

Guidance For EIA Stage 2

Completing the assessments

In this section you will need to consider:

- What activities you currently do that help you to comply with the Public Sector Equality Duty (three components).
- How will your proposal affect your ability to meet the Public Sector Equality Duty?
- How you will mitigate any adverse impact?

ENSURING LEGAL COMPLIANCE		
Think about what you are planning to change, and what impact that will have upon 'your' compliance with the Public Sector Equality Duty (refer to the Guidance Sheet complete with examples where necessary)		
In what way does your current service delivery help to:	How might your proposal affect your capacity to:	How will you mitigate any adverse effects? (You will need to review how effective these measures have been)
End Unlawful Discrimination?	End Unlawful Discrimination?	
Enter text here	Enter text here	Enter text here
Promote Equality of Opportunity?	Promote Equality	
Enter text here		Enter text here
Foster Good Relations Between People	Foster Good Relations Between People	
Enter text here	Enter text here	Enter text here

Below are some practical examples based on a language support service

1) End Unlawful Discrimination

What do we mean?

Unlawful discrimination takes place when people are treated 'less favourably' as a result of having a protected characteristic (age, race, ethnic group, disability, etc.).

Example

Providing a language support service enables people with English as a second language or people with communication impairments (e.g. deaf or sight impaired) to access council services and information in a way appropriate to their needs.

By providing this service members of our community are not limited in their ability to access

services and information and therefore are not being treated 'less favourably'.

2) Promote Equality of Opportunity

What do we mean?

Equality of opportunity is about making sure that people are treated fairly and given equal access to opportunities and resources. Promoting is about:

- Encouraging people/services to make specific arrangements
- Take action to widen participation
- Marketing services effectively
- Securing special resources for those who may need them

Example

This service facilitates members of our community to access services (**widen participation**) and information as easily as other people who do not need this type of support (**making specific arrangements**) by providing information (**market services effectively**) in formats such as Braille, various community languages, Easy read, minicom and physical interpreters (**secure special resources**).

NOTE: Equality of opportunity is not about treating everybody in the same way, but recognising that people from different backgrounds may have needs that are met in different ways. This example illustrates how we treat people differently in order to meet their needs; e.g. not everyone needs communication assistance.

3) Foster Good Relations between People

What do we mean?

This is about bringing people from different backgrounds together by trying to create a cohesive and inclusive environment for all. This often includes tackling prejudice and promoting understanding of difference.

Example

The various types of support available through this service help to engage and enable people from different backgrounds to participate in public life. The very fact that information is tailored to meet the needs of different people the service is promoting an understanding of difference which in turn helps to tackle prejudice. Another activity that the service may do is provide staff training to help tackle prejudice.

How will your proposal affect your ability to meet the Public Sector Equality Duty?

“Consider a proposal to reduce the number of staff in a translation team.”

Example

If the number of employed translators is to be reduced the impact on the team may seem negligible.

However, the reduction in capacity for translation to services and the public may reduce the capacity of the council to provide “Equality of Opportunity” for those with additional communication needs when accessing council information, and services.

A reduced capacity may result in “Unfavourable Treatment” for people who need supported communication. This could lead to a legal challenge on the grounds of “Unlawful Discrimination”.

How might you mitigate any adverse effects?

Example

- Commissioning professional translators on a ‘stand-by’ basis.
- Identify staff within the organisation with communication support skills and utilise them on an ad-hoc basis (reward by honorariums etc).
- Conduct a full Service Review to assess a needs profile, and better inform where to make specific cuts, and target resources.
- Utilise voluntary groups who may provide a similar service.

Introducing charging for translation and interpretation could be considered discriminatory, because those accessing this service tend to be BME and disabled people, who are recognised as likely to be the most financially deprived groups.

What relevant equality information do I have available?

The Equality Impact and Risk Assessment that you undertake must be evidence-based. Analysing for impact requires baseline data to clearly and transparently demonstrate where your conclusions have come from. The data available to you at this early stage might be quantitative or qualitative; it could be statistics or reports; it may have been gained through data collection or through previous research or engagement. The sources, types and depth of data available will differ from service to service, but it is essential that you bring together as thorough a body of relevant evidence as possible from your existing resources.

In gathering this evidence, it will be helpful to consider:

- Information about the demographics and the make-up of the communities that you serve, including outcomes of the Census, ward profiles, service user data etc.
- Relevant research reports; these could be national, regional or local
- Complaints, enquiries or customer / staff feedback;
- Recommendations from internal or external inspections, audits etc.
- Feedback from previous engagement exercises, including previous consultations where relevant equality information is evident

Engagement & Involvement (Duty to involve – s242 NHS Act 2006 and Francis Recommendation 135)

Any engagement should be targeted at filling the gaps in your evidence, and will be most relevant when aimed at people or organisations that

represent those particular protected characteristics.

It would be appropriate to engage with employees, patients, community / network groups, third sector organisations, Trade Unions – the range of groups will be determined by your gaps and who you consider to be relevant.

Engagement could include workshops or focus groups, electronic (email) engagement, surveys or questionnaires.

You should detail which protected group(s) have been targeted and the outcomes of the engagement and how you have shared the results with stakeholders.

Human Rights

NHS organisations must ensure that none of their policies, strategies or procedures infringes on the human rights of patients or staff. You should analyse your document using the questions provided to determine the impact on human rights. Using human rights principles of fairness, respect, equality, dignity and autonomy as flags or areas to consider is often useful in identifying whether human rights are a concern.

You can access a useful briefing on human rights and the NHS Constitution by following the links below:

Human Rights:

http://www.nhsemployers.org/Aboutus/Publications/Documents/NHSE_briefing69_180110.pdf

NHS Constitution:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/170656/NHS_Constitution.pdf

Monitoring arrangements

No policy, function or service remains fixed. The impacts that were anticipated through your analysis may not transpire to be a reality, and in some instances you may discover emerging impacts that you hadn't anticipated. Ensuring

equality is embedded within our practice is an on-going process.

It is therefore wise to monitor the impacts that you have anticipated and to plan and document when the policy, function or service will be reviewed. It will not be necessary to repeat a full equality impact and risk assessment process at these review points, but these will be opportunities to test your anticipated impacts.

Where these prove not to have been accurate, this will allow you to focus your analysis on the emerging impacts and to propose alternative responses.

Decision making

The Equality Impact and Risk Assessment (EIRA) will be used as a key tool in the decision making process. Equality Assessments should inform decision making at various relevant points in, for example, the project planning cycle. This will ensure that by the time that the project is implemented, you can be sure that it either fulfils its equality objectives, or that where appropriate, an action plan is in place to address any gaps. There are four likely influences that the EIRA will have on decision-making:

- 1. No major change required** – your assessment demonstrates that the policy / function / service is robust in relation to equality and that it can progress as planned.
- 2. Adjust the policy** – your assessment has revealed some barriers or potential for adverse impacts, and the policy / function / service needs to be adjusted accordingly.
- 3. Continue the policy** – your assessment reveals potential for adverse effects, however the Service is satisfied that it is appropriate to continue as planned as any adverse impacts can be objectively justified and that there is no risk of unlawful discrimination.
- 4. Stop and remove** – your assessment reveals potential for adverse impacts that cannot be justified or mitigated, and / or that there is a risk of unlawful discrimination – in these instances it is wise to halt progress altogether.

It is essential that regardless of which decision is reached, the justification for it is documented clearly and is made easily accessible.

Action Plan

The Action Plan should state the person responsible for monitoring the impact and the timescale required to remedy the implication.

Please note any adverse impact should be addressed as soon as possible and no later than 6 months from the date of the Equality Impact and Risk Assessment.

Following remedial action, the Action Plan, along with the EIRA should be sent to the Equality and Inclusion Team.

Step 11: Sign-Off

You should arrange for your Governing Body or appropriate Board to sign off your Equality Impact and Risk Assessment. This sign-off effectively demonstrates that the boards accepts ownership for the accuracy and appropriateness of the document's contents.

General Points to remember:

Remember when completing this assessment that it will be published on the individual CCG's and will be a publicly accessible document.

As such, it should be written in a way that will make it easily understood and accessible to its viewer. A few points to remember:

- **Assume no prior knowledge:** when detailing, for example, the delivery objectives of the service, be detailed and clear as the public are unlikely to already share your knowledge of the service.
- **Adopt a Plain English approach:** avoid abbreviations, jargon or technical terms where possible.
- **Demonstrate your point clearly** and be sure to evidence how this conclusion was reached (what information informed the conclusion and how this has been interpreted).

The Equality and Inclusion Team are available to advise you and assist you in undertaking your equality impact and risk assessment.

For further support or advice, contact The Equality and Inclusion Team: equality.inclusion@nhs.net