Section 1 - LSC Equality Impact Assessment Framework

Background and purpose

Date of issue 13 December 2007
Audience Guidance for LSC staff
LSC office National Office
Publication intent Internal
Internal paper ref

Background ........................................................................................................................................... 2
Purpose ............................................................................................................................................... 2
Scope .................................................................................................................................................. 2
Business Cycle ................................................................................................................................ 2
Overview.......................................................................................................................................... 4
  Organisational audit ...................................................................................................................... 4
  Initial screening ............................................................................................................................... 4
  Full impact assessment .................................................................................................................. 4
Benefits of Equality Impact Assessment .......................................................................................... 5
Legal requirements ............................................................................................................................. 5
Responsibilities ................................................................................................................................... 6
  Responsibility between LSC and Government .............................................................................. 6
  Responsibility within LSC .............................................................................................................. 6
  Regional implications ..................................................................................................................... 6
Grouping policies ................................................................................................................................. 6
Relationship to other types of impact assessment ............................................................................. 7
Background

1 We have a duty to assess all LSC policies to ensure that no group is discriminated against or disadvantaged, and to look for opportunities proactively to promote equality of opportunity. We recently published our first Single Equality Scheme (SES) which demonstrates our commitment to complying with these statutory duties.

2 Equality Impact Assessment (EIA) is a thorough and systematic analysis of a policy, whether that policy is written or unwritten, formal or informal, and whatever the scope or purpose of that policy. It is an ongoing process which will become embedded in policy development and implementation.

3 All staff involved in policy development need to impact assess their policies before implementing or during a review of that policy.

4 It is important to note that whilst this process is not an end in itself, it is a legal requirement. We should consider it as promoting good practice in preventing discrimination and ensuring that equality and diversity are integral to our day-to-day business. One way to achieve this is to apply the impact assessment process as we fulfil our remit for commissioning and funding learning and skills provision, and in our action as an employer.

Purpose

5 This document is for all staff at the LSC who are involved in the development, review, evaluation and management of policy. It provides an overview of our approach to EIA; includes an Initial Screening Template for completing the first stages of the assessment and guidance on completing a Full Impact Assessment. There is no template for a full impact assessment, to allow for flexibility in presenting evidence in a format suitable for publishing and wider circulation.

Scope

6 All policies and processes must be equality impact assessed, whether they are:

- new policies
- reviews of existing policies, or
- changes to existing policies

7 The definition of ‘policy’ is very wide. It includes those which affect our staff and those which affect our learners and stakeholders, including:

- policies and procedures
- systems and processes
- functions and services
- custom and practice
- decisions
Business Cycle

8 From 2007, all papers with a policy bearing and that require decisions must include a section highlighting the need to consider the equality implications of the policy or change to the policy. This section must also include a timetable for carrying out the EIA. Early impact assessment makes it easier to address impacts and avoids the need for costly changes to a policy later on. Individual policy areas should consider how EIAs fit operationally into their business cycle.

9 We produced an inventory or ‘audit’ of all our national policies in 2006. The audit will be updated regularly to include new policies. It will be published on the intranet to allow us to monitor progress in completing EIAs. This will be measured against the timetable below as set out in the SES. Regions should take responsibility for drafting and reviewing their own audits of policies.

Table 1: Timetable for Equality Impact Assessment

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007 onwards</td>
<td>EIA carried out as an integral part of new policy development and reviewed in line with the business cycle.</td>
</tr>
<tr>
<td>By spring 2008</td>
<td>Initial screening carried out for all policies deemed highly relevant to race, disability and/or gender (see Annex B of the SES).</td>
</tr>
<tr>
<td>By end 2008</td>
<td>For those (highly relevant) policies above, full equality impact assessment completed where necessary.</td>
</tr>
<tr>
<td>By end 2009</td>
<td>All other policies undergo EIA process, including those that are uniquely regional.</td>
</tr>
</tbody>
</table>
Overview

Figure 1: Stages of Equality Impact Assessment

10 Figure 1 shows the eight stages of Equality Impact Assessment. All policies must go through at least stages 1 to 3 (the initial screening phase), but only some policies need to undergo a full EIA.

Initial screening

11 Initial screening uses the available evidence to identify whether the policy could have, or appears to be having; differential or adverse impact on different groups of existing and potential learners and LSC employees.

- If you identify a potential or actual differential impact, you should advance to full impact assessment.
- If no differential impact is identified, there is no need to carry out a full EIA, but the completed initial screening template should be submitted to the Equality and Diversity team for updating the organisational audit, and arrangements need to be made for monitoring and review. These documents will also be published via the Intranet.

Full impact assessment

12 Where differential impact is identified by the initial screening (even if at this stage you do not know whether it is an adverse impact), you will need to:

- build on your findings by consulting and involving relevant groups to explore the barriers and benefits of the policy
• explore your options for action
• record your decision about how you will address the impacts you have identified
• make arrangements to monitor and review the assessment
• publish the results on our website.

Benefits of Equality Impact Assessment

13 The services we offer and the functions that we have should be equally accessible to all. None of us wants to draft a policy or process that excludes a section of the population from access, participation and progression. EIAs provide a critical tool enabling us to monitor and evaluate the effectiveness of our policies in promoting and embedding equality of opportunity across every area of our work.

14 Undertaking an assessment helps you to make sure that your policy properly meets the diverse needs of learners and employees. Working in this way is part of good policy development and management practice. Considering the impact of your policies and decisions is critical to making sure that we achieve the outcomes that we intended and that they are in line with our priorities. Focusing our thinking in this structured way also means that policies and decisions are evidence-based.

15 Effective Equality Impact Assessment helps to:
• draw upon the diverse range of experiences, skills and expertise within the community; and
• enhance our competitiveness by attracting and retaining a workforce that reflects the diversity of our stakeholders and the learners we fund, and therefore have a better understanding of their needs.

Legal Requirements

16 Equality Impact Assessment is a tool which helps us comply with our General Duties to carry out our functions to eliminate unlawful discrimination and to promote equality of opportunity. It is also how we ensure compliance with the specific duty to assess policies for their impact, and monitor for any adverse impact.

17 The impact assessment of policies is a specific requirement under the
• Race Relations (Amendment) Act 2000 in regard to the Race Equality Duty
• Disability Discrimination Act 2005 in regard to the Disability Equality Duty
• Equality Act 2006 in regard to the Gender Equality Duty.

18 Equality Impact Assessment is also a key way in which we can demonstrate we are delivering the requirements of Sections 13 and 14 of the Learning and Skills Act (2000), to have regard to the needs of persons with learning difficulties, and to promote equality of opportunity:
• between persons of different racial groups
• between men and women, and
between persons who are disabled and persons who are not.

19 Whilst at this stage race, disability and gender equality legislation are the key areas where we have a legal duty to conduct an impact assessment, we also need to be aware of the European Directives covering Age, Religion/Belief and Sexual Orientation. These directives also make it illegal to discriminate on any of these grounds. In some cases, it may also be relevant to consider other groups, such as travellers and those from lower socio-economic groups. You should therefore conduct EIA once and cover each of the relevant equality strands simultaneously, where there are relevant data available.

Responsibilities

Responsibility between LSC and Government

20 Where a policy is passed to us from a Government department, we should require an EIA before we agree to proceed with policy development or implementation. In some cases, where a policy is jointly owned with a Government department, it is likely to be appropriate to conduct a joint EIA.

Responsibility within LSC

21 Policy owners are each responsible for carrying out EIA for their policies. Primary responsibility for monitoring this lies with the Change Board, which will require that all papers submitted for decision make reference to an initial screening and, where necessary, a timetable for full EIA.

Regional implications

22 Where a policy is specific to a region, equality impact assessments should be led by that region. Since most policies are developed nationally, most equality impact assessments will be led nationally, with active involvement from regional and area partnership staff, whose input will be key to identifying the regional, local and area dimensions to the application of a national policy.

23 The Single Equality Scheme notes that regional commissioning plans and tender documents will be equality impact assessed. Since the national analysis of the Annual Statement of Priorities will consider the equality impact on regions, regions only need to perform their own impact assessments where regional commissioning differs from the national priorities. Similarly, Regional Quality Improvement Frameworks will only need equality impact assessing where they differ from the National Improvement Strategy.

24 If there is any doubt, an initial screening is a relatively quick and easy way to test whether there are any regional impacts that might not have been picked up nationally.

Grouping policies

25 In some cases, it may be appropriate to conduct a single EIA for a group or ‘bundle’ of policies which share similar aims, although you should ensure that all impacts relating to individual policies are identified. An example of this is the
Equality Impact Assessment of the Skills Strategy, which assessed 23 different policy strands together, helping to:

- combine the work involved in:
  - commissioning and analysing data and
  - undertaking consultation activity.
- consider the overall impact of the combination of policies and
- explore cross-cutting issues.

Relationship to other types of impact assessment

26 Around the same time as your EIA, you will need to conduct other impact assessments, such as regulatory or value for money. Remember that EIA is a specialist undertaking and a legal requirement, so must not be ‘lost’ by conflation with the others, nor should the outcomes of other assessments be lost through the conflation with your EIA. Nevertheless, there may be potential for synergies between the different assessments, for example by jointly:

- commissioning and analysing data and
- undertaking consultation activity