



# Helping to make an impact

## **Equality Impact Needs Assessment/Equality Analysis 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 4 - 8;
- Your Directorate EINA/EQUALITY ANALYSIS Contact Officer. There is a Directorate Contact officer in each directorate across the City Council. They are responsible for coordinating the EINA/EQUALITY ANALYSIS process in their directorate.

## OVERVIEW

For Equality Impact Needs Assessments/Equality Analysis (EINA/EA) to be effective, they must be systematically carried out across all and by all parts of the City Council.

### **What is an Equality Impact Needs Assessment/Equality Analysis**

An EINA/EA is a systematic tool that helps council's make sure their policies, and the ways they carry out their functions, do what they are intended to do and for everybody. Carrying out an EINA/EA involves systematically assessing the likely (or actual) effects of policies, strategies, functions or services on people in respect of disability, gender, including gender identity, race, age, religion and belief and sexual orientation. 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 purpose of an EINA/Equality Analysis**

EINA/EAs offer an opportunity for service managers and their teams to think carefully about the impact of their work on local people and other members of staff. They can then take action that will promote equality for all. On the whole, EINA/EAs should make sure that equality is placed at the centre of policy development and review, as well as service delivery.

The City Council process is done through 2 stages:

- **Stage 1** - is the 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** is the Full EINA/EA, and has a 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 Impact Assess**

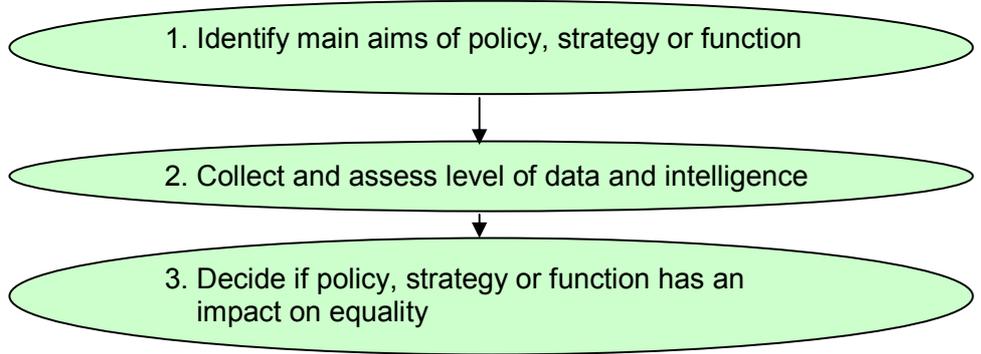
The EINA/EQUALITY ANALYSIS process has to be carried out on areas which are strategic or integral to the City Council. These include:

- Policies, Strategies, Functions
- Special projects or initiatives
- Reviews
- Services internal and external
- Service restructuring
- Organisation change
- Funding decisions
- Budgetary decisions

# PROCESS FOR UNDERTAKING AN EINA/EA

## Initial Screening

Pages 9 – 12 of the Assessment Form



## EINA/EQUALITY ANALYSIS

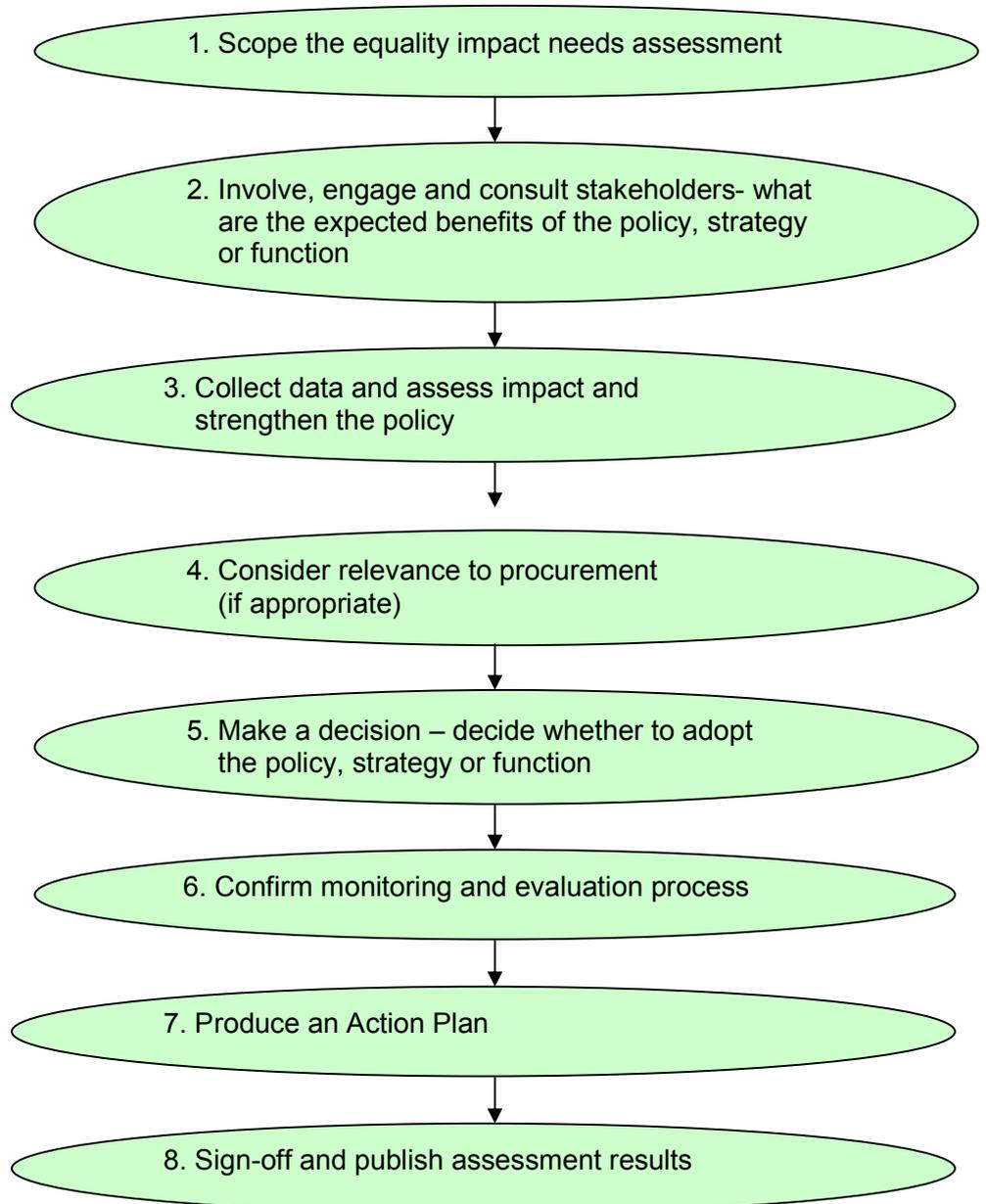
Impact

No Impact

Exit

## Full EINA/EQUALITY ANALYSIS

Pages 13 – 19 of the Assessment Form



## 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 EINA/EQUALITY ANALYSIS.

- 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 impact assessment.**

It is a legal requirement that consultation takes place with appropriate stakeholders as part of the EINA/EQUALITY ANALYSIS process. This is to gain their perspectives on the work that is being undertaken and the services delivered. For this stage you should consider:

- Bring together all of the relevant equalities and customer information or data which already exists in relation to the policy, strategy, function or service.
- Examine existing monitoring information, customer feedback and consultation.
- May need to commission if no data is available the collection of new data or check out whether any comparative data exists which could be used to inform your assessment. There are lots of teams around the Council who hold useful information.

### Page 10 - of the Assessment Form - EINA/EQUALITY ANALYSIS Reference No.

You will need to allocate a reference no. for the EINA/EQUALITY ANALYSIS. This should consist of the service area code, year and month in which the EINA/EQUALITY ANALYSIS 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 HC - Housing

### Page 12 - of the 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 impact needs assessment – Stage 2 EINA/EQUALITY ANALYSIS.

If the answer is 'no', then the Chairperson of the EINA/EQUALITY ANALYSIS 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 EINA/EQUALITY ANALYSIS Contact Officer for quality check and publishing onto the directorate website page or City Council website.

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. EINA/EQUALITY ANALYSIS 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 local Directorate EINA/EQUALITY ANALYSIS Contact Officer should be on hand to provide further advice and guidance should you need it.

### **A full assessment proceeds through the following 8 steps:**

1. Scoping the equality impact needs 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 EINA/EA**

(Questions 1 and 2, page 13)

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, pages 14 and 15)

Consultation is a key part of an impact 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 coincide with religious customs or festivals? Also, that venues and facilities are accessible
- How will information, pre, during and post-consultation, be made available?
- Have you made arrangements to translate the consultation material, and the publicity materials for the consultation?

More information can be found within the Talking Together, Working Together -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. This approach will help meet the requirements around the 'Duty to Inform, Consult and Involve.

Information should be given priority that assists you with identifying that there is a potential adverse impact on one or more of the protected characteristics or that there is unlawful discrimination taking place.

## **STEP 3 – ASSESSING IMPACT AND STRENGTHENING THE POLICY**

(Question 6, page 16)

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 Disability Discrimination Act, including treating disabled people more favourably where necessary?

## **STEP 4 – PROCUREMENT AND PARTNERSHIPS**

(Question 7, page 16)

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' has been 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](http://www.wmf-commonstandardforequalities.gov.uk) or contact your Procurement Team.

## **STEP 5 – MAKING A DECISION**

(Question 8, page 17)

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 EINA/EQUALITY ANALYSIS 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 a particular equality group or groups?
- Is the proposal likely to make it difficult to promote equal opportunities or good relations between different racial 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, page 7)

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, page 18)

The whole point of carrying out an EINA/EQUALITY ANALYSIS is to 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 EINA/EQUALITY ANALYSIS comes from the actions that will take place and the positive changes that will emerge through conducting the assessment. The completion of the Action Plan will draw on the outputs and responses emerging from Steps 1 - 6

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 Analysis
- Procurement and Partnership
- Monitoring, Evaluation and Reviewing

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

## **STEP 8 – SIGN-OFF**

(page 19)

The Chairperson of the EINA/EQUALITY ANALYSIS Task Group will need to sign off the EINA/EQUALITY ANALYSIS 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 EINA/EQUALITY ANALYSIS can only be fully signed-off by a senior manager.

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 EINA/EQUALITY ANALYSIS must be kept by the Directorate EINA/EQUALITY ANALYSIS Contact Officer within your local directorate for recording and monitoring of the action plan actions and for the EINA/EQUALITY ANALYSIS details to be added to the EINA/EQUALITY ANALYSIS schedule. The contact officer will be responsible for overseeing the arrangements for publishing the Directorates impact assessments.

## INITIAL SCREENING – STAGE 1 (See Guidance information page 4)

**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 EINA/EQUALITY ANALYSIS is required.**

<b>Name of policy, strategy or function:</b> CBC Contract for the provision of library books and Audio Visual materials	<b>Ref:</b> EC 0112CBC
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<b>Responsible Officer:</b> Linda Butler	<b>Role:</b> Chairperson of EINA/EQUALITY ANALYSIS Task Group
<b>Directorate:</b> Environment & Culture	<b>Assessment Date:</b> 31.1.2012

<b>Is this a:</b>	Policy <input type="checkbox"/>	Strategy <input type="checkbox"/>	Function <input type="checkbox"/>	Service <input type="checkbox"/>
<b>Is this:</b>	New or Proposed <input type="checkbox"/>	Already exists and is being reviewed <input checked="" type="checkbox"/>	Is Changing <input type="checkbox"/>	

### 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

The cost effective supply of mainstream library books and audio visual material, associated services and processing through an economically advantageous tender. Resulting outcomes will be value for money provision of a wide range of mainstream library books for the benefit of library customers. Additional arrangements are already in place to ensure the purchase of large print and talking books, books in a range of community languages and books which reflect a diversity of cultural backgrounds and social views

### 2. Explain how the main aims of the policy, strategy, function or service will support the Equality Duties?

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

Library stock to be purchased under this function

- introduces adults, children and young people to a variety of life situations and cultures, to encourage them to be sensitive to others

Additional purchasing arrangements are already in place to purchase stock which:

- reflects the widest diversity of cultural backgrounds and social views
- provides material in languages other than English to reflect the City's diverse ethnic and cultural population
- satisfies the need for all appropriate formats for people with special needs

### 3. Does your policy, strategy, function or service affect:

Service users	Yes <b>X</b>	No <input type="checkbox"/>
Employees	Yes <b>X</b>	No <input type="checkbox"/>
Wider community	Yes <b>X</b>	No <input type="checkbox"/>

User survey data demonstrates that library customers (including employees) come from all equality groups - books and audio visual materials are purchased to satisfy their reading and listening for information and pleasure. This is monitored through stock take up and through satisfaction surveys.

The positive equality messages in the library material purchased through the CBC contract encourage community cohesion and tolerance in the wider community

### 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 **X**                      No

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

The purchase of materials with negative equality messages could have an adverse impact – however our published stock policy states that the stock will reflect the widest diversity of cultural backgrounds and social views. In addition Birmingham Library and Archive Services supports the Chartered Institute of Library and Information Professional's (CILIP's) declaration:

*"The function of a library service is to provide, so far as resources allow, all books, periodicals, etc. other than the trivial, in which its readers claim legitimate interest. In determining what is legitimate interest the librarian can safely rely upon one guide only – the law of the land. If the publication of such matter has not incurred penalties under the law it should not be excluded from libraries on any moral, political, religious or racial ground alone, to satisfy any sectional interest.*

*The public are entitled to rely upon libraries for access to information and enlightenment upon every field of human experience and activity. Those who provide library services should not restrict this access except by standards which are endorsed by law."*

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

Yes                       No **X**

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

Resources are purchased through the CBC contract in line with our published stock policy - which states that :

- The stock will reflect the widest diversity of cultural backgrounds and social views.

Additional arrangements are already in place to ensure the purchase of large print and talking books, books in a range of community languages and books reflecting minority interests

## 6. Is an Equality Impact Needs Assessment/Equality Analysis 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 EINA/EQUALITY ANALYSIS.

Does the Policy, Strategy, Function or Service require a Full EINA/EQUALITY ANALYSIS? **Yes**  
 **No** **X**

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

If a Full EINA/EQUALITY ANALYSIS is Not required, please sign the declaration below and forward a copy of the Initial Screening to your Directorate EINA/EQUALITY ANALYSIS Contact Officer

### DECLARATION

**A Full EINA/EQUALITY ANALYSIS is 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:



Sign-off Date: 31<sup>st</sup> January 2012

Summary statement:

The CBC contract provides the cost effective supply of mainstream library books and audio visual material. Stock is purchased in line with Birmingham Library & Archives Stock Policy which takes due regard for equality issues. Additional purchasing arrangements are already in place for large print and talking books, books in a range of community languages and books reflecting minority interests.

Take up and customer satisfaction with library stock are actively monitored

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

<p><b>Name:</b> (Officer/Group carrying out the Quality Check) Kim Lea</p> <p><b>Directorate:</b> Environment &amp; Culture</p> <p><b>Contact number:</b> 303 2677</p>	<p><b>Date undertaken:</b> 12/02/2012</p>	<p><b>Screening review statement:</b> To the best of my knowledge and experience, I can assess that although the Initial assessment questions 3 and 4 are ticked Yes and that this indicates a full asst should be done – there is sufficient information in the form and covering email that states this will not have a negative impact on the users of the service. The Library stock policy further supports this.</p>
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**EINA/EQUALITY ANALYSIS 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 - Linda Butler	Manager	0121 303 4402
2.	Jane Callear	Service Specialist	0121 303 4243
3.			
4.			
5.			
6.			
7.			
8.			
9			
10.			

**FULL EINA/EQUALITY ANALYSIS – STAGE 2** (See Guidance information page 5 - 8)

**Step 1– Scoping the Equality Impact Needs Assessment (EINA/EQUALITY ANALYSIS)**

Building on the material included at the Initial Screening stage, you should begin the EINA/EQUALITY ANALYSIS by determining its scope. The EINA/EQUALITY ANALYSIS should consider the impact or likely impact of the policy, strategy, function or service in relation to all areas of our remit. The EINA/EQUALITY ANALYSIS 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 EINA/EQUALITY ANALYSIS? Please tick all that apply					
Service Targets	<input type="checkbox"/>	Performance Targets	<input type="checkbox"/>	Service Take-up	<input type="checkbox"/>
User Satisfaction	<input type="checkbox"/>	Press Coverage	<input type="checkbox"/>	Census Data	<input type="checkbox"/>
Workforce Monitoring	<input type="checkbox"/>	Community Intelligence	<input type="checkbox"/>	Previous EINA/EQUALITY ANALYSIS	<input type="checkbox"/>
Complaints & Comments	<input type="checkbox"/>	Information from Trade Unions	<input type="checkbox"/>	Staff Survey	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>				
Please provide details on the available evidence/information you have selected?					

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** (See Guidance information page 6)

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 3 - 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	

**Race**

--

**Religion or belief**

--

**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**

(See Guidance information page 6)

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

## Step 4 – Procurement and Partnerships

(See Guidance information page 7)

**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.**

## Step 5 – Making a Decision (See Guidance information page 7)

**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**

(See Guidance information page 7 and 8)

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 (See Guidance information page 8)

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

<b>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.</b>					
	Ref (if appropriate)	Actions	Target date	Responsible post holder and directorate	Monitoring post holder and directorate (if appropriate)
<b>Involvement and Consultation</b>					
<b>Data Collection</b>					
<b>Assessment and Analysis</b>					
<b>Procurement and Partnership</b>					
<b>Monitoring, Evaluation and Reviewing</b>					

## Step 8 – Sign-Off (See Guidance information page 8)

The final stage of the EINA/EQUALITY ANALYSIS 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 EINA/EQUALITY ANALYSIS Task Group

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

### Quality Check and Review by the Directorate EINA/EQUALITY ANALYSIS 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 impact assessment process. Officers will also attend EINA/EQUALITY ANALYSIS Task Group meetings and periodically audit a sample of completed EINA/EQUALITY ANALYSIS as part of the Governance arrangements. However the Directorate EINA/EQUALITY ANALYSIS Contact Officers will provide input and experience of the service around the completion of the impact assessment form. They will also provide quality assurance by agreeing the auditing arrangements with their service managers on the proposed or completed Initial Screenings and Full EINA/EQUALITY ANALYSIS 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 EINA/EQUALITY ANALYSIS guidance;
- Providing supporting advice and guidance;
- Providing assurance to the senior managers and the Equality and Diversity Lead officer that the EINA/EQUALITY ANALYSIS 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 EINA/EQUALITY ANALYSIS process;
- Overseeing the arrangements and liaising with the Equality and Diversity Lead officer for publishing the Directorates EINA/EQUALITY ANALYSIS schedules onto the City Council's website
- Maintaining the Directorate's EINA/EQUALITY ANALYSIS Schedule (the schedule should contain all EINA/EQUALITY ANALYSIS completed during each EINA/EQUALITY ANALYSIS cycle);

Overall accountability of the EINA/EQUALITY ANALYSIS process rests with senior managers/service heads and should be viewed on par with the current arrangements around risk management. It is a requirement for an impact 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 EINA/EQUALITY ANALYSIS process allows us to question whether any current policies, strategies and functions have discriminatory outcomes;
- EINA/EQUALITY ANALYSIS take into account whether services are meeting the requirements of the Race, Disability and Gender Equality Duty, Equality Act and are appropriately 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 a legal requirement to publish equality impact assessments. It is also 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.

**EINA/EQUALITY ANALYSIS Reference No.**

All Initial Screenings and Full EINA/EQUALITY ANALYSIS 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 EINA/EQUALITY ANALYSIS PROCESS

### The EINA/EQUALITY ANALYSIS Procedure

#### When do you conduct an EINA/EQUALITY ANALYSIS?

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 EINA/EQUALITY ANALYSIS where a more detailed process is undertaken. The best time to do an EINA/EQUALITY ANALYSIS 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 impact needs assessment be considered by Cabinet?

In some cases the equality impact needs 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 impact needs 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 impact issues.

#### What are BCC Constitution Arrangements in relation to EINA/EQUALITY ANALYSIS?

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 EINA/EQUALITY ANALYSIS 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 EINA/EQUALITY ANALYSIS 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 impact 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 EINA/EQUALITY ANALYSIS.

### **If a major amendment is done to a policy, does a new EINA/EQUALITY ANALYSIS need to be done?**

Yes. Major amendments include any amendment which has an impact on equalities such as added/deleted objectives, and decisions to stop or start a service, remember to look at any earlier EINA/EQUALITY ANALYSIS completed and draw comparisons from your original findings.

### **What will happen if we do not do an EINA/EQUALITY ANALYSIS or if the EINA/EQUALITY ANALYSIS is not done properly?**

The Directorate EINA/EQUALITY ANALYSIS contact officer using the audit arrangements agreed with service managers in the directorate will audit EINA/EQUALITY ANALYSIS for compliance inline with the audit form produced by the Equality and Diversity division. Our corporate audit and scrutiny teams as well as Officers working in the Equality and Division may also audit a sample of EINA/EQUALITY ANALYSIS. It is a breach of the Race relations (Amendment) Act 2000 not to do an EINA/EQUALITY ANALYSIS.

### **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 impact 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 EINA/EQUALITY ANALYSIS do not take up too much time on a “tick box exercise”, with no benefits?**

EINA/EQUALITY ANALYSIS 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 EINA/EQUALITY ANALYSIS following its completion.

### **EINA/EQUALITY ANALYSIS Cycle**

#### **What is the “EINA/EQUALITY ANALYSIS cycle”?**

EINA/EQUALITY ANALYSISs are done in 3 yearly cycles. The previous was 2005-08 and the present cycle is 1<sup>st</sup> June 2008 – 31<sup>st</sup> May 2011.

#### **When do we need to do them by?**

EINA/EQUALITY ANALYSISs need to be completed in this cycle by 31<sup>st</sup> May 2011. All EINA/EQUALITY ANALYSISs of the 08/11 cycle need to be completed by the deadline. The next cycle starts 1<sup>st</sup> June 2011 to 31<sup>st</sup> May 2014.

#### **How often should we review our EINA/EQUALITY ANALYSIS?**

The law requires local Authorities to review their EINA/EQUALITY ANALYSISs 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 EINA/EQUALITY ANALYSIS review is not required

### **Impact**

#### **What is Positive Involvement and Consultation?**

The race equality duty requires that proposed policies are consulted on as well as assessed. The gender and disability duties are not as explicit, but require involvement of disabled people and consultation of women and men as a key method of meeting the equality duties.

### 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?

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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 Analysis?

Yes. While existing/tailored data collection will be necessary for individual EINA/EQUALITY ANALYSIS 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 analysis. Local, regional and national research should also be utilised particularly when internal data is scarce.

## Completion of the EINA/EQUALITY ANALYSIS

### Who will read or use the completed EINA/EQUALITY ANALYSIS?

Completed EINA/EQUALITY ANALYSIS are available on the Birmingham City Council website or/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 EINA/EQUALITY ANALYSIS Contact Officer should be in a position to provide feedback on draft equality impact needs assessments. It may also be useful to discuss or peer review the assessment within the directorate, using a small focus group.

### How should equality impact assessments be published?

The race, disability and gender duties, requires publication of the results and the EINA/EQUALITY ANALYSIS consultations. All equality impact assessments are public documents that need to be published. This could be on the council's website, 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 impact needs 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

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