Equality Impact Assessment

The EIA tool at appendix 4 of the Trust wide document for the development and management of policy and procedural documents provides a practical tool to help you identify any potential discrimination or disadvantage to the protected groups as identified by the Equality Act. The Public Sector Equality Duty (PSED) requires the Trust to “consider all their functions to determine which are most relevant to the aims of the general equality duty and to the protected groups.” The Trust is committed to ensuring our services, policies and decisions are fair and accessible. Completing the EIA tool supports the six ambitions of this Trust as stated in our Focus on Inclusion.

Guidance Notes

The Public Sector Equality Duty

The three aims of the general equality duty are to:-

- Eliminate unlawful discrimination, harassment and victimisation that is unlawful under the Equality Act.
- Advance equality of opportunity.
- Foster good relations.

The protected groups of the Equality Act 2010 are age, disability, pregnancy and maternity, religion or belief, sex, sexual orientation, race, gender reassignment, marriage and civil partnership.
Focus on Inclusion

In relation to equality, diversity and inclusion, our ambition is to be an organisation that:

- Has the confidence and respect of our patients, the public, our staff and partners.
- Provides high quality ophthalmic services, including promotion of better eye care and the prevention of visual problems) that meet the needs of the different communities we service.
- Enhance our patients’ quality of life through a more holistic approach to their physical and emotional needs.
- Has equality, diversity and inclusion and dignity embedded in its culture.
- Works with our members, our patients, their families and our partners to maximise opportunities for community engagement so that we can continue to improve our services.
- Recruits, supports and retains a diverse a skilled workforce by providing training and guidance which enables and empowers them to deliver a first class service with confidence.
What is the Equality Impact Assessment designed to do?

The Equality Impact Assessment is best completed at the outset of any proposal (as opposed to once it is completed). It is designed to support you in thinking about your proposal in a different way; to take the perspective that considers the specific needs of one who belongs to the protected groups.

In doing so you are able to avoid or mitigate against any discrimination or disadvantage, or be able to justify it with meaningful evidence.

In most cases you will identify subtle differences that are easily mitigated against. The important outcome of the Equality Impact Assessment is to spot significant difference in the way the policy will impact on protected groups and finding ways to overcome this. It is better to do this at the outset to avoid challenge or complaint once the proposal is agreed and in place.
Who is the proposal intended for?

Your starting point is to consider the above question. Think about it with regard to who benefits from the proposal? For example,

- is it a staff/employment proposal and therefore its target audience is our workforce, a specific part of our workforce or our entire workforce?
- is it a service or function provided by our workforce to patients, does it apply to their carers, members of the public, partners or contractors?
- is it a communication, function or facility for patients, carers or members of the public?

Your answer might be just one or both of these. E.g. it might be an HR Policy (applies to staff only) or it might be a service policy detailing how our workforce will provide care to our patients.

For example: a Policy on Gender Reassignment has a specific audience; a Policy for Capability applies to the general workforce.

For example: a decision to withdraw a diabetes clinic, or plan to change the time of a clinic.

For example: you want to provide multi faith facilities or you want to provide documents in a different language.

Quick Note: By determining who the proposal is intended for, will highlight who doesn’t get the proposal as intended and does this create any disadvantage? Disadvantage might be to those who get it (e.g. restrictions applied to one group but not another) or a benefit given to one group and not another.

These guidance notes refer to a “Proposal” throughout and this includes strategies, policies, procedures, guidance notes, strategic decisions and significant change proposals that have relevance to the Public Sector Equality Duty.
Using Evidence

If your policy is a staff or employment policy you should refer to the Trusts employment data. This will show you that the trust has a diverse workforce across a range of backgrounds, ethnicity, disability, gender (sex). You should also consider that some of our employees will identify as a lesbian woman or gay man, be a man or woman undergoing gender reassignment, be a pregnant woman or currently on maternity leave. Some of our workforce data will indicate all these matters to you, but even without it, we know that diversity exists across the Trust.

You could look at the workforce profile data in Focus on Inclusion or speak to HR for quantitative data on grievances, disciplinary cases, staff surveys or patterns of reasons for people leaving the Trust.

The same range of diversity will apply to the people we provide services to, our patients their carers, members of the public, visitors to Trust premises, partners and contractors. You can access patient data to see who will be impacted by your proposal.

Some data will be unavailable to us, but we know that we operate in a culture of difference and diversity applies in our everyday interactions with people.

You could look at patient data, demographic data, and health informatics information, reasons for complaints, patient experience data, and consultation outcomes.
A different perspective

For the EIA to be objective and meaningful, evidence and data is essential. Assumptions and judgements undermine the Trust’s ambitions to promote equality and diversity and could be wrong. They are hard to defend when a complaint of discrimination arises.

When you have identified the groups that your proposal is intended for, and have started to think about it from the different perspective of those groups you are able to make some decisions on how you proceed.

To avoid assumptions and judgements in your decision making you could consider consultation with the identified groups. Consultation is helpful to ensure you get the true perspective and ensures your proposal proceeds in a much more informed way.

This does not mean your proposal has to cover every eventuality – this is simply not practical. But looking at it from this perspective you might be able to determine language issues, cultural sensitivities, accessibility or restrictions that exclude. The purpose of the EIA is to show you have considered this and removed any obvious potential for discrimination.

It may result in a policy / service that is much more flexible in its application; or it might lead to specific considerations – for example a training policy that states how it will support employees with dyslexia. It might lead to a set of Terms of Reference that state how to overcome barriers to wheelchair users, or state explicitly how to overcome hearing impairments or where English is not the first language where this is needed.
Not sure?

Once you start to look at your proposal from the perspective of the intended user you can quickly start to see that one perspective becomes less appealing and could lead to potential barriers or be inaccessible to some.

The Equality Impact Assessment is therefore a valuable tool in decision making, encouraging you to take a different view or mindset. By being better informed the outcome are improved for those people belonging to the protected groups.

Quick Note: This is not suggesting you do something in addition to what consultation is already in place. Just remember to include some specific questions in your consultation about the potential impacts you have identified.

Keep consultation in perspective; don’t over consult on a proposal that is small and where evidence exists of minimal impact. But on major developments such as new buildings, relocation or removal of a service where there is evidence that discrimination or disadvantage could occur, use every method available to you to consult.

Staff Group, the Policy Ratification Process, Patient Experience or setting up your own focus group is ways in which you could consult on your proposal.
# Decisions

## Adapt

Using the EIA tool before you start to draft your proposal will lead you to reconsider the finer aspects of it. It will help you to create a proposal that is much more flexible and inclusive.

By identifying specific requirements of protected groups you are able to mitigate against future discrimination or disadvantage by making adaptations at the start.

Adapting and mitigating before you start is far better than having to revisit your proposal at a later date when a challenge arises.

Record on the EIA tool how you have adapted your thinking. This is helpful evidence for future proposal makers and makes the process a continuous one.

## Justify

If your evidence shows that there is a potential for discrimination or disadvantage, and you have considered all options to get round this, you may be able to justify the proposal.

You should only be able to justify the proposal if you have good evidence to show that you have considered all the options, and balanced this against the essential wellbeing of patients or the effective running of the business that shows that the proposal must proceed.

It is essential that this decision is justified with recorded, objective evidence, which is likely to include consultation evidence.

## Or you could stop!

If you can’t mitigate against the identified discrimination or disadvantage, and you cannot provide any evidence to justify why it is essential to proceed this will lead you to conclude that the proposal should stop until you have reconsidered it.

Even though you have decided to stop the proposal, recording your decision is helpful to future proposal makers, and demonstrates that the Trust is committed to the three aims of the general duty.