

Introduction

Ruskin Mill Education Trust is committed to providing fair access to both employment opportunities and to the services it provides.

This toolkit has been produced to help all areas within the Trust to undertake comprehensive and robust Equality Impact Assessments (EIA) of its policies, procedures and practices.

This toolkit can be used to assess whether the policies, procedures and practices that have been developed are likely to have a positive or negative impact on different groups of people. Having made this assessment action can be taken to prevent direct and indirect discrimination and promote equality.

1. What is an Equality Impact Assessment?

An Equality Impact Assessment is a thorough and systematic analysis of a proposed or existing policy or practice to determine what effect or likely effect it will have on different groups in the community. These assessments determine the extent to which these policies, procedures and practice impact upon students, employees, and groups in relation to one or more of the Equality Target Groups, (gender, age, disability, race, religion or belief, sexual orientation) if a policy is found to have an adverse impact alternatives need to be considered to ensure there is promotion of equality of opportunity. This may include the development of specific measures to mitigate the adverse impact.

2. Why undertake Equality Impact Assessments?

a) Good Practice

Conducting an Equality Impact Assessment ensures that a proper evidence based consideration is given to the potential adverse effects that a policy, procedure or practice could sometimes have on different groups. Considering this impact provides an opportunity to amend the policy to change aspects which may cause adverse effects.

Equality Impact Assessments also:

- Help to identify whether we are excluding students or different groups from our services without objective justification.
- Help to identify direct and indirect discrimination
- Assist in considering alternative policies or measures that might address any adverse impact
- Help to mainstream equality in policies and practices
- Help to target resources more effectively
- Help to better understand the needs and aspirations of the diverse staff and students



b) Statutory Requirements

There is a statutory duty on all public sector organisations to carry out Equality Impact Assessment. Race, Disability, Gender and Equality Act legislation exists which already requires this and in anticipation of the Single Equality Act all six equality target groups are covered by this toolkit.

The Acts require the Trust to assess which of its policies and functions are relevant to the equality target groups and set out how they will:

- Monitor policies for any adverse impact on equality
- Assess and consult on the likely impact of any proposed policies
- Make sure the public have access to information and services
- Train staff in relation to the duties

3. When should an Equality Impact Assessment be carried out?

An Equality Impact Assessment **should be** carried out when:

- Developing a new policy, procedure, or practice,
- Reviewing existing policies, procedures, and practice.
- A policy, procedure, or practice has been identified as requiring an Equality Impact Assessment and is included within the three year college timetable.

4. Who is responsible for Equality Impact Assessments?

All managers are responsible for incorporating equalities into their functions, services, policies and procedures and for taking the lead on equality impact assessments. However, it is important to include appropriate members of a team within the process and ensure that the assessment team has enough knowledge to make valid judgments and also be as objective as possible.

Appropriate members may be:

- Relevant and appropriate employees- this might include employees with specific knowledge of the area, including possibly a front line employee.
- Stakeholder involvement-this would be important where the policy has an impact on other areas and could impact on other functions and /or students.
- Critical friend-it can be useful to use a different manager who helps provide challenge to the findings
- Statistical/data monitoring ,performance management expertise-this will help when identifying and using relevant performance management data

The assessment team should be balanced where possible in terms of gender, age, disability and race. Where possible they should also consider sexual orientation, religion and belief.



5. Deciding What to Assess

Step one: Assess for relevance

You need to consider:

- Whether the policy procedure or practice has any relevance to equality at all.

You should be able to judge quite quickly whether the policy, procedure or practice is **equality relevant**.

Examples of procedures which are unlikely to be equality relevant include financial policies and procedures which are carried out in a specific way and do not in any way have any potential to impact differently on any equality target group.

If in your judgement it is **not equality relevant** you will state this on the initial assessment form and then at this point you have completed the process and the form is submitted to the Senior Leadership Team (SLT)

If in your judgement it is **equality relevant** you will state this and continue to complete the remainder of form 1EIA

Step Two: Making a judgment

You need to consider:

- How equality can be actively promoted and
- Whether there is evidence of adverse or positive impact.

There is a clear challenge in actively promoting equality and this can mean different responses for different groups. An example of actively promoting equality would be directing resources into attracting more female students into the colleges.

You need to consider:

- Is there evidence of either direct or indirect discrimination

When looking at direct and indirect discrimination it is important to consider both aspects separately.

Direct discrimination:

Occurs when an equality group is excluded or treated differently from another group. An example would be where a student was refused entry to a college because English was not his first language. Direct discrimination is only lawful for disabled people and disabled people can be treated more favourably when there is a demonstrable benefit from doing this. For example offering designated parking for disabled people is direct discrimination and is both lawful and an accepted reasonable adjustment to meet their needs.



Indirect discrimination:

Occurs when the conditions placed upon one group means they are less likely to be employed within an organisation or, have access to, or use a service. For example, within employment, a recruitment policy that requires all male employees to be clean-shaven would put Sikhs, in general, at a disadvantage.

Indirect discrimination is not clear cut and in assessing indirect discrimination consider whether:

- The policy, procedure or practice, in its intention or implementation, targets or excludes a specific equality group and if it does is this justified?
- The policy, procedure or practice in its intention or implementation affects some equality groups disproportionately. Is this justified?
- The policy is likely to be accessed by all equality groups. If not can this be justified?
- There are barriers that might inhibit access to the benefits of the policy.

When carrying out Equality Impact Assessment it is important to consider different factors which may have significance when assessing impact.

Areas to consider:

The following factors are by no means exhaustive and, are suggestions of areas you might want to look at:

- **Recognition**

Recognition of the different needs of equality groups to access information and services may include recording how consideration has been given to providing information in alternative formats and alternative languages.

- **Physical Access**

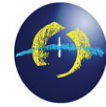
Physical access is a barrier which is widely recognised and need always be considered. Physical access is not just about access to the building and needs to include other factors such as access to hearing loops, easy to read signage, designated parking for people with disabilities, adequate lighting and curriculum activities which are inaccessible.

- **Sensitivity**

Are the policies, procedures and practices sensitive to the needs and cultures of equality groups, for example religious needs? Has training been given to staff and students in promoting cultural awareness?

- **Restrictive factors**

Are there any restrictive factors in relation to the policy that might lead to a negative impact for some or all equality *groups*? For example recruitment materials which do not show students from different ethnicities. Recognition of the different



needs of equality groups to access information and services may include recording how consideration has been given to providing information in alternative formats and alternative languages. The policy may not be widely understood or easily available.

- **Physical Access**

Physical access to services is a barrier which is widely recognised and need always be considered. Physical access is not just about access to the building and needs to include other factors such as access to hearing loops, easy to read signage, designated parking for people with disabilities, and adequate lighting. Physical access includes making all aspects of the curriculum available to all students including those with physical disabilities

You need to consider:

- If there is or could potentially be either a negative or positive impact

What is meant by “Impact”?

An impact is defined as an intentional or unintentional lasting consequence or significant change in people’s lives brought about by a policy, action or series of actions. Initially you will be concerned to ensure there are no adverse impacts where the effect is negative.

Adverse impact:

This is an impact that could disadvantage one or more equality groups. For example: an event that was held in a building, with no induction loop facilities, would have an adverse impact on attendees with a hearing impairment. You need to make a judgment on adverse impact using evidence to base this on. Evidence can be found from many different sources: research, statistical evidence, number of complaints received, consultations with equality groups, student surveys and demographic information are some of the more widely known sources. An example of an adverse impact is: where an analysis of statistics reveals a lower than expected admissions rate for female students. If this were the case it would be important to highlight the statistical evidence and then outline the steps to be taken to reduce the adverse impact.

Positive Impact

An impact that could be positive on one or more equality target groups, or improve equal opportunities and/or relationships between groups. An example could be running a pre admissions programme for potential female students. This may have a positive impact on the females and would be unlikely to have an adverse impact on males. You should also identify and promote positive impacts that you identify through the assessment process. Positive impacts do not usually happen by chance and will mean that arrangements are in place to enhance a service in some way to meet the needs of an equality group more closely. For instance, by providing clear information to all students on how you can meet their religious needs prior to their



attending the college. The positive impact is that they are more likely to be encouraged to apply if they have their religious needs understood and met.

Differential impact

Differential impacts are those which affect one group more than another. A differential impact can be positive or adverse. Male/female admission rates are an example of a differential impact which may be adverse. There is a significant and differential rate in admissions between males and females, males being more likely to attend the colleges than females. Additional analysis might show there is an adverse differential rate between colleges too and if this is the case then it would be important to highlight and recognise this and make changes where possible.

Differential impact can be positive and justified as part of a wider strategy of positive or affirmative action in relation to groups, where a policy is intended to encourage equality of opportunity to a particular group. For example additional spending on attracting females to the colleges may be an acceptable use of resources.

Step Three: Submit Form 1EIA with your findings and decision.

If you decide there is **no evidence** to suggest that the policy, procedure or practice is discriminatory and may produce an adverse impact on one or more of the equality groups then the Equality Impact Assessments are complete.

If you decide **there is evidence** to suggest there is evidence that the policy, procedure or practice is discriminatory and may produce an adverse impact on one or more of the equality groups then you will need to make a recommendation for a full Equality Impact Assessment and arrangements must be put in place to put a team in place and complete Form 2EIA.

6. Form 2EIA Full Assessment

Form 2EIA is completed after Form 1EIA Initial Assessment has been completed and:

- An adverse impact has been identified within one or more Equality Groups.
- The impact was not intended and is not lawful (lawful in this context means there are services which can be provided to one group of people and may result in more favourable treatment e.g. it is lawful to provide facilities for disabled people which exceed those received by non disabled people e.g. parking).

Completing an Equality Impact Assessment is similar to a risk assessment as it involves predicting and assessing the implications of a policy, procedure, or practice on a wide range of people with different needs. Furthermore, this should not be carried out in isolation, but with the support and advice of others. **Effective consultation** both internally and externally with partners and stakeholders is a key ingredient in conducting Equality Impact Assessments.



7. Expected Outcomes of an Equality Impact Assessment

Initial Assessment Form (1EIA)

The initial assessment stage is a relatively short process and can be done alone or with team members who can make a contribution.

You should be able to judge quite quickly whether the policy procedure or practice is **equality relevant**.

If the, policy, procedure or practice is **not equality relevant** you will record this on Form 1EIA in the relevant box and then submit the form to SLT

If the policy, procedure or practice is **equality relevant** you should be assessing obvious adverse / positive impact or gaps in knowledge about likely impact. You may not always know what the impact is and may need to take steps to find the necessary information. You can make use of previous consultation results, personal knowledge and experience, research and reports, or information on internet searches, internal and external specialist advice, and staff with previous experience of similar strategies or projects etc. If you do not have sufficient evidence you must note this under details of evidence a lack of data or information concerning a particular equality group should not be a reason to stop the process.

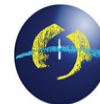
If the likely impact on a particular group is unknown, then action needs to be taken to acquire this information. It is important that you do not jump to conclusions about impact but base your judgement on sound evidence and rigorous data analysis. The outcome of the initial assessment determines whether or not a full impact assessment should be needed. If you identify that the impact was not intended and is not lawful then you must proceed to a full assessment. (Lawful in this context means there are services which can be provided to one group of people and may result in more favourable treatment e.g. it is lawful to provide facilities for disabled people which exceed those received by non disabled people e.g. parking.

Completing an Equality Impact Assessment is similar to a risk assessment as it involves predicting and assessing the implications of a policy, procedure, or practice on a wide range of people with different needs. Furthermore, this should not be carried out in isolation, but with the support and advice of others.

If during the initial assessment policies, procedures and practices are not likely to result in adverse impact for any group and do promote equal opportunities you have completed the process and can publish the results of the initial assessment

Promotion of equal opportunities is an important consideration within the Equality Impact Assessment and wherever steps have been taken to actively promote equal opportunities this needs highlighting within the initial assessment. Examples would include: the use of promotional leaflets explaining how the colleges meet the different religious needs of their students.

The Equality Impact Assessments are documents available to the public and should be published on the RMET web-site.



If during the initial assessment policies, procedures and practices are found likely to result in adverse impact for any group and do not promote equal opportunities then you will need to proceed to a full assessment.

When completing a full assessment Effective **consultation** both internally and externally with partners and stakeholders is a key ingredient in conducting a full Equality Impact Assessment.

Promotion of equal opportunities is an important consideration within the Equality Impact Assessment and wherever steps have been taken to actively promote equal opportunities this needs highlighting within the initial assessment. Examples would include: the use of promotional leaflets explaining how the colleges meet the different religious needs of their students.

Where there is evidence that a possible adverse impact exists a full assessment is required and a date should be set for its completion.

The Full Assessment records actions which need to be taken to minimise or eliminate negative impacts.

8. Guidance on Equality and Diversity Legislation

Guidance on relevant equalities legislation is given here as an aid to decision making together with pointers on what you may want to consider. The guidance gives an overview of the relevant legislation which impacts on the six equality target groups which you are carrying out Equality Impact Assessments on.

It begins by defining the **positive equality duty**. It is important to remember that the duty to promote equality is referred to as the **positive equality duty** and within the Equality Impact Assessment there is an opportunity for you to outline how you promote equality.

What are the positive equality duties and what is the relevant equality legislation?

A brief overview of what the positive equality duties are is given here. A positive equality duty is a term used in equality legislation on Race, Disability and Gender.

Positive Equality Duties

These positive equality duties are set out in a number of pieces of legislation but can be summarised as follows;

The need to:-

- promote equality of opportunity between different groups (men and women, people with and without disabilities, people of different ethnic groups)
- promote good relations between people of different ethnic groups
- promote positive attitudes towards disabled people
- encourage the participation by disabled people in public life
- take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons



Age Legislation

The Employment Equality (Age) Regulations 2006 cover age. This law makes it illegal to discriminate against employees, job seekers or trainees on the grounds of age. The regulations cover employment and training, but not goods services and facilities. However it is good practice to anticipate that this will become a legal requirement in the near future and to consider the impact of policies, procedures, and practice in terms of age.

Disability Legislation

The Disability Discrimination Act 1995 and the Disability Discrimination Act 2005 cover disability.

Defining Disability

The Disability Discrimination Act (DDA) says that you are disabled if you have:

A mental or physical impairment

- That has an adverse effect on your ability to carry out 'normal day-to-day activities.
- The adverse effect is substantial
- The adverse effect is long-term (meaning it has lasted for 12 months, or is likely to last for more than 12 months or for the rest of your life).

Normal day-to-day activities can include; mobility, manual dexterity, physical coordination, continence, ability to lift, carry or move everyday objects, speech, hearing or eyesight, memory or ability to concentrate, learn or understand, understanding of the risk of physical danger.

In addition the Act requires that the impairment must affect one or more of a list of "capacities" which include mobility, manual dexterity, speech, hearing and eye sight.

The Disability Equality Duty (DED) is a legislative requirement placed on public bodies with the aim of delivering better disability equality outcomes. It requires public bodies to act pro-actively on disability equality issues and tackle institutional disability-related discrimination.

A public body when carrying out its functions must have due regard to the need to:

- Promote equality of opportunity for disabled people
- Eliminate unlawful discrimination
- Eliminate disability related harassment
- Promote positive attitudes towards disabled people
- Encourage participation of disabled people in public life
- Take into account disabled people's disabilities even where that involves treating disabled people more favourably.



The duty to make reasonable adjustments for disabled people is a cornerstone of the Act. When considering service delivery it is important to consider how policies, practice, procedures or practice may make it impossible or unreasonably difficult for a disabled person to access the service in question.

Evidence for this group may include:

- Results of physical access surveys;
- Examples of reasonable adjustments such as: making the intranet and internet accessible to partially sighted, providing aids and adaptations within the workplace;
- Ensuring all meetings are held where there is access to hearing loops;
- It's also important to consider reasonable adjustments and accessibility to people who have learning difficulties e.g. dyslexia and people who have mental health issues.

The duty to promote equality of opportunity for disabled people:

Means considering whether disabled people are as likely as non disabled people to use the services being offered and how they are specifically included.

Gender legislation

The Gender Equality Duty came into force in April 2007

Gender includes Transgender

The definition of transgender for the purposes of anti-discrimination law is: "Transgender identity" means those characteristics of a person's identity, appearance or behaviour which are usually associated with the gender opposite to the person's legal gender, and includes, if it is the case, that the person's legal gender has become the acquired gender under the Gender Recognition Act 2004

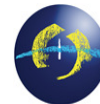
It was introduced by the Equalities Act 2006 which in turn amended the Sex Discrimination Act 1975.

The Gender Equality Duty is a positive equality duty: it requires public bodies' to promote gender equality and eliminate sex discrimination.

- To eliminate unlawful discrimination and harassment on the grounds of sex;
- To promote equality of opportunity between women and men.

Instead of individuals making complaints about sex discrimination, the duty places the legal responsibility on public authorities to demonstrate that they treat men and women fairly. The duty affects policy making, public services and employment practices such as recruitment and flexible working.

The male /female /transgender dimensions can be an important factor in accessing and take up of employment.



Race legislation including Gypsies and Travellers

The Race Relations Act 1976 and the Race Relations Amendment Act 2000 are the key pieces of legislation. The legislation makes it unlawful to treat someone less favourably on grounds of colour, race, nationality or ethnic or national origins.

The Race Relations Act was amended in 2000 to give public authorities a new statutory duty to promote race equality.

A Race Equality policy is a legal requirement for colleges and within this arrangement for meeting both the general and specific duties are outlined. The aim is to help colleges provide fair and equitable services and to improve equal opportunities in employment.

(Note that 'Race' includes Gypsies and travellers. Romany gypsies have been recognised in law as a racial group since 1988. Irish travellers, who have been travelling in England as a distinct social group since the 1800s received legal recognition as a racial group in England and Wales in 2000.)

Monitoring of policies for adverse impact should be carried out and it allows public authorities to test:

- How racial groups are affected by their policies (for example how often and why people use a service, how often they make a complaint and whether they face disadvantage (for example by not being provided with an interpreter when this is needed);
- Whether people from all groups are equally satisfied with the way they are treated;
- Whether services are provided effectively to all communities; and
- Whether services are suitable and designed to meet different needs (for example, whether they recognise language difficulties, individual cultural needs, or long standing patterns of discrimination or exclusion.

Applying the above questions will be helpful when carrying out an Equality Impact Assessment. If there is known inequality in accessing services and there is under or overrepresentation among Black or minority ethnic communities, the impact assessment will need to state how it intends to take steps to promote race equality. Evidence-based research can help direct attention to issues of under or overrepresentation.

Religion or belief

Part 2 of the Equality Act 2006, puts an onus on public sector bodies to eliminate discrimination on the grounds of religious belief both within its own organisation and when delivering services to the community.

Considering this question requires an understanding of the religious requirements of students and staff e.g.:

- Do students and staff have access to space or facilities to pray or practice their faith?



- How appropriate are venues for work and social events. Is everyone comfortable in meetings or gatherings at a pub?
- Is appropriate food available for all students and staff which meet their religious requirements?
- Monitoring religion or belief - should we monitor the religion or beliefs of job applicants, staff or students?

Equality Impact Assessments should contain evidence which suggest that these issues have been addressed when they have relevance.

Sexual orientation

The Equality Act (Sexual Orientation) Regulations 2007 put an onus on public services to eliminate discrimination on the grounds of sexual orientation. Sexual orientation is defined as:

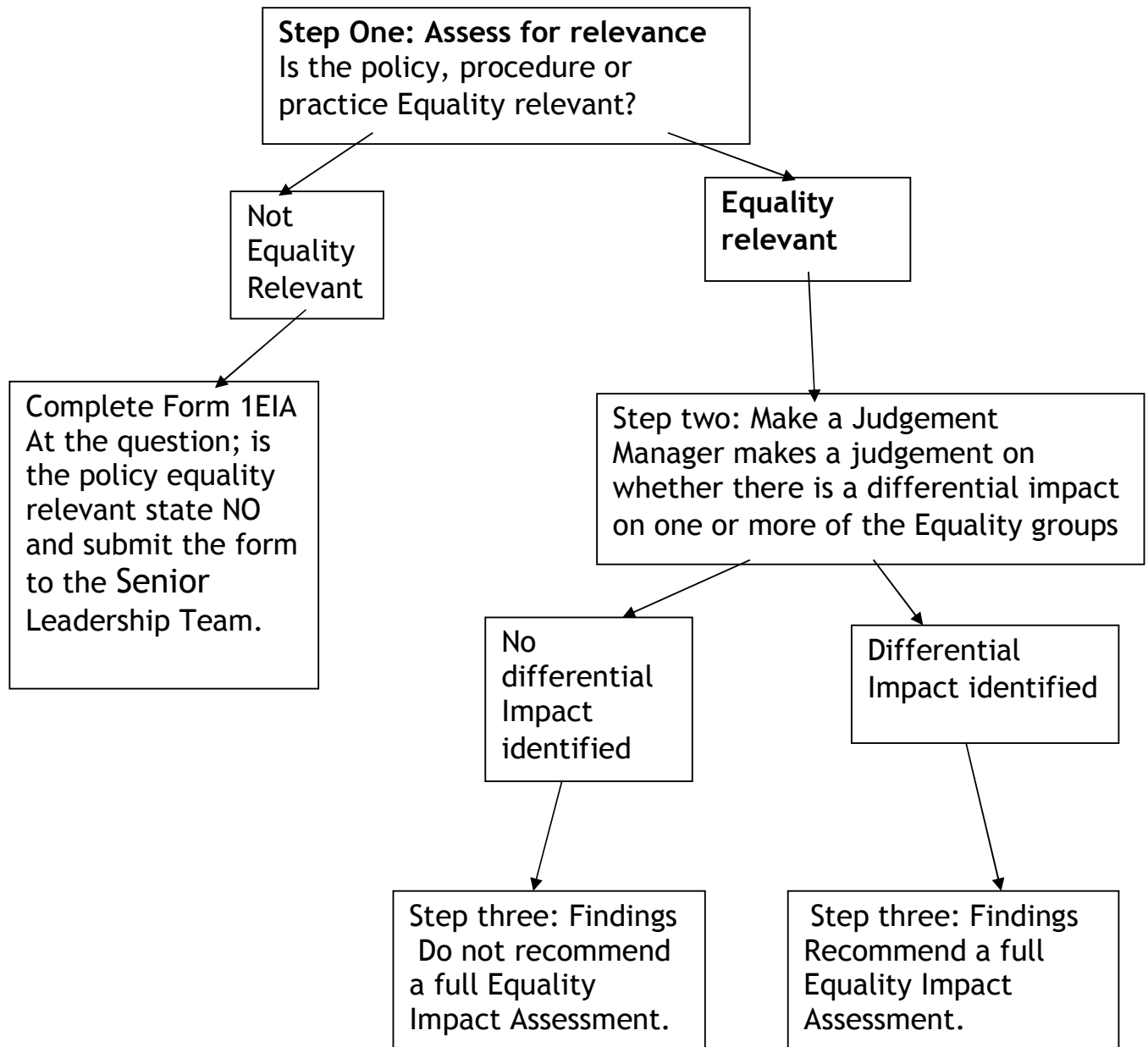
- Orientation towards persons of the same sex (lesbians and gay men)
- Orientation towards persons of the opposite sex (heterosexual)
- Orientation towards persons of the same sex and the opposite sex (bisexual)

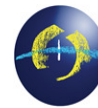
When delivering the curriculum there is an opportunity to ensure that curriculum design and services includes meeting the needs of lesbian, gay and bisexual people.

It is important to show whether sexual orientation has been considered and what evidence there is to show that there has been consultation on the impact of the policy, procedure or practice.



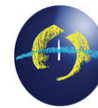
9. EQUALITY IMPACT ASSESSMENT STEPS IN DIAGRAMMATIC FORM



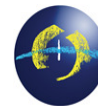


10. Form 1EIA

Policy/Procedure/Practice	
Date of assessment	
Is the policy equality relevant?	
Policy owner	
Who implements the policy?	
Assessor	
What are the aims and objectives of the policy?	
Who are the intended beneficiaries?	
How should they benefit?	
What factors could detract from aims and beneficiaries	
Potential differential impact on racial groups	
Detail any evidence [Quantitative and qualitative]	
Potential differential impact due to disability	
Detail any evidence [Quantitative and qualitative]	
Potential differential impact due to gender	
Detail any evidence [Quantitative and qualitative]	
Potential differential impact due to age	



Detail any evidence [Quantitative and qualitative]		
Potential differential impact due to sexual orientation		
Detail any evidence [Quantitative and qualitative]		
Potential differential impact due to religious belief		
Detail any evidence [Quantitative and qualitative]		
Could the differential impact identified above amount to there being potential for a) Adverse impact b) Positive impact		
Can this impact be justified on the grounds of promoting equality of opportunity for any one group or any other reason?		
Recommendation for full Equality Impact assessment	YES	NO
If yes is there enough evidence to proceed to full Equality Impact Assessment		
Recommendations to SLT		
Date submitted to SLT		
SLT response to recommendations		
Date by which full Equality Impact Assessment to be completed by		



11. Form 2EIA

Full Assessment Policy/Procedure/Practice	
Date of assessment	
Lead Assessor	
Which group does this assessment cover?	
Potential differential impact on above group <i>[from initial assessment]</i>	
What evidence exists? <i>[from initial assessment plus further investigation]</i>	
How has this evidence been assessed?	
What are the risks to Ruskin Mill Educational Trust?	
What consultation with interest groups has occurred?	
What feedback was received?	
Is differential treatment still justified?	
Actions to minimise/eliminate negative impacts	
Can equality be promoted?	
How will this be monitored and reviewed	
Date when results presented and endorsed by SLT	
Date when results of the Full Equality Impact Assessment published	