

# **Guide to Equality Impact Assessment**

## Equality Impact Assessment

This guide has been produced to help Trust staff carry out robust and integrated Equality Impact Assessments of policies, strategies, functions or services.

### DEFINITIONS

<p style="text-align: center;"><b>Policy</b></p> <p>An official or prescribed plan, intended to guide decisions and actions.</p> <p><b>Examples:</b> Complaints Policy, Infection Control Policy, Recruitment Policy</p>
<p style="text-align: center;"><b>Strategy</b></p> <p>A long-term plan of action designed to achieve particular goals or objectives.</p> <p><b>Examples:</b> Trust Strategy, Service Development Plan, Business Plan</p>
<p style="text-align: center;"><b>Function</b></p> <p>The actions and activities assigned to, or required/expected of, a person, group or organisation.</p> <p><b>Examples:</b> Procurement, Finance and Budgeting, Emergency Planning</p>
<p style="text-align: center;"><b>Service</b></p> <p>A department or branch of the Trust that provides specified care.</p> <p><b>Examples:</b> Minor Surgery, Occupational Health, Cancer Services</p>

## 1. Equality Impact Assessment

- 1.1 An Equality Impact Assessment (EIA) is a tool aimed at improving the quality of our services by ensuring that we as individuals and teams think carefully about the likely impact of our work on different communities or groups. It involves anticipating the consequences of the Trust's policies and services on different communities and making sure that any negative consequences are eliminated or minimised and opportunities for promoting equality and equity are maximised.
- 1.2 An EIA consists of two main parts:
  - (a) An **initial screening** process
  - (b) A **full assessment**, if the initial screening has identified a possible adverse/negative impact.
- 1.3 A **negative or adverse impact** is an impact that could disadvantage one or more equality groups or communities. This disadvantage may be differential, where the negative impact on one particular group is likely to be greater than on another.
- 1.4 A **positive impact** is an impact that could have a positive effect on one or more equality groups, or improve equal opportunities and /or relationships between communities. This positive impact may be differential, where the positive effect on one particular group of individuals is likely to be greater than on another.

## 2. Rationale behind carrying out Equality Impact Assessments

- 2.1 We undertake Equality Impact Assessments because:

### ***We need to***

If we are to appropriately serve our local community, and ensure health services are provided equitably and are genuinely accessible to all.

### ***We have to***

All public bodies must undertake impact assessments of their policies and functions, as set out in equalities legislation. Equality Impact Assessments are not optional.

### ***We want to***

Equality Impact Assessments actively support the practical delivery of policies and strategies, helping us meet the Healthcare Commission's Standards for Better Health and contribute towards other inspection regimes and partnership arrangements.

### **3. Timing for conducting an Equality Impact Assessment**

3.1 An impact assessment should be carried out when:

- Developing a new policy, strategy, service or function
- Reviewing existing policies, strategies, services or functions
- The Trust Board, Executive Directors or Senior Executive group have identified policies, strategies, services or functions as specifically requiring an EIA.

### **4. Areas covered in the Impact Assessment**

4.1 Impact assessments must cover the six equality dimensions as covered by current (and forthcoming) legislation, as follows

**Race or Ethnicity**  
**Gender**  
**Disability**  
**Age**  
**Sexual Orientation**  
**Religion and Belief**

### **5. Existing and new services and policies**

5.1 All current policies and services – both new and existing – must be monitored and regularly reviewed for relevance and checked for their impact. However, when deciding what existing policies or services to review, we should take a **proportionate** approach, i.e. assessing the equalities impact of the policy should be proportionate to the likely impact of the policy itself. Issues for consideration should include the number of people likely to be affected, the financial and human resources involved, the extent of the proposed change and wider policy implications.

### **6. Relating Equality Impact Assessments to the Trust's Single Equality Scheme**

6.1 From April 2007, Trusts were legally required to conduct race, disability and gender impact assessments on all policies and services. Conducting equality impact assessments ensure that we are complying with both existing and possible future legislation.

### **7. Building Equality Impact Assessments into existing systems and processes**

7.1 Managers are positively encouraged to build equality impact assessment into existing business planning cycles, processes and service reviews. Examples include procurement process, project management plans; health needs assessments, clinical governance

action plans, all Human Resource policies, processes and procedures, and service developments.

## **8. Responsibility for Conducting an EIA**

- 8.1 The manager responsible for the policy or service under consideration is the person responsible for ensuring that an EIA is carried out. However, all employees and health professionals, directors and board members have some degree of responsibility for ensuring that EIAs are conducted. The Trust Board is ultimately accountable for ensuring that Equality Impact Assessments are completed and published. When policy or service proposals are submitted to the Trust Board for consideration, members will expect to see the results of an EIA within these reports.

## **9. Carrying out an Equality Impact Assessment**

- 9.1 There are a number of supporting documents that can assist you in carrying out an impact assessment that can be downloaded from the Trust Intranet website <http://www-local/index.asp>. For quick reference, the EIA process has also been summarised in a one-page flowchart diagram at the end of these guidelines.

## **10. Step by Step Guide to Equality Impact Assessment**

### **10.1 Decide who will contribute to the Equality Impact Assessment**

Identify the people who will lead and be responsible for undertaking the Equality Impact Assessment and other people or partner organisations that will contribute to the assessment. Try to get a balance of skills and experience as well as mix of staff at different levels. For some (smaller) assessments, it may be easier to have a “virtual team” with one or two people taking responsibility for the review but drawing on the knowledge and expertise of others as and when necessary.

### **10.2 Identify your policy or service aims**

Only by being clear about the aims of your policy or the focus of your service can you meaningfully assess whether it will have a positive or negative impact on certain groups, and whether this impact will be high medium or low.

### **10.3 Carry out an initial assessment of likely impact (screening)**

At the screening stage, you should be assessing obvious negative / positive impact or gaps in knowledge about likely impact. It should be a short process that makes use of previous consultation results, personal knowledge and experience, internal reports, staff with previous experience of similar policies, strategies or services, etc. If there is a lack of data or information concerning a particular area, this 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.

Once the initial screening has been completed, a full assessment is only required if:

- The impact is potentially discriminatory under equality or antidiscrimination legislation
- There are any equality groups or communities identified as being potentially disadvantaged or negatively impacted by the policy or service
- The policy or service is assessed to be of high significance

If none of the above is true, then go straight to **Step 10.8 – Setting up monitoring and review arrangements.**

#### **10.4 Consider Existing Data and Research**

Exploring the available data and research relevant to the development of the service or policy is a vital part of EIA. For example, patterns and trends data may show that a particular group of people are not accessing a service. Both qualitative and quantitative data can be used (in the right context). This may include service activity, workforce profiles, information from formal audits, consultation exercises (with the public and staff), surveys, information of the local population and census data. Where data by equality group are limited or not available, managers should identify this as a limitation and devise action plans to overcome this (see **Step 10.8**).

#### **10.5 Involve and consult relevant stakeholders**

EIAs must be informed by consultation. This could include engaging with staff and members, staff associations or trade unions, other public bodies or voluntary and community groups. If relevant and recent consultation data exists which can be analysed by the different equality groups you can make use of this. If you do not, then you will need to undertake consultation as part of the assessment process.

There may be consultation processes or forums already in place, which should be used; however such mechanisms should be representative of the local community.

#### **10.6 Assess the likely impact on equality**

Assessment of the likely impact on equality is found by examining the function or policy, taking into account information gathered (**Step 10.4**), supported by involvement and / or consultation (**Step 10.5**).

If the results of the analysis lead to a finding of potential adverse impact and / or unlawful discrimination, the policy or service will need to be revised and any barriers or failings tackled. In some cases, it may be appropriate to consider alternative ways to achieve the policy or service objectives. Before making a decision, it is important to make sure that reducing the adverse impact on one particular group does not create an adverse impact on another group. If this is unavoidable it will be necessary to satisfy that this can be justified on non-discriminatory grounds.

#### **10.7 Produce an action plan**

An implementation plan should be produced, which simply and clearly sets out any actions you have identified as a result of undertaking the EIA. These may include actions that need to be carried out before the EIA can be completed or longer-term actions that will be carried out as part of policy development or service delivery. Actions should be prioritised.

## 10.8 Set up monitoring and review arrangements

EIA should not be considered as one-off exercise. The actual impact will only be realised when it has been put into practice and a review date should be planned as practicable to see how the function or policy is working in practice. Checking for and reporting any potential for adverse impact in the future is a crucial element of the EIA process. Such exception reporting can be used within existing performance management processes. An entire review of the EIA must be undertaken within three years or in the event of a major change to the policy or service.

## 10.9 Sign off the Equality Impact Assessment report and agree the policy/service

It is at this stage of the assessment process that a decision should be made regarding the effectiveness of the policy. The Equality Impact Assessments should be discussed within the team and signed off by the relevant manager. Where a report to the Trust Board, Executive Directors or Senior Executive Group is recommending the adoption of a new or revised policy or service, the EIA should be attached as an appendix to the report. The equalities implications paragraph on the coversheet should then summarise the main issues within the EIA.

## 10.10 Publish the results

Publishing results of EIAs show commitment to promoting equality and will also demonstrate that the organisation is carrying out the specific duties of assessing, involving, consulting and monitoring. Once completed, a copy of the EIA report should be forwarded to the Trust's Equality and Diversity Lead for publication on the Trust's website in a format that is accessible.

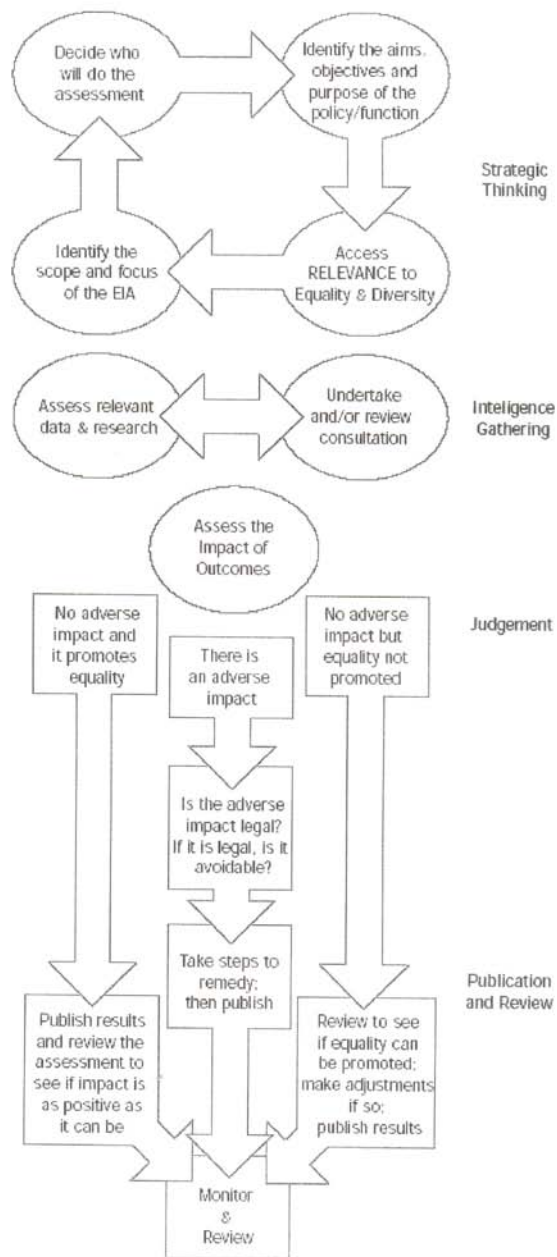
## 10.11 Supporting Documents

Documents and templates are available that may be of help to you in conducting your EIA;

- **Screening Grid:** Use this to initially highlight the possible impacts, in order to focus the EIA on the groups potentially most affected by the policy or service – **Appendix 1**
- **Full Impact Assessment Grid:** A template to assist you in carrying out a full impact assessment – **Appendix 1**
- **Action Plan template:** This can be used to clearly set out any actions you have identified as a result of undertaking the EIA – **Appendix 1**

- **EIA Report Outline:** These are sections that should be contained within a published EIA report – **Appendix 1**
- **Questions for Screening:** Useful documents to help with screening and full assessments – **Appendix 2**
- **Schedule of Responsibility:** Outlines the responsibilities of staff for conducting EIA, at every level within the organisation – **Appendix 2**
- **Summary of Key Equalities Legislation and National Policy:** and links to other useful web sites where data can be obtained – **Appendix 2**

## Equalities Impact Assessment Flowchart



# APPENDIX 1 – TEMPLATES

## Contents:

- Equality Impact Assessment Report Outline
- Screening Grid
- Full Impact Assessment Grid
- Action Plan Grid

## Equality Impact Assessment Report Outline

Remember that your EIA report should demonstrate what you do (or will do) to make sure that your service/policy is accessible to different people and communities, not just that it can, in theory, be used by anyone.

1. **Name of Policy or Service**
2. **Responsible Manager**
3. **Date EIA Completed**
4. **Description and Aims of Policy/Service (including relevance to equalities)**
5. **Brief Summary of Research and Relevant Data**
6. **Methods and Outcome of Consultation**
7. **Results of Initial Screening or Full Equality Impact Assessment:**

<b>Equality Group</b>	<b>Assessment of Impact</b>
Age	
Gender	
Race	
Sexual Orientation	
Religion or belief	
Disability	
Deprivation	
Dignity and Human Rights	

8. **Decisions and/or Recommendations (including supporting rationale)**
9. **Equality Action Plan (if required)**
10. **Monitoring and Review Arrangements (including date of next full review)**

## Screening Grid

Equality Area	Key Equalities Legislation / Policy (See summary sheet)	Is this policy or service RELEVANT to this equality area? YES / NO	Assessment of Potential Impact:		Reasons for Assessment
			positive (+)	negative (-)	
Gender	Sex Discrimination Act 1975 Equal Pay Act 1970 Equalities Act 2006 Gender Recognition Act 2004				
Race	Race Relations Act 1976 Race Relations (Amendment) Act 2000				
Disability	Disability Discrimination Act 1995 and 2005				
Age	Age Regulations 2006				
Sexual orientation	Equalities Act 2006 Relevant employment legislation				
Religion and beliefs	Equalities Act 2006 Relevant employment Legislation				
Dignity and Human Rights	Human Rights Act 1998 (relevant articles)				

## Full Impact Assessment Grid

**Note: Only the equality areas marked as relevant in the screening need to be fully impact assessed**

Relevant Equality Area (from Screening)	Key points of research and consultation	Does the policy / service or its implementation:			Key issues for action [Will form basis of action plan]
		Breach equalities legislation?	Prevent discrimination or inequality?	Promote equality / Good relations?	
Gender					
Race					
Disability					
Age					
Sexual orientation					
Religion and beliefs					
Deprivation					
Dignity and Human Rights					

**Action Plan Template**

<b>Name of Policy or Service:</b>							
<b>Equality groups or communities affected</b>	<b>Issue identified</b>	<b>Action to be taken</b>	<b>By When</b>	<b>Responsible Person</b>	<b>Expected Outcome</b>	<b>Monitoring Arrangements</b>	<b>Data Required</b>

## **APPENDIX 2 – USEFUL DOCUMENTS**

### **Contents:**

- Questions for Screening
- Key Legislation and National Policy
- Schedule of Responsibility

## Equality Impact Assessment – Useful Questions for Screening

Below are a number of questions to help you consider as wide a range of issues as possible when screening policies or services for their possible impacts on different communities.

### **RACE**

***How will you make sure that people from a wide range of ethnic groups use your service?***

***(N.B. You may find it helpful to look at this section alongside the section on Religion and Belief as the actions are closely related). You might find the following prompts useful:***

- How do people from minority ethnic backgrounds find out about your service? Does your printed information take account of different languages and cultures and is it easy to understand?
- Have you publicised your service among minority ethnic communities by making it available at different appropriate venues as well as visiting them and talking about your service?
- Have you decided what core information you need available in other languages?
- Do your staff members know how to access an interpreter for booking appointments or how to access telephone interpreting (in situations where it may not be possible to arrange an appropriate interpreter)? Also where to get advice on material in other languages and formats?
- Do you routinely record the language that a person speaks so that you can send those letters in the right language or ring them instead if they can't read?
- Have you put in place a procedure to record the uptake of interpreting and translated material?
- Have you thought about your assessment materials and methods and made sure that they are relevant to people from different cultures?
- Do you currently record the ethnicity of patients so that you know how well your service is being used by people from minority ethnic backgrounds?
- What actions would you undertake to ensure that your staff members are treating people from a minority ethnic background with respect and dignity?

- Have you identified any specific dietary or any religious needs of patients or any other specific requirements that you need to be sensitive to?
- Have your staff members received EIA Training as well as Equality and Diversity Training and how they are planning to implement this in their work setting?
- Have you considered incorporating race equality objectives in staff appraisal?
- How will you mainstream these actions into the core business of your service?

### **RELIGION OR BELIEF**

***How will you welcome people from all religious backgrounds? You might find the following prompts useful:***

- How do people from different religious backgrounds find out about your service? Is your printed information religiously appropriate / sensitive?
- Have you publicised your service among various religious communities and groups by making it available at different appropriate venues as well as visiting them and talking about your service?
- Do you currently record patients' religion as part of their assessment, asking them if they have any specific needs, and is there a process in place to pass on appropriate information to the Chaplaincy department?
- What actions would you undertake to ensure that your staff members are treating people from different religions/beliefs/no beliefs with respect and dignity?
- Is your service religiously and culturally sensitive to meet the needs of people from various religious backgrounds? If not what approaches would you develop to address this?
- Have you identified any specific dietary or other needs related to a person's religion that you need to be sensitive to?
- Are there any other religious sensitivities you need to bear in mind e.g. when visiting patients at home?
- Have you thought about the prayer needs or the need for a quiet space for your patients / residents?
- Have you considered obtaining a list of various festivals to be made available to your staff members to avoid arranging appointments / visits etc on any particular religious festivals / days / times?

- Have your staff members received training on religion and belief and how they are planning to implement this in their work setting?
- Have you considered incorporating religion and belief equality objectives in staff appraisal?
- How will you mainstream these actions into the core objectives of your service?

## **DISABILITY**

***What will you do to make sure that people with a disability are using and benefiting from your service/policy? This includes people with a learning disability, people with long-term conditions and mental health problems, and people with physical and sensory impairments.***

***You might find the following prompts useful:***

- How do people with disabilities find out about your service?
- Does your printed information take account of communication needs of people with various disabilities and is it easy to understand?
- Have you decided what core information you need available in large print, audio tape or Braille?
- Is your service physically accessible to people with mobility problems or who use a wheelchair?
- Do your staff members know how to access a sign language interpreter, or an interpreting service for deaf and hearing impaired people), how to use an Induction Loop and where to get advice on material in different formats?
- Do you routinely record the communication needs of patients with a disability for referring to when sending out appointments etc?
- Have you put in place a procedure to record the uptake for sign language interpreters, appointment letters/leaflets in Braille etc?
- Do you currently monitor whether or not patients have a disability so that you know how well your service is being used by people with a disability?
- What actions will you undertake to ensure that your staff members are treating people with disabilities with respect and dignity?
- Is your service religiously and culturally sensitive to meet the needs of disabled people from minority ethnic groups? If not what approaches would you develop to approach this?

- Have your staff members received Disability Awareness Training in general and more specifically in meeting the needs of patients with a learning disability, people with mental health difficulties or people with hearing or sight impairment? How they are planning to implement this in their work setting?
- Have you thought about your assessment materials and methods and made sure that they are relevant to people with disabilities?
- Have you considered incorporating disability equality objectives into staff appraisal?
- How will you mainstream these actions into the core objectives of your service?

## **AGE**

***If your service is open to people of all ages, how will you make sure that it is used by people of all ages? You might find the following prompts useful:***

- Is it easy for someone of any age to find out about your service and to use your service?
- Does your service make assumptions about people simply because of their age?
- Does your service give out positive messages about all ages in the leaflets and posters that it uses?
- When you are recruiting staff, have you thought about age and how you can recruit from a wide range of age backgrounds?
- Do younger and older people in your staff team feel equally valued?
- Do you monitor age to make sure that you are serving a representative sample of the population (or representative within your relevant age group)?
- Do any eligibility criteria for your service discriminate against older or younger people without just cause?
- What actions will you take to make sure that your staff treat people of all ages with dignity and respect?
- Have you considered including age equality into staff objectives and appraisal?

- How will you mainstream these actions into the core objectives of your service?

## **GENDER**

***If your service is for men and women, what will you do to make sure that both benefit? You might find the following prompts useful:***

- Is it easier for either men or women to find out about and use your service, for example because of where you display leaflets or your opening times?
- If your service is for men and women, do you routinely monitor the uptake of your service with gender breakdown and take appropriate action?  
For example:
  - o If you find that men are not accessing your services then you may consider improving the way these services are provided to men, possibly by targeting men and providing drop-in clinics at sporting events or workplaces.
  - o Similarly you may consider adopting sensitive approaches to target women from different backgrounds as the services may not be appropriate for some women from particularly minority communities
- Have you considered the possible needs of transgender staff and service users in the development of your policy or service?
- Have your staff members received Gender Equality Training and how they are planning to implement this in their work setting?
- Have you considered incorporating gender equality objectives in staff appraisal?
- How would you mainstream these actions into the core business of your service?

## **SEXUAL ORIENTATION**

***How will you give positive messages and a positive reception to people who are gay, lesbian, bisexual or transgender? You might find the following prompts useful:***

- Does information about your service use visual images that could be people from any background or are the images mainly heterosexual couples?
- Does the language you use in your literature include reference to gay, lesbian and bisexual people?

- When carrying out assessments, do you make it easy for someone to talk about their sexuality if it is relevant, or do you assume that they are heterosexual?
- Would staff in your workplace feel comfortable about being 'out' or would the office culture make them feel that this might not be a good idea?
- Have your staff had training in Sexual Orientation and Equality and how will they put what they have learnt into practice?
- How will you make sure that staff treat lesbian, gay, bisexual and transgender people with dignity and respect?
- Have you included this area of equality in staff objectives and appraisal?
- How will you mainstream these actions into the core business of your service?

### **INEQUALITIES AND DEPRIVATION**

***How will you make sure that people from a wide range of socio-economic backgrounds can access your service? Some groups experience persistent inequalities, such as minority ethnic communities or disabled people, so this section may overlap with others. However, you may find the following prompts useful:***

- Do you know where the key pockets of deprivation are within your area? Is it easy for people in these areas to find out about your service and to use your service?
- Is your service easily accessible via existing public transport links?
- Does your service make assumptions about people simply because of their background or where they live?
- Do any eligibility criteria for your service restrict access for people from more deprived communities?
- When you are advertising jobs, have you thought about how you can encourage people from more deprived communities to apply?
- Are staff aware of existing health inequalities priorities and targets for their area?
- How will you mainstream action on reducing inequalities into the core business of your service?

## **Key Equalities Legislation and National Policy**

### **❖ The Equal Pay Act (as amended) 1970**

The Equal Pay Act gives an individual a right to the same contractual pay and benefits as a person of the opposite sex in the same employment, where the man and the woman are doing:

- ❑ Like work; or
- ❑ Work rated as equivalent under an analytical job evaluation study; or
- ❑ Work that is proved to be of equal value.

### **❖ The Sex Discrimination Act (as amended) 1975**

The SDA (which applies to women and men of any age, including children) prohibits sex discrimination against individuals in the areas of employment, education, and the provision of goods, facilities and services and in the disposal or management of premises.

### **❖ The Human Rights Act 1998**

The Human Rights Act came fully into force on 2 October 2000. It gives further effect in the UK to rights contained in the European Convention of Human Rights. The Act:

- ❑ makes it unlawful for a public authority to breach Convention rights, unless an Act of Parliament meant it could not have acted differently;
- ❑ means that cases can be dealt with in a UK court or tribunal; and
- ❑ says that all UK legislation must be given a meaning that fits with the
- ❑ Convention rights, if that is possible.

Article 2      Everyone has the right to life

Article 3      No one shall be subjected to ... degrading treatment

Article 5      Everyone has the right to ... security of person

Article 8      Everyone has the right to respect for their private and family life home and correspondence

Article 9      Everyone has the right to freedom of thought, conscience and religion ... subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, public order, health, morals, or the freedoms of others

Article 10 Everyone has the right to freedom of expression (subject to the same requirements as Article 9), but the exercise of those freedoms carries duties and responsibilities to the rights of others

Article 14 Prohibition on Discrimination. The enjoyment of the rights and freedoms set forth in the convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin

#### ❖ **Employment Equality (Religion or Belief) Regulations 2003**

These regulations outlaw discrimination (direct discrimination, indirect discrimination, harassment and victimisation) in employment and vocational training on the grounds of religion or belief. The regulations apply to discrimination on grounds of religion, religious belief or similar philosophical belief.

#### ❖ **Employment Equality (Sexual Orientation) Regulations 2003**

These regulations outlaw discrimination (direct discrimination, indirect discrimination, harassment and victimisation) in employment and vocational training on the grounds of sexual orientation. The regulations apply to discrimination on grounds of orientation towards persons of the same sex (lesbians and gay men) and the same and opposite sex (bisexuals).

#### ❖ **The Gender Recognition Act 2004**

The purpose of this Act is to provide transsexual people with legal recognition in their acquired gender. Legal recognition will follow from the issue of a full gender recognition certificate by a Gender Recognition Panel. In practical terms, legal recognition will have the effect that, for example, a male-to-female transsexual person will be legally recognised as a woman in English Law. On the issue of a full gender recognition certificate, the person will be entitled to a new birth certificate reflecting the acquired gender and will be able to marry someone of the opposite gender to his or her acquired gender.

#### ❖ **The Civil Partnership Act 2004**

This Act creates a new legal relationship of civil partnership, which two people of the same-sex can form by signing a registration document. It also provides same-sex couples who form a civil partnership with parity of treatment in a wide range of legal matters with those opposite-sex couples who enter into a civil marriage.

### ❖ **The Disability Discrimination Act 1995**

This Act prohibits discrimination against disabled people in the areas of employment, the provision of goods, facilities, services and premises, and education; and provides for regulations to improve access to public transport to be made.

### ❖ **The Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000)**

The Race Relations Act (RRA) makes it unlawful to treat a person less favourably than another on racial grounds. These cover grounds of race, colour, nationality (including citizenship), and national or ethnic origin.

The Race Relations (Amendment) Act outlawed discrimination (direct and indirect) and victimisation in all public authority functions not previously covered by the RRA, with only limited exceptions. It also placed a general duty on specified public authorities to promote race equality and good race relations. There are also specific duties for listed organisations including the production of Race Equality Schemes.

### ❖ **Disability Discrimination Act 2005**

This Act makes substantial amendments to the Disability Discrimination Act 1995 (see above). The 2005 Act places a general duty on public authorities to promote disability equality and to have due regard to eliminate unlawful discrimination. Those listed bodies within the public sector will also be subject to specific duties of the 2005 Act. These specific duties provide a clear framework for meeting the general duty and includes the requirement to produce a **Disability Equality Scheme**. The Disability Equality Duty for the Public Sector will come into force in December 2006.

This will mean that DH and all NHS bodies will have to have in place by December 2006 disability equality schemes demonstrating how they intend to fulfil their general and specific duties under the Act. This will include:

- a public authority should involve disabled people in the development of the scheme
- the scheme should include a statement of:
  - o the way in which disabled people have been involved in the development of the scheme
  - o the authority's methods for impact assessment
  - o steps which the authority will take towards fulfilling its general duty (the "action plan")
  - o the authority's arrangements for gathering information in relation to employment, and, where appropriate, its delivery of education and its functions

- o the authority's arrangements for putting the information gathered to use, in particular in reviewing its action plan and in preparing the next Disability Equality Scheme
- a public authority must, within 3 years of the scheme being published, take the steps set out in its action plan (unless it is unreasonable or impracticable for it to do so) and put into effect the arrangements for gathering and making use of information.
- a public authority must publish a report containing a summary of the steps taken under the action plan, the results of its information gathering and the use to which it has put the information.

The first scheme must be published by 4 December 2006 and will have to cover the following three years and this must be a living document, regularly monitored and reviewed.

#### ❖ **Employment Equality (Age) Regulations October 2006**

The Age Regulations will implement the age strand of the EU Employment Directive 2000, which prohibits discrimination on specified grounds in work and vocational training. The Age Regulations will apply to all workers and to people who apply for work. In addition they will cover access to vocational training. The Age Regulations will prohibit direct and indirect age discrimination, harassment and victimisation.

#### ❖ **The Equality Act 2006**

The Equality Act received Royal Assent on 16 February 2006. The Act's main provisions include:

- o the **creation of the Commission for Equality and Human Rights (CEHR)** which replaces the existing three equality commissions. The new Commission would give individuals suffering from discrimination easier access to support and provide employers and service providers with improved advice and information in a one-stop-shop. The purpose and functions of the CEHR are outlined in the Act and the new Commission will be operational from October 2007 (with the Commission for Racial Equality joining in 2009)
- o **to make unlawful discrimination on the grounds of religion and belief and sexual orientation** in the provision of goods, facilities and services, education, the use and disposal of premises, and the exercise of public functions; and

- o to create a **duty on public authorities to promote equality of opportunity between women and men ('the gender duty')**, and prohibit sex discrimination in the exercise of public functions. This will also include a specific duty on public bodies to produce a Gender Equality Scheme. The Gender Duty will come into force in April 2007.

#### ❖ **Discrimination Law Review**

The Department for Communities and Local Government's Women and Equality Unit are taking the Discrimination Law Review forward. The Review will consider the opportunities for creating a clearer and more streamlined equality legislation framework, which produces better outcomes for those who experience disadvantage.

Key areas of the Review's work will include:

- o A consideration of the fundamental principles of discrimination legislation and its underlying concepts and a comparative analysis of the different models for discrimination legislation;
- o An investigation of different approaches to enforcing discrimination law so that a spectrum of enforcement options can be considered;
- o An understanding of the evidence of the practical impact of legislation – both within the UK and abroad – in tackling inequality and promoting compliance;
- o Consideration of the opportunities for creating a simpler, fairer and more streamlined legislative framework in a Single Equality Act. Any proposals will have due regard to better regulation principles and take into account the need to minimise bureaucratic burdens on business and public services. A key priority will be seeking to achieve greater consistency in the protection afforded to different groups while taking into account evidence that different legal approaches may be appropriate for different groups.

It is anticipated that the product is a series of proposals for a coherent, modern, outcome focused framework for this area of the law with a view to bringing forward a Single Equality Bill.

#### ❖ **Tackling Health Inequalities – a programme for action**

This Programme for Action sets out plans to tackle health inequalities over the next three years. It establishes the foundations required to achieve the challenging national target for 2010 to reduce the gap in infant mortality across social groups, and raise life expectancy in the most disadvantaged areas faster than elsewhere.

[http://www.dh.gov.uk/PublicationsAndStatistics/Publications/PublicationsPolicyAndGuidance/PublicationsPolicyAndGuidanceArticle/fs/en?CONTENT\\_ID=4008268&chk=Ad%2BpLD](http://www.dh.gov.uk/PublicationsAndStatistics/Publications/PublicationsPolicyAndGuidance/PublicationsPolicyAndGuidanceArticle/fs/en?CONTENT_ID=4008268&chk=Ad%2BpLD)

## ❖ Neighbourhood Renewal Strategy

Where we live can greatly affect our opportunities in life. For those living in areas of need, quality of life can be severely limited by what has been called 'postcode poverty'. Neighbourhood Renewal aims to improve the quality of life for those living in the most disadvantaged areas by tackling:

- Poor job prospects
- High crime levels
- Educational under-achievement
- Poor health
- Problems with housing and their local environment

The national strategy and action plan, *A New Commitment to Neighbourhood Renewal*, was produced in 2001 with the overarching principle that within 10 to 20 years no one should be seriously disadvantaged by where they live.

## ❖ Local Area Agreements

An LAA is a three-year agreement, based on local Sustainable Community Strategies, which sets out the priorities for a local area. The agreement is made between Central Government, represented by the Government Office (GO), and a local area, represented by the lead local authority and other key partners through Local Strategic Partnerships (LSPs).

### **Background and further information:**

Acts of UK Parliament

<http://www.opsi.gov.uk/legislation/uk.htm>

A database of recent acts and statutory instruments, including equalities legislation.

Commission for Equality and Human Rights

<http://www.cehr.org.uk/>

The forthcoming single equalities commission for the UK. Contains links to the separate Commission websites, such as the Disability Rights Commission, Equal Opportunities Commission and Commission for Racial Equality.

Department for Communities and Local Government

<http://www.communities.gov.uk/>

The Government department that leads on cross-cutting policies and strategies to reduce inequalities and deprivation

Department of Health

<http://www.dh.gov.uk>

## Schedule of Responsibility

Level	Responsibilities
<b>Dorset County Hospital NHS Foundation Trust Board</b>	<ul style="list-style-type: none"> <li>• Ensures that the Trust's direction and vision enables it to carry out its statutory equality and diversity responsibilities</li> <li>• Receives an annual report on results of all impact assessments</li> </ul>
<b>Senior Executive Group</b>	<ul style="list-style-type: none"> <li>• Ensures appropriate organisational frameworks in place for staff to carry out EIA responsibilities and duties, with resources available for implementing action plans to achieve positive outcomes for service users</li> <li>• Receive regular reports on results of impact assessments undertaken, action plans developed and implementation achieved</li> </ul>
<b>Diversity Forum</b>	<ul style="list-style-type: none"> <li>• Develops Equality Impact Assessment guidelines</li> <li>• Offers support and guidance to directorates carrying out assessments</li> <li>• Receives and examines completed EIAs before publication</li> <li>• Identifies resource issues to be fed into the budget process</li> <li>• Oversees the production of the annual report to the Trust Board.</li> </ul>
<b>Directorate Management Teams</b>	<ul style="list-style-type: none"> <li>• Ensure initial screening of all policies and services within their remit</li> <li>• Identify policies and services for full impact assessment and review</li> <li>• Identify staff and resources to complete the assessments and reviews on time.</li> <li>• Ensure that consultation activities take full account of the diversity of users, non-users, relevant staff, partners and interested groups.</li> <li>• Integrate results into service and business planning processes highlighting resource pressures or savings for the budget cycle.</li> <li>• Ensure completed EIAs are forwarded to the Trust's</li> <li>• Equality and Diversity Lead for publishing.</li> </ul>
<b>Departmental Managers</b>	<ul style="list-style-type: none"> <li>• Contribute to the impact assessment by generating ideas, providing data and other relevant information to enable a successful impact assessment of services and policies.</li> </ul>
<b>Front line staff</b>	<ul style="list-style-type: none"> <li>• Staff should expect to be asked to contribute to an impact assessment in relation to service provision.</li> </ul>