



Equality Impact Assessment Toolkit. Background guidance – November 2008

This is background and guidance for completion of the Board's Equality Impact Assessment (EQIA) toolkit.

The purpose of the EQIA is to improve the way in which the Board develops its policies and functions by making sure that there is no discrimination in the way that they are designed, developed or delivered and that wherever possible equality is promoted.

If you are changing a policy or function or developing new ones you should read this guidance and carry out a full EQIA.

The EQIA assesses and records the likely impact of any policy or function in relation to six main equality issues. These are:

Race	Discrimination is prohibited on the grounds of a persons race, colour, nationality and a persons ethnic origins (including gypsy/travellers, refugees and asylum seekers) in employment and the provision of goods and services. Equality of opportunity and relations between people of different groups should be promoted. Unlawful racial discrimination should be eliminated.
Disability	Discrimination is prohibited on the ground of disability. A physical/mental impairment with a substantial and long-term adverse effect on the ability to carry out day-to-day activities. Equality of opportunity and good relations between disabled and non-disabled people should be promoted.
Gender	Discrimination is prohibited on the grounds of a persons gender in employment and the provision of goods and services. Equality of opportunity between men and women should be promoted.
Religion & Belief	Discrimination is prohibited on the grounds of religion, religious belief – relates only to employment and vocational training.
Sexual Orientation	Discrimination is prohibited on the grounds of a person's sexual orientation in employment and vocational training.
Age	Discrimination is prohibited on the grounds of a person's age - relates only to employment and vocational training.

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The Board and equalities

The Board is committed to fulfilling its equalities duties. The Board has published a Single Equality Scheme with action plans which relate to the Race, Disability and Gender duties. You may be aware of the objectives and strategies outlined within these schemes. Copies can be found on the shared equalities folder or the Board's website.

It is essential that everyone involved in policy/function development and implementation is aware of the need to undertake EQIA as a core and ongoing part of their work. Doing nothing to assess the impact of policies or functions on people who face discrimination and marginalisation is not acceptable and may be unlawful. Impact assessments should be relevant to the equalities legislation and proportionate to our work.

The EQIA covers 4 key areas. These are:

1. **Policy/project/function** – a clear definition of your policy and its aims;
2. **Evidence** - Collecting evidence and engagement with equality groups;
3. **Differential Impact** – reaching an informed decision on whether or not there is a differential impact on equality groups, at what level and what you will do to address any adverse impact;
4. **Measuring outcomes** – stating how you will be monitoring and evaluating the policy to ensure that you are continuing to achieve the expected outcomes for all groups.

What is an 'impact'?

There are two possible impacts to consider in the EQIA:

A negative or adverse impact	Where the impact could disadvantage one or more equality target groups. This disadvantage may be differential where the negative impact on one particular group is likely to be greater than on another. It should be noted that some negative impacts may be intended in order to achieve a differential impact on groups. If a negative or adverse impact is judged to be unlawful (would result in either direct or indirect discrimination) action must be taken immediately to either abandon the policy development or change it to make it lawful.
A positive impact	A positive impact on an equality target group or groups, or improve equal opportunities and/or relationships between groups. The positive impact may be differential, where the positive impact on one particular group of individuals or one equality target group is likely to be greater than on another.

Why carry out an EQIA?

The EQIA is primarily a document to enable you and your colleagues to understand the impacts of your policy, project or function on different equalities groups. Your EQIA will help inform your project plan and will help you promote good practice within the Board.

Your colleagues are likely to read your impact assessment and you should bear this in mind when putting your thoughts together. The action points in your EQIA will be recorded and feedback and progress on these points will be requested from the Equalities Assistant annually. Currently we do not publish our EQIAs publicly but members of the public and any of the public equalities commissions can request copies of our EQIAs.

The EQIA should be an integral part of effective project management. The impact assessment helps to:

- Improve the quality of our service
- Ensure policies/functions are effectively targeted
- Encourage greater openness about policy making
- Anticipate problems and make informed decisions
- Develop good practice
- Avoid claims of unlawful discrimination

When to carry out an EQIA?

An EQIA must be carried out on:

- All new policies/functions/strategies
- All existing policies/functions/strategies

The EQIA should be carried out as part of your project initiation phase. You should start the impact assessment at the point of deciding on the aims and objectives of a new policy or function. This will ensure that you are thinking from the outset about the potential impact on different equality target groups.

Everything proposed should at the very least be screened for potential relevance to race, disability and gender equality. You should carry out at least the first two steps of the EQIA process.

Given that the principles of relevance and proportionality apply, the time and resources given to impact assessment and consultation will differ according to the relevance of the function and proposed policy to equality. For example, the level of relevance will inform decisions about the extent of data collection and analysis around a proposed policy, and/or how much consultation is undertaken.

We are all responsible for incorporating equality and diversity into our policy areas and functions. This should be a continuous process, starting at the beginning of each project.

How long will the assessment take?

There are nine steps in an EQIA. The initial screening (steps one and two) should take no more than a couple of hours, and involves information you should already have to hand.

The full EQIA will involve considering available data and consultation with colleagues and other organisations. This can take time and should be taken into account at the start of your project planning process. You should allow up to four weeks to complete the full EQIA

You should revisit your EQIA at any point during your project and it should be amended as a result of changes to your policy or function.

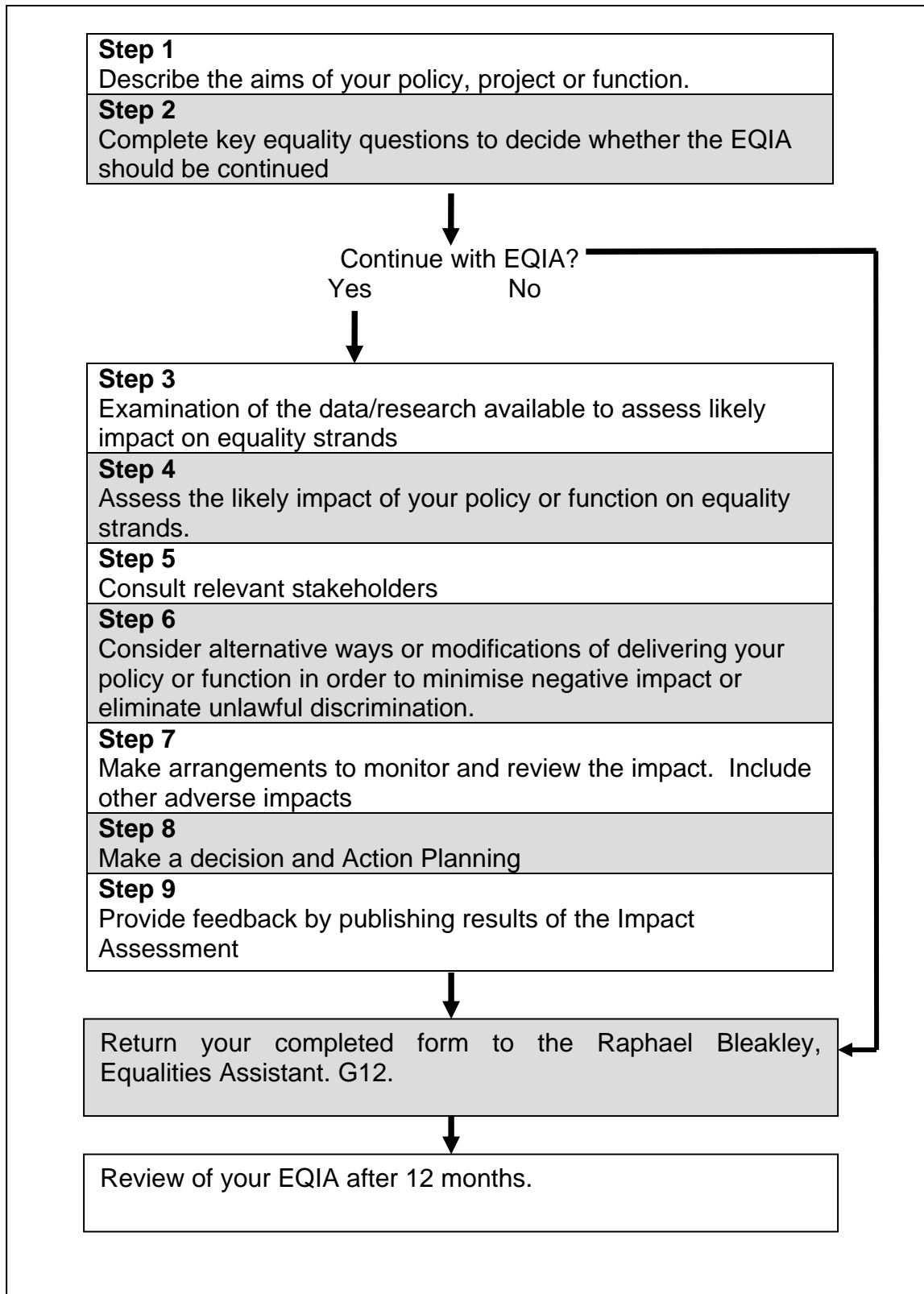
A note about this template

Complete as many areas as you can. There are lots of areas for free text but also tick boxes. To activate and fill the tick boxes, double-click on the box and click the 'checked' button.

Tips and general guidance

1. The Equality Impact Assessments are part and parcel of effective project management.
2. You should complete a full assessment if you manage or intend to establish a direct public service.
3. The EQIA are designed to be a positive but challenging process. It is not an exact science and a common-sense approach is required.
4. All plans should include the time to make changes to a project or function as identified by the EQIA. It should not be a last-minute check.
5. The EQIA should be undertaken in partnership with stakeholders and is unlikely to be completed immediately.
6. Completing the EQIA form is similar to completing a risk assessment. It involves predicting and assessing what the implications of a policy etc will be on a wide range of people with different and varied life circumstances.
7. It is particularly important that managers understand that they have a legal duty to assess the impact of the policy/function on minority ethnic communities and to consider the promotion of race equality and the elimination of race discrimination.

THE NINE STEPS OF EFFECTIVE IMPACT ASSESSMENT



Step 1. Describe the aims of your policy, project or function.

The first step of the impact assessment process is to identify what the policy is designed to achieve, or the function of your department. Much of this detail will already be in the project initiation documents.

Until you have had a chance to complete the first steps of the impact assessment please assume that your proposed policies or functions will have an impact across the main equality issues.

You should consider the following:

- How will you put the policy into practice, and who will be responsible for it?
- What are the aims, objectives and outcomes that you want to achieve with the policy?
- How will you measure progress towards and/or achievement of these outcomes?
- What will be affected? This should cover all areas involving legal aid or corporate functions and may include:
 - Advice and assistance
 - Civil legal aid
 - Criminal legal aid
 - ABWOR
 - Assessments
 - Key corporate functions
- Are there any associated objectives?
- What factors could contribute/detract from the outcomes?
- Who are the key stakeholders in relation to the policy?
- What resource implications are linked to this policy/function?

Add as much detail as you feel necessary as this will help you in the later stages of your assessment.

Step 2. Complete key equality questions to decide whether to continue with the EQIA

This step is to identify whether your policy or function requires a full impact assessment. You should think carefully about all the aspects you described in Step 1 before answering. You should comment as fully as possible on your reasoning for each response.

You should complete a full EQIA

- When a policy has a specific impact on an identified group.
- When providing a direct public service.
- Where there is a need for further research and involvement from other groups.
- If you have answered 'yes' to four or more questions.
- If with discussion with the equalities assistant that you agree you should continue with a full EQIA

When to decide not to continue with a full EQIA

- When it is clear that equalities groups will not suffer a negative impact.
- Where you are sure that the function/policy does not involve equalities groups.
- If you are clear that there is no further action required.
- If you answered 'yes' to three or fewer questions.

At this stage, whatever the decision, you should complete the covering form and return your assessment of Steps 1 & 2 to Raphael Bleakley, equalities assistant, G12. If you have taken the decision not to continue with the EQIA, you will have no further actions.

If you have decided to continue with your impact assessment, please continue to Step 3.

Step 3. Examination of the data/research available to assess likely impact on equality strands

This step asks you to identify the evidence available to you. This step will help you identify impacts on equality groups (Step 4). You will need to ask what you know about the characteristics and needs of the people who will be affected by your policy or function. You will also need to consider how you will identify the data required and how to collect any other data that will enable you to assess the likely impact of the policy.

You may already collect data, hold relevant monitoring reports, or have conducted research exercises. This step is different to step 1, as you are specifically considering evidence which may show impacts on equalities groups and identifying where this evidence is held and what is missing.

You should:

- Provide an explanation of the evidence behind the reasoning for introducing your policy or function and list the evidence used for implementing the new police or changes this change.
List what the Board currently does and what opportunities for promoting the equalities groups listed on page 1 of this guidance are provided.
- Record what we know from existing data. Data collection techniques could include consultations, surveys, databases, focus groups, in-depth interviews, pilot projects, reviews of complaints made etc.
- Record the gaps in data that are apparent.

Points to remember:

- Evidence may indicate that there may or may not be an equality impact associated with a policy
- The absence of evidence does not necessarily mean that there is no impact on equality
- You should make arrangements to obtain the relevant information to help in the process of deciding whether or not a policy has a differential adverse impact. You can build these arrangements into your project plan.

It maybe the case that relevant data is currently not held by the Board. You are not required to have a research background or have experience of consulting with stakeholders. These are corporate functions which if required could be carried out by Policy & Development. It is recommended that you liaise with the Policy & Development team when considering the data and research available to you.

Step 4. Assess the likely impact of your policy or function on equality strands.

The toolkit allows you to consider each of the six equality strands to describe any differential impact that may occur. This is important to ensure that we cover our obligations under the equalities duties and regulations.

You can use the information you have gathered to decide whether your policy/function could affect equality groups differently and whether any of these differences constitutes adverse or differential impact.

If the results of your analysis lead to a finding of potential adverse impact and/or unlawful discrimination you will need to move to step 5 and investigate the processes and tackle any barriers or failings you find. You may need to consider alternative ways to achieve your policy objectives.

Questions to inform your responses:

- Is there an adverse impact on any equality group in respect of the data?
- Could the way the policy is carried out have an adverse impact on either:
 - Equality of opportunity for some groups?
 - Good relations between different groups?
- Does the policy/function promote equality of opportunity and/or good relations?
- Is the policy directly/indirectly discriminatory, if so can this be justified?
- Is the policy intended to increase equality of opportunity by permitting positive action to redress disadvantages? If so, is this unlawful?

Remember that the Board has published equality schemes relating to the Race, Disability and Gender duties. Copies of these can be found within the shared/equalities folder. Links to the schemes, equality strategy and external sources can be found in Appendix 1.

Step 5. Modifications that may better achieve the promotion of equality of opportunity

If your assessment shows that your policy is likely to have an adverse impact on some groups you need to consider ways of dealing with these. You could amend the policy/function or in the way you plan to implement it, in order to remove or lessen the adverse impact.

You will need to carefully consider if alternative policies do not discriminate against other groups or fail to deliver the policy/function intended.

You should consider the following areas:

- What are the options?
- Is modification of the policy/function required?
- How does each option affect different groups?
- Will the alternatives help promote equality of opportunity, improved treatment and access?
- If one option is adopted, what are the implications?
- Can you justify proceeding with an indirectly discriminatory policy? Can you argue credibly that the policy aims and objectives were essential and justifiable to the organisation and that the means employed are appropriate and necessary?
- What are the overall cost implications of these potential modifications?

Promoting Equalities

There may be a number of simple and obvious ways you can promote positive practice and good relations between different groups. Here are just a few suggestions:

- Does the wording of major communications contain a gender balance?
- Do images in publications show a gender or ethnic mix?
- Are new tools for staff/customers easily accessible for all?

Step 6. Consult relevant stakeholders

Involvement and consultation is a key part of the EQIA process. It should involve internal groups and where possible equalities target groups. The Race Equality Duty uses the term 'consultation', whilst the Disability Equality Duty uses the broader term 'involvement'. As a matter of best practice, when developing your policy/function you ought to consider how each group could be involved.

You should consult on any amendments to your policy/function and the outcome of this EQIA. You should be clear as to the aims of your consultation, the timescale and who to consult with. If your project plan has a built in consultation or review period you should outline your plans here. Your consultation should highlight the impacts on equalities groups you have identified and the options you have for modification.

Options for consultation can involve presenting your findings to your project board; the Equalities Advisory Group; members of the executive team; professional bodies such as the Law Society and other stakeholders.

Step 7. Make arrangements to monitor and review the impact.

You will need to make arrangements to monitor the policy regularly. It is important that any future monitoring should show how the policy/function impact on protected groups so that it can help you to further refine and improve your service.

Monitoring data will involve reviewing the information so that you make improvements or changes if these are necessary. Planning for regular monitoring and review is vital. You should aim to consider whether the right changes have been made or whether further action still needs to be taken.

The key to evaluating policy is good management information. This can be by data collection and/or research but should include engaging with the appropriate people from different groups or communities (see step 3). This will give you indicators that will enable you to assess how far your policy is achieving the desired outcomes. This information may be collected as part of your ongoing monitoring, or may be a separate qualitative exercise.

You should discuss your proposed monitoring arrangements with the Research & Development team to decide how and when you will implement and monitor your policy/function.

Step 8. Make a decision and plan for action

The decision should be based on the following key factors:

- The aims and objectives of the policy
- The results of the impact assessment
- The relative merits of other policies
- The results of your consultation

The impact assessment process will have helped identify your action plan. Actions should have clear milestones and expected outcomes. This is the crux of the EQIA process and ensures that identified areas for action are taken forward.

Each action should be clear and achievable. Someone should be responsible for ensuring actions are taken forward and milestones should be set. A short description of the expected outcome should be included.

Actions can include commitments to reviewing policies; setting up data collection procedures as well as monitoring your data.

Step 9. Provide feedback of results of your Impact Assessment

You should ensure that the outcomes and findings of your EQIA are shared with your project team, project board members and also sent to Raphael Bleakley. The EQIA will be kept within the shared/equalities folder and a review of your action points by the lead person responsible should be carried out every six months.

A summary of all findings and resulting actions in each quarter will be presented to the equalities project board and progress shall also be reported along these lines.

If there are changes to your project or functional area at a later date you should consider revising your impact assessment accordingly and notify Raphael Bleakley at the earliest opportunity.

Reviewing your EQIA

Your EQIA is not a one-off document. Once you have completed it you are responsible to ensure that the action points identified are carried out and that your EQIA is reviewed.

You will be asked to review your EQIA annually and record any changes that may be necessary. If you feel that a new EQIA for your function or policy is required you should complete one at the earliest opportunity. You will also be expected to report on the progress against the areas identified for action in your EQIA.

Glossary

Age	Refers to workplace discrimination including young and old.
Differential Impact	Is where a policy or function has a different and often less beneficial outcome for one or more service user or employee group when compared to another. It may also be a recognition that a universal approach to a service or function means that certain groups of people are unable to access the service for specific reasons, as it fails to acknowledge people's different needs.
Direct Discrimination	Treating one person less favourably than another because of their race, gender, age, sexual orientation, disability, religion or belief.
Disability	Is defined as: "A physical or mental impairment that has a substantial long term adverse affect on our ability to carry out normal day to day activities. The definition includes those with progressive conditions such as HIV, cancer, multiple sclerosis from the point of diagnosis and those with hidden disabilities such as epilepsy and diabetes if they meet the criteria above.
Function	The full range of a public authority's duties and powers.
Gender	Refers to the wider social roles, attitudes, values and behaviours attributed to women and men by society which structure men's and women's lives.
Indirect Discrimination	Occurs where a provision, criterion or practice applied equally to everyone actually has a disproportionate adverse impact on people from a particular group.
Policy	The formal and informal decisions about how a public authority carries out its duties and uses its powers.
Positive Action	Any policy targeted at a particular group by definition will have a differential impact on other groups. The assessment of this impact must take into account whether it is lawful and justifiable to address the needs of a particular group and also whether it promotes equality of opportunity and good relations.
Race	Described by the Crown Office as 'A human group that defines itself or is identified by others as culturally different by virtue of inherited physical characteristics which cannot be changed'.
Religion & Belief	The Employment Equality (Religion or Belief) regulations do not explicitly define what is or is not a Religion or Belief. It is likely to cover things such as collective worship, a clear belief system or a profound belief affecting the way of life or view of the world.
Sexual Orientation	Sexual orientation is defined as 'same sex' - lesbian/gay - 'opposite sex' - heterosexual - and 'both sexes' – bisexual.

Links to useful resources.

Equalities Overview	The Board's Equality Webpage Equality and Human Rights Commission Scottish Government Equality Unit Law Society Equality & Diversity Strategy
Race	Scottish Government's Race Equality Scheme Equality and Human Rights Commission
Gender	Scottish Government's Gender Equality Scheme Equality and Human Rights Commission
Disability	Scottish Government's Disability Equality Scheme Equality and Human Rights Commission
Age	Department for Business and Regulatory Reform (BERR) Scottish Government & Age Equality Equality and Human Rights Commission
Sexual Orientation	Women & Equality Unit Scottish Government & Sexual Orientation Equality and Human Rights Commission
Religion & Belief	Equality and Human Rights Commission Scottish Government Religion & Belief