

## Equality and Human Rights Impact Analysis Record Form 2018

(replacing the former Equality Impact Assessment)

### Introduction

### Equality

The purpose of carrying out this equality impact analysis is to provide evidence that you have paid 'due regard' to the different protected characteristics when making your decision upon the policy, service or function. It is also a tool that will enable you to meet and further the 3 aims of the general equality duty:

1. **Eliminating unlawful discrimination**
2. **Advancing equality of opportunity**
3. **Fostering good relations**

### Human Rights

It is also important that we consider the Human Rights of decisions on council services, policies or functions. Not all services subject to equality analysis will have relevance to the Human Rights Act. However, for those services that do require it, it is likely to be very important.

The council, under the Human Rights Act, has a duty to make '**Positive Obligations**'. This means the council has a duty to do something in order to protect or promote an individual's human rights as well as its duty to the negative obligation to not interfere with an individual's human rights. This may mean ensuring that an individual receives appropriate care or protection against discrimination.

Department	
Service Area	
Title of policy/ practice/ service or function	
Lead Officer	

### Stage 1 - The team carrying out the analysis

Think about:

- ❖ Who is the responsible manager for that particular service?
- ❖ Which partners and stakeholders are involved in delivering the policy/function/service?
- ❖ Are there any external funders who help ensure the service/function can be delivered?

<b>Name</b>	<b>Service Area/Role</b>

### **Stage 2 – Establish relevance to equality**

The following questions can help you to determine how relevant your policy, service or function is to equality, this is not an exhaustive list:

- ❖ What is the purpose of the policy, practice, service or function?
- ❖ Do you know who accesses or uses your service?
- ❖ Is your service easy to access and for whom?
- ❖ Is your policy/service important to one or more of the protected groups?
- ❖ Does your policy, service or function relate to an area that has known inequalities (for example, access to public transport for disabled people, racist/homophobic bullying in schools).
- ❖ What is the proposed change to the policy, service or function?
- ❖ Are there any groups of people who could experience a poorer quality of life because of any proposals to change, reduce or withdraw the service or a benefit?

### **Stage 3 - The scope of the analysis**

This scoping exercise is probably best done by the whole team, identifying what needs to be considered and agreeing how this can be done. Ideally everyone within the team will end up with a task.

Please can you try and answer all of the following questions?

- ❖ What do you want to achieve from the potential change to your service?
- ❖ Have you consulted recently on people's views of your service and their priorities?
- ❖ Does the service already meet all customers' individual needs? If not why not?
- ❖ What needs to be analysed and what methods will you use to undertake your equality analysis?
- ❖ What will not be considered as part of the equality analysis?
- ❖ Who are the partners involved in the successful delivery of your service to customers?
- ❖ Who will be responsible for what tasks?

#### **Stage 4 - Data and consultation feedback**

**This section forms a critical part of your equality analysis in meeting the requirements of the Equality Act 2010. Therefore, please ensure that there has been adequate and meaningful consultation undertaken with customers from protected groups. Please ensure that when consulting people are fully informed of any decisions that will change, reduce or withdraw a service or benefit.**

*Please remember to contact the Corporate Business Intelligence Team to register with them any consultation you may wish to undertake, and to find any existing consultation and sources of data that the council may have which could assist your equality analysis. Please also contact the Equality Policy Team for contacts for groups within the community for engagement/consultation.*

When gathering information from data and consultation it is important that you provide a picture with your analysis on:

- ❖ Who currently uses your service?
- ❖ Are there differences in demand for your service within the community?
- ❖ Is it easy for protected groups to access your service?
- ❖ Are there any different experiences in those accessing the service and if so for whom?
- ❖ Do all your existing communication methods reach all groups of people?
- ❖ Will any protected groups experience a poorer quality of life because of the proposals of change, reduce or withdraw of the service or benefit?

#### **Sources of data and consultation used**

<b>Source</b>	<b>Reason for using</b>

<b>Source</b>	<b>Reason for using</b>

Do your customers and stakeholders agree with your findings and proposed response? If not, why not?

**If analysis suggests that people from a protected group will not be affected, an attempt should be made to ‘check this out’ and this should not be solely based on objective information. If this cannot be achieved within the time frame of the analysis, then it should become an action to be taken in the future and included within the action plan.**

**Stage 5 - Analysing the impact or effects**

When arriving at a judgment about the levels, if any, of impact, you should consider:

- ❖ Equal opportunity
- ❖ Accessing in its widest sense and methods used to regulate access to a service or employment
- ❖ Treatment (the experiences people have when trying to use services)

Your data and your information can come from a wide range of sources including:

- ❖ Local or national census data
- ❖ Satisfaction surveys, complaints
- ❖ Specific Research carried out locally and nationally
- ❖ Research carried out by organisations such as Stonewall, Government Equalities Office etc
- ❖ Trade Unions
- ❖ Consultation with residents and customers
- ❖ Feedback or discussions with partner organisations
- ❖ Feedback and consultations from staff
- ❖ Benchmarking data
- ❖ Self assessments and reports
- ❖ Performance reports

**a. What does the ‘quantitative’ data tell you? Such as:**

- ❖ The **number** of different protected groups accessing the service?
- ❖ Are there different **outcomes** for any particular groups accessing the service?
- ❖ Is there any unwanted adverse impact to any particular group/s
- ❖ Is there unlawful prohibited conduct? (discrimination, harassment, victimisation or a failure to make reasonable adjustments)
- ❖ Is there no impact? (no relationship between policy/service/function and people)
- ❖ Neutral impact (no noticeable harmful effects)

<b><i>Protected Group</i></b>	<b><i>Findings</i></b>
Age	
Disability	
Gender (Sex)	
Gender reassignment	
Marriage and civil partnership	
Pregnancy and maternity	
Race	
Religion and belief including non-belief	
Sexual orientation	

Non-statutory protected group

Socio-economic	
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**a. What does the qualitative data tell you, such as:**

- ❖ Customer feedback
- ❖ Comments
- ❖ Complaints
- ❖ Discussions or meetings with stakeholder groups about the impact of the policy, practice, service or function on the protected characteristic groups (e.g. minutes of those meetings)

<b><i>Protected Group</i></b>	<b><i>Findings</i></b>
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Disability	
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Race	
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Sexual orientation	

**Non-statutory protected group**

Socio-economic	
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**b.** Are there any other groups of people who may experience an adverse impact because of the proposals to the change of policy or service who are not listed above?

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**c.** Gaps in data

What are your main gaps in information and understanding of the impact of your changes to policy/function/service on customers? Please indicate whether you have identified ways of filling these gaps.

For instance you may have little or no data on sexual orientation and therefore you should propose to carry out some focused consultation with that specific community through their LGBT Forum (contact the Equality Policy Team for their details)

Gaps in data	Action to deal with this

Please remember to also record any **positive** impacts that may occur as a direct result of changing a services or a policy that further the three aims of the general duty:

1. **eliminate discrimination**
2. **advance equal opportunity**
3. **foster good relations between groups**

An example of this could be that as a result of taking elderly people to local community centres for support services which can no longer be delivered in their homes, it has improved good relations between young and old people who now share the community centre.

**d. Remember - It will be useful to produce a summary of information that captures the impacts and analysis on both quantitative and qualitative data. This summary of information should be displayed in a graphical format, using charts or graphs if possible. It will also provide an audit trail for how you have arrived at your findings.**

### Human Rights Impacts

The Human Rights Act 1998 (HRA) was brought into force in the UK in October 2000. It is formed of a series of sections that have the effect of placing the protections in the European Convention on Human Rights into British law.

Human rights are founded on core principles such as equality, fairness, respect, autonomy and dignity. They protect people’s freedom to control their own lives, effectively take part in decisions made by public authorities which impact upon their rights, and get fair and equal services from public authorities. The Act applies to all public authorities and other bodies providing public functions.

### Part 1: The Convention – Rights and Freedoms

Article 2: Right to Life	
Article 3: Right not to be tortured or treated in an inhuman or degrading way	
Article 4: Right not to be subjected to slavery/forced labour	
Article 5: Right to liberty and security	
Article 6: Right to a fair trial	
Article 7: No punishment without law	
Article 8: Right to respect for private and family life	
Article 9: Right to freedom of conscience and religion	
Article 10: Right to freedom of expression	
Article 11: Right to freedom of assembly and association	
Article 12: Right to marry	
Article 14: Right to be not discriminated against	

## Part 2: The First Protocol

Article 1: Protection of property/peaceful enjoyment	
Article 2: Right to education	
Article 3: Right to free elections	

### **Stage 6 - Mitigation and promotion**

When considering whether there is a mitigating action which could be taken, you may wish to consider the following questions?

- ❖ Have you identified any adverse impact upon the different protected groups as a result of your policy/service which are either unlawful or unwanted?
- ❖ What are the ways you can implement your mitigating actions against those adverse impacts.
- ❖ Are there different ways of delivering the service?
- ❖ Could the service be promoted better with those under represented groups accessing your services?
- ❖ Could application forms and methods of requesting a service be improved or altered to make them easier for the public?
- ❖ If you cannot mitigate unlawful or adverse impact can you please explain why?
- ❖ What can you do to improve and promote equality of opportunity or good relations between different groups in your community as a direct result of your policy/function or service?

## **Stage 7 and 8 - Objectives setting/ implementation**

Having finalised your findings and proposals for changes or improvement, you need to produce an action plan to demonstrate:

- ❖ What you plan to achieve (your objective)
- ❖ What you intend to do
- ❖ The methods you intend to use
- ❖ The timescale for carrying out actions
- ❖ How success will be monitored

The following action plan must be **SMART** and ensure that success can be measured, and include a way in which further action to deal with partial success can be implemented. The plan must be approved and agreed by senior equality steering groups or the equality programme board. By making the plan public it will also ensure where there are cases of different teams needing to carry out specific actions then this can be achieved, and that performance of others in delivering their part can be monitored.

<b><i>Objective</i></b>	<b><i>Planned action</i></b>	<b><i>Who</i></b>	<b><i>When</i></b>	<b><i>How will this be monitored?</i></b>

## **Stage 9 - Monitoring and review/ mainstreaming into business plans**

Please indicate whether any of your objectives have been added to service or business plans and your arrangements for monitoring and reviewing progress/ future impact?

## **Stage 10 – Quality assurance and publishing the completed analysis**

Please ensure that before the finalised analysis is signed off by an officer of at least Assistant Head of Service level that it has been quality assured by a member of the Equality Team. The completed analysis will then need to be published on the council's website.

Quality assured by \_\_\_\_\_ on \_\_\_\_\_

Completed analysis approved by \_\_\_\_\_ on \_\_\_\_\_

Where and when published?

## **Decision-making processes**

**Where linked to decision on proposals to change, reduce or withdraw service/ financial decisions/ large-scale staffing restructures**

**Attached to report (title):**

**Date of report:**

**Author of report:**

**Audience for report e.g. Cabinet:**

**Outcome from report being considered**

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**Details of follow-up action or monitoring of actions/ decision undertaken**

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**Updated by:**

**Date:**