

Helping to make an impact

Equality Assessment (EA) Form and Guidance Information

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If you have difficulty in answering any of the questions, please refer to:

- The Guidance Information - pages 5 - 10;
- Your Directorate Contact Officer - There is a nominated contact officer in each directorate across the City Council. They are responsible for coordinating the Equality Assessment process in their host directorate.

OVERVIEW

The Equality Act 2010

The Equality Act 2010 includes a new Public Sector Equality Duty, that consists of a General Equality Duty and Specific duties which are imposed by secondary legislation. These duties replaced the separate duties relating to race, disability and gender. The general equality duty came into force on the 5th April 2011 and the specific duties came into force in September 2011.

The General Equality Duty (the three aims)

Compliance with the general equality duty is a legal obligation and compliance should also result in better informed decision-making, policy development and better policy outcomes. Overall compliance can lead to services that are more appropriate to the user and services that are more effective and cost effective.

Public Authorities subject to the general equality duty must, in the exercise of their functions have due regard to the need to:

- Eliminate unlawful discrimination, 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.

Equality Assessment

Historically this process was referred to as an Equality Impact Needs Assessment (EINA).

Equality Assessment must be systematically carried out across the City Council and partnership organisations that deliver services on behalf of the City Council consistently and effectively.

What is an Equality Assessment

An Equality Assessment is a systematic process that helps council's check their policies and practices to ensure that they are compliant to the Equality Act 2010 and in particular demonstrate due regard when executing its functions. The process involves systematically assessing the likely (or actual) effects of policies, strategies, functions or services on people in respect of disability, sex, gender reassignment, race, age, religion and belief, sexual orientation and marriage and civil partnership and pregnancy and maternity. We need to look at all decision-making processes to eliminate potential discrimination and check for relevance to equality.

This process enables counter measures to be taken, which eliminate, minimise or balance any discriminatory or negative consequences. The process generates a formal evidence trail which will demonstrate due regard was paid when understanding business decisions.

The purpose of an Equality Assessment

The organisation needs to evidence “due regard” in its business practice and decision making. An Equality Assessment allows a management team to consider the impact of its service and translates potential and intended outcomes against the protected characteristics. The purpose of this process is to test the service to ensure it is not intentionally discriminatory, hence operating illegally and consequently bringing unwanted risk to the organisation. The Equality Assessment provides formal evidence to underpin business decisions.

The City Council process is done through two stages:

- **Stage 1** - Initial Screening stage and contains questions 1 to 6. This stage checks to what extent the policy, strategy, function or service is relevant to equality and whether there is evidence to suggest that adverse impact is likely.

If your answer to question 6 (page 12 of the assessment form) is **Yes**, you would need to complete Stage 2. However if your answer is **No**, you do not need to proceed any further.

- **Stage 2** - Full Equality Assessment stage, and has an 8 Step process containing questions 1 to 10. The Full assessment builds on the initial screening stage by collecting additional evidence where needed.

What to Equality Assess

The Equality Assessment process has to be carried out on areas which are strategic or integral to the City Council. These include:

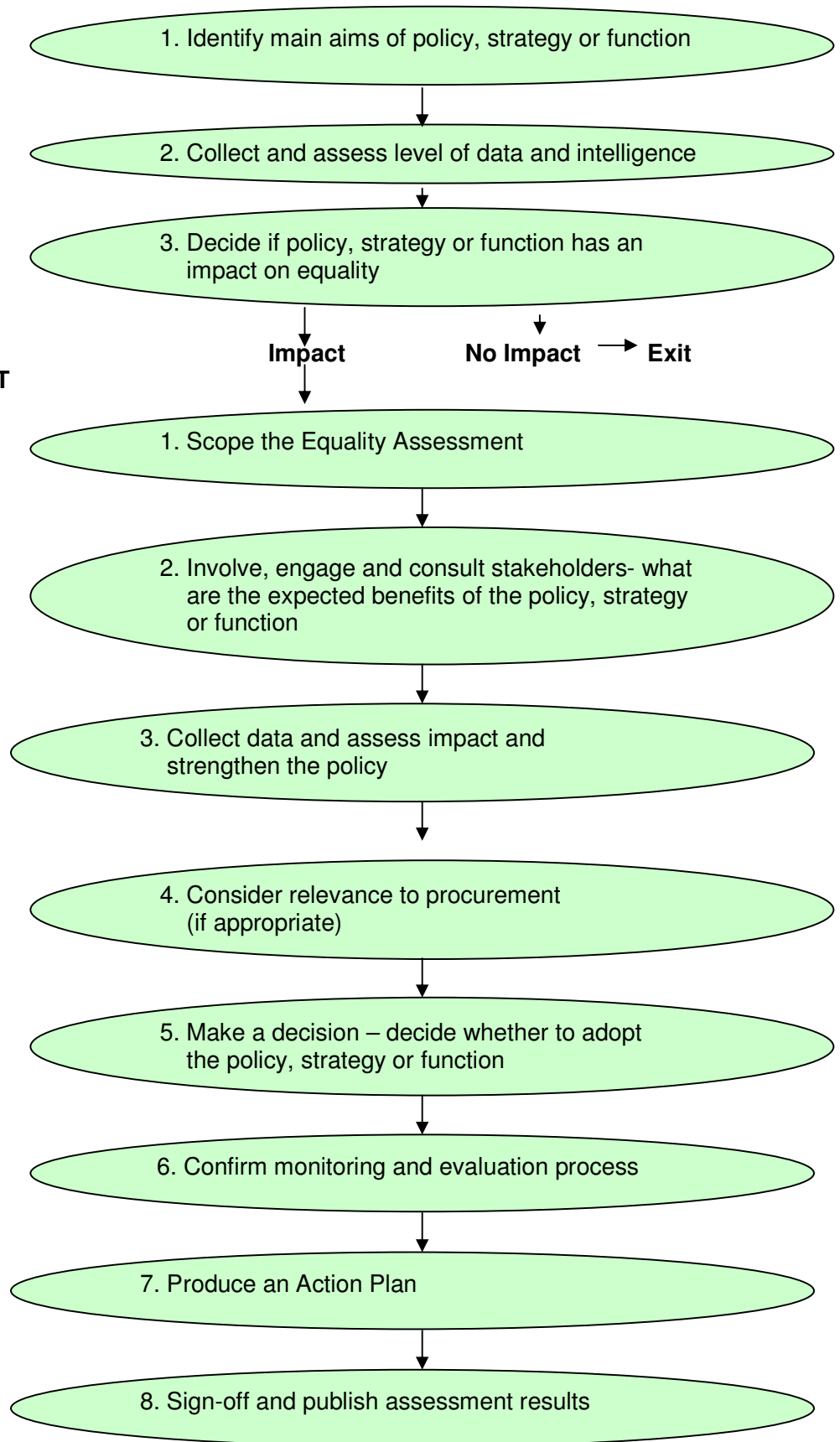
- Policies, Strategies, Functions
- Special projects or initiatives (including procured partners external to BCC)
- Reviews
- Services internal and external
- Service restructuring
- Organisation change
- Funding decisions
- Budgetary decisions

PROCESS FOR UNDERTAKING AN EQUALITY ASSESSMENT

Initial Screening

EQUALITY ASSESSMENT

Full EQUALITY ASSESSMENT



STAGE 1 – INITIAL SCREENING GUIDANCE

(Questions 1 – 6 of the Assessment Form)

An Initial screening needs to take place for all new and revised policies, strategies, functions and services. This stage, which must be completed at the earliest opportunity, will determine whether or not it is necessary to carry out a Full Equality Assessment.

- An initial screening assesses whether the policy, strategy, function or service may have an impact either positively or negatively on any customer group, staff or part of a community of place, interest or identity.

To complete this stage of the assessment you will need to complete the Initial Screening part of the assessment form (pages 10-13). The Initial Screening should demonstrate that the policy, strategy, function or service is robust; there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.

The use of supporting data and intelligence is vital to the decision taken at this stage. **If you do not have sufficient evidence to make an informed decision you need to progress to a Full Equality Assessment.**

Consultation must take place with appropriate stakeholders as part of the Equality Assessment process. This is to gain their perspectives on the work that is being undertaken and the services delivered. For this stage you should consider the following:

- Collate all of the relevant equalities and customer information or data which already exists in relation to the policy, strategy, function or service.
- Assess existing monitoring information and identify data/information gaps and consider customer feedback and consultation.
- You may need to commission, collection of new data if none is available or check out whether any comparative data exists which could be used to inform your assessment.

Equality Assessment Reference No.

You will need to allocate a reference number for the Equality Assessment. This should consist of the service area code, year and month in which the Equality Assessment was initiated, and the first 2 letters from the policy, strategy or function been assessed, for example CYPF-0811HA. The service area codes will be AC - Adults and Communities, CYPF- Children, Young People & Families, CR - Corporate Resources, DE - Development, CU -Culture, and HN – Homes and Neighbourhoods

Assessment Form (question 6)

If the answer to questions 3, 4 and 5 is '**yes**' then it is necessary to go ahead with a full Equality Assessment – Stage 2 Equality Assessment.

If the answer is '**no**', then the Chairperson of the Equality Assessment Task Group needs to tick the relevant box, sign the declaration section and provide a summary statement of why the policy, strategy, function or service is not being progressed further, then forward a copy of the initial screening document to your local Directorate Contact Officer for quality check, listing on the Directorate schedule and publishing onto the directorate website page, Equality and Diversity webpage or City Council website, following formal sign off approval.

A quality check should be undertaken using the arrangements agreed with service managers in the directorate and a screening review statement completed as part of the process. Equality Assessment Task Group Members should be listed for reference.

STAGE 2 - FULL ASSESSMENT GUIDANCE

(Questions 1 -10 of the Assessment Form)

The Full assessment (pages 14-20) builds on the initial screening stage by collecting additional evidence where needed. The guidance notes provided should be used to carry out and record the assessment. Your Directorate Contact Officer should be available to provide further advice and guidance should you need it.

A full assessment proceeds through the following 8 steps:

1. Scoping the Equality Assessment
2. Involvement and consultation
3. Assessing impact and strengthening the policy
4. Procurement and partnerships
5. Making a decision
6. Monitoring, evaluating and reviewing
7. Action planning
8. Sign-off, publication and review

STEP 1 - SCOPING THE EQUALITY ASSESSMENT

(Questions 1 and 2)

Before an assessment of the potential adverse impact of a policy, strategy, function or service can be made, be clear about and understand what the activity is looking to achieve.

It is important to identify and understand who the policy, strategy, function or service is intended to benefit. This is especially important if particular groups of staff are being targeted. It is necessary to consider whether there are other beneficiaries in addition to those considered to be the main ones, who should also be taken into account.

For Step 1 - the following should be considered:

- How is the policy, strategy or function likely to affect the promotion of equality in the areas of age, disability, gender, gender reassignment, race, religion or belief, sexual orientation, marriage and civil partnerships, pregnancy and maternity or human rights?
- How do you think that the policy, strategy, function or service will meet the needs of different service users or employees?
- What consultation has already been undertaken which is relevant to the development of this policy, strategy, function or service?
- Are there any examples of existing good practice in this area – such as measures to improve access to the policy, strategy, function or service among service users or employees?
- Do you think that your policy, strategy, function or service presents any problems or barriers to any service users or employees?

STEP 2 - INVOLVEMENT AND CONSULTATION

(Questions 3 - 5)

Consultation is a key part of an equality assessment. The extent of consultation should be matched to the degree of impact and level of proposed changes and the range of groups that may be affected.

For Step 2 - The following should be considered:

- Have you identified all the equality groups likely to be affected by the proposed policy, strategy, function or service directly and indirectly?
- Have you made resources available to encourage full participation from service users or employees?
- If meetings/briefing sessions are to be held, have you made sure that the practical arrangements – dates, times and venues – do not have an impact on religious requirements or festivals or are venues and facilities accessible?
- How will information be made available throughout the consultation process?
- Have you made arrangements to translate (or convert to an appropriate format in a timely way) the consultation material, and the publicity materials for the consultation?

More information can be found within the Councils, [Corporate Consultation and Engagement Strategy available through Inline](#). Be Heard - Birmingham's Consultation Database is a useful resource for accessing information around previous, current or proposed consultation and is also available through Inline.

Information or data which denotes differential impact towards one or more protected characteristics should be given due consideration in evidencing discriminatory/unlawful practice.

STEP 3 – ASSESSING IMPACT AND STRENGTHENING THE POLICY

(Question 6)

At this stage you are seeking to determine if the policy, strategy, function or service has potential adverse or differential impact on or fails to meet the needs of specific groups or has discriminatory outcomes.

For Step 3 - The following should be considered:

- Is there any potential for, or known adverse impacts of the policy, strategy or function on service users or employees?
- If appropriate you should consider how the policy might affect communities with small populations, specific interest groups such as small businesses, voluntary sector agencies and other service providers;
- Are there examples of good practice that can be built on?
- You may wish to consider how the policy, strategy, function or service will be delivered or communicated, providing language support and revising programmes or involvement activities;
- Reviewing your staffing profile to make sure you reach all parts of local communities;
- Have you considered our legal responsibilities under the Equality Act 2010, including treating disabled people more favourably where necessary?

STEP 4 – PROCUREMENT AND PARTNERSHIPS

(Question 7)

This section should only be relevant to service areas where the commissioning of contractors and services is undertaken as a core function.

For Step 4 - It focuses on the following areas:

- Tendering and specifications
- Awards processes
- Contract clauses
- Monitoring and performance measures

An important document to use as reference in answering this step is the West Midlands Common Standard for Equalities in Public Procurement. 'The Standard' is designed to embed equality policy in contracting and procurement procedures and serves as a benchmark against equality in employment compliance. For further information - www.wmf-commonstandardforequalities.gov.uk or contact your Directorate Procurement Team. **Note: The Standard, is under review to take account of the Equality Act 2010**

STEP 5 – MAKING A DECISION

(Question 8)

Depending on whether you are assessing a new or changing policy, strategy, function or service, you will need to reach a decision, and this decision may need to be agreed by senior managers and/or Elected Members. You should also consult with your Directorate Contact Officer, before you finalise and implement your action plan.

For Step 5 - Your decision however will be based on four important factors:

- The aims of the policy
- The evidence you have collected
- The results of your consultations, formal and informal
- The relative merits of alternative approaches

You should also consider the following:

- Does the assessment show that the proposed policy will have an adverse impact on one or more protected characteristic?
- Is the proposal likely to make it difficult to promote equal opportunities or good relations between different protected groups?

If the answer to both these questions is '**yes**', can the policy be revised or additional measures taken, so that it achieves its aims, but without risking any adverse impact?

STEP 6 – MONITORING, EVALUATING AND REVIEWING

(Questions 9)

Before finalising your action plan you must identify how you will go about monitoring the policy, strategy, function or service, following the assessment, and include any changes or proposals you are making.

For Step 6 - You should consider the following before introducing the policy.

- Should the policy be piloted, to see how it actually affects people, depending on their protected characteristics?
- Will the monitoring include adaptations to existing systems, qualitative methods, such as surveys, or follow-up consultations?
- How will concerns be taken into account in any review of the policy?
- How often will the policy be reviewed, and who will be responsible for this?

STEP 7 – ACTION PLANNING

(Question 10)

An Equality Assessment will identify better ways of delivering services so that all service users or employees can benefit from them as they need to.

The real value of completing an Equality Assessment comes from the demonstration of evidence based decisions reflecting user needs across the 9 Protected Characteristics where appropriate.

In order to ensure that agreed actions are taken forward, the actions from this plan need to be added to your service/business plan, so that they can be tracked and mainstreamed. Periodic checks must be undertaken to ensure that quality assurance is maintained and actions delivered.

For Step 7 - The action plan contains sections covering:

- Involvement and Consultation
- Data Collection and Evidence
- Assessment and Assessment
- Procurement and Partnership
- Monitoring, Evaluation and Reviewing

A copy of the completed action plan should be submitted to your Directorate Contact Officer for monitoring and quality assurance purposes.

STEP 8 – SIGN-OFF

The Chairperson of the Equality Assessment Task Group will need to sign off the Equality Assessment prior to a quality check using the audit arrangements agreed with service managers in the directorate. The check will review the responses provided and add comments or observations. The Equality Assessment can only be fully signed-off by a senior manager and not the Equality Practitioner.

Your assessment must be published in the following way:

- As a word document or in Portable Document Format (PDF) which is accessible from the Directorate or Councils website (external and internal).

A copy of the Equality Assessment must be kept by the Directorate Contact Officer within your directorate for recording on the Equality Assessment schedule and for monitoring of the action plan outcomes. The Directorate Contact Officer will be responsible for overseeing the arrangements for publishing the Directorates Equality Assessment.

INITIAL SCREENING – STAGE 1 (See Guidance information)

As a public authority we need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Full Equality Assessment is required.

Name of policy, strategy or function: Injury Allowance Policy and Procedure	Ref: CR0113IA
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Responsible Officer: Yvonne Van Boolen	Role: HR Practitioner
Directorate: Corporate Resources	Assessment Date: 29 January 2013

Is this a:	Policy ☒	Strategy ☐	Function ☐	Service ☐
Is this:	New or Proposed ☐	Already exists and is being reviewed ☐	Is Changing ☒	

1. What are the main aims, objectives of the policy, strategy, function or service and the intended outcomes and who is likely to benefit from it

Aims:

To set out a policy and procedure which provides, in certain circumstances, for the payment of injury allowance, to employees who sustain an injury or contract a disease whilst carrying out their work and as a result, suffer a reduction in their pay

Objectives:

To comply with the provisions of the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

To provide a robust, consistent and streamlined process

Outcomes:

In the interests of applicants for injury allowance, applications are processed and decisions are made promptly with appropriate consideration of the individual case and the relevant legal requirements

Benefits:

Individuals who sustain an injury or contract a disease whilst carrying out their work and suffer a reduction in pay receive appropriate allowances

2. Explain how the main aims of the policy, strategy, function or service will demonstrate due regard to the aims of the General Duty?

- | | |
|--|--------------------------|
| 1. Eliminate discrimination, harassment and victimisation? | ☐ |
| 2. Advance equality of opportunity? | ☐ |
| 3. Foster good relations? | ☐ |
| 4. Promote positive attitudes towards disabled people? | ☐ |
| 5. Encourage participation of disabled people? | ☐ |
| 6. Consider more favourable treatment of disabled people? | ☐ |

The aims of the policy apply to all regardless of protected characteristics and no adverse effects have been identified.

3. What does your current data tell you about who your policy, strategy, function or service may affect:

Service users	Yes ☐	No ☒
Employees	Yes ☒	No ☐
Wider community	Yes ☐	No ☒

Please provide an explanation for your 'Yes' or 'No' answer

The Injury Allowance Policy and Procedure only applies to employees and ex-employees

4. Are there any aspects of the policy, strategy, function or service, including how it is delivered, or accessed, that could contribute to inequality? (including direct or indirect discrimination to service users or employees)

Yes ☐ No ☒

Please provide an explanation for your 'Yes' or 'No' answer

The policy and procedure provides for claims and appeals to be raised via Ask HR (which requires the use of a pc or other appropriate mechanism and is only available to current employees). Potential access issues this raises are dealt with within the policy and procedure by stating that the request can be registered with help of a friend, colleague or representative and through the provision of an off-line form for individuals unable to access the system.

5. Will the policy, strategy, function or service, have an adverse (negative) impact upon the lives of people, including employees and service users?

Yes ☒

No ☐

Please provide an explanation for your 'Yes' or 'No' answer

The policy will have a positive impact upon employee who bring successful claims for payment of injury allowance. However, the new policy includes the following significant changes from the previous Injury Allowance Policy and Procedure:

- Under the new policy, BCC will not pay injury allowance to an employee until their case is decided under the Injury Allowance Policy and Procedure. Previously, on occasions, if a case appeared to be straightforward, the allowance was paid on instruction from the manager and any required adjustments made later
- Now, in every case and every review of a case, the employer must obtain a certificate from an Independent Registered Medical Practitioner qualified in Occupational Health. Previously, reports were provided by BCC Occupational Health, and where required, supplemented by reports from the employee's GP/consultant
- Under the new policy, cases of current employees receiving injury allowance are to be reviewed every 6 months (there is provision for this in the previous policy but it was not implemented) and retirement injury allowance every 12 months. Allowances may be reduced, suspended or discontinued
- For those receiving annual injury allowance due to incapacity, the new legislation means payment can now be suspended or discontinued if the (ex)employee secures another job or is redeployed for not less than 30 hours each week for a period of not less than 12 months
- Under the new regulations, an employer can make a reduced retirement injury allowance payment (less than 85% of losses to an employee if it can be demonstrated that this is reasonable e.g. where other conditions an individual now suffers mean they would not have been able to continue in work)
- Previously, all employees had the right to appeal to the Secretary of State if a request for temporary injury allowance was turned down. Also, if an allowance was granted, but a chief officer used their discretion to reduce it without receiving advice from the Pensions and Payments Manager or the Chief Legal Officer, employees could appeal to the Personnel Appeals Sub-Committee. There is no longer a right of appeal to the Secretary of State or the Personnel Appeals Panel but an employee can appeal internally about a decision not to pay injury allowance or a decision to pay injury allowance at a reduced amount. The Council must then reconsider its decision and advise the employee of the outcome
- Employees may now request assistance from the Pension Advisory Service with entitlement difficulties and can ask the Pensions Ombudsman to investigate any complaint or dispute of fact or law in relation to payment of allowances. This was not available previously.

Some of these changes have the potential to have an adverse affect on employees and ex-employees compared to the previous policy.

6. Is an Equality Assessment required?

If your answer to question 2 has identified potential adverse impact and you have answered '**yes**' to any of the following questions 3, 4, or 5, then you should carry out a Full Equality Assessment.

Does the Policy, Strategy, Function or Service require a Full Equality Assessment? **Yes**☒ **No**☐

If a Full Equality Assessment is required, before proceeding you should discuss the scope of the assessment with service managers in your service area as well as the Directorate Contact Officer.

If a Full Equality Assessment is **Not** required, please sign the declaration and complete the Summary statement below, then forward a copy of the Initial Screening to your Directorate Contact Officer

If a Full Equality Assessment **Is** required, you will need to sign the declaration and complete the Summary statement below, detailing why the Policy, Strategy, Function or Service is moving to a Full Equality Assessment. Then continue with your Assessment

DECLARATION

A Full Equality Assessment not required, the Initial Screening has demonstrated that the Policy, Strategy, Function or Service is robust; there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.

Chairperson: Yvonne Van Boolean

Sign-off Date: 11 February 2013

Summary statement: A full assessment is required as the initial screening stage indicates that there is potential for an adverse impact on employees and ex-employees (see detail at 5. above). It was agreed at CTU 6.2.13 that implementation should be monitored for 12 months and then a joint assessment carried out with the Trade Unions.

Quality check: The screening document has been checked using the agreed audit arrangements in the Directorate:

Name: (Officer/Group carrying out the Quality Check) Directorate: Contact number:	Date undertaken:	Screening review statement:
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Equality Assessment Task Group Members

<u>Name</u>	<u>Role on Task Group</u> (e.g. service user, manager or service specialist)	<u>Contact Number</u>
1. Chairperson		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

FULL EQUALITY ASSESSMENT– STAGE 2

Step 1– Scoping the Equality Assessment

Building on the material included at the Initial Screening stage, you should begin the Equality Assessment by determining its scope. The Equality Assessment should consider the impact or likely impact of the policy, strategy, function or service in relation to all areas of our remit. The Equality Assessment should be proportionate to the significance and coverage of the policy, strategy, function or service.

1. What data, research and other evidence or information is available which will be relevant to this Equality Assessment? Please tick all that apply

Service Targets	☐	Performance Targets	☐	Service Take-up	☐
User Satisfaction	☐	Press Coverage	☐	Census Data	☐
Workforce Monitoring	☐	Community Intelligence	☐	Previous Equality Impact Assessment	☐
Complaints & Comments	☐	Information from Trade Unions	☐	Staff Survey	☐
Other (please specify)	☐				

Please provide details on how you have used the available evidence/information you have selected as part of your Assessment?

2. Have you identified any gaps in relation to the above question? Yes ☐ No ☐
If 'Yes' please detail including what additional research or data is required to fill these gaps? Have you considered commissioning new data or research?

If 'No' proceed to Step 2.

Step 2 – Involvement and Consultation

Please use the table below to outline any previous involvement or consultation with the **appropriate** target groups of people who are most likely to be affected or interested with this policy, strategy, function or service. (See Appendix 2 - for details on each target group)

Target groups	3. Describe what you did, with a brief summary of the responses gained and links to relevant documents, as well as any actions
Age	
Disability	
Gender reassignment	
Marriage and Civil partnership	
Pregnancy and maternity	
Race	
Religion and belief	
Sex	
Sexual orientation	

4. Who are the main stakeholders and what are their requirements?

5. Amongst the identified groups in the previous question, what does your information tell you about the potential take-up of resulting services?

Step 3 – Assessing Impact and Strengthening the Policy

6. What will be done to improve access to, and take-up of, or understanding of the policy, strategy, function or service?

NB: These are the measures you will take to mitigate against adverse impact.

Step 4 – Procurement and Partnerships

7. Is this project due to be carried out wholly or partly by contractors?

Yes ☐

No ☐

If 'yes', have you done any work to include equality considerations into the contract already? Specifically you should set out how you will make sure that any partner you work with complies with equality legislation (employment practice/service provision)

Step 5 – Making a Decision

8. Summarise your findings and give an overview of whether the policy, strategy, function or service will meet the authority's responsibilities in relation to equality and support the council's strategic outcomes?

Step 6 – Monitoring, Evaluating and Reviewing

Before finalising your action plan you must identify how you will go about monitoring the policy/function or the proposals, following the assessment, and include any changes or proposals you are making.

9. What structures are in place to monitor and review the impact and effectiveness of the new policy, strategy, function or service?

Step 7 – Action Plan

Any actions identified as an outcome of going through the Steps 1 – 6, should be mapped against the headings within the Action Plan.

NB: summarise/evidence actions taken to mitigate against adverse impact.

10. Taking into consideration the responses outlined in the Initial Screening Stage and Steps 1-6 of the Full Assessment, complete the action plan below.

	Ref (if appropriate)	Actions	Target date	Responsible post holder and directorates	Monitoring post holder and directorates (if appropriate)
Involvement and Consultation					
Data Collection					
Assessing Impact					
Procurement and Partnership					
Monitoring, Evaluation and Reviewing					

Step 8 – Sign-Off

The final stage of the Equality Assessment process is to formally sign off the document as being a complete, rigorous and robust assessment

The policy, strategy or function has been fully assessed in relation to its potential effects on equality and all relevant concerns have been addressed.

Chairperson of Equality Assessment Task Group

Name:	Job Title:	Directorate	Sign-off Date:
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Concluding statement:

Quality Check and Review by the Directorate Contact Officer:

Name:	Directorate Team:	Review Date:
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Summary of strengths and area(s) for improvement:

Service Director or Senior Officer (sign-off)

Name:	Job Title:	Date:
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GOVERNANCE AND QUALITY ASSURANCE

The Equality and Diversity Division is able to provide guidance and advice to staff and senior managers to assist with the equality assessment process. Officers will also when resources permit attend Equality Assessment Task Group meetings. However the Directorate Contact Officers will provide input and experience of the service around the completion of the assessment forms. They will also provide quality assurance by agreeing the auditing arrangements with their service managers on the proposed or completed Initial Screenings and Full Equality Assessment in their Directorate.

Their role will also involve the following:

- Ensuring that there is consistency of quality and approach
- Ensuring that assessment forms are completed in compliance with the Corporate Equality Assessment guidance
- Providing supporting advice, comments and guidance on EAs
- Providing assurance to the senior managers that the Equality Assessment process has been complied with across their directorate
- Monitoring the arrangements as agreed in their directorates on the delivery of actions developed as an outcome of the Equality Assessment process
- Overseeing the arrangements for publishing the Directorates Equality Assessment schedules onto the Directorate website pages, Equality and Diversity web pages or the City Council's website
- Maintaining the Directorate's Equality Assessment schedule

Overall accountability of the Equality Assessment process rests with senior managers/service heads and should be integral with the current arrangements around risk management and other BCC business planning protocols. It is a requirement for an assessment to be undertaken when policies or strategies, are submitted to Cabinet and forms part of the Cabinet Reports Checklist.

Key points to remember:

- The Equality Assessment process allows us to test to see whether any current policies, strategies and functions have discriminatory outcomes
- Equality Assessment take into account whether services are meeting the requirements of the Equality Act 2010 General Duties (the 3 Aims), and are appropriately paying due regard taking into account the needs and concerns of people from the protected characteristics
- The object is to produce a 'reasonable' assessment, which can form the basis for equality objectives, target setting and developing meaningful local equality performance indicators, which are then embedded within Directorate Service/Business Plans
- It is important to show the local community that the council is actively engaged and committed to challenging potential discrimination, as well as improving its service delivery and employment practices in relation to equalities

Equality Assessment Reference Number:

All Initial Screenings and Full Equality Assessment completed will need to be allocated a reference number, details of how you allocate a reference number is on page 5 of the Guidance information.

FREQUENTLY ASKED QUESTIONS ON THE EQUALITY ASSESSMENT PROCESS

The Equality Assessment Procedure

When do you conduct an Equality Assessment?

On any new, existing or amended policy, strategy or function which is relevant to equality. There are two stages. The first stage is the Initial Screening. This checks to what extent the policy, strategy or function is relevant to the council's equality duties. The second stage is a Full Equality Assessment where a more detailed process is undertaken. The best time to do an Equality Assessment is at the earliest stage in policy development and before a cabinet report is prepared. The process should ideally be integrated into your business and service plans.

Should the Equality Assessment be considered by Cabinet?

In some cases the Equality Assessment may relate to policy, strategy, procedure or functions that could require consideration by Cabinet or a similar body within the council. In this case it is important for the report to make reference to the findings of the Equality Assessment and action plan, and how these have influenced the shaping and development of overall policy. This will ensure evidenced-based decision making. Cabinet reports make direct reference to any identified equality issues. Key Business and financial decisions must always be supported by an Equality Assessment. This will evidence that decisions makers have paid due regard to affected groups.

What are BCC Constitution Arrangements in relation to Equality Assessment?

Democratic Services staff has been instructed to return any report that does not comply with the corporate template/checklist. Section G of this template makes reference to Equality Assessment and asks if the report adequately addresses the issue. (*Volume B -Part 5(c) Appendix 3 - Executive Decision Making Reports Templates and Guidance Revised May 2010*)

Why does a Task Group need to be formed?

This ensures that the knowledge, expertise and experiences of all relevant officers and customers are used to inform the Equality Assessment and does not rely on the judgement of just one officer this reduces the potential of unwitting or witting prejudice or discrimination.

Who should be involved in the Equality Assessment?

- Service/Section Manager or Responsible Officer
- Staff who work within the service
- Officers from other teams that provide supporting services to the policy, strategy or function
- Internal customers and stakeholders, such as representatives from staff groups
- External customers and stakeholders from different equality forums and networks representing different equality strands

On those occasions where we share the responsibility for a policy with another local authority, the necessary arrangements should be put in place to ensure full co-operation in carrying out an Equality Assessment.

If a policy is changed, does a new Equality Assessment need to be done?

Yes. Any policy change which affects different outcomes such as added/deleted objectives or decisions to stop or start a service, will require comparative considerations between the previous service and the proposed new service.

What will happen if we do not do an Equality Assessment or if the Equality Assessment is not done properly?

The Directorate Equality Assessment contact officer using the audit arrangements agreed with service managers in the directorate will audit Equality Assessment for compliance.

What should be included in an Action plan?

The action plan should include actions that will remove or alleviate the potential for the activity to unlawfully discriminate or impact less favourably on one or more communities. The action plan should include references to any additional monitoring or research that was identified in the information-gathering part of the process. It should also include references to any information that is still required or was not retrievable at the point of assessment. This will be needed in subsequent reviews or in order to complete actions.

What other information should be included in the action plan?

To ensure that the action plan is more than just a list of proposals and good intentions, the following should be included:

- each action be attributed to a key person who is ultimately responsible
- reasonable timescales
- relevant and appropriate activities and progress milestones
- any cost implications and how these will be addressed.

When should progress being made within the action plan be reviewed?

Progress against the action plan should be reviewed regularly, usually bi-annually. Actions arising from the Equality Assessment should be built into relevant service plans and team plans. This will enable monitoring to take place as part of an established timetable.

Who are our stakeholders/main customer groups? We haven't always got data.

Stakeholders include all local area and Birmingham residents, residents in neighbouring local authorities who may also use the function as commuters/visitors, all above. Main customer groups are those who use the function/policy e.g. local businesses, or local road users. If there are gaps in the data then say so and say what steps you have taken or will take to close gaps.

How do you ensure that Equality Assessment do not take up too much time on a "tick box exercise", with no benefits?

Equality Assessment should not be "tick box" exercises but is a way of formalising what should already be part of your normal work. Any impact on different groups should be considered when designing, reviewing or amending any policy, strategy or function, but also gives the chance to think creatively about alternative measures to improve policy and service delivery. The legislation requires that we monitor the progress of the action plan within the Equality Assessment following its completion.

How often should we review our Equality Assessment?

The Equality Assessment should be reviewed at least once every 3 years. If your policy, strategy or function has not been amended after adoption and there is no change in the operating environment (customers, staff, agencies, contractors, partners etc) then Equality Assessment review is not required.

What is a Differential Impact?

A differential impact is where a policy, strategy or function has different outcomes for one or more community, customer or employee group when compared to another. Or, it could mean that where a universal approach is taken to the delivery of a service or function it results in some people being affected differently. In making your assessment you will need to consider whether any impact amounts to unlawful discrimination. If you find this, then you are duty bound to act to try and ensure that the Council acts lawfully – by changing the policy or procedures in question. If it is not unlawful, but there is evidence that groups or communities are treated less favourably, you will need to consider whether:

- The policy, strategy or function is intended to address the specific needs of a particular group or community and it is necessary to promote equality of opportunity for this group over others.
- If this is not the case, are there alternative measures that could be taken to help other people to benefit too?
- Considering whether there are ways of mitigating adverse impact and alternative ways of achieving the same goals is an important part of the assessment.

What is Mitigating an Adverse Impact?

Mitigating an adverse impact can either mean lessening the impact or providing some other remedy if it is not possible to reduce it. Coming up with alternative ways for delivering the service where the impact will not be as adverse is also important. For example, you may need to develop different delivery strategies for different groups to ensure that the service you are delivering is appropriate and accessible to them all.

Altering your proposals is another option, to change them so that they meet the needs of others not initially identified when the proposals were first being drawn up.

If you are considering proceeding with a proposed policy knowing that it will have an adverse impact on one of the protected characteristics, you must first satisfy yourself of the following:

- If the policy is directly discriminatory in any of the areas currently covered by Statutory Duties or any other equalities legislation – then it would be unlawful and should be rejected. A directly discriminatory policy cannot be justified and other ways should be explored for achieving the objectives stated.
- If the policy is indirectly discriminatory, that is, it would disadvantage people from targeted equality groups, you may also need to reject it, unless you can justify the policy which means you would probably have to show in court that:
 - The policy was necessary in order to carry out your functions you were unable to find another way of achieving the aims of the policy that had less discriminatory effect
 - You believe that the means you have employed to achieve the aims of the policy are proportionate, necessary and appropriate.

Examples of potential significant adverse impact

- Lower success rates in selection processes for employment
- Eligibility criteria which disadvantages any groups
- Access to services restricted when compared to other groups
- Experiencing increased difficulty or indignity when using services e.g. public buildings with segregated access for those with mobility disabilities
- Lower participation rates compared to other groups
- Higher or lower uptake, failure to access/receive a poorer or inferior service
- Changing a policy that reduced or increases benefits disproportionately for one group.

Do we need Data Collection and Assessment?

Yes. While existing/tailored data collection will be necessary for individual Equality Assessment it is much more efficient to collect certain types of data such as workforce profiles, statistics on employment, customer feedback or general research across the organisation as part of mainstream data collection and Assessment. Local, regional and national research should also be utilised particularly when internal data is scarce.

Completion of the Equality Assessment

Who will read or use the completed Equality Assessment?

Completed Equality Assessment are available on the City Council's website, the Equality and Diversity webpage and directorate website page and can be used by anybody or any organisation.

Is there a chance to get feedback before publication?

Your local Directorate Contact Officer should be in a position to provide feedback on draft Equality Assessments. It may also be useful to discuss or peer review the assessment within the directorate, using a small focus group.

How should Equality Assessment be published?

All Equality Assessment are public documents that need to be published. This could be on the council's website, directorate website page and Equality and Diversity webpage, in hard copy or by electronic distribution. However, before they are published they should be signed off by the relevant service head. If the Equality Assessment is very long or complex, then an executive summary will help make it more accessible to the wider community.

Definitions

What is a review?

A review refers to the standard reassessment of statutory and non-statutory strategies and business development appraisal.

What is a policy?

A policy can be written or unwritten, formal or informal. This includes strategies, guides, manuals and common practice. It outlines an approved decision, principle, plan or set of procedures that influence, direct and determine the way business is carried out both internally and externally.

What is a project?

A project is a temporary structure or scheme created to achieve a specified business benefit or goal. This includes functions and events that are carried out either annually or on a regular basis.

What is a service?

A service is a term usually used to mean facilities, resources or provisions made by the council for its residents. This is made either directly or indirectly through partnership with the public, or through financing private provision of services with third sector organisations and agencies. For example, leisure, education or car parking.

What is a function?

A function is the term that is usually referred to as actions and activities assigned to, required by or expected of the council.

What is Organisational change?

Organisational change is defined as change that has an impact on the way that work is performed and has significant effects on staff. This could include changes:

- in the structure of an organisation
- to organisational operation and size of a workforce
- to working hours or practices
- in the way roles are carried out

Organisational change can have an impact irrespective of whether changes are viewed as large or small.

What is indirect discrimination?

Indirect discrimination is an apparently neutral provision, criteria or practice which disadvantages a considerable or large proportion of the members of one group or community.

What is direct discrimination?

Direct discrimination is where a person is treated less favourably on the grounds of race, gender, disability, sexual orientation, age, religion and belief.

PROTECTED CHARACTERISTICS: DEFINITIONS

The below provides you with the information on each of the nine protected characteristics as detailed on the EHRC web page.

Age

Where this is referred to, it refers to 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 s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Gender reassignment

The process of transitioning from one gender to another.

Marriage and civil partnership

Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

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

Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion and belief

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Sex

A man or a woman.

Sexual orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

CONTACT DETAILS

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Adults & Communities	- Jim McManus
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Environmental & Culture	- Lesley Ariss
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