



FAQ: Equality Impact Assessment (EqIA)

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It seems to me that equality impact assessments have arrived suddenly out of nowhere. What's the background?

You're right that EqlAs are relatively new, though they're not quite as new as you may think. It's useful to recall how, where, when and why they started, and to see that thinking about them has developed over the years, and is developing still.

The history of the legal phrase *impact assessment* goes back at least to the 1960s and was developed in the first instance with regard to the environment. The key underlying concern was to identify possible harmful effects for the physical environment of new industrial developments, projects and processes, *before* these were introduced.

What are the key ideas?

An essential idea in environmental impact assessments is the concept of *unintended consequences* - bad things can happen without anyone deliberately intending them. Soil can be polluted, pesticides can cause declines in bird populations, the consumption of fossil fuels can damage the ozone layer, and so on.

Other key ideas include:

- The need to avoid harmful consequences if at all possible, combined with the need to mitigate those which cannot be avoided
- The need to consult not only with experts and specialists in environmental sciences but also with individuals and communities likely to be directly affected
- The need to publish assessments so that all interested parties can study and, if they wish, critique them
- The need for ongoing monitoring and review.

These essential ideas are relevant also in other areas of policy, for it can happen that the unintended consequences of a new policy or programme can involve injustice and disadvantage to certain groups and individuals. During the 1990s it was increasingly realised that unfairness affecting women, for example, or certain

communities, can occur without this being consciously intended. So the concept of equality impact assessments was developed, based on the same principles and underlying ideas as environmental impact assessments.

How have they changed over the years?

The most significant single development has been away from simply thinking about adverse impacts (the key concern in environmental matters) and towards thinking about actively advancing equality of opportunity and focusing on equality outcomes.

The key question, it follows, is not only: ‘Might this policy have a negative or adverse impact?’ Also, it is: ‘Does this policy have the potential to have a positive impact?’ If the answer to the latter question is yes, then the immediate follow-up question is ‘How can we ensure, then, that there really is a positive impact?’

The importance of this change in thinking cannot be over-emphasised. All equality impact assessments of college policies, procedures and relevant practices must bear it in mind.

What about the Equality Act 2010?

In Scotland, from May 2012, as outlined by the Specific Duties there is a requirement to assess and review policies and practices. Each listed authority must assess the impact of its **proposed policies and practices, including any changes to and revisions of its existing policies and practices on people with relevant “protected characteristics”**.

The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership (in employment) pregnancy and maternity, race, religion and belief, sex and sexual orientation.

In assessing these impacts the listed authority must consider relevant evidence relating to persons with relevant protected characteristics including any received from people with relevant protected characteristics in relation to the policy or practice.

Impact assessment is an inherent part of meeting the general equality duty of the Equality Act 2010 and the **listed authority must have due regard to the results of any impact assessments and publish those results in a way and within a period that it considers reasonable.**

In addition an authority must have in place arrangements to review and where necessary, change or revise its existing policies and practices to ensure that they do not have a detrimental effect on its ability to fulfill the general equality duty.

Impact assessment is not necessary where a policy or practice has no bearing on the Public Sector Equality Duty (PSED), or general equality duty. This will apply, for example, to those relating to purely technical or scientific matters which do not impact on individuals.

How is an EqlA actually done?

City of Glasgow College carries out impact assessments on all proposed, reviewed and revised policies, procedures, or practices as they arise in order to ascertain whether or not there is a disproportionate effect on any of the protected characteristics. In addition, the process can highlight areas of good practice where equality of opportunity is being advanced. There are three broad levels of EqlA, **using the same proforma:**

1. **A Low Level Impact Assessment** in which no potential differential impact (neither **positive**, nor **negative**) is identified for any group (Steps 1, 6, and 7).
2. **A Lighter Touch Impact Assessment** where a small group identifies the likelihood of **differential positive impact**, together with detailing **positive** or **neutral** impacts. (All steps).
3. **A More Detailed Impact Assessment**, involving a wider audience to consider **negative impacts** and **mitigation**, where relevant or proportionate (All steps).

The Lead Officer responsible for formulating a policy, procedure, or practice is responsible for undertaking the EqlA, in conjunction with other key staff. A sound understanding of the policy, procedure, or process is essential for the area to be effectively addressed. The EqlA should not be completed alone.

In many instances, a more detailed impact assessment is not required. Instead, a lighter touch approach would be used. This lighter touch EqIA is intended to be a relatively quick assessment and is intended to detail neutral or positive impacts. A more detailed assessment is undertaken when potential negative impacts are identified as a result of the policy, procedure or relevant practice.

Please bear in mind the legislative requirements for EqIA and take into account the full range of quantitative and qualitative evidence, facts, challenges and issues in relation to all the protected characteristics.

For each policy, procedure or practice, should a detailed impact assessment be required, all available sources of evidence are to be used and further information should be gathered if more is required. There are a number of stages to the full EqIA process and you should involve stakeholders as widely as possible. Central to the design of the fully EqIA was considering the need to balance the amount of work required with ensuring that the process is robust, valid and is informed by key evidence sources. You will be given full training on how to complete each of these stages.

EqIA is inherently an evidence based approach. The requirement is to consider the impact that decisions will have on equality across all protected characteristics. Authorities will also be required to have regard to the outcome of assessment.