**UNISON GUIDANCE: EQUALITY IMPACT ASSESSMENTS**

**INTRODUCTION**

Equality impact assessments are a tool organisations and employers use to make sure they promote equality in policies, practices and services. They help organisations check and record how they have made the best decisions, based on robust evidence. They help make sure that a change or decision does not have an unintended negative impact on particular groups of people.

Equality impact assessments have been a well-established part of public policy making, across the UK. Their roots lie in the Public Sector Equality Duty in the Equality Act 2010 in England, Scotland and Wales, and Section 75 of the Northern Ireland Act 1998.

Although the Public Sector Equality Duty has been watered down by the Conservative Westminster government, they remain good practice. Thorough impact assessments are a powerful tool for promoting equality and tackling discrimination.

This guidance tells you:

* **what** an equality impact assessment means
* **why** impact assessments are important
* **who** should be involved, and who can help
* **when** to do an impact assessment
* **how** to conduct an assessment.

This guide should be read alongside UNISON’s guide to bargaining for equality and diversity. There are details of where to find this and other resources at the end.

**WHAT?**

Equality impact assessments (EIAs) address two key questions:

1. How effective will this initiative be in promoting equality?
2. Could it affect different equality groups in different ways?

Equality groups are set out in the Equality Act as nine ‘protected characteristics’:

* age
* disability (a disabled person being defined as someone who has a mental or physical impairment that has a substantial and long-term adverse effect on the person’s ability to carry out normal day-to-day activities)
* gender reassignment (covering all people considering or undergoing or who have undergone gender reassignment whether or not they have medical treatment)
* marriage or civil partnership
* pregnancy and maternity
* race (including colour, nationality, and ethnic or national origins)
* religion or belief
* sex
* sexual orientation.

Assessments may also consider the socio-economic impact (for example low-paid workers) and impact on particular groups, such as migrant workers.

The EIA process involves gathering information and consulting people –workers, service users or members of the public who will, or could, be affected by an initiative in order to answer the key questions.

Undertaking an EIA will help decide if an initiative’s capacity to make a positive impact on equality groups needs to be strengthened.

The impact assessment will also show up any unintentional negative impact. If this is the case, remedial action is needed.

In summary EIAs:

* accentuate the positive
* eliminate the negative.

Equality impact assessments **are**:

* part and parcel of good policy making and service delivery
* a positive way to drive improvements
* outcome-focused.

They are **not**:

* rocket science
* exact science
* scary
* separate or different from mainstream decision-making
* a laborious process which will take months
* just a checklist or tick-box exercise
* an add-on or ‘after the event’ rationalisation/justification
* an end in itself – the aim is to achieve improvement

**What to assess**

* New policies, projects, negotiations, campaigns and services as they are developed
* Existing policies, practices and services
* Work programmes
* Anything else which could have equality implications.

This flow-chart uses the catch-all term ‘initiative’ to cover all of the above.

**WHY?**

As well as demonstrating legal compliance, equality impacts assessments:

* actively support equality objectives
* take into account people’s needs and experiences
* ensure that services and opportunities are genuinely accessible
* embed equality into priority work and business as usual
* help target resources more effectively.

**WHEN?**

The EIA process should begin as soon as a decision is made to develop or review an initiative. It needs to feed into the design of the initiative, rather than being just a bolt-on at the end.

**WHO?**

It is good practice to establish a small team to carry out the assessment. This brings a range of ideas and experiences into the equation, and means that tasks can be shared.

The assessment team needs sufficient knowledge to make valid judgements about the initiative, but should be as objective as possible. For EIAs of smaller initiatives, it may be more appropriate to have one or two people taking responsibility for the assessment, but drawing on the expertise of colleagues as and when necessary.

**HOW?**

**Keeping it in proportion**

Most organisations have a raft of policies, agreements and work programmes, and it is clearly impossible to conduct EIAs on everything at once. They will need to draw up a schedule of assessments to be undertaken within a given period of time.

The principles of proportionality are important in scoping out an EIA schedule:

* which initiatives have, or could have, the most positive impact on equality groups?
* how many equality groups are most likely to be affected by the initiative, positively or negatively?

This will help focus efforts and direct resources where they will have the greatest benefit.

**The EIA flowchart on page 6 is designed to walk you through the stages of an impact assessment. The following information provides additional guidance on key steps in the process. It is written as if you are responsible for carrying out the EIA. You can use it in your own work as a UNISON rep and as a good practice guide in checking employer policy and practice.**

**Consultation**

You will definitely need to consult people who will, or could be, affected by the initiative. You will also need to consider whether to consult other individuals or groups. For example, if you are impact-assessing an initiative focused on migrant workers, you might want to consult national or local agencies representing such workers.

These good practice principles will help you design an effective and meaningful consultation exercise:

* Be clear about the purpose of the consultation
* Keep the exercise in proportion to the likely effect of the initiative on equality groups
* Use existing decision-making structures if possible
* Make sure the consultation process is inclusive, user-friendly and appropriate to the target group
* Allocate sufficient resources (people/time/money)
* Take consultation fatigue into account
* Build in feedback to the people you’ve consulted on how you’ve used their contribution.

Decide how you will consult. Methods could include:

* democratic meetings
* focus groups
* surveys/questionnaires (electronic and/or postal) - you might be able to add relevant questions to a survey which is already planned
* open meetings.

**Minimising negative impact**

If you find that the scope for positive impact is limited, you should consider how you could strengthen the capacity of the initiative to promote equality.

If the EIA indicates that, despite your best intentions, the initiative is likely to have a negative impact on a particular group or groups, you should focus on two questions:

* Is the initiative legal?
* How can the potential negative impact be addressed?

**Legal matters**

If in doubt about the law, you may need specialist legal advice. If the adverse impact would be unlawful, the initiative - or a specific element of it - must be changed or abandoned.

**Addressing potential negative impact**

Potential negative impact can be addressed by adapting the initiative as necessary, or finding another way to meet your objectives. Make sure that your course of action to alleviate a negative impact on a particular equality group does not result in an adverse impact on another group.

Some initiatives are targeted at particular groups and these will, by definition, affect different groups in different ways. This can be justified as part of a wider strategy of positive action in relation to particular groups. A good example is a strategy to promote mentoring for young Black workers, or to tackle violence against women and girls.

Impact assessments may identify issues which can’t be addressed immediately, for example due to constraints on resources. Nonetheless, you can use this information to help with longer-term planning.

**Where to find out more**

UNISON’s guide [*Bargaining for equality and diversity: a trade union priority*](https://www.unison.org.uk/content/uploads/2020/03/Bargaining-for-equality-and-diversity-guide-and-model-policy.pdf)gives an overview of equality bargaining and details of where to find in-depth guides on particular equality bargaining issues.

You can find an up to date list of all equality resources at [www.unison.org.uk/equality](http://www.unison.org.uk/equality) , where you can also sign up for the monthly equality e-bulletin.

UNISON’s Get Help section with information on employment rights and key issues affecting people in the workplace [www.unison.org.uk/get-help](http://www.unison.org.uk/get-help)

For resources on organising for equality and UNISON’s self-organised groups for Black members, disabled members, lesbian, gay, bisexual and transgender plus members, women members, and the equality groups for young and retired members go to [www.unison.org.uk/equality](http://www.unison.org.uk/equality)

**EQUALITY IMPACT ASSESSMENT FLOWCHART**

Read the UNISON guidance on EIAs before you start to work through the flowchart. This will show you that conducting an EIA is a common-sense approach to embedding equality and maximising positive impact. It’s not scary or stressful, and it’s not a laborious process which will take months.

The guidance includes some supplementary information to help you through key steps in the EIA process.

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| --- | --- |
| **Title of initiative**  Initiatives include campaigns, negotiations, policies, projects, procedures, services, work programmes |  |

|  |  |
| --- | --- |
| **Start date of equality impact assessment** |  |

**Step 1: Define the initiative**

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| --- | --- |
| **Brief description**  Describe the initiative in no more than three or four sentences |  |
| **Aims and objectives**  What are the purpose and aims of the initiative? |  |
| **Equality goal(s)**  Who is intended to benefit?  What is this initiative intended to achieve in terms of equality? |  |
| **Key Performance Indicators**  What KPIs (if any) apply? |  |

**Step 2a: Make an initial assessment of the equality impact**

Impact can be defined as a lasting consequence on, or significant change in, people’s lives. It might be intentional – as in the case of **positive** impact - or unintentional, as would be the case where potentially **negative** impact is identified.

Some changes – such as compulsory redundancies – may have a negative impact on all affected workers. What the equality impact assessment may show is whether there is **disproportionate** negative impact on a particular equality group.

Making this initial assessment when you first start developing/designing an initiative will ensure that you take all equality groups into account from the outset. At this stage you may not be able to substantiate your conclusions with hard data, but the key is to use your judgement.

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| Is the initiative designed in such a way that it will have a positive impact on equality groups?  Could there be any unintentional negative impact?  The equality groups to think about are set out in the table opposite.  *Gender identity* is the gender a person identifies with; this is not necessarily the same as the sex the person was assigned at birth: you therefore need to think about equality for transgender people  *Other groups* would be specific groups facing discrimination, eg migrant workers  Bear in mind that people belong to more than one group, and may therefore experience multiple disadvantage | **Equality group** | **Positive impact**  Yes or No | **Negative impact**  Yes or No |
| Age |  |  |
| Disability |  |  |
| Gender |  |  |
| Gender identity |  |  |
| Pregnancy and maternity |  |  |
| Marriage and civil partnership |  |  |
| Race |  |  |
| Religion or belief |  |  |
| Sexual orientation |  |  |
| Other *(define)* |  |  |

**Step 2b: Summarise your evidence**

What evidence (concrete or anecdotal) do you have to support your initial assessment? Don’t worry if you have very little evidence at this point. Working through the next stages of the EIA will help you collect some hard evidence which may influence the way you develop the initiative.

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| Evidence could include:   * monitoring data * surveys * statistics (eg number of users/non-users of a service) * audits * consultation feedback * research * complaints * data (eg profile of local workforce, local population) | **Summary of evidence in relation to age (if any)** |
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| **Summary of evidence in relation to disability (if any)** |
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| **Summary of evidence in relation to gender (if any)** |
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| **Summary of evidence in relation to gender identity (if any)** |
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| **Summary of evidence in relation to marriage and civil partnership (if any)** |
|  |
| **Summary of evidence in relation to pregnancy and maternity (if any)** |
|  |
| **Summary of evidence in relation to race (if any)** |
|  |
| **Summary of evidence in relation to religion or belief (if any)** |
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| **Summary of evidence in relation to sexual orientation (if any)** |
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| **Summary of evidence in relation to other groups (if applicable)** |
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**Step 3: Strengthen your evidence**

Think about what else you need to know to ensure that your initiative will have maximum positive impact on equality. The kinds of evidence summarised in Step 2b may help you decide the best way forward. You can find some good ideas on consultation methods on page 4 of UNISON’s EIA guidance.

It’s highly likely that you **will** have gaps in your evidence. You must decide whether you need to fill in the gaps now, and if it is feasible to do so. It might be that collecting robust information forms part of your EIA action plan (see Step 5).

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| What do you need to find out?  How will you do it?  A thorough impact assessment requires consultation with people who will, or could, be affected by an initiative  You may have good evidence from consultation already; if not, consider who you need to consult, and how you will do it |  |

**Step 4: Make your final assessment**

Looking at the information you now have, think again about the likely positive and negative equality impact on each group.

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| --- | --- | --- |
| **Equality group** | **Positive impact**  Yes or No | **Negative impact**  Yes or No |
| Age |  |  |
| Disability |  |  |
| Gender |  |  |
| Gender identity |  |  |
| Marriage and civil partnership |  |  |
| Pregnancy and maternity |  |  |
| Race |  |  |
| Religion or belief |  |  |
| Sexual orientation |  |  |
| Other *(define)* |  |  |

**Step 5: Take action**

If you have found that the scope for positive impact is limited, consider how you could strengthen the capacity of this initiative to promote equality.

If you have identified potential, disproportionate negative impact on a group or groups, you need to weigh up whether this can be justified. In all likelihood, it can’t be, so can you make changes to prevent or minimise it while still achieving your original aims? Do you need to consider an alternative approach that might be more effective in promoting equality?

Detailed advice on minimising potential negative impact is set out on page 4 of the UNISON EIA guidance.

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| **Action required** | **Timeframe** | **Lead responsibility** | **Expected outcome** |
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**Step 6: Put systems in place for monitoring and review**

You’ll only know the actual impact of a proposed initiative when it is put into practice, so the EIA process builds in arrangements for regular monitoring and review. Monitoring might be about collecting data but it could also include member/staff feedback via satisfaction surveys and analysis of complaints. Monitoring is not an end in itself; rather it provides information you can feed into future reviews of your initiative.

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| --- | --- |
| What systems will you use to monitor and review how well the initiative has promoted equality? |  |

**Step 7: Make the equality impact assessment available**

Staff, staff trade unions, service users or members of the public may ask to see EIAs and/or regular monitoring reports. Unless there are good reasons to refuse (eg because the assessment includes confidential staffing information), all reasonable requests should be met.

EIA record keeping should be organised to make them easily available for checking back on.

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| **Impact assessment completed by** (to be completed by the lead person conducting the EIA) | Name  Job title  Department  Date |
| **I have been briefed on the results of this impact assessment and support the action plan** (to be completed by the relevant manager) | Name  Job title  Department  Date |