

# Equality Impact Assessment Guidance



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## INTRODUCTION

When you initiate a project, write a new strategy, policy or procedure or make \*major changes to an existing one you will need to assess the impact that this may have on different groups of people.

An equality impact assessment will provide sufficient information to demonstrate that 'due regard' has been given to the general equality duty before the strategy, policy, procedure or project is approved.

This guidance explains what the general equality duty is and what action needs to be taken to, as a minimum, meet the 'due regard' requirement.

This guidance provides a template for a preliminary assessment to be completed and, if needed, the full equality impact assessment form.

*\*a 'major' change as defined in the Policy Management Framework is a change that materially alters the process and intent of the procedure, strategy or policy.*

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*Not all will require a **full** equality impact assessment, a preliminary assessment may be sufficient.*

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## THE GENERAL EQUALITY DUTY

Public authorities must have due regard to the need to:

1. ***Eliminate discrimination, harassment and victimisation or any other conduct prohibited by the Act in relation to the protected characteristics***

2. ***Advance equality of opportunity for all persons; and***
3. ***Foster good relations between groups of people who share a***
4. ***protected characteristic and those who do not***

**Advancing equality** means:

- Removing or minimising disadvantages
- Providing people with equal opportunities
- Meeting needs of different groups
- Encouraging and enabling participation where this is low or needs addressing.

**Fostering good relations** means:

- Tackling prejudice
- Promoting understanding and raising awareness

## 'DUE REGARD' OF THE GENERAL EQUALITY DUTY

The general equality duty is not specific about the approach the Council should take in ensuring it is meeting the 'due regard' requirement.

What is clear is that giving "due regard" is required when a decision is being made which may affect large numbers of people, many of whom may fall within one or more of the protected characteristics.

The following principles give a guide on how to evidence due regard.

1. Decision makers must be fully aware of the implications of the equality duty when making decisions about their services.



2. The duty is triggered when a new strategy, policy, procedure or project is proposed or when making a **major** change to the current strategy, policy or procedure. The duty could also be triggered retrospectively when a “material issue” arises relating to equality, requiring the completion of an Equality Impact Assessment.

3. The duty must be exercised in a way that it influences the final decision. For example, consideration of the need to advance equality should form an integral part of the decision-making process.

4. The responsibility for discharging the duty rests with the Council even if it has delegated any functions to a third party. Any third parties exercising public functions on the Council’s behalf are required to comply with the duty.

5. At all times, regard must be given to the need to advance equality.

### Protected characteristics

The public sector equality duty protects people from discrimination on the basis of certain characteristics which are known as **protected characteristics**. There are nine protected characteristics:

**age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex (gender), and sexual orientation.** Details of each protected characteristic are provided in **Appendix 1**.

### Who is responsible for completing and Equality Impact Assessment?

All Heads of Service and officers that are responsible for completing strategies, policies, procedures or projects are responsible for undertaking an equality impact assessment.

Equality Impact Assessment training is available to officers.

### The equality impact assessment process

**Stage 1:** The Officer undertaking the assessment must have attended both the Equality and Diversity training and the Equality Impact Assessment training.

**Stage 2:** Complete the Preliminary Equality Impact Assessment.

**Stage 3:** If the Preliminary Assessment confirms there is no negative impact on any of the nine protected characteristics, then a full Equality Impact Assessment is not required. Submit your Preliminary Assessment electronically to your Head of Service to approve.

**Stage 4:** If the Preliminary Equality Assessment indicates that there is likely to be a negative impact on one or more of the protected characteristic groups then a full Equality Impact Assessment is required, then this should be completed.

**Stage 5:** Assessment(s) must be approved by the Head of Service. However, if the Head of Service has completed the assessment, the Director will approve the assessment (either Preliminary and/or Full Equality Impact Assessment)

**Stage 6:** The Equality Impact Assessment Form (preliminary and/or full) will be



published on the Councils website on the 'Equality Impact Assessment' web page.

### Preliminary Equality Assessment

A Preliminary Assessment (EIA) form will need to be completed for a new project, strategy, policy or procedure or if major changes are made to an existing one. This initial assessment will ensure due consideration is given to the equality impact and will determine if a full assessment is needed. A template for the preliminary assessment form is provided in **Appendix 2**.

### Reporting

If upon completion of the preliminary assessment it is determined there is no equality impact, the completed assessment should be:

- approved by the appropriate Head of Service.
- Published on the Equality Impact Assessment page on the South Derbyshire District Council website.
- If the preliminary assessment is linked to a strategy, policy or procedure it should be referenced in the 'Associated Documentation' section.
- If required, include as an appendix to the appropriate Committee report under section **7.2 Equality and Diversity Impact**.

### Full Equality Impact Assessment

If upon completion of the preliminary assessment it is identified that there is an impact on one of more the nine protected characteristics, then a full equality assessment will be needed. A template of the full equality impact assessment form is provided in **Appendix 3**.

Take into account all of the information that is available within the department or Council, in order to determine if there is any impact on any groups of people.

Local population data is available from the Office of National Statistics can be located [here](#).

If there are gaps in the data which prevents the assessor from determining if there is likely to be a negative impact on a particular group, then further discussion and consultation with those groups where possible is required.

Utilise existing forums wherever possible to undertake consultation or seek out access to existing groups from other services areas.

Information regarding the engagement can be recorded in section 3 '**additional engagement activities**' of the full assessment form.

Follow the same process for '**Reporting**.'

**Note** - If a committee report is required only the full equality impact assessment will need to be provided as a supporting appendix to the Committee report.



## What to consider when carrying out an assessment

Following the steps detailed in the equality impact assessment process will enable you to assess the impact for different groups and you should consider the following questions:

- Is there any evidence of, or potential for unequal outcomes or disadvantage?
- Are there, or could there be barriers to accessing the service? E.g. language, physical access etc.
- Is there any evidence of unmet needs or potential that needs will not be met?
- Could the strategy/policy/procedure/project encourage greater participation by a particular group or community where this is low?
- Could the strategy/policy/procedure/project be developed to further foster good relations between different groups/communities?
- Are there opportunities to advance equality of opportunities for all persons?

## Emerging strategies, policies, procedure or projects

It is envisaged an equality impact assessment will only need to be undertaken once. However, there may be instances where an emerging strategy, policy, procedure or project may need to go through several iterations over a period of time, potentially with consultation at each stage, in these instances an equality assessment will be required throughout this process.



## APPENDIX 1 The Nine Protected Characteristics

Characteristic	Definition
Age	Protection is for over 18's only. Age can be defined in different ways e.g. it can refer to a person of a particular age or belonging to an age group or age range.
Disability	Defined as "a physical or mental impairment which has a substantial and long-term adverse effect on the person's ability to carry out normal day to day activities." It is now easier to meet the definition.
Gender reassignment	Protection is provided when someone has proposed, started or completed a process to change their sex. There is no requirement to be undergoing medical supervision.
Marriage or civil partnership	Protection is provided in employment and vocational training only.
Pregnancy and maternity	For all areas covered by the Act a woman is protected from unfavourable treatment because of pregnancy or because she has given birth in the previous 26 weeks, or because she is on maternity leave.
Race	Includes colour nationality, and ethnic or national origins.
Religion or belief	The religion can be any religion – it does not have to be a mainstream religion. Belief refers to any religious or philosophical belief and includes Humanism and Atheism.
Sex (gender)	This involves the unfair treatment on the basis of being either a man or woman.
Sexual orientation	This refers to whether a person's sexual attraction is towards their own sex, the opposite sex or both sexes.



**APPENDIX 2****Equality Impact Assessment - Preliminary Assessment Form**

<i>Title of the strategy, policy, service or project:</i>		
<i>Service Area:</i>		
<i>Lead Officer:</i>		
<i>Date of assessment:</i>	MM/YY	
<i>Is the strategy, policy, service (procedure) or project:</i>		
<i>Changed</i>	<input type="checkbox"/>	
<i>New</i>	<input type="checkbox"/>	



## Section 1 – Clear aims and objectives

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### 1. What is the aim of the strategy, policy, procedure or project?

*A brief description of the aims of the policy – use a bullet point list if appropriate*

### 2. Who is intended to benefit from the strategy, policy, procedure or project and how?

*E.g. specific sections of the community, employees*

### 3. What outcomes do you want to achieve?

*A brief summary of the anticipated outcomes (if required as explained in the accompanying Committee report) use a bullet point list if appropriate*





## Section 2 – What is the impact?

**4. Summary of anticipated impacts.** *Please tick at least one option per protected characteristic. Think about barriers people may experience in accessing services, how the policy is likely to affect the promotion of equality, knowledge of customer experiences to date. You may need to think about sub-groups within categories e.g. older people, younger people, people with hearing impairment etc. [Hyperlinks to supporting information can be found here.](#)*

	Potentially positive impact	Potentially negative impact	No disproportionate impact
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability and long-term conditions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage or civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnant women and people on parental leave	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex (Gender)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



### Section 3 – Recommendations and monitoring

If you have answered that the strategy, policy, procedure or project could potentially have a negative impact on any of the above characteristics then a full Equality Impact Assessment will be required.

#### 5. Should a full EIA be completed for this strategy, policy, procedure or project?

☐ Yes

☐ No

*Please explain the reasons for this decision:*

### Section 4 – Approval

Please note the assessment should be reviewed and approved by the appropriate Head of Service **before** the Committee report (if required) is produced.

Reviewed by Head of Service	Name:	
	Date:	DD/MM/YY

If further information regarding this assessment is required, please contact the Lead Officer for this assessment (outlined in Section 1.)



**APPENDIX 3****Equality Impact Assessment - Full Assessment Form**

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<i>Title of the strategy, policy, procedure or project:</i>	
<i>Service Area:</i>	
<i>Lead Officer:</i>	
<i>Date of assessment:</i>	MM/YY
<i>Is the strategy, policy, procedure or project:</i>	
<i>Changed</i>	<input type="checkbox"/>
<i>New</i>	<input type="checkbox"/>



## Section 1 – Clear aims and objectives

<b>1. What is the aim of the strategy, policy, procedure or project?</b> <i>A brief description of the aims of the policy – use a bullet point list if appropriate</i>
<b>2. Who is intended to benefit from the strategy, policy, procedure or project and how?</b> <i>E.g. specific sections of the community, employees</i>
<b>3. What outcomes do you want to achieve?</b> <i>A brief summary of the anticipated outcomes (if required as explained in the accompanying Committee report) use a bullet point list if appropriate</i>
<b>4. What barriers exist for both the Council and the groups/people with protected characteristics to enable these outcomes to be achieved?</b> <i>E.g. conflicting interests, budget limitations etc.</i>
<b>5. Any other relevant background information</b> <i>E.g. related and/or pre-existing projects and EIAs, cumulative impact, scope etc.</i>



## Section 2 – Collecting your information

**6. What existing data sources do you have to assess the impact of the *strategy, policy, procedure or project*?**

South Derbyshire equality data can be found [here](#)

*E.g. information about the workforce affected by the profile, report from prior engagement activity*

## Section 3 – Additional engagement activities

**7. Please list any additional engagement activities undertaken when developing the proposal and completing this assessment. Have those who are anticipated to be affected by the strategy, policy, procedure or project been consulted with?**

Date	Activity	Main findings
		<i>Brief description of key themes and outcomes of related engagement activity e.g. concerns raised and/or how the activity helped to develop the proposal.</i>



## Section 4 – What is the impact?

**8. Summary of anticipated impacts.** *Please tick at least one option per protected characteristic. Think about barriers people may experience in accessing services, how the policy is likely to affect the promotion of equality, knowledge of customer experiences to date. You may need to think about sub-groups within categories e.g. older people, younger people, people with hearing impairment etc. [Hyperlinks to supporting information can be found here.](#)*

	Positive impact	Negative impact	No disproportionate impact
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability and long-term conditions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage or civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnant women and people on parental leave	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex (Gender)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



<b>8</b>	<b>Details of anticipated <u>negative</u> impacts.</b>								
a)	Negative impact:		<i>Please provide details of any negative impacts identified in the summary table above and tick the group/s the impact applies to below. Delete or add rows below as required.</i>						
	Mitigating action:		<i>If action has been identified to mitigate against the negative impact, please provide details</i>						
	<input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> Marriage or civil partnership <input type="checkbox"/> Pregnancy and maternity <input type="checkbox"/> Sex (Gender) <input type="checkbox"/> Sexual orientation <input type="checkbox"/> Gender reassignment <input type="checkbox"/> Race <input type="checkbox"/> Religion or belief								
b)	Negative impact:								
	Mitigating action:								
	<input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> Marriage or civil partnership <input type="checkbox"/> Pregnancy and maternity <input type="checkbox"/> Sex (Gender) <input type="checkbox"/> Sexual orientation <input type="checkbox"/> Gender reassignment <input type="checkbox"/> Race <input type="checkbox"/> Religion or belief								
c)	Negative impact:								
	Mitigating action:								



	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Marriage or civil partnership	<input type="checkbox"/> Pregnancy and maternity	<input type="checkbox"/> Sex (Gender)	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Race	<input type="checkbox"/> Religion or belief
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**9. Have all negative impacts identified in the table above been mitigated against with appropriate action?**

☐ Yes      ☐ No      ☐ N/A      *If no, please explain why:*





## Section 5 – Recommendations and monitoring

### 10. How has the EIA helped to shape the strategy, policy, procedure, project or affected the recommendation or decision?

*A brief description of how the proposal has been developed to take into consideration protected groups, outcomes of consultation etc.*

## Section 6 Approval

Please note the assessment should be reviewed and approved by the appropriate Head of Service **before** the Committee report (if required) is produced.

Reviewed by Head of Service	Name:	
	Date:	DD/MM/YY

If further information regarding this assessment is required, please contact the Lead Officer who completed the assessment.

