



Undertaking an analysis of the impact that a strategy or project may have on equality

Guidance Document and Equality Impact Assessment Form

Version 2: March 2016

Introduction

When you start to develop a strategy or project you will need to assess the impact that this may have on equality. This equality impact analysis needs to provide elected members with sufficient information to enable them to pay due regard to the general equality duty before they reach a decision about a strategy or project.

This guidance explains what the general equality duty is and what action needs to be taken to pay due regard to duty. This guidance also provides a template of the equality impact assessment pro forma which you will need to complete.

The General Equality Duty

In the exercise of their functions, public authorities must have due regard to the need to:

- Eliminate discrimination, harassment and victimisation or any other conduct prohibited by the Act in relation to the protected characteristics;
- Advance equality of opportunity for all persons; and
- Foster good relations between groups of people who share a protected characteristic and those who do not

Advancing equality means:

- Removing or minimising disadvantages
- Equalising outcomes
- Meeting needs
- Encouraging participation where this is low and/or addressing under-representation

Fostering good relations means:

- Tackling prejudice
- Promoting understanding

Paying “Due Regard” to the General Equality Duty

The general equality duty is not prescriptive about the approach a public authority should take in ensuring it is having due regard to the need to advance the equality aims. However the Birmingham judgement does explain that “due regard” is a 'substantial rigorous and open-minded approach'. The “due regard” required is very high when a decision is being made which may affect large numbers of vulnerable people, many of whom may fall within one or more of the protected groups.

Case law has developed the following principles which apply to the new general equality duty. These principles include:-

1. Decision makers must be fully aware of the implications of the duty when making decisions about their policies and practices

2. The duty is triggered whenever “an issue arises” or when a particular policy or proposal is being developed – so it runs right from the time the policy or proposal is being framed, while it is under consideration, and when the decision is reached. A public authority cannot satisfy the duty by justifying a decision after it has been taken.
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 public authority even if it has delegated any functions to a third party. Responsibility for discharging the duty cannot be delegated or subcontracted. Any third parties exercising public functions on the public authority’s behalf are required to comply with the duty
5. Regard must be given to the need to advance equality whenever a policy is implemented or reviewed.

This new equality duty replaces the three previous public sector duties on race, disability and gender. It brings race, disability and gender together into a single duty, and extends protection to also cover age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment (in full). With regard to marriage or civil partnership, protection is provided in employment and vocational training only. The aim of the Duty is for public bodies to consider the needs of all individuals in their day to day work, in developing policy, in delivering services, and in relation to their own employees.

The new public sector equality duty protects people from discrimination on the basis of certain characteristics which are known as protected characteristics. There are 9 protected characteristics: age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, religion or belief, sex (gender), and sexual orientation. Details of each of the protected characteristics are provided in Appendix 1.

In addition to the 9 protected characteristics, Wigan Council also includes the following two categories: carers and forces personnel, when undertaking an equality impact assessment.

Undertaking an analysis of the impact that a strategy or project may have on equality

An impact assessment pro-forma needs to be completed when undertaking an analysis of the impact that a strategy or project may have on equality. A template pro-forma is provided in Appendix 2. The completed equality impact assessment should be attached to the Cabinet report.

Undertaking an equality impact analysis involves:

- identifying who should be involved in the equality impact analysis.

- describing the purpose of the strategy/project and the needs that it is designed to meet.
- identifying the key stakeholders .
- assessing the impact the strategy or project has on race equality, disabled people, carers, older and younger people, men and women, those who are socio-economically disadvantaged, religion or belief, sexual orientation, transsexuals or transgender, people who have undergone gender reassignment in full, pregnant women and those on maternity leave and on married people or those in a civil partnership.
- stating the main conclusions from the analysis and list your recommendations.
- consulting your stakeholders on the main findings and conclusions of the equality impact analysis.
- producing an impact analysis action plan. A template for this action plan is included in the guidance. Details of this action plan should be included in your service delivery plan.

To conduct the analysis you will need to gather the existing information available to you, which will enable you to identify whether your proposed strategy/project may give rise to a discriminatory outcome or unmet need.

Examples of some of this information are:-

- The findings of Joint Strategic Needs Assessments (JSNAs), customer insight initiatives, service reviews and recent inspections;
- Demographic data (i.e. census information);
- An equality profile of your customers, i.e. information on which groups use or receive your service and information on those who do not use or receive your service but may wish to do so etc.;
- Consultation information, complaints data, feedback from customers, research information such as MORI poll and citizens' panel information;
- Views of frontline and other staff, stakeholders and key partners;
- Information on how the community is informed of the service, whether the service is targeted at a particular group/community, the different formats and languages in which this information is provided, how the users access the service and how the service take-up is evaluated; and
- Service outcome such as what they are, how they are measured, what is done with the information collected, how it is used in the service planning process, what evidence is there of service improvement.

During your analysis you need to state the relevant data which you have considered and state if you identified any gaps in the data and what mechanisms have been put in place to close the gaps.

To assess the impact that the strategy/project has on equality for different groups or communities, 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/project encourage greater participation by a particular group or community where this is low?
- Could the strategy/project be developed to further foster good relations between different groups/communities?

APPENDIX 1

The 9 Protected Characteristics

Protected Characteristic	Comment
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 doesn't have to be a mainstream religion. Belief refers to any religious of philosophical belief and includes Humanism and Atheism.
Sex (gender)	
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 of a Strategy or Project

Service:	Section:
Responsible Officer:	Name of strategy or project assessed:
Date of Assessment:	
Officers Involved:	
1. What is the purpose of the strategy/project? <i>(Briefly describe the aims, objectives and purposes of the strategy / project</i>	
2. Who are the key stakeholders?	
3. Are there any other documents/strategies linked to this strategy/project?	
4. Which needs is the strategy/project designed to meet?	

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5. Has a needs analysis been undertaken?

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6. Who is affected by the strategy/project?

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7. Who has been involved in the development of the strategy/project and who has been consulted? State your consultation/involvement methodology.

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8. What data have you considered for this assessment and have any gaps in the data been identified. What action will be taken to close any data gaps?

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9. What impact will the strategy/project have on all the protected groups?

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Race Equality

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Disabled People

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Carers
Sex
Age
Forces Personnel
Religion or Belief
Sexual Orientation
Gender Reassignment
Pregnant Women or Those on Maternity Leave
Marriage or Civil Partnership

10. What are your main conclusions from this analysis?

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11. What are your recommendations?

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12. What equality targets and actions have you set based on the findings of this assessment? Please attach an action plan including details of designated officers responsible for completing these actions.

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Signed (Completing Officer): _____ Date: _____

Signed (Assistant Director): _____ Date: _____