

## **Appendix 5**

### **Full Impact Assessment – Guidance**

#### **When to carry out a Full Equality Assessment**

If Part 2 of the Initial Assessment points to a real concern about the area being assessed in terms of differential impact, which is echoed by the views of the experts/relevant groups, then it will be necessary to undertake a Full Equality Assessment.

On completion of Part 2, you will have an idea of the risks associated with the area being assessed in relation to differential impact. You will need to progress to a Full Assessment depending on one or more of the following:

- The views of experts or interested groups indicate a concern
- The strategy/policy/service/procedure is corporate and far-reaching in terms of the number of people affected or impacted upon by its implementation.

A Full Assessment is carried out to investigate further where a strategy/policy/service/procedure is unlawful and/or where there is an adverse impact. A Full Assessment will also address how to reverse adverse impact.

#### **Stage 1 – Setting up the assessment team**

1. Identify the service managers and frontline staff who are responsible for delivering the strategy/policy/service/procedure who will be in the assessment team. A member of the Internal Equality Group will be appointed to support the team.
2. Identify a Lead Officer who will be responsible for directing activities, recording and monitoring progress, assigning tasks between meetings and producing the final report.
3. Consider whether any other department needs to be involved eg. if it is a joint strategy/policy/service/procedure.
4. The Lead Officer will make the service Director and relevant Members aware of the process and keep them informed of progress.
5. The team needs to have an up-to-date awareness of equalities legislation (see summary at Appendix 3 of the Wealden Equality Scheme).

#### **Stage 2 – Identifying the scope of the assessment**

1. Identify which strategies/policies/services/procedures need to be included in the assessment.
2. Clearly identify the main objectives of the strategies/policies/services/procedures being assessed.
  - What are the specific outcomes you hope to see from the proposed policy?
  - Do these objectives include promotion of equality and diversity? If not, what changes need to be made? If so, what effect does this currently have on the service? Who is intended to benefit and how?

- Is there evidence of any adverse impact on certain groups? Consider what changes you should make.
  - Is there evidence of conflict with current legislation (ie. direct or indirect discrimination) or the Council's Equality Policy? What action needs to be taken to prevent this in the future?
  - Is there a consistent approach across the strategies/policies/services/procedures?
  - How does the proposed policy fit with other policies, your own as well as those of other departments or authorities?
  - Which individuals and organisations are likely to have an interest in the proposals?
3. Identify the Council's role and responsibilities and those of any contractors, other agencies and partnerships.
- Are there any aspects or issues that could contribute to inequality? Look at:
    - location of facilities
    - access issues
    - language, translation and interpretation
    - dress codes
    - eligibility rules
  - Are opportunities to promote equality being missed? Consider what changes could be made.
  - Is there evidence of consultation with users/stakeholders from different equality groups?
  - Are equality issues currently being monitored?
  - Is there evidence of good practice? How can this be shared?

Guidance Notes:

- ❖ Your answers to this stage may show that you have not yet given sufficient attention to equalities issues. This should help you to identify where you might need to revise strategies/policies/services/procedures.

**Stage 3 – Assessing how relevant equality legislation is to a particular strategy, policy, service or procedure**

Equality is relevant to much of what we do because it is an essential element of providing services to the public. The various equalities legislation will be more or less relevant depending on the service area.

Your response should be proportionate to the relevance of the strategy/policy/service/procedure to the equalities legislation and to the level of need of different groups, not the size of their proportion of the population. It is important that services meet the needs of all customers.

1. Determine what the strategy/policy/service/procedure helps to deliver/provide and how it might affect different groups? Are there specific groups you regard as priority groups? Why?
2. Consider how relevant it is to meeting our obligations under the equality legislation? (relevance can be considered in terms of high, medium, low or none). If high to medium relevance, consider what the strategy/policy/service/procedure needs to include to promote equality.

3. Are the current strategies/policies/services/procedures likely to affect, directly or indirectly, our ability to meet our statutory duties?

**Guidance Notes:**

- ❖ Include strategies, services, policies and procedures that are delivered through a third party.
- ❖ You may need to carry out this assessment for each of the strategies/policies/services/procedures identified.
- ❖ Stages 2 and 3 should have helped identify current practice and relevance to equality. They should have begun to show potential areas for change/improvement.

**Stage 4 – Collecting relevant data to support equality improvements**

In order to make equality improvements, it is important to obtain and analyse data on equality groups in the District. Accurate and robust data is essential if you are to make a judgement about the nature and level of impact of existing strategies/policies/services/procedures and any potential changes on different equality groups.

A certain amount of data already exists eg. Census, surveys, local research. It is less likely that relevant data exists within service areas.

1. Identify what equality group data currently exists. What is the nature of that data (eg. quantitative/qualitative)? Can any particular trends be identified for specific equality groups?
2. Identify and record any gaps and inadequacies in current data/information and consider how these might be addressed.
3. Identify what monitoring systems are in place. What might be needed in the future to assess future impact in relation to equality groups?
4. Depending on what data/information currently exists, consider gathering additional data. Think carefully about relevance again. Focus on the service user and consider the most appropriate and proportionate approach to gathering additional data.

Ask the following questions to help you to decide whether additional data is needed:

- What information is needed to ensure that all equality group views are taken into account?
- Who should be involved in determining what information is needed? (service users? staff? equality group representatives?)
- What new data do we need to obtain? Do we need primary (surveys, interviews etc.) or secondary research (analysis of existing data)?
- Might other Council colleagues or partner organisations have such data?

**Guidance Notes:**

- ❖ Consider the need for additional data in **proportion** to the relevance and impact on the service/equality groups assessed in Stage 2.
- ❖ Use relevant, reliable and up-to-date sources of data.
- ❖ Statistics may provide indications of inequality but will not by themselves provide reasons or explanations for such inequality.
- ❖ The system of information gathering should supplement the available statistics and qualitative data, especially where minority populations are small.
- ❖ This stage will identify possible areas for further research. You will need to have all relevant information to support a full and thorough assessment. It is accepted that, if you do not currently have such information, it will take time and resources to gather it.
- ❖ Look at already available data as a starting point.
- ❖ The assessment should proceed based on the information available but you must consider how and when additional information will be gathered.

**Stage 5 – Gathering additional information - consultation**

1. Based on the assessment at Stage 3, consider the need for specific consultation with particular groups ie. users, potential users, staff, current contractors and partner organisations and take their views into account. The aim is to consult those directly affected from relevant equality groups when considering options for improvement.
2. Consider the most appropriate method of consultation and resources required.
3. Consider the potential for linking any consultation on equalities with other planned consultation within the Council.
4. Some consultation questions to ask are:

Service users:

- Is the service meeting their needs?
- Is it meeting the needs of particular groups?
- What could be improved?
- Why have some people/groups chosen not to use the service?

Staff:

- What changes have been proposed or made to strategies/policies/services/procedures to specifically meet the needs of equality groups?
- Have these changes been monitored? What were the results?
- What experiences have staff had that might inform future arrangements to take account of equalities?
- Are there any specific employment issues that might affect equality groups?

Contractors/partners:

- What steps do they take to promote equality?
  - Do they monitor use, participation and benefits by equality groups?
  - What improvements/problems, if any, are experienced?
5. Analyse the data/information to identify any areas where there may be adverse impact (direct or indirect discrimination) on specific groups and the causes of it.
  6. Are there practical measures that can be taken to reduce adverse impact? (eg. improve language support, changes in service provision, staff awareness/training).
  7. If there is no evidence of adverse impact, is this because the data is inadequate?

Check:

- Have you identified all the groups likely to be affected by the proposed policy, directly and indirectly.
- Which organisations and individuals are likely to have a legitimate interest in the policy?
- Have other departments or authorities held formal consultations on similar policies?
- Have previous attempts to consult particular communities been unsuccessful? If so, why, and what can you do to overcome any obstacles?
- Have you made resources available to encourage full participation by groups that have proved hard to reach?
- How will information, pre- and post-consultation, be made available?
- Have you made arrangements to translate the consultation material, and the publicity material for the consultation, and to have interpreters at meetings.

**Guidance Notes:**

- ❖ Ensure details of data/information used are clearly recorded and records are kept of any consultation undertaken and the results.
- ❖ The assessment may form part of an equalities audit and this background information will be a key part of the audit trail.
- ❖ Stages 4 and 5 should give you a clearer picture of equality issues and generated some ideas and options for ensuring your strategies, policies, services and procedures meet the duty to promote equality.

**Stage 6 – Assessing the impact on different groups**

1. Once you have a clear understanding of how equalities legislation might affect your strategies/policies/services/procedures, determine the impact on different equality groups and whether the impact is differential or adverse.

**Differential** impact is where a particular group has been affected differently (either in a positive, neutral or negative way). The impact could be intended and justifiable if it is to address the needs of a particular group, either as a way of generally promoting equality of opportunity or as part of a positive action programme.

**Adverse** impact is where the effect is less favourable (ie. negative) and potentially unlawful. In some cases, adverse impact may be justified, perhaps based on analysis of data/trends and results of consultation.

2. If adverse impact on one or more of the minority groups is identified, can this be easily and quickly resolved with little or no impact on resources? Or will it require more fundamental/ significant change? Consider the risks of taking/not taking any action.
3. Consider whether the strategy/policy/service/procedure is failing to promote equality of opportunity. Are some groups being excluded from the benefits of the service etc? What barriers to the benefits exist for certain groups?

### **Stage 7 – Addressing adverse impact**

1. The assessment highlights that if the area under review has an adverse impact that is unlawful (either fully or partially), it must be changed or abandoned. Consider what needs to be changed and how.
2. Consider whether current strategies/policies/services/procedures may actually or potentially discriminate.
  - Is there any evidence that the changes can be justified?
  - What are the resource implications/risks involved in making changes/not making changes? Can the objectives of the strategy/policy/service/procedure be met in another way?
  - Can adverse impact be overcome if the area being assessed is changed? Are there any other wider implications of these changes?

#### **Guidance Notes:**

- ❖ You may need to obtain further legal advice regarding unlawful discrimination. Your service representative will arrange for any legal clarification or involvement.
- ❖ Remember, the objective is to ensure your strategy/policy/service/procedure does not unlawfully discriminate and that equality and diversity is being promoted. Any changes will need to be realistic, practical and proportionate.

### **Stage 8 – Improvement planning**

1. By now you should have identified a number of potential ways to improve/enhance equality and diversity within your strategies/policies/services/procedures. Consider how these improvements can be translated into specific targets and actions to be incorporated into a draft Improvement Plan.

**Targets** set out a commitment to achieve a stated improvement/level of service in the future.

**Actions** are the activities needed to be carried out to achieve those targets.

Targets/actions will need to be supported by clear timescales and resources for implementation, otherwise they are of limited value and will have little or no impact.

Once agreed, the targets/actions need to be incorporated into the relevant departmental Service Plan(s).

### **Stage 9 – Monitoring and measuring progress**

1. To effectively implement the improvements, you will need to ensure there is regular and systematic monitoring. The objective is to achieve improvements in equalities. Monitoring should be done as part of normal management arrangements for monitoring services, plans and strategies. Monitoring will be the responsibility of the service manager but the review should establish the following basic information:
  - What monitoring systems are currently in existence (are these robust and adequate)?
  - Is equalities monitoring part of regular continuous service improvement processes?
  - What additional monitoring is required? (eg. follow up surveys, consultation with users, staff etc)
  - What formal review mechanisms exist to ensure progress is made and lack of progress is identified?
2. Also consider how best to assess progress in meeting equality targets. Are there any national/local performance indicators that could be applied?

#### **Guidance Notes:**

- ❖ You may need to modify existing data collection/monitoring systems to monitor the impact of any changes in the future.
- ❖ Ensure there is some follow-up consultation with key groups so service improvements are meeting their needs.

### **Stage 10 – Reporting**

1. Once the Full Equality Assessment is completed, the Lead Officer must produce a full report including an explanation of the review that was undertaken, an outline of the process used and any planned actions. The report will be agreed by Members.
2. The report should cover the following areas:

#### Introduction

A brief description and explanation of the background and purpose of the equality assessment and how the process was managed.

#### Assessing impact (Stage 1)

A brief account of how you assessed the effects of equality legislation.

#### Scope of the assessment (Stage 2)

A description of the key strategies/policies/services/procedures looked at.

Assessment of relevance (Stage 3)

A brief summary of the results of your assessment, including the likely impact on promoting equality

Data gathering and consultation (Stages 4 and 5)

A summary of the available data/research and any consultation carried out and the responses received. A summary of the results of data gathering and any key findings, making it clear whether you found evidence of adverse impact.

Options for addressing adverse impact (Stage 6)

Potential areas for changes/improvements to strategies/policies/services/procedures.

Conclusions and recommendations

Resource implications and risk assessment

Appendix A – Monitoring arrangements (Stage 8& 9)

**Stage 11 – Publishing the results of the assessment**

1. The results of the assessment must be published and made publicly available. All equality impact assessment reports will be made available upon request and a summary of the report and findings will be included in the annual equality progress report.
2. Background papers (ie. any documentary evidence gathered or used during the assessment) should be made available for inspection on request.