

**Equality Impact Assessment (EIA) Guidance for staff**

**Introduction**

At the University of Northampton, we pride ourselves in creating an inclusive environment that allows everyone to achieve their full potential through inclusive approaches to all our policies, procedures and services.

Undertaking an EIA provides an opportunity to consider how decisions, policies, procedures, activities impact on people or groups of people with protected characteristics. EIAs also provide the University with an audit trail, enabling us to demonstrate that our decisions are considerate and fair.

The EIA should be carried out when considering the implementation of a change, or when drafting a new policy, procedure or practice, so that it can be used during the decision-making process.

**Policy Framework**

The [Equality Act 2010](https://www.legislation.gov.uk/ukpga/2010/15/contents) sets out nine protected characteristics:

age

disability

gender reassignment

marriage and civil partnership

pregnancy and maternity

race

religion or belief

sex

sexual orientation.

The University supports the reading of Gender Re-assignment to include ‘gender identity’.

The Equalities Act 2010 hereby referred to as the Act allows us to safeguard against any discrimination within our organisation.

Under the Act the University as a public sector organisation is required to comply with the  [Public Sector Equality duty](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85041/equality-duty.pdf). The duty requires that when ‘exercising our function’ we;

1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The first aim of the general equality duty is to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act because of any of these protected characteristics.

However, the second and third aims of the duty (advancing equality of opportunity and fostering good relations) only apply in relation to persons who share a ‘relevant protected characteristic’.

S.149(7) sets out the list of ‘relevant protected characteristics. This includes all the protected characteristics set out above except marriage and civil partnership status.

As a result, in relation to the protected characteristic of marriage and civil partnership, a body subject to the duty only needs to comply with the first aim of the duty and only in relation to work (Part 5 of the Act). This is because the parts of the Act covering services and public functions, premises and education do not apply to that protected characteristic.[[1]](#footnote-1)

**What is an Equality Impact Assessment (EIA)?**

An Equality Impact Assessment is a tool that helps us to place equality diversity and inclusion at the centre of what we do and ensure that our policies, services and legislation do not discriminate against anyone.

EIAs help us in fully understanding the relevance and effect of policies, services, procedures, business decisions etc that affect people and in identifying the most proportionate and effective responses. Carrying out an EIA allows us to look at the possible or actual impacts on people with protected characteristics, which are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The EIA process also helps us create equality of opportunity. Where we identify adverse impact that will discriminate, we should remove them and put in place ways to mitigate against any identified impacts. In other words, EIAs must be objective, and evidence led.

This means taking an approach that is suitable to the size, resources and functions of our organisation, and to the relevance of the decision or policy to equality and good relations.

EIAs should not be seen as an end into themselves but should be taken as an integral part of the policy development and considered at the stage when the policy is being thought out or reviewed. Remember that circumstances may change, and it is important to ensure that we are considering any legislative, environmental and social changes and maintain our EIAs as ‘living’ documents.

**Gathering Evidence for an EIA Process**

In conducting an EIA, we must always look at the evidence available to us and be prepared to seek evidence if none is available. Evidence includes the data the University holds and any national evidence that we can use to support the EIA process. Data is both quantitative and qualitative in nature and can be drawn from a variety of sources around us.

We also need to reflect on other policies, guidance, procedures already in existence that could impact the current EIA.

A good understanding of the evidence available to us will help support the decision to consult or not consult any further.

**Engagement**

It is not always necessary to carry out full engagement or consultation ‘with everyone, in every decision, all of the time’. Instead, we should take a proportionate approach to deciding whether to engage and with whom, and the extent of the exercise. Methods and degree of engagement should also be proportionate to the size and resources that we have available and the significance of the issue[[2]](#footnote-2).

One effective way is consulting with members of protected characteristic groups i.e., Staff Support Networks where they exist, to establish how best to meet their needs or to overcome barriers. Where evidence already exists, this should be utilised and this can be evidence from our own research, anecdotal evidence and evidence from partners and communities.

**Who is responsible for the EIA?**

It is the responsibility of the Manager responsible for the area of business to ensure that an EIA is completed. The EDI team / Manager will provide support where required.

Staff Development Team can support with consultation process where focus groups etc. are required.

At review the Manager should follow the same process of analysis of the EIA to ensure that impact is identified and mitigated against where there is potential negative impacts.

All completed EIAs should be sent to the EDI Manager for either support with signing off where required or for uploading onto the central repository system.

**EIA Process**

There are two main processes to an EIA. The first step is the initial screening which allows us to determine whether a full analysis is required or not.

The second process is a full analysis where we have identified any negative impact that requires us to put in place mitigations to reduce the impact on any protected characteristic.

**Completing an EIA analysis**

A screening form (APPENDIX 1) will help us identify whether a full EIA is required. This also helps us identify any good practice that can be shared across the organisation.

The form records the policy, guidance or practice name, why it is being implemented and who is likely to benefit from the proposed policy or change. It is important at this stage to understand the impact on the different protected characteristics and this can be sourced through the different staff networks. At this stage we are hoping to assess any gaps in knowledge, both positive and negative impacts and develop a good understanding of impact.

If there is no negative impact there is no need to carry out a detailed Equality Impact Assessment.

However, if at this stage we identify any negative impacts that will result in discrimination and cannot be removed we either withdraw the policy or we carry out a full consultation with stakeholders to ensure that we can mitigate against the negative impacts. (APPENDIX 2).

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**Apppendix 1: EIA Analysis Form**

**Screening**

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| * 1. Name of the Policy, Procedure, Practice or Activity? | The title, or process under analysis |
| * 1. **Reason for Equality Impact Assessment**   What is the aim, objective or purpose of the Policy, Procedure, Practice or Activity? | This may be detailed in a document or proposal and can be replicated here. |
| 1. **Person responsible for the Policy, Procedure, Practice or Activity?**   Who has responsibility for reviewing and implementing the Policy, Procedure, Practice or Activity? | The department/s or job role/s who have any responsibility – not a named person |
| 1. For which groups does the Policy, Procedure, Practice or Activity apply? | List all groups affected – e.g. staff, students, public |
| 1. Is the Policy, Procedure, Practice or Activity applied uniformly throughout the University? | Select yes or no. If answer no justification or exceptions required in the comments box. |
| 1. Who are the stakeholders in relation to this Policy, Procedure, Practice or Activity (for example, certain groups of staff/students, visitors etc)? | All stakeholders should be detailed. This might be groups within the staff population or student population, not just as a whole body. |
| 1. What data and evidence is available to facilitate the screening of this Policy, Procedure, Practice or activity | Essentially equality data of those that have used the policy or procedure, or those that will be impacted by its implementation or a decision made.  Examples:  Staff equality data as a whole  Staff/ student equality data of those who have has disciplinary proceedings instigated.  Staff/ student equality data of those who have made complaints  Equality data of students on a course/ module  Other evidence may include survey responses, anecdotal evidence, documented perception. |
| 1. Which groups have been consulted with in the development/review of this Policy, Procedure, Practice or Activity? | It is important to consult those that will be affected – gains support and guidance during the process. Examples would be HR, staff and/ or student unions, Staff/ student equality groups, internal or external networks |
| 1. What data is required in the future to ensure effective monitoring? | Consider what data would have been useful for completion of the analysis and how this could be collated for future use. |
| h. E**quality and diversity considerations**  Considering all information above please indicate areas where there is a positive impact or a potential positive impact to occur. | Select all that apply, not all protected characteristics will be relevant for every policy, procedure, practice or decision.  This question should be included in your consultation with parties above. Ask the question for each characteristic. Any impact identified should be detailed in the free text box along with any justification.  Key issues to consider:  Is the policy, procedure, practice or activity written and presented in a way that is easy to understand?  It is free from bias or stereotyping?  Do any images perpetuate stereotype?  Are there any issues that would present barriers to applying the policy, procedure, practice or activity?  Where potential positive impact are identified, state justification of proportionate impact. |
| **Equality and diversity considerations**  Considering all information above please indicate areas where there is a negative impact or a potential negative impact to occur | As above  Where potential negative impact is identified, state action to reduce or justification of proportionate impact.  Where no negative impact is identified, state action to monitor/ review in the future. |
| **EIA Outcome**  Select one of the four options below to indicate how the development or review of the Policy, Procedure, Practice or activity will be progressed and state the rationale for the decision. (Delete the options that do not apply):  Option 1: No change required – the assessment is that the Policy, Procedure, Practice or Activity will be robust.  Option 2: Adjust the policy/ programme/ activity – this involves taking steps to remove any barriers, to better advance equality and/or to foster good relations.  Option 3: Continue the policy/ programme/ activity despite the potential for adverse impact with mitigation in place  Option 4: Pause or stop the programme/policy / activity as there are adverse effects which cannot be prevented/mitigated. |  |
| Have you made any adjustments to the Policy, Procedure, Practice or Activity to counteract potential positive or negative impact? | Any adjustments made in the developing of the policy, procedure, practice or activity should be detailed here and kept. |
| Recommend this EIA for Full Analysis? | Select yes or no, most often will be yes unless it does not impact people or the changes are small and the review was within 12 months. |

**EIA Full analysis**

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| Does the Policy, Procedure, Practice or Activity have a positive or negative impact on eliminating discrimination,  harassment and victimisation in relation to any of the protected characteristics? | Select all characteristics where there is a positive or negative impact. Detail in the free text box what the impact is and if negative how it will be rectified or minimised.  Consider:  If anyone is likely to be treated less favourably or be disadvantaged because of a protected characteristic.  Could there be different outcomes for different people? |
| Does the Policy, Procedure, Practice or Activity have a positive or negative impact on advancing equality of opportunity in relation to any of the protected characteristics? | Select all characteristics where there is a positive or negative impact. Detail in the free text box what the impact is and if negative how it will be rectified or minimised.  Consider:  Will the needs of staff and students with different protected characteristics be met?  Could the policy lead to increased take up or participation by protected groups?  Are there any opportunities to proactively advance equality for specific protected groups and/ or between protected groups?  How is/ will equality of opportunity be proactively advanced?  State changes that will be made/ action taken. |
| Does the Policy, Procedure, Practice or Activity have a positive or negative impact on fostering good relations and addressing prejudice in relation to any of the protected characteristics? | Select all characteristics where there is a positive or negative impact. Detail in the free text box what the impact is and if negative how it will be rectified or minimised.  Have steps been taken to tackle prejudice and promote understanding?  How have relevant individuals, groups or organisations been involved/ consulted in developing and impact assessing his policy?  How are/ will good relations be fostered?  How will relevant individual groups be involved or consulted?  State changes that will be made/ action taken. |
| Conclusions | Summary of above and further actions. |
| Outcome of analysis | Select one of the three options. If the response is to Amend Policy, Procedure, Practice or Activity the EIA should not be signed off, all actions should be completed and amendments made. |

**Equality Impact Assessment (EIA) Template**

Before conducting an EIA, you should familiarise yourself with the University’s EIA Guidance and Notes. Additional training is available through staff development.

EIA forms part of the University’s Impact Assessment procedure and covers policies, provisions, criteria, practices and activities, including the delivery of services and decisions, but will be referred to as policy/ practice hereafter.

An EIA should be completed prior decisions to implement new or change any existing policy/ practice and reviewed throughout the decision making or review process.

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| 1. **Policy/ Practice (name and brief description)** |
| 1. **Reason for the EIA**   ☐ Proposed new policy/practice  ☐ Proposed change to an existing policy/practice  ☐ Undertaking a review of an existing policy/practice  ☐ Other (please state): |
| 1. **Person responsible for the policy/ practice**   Name:  Job title:  Department/ Faculty: |
| 1. **Groups the policy, practice applies to:**   ☐ Staff  ☐ Student  ☐ Parents  ☐ Visitors/Public |
| 1. **Data and evidence used to facilitate the screening of this policy/ practice including internal and external metrics and qualitative and anecdotal evidence (PLEASE NOTE:** *Anecdotal evidence can be a valuable source of information but should form the basis for further investigation rather than used as a primary source of evidence.)* |
| 1. **Gaps in information/ evidence to allow proper assessment of the policy/ practice and how this will be addressed** |
| 1. **Groups who have been consulted with in the development / review of this the policy/ practice:**   ☐Unions  ☐Staff networks  ☐HR  ☐ULT  ☐Internal experts  ☐External experts  ☐Focus groups  ☐Other (please state): |

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| 1. **Potential/actual impacts of the policy/ practice on the following characteristics** | | | | |
| **Reviewed characteristic** | ***Positive impact***  *A positive impact is one in which a person or people will experience an advantage or benefit.* | ***Negative impact***  *A negative impact is one in which a person or people will experience a disadvantage.* | **Detail of impact**  *If there is no impact – you do not need to fill in this section*  *Explain how the proposal will disproportionately impact people who share the characteristic and/or what the effect of that impact will be on those people. This section should be completed whether the impact is positive or negative. With positive impact, detail the actions you will take to promote the positive impact to the university in the next column.* | **How will you mitigate or remove any identified negative impacts and/or promote any positive impacts?**  **Can any identified impact be justified for business reasons? If yes, please explain why.**  *If an identified negative impact cannot be removed or mitigated, explain why this can be justified for business reasons. Where you identify negative impact which cannot be justified for business reasons, you should identify any changes you can make to your proposal which will mitigate or eliminate this.* |
| Age | **☐** | **☐** |  |  |
| Disability | **☐** | **☐** |  |  |
| Gender reassignment | **☐** | **☐** |  |  |
| Marriage and civil partnership | **☐** | **☐** |  |  |
| Pregnancy and maternity | **☐** | **☐** |  |  |
| Race | **☐** | **☐** |  |  |
| Religion or belief | **☐** | **☐** |  |  |
| Sex | **☐** | **☐** |  |  |
| Sexual orientation | **☐** | **☐** |  |  |

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| 1. **Does the policy/ practice eliminate discrimination, harassment and victimisation in relation to any of the protected characteristics?** |
| 1. **Does the policy/ practice have a positive or negative impact on advancing equality of opportunity in relation to any of the protected characteristics?** |
| 1. **Does the policy/ practice foster good relations and address prejudice in relation to any of the protected characteristics?** |
| 1. **Adjustments made to the policy/ practice to counteract potential or actual negative impact.** |
| 1. **Outcome**   ☐ No change required to the proposal– the assessment is that the policy/practice is/will be robust.  ☐ Adjust the policy/ practice proposal – this involves taking steps to remove any barriers, to better advance equality and/or to foster good relations.  ☐ Continue the policy/ practice proposal despite the potential for adverse impact, and which can be mitigated/or justified  ☐ Stop the policy/ practice proposal as there are adverse effects cannot be prevented/mitigated/or justified. |
| 1. **Approval** |
| Signed by policy/ practice owner  Date: |
| Signed by the faculty Dean/ Department Director  Date:  Review Date: |

1. See s.28(1)(a), 32(1)(b),84(1)(b), 90 of the Act. [↑](#footnote-ref-1)
2. [EHRC Technical Guidance on PSED England 2023](https://www.equalityhumanrights.com/en/publication-download/:~:text=This%20guidance%20was%20updated%20in%20April%202023.&text=It%20offers%20individuals%20stronger%20protection,everyone%20) [↑](#footnote-ref-2)