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Equality Impact Assessment Guidance

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1. INTRODUCTION

An Equality Impact Assessment (EIA) is a tool for ensuring that we do not discriminate and that we promote equality and take action to address inequality. It provides a thorough and systematic analysis of any new or revised function or policy by assessing the likely impact on people with protected characteristics and other vulnerable groups.

We carry out EIAs because it is good practice and demonstrates how we take equality issues into consideration in our decision making process. EIAs help us to identify potential improvements to services and identify the real and possible inequalities people experience. They help the Council to mainstream and integrate equality into their policy making and delivery of local services, and to also be a better employer.

The Legal Framework

The Equality Act 2010 and the public sector Equality Duty

Under the public sector **Equality Duty** (PSED), (part of the Equality Act 2010) all public sector organisations must show that they have identified and considered the actual and potential impact of their activities on all people with protected characteristics. We have a duty to have due regard to the need to:

- 1. Eliminate unlawful discrimination, harassment and victimisation
- 2. Advance equality of opportunity between people who share a relevant protected characteristic and those who do not share it
- 3. Foster good relations between people who share a relevant protected characteristic and those who do not share it

Having 'due regard' means consciously thinking about the above three aims of the PSED, as part of our decision-making. For example, when we develop, evaluate and review our policies and services we need to:

- consider how to remove or minimise disadvantages suffered by people with protected characteristics
- tackle prejudice
- promote understanding
- encourage people with protected characteristics to participate in activities where participation is disproportionately low
- consider if there is a need to treat disabled people differently, including more favourable treatment where necessary

There is a specific duty for us to publish information, at least annually, to show that we consciously think about the three aims of the PSED as part of our decision-making. MVDC does this by undertaking EIAs and publishing these on the <u>Council's website</u>. In addition, we are required to set and publish objectives for reducing inequality. Our objectives are set out in our <u>Equality Policy Statement and Equality Objectives 2022-26</u>.

People with Protected Characteristics

Protected characteristic	Detail of what is covered
Age	A person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).
Disability	A person has a disability if they have a physical or mental impairment which has a substantial and long-term negative effect on that person's ability to carry out normal day-to-day activities. The definition includes: sensory impairments, impairments with fluctuating or recurring effects, progressive, organ specific, developmental, learning difficulties, mental health conditions and mental illnesses, produced by injury to the body or brain. Persons with cancer, multiple sclerosis or HIV infection meet the disability definition from the day of diagnosis. While Long Covid is not automatically a disability, it may amount to a disability for particular individuals.
Gender reassignment	In the Act a transgender person is someone who proposes to, starts or has completed a process to change his or her gender. A person does not need to be under medical supervision to be protected.
Marriage and civil partnership	In the Equality Act, marriage and civil partnership means someone who is legally married or in a civil partnership. Marriage can either be between a man and a woman, or between partners of the same sex. Civil partnership is between partners of the same sex. People who are married or in a civil partnership are protected from direct and indirect discrimination and victimisation.
Pregnancy and maternity	Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.
Race	A group of people defined by their colour, nationality (including citizenship) ethnic or national origins. This includes people who identify as Gyspy, Roma or Traveller.
Religion or belief	Religion means any religion and includes a lack of religion. Belief means any religious or philosophical belief including lack of belief. Generally, a belief should affect your life

The PSED covers the following nine protected characteristics:

Protected characteristic	Detail of what is covered		
	choices, or the way you live for it to be included in the definition.		
Sex (Gender)	Someone being male or female or a group of people e.g. women or boys		
Sexual orientation	Whether a person's sexual attraction is towards people of their own sex, the opposite sex or to both sexes.		

The PSED requires public bodies to consider how their activities as employers impact people with protected characteristics. If a proposal affects staff, we should identify these impacts and concerns in the EIA.

Other Vulnerable Groups

Although not included in the PSED, MVDC recognises that there are other vulnerable groups who may be subject to inequality including:

- Carers
- Members/ex-members of the Armed Forces
- Low income households
- People experiencing domestic and/ or other forms of abuse
- People experiencing homelessness
- Looked after children/ care leavers
- Those living in deprived areas
- People experiencing digital exclusion (no ready access to a personal computer and the internet)
- People who are unemployed or who are experiencing barriers to employment
- Offenders/ ex-offenders
- Migrants, refugees, asylum seekers

When to complete an EIA

An EIA is likely to be required in the following circumstances:

- Planning or developing a new policy, service, function or strategy
- Substantial revision to existing policy
- Minor policy change with a major impact on a particular group
- Budget change
- Service review (including decommissioning of services)

Things to consider:

- Is the policy, decision or service likely to be relevant to people because of their protected characteristic?
- How many people is it likely to impact?
- How significant are the impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

You will need to consider both positive and negative impacts your proposal is likely to have and consider how you will mitigate against any potential negative impacts you identify and maximise positive impacts. For any impacts that cannot be mitigated, you should explain why these cannot be mitigated.

EIAs should be developed as part of the development, evaluation and/or review of a policy or service, and should not be carried out after a decision has been made. If the impact of a proposal cannot be known for sure until after it is implemented, the outcome should be monitored and reported back to the decision maker.

If we cannot demonstrate that we have given due regard to equality impacts, our decisions can be overturned by the Human Rights Commission or at judicial review on this basis.

Who to involve when developing an EIA

A key principle for completing an EIA is that they should not be done is isolation. Be open and inviting; ask your colleagues, BMT, SLT and the Corporate Governance and Strategy Team to contribute. They may be able to provide different perspectives, experiences and challenges, especially if they will be involved in implementing any actions or changes resulting from the EIA. There are two Member Equality Champions, one for ethnic minority groups and one for people with disabilities. Please remember to share your EIA with them for their input at an early stage.

Consultation with affected groups and stakeholders should also be built in from the start to enrich the assessment and inform relevant mitigation.

2. COMPLETING AN EQUALITY IMPACT ASSESSMENT

The <u>Equality Impact Assessment template</u> is available on Molly. Please ensure you are using the latest version.

Sections of the EIA

Section 1: Introduction

Use this section to record some basic information about the proposal and who is completing the EIA.

Section 2: About the proposal

This is where you give a full description of what you are assessing:

- Describe the current status and the changes. Explain what you want to achieve
- Explain who carries out or delivers the policy, strategy, service or function
- Give your rationale for writing the EIA
- Identify who could be affected by the changes and how people could be affected

You should be able to describe the proposal(s) in a way that would be easily understood by a member of the public who may not have your specialist technical or professional knowledge.

A change may not affect all people who have protected characteristics; sometimes there may be little or no impact on some groups.

You should explain how your proposal fits into the wider plans and priorities of the Council and partners. This can help identify what other sources of information or consultation results may be available that are relevant to your assessment.

Section 3: Assessment of potential impact of the proposal on people with protected characteristics and other vulnerable groups

The next step is to make an informed assessment about the actual or likely impact that the proposal will have on the nine protected characteristics included in the PSED, plus the additional vulnerable groups identified by MVDC.

These impacts could be positive or negative:

Positive impact	Positive impact is where a policy, service or function could benefit one or more groups, or improve equal opportunities and/or relationships between groups
Negative impact	Negative or adverse impact is where a policy, service or decision disadvantages one or more groups

When assessing potential impacts, consider whether the proposal will:

- Impact one or more protected characteristic and/or other vulnerable group? How and to what extent? How many people will be affected? Is the impact positive, negative or both?
- Affect different groups disproportionately? Is there evidence of higher or lower participation by certain groups?

- Constitute unlawful discrimination? For guidance on what is unlawful discrimination, refer to the <u>Equality and Human Rights Commission's guidance and Codes of</u> <u>Practice on the Equality Act</u> concerning equal pay, employment, and services.
- Lead to associative discrimination where a victim of discrimination does not have a protected characteristic but is discriminated against because of their association with someone who does e.g. the parent of a disabled child.
- Have a cumulative impact an impact that appears when you consider services or activities together. A change in one area may create an impact somewhere else.
- Create barriers that prevent certain people from accessing the service or function? Do your opening times or working hours exclude anyone? Can people drop in to your service? Can they make appointments that suit them? Do people have to queue for a long time? Will this cause difficulty, for instance for older people, disabled people, people with children? Are there safety or security issues that may affect children or young people, people with physical or sensory disabilities or older people?
- Make it hard for certain groups to access information about the service, function or policy is information easy to find and available in different formats?
- Make a service or function less physically available? How can you respond to requests for reasonable adjustments such as wheelchair or pushchair ramps, lifts or disabled parking bays?
- Exclude groups because of cost? If there are concessions, are these fair? Are there any extra costs for some people, such as paying for a carer, transport or childcare?
- Include lawful positive action to address particular needs?
- Promote equality and ensure equitable outcomes?
- Promote good relations between different groups of people?

Think about stereotypes and assumptions:

- Is the service or function designed around a particular type of family unit? Does this exclude same sex couples, older couples, large and extended families, people who move home a lot, or carers?
- Are people disadvantaged if they cannot find or remember information or documents? Are people expected to read or access information in a certain way?

For each impact:

- Be detailed and specific so decision makers fully understand the potential effects
- What other changes is the Council planning/already in place that may affect the same group of people? Are there any dependencies that decision makers need to be aware of?
- Where negative impacts are anticipated, outline the proposed mitigation
- Use the Action Plan in section 5 to summarise proposed actions that will reduce any negative impacts you have identified and increase any positive impacts.

Can a negative impact be intended?

Some negative impacts can be intended, for example if we are trying to address under representation and or inequalities experienced by some groups.

For example, the Council may be addressing inequality by targeting services or recruitment to a particular part of the population where evidence indicates they are under-represented or not accessing services. This is often referred to as positive action. In these situations there needs to be evidence to back up any resulting prioritisation that may favour a particular group ahead of others.

Any positive action should be taken in conjunction with actions to encourage participation by the wider population and other protected groups, and in line with MVDC policies and processes.

Duty to Make Reasonable Adjustments

Equality law recognises that bringing about equality for disabled people may mean changing the way in which services are delivered, providing extra equipment and/or the removal of physical barriers. The duty to make reasonable adjustments aims to make sure that if you are a disabled person, you can access an organisation's services to same standard as that which is usually offered to non-disabled people.

If the way we deliver services creates barriers for disabled people, we must consider making adjustments, or changes. If those adjustments are reasonable for the Council to make, then we must make them.

The duty is 'anticipatory'. This means the Council cannot wait until a disabled person wants to use our services, but must think in advance (and on an ongoing basis) about what disabled people with a range of impairments might reasonably need, such as people who have a visual impairment, a hearing impairment, a mobility impairment or a learning disability.

What if the impact is unclear?

Give your analysis as thoroughly as possible, based on available evidence and professional knowledge. If the impact is still unclear then say so. When this happens you must make sure that you identify ways of finding out more and include these next steps in your action plan in Section 5.

Section 4: Data and Evidence

Make sure you have enough data to inform your EIA. Use this section to detail the evidence you have to support your analysis and assessment in Section 3.

Include as much information as you can on the profile of the protected and vulnerable groups who may be impacted, to help decision makers understand the scale of the impacts. Focus on each of the protected characteristics or vulnerabilities in turn e.g. who uses the service/ or function? Who doesn't and why? Are there differences in outcomes for different groups?

There are many sources of data and information that you can draw on to use as evidence in your EIA. These include:

- Service monitoring reports (where diversity details are available)
- Previous research and customer satisfaction surveys
- User feedback
- Published research, local or national
- Evidence from partner organisations, other council departments, district or borough councils, other local authorities
- Workforce monitoring
- Staff surveys, opinions and information from trade unions
- Contract monitoring reports
- Complaints and comments data
- Press coverage
- Feedback from consultations and focus groups
- Feedback from individuals or organisations representing interests of target groups
- Research or consultations carried out by third sector organisations

There is also useful information on the population, economy, health, transport and communities in Mole Valley including:

- Previous MVDC Equality Impact Assessments
- Mole Valley online data including the Infrastructure Needs Assessment,
- Surveys and community surveys
- Consultation findings
- <u>Surreyi</u> brings together data from key stakeholders across the county, including the latest population estimates and other searchable <u>datasets</u>
- <u>Census</u>
- Sources from other Districts and Surrey County Council

The stronger your evidence base, the easier you will find your assessment.

What if there are gaps in the evidence?

If there are gaps in your evidence, consider holding a focus group or using a questionnaire to gather more information. This may not always be possible, and there may still be gaps in your information. When this happens, carry on with your EIA using the information that you have and include measures in your action plan to find out more.

Involving people with protected characteristics, other vulnerable groups, stakeholders and others

Use this section to detail the involvement of others in developing your EIA. A key principle for completing EIAs is that they should not be done in isolation. Consultation with affected groups and stakeholders (e.g. residents, employees, service users and potential users) needs to be built in from the start, to enrich the assessment and develop relevant mitigation.

MVDC has appointed two <u>Member Equalities Champions</u>, one for for ethnic minority groups and one for people for people with disabilities. If your proposal impacts either of these groups, please remember to share your draft EIA with them.

Do also use the knowledge, technical advice, expertise and experience of colleagues in MVDC to help you in completing your EIA.

Questions to consider:

- What do people tell you?
- Are there patterns or differences in what people from different groups tell you?

Section 5: Action Plan

Now that you have identified the positive and negative impacts, and any further research or information that is required, make a detailed action plan that sets out your next steps.

What can you do, or what changes can you make to the proposal to reduce or minimise any negative impacts? How can you maximise the positive impacts? Be specific and detailed. Will reducing negative impacts and maximising positive ones require any additional resources?

What further information is required to measure the probability and/or the extent of the impact on people with protected characteristics and other vulnerable groups? Where and how can that information be obtained?

What if negative impacts cannot be mitigated?

Negative impacts of a proposal on a particular group does not prevent you from making the change where necessary. The outcome of your EIA will be one factor in the overall decision making process and your proposal may have to proceed even though not all of the negative equality impacts can be mitigated. The important thing is that decision makers are aware of the equalities implications of the proposal when making their decision and these implications are considered alongside all other factors.

What to do with your completed EIA

After gaining approval from your Executive Head of Service, please keep your EIA for reference.

Send a copy to Lindsay Hill <u>lindsay.hill@molevalley.gov.uk</u> and Beth Bloxsome beth.bloxsome@molevalley.gov.uk in the Corporate Governance and Strategy Team for review; the Corporate Governance and Strategy Team will also agree with you how to monitor and review progress against your Action Plan.

Your EIA will also be published on MVDC's website to demonstrate how we take equality, diversity and inclusion issues into consideration in our decision making process.

Further Information

For advice and further information please contact the Corporate Governance and Strategy Team.

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Version date	Key changes made	Consultees	Approved by
April 2023	Overall review	Jane Nottage	Piers Mason

Responsible Officer: Lindsay Hill, Senior Project and Performance Officer Last updated: April 2023 Approval of changes: Executive Head of Service with responsibility for Equality, Diversity and Inclusion

Next update due: In line with legislative changes



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