A practical guide to undertaking equality impact assessments

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<td>• Understand the importance equality impact</td>
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<td>• Understand when to undertake an EIA.</td>
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<td>Equality and diversity manager</td>
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The aim of this document

The aim of this guidance is to assist individuals through the equality impact assessment (EIA) process and to help colleagues to embed this practice into the day to day work of the organisation.

All managers employed by NHS Kernow must ensure that they fully support the EIA process in their respective areas and complete/review EIAs where appropriate, acting as a good role model for colleagues in respect of equality and inclusion.

An EIA should be undertaken for corporate or governance policies. A full impact assessment (FIA) should be undertaken for policies which are anticipated to have an impact on members of the public.

What is an equality impact assessment?

An EIA is a systematic and formal process which supports NHS Kernow to comply with its general and specific public duty under the Equality Act 2010. EIAs allow NHS Kernow to assess the impact of a policy/service across all protected groups.

An EIA is a tool that helps us to improve the delivery of services to our communities by:

- Ensuring that our services are free from discrimination.
- Ensuring that we identify and address service user needs.
- Improving transparency around the decisions we make.

The EIA process involves looking at evidence (for example, service user data, consultation outcomes, community profiles), engaging with people, colleagues, service users and others and considering the effect of what we do on the whole community.

The purpose of an EIA is to make sure that the organisation understands the impact of any changes proposed for its population. The organisation will ensure that its activity and services do not discriminate, and where possible promote equal opportunities.

An EIA should be undertaken for corporate or governance policies, strategies, procedures or projects.

Where changes are being made to clinical or public facing policies or procedures, colleagues are advised to complete the FIA, as opposed to the EIA.

An EIA is a risk assessment of inequality and discrimination, and assists in finding out whether different groups of people are, or could be, disadvantaged by a governance policy/service. It involves examining new or existing governance policies/services and their impact on the equality groups. The aim is to:
- Identify any differential impact, whether positive or adverse.
- Ensure that as far as possible that adverse impacts are minimised and opportunities for promoting equal opportunities and taking legitimate positive actions are maximised.
- Identify actions to remove any negative or adverse impacts e.g. inequalities in access to services for the public, or career progression for employees.

The EIA process must form part of the normal policy/service process and must always be used as soon as a decision has been made to develop or review a governance policy/service.

An EIA can be a difficult process to undertake. It is recommended that the assessment be completed with the support and advice of others, and in consultation with different protected groups wherever possible.

**Why do an equality impact assessment?**

The law requires us to do so. The Equality Act 2010 requires public bodies such as NHS Kernow to pay ‘due regard’, or to consider the need, to:

- Eliminate unlawful discrimination.
- Advance equality of opportunity.
- Foster good relations between people.

An EIA is a way of meeting this requirement and helps us to understand the effect our policies and practices have on our communities and workforce.

Failure to properly assess changes and the impact that these changes have on colleagues or members of the public results in failure to meet the duties outlined in law and could result in action being taken against NHS Kernow.

The EIA process will help to:

- Improve the policy or service.
- Ensure people think carefully about the likely impact of their new or existing policy or service.
- Develop policies or services that focus on positive outcomes and solutions.
- Focus attention where more input is needed in engagement, consultation, or financial considerations.
- Identify what is working well, in addition to what needs improving.
- Encourage greater openness and public involvement in policy-making.
- Consider which of the human rights articles are relevant to the policy/service or strategy under development.

All of which will improve the way the organisation delivers its services.
NHS Kernow is committed to leading and promoting diversity, equal opportunities and supporting human rights in terms of the commissioning of services for the community and as a leading employer. All employees have a personal responsibility to support the equal and fair treatment of colleagues and where relevant, to ensure members of the public are treated consistently in a non-discriminatory manner.

When do equality impact assessments need to be carried out?

An EIA should be undertaken for changes to or reviews of new or existing governance policies, strategies, procedures or projects.

It is important the EIA is carried out at the earliest opportunity to ensure that you have the time to undertake any additional work that will inform your decisions (for example, engagement).

EIAs are public documents and will be published alongside the policy/project/strategy.

As an EIA proceeds, it may become apparent that certain policies are associated. If policies can be put into family groups, you may wish to conduct an impact assessment with that family group, rather than going through each individual policy.

What are the benefits from doing equality impact assessments?

Carrying out a good EIA makes excellent business sense.

It will help you to:
- Ensure services are targeted in the right way by assessing any potential impacts – positive or negative.
- Work with others to identify and plan how negative impacts can be reduced.
- Make sure that your decision making is justified and transparent.
- Provide evidence of your decision. This is necessary should your decision be challenged by colleagues, service users or any other stakeholder.
- Create an opportunity for dialogue with colleagues or stakeholders.
- Ensure good customer service.

What is meant by ‘impact’?

The organisation has categorised an ‘impact’ into two areas:
1) **A negative or adverse impact**

This is where an equality group(s) could be disadvantaged.

**Example one**
A policy/service that the organisation will only accept complaints in writing would have a negative impact on some people. This may include people with learning disabilities; people that 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.

**Example two**
An event held in a building with no induction loop facilities could have a negative or adverse impact on attendees with a hearing loss.

2) **A positive impact**

This will have a positive impact on an equality group(s), or improve equal opportunities, and/or relationships between groups.

**Example one**
An NHS organisation identifies that the emergency department (ED) service has lower levels of uptake and lower levels of satisfaction among some racial groups. To tackle these findings the organisation decided to:
- Provide information about its ED service to everyone in the community in various languages and formats.
- Train colleagues that had contact with the public on how to treat members of the public from different cultural backgrounds.

**Example two – positive action**
A targeted training programme for black and minority ethnic women would have a positive differential impact on black and minority ethnic women. It would not necessarily have a negative impact on white women or men.

**Example three**
A joint public sector event to celebrate diversity was held in St. Austell. The purpose of this day was to invite the public, college students and other organisations to help develop a better awareness and understanding of diversity. Participants gained an increased awareness of the diversity work being carried out countywide. It also improved relations between all of those who attended.
Who should be the focus of the equality impact assessment?

The EIA process needs to identify all people who may be at risk of discrimination, less favourable treatment or social exclusion for whatever reason. This will include the nine protected characteristics (sometimes referred to as protected groups) listed below.

1. Age.
2. Disability.
4. Marriage and civil partnership.
5. Maternity and pregnancy.
7. Sexual orientation.
8. Race.
9. Religion or belief.

The EIA includes human rights considerations. Human rights issues underpin everything the organisation does. The Human Rights Act (1997) states that all people have the right to: freedom; respect; equality; dignity; and autonomy (FREDA). It details 15 articles, many of which have direct relevance to the commissioning and provision of health care services.

See the human rights statement and guidance for further information.

Other identified groups are also included in the EIA, such as inclusion health groups, or people from other disadvantaged groups.

The process for conducting an equality impact assessment

Before starting on an EIA, it is important to determine the aim, objective and the outcome of the policy.

Example: Staff appraisal policy

Aim: To ensure all staff take part in the annual appraisal process
Objective: All staff use a consistent approach when conducting appraisals.
Outcome: 100 percent staff appraised. Appraisers have the right skills to conduct appraisals. All staff understand the purpose of appraisals.
When carrying out an EIA you need to ask the following questions:

1. Are or could protected groups be disproportionately disadvantaged by a service, strategy, policy or project?
2. Are or could protected groups be advantaged by a service, strategy, policy or project?
3. Does discriminatory practice exist or could discriminatory practice arise?
4. Does it or could it:
   - Eliminate unlawful discrimination?
   - Promote equality of opportunity through improved outcomes?
   - Promote good relations within the community?
5. Who is intended to benefit from the policy/service?
6. How will you measure outcomes?

**Example**

The outpatients department of a hospital reviewed the appointments members of the public did not keep. Analysis of the missed appointments showed that a disproportionately high number of ethnic minorities did not appear on certain days. Further analysis showed that many of these failed appointments were on holy days or festivals. As a result, the hospital put a multi-faith calendar on its computer system, so that colleagues in charge of appointments knew when those days fell and could avoid them when making an appointment.

The best way to find out if a policy is likely to impact negatively or positively on equality groups is to locate any research or data that already exists, and/or to directly consult representatives of those groups, and/or relevant specialist organisations.

It is essential that the findings of the EIA are incorporated into an amended policy so that any adverse impact is mitigated.

If a negative impact has been identified, it may fall into one of the following categories:
- It is not intentional.
- It is illegal or possibly illegal.
- Implementation will have a negative impact on one or more diverse groups.

An EIA should include the following:
- Identifying the aims of your policy/service and how it will work.
- Examining the data and research available.
- Considering other ways of achieving the same policy/service goals.
- Consulting with people who are likely to be affected by your policy/service.
- Deciding whether to introduce your policy/service.
- Making arrangements to monitor and review your policy/service and impact.
• Publishing the results of the assessment.

In light of this assessment, if it is decided that the policy/service has a negative impact, you must consider alternatives that try and achieve the promotion of equality of opportunity, or look at measures that might be used to mitigate the negative impact.

**Engagement**

Engagement is about involving communities in the development of the services and working with them in prioritising what is important. Ineffective community involvement can lead to poor service outcomes, dissatisfaction with service levels, exclude communities, and potentially leave the organisation open to legal challenge.

Those who are likely to be directly affected by the policy/service, both inside and outside the organisation should be engaged with.

You should also keep a record of which groups you have engaged with and when. The focus of any engagement or consultation will be determined by the level of relevance that the policy has on the relevant equality groups.

Decide on how you will consult keeping in mind the following:

- It is essential to publicise the consultation in order to inform the public and relevant equality groups about the policy being assessed, and to invite comments on it.
- Using focus groups, surveys or questionnaires, open meetings and interviews with community groups may be appropriate.
- Consultation exercises should be accessible to all equality groups e.g. accessible venues for public meetings, availability of translation of written materials, interpreters at public meetings, large print used for written exercises, provision of crèche facilities etc.
- Ensure sufficient time to enable effective and meaningful consultation.
- Make use of NHS Kernow’s communications and engagement team for advice on engagement and consultation.

**Future monitoring of the policy/service**

It is important to remember that EIAs are not one-off exercises. There is a need to make arrangements to monitor the policy/service on an ongoing basis. The following questions need consideration when developing a monitoring process for the policy/service:

1. Who will be responsible for monitoring?
2. What has to be monitored?
3. Are there procedures already in place that can generate this information?
4. Can existing monitoring procedures be adapted to collect the additional information needed in relation to this policy?
5. What monitoring techniques and tools will be most effective?
6. What performance indicators or targets will be used to monitor the effectiveness of this policy/service?
7. In what format will the monitoring information be published?

The main point to remember is that monitoring is not only about data collection. It consists of continuous examining, follow-up and evaluation, and provides data for the next cycle of policy/service review.

**Reporting arrangements**

Completed EIAs should accompany the policy/service change documentation through the ratification and/or decision making process. Completed EIAs should be kept on file, and copied to the equality and diversity manager. The organisation is legally required to publish equality information and analysis of which EIAs form a part. Details are also required for monitoring and audit purposes.

Following the completion of an EIA, those responsible should outline any changes required to the policy/service and other actions required and make any necessary amendments prior to finalising the policy, recording when this was done and feeding back to those engaged or consulted.

**Partnership working**

The equality and human rights statutory duties to assess the impact of policies/services and functions on equality apply to partnerships and contractual relationships. The EIA procedures apply to all services, strategies, policies and projects where the organisation is the lead agency in a multi-agency partnership. The organisation is the lead agency if the services, strategies, policies and projects were initiated by the organisation. Monitoring and evaluation of the implementation lies with the organisation, even if it is not the operational lead.

On joint projects and initiatives where NHS Kernow is not the lead organisation, the organisation should raise the issue of the need to carry out an EIA or a FIA in order to comply with the requirements of legislation detailed above.

**Quality control**

The equality and diversity manager will assist with ensuring that the process is robust, and is not completed as a ‘tick-box’ exercise.
Contact details for further information

Equality and diversity manager
Jayna Chapman
Email: jayna.chapman@nhs.net
Phone: 01726 627759

Engagement team
Email: KCCG.engagement@nhs.net
Phone: 01726 627897