

Dundee City Council

Equality Impact Assessment Guidance

and

Rapid Impact Assessment Tool  
August 2010

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## 1. The Equality Duties

A positive duty on public bodies to promote race equality was introduced in 2001. A duty to promote equality for disabled people came into effect in December 2006 and this was followed by a duty to promote gender equality which came into effect in April 2007.

A new Equality Act received Royal Assent in April 2010. The Act will start to come into force in October 2010 and will harmonise and strengthen discrimination law. Most of the existing legislation will be repealed. Under the new Act public bodies will have to consider how their policies, programmes and service delivery will affect people with the following **protected characteristics**:

Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, (including Gypsy Travellers), Religion or Belief, Gender and Sexual Orientation.

For further information go to: <http://www.dundee.gov.uk/equanddiv/>

The existing legislation and the new Equality Act have the common aim of ensuring that the public authorities work to eliminate discrimination and promote equality in all their activities. This means that when developing policies or practices including those about finance and service provision, public authorities must comply with their statutory equality duties.

Public authorities must ensure that decisions are made in such a way as to minimise unfairness, and do not have a disproportionately negative effect on people because of one or more protected characteristic. A key requirement of the Public Sector Duties is for public authorities to carry out and publish equality impact assessments for all relevant policies and decisions.

When public authorities are making financial decisions, it is vital that such decisions are equality impact assessed; the impact assessment being carried out when policy is initiated, as a central part of the policy development process.

As well as being a legal obligation under the Public Sector Duties, equality impact assessments are an invaluable tool to assist authorities in ensuring that the interests of all protected characteristic communities are properly taken into account when difficult choices about resources are required.

## 2. What is an Equality Impact Assessment (EQIA)

An equality impact assessment or EQIA is a tool that provides evidence that a public authority has given **due regard** to the elimination of unlawful discrimination during the planning and review of **relevant policies and practices** and the ways they carry out their functions, and whenever possible have identified and put into place measures that will reduce any potential barriers and enhance equality.

**Due regard** comprises two linked elements, proportionality and relevance. The weight that public authorities give to equality should therefore be proportionate to its relevance to a particular function.

**Relevant policies and practices** refer to all proposed and current activities which the authority carries out that may have a potential positive or negative impact on people with protected characteristics.

The EQIA is a systematic process that provides evidence that public authorities are meeting their equality duty to better promote equality. This is achieved by recording and publishing evidence that due regard has been given to ending discrimination and promoting equality. This includes recording :

- what protected characteristic communities may be impacted by the policy or practice
- any positive impacts the policy or practice has on protected characteristic communities,
- any potential negative impacts on protected characteristic communities, and the actions taken to mitigate or eliminate those negative impacts.
- changes or improvements to a policy or practice that enhance equality.
- the evidence used to inform the assessment and the policy
- community involvement in the assessment
- how the policy or practice will be monitored

If all negative impacts cannot be mitigated the EQIA must give compelling reasons for continuing with a policy.

If a policy is thought to be potentially unlawful the EQIA provides an opportunity to stop, revise or reject a policy or practice.

### 3. Equality Impact Assessment Tools.

There are two Equality Impact Assessments tools available within Dundee City Council, the **Rapid Impact Assessment Tool (RIAT)** and the **Equality Impact Assessment Tool** often referred to as a Full Equality Impact Assessment. This guidance focuses on the RIAT which is a simple well tested assessment tool that provides an effective, user friendly and quick method of assessing if due regard has been given to any actual or potential impact on people with protected characteristics while drafting or reviewing of a policy. The RIAT can also identify if a (Full) Equality Impact Assessment, is required. Copies of the Rapid Impact Assessment Tool are available at:

[http://www.dundee.gov.uk/dundee/uploaded\\_publications/publication\\_1484.doc](http://www.dundee.gov.uk/dundee/uploaded_publications/publication_1484.doc)

The (Full) **Equality Impact Assessment Tool** is more suitable for policies that are **major** in terms of scale or significance for the authority's activities or a minor policy is likely to have a **major impact** on people with protected characteristics. Full impact assessments require greater resources in terms of time and commitment than would be required for a rapid assessment to provide evidence that due regard has been given to the potential impact on protected communities. Copies of the (Full) Equality Impact Assessment Toolkit are available at

[http://www.dundee.gov.uk/dundee/uploaded\\_publications/publication\\_517.doc](http://www.dundee.gov.uk/dundee/uploaded_publications/publication_517.doc)

The involvement of relevant communities can be of great assistance in drawing up the criteria for deciding whether or not to conduct a full impact assessment and in actually conducting an assessment.

'Equality impact assessments are not an end in themselves, but a process which an authority will go through in order to identify and act on the need to modify policies and practices to promote equality' (Disability Rights Commission 2005).

#### 4. Community involvement

Consultation and involvement of relevant protected characteristics communities and/or reference to existing research and knowledge can be valuable aid when conducting equality impact assessments. Dundee City Council's Equality Action Groups can be a useful source of reference in this process and can be contacted via the Action Group Chairs or the Equality and Diversity Co-ordinator. For further information go to :

<http://www.dundee.gov.uk/equanddiv/deliveringequality/>

#### 5. Outcomes: An EQIA has four possible outcomes.

Outcome 1: No major change: the EQIA demonstrates the policy is robust and there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.

Outcome 2: Adjust the policy: the EQIA identifies potential barriers to one or more protected characteristic community or missed opportunities to further promote equality. By adjusting or amending the policy you will have removed any barriers and/or better promoted equality.

Outcome 3: Continue the policy even if the EQIA identifies the potential for adverse impact or missed opportunities to promote equality: The assessment must clearly set out the **justifications** for continuing with the policy. The justification should be included in the EQIA and must be in line with the duty to give due regard. For the most important relevant policies **compelling** reasons will be needed. If in doubt seek legal advice.

Outcome 4: Unlawful discrimination: If the assessment shows the policy shows actual or potential for unlawful discrimination. It must be stopped, removed or changed. If in doubt seek legal advice.

#### 6. Who should undertake a Rapid Impact Assessment?

The person who drafts or reviews a policy or practice is responsible for conducting the assessment. Assessments are always more productive if undertaken by a small team of at least 3 people who can discuss and share potential issues and strengths. When developing /reviewing a policy the relevant officers should plan when the Rapid Impact Assessment will be undertaken. It is essential that the author or the reviewer of a policy, or one of the team involved in undertaking the assessment has undertaken Equality and Diversity Impact Assessment training. (Training on RIAT can be arranged through departmental Equality Champions.)

#### 7. When to undertake an Rapid Impact Assessment

Equality Impact Assessments are an integral part of the policy drafting process and must be done in the early stages of the policy planning. Equality Impact Assessments should inform the policy and ensure the policy will do

what it is intended to do without inadvertently excluding any group and whenever possible further promote equality and inclusion.

## 8. What must be Equality Impact Assessed

All relevant new or reviewed policies presented to Council Committees for approval must be Equality Impact Assessed. '

All relevant new or reviewed departmental policies that are referred to departmental Senior Management Teams for approval should be accompanied by an EQIA.

## 9. Publication of completed EQIA's

If an Equality Impact Assessment is required, the under noted must be inserted in the Committee report under Policy Implications.

'An Equality Impact Assessment has been carried out and will be made available on the Council website

<http://www.dundee.gov.uk/equanddiv/equimpact/> '

(The published EQIA's must be accompanied by the Committee report)

The Equality Impact Assessment should also be listed under the Background Papers section of the Committee report and brought to the meeting by the Lead Officer in case questions are raised by a member of the Committee concerned.

The agenda and papers for Committees and Sub-Committees which do not contain confidential information are available to the press and public three clear working days prior to the meeting not including the day of the meeting or day the agenda and papers are issued.

The under noted table will assist you with the publication of Equality Impact Assessments.

<b><u>Day of Meeting</u></b>	<b><u>Papers Published</u></b>
Monday	Tuesday prior to meeting
Tuesday	Wednesday prior to meeting
Wednesday	Thursday prior to meeting
Thursday	Friday prior to meeting
Friday	Monday prior to meeting

## 10. Do we have to assess everything?

If a policy is put forward that is not relevant to people with protected characteristics there is no need to undertake an EQIA. For example: a policy on recycling paper will probably not have any negative impacts on protected communities. However a policy for stocking coloured paper may impact on our ability to provide written information for people who are visually impaired.

Routine reports or updates on policies and practice that have been already been equality impact assessed do not require another EQIA but the original

assessment should be copied and attached to in the report and any updates noted.

N.B. If you are unsure whether there are any actual or potential impacts on protected characteristics communities then you must conduct a Rapid Impact Assessment.

For further information, help and examples of completed assessments got to :  
<http://www.dundee.gov.uk/equanddiv/>  
or contact [scott.mands@dundee.gov.uk](mailto:scott.mands@dundee.gov.uk)

**Appendix 1**  
**DUNDEE CITY COUNCIL**

**Equality and Diversity Rapid Impact Assessment Tool**

**Part 1**

Date of assessment <b>19th October 2012</b>	Title of document being assessed <b>Committee Report on Proposed 2013/14 Rent Consultation</b>
1) This is a new policy, procedure, strategy or practice being assessed (If yes please tick box) <input checked="" type="checkbox"/>	This is an existing policy, procedure, strategy or practice being assessed? (If yes please tick box) <input type="checkbox"/>
2) Please give a brief description of the policy, procedure, strategy or practice being assessed.	We have a duty to consult with our tenants on proposed rent levels. This paper outlines the options being consulted along with providing details of the type of consultation which we will be carrying out and ways for tenants to provide feedback/comments.
3) What is the intended outcome of this policy, procedure, strategy or practice?	To seek as many responses from tenants on the proposed rent levels
4) Please list any existing documents which have been used to inform this Equality and Diversity Impact Assessment.	Previous rent consultation exercises and other consultations which have taken place within the department.
5) Has any consultation, involvement or research with protected characteristic communities informed this assessment? If yes please give details.	No - we are seeking to complete our consultation on the proposed increased during November and December 2012
6) Please give details of council officer involvement in this assessment. (E.g. names of officers consulted, dates of meetings etc)	Gregory Colgan - Finance and Corporate Services Manager Nicola McGinty - Tenant Participation Officer
7) Is there a need to collect further evidence or to involve or consult protected characteristics communities on the impact of the proposed policy?  (Example: if the impact on a community is not known what will you do to gather the information needed and when will you do this?)	No at present we are seeking to consult with tenants using the following ways:- - Open events being held in local communities - Survey available on line via web - Large Print and available in all languages - Posters and information in District Offices/Libraries and other Council Buildings - Sessions being held in Sheltered Complexes to gather tenants views - Attend meeting of the Dundee Federation of Tenants Associations (DFTA) - Issue correspondence and attend Registered Tenant Organisations (RTO) Raise awareness of the consultation with



	disability groups active in the city e.g Tayside Deaf Association, Deaf Links, Advocating Together, Dundee Blind and Partially Sighted Society etc. Forward Newsletter / information on consultation to the chairs of the DCC Equality Action Groups for requesting distribution to the groups membership.
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## **Part 2**

Which protected characteristics communities will be positively or negatively affected by this policy, procedure or strategy?

NB Please place an X in the box which best describes the "overall" impact. It is possible for an assessment to identify that a positive policy can have some negative impacts and visa versa. When this is the case please identify both positive and negative impacts in Part 3 of this form.

If the impact on a protected characteristic communities are not known please state how you will gather evidence of any potential negative impacts in box Part 1 section 7 above.

	Positively	Negatively	No Impact	Not Known
Ethnic Minority Communities including Gypsies and Travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
People with a disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lesbian, Gay and Bisexual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socio-economic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pregnancy & Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other (please state)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Part 3

1) <b>Have any positive impacts been identified?</b> (We must ensure at this stage that we are not achieving equality for one strand of equality at the expense of another)	If yes please give further details  <b>As this is the consultation process no positive impacts have been identified</b>
2) <b>Have any negative impacts been identified?</b> (Based on direct knowledge, published research, community involvement, customer feedback etc. If unsure seek advice from your departmental Equality Champion.)	If yes please give further details  <b>As this is the consultation process no negative impacts have been identified</b>
3) <b>What action is proposed to overcome any negative impacts?</b> E.g. involving community groups in the development or delivery of the policy or practice, providing information in community languages etc. see Good Practice on DCC equalities web page	Please give further details
4) <b>Is there a justification for continuing with this policy even if it cannot be amended or changed to end or reduce inequality without compromising its intended outcome?</b> (If the policy that shows actual or potential unlawful discrimination you must stop and seek legal advice)	If yes please give further details
5) <b>Has a 'Full' Equality Impact Assessment been recommended?</b> (If the policy is a major one or is likely to have a major impact on protected characteristics communities a Full Equality Impact Assessment may be required) Seek advice from your departmental Equality Champion.	If yes please give further details
6) <b>How will the policy be monitored?</b> (How will you know it is doing what it is intended to do? e.g. data collection, customer survey etc.)	Outcome of the consultation exercise will be reported to Housing Committee in January 2013 along with the proposal for 2013/14 rent increases.

**Part 4****Name of Department or Partnership: Housing****Type of Document**

Human Resource Policy	<input type="checkbox"/>
General Policy	<input type="checkbox"/>
Strategy/Service	<input type="checkbox"/>
Change Papers/Local Procedure	<input type="checkbox"/>
Guidelines and Protocols	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>

**Contact Information**

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Signature of author of the policy:

Date

Signature of Director / Head of Service area:

Date

Name of Director / Head of Service:

Elaine Zwirlein

Date of next policy review: