

BRUNEL UNIVERSITY LONDON
Equality Impact Assessments

A Step-by-Step Guide

Introduction

Brunel University London has a duty under the Equality Act 2010 to give '**due regard**' to promoting equality, eliminating discrimination and fostering good relations between communities whenever we're reviewing or planning to change our functions and services. This includes any proposals that might affect our workforce, commissioning and procurement arrangements, policies, and strategies etc.

An Equality impact assessment (EqIA) is used to make sure we're carrying out this duty effectively by considering the potential impact of our proposals in a systematic way. The questions in the EqIA help us to consider the potential impact of a proposal, and how to make things as fair as possible for anyone who is likely to be affected.

The level of detail required for an EqIA depends on how complex the proposal is, and to what extent people are likely to be affected by it.

In practice, the earlier the EqIA is undertaken the better. This means that if any particular issues are highlighted - such as a need to make reasonable adjustments for disabled people - they can be addressed as part of the project itself and costly mistakes can be avoided.

The assessment should be carried out by someone with a good knowledge of the proposal and service area, and sufficient influence over the proposal. It's good practice to take a team approach to completing the equality impact assessment.

Please contact the Equality, Diversity and Inclusion Team or EqIA Leads early for advice and feedback. Please see additional guidance for completing equality impact assessments: [Equality Impact Assessments \(EqIA\)](#)

Equality Impact Assessments and 'Due Regard'

A decision-maker, having taken reasonable steps to inquire into the issues, must understand the impact, or likely impact of the decision on those of the listed equality needs which are potentially affected by the decision.

To be lawful the public body decision-makers must show:

- Personal responsibility of decisions – responsibility can't be delegated to others e.g., other university officers or external partners.
- Need to have 'awareness' at the point of making the decision, not afterwards.
- General awareness of equality issues is not enough – need to know the potential impact of the specific decision.
- Sufficient and rigorous evidence
- Sound evidence base
- Equality Impact Assessment forms are not legally required but these are universally used as the 'working tool'.
- Meaningful consideration
- Decision makers need to absorb and understand the evidence – then take it into account.
- Consideration of equality impact needs to influence the decision-making process.

Step 1: What do we want to do?

Begin by using the checkboxes at the top of the form to indicate whether the proposal is a Policy, Strategy, Function, or Service etc.

1.1 What are the aims and objectives/purpose of this proposal?

- Briefly explain the purpose of the proposal and why it is needed.
- Describe who it is aimed at and the intended aims / outcomes.
- Where known also summarise the key actions you plan to undertake.
- Please use plain English avoiding jargon and acronyms.
- Equality Impact Assessments are viewed by a wide range of people including decision-makers and the wider public.

1.2 Who will the proposal have the potential to affect?

Use the checkboxes to indicate whether the proposal will potentially affect the University workforce, students, and/or the wider community.

1.3 Will the proposal have an equality impact?

Could the proposal affect access levels of representation or participation in a service, or does it have the potential to change e.g., quality of life: health, education, or standard of living etc.? For example, you would not need to complete a full equality impact assessment on a decision to purchase toner cartridges because this does not impact on 'people'.

However, if you were revising a policy to limit how much colour printing is allowed per staff member, this could impact on visually impaired disabled staff who may need to print more documents in colour so that they can read them more easily.

In practice, most of the Universities activities impact on people directly and/or indirectly and so it will usually be necessary to undertake a full EqIA.

If **'No'** explain why you are sure there will be no equality impact, then skip **steps 2-4** and request review by Equality and Inclusion Team or EqIA Lead. This explanation can also be included as a summary in reports so that decision makers understand why a full equality impact assessment has not been completed.

If **'Yes'** complete the rest of this assessment, or if you plan to complete the assessment at a later stage, please state this clearly here and request review by the Equality and Inclusion Team or EqIA Lead.

Step 2: What information do we have?

2.1 What data or evidence is there which tells us who is, or could be affected?

Please use this section to demonstrate an understanding of who could be affected by the proposal. Include general workforce/student (population) data where appropriate, and information about people who will be affected with particular reference to protected and other relevant characteristics. Information can be sourced from Human Resources, Planning team and the Engagement Strategy and Support Unit.

Use one row for each evidence source and say which characteristic(s) it relates to. You can include a mix of qualitative and quantitative data - from national research, local data or previous consultations and engagement activities. Add extra rows if needed. Outline whether there is any over or under representation of equality groups within your service - don't forget to benchmark to local workforce/student population data where appropriate.

For workforce / management of change proposals you will need to look at the diversity of the affected teams using available evidence such as HR analytics: **CHIME** which shows the diversity profile of the university teams and service areas. Identify any over or under-representation compared with the university and economically active citizens for different characteristics. Additional sources of useful workforce evidence can include the Employee Staff Survey Report, Pay Gap Report, and the Annual Equality Workforce Report.

2.2 Do you currently monitor relevant activity by the following protected characteristics?

- Use checkboxes to indicate whether diversity data is available for each of the protected characteristics.
- This can include diversity data that is provided by an external organisation we commission to provide a service.
- For internal / workforce related proposals refer to available HR diversity data sources.

2.3 Are there any gaps in the evidence base?

- Where there are gaps in the evidence, or you don't have enough information about some equality groups, include an equality action to find out more, see **Section 4.2 below**. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later.
- If you are unable to fill in the gaps, please state this clearly with a justification.
- For workforce related proposals all relevant characteristics may not be included in HR diversity reporting (e.g. pregnancy/maternity). For smaller team's diversity data may be redacted.
- A high proportion of not known/not disclosed may require action to address under-reporting.

2.4 How have you involved communities and groups that could be affected?

You will nearly always need to involve and consult with internal and external stakeholders during your assessment. The extent of the engagement will depend on the nature of the proposal or change. This should usually include individuals and groups representing different relevant protected characteristics. Please include details of any completed engagement and consultation and how representative this had been of the university's diverse communities. Include the main findings of any engagement and consultation in **Section 2.4 and 2.5 of the new EqIA template**.

If you are managing a workforce change process or restructure, please refer to **Managing Change or Restructure** Guidance, speak to HRBP for advice on consulting with employees etc. Relevant stakeholders for engagement about workforce changes may include e.g., Staff Networks, Trade Unions and affected staff.

Formal external consultation should be undertaken when:

- There is a duty to consult:
 - A statutory duty (prescribed by legislation)
 - Requirement for public authorities to operate fairly
- There is a legitimate expectation:
 - Previous commitment
 - Established practice.

The ‘Gunning’ principles:

- ✓ Consultation must be at a time when proposals are still at a formative stage
- ✓ Give sufficient reasons for any proposal to permit intelligent consideration and response
- ✓ Adequate time for consideration and response
- ✓ Responses are conscientiously taken into account when finalising the decision.

Proposed in 1985 by Stephen Sedley QC in Gunning v LB of Brent

2.5 How will engagement with stakeholders continue?

Explain how you will continue to engage with stakeholders throughout the course of planning and delivery. Please describe where more engagement and consultation are required and set out how you intend to undertake it. Include any targeted work to seek the views of under-represented groups. If you do not intend to undertake it, please set out your justification. You can ask the Equality, Diversity and Inclusion Team or your EqIA Lead(s) for help in targeting particular groups.

Step 3: Who might the proposal impact?

3.1 Does the proposal have any potentially adverse impacts on people based on their protected or other relevant characteristics?

- Use the ‘**general comments**’ section to highlight any potential issues that might impact all or many groups collectively.
- There is a **separate section** for each protected characteristic, plus carers, socio-economic impact(deprivation) intersectionality, refugees and asylum seekers). Use the checkbox to indicate in each section to indicate whether you have identified a disproportionate impact.
- Pay particular attention to **indirect discrimination** when there's a practice, policy or rule which applies to everyone in the same way, but it has a worse effect on some people than others.
- Include details of **existing issues** for particular groups that you are aware of (from evidence section) and are seeking to **address or mitigate** through this proposal.

- This may include where some groups are likely to be **disproportionately affected** because of their high levels of representation in a service.
- For general issues related to workforce related proposals see 'Management of Change' Guidance
- **Consider sub-categories** (for example different kinds of disability, different faith groups or racial backgrounds)
- Think about how people with **combined characteristics** (intersectionality) (e.g., young women) might have needs or experience particular kinds of disadvantage.
- Use the **'mitigations' section** of the table to explain for each characteristic how any potential equality issues or negative impacts you have identified can be addressed and minimised through this proposal or related activity. For example, potential communication barriers could be mitigated by providing information in a range of accessible formats.
- If any **mitigation** requires a follow-on action, include this in the **'Action Plan' Section 4.2 of the EqIA template**.

Age – refers to a person of a particular age group (e.g., 55+ year olds) or a range of ages (e.g., 18–24-year-olds). For the purposes of an equality impact assessment, it is often useful to think in terms of the potential impact for children and young people, and for older people.

Disability – The Equality Act 2010 defines disability as a physical or mental impairment that has a substantial and long-term negative effect on a person's ability to do normal daily activities. Brunel University London is committed to the Social Model of Disability which says that people are disabled by barriers in society not by their impairment or difference, whether that impairment or difference is physical, mental, or cognitive. Barriers can be physical, like buildings not having accessible toilets, or they can be caused by people's attitudes, like assuming disabled people are unable to do certain things.

Gender reassignment – applies to a person who is proposing to undergo, undergoing, or has undergone a process of gender reassignment. To qualify for protection, a transgender person does not have to be under medical supervision. Brunel University London adopts a broader definition of Trans - an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, transsexual, genderqueer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois¹

¹ <https://www.stonewall.org.uk/help-advice/faqs-and-glossary/glossary-terms#t>

Pregnancy and maternity – apply to women who are pregnant or have given birth in the past 26 weeks. The Equality Act also makes provisions to protect the rights of breastfeeding mothers.

Marriage and civil partnership – apply to people who are married or in a civil partnership. Civil partners must be treated the same as married couples. Although marriage and civil partnership is a protected characteristic under the Equality Act, it's not covered by the public sector equality duty.

Race – refers to a group of people defined by race, colour, nationality, ethnic or national origin. It's important to examine impacts for ethnic groups rather than just for 'Black, Asian and Minority Ethnic' people collectively.

Religion or belief – means any religion and includes philosophical beliefs including atheism. Generally, a belief should affect a person's life choices or the way they live.

Sex – Both men and women are protected by the Equality Act 2010.

Sexual orientation – means a person's sexual orientation towards persons of the same sex, persons of the opposite sex, or persons of either sex.

3.2 Does the proposal create any benefits for people based on their protected or other relevant characteristics?

Outline any potential benefits of the proposal and how they can be maximised. Identify how the proposal will support our Public Sector Equality Duty to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct that is prohibited by or under [The Equality Act 2010]
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

This includes identifying any opportunities to tackle prejudice or promote understanding (e.g., myth-busting, or challenging stereotypes).

Step 4: Assess impact and implement necessary change

4.1 How has the equality impact assessment informed or changed the proposal?

What are the main conclusions of this assessment? Use this section to provide an overview of your findings. This content can be used as a summary in reports, where the full assessment is also included as an appendix.

If you have identified any significant negative impacts which cannot be mitigated, provide a justification showing how the proposal is proportionate, necessary, and appropriate despite this. Also include any positive and neutral impacts and the benefits. All this information should be obtained from the previous sections.

Course of action

First decide on what course of action based on evidence gathered from the sections completed.

It can be helpful to use these categories to summarise the course of action you are proposing after completing the equality impact assessment:

Continue the proposal: Your assessment demonstrates that the proposal shows no potential for discrimination, and you have taken all appropriate opportunities to advance equality of opportunity and foster good relations between people with different protected characteristics. Document the reason for this and the information you used to make this decision.

Justify and continue the proposal: Ultimately, there may be other factors (such as other proposal aims or financial constraints) which make it reasonable for you to decide to adopt the proposal despite its adverse equality impact. This is an option where your proposal does not unlawfully discriminate, or where the discrimination can be objectively justified. If your decision is challenged, you will need to be able to satisfy a court that you had due regard to the aims of the general equality duty, when you reached your decision. It is therefore particularly important that you document your reasons and the information you used to reach them.

Change the proposal: This involves making changes to the proposal to ensure it does not adversely affect certain groups of people or miss opportunities to affect them positively. This can involve taking steps to mitigate adverse impacts, or to bolster or tailor positive ones. It is lawful under the Act to treat people differently in some circumstances, such as putting in place single-sex provision where there is a need for it. Document the reason for this and the information you used to make this decision.

Stop the proposal: If a proposal shows unlawful discrimination that cannot be changed or objectively justified, consider stopping it in order to avoid being challenged for breach of the Equality Act 2010. Document the reasons for this and the information you used to make this decision.

4.2 Action Plan

Use this section to set out any actions you have identified to improve data, mitigate issues, or maximise opportunities etc. If an action is to meet the needs of a particular protected group, please specify this.

4.3 How will the impact of your proposal and actions be measured?

How will you know if have been successful?

Use this section to detail any performance indicators that will be used to measure positive changes for staff and citizens in relation to their protected and other relevant characteristics.

Once the activity has been implemented this equality impact assessment should be *periodically reviewed to make sure your changes have been effective your approach is still appropriate.

It is advisable that you look to review any new policy/service within the first 6-12 months of implementation.

Step 5 Quality assurance and feedback

5.1 Quality Assurance Feedback

On completion of your EqlA, before sign off and approval send your EqlA to the EDI team or your EqlA lead who will provide quality assurance feedback of your EqlA within 20 working days.

5.2 What will be included in the Quality Assurance Feedback Process?

The **Quality Assurance process (feedback)** will include assessing the following:

- Is the purpose of the proposal / policy clearly set out?
- Has the assessment considered all the available evidence?
- Have those likely to be affected been engaged?
- Have positive and negative impacts been identified?
- What course of action does the assessment suggest? – is it justifiable?
- Are there plans to alleviate any negative impacts?
- Are there plans to monitor the impact of the proposal/policy?

5.3 Quality Assurance Feedback Sign Off

All EqlAs regardless of status will need to go through quality assurance and will be signed off by the EDI team or your assigned EqlA Lead to show that the EqlA has been quality assured. However, ownership and responsibility of the EqlA lies with the line manager/decision maker or committee/board and not the EDI team.

Please incorporate any feedback from the quality assurance feedback, if you choose not to comply with feedback received, please keep a record of what was agreed and what was not agreed for future reference. EqlAs are public documents anyone can request to see a copy of completed EqlAs.

The EqIA needs to remain with your policy, plan, project activity or service change to help you monitor and assess progress throughout the lifecycle. Keeping it as a **'living document'** that you regularly return to will help you ensure any changes you make throughout your policy, plan, project or service do not undermine any of the strengthening actions you have taken.

To ensure continued **'due regard'** to equality, human rights, social economic and disadvantage, you will need to build in regular milestones to check you are still on track for delivering inclusively. Your action plan will assist you in meeting these requirements.

Step 6 Sign off process

6.1 What to do after receiving your quality assurance feedback

On receipt of the quality assurance EqIA, comply with feedback as discussed in **Step 5 above**.

- Pass to line manager or decision maker to sign off the completed EqIA
- Attach completed EqIAs to decision papers, for example committee and board papers.
- Line managers, committees/boards or decision makers should satisfy themselves with the EqIAs before taking a decision and seek more information if required.
- Once signed and approved, EqIAs should be sent to the EDI team for record keeping and legal requirements to publish.

Step 7 Implementation, monitoring and review

- Once all the above stages are completed, the policy etc can now be implemented
- The policy etc, should be monitored by the actions identified in the supporting EqIA Action plan to ensure non-discriminatory practices.
- Ensure once implemented with the mitigation actions, that there are no new negative impacts or unintended consequences.
- Further EqIAs should be undertaken periodically and as appropriate as part of the review process.