

Cabinet Office

Equality Impact Assessments

Guidance to the Process

This guidance explains:

- what an Equality Impact Assessment (EIA) is; and
- how to undertaken one within the Cabinet Office.

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1. Introduction – What is an equality impact assessment?

This guidance explains what an Equality Impact Assessment (EIA) is and how to undertake one in the Cabinet Office.

What is an EIA?

EIA is the process of assessing the impact of our existing or proposed policies and practices (or functions) in relation to their consequences for equality.

The meaning of 'policy and practices' has a broad interpretation. Equality impact assessment is not something to be applied only to 'formal' policies in relation to government policy developed by units such as the Office of the Third Sector or the Secretariats. The following were quoted by the Disability Rights Commission as examples of less obvious 'policies':

- procurement strategy and procedures
- employee terms and conditions
- opening hours for a service
- on-line or other services
- complaints procedures
- entitlement conditions for benefits or services
- eligibility criteria for promotion
- an organisation's estates strategy
- rules covering entitlement to and payment of expenses
- relocation plans
- communication strategies
- projects
- budget setting decisions and criteria for resource allocation; and
- standard methods used for providing information to staff.

There is a legal obligation to undertake EIAs to assess the impact of our actions on people of different racial groups; disabled people; and men and women. (Annex A provides background to equality impact assessments and relevant legislation). However, Cabinet Office has adopted a best practice approach by ensuring colleagues consider impact on all equality strands e.g. gender identity; religion or belief; sexual orientation; and age.

Through EIAs likely positive impacts can be anticipated and strengthened; while potential adverse impacts can be eliminated or mitigated.

Overall an EIA:

- will support the delivery of the Cabinet Office's aims and values; and
- is systematic and evidence based consideration of how our work may impact upon different groups / communities.

When to undertaken an EIA

To develop a successful 'policy or practice', the EIA must be incorporated into the earliest stages of development e.g. when you are scoping out a project and beginning to consider possible options.

Where to begin

An EIA starts with a simple preliminary screening process, which will indicate whether a full impact assessment is required.

Equality impact assessments must be published.

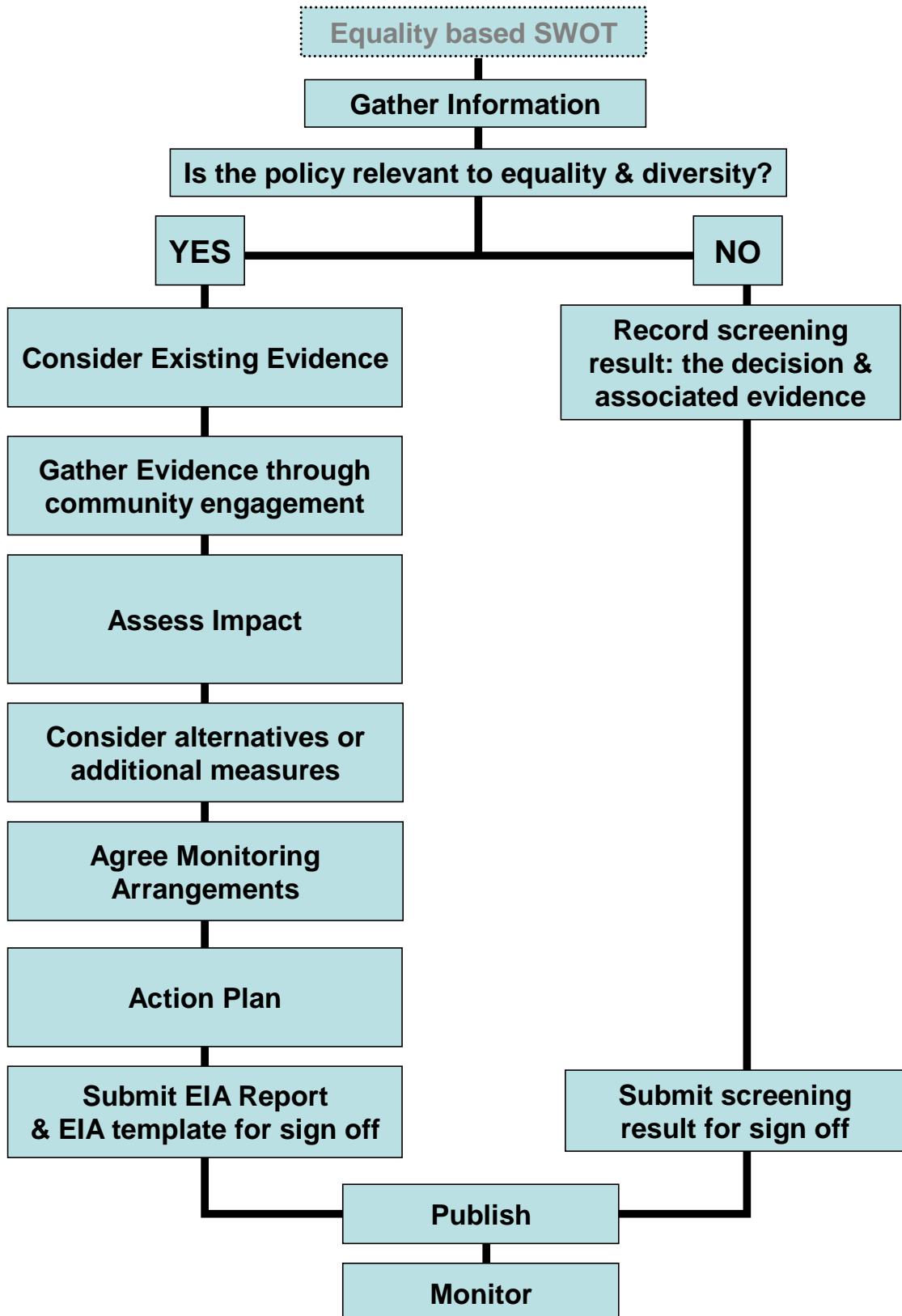
How to begin

An EIA template at Annex B guides colleagues through the equality impact assessment process.

The EIA template provides a clear audit of the decision making process and will be available for FOI purposes. It is therefore important that you complete all sections of the template clearly referencing the information you have used for your responses and reasons why a particular course of action has been adopted.

The following flowchart gives an outline of the EIA process.

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2. First Steps - An Equality Based SWOT Analysis

To conduct an effective equality impact assessment you must take into account the positive and adverse equality impacts that your 'policy' may have.

Before beginning the EIA process it may be useful for your team to consider conducting an Equality Based S.W.O.T analysis of the policy proposal.

S.W.O.T analysis is a consideration of the (S)trengths, (W)eaknesses (O)pportunities and (T)hreats involved in developing a 'policy'.

In equality terms you may want to consider the following:

<p>STRENGTHS</p> <ul style="list-style-type: none"> • Does the proposal address known adverse impacts? • Does the proposal seek to eliminate existing discrimination? • Will the proposal have a positive impact on groups? • Does the proposal comply with statutory obligations on race, disability and gender equality? • Do groups already actively participate in this policy area e.g. research projects? 	<p>WEAKNESSES</p> <ul style="list-style-type: none"> • Is there a need to deliver more positive outcomes for particular groups through our policies? • What are the long and short term options, and what implications will this have for promoting equality of opportunity and good relations? • Are the accountability arrangements for this policy clear and effective? • Is there a need to strengthen data collection to gather more evidence?
<p>OPPORTUNITIES to:</p> <ul style="list-style-type: none"> • Mitigate potential adverse impact • Strengthen the positive impact of this policy and send clearer equality messages. • Promote equal opportunity for other equality groups e.g. sexual orientation; age; religion, belief and non belief. • Involve groups in shaping how this policy can meet their needs. • Strengthen good practice by sharing with others. 	<p>THREATS</p> <ul style="list-style-type: none"> • Are there any barriers to stakeholder involvement in developing the proposal? • Are there other strategies that impact upon this proposal? • Is there a need to enhance stakeholder buy-in? • Are delivery partners sufficiently engaged in meeting the statutory obligations i.e. out sourced services? • Are there resource implications that may affect the delivery of this policy / project?

This exercise may help you identify stakeholders and provide an indication of some of the questions you may seek to answer while conducting the equality impact assessment process. You may need to include some of these questions within your consultation exercise or perhaps run a similar exercise with focus groups.

3. Preliminary Screening or Full Equality Impact Assessment

A preliminary screening provides a brief summary of the way your ‘policy’ may be relevant to equality and indicates the immediate equality concerns that your policy may present: (the template is at Annex B and is available on CabWeb – Equality and Diversity – Equality Duties).

It consists of a few questions and will identify if a full equality impact assessment is required. You should:

- Identify who is intended to benefit from the policy and why; what outcomes are required; and who are the main stakeholders in relation to the policy.
- Look at existing information when considering whether there are concerns that the policy / project / process could have a differential impact on a particular community or group, e.g. racial group, disabled people, people of a particular age group etc.

Responses to the screening questions and Actions

Answers	Action
If you answer YES to any of the screening questions	Conduct a full equality impact assessment.
If you answer NO to any of the screening questions	Provide supporting evidence that explains why you have answered to the questions.
If you answer NO to all of the questions	Attach the following statement to all future submissions that are related to this policy (and within any regulatory impact assessment) and ensure it is signed off by senior management. “This policy / project was screened for impact on equalities on [insert date]. The following evidence [Evidence] has been considered. No full equality impact assessment is required. “

Example of impact

SCREENING FOR RELEVANCE

The Office of the Commissioner for Public Appointments is keen to mainstream diversity into all aspects of its work, for example, in the development of an innovative on-line test for Independent Assessors involved in the public appointments process. Diversity considerations were included as an essential requirement in procurement of the third party contractors, through to design, content and delivery of the scheme. Recognising that most Independent Assessors will be sitting the test at home and some may be carers (who may be interrupted) or have a disability (e.g. dyspraxia, dyslexia or visual impairments), a decision was taken that the test would not be timed. Alternative formats (such as hard copy test papers or larger fonts) would also be offered to candidates.

4. Considering Existing Evidence

The basis for any successful equality impact assessment is a systematic and robust consideration of evidence during the early stages of policy or practice development.

This is not just about collecting data, but reviewing the information available to determine whether it provides indications of how something will work in practice. Here are some things you may want to look for:

REPRESENTATION	You will need to have information (both qualitative and quantitative) on the diversity of the groups that may be affected by this work.
ACCESS	Do people have the same levels of access to any service / policy? Are there different levels of use? Do people tend to participate in your service / programme in different ways? Are there social or physical barriers to participation (e.g. language, format, physical access/proximity)?
OUTCOMES	What are the service users' experiences? Are there trends and patterns within any customers' satisfaction with a service? Are some groups more likely to achieve positive outcome from your service than others? Do the outcomes differ over time?
SPECIFIC NEEDS	Do particular groups / communities have different needs within this policy area? For example, people with sensory or learning disabilities may have different needs; people with a physical impairment may have needs around access; there may be a greater impact on people of a particular ethnicity etc.
PERCEPTION	Your qualitative data may indicate that the policy is viewed more or less favourably by particular groups of people / communities. For example, how is the Department perceived as an employer by different racial groups? How do voluntary groups working with the Office of the Third Sector perceive our understanding of equality issues?

5. Gathering Evidence through Individual / Group / Community Engagement

Engagement enables people to participate in the process of creating policies, processes, services and projects, and have a real stake in the way things are turned into practice on the ground.

It covers a range of different methods from paper-based public consultation exercises to partnership working.

EIA Involvement and Consultation

We have a statutory duty to involve and consult groups / communities on the likely impact of a new policy or proposal on race, disability and gender. The Race Relations (Amendment) Act 2000 places a duty on public authorities to promote equality of opportunity and good relations between persons of different racial groups and the Disability Discrimination Act 1995 places a duty on public authorities to promote disabled peoples' participation in public life. The Equality Act 2006 places a similar duty on public authorities with regard to gender.

This legal requirement essentially describes good practice within policy and programme development. In a widest sense communities should have the opportunity to not only comment on, but shape the way policies and any public services are developed and delivered.

How do you go about it? How do you identify stakeholder organisations? These may be Government Departments such as Department of Work and Pensions or Home Office. Cabinet Office staff such as:

Organisation	Examples
Staff	Disabled staff, women, men, specific age groups, etc
Staff Networks & Associations	DiSCO; Women's Network; COBAN; Rainbow; Carers' Network; a:Gender
Trade Unions	Public & Commercial Services Union (PCS), Association of First Division Civil Servants (FDA), Prospect

You will also need to engage with external groups, for example employers' forums such as: Employers' Forum on Age, or Employers' Forum on Disability; RADAR; or the Equality and Human Rights Commission (a list of possible organisations for consultation / further information is at Annex C).

Your unit will also have identified other stakeholders of specific relevance to your work area.

Engagement may range from requesting individuals/groups to influence the decision making process by submitting a written response to a public consultation document; running focus groups or, it may mean you encourage

greater participation by actively **involving** these groups in formulating plans or making decisions within strategic meetings. You will need to be open and honest about the type of engagement that you are expecting.

You should bear in mind that disability legislation requires the active involvement with (and not just consultation of) disabled people on policy.

Conducting a group / community engagement exercise

When undertaking an effective consultation, it is best to be clear and open about the objectives of your consultation process.

- Avoid jargon – clearly explain the background to your policy and do not take it for granted that people will know all of the policy background.
- Show consideration of potential impacts both positive and adverse – you should already have reviewed the data to consider what potential impacts may exist. Highlight these initial finds and
- Ask specific questions – on areas of the policy you feel might cause problems
- Leave room for your consultees to feedback on issues that you may not have considered.
- Allocate sufficient time i.e. 12 weeks for any public consultation process.
- Always feedback the results of your consultation before the launch or implementation date.

You may need to conduct specific work to ensure you receive responses from a diverse consultee pool.

Maintaining a stakeholder list will enable you to share information across Cabinet Office.

Focus Groups

Within a focus group you should ask open questions to determine

- What do you think about the proposal
- What is your specific recent experience?
- What ideas do you have to improve the policy?
- Will this policy address your particular needs?
- Do you believe the policy promotes equality, good relations and eliminates discrimination?
- To what extent will the policy present barriers to any community or group

Further guidance on consultation is available from the Better Regulation Executive in the Department for Business, Enterprise and Regulatory Reform www.betterregulation.gov.uk.

6. Assessment & Analysis

The analysis of the evidence gathered should enable you to establish the impact of the proposed course of action on a particular diversity strand. This is your opportunity to look at all the evidence available and consider whether to proceed with the proposed course; make any amendments or decide that the proposed policy etc has such an adverse impact on a particular diversity strand that it should not be taken forward.

- Have you identified any risks or barriers to equality?
- Does the evidence show there may be a potential for adverse impact on a specific group, i.e. deaf or hard of hearing people; a particular ethnic group;
- Could the way the policy is carried out have an adverse impact on either equality of opportunity for some groups or good relations between different groups?
- Does the policy promote equality of opportunity and/or good relations?
- Does the evidence show the policy may have a potential to cause unlawful direct or indirect discrimination?
- Is further research or consultation necessary?
- Would this research be proportionate to the importance of the proposed policy?
- Are there any ways to eradicate or lessen adverse impact? What are the recommendations?

If the results of your analysis lead to a finding of potential adverse impact and/or unlawful discrimination, you will need to investigate the processes and tackle any barriers or failings you find. You may need to consider alternative ways to achieve your policy.

No amendments necessary?

If it is decided that no amendments are necessary you should say why and how your EIA shows that the decision has been taken. You may need to amend the policy to show you have taken positive steps to consider the needs of different groups.

The Equality and Human Rights Commission has produced guidance on Gathering and Analysing Evidence to Inform Action –

www.equalityhumanrights.com.

7. Action Plan

An Action plan should record the next steps identified through the EIA process. It should include:

- Monitoring and review arrangements;
- Publication arrangements
- Plans to commission further research or collect additional data;
- Actions required to address any adverse, differential or disproportionate impact with success indicators and timings;
- Inclusion of measures in wider strategic plans;
- ongoing engagement with internal stakeholders e.g. OGDs, Agencies etc
- Plans for ongoing group / community engagement e.g. how to ensure diverse representation;
- Propose consideration of new initiatives and the commitment to impact assess these;
- action points for another unit, government department or delivery partner.

The action plan should be agreed by your Director.

8. Publishing the Equality Impact Assessment

There is a legal requirement to publish the results of impact assessments for race, disability and gender. Publishing the equality impact assessments for policies will increase our openness and allow us to show we are committed to promoting equality. The published results can be made available:

- In a Regulatory Impact Assessment: All Regulatory Impact Assessments must include an Equality Impact Assessment. The Equality Impact Assessment should be published within the costs and benefits section of your regulatory impact assessment, or if your EIA is lengthy you may attach it as an annex.
- Within a Consultation Document: You may want to publish the assessment as part of a consultation exercise encouraging the public to comment on your proposals and inform the direction that your policies agenda is taking.
- As a Stand Alone Document. You should include a copy of the assessment on the external Cabinet Office website.

You should make the assessment available in a range of accessible formats to meet the diverse range of access requirements.

9. Making Equality Impact Assessment (EIA) evidence available

It is a statutory obligation under Race legislation and Freedom of Information to ensure that all evidence used for your equality impact assessment can be made available to the public.

The EIA should record your conclusions, clearly demonstrating the relative weight given to particular pieces of data and contributions made by disabled people as part of their involvement in the process.

It should record the reasons for the decision and recommend what is needed to ensure an effective and fair implementation of the policy, project or process, including any arrangements for training and regular monitoring post-implementation.

10. Monitoring

Monitoring is fundamental to the success of your policy initiative – alerting you to milestones and targets; the impact your policy has on certain groups and whether the policy is successful.

You will need to consider how you can acquire regular information that can be used for monitoring purposes:

- Statistical evidence desegregated by race, disability, economics etc. This can show the take-up, attainment levels and other outcomes.
- Ongoing consultation mechanisms that provide input from users or consultation with representative groups and, where appropriate, enables corrective action to be taken immediately.
- Set equality targets that need to be met by a fixed period.
- Designate responsibility for monitoring.

Remember current legislation makes monitoring on race, disability and gender a requirement not an option.

Examples:

Nominations for Honours

Ceremonial Secretariat collects information on the ethnic origin of people nominated for honours to assess whether nominations are being received for people of all racial groups.

Cabinet Office Staff Surveys

Views of staff on Cabinet Office performance covering a range of diversity issues, such as harassment, discrimination and bullying are collected annually and provide an updated picture on the success of anti-harassment policies.

Cabinet Office Diversity Monitoring

Analysis of diversity data shows year on year differences in recruitment or promotion figures and contributes to evidence to assess the effectiveness of recruitment / progression policies.

Legislation behind Equality Impact Assessments

Race Equality

Since 2001, the **Race Relations (Amendment) Act 2000** has placed a **general duty** on all public authorities to:

- **eliminate discrimination;**
- **promote equal opportunity;** and
- **promote good relations** between people of different racial groups.

The ‘promote’ aspect of the duty requires the Cabinet Office to take proactive steps to ensure that the needs of all racial groups are taken into account during the development and delivery of policies and services. There is also a **specific duty** to publish a race equality scheme that outlines how we will:

- **assess and consult on the likely impact of proposed policies on the promotion of race equality;**
- **monitor** policies for any adverse impact on the promotion of race equality;
- **publishing the results** of such assessments, consultation, and monitoring;
- **ensuring public access to information and services;** and
- **training** staff in connection with the duties

Disability Equality

From December 2006, the **Disability Discrimination Act 2005** amended the Disability Discrimination Act 1995 to place a **general duty** on all public authorities to have due regard to the need to:

- **promote equal opportunities** between disabled persons and other persons;
- **eliminate discrimination** that is unlawful under the Act;
- **eliminate disability-related harassment;**
- **promote positive attitudes** towards disabled persons;
- **encourage participation by disabled persons in public life;** and
- take steps to **take account of disabled persons’ disabilities, even where that involves treating disabled persons more favourably** than other persons.

Public authorities must make ‘**reasonable adjustments**’ to ensure that disabled people can access employment and occupation, education, goods, facilities, services, functions and premises. Rather than providing restitution when a disabled person has been the subject of discriminatory treatment, the duty requires **authorities to work positively and proactively** towards a more equal society by mainstreaming disability equality into all decisions and activities.

There are also specific duties under the Disability Discrimination Act that require the Cabinet Office to:

- **undertake disability impact assessments** of current and future policies and business activities;
- **identify potential areas of discrimination;** and
- **draft an action plan** and set in train work to address the issues.

The regulations specifically require the **involvement of disabled people in the development of a disability equality scheme**. Involvement of disabled people means the active engagement of disabled stakeholders. The involvement of disabled people in the implementation of the various aspects of the scheme, such as conducting impact assessments and gathering evidence will be critical to the successful implementation of the duty.

Gender Equality

The Equality Act 2006 contains similar provisions for promoting gender equality. The Gender Public Duty requires that when carrying out our functions we should have due regard to the need to:

- **Eliminate discrimination** that is unlawful under the Sex Discrimination Act 1975, and discrimination that is unlawful under the Equal Pay Act 1970. (this also covers harassment, and pregnancy, maternity, gender reassignment, married persons and civil partners, victimisation, domestic violence, effect of caring responsibilities). The equal pay element is only relevant to gender in law, and is an important part of the duty – equal pay reviews are a requirement.
- **Promote equality of opportunity** between men and women.

Transgender is also covered by the gender duty.

Equal pay

A public authority must develop and publish a policy on developing equal pay arrangements – including measures to ensure fair promotion and development opportunities and tackle occupational segregation – between men and women which must be reviewed at regular intervals.

Gender Impact Assessments

Public authorities must:

- **Conduct and publish gender impact assessments, consulting appropriate stakeholders,** covering:
 - **all primary legislation and significant secondary legislation**
 - **all major proposed developments in employment/policy/services.**
- **Develop and publish arrangements** for identifying developments that justify conducting a formal gender impact assessment.

EQUALITY IMPACT ASSESSMENT

Group

Directorate / Unit

PRELIMINARY SCREENING

Date of Screening	
Name of Screener	
Director	

Name of Policy		This is new
		This is a change to an existing policy
		This is an existing policy, not previously assessed

Aims, Objectives & Projected Outcomes

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Will the policy have an impact on national or local people/staff?	YES/NO
Are particular communities or groups likely to have different needs, experiences and/or attitudes in relation to the policy	YES/NO
Are there any aspects of the policy that could contribute to equality or inequality?	YES/NO
Could the aims of the policy be in conflict with equal opportunity, elimination of discrimination, promotion of good relations?	YES/NO
If this is an amendment of an existing policy, was the original policy impact assessed?	YES/NO

If **YES**, to any of these questions **go on to the full EIA**.

If **NO to any particular questions**, please provide explanatory evidence.

If **NO to all of these questions** then you must also attach the following statement to any future submissions that are related to this policy and ensure it is signed off by senior management. You must also include this statement within any regulatory impact assessment that is related to this policy.

“This policy was screened for impact on equalities on [insert date]. The following evidence [Evidence] has been considered. As a result of this screening, it has been decided that a full equality impact assessment is not required. “

FULL IMPACT ASSESSMENT

Date of Assessment	
Name of Assessor	

STATISTICS & RESEARCH

What relevant quantitative & qualitative data do you have in relation to this policy?

Please site any quantitative (e.g. statistical research) and qualitative evidence (monitoring data, complaints, satisfaction surveys, focus groups, questionnaires, meetings, research interviews etc) of communities or groups having different needs, experiences or attitudes in relation to this item of work.

Equality Target Areas	How does the data identify potential or known <u>positive</u> impacts? How does the data identify any potential or known <u>adverse</u> impacts?
Race (consider e.g. nationalities, languages)	
Disability (consider social access and physical access)	
Gender	
Gender Identity	
Religion or Belief	
Sexual Orientation	
Age	

<p>What research have you considered commissioning to fill any data gaps?</p> <p>For example, you may need to ensure quantitative & qualitative data groups include stakeholders with respect to this policy. N.B Include any recommendations in your action plan</p>

<p>Who are the stakeholders, community groups, staff or customers for this policy area?</p>

<p>What are the overall trends and patterns in this qualitative & quantitative data?</p> <p>Disproportionality; regional variations; different levels of access, experiences or needs; combined impacts.</p>

<p>Please list the specific equality issues that may need to be addressed through consultation (and further research)?</p>
<ul style="list-style-type: none">•

GATHERING EVIDENCE THROUGH COMMUNITY ENGAGEMENT

INTERNAL STAKEHOLDER ENGAGEMENT: Consulting & involving Other Government Departments, Staff, Agencies & NDPBs

Does this policy affect the experiences of staff? How? What are their concerns?	
Staff	
Staff Networks & Associations	
Trade Unions	

How have you consulted, engaged and involved internal stakeholders in considering the impact of this proposal on other policies and services?

What positive and adverse impacts were identified by your internal consultees? Did they provide any examples?

Feedback the results of this internal consultation and use it as a basis for work on external consultation

EXTERNAL CONSULTATION & INVOLVEMENT

How did your engagement exercise highlight positive and negative impacts on different groups / communities?	
Voluntary Organisations	
Race	
Faith	
Disability Rights	
Gender	
Gender Identity	
Sexual Orientation	
Age	

Feedback the results of your engagement (i.e. involvement and consultation) to all participants including internal and external stakeholders

ASSESSMENT & ANALYSIS

Does the EIA show a potential for differential impact on any group(s) if this proposal is introduced? If Yes, state briefly whether impact is adverse or positive and in what equality areas.

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What were the main findings of the engagement exercise and what weight should they carry?

--

Does this policy have the potential to cause unlawful direct or indirect discrimination? Does this policy have the potential to exclude certain group of people from obtaining services, or limit their participation in any aspect of public life?

--

How does the policy promote equality of opportunity?

--

How does your policy promote good relations? How does this policy make it possible for different groups to work together, build bridges between parallel communities, or remove barriers that isolate groups and individuals from engaging in civic society more generally?

--

How can the policy be revised, or additional measures taken, in order for the policy to achieve its aims without risking any adverse impact?

--

Are there any concerns from data gathering, consultation and analysis that have not been taken on board?

Please justify and explain the reason for your decision.

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ENSURING ACCESS TO INFORMATION

How can you ensure that information used for this EIA is readily available in the future?

(N.B. You will need to include this in your action plan)

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How will you ensure your stakeholders continue to be involved/ engaged in shaping the development/ delivery of this policy?

(N.B. You will need to include this in your action plan)

-

How will you monitor this policy to ensure that the policy delivers the equality commitments required?

(N.B. You will need to include this in your action plan)

-

Now submit your EIA and related evidence for clearance.

Ensure that the EIA is published on the Cabinet Office website before your policy is implemented.

Director approval:

Date:

ACTION PLAN

Recommendations	Responsibility	Actions required	Success Indicators	Target Date	What progress has been made?
Data Collection					
Publication Arrangements					
Monitoring & Review Arrangements					
List other recommendations that are required					

Please ensure that the action plan is agreed by your Director.

Further information

To add....