

Somerset Equality Impact Assessment Guidance

The Legislation

Under section 149 of the Equality Act 2010 the General Equality Duty asks public authorities and any organisation providing a public function to take proactive steps for equality and diversity. This due regard is usually evidenced through an Equality Impact Assessment so should there be a legal challenge there is evidence of Due Regard. Section 149 states:

A public authority must, in the exercise of its functions, have due regard to the need to—

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Public Sector Equality Duty is also relevant for those completing a public function that are not a Public Body.

Under the legislation equality groups are now referred to as Protected Characteristics, they are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

*More information on what the Equality Act 2010 means by these protected characteristics can be found at the end of the document.

The purpose of the assessment is to think carefully about the likely impact of our work on those protected under the legislation. It involves anticipating the effects of strategies, policies and services on particular groups and making sure that as far as possible any

negative consequences are eliminated or minimised, and that we maximise opportunities to promote equalities. It also needs to focus on the impact on those who are our own employees.

An impact assessment is an on-going narrative document developed to inform decision making and monitor actual impacts and mitigations post decision.

The guidance below is based on case law and will provide you with as strong an assessment as possible.

Impact Assessment Form and Action Table Guidance

When completing the Impact Assessment Form and Action Table please use clear, easy to understand language free from jargon and abbreviations.

Section of the Form	Description of what this should cover
Description of what is being impact assessed	In clear, easy to understand language that is free from jargon describe in detail what you are completing the Impact Assessment on? Where this is a change to service, policy or practice explain what the current situation is and then what changes are proposed.
What data/information have you used to assess how this strategy/policy/service might impact on protected groups?	<p>Due regard and by extension the Equality Impact Assessment needs to be based on data and evidence. Assumptions based on your perceptions will not hold up in court unless they can be substantiated by evidence. Some sources of evidence that you might like to consider are:</p> <ul style="list-style-type: none"> • Office of National Statistics https://www.ons.gov.uk/ • Somerset’s Joint Strategic Needs Analysis http://www.somersetintelligence.org.uk/jsna/ • Service Users data • Somerset Intelligence http://www.somersetintelligence.org.uk/ • Wider Community demographic profiles • Feedback to previous consultations http://www.somersetconsults.org.uk/consult.ti/system/listConsultations?type=O • National Institute for Health and Care Excellence Guidance https://www.nice.org.uk/
Who have you consulted with to assess possible	When you are pulling together new ideas it is always beneficial to consult with those people that may have an interest in what you are planning. This could include:

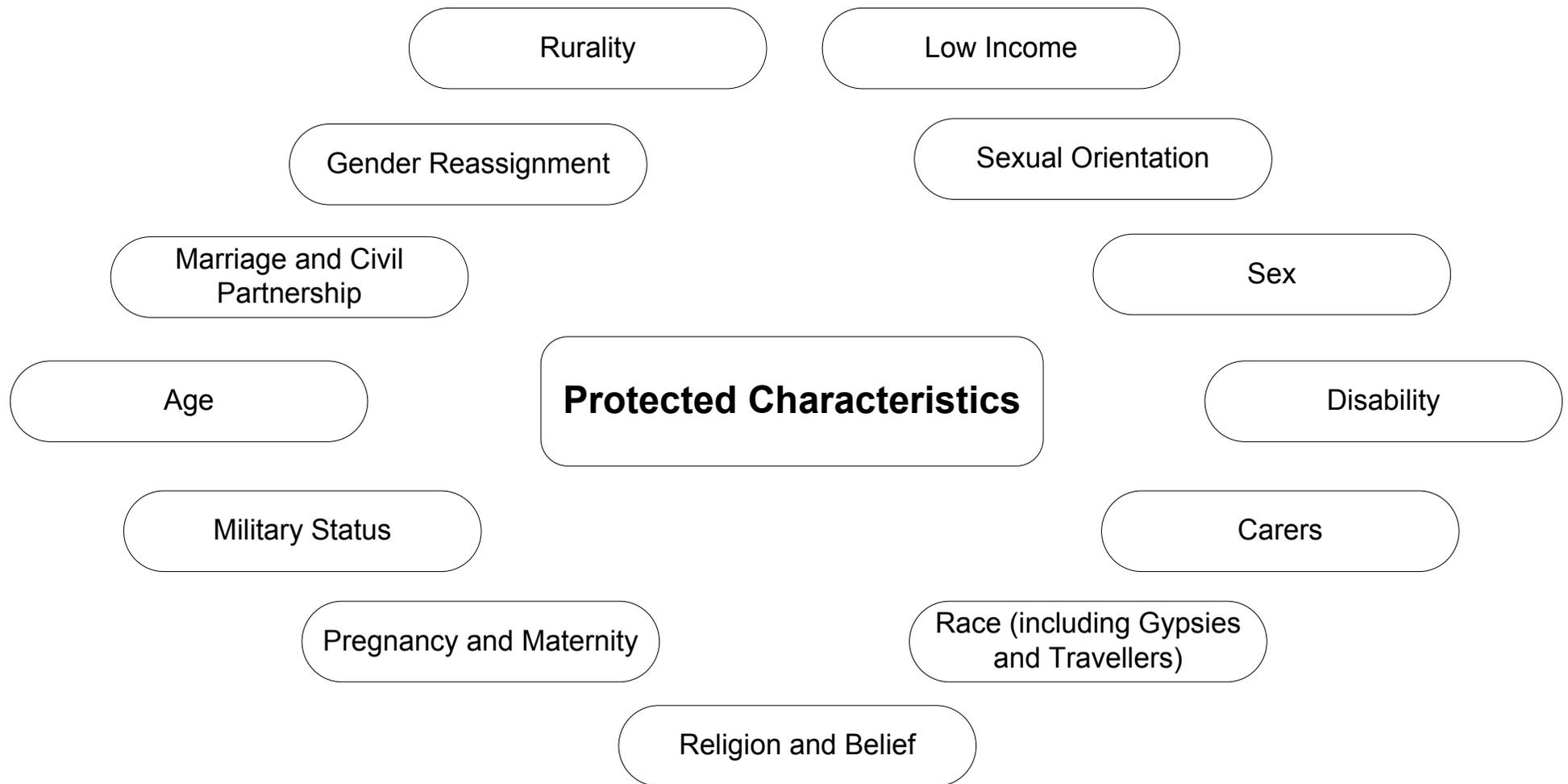
<p>impact on protected groups?</p>	<ul style="list-style-type: none"> • SEAG - http://www.somersetccg.nhs.uk/get-involved/patient-participation-groups/somerset-engagement-advisory-group-seag/ • PALS - http://www.somersetccg.nhs.uk/contact-us/pals/ • Independent Advisory Groups - https://www.avonandsomerset.police.uk/about/policies-and-procedures/independent-advisory-groups/ • Specific Interest Groups (such as equality groups) <p>Where a fundamental change to how something is delivered is proposed a consultation will be a vital exercise.</p> <p>If you have not consulted other people, please explain why?</p>
<p>Analysis of impact on protected characteristics</p>	<ul style="list-style-type: none"> • Using the data from the first two sections you need to make informed conclusions about what the potential impacts will be. • It may be that certain impacts are not relevant for what you are assessing. Use this section to record your justification for this conclusion. • If there are any gaps in your data meaning you can't reach an informed conclusion then you will either need to fill this gap before continuing or create an action to fill this data gap. <p>Some questions to ask yourself when considering potential impacts could be:</p> <ul style="list-style-type: none"> • Is the evidence and data sufficient and giving you confidence that the impact assessment is robust? • Does the decision affect more than one of the Protected Characteristics? • Will this increase or decrease the likelihood of discrimination, harassment, victimisation? • Could this affect how communities get along with one another? • Is there more than one way to access the service? • Are a certain group of people more likely to access the service? Do we know why? • Do people from certain equality communities do something in a different way that affects how they will interact with the proposed change? • What images are being used? • What language are you using to talk about people?

	<ul style="list-style-type: none"> • Could this improve the life of certain groups?
Negative outcomes action plan	Where you have established that there could be negative outcomes or impacts, you are required to consider how you could mitigate these. This could be something that is delivered in Partnership or a slight change to how the proposed change is delivered or promoted.
If negative impacts remain, please provide an explanation below.	Where there is a negative impact all steps should be taken to reduce this impact. Where this is not possible then there needs to be a justification provided.

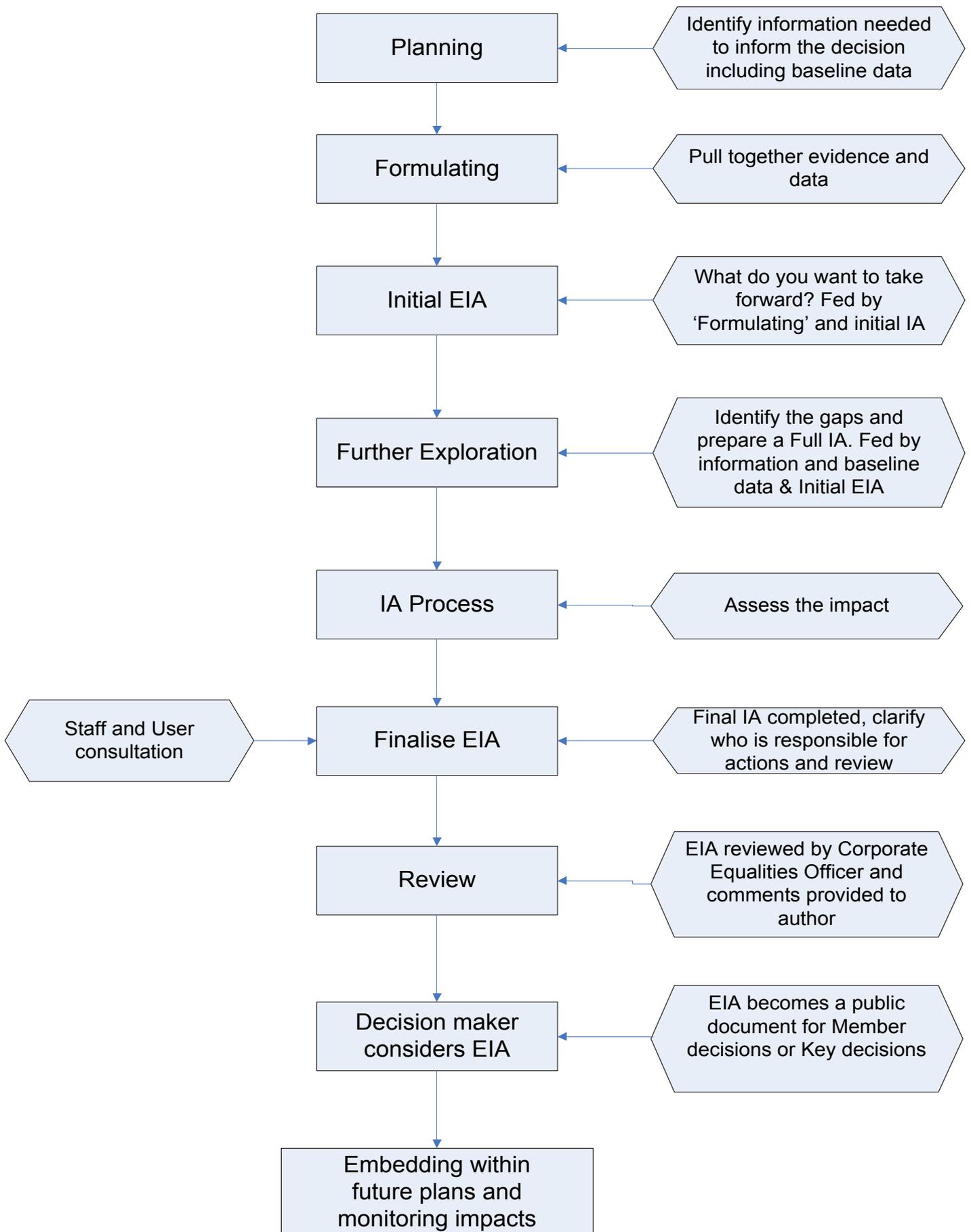
Protected Characteristics identified through the Equality Act 2010	
Age	This refers to a person belonging to <ul style="list-style-type: none"> • a particular age (e.g. 42 year olds) • or range of ages (e.g. 18 - 30 year olds)
Disability	A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities. Different disabilities will have different effects on people's lives; a person with mobility impairment may require ramps, a lift or hand rails to help the get into and around buildings; a person with a visual impairment will require written documentation in either a larger font or a different format all together. The Equality Act 2010 places duties on providers of service to make reasonable adjustments to the way service is provided. This can mean that people with a disability receive favourable treatment to make sure they receive the same services as the wider community.
Gender Reassignment	Gender Reassignment covers the whole process of transitioning from one gender to another. This begins at the individuals decision to start the process and continues for their life time.
Marriage and Civil Partnership	In the Equality Act marriage and civil partnership means someone who is legally married or in a civil partnership. Marriage can either be between a man and a woman, or between partners of the same sex. Civil partnership is between partners of the same sex.

	<p>People do not have this characteristic if they are:</p> <ul style="list-style-type: none"> • single. • living with someone as a couple neither married nor civil partners. • engaged to be married but not married. • divorced or a person whose civil partnership has been dissolved.
Pregnancy and Maternity	Maternity refers to the period of 26 weeks after the birth, which reflects the period of a woman's ordinary maternity leave entitlement in the employment context.
Race	It refers to a group of people defined by their race, colour, nationality (including citizenship) ethnic or national origins and includes Gypsies and Travellers.
Religion or Belief	<p>The Equality Act, advise that religion or belief 'must have a clear structure and belief system'. Denominations or sects in a religion are also religions.</p> <p>Belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition. Political beliefs are specifically excluded.</p>
Sex	Women, men, girls, boys,
Sexual orientation	A person's attraction towards their own sex, the opposite sex or both sexes and includes: Lesbian, Gay, Bi-sexual and Heterosexual
Protected Characteristics adopted locally – consult your local equality officer	
Carers through association with disability and age	Carers provide care for anyone (e.g. a parent, child, other relative, an elderly person, friend or neighbour) who has any form of disability (sensory loss, physical, learning disability, mental health problem) long or terminal illness?
Rurality	This term relates to a person whose home is not in a large town or city. Because of this they may become isolated and/or find it harder to access services

Low income	Families or individuals who are existing on a low income. This could be due to a disability, where they live or their employment status.
Military status	Military status aims to look at the effect on currently serving armed forces personnel (including reservists), their families and veteran forces personnel and their families



Wider Impact Assessment Processes



Below are some questions that might help with identifying what the impact could be.

Age

- Age-appropriate communication methods for the age group e.g. use plain English and consult on what means of communication eg letter, email, or telephone call.
- Easy Read where appropriate
- Whether parents/carer/advocate involvement is necessary.
- Attitudes towards older/younger people eg avoid and challenge stereotypes, be inclusive in communications and ensure diversity is represented.
- With age may come disability: consider disability issues?
- Ability to attend meetings during working/studying hours. After dark meetings may not suit all.
- Access to income (limited for younger people and older people).
- Physical access (wheelchair users, parents with children and/or buggies); physical environment (accessible premises.)
- Access to own car (e.g. too young to drive). Access to available / affordable public transport.
- Whether a location is affected by closure or other restrictions.
- Whether different age groups have equal access to the service and benefits? What evidence do you have?
- Whether there are any barriers to participation e.g. low numbers of group compared to the population? What evidence do you have and what can you do to mitigate those barriers?
- Other factors that are relevant to your service.

Disability

- The duty to identify and make reasonable adjustments for disabled people. This is an 'anticipatory duty' in relation to services and public functions – therefore it is necessary to consider the needs of potential customers. Has a disability access audit been carried out on the premises and is it being implemented within a reasonable time-frame?
- Users ability to navigate using wheelchair or with restricted mobility. Physical access and the physical environment should be considered: Access into the building as well as access to areas within, including to toilets and other facilities.
- Heavy doors - could be difficult to open for some people.
- Height: Reception desks and access buttons – can they be reached by a wheelchair user?
- Availability of handrails.
- Steps or steep slopes. Alternative access points (with clear signage) if the main entrance cannot be adjusted.
- Slippery /highly polished floor surfaces can be hazardous to people with sensory/mobility impairments. Uneven pathways can be challenging.
- Accessibility and usability of equipment or tools would adjustments need to be made for those with sensory loss or manual dexterity needs.
- Ability to hear – particularly in a noisy environment. The need to see the person who is speaking and with good light levels. Check venue for a Loop system.

- Ability to see – signage and written communications. Use minimum font size 12 Arial.
- Ability to use website e.g. pages adjustable by user: Changeable font size and contrast level and colour.
- Inclusive language and imagery used in communications which reflect diversity and reduce stereotyping; particularly relevant where people are under-represented or in a minority.
- Absence of such things makes people feel invisible. Consider using images of disabled people in publications and on website pages.
- Closure or restriction of a location or building (e.g. area near to a regular meeting place or facility that offers excellent access).
- Disabled parking bays with accessible parking meters; coin and ticket slots accessible to wheelchair users.
- Clear pathways for wheelchair users and those with visual impairment.
- Provision of information in large font (16 points) on yellow background. Does written information include the standard 'accessible format request' statement?
- Good colour contrast (e.g. black on yellow or vice versa). Avoid the use of colours red and green which can be challenging for people with colour vision deficiency (colour blindness).
- Make use of plain English, Easy Read, British Sign Language (BSL) for deaf people, consider various tactile formats such as braille, ELIA, Moon or raised print and audio format. BSL Interpreters for meetings. Staff awareness of Deaf/Deaf-Blind culture, translation policy. Check requirements/abilities of service users; only 10% blind people can read braille.
- Consider the ability of disabled service users to cope with stressful situations.
- Consider the need for disabled service users to take medication or breaks or respond to changes in condition.
- Flexible visiting times for people who are housebound; don't assume that because someone is always at home they are always available.
- Ability to read or process complex information. Are plain English and Easy Read versions available?
- Compounding barriers experienced by minority groups: Prejudice, rural isolation and the ability to source support, extent of involvement in community life, trust and confidence in public services or other organisations and individuals.
- Restricted diet and food allergies and diabetes. Clear food labelling
- eg nut free, wheat free, meat free, lactose free and sugar free options available if serving food? If planning an event, ask delegates if they have any dietary or access needs.
- Whether disabled groups have equal access to the service or benefits? What evidence do you have?
- Whether there are any barriers to participation e.g. low numbers compared to the population? What evidence do you have and what can you do to mitigate those barriers?

Sex, Gender, Marriage and Civil Partnership, Pregnancy and Maternity

- Sensitivity and privacy if someone is under-going gender re-assignment.

- Body shape and typical style and preferences such as dress e.g. uniforms are available in styles that suit a female form as well as a male form.
- Parenting / caring responsibilities, which may be different due to the age of children or size of family unit. The majority of caring is carried out by women. If men are caring they may have additional issues of isolation. Single parents – issues may be different for lone mothers and lone fathers.
- Marital / Civil Partnership status e.g. refer to “partner” or “spouse” do not assume the partner to be a husband or a wife.
- Provision for expectant or new mothers (e.g. being able to breastfeed in public, health and safety considerations, rest and changing rooms).
- Inclusive and non-sexist language or imagery used, particularly in communications.
- Information should reflect diversity and reduces stereotyping of men and women e.g. non gender specific language such as she/he or his/her. Use the pronoun “they”.
- Ability to access a car. In one car households, women are less likely to have access to the family car.
- Whether men, women and transgendered people have equal access to the service or benefits? What evidence do you have?
- Whether there are any barriers to participation e.g. low numbers compared to the population? What evidence do you have and what can you do to mitigate those barriers?
- Personal safety and fear of crime – women have a greater fear of crime because of the nature of crime towards women (e.g. sexual assault and rape). This could, for example, restrict a woman’s ability to get out and about.
- Dominance – for example, a woman may not want to use cycle routes when men cycle ‘aggressively’ at speed. Is the provision of facilities and services overall balanced and catering for women’s and men’s needs? For example, more cyclists are male and more horse-riders are female, but is the provision of cycle routes and bridleways proportionate and fair? Women need more toilet cubicles than men – how do toilet queues compare between men and women?
- Gender pay gaps?

Race

- Culture/norms (which may overlap with religion/belief) e.g. courtesy (handshaking, eye contact, presence of members of the opposite sex), diet, naming systems; these things are particularly relevant where services involve personal care or visiting people in their homes.
- Isolation or low trust and confidence because of previous negative experience including a lack of appropriate service provision which caters for cultural needs.
- Isolation and limited ability to source support because of exclusion from community life or not having family nearby.
- Nomadic lifestyle and access to accommodation, access to a postcode or landline – particularly relevant for traveller and gypsy communities.
- Language difficulties – use of plain English, Easy Read and symbols or pictures for people who do not speak English. Whether translations or interpreters are needed? Would a community interpreter be appropriate? Please see TDBC/WSC interpreting and translation policy.

- Inclusive language or imagery used in communications which reflects diversity and reduced stereotyping; particularly relevant where people are underrepresented or in a minority. Absence of such things makes people feel “invisible”. Consider using images of people from ethnic minorities in publications and on website pages. Consider whether all racial groups have equal access to the service. What evidence do you have?
- Whether there are any barriers to participation e.g. low numbers compared to the population? What evidence do you have and what can you do to mitigate those barriers?

Religion and Belief

- People’s belief in God.
- People who do not believe in God or follow formal worship.
- Prayer or Sabbath or Festival commitments.
- Diet e.g. halal, kosher (vegetarian and vegan options must be separated from meat and fish). Clear food labelling.
- Dress including jewellery and headwear.
- Inclusive language or imagery used in communications which reflects diversity and reduces stereotyping – avoid being faith-blind or assuming everyone does/not have a faith or belief in God.
- A location is affected by closure or restriction (e.g. area near to a place of worship or regular meeting place); particularly relevant for highways planning and maintenance or public transport links.
- Staff awareness (particularly relevant for direct care services).
- Whether people with different faiths and beliefs have equal access to the service or benefits? What evidence do you have?
- Whether there are any barriers to participation e.g. low numbers compared to the population? What evidence do you have and what can you do to mitigate those barriers?

Sexual Orientation

- Use of language that is inclusive and not ‘heterosexist’ – use the term partner or spouse. Do not assume the partner is a husband or a wife. Use non gender specific pronoun e.g. they.
- Sensitivity that some LGB people are not ‘out’: no-one should be forced to ‘out’ themselves.
- Isolation or low trust and confidence because of previous negative experiences and homophobia.
- Services should be delivered in a way that does not assume or require identify of sexual orientation to members of staff (unless unavoidable because of the nature of the service, such as Civil Partnership ceremonies).
- Whether everyone regardless or because of their sexual orientation, has equal access to the service or benefits? What evidence do you have?
- Whether there are any barriers to participation e.g. low numbers compared to the population? What evidence do you have and what can you do to mitigate those barriers?

Other

- Families including large families.
- Parents / families with disabled children.
- Single parent families.

- Carers, including young carers.
- People living in rural isolation.
- People newly arrived to the area who may have limited knowledge of services etc.
- People without access to a car or regular/affordable public transport.
- People and families on low incomes.
- Ex-offenders.
- People in full time employment and/or study.
- Unemployed people, young people who are “NEET” – Not in Education, Employment or Training.
- People with limited literacy and numeracy skills.
- Homeless people (may not have access to home address, land-line, or other facilities).
- Facilities including changing facilities for disabled people (including disabled children) and safe spaces.
- Access to technology such as computers / internet.
- ‘Trigger points’ or objective criteria and language that enable consistent / fair treatment of individuals. Consider what ‘serious’ really means!
- Whether everyone has equal access to the service or benefits? What evidence do you have?
- Whether there are any barriers to participation e.g. low numbers compared to the population? What evidence do you have and what can you do to mitigate those barriers?
- Whether it will support economic independence and help people out of poverty?
- Whether it will promote health and wellbeing generally, including mental health?
- Whether it will ensure access to housing / affordable housing?
- Whether it will address harmful behaviour and safeguard children and vulnerable adults?