[1]EQUALITIES IMPACT ASSESSMENT (EIA) GUIDANCE

Introduction

Statutory duties have been introduced to encourage a proactive approach to the promotion of equal opportunities. These duties are introduced by:

- The Race Relations (Amendment) Act 2000: The Race Equality Duty, enforced April 2001
- The Disability Discrimination Act 2005: The Disability Equality Duty, enforced December 2006
- The Equality Act 2006: The Gender Equality Duty, enforced April 2007.

Commission for Equality and Human Rights (CEHR)

- CEHR will begin on 1 October 2007
- Race, gender, disability AND sexual orientation, religion or belief and age
- Significant - first time there will be an enforcement body to take forward cases on sexual orientation, religion and belief and age.

The legislation for race, disability and gender requires us to carry out general and specific duties in relation to equality. Within this legislation it states a statutory duty to carry out Equalities Impact Assessments (EIA).

Please note the word 'activity' will be used throughout this guidance to cover any policy, procedure, strategy, proposal, function etc

What is an Equality Impact Assessment?

An EIA is a tool to improve the work of an organisation by making sure it does not discriminate and where possible, it promotes equality. It is a way to make sure staff think carefully about the likely impact of their work on equality groups and take action to improve strategies and initiatives where it has a negative impact. It involves anticipating the consequences of the Council's activities on different sections of the community, making sure that, as far as possible, any negative impacts are minimised or eliminated and that opportunities for promoting equality are maximised.

Within this process each service should identify and include all of the activities it undertakes on behalf of the Council including the policies, procedures and strategies etc associated with that given activity.

An EIA should be conducted in the manner of a risk assessment, which involves predicting and assessing what the implications of the 'activity' are likely to be. All effort must be made to consider the impact on, as wide a range of people and their varied needs as possible.

Cross cutting issues may apply when assessing positive or negative impacts. Identifying any cross cutting issues will allow officers completing the EIA to pin point more accurately those people who could be particularly affected by any negative impacts that the 'activity' may have. This is important because cross cutting issues can act to heighten any potential disadvantages the equality target groups may experience. The effect of cross cutting issues on negative

impacts should be thought of as layers which have a compounding effect on each other making a person increasingly more vulnerable to discrimination.

Examples of cross-cutting issues:-
• Rural isolation and geographic location
• Low income
• Disability

Who should carry it out?
It is advised to conduct EIA by using a group of people who are aware of the activity and its associated policies etc, its intentions, and how it affects members of the public. Involvement could include policy makers, frontline staff, specialist staff, individuals from equality target groups etc.

• Utilise the knowledge and expertise of staff/management
• Analyse the outcomes of previous consultations
• Analyse previous complaints, comments, evaluations and monitoring processes
• Analyse research/reports; including new research being published
• Seek advice from internal/external specialists in related fields and/or those staff who have been involved in the implementation of previous 'activity' in the area under analysis

When should it be done?
Once all existing activities etc have been assessed an EIA should be carried out when:
• Developing a new policy, function, procedure etc
• Reviewing existing policies, functions, procedures etc
All managers are responsible for incorporating equalities into their areas of work.

An EIA is an ongoing process rather than a one-off exercise. The outcomes and recommendations of the assessment should be fed into the future developments of the activity. It is important to remember that any modification must also go through the EIA process.

Do not be deterred from continuing the EIA if there are deficits in information; note what they are and carry on to gain completion of the assessment. In some instances it may be that we do not know what the impact will be on every group.

Impact and Relevance
High relevance – implies that there is lots of evidence or concern about negative impacts on different groups.

Medium relevance – implies that there is some evidence or concern about negative impacts on different groups.

Low relevance – implies that there is little evidence or concern about negative impacts on different groups.

No relevance – implies that there is no evidence or concern about negative impact on different groups

Consultation
All EIA should include consultation with relevant stakeholders to ensure that no unjustified negative impact on any particular group or groups of people occurs.

An equalities consultation forum is being developed corporately to scrutinise all impact assessments, in addition to any consultation departments carry out.

Recommendations and Monitoring Procedures
It is essential that the recommendations elicited from the EIA are acted upon, this will involve the development of an action plan with named lead officers and time-scales.

A copy of all signed EIA must be sent to the Equal Opportunities Officer.

Glossary of terms (with examples where appropriate)

Impact Assessment: The goal of impact assessments is for the authority to be enabled to gauge, audit and assess how the existing or proposed 'activity' will effect communities including equality groups.

'Activity': is everything that we do as an employer and service provider. We must identify and impact assess all the activities that we undertake on behalf of the Council including the policies, procedures, strategic plans, projects, proposals for service provision/change, care plans, service plans, single shared assessments, carer assessments etc. associated with that given activity.

Positive Impact: A positive impact is an impact that could improve equal opportunities and / or relations between different groups. Positive impacts are permissible but you must always be able to demonstrate that positive impacts are justifiable in law and do not amount to discrimination for any other group.

Negative Impact: A negative impact is an impact that could disadvantage one or more groups. This disadvantage may have a greater impact on one group than another.

Direct Discrimination: Treating a person less favourably than another on any grounds, including those of race, disability, gender, sexual orientation, religious belief or age.

Example: A forklift operator discovers that her male job-share partner is being paid a higher salary than she is although they both have the same range of skills and experience and perform the same tasks. When she approaches her manager to ask why this is the case she is told that the other member of staff is more senior in age than her; and it has always been company policy to pay those who are older in age more money. This comes under the Employment Equality Act (Age) Regulations 2006 and may also come under the Equal Pay Act (1970) if it is found that only more "senior" **male** forklift operators are paid more.

Indirect Discrimination: The application of a 'provision, criterion or practice' that puts groups of people or individuals at a particular disadvantage and can not be shown to be a proportionate means of achieving a legitimate aim.

Example: A security firm advertises for staff and includes a height requirement of 6ft 2ins. This is indirect discrimination because men are normally taller than women, therefore the height requirement puts women at a particular disadvantage when compared to men. This also discriminates against races where men and women are on average smaller in stature, e.g., those of Chinese decent. Comes under Gender Equality and Race Equality. The legislation underpinning these are the Sex Discrimination Act (1975) amended (1986). Also comes under the Race Relations Act 1976 and Race Relations (Amendment) Act (2000).

Harassment: Harassment is conduct that violates a person's dignity or creates a hostile, intimidating, degrading, humiliating or offensive environment.

Example: A lecturer whose son is gay and attends the College where his father works, frequently has comments made to him by both staff and students on his son's sexual orientation. Comes under the Human Rights Act (1998) and the Scotland Act (1998).

Victimisation: Victimise a person because they have made or intend to make a complaint or seek to ascertain the right they have or, have given or intended to give evidence in relation to a complaint of discrimination.

Example: A worker gives evidence for a colleague who has brought an Employment Tribunal claim against the organisation of discrimination on the grounds of race. When the worker applies for a promotion to a management position, his manager tells him that they are rejecting his application because he is viewed as a "troublemaker" and, consequently, not suitable management material. Comes under the Human Rights Act (1998) and the Scotland Act (1998).

Equalities Impact Assessment

Please note the word 'activity' will be used throughout this guidance to cover any policy, procedure, strategy, proposal, function etc

Column 1 – What is the overall service area that you are assessing? Is it the whole department or the area of work that you are responsible for?
Column 2 – Are there sub-services / areas under the overall service? If so what are they?
Column 3 – What are the specific activities under each of these service areas?
Column 4 – Who is responsible for delivering this activity?
Column 5 – What does this activity do? What is its primary purpose? Is it aimed at all groups or sections of society?
Column 6 – Which groups of the population do you think will be affected by this activity? Please indicate whether high, medium, low or no relevance in column 7.

State overall service area	State sub-service areas	Title of 'activity'	Who are the main department(s) / people involved in delivering this activity?	What are the intended outcomes of the activity? How does the service user use this service?	Please indicate the groups that you believe could be affected by this activity is of high, medium, low or no relevance? Those high, medium and low will be assessed in-depth on p 7 & 8	Please state whether high, medium, low or no relevance.
Safer Communities incorporating Antisocial Behaviour Service	Community Warden Service – Dog Fouling	Safer Strategy - Making Moray a safer place to live, work and visit.	Safer Communities (incorporating Antisocial Behaviour service) have ultimate responsibility but work in partnership with Housing Dept and Associations, Registered Social Landlords, Grampian Police, NHS Grampian, Grampian Fire and Rescue Service, Victim Support Moray	Promotes and enhances safety throughout Moray and to tackle antisocial behaviour appropriately and to make Moray a safer place to live, work and visit. Service users can make complaints regarding antisocial behaviour which will be tasked for investigation accordingly. Safer Communities initiatives are advertised throughout the community appropriately dependent on the initiative. It benefits the community as a whole.	Race & ethnic* minority people (incl. travellers	LOW
					Gender (or transgender)	NO
					Disabled people	NO
					People in religious/faith groups	NO

		Older people, children and young people	LOW
		Lesbian, gay, bisexual and transgender	NO
		Below are optional non-statutory groups to assess if there is an impact	
		Homeless people	NO
		People with mental health problems	LOW
		People involved in the criminal justice system	LOW
		People of low income	NO
		Staff	NO
		All of the above	

Participants involved in this equalities impact assessment. Who is carrying out this assessment - policy makers, front-line staff, specialist staff etc? Who has been involved?	**Were any equalities groups consulted. Give details if so.** Impact assessments will be passed to the Equal equalities forum via the Opportunities Officer	**Were any community groups consulted. Give details if so.**	**Details of any other evidence used to assist this assessment.** What else have you used to inform this assessment ie surveys, statistics, general information?

Andy Jamieson, ASB Co-ordinator. Emma Armit, Project Officer (Safer)	Equalities Forum has been consulteted as part of the recent Safer Communities survey which incorporates this issue.	There is regular contact with Area Forums and Community Councils regarding this issue. Citizens Panel members take participate in a survey which incorporates this issue.	Antisocial Behaviour (Scotland) Act 2004 Dog Fouling (Scotland) Act 2003 Safer CommunitiesCitizens Panel Survey 2009 Single Outcome Agreement 2008/09 Safer Strategic Assessment 2008/09 National Intelligence Model
Is there additional information or evidence required to assist with this assessment?			
Findings from periodic surveys carried out through citizens panel by Craigforth.			

Things to look for in all documents:-
- Language used – it is recommended that plain English be used as far as is practicable, and that the "document" is available in other languages and/or formats if requested".
- Layout of document – Arial 12 is used and formatting should be consistent avoiding unnecessary "clutter" e.g., underlining, use of boxes.
- Terminology – be aware of using terminology that can be construed to be offensive, e.g. "poor" people; "deaf and dumb".

Completing only the groups that have been prioritised as high, medium or low on page 5:-

Consider all the:-
Positive impacts (Column B)

A positive impact is an impact that could improve equal opportunities and / or relations between different groups. Positive impacts are permissible but you must always be able to demonstrate that positive impacts are justifiable in law and do not amount to discrimination for any other group.

➢ Within your activity, what positive initiatives, services etc are already in place i.e. translation and interpretation services?

➢ Look at the activity and examine how it will be used by each of the groups based on your assessment and decide if you are positively discriminating in some areas.

➢ Which, if any, equality group is affected positively by these activities? How do you know?

Negative impacts (Column C)
A negative impact is an impact that could disadvantage one or more groups. This disadvantage may have a greater impact on one group than another.

➢ What gaps exist which could have a negative impact?

➢ Can it be accessed by all groups equally or are there negative impacts at the moment which need to be addressed?

➢ Which equality group, if any, is affected by these gaps?

Equality Group	**Column B** Positive impacts of policy or function. What we've got in place.	**Column C** Negative impacts of policy or function. What we need to put in place.
● **Black & Ethnic Minority people (incl. gypsy/travellers, refugees & asylum seekers)**	Increases the quality of life and provides safer/cleaner communities for all. Community Safety Initiatives and ASB reporting/measures benefit the community as a whole regardless of ethnicity.	No specific targeting of these groups but remit covers all groups. More consultation with groups. Possible language barriers in accessing projects.
● **Gender (or transgender)**	Increases the quality of life and provides safer/cleaner communities for all. Community Safety Initiatives and ASB reporting/measures benefit the community as a whole regardless of gender.	
● **Disabled people**	Increases the quality of life and provides safer/cleaner communities for all. Community Safety Initiatives and ASB reporting/measures benefit the community as a whole regardless of disability. Works towards reducing crime and fear of crime.	Initiatives may not always be suited to persons with disabilities depending on initiative.

	Positive targeting of vulnerable people in relation to home/fire safety.	No negative impact
People in religious/faith groups	Increases the promotion of quality of life and provides safer/cleaner communities for all. Community Safety Initiatives and ASB reporting/measures benefit the community as a whole regardless of faith/beliefs. Works towards reducing crime and fear of crime.	

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Group		
• **Older people, children and young people**	Increases the promotion of quality of life and provides safer/cleaner communities for all. Community Safety Initiatives and ASB reporting/measures benefit the community as a whole regardless of age. Works towards reducing crime and fear of crime. Positive targeting of • vulnerable people (young/old) in relation to home/fire safety • over 55's driver days to promote road safety • young drivers targeted for road safety campaigns/education	Many initiatives focused on young/old people could be removing focus from other groups.
• **Lesbian, gay, bisexual and transgender**	Increases the promotion of quality of life and provides safer/cleaner communities for all. Community Safety Initiatives benefit and ASB reporting/measures the community as a whole regardless of sexual orientation. Works towards reducing crime and fear of crime.	No negative impact
• **Homeless people**	Increases the promotion of quality of life and provides safer/cleaner communities for all. Community Safety Initiatives benefit and ASB reporting/measures the community as a whole regardless of residential status. Works towards reducing crime and fear of crime.	No negative impact
• **People with mental health problems**	Increases the promotion of quality of life and provides safer/cleaner communities for all. Community Safety Initiatives and ASB reporting/measures benefit the community	ASB Legislation and its measures does not apply to individuals with mental health issues.

Group		
	as a whole regardless of health issues. Works towards reducing crime and fear of crime. Positive targeting of vulnerable people in relation to home/fire safety.	Could be effected by enforcement measures under this service if they are in the system.
• **People involved in the criminal justice system**	Increases the promotion of quality of life and provides safer/cleaner communities for all. Community Safety Initiatives and ASB reporting/measures benefit the community as a whole regardless. Works towards reducing crime and fear of crime. Positive targeting of vulnerable people in relation to home/fire safety.	
• **People of low income**	Increases the promotion of quality of life and provides safer/cleaner communities for all. Community Safety Initiatives and ASB reporting/measures benefit the community as a whole regardless of status. Works towards reducing crime and fear of crime. Improved quality of life with no financial implication to individual as majority of initiatives of partnership are funded. Positive targeting of vulnerable people in relation to home/fire safety.	Would not perceive any negative impacts as all initiatives are free to the public.
• **Staff**	Increases the promotion of quality of life and provides safer/cleaner communities for all. Community Safety Initiatives and ASB reporting/measures benefit the community as a whole regardless of employment. Works towards reducing crime and fear of crime.	No negative impact.

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Guidance Note: Please set out the series of recommendations to address negative impacts listed. These should include recommendations to address negative impacts listed.

Recommendation Make sure any changes proposed are again assessed to ensure it does not discriminate towards any group. What are you going to do to meet equalities requirements? You may need to prioritise these actions if there are a lot of them.	Person / Department / Partner agency responsible for implementing recommendation	Date recommendation to be completed by
Recommend to positively target minority groups in relation to initiatives. Continue to provide Safer Communities literature in different languages/ to various communities. Continue Community Warden involvement in hard to reach communities. Continue media usage to promote work to all groups within the community.	Andy Jamieson, Antisocial Behaviour Co-ordinator.	
		<u>Review Date –</u>
Final Sign Off. **Signature of impact assessor –** **Signature of manager –** **Date Work Completed –**		**Date passed to Equal Opportunities Officer -**
From the outcome of the EIA, have negative impacts been identified? **Who is responsible for drawing up the Action Plan to carry out the recommendations above?** **Date to be drawn up by –**		

*Notes for Guidance: Groups that are recognised by legislation as having ETHNICITY STATUS are:

Gypsies of Irish or Scottish origin, Jews and Sikhs.   It is recognised that those groups share a common culture and identity and have done so for many hundred years.