**Equality Impact Assessment (EIA) Guidance**

**1. What is Equality Impact Assessment**

An Equality Impact Assessment (EIA) enables us to ensure that University policies, practices, activities, decisions and the way the University operates is fair, inclusive and avoids unlawful discrimination.

An EIA creates a record of the thinking that has been undertaken when developing or reviewing a policy, practice, decision or activity and the potential impact that it may have on an individual or group of individuals with protected characteristics as outlined in 2, below. It can identify opportunities to promote equality and good relations between individuals and groups as well as prevent unlawful discrimination and support informed decision making. Finally, an EIA enables us to determine whether a policy, activity or proposed course of action will help us to achieve our published Equality Outcomes.

**2. Legal Context**

A public body must, in the exercise of its functions, have due regard to the need to:

The Equality Act (2010) recognises that society and organisations often inadvertently create barriers for individuals or groups of people with protected characteristics. Equality Impact Assessments are best understood in the wider context of the positive equality duties; these duties put the onus on public institutions, including higher education institutions, to ensure that they are eliminating discrimination and positively promoting equality between people who have a protected characteristic and those who do not e.g. disabled people and those who are not disabled.

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; in particular, the need to:
* Remove or minimise disadvantages experienced by people due to their protected characteristics
* Take steps to meet the needs of people from protected groups where these are different from the needs of other people
* Encourage people from protected groups to participate in public life or in any other activities where their participation is disproportionately low.
1. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it, in particular, the need to tackle prejudice and promote understanding.

The Equality Act 2010 identifies nine protected characteristics that public bodies have a duty to take account of in preventing unlawful discrimination and promoting equality:

* **Age** – a person belonging to a particular age or range of ages.
* **Disability** – a person has a disability if they have a physical or mental impairment, which has a substantial and long term adverse effect on their ability to carry out normal day to day activities. Note that this specifically includes diagnosed mental health conditions.
* **Gender reassignment** – a process of transforming from one gender to another.
* **Marriage and civil partnership** – marriage is a union between a man and a woman or between a same‐sex couple.
* **Pregnancy and maternity**, (we also include paternity & adoption) – 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 content, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a women unfavourably because she is breastfeeding.
* **Race** (includes ethnicity, nationality and colour of skin) – race refers to a group of people defined by their race, colour, nationality, ethnic or national origins.
* **Religion or belief** –includes religious and philosophical beliefs including lack of belief. Generally a belief should affect life choices or the way a person lives 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

**Caring responsibilities:** When considering equality impact, the University includes the characteristic of being a “carer” of a disabled child or adult, or of family members e.g. children or elderly relatives. Individuals should also not be discriminated against because they are associated with a protected characteristic, which in the context of being a carer might include an association with a person who is disabled. Discrimination by association is covered by the Equality Act 2010.

**Mental health & wellbeing**: The University also requires those carrying out an EIA to specifically consider the impact of a policy, practice, activity or decision on the mental health and wellbeing of its staff and students. Specifically, staff have a responsibility to consider whether a policy, practice, activity or decision is likely to impact negatively on staff/student mental health and wellbeing, and – if so – to identify reasonable and proportionate steps to mitigate this impact. During the process of developing a policy, practice, activity or decision, opportunities to safeguard, promote and enhance good mental health and wellbeing amongst our staff and student community should be identified. This supports the vision set out in our institutional mental health and wellbeing strategy and our published Equality Outcomes.

**Experience of the care system** – the University also includes this characteristic in its EIA guidance, in recognition of the growing number of care experienced people who are accessing higher education. Those who are care experienced may have particular needs which should be taken into account when considering whether a policy/practice/activity/decision is likely to impact negatively or positively on individuals. The EIA should identify opportunities to eliminate barriers/discrimination and to promote equality for those who have experience of the care system.

**3. Equality Impact Assessment Process**

**When is an EIA required?**

Assessment of equality impact should be an integral part of the development, review and decision making processes for all policies, practices and activities, it should not be an add‐on or last minute check.

The purpose of the EIA is to identify who the policy, practice or activity impacts upon and the extent of that impact. It is not appropriate or sufficient to say that because a policy, practice or activity is applied uniformly to all groups that it is fair and equal. Most polices, practices or activities are likely to have consequences or impact for staff, students or other stakeholders and consequently may require mitigating or enabling action to be taken, either to avoid discrimination or to harness the potential for a positive equality impact. An EIA will always be required in relation to the following activities, but are not limited to:

* Introduction of a new policy/strategy / service or function
* Review of an existing policy/ strategy/ service or function
* Reducing / discontinuing an existing service/ course
* Significant staffing changes e.g. restructuring activities
* New building/capital works
* Proposals resulting in changes to the way the University delivers its academic portfolio or its professional services
* Proposed budget reductions

No new or revised university policy, practice, activity or decision should be approved unless it can be demonstrated that the equality impact has been considered and any necessary mitigating actions identified.

**Who should complete an EIA?**

An EIA should be completed by at least two people who have an undertaken appropriate EIA training. These should be individuals with comprehensive knowledge of the policy/activity/proposal; typically, these will be from the area of the institution that “owns” the policy or activity. An EIA should never be completed by an individual on their own.

**Completion of an Equality Impact Assessment:
Section 1 – Equality Impact Relevance Check**

 **How does the policy, practice or activity being assessed affect individuals or groups?**

The relevance check should examine the potential for impact on individuals and groups with each of the protected characteristics and specified areas of strategic importance for equality (see above). Impact can be:

* **Positive impact – the activity/policy/proposal** has the potential to **r**educe discrimination against people with a particular protected characteristic, improve equality of opportunity for them, or improve relations between people who have a protected characteristic and those who do not
* **Neutral impact** – it is acceptable for a policy/activity/decision to have neutral impact; however, the EIA provides an opportunity to consider whether the policy/activity/proposal could be developed or amended to achieve a positive impact on people with a protected characteristic
* **Negative Impact ‐** an impact that could disadvantage or discriminate against people with one or more of the protected characteristics. A proposal may result in greater disadvantage for one protected characteristic group compared to another. Where any negative impact is identified, an effort should be made to assess the level of the impact and the number of people affected/ likely to be affected in order that appropriate mitigating action can be taken
* **Unknown –** an impact may be unknown and therefore further work is required to better understand it.

Using data is the most reliable way to assess the impact of a policy, procedure or activity. Where data does not exist, those conducting the EIA should consider the likely impacts as opposed to the actual impacts.

**Sources of data**

Data will assist in reaching a judgement as to the impact each project, policy, procedure and proposal has, or might have, on a particular group of people. It is important to consider what data is available and relevant, and whether there is sufficient data for an accurate judgement of impact to take place. Where there is insufficient data to determine the impact, arrangements should be made to collect further information to assess the impact in the future.

The sources of information may include the following:

* A previous equality impact assessment
* Service monitoring reports
* Customer satisfaction surveys
* Workforce data
* Staff and student surveys, opinions and information from trade unions
* Compliance reports
* Complaints and comments
* Sectoral research
* Outcome of consultation exercises
* Feedback from focus groups or service users
* Feedback from individuals or organisations representing the interest of groups of people with a particular protected characteristic
* The knowledge, technical advice, expertise and experience of the people assisting in the completion of the EIA
* National and local statistics
* Information from formal audits
* Academic, qualitative and quantitative research
* Demographics and census data
* Course evaluation data

**Section 2 ‐ Equality Impact Assessment Action Plan**

When completing the Action Plan, you should consider the extent of the impact on individuals with protected characteristics, i.e. whether the policy/procedure/activity/proposal could affect some groups of people differently. Will the policy discriminate against or disadvantage people on the grounds of any of the protected characteristics, or are there any opportunities to better promote equality or good relations between different groups of people through modifying the policy?

* No impact
* Positive impact
* Negative impact
* Neutral impact
* Unknown impact

Once you have identified the impact, you must then consider the actions that need to be taken to:

* Mitigate any actual or potential negative impacts relating to having a protected characteristic (particularly if the negative impact will amount to unlawful discrimination)
* Harness the potential to secure a positive equality impact for those with a particular protected characteristic
* Improve relations between people with a protected characteristic and those who do not have it
* Maintain best practice
* Communicate or promote actual or potential positive impacts
* In the event of an unknown impact, collect missing data or evidence in order to re‐review the EIA within a specified timescale

You will need to think about:

* What are the aims of the policy / practice / activity/decision and how do they relate to the protected characteristic?
* What aspects of the policy/ practice / activity/decision are particularly relevant to each element of the general equality duty?
* How will the policy / practice/activity/decision affect groups in different ways?
* Who will benefit from the policy/practice/activity/decision?
* Who might experience disadvantage as a result of the policy/practice/activity/decision?
* Will anyone potentially be unlawfully discriminated against as a result of the policy/practice/activity/decision?

Where the EIA identifies that the policy, practice or activity is likely to disadvantage people with a particular characteristic, action must be taken to modify or reject it to ensure the University acts lawfully and fairly. Further, if the EIA identifies that there is an opportunity to better promote equality or good relations between people who have a protected characteristic and those who do not, thought should be given to how this could be achieved. This should be documented in the EIA.

The Action Plan should identify the following:

* Action/Change/s required
* Responsibility
* Timescale (High, Medium, Low, Screen Out)
* Resources Required
* Intended Outcome

**Section 3 ‐ Monitoring and Review**

It is important to continuously review the policy, practice or activity to ensure that it does not discriminate against people because of the presence of a protected characteristic. Just because there is currently no impact does not mean that this might not change in the future. A time scale for EIA review should be agreed.

**Further help and support**

It is essential that everyone involved in the completion of Equality Impact Assessment activities undertakes relevant training. The University runs Equality Impact Assessment Workshops and the Policy and Planning team can also offer guidance and support – please contact equalities@stir.ac.uk.

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