



Equality Impact Assessment Guidance and Template

May 2018

Embracing Diversity – Promoting Inclusivity





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1. Equality Impact Assessments: Context and Rationale

What is an Equality Impact Assessments (EIA)?

This guidance is intended to guide you when completing the Equality Impact Assessment (EIA) template. All areas that have the lead responsibility for developing and revising policies, procedures or are undertaking projects are required to understand and implement this process.

An Equality Impact Assessment (EIA) is a process to ensure that any adverse or negative impact is identified and addressed when making strategic decisions, operational decisions, policies and procedures.

Discrimination is usually unintended and can even remain undetected until someone complain or is adversely affected by the action. An EIA is a review of activity and outcomes from an equality and diversity perspective. It is a way of carefully considering a policy or service, to establish and record whether it affects different groups of people in different ways, to identify disadvantage and take appropriate steps to eliminate discrimination.

For further assistance contact the Diversity and Inclusion Unit: yas.equality@nhs.net
Kez Hayat – Head of Diversity and Inclusion – email khizar1.hayat@nhs.net tel: 07464 493848

Tim Brown – Diversity and Inclusion Advisory – email: tim.brown@nhs.net tel: 07824 524276

2. Introducing Equality Impact Assessments

Introduction

By law our assessment of the impact of policy/procedure/ practice on equality must:

- Contain enough information to enable the Trust to demonstrate it has due regard for the aims of the equality duty in its decision making (see below) and
- Consider ways of mitigating or avoiding adverse impacts.

The Public Sector Equality Duty

The Trust has a general equality duty to have due regard to the need to:

- Eliminating discrimination, harassment and victimisation
- Advancing equality of opportunity between those with 'protected characteristics' and those without them
- Fostering good relations between those with 'protected characteristics' and those without them.

Under the Equality 2010 and Public Sector Equality Duty, the Trust has a responsibility to assess the impact of applying proposed new or revised policies or practice. The definition of 'policy or service' should be interpreted widely and includes the Trust's policies, strategies, practices, plans, services, criteria, provisions, projects and decisions.

Having 'due regard' involves

- Removing or minimising disadvantages suffered by people because of their protected characteristics;
- Taking steps to meet the needs of people from protected groups; where these are different from the needs of those not in those groups;
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Equality Impact Assessments need to be proportionate to the decisions being made, hence all proposals for, or changes in policy/practice/procedures/projects etc. should be screened to establish whether an Equality Impact Assessment is needed to inform the decision taker. If you are in doubt, please see advice from the Diversity and Inclusion Unit.

Protected Characteristics under the Equality Act 2010 include:

- Disability
- Gender/Sex
- Race
- Age
- Sexual Orientation
- Gender Reassignment
- Religion or Belief
- Pregnancy and Maternity
- Marriage & Civil Partnerships:

3. Completing the Equality Impact Assessment Template and Checklist

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|--|
| Stage 1 – Name of those involved and Directorate. |
| This describes who is involved in completing the Equality Impact Assessment (EIA). |

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|---|
| Stage 2 – Description of proposal and screening process. |
| Briefly describe the proposal. This needs to be written in plain English so that the public are able to understand what is being assessed. This should include a brief description of the current service, function, policy and the proposed changes. |

The screening process

In deciding whether or not to complete the EIA template you need to consider the potential impact on protected groups. Ask yourself:

- Does the policy/procedure/ project etc. affect service users, employees or the wider community, and potentially have an effect in terms of equality? (This isn't just about the numbers affected, but the significance of the effect on them).
- Is it a major policy/change significantly affecting how functions are delivered?
- Does it relate to functions that previous involvement or activities have identified as being important to protected groups?
- Does it relate to functions that previous involvement or activities have identified as being important to protected groups?
- Does it relate to an area where there are known inequalities e.g. disabled people access to a service?
- Does it relate to a policy/ process / project where there is significant potential for reducing inequalities or improving outcomes e.g. increasing take up of a service by a protected group?
- Is a report going to TMG/TEG and Board?

If the answer to any of these questions is “yes” you will need to complete the EIA template.

You are reminded that if there is an impact and you fail to complete an EIA this may put the Trust in breach of its public sector equality duty. You need to take responsibility in ensuring this is not the case.

Stage 3 – Data and Evidence

The Trust provides a plethora of information and data that can be used in impact assessing a proposal. Patient Relations and Performance data can include:

- Service user's / Patients access, experience and outcomes information
- Information about stakeholders
- Service user compliments and complaints
- Service performance data
- Consultation / Survey / Feedback results

Staff data can include:

- Electronic Staff Record information
- Staff Surveys
- Staff Networks
- Focus Groups
- Friends and Family Test

Where information doesn't exist within the Trust, consider any external information and research that may be available locally or nationally. Any identified information gaps should be recorded in the Action Plan section.

Stage 4 – Analysis of Impact

Based on an analysis of service data and general data, you now need to identify how certain groups of people will be affected by the proposal:

- Does the proposal in its implementation target or exclude specific protected groups? Is this justified?
- Will the proposal in its implementation affect some equality groups more than others?
- Are there barriers to certain equality groups enjoying the benefits of the proposal?
- Will information about the policy, procedure, function or service be available in different formats?
- Is the policy, procedure, function or service sensitive to the needs and cultures of the 9 protected groups?

Stage 5 – Progressing the Equality Duty

You are simply being asked to think about whether the policy, service review, proposal provides an opportunity to progress the public sector equality duty: Eliminate discrimination; Advance Equality of Opportunity and Foster Good Relations.

Stage 6 – Consultation

This section provides an opportunity for you to share whether the people who are most likely to be affected by the policy, service review, strategy, procedure have been adequately consulted.

Stage 7 – EIA outcome

If your EIA shows that the proposed policy, procedure, function or service is likely to have a disproportionate adverse impact on particular groups or directly or indirectly discriminate then you need to consider whether it complies with the statutory duties placed upon us as a Trust.

Any adverse impacts that are unavoidable must be clearly justified within the EIA. When the adverse impact is disproportionate and deemed to be unlawful, the proposed policy, procedure, function or service must be abandoned or changed. This must be brought to the attention of the TMG/TEG and Board.

The essence of the equality duty is that we consider that in order to achieve equality you sometimes have to treat people differently. Equality does not necessarily mean treating everyone the same. For there to be true equality of outcome, the starting point and structural barriers individuals may face need to be taken into account to create a level playing field.

Stage 8 – Action Plan Form

At this stage and after considering the data and information above, you have the opportunity to take the following actions:

- Action to mitigate – where you have identified a possible negative impact or where a policy/procedure may indirectly affect a group of people differently, you may want to include some options to mitigate this for particular groups, for example actions could include specific measures to help certain groups of people where you have identified they may be at a disadvantage or their needs differ.
- Actions to advance equality – after analysing your data you may have identified that some groups experience inequality which could be helped by changing your service, policy or function, for example actions could include targeted advertising campaigns to increase service users from underrepresented groups, or use communication campaigns to promote understanding.
- Actions to fill gaps – you may have identified that you need additional information, and as such you will need to address this, for example actions may range from further consultation with the public and stakeholders or targeted groups to implementing more consistent monitoring to ensure you know who your service users and patients are.

Stage 9 – Equality Impact Assessment is not applicable for this policy.

If after the initial screening you have decided not to complete the rest of the EIA template it is still very important that you provide an objective explanation on the EIA template.

Stage 10 – EIA Review Date

New information becomes available all the time, so it is important not to draw a line after the completion of the assessment. This is why you will need to add an appropriate review date for the EIA to demonstrate that no protected equality group has been unjustifiably affected by a Trust Policy, Procedure, Service or Function.

Stage 10 – Signing off the EIA

It is important that the completed EIA is signed by a senior officer and dated and attached to the relevant plan or policy. Remember to forward Equality Impact Assessments to: yas.equality@nhs.net.

Examples of equality impact with examples

| EIA step 1 | Questions for consideration | Examples |
|--|---|---|
| Consider relevant evidence relating to people who share a protected characteristic | What does the evidence demonstrate about positive/neutral/negative impact on for different protected characteristic groups? | <ul style="list-style-type: none"> • ESR data • Staff and patient survey • Staff Equality Networks • Friends and Family Test • Local and national evaluations • Complaints • Monitoring Form |

| EIA step 2 | Questions for consideration | Examples |
|--|---|--|
| Assess the impact of applying the policy/procedure/ decision | <p>What potential positive/ negative impacts can be identified?</p> <p>Does the policy/procedure/ decision take account of the needs of people with different protected characteristics?</p> <p>How is this demonstrated?</p> <p>Does it affect some groups differently? Is this proportionate?</p> | <ul style="list-style-type: none"> • The policy/procedure/ decision treats a person less favourably because of a protected characteristic. • The policy/procedure/ decision have a higher proportion of complaints from a particular protected group compared to the general population. • The policy/procedure/ decision is key to promoting equality. • The policy is of strategic importance. |

Step 1 and Step 2 additional guidance notes

- Quantitative and qualitative data will need to be collected and analysed to understand more about the impact of the policy/procedure/decision. For example, does data suggest that a policy presents a barrier to our patients from black and minority ethnic backgrounds or disabled staff?
- If this data is not available you may want to think about capturing the actions around this as part of the EIA process.
- What data is there from the Trust's surveys to suggest that certain protected groups have lower satisfaction rates and outcomes than the general population? The data analysed should include information gathered during consultation and involvement exercises.
- Sometimes the Trust will not have sufficient data to identify the likely impact of a policy/procedure/ decision, in which case research and external data can be used. Where no information is available, the Trust should closely monitor the implementation of the policy/procedure/decision, and capture the actions on the EIA Template.

| EIA step 3 | Questions for consideration | Examples |
|---------------------------------------|---|---|
| Act on the results of the assessment. | <p>What action will be taken to address negative / promote positive impact?</p> <p>How will you ensure there is / will be no unlawful discrimination?</p> <p>How is/ will equality of opportunity be advanced?</p> <p>How are/ will good relations be fostered?</p> | <ul style="list-style-type: none"> • A judgement on the policy/procedure/decision is made based on factual evidence. • The policy/procedure/decision is stopped or reviewed and changed. • Contact D&I Unit for support and advice |

| EIA step 3 additional guidance notes |
|---|
| <ul style="list-style-type: none"> • Where a policy is found to have either a positive or negative impact on a particular group it will need to be revised or justified within the permits of the law. For example, if the Trust uses psychometric tests for particular positions and they are found to impact negatively on the shortlisting of black and minority ethnic applicants, can the continued use of the tests be justified and, if not, what alternative recruitment and selection processes are available to improve the selection of applicants? • Where such tests are found to have a positive impact on equality, can they be used in other recruitment and selection areas? |

| EIA step 4 | Questions for consideration | Examples |
|---------------------------------------|---|---|
| Publish the results of the assessment | <p>How will the outcome be communicated?</p> <p>Where and when will the outcome be published?</p> | <ul style="list-style-type: none"> • Trust Website • DISG meetings • TEG/TMG meetings • Pulse • EIA Copy to D&I unit |

| EIA Step 4 additional guidance |
|--|
| <ul style="list-style-type: none"> • The results of the EIA's, especially the ones which impact on most patients and staff will be made available for public inspection. This ensures transparency and enables the Trust to share their findings, which can reduce workload through shared learning. • The action plan should outline the actions that will be taken to mitigate adverse impact and state the staff members responsible for the implementation of actions. |

| EIA step 5 | Questions for consideration | Examples |
|---|--|---|
| Monitor and review the implementation of the policy/ procedure /decision and its impact on equality | <p>How will the effectiveness of the actions be demonstrated?</p> <p>How will any potential changes in equality impact be monitored?</p> | <ul style="list-style-type: none"> • Feedback is gained from people affected by the policy/procedure/decision. • Review is built into the regular annual review or reporting cycle of the policy / procedure/ decision. |

EIA Step 5 additional guidance

- Once the revised or new policy/procedure/decision has been implemented, it should be monitored and periodically reviewed to ensure that it has the intended impact and is still appropriate.

Further Advice and Support

Further advice and support on completing an EIA is available from the Diversity and Inclusion Unit either, Kez Hayat kez.hayat1@nhs.net. Tel: 07464 493848 or Tim Brown tim.brown2@nhs.net .Tel: 07824 524276.



Equality Impact Assessment – Template

| | |
|---|--|
| Name of policy/ strategy/ service review / function: | Learning from Deaths Policy |
| Service / Directorate | Clinical Directorate |
| Name of person responsible for completing EIA. | Steven Dykes |
| Date of Assessment: | 25/9/2019 |
| Briefly describe the aims, objectives and purpose of the policy/procedure/strategy | This Policy will provide the framework in which the Trust provides consistently effective, meaningful engagement and compassionate support between families, carers and staff that is open and transparent to allow them to raise questions about the care provided to their loved one and ensure the Trust engages with other stakeholders (Acute Trusts, Primary Care, and Mental Health Trusts) to work collaboratively, sharing relevant information and expertise to maximise learning from deaths. |
| What outcomes do you want to achieve? | Improve the learning from death |

1. Analysis of impact

The fundamental question which all EIA's must attempt to answer is: **Does the proposed changes to policies, procedures and practices have a disproportionate impact on people with a protected characteristic, whilst giving consideration to the Public Sector Equality Duty to have due regard to**

- Eliminate unlawful discrimination;
- advance equality of opportunity
- and foster good relations

| | Are there any likely disproportionate impacts on any of the groups below? Please describe, including stating that you have no data. | Are these negative, neutral or positive. (N, Neu or P) | What action will be taken to address any negative impacts or enhance positive ones? |
|-------------|--|---|--|
| Race | No | | |
| Age | No | | |

| | | | |
|--|----|--|--|
| Disability | No | | |
| Sex Religion or belief | No | | |
| Sexual Orientation | No | | |
| Gender re-assignment | No | | |
| Pregnancy & Maternity | No | | |
| Marriage & Civil Partnership | No | | |
| Other relevant groups e.g. carers | No | | |

2. What involvement and consultation has been done in relation to this policy or function? What are the results?

The Learning from Deaths Policy is a national requirement. Internal consultation with key stakeholders has been undertaken

3. What is the actual / likely impact? E.g. Who benefits? Who doesn't benefit and why not? Who should be expected to benefit and why don't they?

Improved learning from deaths

4. Address the impact: Summarise whether the proposed policy, procedure, service or function will have a disproportionate impact on any of the protected groups above? If so this must be brought to the decision taker attention and you should fill out the action plan – see below.

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5. Action Plan

| | Activity | Who | When | Deliverables / Outcomes |
|---|----------|-----|------|-------------------------|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |

6. Monitoring, Review and Publication.

How will you review the impact and effectiveness of your actions?

| | | | |
|---------------|--|--------------|--|
| | | | |
| Lead Officer: | | Review Date: | |

7. Sign Off

| | | | |
|--|--|----------------|--|
| Director / Associate Director / Head of Service: | | Date Approved: | |
|--|--|----------------|--|