**Equality Impact Assessment - Guidance Notes**

**Contents**

1. **What is an Equality Impact Assessment (EIA)?**
2. **The screening process**
3. **When should an EIA be carried out?**
4. **Who should carry out an EIA?**
5. **Involvement and consultation**
6. **Gathering data and evidence**
7. **Assessing the impact**
8. **Action planning**
9. **Justifying the policy**
10. **Approval and Publishing**
11. **Filling in the Equality Impact Assessment form**

**1.** **What is an Equality Impact Assessment?**

An equality impact assessment (EIA) is a tool that helps the University make sure our policies, procedures and practices do what they are intended to do and are inclusive for staff, students and visitors. For the purpose of this guidance, any reference to ‘policy’, covers the full range of functions, activities and decisions for which the University is responsible – essentially everything we do. It includes both current policies and those under development.

Carrying out an EIA helps support good decision making. It involves systematically assessing the likely (or actual) effects of our activities on people relating to the nine protected characteristics defined in the Equality Act 2010. The protected characteristics are:

* Age
* Disability
* Gender Reassignment
* Marriage and Civil Partnership
* Pregnancy and Maternity
* Race
* Religion or belief
* Sex
* Sexual Orientation

In addition, the University also treats Caring Responsibilities as a Protected Characteristic. Two other characteristics which should be considered during the EIA process are Socio-Economic background and Part Time working (see Appendix).

The EIA process includes looking for opportunities to promote equality that may have previously been missed or could be better used, as well as identifying negative or adverse impacts that can be removed or mitigated, where possible. If any negative or adverse impacts amount to unlawful discrimination (see Appendix), they must be removed.

EIAs help the University to fulfil its commitments set out in the [Equity, Diversity and Inclusion Strategy](https://spotlight.leeds.ac.uk/EDI-strategy/)

The following guidance explains how to carry out an EIA, and should be read alongside the EIA form.

**2. The screening process**

An EIA will normally be carried out on new policies, and when changes or revisions are made to an existing policy. However, there will be some instances where a full EIA is not necessary. If you are not sure whether you need to carry out a full EIA, you should follow the flow chart and fill in the EIA screening form. If, after following the screening process, you decide that a full EIA is not needed, you should record the reasons why not and keep a copy of the completed screening form for your records.

**3. When should an EIA be carried out?**

Carrying out an EIA is part of the development of a new policy. The point at which you carry it out will vary according to the work you are doing. If you are reviewing an existing policy, there might already be an EIA in place which you can update.

You should carry out the EIA after any preparation work has been done and an initial draft of the policy has been developed. If you are carrying out a pilot of a policy, you should wait until it has finished, as the outcome will provide evidence which will help you to assess the impact. The EIA can also be done as part of a consultation process. In all cases, it should be done early enough to allow amendments to be made to the policy if the EIA finds any negative impacts.

**4. Who should carry out an EIA?**

An EIA cannot be done by one person working alone. It should be carried out by a team which will include the officer(s) who developed the policy, a senior manager, and at least one person who was not involved in writing the draft. Where feasible, a service user should also be involved.

Representatives from staff networks, trades unions and any stakeholders who will be involved in implementing the policy can also be included in the working group carrying out the EIA. This could also include representatives from LUU, Student Services, Educational Engagement, HR or other University departments, depending on who is affected by the policy.

**5. Involvement and Consultation**

Consultation is an important part of the EIA process. People with the protected characteristics most likely to be affected must always be involved. The scale of the consultation will vary: the higher the potential for negative impact the more comprehensive the consultation will need to be.

Where there is a potentially negative impact, the consultation should include any proposals or suggestions for reducing this impact.

Groups who should be consulted include:

* University of Leeds recognised trades unions, including LUU if the policy affects students
* University of Leeds recognised Equity Staff Networks
* Other stakeholders who would be affected by the policy implementation, such as Student Services, Educational Engagement or HR

Informal peer support groups do not need to be consulted, although you can involve them if you feel their perspective will be useful.

Consultation with these groups can include inviting representatives to join the working group carrying out the EIA, involving them in the whole process. If they are not a part of the group, other methods of consultation include:

* Focus groups
* Questionnaires
* Targeted emails
* Posters & leaflets
* Items in enews newsletter

The draft EIA should be sent to all those being consulted to read through, and a timescale of at least two weeks given to respond. You can ask for written feedback, or you might find it useful to arrange a meeting.

If the groups you would like to consult with do not wish to be involved or do not respond to requests, keep records of the attempts you made to contact them. If they are willing, ask them to put the reasons why they do not want to be involved in writing, and keep a record of this, so that you can show that you made reasonable attempts to include them.

**6. Gathering data & evidence**

The EIA process is evidence based, so you will need adequate data. It is important to gather data in a way which is appropriate and proportionate. You will need to consider what data is needed to provide evidence of potential positive or negative/adverse impacts in relation to the different protected characteristics listed in Section 1 above. As well as the protected characteristics set out in law, you should also consider Caring Responsibilities, Socio-Economic Background and Part Time Working.

* You should begin by identifying what data is already available. The University holds a lot of data centrally, and staff and student data broken down by protected characteristics are held on EIU’s data monitoring pages. This includes information on staff recruitment, staff in post, promotions and turnover as well as student admissions, registration and attainment. Additional or more detailed data may be available on request from HR (staff data) and Strategy & Planning (student data)
* Refer to the [completed EIAs on the EIU website](https://equality.leeds.ac.uk/governance_strategy_policy/equality-impact-assessments/), which may contain relevant data.
* Use national, local and Higher Education sector data for benchmarking. For example, [national and regional census data can be found on the Office for National Statistics website](https://www.ons.gov.uk/census)
* Advance HE produces annual [statistical reports](http://www.ecu.ac.uk/guidance-resources/using-data-and-evidence/statistics-report/) which provide equality data on staff and students within UK Higher Education
* You might be able to use research which has been carried out by the government, third sector organisations or charities working in the same area as the new policy.

The data you use and the way you use it will differ according to the policy you are assessing. Examples of ways of using evidence include:

* Using data from several years to identify trends
* Using quantitative(for example, enrolment numbers, student achievement statistics, staff profile) and qualitativeevidence (for example, interviews, focus groups, surveys and course reviews)
* Using anecdotal evidence – if data has not been collected, some anecdotal information may be used as supportive evidence until such time when data gathering, consultation or research becomes available.

If there is not enough data to allow you to carry out an EIA, consider what further action is needed to fill the gaps, such as carrying out surveys, interviews, focus groups, or using a padlet.

**7. Assessing the impact**

Once the data and evidence have been gathered, including filling any gaps identified, the next step is to use this information to assess whether the policy has, or is likely to have, a different impact on people with any of the protected characteristics.

One of five possible outcomes should be identified and recorded for each protected characteristic.

1. Positive impact

The evidence demonstrates that the policy is robust; there is no potential for discrimination or any negative impact. All opportunities to promote equality have been taken. Examples of positive impacts could include:

* A policy to make University publications available in different formats will have a positive impact on the protected characteristic of Disability
* A policy to introduce prayer rooms in University buildings will have a positive impact on the protected characteristic of Religion and Belief

2. Negative impact

The evidence identifies potential problems or missed opportunities. This might mean that the policy could potentially be discriminatory. Where necessary, changes to the policy should be designed to minimise negative effects and improve positive impacts. Examples of negative impacts could include:

* Training events being held at school pick up time could have a negative impact on the protected characteristic of Caring Responsibilities.
* Placement policies not covering accessibility needs would have a negative impact on the protected characteristic of Disability.

3. Some positive and some negative impacts

The evidence finds some examples of positive impacts, but also potential negative impacts which could affect some protected characteristics. For example:

* A policy on early retirement could benefit older colleagues but disadvantage younger ones. Therefore it would have some positive and some negative impacts on the protected characteristic of Age.

4. Neutral impact

The evidence shows that the policy will have an impact on protected characteristics, but it does not advantage or disadvantage them in any way. For example:

* A proposal to renovate a communal building will have an impact on all protected characteristics, as the building will be open to everybody. However, the impact on the protected characteristic of Sexual Orientation will not be an advantage or a disadvantage, so the impact is Neutral.

5. No impact

The evidence shows that the policy will not have any impact on a protected characteristic. For example:

* A policy to translate University documents into a range of languages is likely to have no impact on the protected characteristic of Marriage and Civil Partnership.

**8. Action planning**

If the EIA shows that there is actual or potential unlawful discrimination, you must pause the policy while you make changes, and remove it altogether if there is no way to eliminate the discrimination. (See appendix)

If any negative impacts or potentially negative impacts are found, you will need to:

* Identify changes to the policy which will reduce or eliminate the negative impact(s) found
* Consider what evidence would be needed to show that the changes have or will work, and building these into the revised policy
* Where possible, consult with groups with the protected characteristic affected

You should then draw up an action plan which will:

* Document and record the changes and actions identified
* Allocate each action to a key officer / team who will be responsible for its completion
* Set an ambitious but achievable timescale
* Set out arrangements for monitoring and reviewing progress against the action plan regularly

**9. Justifying the policy**

If the policy cannot be changed, any negative impact will need to be justified. Advance HE guidance states that ‘justification has two main elements: it must be demonstrated that the policy is important on grounds unconnected with discrimination that is taking place, and that it proved impossible to find other ways of achieving the policy’s aims without causing a negative impact for one or more relevant grounds’. Possible justifications could include:

* If the policy can be demonstrated to be a ‘proportionate means of achieving a legitimate aim’. (See appendix)
* If the policy is or contributes to a legal obligation
* Where positive action is being taken
* Reasons of health and safety

It is vital to demonstrate that all alternatives have been explored before deciding that the negative impact is justified, and that this is documented. If you are considering this approach, please contact the EIU.

**10. Approval and Publishing**

Before an EIA is published, it should be signed off by the lead officer responsible for the EIA. A record should be kept of the date it was carried out, along with the date when the policy and the EIA will be reviewed. This is normally every two years, but it could be sooner if there is a change in the law or policy before the review date.

When it is completed, the EIA form should be sent to the EIU for publication on the University website.

**11. Filling in the Equality Impact Assessment Form**

The EIA form is divided into eight sections and demonstrates that you have carried out all the steps above.

Section 1 – Information about the lead officers carrying out the EIA

* This should include the details of everybody involved in the EIA and their role in the policy.

Section 2 – About the policy

* This should include the title of the policy, its purpose and aims, who was involved in the development of the policy, and who the policy will apply to.

Section 3 – Involvement & Consultation

* This should detail all the consultation you carried out, including who you consulted with

Section 4 – Gathering data and evidence

* This should include what data you used, how you collected it, and how you used it. If the data was not collected within the University, you should state the source of the information.

Section 5 – Assessing the impact

* This should specify all the impacts you identified for each of the protected characteristics, whether positive, negative or neutral.

Section 6 – Action planning

* This should set out the actions you have identified to eliminate the negative impacts. You might find it useful to make a more detailed action plan on a separate document which you can attach to the completed EIA form.

Section 7 – Justifying the policy

* If the policy cannot be changed, please note the justification of any negative impact. (See point 9 above)

Section 8 – Approval and publishing

* This should record the name of the lead officer who signed off the EIA, the date it was carried out, the review date, and the date it was forwarded to the EIU.