



The Equality Analysis Process

What is Equality Analysis?

Equality Analysis (EA) is a tool aimed at improving the quality of our services by ensuring that individuals and teams think carefully about the likely impact of their work on different communities or groups. It involves anticipating the consequences of the Trust's policies, functions and services on different communities and making sure that any negative consequences are eliminated or minimised, whilst opportunities for promoting equality are maximised.

Why do we need to carry out EAs?

Systematic and robust completion of EAs will assist us to comply with the Equality Act 2010 which places a duty on the Trust to have due regard to the need to:

1. Eliminate discrimination, harassment and victimisation.
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

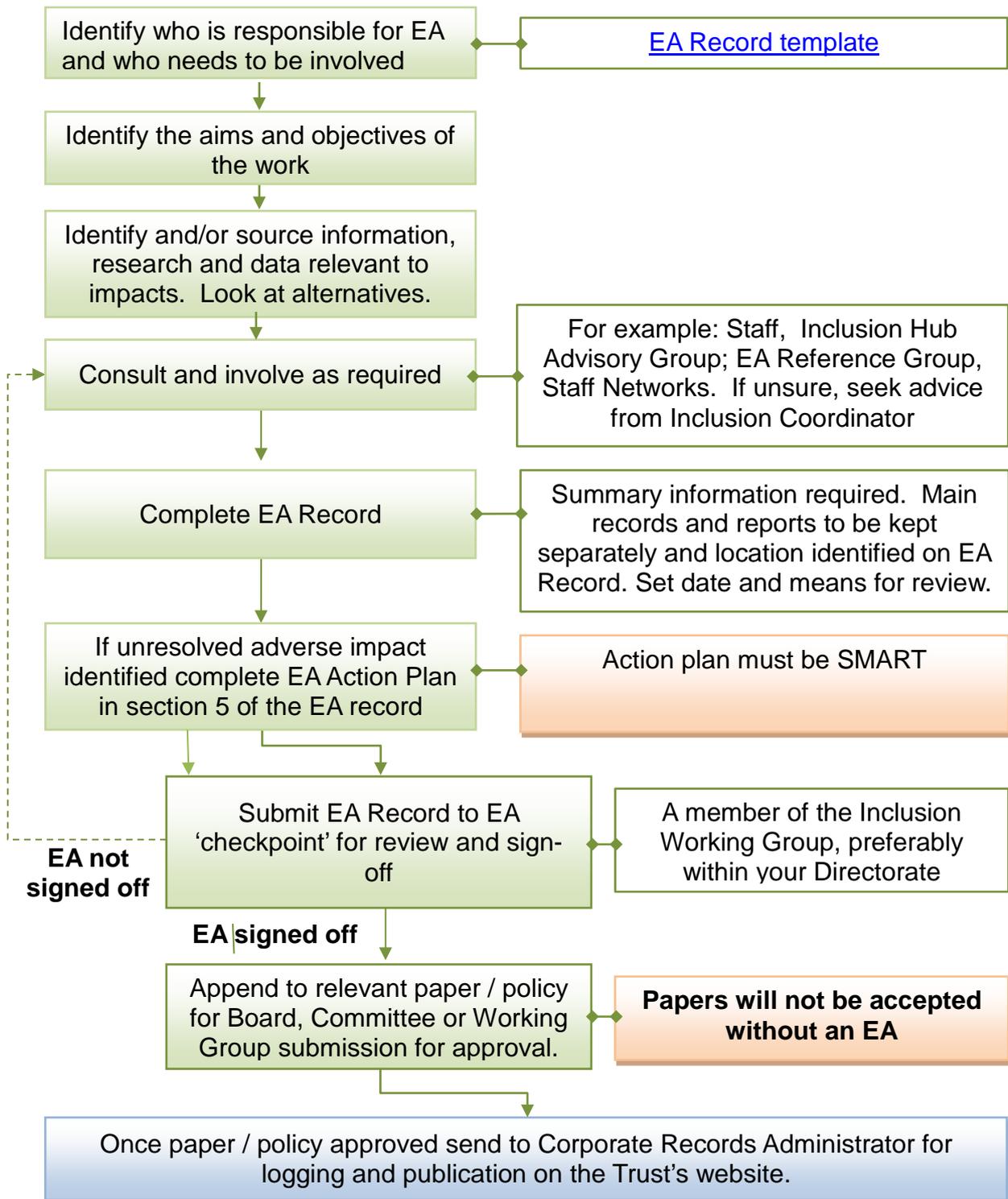
These are known as the three aims of the general equality duty. The Act sets out nine **protected characteristics** that apply to the equality duty, which must be considered in the EA process. The protected characteristics are:

<p>Disability Deaf, or hearing impaired, blind, or visually impaired, speech impaired, physical disability (including mobility issues), memory loss, dementia, learning disability, mental ill health etc.</p>	<p>Gender reassignment Related to a person who intends to, or who is undergoing or has undergone a process to change social gender role. How do we care for transgender / transsexual individuals?</p>	<p>Pregnancy and maternity (breastfeeding) Do we make sure the treatment of women positively takes pregnancy, maternity and breastfeeding into account, if at all possible?</p>
<p>Age Could age be a barrier to accessing/receiving services? This can be for older persons or younger persons/children</p>	<p>Sexual Orientation Do our services take a person's sexual orientation into account in what we do, say, and the information we give?</p>	<p>Marriage and Civil Partnership* Do our services take into account the need to involve civil partners?</p>
<p>Race Related to a person's genetics and place of birth, language, culture, etc.</p>	<p>Religion and Belief Related to a person's customs and beliefs – including non-belief</p>	<p>Sex Assuring all genders have equal opportunity and pay equality</p>
<p>* * = For marriage and civil partnership (including same sex marriage), only the first aim of the duty applies in relation to employment.</p>		

What requires an EA?

An EA must be undertaken whenever a decision is required to introduce change. They are therefore required for **every** strategy (long-term plan of action); policy (an official or prescribed plan which includes new and revised Policies, Procedures, etc.); function (actions and activities); service development; and project which requires approval at Board, or Working Group level.

The EA Process



When does an EA begin? To ensure it is an effective process, the EA commences at the inception of any change and is considered throughout development. It will finish before the piece of work is finalised and ready for approval.

An EA must be:

- Evidence based: consider existing data and research, for example, census data, workforce profile data, Diversity Monitoring Forms (data analysis), Public Health data, Patient Clinical Record forms, Complaints, Compliments, etc.
- Inclusive: must take into account protected characteristics and human rights.
- Consultative: requires consultation with appropriate individuals and groups, **relevant** and **proportionate** to the change (policy, service or function) being introduced.

Consultation

Consultation will help you gather relevant evidence to complete the EA. Evidence may be a record of verbal advice and recommendations, or consultation may lead to documented evidence as a result of discussions at team or working group meetings. Consultation could include engaging with staff and members, staff associations or trade unions, other public bodies or voluntary and community groups. There are a number of groups within the Trust or with whom the Trust is associated, and the Inclusion Team, will be able to provide EA guidance, advice and contact details for known groups who can be consulted.

The Inclusion Hub Advisory Group (IHAG) has a diverse membership and is a recommended forum for consultation. IHAG meets quarterly and to prevent delays in consultation it has established an EA Reference sub-group to consider requests for EA review as they come in. If you would like IHAG or the EA Reference sub-group to assist with your EA, please contact the Inclusion Coordinator.

Consultation does not need to follow a single formula – but whatever approach is used, it should be proportionate and fit for purpose and you must give enough information to enable proper input. A record of all consultations must be kept with the EA material.

What questions should I be asking to assess the impact of the change?

Examine the work to ensure:

- It does not disadvantage any community or group.
- It will not have a negative impact on anyone's human rights.
- That it promotes equality.
- That any issues emerging are considered and included in an action plan (see comments below on adverse impacts).
- That the promotion of equality is embedded wherever possible.

Consider:

- Could the impact be discriminatory under existing equality legislation?
- Could any communities or groups be negatively impacted?
- Is the policy or service of high significance?

A **negative** or **adverse** impact is an impact that could disadvantage one or more protected equality groups or a particular community. This disadvantage may be differential, where the negative impact on one particular group is likely to be greater than on another.

If a potential adverse impact and/or unlawful discrimination are identified the work being analysed will need to be revised and any barriers or failings tackled. Before making a decision, it is important to make sure that reducing the adverse impact on one particular

group does not create an adverse impact on another group. If an unresolved adverse impact is identified it will be necessary to record information and evidence and to develop a 'SMART' action plan to minimise or mitigate the impact(s). The action plan must be attached to the EA Record.

A **positive impact** is an impact that could have a positive effect on one or more protected equality groups, or improve equal opportunities and /or relationships between communities. This positive impact may be differential, where the positive effect on one particular group of individuals is likely to be greater than on another.

What needs to be recorded on an EA Record?

The EA Record will be a summary of the information gathered through research, consultation, meetings, project teams, etc. The actual information does not need to accompany an EA, but must be kept for future reference and perhaps to be used as research for other EAs.

What happens once I have completed the EA record?

The EA Record and, if appropriate, EA Action Plan **must** accompany the related work when it is submitted for approval per the Trust's governance process. Any such papers submitted without an EA must **not** be considered at the meeting. EA's cannot be undertaken retrospectively.

Once the work, EA Record and, if applicable, the EA Action Plan has been approved, the Record, action plan (if appropriate) and the document it relates to must be sent to the Corporate Records Administrator (CRA). The CRA will record the documents on the Trust's records database and arrange for them to be published on the Trust's website. Publishing results of EAs show commitment to promoting equality and will also demonstrate that we are carrying out due regard, meeting the specific duties of analysis, involvement, consulting and monitoring.

The Equality Analysis (EA) should not be considered as a one-off exercise. The actual impact will only be realised when it has been put into practice and a review date must be planned to see how it is working in practice. Checking for and reporting any potential for adverse impact in the future is a crucial element of the EA process. Exception reporting can be used within existing performance management processes.

Templates available

- Equality Analysis Record
- EA Consultation and feedback template

Useful References:

- Equality & Diversity intranet pages
- Equality, Diversity & Inclusion Policy
- Development and Management of Trust Documents Policy

Further information: Please contact the Inclusion Advisor for guidance and advice.

Appendix A: Equality Analysis Guidance checklist

An approved EA must provide assurance that a relevant and proportional EA has been carried out. This in turn will ensure compliance with the Trust's legal obligations under the Equality Act 2010.

Equality Duty: aims, relevance and proportionality											
1	<p>Are you confident that the EA evidences relevant and proportional due regard to the aims of the equality duty, namely:</p> <ul style="list-style-type: none"> • Elimination of discrimination, harassment and victimisation. • Advancement of equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. <p>Fostering good relations between persons who share a relevant protected characteristic and persons who do not share it.</p>										
2	<p>Are you satisfied that the EA establishes relevance with regard to:</p> <ul style="list-style-type: none"> • Identifying the extent to which a service is/is not used by particular groups within the community. <p>Identifying whether different groups have different needs or requirements in the area the policy relates to.</p>										
3	Is the weight we give to equality proportionate to the relevance of the document?										
Protected characteristics and human rights											
4	<p>Are you confident that the EA has acknowledged the protected characteristic groups?</p> <table border="0"> <tr> <td>Disability</td> <td>Sex</td> </tr> <tr> <td>Religion and belief</td> <td>Race</td> </tr> <tr> <td>Sexual Orientation</td> <td>Gender reassignment</td> </tr> <tr> <td>Pregnancy and maternity</td> <td>Marriage and civil partnership*</td> </tr> <tr> <td>Age</td> <td></td> </tr> </table> <p>* For marriage and civil partnership, only the first aim of the duty applies in relation to employment.</p>	Disability	Sex	Religion and belief	Race	Sexual Orientation	Gender reassignment	Pregnancy and maternity	Marriage and civil partnership*	Age	
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Age											
5	Are you confident that the relevance and impact of the change on human rights been assessed?										
Research, involvement and consultation											
6	Are you confident that sufficient research has been carried out to determine how the decision will affect people with different protected characteristics?										
7	Are you confident that those likely to be affected by the proposal, internally and externally, been fully consulted and involved?										
8	Have opportunities for promoting equality been maximised?										
Adverse Impact: If any adverse impact has been identified an EA Action Plan is required.											
9	Are you satisfied that the plan will minimise or mitigate the consequences?										
10	Is the EA Action Plan SMART?										
Outcome											
11	Are you satisfied that the piece of work is non-discriminatory and that human rights have not been adversely impacted?										
12	Is the outcome (of four possible given below) of the EA justified?										

Outcome 1: No major change required when the EA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.

Outcome 2: Continue: Adverse impact (potential or actual) has been identified and an EA Action Plan has been submitted which will minimise or mitigate that impact. Justification has been included in the EA, is in line with the duty to have 'due regard' and does not breach human rights. If missed opportunities to promote equality have been identified plans to better promote equality must be provided within the EA. .

Outcome 3: Stop: EA Action Plan is required to minimise or mitigate adverse impact. The justification must be included in the EA, be in line with the duty to have 'due regard' and must not breach human rights.

Outcome 4: Stop and rethink when an EA shows actual or potential unlawful discrimination.