

**North Ayrshire  
Equality Impact Assessment  
Toolkit  
2015**



**North Ayrshire Council**  
Comhairle Siorrachd Àir a Tuath

# **North Ayrshire Equality Impact Assessment Toolkit**

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# North Ayrshire Council Equality Impact Assessment Toolkit

## 1. Introduction

- 1.1 This Equality Impact Assessment Toolkit is designed to assist in carrying out assessments of the Council's policies and practices.

## 2. What is an Equality Impact Assessment?

- 2.1 Under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 there is a duty on the Council to assess the impact of applying a proposed new or revised policy or practice against the needs of the general equality duty.
- 2.2 The needs of the general equality duty require that the Council must have due regard to:
- Eliminate unlawful discrimination, harassment and victimisation
  - Advance equality of opportunity
  - Foster good relations
- 2.3 In making an assessment we must consider relevant evidence, including evidence from equality groups and must take account of the results of the assessment.
- 2.4 The purpose of carrying out an equality impact assessment is to ensure that when developing policies, planning services or taking financial decisions we are not adversely affecting or discriminating against any of the different groups within the community and we are promoting equality. It is a tool to help us make sure our policies, and the way we carry out our functions, do what they are intended to do for everyone.
- 2.5 The process should assist in achieving the Council Plan commitment to promote equality and the commitments in the Single Outcome Agreement. Equality impact assessment is a key mechanism to assist in delivering on these commitments.

### **3. Why impact assess?**

- 3.1 The Equality Impact Assessment process has advantages and should result in: -
- improving the quality of services by making sure they are suitable and accessible to everyone;
  - identifying any possible discrimination which may exist and means of overcoming it;
  - helping to develop a better understanding of our community;
  - targeting resources efficiently and achieving best value;
  - promoting equal opportunities and good relations
- 3.2 All policies and practices should be assessed for their impact to ensure that they promote equality and that there is no discrimination arising from them. Equality impact assessments are also carried out on the Council's financial decisions to ensure that they are fair and take account of the needs and rights of different members of our community.
- 3.3 Assessing impact allows the Council to take effective action on equality. Steps should be taken to identify potential discrimination and remove it and to adapt a policy or practice to advance equality more effectively. Policies should meet the needs of our communities and of employees. They should ensure equal access for all, while recognising that providing the same service in the same way can sometimes create a disadvantage for those with different needs.
- 3.4 This process also allows for equality considerations to be built into policy making and decision-making, providing a clear and structured way to consider evidence about the needs of equality groups. Equality impact assessment is a transparent and accountable process which demonstrates that equality has been considered when developing and reviewing the Council's policies.

### **4. What are Protected Characteristics?**

- 4.1 Protected characteristics are ones which people have that may lead to prejudice and discrimination. These are age; disability; gender, gender reassignment; pregnancy and maternity; race; religion or belief; and sexual orientation. The public sector equality duty also covers marriage and civil partnerships with regard to eliminating unlawful discrimination in employment.
- 4.2 This toolkit is designed to take you through the process and to offer practical guidance to assist in carrying it out.
- 4.3 The duty to assess impact is mandatory and must be fulfilled prior to adopting or implementing the decision, function or policy.

- 4.4 When assessing whether a policy advances equality it will help to consider if it removes or minimises disadvantage, meets the needs of different groups, encourages increased participation of particular groups and takes account of disabled people's impairments.
- 4.5 When assessing whether a policy affects good relations, it will help to consider if it tackles prejudice and promotes understanding.
- 4.6 Equality Impact Assessment must cover all protected characteristics and must be informed by evidence. The assessment should therefore take into account the impact on: -
- **Age** - Older people, children and young people;
  - **Disability** - Disabled people, including people with a physical and/or mental impairment;
  - **Gender** – Men and women
  - **Gender reassignment** – where a person is living as the opposite gender to their birth;
  - **Pregnancy and maternity**;
  - **Race** - Ethnic minority communities, including Gypsy travellers, refugees and asylum seekers;
  - **Religion or belief**;
  - **Sexual orientation** - Lesbian, gay, and bisexual people
- 4.7 There may be other issues which affect disadvantaged people by the application of a policy or practice. This can include people who are ex-offenders, homeless, carers, unemployed, living in isolated rural communities, living in deprived communities, etc.
- 4.8 Although it is not a legal requirement to assess the Council's policies or practices for the impact of these wider issues, they should also be taken into account when considering the impact of a policy or practice on equality groups.

## 5. When do you carry out an Assessment?

- 5.1 The duty to carry out Equality Impact Assessments applies to new or revised policies as well as existing policies. Although this does not mean that everything must be impact assessed, the extent to which this is done depends on relevance and proportionality.
- 5.2 The process of assessing the equality impact of what we do should be a continuous process beginning with the development of a new policy and continuing through its development and review. It should assist in mainstreaming equality into all of the Council's activities and become a natural part of service planning.

- 5.3 All new policies and functions must be assessed at an early stage in their development rather than at the end. This should ensure that consideration is given to the possible impacts on equality groups from the outset of their development.
- 5.4 Some assessments may be interlinked, for example, when carrying out a major review of services. The cumulative effect of all these decisions requires to be considered.

### **Financial Decisions**

- 5.5 The equality duties require that we demonstrate that we are making decisions, including difficult decisions on reorganisations and service reductions, in a fair, transparent and accountable way. We must show that we have considered the needs and rights of different communities.
- 5.6 The law requires that we assess the equality impact of financial proposals thoroughly before any decisions are taken. This should be proportionate to the decision that is being made. Financial proposals most relevant to equality are likely to impact on the workforce and/or the community. The Equality and Human Rights Commission has published guidance on [“Making Fair Financial Decisions, Guidance for decision makers”](#), 3<sup>rd</sup> Edition (Jan 2015) which provides useful, more detailed advice on this issue.

### **Screening Process**

- 5.7 A screening process has been developed to assist in identifying those proposals which require to be assessed, and should be considered as stage 1 of the assessment process. The screening will help to determine if a full Equality Impact Assessment (EQIA) is required. And should be carried out as soon as possible at the early stages of the development of the proposal. This process involves considering the following questions:
- Does the policy affect service users, employees or the wider community? (The relevance of a policy will depend not only on the number of people affected, but also the significance of the effect on them).
  - Is it a major policy, significantly affecting how services are delivered?
  - Will it have a significant effect on how other organisations operate (for example, criteria for funding)?
  - Does it relate to services that have been identified in the past as being important to particular protected groups?
  - Does it relate to an area where the Council has set equality outcomes?
  - Does it relate to an area where there are known inequalities? (For example, disabled people’s access to public transport; the gender pay gap; racist or homophobic bullying in schools, etc.)

- Does it relate to a policy where there is significant potential for reducing inequalities or improving outcomes?
- 5.8 Following the screening process, if a full Equality Impact Assessment is required, then stage two should be the full screen process. This should be carried out by a small group, making any proposals as appropriate as part of this process. The group undertaking the assessment should meet or liaise as many times as required throughout the development of the proposal to consider Equality issues.
- 5.9 Stage three of the proposal is when the proposal, policy or procedure has been through all the relevant Council processes and any changes made to the proposal have been reflected in the EQIA form. The end stage is when the EQIA is signed off by a Head of Service.

## **6. What is a Policy?**

- 6.1 The term “policy” can be broadly understood to include the full range of functions, activities and decisions for which the Council is responsible, including financial decisions. It is essentially everything the Council does. This includes both current policies and new policies under development.
- 6.2 An Equality Impact Assessment must therefore be carried out on: -
- all new policies and practices under development;
  - all policies, practices, functions and strategies being reviewed;
  - relevant existing policies
  - all financial decisions
- 6.3 The time and resources given to impact assessment and consultation will differ according to the relevance of policy to equality. A proportionate approach should be taken depending on the importance of the policy to equality and good relations.

## **7. Who should be Involved?**

- 7.1 The Manager responsible for the development of the policy must ensure that the equality impact process is completed and make the necessary adjustments which may be required as a result of undertaking this process.
- 7.2 The assessment should be done by drawing together a small group of staff, including frontline staff and managers. It is also very helpful to involve a service user for their views. Involving colleagues who can provide a different perspective and challenge can also help. The Group should involve staff who have a sound understanding of the policy or practice, as well as those who have an understanding of the equality groups.
- 7.3 Completing the assessment is similar to undertaking a risk assessment and involves projecting and assessing what the implications of a policy or practice will be on a wide range of people with different and varied life circumstances. This can be difficult and is best done with the involvement, support and advice

of your staff. Prepare for the working group meeting by pulling together a list of available information.

- 7.4 Councillors must actively consider the general equality duty when deciding whether to approve a new or revised policy or practice. The process of making decisions when due regard is given to equality impact assessment's findings must be clear, transparent and properly recorded.

## **8. Publication**

- 8.1 The EIA should be approved by the Head of Service who is responsible for the quality of the assessment. The EIA form must be published on the Council website to provide transparency in how equality issues have been considered. This should be done within a reasonable period after a decision has been taken to implement the policy. The Corporate Management Team has also agreed that screening forms should be published on the Council website. Publication is supported by the Policy and Performance section in Democratic and Administrative Services (current contact: Andrew Hale, ahale@north-ayrshire.gov.uk).
- 8.2 Much of the Council's activity is undertaken in partnership. The Council must carry the general equality duty into its partnership working. Where a decision is taken in partnership, the Council must be able to demonstrate equality considerations have been taken into account. A joint impact assessment should be carried out where the Council is involved in proposals for the joint development of a service.

## **9. General Points**

- 9.1 When carrying out the assessment it may be useful keep in mind the following points:
- The equality impact assessment process is not scientific and relies on a common sense approach.
  - It is not a last minute check and time is needed to make the changes the assessment process has highlighted.
  - There is a legal duty to carry out equality impact assessments.
  - There is likely to be a shortage of relevant data and research and it is therefore essential that those undertaking the assessment consider all the information available from previous consultations and engagement with communities and individuals. If the impact on different groups is not

known, then managers must take steps to collect that information. This may also indicate a need to introduce appropriate monitoring systems.

- If a significant negative impact is found then further more detailed work will be required to modify the policy or practice.
- Before you start, check if another service has undertaken an equality impact assessment of a similar policy.

Use the process as a 'health check' to consolidate knowledge of your service and to learn more about your customers so that we can improve the service they receive.

## **10. Carrying Out an Equality Impact Assessment**

10.1 An Equality Impact Assessment form should be completed during the assessment process. This part of the toolkit explains what is required in each section of the form.

### **Sections 1 & 2: Details and Aims of Policy**

10.2 These sections seek general information on the policy. The people involved in the assessment must be listed and the manager responsible, together with the period taken for the assessment.

10.3 The purpose of the policy or practice is then described. The anticipated outcomes are also sought at this stage. It is important to ensure that the outcome is as specific as possible and that the protected groups which could be affected are considered.

### **Section 3: Collecting Information**

10.4 The group undertaking the assessment will require to consider the information available to help with the assessment of any likely impact. An essential part of the impact assessment is the collection of this information. This could be information available within the Council as well as externally, including: -

- demographic data, including Census findings;
- research findings;
- consultation or survey reports;
- performance reports;
- equality monitoring data;
- inspection and audit reports;
- customer comments and complaints reports;
- People's Panel surveys;
- Ombudsman reports and case law
- Officer knowledge and experience

10.5 The information and documents used in this part of the exercise must be listed in this section so that it is clear what background information has assisted in the assessment process.

10.6 You are then asked to consider any further information which could assist in carrying out the assessment. Where there are gaps in the evidence, you should set out how these will be filled. In most cases an assessment should be informed by consultation. If you have recent consultation information then this should be used. If not, you should consider what further consultation is needed at this point.

## **Sections 4 & 5: Impacts and Assessment**

- 10.7 This section is the key part of the assessment where you are asked to identify any different impacts on each of the protected characteristics. If a different impact is identified you should provide details of what it would be.
- 10.8 Use the Equality Impact Assessment form systematically to consider possible impacts on each of the protected characteristics listed. The group should think broadly about indirect and unintended impacts as well as direct, intended ones.
- 10.9 The other issues which may be relevant such as the impact of homelessness, rural isolation, and poverty are to be considered at this stage.
- 10.10 The next stage is to indicate any modifications planned to the policy or practice to address any impacts identified. If a more detailed assessment is required when significant negative impacts on groups are identified, it is likely that further work will need to be undertaken.

## **Sections 6 & 7: Consultation & Recommendations**

- 10.11 This section describes the consultation you have carried out before the assessment and any further consultation planned. This should include both formal and informal consultation.
- 10.12 The recommendations arising from the assessment should be detailed at this stage. These should be one of the following four possible outcomes:
- Outcome 1:** No major alterations to the policy assessed: the EIA demonstrates the policy is robust and there is no possible discrimination or adverse impact. All opportunities to promote equality have been taken.
- Outcome 2:** Adjust the policy: the EIA identifies potential problems of missed opportunities. Adjust the policy to remove barriers or better promote equality.
- Outcome 3:** Continue the policy: the EIA identifies the potential for adverse impact or missed opportunities to promote equality. Set out the justifications for continuing with it in the EIA, in line with the duty to have due regard. For the most important policies, compelling reasons will be needed.
- Outcome 4:** Stop and remove the policy: the policy shows actual or potential unlawful discrimination. It must be removed or changed.
- 10.13 Proposals to address any negative impacts identified should be fully described in this section. If it is considered that further work on a more detailed assessment is required, this needs to be indicated on the form at this stage.

## **Sections 8 & 9: Monitoring & Publication**

- 10.14 This section indicates how the outcomes of the policy or function will be monitored, the arrangements in place and how the results will be published.
- 10.15 The completed form must then be forwarded to the Head of Service for consideration of the recommendations, with a copy to the Chief Executive's service for information (current contact: Andrew Hale).
- 10.16 The findings of the assessment must also be incorporated into the "Implications" section of any reports to the Council and its Committees to indicate the results of this work.
- 10.17 The form must be published on the Council website once the policy has been approved.

## **11. Further Information**

- 11.1 Further information about equality impact assessment can be obtained from:
- Equality and Human Rights Commission: [Assessing impact and the public sector equality duty: A guide for public authorities \(Scotland\)](http://www.equalityhumanrights.com)  
[www.equalityhumanrights.com](http://www.equalityhumanrights.com)
  - Equality and Human Rights Commission: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)
  - [Non-Statutory Guidance for Scottish Public Authorities](#)