



## Equality Impact Assessment Guidelines

### 1. Introduction

1.1. This Toolkit sets out York St John Students' Union's framework and guidance for undertaking Equality Impact Assessments (EIAs). The Toolkit is designed to assist Managers, Officers, and Staff who will have to undertake Equality Impact Assessments during their work. It is a legal requirement to promote equality and set out how YSJSU plan to meet the 'general' and specific duties' specified in the Equality Act 2010. The Act makes it unlawful to discriminate (treat less favourably) either directly or indirectly because of a 'protected characteristic' in relation to employment; supply of goods and services including education etc. Employers, service providers, and organisations have a legal responsibility to assess their activities, and to set out how they will protect people from discrimination based on the following 'protected characteristics':

- Age;
- Disability;
- Gender reassignment;
- Marriage and civil partnership;
- Pregnancy and maternity;
- Race;
- Religion or belief;
- Sex (and Transgender);
- Sexual orientation.

1.2. In addition to the nine 'protected characteristics' above, Carer status will also be considered as part of YSJSU's Equality Impact Assessment. Throughout the document the term 'protected characteristic' should be taken to include all the above.

### 2. What is an Equality Impact Assessment?

2.1. The purpose of an Equality Impact Assessment (EIA) is to improve the work of YSJSU by ensuring the promotion of equality. It is a way to make sure managers, individuals, and teams think carefully about the likely impact of their work on members and service users, and act to improve activities (where appropriate), focusing on systematically assessing and recording the likely equality impact of an activity, service, or policy. There is a focus on assessing the impact on people with protected characteristics, and this involves anticipating the consequences of activities on these groups; making sure that, as far as possible, any negative consequences are eliminated or minimised.

2.2. The EIA is carried out by completing a form, drawing on existing research, monitoring information, and consultation. Once this has been completed, action plans (mitigation) can be drawn up and any decisions to change the delivery of an activity or policy can be made.

### 3. Why do we need to conduct Equality Impact Assessments?

3.1. Organisations have a legal responsibility to assess their activities, and to set out how they will monitor any possible negative impact on (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation) equality. Organisations also must consult on proposed activities and train their staff about relevant law and have a positive duty to promote good relationships among communities.

3.2. The key purpose of an Equality Impact Assessment is to:

- Promote all aspects of equality;
- Identify whether certain groups are excluded from any of our services;
- Identify any direct or indirect discrimination;
- Assess if there is any adverse (negative) impact on groups;
- Promote good relations between people of different equality groups;
- Eliminate unlawful discrimination, harassment, victimisation;
- Act as a method to improve services.

3.3. Other reasons for Equality Impact Assessments:

- It increases user/member/staff trust;
- It enhances value for money;
- It informs business plans;
- It increases social inclusion;
- It promotes understanding and sensitivity;

3.4. ***Equality Impact Assessment should not be a separate exercise for Managers to undertake.*** It should be built in as an integral part of continuous service/activity/policy review. Assessing for equality impact is an aspect of delivering service improvements.

### 4. Which activities and policies should be assessed?

4.1. All YSJSU activities, policies and procedures should be assessed. An Equality Impact Assessment should be carried out when:

- Developing: new policies/new guidelines/new service/new function;
- Reviewing: existing policies/existing guidelines/existing services;
- Advance equality of opportunity between those covered by the Equality Act and those not covered, e.g. between disabled and non-disabled people;
- Foster good relations between these groups.

## **5. Positive Action**

5.1. Some activities are targeted at individuals/groups with protected characteristics and these will have a differential impact and the assessment of this impact must consider whether it is lawful or justifiable. Differential impact can be justified as part of a wider strategy of positive action in relation to groups, where the initiative is intended to encourage equality of opportunity for a group. Where this is the case it is necessary to justify actions and provide a clear and legal rationale for them.

## **6. Who is responsible for an Equality Impact Assessment?**

6.1. Managers who hold responsibility for the policy/guidelines/services/activities are ultimately responsible for ensuring that an Equality Impact Assessment is undertaken. However, although ultimately responsible, it is acceptable that Managers may not necessarily be the people undertaking the EIA and that this could also be a staff member or Officer who is responsible for that area of work. An Equality Impact Assessment needs to be undertaken by someone with a good understanding of the service.

## **7. Equality Impact Assessment process**

7.1. The YSJSU EIA process is split into 2 stages:

- An Initial Equality Impact Assessment (see section 10);
- A Full Equality Impact Report (mitigation) (see section 11).

## **8. Consultation exercises with an Equality Impact Assessment**

8.1. A key element of an Equality Impact Assessment is consultation with staff, members and other service users to determine how new or revised activities or services will impact on groups of people to help develop any action plans that are needed. The nature and extent of the consultation will depend on the type of policy/guidelines/service/activity being developed/reviewed and the level of relevance the service will have on different equality groups. Any policy, activity or service undertaking a Full Equality Impact Assessment will require consultation.

8.2. If an Initial Enquiry Impact Assessment has highlighted concerns in terms of a negative impact on certain equality groups, then there is a need to consult more widely to understand the impacts further, explore options, draw conclusions and make further recommendations.

8.3. Consultation is a vital tool in learning more about our services and improving member experience. Consultation involves:

- Engaging with representatives with protected characteristics who are likely to be affected by the service/activity/policy;
- Including staff, members or other stakeholders;
- Consultation can be undertaken in the form of face-to-face meetings, focus groups, questionnaires, discussion papers etc.

## **9. Key points to remember when assessing the possible impact of the Policy/Guidelines/Service/Activity**

9.1. Could the policy/guidelines/service/activity or the way in which it is carried out have a negative impact on people with a protected characteristic? For example, does it put a group at a disadvantage on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation equality?

9.2. Could the policy/guidelines/service/activity or the way in which it is carried out have a negative impact on relationships between different groups?

9.3. Is the negative impact, if any, unavoidable? Could it be unlawful discrimination? Can it be justified by the aims and importance of the policy/guidelines/service/activity? Are there other ways in which YSJSU's aims can be achieved without causing a negative impact on some diverse groups?

9.4. Could taking measures reduce the negative impact?

9.5. Is further research or consultation necessary? Would this research be proportionate to the importance of the policy/guidelines/service/activity? Is it likely to lead to a different outcome?

9.6. Definitions and examples:

### 9.6.1. AGE:

- Any discriminatory employment practices including recruitment, personal development, promotion, entitlements and retention;
- Activities and services should be provided, regardless of age.

### 9.6.2. DISABILITY:

- Reasonable steps that can be taken to accommodate the disabled persons requirements, including physical access, format of information, etc.;
- Steps to make reasonable adjustments to activity and service delivery and employment practices to ensure 'accessible to all'.

### 9.6.3. GENDER REASSIGNMENT:

- Equal access to recruitment, personal development, promotion and retention.
- Equality of opportunity in relation to health care for individuals irrespective of identity;
- The maintenance of confidentiality about an individual's sexuality.

### 9.6.4. MARRIAGE AND CIVIL PARTNERSHIP:

- Equal access to recruitment, personal development, promotion and retention;
- Equality of opportunity in relation to health care for individuals irrespective of whether they are single, divorced, separated, living together or married or in a civil partnership.

### 9.6.5. PREGNANCY AND MATERNITY:

- Equal access to recruitment, personal development, promotion and retention for female employees who are pregnant or on maternity leave;

- Equality of opportunity in relation to health care for women irrespective of whether they are pregnant or on maternity leave;
- Unlawful to treat a person unfavourably because they breast feeding.

#### 9.6.6. RACE AND ETHNICITY:

- Equal access to recruitment, personal development, promotion and retention;
- Written communication and discouragement of language particularly jargon or colloquialisms etc.

#### 9.6.7. RELIGION/BELIEF AND CULTURE:

- Equal access to recruitment, personal development, promotion, and retention;
- Dietary requirements;
- Respect for requests from staff to have time off for religious festivals and strategies;
- Respect for dress codes.

#### 9.6.8. GENDER:

- Equal access to recruitment, personal development, promotion and retention;
- Childcare arrangements that do not exclude a candidate from employment and the need for flexible working;
- The provision of single sex facilities, toilets, wards etc.;
- Equality of opportunity in relation to health care for individuals irrespective of whether gender, single, divorced, separated, living together or married.

#### 9.6.9. SEXUAL ORIENTATION:

- Recognition and respect of individual's sexuality;
- Recognition of same sex relationships in respect to consent;
- The maintenance of confidentiality about an individual's sexuality.

#### 9.6.10. CARERS:

- Equal access to recruitment, personal development, promotion and retention;
- Reasonable steps that can be taken to accommodate carer's requirements, such as Flexible working, etc.

## 10. Guidance notes for Initial Impact Assessment Form

10.1. The Initial Equality Impact Assessment is based mainly on what information is already available/what is already known in relation to the policy/guidelines/service/activity. By using this information, the Initial Equality Impact Assessment will determine if the policy/guidelines/service/activity could have a negative impact on different Equality Groups (people with protected characteristics). In some cases, no negative impact may be identified and in others the possible impact may be so great that a Full EIA may be necessary.

10.2. All Sections of the Initial Impact Assessment Form must be completed when undertaking an Equality Impact Assessment of a policy/guidelines/service/activity.

## **11. Guidance for Full Impact Assessment Form (Mitigation)**

11.1. The Full Equality Impact Report may be undertaken as a natural progression from the initial Equality Impact Assessment when there are concerns about the policy/guidelines/service/activity. This is not different in nature from the Initial EIA Stage, but is a more in-depth analysis backed by formal consultation, further research, data collection and analysis.

## **12. Storage of Equality Impact Assessments**

12.1. Copies of all EIAs will be available and stored within the YSJSU shared drive.