

Consultation & Equality Impact Assessment Toolkit Training

Colin Brotherston-Barnett

ED & I Lead

&

Emma Bradshaw

Engagement Manager

Equality Impact Assessment Toolkit

- An Equality Impact Assessment is a way of systematically assessing the effects that a policy, commissioned project or decision is likely to have on different people within the Borough
- The idea of Impact Assessment is not new; some of you may already be familiar with the principle from other areas of your work. Many public agencies carry out impact assessments to look at the economic and environmental implications of projects and policies.

Why we carry out EIAs

- There are a number of reasons that we carry out EIAs, they are intended to aid good decision making and ensure that the services we provide are fair and accessible to all.
- They are also a legal requirement under equality law.
- Our policies, projects and decisions will affect the communities we serve and there is the potential for your services to have unseen barriers or to effect some service users, even if this is not your intention

Responsibility for EIA

- One of the challenges of EIA is ensuring it is undertaken by policy owners across the organisation and does not fall to one individual.
- An organisation-wide approach and commitment, supported by training and development, are key to this.
- Develop training materials to use when training staff and others to undertake EIA.

When we carry out EIAs

- We carry out an initial EIA for decisions, policies and projects and a full EIA where we think there may be a disproportionate impact on some groups.

Who we consult

- We consult those people who are likely to be impacted by decisions or changes to policies, practices and procedures.

Patient and Public Participation and Engagement

- NHS organisations are required to make arrangements to involve and consult patients and the public in;
 - Planning of the provision of services;
 - The development and consideration of proposals for changes in the way those services are provided, and decisions made by the NHS organisation affecting the operation of services.

- The duty applies if implementation of the proposal, or a decision (if made), would have impact on –
 - a) The manner in which the services are delivered to users of those services, or
 - b) The range of health services available to those users.

Patient and Public Participation Assessment Form

- In conjunction with the initial EIA screening undertaken for decisions, policies and projects, we carry out an assessment in relation to determining the appropriate and proportionate level of patient and/ or public participation required and who the target audience for this may be.
- We have included the assessment form developed for use by NHS England and tailored locally in Appendix 2 of the EIA toolkit.

Patient and Public Participation Assessment Form (continued)

- The form is a tool to help commissioners identify, where, when and to what extent, there is a need for patient and public participation in their commissioning activity and to help plan what is fair and proportionate to the circumstances.
- The form must be completed at the outset of the planning process for any commissioning activity and before operational commissioning decisions are taken which may impact on the range of commissioned services and/ or the way in which they are provided. It is designed to complement the EIA process.
- Completed forms may be used as evidence in the event of any legal challenge.

Ten steps to effective EIA

Step 1 The aims of your policy or function.

Step 2 Consider the data/research available to assess likely impact on the protected Characteristic

Step 3 Complete the Impact Checklist and decide whether further assessment is necessary.

Step 4 Assess the likely impact of your policy or function on the PC. Is it discriminatory? Is it unlawful? Is it justifiable in law? Does it advance or restrict equality?

Step 5 Consider alternative ways of delivering your policy or function in order to minimise negative impact or eliminate unlawful discrimination.

Ten steps to effective EIA

- Step 6** Assess whether any further research or consultation / engagement is needed to investigate the impacts of the proposal on diverse groups (Appendix 2 in the toolkit- Patient and Public Participation Assessment Form)
- Step 7** Consult relevant stakeholders.
- Step 8** Make a decision.
- Step 9** Make arrangements to monitor and review the impact. Include other adverse impacts.
- Step 10** Provide feedback by reporting results of the Impact Assessment

Scope

- EIA needs to cover:
 - strategic decisions, operational decisions, policies/procedures and practice
 - whole organisations – staff at all levels and service users
 - all functions/departments
- *‘...policy should be broadly understood to embrace the full range of your policies, provisions, criteria, functions, practices and activities including the delivery of services – essentially everything you do.’*
 - EHRC guidance (May 2012)

Benefits

- EIA helps the organisation in:
 - understanding equality issues
 - developing robust evidence-based policy/practice
 - being accountable for its decisions and actions
 - quality assurance and enhancement
 - taking an anticipatory approach to action/ mitigating risk
- EIA enhances effective governance and management.

Considering the evidence

- Consider the evidence related to protected characteristics at organisational and local level:
 - quantitative
 - qualitative
 - anecdotal

Assessing Impact

- What positive/negative equality impacts can be identified for each of the three needs of the PSED?
- What does evidence demonstrate about positive/neutral/negative impacts?
- Is account taken of the needs of people with different protected characteristics?
- How is this demonstrated?
- Does it affect some groups differently? Is this proportionate?

How does the policy, function, service development or change fit in to your wider aims?

In undertaking an EIA, the following questions will prove useful:

- How will you put the policy into practice, and who will be responsible for it?
- What outcomes do you want to achieve with the policy?
- How will you measure progress towards and/or achievement of those outcomes?
- Who are the key stakeholders in relation to the policy?
- How does the policy relate to other organisation's policies in this area?
- How does your organisation interface with other bodies in relation to the implementation of this policy?
- How will you measure the effectiveness of your impact assessment?
- Where more than one organisation or agency is involved in implementation or where the policy links with other policies, arrangements should be put in place to involve others in the impact assessment process where relevant.

You will find the following types of information useful:

- Demographic data and other statistics, including census findings
- Recent research findings including studies of deprivation
- The results of consultations or recent surveys
- The results of equality monitoring data, from your Department, Board and other public bodies Information from groups and agencies directly in touch with particular groups in the communities you serve, for example qualitative studies by trade unions and voluntary and community organisations
- Comparison between your policies and functions and similar policies and functions in other departments and public bodies

You will find the following types of information useful:

- Analysis of complaints or feedback about your department and/or services commissioned or complaints about them
- Analysis of complaints of discrimination by public bodies in employment or service delivery
- Recommendations of inspection and audit reports It is important to involve service-users at an early stage in the policy-making process in order to mitigate any potentially negative factors.
- You may therefore consider sharing information that is already in the public domain with the people who are likely to be affected by your policy. They will then be better able to understand the basis for your decisions.

In deciding how and what information/data should be collected and used, you should consider:

- Who needs to be involved in determining what information we need (researchers, statisticians, community representatives and so on)?
- What information is needed to ensure that all perspectives are taken into account?
- What then do we need to know specifically in relation to this policy?
- What existing quantitative data is available in-house and externally?
- What existing qualitative or evaluative research is available in-house and externally?

In deciding how and what information/data should be collected and used, you should consider:

- Is there a need to generate new primary data?
- Is there a need for secondary analysis of existing data?
- If so, who will be responsible for undertaking and overseeing this work?
- Who will be partners in information gathering?
- Is there a need to consult? If so, how can we ensure it is inclusive?
- Who will sign-off the final data and information assessment?

In summary

- You should consider the above questions in order to ensure that this part of the impact assessment is sufficiently wide, rigorous and inclusive.
- You should plan how you are going to identify, collect and assess existing and new data and information.
- This is a critical part of your impact assessment, as it will provide the evidence base for later decisions on the content of the proposed policy, and also whether to proceed with implementation.