

Equality Impact Assessment (EQIA) Guidance Notes

1. General

1.1 What is an Equality Impact Assessment?

- A systematic assessment of the impact that a policy, project or plan will have upon different sections of our community.
- A tool to assess whether a policy, project or plan meets the needs of our diverse community and that the impact it will have is fair and considered.
- A demonstration that we are carrying out our legal responsibility under the Equality Act and the Public Sector Equality Duty

1.2 Why do we do Equality Impact Assessments?

EQIAs provide an opportunity to think about the potential impacts of decisions being made, and how those impacts may be different for different groups of people. They encourage an evidence-based approach to decision-making that takes into account the diverse needs of our community.

The use of equality impact assessment during the development of plans, policies and projects helps to avoid unforeseen negative outcomes and reduces the risk of having to make retrospective changes.

Where positive impacts are identified, EQIAs allow us to make sure that all relevant groups and individuals benefit fairly from that impact. Where negative impacts are identified, they allow us to act to avoid or mitigate those impacts.

EQIAs are also a way of demonstrating that we have fulfilled our responsibilities under the Equality Act and the Public Sector Equality Duty. They should be a way of reassuring members of groups with protected characteristics that their interests are being considered and help to make us accountable for the decisions we make.

1.3 What is the Equality Act and the Public Sector Equality Duty?

The Equality Act 2010 was introduced to bring together the multiple pieces of existing anti-discrimination legislation, such as the Disability Discrimination Act 1995 and the Race Relations Act 1976, into one simple Act.

The Public Sector Equality Duty (PSED) was created under the Equality Act 2010. The PSED places a legal duty on public authorities to have due regard to the need to:

- Eliminate unlawful discrimination (direct or indirect), harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

The importance of the Public Sector Equality Duty is that it requires public bodies to give thought to the potential impact of a decision which may appear to be neutral but could turn out to have a disproportionate impact on certain sections of the population.

1.4 What are protected characteristics?

Protected characteristics are aspects of a person's identity which are protected by law from harassment and discrimination. The Equality Act and the Public Sector Equality Duty have defined 9 protected characteristics: age, sex, race, disability, religion and belief, sexual orientation, gender reassignment, marriage and civil partnership, pregnancy and maternity. For the purposes of this EQIA, additional groups have been added alongside these nine characteristics to cover care experience, the Armed Forces and socio-economic status. Further details are given in section 2.4.

1.5 How do I know if an EQIA is required?

An EQIA should be completed whenever there is a new strategy, service, project etc. being developed, or where a significant change (including cancellation/discontinuation) is planned to an existing strategy, service or project.

This includes circumstances where:

- You are making a decision that could have a different impact on different groups of people
- You are making changes that will affect the delivery of front-line services, projects or programmes
- You are introducing a new policy, project or programme or procuring a new service.
- You are making reductions or changes to how a service or project is funded, which may affect the quality and scope of its delivery and outcomes
- You are making staff redundant or changing their roles (particularly if it impacts on frontline services).

1.6 When should we start an EQIA?

Equality impacts should be considered from the beginning of the planning or decision-making process. This way, the information drawn on for the EQIA and the process of filling out the EQIA itself can inform the decisions being made.

It may also highlight where targeted engagement or further information gathering consultation is necessary, with sufficient time to undertake it, and allow for mitigating measures to be built into the strategy, policy or service, where appropriate.

The EQIA should be viewed as a working document which is developed and reviewed throughout the process, as additional information is obtained or plans are amended. It may be appropriate to schedule in specific review points, depending upon the timelines involved.

1.7 Who should do an EQIA?

EQIAs should be completed by the individual/s making the decision or directly advising the decision-maker, who have appropriate knowledge of the service area and the details of the proposal being

made. As such, EQIAs should not usually be the responsibility of colleagues within finance or other back-office roles.

2. Filling out the RBWM EQIA template

In contrast to earlier versions of the EQIA template, which comprised separate Screening and Full Assessment sections, this template is a single form which should be looked through in its entirety. However, not all sections will be relevant in all cases. Please leave blank any that are not applicable, although where appropriate you may need to briefly explain *why* the section is not relevant.

The following section will guide you through the EQIA template step-by-step.

2.1 Background information

This section is intended to provide the basic information on the proposal in question and to establish context for the subsequent assessment.

2.2 Relevance check

In the vast majority of cases, the answer to this question will be 'Yes' and that will be sufficient answer to this question.

However, if the nature of the proposal is such that there will be no impact to residents, communities or staff, then it may not be necessary to continue with the rest of the EQIA. If this is the case, please state the reasoning for this, and then skip to the end of the template to sign it off. If you are unsure, please contact equality@rbwm.gov.uk.

2.3 Evidence gathering and stakeholder engagement

Equality impact assessments need to be based on evidence. This should include consultation and/or engagement with any groups who may be impacted, particularly if this impact may be disproportionately or differentially experienced by people with protected characteristics. This section is designed to help you to think about who will be affected by the proposal and to outline the evidence and engagement which will be used in your assessment.

'Who will be affected by this proposal?'

Overall, who do you expect to be affected, either positively or negatively? This may be users of a particular service or resource; residents of/visitors to a geographical area; individuals in receipt of certain benefits or support; particular businesses; or community groups. You should consider people who will be directly affected by a change, and also people who are indirectly affected. For example, a new temporary accommodation provision will affect residents in need of temporary accommodation but may also have an indirect effect on the wider community around the site.

‘Among those affected by the proposal, are protected characteristics disproportionately represented?’

This question relies on having demographic information about the wider affected group. For example, how does the proportion of different ethnicities compare to the general local population? Do a high proportion of older people use this service? Is the neighbourhood where a new facility is situated an area with a higher proportion of a particular ethnic minority? The EQIA evidence matrix ([accessible here](#)) could also be useful in identifying some of the wider demographic trends which would be expected in the groups affected.

‘What engagement/consultation has been undertaken or planned?’

This could include formal consultation, surveys, engagement with community groups etc. It is important to make sure that relevant equality considerations have been taken into account: were engagement activities inclusive and accessible? Have you engaged with groups representing populations with characteristics who are likely to be affected (such as the Disability and Inclusion Forum, for example)?

If the engagement resulted in information that is useful for this impact assessment, please provide details here.

‘What sources of data and evidence have been used in this assessment?’

EQIAs should be based upon evidence and it is therefore vital that relevant data are used in the assessment of potential impact.

In considering who will be affected by a proposal, you should look into the availability of data sources such as:

- Census data
- Service user monitoring data (including ethnicity, sex, disability, religion/belief, sexual orientation and age)
- Berkshire Observatory ([Berkshire Observatory – Welcome to the Berkshire Data Observatory](#))
- Joint Strategic Needs Assessment ([Berkshire East JSNA \(berkshirepublichealth.co.uk\)](#))
- Recent research findings (local and national)
- Results from consultation or engagement you have undertaken

We have also created a bespoke Equalities Evidence Matrix for use alongside EQIAs: [EQIA Evidence Matrix](#). This is designed to be a resource for identifying key equality considerations and relevant data to incorporate into equality impact assessments. It is structured by topic, many of which align with service areas, and provides information on how protected characteristics intersect with these different areas. The Evidence Matrix should not be considered as a comprehensive data ‘library’, but as a starting point for further research and thought on relevant equality considerations. It is a living resource and feedback on additional data which should be included or updated are welcomed (email equalities@rbwm.gov.uk).

2.4 Equality analysis

In this section you will be asked to consider how individuals with different protected characteristics may have different experiences and requirements in terms of the strategy, policy or project in question.

This will include cases where there is a significant impact to a group with a protected characteristic because they are disproportionately represented within the affected group. It will also include cases where the nature of a protected characteristic will result in a more significant impact or a significantly different impact, compared to the general population. For example, an increase in taxi fares, is likely to have a disproportionate impact on disabled residents, who are more likely to use taxi services. A change to domestic violence support services, will have a disproportionate impact on women, and a range of other groups who are more likely to experience domestic abuse.

You can build on the information you gave in the previous section about the demographic makeup of those affected by the proposal to think specifically about the relevance for each protected characteristic. Information gathered through consultation and engagement should also be used to help understand the impact that the decision may have on different groups.

For the purposes of our form we have combined some of the protected characteristics into broader categories:

- Race, ethnicity and religion (combining race and religion/belief)
- Sexual orientation and gender reassignment

We have also included three additional categories:

- Armed Forces community

While the Armed Forces community is not a protected characteristic as defined by the Equality Act, the Armed Forces Act 2021 requires that 'due regard' is paid to ensure that members of the Armed Forces Community are not disadvantaged when accessing public services. The inclusion of this group reflects the important relationship between RBWM and the Armed Forces, particularly between Windsor and the Household Cavalry, and the council's commitment as a holder of the Armed Forces Covenant Gold Award.

- Socio-economic considerations

The Equality Act 2010 does contain a section with a duty relating to socio-economic inequalities, which is in force in Wales but not in England. This duty requires public bodies to consider the impact that decisions have upon people living in socio-economic disadvantage and its associated outcomes. Socio-economic disadvantage is defined as 'living in less favourable social and economic circumstances than others in the same society'. We recognise that the rising cost of living has the potential to make those living in socio-economic priority particularly vulnerable to poorer outcomes, and this category is therefore included as a local priority.

- Children in Care/Care Leavers

The Children's Social Care Review 2022 recommended that care experience should be made a protected characteristic, in recognition of the disadvantages and challenges experienced by many of those who grow up in care. This has not yet been made a legal requirement, but by including it as a category in our EQIAs we recognise the importance of our role as Corporate Parent.

The definitions of the protected characteristics and groups included on the EQIA are:

- **Age:** A person belonging to a particular age or range of ages. Often most relevant for older adults, young people and children.
- **Disability:** Includes physical, mental and learning disabilities; illnesses that impact on daily life and last for more than 12 months; and cancer (from the point of diagnosis). Carers of disabled people are also protected against discrimination by association.
- **Sex:** A man or a woman.
- **Race, ethnicity and religion:** A group of people defined by their race, colour, nationality, ethnicity or religious belief (including lack of belief).
- **Sexual orientation and gender reassignment:** Whether someone's sexual attraction is towards their own sex, the opposite sex or both sexes, and whether someone has or is transitioning from one gender to another.
- **Pregnancy and maternity:** A person who is pregnant or expecting a baby; who is on maternity leave (in an employment context); has given birth within the previous 6 months; or is breastfeeding.
- **Marriage and civil partnership:** This characteristic is only covered in the context of discrimination at work.
- **Armed Forces community:** Includes current serving personnel, veterans, reservists and their families.
- **Socio-economic considerations:** A person living in less favourable social and economic circumstances than others in the same society.
- **Children in Care/Care leavers:** A person who is care experienced, including children who are or have been in care and adults who spent time in care as a child.

2.5 Impact assessment and Monitoring

This section provides the opportunity to show where any actions or adjustments have been identified through the equality impact assessment.

Sometimes, it is not possible to avoid a negative impact, and identifying a negative impact does not mean that a proposal or decision cannot go ahead. However, this section allows us to demonstrate where steps have been taken or planned to minimise or mitigate the negative impact.

Depending upon the stage at which this EQIA is carried out, it is likely to be necessary to review it at a later date in the planning process. This will ensure that the results of any subsequent engagement, consultation or research can be incorporated and makes sure that any changes are taken into account.

2.6 Sign Off

Once the EQIA has been completed, the details in the Sign Off section should be completed. EQIAs should be approved by the relevant Head of Service and shared with the Equalities and Community Engagement Officer for review.

For reports which are being published, such as Cabinet reports, the EQIA should be included as an Appendix. Where EQIAs are undertaken for items which are not being published, these should be stored in a centrally accessible location for the relevant Service so that EQIAs can be located and referred to in future if necessary.

3. Further support and training

For any general questions or help with specific EQIAs, please contact the Equalities and Community Engagement Officer (ellen.mcmanus-fry@rbwm.gov.uk or equalities@rbwm.gov.uk).