

Equality Impact Assessment (EQIA) and the Rapid Impact Assessment Tool (RIAT)

1. Legal background

Equalities legislation and regulation recognises and protects individuals and groups who face prejudice and discrimination because of their race or ethnic background (including gypsy travellers), disability, sexual orientation, gender, religion or belief, and age, collectively known as the 6 equality strands. Those protected include employees, applicants for posts, existing and potential service users, the wider community, and staff employed in contracted-out services.

To ensure that people are not discriminated against, public authorities must include within their race, disability and gender equality schemes, or single equality schemes, a statement of the authority's methods for assessing the impact of its policies and practices, or the likely impact of proposed policies and practices, on any or all of the 6 equality strands.

2. Discrimination is defined as:

- Direct discrimination - treating people less favourably than others on grounds of race or ethnic origin, age, disability, gender, sexual orientation, or religion or belief.
- Indirect discrimination - applying a provision, criterion or practice which disadvantages people of race or ethnic origin, age, disability, gender, sexual orientation, or religion or belief, and which is not justified.
- Victimisation - treating people less favourably because they have used the law to complain of discrimination, given evidence, or made allegations.
- Harassment - unwanted conduct that violates people's dignity or creates an intimidating, hostile, degrading, humiliating, or offensive environment on grounds of race or ethnic origin, age, disability, gender, sexual orientation, religion or belief.

3. What is an equality impact assessment (EQIA)?

An EQIA is a tool that helps public authorities make sure their policies, and the ways they carry out their functions, do what they are intended to do - and for everybody.

EQIAs help public authorities meet the requirements of the equality duties and identify active steps they can take to promote equality.

An EQIA is a systematic approach to assessing the likely (or actual) effects of policies on people in respect of Ethnic Minority Communities (including Gypsy Travellers), Gender including transgender, those with or without a Religion or Belief, Disability and Carers, Age, and LGBT (lesbian, gay, bisexual or transgender).

(In 2011 a new Equality Act will refer to '8 protected characteristics' adding pregnancy and maternity, and gender reassignment to those protected under equality legislation, and a duty to address inequality that arises from socio-economic disadvantage)

EQIA means looking for **opportunities to promote equality** that have previously been missed or could be better used, as well as **negative or adverse impacts** that can be **removed or mitigated**, where possible.

If any negative or adverse impacts amount to unlawful discrimination, **they must be removed.**

4. Outcomes

An EQIA has four possible outcomes. More than one outcome may apply to a single policy:

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 problems or missed opportunities. Adjust the policy to remove barriers or better promote equality.

Outcome 3: **Continue the policy**: the EQIA identifies the potential for adverse impact or missed opportunities to promote equality. Clearly set out the **justifications for continuing** with it. The justification should be included in the EQIA and must be in line with the duty to have due regard. For the most important relevant policies, **compelling reasons** will be needed.

Outcome 4: **Stop and remove the policy**: the policy shows actual or potential unlawful discrimination. It must be stopped and removed or changed

5. Equality and Diversity Rapid Impact Assessment Tool (RIAT)

The RIAT aims to provide those responsible for drafting new or reviewing existing policies, procedures, strategies or practices (policies) with a simple tool that can aid in undertaking most equality impact assessments. The RIAT...

- Sets out the aims of the policy
- Identifies the relevance of the policy to groups protected by equality legislation
- Provides evidence that 'due regard' has been given to modify policies and practices to eliminate any negative impacts, and if appropriate enhance equality of opportunity.
- Identifies where policies might be amended to better promote equality of opportunity.

'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' (DRC 2005).

6. Who should undertake a Rapid Impact Assessment?

The person who drafts or reviews a policy or practice is responsible for conducting an RIAT. It is essential that the author or the reviewer of a policy has undertaken Equality and Diversity training, and Equality and Diversity Impact Assessment training.

7. When should you undertake an RIAT?

Allow time to undertake an RIAT in the **early stages** of the planning of policies. It's not an-add on but an integral part of the policy drafting process.

8. We don't have to assess everything.

Not all policies impact on equality groups e.g. a policy on recycling paper will probably not have any impact, but a policy for stocking coloured paper may impact on our ability to provide written information for people who are visually impaired. It is often advisable to seek the views of departmental **Equality Champions** or other colleagues who may have relevant experience or knowledge. Other departments may have faced similar issues or are engaged with **relevant communities** who can advise.

9. Assessing the impact and analysing the data

Assessing and analysing data involves gathering relevant data and information to identify any potential negative impacts in relation to protected communities. This can be informed through published reports, guidance from the Equality and Human Rights Commission etc.

There may also be examples of **completed Impact Assessments** on the DCC web site or from other sources that can be used to inform a policy. If we lack relevant information or are unsure of the potential impact on communities we **MUST allow time to consult** and involve individuals and the communities affected before going ahead with the policy.

Community feedback will help us identify any strengths or negative impacts, and - as importantly - potential solutions, before a policy is finalised. This approach will help ensure that our policy will not discriminate and will enhance equality in practice. **DCC Equality Action Groups** can be a useful source of advice and guidance, and provide you with direct links to the communities you may need to consult with.

If a **negative or adverse** impact is found we must eliminate it by **amending or replacing** the policy. It may be necessary to consider if additional measures to reduce or remove a negative impact can be carried out without changing the overall aim of the policy, and we can take this opportunity to **explore possible alternatives** to achieving the same aims.

'We must ensure at this stage that we are not achieving equality for one strand of equality at the expense of another'. (DRC 2006)

10. Full Equality Impact Assessment

If a policy is a major one in terms of scale or significance for the authority's activities or although a policy is minor it is likely to have a major impact on protected communities it may be necessary to carry out a full Equality and Diversity impact assessment.

If a policy, procedure or strategy after undergoing a rapid impact assessment identifies a negative impact that cannot be eliminated by amending or replacing the policy then it would then be necessary to seek legal advice and/or carry out a full Equality and Diversity impact assessment.

'The involvement of disabled (sic) 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 a full assessment.' (DRC 2006)

Copies of Full Impact Assessment are available on the DCC Intranet Web Site
http://www.dundee.gov.uk/dundee/uploaded_publications/publication_517.doc

11. Publication

Each department has its own Equality Impact Assessment Web Page. All relevant corporate and departmental policies and practices that are routinely published on the DCC Web site must be accompanied by a completed equality impact assessments (full or rapid).

DCC Departmental Information Champions must ensure that completed equality impact assessments are posted on their departments Equality Impact Assessment Web Page with a link to the relevant policy.

DUNDEE CITY COUNCIL

Equality and Diversity Rapid Impact Assessment

Part 1

Date: 10 August 2010	Title: S G Consultation Paper - Planning Obligations and Good Neighbour Agreements
Is this a new document? <input checked="" type="checkbox"/>	Is this an existing document under review? <input type="checkbox"/>
Please list any existing documents which have been used to inform this Equality and Diversity Impact Assessment.	None apart from the consultation paper
What is the description of the policy, procedure or strategy?	Legal/procedural changes in relation to the discharge of Section 75 Legal Agreements etc.
What is the intended outcome of this policy, procedure or strategy?	To make procedures, in accordance with statute, fit for purpose.
Which individuals are responsible for undertaking Equality and Diversity Impact Assessment?	Officials at Scottish Government (the authors) and Dundee City Council City Development Department in respect of this assessment (Planning Change Manager).

Part 2

Which groups of the population will be positively or negatively affected by this policy, procedure or strategy?

	Positively	Negatively	No Impact	Not Known
Ethnic Minority Communities including Gypsies and Travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender including transgender people	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
People with a disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lesbian, Gay and Bisexual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Socio-economic	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3

Equality and Diversity Rapid Impact Assessment

<p>a) Have any positive impacts been identified?</p> <p><i>We must ensure at this stage that we are not achieving equality for one strand of equality at the expense of another.</i></p>	<p>If yes please give further details</p> <p>None</p>
<p>b) Have any negative impacts been identified?</p> <p><i>Based on direct knowledge, published research, community involvement, customer feedback etc</i></p> <p><i>If unsure seek advice.</i></p>	<p>If yes please give further details</p> <p>None</p>
<p>c) What action is proposed to overcome any negative impacts?</p> <p><i>If you identify a negative impact that cannot be eliminated by amending or replacing the policy it would then be necessary to seek legal advice.</i></p>	<p>Please give details</p> <p>N/A</p>
<p>d) Consultation or involvement which has informed this assessment.</p>	<p>Please give details</p> <p>None</p>
<p>e) Is there a need to collect further evidence?</p>	<p>If yes please give further details including how you gather further evidence.</p> <p>No</p>
<p>f) How will the policy be monitored ?</p>	<p>Please give details</p> <p>Responsibility of Scottish Government.</p>

Part 4

Department

City Development

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 (Consultation by Scottish Government)	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

Contact Information

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Signature of author of the policy, procedure or strategy: **N/A**

Head of Department and Service area: **Mike Galloway**

Date of next review: **N/A**