

**DRAFT (19.11.09)**  
**The Equality Impact Assessment**  
**A Seven Stage Process<sup>1</sup>**

**Meaning of equality Impact Assessment**

Equality impact assessment (EIA) is the term given to a review of an institution's policies to ensure that the institution is not discriminating unlawfully – and that it is making a positive contribution to equality. It is the process of assessing the impact of existing or proposed policies and practices in relation to their consequences for equality.

**Legal Context**

Equality impact assessments are best understood in the wider context of the positive equality duties that exist in the areas of race (since May 2002), disability (since December 2006) and gender (since April 2007). Stemming from the concept of institutional racism – and the broader acknowledgement that institutions, by virtue of the way in which they are structured and carry out their functions, can themselves be discriminatory, these duties put the onus on public institutions, including higher education institutions, actively to ensure that they are eliminating discrimination and positively to promote equality.

“The three duties are known as ‘general duties’. The exact requirements of each of the three duties are slightly different. Impact assessment is one of the core ‘specific duties’ underpinning them – alongside the requirements:-“

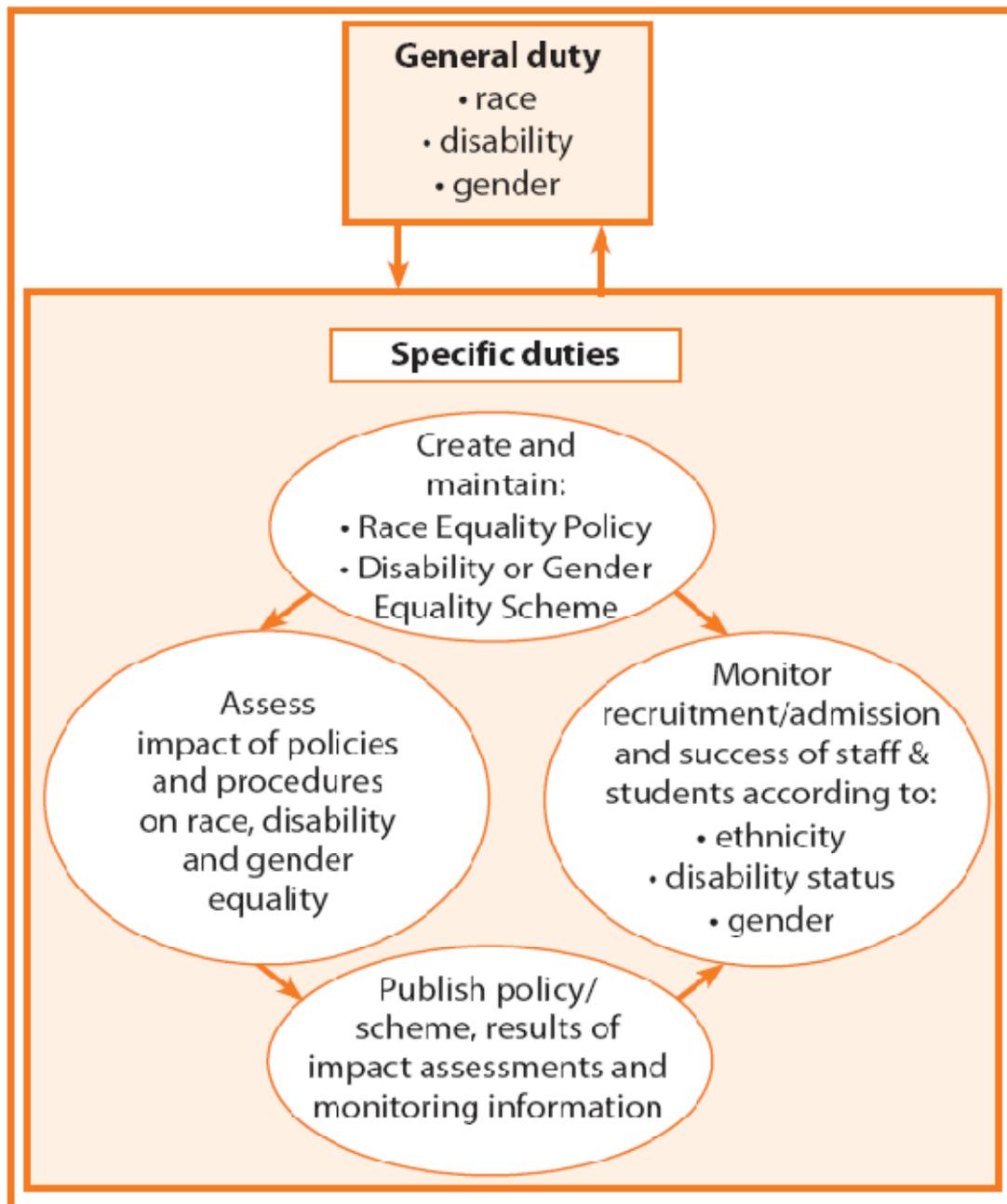
- For a policy or scheme
- To monitor staff and student numbers and progression according to equality strand
- To publish each policy or scheme and the results of impact assessment and monitoring.

The specific duties are essentially the means by which the general duty is to be discharged and evidence provided of engagement with it. The specific duties underpin the general duties, but are also legal requisites in themselves – a reflection of the fact that they are integral elements of the general duties, and vital tools towards meeting them (see also Figure 1).

Additionally as a matter of good practice and to comply with other anti-discrimination legislation and to anticipate the enactment of the Equality Bill the other equality areas: age, religion and belief, and sexual orientation have been included. Nationality has been added to take account of international staff and students.

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<sup>1</sup> Much of the text of this document has been derived from the Equality Challenge Unit (2008) “Conducting Equality Impact Assessment in Higher Education”, London, ECU.  
<http://www.ecu.ac.uk/publications/equality-impact-assessment-in-he>



**Figure 1: How the core specific duties fit into the general duty**

Institutions have to take steps to ensure their policies and practices are fair and lawful from the outset. In essence, the Duty stipulates that impact assessment is the means by which this is to be achieved. The requirement that every new policy, plan practice and procedure – and ultimately also a back-catalogue of these – should undergo EIA means that any negative impact on equality will be identified and can be rectified. In the case of new policies, practices, plans and procedures or changes to these an EIA should take place before the instigation.

The Disability Equality Duty also takes impact assessment a stage further, requiring institutions to look not only for potential or actual negative impact for

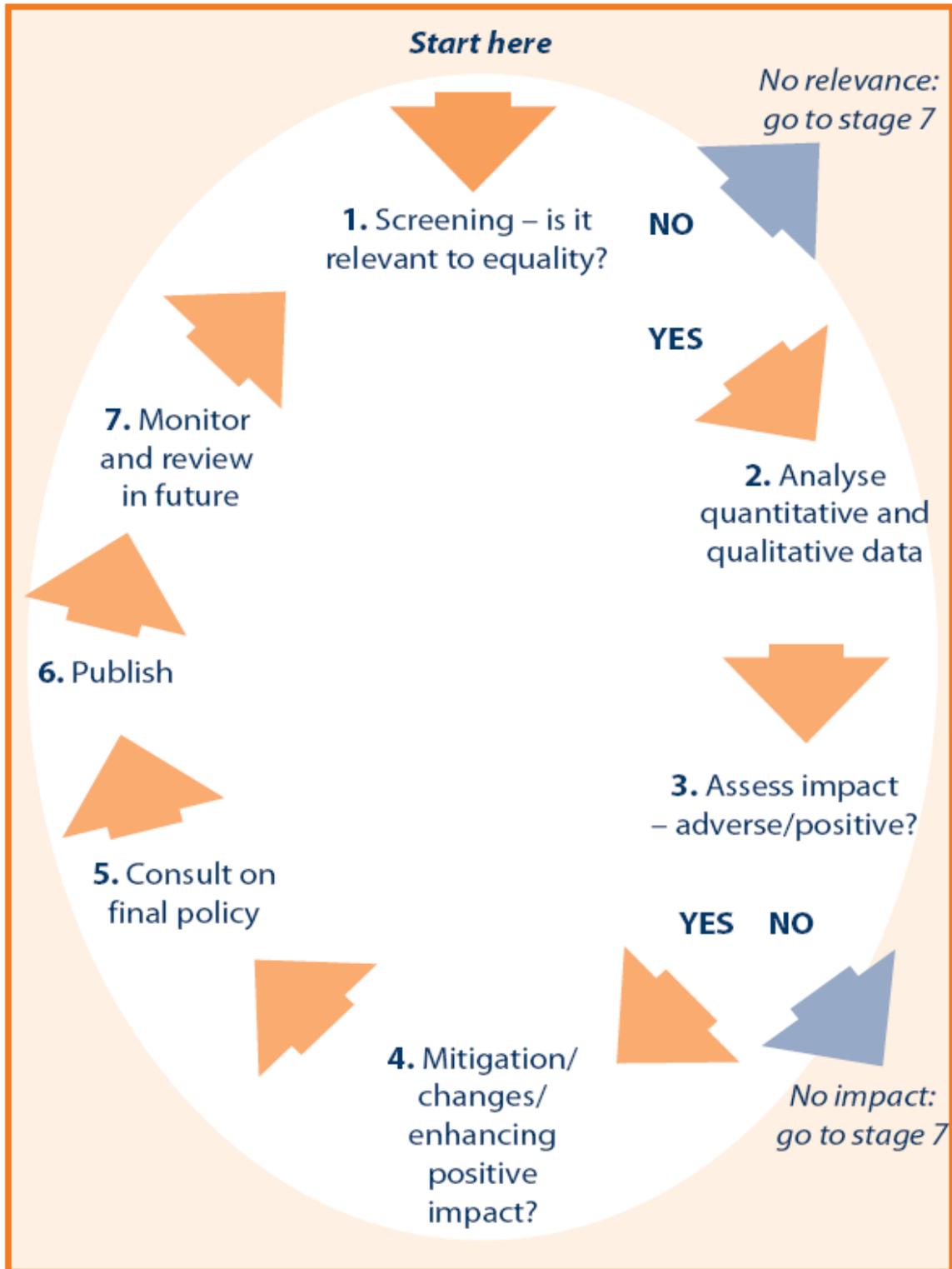
disabled people, but also for opportunities for positive impact that might have been missed. Although the need to look for positive opportunities is made explicit only in the case of disability, it would be good practice to take the same approach to the other equality strands, as looking for opportunities for positive impact is more in keeping with the broader nature of all the general duties.

The Disability Equality Duty also introduced a stronger duty to involve those it aims to protect, explicitly requiring involvement of disabled people to be an ongoing process throughout the course of meeting the duty. Again, this principle of continuous involvement is something that fits well with the logic of all the positive equality duties.

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## The Equality Impact Assessment Process

The seven stages of equality impact assessment have been adapted from the ECU (2008) model (figure 2).



**Figure 2: Seven stages of impact assessment**

## **Preparation - Work Area Identification**

In order to prepare the Directorate or Faculty for an Equality Impact Assessment it might be useful to identify the areas of work that you are responsible for; and all the factors associated with this work that will contribute to the assessment (See figure 3, annex 1).

### **Identify: -**

- The areas of work that the Directorate/Faculty are responsible for.
  - All the policies, practices plans and procedures associated with the work areas.
  - The stakeholders, these might be specific groups of students or staff, external and internal suppliers and contractors.
  - The data you have that could help with the process for example monitoring data, feedback and complaints.
  - Auditing and quality processes that this EIA could feed into.
  - Who should be involved in the EIA process.
    - Include how you might consult and involve individuals and groups representing the protected characteristics.
  - What the approval processes are for changes to any policies, plans, practices and procedures associated with this work plan (committees, senior manager etc)

## **Stage 1 - Screening and Prioritisation**

Screening is a preliminary stage in impact assessment that seeks to identify a policy or practice's aims to ascertain whether they are relevant to equality. Those policies and practices that are relevant can then be subjected to more detailed scrutiny, without further resources being diverted to those that are not. Within these two broad categories – 'relevant' and 'not relevant' – screening can also help to establish levels of priority, so that finite institutional resources are used most efficiently. As most policies and practices will prove to be relevant to equality to some degree, the process of prioritising for impact assessment is a particularly important role for screening to play.

The key questions that need to be assessed at this stage are: -

- a) What is the purpose of this work area?
- b) Who are the stakeholders?
- c) Does the work area have the potential to cause adverse impact or discriminate against different groups in the community?
- d) Does the work area have the potential to positively promote the equality agenda?

If the answer to the question c or d is 'yes', then it is necessary to go ahead with an equality impact assessment.

If the answer is 'no', then this judgement and the responses to the above questions must be signed off and reported to the Deputy Vice-Chancellor via the ORG and FMBs by the Director or Dean.

A statement indicating that the work area has been screened should be added to all relevant documents: *"This has been screened for equality impact. No equality related impact was identified."* (name and date)

All relevant work areas should then be prioritised by the Faculty or Directorate. Some work areas will be clear priority areas. To assess others, the following questions should be asked: -

- Extent that this work area impacts on people
- Recent changes in legislation
- Legal challenge
- Risk to organisation
- Level of complaints
- Business case
- Moral case

## **Stage 2 - Data Gathering and Analysis**

Impact assessment is not possible without adequate data.

Data will assist in reaching a judgment as to the impact each policy has, or might have, on a particular group of people. To this end, it is necessary to consider what data is available that is relevant to the policy in question; to consider what parts of these data are appropriate for the impact assessment; and where there are insufficient data for an accurate judgment on impact to be reached, to make arrangements to collect further information.

### **What are the main sources of information?**

Although the sources of information will vary depending on the nature of the service, they may include the following: -

- Any previous equality impact assessment
- Service monitoring reports
- Previous research and customer satisfaction surveys
- User feedback and satisfaction reports
- Workforce monitoring
- Staff and student surveys, opinions and information from trade unions
- Contract monitoring reports
- Complaints and comments
- Press coverage
- Outcome of consultation exercises
- Feedback from focus groups

- Feedback from individuals or organisations representing the interests of key target groups or similar
- The knowledge, technical advice, expertise and experience of the people assisting in the completion of the EIA
- National and local statistics
- Information from formal audits
- Census data
- Academic, qualitative and quantitative research
- Demographics.
- Course evaluations

### **What about undertaking new research?**

There is not always sufficient information available to provide a clear overview of how the activity is impacting on different equality strands. Where it is practical, carry out further research or consultation, concentrating on the main objectives and not losing sight of the goals. Look for practical outcomes and focus on identifying gaps in the current provision. If it is not possible to get this information easily or immediately, this should be highlighted in the final action plan.

### **What stakeholders should be involved in the consultation process?**

It is a legal requirement that consultation takes place with appropriate stakeholders as part of the EIA process. This is to gain their perspectives on the work that is being undertaken and the services delivered. To meet the race and gender duties, it is necessary to consult with interest groups. A requirement of the disability duty is that disabled people are directly engaged in the impact assessment process.

### **Stage 3 – Assessment of Impact**

Once information has been gathered, including filling gaps in information and involving the appropriate people in the process, the next step is to use this information to assess whether the policy has, or is likely to have, a differential impact on the relevant equality target groups. This differential impact might be **positive** or **negative**, **direct** or **indirect**, and indicates that the policy affects a given group or groups differently from the majority. The Disability Equality Duty takes this a step further, and specifies that impact assessment should look for potential positive impact for target groups that may have been missed. It would also be good practice to take this approach for all equality areas, given the positive nature of the other duties. In carrying out the impact assessment process, the key aspect to look for is any evidence of adverse or negative impact, as this could indicate that equality groups are being disadvantaged.

### *Signs of Differential Impact*

Adverse impact may take various forms, and the form it takes may depend on the data available. The following are examples of where adverse impact may occur: -

- A lower participation rate of equality target groups compared with others
- Certain groups having lower success rates in particular processes
- Whether eligibility criteria appear to disadvantage certain groups
- Whether access to services and benefits is reduced or denied in comparison with other groups
- Whether a group faces increased difficulty or indignity as a result of a policy
- Whether a policy reduces benefits disproportionately for one group.

### **Stage 4 - Responding to the Results of Impact Assessment**

The real value of completing an equality impact assessment comes from the actions that will take place and the positive changes that will emerge through conducting the assessment.

It is necessary that the action plan feeds directly into Directorate or Faculty plans and, where appropriate, into De Montfort University's annual equality action plan. In some circumstances it may be appropriate to outline the budgetary considerations that need to be taken into account to make the changes.

#### *What to do if NO differential impact is found*

If no differential impact is found as a result of impact assessment, then there is no need to change the policy, practice, plan or procedure. In the case of disability, however, the impact assessment must also judge whether a potential positive impact has been missed, and in the case of all EIAs it would be in keeping with the positive nature of the general duties to take this approach even if not strictly legally mandated.

#### *What to do if Differential Impact is Found*

If differential impact is found, there are five possible courses of action: a change to the policy; a change to its implementation; justification of the policy; replacement of the policy with another to achieve its aims; and abandonment of the policy.

- (i) Changes to the policy, practice plan or procedure, or changes to the method of its implementation.

Where adverse impact can be avoided altogether within the policy, this is the approach that should be taken. This will consist either of making changes to the policy or of making changes to the way in which the policy is implemented.

- (ii) Replacement of the policy, practice, plan or procedure with an alternative that meets the same aims.  
If it proves impossible to eliminate adverse impact by changing either the policy or its method of implementation, the institution should consider other ways in which its aims can be achieved.
- (iii) Mitigation of negative impact.  
If the negative impact cannot be avoided, the institution should take steps to reduce the impact, namely mitigation. It is important to note, however, that there are only limited circumstances under which retaining a policy, practice, plan or procedure that causes adverse impact is acceptable, even if it is mitigated.
- (iv) Abandonment of the policy, practice, plan or procedure.  
If it is impossible to eliminate adverse impact, and this impact cannot be justified, then it will be necessary to abandon the policy, practice, plan or procedure and its aims. This is unlikely to occur in practice, and if it does it may be that the impact assessment process has been insufficiently robust, that the assessment hasn't been conducted in full or all its questions answered, or that more research is needed.

It is important that alternatives are considered because, if differential impact is to persist after impact assessment, this must be clearly justified. As discussed below, part of the process of justification must be a demonstration that it proved impossible, after considering alternatives, to find other ways of achieving the policy aims without discriminating against some minority group or groups. The justification process must also demonstrate that the policy is sufficiently important for discrimination to be justified.

### **Stage 5 - Consultation on Final Policy, Practice, Plan or Procedure Changes**

In addition to involving the appropriate equality group(s) earlier in the process (see stage 2), consultation should also take place on the final policy, practice, plan or procedure. This provides an extra mechanism for checking that work undertaken on modifying the policy has been suitable. It is also courteous to those previously involved, and helps them to feel their contributions have been valued, which in turn helps guard against consultation fatigue in future. The ideal is to build as much involvement as possible into the earlier stages of the impact assessment process, to ensure the views of the equality group in question are taken into account as far as possible in drawing up the final policy, and thus that it reflects their needs as accurately as possible.

## **Should the equality impact assessment be considered by a University committee?**

In some cases the equality impact assessment may relate to a policy, practice, plan or procedure that could require formal consideration by a University committee. In this case, it is important for the committee paper that introduces this should make reference to the findings of the equality impact assessment and action plan, and how these have influenced the shaping and development of overall policy. This will ensure evidence based decision making.

## **Is support and feedback available?**

DMU's Equality & Diversity Adviser is available to support teams undertaking an equality impact assessment process and to offer feedback on draft documents. It may also be useful to discuss or peer review the assessment within the Directorate, Centre or Faculty using a small focus group.

## **Stage 6 - Publication**

All equality impact assessments are public documents that need to be published in a manner that meets the needs of the community. DMU will publish all equality impact assessments on its website. However, before they are published they should be signed off by the relevant Dean or Director. If the equality impact assessment is very long or complex, then an executive summary will help make it more accessible to the wider community. All equality impact assessments should be reported formally to the Deputy Vice-Chancellor through the ORGs and FMBs by Deans and Directors.

## **Stage 7 – Monitoring and Review**

It is important to emphasise that impact assessments should not be seen as one-off processes, but rather should become part of the cycle of institutional quality control. Institutions and their policies, in equality and diversity as in all areas, should always be striving to evolve to take account of what has been learned from past experience. The timetable of future reviews should be published as part of each impact assessment report.

Mechanisms should be in place for regular reassessment of existing policies, incorporating them into a 3-year cycle of institutional review. For new policies, EIA should be seen as an integral part of policy-making, and should therefore begin as soon as a relevant new policy or practice is under consideration. These two approaches will ensure that considerations of equality and diversity are embedded absolutely at the heart of institutional activity.

## Equality Impact Assessment

[insert Directorate or Faculty Name here]

### Preparation – Work Area Identification

What work area or activity is being assessed?

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Please list all:

Policies

Practices

Plans

Procedures

(including relevant documents, guidance notes and information sheets that are being included in the EIA)

### Stage 1 – Screening

1a. What is the purpose of this work area (its aims, objectives and purposes)?

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1b. Who are the stakeholders – who does this work area affect?

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1c. Does the work area have the **potential** to cause adverse impact or discrimination against different equality characteristics?

Equality Characteristic	Yes	No	Not sure	Please explain each response
Age				
Disability				
Race/ethnicity				
Gender/sex				
Religion or belief				
Sexual orientation				
Nationality				

1d. Does the work area have the **potential** to make a contribution to the equality agenda (promote equality of opportunity, reduce unlawful discrimination, prevent harassment, positive action and promote good relationships)

Equality Characteristic	Yes	No	Not sure	Please justify each response
Age				
Disability				
Race/ethnicity				
Gender/sex				
Religion or belief				
Sexual orientation				
Nationality				

If the answers are all no to question 1c&d, please complete the statement below.

If any of the answers are yes to question 1c or d, go on to stage 2.

This (*insert work area name*) has been screened for equality impact. No adverse equality impact was identified.

Signed \_\_\_\_\_ Date \_\_\_\_\_  
Dean/Director

Ensure that a statement of equality impact assessment is placed on all relevant documents and other artefacts included in this initial screening process (see notes).

Please report this as a completed equality impact initial screen to the next ORG/FMB and forward completed form to the Equality & Diversity Adviser for publication ([equality@dmu.ac.uk](mailto:equality@dmu.ac.uk))

## Stage2 – Data Gathering & Analysis

2a. Who is the lead person for this equality impact assessment?

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2b. Who implements this work area?

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2c. Who will be on the equality impact assessment team? (lead manager responsible for work area and see 2b, student service user, staff member as relevant, member with technical or specialist expertise if appropriate)

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2d. List the evidence and data used to measure the impact.

	Yes	No	Not applicable/ available	Please detail
Previous EIA reports				
Demographic data				
Monitoring reports				
Staff and student or customer surveys				
Feedback, complaints and satisfaction reports				
Focus group/equality group feedback				
Expert reports				
Audit reports				
Academic research				
Course evaluation and feedback				
Other (please describe)				

2e. Please describe how you have consulted or directly engaged (disabled people) with appropriate stakeholders.

Equality Characteristic	Yes	No	Describe – how you consulted/engaged
Age			
Disability			
Race/ethnicity			
Gender/sex			
Religion and belief			
Sexual orientation			
Nationality			

### Stage 3– Assessment of Impact

3a. Please describe the impacts of this work area on each of the equality groups. Which equality groups are impacted by this work area?

<b>Equality Characteristic</b>	<b>Describe the impact – positive, negative, direct or indirect or none</b>	<b>Can this impact be justified? If so, how?</b>	<b>Please state monitoring arrangements</b>
Age			
Disability			
Race/ethnicity			
Gender/sex			
Religion and belief			
Sexual orientation			
Nationality			

### Stage 4 – Responding to the Results of Impact Assessment

4a. Please prepare an action plan that shows how you intend to mitigate the effects of impacts identified in 3a arising from this work area, including policy, practice, procedure and plan revisions.

<b>Identified impact</b>	<b>Planned action</b>	<b>Responsible person</b>	<b>Timeframe</b>

### Stage 5 – Consultation on Final Policy, Practice, Plan or Procedural Changes

5a. Please state how you will consult on final changes to any policies, plans, practices and procedures.

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## Stage 6 – Publication

6a. Please forward this completed equality impact assessment to the Equality & Diversity Adviser ([equality@dmu.ac.uk](mailto:equality@dmu.ac.uk)), who will arrange for it to be uploaded on to the DMU website.

6b. Please ensure that this equality impact assessment is reported to the Deputy Vice-Chancellor through the ORG and FMBs.

This area has been equality impact assessed.

Signed \_\_\_\_\_ Date \_\_\_\_\_  
Dean/Director

6c. Please ensure that a statement of equality impact assessment is placed on all relevant documents and other artefacts included in this work area equality impact assessment (see notes).

## Stage 7 – Monitoring and Review

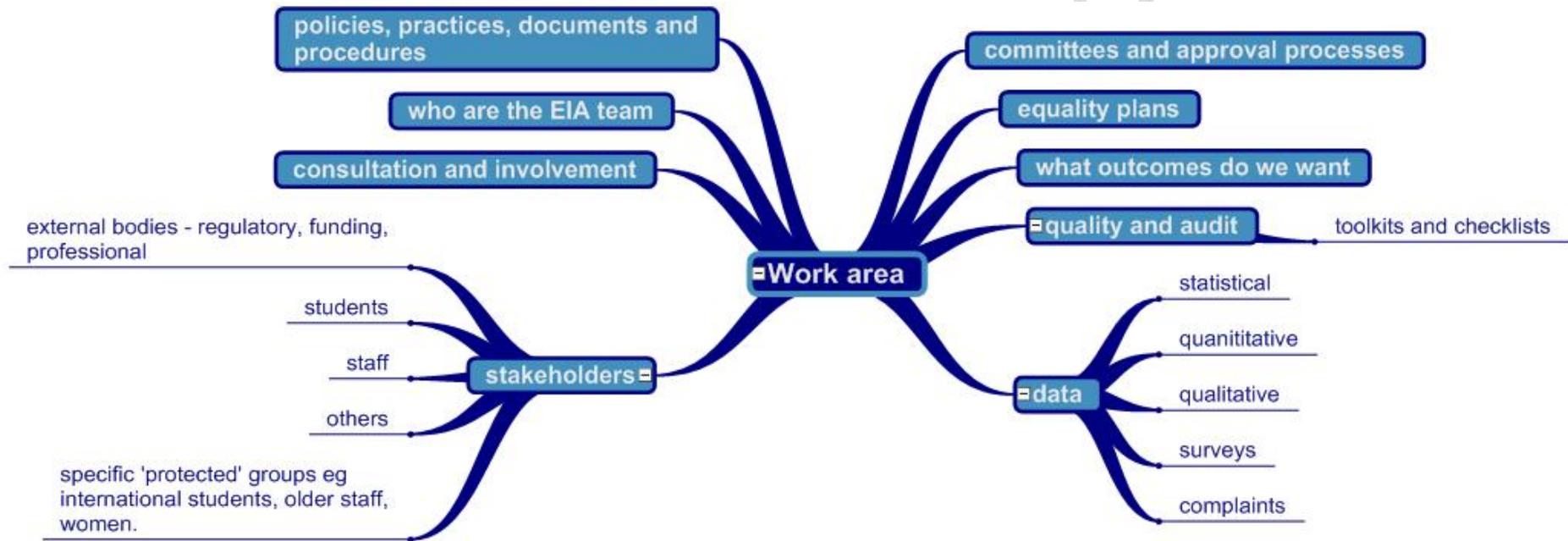
7a. Please state how this work area will be monitored.

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7b. Please state when the work area will next be reviewed (3 years).

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Annex 1 - Figure 3



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