

Equality Analysis Guidance

February 2016



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Equality Analysis Form 8

Bury Council is committed to providing fair and inclusive services and employment opportunities. To help us do this, and also to comply with the Public Sector Equality Duty, we have developed an equality analysis process, supported by this guidance. Its aim is to provide a comprehensive and consistent approach for analysing the effect upon equality and community cohesion of all our services, policies and practices.

What do we need to do?

All public bodies are required to ‘**analyse the effect**’ of their services, policies and practices upon equality, and determine whether they further the aims of the duty for the protected groups.

The **aims of the duty** are: -

- to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- to advance equality of opportunity between people who share a protected characteristic and those who do not (i.e. to remove or minimise disadvantages or barriers, and to meet the needs of people from protected groups where these are different from the needs of other people)

- to foster good relations between people who share a protected characteristic and those who do not (i.e. to tackle prejudice and promote understanding)

The **protected groups** are race, disability, gender, gender reassignment, age, sexual orientation, religion or belief, and pregnancy and maternity. In addition, we need to have due regard to eliminate unlawful discrimination against someone because they are married or in a legally recognised same sex civil partnership. Furthermore, Bury Council also recognises the equality characteristic of caring responsibilities.

What is equality analysis?

Equality analysis is a way of considering the effect of our services, policies and practices on different groups protected from discrimination by the Equality Act. The reasons for doing this are:

- to consider if there are any unintended consequences for some groups
- to consider if the policy or practice will be fully effective for all target groups.

It involves using equality information and the results of engagement with protected groups and others, to understand the actual or potential effect of your service, policy or practice.

It can help you to identify practical steps to tackle any negative effects or discrimination, to advance equality and to foster good relations.

A proportionate approach should be taken, which relates to the relevance of your service, policy or practice to equality.

What should be analysed?

All services, policies and practices should be analysed for their effect on equality. This includes analysing the service you provide, how you provide it, who you provide it to, any barriers to the service, your policies, procedures, working practices, decisions, strategies etc. – in other words everything you do, whether it is formally written down or whether it is informal custom and practice.

It also includes the implementation of policies developed outside of the Council – for example by government or Team Bury – or funding decided elsewhere, as you still have the discretion to consider mitigating measures or alternative ways of doing things to minimise the impact on services and equality groups.

Remember to look at the cumulative effect if a number of changes are made at once to a range of policies or services, as well as the effect of each individual change.

When should equality analysis be done?

Equality analysis of services should take place alongside the development of the Service Plan.

Equality analysis of policies and practices should start prior to their development or at the early stages of a review.

It should not be a one-off exercise and must be ongoing throughout the development/review process to ensure equality considerations are taken into account at all stages of the process.

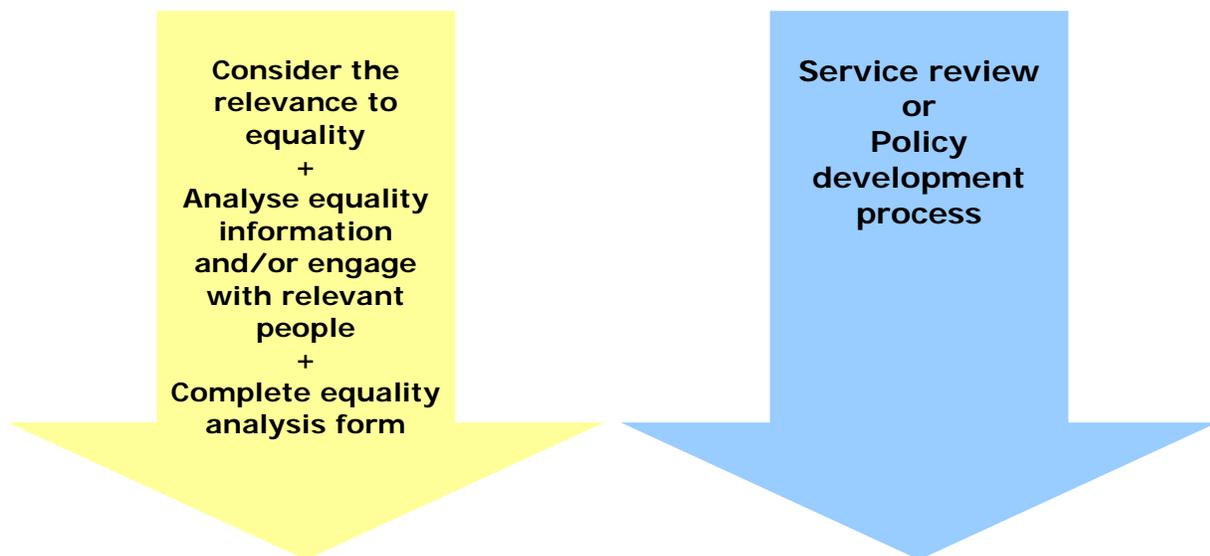
Case law suggests that you would be unlikely to be able to demonstrate that you had due regard for the aims of the Public Sector Equality Duty at the point when decisions were being made if you carry out equality analysis at the end of the policy development/review process.

What are the risks of not carrying out equality analysis?

If you do not analyse the effect of your services, policies and practices on equality then you are at risk of breaching the Public Sector Equality Duty. Compliance with this is monitored and enforced by the Equality and Human Rights Commission. Should it be deemed necessary, they have the power to take the Council to a judicial review. You may also be open to legal challenge from other interested parties.

How do I carry out equality analysis?

Equality analysis should be carried out alongside the review of your service or the development of your policy, and where relevant should include the consideration of equality information and engagement activities with people interested in your equality performance.



An equality analysis form has been developed to support your analysis, and allow details to be published.

How do I complete the Equality Analysis Form?

The Equality Analysis Form consists of 6 questions: -

Question 1. Responsibility

Equality analysis is an integral part of policy development/service review and this form should be completed by the person responsible for developing the policy or drawing up the Service Plan – not an equality specialist.

Question 2. Aims

This section asks for some general background information.

If you are analysing a policy, include information about why it is being developed, what you hope it will achieve, the key people it will affect and involve etc. You should include information about any relevant legislation or government guidance which may affect your decision to develop the policy.

If you are analysing a service and developing a Service Plan, briefly describe the purpose and role of the service and detail the main stakeholders.

Question 3. Establishing relevance to equality

Identify how relevant the policy/service is to:

- the protected equality characteristics
- the 3 aims of the Public Sector Equality Duty.

To identify relevance it is useful to think about: -

- The numbers and different types of service users, employees or the wider community who are affected, and also the significance of the effect on them.
- Whether it is a major policy or service area which could have significant implications for how functions are delivered in terms of equality
- If there could be a significant effect on how other organisations operate in terms of equality (For example a review of funding criteria.)
- Whether the policy or service relates to functions that you are aware are important to particular protected groups
- If the outcomes could affect different protected groups differently
- If the policy or service relates to an area with known issues or inequalities (For example access to buildings for disabled people or racist/homophobic bullying in schools.)
- If there is a link to an area where equality objectives have been set by the Council

Examples of Relevance

<p>Policies that have a relevance to eliminating discrimination and harassment could relate to:</p>	<ul style="list-style-type: none"> • Dignity at Work • equal pay • tackling racist/homophobic bullying in schools
<p>Policies that have a relevance to advancing equality of opportunity could relate to:</p>	<ul style="list-style-type: none"> • methods of and access to service delivery • blue badge parking • the Customer Contact Strategy • work life balance • educational attainment • independent living support
<p>Policies that have a relevance to fostering good relations could relate to:</p>	<ul style="list-style-type: none"> • community cohesion • Township Forums • communications • anti-social behaviour • working with voluntary groups
<p>Policies with no relevance to equality could include:</p>	<ul style="list-style-type: none"> • PAT (portable appliance) testing • IT security

If you decide that your policy/service is not relevant to equality then you need to say how and why you have reached this conclusion to protect against legal challenge. A lack of information or a statement simply saying 'no relevance' could leave you vulnerable. You can then submit the form without completing questions 4-6.

Question 4. Equality information and engagement

You are required – where relevant - to consider equality information, and engage with people interested in your equality performance. You do not however have to detail the findings or outcomes on the equality analysis form, but it is important to be able to provide evidence should you ever be challenged at a later date.

It is important though to list what you have looked at and who you have spoken to.

It can sometimes however be useful to include detailed data - particularly if you are including the equality analysis form in a consultation exercise. It would ensure openness and transparency, and help people to understand the decisions you have taken.

When completing an equality analysis on a service plan, it is important to list what EAs are in place in respect of existing policies/procedures/strategies. This will

support service areas in ensuring they have completed all relevant EAs, and provide additional support in the event of a legal challenge.

For more guidance on using equality information and engagement, see the guidance notes available at www.bury.gov.uk/equality.

Under the Public Sector Equality Duty, all services should publish relevant equality information on the internet and update it annually.

Question 5. Conclusions of the equality analysis

Equality analysis helps you to think about what would happen in relation to equality and good relations if you were to adopt the policy/service plan. It is important to look at it not only in terms of identifying and removing negative effects and discrimination, but also as an opportunity to identify ways to advance equality of opportunity and to foster good relations.

You may find it useful to ask yourself the following questions: -

- Could the outcomes differ between protected groups?
- What are the key findings of your engagement?
- Is there different take-up of services by different groups?
- Could your proposals affect different groups disproportionately?
- If there is a greater effect on one group, is that consistent with your aims?
- Would you deliver practical benefits for protected groups?
- Have you missed any opportunities to advance equality and foster good relations?
- Could the outcomes disadvantage people from a particular group?
- Could any part of the policy/service plan discriminate unlawfully?
- Are there any other policies/plans that need to change to support the effectiveness of the proposals under consideration?

Having carried out your analysis you should then be in a position to make an informed judgement as to whether to proceed with your policy/service plan, change it or if there are adverse effects which cannot be justified or mitigated you may wish to consider stopping it altogether.

Question 6. Monitoring and review

Whilst equality analysis can help you anticipate the effects of your policy/service review, it is only after your proposals are implemented that you will see the actual effect. Appropriate ongoing monitoring and review can allow you to pick up on any negative consequences or areas where it is not creating the intended results, and make alterations as appropriate.

Think about who will be responsible for the monitoring and review, when and how often this will be done and what type of information you will require. Will the results of the monitoring be published on the web as annually updated equality information? Do any actions need to be included in your service plan or Departmental Equality Action Plan?

Equality analysis is an ongoing process that doesn't end once proposals are agreed and implemented. Monitoring and review is essential, although this doesn't necessitate the repeat of this full equality analysis process and the completion of a form unless significant changes are made.

FOR FURTHER INFORMATION AND SUPPORT WITH EQUALITY ANALYSIS PLEASE CONTACT PEOPLE STRATEGY & ORGANISATIONAL DEVELOPMENT

TELEPHONE – 0161 253 6371

EMAIL – equality@bury.gov.uk

WEBSITE – www.bury.gov.uk/equality

Equality Analysis Form

The following questions will document the effect of your service or proposed policy, procedure, working practice, strategy or decision (hereafter referred to as 'policy') on equality, and demonstrate that you have paid due regard to the Public Sector Equality Duty.

1. RESPONSIBILITY

Department		
Service		
Proposed policy		
Date		
Officer responsible for the 'policy' and for completing the equality analysis	Name	
	Post Title	
	Contact Number	
	Signature	
	Date	

2. AIMS

What is the purpose of the policy/service and what is it intended to achieve?	
Who are the main stakeholders?	

3. ESTABLISHING RELEVANCE TO EQUALITY

3a. Using the drop down lists below, please advise whether the policy/service has either a positive or negative effect on any groups of people with protected equality characteristics.
If you answer yes to any question, please also explain why and how that group of people will be affected.

Protected equality characteristic	Positive effect (Yes/No)	Negative effect (Yes/No)	Explanation
Race	No	No	
Disability	No	No	
Gender	No	No	
Gender reassignment	No	No	
Age	No	No	
Sexual orientation	No	No	
Religion or belief	No	No	
Caring responsibilities	No	No	
Pregnancy or maternity	No	No	
Marriage or civil partnership	No	No	

3b. Using the drop down lists below, please advise whether or not our policy/service has relevance to the Public Sector Equality Duty. If you answer yes to any question, please explain why.

General Public Sector Equality Duties	Relevance (Yes/No)	Reason for the relevance
Need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010	No	
Need to advance equality of opportunity between people who share a protected characteristic and those who do not (eg. by removing or minimising disadvantages or meeting needs)	No	
Need to foster good relations between people who share a protected characteristic and those who do not (eg. by tackling prejudice or promoting understanding)	No	

If you answered 'YES' to any of the

Go straight to Question 4

If you answered 'NO' to all of the

Go to Question 3c and do not answer questions 4-6

3c. If you have answered 'No' to all the questions in 3a and 3b please explain why you feel that your policy/service has no relevance to equality.

4. EQUALITY INFORMATION AND ENGAGEMENT

4a. For a service plan, please list what equality information you currently have available (including a list of all EAs carried out on existing policies/procedures/strategies),

OR for a new/changed policy or practice please list what equality information you considered and engagement you have carried out in relation to it.

Please provide a link if the information is published on the web and advise when it was last updated?

(NB. Equality information can be both qualitative and quantitative. It includes knowledge of service users, satisfaction rates, compliments and complaints, the results of surveys or other engagement activities and should be broken down by equality characteristics where relevant.)

Details of the equality information or engagement	Internet link if published	Date last updated

4b. Are there any information gaps, and if so how do you plan to tackle them?

5. CONCLUSIONS OF THE EQUALITY ANALYSIS

What will the likely overall effect of your policy/service plan be on equality?	
If you identified any negative effects (see questions 3a) or discrimination what measures have you put in place to remove or mitigate them?	
Have you identified any further ways that you can advance equality of opportunity and/or foster good relations? If so, please give details.	
What steps do you intend to take now in respect of the implementation of your policy/service plan?	

6. MONITORING AND REVIEW

If you intend to proceed with your policy/service plan, please detail what monitoring arrangements (if appropriate) you will put in place to monitor the ongoing effects. Please also state when the policy/service plan will be reviewed.

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COPIES OF THIS EQUALITY ANALYSIS FORM SHOULD BE ATTACHED TO ANY REPORTS/SERVICE PLANS AND ALSO SENT TO YOUR DEPARTMENTAL EQUALITY REPRESENTATIVE FOR RECORDING.