

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.

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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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Appendix 1

(June 2011)

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:	Commissioning Strategy West Dunbartonshire Alcohol and Drug Services 2011/2021
Lead Department & other departments/ partners involved:	West Dunbartonshire CHCP
Responsible Officer	Mgt Walker/Helen Weir
Impact Assessment Team	Mgt Walker/Helen Weir/Ailsa King
Is this a new or existing PFD?	New
Start date: (the assessment should be started prior to PFD development/drafting or at the early stages of review): January 2011	
End date (this should allow for the assessment to inform decision-making): August 2011	
What are the main aims of the PFD?	Project future need, inform service planning and facilitate access to drug and alcohol services for individuals with substance misuse problems and their carers in West Dunbartonshire. Outline a whole population approach to the prevention of drug and alcohol misuse Establish a framework for the procurement of services from the Third Sector
Who are the main target groups/ who will be affected by the PFD?	Targeted population based on the profile of need in West Dunbartonshire
Relevance (of PFD to the general equality duties and equality groups, also record if there is no relevance giving reasons/ evidence)	

Yes	
	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	<p>Consultation and involvement has been evident with a wide range of stakeholders including:</p> <ul style="list-style-type: none"> • Service Users via client perception questionnaires • Review of support needs - Survey by Y Sort It, • The Alcohol and Drugs Partnership(ADP) and associated structures including Partners in Community Planning, • SQWIZ and the Joint Improvement Team • WDC Community Participation Committee
Research and relevant information	<p>Salsus Survey West Dunbartonshire Health Needs Assessment</p>
Officer knowledge	<p>ADP and Sub Groups incl Treatment and Support Group, Addictions Prevention and Education Group. A number of partner organisations attend these groups and provide a range of expertise and knowledge in the field of addictions</p>
Equality Monitoring information – including service and employee monitoring	<p>Monitoring of the Single Shared assessment Population profiles including the numbers of drug and alcohol related deaths Employee monitoring through workforce development and PDPs WDCHCP is exploring ways to ensure the workforce reflects the needs of the community it</p>

	serves WDCHCP is exploring ways to address capacity issues in analysing outcomes and accessing local information including Quality and Outcome Framework (QOF)		
Feedback from service users, partner or other organisation as relevant	Feedback from service users questionnaires is analysed on a regular basis The Drug and Alcohol Strategy has been circulated widely among partners including the ADP and Community Planning structures for consultation and input		
Other			
Are there any gaps in evidence? Please indicate how these will be addressed			
Gaps identified	Capacity within the CHCP to break down and analyse data locally e.g. QOF Targeting of services to older people with alcohol problems		
Measure to address these	National data has been studied to provide context, however the CHCP will explore ways of translating the data into a local context Increased targeting of services to older people e.g. Alcohol Brief Interventions		
<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
			Sex
			Gender Reassignment

Consultation with Partners on the Physical Disability Strategy group and the Mental Health Strategy group		Care pathways in place across Mental Health , Addictions and Homeless services	Disability
Ysort It Survey/Tullochan Trust		Highlighted needs among young people	Age
			Religion/ Belief
			Sexual Orientation
			Civil Partnership/ Marriage
HEAR Survey Service User Surveys – Special Needs In Pregnancy (SNIPS)		HEAR survey highlighted access issues among women with children SNIPs Survey highlighted the need to improve care pathways between Snips and Addiction services	Pregnancy/ Maternity
Drug and Alcohol Strategy consulted on across a range of organisations including; Community Participation		Emphasised the need for a community based and multi-agency approach to tackling substance misuse in the population	Health

Committee Forum and Community Groups with representation from service users			
			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
Race			No impact
Sex	Monitoring access through Single Shared Assessment and HEAR survey		
Gender Re-assignment			No Impact
Disability	MH referral protocols in place		
Age	Targeting of services to older people		
Religion/ Belief			No impact
Sexual Orientation			No impact
Civil Partnership/ Marriage			No impact
Pregnancy/ Maternity	Improving care pathways between addiction services and SNIPs Strengthening links		

	<p>between the ADP and the Child Protection Committee</p> <p>Services in place for women subject to domestic violence</p>		
Socio- economic	<p>Welfare Rights</p> <p>Services in place</p> <p>Pathways to employment part of the Rehabilitation and Recovery approach to substance misuse</p> <p>Reallocation of resources to more deprived parts of WD</p>		
Human Rights	Strong focus on		

	<p>person centred services //</p> <p>WDCHCP staff inequalities awareness training ensures staff are aware of and have knowledge of the Equalities Act and the Human Rights</p>		
Health	<p>Demographic information will help target services and resources to those areas most in need where health outcomes are poorer and promote equitable access to services</p> <p>A whole population approach to</p>		

	<p>education and prevention promotes lifestyle changes in order to address the health inequalities in the population.</p>		
Other			

Note: Link to Section 6 below Action Plan in terms of addressing impacts

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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	No Major Change
2. Continue the PFD	Continue the PDF
3. Adjust the PFD	
4. Stop and remove the PFD	
Give reasons:	
<i>Note: Link to Section 6 below Action Plan</i>	

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
Continue to monitor access to services through the Single Shared Assessment Act on findings of the HEAR survey		Equitable access to services		Gender
				Gender Reassignment
Continue to consult with Disability Strategy Groups on the future development of addiction services		Identify any barriers in accessing services and address accordingly		Disability
Target the provision of services to older people including ABIs		Reduced alcohol related deaths and illnesses among the older population		Age
Circulate Future Strategies more widely		Wider consultation		Religion/ Belief
As above		As above		Sexual Orientation
				Civil Partnership/ Marriage
Implement findings of the HEAR survey and service user consultation(Special Needs In Pregnancy)		Improved care pathways between SNIPs/Addiction services Address access barriers for women with child care responsibilities		Pregnancy/ Maternity
Targeting of services and reallocation of resources to areas of deprivation		Increase access to employment for individuals in recovery Reduce poverty Lessen the societal impact of		Socio- economic

Continue to provide welfare rights services to addiction service users		drug and alcohol misuse		
Continue to ensure CHCP staff are aware of Equalities legislation and are aware of the impact of inequalities on the population as a whole		CHCP staff are aware of the relevant legislation		Human Rights
Implement the agreed actions in the Drug and Alcohol Strategy across the spectrum of Treatment and Care , Education and Prevention and Community Involvement		Better health outcomes and a reduction in substance misuse among the population of WD Reduced drug and alcohol related deaths and related illnesses.		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				
No				
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?	Yes by the ADP Annual Review and the Scottish Government			
When will the policy be reviewed?	October 2012			
Is there any procurement involved in this PFD?	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:

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

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