

Equality Impact Assessments (EIA's) Essentials

What you need to Know

Since 2000 Changes in Legislation

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- Burden of Proof- this has shifted to the employer, i.e. if an employee or customer can present a *prima facie* case, the employee/customer does not need to prove they have been discriminated against, but the employer now has to prove that they **did not** discriminate.

Because of this, organisations have to produce information detailing how they meet the **general duties**; this can take the form of documents such as 'equality schemes', Equality impact Assessment etc. These documents have to be available to the public and the organisation can be held accountable to them.

- Vicarious liability – the head of an organisation is now liable if an organisation is found guilty of not adhering to equality legislation rules.
- Unlimited fines – the cap on the amount of money an organisation can be fined has been removed.
- Due Regard – this means that if a customer or employer makes a request on the grounds of disability, race or gender, this must be assessed, and a plan of how your organisation is going to address this request must be drawn up and delivered. It is not acceptable to say, "We will think about it" and does nothing.
- Must meet the Duties as set out in the Code of Practice – Every organisation must meet, and be able to prove they meet the general duties, which are:

General duties have been with us in one form or another since the introduction of equalities legislation in the 1970s. They currently are:

General Duties (affecting employment and service provision)

Race:

- Eliminate unlawful racial discrimination
- Promote equality of opportunity
- Promote good relations between people of different racial groups

Disability:

- Promote equality of opportunity between disabled persons and other persons
- Eliminate discrimination that is unlawful under the Act
- Promote positive attitudes towards disabled persons
- Encourage participation by disabled persons in public life; and
- Take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourable than other persons.

Gender:

- Eliminate unlawful discrimination and harassment on the grounds of sex
- Promote equality of opportunity between women and men
- Equal pay for work of equal value
- (Not to discriminate on the grounds of marital status & also not to discriminate on pregnancy)

Age, Sexuality, Religion and/or Belief:

- Eliminate direct discrimination
- Eliminate indirect discrimination
- Eliminate harassment
- Eliminate victimisation

Everything an organisation does, **including the voluntary sector**, must ensure that they have had regard to the general duties. So any policy, provision or activity **must be** measured against them

In order to help Public Bodies (e.g. Local Authorities) a set of 'specific duties' were created. The specific duties are duties by which Public bodies can use to help establish the fact that they are NOT discriminating and are actively aware of their general duties and applying them.

The Voluntary sector does not have to apply the specific duties: however they point to good practice and the types of information that may be required to develop a better funding profile/relationship with funders.

Public bodies, for example local authorities must also meet the following Specific Duties:

- Equality scheme
- Identifying relevant functions and policies
- Arrangements for assessing and consulting on, the likely impact of proposed policies
- Arrangements for monitoring policies for adverse impact
- Arrangements for publishing assessment, consultation and monitoring reports
- Arrangements for making sure the public have access to information and services
- Arrangements for training staff
- Positive action

What is an Equality Impact Assessment?

An Equality Impact Assessment assesses your activity in relation to the General Duties.

You can assess all or parts of your service, individual policies, or the impact of your activity in relation to race, disability or gender, age, sexuality, religion and/or belief.

How to conduct an EIA/The Stages of EIA's

There is no set template for carrying out an Equality Impact Assessment; however, they can be broken down into the following stages:

- Strategic thinking – i.e. asking what **policies** have we got, how do we **operate in relation to equality** of opportunity, what are our processes/priorities/profile of people?
- The 'weighing' process – i.e. research, **evidence, monitoring** the data you have (or gathering more data), in order to make judgements, **consultations**, etc.
- **Judgement** – i.e. reporting your findings based on the monitoring of the data you have gathered, **action planning** and implementing actions plans to rectify if required. Making this public and useful.

Mainstreaming

This means that whatever activity you are considering or carrying out, you must have thought through and included the terms of reference contained within the General Duties (as stated above).

The Role of the Voluntary Sector and EIA's

The voluntary sector has 3 roles in relation to EIA's:

1. Carry out an Equality Impact Assessment for your individual organisations, as an internal check to ensure you are not directly or indirectly discriminating against your clients, employees and potential employers and the members of the public.
2. Certain funding streams require you to ensure your services are accessible to all and integrate with the wider community, so **carrying out an EIA** and positively **working through subsequent actions plans**, will not only protect your organisation in the event of accusations of discrimination, but also assist you with obtaining the funding you are seeking **AND** show your existing funders that you are complying with equality legislation.
3. As the Voluntary sector starts to compete more and more for local authority/government/European contracts, you will be expected carry out EIA's or conduct consultation/monitoring for them.

Given this, it is then vital for us to understand and be able to roll out EIA's. **This process helps us to 'speak the same language' as Government and Local Government funding/contracting processes.**

Further advice, information and links

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To obtain further copies of this 'Essentials' guide, visit the 'downloads' section of www.changeupmerseyside.org.uk or contact Greater Merseyside ChangeUp on 0151 920 0726 ext 305/318.

For further information about and assistance with Equality Impact Assessments, or information on equality-related matters such as recruitment and selection procedures, staff training, auditing and assessing services and provision, contact barrie@edds.org.uk or visit www.edds.org.uk.