Section 3 - LSC Equality Impact Assessment Framework
Full Impact Assessment guidance and additional information

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Full Impact Assessment
Where a differential or adverse impact is identified by the initial screening, full EIA builds on your findings. Full EIA should show how you have addressed all of the following.

1. Consult and involve people who are (or who are likely to be) affected by the policy

1.1. You should use this step to answer the following questions:
   a) Does or could the policy have an adverse impact?
   b) Does or could the policy be unlawfully discriminatory?
   c) What potential solutions might there be (see 2.2)?
   d) What opportunities are there to use the policy proactively to promote equality of opportunity?

1.2. Identify whom to involve and consult. Different policies affect different groups, so you will need to consider which are the most relevant groups for you.

1.3. Consultation and involvement should be a meaningful process which enables you to answer the following questions:
   - Is the policy directly or indirectly discriminatory?
   - If the policy is indirectly discriminatory, can it be justified under the relevant legislation?
   - If the policy in not discriminatory does it still have an adverse impact?
   - Is the policy intended to increase mainstreaming of equality and diversity into institutional practice by permitting or requiring positive action to redress disadvantages? Is it lawful?
   - Is there any alternative measure which would achieve the desired aim without the adverse impact identified?

1.4. Whichever consultation or involvement method is used, you should make sure that:
   - you use people’s views to shape your decision-making process;
   - the exercise represents the views of those who are likely to be affected by the policy;
   - the consultation method is suitable for both the topic and the groups involved;
   - the exercise is in proportion to the effect that the policy has or is likely to have;
   - the consultation’s aims and intended outcomes are clearly explained (so that people can contextualise their contribution);
   - the consultation exercise is properly timetabled and monitored;
   - you publish the consultation’s findings and intended action feed them back to those involved in the consultation process.
1.5. Some groups you could consider involving are:

- Learners, through:
  - National Learner Forum
  - NUS
  - networks based in colleges and providers
  - Learners with Disabilities Panel
- LSC colleagues, through:
  - LSC Workforce Equality and Diversity Steering Group and staff networks
  - LSC Open Forum
  - Public and Commercial Services (PCS) Union
  - Groups, such as the Change Board, Staffing Board, Finance Board, Information Systems Board, Equality and Diversity Committee and Equality and Diversity and Learners with Learning Difficulties and/or Disabilities Sub-Group
  - Regional and local offices
- Equality and Human Rights Commission
- FE system staff, for example through:
  - the University and College Union
  - Association of Colleges
  - Association of Learning Providers
- Community Organisations and interest groups, e.g.
  - Stonewall
  - Faiths in Further Education Forum/National Ecumenical Agency for Further Education
  - the Gender Trust
  - the Runnymede Trust
  - The Black Leadership Initiative
- Employers
  - Federation of Small Businesses
  - Confederation of British Industry
- Stakeholders and key partners
  - Department for Universities, Innovation and Skills
  - Department for Schools, Children and Families
  - Quality Improvement Agency
  - Regional Development Agencies
  - Local authorities
1.6. Consider the following:

- Is the group properly established with legitimate aims, objectives and constitution?
- Does the individual or group to be consulted know about what you do, and do they understand how to influence the consultation process?
- Are you presenting information in accessible formats?
- Are you meeting at appropriate dates, times and on accessible premises?
- How can you ensure there is two-way feedback between the individual or groups to be consulted and the wider groups they represent?
- Is there an opportunity for joint consultation exercises with other public bodies?
- Have you considered providing training and support for the groups so they can have an effective impact on the process?

1.7. If your initial screening identified gaps in the quantitative or qualitative information available, you should collect further data. Look again at the list of sources in Annex 2, and discuss with colleagues such as the Equality and Diversity team or the regional Equality and Diversity Manager.

2. **Consider your options for action**

This step is an opportunity to use the information you have analysed from data, research and consultation to consider your options.

2.1. Using all the evidence you have collected so far, consider again whether the policy is having, or is likely to have, an adverse impact.

- If yes, proceed to 2.2
- If no, proceed to 4.

2.2. Consider the following options:

- Put measures in place to eliminate or reduce the actual (or potential) adverse or discriminatory impact at the relevant stage:
  - Policy formulation.
  - Implementation.
  - Delivery
- Abandon the policy/practice/ activity/decision altogether

2.3. If the policy or practice appears discriminatory:

- If this proposed policy or practice appears to be directly discriminatory\(^1\), then that policy or practice would be unlawful and should be rejected. You should find alternative means of achieving the aims of the policy or practice.

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\(^1\) See Annex 1 for definitions of terms
• However if the proposed policy or practice is a result of **positive action**, the policy or practice may be lawful. This is likely in areas specific to race, disability and gender duties.
• If you have any doubts as to the position of your proposals, or can identify a legitimate justification for proceeding, you must contact the legal team at National Office.

2.4. You should consider:
• How does each option help or hinder equality and diversity?
• How can we use the policy proactively to promote equality of opportunity?
• How does each option reinforce or challenge stereotypes?
• What are the consequences for the group(s) concerned and for the LSC?
• What are the costs of implementing each option?
• Will the social and economic costs of implementing the option outweigh the benefits to the LSC or other groups?

2.5. The duty to act where an impact is identified should be considered for proportionality. For example, it might be unnecessarily expensive to make sweeping changes to policies across the board simply to meet the requirement of a small age group. In the very rare cases where you consider leaving the policy as it stands despite identifying a differential or adverse impact, you would need to consult the legal team and provide clear justification.

3. **Make a decision**

3.1. Based on the options for action identified in stage 2, and the conclusions you have drawn from the impact assessment process so far, you now need to decide what action to take.

3.2. Any decisions made are open to scrutiny and must be clearly justified. They should be made by the relevant delegated authority within the governance structure. You should record the name of the decision-maker, their conclusions and:
   a) agree actions
   b) summarise findings
   c) identify next steps – what, by whom, and when

4. **Monitor and review**

4.1. Impact Assessment is an ongoing process. Agree a process and dates for further reviews, and clearly state who is responsible. The frequency of the reviews should be as follows:
• Policies that are deemed to be highly relevant (likely to be those from the functional areas set out in Annex B of the SES) to equality and diversity should be reviewed annually
• All other policies should be on a minimum of a 3 yearly cycle
4.2. You should also make arrangements to collect the data that will be required to inform your next review. Consider what monitoring systems you need to use or establish and what data are to be collected, when and by whom.

5. **Publish results of the assessment**

5.1. Summary reports should be available on a regular basis and shared with those who have been involved.

5.2. You should publish:
   - what you have done
   - what you found
   - what happened, what is going to happen and how it is going to influence organisational practice.

5.3. All full EIAs (or their web addresses) should be forwarded to claire.douglas@lsc.gov.uk at the national Equality and Diversity team, so they can be linked to the Equality and Diversity intranet and websites. This will enable us to monitor how well we are complying with our duties as an organisation, and to share good practice in EIA.

5.4. You should consider opportunities for publicising the results, for example through your own internet sites and communication channels, national, local, specialist press and other media.

5.5. You must ensure that you follow the LSC’s Accessible Communications policy, and that the EIA is available in alternative formats, upon request.

5.6. The EIA must be signed off by the lead Management Group Member for this policy. It should also be clear who to contact for further information and record the date on which the impact assessment was completed.
Annex 1: Glossary

**Relevance**
Relevance refers to the implications of a policy in terms of the General Duties. A policy is, for example, relevant to race equality if it has, or could have, implications for promoting race equality.

**Differential impact**
Data show a difference in impact on different groups (e.g. between men and women, between disabled and non-disabled people and so on). For example, there may be more women than men participating on a certain course.

**Positive impact**
As a result of this policy, disadvantages will be reduced; relations between people of different groups will improve; participation and success rates will improve or become more comparable across the board.

**Adverse impact**
An indication that a particular group has been affected differently by a policy, that the effect is less favourable (i.e. negative) and potentially unlawful.

**Positive action**
Positive action refers to a variety of measures to counteract the effects of past disadvantage and/or under-representation, and to eliminate future discrimination. This could take the form of providing training or encouraging members of affected groups to apply for vacancies.

However, there are conditions and criteria that must be satisfied before an organisation is able to defend their action under the banner of positive action. If in any doubt, contact the legal team.

**Direct discrimination**
Where people are treated less favourably than others on the grounds of their colour, race, ethnic or national origins, disability, gender, marital status, age, religion or belief or sexual orientation.

**Indirect discrimination**
An apparently neutral provision, criterion, or practice, that applies equally to everyone, but which in practice puts a particular group at a disadvantage and which cannot be objectively justified.

For example, a requirement for a full clean driving licence may exclude people with disabilities, such as visual impairments or epilepsy. Often, there are simple solutions, for example to substitute the driving licence criterion with ‘the ability to travel’.

In some cases, a proposed policy or practice that is indirectly discriminatory can be justified if it can be shown that it is necessary to allow you to carry out your functions and you are unable to find another way of achieving the policy aims that
has a less discriminatory effect. **Always take advice from the legal team before relying on the ‘justification’ defence.**
Annex 2: Sources of data and evidence

1. Depending on the type of policy you are assessing, you may need to use evidence about the LSC workforce and/or the learners we fund. You may also need comparator evidence about the demographics of the communities we serve. This annex includes a non-comprehensive list of suggestions for each of these.

Learners and providers

- LSC, DIUS and DCSF Statistical First Releases (SFR)
- LSC Equality and Diversity Performance Report
- LSC standard corporate reports on:
  - participation
  - success
  - retention
- LSC scorecard data cubes, to create your own ad hoc reports (accessible through corporate reports)
- National Learner Satisfaction Survey (NLSS)
- Recommendations of inspection and audit reports and reviews

LSC workforce

- Data about representation in different bands
- Data about our progress against workforce goals
- Minutes and papers from the Workforce Equality and Diversity Steering Group and staff networks
- Analysis of complaints of unlawful discrimination by the LSC in employment or service delivery
- Employee surveys

The communities we serve

- Demographic data and other statistics, including census findings, e.g. from https://www.nomisweb.co.uk
- Information from groups and agencies directly in touch with particular groups (for example, qualitative studies by trade unions and voluntary and community organisations)

General and other evidence

- Other completed EIAs and initial screenings (these will be accessible through the Equality and Diversity team’s internet and intranet pages)
- Recent research findings
- The results of consultations or recent surveys (qualitative and quantitative data)
• Comparisons with similar policies in other departments or public authorities
• Data derived from the Staff Individualised Record (SIR)
• Analysis of records of public enquiries about our services or policies, or complaints about them
• The results of equality and diversity monitoring data, from our own records or from other public authorities
• Recommendations/reports by representative groups/bodies
Annex 3: Sources of further guidance

If you need more information or guidance, there is plenty of support available from the following sources:

- The LSC’s programme of Equality Impact Assessment workshops
- The LSC Equality and Diversity internet and intranet pages
- Frequently Asked Questions on EIA (currently being drafted- will be available on the Equality and Diversity team’s intranet pages)
- Single Equality Scheme
- Developing a Learner Involvement Strategy: A Handbook for the FE Sector
- Learning for Living and Work
- www.lsncommunity.org.uk/vle/research/login/index.php - Virtual Learning Environment
- Equality and Human Rights Commission:
  - The duty to promote race equality: a guide for public authorities
  - The Duty to Promote Disability Equality: Statutory Code of Practice
  - Overview of the gender equality duty
- http://www.stonewall.org.uk/
- www.gendertrust.org.uk
- www.unison.org.uk/equality/
- www.nusonline.co.uk
- Staynton Brown at the national Equality and Diversity team, or your regional Equality and Diversity lead.