

# **A Guide to Equality Impact Assessments (EIAs)**

## **Acknowledgements**

This guide has been adapted from material used by the following organisations:

Devon Partnership NHS Trust, South Devon Healthcare NHS Trust, Torbay Primary Care Trust, Teignbridge Primary Care Trust, Devon County Council, Torbay County Council and the Commission for Racial Equality.

Thanks are given in particular to Terrena Howse, Equality and Diversity Lead, North Devon Healthcare NHS Trust, Ruth Thomas, Assistant Director of Human Resources, Gloucestershire Primary Healthcare Trust and David Harris, Equality and Diversity Lead, NHS Bristol.

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## Introduction

This Equality Impact Assessment tool (EIA) is one way we can ensure equality and diversity is at the heart of everything we do. It will help you assess both the **likely** and **actual** impact of either a service, function or policy change on different sections of the community. It will enable us to ensure we focus our attention on areas where we can make a difference to improving the patient, public and staff experience.

An EIA screening must be completed by everyone who manages or leads *any* relevant service, function or policy change. Support and advice is available from the Trust's Assistant Director of Human Resources and individual training will be available on request.

An EIA screening (Appendix 3) must be completed as a minimum for all significant policy and service changes within the Trust. It is also a minimum requirement for all papers presented at the following formal Trust meetings:

- The Trust Board
- The Trust Executive Group
- The Trust Operational Group
- Divisional Board meetings

## Legal Duties

The simple purpose of an EIA is to ensure that our policies and services do not discriminate against any of the seven strands of equality. We also have a statutory duty to promote equality and diversity wherever possible. The seven strands are:

- Race
- Gender (including gender identity)
- Age
- Disability
- Sexual orientation
- Religion or belief
- Human Rights

The Trust has a legal requirement under the Race Relations (Amendment) Act 2000 and the Disability Discrimination Act 1995 and the Disability Discrimination Amendment Act 2005, to consider the impact of the Trust's work on race equality and disability. In order to ensure a fully inclusive approach, the Trust has decided to adopt a generic impact assessment tool to cover all seven of the equality strands.

The Human Rights Act protects the right to enjoy the freedoms outlined under the Act, without discrimination on any ground such as sex, race, colour, language, religion and political or other opinion. It covers both employment and service delivery. Respect for the human rights of an individual or group is fundamental to ensuring their quality of life. The economic, social and cultural rights, including the rights to fair employment conditions and healthcare without discrimination, are relevant to the Trust as both an employer and a service provider.

The Government has since published the Equalities Bill, which is expected to receive Royal Assent in Spring 2010. The Bill aims to simplify and strengthen the law on equality by:

- **Placing a new equality duty on the public sector**

A new equality duty on public bodies will bring together the three existing duties (race, disability and gender) and extend it to gender reassignment, age, sexual orientation and religion or belief. It will also cover the legal requirements on equal pay. The Trust must tackle discrimination and promote equality on all the key diversity strands.

- **Having a new duty to consider 'socio-economic disadvantage'**

The Trust will need to consider this when taking strategic decisions on how to deliver services. This will be particularly relevant to primary care trusts as commissioners and links to the wider health inequalities agenda

- **Ending age discrimination**

This covers service delivery as well as employment. The Bill outlaws unjustifiable age discrimination by those organisations providing goods, facilities and services, and carrying out public services. The Government is making a separate statement about health and social care during the next parliamentary session that sets out a defined programme of work to tackle age discrimination in these sectors and to help service providers prepare for legislation

- **Ensuring transparency**

This requires public bodies to comply with the Equality Duty and report on areas such as gender pay, ethnic minority employment and disability employment. Public bodies will also need to promote equality through their purchasing function.

- **Extending the scope of positive action**

This will enable employers to take into account the under-representation of disadvantaged groups when selecting between two equally qualified candidates, e.g. women and people from ethnic minority communities

- **Strengthening enforcement**

This allows tribunals to make wider recommendations in discrimination cases, going beyond the individual involved.

## Equality Impact Assessments

### 1. What is an Equality Impact Assessment (EIA)?

An EIA is a specialist type of **risk assessment** which looks at inequality and discrimination. It helps us to assess whether different groups of people are, or could be, disadvantaged by a 'strategy', 'policy', or 'service' / 'function'.

An EIA ensures that we assess, consult on, record concerns and act on the likely equality impact of a **strategy, policy or function**. It involves anticipating the consequences of strategies, policies and functions on different sections of the community, making sure that, as far as possible, any negative consequences are eliminated or minimised and opportunities for promoting equality are maximised.

There are two stages:

#### Stage 1

Involves **screening** (Appendix 2) the strategy, policy or function to see if it is relevant to (or could have implications for) equality. If it negatively affects people in a significant way it will require a **Full Equality Impact Assessment**.

#### Stage 2 (when necessary)

Involves **fully assessing** (Appendix 3) the strategy, policy or function identified to make sure it does not have adverse effects on different sections of the community, and sets out an **action plan** to remedy and **monitor** any negative impact.

## 1. What is meant by ‘impact’?

A **negative or adverse impact** is where the impact could disadvantage a section of the community.

### **Example (a policy)**

A Trust policy which only accepts complaints in writing could have a negative or adverse impact on some people. This may include people with learning disabilities, people who do not use English as their first language and people for whom written communication is not a strong cultural norm such as British Sign Language users.

Some impacts are **positive** on sections of the community and/or improve equal opportunities and/or relationships between different sections of the community. Such impacts may also be differential, where the positive impact on one section of the community may be greater than on another. Positive impacts are relevant and should be noted, but not be presumed to outweigh negative impacts.

### **Example (a service development)**

An NHS Trust identifies that its cardiology rehabilitation service has lower levels of uptake and lower levels of satisfaction among some racial/ethnic groups. To tackle these findings the Trust decided to:

- Send information about this service to everyone in the community in various languages and formats.
- Train staff who have contact with the public on how to treat patients from different cultural backgrounds.

## 2. Which groups should an EIA focus on?

The EIA process needs to identify **all** people who may be at risk of discrimination, unfavourable treatment or social exclusion for whatever reason. This will certainly include the seven equality strands – Race, Disability, Gender (including gender identity), Sexual Orientation, Religion/Belief, Age and Human Rights. So could include:

- Women and men
- People of different racial groups
- People who are part of the settled and travelling community
- People who use different languages
- People of different religions or beliefs
- Disabled people
- People of different sexual orientation
- People of different ages
- Understanding of consent

There may be good reasons for considering other possible disadvantaged groups, such as sex workers and offenders. Although different groups currently have a different degree of protection under legislation, we are working towards achieving equality for all in our policies and service developments.

### 3. When to carry out an Equality Impact Assessment

#### Proposals and Changes

An EIA should be carried out on new or significant changes to strategies, policies and functions before they are presented to the Trust Board, Trust Executive Group, Trust Operational Group, Divisional Boards or any local decision making management group for approval.

It is a legal requirement to assess policies and practices. In short, we need to look at anything that has a significant impact on people and the way people may be treated. This can include 'custom and practice' in management decisions as well as formal written policy.

The following **require** an EIA:

- All corporate strategies as they are developed or revised.
- Strategies, policies and functions that Divisions identify as requiring an EIA as part of the business planning process that:
  - Are of relevance to the Trust's duty to promote equality
  - Are primary high level functions
  - And are in their initial planning stage or undergoing a revision

You should also use an EIA to help assess the impact of a **current** service or potential impact of a change regardless of whether it *requires* an EIA.

#### Current Policies and Services

EIAs may be used to look at *current* strategies or policies, either because a complete review is required in law, as part of our performance reporting, or to help with equality improvements.

### 4. Equality Impact Assessment Screening

The first stage of an EIA is called 'screening'. Its intention is to allow us to broadly answer the following questions:

1. Could some groups be disproportionately disadvantaged by a policy, practice, process or service (or a planned change)?
2. Does discriminatory practice exist or could discriminatory practice arise though the changes?
3. Will any changes - Eliminate unlawful discrimination?  
Promote Equality of Opportunity?  
Promote good relations within the community?
4. How do we know?
5. Are there opportunities for promoting equality and/or better community relations?

## 6. Are there any links with other policies/strategies/functions or services?

This process requires either a good awareness of the discrimination faced by different groups or support from a wider group of people to carry out of the screening. Advice can be sought from the Assistant Director of Human Resources.

An Equality Impact Assessment Screening Form is available at **Appendix 2**.

If there is not enough information to answer these questions, you may need to undertake a **full** Equality Impact Assessment. If you do have enough information to complete an EIA Screening, a full EIA is only required if both:

- A section of the community would be negatively affected.
- This impact is assessed as of **high significance** (see flow chart - Appendix 1)

## 5. Carrying out a Full Equality Impact Assessment

A full EIA is used to examine strategies and policies when the initial screening indicates a negative impact on certain sections of the community. Strategies and policies will go through a full EIA if there is a danger that the negative impact they have on these groups falls into one of the following categories:

- It may be high impact
- It is illegal or possibly illegal

A Full Impact Assessment will normally involve the following:

- Clarifying the aims of your policy/service development and how it will work
- Examining the data and research available
- Consulting with people who are likely to be affected
- Considering other ways of achieving the same policy goals
- Deciding whether on not to introduce your policy/change
- Making arrangements to monitor and review impact
- Publishing the results of the assessment.

A Full Equality Impact Assessment form is available at **Appendix 3 (Parts A & B)**

## 6. Reporting Arrangements

An EIA form must be completed whenever a screening or full assessment is carried out, and both reference to this process and any **negative impact identified** needs to be reported with significant proposals to the Equality and Diversity Steering Group, who will advise the Trust Board as appropriate.

Completed forms should be kept on file by the author and emailed to the Assistant Director of Human Resources for publishing on the Trust Internet site. We are legally required to publish the results of EIAs and changes to services as a result. Details will be required for monitoring and audit purposes.

## 7. Some General Guidance

Completing the EIA form should be no more difficult than doing a risk assessment. It involves predicting and assessing what the implications of a strategy, policy or service will be or is having on a wide range of people with different and varied needs. A check list is included within the screening form to help with identifying the range of individuals / groups who might be affected.

This process may be confusing to begin with and it is not the intention that one individual should complete the form for the first time without the support and advice of others. The Assistant Director of Human Resources is able to provide support and individual training.

At the screening stage, the Trust is trying to assess **obvious** negative or positive impacts or **important gaps** in our knowledge about likely impact.

The best way to find out if a strategy, service or policy is likely to impact negatively or positively on sections of the community likely to experience discrimination or social exclusion, is to find out if data or research already exists or to directly consult representatives of those groups or relevant organisations. A list of useful internal and external groups and partnerships is listed in Appendix 4.

Following the completion of an EIA, those responsible should outline any changes required to the strategy, policy or service and other actions required in a clear **Action Plan (see Appendix 3, Parts A & B)**.

## 8. Partnership Working

The statutory duties to assess the impact of policies and functions on race equality also apply to partnerships and contractual relationships. These EIA procedures apply to all strategies, policies and services where the Trust is the lead agency in a multi-agency partnership. The Trust is the lead agency if the strategies, policies and services were initiated by the Trust, and monitoring, evaluation and strategic overview of the implementation lies with the Trust, even if the Trust is not the operational lead.

On joint projects and initiatives where the Trust is not the lead organisation, the Trust should raise the issue of the need to carry out an EIA in order to comply with the requirements of the Race Relations (Amendment) Act 2000.

If you have any further questions, please contact:

Rebecca Ridsdale  
Assistant Director of Human Resources  
Trust Headquarters, Marlborough Street  
Bristol, BS1 3NU  
Tel: 0117 3423731  
Rebecca.Ridsdale@UHBristol.nhs.uk

## Appendix 1

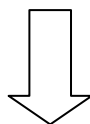
### A Guide to Using Equality Impact Assessments

Is this a new or revised **Strategy, Policy, Service / Function or Project**?

**YES**



Carry out EIA Screening (Appendix 2).  
Attach EIA Screening to back of document  
Keep a copy for yourself  
Send ratified document and EIA to  
Assistant Director of HR to check and place  
the EIA on HR Web and the Trust website

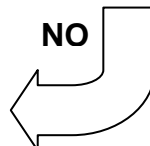


**NO**



Check EIA has been  
completed and sent to  
Assistant Director of HR

**NO**



**YES**



No further action  
required

Have you identified a **high negative impact** on any group?  
(call Assistant Director of HR for advice if unsure)

**YES**



Carry out Full EIA Parts A & B (Appendix 3)  
with support/training.  
Attach Full EIA to back of document  
Keep a copy for yourself  
Send ratified document and EIA  
to Assistant Director of HR who will ensure  
your Full EIA is placed on HR Web and the  
Trust's website.



**NO**



No further action required

Have you identified **changes** that need to be made as a result of this Full EIA?

**YES**



Notify Assistant Director of HR.  
Create **action plan, implement  
changes** and **monitor** for adverse  
impact.  
Copy plans and monitoring data to  
Equality and Diversity Lead.

**NO**



No further action required

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## Appendix 2

EQUALITY IMPACT ASSESSMENT SCREENING FORM			
<b>Title:</b>			
<b>Author:</b>		<b>Division:</b>	<b>Date:</b>
<b>Document Class:</b>	<b>Document Status:</b>	<b>Issue Date:</b>	<b>Review Date:</b>
What are the aims of the document?			
What are the objectives of the document?			
How will the effectiveness of the document be monitored?			
Who is the target audience of the document (which staff groups)?			
Which stakeholders have been consulted with and how?			
Who is it likely to impact on?			
<input type="checkbox"/>	Staff	<input type="checkbox"/>	Patient
<input type="checkbox"/>	Visitors	<input type="checkbox"/>	Carers
<input type="checkbox"/>	Other (please specify):		

	Yes or No	Give reasons for decision	What evidence was examined?
<b>Does the policy/strategy/function or proposed change affect one group more or less favourably than another on the basis of:</b>			
Race			
Ethnic Origin (including gypsies and travellers)			
Nationality			
Gender (including transgender)			
Culture			
Religion or belief			
Sexual Orientation (including lesbian, gay, bisexual and transgender)			
Age			
Disability (including learning disability, physical, sensory impairment and mental health)			
Socially excluded groups (e.g. offenders, travellers)			
Human Rights			

Are there opportunities for promoting equality and/or better community relations?      YES/NO If YES, please describe:	
Please state links with other relevant policies, strategies, functions or services:	
Action Required:	
Action Lead:	To be delivered by when:
Progress to date:	
Next steps:	
How will the impact on the service/policy/function be monitored and evaluated?	
Person completing the assignment:	Date: Review Date:

## Appendix 3A

### Full Equality Impact Assessment Form

	<b>Part A</b> <b>(Complete this section BEFORE consultation and research has been carried out)</b>						
1.	Name of strategy, service or policy:						
2.	Date Part A filled out:						
3.	Looking back at the Screening Form, in what areas are there concerns that the strategy, service or policy, or changes treat groups differently?						
4.	Summarise the likely negative impacts:						
5.	Summarise the likely positive impacts:						
6.	State links with other relevant policies, strategies, functions or services:						
7.	<b>Community Consultation</b> What previous (or planned) consultation or research on this service / policy area has taken (will take) place with groups / individuals from different sections of the community? If there has already been consultation or research, what does it indicate about negative impact? <table border="1" data-bbox="333 1809 1362 2085"> <thead> <tr> <th>Section of the Community</th><th>Summary of consultation or research carried out (or planned)</th></tr> </thead> <tbody> <tr> <td></td><td></td></tr> <tr> <td></td><td></td></tr> </tbody> </table>	Section of the Community	Summary of consultation or research carried out (or planned)				
Section of the Community	Summary of consultation or research carried out (or planned)						

	<p>Additional comments:</p>	
8.	<p><b>Staff consultation.</b></p> <p>What consultation has taken place (is planned) with staff / staff groups, including staff that have (will have) direct experience of implementing the strategy / policy / service?</p>	
9.	<p>If there are gaps in your previous or planned consultation and research, are there any experts / groups that can be contacted to get further views or evidence?</p> <p>Yes <input type="checkbox"/> (Please list them below and explain how you will obtain their views)</p> <p>No <input type="checkbox"/></p>	

## Appendix 3B

### Full Equality Impact Assessment Form

	<b>Part B</b> <b>(Complete this section AFTER consultation and research has been carried out)</b>
1.	Name of strategy / service / policy:
2.	Date Part B filled out:
3.	<p>As a result of this assessment and available evidence collected, including consultation, state whether there will need to be any changes made / planned to the policy or strategy.  <i>(You may wish to put this information directly onto an action plan and attach to this form)</i></p>
4.	<p>Will the changes planned ensure that negative impact is:</p> <p>Legal?      Yes    <input type="checkbox"/>      No    <input type="checkbox"/></p>
5.	<p>Have you set up a monitoring / evaluation / review process to check the successful implementation of the strategy, policy or change?</p> <p>Yes    <input type="checkbox"/>      No    <input type="checkbox"/></p>
6.	<p>How will this monitoring / evaluation further assess the impact on different sections of the community and ensure the strategy/ policy / project /change is nondiscriminatory?  Details:</p>

7.	<p>Name (please print):</p> <p>Title:</p> <p>Signed:</p> <p>Date: <span style="float: right;">Ext. No.:</span></p>
	<p><b>Please</b></p> <ul style="list-style-type: none"> <li>• <b>Complete an Action Plan</b></li> <li>• <b>Sign this Full EIA above</b></li> <li>• <b>Retain a copy of the Full EIA (both Parts A &amp; B) and the Action Plan</b></li> <li>• <b>E mail a copy of the Full EIA (both Parts A &amp; B) and the Action Plan to the Assistant Director of Human Resources who will arrange for the results to be published on the Trust's web site and monitor the action plan.</b></li> </ul>

## Appendix 4

### Questions and Answers

#### **Q. When should I carry out an Equality Impact Assessment?**

An impact assessment should be carried out when:

- Developing a new policy, strategy, service or function
- Reviewing existing policies, strategies, services or functions

#### **Q. What areas should the impact assessment cover?**

Impact assessments must cover the seven equality dimensions as covered by current (and forthcoming) legislation.

##### **Age:**

As an employer, we have a duty to outlaw discrimination in employment and vocational training. As a provider of services, we need to ensure that all of the population is served whilst remembering that our older population and our children and young people have particular needs.

##### **Gender:**

As an employer, we will promote equality of opportunity between men, women and transgendered people, and prohibit sex discrimination. As a provider of services, we recognise that there are biological differences between males and females which lead to some diseases affecting one sex more than the other. Additionally, there are differences between the genders in how they use services.

##### **Sexual Orientation:**

As an employer, we will outlaw discrimination in the provision of goods, facilities and services on the grounds of sexual orientation (gay, lesbian, heterosexual or bisexual). As a provider of services, we recognise that sexual orientation can have an impact on physical and mental health and that gay, lesbian and bisexual people face discrimination in many aspects of their lives including their relationship with health services.

##### **Race:**

As an employer, we will promote equality of opportunity and good relations between all groups and eliminate unlawful discrimination. As a provider of services, we recognise that some racial and ethnic groups are at higher risk than others of developing certain diseases and that some groups are less likely than others to engage with health services, and we will work with our commissioners to reduce this inequality in health.

##### **Disability:**

As an employer we will seek to outlaw discrimination of disabled people and will make reasonable adjustments to ensure that any disabled staff are not disadvantaged. As a provider of services we are aware of the direct health impacts on people with disabilities and, additionally, of the discrimination they face, which also adversely affects their health and well being.

**Religion and Beliefs:**

As an employer, we will outlaw discrimination and inequality of opportunity on the grounds of a person's religion and/or beliefs. As a provider of services we are aware that a person's religion or belief can affect their health, their use of health services, and how they would like to be treated by all healthcare staff.

**The Human Rights Act:**

Introduces an explicit human rights dimension into our decision making and actions. The introduction of this Act means that every action taken by this Trust must be compatible with the convention rights. The convention has eighteen specific articles and introduces key protocols, which the UK has adopted.

**Q. Do I need to assess both existing and new services and policies?**

Yes. All current policies and services – both new and existing – must be monitored and regularly reviewed and checked for their impact. However, when deciding what **existing** policies or services to review, the Trust will take a **proportionate** approach – assessing the equalities impact of the policy should be proportionate to the likely impact of the policy itself.

Issues for consideration should include the number of people likely to be affected, the financial and human resources involved, the extent of the proposed change and the wider public policy implications.

**Q. Can I build equality impact assessment into other existing systems and processes?**

Yes. We encourage managers to build equality impact assessment into existing business planning cycles, processes and service reviews. Examples include: business planning, all policy reviews, designing and delivering training, healthcare standards evidence, all documents for consideration and consultation.

**Q. Who is responsible for conducting an EIA?**

The manager responsible for the policy or service under consideration is the person responsible for ensuring that an EIA is carried out. However, all employees and health professionals, including Executives Directors, Heads of Division and Divisional Managers have some degree of responsibility for ensuring that EIAs are conducted.

The Director of Workforce and Organisational Development, with the Chief Nurse and Director of Governance, are accountable to the Trust Board for ensuring Equality Impact Assessments are completed and published. **When policy or service proposals are submitted to the Trust Board for consideration, members will now be expecting to see the results of an EIA within these reports.**

**Q. What sort of things do I need to be thinking about?**

This short table will help by giving some examples. Use it as a prompt to think about potential barriers and/or enhancements your document may provide for equality groups.

Race	Not only Black and Minority Ethnic communities & individuals but all racial groups including Gypsies and Travellers	Communication formats, language needs, cultural considerations, lifestyle, isolation, work patterns
Disability	Mobility, sight, speech and language, disfigurements, learning difficulties, mental health/distress.	Accessibility of communication formats (for example, Braille, audiotape, induction loop). Physical and sensory access including transport and built environment. Giving enough time and raising awareness regarding barriers affecting communication and inclusion
Gender	Women, men, girls, boys, carers (of disabilities, children, elderly), transgender	Women as predominately main carers, physical access (pushchairs/toddlers), single parents, caring costs/facilities, restrictions on times for meetings. Safety issues regarding time and place of meetings/clinics. Under representation on groups.
Sexual Orientation	Lesbian, gay, bisexual, heterosexual or a sexual.	Assumptions about partners and family life/types. Dignity and invisibility.
Age	Children, young people. Teenagers, older people and/or the elderly.	Assumptions about the age range, capability and generational viewpoints. Teenage parents, children as carers.
Religion and Belief	Communities or individuals with diverse beliefs/religion or no faith.	Respecting and reflecting diverse cultures, lifestyles, customs and values for women, men, girls and boys.
Human Rights	Transparency	Collection of data and how it is to be used and accessed.

**Q. What resources and groups can help with information and/or may need consulting?**

There are a number of Trust working groups and external groups/organisations and individuals who may be helpful in gathering information and/consulting with. Please contact the Assistant Director of Human Resources for contact details.

**Trust Groups:**

Equality and Diversity Steering Group  
Gender and Sexuality Operational Group  
Physical and Sensory Impairment Group  
Race, Religions and Beliefs Group  
Disability Staff Forum  
Black and Minority Ethnic Workers Forum  
Joint Union Committee

**Some External Groups:**

Bristol Equality Health Partnership  
West of England Centre for Inclusive Living  
NHS Bristol  
Equality and Diversity Regional Network Group  
Bristol Multi Faith Forum