

West Dunbartonshire Council

Equality, Health and Human Rights Impact Assessment Guidelines and Forms



This document can be made available electronically, in large print, Braille, audiotape, and in a variety of community languages. Please contact Community Planning and Policy on 01389 737231.

July 2011 (DRAFT)

What is an equality impact assessment (EIA)?

The Equality and Human Rights Commission (EHRC) states that: “An equality impact assessment is a tool that helps public authorities make sure their policies and the ways they carry out their functions, do what they are intended to do and for everybody.”; thus EIA helps fulfil Legal requirements, business needs and ethical considerations.

EIA helps ensure that Best Value is obtained, by scrutinising policies, functions and funding decisions at an early stage, so issues can be addressed efficiently.

The Equality Act 2010 places an emphasis on involvement of those affected by policies.

What areas are covered?

Carrying out an EIA involves assessing the likely or actual impacts of policies and practices on people in terms of the following protected characteristics under the Equality Act 2010:

- Race
- Sex
- Gender Reassignment
- Disability
- Age
- Religion/belief
- Sexual orientation
- Pregnancy/ maternity
- Civil Partnership/Marriage

The Council also includes considerations of impact in respect of the following areas;

- Health (lifestyle, access to services, life circumstances, the social and physical environment affected. It is also important to include mental health factors)
- Human Rights
- Socio-Economic factors

Equalities: Legislation and Guidance

The Equality Act 2010 came into force in stages from October 2010. In practical terms this means that the need to assess impact covers new policies and practices, including changes or redesign of policies, practices, services and provision and funding decisions. It covers all protected characteristics and there is an emphasis on;-

- informing decisions by evidence, and
- on having regard to the outcome of assessments.

Partnerships

The work of the Community Planning Partnership must also respond to the Equality Duty and the need for EIA, as a relevant partnership activity of the statutory partners.

Financial Decisions

Guidance can be found at the EHRC and other websites – see list of useful websites. This guidance should be viewed alongside the EHRC Impact Assessment Form which includes the relevant forms for completing impact assessments (**see Appendix 1**). The duty also applies to making fair financial decisions (**see Appendix 2**).

Examples

Community Planning and Policy will be happy to provide examples of EIA completed using this set of guidance and forms for your reference.

When is EIA necessary?

EIA is applied to policies. In this context, a “policy” is understood in the broad sense including the full range of functions, activities and decisions for which the Council is responsible, i.e. everything we do, including both current policies and new policies being developed. This includes:

- Policies (Including Procedures and Guidance)
- Functions (the way what we do is carried out e.g. Council Tax Collection)
- Funding Decisions (including ‘internal’ and ‘external’ decisions e.g. funding to groups)
- Structural changes including staffing levels
- Partnership arrangements for example how the Council will play its part in Community Planning joint projects

We can refer to any of these elements above as **PFD** (Policies, Functions or Decisions)

Who carries out an EIA?

There should be a lead officer, who owns the process and is responsible for the EIA, there should also be an EIA team including, wherever possible, a departmental representative who has expertise and/or has undergone training on EIA.

Due regard, proportionality and timing

The Council must ensure that due regard is given to the goals set out in the general duties which aim to achieve greater equality for the relevant groups. Due regard means that you need to consider:

- proportionality and
- relevance.

The weight given to equality should be proportionate to its relevance to a particular function, the greater the relevance the greater the regard. EIA is not just about addressing discrimination or negative impacts; it also presents opportunities to promote equality, good relations and participation in public life for positive impact.

Timing

EIA should be an integral part of the policy development and review process. Timing is also crucial, with EIA at the beginning of the process, not at the end.

EIA should not be carried out after changes have been put in place with the exception of existing policies that have come up for review.

Practical steps to carry out an EIA

EIA should be carried out early in the process of revising existing or creating new policies, functions, looking at funding decisions or Council structures.

A small team should be drawn together including those responsible for the policy, someone who has had training in EIA, those with workplace knowledge or experience of the policy and any other relevant departments, groups or partner organisations as appropriate.

Using the forms

The Equality, Health & Human Rights Impact Assessment Form should be used to record the screening process, impact assessment or decision not to impact assess as appropriate.

Sections 1, 7-9 must be completed in all cases.

Sections 2 & 3 can be used for screening if required – see below.

For a full impact assessment all sections of the form must be completed. You may have more information available for some parts than others. This is not in itself an issue.

Sections 2-5 link to the Action Plan (which details what needs to be done to mitigate negative impacts or support improvements). Further details on each section are given below. Should this be directly before Section 1, Screening.

Can a form be modified? Getting help

It is acknowledged that that the suggested form might not exactly suit every process the Council might need to assess; help and advice in such situations can be obtained by contacting community.planning@west-dunbartonshire.gov.uk.

Section 1: Screening

Screening is the stage where a decision on whether EIA is required is taken; this can normally be done fairly quickly using section 1. If uncertain, in some cases it may be necessary to complete **sections 2 and 3** to assess if a full EIA should be carried out. Remember you can contact community.planning@west-dunbarton.gov.uk for assistance.

Questions to ask

- Does the policy affect service users, employees or the wider community (Even if only small numbers)?
- Is it a major policy with wide ranging or significant effects on service delivery?
- Will it have a significant impact on how other organisations operate, e.g. central government strategy?
- Is there a significant commitment of resources?
- Does it relate to an area where there are known inequalities for particular groups?

Other organisations may have carried out screenings or EIAs that could inform your own, and examining these can be helpful, and internet searches can be useful.

After the Screening

Any decision not to impact assess has to be fully documented, double checked with departmental representatives who have undergone the training (a list is available form

the Community Planning and Policy Team), and/or the Policy Development Officer (Equality) and published.

Section 2: Evidence

It is difficult to achieve good EIA without evidence, so ensure that available evidence is used and more is sought if required. Details of evidence and any gaps are recorded in this section. This is followed up in the action plan showing actions to be taken to remove or reduce negative impacts. Ensure that opportunities to promote positive impacts are taken and address any gaps in evidence or consultation. This allows you to monitor actual impact after implementation.

Data can be collected from a range of sources e.g. employment and service monitoring, staff surveys, general research, including local, regional and national research where there is a lack of internal data.

Section 3: Consultation and Involvement

EIAs can draw on findings from previous consultation and can also highlight the need for further consultation as part of the process. This section is used to record previous consultation and consultation planned as part of the policy development process informed by the EIA. The Action Plan should detail further consultation required.

Further information on how to carry out consultation can be found at:
<http://www.wdcweb.info/community-and-living/involving-communities/>

A Toolkit has been developed to provide guidance and support good practice. It includes at Step 5 “Making sure that your consultation is inclusive”.

The Covalent Consultation module is being developed as a mechanism for recording consultations/follow up actions. The website also hosts a partnership consultation calendar.

Sections 4 & 5: Assessment of Impact

Once evidence has been gathered, the EIA team will be in a position to carry out an assessment. **Section 4** must then be completed to show positive or negative impacts.

In most cases there will not be impacts for each protected characteristic; but each must still be considered. If needed, further information might be obtained from local or national sources, e.g. by contacting local authorities, partners or equality groups.

When carrying out an EIA it is important to consider the possible cumulative effect of other new or revised policies or previous funding decisions; this recognises the inter relatedness of decisions in an organisation that provides a large range of services.

The information gathered in **Section 4** allows **Section 5** to be completed and indicates any changes required to the **PFD** to avoid discrimination and promote equality.

This section links to the Action Plan at **Section 6** to show how impacts will be taken account of. Be aware that positive impacts for one group can lead to negative impacts for another. Try to ensure that opportunities to promote equal opportunities and good relations are not missed by overly focusing on alleviating negative impacts.

Possible outcomes of assessments

There are 4 possible outcomes of an EIA and more than one can apply to any **PFD**:

1: No major change- the EIA shows that the policy is robust, there is no potential for discrimination or adverse impact and all opportunities to promote equality have been taken

2: Continue the policy – the EIA identifies the potential for adverse impact or missed opportunities to promote equality. Justifications for continuing must be clearly set out, these should be compelling and in line with the duty to have due regard.

3: Adjust the policy – the EIA identifies potential problems or missed opportunities requiring adjustment to the policy to remove barriers or promote equality.

4: Stop and remove the **PFD** – there is actual or potential unlawful discrimination. The **PFD** must be stopped and removed or changed.

In most cases some amendments will be highlighted during the process and that only in extreme examples would the **PFD** have to be stopped completely.

Section 6: Action Plan

Use this section to detail the actions which will be taken arising out of the assessment of impacts at **Section 4** and based on the evidence detailed in **Sections 2 and 3**.

The action plan must include timescales and be monitored, reviewed and evaluated to measure if outcomes are achieved. This should be done to a set timescale, e.g. one year after introduction of the **PFD**.

Sections 7-9: Monitoring and Review, Signatures, Follow Up Action

These sections should be completed in all cases. **Section 7** gives timescales for monitoring and review of the **PFD**. Include arrangements to monitor the impact of the policy. Consideration should be given to the type of information to be gathered and how it will be analysed, who will be responsible and how any relevant groups will be included.

A timescale must be set for reviewing the policy. This can then be included within a departmental programme of policy review and impact assessment. It should also link in with the assessment of relevance of functions and policies, currently included within the Equality Scheme 2009-12: <http://www.wdcweb.info/law-and-licensing/equality-and-diversity/equalityscheme2009-12/>

Section 8 includes signatures of the lead officer and an officer who has undergone EIA training within the department.

Section 9 includes follow up action.

1. Finalised forms must be retained within the department and copies sent to community.planning@west-dunbarton.gov.uk; these published on the website at <http://www.wdcweb.info/law-and-licensing/equality-and-diversity/impact-assessment/>
2. Any relevant actions must be included within departmental service plans; advice on this can be taken from departmental/ corporate staff as appropriate.
3. The key findings from the EIA should be included within the relevant committee report, where this applies and the full EIA, or screening as a background paper – see committee guidelines – link to these on EIA web page.

Financial Decisions

For financial decisions, the same steps apply. While it is recognised that there can be requirements to make cuts to services, the Council must take account of impacts on equality groups and make changes to mitigate or avoid adverse impact. This must be done at a formative stage in the process and be based on evidence.

There must also be consideration of the possible cumulative effects of decisions.

A checklist is provided at Appendix 2 and further guidance is available from the EHRC.

Support, guidance and useful websites

Support and guidance can be provided by the Policy Development Officer (Equality) based within Community Planning and Policy. There is also useful information on the Council's intranet and internet equality pages, including EIA summaries. Useful sites:

Health: http://www.apho.org.uk/default.aspx?QN=P_HIA

Human Rights: (<http://www.justice.gov.uk/guidance/humanrights.htm>)

EHRC: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties/guidance-and-codes-of-practice/using-the-equality-duties-to-make-fair-financial-decisions/>

Census <http://www.gro-scotland.gov.uk/census/censushm/index.html>

Scottish Government <http://www.scotland.gov.uk/Home>

Legislation: http://www.equalities.gov.uk/equality_act_2010.aspx

Training is provided on impact assessment and departmental representatives should be nominated to take part as to ensure knowledge within departments.

Links with PSIF and other processes

EIA can be linked to Public Service Improvement Framework (PSIF) assessments, Customer Service Excellence Standard awards (previously Chartermark) and other self-assessments required for external scrutiny, such as the Care Commission. All of these processes can benefit from a link with EIA.

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EQUALITY, HEALTH & AND HUMAN RIGHTS IMPACT ASSESSMENT FORM

This form is to be used in conjunction with the Equality, Health & and Human Rights Impact Assessment Guidelines. Please refer to these before starting; if you require further guidance contact community.planning@west-dunbarton.gov.uk

Section 1: Policy/Function/Decision (PFD) Details	
A PFD is understood in the broad sense including the full range of functions, activities and decisions the council is responsible for.	
Name of PFD:	Draft Full Business Case of Alexandria Health and Care Centre
Lead Department & other departments/ partners involved:	Community Health and Care Partnership
Responsible Officer	Soumen Sengupta
Impact Assessment Team	Margaret Campbell, Pamela Macintyre, Robert Smyth, Ailsa King
Is this a new or existing PFD?	New
Start date: (the assessment should be started prior to PFDdevelopment/drafting or at the early stages of review): October 2010	
End date (this should allow for the assessment to inform decision-making): October 2011	
What are the main aims of the PFD ?	<p>To provide the building case for a new, bespoke and fit-for-purpose health and care centre in the Vale of Leven which will</p> <ul style="list-style-type: none"> • Ensure a clear focus on the provision of excellent and continuously improving health and care services as an integral element of a positive patient experience. • Provide a flexible base for a range of increasingly integrated and multi-disciplinary health and care services. • Stimulate inter-disciplinary learning and networking through the optimal provision and creative use of shared and common space. • Empower patients and visitors with clear information and diverse opportunities to make informed choices about their care and their health.

Who are the main target groups/ who will be affected by the PFD ?	Resident population in the Vale of Leven Area (approx. 26, 000) Primary health and community care service users
Relevance (of PFD to the general equality duties and equality groups, also record if there is no relevance giving reasons/ evidence)	
Yes/ No/ Don't Know Reasons: Major capital investment in health and social care in affecting a large proportion of the population of West Dunbartonshire	
	If yes, complete all sections, 2-9
	If no, complete only sections 8-9
	If don't know, complete sections 2& 3 to help assess relevance
Section 2: Evidence	
Please list the available evidence used to assess the impact of this PFD, including the sources listed below. Please also identify any gaps in evidence and what will be done to address this.	
Available evidence:	
Consultation/ Involvement with community, including individuals or groups or staff as relevant	Full and ongoing consultation on development of business case as noted in Pre-Application Consultation Report – Summary May 2011 available at www.wdchcp.org.uk
Research and relevant information	Best Practice Guidance used from Architecture & Design Scotland's Healthier Places Programme, the King's Fund; and the Commission for Architecture & the Built Environment Better Health, Better Care and associated guidance. A Force for Improvement: the Workforce Response to Better Health, Better Care. Better Outcomes for Older People. Changing Lives. NHS Quality Strategy Delivery Framework for Adult Rehabilitation in Scotland. Equally Well – Scotland's Framework on Health Inequalities. Getting It Right for Every Child. Health Works.

	<p>Keep Well Living and Dying Well. Modernising Nursing in the Community. Reshaping Care for Older People (including the associated Change Fund). The national E-health Strategy. Towards a Mentally Flourishing Scotland.</p>
Officer knowledge	<p>NHSGGC Capital Planning Expertise WDCHCP Health Improvement and Inequalities Expertise</p>
Equality Monitoring information – including service and employee monitoring	<p>Evidence regarding access and uptake to health and community care services including GP satisfaction questionnaires has been considered. Health Profile of West Dunbartonshire considered using evidence from Information and Statistics Division Community Health Profile for West Dunbartonshire 2010</p>
Feedback from service users, partner or other organisation as relevant	<p>Feedback from general public consultation events, as well as targeted feedback from Seniors Fora, Access Panel and mother and toddlers groups considered.</p>
Other	
Are there any gaps in evidence? Please indicate how these will be addressed	
Gaps identified	No gaps identified
Measure to address these	
<i>Note: Link to Section 6 below Action Plan to address any gaps in evidence</i>	
Section 3: Involvement and Consultation	
Include involvement and consultation relevant to this PFD, including what has already been done and what is required to be done, how this will be taken and results of the consultation.	

Please outline details of any involvement or consultation, including dates carried out, protected characteristics. Also include involvement or consultation to be carried out as part of the developing and implementing the policy.

Details of consultations	Date	Findings	Characteristics
			Race
Mothers and Toddlers Group	December 2010	Access for prams required and good public transport access for	Sex
			Gender Reassignment
West Dunbartonshire Access Panel NHSGGC Better Access to Healthcare Group	Ongoing	Ongoing consultation and advice	Disability
Vale of Leven Seniors Forum	19th January 2011	Easy access to centre and within centre required e.g seats available within long corridors Doors to easily accessible	Age
			Religion/ Belief
			Sexual Orientation
			Civil Partnership/ Marriage
			Pregnancy/ Maternity

			Health
			Other
<i>Note: Link to Section 6 below Action Plan</i>			

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Section 4: Analysis of positive and Negative Impacts

Protected Characteristic	Positive Impact	Negative Impact	No impact	Evidence
Race			X	
Sex	X			Access to parent friendly unisex changing facilities
Gender Re-assignment			X	
Disability	X			<p>Patient accessible areas all to be on ground floor</p> <p>Improved parking facilities</p> <p>Scored highly in criteria related to Access and Staff and Patient Environment in second Achieving Excellence in Design Evaluation (AEDET) carried out in September 11.</p> <p>Involvement of user groups for mental health and public engagement in project structure</p>

Age	X			Improved anticipatory care and joint working in centre likely to have a positive impact on older people due to prevalence of those with long term conditions
Religion/ Belief			X	
Sexual Orientation			X	
Civil Partnership/ Marriage			X	
Pregnancy/ Maternity	X			
Socio- economic	X			Explicit requirement as part of the procurement process to recruit local number of modern apprentices in construction
Human Rights				
Health	X			Emphasis on therapeutic arts strategy to ensure a positive health improving environment Focus on sustainable development included improved active travel options for staff and

				<p>patients.</p> <p>Improved focus on healthy working lives and health improvement service in new centre</p> <p>Involvement of user groups for mental health and public engagement in project structure</p>
Other				
<p><i>Note: Link to Section 6 below Action Plan in terms of addressing impacts</i></p>				

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Section 5: Addressing impacts

Select which of the following apply (use can choose more than one) and give a brief explanation – to be expanded in Section 6: Action Plan

1. No major change	X
2. Continue the PFD	
3. Adjust the PFD	
4. Stop and remove the PFD	

Give reasons:
 Compliance with Equalities legislation with consistent and clear involvement and consultation with the public, staff and community group has meant that changes, adaptations and resolutions have been made on an ongoing basis to ensure centre is fit for purpose

Note: Link to Section 6 below Action Plan

Section 6: Action Plan Please describe any action which will be taken following the assessment in order to;

- reduce or remove any negative impacts,
- promote any positive impacts, or
- gather further information or evidence or further consultation required

Action	Responsible person (s)	Intended outcome	Date for completion	Protected Characteristic
				Race

				Gender
				Gender Reassignment
Continued involvement of Access Panel in Centre development	SS	To ensure access issues are identified and resolved as required		Disability
Project Task Groups for Public Involvement and Transport to include reps from Access Panel	SS	To ensure that access issues are identified and resolved as required		
Post Occupancy Evaluation Carried out	SS	To ensure that excellent scoring in Achieving Excellence in Design Evaluation (AEDET) is achieved		
Patient and Carer Surveys to ensure that groups most likely to need access to the centre are included.	SS	To ensure that specific needs have been met		Age
				Religion/ Belief
				Sexual Orientation
				Civil Partnership/ Marriage
				Pregnancy/ Maternity
				Socio- economic
				Human Rights
Achievement of excellent BREEAM healthcare rating	SS			Health

			Other(e.g. impact in a particular local area)
Are there any negative impacts which cannot be reduced or removed? please outline the reasons for continuing PFD			
Nil			
Section 7: Monitoring and review			
Please detail the arrangements for review and monitoring of the policy			
How will the PFD be monitored? What equalities monitoring will be put in place?	Through short and long term monitoring by Project Board		
When will the policy be reviewed?	N/A		
Is there any procurement involved in this PFD? Yes/No	Yes		
Section 8: Signatures			
The following signatures are required:			
Lead/ Responsible Officer:	Signature:	Date:	
EIA Trained Officer:	Signature:	Date:	
Section 9: Follow up action			
Publishing: Forward to community Planning and Policy for inclusion on intranet/ internet pages	Signature:	Date:	
Service planning: Link to service planning/ covalent – update your service plan/ covalent actions accordingly	Signature:	Date:	
Give details: Insert name and number of covalent action and or related PI			
Committee Reporting: complete relevant paragraph on committee report and provide further information as necessary	Signature:	Date:	

Completed form: Pass completed forms retained within department and copy passed to Policy Development Officer (Equality) within Community Planning and Policy	Signature:	Date:
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Appendix 2: EHRC Guidance: Using the equality duties to make fair financial decisions - Checklist

The EHRC recommend that an impact assessment of financial decisions is carried out for the following reasons:

- to ensure that there is a written record
- that decisions take account of any unfair impacts on equality groups and actions to mitigate these
- decisions are made based on evidence;
- decision making processes become more transparent; and comply with the law.

Key questions to ask in carrying out an assessment:

1. Is the purpose of the financial proposal clearly set out?
2. Has the EIA considered available evidence?
3. Have those likely to be affected by the proposal been consulted and involved?
4. Have potential positive and negative impacts been identified?
5. What course of action does the EIA suggest I take? Is it justifiable?

Outcomes:

1. No major change required
2. Adjustments to remove barriers identified by the EIA or to better promote equality.
3. Continue despite having identified some potential for adverse impact or missed opportunities to promote equality
4. Stop and rethink

Other considerations:

Are there plans to alleviate any negative impact?

Monitoring impact

Further details are contained within the full guidance, which can be viewed at:

http://www.equalityhumanrights.com/uploaded_files/PSD/using_the_equality_duty_to_make_fair_financial_decisions_final.pdf