CABINET

15 June 2011

EQUALITY ACT 2010 UPDATE

REPORT OF HEAD OF ORGANISATIONAL DEVELOPMENT

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RECENT REFERENCES:

None.

EXECUTIVE SUMMARY:

This paper sets out the Council's approach to meeting the requirements of the Equality Act 2010, including compliance with the Public Sector Equality Duties. The Equality Act supersedes the various individual pieces of equality legislation aimed at protecting particular groups of people in society with a single comprehensive law that covers those who share one or more of the following 'Protected Characteristics': age, disability, gender re-assignment, pregnancy and maternity, marriage & civil partnership, race, religion or belief, sex, and sexual orientation.

RECOMMENDATIONS:

1.   That Cabinet approve the overall approach to equality and approve the:
          (a) Equality Policy and Action Plan. (Appendix 2)
          (b) IIA screening process and criteria for use. (Appendix 3)
          (c) Equality Assessment process. (Appendix 4)
          (d) Equality Monitoring Policy and Guidance. (Appendix 5)

2. That all contracts in excess of a *de minimus* level of £100,000 should be automatically subject to a mandatory IIA

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DETAIL:

1   Introduction

1.1   The Equality Act (2010) has 3 equally important 'Aims':

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
3. Foster good relations between people who share a protected characteristic and those who do not.

1.2   The Act places both General and Specific Equality duties on public bodies that require them to:

• Assess the relevance of their functions (i.e. everything public bodies are required AND allowed to do.) to the 3 aims of the Act.

• Analyse available equality information and gather more to fill any gaps.

• Publish: Equality Information (by 31 December 2011) and Equality Objectives (by 6 April 2012).

• Monitor & Report on compliance with the Act (annually) and progress on reaching objectives (at least every 4 years).

1.3   In order to meet the Public Sector Equality Duties public bodies must have "due regard" to equality issues. This means that consideration of equality issues must influence the decisions reached by public bodies – in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others. Such consideration must take place before a decision is reached and must be evidenced. How public bodies are to do this is not prescribed by the Act itself and official guidance available to date does not prescribe or recommend a particular process or mechanism. (For a summary of the Equality & Human Rights Commission guidance on implementing the Act see Appendix 1)

2.   Winchester City Council's Approach

2.1   Over the last few years the Council has developed a comprehensive Equality Policy and Equality Action Plan. These have been refreshed to reflect the requirements of the Equality Act 2010 and Cabinet is asked to approve the refreshed versions (Appendix 2).

2.2   The Council has also developed a range of supporting policies (e.g. the Translation & Interpretation Policy) and an Equality Impact Assessment process that it has been using to ensure that policies, strategies and services were not unlawfully discriminating against any groups protected by equality or human rights legislation.

2.3   In the light of the new Equality Act and the need to ensure that the resources available to the Council are used as efficiently as possible it is proposed that consideration of equality issues should not be undertaken as a separate activity, but fully integrated into the business processes of the Council in terms of:

        • The development of policy.
        • The development or re-shaping of services.
        • Procurement.
        • Commissioning.

2.4   This will be achieved by, initially, the use of an Integrated Impact Assessment (IIA) screening process that covers not only equality issues, but also sustainability (including environmental, economic and social matter), safeguarding of children and vulnerable adults, rural proofing, and health & safety. The process has been designed to quickly and effectively identify if there is or is not a need to undertake any more detailed assessment on, for instance, Equality or Environmental issues. It can be used to screen: projects, procurement, policies (including individual specialist policies and strategies), services, and a range of other matters such as decisions on funding, business plans, practices, procedures and terms & conditions. It will also contribute to the comprehensive approach to the management of risk by the organisation. This process is not designed to replace detailed assessments, but to ensure that these are only undertaken where necessary.

2.5   The findings from IIAs will be used to inform decision-makers and provide the evidence the Council needs to show that it has paid due regard to equality issues in making decisions and is complying with the Public Sector Equality Duty. The IIA process is set out in Appendix 3. It has been piloted and tested in a variety of situations including the joint waste and grounds maintenance contract and shared with the Council's key district council partners. A version of the system has been adopted by Havant and East Hampshire. The criteria for undertaking an IIA and its use in relation to procurement are outlined in Section 3 below.

2.6   Only where an IIA 'flags' up equality issues will a more detailed Equality Assessment be required. The process for undertaking these assessments has been revised to reflect the requirements of the new Equality Act. Where an equality assessment is undertaken its findings must be reported to decision-makers who must take proper account of those findings in reaching their decision. Failure to do both of these things has resulted in the courts overturning decisions. The revised Equality Assessment process is set out in the attached Appendix 4. Whilst the Council is no longer legally required to publish these assessments it is proposed to continue to do so in order to demonstrate that the Council is taking proper account of equality issues and show the public how the equality information it is gathering is being used.

2.7   The Equality Act requires the Council to gather and publish equality information about the local community, its workforce and those who use its services. In order to provide a comprehensive framework for the collection of equality information a new Equality Monitoring Policy (and supporting guidance for officers) has been produced (see Appendix 5). This sets out in detail what information the Council will collect and how it may be used. In order that equality monitoring is useful, proportionate, affordable and does not divert scarce resources of staff time or money from service delivery the policy is based on the principle that: the Council will monitor all of the 'protected characteristics' defined in the Equality Act 2010 in the most cost-effective and efficient way *except* where there are good reasons not to do so*. Such reasons can include:

- The need to protect people's privacy and avoid putting them at risk from hate crimes.
- Evidence from academic or other sources that the characteristic does not influence a group's ability to access services or benefit from policies.
- A request from a recognised and representative group (e.g. a transgender support group) that monitoring should not be undertaken.
- The availability of other evidence, for example from consultations, that show that a service is accessible or a policy is beneficial to all those it is designed to reach.
- Monitoring would entail excessive costs.
- Monitoring would not provide useful information e.g. numbers or sample sizes are too small to produce statistically significant results.
- There are practical or operational barriers that prevent monitoring e.g. the need for databases to comply with national standards or the inability to add additional fields to existing software. (In both cases alternatives should be explored and the issue addressed when software is upgraded or replaced.)

The possibility that some people may find it offensive or annoying to be asked about some things - such as sexual orientation – or may refuse to answer is not a good reason. It is, of course, not compulsory for people to answer any particular question.

2.8   The policy proposes that each service/business unit should include a brief statement on what equality monitoring it proposes to undertake and why in its business/service plan.

2.9   Where possible it is proposed to share equality information with the Council's partners. In determining what equality information to publish the Council will, at least initially, focus on:

- Those activities/services where it – or its partners - already has good equality information e.g. Housing Services.
- Issues/areas of interest to the community in general or particular sections of the community.
- Information relating to key outcomes of the Community Strategy.
- Information relating to the Council's workforce.

A key aim of publishing equality information will be to educate and inform people about those sections of the community with whom they may have little contact or knowledge.

2.10   Equality information will also help formulate a small number of equality objectives that will help the Council to focus its activities and resources on issues of local importance and to measure its progress in complying with the Equality Act. It is proposed that at least some of these equality objectives - which will be focussed strongly on specific and measurable outcomes - will be developed jointly with the Council's partners, perhaps via the Winchester District Strategic Partnership.

3.   <u>Embedding Equality</u>

3.1   In terms of the development of policy and the direct provision of services, the Council will use the IIA screening process, supplemented as required by additional Equality Assessments, to ensure that it is complying with the Equality Act – and, indeed, with other legislation. It is proposed that, initially, resources are focussed on:

- The development of shared services with neighbouring authorities. (This has already been shown to work and be of value in relation to Hampshire Home Choice and the Joint Waste & Grounds Maintenance contracts.)
- Key elements of the Change Plans and IIA's are focused on priority areas and included in an annual implementation programme for 2011/2012.
- It is known that a policy or service has clear and significant effects on one or more groups of people with protected characteristics, sustainability, safeguarding, rural communities, or health & safety.
- Managers or decision-makers are uncertain about the potential impacts of a policy or service.

3.2   However, the provisions of the Equality Act and the Public Sector Equality
        Duties still apply when public services are delivered by private, not-for-profit or
        voluntary sector organisations and the Council must therefore ensure that its
        arrangements for purchasing, commissioning and managing such services
        pay due regard to equality issues. This applies in addition to the contractors'
        direct legal responsibilities under the act – for example as employers.

3.3   It is therefore proposed that consideration of equality issues becomes an
        integral part of the procurement process.

3.4   The Council's Contract Procedure Rules (Part 4 – Section 7, para 4.2)
        stipulate the following:

        "All procurement by the Council shall comply with the Council's statutory
        duties in respect of equality (including age, gender, race, and disability)
        with the objective of eliminating unlawful discrimination and promoting
        equality of opportunity. At all times during the procurement, the Council
        shall consider and implement the principles of non discrimination, equal
        treatment and transparency."

3.5   This can best be achieved by:

        i.   Conducting an IIA – and any necessary Equality Assessment - prior to
                the finalisation of any specification.
        ii.   Including an Equality Section in PQQ.
        iii.   Including an Equality Section in the ITT.

3.6   It is proposed that, initially, all contracts in excess of a *de minimus* level
        should be automatically subject to a mandatory IIA. In addition, contracts
        below the *de minimus* level may be subject to an IIA if:

        i.   It is known that the service has clear and significant effects on one
                or more groups of people with protected characteristics,
                sustainability, safeguarding, rural communities, or health & safety.
        ii.   Managers or decision-makers are uncertain about the potential
                impacts of a service.

        It is proposed that the initial *de minimus* level should be £100,000, in line with
        the Council's Contract Procedure Rules.

3.7   Since the guidance on complying with the Public Sector Equality duty states
        clearly that: "The requirement to comply with the general equality duty applies
        to all procurement regardless of the value; the value of the contract may,
        however, impact upon the relevance and proportionality of equality
        considerations." It proposed that, where PQQs and ITTs are used, a section
        on equality should always be included, but with the requirements varied to
        reflect the size and nature of the organisations that may apply. In order to
        assist small organisations to participate it may be necessary to provide
        appropriate briefing/guidance materials on equality issues. Such material is

widely available from a range of business and voluntary-sector support organisations.

3.8   As the Council is still developing its approach to commissioning, it is not appropriate to make specific proposals here, but a similar approach to that outlined above is likely to be needed.

3.9   Reflecting the approach and proposals outlined here, it is proposed that the Performance Management Team should take on responsibility for strategic and corporate decision-making on equality issues; whilst the Equality working Group should deal with operational issues – in particular the collection, analysis and publication of equality information. Members of both groups, supplemented where necessary by others with relevant expertise, will be responsible for validating IIAs and Equality Assessments. Both IIAs and Equality Assessments will, where appropriate, involve people from external groups and organisations.

4.   Conclusions and Recommendations

4.1   The steps, processes and policies have been developed to assist the Council in its duties to comply with the Equality Act 2010. Cabinet are asked to approve the overall approach to equality and the:
        • Equality Policy and Action Plan.
        • IIA screening process and criteria for use.
        • Equality Assessment process.
        • Equality Monitoring Policy and Guidance.

OTHER CONSIDERATIONS:

5.   SUSTAINABLE COMMUNITY STRATEGY AND CHANGE PLANS (RELEVANCE TO):

5.1   As part of our commitment to 'Delivering Customer Service We're Proud Of', the Council aims to treat all customers fairly. We also want to ensure staff are treated in the same way. Our approach to equalities will help achieve that. The policies and procedures set out here are also a commitment under the 'Efficient & Effective Council' Change Plan.

6   RESOURCE IMPLICATIONS:

6.1   Officer time will be used to conduct the IIA and full assessments where required and to collect relevant data. Individual Assessments may have financial implications and these will be considered as part of the impact assessment process. Where implementing the recommendations of an assessment has financial implications, those will need to be addressed as part of proposals for the project, programme or service in question.

6.2   There is no specific budget for future corporate work on equalities, and officers will consider whether separate provision needs to be sought. If deemed necessary, this will require Cabinet approval.

7   RISK MANAGEMENT ISSUES

7.1   The actions identified are required to comply with the Equality Act 2010 and avoid financial and reputational damages which may be incurred as a result of non compliance.

BACKGROUND DOCUMENTS:

None

APPENDICES:

Due to their size, appendices are attached for Cabinet Members, the Chairman of The Overview and Scrutiny Committee and Group Leaders only. They can also be viewed via the Council's website.

Appendix 1 - Summary of the Equality and Human Rights Commission guidance on implementing the Equality Act 2010

Appendix 2 - Equality Policy and Action Plan

Appendix 3 - Initial Impact Assessment Process (IIA) and criteria for use.

Appendix 4 - Equality Assessment Process

Appendix 5 - Equality Monitoring Policy

Introduction
The Equality Act covers **9 Protected Characteristics**: age, disability, gender reassignment, pregnancy and maternity, marriage & civil partnership, race, religion or belief, sex, and sexual orientation.

Its **3 'Aims'** – all equally important - are to:

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
2. Advance equality of opportunity between people who share a protected characteristic and those who do not.*
3. Foster good relations between people who share a protected characteristic and those who do not.**

There are both **General and Specific duties on Public Bodies** that require local authorities and other public bodies to:

- **Assess** the relevance of their functions (i.e. everything public bodies are required AND allowed to do.)

- **Analyse** available equality information and gather more to fill gaps.

- **Publish**: Equality Information (by 31 December 2011), Equality Objectives (by 6 April 2012).

- **Monitor & Report** on compliance with the Act (annually) and progress on reaching objectives (at least every 4 years).

Key Actions to ensure compliance

1.   Assess relevance
To ensure that the authority is having "due regard" (See Box 1) to the aims of the duty, it needs to consider all of its functions in order to determine which of them are relevant to the aims of the duty. Some functions will be relevant to most or all protected groups, such as recruitment. Other functions may be relevant to one 'arm' of the duty but not to others, or to the needs of some protected groups but not to others. N.B. Due regard does not necessarily mean that advancement of equality is less important when the numbers in a protected group are small.

Examples of this include:
- decisions about policies and procedures,
- budgetary decisions,
- public appointments,

*This means: remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

**This means: tackling prejudice and promoting understanding.

c.f. Appendix 1 on roles and responsibilities of Members, Managers and Staff.

- allocating resources,
- regulation,
- service provision
- and employment of staff.

Other examples include: audit/inspection, statutory discretion, external communication, commissioning services, conferring a qualification, procuring goods, partnerships, funding external bodies, and management of premises.

This process should lead to a prioritisation of areas/issues for action.

Box 1. Due Regard.

Having *due regard* means consciously thinking about the three aims of the general duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies – in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others.

Having *due regard* to the need to advance equality of opportunity involves considering the need to:
- remove or minimise disadvantages suffered by people due to their protected characteristics;
- meet the needs of people with protected characteristics; and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

Fostering good relations involves tackling prejudice and promoting understanding between people from different groups.

Complying with the general duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for a particular group.

The general duty also explicitly recognises that disabled people's needs are different from those of non-disabled people. In considering the need to meet the needs of disabled people, public bodies should therefore take account of disabled people's disabilities. This might mean making reasonable adjustments for them or treating them better than other people.

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2. Plan Equality Information Collection.

The aim should be to provide as complete a picture as possible across all three aims of the duty, covering the organisation's relevant functions and in relation to all of the protected characteristics.

For bodies with 150 staff or more the EHRC will normally expect to see the following:

- *the race, disability, gender, age breakdown and distribution of workforce*

- *indication of likely representation on sexual orientation and religion or belief, provided that no individuals can be identified as a result*

- *an indication of any issues for transsexual staff, based on your engagement with transsexual staff or voluntary groups*

- *gender pay gap information.*

In relation to services, the EHCR will normally expect to see the information routinely published broken down by protected group. This will obviously depend on what services the authority delivers but would usually include:

- *performance information relating to functions relevant to furthering the aims of the duty, especially around outcomes (for example attainment and recovery rates)*

- *access to services*

- *satisfaction with services, and*

- *complaints (broken down by protected group, with*

an indication of reasons for complaints).

3.   Publish Equality Information

This is a legal requirement. The Act requires only that published information must be "reasonably accessible to the public". So publication on the website should be sufficient.

4.   Engagement

The general duty to have "due regard" requires public authorities to have an adequate evidence base for its decision-making, and engagement can assist with developing that evidence base. The specific duties confirm the need to undertake engagement by saying that listed bodies must publish information about the engagement they have undertaken with people with an interest in their equality performance, including while developing their objectives.

5.   Publish Equality Objectives

Objectives should be challenging but achievable. Many of the issues facing protected groups are deep-seated and difficult, and it may take time to fully address these. When choosing priorities, consider all three aims of the duty across all functions.

Objectives may 'last' for up to 4 years and will then need to be reviewed and revised if necessary. (The published information may or may not include details of any analysis, supporting evidence and details of engagement activities – this is subject to consultation at the time of writing – but organisations will need to be abe to show how they arrived at choosen objectives.)

6.   Commissioning and Procurement

When undertaking procurement the council must have due regard to equality considerations in order to meet its obligations under the duty. In order to comply with procurement law, when doing this it must consider the extent to which equality considerations are relevant and proportionate to the subject matter of the contract.

A public authority is legally responsible for complying with the general equality duty in its timing and undertaking of procurement. Where functions are contracted out, the external contractor may themselves be subject to the general equality duty in carrying out a public function. Where the duty does not directly apply to the contractor, the commissioning public authority may need to include obligations relating to equality in the contract relating to the service, in order to comply with its obligations under the duty. The requirement to comply with the general equality duty applies to **all procurement regardless of the value**; the value of the contract may, however, impact upon the relevance and proportionality of equality considerations.

Deadline: 31 Dec 2011

Engagement should focus on:

- *Filling information gaps.*
- *Priority areas/issues.*
- *Under-represented groups.*
- *Developing specific and measurable objectives.*

Deadline: 6 April 2012

The Equality Objectives must:

- *take into account the information that you have published*
- *be based on evidence of the key issues facing the protected groups*
- *reflect the results of any engagement with protected groups*
- *be prioritised according to most effort is needed or you can have the most impact on equality*
- *be focussed on outcomes*
- *be specific and measurable*

 The first step public authorities are therefore advised to take, to help them meet the duty, is to embed equality considerations into their corporate strategies or policies on commissioning and procurement. N.B. The IIA process should accomplish this.

It is important to take equality considerations into account when de-commissioning services, as well as when commissioning new ones.

The specific duty on information requires public authorities to publish information about their compliance with the duty across all of their functions, including contracted-out functions. Where a function is contracted out, the tender documentation needs to specify what information the contractor needs to collect and report on, in order that the authority can meet that obligation.

7. Monitoring and Reporting

The authority must report *annually* on how it is complying with its duties under the Act and at least every 4 years on progress in achieving its equality objectives. This reporting can take the form of an Equality Scheme or Action Plan or be done in other appropriate ways e.g. via annual business/service plans and reports.

Ian Barrett, WCC Equality & Inclusion Adviser
April 2011

Equality issues must be addressed at each stage of the procurement process. In:

1. Design/Specification – use IIA screening + Equality Assessment if required.

2. PQQ – score as part of 'quality' should be a pass/fail issue.

3. Tenders & Contracts – provisions to help council meets its legal duties and provide equality monitoring information.

4. Bid Appraisal – score as part of 'quality'.

5. Contract Monitoring & Reporting – specific equality section.

6. Review – contribution to meeting equality objectives.

Appendix 1. Ensuring Compliance – Responsibilities of members, managers and staff.

Complying with the Equality Duties requires active consideration of equality across the functions of the organisation, so members, managers and staff need to be aware of its requirements and have access to the right training, information and tools to help them embed consideration of equality into their work.

The authority should consider what this means in particular for:

- **Members** – in how they set strategic direction, review performance and ensure good governance of the organisation.

- **Senior managers** – in how they oversee the design, delivery, quality and effectiveness of the organisation's functions, and how they ensure the organisation has the capability and capacity to deliver on its equality responsibilities.

- **Equality and diversity advisers** – in how they raise awareness about the Equality Duties within the organisation and how they support members, managers and staff to deliver on their responsibilities.

- **Human resources staff** – in how they embed equality considerations in employment policies and procedures.

- **Policy makers** – in how they embed equality considerations in all stages of the policy making process.

- **Communications staff** – in how they ensure equality messages are built into the organisation's communications strategy, and how they ensure equality information is available and all information is accessible.

- **Analysts** – in how they support the organisation to understand the effect of its policies and practices on equality for different groups.

- **Front line staff** – in how they embed equality considerations in the delivery of services to the public.

- **Procurement and commissioning staff** – in how they embed equality considerations in the organisation's relationships with suppliers, through specifications and contract management.

Equality Policy & Action Plan
April 2011

EQUALITY EQUALITY
EQUALITY EQUALITY

If you require this document in another format or language please contact Human Resources:

Telephone: 01962 848 131
Text telephone: 01962 878 982
e-mail: rgosling@winchester.gov.uk
Write: City Offices, Colebrook Street, Winchester, Hants SO23 9LJ
Website: www.winchester.gov.uk/CouncilAndDemocracy/EqualityAndDiversity

1.   Introduction

1.1   Winchester City Council is committed to equality of opportunity for all people. We recognise and value the diversity of the local community and believe that equality is central to the provision of modern quality services.

1.2   This document sets out the Council's overall approach to equality as both an employer and a provider of services. It also covers the Council's approach to:

- partnership working on equality issues,
- the "duty to involve" and the requirement to consult and engage with the local community,
- the new public sector equality duties which comes into force in April 2011.

The policies set out here relate to all of the "protected characteristics" of equality as defined by the Equality Act 2010[1]. These are:

- age
- disability[2]
- gender reassignment[3] (transgender)
- marriage and civil partnership
- pregnancy and maternity
- race[4]
- religion or belief
- sex (gender)
- sexual orientation

The practical effect of the Act – together with other relevant legislation including the Human Rights Act 1998 and the Local Government Act 2000 - is that the Council is legally required to consider how its policies, plans, services, procedures, practices, projects, and decisions will affect people with the protected characteristics.

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[1] The Equality Act 2010 replaces a number of Acts and Regulations covering Race, Gender, Disability, Age, Sexual Orientation, and Religion and Belief.

[2] This includes people with mental health problems, learning disabilities and long-term or serious illnesses such as heart disease, cancer or HIV/AIDS.

[3] A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

[4] People who have or share characteristics of colour, nationality or ethnic or national origin can be described as belonging to a particular racial group.

The policies set out here will show how the Council will meet its legal duties and apply to all the Council's activities, including those carried out by other organisations on its behalf. They will also inform and guide the development specific equality objectives that will identify the priorities for action on equality in Winchester District and specific actions to, including those which can be undertaken by or via the Winchester District Strategic Partnership.

1.3   The Action Plan attached to this document identifies the key **corporate** issues and actions that the Council will take over the next 3 years to meet its equality objectives and its legal duties. Our aim is to develop an integrated approach that will ensure that equality is firmly embedded in the way in which we develop policy, run services and employ people.

2.   Background

2.1   The Council is legally required to ensure its employees and those who use its services are treated fairly and equally by a number of laws, including but not limited to:

The Equality Act 2010. This consolidates and harmonises equality legislation and generally 'levels up' to the protection previously enjoyed by disabled people (which is simplified and strengthened), racial groups and both sexes. It also strengthens the law in a number of areas. It:

- extends the circumstances in which a person is protected against discrimination, harassment or victimisation because of a protected characteristic;

- extends the circumstances in which a person is protected against discrimination by allowing people to make a claim if they are directly discriminated against because of a combination of two relevant protected characteristics;

- creates a duty on listed public bodies when carrying out their functions and on other persons when carrying out public functions to have due regard when carrying out their functions to the need to:

    o Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

    o Advance equality of opportunity between people who share a protected characteristic and those who do not. *(This means: remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.)*

- Foster good relations between people who share a protected characteristic and those who do not. *(This means: tackling prejudice and promoting understanding.)*

- allows an employer or service provider or other organisation to take **positive action** so as to enable existing or potential employees or customers to overcome or minimise a disadvantage arising from a protected characteristic;

The Human Rights Act 1998. This confers a range of rights including, for example, the right to family life, which have implications for the way local authorities deliver services and manage their workforce.

In addition the **Local Government Involvement in Public Health Act 2009** requires that authorities consider, as a matter of course, the possibilities for provision of information to, consultation with and involvement of representatives of local persons across all authority functions. Equality requirements will apply to this duty. With the statutory guidance stressing that it is important that a diverse range of groups within the community are engaged, including those groups that may be marginalised and vulnerable, and authorities must take positive action to ensure this.

3.   Winchester's Policy Statement on Equality

3.1   Winchester City Council is committed to **equality of opportunity** for all people regardless of race, disability, gender, age, sexual orientation, religion or belief (including non-religious beliefs), gender re-assignment, marital status, and pregnancy and maternity. We recognise and value the diversity of the local community and believe that equality is central to the provision of modern quality services. We will:

A.   **Policies & Services.** Ensure our policies and services meet the needs of all our customers and are delivered in a fair, flexible, efficient and accessible way. We will achieve this by:

i. Assessing all policies and services in order to identify any discrimination, un-met needs and opportunities to improve the delivery of services to specific groups of customers. This "integrated assessment" process will cover all the protected characteristics and address other issues that may affect the opportunities of people who share a protected characteristic and those who do not to access services and participate in public life. It will also help identify opportunities to foster good relations between people who share a protected characteristic and those who do not.

ii. Developing specific and measurable outcome-based **equality objectives**, including **equality actions** in service and business plans and monitoring progress using the performance management system.

iii. Ensuring that, where appropriate, all voluntary sector organisations with which the Council has Service Level Agreements or which are in receipt of significant funding from the Council actively promote their project/service to all sections of the community and can demonstrate that they do so.

iv. Developing and implementing a Procurement Policy that ensures that contractors delivering services on behalf of the council are complying with their legal obligations and implementing the Council's equality duties.[5] Accessibility will be taken into account in procurement and, where appropriate, selected contractors will be encouraged to develop more accessible products and services.

v. Ensuring that service users or potential service users from socially excluded groups are consulted and involved in service reviews.

vi. Using a range of media to communicate with our customers and providing information in different languages and formats on request.

vii. Making our services accessible to all by improving physical access to buildings, where possible providing services near to where people live, using home visits, and developing electronic channels including the Internet and telephone. Auxiliary aids (for example hearing loops) will be provided wherever a need is identified or anticipated.

viii. Carrying out periodic access audits of its service provision and, where work is being carried out or where future capital work is being planned, taking the opportunity to involve service users in designing improvements to all aspects of provision (for example, improving signage by reducing visual clutter, simplifying language and using graphics where appropriate).

ix. Establishing appropriate policies, structures, procedures, monitoring systems, and reporting requirements to deal promptly and effectively with any complaints of discrimination, harassment, victimisation or bullying by customers, members or employees.

B. **Employment.** Take positive steps to promote equality in employment by developing a flexible, professional and highly-skilled workforce and ensuring staff are culturally competent and able to provide quality services to all our customers. We will achieve these aims by:

i. Ensuring that recruitment and selection methods are fair, systematic, unbiased and based solely on merit using only rational, objective and job-related criteria.

ii. Providing appropriate equality training and support for managers with responsibility for recruitment, induction and training.

iii. Providing appropriate equality training for all employees in respect of their conduct and behaviour to other employees and customers.

iv. Ensuring that all employees have equal opportunity to access training and development activities, regardless of their working hours or any special needs or circumstances.

v. Applying national and local conditions of service fairly.

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[5] These might include, for example, contractors and sub-contractors being required to comply with an equality checklist, producing an equal opportunity statement or policy, undertaking any necessary monitoring and evaluation to ensure they are complying with the Council's requirements, and providing the Council with proof of compliance.

vi. Undertaking Equal Pay Audits on a regular basis and acting to address any pay inequalities these discover.

vii. Adopting and implementing appropriate policies and procedures in respect to harassment/bullying/discrimination that are consistent with all relevant national Codes of Practice.

viii. Taking appropriate disciplinary action where a deliberate act of harassment, bullying or discrimination has been proven to occur.

ix. Supporting employees from minority or disadvantaged groups by raising awareness of local support groups and through the development of appropriate internal support mechanisms.

x. Liaising with the recognised Trade Unions as part of its monitoring processes for achieving equal opportunity in employment.

xi. Working with our partners to encourage job applications from excluded and disadvantaged groups.

C. **Information & Engagement.** The Council already consults with the local community, local voluntary groups, partner agencies and businesses as part of the process of developing its policies and services. Examples of this are the extensive consultations we are undertaking on the Local Development Framework and Community Strategy. We will improve and develop our consultation process and seek to inform and involve all sections of the community, but particularly disadvantaged and excluded groups, in the development of our policies and the services we provide. We will achieve these aims by:

i. Working with our partners to obtain and share information in order to improve our collective knowledge and understanding of the composition of the local population and the needs of local communities of place and communities of interest.

ii. Developing a variety of ways to inform and engage with local people in making decisions that affect them.

iii. Publishing and regularly updating equality information and showing how this is informing council decision-making.

D. **Partnership Working.** The Council already works in partnership with a range of public, private and voluntary/not-for-profit organisations via:

• The Hampshire Local Area Agreement.

• The Winchester District Strategic Partnership (WDSP).

• Shared service arrangements with other local authorities.

• In planning and development partnerships such as the Partnership for Urban South Hampshire (PUSH).

• With a number of key contractors.

It will aim to develop shared equality objectives and develop a programme of joint actions to address local equality priorities with its partners by:

i. Ensuring that all the 'outcome groups' of the WDSP address equality and inclusion as an integral part of their programmes of work.

ii. Supporting the WDSP in identifying a set of key priorities and actions.

iii. Ensuring that equality issues are fully addressed in other forms of partnership working, including conducting joint equality impact assessments where appropriate.

E. **Monitoring and Reporting.** The Council is committed to monitoring the progress of equality actions and setting and revising targets as needed. It will monitor, analyse and regularly report on the effects of its policies and services on all those sharing protected characteristics.

All performance relating to equality will be reported regularly to the Corporate Management Team and the Cabinet. The Council will report annually on how it is complying with the public sector equality duties and at appropriate intervals on achieving its equality objectives.

F. **Complaints**. Winchester City Council is committed to providing a high standard of service to all its customers, but we realise that mistakes may be made and we need customer feedback in order to correct and learn from them. Every effort will be made to deal with complaints promptly and put matters right quickly if a mistake has occurred.

The Council has a comprehensive complaints procedure that will cover complaints about discrimination in service delivery and in employment. Two officers have been nominated to investigate and deal with complaints relating to discrimination amongst or by Council employees: the Monitoring Officer and the Head of Organisational Development. The Standards Board will consider any complaints against Members of the Council.

4. Who is Responsible for Equality?

4.1 Elected members have a strategic responsibility to ensure that equality is built into policies and procedures. They also have an important role of using their links within the community to develop relationships with community groups and individuals and to encourage dialogue with the Council. We have identified a "Member Champion", currently the portfolio holder for Active Communities, to provide leadership on this issue.

4.2 All employees and others doing work on behalf of the Council are responsible for working together to promote equality and fairness both in the way that they treat customers and fellow members of staff and through the services they provide to the public. We have identified a "Lead Officer", currently the Head of Organisational Development, to lead and co-ordinate corporate working on this issue, with support from the Performance Management Team and the Equality Working Group.

5.   Integrating Equality

5.1   We will integrate equality into everything we do starting from the highest level – the Community Strategy and working through the organisation into service and business plans. We will review our corporate aims to ensure that our commitment to equality is adequately reflected. We will also develop a set of core values that clearly establish equality as a key priority of the Council.

5.2   We will develop and implement a corporate Integrated Impact Assessment process that will ensure equality is "mainstreamed" into the service and business planning processes and integrated with the performance management system.

5.3   Making this policy work is ultimately dependent on developing an organisational culture where difference and diversity are respected and valued and everyone feels that they are being treated fairly and equally. Achieving this will require commitment and involvement from members, managers and all other employees. Appropriate information, training and support will be developed to ensure that members and employees have the awareness, knowledge and skills to fulfil their responsibilities in this field.

6.   Working with Partners

6.1   We will work with our partners on the Winchester District Strategic Partnership and via other partnerships to promote equality by:

- Sharing existing information and good practice.
- Gathering new information.
- Developing joint consultation and involvement methods and structures where appropriate.
- Developing a set of equality objectives for the District.
- Developing joint working and co-delivery of services where practicable.
- Pooling budgets and resources where practicable.

6.2   Partnership working on equality will be undertaken within the wider framework of the Sustainable Community Strategy and the county-wide Local Area Agreement.

6.3   We will work closely with Winchester Area Community Action to involve and engage with the voluntary sector on equality issues by supporting:
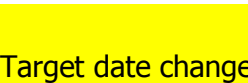
- Existing local groups such as CultureNet and the Youth Forum.
- The development of new groups such as Winchester Area Access For All.
- The Diversity Support Project and the Hampshire Independent Equality Forum.

6.4   We will continue to be represented at and contribute to the work of the Hampshire & Isle of Wight Equality Network and, where appropriate, other Regional and national equality networks.

7.   The Action Plan.

7.1   The attached Action Plan is a living document that will be revised and developed over the next 3 years. It identifies a desired Outcome, the **corporate-level** Actions that will be undertaken to achieve it, **who** is responsible and **when** the action should be completed. More detailed actions relating to Council policies and services can be found in Business and Service Plans.

7.2   The Policy and Plan will be refreshed annually and reviewed every 3 years.

KEY: *New outcome* √ Completed Not due yet. Carried forward. Started & ongoing. *New Action* . Target date change

Outcome	Action *new actions in italics*	Responsibility	Target	Progress
I. The Council fully complies with its duties under the Equality Act 2010.	1. To fully integrate equality issues into the council's business , service and project planning processes and its change management structures and processes.		April 2012	
	2. To publish and regularly update equality information and show how this is informing decision-making.	All Head of Organisational Development	Initial publication 31 July 2011	
	3. To develop specific and measurable equality objectives.		April 2012	
	4. To report annually on how the council is complying with the public sector equality duties.		tba	
	5.			
**III. The Council can demonstrate that its services and policies do not discriminate against any customer with *protected characteristics, advance equality of opportunity between people who share a protected characteristic and those who do not, and encourage persons who share a relevant protected characteristic to participate in public life.*	6. To develop a **corporate approach to equality monitoring** on use of services on the basis of race, disability, gender and age and, where appropriate, sexual orientation and faith.	Head of Organisational Development	Dec 2010	
	7. To implement the equality monitoring policy.	Heads of Service	From Jan 2011	
	8. To develop and pilot a process of **Integrated Impact Assessments (IIAs) .**	Head of Organisational Development	Sept 2010	√
	9. To undertake a prioritised programme of **Integrated Impact Assessments (IIAs) of new and significantly changed services, strategies, policies, plans, projects, proceedures, and decisions.**	ditto	From Sept 2010	
	10. To undertake a prioritised programme of **EqIAs on new and significantly changed services, strategies & policies, identifying them via Forward Plans & Project Office.**	ditto	From April 2008	

Outcome	Action *new actions in italics*	Responsibility	Target	Progress
	11. To provide training and appropriate support for managers undertaking impact assessments.	ditto	From April 2008	➡
IV. Members, Managers and Staff are aware of the Council's responsibility to promote equality and eliminate discrimination.	12. Produce appropriate briefing materials on the key aspects of equality.		From April 2007	➡
	13. Design and deliver an appropriate programme of "equality awareness" training.	All Head of Organisational Development	From May 2007	➡
	14. Include equality competencies in management and staff learning and development programmes.		March 2010	◀
V. Members and employees have the necessary knowledge and skills to enable them to communicate with and meet the needs of all those who use Council services or are affected by Council policies.	15. Design and deliver appropriate and specific training to enable employees to deal with all customer groups.	Head of Organisational Development	From May 2007	➡
VI. Organisations receiving funding from the Council do not discriminate against any section of the local community and, where appropriate, promote equal opportunities *and foster good relations relations between people who share a protected characteristic and those who do not.*	*16. Promote the take-up of the CAH 'Equality Toolkit' to voluntary organisations in receipt of major grants in annual monitoring.*	Grants Officer	Ongoing	➡
	17. Explore opportunities to develop joint training opportunities with WACA and other partners.	Training Adviser	From Oct 2010	❓

Outcome	Action *new actions in italics*	Responsibility	Target	Progress
VII. Organisations that provide public services on behalf of the Council do not discriminate unlawfully against any section of the local community and, where appropriate, promote equal opportunities *and foster good relations relations between people who share a protected characteristic and those who do not.*	*18. Develop a new procurement guidance covering sustainability (incorporating equality and diversity) plus associated training to implement the new procurement strategy.*	TBA	March 2011	❓
	19. Review and if necessary amend the **monitoring arrangements for contractors providing public services** to ensure they are meeting the duties to eliminate discrimination and, where appropriate, promote equality.	Heads of Services	<mark>March 2011</mark>	⬅️
VIII. All sections of the community are able to participate in the Council's decision-making processes and are consulted on those policies and services that affect them.	20. Continue to develop community contacts and a co-ordinated and corporate approach to consultation and involvement.	Asst. Directors	Ongoing	➡️
	21. Support Winchester Area Community Action (WACA) in the development of a local Access Group.	Equality Consultant	Ongoing	➡️
	22. Continue to develop the over 55s Fora and the Youth Of Winchester (YOW).	Community Wellbeing Manager	Ongoing	➡️
	23. Develop, with other partners, ways of consulting and engaging with the Lesbian, Gay, Bisexual and Transgender communities.	Equality Consultant	Ongoing	➡️
	24. Develop, with other partners, ways of consulting and engaging with all local faith communities and those with no religious beliefs.	ditto	Ongoing	➡️
	25. Support the work of the Hampshire Equality Forum by Community Action Hampshire and WACA.	ditto	Ongoing	➡️

Outcome	Action *new actions in italics*	Responsibility	Target	Progress
IX. The Council is able to communicate effectively and efficiently with local people in ways that meet their needs.	26. All divisions achieve the Customer Excellence Award.	Head of Customer Service	June 2011	→
	27. Work with other partners, how to identify and map excluded/disadvantaged groups in the district.	Ditto	Ongoing	→
	28. Ensure that information can be provided in a variety of formats and via a range of media and and, where necessary, in other languages. Publicise and promote this range of communication options.	Heads of Service Communications Manager	Ongoing	→
	29. Promote the use of Plain English to ensure that all communications are clear, readable and understandable by all customers.	ditto	Ongoing	→
	30. Monitor and analyse the use of communications options to ensure that they are meeting the needs of all sections of the community.	ditto	From April 2009	→
	31. Monitor and analyse the use of interpretation and translation services to ensure tha the list of 'Recognized Local Languages' is kept up to date. Share this information with partners.	Head of Customer Service	Ongoing	→
	32. Ensure that the Council's websites comply with current accessibility standards.	Communications Manager	Ongoing	→

Outcome	Action *new actions in italics*	Responsibility	Target	Progress
X. All sections of community are able to access Council services in ways that met their needs.	33. Continue to improve physical access to public buildings.	Head of Building Control	Ongoing	➡
	34. Where possible providing services near to where people live or in their homes where necessary.	Heads of Service & Head of Customer Service	Ongoing	➡
	35. Undertake appropriate and proportionate equality monitoring on the use of services and complaints.	Heads of Service & Head of Customer Service	From April 2010	➡
	36. Provide public internet access points across the district and appropriate support to enable customers to use them.	Head of IMT	Ongoing	➡
XI. Customers and employees know that complaints about discrimination, harassment, victimisation or bullying by customers or employees are taken seriously, properly recorded, and deal with promptly and effectively.	37. Review and where necessary amend relevant policies, structures, procedures, monitoring systems, and reporting requirements.	Head of Customer Service & Acceptable Behaviour co-ordinator	Ongoing	➡
	38. Identify and train a group of managers to investigate complaints about discrimination, harassment, victimisation or bullying.	Head of Organisational Development	March 2011	🔻
	39. Publicise the Council's commitment to and policies on the elimination of discrimination, harassment, victimisation or bullying.	Ditto + Communications Manager	Ongoing	➡
XII. The Council is recognised as an Equal Opportunities employer.	40. Undertake regular Equal Pay Audits and act to address any pay inequalities these discover.	All Head of Organisational Development	Ongoing tri-annually	➡
	41. Monitor online recruitment via the Hants Recruitment Portal in respect of the gender, race, age and disability of applicants.		Report March 2010 then annually	❗
	42. Continue roll-out of flexible working and monitor impacts.		ditto	❗

Outcome	Action *new actions in italics*	Responsibility	Target	Progress
XIII. The Council's workforce is flexible, professional and highly-skilled and staff are culturally competent and able to provide quality services to all our customers	43. Support employees from minority or disadvantaged groups by raising awareness of local support groups and through the development of appropriate internal support mechanisms. 44. Work with partners to encourage job applications from excluded and disadvantaged groups.	All Head of Organisational Development	Ongoing Ongoing	➡️ ➡️
XIV. The Council works with its partners to promote the development of joint policies and joint working to promote equality in Winchester District.	45. Support the development of the Hampshire Equality Network to promote joint working on equality and diversity issues with other public and voluntary sector partners. 46. *Support the Inclusive Society Group of WDSP to Co-ordinate action on equality issues by partners.* 47. *Ensuring that equality issues are fully addressed in other forms of partnership working, including conducting joint equality impact assessments where appropriate.*	Head of Organisational Development ISG Chair Head of Organisational Development	Ongoing March 2011 April 2009	➡️ ❓ ➡️

Integrated Impact Assessment for Projects, Procurement, Policies & Services
Sustainability + Equality + Safeguarding + Rural Proofing + Health & Safety

Integrated Impact Assessment process

*Does Project, Procurement, Policy or Service require an IIA?
See Criteria in guidance notes* —NO→ Proceed

YES

Sustainability Questions

Environmental Questions:
Energy & Climate Change
Resource use & Recycling
Transport
Natural Environment
Built Environment &
Heritage
Pollution & Waste

Economic Questions:
Employment
Local Businesses
Third Sector
Education & Training

Social Questions:
Equality
Health & Wellbeing
Inclusion &
Engagement
Community Safety

Safeguarding Questions:

Rural Proofing Questions:

Health & Safety Questions:

Answered Don't Know to any Questions —YES→ Recommend that a full Equality Assessment, Sustainability, Rural Proofing, Safeguarding, Health & Safety or other assessment is done.

NO

Not OK ···· Send IIA for validation ←

Undertake any detailed assessments.

OK

1. Include key findings of IIA (+ve and -ve) in report to decision-makers.

2. Use results of any detailed assessments to inform Project Planning (PID) or Procurement Process or alter Policy or Service planning to incorporate improvements.

←Results

Report Equality & Sustainability benefits

To Risk

Cloud 9 Consulting May 2011

1.   Introduction

This Integrated Impact Assessment (IIA) screening process is designed to be applied to projects, procurement, policies (including individual specialist policies and strategies), services, and a range of other matters such as decisions on funding, business plans, practices, procedures and terms & conditions. It will also contribute to the comprehensive approach to the management of **risk** by the organisation.

The process aims to:

- Ensure that the organisation is meeting its legal duties and the relevant standards in respect of Sustainability, Equality, Safeguarding Children & Vulnerable Adults, Rural Proofing, and Health & Safety; whilst avoiding expending time, effort and money on detailed assessments or appraisals where these are not necessary.

- Identify ways to improve projects, contracts, policies and services in order to promote sustainability; develop healthy, safe, fair and activie communities; safeguard children and vulnerable adults; address the special needs of rural areas; and protect the health & safety of the public, employees and contractors.

- Minimise or mitigate any negative impacts of projects, contracts, policies, services and decisions.

- Identify and evidence the benefits and positive impacts of projects, contracts, policies, services and decisions.

N.B. This process is NOT designed to replace detailed assessments, but to ensure that these are only undertaken where necessary.

The aim of this guidance is to assist managers undertaking IIAs, those providing supporting expertise on the issues covered, and those validating them. It will be updated and amended as the organisation becomes more familiar with the system. Feedback on the process and this guidance is welcome and should be sent to:

Dr. Ian Barrett, Cloud 9 Consulting via e-mail: ipb1954@tiscali.co.uk

2.   IIA: What and When?

2.1   Overview

This screening process can be applied to almost all kinds of:

- **Projects** - from major projects such as neighbourhood regeneration to office moves.
- **Procurement** - of services from district-wide waste collection to one-off housing repairs and of goods from whole buildings to individual items of IT equipment.
- **Policies and strategies** – from major strategies like the Community Strategy to specialist policies such as Domestic Abuse.
- **Services** – from those that affect many customers such as Planning to specialist support for particular groups like homelessness advice.

It can also be used to assess things like **business plans**, formal operating **procedures**, recruitment **practices**, and **decisions** on issues such as funding for voluntary sector groups.

Clearly, it would be impossible to screen everything so this section offers some criteria for deciding **when and if** an assessment is required. These criteria will differ somewhat depending on what is being assessed.

An IIA must <u>always</u> be undertaken where legislation, national policy, accepted standards, statutory guidance, funding criteria, or similar instruments mean that a Sustainability Appraisal (SA), an Environmental Impact Assessment (EnIA) or a Health & Safety Risk Assessment (H&SRA) is required OR if the project, contract, policy or service affects children or vulnerable adults or has a differential impact in rural or urban areas.

In addition, an IIA **must** be undertaken if the activity will obviously and significantly affect:

- An endangered species or protected habitat.
- A protected building or area.
- One or more customer groups identified in the Equality Act 2010 as having a "protected characterstic": age, disability, gender re-assignment, marriage/civil partnership, maternity/pregnancy, race, religion & belief, sex, and sexual orientation.
- Any groups or individuals defined in law as "vulnerable" e.g. children leaving care.
- Public Health.
- Public Safety.
- The health & safety of employees, members, contractors or other workers.

2.2   Projects
An IIA must be undertaken where an activity is defined as a 'project' or **any** of the following criteria apply:
- Working conditions and terms of employees or contractors will be significantly altered.
- The project will result in significant changes to the level, delivery or scope of services (including the provision of information about services) *unless those changes are required and specified by legislation, national policy, etc.*
- The project will result in significant changes to the natural or built environment or to people's ability to access particular buildings or areas.
- The project will use (or cause to be used) significant amounts of energy (including energy used for transport), raw materials or manufactured items; or generate significant pollution or waste.

The IIA should be started as early in the planning process as possible – ideally when needs are being defined and options explored – and updated as the work proceeds. It should be completed and validated prior to the PID being finalised.

2.3   Procurement
An IIA must be undertaken where the contract value exceeds a specific de minimus value OR **any** of the following criteria apply:
- Working conditions and terms of employees or contractors will be significantly altered.
- The contract will result in significant changes to the level, delivery or scope of services (including the provision of information about services) *unless those changes are required and specified by legislation, national policy, etc.*
- The contract will result in significant changes to the natural or built environment or to people's ability to access particular buildings or areas.
- The contract will use (or cause to be used) significant amounts of energy (including energy used for transport), raw materials or manufactured items; or generate significant pollution or waste.

The IIA should be started as early in the procurement process as possible – ideally when needs are being defined and options explored – and updated as the work proceeds. It should be completed and validated prior to specifications and tendering processes being finalised.

2.4 Policies & Strategies

All **new** policies and strategies – and associated action plans - should be subject to an IIA. Existing policies and strategies should normally be assessed (or re-assessed) when they are **reviewed**, with an initial assessment undertaken prior to any consultation and a final assessment completed prior to the policy being adopted.

The **refresh** of a policy or strategy should not trigger an IIA unless:

- Significant changes are being proposed.
- Significant new actions are being added to an action plan or removed from it - in which case it would be sufficient to assess just those changes.

The IIA should be undertaken on a fairly final draft document prior to any consultation – as it will also encompass the consultation process – and completed and validated prior to adoption.

2.5 Services

All **new** services must be subject to an IIA. **Existing** services should normally be assessed ONLY when **significant** changes – in terms of the nature, scope, cost, reach or method of delivery - are being proposed *even if those changes are required and specified by legislation, national policy, etc.* (Note: if changes are required or specified this may be a reason not to undertake a detailed assessment or appraisal.)

The IIA should be started as early in the planning process as possible – ideally when needs are being defined and options explored – and updated as work proceeds. It should be completed and validated prior to changes being agreed or implemented.

2.6 Other: decisions, business plans, practices, procedures, terms & conditions, etc.

In addition to the general criteria set out in section 2.1, an IIA should be undertaken when **significant** changes are proposed **AND** there is uncertainty about:

- **Who** the activity will effect.
- **How** some groups may be effected.
- **If** there may be environmental, social or economic effects.
- **If** there may be safeguarding or domestic abuse issues.
- **If** there may be differential impacts in rural and urban areas.
- **If** there may be health & safety issues.

The IIA should be started as early in the development process as possible – ideally when needs are being defined and options explored – and updated as work proceeds. It should be completed and validated prior to changes being agreed or implemented.

For additional information see the Equality section , Sustainability appraisal toolkit, Safeguarding & Domestic Abuse section, and Rural Proofing section on the intranet.

Integrated Impact Assessment for Projects, Procurement, Policies & Services
Sustainability + Equality + Safeguarding + Rural Proofing + Health & Safety

Directorate	
Department	
Service Area	
Project, Contract, Policy or Service being assessed.	
Project, Contract, Policy or Service Sponsor/Manager	
Officer(s) conducting assessment	
Date of assessment	

Category & Status (Tick the appropriate box)
Project: New [ ] Change In Specification [ ] Other Significant Change [ ]
Contract: New [ ] Renewal [ ] Change In Specification [ ] Extension [ ]
Policy: New [ ] Review [ ] Refresh [ ] Other Significant Change [ ]
Service: New [ ] Review [ ] Other Significant Change [ ]
Other: Decision [ ] Procedure [ ] Practice [ ] Other Activity [ ]   New [ ] Review [ ] Other Significant Change [ ]

Part 1: Sustainability & Equality

N.B. You should be able to answer Yes, No or Not Applicable to the following questions. If you 'Don't Know' EITHER undertake further work before completing this assessment OR recommend a more detailed Equality Impact Assessment or a Sustainability Appraisal.

Question	Yes	No	N/A	Don't Know	Provide evidence or reasoning to explain your response.	Could it be changed to achieve or improve outcomes on this issue? (Please explain how.)
ENVIRONMENT	Is the project/contract/ policy/service/procedure/practice/decision helping to create a high quality environment by:					
1. Addressing the causes and effects of climate change, promoting energy efficiency, using renewable energy sources, or reducing emissions of CO2 or other greenhouse gases?						Yes [ ] No [ ]

Integrated Impact Assessment for Projects, Procurement, Policies & Services
Sustainability + Equality + Safeguarding + Rural Proofing + Health & Safety

Question	Yes	No	N/A	Don't Know	Provide evidence or reasoning to explain your response.	Could it be changed to achieve or improve outcomes on this issue? (Please explain how.)
2. Promoting sustainable use of resources (including water, land, minerals and materials) by: using resources efficiently, minimising pollution, promoting re-use and recycling, and encouraging sustainable consumption or production?						Yes [ ] No [ ]
3. Avoiding unnecessary use of road and air transport; reducing in and out commuting; and promoting the use of rail, cycling or walking?						Yes [ ] No [ ]
4. Conserving the natural environment by protecting and enhancing: biodiversity, species, natural habitats and greenspace, and landscapes?						Yes [ ] No [ ]
5. Increasing the sustainability of settlements and protecting and enhancing the built environment and local cultural heritage?						Yes [ ] No [ ]
CUSTOMERS, COMMUNITY & EQUALITY	**Is the project/contract/policy/service/procedure/practice/decision helping to create healthy, safe, fair and active communities and treat customers and staff fairly by:**					
7. Protecting or improving the Health & Wellbeing of any section of the community?						Yes [ ] No [ ]
8. Promoting community safety including reducing crime & anti-social behaviour?						Yes [ ] No [ ]

Integrated Impact Assessment for Projects, Procurement, Policies & Services
Sustainability + Equality + Safeguarding + Rural Proofing + Health & Safety

Question	Yes	No	N/A	Don't Know	Provide evidence or reasoning to explain your response.	Could it be changed to achieve or improve outcomes on this issue? (Please explain how.)
9. Ensuring it does not discriminate against or disadvantage any individuals or groups of customers or staff on the basis of age, disability, gender re-assignment, marriage/civil partnership, maternity/pregnancy, race, religion & belief, sex, or sexual orientation?						Yes [ ] No [ ]
10. Promoting equality of opportunity for and participation in public life by: all ethnic groups, women and men, people of all ages, disabled people, Lesbian, Gay or Bisexual people, transsexuals, people with religious and no religious beliefs, people who are married or in a civil partnership?						Yes [ ] No [ ]
11. Promoting a vibrant, inclusive and cohesive community by: enabling and encouraging everyone to engage with the council and it's partners, take part in community/ voluntary activities, and fostering good relations between all sections of the community?						Yes [ ] No [ ]
12. Retaining or improving access to/use of local shops, services, facilities and leisure/recreation opportunities?						Yes [ ] No [ ]
13. Providing good quality, affordable and resource/energy efficient housing that meets everyone's needs?						Yes [ ] No [ ]

Integrated Impact Assessment for Projects, Procurement, Policies & Services
Sustainability + Equality + Safeguarding + Rural Proofing + Health & Safety

Question	Yes	No	N/A	Don't Know	Provide evidence or reasoning to explain your response.	Could it be changed to achieve or improve outcomes on this issue? (Please explain how.)
ECONOMIC					**Is the project/contract/policy/service/procedure/practice/decision helping to create a sustainable and prosperous economy by:**	
14. Encouraging or assisting people to live more sustainable lifestyles?						**Yes [ ] No [ ]**
15. Creating or sustaining a diverse range of local jobs?						**Yes [ ] No [ ]**
16. Encouraging locally-based, environmentally and socially sustainable employment opportunities and/or markets for sustainable goods and services?						**Yes [ ] No [ ]**
17. Encouraging and assisting local businesses and organisations to become more sustainable?						**Yes [ ] No [ ]**
18. Providing opportunities for, supporting and developing local Third Sector (voluntary & not-for-profit) organisations?						**Yes [ ] No [ ]**
19. Creating, improving or supporting local education, training or work experience opportunities?						**Yes [ ] No [ ]**

Was an Equality Impact Assessment available?	**Yes [ ]**	**No [ ]**
If YES, was the EqIA useful in helping complete this assessment?	**Yes [ ]**	**No [ ]**
Please explain briefly.		
Have you identified ways in which the project/contract/policy/service will or could be improved to promote sustainability or equality?	**Yes [ ]**	**No [ ]**
If YES inform the Sustainability or Equality Working Groups as appropriate.		

Part 2. Safeguarding

N.B. You should be able to answer Yes or No or Not Applicable to the following questions. If you 'Don't Know' EITHER undertake further work before completing this assessment OR recommend a more detailed Safeguarding Assessment.

Question	Yes	No	N/A	Don't Know	Provide evidence or reasoning to explain your response.	Could it be changed to achieve or improve outcomes on this issue? (Please explain how.)
Safeguarding Does or could the project/contract/policy/service/procedure/practice/decision:						
1. Involve council members, staff or contractors coming into contact with **children**? If so is it complying with the safeguarding children policy & procedures?						**Yes [ ] No [ ]**
2. Involve council members, staff or contractors coming into contact with **vulnerable adults**? If so is it complying with the safeguarding vulnerable adults policy & procedures?						**Yes [ ] No [ ]**
3. Prevent or reduce the risk of children or adults[1] becoming victims of domestic abuse[2]?						**Yes [ ] No [ ]**

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[1] Whilst the majority of adult domestic abuse victims are women, men are also subject to domestic abuse in both same sex and different sex relationships.

[2] The government defines domestic violence as: **'any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults, aged 18 and over, who are, or have been, intimate partners or family members, regardless of gender and sexuality.'**

Family members are defined as:
- mother,
- father,
- son,
- daughter,
- brother,
- sister or
- grandparents.

These may be direct relatives, in-laws or step-family.

This definition is also used by the Association of Chief Police Officers and the Crown Prosecution Service. It does not include cases where the victim of the abuse is less than 18 years of age. In these cases, the domestic violence may be treated as child abuse.

Part 3. Rural Proofing[3]

N.B. You should be able to answer Yes or No or Not Applicable to the following questions. If you 'Don't Know' EITHER undertake further work before completing this assessment OR recommend a more detailed rural proofing excercise.

Question	Yes	No	N/A	Don't Know	Provide evidence or reasoning to explain your response.	Could it be changed to achieve or improve outcomes on this issue? (Please explain how.)
RURAL COMMUNITIES	**Does or could the project/contract/policy/service/procedure/ practice/decision meet the specific needs of rural communities by:**					
1. Supporting or enhancing access to transport, public services, educational, leisure or recreational opportunities in rural areas?						**Yes [ ] No [ ]**
2. Sustaining, developing or improving rural infrastructure including: buildings, transport (including foot and cycle paths), energy and electronic infrastructure?						**Yes [ ] No [ ]**
3. Protecting or developing land-based and other rural businesses and sustaining or creating jobs in rural areas?						**Yes [ ] No [ ]**
4. Supporting or developing the capacity and capabilities of rural organisations in all sectors to deliver services, work in partnership and support community activities?						**Yes [ ] No [ ]**

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[3] These questions are a synthesis of the Rural Proofing Checklist developed by the Commission for Rural Communities (CRC, 2009) and guidance from the East Of England Development Agency: 'The rural difference. A short guide to rural proofing in economic development.'

Part 4 Health & Safety

N.B. You should be able to answer Yes or No to the following questions. If you 'Don't Know' EITHER undertake further work before completing this assessment OR recommend a more detailed a Health & Safety Assessment.

Question	Yes	No	Don't Know	Provide evidence or reasoning to explain your response.
1. Does this project/contract/policy or service have any significant impacts (positive or negative) on the Health and Safety of employees, contractors, service users or the public?				
2. Can any negative impacts be mitigated? And if so how?				
3. Can any positive impacts be enhanced? And if so how?				
4. Can this project/contract/policy or service be changed in any way to improve the Health and Safety of employees, contractors, service users or the public? And if so how?				

Report & Recommendations

Summarise any key issues/problems and the proposed solutions.

Recommendation	Yes	No
Is an Equality Assessment required?		
Is a Sustainability Appraisal required?		
Is a Safeguarding Appraisal required?		
Is a Rural Proofing Assessment required?		
Is a Health & Safety Appraisal required?		
Is any other type of assessment (e.g. environmental, flood risk, fire safety) needed?		
Explain what is required and why		

The IIA should now be sent to the Validation Panel[4] for validation. Attach (or include references or links) to any relevant Project Initiation Document (PID), contract specification, policy or service plan documentation (plus the EqIA report if there is one).

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[4] This panel will consist of the corporate Lead Officer for Equality, a member of the Performane Management Team and at least 2 members – selected on a rotating basis – of the Equality and the Sustainability Working Groups. Additional personnel from within and outside the organisation may be involved as appropriate.

Integrated Impact Assessment for Projects, Procurement, Policies & Services
Sustainability + Equality + Safeguarding + Rural Proofing + Health & Safety

Validation

Validators	*List all.*
Date of Validation	
Has the IIA been completed satisfactorily?	**Yes [ ] No [ ]** *If No, summarise problems/issues.*
If **no** detailed assessments/appraisals have been recommended does the panel endorse this?	**Yes [ ] No [ ]** *If No, explain why.*
If one or more detailed assessment/ appraisals have been recommended does the panel endorse this?	**Yes [ ] No [ ]** *If No, explain why.*

If the IIA is not validated the lead manager should be asked to re-do the assessment, with assistance if required.

If the Validation Panel thinks that one or more detailed assessments/appraisals are required OR does not endorse the recommendation for further assessments/appraisals, the issue should be referred to the appropriate Director/Assistant Director for decision.

Further Action	No	Yes
Are any additional assessments/appraisals required? *If 'yes' indicate what is required below.*		
Equality Impact Assessment		
Sustainability Appraisal		
Safeguarding Assessment		
Rural Proofing Assessment		
Health & Safety Assessment		
Other *Explain.*		

The results of this IIA and any detailed assessments/appraisals should be used to improve the project/contract/policy or service and in undertaking an overall Risk Assessment.

A summary of the IIA report and recommendations and the validators' decision should be included in reports to CMT/Portfolio Holders/Cabinet or other decision-making bodies.

Any detailed assessments recommended by the IIA should be undertaken prior to any final decision on the activity.

Equality Assessment Guidance Manual

Equality Assessment Process. Overview
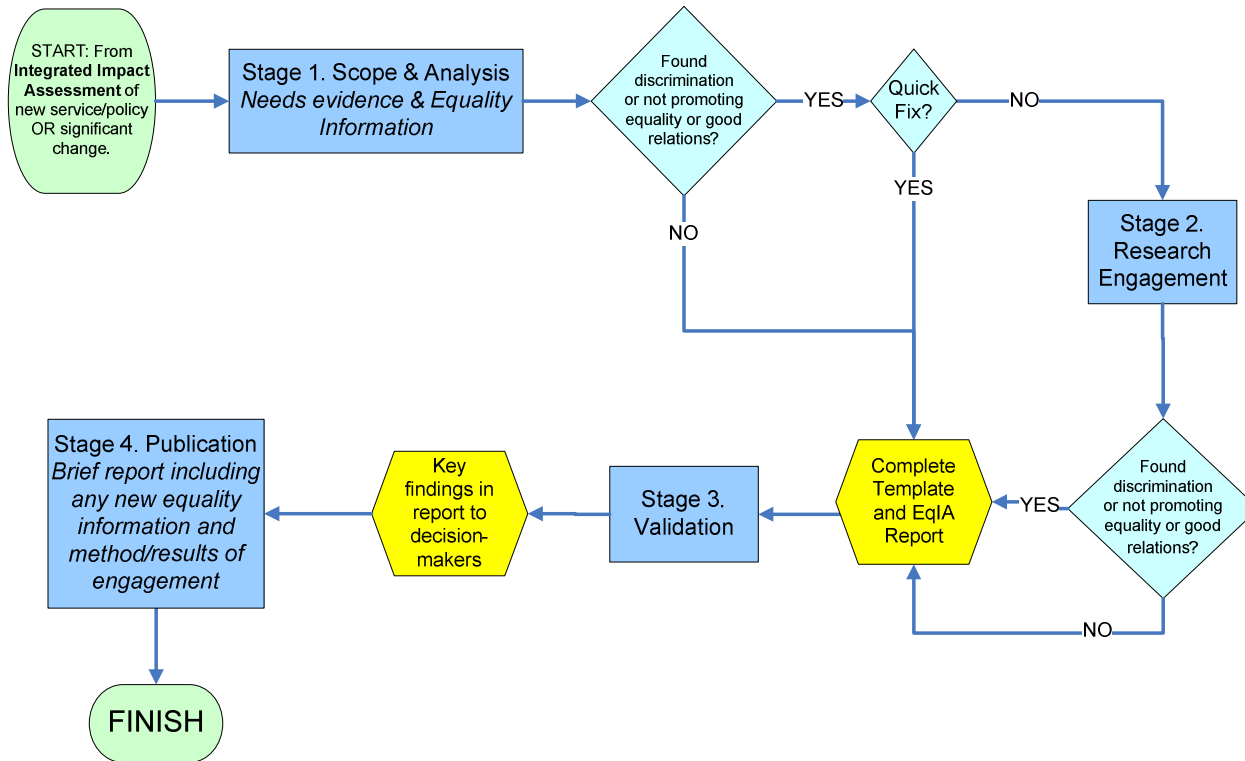
START: From **Integrated Impact Assessment** of new service/policy OR significant change.

Stage 1. Scope & Analysis *Needs evidence & Equality Information*

Found discrimination or not promoting equality or good relations?

— YES →

Quick Fix?

— NO →

YES

Stage 2. Research Engagement

NO

Stage 4. Publication *Brief report including any new equality information and method/results of engagement*

Key findings in report to decision-makers

Stage 3. Validation

Complete Template and EqIA Report

— YES —

Found discrimination or not promoting equality or good relations?

— NO —

FINISH

Using this manual on-line? To move within the document move the cursor over any blue underlined text press Ctrl and click left mouse button. To go back use the 'web navigation buttons', which can be found in the **View: Toolbars: Web menu** *in Word 2003 and in the* **Customize quick access toolbar menu** *in Word 2007. Alternatively, use Crtl G and enter page number or select 'bookmarks' on Go To tab.*

N.B. Managers undertaking EqAs <u>must</u> first attend an EqA Briefing.

1.   Introduction

1.1   This Guidance Manual has been produced to help managers and staff undertake "Equality Assessments" (EqAs) of services, strategies, policies, projects, practices, procedures, and any other functions or decisions the organisation may make[1] in order to ensure that the organisation is complying with the Equality Act 2010, meeting its public sector equality duties and that all the organisation's customers and its employees:

- ❖ Are treated fairly and equally.

- ❖ Can find out about and use the services they need.

- ❖ Are properly consulted about and, where appropriate, involved in the planning and development of services and policies.

1.2   Equality assessment is a key tool in helping the organisation to fulfill its legal duties in relation to promoting equality in policy-making service provision and employment.

1.3   This Manual describes the EqA process and provides practical advice – and some supporting information – to help managers and staff understand and carry out assessments on their services and policies. It also contains a Template to ensure a consistent approach to assessments, plus Advice on each stage of the process.

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[1] To avoid unnecessary repetition, throughout this document the terms "service" or "services" should be understood to also refer to related practices and procedures; the terms "policy" & "policies" should be understood to also refer to strategies and any related practices and procedures; and the term "projects" should be understood to include procurement or commissioning exercises.

1.4   The process has been designed to ensure that:

- ❖ A consistent and standardised approach to EqAs is taken throughout the organisation.
- ❖ Detailed EqAs are only undertaken if they are actually needed.
- ❖ Decisions to undertake - or not undertake - detailed EqAs are properly evidenced and validated.
- ❖ Useful information gathered during EqAs and ideas for improving services and policies are recorded and made available to the whole organisation and its partners.
- ❖ The results of EqAs and any related consultations are published and can be scrutinised and challenged by those affected.
- ❖ EqAs are integrated into the organisation's business/service planning process.
- ❖ Participants' awareness of and knowledge about equality issues is increased.

1.5   This process can be used to assess both **services** and **policies**. However, there are differences between these and some adjustments do need to be made. Additional advice on this is given later on in this manual. In addition, the process can be used to assess projects, practices, procedures and the impact(s) of decisions on, for example, the commissioning of services or funding decisions.

*N.B. The EqA MUST be completed **before** decisions are taken to change services, policies, etc.*

1.6   In developing its approach to equality the organisation, with assistance from an independent consultant, is seeking to address the 9 **"protected characteristics"** identified in the Equality Act 2010 - age, disability, gender, gender re-assignment (transgender)[2], marriage or civil partnership, pregnancy & maternity, race, religion & belief, and sexual orientation – in a way that focuses on the need to identify and eliminate *discrimination* an meet its duties to *promote equality* and *good relations* (See box for definitions) whilst:

❖ Recognising that groups who are discriminated against are often also *disadvantaged* by other factors, such as low income, poor literacy and lack of access to the Internet.

❖ Being mindful of the fact that all members of any "group" in the community, however defined, do not all have the same needs or problems or, indeed, necessarily suffer discrimination or disadvantage.

❖ Understands that it is usually a *combination* of factors and circumstances in peoples' lives – and the way other people and organisations respond to them - that produces discrimination and disadvantage.

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[2] A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex. However, there is no requirement to have undergone medical treatment in order to change gender.

❖ Reflects the nature of the local communities in Winchester District and acknowledges that, whilst levels of *absolute deprivation* are low in comparison with other parts of England, there is both *relative deprivation* and specific local issues that need to be addressed.

1.5   The advice and resources provided in this manual will help managers to understand and use this approach in relation to their services. If you have any comments about or ideas on how to improve this guidance, please contact the Lead Manager for Equality.

Key Definitions

Direct discrimination means treating someone **differently and less favourably** than others because they **have or are perceived to have** a protected characteristic: age, disability, gender, gender re-assignment (transgender), marriage or civil partnership, pregnancy & maternity, race, religion & belief, and sexual orientation.

Indirect discrimination means applying a criterion, provision or practice which disadvantages people with a protected characteristic **unless it can be objectively justified**.

 'Disadvantage' means people have difficulty or are unable to obtain services, goods or jobs **on the same basis** as other groups or individuals due to the circumstances they find themselves in.

Discrimination and disadvantage can be deliberate or unwitting and may result from action – or inaction - by individuals or organisations.

1.7   All **new** services and policies (and significant alternations to existing ones) should routinely be screened using the Integrated Impact Assessment process to see if an EqA is required.

2.   What is Equality Assessment?

2.1   Equality Assessment is a systematic way of looking at the things the organisation does in order to ensure that they are:

- Not unlawfully discriminating, harassing or victimising people who share a protected characteristic or causing any other conduct prohibited by the Equality Act.

- Promoting equality of opportunity between people who share a protected characteristic and those who do not; and encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- Fostering good relations between people who share a protected characteristic and those who do not.

In order to comply with its Public Sector Equality Duties, the organisation must pay due regard to achieving these 3 aims in carrying out all its functions.

An EqA is also an opportunity to promote equality awareness within organisations and help managers and staff develop their knowledge and expertise.

2.2   The EqA should be undertaken by a small 'team' that comprises, **as a minimum**:

- ❖ A **"Facilitator"** to run the necessary meetings. This person should have expertise in equality issues, be able to run the meetings effectively and promote learning. He or she will need to have or gain a good understanding of the service or policy.

- ❖ A **"Critical Friend"** who is not directly involved in delivering the service (or developing the policy or operating a practice or procedure), who can challenge any assumptions, evidence or reasoning. If appropriate this role can be undertaken by someone from another organisation or a service user.

- ❖ The relevant **Manager** and at least 1 other member of his/her team, one of whom who will act as **"Reporter".** This person will play a critical role in the process and be responsible for:
  - o Organising meetings and circulating papers and notes.
  - o Making detailed notes of discussions and completing the necessary forms.
  - o Drafting the summary EqA Report and Improvement plan.
  - o Submitting the completed EqA documentation for validation.
  - o Producing final versions of documents for publication and archiving.

Larger teams, including service users or representatives of other stakeholders should be used if possible. The key point is that assessments cannot be done properly by one person sitting at their desk.

N.B. Keep key decision-makers informed throughout the EqA process as their approval may be required for any improvements prior to publication of the EqA.

2.3   The process set out here has four-stages (further detailed guidance is available on these stages starting on page 7). The stages comprise:

Stage 1.   "Scoping and Analysis" designed to:

• Explain the purpose of EqAs and why the organisation must undertake them.
• Ensure the team knows how the EqA process works, which roles people are playing and what it is trying to achieve.

An initial **"scoping"** to decide what is being assessed followed by an **"analysis"** to determine if a service or policy is, or may be, having a **negative impact** on a particular **customer group**[3].

A "negative impact" is something that, deliberately or unwittingly, *adversely* affects a particular customer group OR, a customer group not receiving the benefits of a service or policy because they don't know about it or can't use it because it doesn't meet their needs. This would include a failure to *promote equality and participation in public life* and to *promote good relations between groups* where this was feasible.

A "customer group" is a group of people who use organisation services or are affected by organisation policies and share a protected characteristic or characteristics e.g. belong to a particular ethnic group or suffer from a long-term, chronic illness.

The EqA should also identify:
• **Positive impacts or "achievements"** - where customer groups are receiving a good service and/or the service is promoting equality and good relations.

If there is no evidence – e.g. monitoring information – available to determine if there are +ve or –ve impacts then it may not be possible to complete the EqA until the information has been obtained. This may require research and/or consultation/engagement with customers and this should be undertaken and recorded.

It may be possible identify "quick fixes" at this stage which will allow any problems identified to be solved without the need for research and/or consultation.

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[3] The term 'customer group' should be understood to encompass organisation employees and potential employees where appropriate.

Stage 2. **"Research/Consultation"** that identifies the nature and cause(s) of any negative impacts, ways to eliminate or mitigate them and/or ways to ensure that the service or policy is promoting equality of opportunity and good relations.

This might include looking at research into the needs of a particular group, exploring how other organist ions operate similar services, or engaging with groups and individuals to obtain their views on and ideas about how the service or policy can be improved.

Stage 3. **"Validation" .** The completed assessment must be validated to ensure that the process has been undertaken correctly and that the findings are clear, reasonable and adequately supported by evidence.

Following validation the key findings of the EqA MUST be included in any report to decision-makers asking for approval.

Stage 4. **"Publication".** A summary report of the EqA MUST be published. It is a legal requirement to publish the details of any new equality information obtained during the course of the assessment **and** details of any engagement activities undertaken as well as the key findings.

Publication will normally mean posting the report on the organisation's website, but it may, in some instances, require the production of a hard-copy report.

2.4   Training and support will be provided to assist managers and staff undertaking EqAs and to help improve all employees' and members' knowledge and understanding of equality and the organisation's policy on this key area of work. This manual is intended to provide an *additional* resource to help those undertaking EqAs and guidance to ensure a consistent approach is taken, the appropriate evidence is recorded and the required reports produced.

2.5   **Flow Charts** (See below) have been provided to guide you through the process. The **Template** and associated **Advice Notes** have been designed to help you ask the right questions and record the information and decisions at each stage.

2.6   The Advice Notes for each Stage are numbered to match the questions on each template. The **Additional Resources** section also contains guidance on customer groups and consultation processes.

2.7   You will see that several questions are designed to encourage you to think about how your service or policy *interacts* with other organisation services, policies, practices and procedures and with those of other agencies. This is intended to reveal any conflicts, but also to discover if there are opportunities for working more efficiently and effectively.

N.B. The wording of questions may be changed if it does not quite "fit" in relation to a specific service or policy. Extra questions can also be added. For example, if a service or policy was found to be favouring one group of customers over others – which might, of course, be legitimate if it was designed to meet the needs of, say, disabled people or of a specific age group – this should be recorded.

2.8   To help you think through how different groups of people might be affected by a service, policy, practice or procedure see the Customer Groups section in this document.

Remember, equality assessment is not a "tick box" exercise. It requires thought, an element of "challenge" and reaching judgments that can be seen to be based on good, verifiable evidence or professional expertise.

Templates & Forms
The following templates and forms have been provided together with Advice Notes for each stage:

Template 1. **Scoping & Analysis Stage**. Single version for Services, Policies (which includes strategies) and related Practices and Procedures.

Equality Assessment Process. Overview

START: From **Integrated Impact Assessment** of new service/policy OR significant change.

Stage 1. Scope & Analysis *Needs evidence & Equality Information*

Found discrimination or not promoting equality or good relations?

— YES —

Quick Fix?

— NO —

YES

NO

Stage 2. Research Engagement

Found discrimination or not promoting equality or good relations?

— YES —

NO

Complete Template and EqIA Report

Stage 3. Validation

Key findings in report to decision-makers

Stage 4. Publication *Brief report including any new equality information and method/results of engagement*

FINISH

Briefing

The Facilitator should provide a short briefing and ensure that the team understands:

- Why EqAs are being undertaken.
- How the process works and their roles.
- What the benefits and outcomes will be.

Stage 1. Scoping & Analysis

It is important to be clear what is being impact assessed. It may be:

- ❖ A **service** or part of a service (in the latter case, this must be a distinct and discrete element of the service which in some sense "stands alone" from the rest of the service) – and any related practices (i.e. the way the services is actually run) and procedures (i.e. formal processes which are written down).

- ❖ A **strategy** or **policy –** and any related *procedures* (i.e. formal processes which are written down), *practices* (which might include forms, etc) and *action plans*.

- ❖ A **project** - as defined by the Project Office.

- ❖ A strategic or significant **decision** (e.g. a decision to reduce or re-allocate expenditure).

N.B. In some cases, it may be necessary to assess both a service and policies that underpin it.

Before you begin read the following advice notes.

Advice notes on scoping.

Asking yourself the following questions will help to determine which "bits" of the service[4] you need to focus on.

1.   Are there parts of the service that can't be changed because they are required by law, regulations or standards?

Even though you cannot alter them and they shouldn't, in theory at least, be unlawfully discriminating against anyone you still need to see if they may do so in the local context. If the team thinks unlawful discrimination will occur they should contact the relevant Government Dept. or regulator for advice.

2.   Which aspects of the service actually affect customers?

Think about how the service works from the customer's point of view not yours. It may be helpful to get someone who isn't involved in running the service to do a "walk-through" and see how it actually works. Here are some questions you might ask:

- How do people find out about the service in the first place?
- What information are they given and is it the right information?

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[4] To avoid unnecessary repetition the rest of the manual will usually only refer to services. All the guidance given here also refers to policies unless otherwise stated or the advice is clearly not applicable to assessing policies.

- Are forms or procedures daunting, complicated and difficult to understand? If they are, is help available? Do customers know that they can ask for help and can they do so without feeling embarrassed or stupid? Are staff actually offering help and is it the right kind of help?
- What information are you asking for? Is any of it personally sensitive? (e.g. Asking someone if they have a spouse or civil partner immediately forces them to reveal their sexual orientation.) Are you explaining why you need it?

It may be useful to divide a service up into different stages, which reflect the customer's actual experience of using it, and look at these individually.

For a policy, consider not only *how* people are affected, but *if* they have, can or might want to influence the policy. e.g. By being involved in identifying problems, suggesting solutions, monitoring effects and helping evaluate results.

Once you've decided what you are going to look at, then you can go on to "analyse" it. N.B. As you work through the process, you may find that you need to revisit the "scoping" to narrow or widen what you are looking at.

Advice notes on analysis.

Asking yourself the following questions will help to determine if the policy or service is having an **impact** on a particular group or groups and, if it is whether that impact is negative and thus could lead to discrimination or disadvantage:

1.   Is the service relevant to a group? That is, does it or could it affect them – whether intentionally or not?

Remember, whilst some policies and services are aimed at specific groups they may still affect other groups.

2.   Is the service supposed to reach the group, but doesn't?

For example, if people with no access to the internet – whether because of not having a computer, poor IT skills or poor literacy - they cannot use e-services.

3.   Is the group being treated differently to the rest of the community? And, if they are, is this (a) deliberate and (b) justified because they have different needs?

For example, most householders must put their wheelie bins out for collection, but people who are unable to move their bins themselves are entitled to an extra service known as an "assisted lift".

4.   Is the service impacting unevenly on any group?
For example, women may be discriminated against by policies that disproportionately affect low paid or part-time workers, who tend to be female.

5.   Is the service treating everyone the same regardless of their actual needs and circumstances?

For example, if the organisation banned people from putting glass into their waste bins in order to promote recycling and the only provision for recycling glass was to use the local recycling sites or a civic amenity site, then people without cars and many disabled people would be adversely affected.

6.   What is the <u>nature</u> of the impact? Is it beneficial? Does it cause problems?

For example, reducing the cost of leisure services for young people, those on living benefits or pensioners would enable them to do things they otherwise couldn't afford and is clearly beneficial to those groups. Conversely, not providing information about that aspect of the service in a variety of formats, languages and ways would cause problems for, for instance, people with visual impairments, learning disabilities and those with poor English.

7.   If there is an impact, is it <u>significant</u>? That is, does it make a noticeable difference to people's lives or to their families' lives?

For example, having to provide your name and address separately to different sections of the same organisation would be inconvenient and probably irritating, but no more than that. Failing to get benefits to which you were entitled because you couldn't understand the form would have a major effect on your standard of living – and that of any dependent children or other relatives.

Remember the customer groups listed in Template 1 are not homogeneous and only some members of a group may suffer discrimination or disadvantage. Often, it is a combination of factors (e.g. being disabled and having low income) which produces discrimination or disadvantage. See also Customer Groups information on the Equality & Diversity pages on the Intranet.

N.B. This stage of the EqA process is focussed not only identifying negative impacts that do, or may, lead to discrimination or disadvantage, but also ensuring that the organisation is fulfilling its duties to promote equality and participation in public life AND to promote good relations between groups who share protected characteristics and those who don't. So you need to decide if the service or policy is doing these things where there are opportunities to do so. If it isn't, could it be altered or improved to do so?

Lastly, you need to record any new equality information gathered during the assessment and details of any consultation or engagement activities undertaken. It is a legal requirement for the council to publish this information.

N.B. This is a read-only file so save your working document elsewhere.

Template 1 Scoping & Analysis

Name of the Service, Policy, etc:	
Element(s) of the above being assessed.	*Write 'whole' or list each element.*
Date assessment undertaken:	
Screeners:	*List all personnel involved.*
File name and location:	*Where are you filling this form?*
Question (See Advice Notes)	**Answer**
1. What is the main purpose of the Service, Strategy, Policy, Practice or Procedure?	
2. List the main activities of the Service, Strategy, Policy, Practice or Procedure.	

3. Using the table below identify who is affected by the Service, Strategy, Policy, Practice or Procedure and decide if they benefit from it or are disadvantaged by it. Give brief reasons and the evidence for your decision.

N.B. You MUST have <u>evidence</u> or good <u>reasons</u> to justify your decision. Usually this will take the form of monitoring information on who uses a service or is affected by a policy OR information gathered directly from those affected by a service or policy obtained via some form of consultation or engagement activities. If you do not have such information – or do, but don't analyse it – then it is unlikely that you can complete this template now unless you can find other evidence or good reasons to support your judgement e.g. research or EqAs undertaken by other agencies. Discuss this with the Equality Officer and agree a way forward.

'+ve' = Positive impact   '–ve' = Negative impact   N/A = Not Applicable*

*Only tick this box if the customer group is not intended to receive the service or be affected by the policy.

PROTECTED CHARACTERISTIC	SUB-GROUP	DISCRIMINATION & DISADVANTAGE			PROMOTING EQUALITY & PARTICIPATION			PROMOTING GOOD RELATIONS			REASONING & EVIDENCE
		+VE	-VE	N/A	YES	No	N/A	YES	NO	N/A	
SEX (GENDER)	Women										
	Men										
AGE **YOU MAY ALTER AGE RANGES IF APPROPRIATE**	Over 80										
	Over 65										
	22-64										
	16 to 21										
	Under 16										
RACE **YOU MAY NEED MORE DETAIL HERE E.G. A SPECIFIC ETHNIC GROUP**	White British People										
	White European or Other White People										
	Irish People										
	Black or Black British People										
	Asian or Asian British People										
	Chinese or Chinese British People										
	Mixed Race People										

PROTECTED CHARACTERISTIC	SUB-GROUP	DISCRIMINATION & DISADVANTAGE			PROMOTING EQUALITY & PARTICIPATION			PROMOTING GOOD RELATIONS			REASONING & EVIDENCE
		+VE	-VE	N/A	YES	No	N/A	YES	NO	N/A	
	Gypsies/Travelers										
	People from other minority ethnic groups										
DISABILITY & HEALTH **YOU MAY NEED MORE DETAIL HERE E.G. TYPE OF SENSORY IMPAIRMENT**	Physical Impairment										
	Sensory Impairment										
	Long-Term Health Problem										
	Mental Illness										
	Learning Disability										
SEXUAL ORIENTATION	Lesbians										
	Gay Men										
	Bisexuals										
RELIGION & BELIEF **YOU MAY NEED MORE DETAIL HERE E.G. A SPECIFIC FAITH/BELIEF**	Faith Groups										
	Atheist, Agnostic or Other belief										
TRANSGENDER											
MARRIAGE & CIVIL	Married										
	Civil Partners										

PROTECTED CHARACTERISTIC	SUB-GROUP	DISCRIMINATION & DISADVANTAGE			PROMOTING EQUALITY & PARTICIPATION			PROMOTING GOOD RELATIONS			REASONING & EVIDENCE
		+VE	-VE	N/A	YES	No	N/A	YES	NO	N/A	
PARTNERSHIP											
PREGNANCY & MATERNITY	Pregnant										
	On Maternity Leave										
OTHER YOU MAY ADD ADDITIONAL GROUPS HERE.	Poor Literacy &/or Numeracy										
	Unemployed										
	Living in rural area										
	Low Income										
	On Benefits										
	Caring Responsibilities										
	?										

Now answer the following questions. The key findings should be included in any report to decision-makers and used to produce a short report on the Equality Assessment for publication, this should include any new equality information you have gathered and details of any consultations or other forms of engagement with individuals or groups of people with protected characteristics. N.B. It is a legal requirement to publish this information.

4. Have you identified any impact(s) on any group(s)?	**YES [ ] NO [ ]** *Summarise nature of any impact(s) – positive or negative - and what can be done to avoid or mitigate negative impacts.*
5. Is the Service, Strategy, Policy, Project, Practice or Procedure promoting equality of opportunity and/or	**Not Applicable [ ] YES [ ] NO [ ]**

participation in public life for any group(s)?	
6. Can it be improved to do so?	**YES [ ] NO [ ]** *Explain*
7. Is the Service, Strategy, Policy, Project, Practice or Procedure promoting good relations for any group(s)?	**Not Applicable [ ] YES [ ] NO [ ]**
8. Have you gathered any new equality information during this assessment?	**YES [ ] NO [ ]**
9. Have you undertaken any consultation/engagement work during this assessment?	**YES [ ] NO [ ]** *Send to the Equality Adviser and summarise what you did and the results in the EqA report.*
4. Have you identified any impact(s) on any group(s)?	**YES [ ] NO [ ]** *Summarise nature of any impact(s) – positive or negative - and what can be done to avoid or mitigate negative impacts.*
5. Is the Service, Strategy, Policy, Project, Practice or Procedure promoting equality of opportunity and/or participation in public life for any group(s)?	**Not Applicable [ ] YES [ ] NO [ ]**
6. Can it be improved to do so?	**YES [ ] NO [ ]** *Explain*
7. Is the Service, Strategy, Policy, Project, Practice or Procedure promoting good relations for any group(s)?	**Not Applicable [ ] YES [ ] NO [ ]**

Now send this completed template for validation.

Stage 2. Research/Engagement

What needs to be done at this point in the process will, obviously, depend on the nature of the customer group(s) concerned and the nature of the issue(s) that need to be explored. Often there will be a need to undertake **research**, which could involve:

- Looking at what other similar organisations have/are doing.
- Seeking expert advice.
- Using the findings of academic or government research.

Or you may need to **engage** with customers and, particularly in the case of vulnerable, disadvantaged or excluded groups, to involve them in determining the nature of the problems as well as possible solutions. In some cases, it will be appropriate to consult directly with customers. In others, it may be more appropriate to consult indirectly by working with agencies, professionals or voluntary groups who support or work with them.

Any consultation/engagement process should, of course, be inclusive and open to all sections of the community. In some circumstances you may need to provide help and support to enable groups to take part in this process. This could include the use of independent advocates.

Consultation or Involvement?

"Consultation is the level of participation at which people are offered some choices on what is to happen, but are not involved in developing additional options."

"Engagement is a level of participation in which people actively participate in defining the problem, developing possible solutions and take part in the final decision."

Whilst the main focus here should be the group(s) identified at the analysis stage, you should consider if you need to explore how other groups regard the service (particularly if you do not have good monitoring information) or policy (particularly if you do not have good evidence to show whether it is achieving its objectives).

It is legitimate to use the results of research into, for example, the needs of a group conducted by others, you must ensure that (a) you are meeting the organisation's legal obligations to consult and involve those groups that are subject to the Equality Act and (b) you are not missing significant and particular local factors or circumstances that could affect the way a service actually operates.

Template 1 provides the framework for recording the results of the detailed impact assessment and poses the key questions which you must answer. N.B In some cases the wording of questions may need to be altered slightly to reflect the nature of what is being assessed.

A piece of research or a consultation should be approached like any other project. It is important to be clear from the outset what the scope will be, define the initial enquiry questions, decide on the methods to be used, identify who will be consulted and how, and who will do the work and what skills are required. You may find it helpful to make an initial attempt to complete Template 1 as this will help you identify what kind of additional evidence you need to gather.

Remember consulting people – particularly groups who are vulnerable, disadvantaged or excluded – about services that may be very important to them requires both sensitivity and appropriate expertise. If you do not have experience of this kind of work, seek help and advice from those who do.

Use the Engage toolkit to help you ensure that consultations are inclusive. http://www.engagewinchester.org.uk/home/

Completing the Template – Additional **Advice Notes**

If a **strategy or policy** is not directly aimed at organisation customers or relates to other agencies, it will still need to be assessed in order to make sure that it does not inadvertently discriminate against any group of customers. Key things to think about when doing the assessment include:

Who delivers the service? The organisation's employees? (Which department(s) or teams or individuals?) Contractors? Voluntary or not-for-profit agencies? Other statutory bodies? List all those involved. If the service is delivered in partnership, identify the lead agency and all the partners.

Who "owns" this policy? Which department(s) or team or post-holder? List all those involved. If the policy has been/is being developed in partnership, identify the lead agency and all the partners.

This is the point to start thinking about the procedures and practices * involved in delivering the service or implementing the policy. Are procedures written down? Are they adhered to? How do you know that? What are the established working practices? Have these ever been thought through to ensure that they are not adversely affecting or excluding particular groups of customers? Or is it a case of "We've always done it like that, so it must be OK."? Or "No-one's ever complained, so it must be OK"?

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* Procedures & Practices

"Procedures" are **formalised** practices and are normally standardised and written down somewhere. They may entail, for example, asking a standard set of questions, using a particular form or behaving in a particular manner. "Practices" are essentially the way particular tasks are carried out and would include things like sending out letters to give people information or ask them to provide it, how you would inform the public about an event, etc. They have often developed over time and may differ from person to person or department to department. Both practices and procedures can act as significant barriers in getting information, using services or taking part in consultations.

Do you know who your customers are? Can you identify specific groups and sub-groups? Can you think of any groups who might be affected outside of the immediate target group(s)?

In addition to those who use a service, there may be others who are affected by it. For instance, professionals providing related services or support, people caring for those receiving the service, other agencies that have an interest in the same customer group. This is an opportunity to identify "knock-on" effects as well as sources of information about the customer group and their needs.

Checklist for collecting and analysing evidence and information on the impact(s) of the Service or Policy.

Consider (See Advice Notes Below)	Answer
1. What evidence or information do you have about how the Service or Policy affects (or may affect) different groups of customers?	
2. Do any other organisations have evidence or information about how the Service or Policy affects (or may affect) different groups of customers?	
3. How does the **service** consult with and involve its customers and other interested parties? **OR** How were interested parties consulted and involved in developing the **policy**?	
4. Have there been any recent changes in the local population or are there any future trends that may affect who is affected by the policy or uses the service, demand for it, or how it is delivered?	
5. Are there any recent or planned changes to national legislation, standards or policies that may affect the service or policy?	
6. Is the service or policy affected by or does it affect any other organisation services or policies?	
7. Is the service or policy affected by or does it affect any services or policies of other agencies?	
8. Summarise what you know about how the service or policy affects (or may affect) different groups of customers?	

N.B. Use consultation/research with customers to identify solutions and potential ways to improve the service as well as finding out about problems. You should record the results of consultations and the method(s) used.

Stage 3. Validation

The aim of this stage of the EqA process is to ensure that:

- The EqA process has been properly undertaken.

- Results and judgements are reasonable and based on hard evidence or sound professional judgement.

- Key issues or problems have been identified.

- Changes made or proposed will improve the service or policy.

A "Validation Panel" will discuss the Report and Template 1 with the **relevant Manager** and/or the **Reporter** with the following questions in mind:

- Was discrimination or disadvantage identified?

- Was the service promoting equality and participation in public life AND good relations? Could it be improved to do so?

- Who was involved in the assessment?

- Does Template 1 show that customers' needs are understood?

- Is there good evidence and/or reasoning to support the decisions on whether groups are/aren't being impacted?

- Does the summary report properly reflect the key findings of the assessment and is it clear and easy to understand.

- If improvements have been identified, do they reflect and deal with the key findings.

The validation panel is the "quality control" element of the process designed to ensure quality and consistency, but also to provide an opportunity to:

- Identify issues that require corporate action and opportunities.
- "Join-up" services or policies and identify any conflicts.
- Share best practice.
- Improve participants' knowledge of equality issues and what action particular parts of the organisation are taking to promote equality.

Validation must be done before any reports can be submitted to decision-makers.

Advice Notes on Validation

1.   Procedure for arranging Validation

Validation Panel meetings are arranged by the corporate Lead Manager on Equality (or a designated administrator). It is the responsibility of the **Reporter** for each EqA to carry out the following:

- Prepare the necessary validation paperwork (see below)
- Save these documents onto the organisation's Document Management System.
- Circulate them to EqA Team members for comment.
- Update existing documents in the light of any comments received as appropriate.
- Forward finalised documents to the Lead Manager on Equality (or the Equality Officer or a designated administrator) and
- Agree which officers should present the findings of the EqA.

The Lead Manager on Equality (or the Equality Officer or a designated administrator) is responsible for organising the validation meeting and circulating the necessary documents to the Validation Panel.

2.   Validation Paperwork

To obtain validation the following documents will need to be submitted to the Validation Panel, which should consist of the Lead Manager for Equality, another senior manager (if possible a Director or equivalent), an Elected Member (or equivalent), the Equality Officer, and one or more members of the corporate Equality Working Group (or equivalent):

**Template 1
Report [Summary of EqA] (see below)**

** If it is a policy which has been assessed, you will **n**eed to indicate what changes have been made to, for instance, objectives or actions. It may be worth circulating the actual policy too.*

For validation of EqAs that also included a Stage 2 'Research or Consultation' you should also submit:

**Any new equality information
Any documents used during consultations
Any other supporting evidence**.**

**This could include, for example, national or local research by other agencies or good practice examples from other local authorities.

3.   Format of the Summary Report

The format of the Report will depend on what was impact assessed and what actions you undertook as part of the assessment process. It should, however, include the following:

- A description of what was assessed, who did the work and the evidence that you used to make judgements and draw conclusions.
- Any additional information you have gathered on a customer group or groups.
- Information on any consultation or research you undertook – and the results of that.
- Names and contact details for any organisations or key individuals who assisted you.
- The key findings of the assessment.

4.   Post Validation Tasks

The outcome of the validation will be one of the following:

- Validated – minor amendments may be asked for.
- Not validated – Scoping error.
- Not validated – Research/Consultation error.
- Not validated – Key findings error.

If validated it is the responsibility of the Manager responsible for the service/policy to ensure that the findings of the assessment are drawn to the attention of decision-makers.

It is the responsibility of the Reporter and/or the Manager responsible for the Service/Policy to make any minor amendments and send a final version of all documents to the

Lead Manager on Equality (or designated administrator) and liaise with the corporate Communications Team to ensure:

- Those people and organisations who have participated in consultations are informed of the final outcome.

- Any relevant documents (e.g. an actual Strategy) are also published on the website and linked to the EqA.

If the assessment is not validated it is the responsibility of the Reporter and/or the Manager responsible for the Service/Policy to respond as appropriate to the reasons for non-validation.

Stage 4.   Publication

The results of EqAs together with any new equality information and details of any consultations undertaken will normally be published. Target 20 working days after decision on service/policy.

It is generally accepted that publication on an authority's website is sufficient to fulfil the legal requirements **provided that** where those affected may not be able to access the internet **the fact of publication is made known via other appropriate media** (e.g. a list of EqAs undertaken each quarter could be published in a council magazine or the local press and be posted in council offices) **AND relevant documents can be made available in a range of formats** to enable those who are unable to access or use websites to obtain the results.

Remember, it is good practice as well as common courtesy to ensure those people and organisations who have participated in consultations are informed of the final outcome.

What is published should be one of the following:

- A Report summarising the EqA.

- A Report summarising the EqA and the findings of any research or consultation.

- A Report summarising the EqA and any new equality information.

- A Report summarising the EqA, the findings of any research or consultation and any new equality information.

The detailed information contained in Template 1 would not normally be published, but would be made available under Freedom of Information legislation if requested.

Procedure for responding to a Challenge

If an EqA - is challenged, then the Validation Panel, in consultation with the relevant manager, will determine if the challenge is correct. If it is (and depending on the nature of the problem) the EqA team will need to repeat some or all of the process. If the challenge is ruled incorrect, no further action is required. However, this would not preclude an appeal to the relevant regulatory body or a legal challenge.

Customer Groups

In order to ensure that it is meeting the needs of its customers, the organisation needs to understand they key characteristics of identifiable "customer groups". There are a number of ways to classify populations, most of which focus on a single characteristic such as Age, Gender, Race, Social Class, etc. In relation to community inclusion, the Government and other agencies often list those groups who are likely to be "socially excluded", be discriminated against, or be disadvantaged in some way. A typical list of these groups would include:

- ❖ Older people
- ❖ Young people
- ❖ Unemployed people
- ❖ Homeless people
- ❖ People with a long-term illness
- ❖ People with disabilities
- ❖ Low-income households
- ❖ Ethnic minorities
- ❖ Lone parents
- ❖ Refugees and Asylum seekers
- ❖ People living in remote areas
- ❖ People living in areas of multiple deprivation
- ❖ People with no recognised qualifications

There are a number of general difficulties with this approach. These groups can be very large and are far from homogeneous. There is a risk of assuming that all members of a group experience the same problems and of ignoring the needs of those who don't appear in "The List".

In some areas, where relative prosperity and a good environment means that there are not large numbers of socially excluded people, a more sophisticated approach is needed that:

- Encompasses the need to identify and eliminate *discrimination* on the simple basis of disability, gender, race, etc.
- Recognises the need to address *disadvantage* caused by other factors, such as debt, poor literacy and lack of access to the Internet.
- Is mindful of the need to avoid treating all members of any "group" in the community, however defined, as if they all had the same needs or problems or, indeed, necessarily suffered discrimination or disadvantage.
- Understands that it is usually a *combination* of factors and circumstances in peoples' lives – and the way other people and organisations respond to them – that produces discrimination and disadvantage.

In particular, there is a need to take account of those factors and circumstances that local people actually experience as revealed by the Census and other sources of demographic information. These include things like poor literacy and lack of access to the Internet.

Note. If, because you don't know much about them, you are having difficulty thinking through how your service or policy might affect particular customer groups, you may find the following section useful.

Understanding Customers' Needs & Circumstances.

Listed here are the main **factors** that affect people's circumstances in life and may determine their ability to access services, get information or have their say. These include both **"given factors"** – things about a person that are impossible or very hard to change***** – and **"variable factors" –** things that the individual themselves or other agencies can change or help change.

Those in **bold text** are the "protected characteristics" defined in the Equality Act 2010. Those in *italic text* are "socio-economic characteristics" that may interact with protected characteristics to create additional disadvantage. There may be other, specific factors special to your area, or parts of it, that can be added to this list.

Note. In and of themselves, none of these factors *necessarily* creates discrimination, disadvantage or exclusion.

You can explore the interactions between those Given and Variable Factors by creating a matrix. A simple scoring system such as a 0 to 5 scale (with 0 being no interaction and 5 being a significant interaction) can be used to identify the most significant interactions.

Given Factors:
- **Age**
- **Gender**
- **Ethnicity**
- **Sexual Orientation**
- **Disability (Physical, Learning and some types of Mental Illness)**

- **Transgender**

Variable Factors:
- **Religion or Belief – including non-religious beliefs.**
- *Low income*
- *On benefits*
- *In debt*
- *Unemployed*
- Family status e.g. being a lone parent or divorced
- Legal status e.g. being a refugee or ex-offender
- **Marriage & Civil Partnership**
- **Pregnancy & Maternity**
- Caring responsibilities – for children, partners, parents, etc.
- *Housing tenure – e.g. in social housing or being homeless*
- General Health – including substance misuse and temporary illnesses.
- *Education – e.g. having no qualifications, literacy/numeracy problems*
- *Location e.g. living in a deprived or rural area*
- *Access to Information e.g. via the internet, telephone or TV*
- *Access to a car and quality/cost of public transport*

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* Some of these (for example learning or physical disability, mental and chronic illness and religion) may be present from childhood or "acquired" later in life. For instance, a learning or physical disability can have a genetic cause or result from an accident.

Equality Monitoring
GUIDANCE

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Part I: General Guidance

Part II: Detailed Guidance

Part 1. General Guidance

1.   Introduction

Winchester City Council is committed to ensuring that it is operating fairly and that its policies, services and employment practices comply with current Equality and Human Rights Legislation, relevant standards, codes of practice and statutory guidance.

The purpose of this document is to provide guidance on how to implement the Equality Monitoring Policy and ensure equality monitoring is:

- Complying with legal requirements.

- Proportionate and efficient.

- Undertaken in a consistent way throughout the council and done to a high standard.

- Integrated into service planning and improvement and the development and evaluation of policies.

- Producing useful information which is actually used to improve services and inform policy-making.

It includes:

- Guidance on what, when and how to monitor.

- A standard set of questions, explanations and definitions for use on all monitoring forms.

- A statement on data use, sharing and protection.

2.   What to monitor?

Although equality guidance for local government recommends all functions and services undertake equalities monitoring, it is not necessary, practical or useful to monitor all equality groups all the time. In addition, different approaches to equality monitoring are need for:

- Recruitment and staff management.

- Customer/user satisfaction surveys.

- Personalised service delivery.

- Consultation and engagement processes.

There are 4 issues here:

- Which equality groups to monitor?

- How is the equality data associated with personal information?

- Does everyone need to be monitored or could you use a sample?

- Does monitoring need to be continuous or could you take 'snapshots' at intervals.

2.1   Equality Groups

Until relatively recently equality monitoring usually focused on 4 "equality strands": Gender, Race, Disability and Age. In the last few years 3 new strands have been added as the people in them gained legal protection. These are: Sexual Orientation, Religion & Belief (including lack of religious belief) and Transgender.

The Equality Act 2010, which came into force in Autumn 2010, introduces the concept of "protected characteristics". These are:
- age
- disability
- gender reassignment (transgender)
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex (gender)
- sexual orientation

The table below indicates which protected characteristics should be monitored in relation to the kind of activity being undertaken.

Remember, the council's policy is to monitor all of these 'protected characteristics' except *where there are good reasons not to do so* apart from gender re-assignment and sexual orientation of under 16s. (See Box 1 below.)

Valid reasons for not monitoring might include:

• The need to protect individuals' privacy and avoid putting them at risk from hate crimes.

• Evidence from academic or other sources that the characteristic does not influence a group's ability to access services or benefit from policies,

• A request from a recognised and representative group (e.g. a transgender support group) that monitoring of transgender should not be undertaken.

• The availability of other evidence that show that a service is accessible or a policy is beneficial.

N. B. The possibility that some people may find it offensive or annoying to be asked about some things - such as sexual orientation – or may refuse to answer is NOT a good reason.

Box 1.

Sexual Orientation – Under 16's will NOT be subject to monitoring of sexual orientation **unless** there is a key need identified in relation to a particular service/policy OR a need to monitor incidents of harassment, bullying and victimisation to identify underlying causes**.** The added sensitivities of parents/guardians need to be taken into account when carrying out monitoring in this area, although this should not necessarily stop the collection of information from taking place.

Transgender – The council will NOT monitor transgender status **except** where this is directly relevant to service provision (e.g. the provision of support services to those in the process of changing gender) or to an individual's employment or their treatment by others (e.g. if they have been the victim of hate crime, harassment or bullying because they have changed gender).

Table 1 below summarises which groups to monitor in different situations.

Protected Characteristic	Employment & Staff Management	Customer/User Surveys	Personalised Services	Consultation & Engagement
Age	Yes	Yes	Yes	Yes
Disability	Yes	Yes	Yes	Yes
Gender Re-assignment (Note 1.)	Only after engagement with trans groups and anonymous surveys only	Only if Relevant	Only if Relevant	Only if Relevant
Marriage & Civil Partnership	No	Only if Relevant	Only if Relevant	Only if Relevant
Pregnancy & Maternity	No	Only if Relevant	Only if Relevant	Only if Relevant
Race	Yes	Yes	Yes	Yes
Religion & Belief	Yes	Yes	Yes	Yes
Sex	Yes	Yes	Yes	Yes
Sexual Orientation (Note 2.)	Anonymous surveys only	Yes	Yes	Yes

Note 1. See Policy for criteria and requirements. N.B. Disclosing someone's status as a transgendered person without their consent is a criminal offence.

Note 2. If sexual orientation questions are asked additional steps should be undertaken to protect the privacy of respondents. In general, surveys should be genuinely anonymous and, if possible, carried out by an independent and remote agency.

In addition, where appropriate and useful, the council may monitor 'other characteristics' including, but not limited to:

- Access to public transport

- Caring responsibilities

- Educational attainment   *(These characteristics*

- Employment status   *may also be used during*

- Income   *Equality Assessments.)*

- Internet access

- Literacy & numeracy

- Living in a rural area or a deprived[1] area

This information will help it to meet the new duty to tackle socio-economic inequality contained in the Equality Bill and address local causes of disadvantage and social, financial or digital exclusion.

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[1] As defined by the Index of Multiple Deprivation.

3.   When to monitor?

What is being monitored will obviously influence the timing of monitoring. Where monitoring relates to:

- **Employment and staff management** – it should be done prior to and after recruitment and at regular intervals thereafter.

- **Customer/user satisfaction** with a service, such a housing repairs, then it should take place as soon after the transaction as possible.

- **Personalised service** - it will be needed at the point a customer/user first accesses the service and at regular intervals thereafter – to ensure that the information is up-to-date.

- **Consultation and engagement** – it should be done during the process and analysed either on an ongoing basis or as soon after the end of the consultation as possible **and prior to reaching a decision**, in order that any 'gaps' are identified and steps can be taken to undertake further work to reach particular groups if necessary.

4.   Planning and preparation

Equality monitoring, particularly in respect of sexual orientation, transgender and religion & belief can only be undertaken where:

- There are good reasons for collecting the information.

- Staff understand and can explain why these questions are being asked and have the necessary skills to ask them in a sensitive manner.

- Appropriate data protection systems and procedures are in place.

- Employees/customers/users are clearly informed what the data will be used for, how confidentiality will be maintained and if the data will be shared and/or published.

Planning Checklist.

Task	
Have you clearly identified which groups are to be monitored and why?	
What is the aim of this monitoring?	
Do staff understand why the monitoring is taking place?	
Do staff have the necessary knowledge/skills to do the monitoring and answer any questions or queries?	
How will you ensure that you are meeting the requirements of the Data Protection Act in terms of informing customers/users/respondents how the information will be used?	
Are appropriate data protection systems and procedures in place?	
How will the data be collected?	
How will it be stored?	
Is this storage secure?	
How will the data be analysed and by whom?	
Do you intend to share the data with partners? If so, are the appropriate protocols/agreements/safeguards in place?	
Who will produce the report?	
Where will the report be sent?	
Will the data be published? If so, how will you ensure that individuals or small groups cannot be identified?	

6.   Acting on the results

Equality monitoring results should always be reported to:

- The relevant Head of Service.
- The Equality Working Group.
- The Portfolio Holder.

In addition and in any case where the monitoring raises concerns or shows that employees, customers or service users are (or may be) being discriminated against or disadvantaged, monitoring results should be sent to the Corporate Management Team.

7.   Reports

Too often equality monitoring reports are documents of description rather than documents of explanation and are difficult to understand – particularly for lay people.

In presenting data, it is best practice to:

- concentrate on key indicators;

- highlight key findings;

- use a mix of statistics, tables, and graphics;

- provide relevant explanations;

- include clear recommendations for action;

- produce equality reports on a regular basis together with other management information; and

- consider the audience and ensure that the information presented is accessible and fit for purpose.

N.B. Remember, the council will need to publish the results of equality monitoring in order to fulfill its specific Public Sector Equality Duties under the Equality Act 2010. In addition, such reports could be the subject of Freedom of Information requests. However, this does not override the requirements of the Data Protection Act to maintain the security, confidentiality and privacy of personal information about individuals.

Part 2: Detailed Guidance

1.   Confidentiality, Data Sharing & Protection

Equality monitoring involves asking for and recording personal data about individuals. Respecting people's privacy and maintain confidentiality are therefore vital. The data protection legislation exists to protect individuals against the misuse of that data, and all records - whether manual or computerised – will need to meet the requirements of the DPA 1998 and other relevant legislation.

If it is intended to store personal information about an individual with or linked to the equality information, the requirements of the DPA on **protecting confidentiality** must be met.

If an individual can be traced to the monitoring figures, it will be necessary to obtain the individuals' **explicit consent** to hold and process the data.

It is also a requirement that **the data cannot be used for any other purpose than for what it was collected for, and for which original consent was granted**.

If it is intended to **share data with other organisations** then this must be made clear to those completing monitoring forms AND there must be **formal protocols or information-sharing agreements** in place between the council and its partners that clearly set out what shared information may be used for and how it will be protected. This is particularly important where personalised data is involved and care also needs to be taken in circumstances where combining anonymised information with other information can or might permit the identification of individuals.

The requirements of the DPA should not be a barrier to the collection of equality monitoring data, but will require sensitivity and clarity. Therefore, in order to comply with the DPA, each monitoring form **must** include the following:

- a statement that completion of some or all monitoring data is voluntary and is not a condition of receiving the service, benefit, job etc;

- an explanation of why the organisation is carrying out equality monitoring and what the information will be used for;

- a statement that the information collected will be treated with the strictest confidence and access/use of it will be restricted to the purposes it was collected for;

- and a statement signed by the service user, customer, employee, etc. giving written consent to the collecting, storing, and use of the data collected.

All monitoring forms should include the following statement unless an alternative is required by other legislation, standards or service partners or has been authorised by the Head of Service in consultation with the Equality & Inclusion consultant.

Data Protection Act Statement

"Winchester City Council aims to ensure that all those who use its services and are affected by its policies and all employees and potential employees are treated fairly and equally.

In order to assist the Council in achieving this aim *and in meeting its legal duties under current equality and human rights legislation**, we ask that you provide the information requested. If you tell us that you have additional needs, we may contact you again to ask for your views on how to improve our services or policies to consider those needs. You do not have to provide this information or answer particular questions, but it would help us greatly if you did.*

Data Protection Act 1998

The information you provide will be held securely and only be used:

- *To enable the Council to deliver its services effectively.*
- *To enable the Council to monitor and improve services, policies, plans, programmes, projects, procedures, practices and council decision-making.*
- *To enable the Council to provide statistics where required - in which case any personally identifying details (e.g. name & address) will be removed.*

We may share the information you provide with other organisations involved in delivering the Council's services. Statistical information, which does not identify individuals, may be shared with partner organisations.

Some of the information is sensitive personal data, which we can only collect, analyse and hold with your explicit consent. By providing the information, you consent to it being held by Winchester City Council on a secure database and used for the above purposes."

If a survey or other form of monitoring is undertaken that includes questions on gender identity then the requirements of Gender Recognition Act 2004 also apply. The Act provides for the granting of Gender Recognition Certificates (GRCs) that provide legal recognition of an individual in his or her new gender and Section 22 establishes unauthorised disclosure of an individual who holds a GRC as a "strict liability" criminal offence. Surveys that include gender identity questions should therefore include an additional paragraph as follows:

Gender Recognition Act 2004

"Winchester City Council recognises that it has responsibilities under the Gender Recognition Act 2004 and has ensured that the confidentiality and privacy of any respondent holding a Gender Recognition Certificate or living in a gender other than that assigned at birth will be protected."

2. What questions to ask?

This section sets out which questions to ask in relation to all the 'protected characteristics' and some examples of questions you may wish to include looking at 'other characteristics' or barriers.

N.B. Instead of a 'Prefer not to say' option in each question, survey forms should clearly state that "If you do not wish to answer any questions please leave them blank."

A.   Protected Characteristics

AGE
A useful range of ages to use is:

☐   Younger than 18
☐   18 – 20
☐   21 – 25
☐   26 – 60
☐   61 – 65
☐   66 – 80
☐   Older than 80

But you may alter the age ranges if there are specific reasons to do so e.g. you may wish to identify numbers of 16 and 17 year olds.

GENDER OR SEX
 This question should not be controversial, but some people may still prefer not to answer. You should NOT include a category for 'transgender' or 'transsexual' here.

☐   Female
☐   Male

GENDER RE-ASSIGNMENT
In general it is better to use the terms 'gender identity' or 'transsexual', which has a formal legal status. However, people may describe themselves as' transgender', 'transsexual' or just 'trans'. Most monitoring exercises will not include gender re-assignment. If it is necessary to ask about this issue, then it should be asked separately and in the following form, with space for additional comments:

Do you live and work permanently in a gender other than that assigned at birth or is it your intention to do so?
☐   Yes
☐   No

AND

Do you need to live and work permanently in a gender other than that assigned at birth but currently feel prevented from doing so because of reasons connected with ……..? (Add appropriate wording here e.g. your accommodation.)
☐   Yes
☐   No

Please explain if you wish....

Remember, these are specific legal requirements in relation to maintaining confidentiality and privacy and you must include the additional data protection statement and take appropriate steps to prevent unauthorised disclosure if asking about gender identity.

SEXUAL ORIENTATION
There are 2 ways to ask this question, either is valid.

What is your sexual orientation?
☐   Heterosexual /Straight.
☐   Bisexual
☐   Gay man
☐   Lesbian/Gay Woman
OR
What is your sexual orientation?
☐   . Opposite sex
☐   Same sex
☐   . Both sexes

In some monitoring exercises, such as staff satisfaction surveys, it is also appropriate to ask a follow-up question about how open, or "out", the employee is about their sexual orientation. An employee self-identifying as LGB in a survey does not necessarily mean the workplace is free from harassment or discrimination – the employee may still have concerns about homophobia.

A question about how out an employee is might read:
If you are lesbian, gay or bisexual, are you open about your sexual orientation:

	Yes	Partially	No
At home?	[ ]	[ ]	[ ]
With colleagues?	[ ]	[ ]	[ ]
With your manager?	[ ]	[ ]	[ ]
At work generally?	[ ]	[ ]	[ ]

Please explain your answer………

DISABILITY
At present, until the Equality Act comes into force, you should use this question if possible, including the explanation. This section will be re-worded in October 2010.

Do you consider yourself as disabled as defined by the Equality Act 2010?*
☐   Yes
☐   No

*Under the Equality Act 2010, a person is disabled if they have (or have recovered from) a physical or mental impairment (including learning disabilities) which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities such as those involving mobility, manual dexterity, physical co-ordination, speech, hearing, eyesight or communication, or a permanent condition which is controlled by medication, e.g. diabetes or epilepsy. Individuals with HIV, cancer or multiple sclerosis are automatically treated as disabled.

If there is not room or you feel the explanation is unnecessary then this simplified version can be used.

Do you consider yourself to be disabled? Yes ☐   No ☐

You may wish to obtain further information. This can be done via a simple tick box question:

If Yes, please specify (tick all that apply)

| ☐ Speech | ☐ Hearing | ☐ Learning | ☐ Mental Health |
| ☐ Mobility | ☐ Physical | ☐ Visual | ☐ Other |

Please give further details below if you wish:

……………………………………………………………………………………………..

Or, if further detail is required, using this wording:

The following questions ask you for some further details regarding any disability. The information provided will help us better understand the needs of our customers and ensure our services meet your needs.

Please tick the category of impairment which applies to you and write in the nature of the impairment. People may experience more than one type of impairment in which case you should indicate more than one. If you have an impairment not covered by the categories below, please mark 'Other' and specify the nature of impairment.

☐   Physical Impairment (such as using a wheelchair to get around and /or difficulty using your arms)

………………………………………………………………………………

☐   Sensory Impairment (such as being blind / having a serious hearing impairment or speech impairment)

………………………………………………………………………………

☐   Mental Health Condition (such as depression or schizophrenia)

………………………………………………………………………………

☐   Learning Disability (such as Downs syndrome or dyslexia or cognitive impairment such as autism or head injury)

………………………………………………………………………………

☐   Long Standing Illness or Health Condition (such as cancer, HIV, diabetes, chronic heart disease or epilepsy)

………………………………………………………………………………

☐   Other

………………………………………………………………………………

ETHNIC ORIGIN OR RACE
You should always use the following categories, which based on the 2011 Census.

White
☐   British
☐   English
☐   Scottish
☐   Welsh
☐   Northern Irish
☐   Irish
☐   Gypsy or Irish Traveller
☐   Any other White background *Please write in:* _____

Asian or Asian British
☐   Indian
☐   Pakistani
☐   Bangladeshi
☐   Chinese
☐   Any other Asian background *Please write in:* _____

Black or Black British
☐   Caribbean
☐   African
☐   Any other Black/African/Caribbean background *Please write in:* _____

Mixed/Multiple ethnic groups
☐   White and Black Caribbean
☐   White and Black African
☐   White and Asian
☐   Any other Mixed /multiple ethnic background *Please write in:* _____

RELIGION & BELIEF
This includes widely practiced religions such as Christianity and Islam and all other religious beliefs (e.g. Zoroastrianism, Druidism) AND certain non-religious beliefs (e.g. philosophical beliefs such as Humanism, Pacifism and Atheism) AND those with no religious or other beliefs. If asked, this question should be framed as follows. (The categories are based on the 2011 Census.)

Do you have a religion or belief?
☐Yes ☐No

If YES, please select:
☐Buddhist   ☐Christian   ☐Hindu   ☐Jewish   ☐Muslim   ☐Sikh
☐Other religion   *please write in* …………………………………………….

☐Other belief   *please write in* …………………………………………….

MARRIAGE & CIVIL PARTNERSHIP
This question would normally only be asked in relation to employment or if a service or policy related directly to marital status e.g. the Registrar Service or to the process of getting married/entering into a civil partnership (e.g. venues for weddings). If asked (and some people will not wish to answer because doing so would reveal or, possibly, contradict their declared sexual orientation) this question should be framed as follows:

Are you married or in a civil partnership?
☐Yes ☐No

PREGNANCY & MATERNITY
This question would normally only be asked in relation to employment or if a service or policy related directly to services provided to pregnant women or women on maternity leave. If asked, this question should be framed as follows:

Are you pregnant or on maternity leave?
☐Yes ☐No

If YES please indicate if you are on:
☐   Ordinary Maternity Leave
☐   Additional Maternity Leave

B   Other Issues & Barriers
This is not an exhaustive list of questions, but some examples. Where possible the categories used in each question should match to baseline date e.g. Census or, in the case of communications issues, use the standard questions below.

COMMUNICATIONS
How would you prefer to be contacted by the Council?
(Please put '1' for your first preference, and '2' and '3' for up to two other ways)

☐   Post
☐   Telephone
☐   In person (home visit)
☐   By text
☐   By email (please make sure you have provided an email address)
☐   Through representative or carer (if you chose this option, we will contact you for further details)

Information. Do you have any needs?   Yes ☐   No ☐

Please tell us of any particular needs you have which affect how you are able to use or be involved in our services or how you would like to receive information. (Please tick as appropriate)
☐   Sign Language   ☐   Braille   ☐   Audio   ☐   Large Print
☐   Easy Read   ☐   Type Talk   ☐   Reading Difficulties
☐   Difficulties with numbers
☐   Translation   *What is your preferred language?...*
☐   Any other needs *Please give details……………………………………………………………..*

Note that these questions are framed in terms of customers' preferences and needs.

INTERNET
Access to the Internet is increasing important in terms of social and financial exclusion. In addition to **whether** an individual or household has access to the internet, it may be useful to find out **where** they access it and which **technologies** they use. The following questions can be used and compared to baseline data held by the ONS, which conducts annual surveys on access and use.

Do you have access to the Internet?   Yes ☐ No ☐ Don't know ☐
If YES do you use a Broadband connection Yes ☐ No ☐ Don't know ☐

If YES where do you access mainly access the internet? *Tick one only*
☐   At home
☐   At another person's home
☐   At work
☐   In a school, college or university
☐   In an internet café
☐   In a library
☐   In another location *Please explain………………………………………………………………….*

How do you access the Internet? *Tick all that apply.*
☐   PC or laptop connected to a telephone line.
☐   PC or laptop connected to a cable TV service.
☐   Mobile phone.
☐   Personal Digital Assistant or similar device.
☐   Portable computer (laptop, netbook) and a wireless connection.

Lastly, you may wish to focus on barriers or difficulties people have in using or finding about services. The following format can help here – and be used in relation to things other than Internet Access.

Most of our services and information are accessible through the internet – does this cause you any problems?
☐   Yes
☐   No

If you answered YES, tell us what can we do to make things easier?
....

Contacts for support and advice
The Equality Working Group and the Equality Adviser can provide advice and support on equality issues. Contact your service's EWG representative or Alison Gavin or Ian Barrett.

HR can provide advice and support on employment issues. Contact HR.

Advice on questionnaire design and layout – including the use of online surveys and accessing the Citizens Panel and other established consultation groups - can be obtained from the Communications Team.

For information on sample sizes and analysis of data go the Engage Toolkit here:
http://www.engagewinchester.org.uk/home/

The Engage Toolkit also contains briefing notes on the communication needs of a range of customer groups.

Information on digital inclusion can be found here http://www.citizensonline.org.uk

The LGB organisation Stonewall has produced a very useful guide "What's it got to do with you?" that may be useful to help staff deal with common questions about why the organisation is asking all these questions. It can be downloaded here: http://www.stonewall.org.uk/at_home/3460.asp

The Equality & Human Rights Commission publishes a range of useful guides here:
http://www.equalityhumanrights.com/advice-and-guidance/

1.   Introduction

Winchester City Council is committed to ensuring that it is operating fairly and that its policies, services and employment practices comply with current Equality and Human Rights legislation, relevant standards, codes of practice, and statutory guidance.

Monitoring employment, service usage and satisfaction by equality group is central to the council's aim of achieving continuous improvement. The council needs to know that: it is meeting its duties under the Equality Act 2010; the services it delivers are meeting the needs of all service users and potential service users; and that its employment practices are meeting the needs of its employees and potential employees. Equality monitoring is key to the effective performance management of the organisation and will contribute to the improvement of services and the way they are delivered. Most local authorities and other public bodies now monitor what they do by equality group using the 9 "protected characteristics" defined in the Equality Act, which are: age, disability, gender reassignment, pregnancy and maternity, marriage & civil partnership, race, religion or belief, sex, and sexual orientation.

The purpose of this document is to set out WCC's approach in order to ensure equality monitoring is:

- • Complying with legal requirements.

- • Proportionate and efficient.

- • Undertaken in a consistent way throughout the council and done to a high standard.

- • Integrated into service planning and improvement and the development and evaluation of policies.

- • Producing useful information which is actually used to improve services and inform policy and decision-making.

It includes:

- • Guidance on what, when and how to monitor.

- • A statement on data use, sharing and protection.

Detailed advice on the wording of questions, explanations and definitions is available in the Equality Monitoring Guidance.

2.   What is equality monitoring?

Equality monitoring is the process of collecting, storing, and analysing data about the characteristics of the local community, service users and employees or potential employees.

3.   Why collect and monitor equality data?

Equality monitoring is the only way to ensure and be able to prove that the council's policies, services and employment practices are fair, equitable and meeting the needs of all sections of the community. Without equality monitoring, an organisation will never know whether it is succeeding in these aims. In addition, statutory guidance on implementing the Public Sector Equality Duties created by the Equality Act 2010 requires the council to publish the equality information it holds by 31st July 2011 and to regularly update equality information on at least an annual basis thereafter. Equality monitoring is important in relation to the council's roles as employer, policy-maker and as a provider, commissioner or purchaser of services and good.

3.1 Employment
In relation to employment, equality monitoring can help to spot barriers that are preventing an organisation from making use of available talent; show that recruitment, promotion and training practices are fair and open to all; and ensure working environments and practices do not discriminate against particular groups of employees.

3.2 Policy
In terms of policy, equality monitoring is part of the evidence-base that should inform policy development and can help identify actual outcomes.

The council is required to consult on its key policies and strategies and has a 'duty to involve' the community in developing its policies and services. Equality monitoring can help ensure that consultation and involvement activities are reaching all sections of the community. It can also reduce the amount of consultation which needs to be carried out, reducing costs and consultation overload, especially with groups considered to be "hard-to-reach".

3.3 Service Delivery
In terms of service delivery, equality monitoring can:

- provide evidence that the council's services are reaching all sections of the community or help to identify gaps in service usage by specific groups;
- help the council to set targets and improve service delivery through identifying under-representation;
- provide effective protection against unfounded allegations of discrimination.

All local authorities are under increasing pressure to deliver efficiency savings and demonstrate value for money. It is therefore vital for the council to know who is, and who isn't, using our services. It is particularly important to be sure that services are actually meeting the needs of service users or potential service users. This needs to be reflected in the service / business planning process.

The systematic collection and analysis of information is needed if decisions about changes in, reductions or withdrawal of services are to be justified. Monitoring can reveal inefficiencies in service delivery as well as highlighting opportunities for improvement. In this way it can help justify actions and measure the impact of changes.

3.4 Commissioning/Purchasing
Where council services are delivered by other organisations - whether private companies, co-operatives or voluntary and community organisations – appropriate equality monitoring must be included as an integral part of the performance monitoring requirements set out in contracts, grant conditions or Service Level Agreements. Similar arrangements must be made in relation to the purchasing of services and goods.

3.5 Legal Duties
The council has legal duties under the Equality Act 2010 to ensure that its policies, practices and services – including those delivered by other organisations:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

- Advance equality of opportunity between people who share a protected characteristic and those who do not. *(This means: remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.)*

- Foster good relations between people who share a protected characteristic and those who do not. *(This means: tackling prejudice and promoting understanding.)*

A key part of this work involves the undertaking of Equality Assessments (EqAs). These assessments examine a particular function, policy, procedure or service to identify whether or not it could have a differential or adverse effect on any section or group in the community. If differential or adverse impact is found, measures are put in place to remove it. Equality monitoring information provides key evidence for the EqAs.

4.   What to monitor?

The Council recognises that equality monitoring is essential for effective policymaking and service delivery. However, although statutory guidance for public bodies recommends all functions and services undertake equality monitoring, it is not necessary, practical or useful to monitor all equality groups all the time. In addition, different approaches to equality monitoring are need for:

- Recruitment and staff management.
- Customer/user satisfaction surveys.
- Personalised service delivery.
- Consultation and engagement processes.

There are 4 issues here:

- Which equality groups to monitor?
- How is the equality data associated with personal information?
- Does everyone need to be monitored or could sampling be used?
- Does monitoring need to be continuous or would 'snapshots' at intervals provide the necessary information?

4.1   Equality Groups

Until relatively recently equality monitoring usually focused on 4 "equality strands": Gender, Race, Disability and Age. In the last few years 3 new strands have been added as the people in them gained legal protection. These are: Sexual Orientation, Religion & Belief (including lack of religious belief) and Transgender/Gender Reassignment.

The Equality Act 2010, which came into force on 1st October 2010, introduces the concept of "protected characteristics". These are:

- age
- disability[1]

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[1] This includes people with mental health problems, learning disabilities and long-term or serious illnesses such as heart disease, cancer or HIV/AIDS.

- gender reassignment[2] (transgender)

- marriage and civil partnership

- pregnancy and maternity

- race[3]

- religion or belief

- sex (gender)

- sexual orientation

4.2   General Policy

The council will monitor all of the 'protected characteristics' defined in the Equality Act 2010 in the most cost-effective and efficient way *except where there are good reasons not to do so.*

Such reasons can include:

- The need to protect people's privacy and avoid putting them at risk from hate crimes.

- Evidence from academic or other sources that the characteristic does not influence a group's ability to access services or benefit from policies.

- A request from a recognised and representative group (e.g. a transgender support group) that monitoring should not be undertaken.

- The availability of other evidence, for example from consultations, that show that a service is accessible or a policy is beneficial to all those it is designed to reach.

- Monitoring would entail excessive costs.

- Monitoring would not provide **useful** information e.g. numbers or sample sizes are too small to produce statistically significant results.

- There are practical or operational barriers that prevent monitoring e.g. the need for databases to comply with national standards or the inability to add additional fields to existing software. (In both cases alternatives should be explored and the issue addressed when software is upgraded or replaced.)

N. B. The possibility that some people may find it offensive or annoying to be asked about some things - such as sexual orientation – or may refuse to answer is NOT a good reason. It is, of course, not compulsory for people to answer any particular question.

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[2] A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex. However, there is no requirement to have undergone medical treatment in order to change gender.

[3] People who have or share characteristics of colour, nationality or ethnic or national origin can be described as belonging to a particular racial group.

Exceptions

Sexual Orientation – Under 16's will NOT be subject to monitoring of sexual orientation **unless** there is a clear need identified in relation to a particular service/policy OR a need to monitor incidents of harassment, bullying and victimisation to identify underlying causes**.** The added sensitivities of parents/guardians need to be taken into account when carrying out monitoring in this area, although this should not necessarily stop the collection of information from taking place.

Transgender – The council will NOT monitor transgender status **except** where this is directly relevant to service provision (e.g. the provision of support services to those in the process of changing gender) or to an individual's employment or their treatment by others (e.g. if they have been the victim of hate crime, harassment or bullying because they have changed gender). See Section 4.3 for further information.

In addition, where appropriate and useful, the council may monitor 'other characteristics' including, but not limited to:

- • Access to public transport
- • Caring responsibilities
- • Educational attainment
- • Employment status
- • Income
- • Internet access
- • Literacy & numeracy
- • Living in a rural area or a deprived[4] area

This information will help it to address specific, local causes of disadvantage and social, financial, digital or other forms of exclusion.

N.B. The customer/user/respondent MUST be informed how their data will be protected, what it will be used for and if it will be shared within the council or with other partners. In all cases completing equality monitoring questions is voluntary *except where this is required by law.*

Each service should include a short statement in its business/service plan outlining its approach to equality monitoring and the reasons for NOT monitoring particular protected characteristics and FOR monitoring other characteristics. This must be approved by the Equality Working Group and agreed by the Portfolio holder.

4.3   *Policy on Employment & Staff Management*

The council will monitor the following 'protected characteristics':

- • **Age**
- • **Disability**

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[4] As defined by the Index of Multiple Deprivation.

- **Gender – including gender pay-gap information**
- **Race**

In addition, it will take steps to assess representation on sexual orientation and religion and belief *provided that no individuals can be identified as a result.*

It will also seek to assess transgender representation based on engagement with local transsexual groups.

N.B. The applicant/employee must be informed how their data will be protected, what it will be used for and if it will be shared within the council or with other partners. In all cases completing equality monitoring questions is voluntary *except where this is required by law.*

Equality monitoring procedures MUST separate equality data from personal data and confidentiality must be maintained. This applies especially in the cases of disability, sexual orientation and transgender.

<u>**Monitoring disability**</u> in the workforce ensures that people who are or become disabled are being treated fairly and that the council is actively promoting disability equality, for example by providing 'reasonable adjustments' to premises or working practices to enable disabled people to work for it. However, confidentiality must be maintained to prevent disclosures (e.g. that someone has a mental health problem) that could affect their relationships with colleagues.

<u>**Monitoring sexuality**</u> in the workforce is a key 'health check' for the organisation. It is part of a process for supporting people being "out" in the workplace if they choose to be and demonstrates the organisation's commitment to Lesbian, Gay and Bisexual (LGB) equality. Confidentiality must be maintained as disclosing someone's sexual orientation without their consent may constitute harassment. Since some people will not be willing to disclose their sexual orientation, even in anonymous surveys, it must be made clear that answering all questions is optional.

<u>**Monitoring transgender**</u> in the workforce will ONLY be undertaken if ALL the following criteria are met:

- Equality & diversity policies and practices that include protection from discrimination on grounds of gender identity are already in place and visibly supported by management.

- Equality Assessments include gender identity issues.

- Engagement with local trans support groups identifies a need for further data-gathering.

- Surveys are completely anonymous with no opportunity to identify respondents according to their location or grade within the organisation, age or other factors that could led to disclosure or false accusations. Wherever possible, surveys should be undertaken by an independent remote body. N.B. Gender identity information should not be stored in personnel files – electronic or otherwise – as research in the Civil Service shows this to be the major 'route' for unauthorised disclosure.

- The questions cover all those who may be affected by gender identity issues (See Box 3 below) and collect <u>qualitative</u> data not just count heads. They should not ask if someone has a Gender Recognition Certificate **N.B. Disclosing someone's status as a transgendered person without their consent is a <u>criminal</u> offence.**

- Answering transgender questions should be optional i.e. respondents must be clear that they can simply leave this question unanswered.

4.4   Policy on Customer/User satisfaction surveys
These are surveys which either do not request the respondent's personal details or separate that information prior to analysis. Including:

- Council-wide user surveys and satisfaction surveys (e.g. BVPI survey)
- Satisfaction surveys for particular services e.g. sports facilities, housing management, housing repairs, benefits, planning applications.
- Any other ad-hoc surveys of particular events or activities.

The council will normally monitor *only* **the following 'protected characteristics':**

- **age**
- **disability**
- **race**
- **religion or belief**
- **sex (gender)**
- **sexual orientation**

except where there are good reasons not to **plus any 'other characteristics' that may be relevant.**

Other protected characteristics (transgender, pregnancy & maternity and marriage & civil partnership) will only be monitored where they are directly relevant to the service.

Surveys may be periodic and use samples providing sample sizes are sufficient to provide statistical validity. (See Equality Monitoring Guidance for further information.)

4.5   Policy for Personalised Service Delivery
In some circumstances equality monitoring is required to provide better, more personalised services that meet any specific needs, such as receiving information in large print. This means that some or all of the equality information needs to be linked to personal information.

This may require systems that 'flag-up' information on, for instance, disability when an officer or contractor is going to visit someone's home. In other instances, such as benefit decisions, the monitoring officer needs to be able to see whether the applicant was successful or not, but those making the decision should not see the equality information. A unique numbering system can help with this.

N.B. The customer/user **must** be informed how their data will be protected, what it will be used for and if it will be shared within the council or with other partners. In all cases completing equality monitoring questions is voluntary *except where this is required by law.*

The council will normally monitor *only* **the following 'protected characteristics':**

- **age**
- **disability**

- **race**
- **religion or belief**
- **sex (gender)**
- **sexual orientation**

except where there are good reasons not to plus any 'other characteristics' that may be relevant.

Other protected characteristics (transgender, pregnancy & maternity and marriage & civil partnership) will only be monitored where they are directly relevant to the service.

Monitoring service delivery should be continuous where possible, but may be periodic and use samples where numbers of transactions are high; providing sample sizes are sufficient to provide statistical validity. (See Equality Monitoring Guidance for further information.)

4.5 Policy for Consultation & Engagement processes
Here the need is to ensure that all sections of the community affected by a policy or other proposed activity have the opportunity to have their say. In this instance, equality information should not link to personal information.

Detailed guidance and resources on how to make consultation and engagement process inclusive are available in the council's 'Engage Toolkit' here: http://www.engagewinchester.org.uk/home/

The council will normally monitor *only* the following 'protected characteristics':

- **age**
- **disability**
- **race**
- **religion or belief**
- **sex (gender)**
- **sexual orientation**

except where there are good reasons not to plus any 'other characteristics' that may be relevant.

Other protected characteristics (transgender, pregnancy & maternity and marriage & civil partnership) will only be monitored where they are directly relevant to the policy or proposed activity.

Monitoring in this case will usually be a one-off exercise and samples may be used providing sample sizes are sufficient to provide statistical validity. (See Equality Monitoring Guidance for further information.)

5.   When to monitor?
What is being monitored will obviously influence the timing of monitoring. Where monitoring relates to:

- **Employment and staff management** – it should be done prior to and after recruitment and at regular intervals thereafter.

- **Customer/user satisfaction** with a service, such a housing repairs, then it should take place as soon after the transaction as possible.

- **Personalised service** - it will be needed at the point a customer/user first accesses the service and at regular intervals thereafter to ensure that the information is up-to-date.

- **Consultation and engagement** – it should be done during the process and analysed either on an ongoing basis or as soon after the end of the consultation as possible **and prior to reaching a decision**, in order that any 'gaps' are identified and steps can be taken to undertake further work to reach particular groups if necessary.

6.   Planning and preparation

Equality monitoring, particularly in respect of sexual orientation, transgender and religion & belief should only be undertaken where:

- There are good reasons for collecting the data. i.e. It is statistically significant, can be analysed and will provide useful qualitative and quantitative information.

- Staff understand and can explain why these questions are being asked and have the necessary skills to ask them in a sensitive manner.

- Appropriate data protection systems and procedures are in place.

- Employees/customers/users/respondents are clearly informed what the data will be used for, how confidentiality will be maintained and if the data will be shared and/or published.

Heads of Service are responsible for ensuring that these conditions are met.

8.   Acting on the results

The whole point of any form of monitoring is to take action to correct mistakes, improve services and measure their effectiveness and efficiency. This means that the data collected needs to be analysed and the results compared to actual targets set and any baseline data.

Equality information can be used to:

- inform future service/business planning,
- provide evidence for EqAs
- contribute to the 'equality mapping' of the local community,
- and demonstrate that the council is fulfilling its legal duties to prevent discrimination and promote equality and foster good relations.

Equality monitoring results should always be reported to:

- The relevant Head of Service.
- The Portfolio Holder.
- The Equality Working Group.

In addition and in any case where the monitoring raises concerns or shows that employees, customers or service users are (or may be) being discriminated against or disadvantaged, monitoring results should be sent to the Corporate Management Team.

9.   Data Publication, Protection & Sharing

9.1   *Public Sector Equality Duties – Publishing Equality Information.*
The council has a specific duty under the Equality Act 2010 to publish:

- information on the effect that their policies and practices have had on employees, service users and others from the protected groups.

- evidence of the analysis undertaken to establish whether their policies and practices will (or have) furthered the three equality aims in the general equality duty

- details of the information used in that analysis.

- details of engagement with people with an interest in the aims of the duty.

This must be done initially by 31st July 2011 and at least annual thereafter.

The council will publish sufficient equality information to demonstrate it is complying with the Act. All published information will be aggregated and anonymised.

9.2   *Data Protection & Sharing*
Equality monitoring involves asking for and recording personal data about individuals. The council will take all necessary measures to protect privacy and maintain confidentiality and ensure that all records - whether manual or computerised – will meet the requirements of the Data Protection Act (DPA) 1998. In summary these are:

- If it is intended to store personal information about an individual with or linked to the equality information, the requirements of the DPA on **protecting confidentiality** must be met.

- If an individual can be traced to the monitoring figures, it will be necessary to obtain the individuals' **explicit consent** to hold and process the data and for its intended use(s).

- It is also a requirement that **the data cannot be used for any other purpose than for what it was collected for, and for which original consent was granted**.

Where it is intended to **share data with other organisations** then this will be made clear to those completing monitoring forms AND the council will put in place **formal protocols or information-sharing agreements** in place between the council and its partners that clearly set out what shared information may be used for and how it will be protected.

The requirements of the DPA should not be a barrier to the collection of equality monitoring data, but will require sensitivity and clarity. Therefore, in order to comply with the DPA, each monitoring form **will** include the following:
- a statement that completion of some or all monitoring data is voluntary and is not a condition of receiving the service, benefit, job, etc;

- an explanation of why the organisation is carrying out equality monitoring and what the information will be used for;

- a statement that the information collected will be treated with the strictest confidence and access/use of it will be restricted to the purposes it was collected for;

- and a statement signed by the service user, customer, employee, etc. giving written consent to the collecting, storing, and use of the data collected.

All monitoring forms must include the following statement unless an alternative is required by other legislation, standards or service partners or has been authorised by the Head of Service in consultation with the Equality Adviser.

"Winchester City Council aims to ensure that all those who use its services and are affected by its policies and all employees and potential employees are treated fairly and equally.

In order to assist the Council in achieving this aim and in meeting its legal duties under current equality and human rights legislation, we ask that you provide the information requested. If you tell us that you have additional needs, we may contact you again to ask for your views on how to improve our services or policies to consider those needs. You do not have to provide this information or answer particular questions, but it would help us greatly if you did.

Data Protection Act 1998
The information you provide will be held securely and only be used:
- **To enable the Council to deliver its services effectively.**
- **To enable the Council to monitor and improve services, policies, plans, programmes, projects, procedures, practices and council decision-making.**
- **To enable the Council to provide statistics where required - in which case any personally identifying details (e.g. name & address) will be removed.**

We may share the information you provide with other organisations involved in delivering the Council's services. Statistical information, which does not identify individuals, may be shared with partner organisations and published.

Some of the information is sensitive personal data, which we can only collect, analyse and hold with your explicit consent. By providing the information, you consent to it being held by Winchester City Council on a secure database and used for the above purposes."

If a survey or other form of monitoring is undertaken that includes questions on gender identity then the requirements of Gender Recognition Act 2004 also apply. The Act provides for the granting of Gender Recognition Certificates (GRCs) that provide legal recognition of an individual in his or her new gender and Section 22 establishes unauthorised disclosure of an individual who holds a GRC as a "strict liability" criminal offence. Surveys that include gender identity questions should therefore include an additional paragraph as follows:

Gender Recognition Act 2004
Winchester City Council recognises that it has responsibilities under the Gender Recognition Act 2004 and has ensured that the confidentiality and privacy of any respondent holding a Gender Recognition Certificate or living in a gender other than that assigned at birth will be protected.

This policy will be reviewed annually and amended as necessary to reflect any subsequent changes to equality or other relevant legislation and reflect emerging best practice.

February 2011