

# Equality Impact Analysis Guidance

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# Equality Impact Analysis Guidance

## Summary

### What is this Guidance about?

This Guidance document sets out the University's approach to meeting the requirements of the Equality Act 2010 concerning the ability to demonstrate due regard and consider equality implications of policy, procedure and all University activity, known as Equality Impact Analysis (EIA). The Guidance sets out the responsibilities of everyone in ensuring we are able to demonstrate due regard to supporting staff and students.

### Who is this Guidance for?

This Guidance is for all staff involved in developing or updating policy procedures or activities of the University. It will also be of interest to the wider public in relation to how the University meets its obligations in relation to the Equality Act 2010.

### How does the University check this Guidance is followed?

Information contained in this Guidance forms the procedure staff are required to follow to ensure an appropriate EIA is undertaken and equality considerations are included in policy development. This is a requirement before any committee or UEB sign-off of policy or procedure. The University encourages staff and students to raise questions about an EIA and to report any issues or concerns they may have that their needs are not being supported appropriately. From the knowledge shown by staff and the questions asked, the University believes the Guidance is being followed.

### Who can you contact if you have any queries about this Guidance?

All enquirers may contact the Equality and Diversity Manager on +44 (0)23 9284 5774 or [dave.small@port.ac.uk](mailto:dave.small@port.ac.uk).

## 1. Introduction

The University of Portsmouth is committed to promoting and embedding the principles of equality and diversity (E&D), throughout all its work with staff and students and the wider community. This commitment is highlighted in the institution's Vision and Values which can be found at [www.port.ac.uk/realising-the-vision/the-way-we-work/](http://www.port.ac.uk/realising-the-vision/the-way-we-work/).

The University, through the requirements of the Equality Act 2010 (Public Duty), is required to be able to demonstrate that commitment in all policy and decision-making matters through considering 'due regard' to eliminate discrimination, promote equality of opportunity and foster good relations between different people. In practice this means the University should consider the equality implications on staff and students on all its policies, procedures, and functions<sup>1</sup>.

How this is done is not dictated in the Equality Act and organisations are free to develop their own mechanisms for delivering to the requirements. The University's approach is that all policies, procedures and functions should undergo **Equality Impact Analysis (EIA)**. This should be undertaken at the beginning of the process of developing or reviewing of a policy, procedure or function and then used to inform on that work, and not undertaken as an add-on at the end of the process.

The aim is that this task should not be an arduous task, but just part of our day-to-day activity. In fact we all make decisions that impact all the time, we think about the effect of doing something and the effect of that on other people. If the effect is not what we intended, we usually think about doing things differently.

<sup>1</sup> The term 'policy' is used throughout this document refers to any policy, procedure or function undertaken by the University.

It is the responsibility of those producing the policy, procedure or function to undertake the EIA, supported by the E&D team if required. The University Executive Board (UEB)/Committee approval will not be gained unless 'due regard' can be demonstrated to them.

Papers that are presented for UEB do require a UEB cover note. This document includes a section to be completed on equality and diversity, and demonstrates to UEB that appropriate E&D considerations have taken place.

This Guidance lays out that procedure and offers guidance to support staff in undertaking EIA's.

## 2. The public sector equality duty

### 2.1 What is the public sector duty?

The public sector duty (the equality duty) is made up of a general duty which is supported by specific duties. The general duty requires public bodies, such as the University of Portsmouth (UoP), in the exercise of all its functions to have **due regard** to the need to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity
- Foster good relations

This requirement covers the nine **protected characteristics**, namely:

- Age
- Disability
- Gender reassignment
- Gender
- Pregnancy and maternity
- Sexual orientation
- Marriage and civil partnership
- Race
- Religion and belief (and non-belief)

### 2.2 What might paying **due regard** mean for the University of Portsmouth?

For UoP, **due regard** might involve taking steps to:

- Remove or minimise disadvantages experienced by people studying, working at, or visiting the University due to their protected characteristic.
- Meet the needs of people with protected characteristics, where these are different from the needs of other people studying, working, or visiting the University.
- Encourage people with protected characteristics to participate in public life or in other activities at the University where their participation is disproportionately low.
- Encourage positive interactions between people with differing protected characteristics.

In practice this means understanding the impact of policy on people with different characteristics.

By taking this approach UoP will be able to consider whether a policy being proposed or reviewed will be effective and appropriate for different people. What this means in practice is staff establishing whether there is:

- Positive opportunities to promote equality
- Negative impacts
- Possibility of unlawful discrimination

## 3. Meeting the equality duty in policy, procedure and decision-making

### 3.1 What should be assessed?

All UoP policy should be assessed. Initially this should be to determine if the proposal is equality relevant.

A policy is likely to be equality relevant if the answer is 'yes' to questions asked in Annex A. It is important to note that relevance of the policy will not only depend on the number of those affected by it, but also by the significance of the effect on them. For example, recruitment of staff affects individuals so equality is relevant, but purchasing and running of the heating system is not.

### 3.2 When should assessment take place?

It is important the EIA process is embedded in day-to-day policymaking and takes place at the very early stages of policy development. This ensures that any changes/amendments to a policy take into account actions needed to eliminate any negative impacts and are built into the policy prior to sign-off and implementation. A final policy presented for sign-off which has taken into account the outcomes of the EIA gives confidence to UEB/Committees that the policy takes into account due regard for staff and students.

### 3.3 How does assessment take place?

There is no prescribed methodology for an institution to follow when assessing the impact of the equality duty on its policy and decision-making processes. The process described here aims to be not overly time consuming or arduous, but still allows for appropriate considerations of the impact on equality to be assessed and addressed.

The policies should be developed using the following stages, each of which will have equality implications to be considered:

- Research and development
  - Consider whether the policy is equality relevant
  - Consider how the policy affects people and what information is available
  - Analyse the equality information
- Consultation on the draft
  - Consult relevant staff/students on findings of the analysis
- Completion
  - Decide on actions
  - Identify when to monitor and review
  - Record EIA

#### 3.3.1 Research and development

##### Consider whether policy is equality relevant

Ask the following questions:

- Does the policy affect students, staff and those visiting the University?
- Does implementation of the policy involve 'face-to-face' contact?
- Does the policy involve making a decision which may concern a person's individual characteristics or circumstances?
- Is the implementation of the policy likely to have a significant impact on someone's life or wellbeing?
- Could the policy affect different protected groups differently?
- Are there concerns previously raised about the policy?
- Is there information indicating an adverse impact on a protected group?

## Consider how the policy affects people and what information is available

Ask the following questions:

- How does the policy relate to equality?
- Who are the main stakeholders?
- Which protected groups is it relevant to?
- What equality information is available?
- What are the information gaps?
- Which groups could be usefully engaged?

This stage provides the evidence base for decisions made later on. The amount of time and effort that is put into collecting data should be both proportional to the priority level given to the particular policy and relevant to the policy in question.

## Analyse the equality information

Ask the following questions:

- Could the policy outcomes differ between different protected groups?
- Could the policy disadvantage or discriminate against different protected groups?
- Is there unlawful discrimination?
- If there is a greater effect on one group, was it intended?
- Is any differential impact positive or negative?
- Could the policy advance equality and foster good relations?

Where a policy is being reviewed, the existing data should be able to tell you if there has or has not been an equality issue as a result of its operation in the past. If there is no equality data, but it is needed, an interim analysis must be undertaken with plans highlighted on how and when data will be gathered. It is also advisable to indicate in the policy how and when equality will be monitored.

Extract from Employee Alcohol and Drugs Policy which documents how equality will be monitored:

### 8. Equality analysis

This Policy recognises that the needs of those who do not drink alcohol, in some cases for religious reasons, must be catered for when planning events.

Measuring impact of misuse of alcohol and drugs in relation to protected characteristics should be through data analysis of formal disciplinary cases where alcohol or drugs are highlighted as a factor. Reports of disciplinary cases are presented at the Human Resources Committee and it will be for that Committee to discuss actions needed in light of data analysis presented to them.

### 3.3.2 Consultation

#### Consult relevant staff/student groups on the findings of the analysis

Consultation with other people on a new policy is a normal part of good decision-making. Consulting for the purpose of the EIA should be conducted at the same time. For equality purposes this could include consulting with staff networks, appropriate staff/student focus groups or wider staff/student surveys. The E&D team can offer advice on consultation options if required.

### 3.3.3 Completion

#### Decide on actions

**No major change:** Your analysis demonstrates that the policy is robust, the evidence shows no potential for discrimination and, where possible, appropriate opportunities to advance equality and foster good relations have been taken.

**Adjust the policy:** Take steps to remove barriers or better advance equality. This could be to collect equality information not previously available.

**Continue the policy:** Take forward the proposal despite the identification of adverse effects or missed opportunities to advance equality. It is important that you record the objective justification for continuing with the policy and how the decision was reached. If it is not considered appropriate to change the policy or practice, other interventions should be considered. Examples include staff training, marketing, communications and publicity campaigns or positive action initiatives. When considering actions to address the adverse impact for one equality group, it is important to ensure that this does not result in adverse impact being created for another group.

**Stop and remove the policy:** If there are adverse effects which cannot be justified or mitigated you may have to consider stopping the policy altogether.

#### **Identify when to monitor and review**

Equality analysis is an ongoing process that does not end once the policy has been agreed or implemented. For example the actual effect of a policy will only be truly known once it has been introduced or demographics of staff and students may change and lead to different needs. It is therefore recommended that analysis is reviewed; this could be before or at the same time as the standard policy review date. This does not mean repeating the original analysis but rather reflecting on the experiences of implementation. This information could be included in the policy paragraph on equality and diversity (already highlighting how the impact of the policy will be measured).

#### **Recording/documenting the EIA**

UoP can be asked to show evidence of EIA and how due regard has been demonstrated. Therefore whatever method is used to analyse and inform on the decision-making process needs to be recorded. It will be up to those who own the policy to provide this.

This could include:

- retaining the EIA template (Annex A) or any other template used
- highlighting on UEB/Committee cover note EIA considerations undertaken;
- highlighting within the policy itself equality considerations, methods to be used for monitoring of impact and data review timescales.

The law is unambiguous in that what is open to challenge is the process and evidence used to come to the decision rather than the decision itself. Therefore it is unlikely that legal challenges would be made on the basis that the outcome appears to favour one group over another, unless this decision is in itself unlawful.

With that in mind, the EIA **must** demonstrate that equality issues are considered during the decision-making process and influenced the final decision, for example by highlighting and mitigating the negative effects of a decision on a specific group.

## **4. Equality analysis**

This Guidance has been developed to ensure that appropriate considerations around equality impact, across all protected characteristics, are taken when developing University policy. The Guidance was developed using best practice from Equality Challenge Unit (ECU). Undertaking EIA will need to be demonstrated prior to sign-off by UoP committee/UEB. The Equality and Diversity team will monitor complaints/issues raised by staff and students as well as those using the Guidance to ensure the procedure provides the correct support to those developing policy as well as delivering appropriate due regard outcomes.



# Annex A

## Equality analysis template

This form is available to download at [www.port.ac.uk/departments/services/equalityanddiversity/equalityanalysis/](http://www.port.ac.uk/departments/services/equalityanddiversity/equalityanalysis/).

Equality Assessment Template					
Background					
What policy is being assessed or reviewed?					
What are the aims of the policy?					
Who is affected by the policy?					
Equality Information					
What information has been used to inform on this policy?					
Assess equality relevance					
You should indicate whether or not the policy as positive/negative or no impact. If assessed as no impact (no equality relevance) skip to the "completed by section"					
To foster good relations	<p>Have steps been taken to tackle prejudice and promote understanding?</p> <p>How have relevant individuals, groups or organisations been consulted in developing and impact assessing this policy?</p>				
Advance equality of opportunity	<p>Will the needs of staff and students with different protected characteristic be met?</p> <p>Could the policy lead to increased take-up/participation by protected groups?</p> <p>Are there any opportunities to proactively advance equality for specific protected groups and/or between groups?</p>				
Eliminate unlawful discrimination	<p>Is the policy likely to treat anyone less favourably or disadvantage them because of a protected characteristic?</p> <p>Could it?</p>				
Decisions/Feedback/Approval					
Demonstrate how any unlawful discrimination, harassment or victimisation is/will be eliminated					
<p>Include:</p> <ul style="list-style-type: none"> <li>- where negative impact is identified, action to reduce</li> <li>- where none is identified, action to monitor/review in the future</li> <li>- justification of any proportionate negative or positive impact for different groups</li> </ul>					
How equality of opportunity is/will be proactively advanced?					
What changes will be made/actions taken?					
How are/will good relations be fostered?					
How will relevant individuals, groups or organisations be involved or consulted?					
What changes will be made/actions taken?					
If there is lack of equality data and the decision is to continue with policy how will this data be collected in the future and when will this be used to review the policy					
Which board/committee will approve this policy?					
How and when will the assessment be monitored/reviewed? Where is this documented?					
Summary of EIA outcome	<table border="1"> <tr> <td>No major change</td> <td>Adjust policy to remove barriers</td> <td>Continue the policy</td> <td>Stop/remove policy</td> </tr> </table>	No major change	Adjust policy to remove barriers	Continue the policy	Stop/remove policy
No major change	Adjust policy to remove barriers	Continue the policy	Stop/remove policy		
This form was completed by:	Who is responsible for monitoring and reporting on the implementation of the actions arising from this analysis:				
Name:	Name:				
Job title:	Job title:				
Date:	Date:				
	How and when will they be reported:				

## Annex B

### Equality analysis – worked example: Development of new student support facility

Equality Assessment Template	
<b>Background</b>	
What policy is being assessed or reviewed?	New student support facility – it is proposed that student support facilities are accommodated in a new hub area. Reviewing the impact on students.
What are the aims of the policy?	Provision of an accessible, inclusive student support facility
Who is affected by the policy?	All Students, Staff and Visitors to the University
<b>Equality Information</b>	
What information has been used to inform on this policy?	<ul style="list-style-type: none"> <li>- Student statistics broken down in respect of protected characteristics in respect of –</li> <li>- Student profile</li> <li>- Achievement</li> <li>- Access to support services</li> <li>- Type of enquiry/support required</li> <li>- Consultation with students and support staff in respect of potential equality impact issues</li> <li>- Information with regard to opening hours, arrangements for booking appointments</li> <li>- ECU male student experience research</li> <li>- Any research into barriers to accessing student support</li> <li>- Student complaints regarding support and access issues</li> </ul>

Assess equality relevance		You should indicate whether or not the policy as positive/negative or no impact. If assessed as no impact (no equality relevance) skip to the "completed by section"
To foster good relations	Have steps been taken to tackle prejudice and promote understanding?	Potential for negative impact on relations between groups if negative impacts not addressed
	How have relevant individuals, groups or organisations been consulted in developing and impact assessing this policy?	<p>Consultation with groups to take place to understand how the service might impact on relations and to explore potential solutions</p> <p>Bringing groups together to consult with one another could increase understanding of needs between different groups</p>
Advance equality of opportunity	Will the needs of staff and students with different protected characteristics be met?	The design of the service space could have negative impacts on meeting the needs of and/or service take up by:
	Could the policy lead to increased take-up/participation by protected groups?	Disability – if access needs in regard to vision/mobility/hearing not incorporated
	Are there any opportunities to proactively advance equality for specific protected groups and/or between groups?	<p>Gender – male students can be less likely to access support if they perceive doing so as a sign of weakness. Hub may mean fewer male students access support</p> <p>Race – international students may find it easier to have difficult conversations in a quiet environment – it might make it easier to hear and understand a second language</p> <p>Sexual orientation – LGB students may feel anxious about discussing issues if they feel that confidentiality is not assured</p>
Eliminate unlawful discrimination	Is the policy likely to treat anyone less favourably or disadvantage them because of their protected characteristics?	Potential for discrimination if building design does not meet the needs of disabled students
	Could it lead to different outcomes for different protected groups?	

Decisions/Feedback/Approval	
Demonstrate how any unlawful discrimination, harassment or victimisation is/will be eliminated Include: - where negative impact is identified, action to reduce - where none is identified, action to monitor/review in the future - justification of any proportionate negative or positive impact for different groups	Design of facilities to take account of accessibility for disabled people to meet visual/mobility and hearing needs
How is/will equality of opportunity be proactively advanced? What changes will be made/actions taken?	The needs of service users relating to their protected characteristics will be taken into account as far as possible. Review of opening hours – could be extended to give part-time/evening and distance learners equality to access services Consideration of arrangements for students to meet privately to discuss issues Consideration of other methods by which students could seek advice/book appointments (eg email/phone) providing reassurance on confidentiality
How are/will good relations be fostered? How will relevant individuals, groups or organisations be involved or consulted? What changes will be made/actions taken?	Consultation can be carried out via online survey with follow up focus groups to gather evidence of where impact could occur, for example for part-time students, carers, disabled students
If there is lack of equality data and the decision is to continue with policy how will this data be collected in the future and when will this be used to review the policy	National data guidance is available but limited organisation information is available for specific groups. This will be addressed in monitoring/viewing of service provision
Which board/committee will approve this policy?	UEB
How and when will the assessment be monitored/reviewed? Where is this documented?	Data will be collected on those accessing services and questions on the service incorporated within student feedback

What was the outcome of your assessment	No Major Change	Adjust the policy to remove barriers	Continue the policy	Stop/remove the policy
This form was completed by: Name: Job title: Date	Who is responsible for monitoring and reporting on the implementation of the actions arising from this analysis: Name: Job title: Date: How and when will they be reported:			

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