believe this proposal will affect, and how you have considered what their reaction to the proposal will be (i.e. through bespoke consultation or research)

**Q3.**Please indicate against each protected characteristic the potential impact categorised by:

* Potential Positive Impact (P)
* No Impact(N/A)
* Unknown Impact(U)
* Potential Negative Impact (N)

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| PSED needs | Age | Disability | Race (including ethnicity and nationality) | Religion or belief | Sex | Gender identity/ reassignment | Sexual orientation | Pregnancy & Maternity (including parental leave & adoption) | Marriage or civil partnership |
| Eliminate Unlawful discrimination or other conduct unlawful under the Act |  |  |  |  |  |  |  |  |  |
| Advance equality 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 |  |  |  |  |  |  |  |  |  |

**Q4.** Please explain how you reached your conclusions and outline what changes you are making/action you are taking to address negative/promote positive impact, including any gaps in evidence. In developing your answer please consider the following:

* For **Potential** **Positive Impact** explain what this positive impact is and how you will monitor/evaluate it
* For **No Impact** explain why you weren’t able to amend your proposal so that it has a **Potential** **Positive Impact**
* For **Unknown Impact** explain what evidence you require to better understand the impact, why you don’t have it, and how you intend to collect it
* For **Potential Negative Impact** explain what this negative impact is, and how you intend to address this

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| **Q5. When will the Equality Impact Assessment be reviewed?** | | | | |
| * Not Applicable | * Within Three Months | * Within Six Months | * Within Twelve Months | * Within Twenty-Four Months |

**Q6.** A copy of your EIA must be forwarded to the Head of Equality and Diversity once the proposal (the subject of the EIA) has been considered by the relevant decision making body. This should indicate whether:

* Proposal was accepted without amendments due to issues identified in the Equality Impact Assessment
* Proposal was amended due to issues identified in the Equality Impact Assessment
* Proposal was accepted with awareness of adverse impact and procedures put in place to monitor
* Proposal was rejected due to issues identified in the Equality Impact Assessment