

# **Equality Impact Assessment Guidance**

A tool for evaluating equitable access and outcomes





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### **Background**

On 5 April 2011, the Public Sector Equality Duty came into force. The equality duty was created under the Equality Act 2010.

The broad purpose of the equality duty is to integrate consideration of equality and good relations into the day-to-day business of public organisations. If you do not consider how a function can affect different groups in different ways, it is unlikely to have the intended effect. This can contribute to greater inequality and poorer outcomes. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected in the design of policies, policy review and the delivery of services.

Compliance with the general equality duty is a legal obligation. An organisation that is able to provide services to meet the diverse needs of its users should find that it carries out its core business more efficiently. A workforce that has a supportive working environment is more productive.

#### Introduction

East London NHS Foundation Trust is fully committed to ensuring that it provides fair and equal treatment to all, whether in the provision of Trust services or in employment matters. No one should receive a poorer service or receive a worse experience because of the differences that they have.

The equalities duties provide a framework for the Trust to carry out its functions more effectively and to tackle discrimination proactively, ensuring that equality considerations are consistently integrated into its day-to-day business through Equality Impact Assessments. This will not only generate legal compliance but also help to ensure that Trust services best support the healthcare needs of the local population. As someone involved in a service, policy, or function development, you must complete

an Equality Impact Assessment (EIA) using this guidance.

The EIA guidance helps us evidence the EDS 2022 (Equality Delivery System 2022). The EDS 2022 helps NHS organisations improve local services and provide discrimination-free working environments for our workforce while meeting the requirements of the Equality Act 2010. As an improvement tool, its main purpose is to support NHS organisations in reviewing and developing their approach to addressing health inequalities experienced by people with characteristics protected under the Equality Act 2010. This tool takes a datadriven, evidence-based approach to its three domains: services, workforce and leadership. Implementing the EDS 2022 is required by NHS commissioners and NHS providers.

Policy	A written course of action proposed by the trust about a particular service/issue.
Service	A system or organisation that provides for a public need.
Function	A group of related actions contributing to a larger action.

### **Equality Impact Assessment (EIA) Overview**

This guidance document aims to make the process of completing an equality impact assessment easier to understand. It is also intended to provide a sensible and proportionate approach that ensures the Trust gives due regard to the requirements to promote equality alongside other competing requirements such as Health & Safety.

The equality impact assessment is a crucial tool that can be utilised by any member of staff within the Trust. It serves as a structured process for evaluating the potential impact of policies, practices, or decisions on different groups within the community, particularly those who may be disadvantaged or marginalised.

#### What is an Equality Impact Assessment (EIA)?

An equality impact assessment (EIA) is an evidence-based approach designed to help ensure that our policies, practices, events and decision-making processes are fair and do not present barriers to participation or disadvantage any protected groups.

The process will help to identify differential Impact and look at how we can avoid disadvantage or further improve the delivery of our services. The EIA can be used to assess existing services, policies and functions, plans for future changes and new projects.

Differential Impact means that people of a particular protected characteristic (eg people of a particular age, people with a disability, people of a particular gender, or people from a particular race and religion) will be significantly more affected by the change than other groups. You should consider both potential positive and negative impacts, and, where possible, provide evidence to explain why this group might be particularly affected. If there is no differential impact for that group, briefly explain why this is not applicable.

#### The EIA is carried out in 3 stages:

- 1 Fact Finding: drawing on new and existing data, monitoring information, and consultation.
- **2 Completing the Initial EIA form:** A summary of findings.
- 3 Completing the Full EIA form: This stage is only required if a negative differential impact has been identified at stage 2. Once completed, action plans can be drawn up and any decisions to change a services, policies and functions can be made.

#### Main aims of an EIA

#### The main aim of an EIA is to:

- Take account of services provided by the Trust and those affected by what it does.
- Consider other ways of achieving the outcomes of the service or policy.
- Allow us to have more contact with the diverse groups in our community.
- Change how we think about our work and decisions.
- Help us to think more about the needs of the community we serve
- Remove any negative impact there may be on the protected characteristic.

#### Why carry out an EIA?

First and foremost, an EIA allows you to find out whether your service, policy or function has a negative or potential negative impact on the protected characteristics. The EIA process allows you to assess whether your services, policies or functions are discriminating directly or indirectly.

Most importantly, EIAs allow the Trust to establish excellent outcomes for its diverse communities and address existing

or potential inequalities which may result from its services, policies or functions.

- Indirect discrimination: Having policies or practices in place that applies to everyone, however these practices disadvantage people from protected characteristics.
- Direct discrimination: Treating people less favourably than others because they belong to a particular marginalized group.

#### How will EIAs help me improve my service?

EIAs will help you deliver excellent services that are accessible, and which meet the varied needs of their staff, patients and service users. In its simplest, form the EIA process can be seen as a foundation tool for measuring the effect of the service, policy or function on people and should encourage greater transparency about decision-making. Assessing a service, policy or function will help to identify if it has the potential to impact on any of the protected characteristics negatively and give you the opportunity to adapt it as necessary. It will also alert you to whether any groups may have needs.

#### When to undertake an Equality Impact Assessment

You should carry out an EIA when:

- 1 A new service, policy, or function is being developed.
- 2 Review and changes to an existing service, policy, or function is being made.

An EIA should start at the same time (beginning) as the process of review or development.

Once the service, policy or function requiring an EIA has been approved and implemented, it should be monitored to ensure the intended outcome is being achieved. Any concerns about the way it is working can then be addressed.

For existing services, policies or functions, an EIA should be undertaken when formally reviewed. An EIA should be carried out on all policies every three years or when changes are required.

#### Can a negative impact ever be justified?

Although unlawful discrimination can never be justified, there may be occasions where it is appropriate that an activity impacts less favourably on some people. For example, The Trust may be targeting services to a particular part of the population that have been historically referred to as "hard-to-

reach' or 'traditionally disadvantaged'. Increasing involvement levels for that community but not for some others who are traditionally easier to engage is acceptable. It will be necessary to consider whether the potential for less favourable impact on one or more communities can be justified.

## Can I build the EIAs into my existing systems and processes?

Yes. It's important that the process starts at the point where the outcomes are being decided. Time needs to be factored into the development of any policy, service or function to undertake an EIA. This will ensure that the potential for impact on protected characteristics is considered from the outset.

### **Equality Impact Assessment Stages**

#### Stage 1 - Fact Finding

In this stage, you must gather as much information about the service, policy or function and identify what data is required to assess the equality impacts on groups with protected characteristics.

You will also draw on local and national research and best practice.

#### Stage 2 - Initial Equality Impact Assessment form (Appendix A)

This stage allows you to identify whether your policy, service or function has a potential negative impact on the protected characteristics. In some cases, an Initial EIA is all you will need to establish whether you are providing equitable outcomes for staff and/or patients. On discovering a negative or the potential for a negative impact, you will need to undertake a Full EIA. (Appendix B).

If a negative impact or the potential for a negative impact on any of the protected characteristics is indicated, please proceed to Stage 3 to complete a Full Equality Impact Assessment.

#### Stage 3 - Full Equality Impact Assessment form (Appendix B)

**Top Tip:** The ELFT Quality Improvement approach can guide working through this stage. When registered as a QI project, resources and support will be assigned to the work including registration on 'life QI', an assigned QI coach and sponsor, who will ensure representation from stakeholders who affect and are affected by the issue from across the Trust and wider community.

Having completed the Initial EIA Form, which identified a negative or potential negative impact, you are required to complete the Full EIA form. This will involve further questioning aspects of a proposed/existing service or policy and forecasting the likely effect on different groups.

The Trust may be able to support you with some of the data you need, although the sources of information will vary depending on the nature of the service, policy or function. They may include the following:

- The knowledge and experience of the people working in that area.
- ELFT demography
- Service monitoring reports / Directorate reports
- Service User satisfaction surveys
- Workforce monitoring reports
- Complaints and comments

- Outcome of consultation exercises
- Feedback from focus groups
- National and local statistics and audits
- Census data
- Academic, qualitative and quantitative research
- Ward/ Directorate reviews
- Anecdotal data

#### **Action Planning (Appendix B)**

The real value of completing an EIA comes from the actions that will take place and the positive changes that will emerge through conducting the assessment. To ensure that the action plan is more than just a list of proposals and good intentions, the following should be included:

- Each action be attributed to a key person who is responsible for its completion
- An achievable timescale that is also reasonable
- Relevant and appropriate activities and progress milestones
- Any cost implications and how these will be addressed.

It is necessary that the action plan feeds into service and team plans and links to the Trusts Equality Strategy. The action plan should include realistic and achievable actions or activities likely to have an impact. This should not be a comprehensive list of all the possible things that might help. It is unlikely that any action plan will have less than four actions, but a lengthy action plan is unlikely to provide sufficient focus on key priority areas.

## Submission of completed EIAs and Related Documents

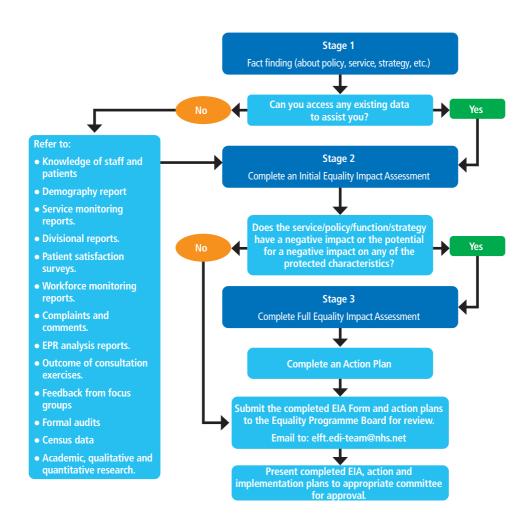
The Equity, Diversity, and Inclusion Team will provide guidance throughout the process of EIAs. Once you have completed the EIA you must submit it, along with any other supporting documents to the EDI Team for review via elft.edi-team@nhs.net.

All completed EIAs will be sent to members of the Equality Programme Board for review. Depending on the outcomes of the EIA, you may be invited to present at the Equality Programme Board. The reason for this is some risks or concerns may need to be discussed in further detail to ensure Trust values are upheld at all times. If this is the case for your EIA, the EDI Team will provide further guidance.

1 Submit documents to the EDI team
2 Reviewed by EDI team
3 Make any necessary changes
4 Reviewed at Equality Programme Board
5 Decision

### **Equality Impact Assessment Flowchart**

**IMPORTANT:** Stage 3 - The Full Equality Impact Assessment (EIA) requires in-depth analysis backed by consultation, further research and data collection. This stage can be completed most efficiently when registered as a Quality Improvement Project, resources and support will be assigned to the work including registration on 'life QI'.



## Appendix A Initial Equality Impact Assessment Form

If you are printing this form to complete by hand, please ensure you do so in BLOCK CAPITALS.

The Initial EIA is a quick and easy screening process. This initial assessment allows you to identify whether the proposed policy, service or function has a negative or potential negative impact on the protected characteristics. In some cases, an Initial EIA is all you will need to establish whether you provide equal outcomes for staff and patients. On discovering a negative or the potential for a negative impact, you will need to undertake a Full EIA.

This assessment should either:

1 Justify reasons why a Full EIA is not required, by evidencing that there are no negative impacts to any protected characteristics, and that any potential risks have been mitigated.

OR

2 Identify that a Full EIA is required because a negative impact has been identified.

Name of service, function or policy					
Brief description of service, function or policy (purpose)					
Is the service, function or policy		Existing	☐ New		☐ Under review
<b>Directorate</b> (If all groups are impacted, please state 'Trust-wide')					
<b>Who</b> is completing the EIA (name/role)					
Which <b>Trusts Strategies</b> are supported by the service?	The Staff	ulation Health Experience of Experience oved Value	Care		
					•
Who will benefit from the service, function or policy?		Workforce		<ul><li>Patients, and Carers</li></ul>	Service Users,
		Workforce			Service Users,
service, function or policy?  How will the service, function, or policy be implemented to: - Ensure access - Meet health needs - Provide a safe and positive		Workforce			Service Users,
service, function or policy?  How will the service, function, or policy be implemented to: - Ensure access - Meet health needs - Provide a safe and positive experience for everyone?  How will the service, function or		Workforce			Service Users,

Who are the <b>key stakeholders</b> for this activity and <b>how</b> have they been <b>involved</b> ?					
Does this service, function or policy impact other existing policies?	Yes If YES, what is the impact?		No		
Is there any <b>data</b> available that influences, affects, or shapes this equality impact assessment?	☐ Yes ☐ No  If YES, provide further details				
Are there <b>gaps</b> in information? Consider groups that you have not directly engaged with, or existing data that does not provide then full picture.	Yes				
Does the service, function or policy have a <b>negative</b> impact on any particular group?	Protected Characteristic Age Disability Race Marriage and Civil Partnership Pregnancy and Maternity Gender re-assignment	0	Yes	No	Unclear
Could the way the conice	Religion or belief Sex Sexual Orientation				
Could the way the service, function, or policy is implemented have an adverse impact on equality of opportunity or good relations between different groups?	☐ Yes ☐ No  Provide further details.				
Where a negative impact has been identified, what changes be made to minimise it?	If there is no negative impact for	any gro	oup, briefly	y explain.	
Is the service, function, or policy indirectly discriminatory, and can it be justified?	Provide further details		No		
Is the service, function, or policy intended to increase equality of opportunity by permitting Positive Action or Reasonable Adjustment?	Yes If Yes, is this lawful? Please prov		No ails,		

Pleas	e select one option				
	This EIA indicates that there is <b>insufficient</b> evidence to judge whether there is differential impact.				
	This EIA shows that the serv	ice/function has a	differential impact	which is <b>not negative</b> .	
	This EIA reveals a differentia	I impact which am	ounts to a <b>negativ</b>	<b>re</b> impact.	
Te	Submit the completed Initial Equality Impact Assessment to Project Lead/Sponsor and EDI Team elft.edi-team@nhs.net for review.  EDI Team sign-off:				
Revie	wed by EDI Team	Yes		No	
Date					
Pro	Project Lead/Sponsor sign-off:				
	negative or potential ive impact been identified?	☐ Yes		No	
Name	•				
Role					
Date					

If a negative impact has been identified, please proceed to completing the Full Equality Impact Assessment (Appendix B)

## Appendix B Full Equality Impact Assessment Form

If you are printing this form to complete by hand, please ensure you do so in BLOCK CAPITALS.

Having completed the Initial EIA Form (Appendix A) which identified a negative or potential negative impact which you are not able to mitigate, you are required to complete this Full Assessment form. This will involve you questioning aspects of a proposed/existing service, function, or policy and forecasting the likely effect on different groups.

The ELFT Quality Improvement approach can guide working through this stage. When registered as a QI project, resources and support will be assigned to the work including registration on 'life QI', an assigned QI coach and sponsor, who will ensure representation from stakeholders who affect and are affected by the issue from across the Trust and wider community. https://qi.elft.nhs.uk.

Name and summary of service, function or policy	
For each protected characteristic, please  What negative impacts have been ide Are there any positive impacts?  What further research have you done What evidence have you gathered to	entified?  to understand these impacts since completing the Initial EIA?
Age	
Disability	
Race	
Marriage and Civil Partnership	
Pregnancy and Maternity	
Gender re-assignment	
Religion or belief	
Sex	
Sexual Orientation	
Who else is affected by the service, function, or policy? Consider other socially excluded groups or communities e.g. rural community, carers, areas of deprivation, low literacy skills, long-term conditions.	
Who have you consulted with to complete the Full EIA? Be as specific as possible, mentioning key roles, groups, external organisations etc.	

#### **EIA Action Plan**

Please detail how you are going to address the negative impact, stating the timescales involved. Each action should be simple and have a specific focus on one of the priority areas.

The EDI Team will hold a log of all EIA actions and will review as and when required. All leads named below are responsible for completing their action within the allocated timescale.

	Issues/Impact identified	Actions required to address	How will impact/progress be measured?	Expected Outcome	Timescale To - From	Lead
1						
2						
3						
4						
5						
6						

#### Send completed EIA to elft.edi-team@nhs.net.

#### **EIA Sign-off by Programme Equality Board:**

Has sufficient information been provided to approve the EIA?	☐ Yes	□ No
Lead Name		
Role		
Date		

## **Appendix C Definitions**

Terms	Description
Equality vs Equity	Equality simply means everyone is treated the same exact way, regardless of need or any other individual difference. Equity, on the other hand, means each individual is provided with the resources they need to succeed.
Equality, Diversity and Inclusion	the idea that all people should have equal rights and treatment and be welcomed and included, so that they do not experience any disadvantage because of belonging to a particular group, and that each person should be given the same opportunities as others according to their needs.
Direct discrimination	This occurs when a person or group is treated less favourably than others are or would be, treated in the same or similar circumstances because of their protected characteristic.
Indirect Discrimination	Broadly this happens where a provision, criteria or practice, which cannot be justified and, therefore, adversely affects members of a particular group.
Age	A person belonging to a particular age (e.g. 32 year olds) or a range of ages (e.g. 18-30 year olds)
Disability	a physical or mental impairment that has a substantial and long-term negative effect on your ability to do normal daily activities.
Gender re- assignment	Where a person has proposed, started or completed a process of transitioning from one sex to another.
Marriage and Civil Partnership	A person who is married or in a civil partnership.
Pregnancy and Maternity	A woman is protected against discrimination on the grounds of pregnancy and maternity.
	Regarding employment, the woman is protected during the period of her pregnancy and any statutory maternity leave to which she is entitled.
	It is unlawful to discriminate against women breastfeeding in a public place.
Race	Race refers to a group of people defined by their nationality, heritage, ethnicity, national origin and citizenship.
Religion or belief	Religion refers to any religion, including a lack thereof.
	Belief refers to any religious or philosophical belief and includes a lack of belief.
	Generally, a belief should affect your life choices or the way you live for it to be included in the definition.
Sex	Assigned to a person on the basis of primary sex characteristics (genitalia) and reproductive functions.  Sometimes the terms 'sex' and 'gender' are interchanged to mean 'male' or 'female'.
Sexual Orientation	A person's sexual attraction towards their own sex, the opposite sex or to all sexes (whether someone is heterosexual, or a member of the LGBTQIA+ community).

## **Appendix D Organisations to consider for expert advice**

The EIA should demonstrate what the service/service review/policy/policy review does (or will do) to make sure that their service/policy is accessible to different people and communities, not just that it can, in theory, be used by anyone.

#### **ELFT Staff Equality Networks**

Network	Email
ELFT Ability	elft.ability@nhs.net
Women's	elft.womens.network@nhs.net
Men's	elft.mensnetwork@nhs.net
Intergenerational	elft.intergenerational_network@nhs.net
RaCE	elft.raceleadsupport@nhs.net
LGBTQIA+	elft.lgbtq@nhs.net

Below are some suggested organisations to consider for advice. If you cannot find what you are looking for, please contact the Staff Equality networks above.

Resources	How to access
Equality Act 2010: Guidance Equality and Human Rights Commission Health Foundation	Equality Act 2010: guidance - GOV.UK (www.gov.uk)  Homepage   EHRC (equalityhumanrights.com)
Age	https://www.health.org.uk http://www.ageuk.org.uk
Religion & Belief:	
Jami- Jewish mental health Charity	https://jamiuk.org
British Islamic medical Association	https://britishima.org
Gender	
<b>NAWO</b> – National Alliance of Women's Organisations	https://nawo.org.uk/
The UK National Committee for UN Women	https://www.unwomenuk.org/

Andy's man club- free peer-to-peer support for men struggling with mental health.	https://andysmanclub.co.uk/
<b>November</b> - support for men struggling with mental health, prostate cancer and testicular cancer	https://uk.movember.com/
Sexual Orientation	
Stonewall – lesbian, gay, bi, trans, queer, questioning and ace (LGBTQ+) people	https://www.stonewall.org.uk/
<b>Galop</b> - support for LGBT+ people who have experienced abuse and violence	https://galop.org.uk/
MindOut- work to improve the mental health and wellbeing of all LGBTQ communities	https://mindout.org.uk/
Gender Re-assignment:	
GIRES - Gender Identity Research and Education Society	https://www.gires.org.uk/
Gendered Intelligence- work with professional/educational services and youth/communities services and the public to provide training, mentoring and to raise awareness and provide support	Home   Gendered Intelligence
Disability:	
Scope – Equality for Disabled People	https://www.scope.org.uk/
Purple Space- supports employers with good practice around disability	https://www.purplespace.org/
Health and Safety executive	HSE: Information about health and safety at work
Learning Disabilities:	
<b>Mencap</b> – passionate about changing the world for everyone with a learning disability.	https://www.mencap.org.uk/
<b>Bild</b> - help those supporting people with complex needs to champion rights, ensure excellent support and continually improve practice.	https://www.bild.org.uk/
Hearing Impairments:	
RNID - the charity working to make life fully inclusive for deaf people and those with hearing loss or tinnitus	https://rnid.org.uk/
BDA - British Deaf Association	https://bda.org.uk/
Visual Impairments:	
RNIB - the Royal National Institute of Blind People (RNIB), one of the UK's leading sight	https://www.rnib.org.uk/
	•

loss charities and the largest community of blind and partially sighted people.	https://www.sightresearchuk.org/
Sight Research UK - a community of supporters, researchers, patients, healthcare professionals, and fundraisers, working together towards their shared goal: to bring forward the day when sight loss and blindness are a thing of the past.	TREES ANTWOOD TO SEE THE SECOND TO S
Mental Health:	
Mental Health Foundation - support and research for good mental health	https://www.mentalhealth.org.uk/
<b>Together for Mental Wellbeing</b> - core principle at together is service user leadership.	https://www.together-uk.org/
Wellcome- research into good mental health using standardised measures and data collection and lived experience	Mental health   What we do   Wellcome
Race:	
Race Equality Foundation- explore and develop ways of promoting racial equality	https://raceequalityfoundation.org.uk/our- work/
Race Equality First	https://raceequalityfirst.org
Black Leaders in Healthcare- reports and articles of racial inequality in healthcare	https://blackleaders.org.uk/





