



Equality Impact Assessment Guidance

1. Introduction

This guidance is intended to help you undertake an Equality Impact Assessment (EqIA)

All Colleges/Support Groups, Schools/Support Departments and Services that have the lead responsibility for developing and revising policies are required to understand and implement this process.

Before carrying out EqIA, you should familiarise yourself with the University's EqIA Policy Statement and undertake our online training on Equality and Diversity and EqIA. These, along with further information and resources, are available at www.ed.ac.uk/schools-departments/equality-diversity/impact-assessment

EqIA is part of the University's general equality duty under the Equality Act 2010 and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012. The Equality Act 2010 specifies the following 'protected characteristics': age, disability, race (including ethnicity and nationality), religion or belief, sex, sexual orientation, gender reassignment, pregnancy and maternity, and marriage or civil partnership. This form uses 'equality group' to mean persons who share a relevant protected characteristic.

The University has a general equality duty to have due regard to the **needs** to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

Under the Scottish Regulations, the University has a specific duty – subject to relevance and proportionality - to assess the impact of applying proposed new or revised policies and practices against the needs above. 'Policy/practice' should be interpreted widely to include the full range of the University's policies, provisions, criteria, functions, practices and activities, including decisions and the delivery of services – essentially everything we do, and will be referred to as 'policy/practice' hereinafter.

This guidance is designed to lead you through the EqIA process through asking pertinent questions and giving examples. The law does not dictate a particular form for EqIA, but we have provided a template for you use if required. The requirement is to actively consider how a policy or practice will meet the general equality duty, and take any necessary action. Wherever practicable, EqIA should be built into standard processes and tailored to the nature of the policies or practices involved.

It is, however, necessary to publish EqIA where the policy or practice is applied, so all EqIAs – in whatever format - should be sent to equalitydiversity@ed.ac.uk for publication.

Answers should be recorded in the EqIA form and can be expanded and supplemented as required. Answers may be as long or short as is necessary and relevant, bearing in mind

that the effort involved in EqIA should be proportionate to the relevance of the policy or practice to equality.

2. When is an EqIA required?

EQIA should be undertaken if all or any of the following apply:

- The policy/practice affect primary or high level functions of the University?
- The policy/practice is relevant to the promotion of equality (in terms of the Public Sector Equality Duty 'needs' set out in the introduction above)
- The policy/practice is one on which interested parties could reasonably expect the University to have carried out an EqIA

3. Assessing for Equality Impact

Before assessing the policy/practice, ensure that you have a clear understanding of the purpose of the policy or practice, the context, the intended beneficiaries and the results aimed for.

- Bear in mind that the extent of EqIA should be proportionate to the relevance of the policy/practice to equality. It may not be practicable or necessary to answer every question or address every potential scenario.
- Focus mainly on aspects of the policy/practice that are most relevant to the question, to ensure most attention is given to the most important areas.
- Relate answers to consideration of the available evidence and address any gaps or disparities revealed, where feasible without disproportionate effort. For new policies, assess potential impact.
- Describe any action identified to address any issues highlighted.
- Where there is potential for adverse impact, but the policy/practice will still be applied, indicate the rationale for that decision.

Initial/partial EqIA: in some circumstances - particularly for new policies/practices – there may be limited information on which to base EqIA. In these cases, the EqIA should be carried out to the extent possible and should identify arrangements for monitoring/ investigation of equality impact and for fuller EqIA in future.

Wholly positive impact: Some policies/practices may be viewed as having only positive equality impact. For these, consideration should still be given to ensure that no adverse impact is overlooked and to ensure that full advantage is taken of the positive impact, e.g. through effective communication. However, the effort involved in carrying out EqIA should not be excessive.

4. Undertaking an Equality Impact Assessment

- 4.1** Indicate the current status of the policy/practice or the stage of development/review. Also note any general comments here regarding the relevance and significance of the policy/practice to equality. Which aspects of the policy/practice are particularly

relevant (which should be the main focus for EqIA)? On what aspects of equality does the policy/practice particularly impact?

4.2 Indicate which equality group/s is the policy/practice relevant and why?

Policies/practices applying to substantial groups of students or staff will be relevant to all equality groups, which should be noted.

4.3 The protected characteristics under the Equality Act are:

- Age
- Disability
- race (including ethnicity and nationality)
- religion or belief
- sex
- sexual orientation
- gender reassignment
- pregnancy and maternity
- marriage or civil partnership¹

4.4 The protected characteristics under the Equality Act are: Consider each of these equality groups. As part of this, consider diversity within, as well as between groups (e.g. different disabilities, different racial groups). Consider the implications of combinations of protected characteristics e.g. issues of relevance to women may vary once race, religion and age are taken into consideration. Also consider the impact on those with caring/family responsibilities (which tends to impact more on women).

4.5 What evidence is available about the needs of relevant equality groups? E.g. information/feedback from equality groups or other stakeholders, involvement or research with equality groups or individuals, equality monitoring data, service monitoring data, information for other similar policies/practices, staff surveys, research reports, demographic information, audit, inspection or management reports and recommendations.

4.6 Where are the gaps in evidence? If there is insufficient information to properly assess the policy, how will this be addressed? If information cannot be gathered now, consider building monitoring into the plans for implementation/review of the policy/practice. Note: the resources put into collecting evidence should be proportionate to the relevance of the policy/practice to equality.

4.7 Might the application of this policy/practice lead to discrimination, harassment or victimisation? Might it result in less favourable treatment for particular equality groups or give rise to indirect discrimination?

4.8 Are reasonable adjustments built in where they may be needed?

¹ Note: only the duty to eliminate discrimination applies to marriage and civil partnership. There is no need to have regard to advancing equality or opportunity or fostering good relations in this respect.

4.9 Does the policy/practice contribute to advancing equality of opportunity²? Will it help to:

- remove or minimise disadvantage
- meet the needs of different equality groups
- encourage increased participation of particular groups
- take account of disabled people's impairments?

4.10 Is there an opportunity in applying this policy/practice to foster good relations between people in any protected group and those who are not³? Will it help to tackle prejudice and/or promote understanding?

4.11 Is there evidence (or an expectation) that people from different equality groups have different needs or experiences in relation to the policy/practice? If so, what are they?

4.12 Is there evidence (or an expectation) of higher or lower uptake by any equality group(s)? If so, give details of the differences and the reasons for these (if known)?

4.13 Is any equality group excluded from participating in or accessing the service or functions? If so, why?

4.14 Does the policy/practice create any barriers for any other groups? For example, because of the time when the service is delivered or because of restricted income? Is the communication of the policy/practice accessible to all groups?

4.15 How are relevant equality groups or communities involved in the development, review and/or monitoring of the policy or practice?

4.16 Are there any other points to note regarding the potential or actual impact of applying the policy or practice, with regard to the need to eliminate discrimination, advance equality and promote good relations? If so, note these here.

5. Equality Impact Assessment Outcome

There is a legal obligation to take account of the results of the EqIA in the development of a new or revised policy/practice. This requires considering taking action to address any issues identified, such as removing or mitigating any negative impacts, where possible, and exploiting any potential for positive impact. Clearly any unlawful discrimination must be eliminated.

Having considered all of the sections of the EqIA form it should result in one of the four options below to indicate how the development/review of the policy/practice will be progressed. The reasons for the outcome and option chosen should be noted:

Option 1: No change required – the assessment is that the policy/practice is/will be robust. There is no evidence of potentially unlawful discrimination and all reasonable opportunities to advance equality and foster good relations have been taken, subject to continuing monitoring and review.

² This question does not apply to the protected characteristic of marriage or civil partnership

³ This question does not apply to the protected characteristic of marriage or civil partnership.

Option 2: Adjust the policy or practice – this involves taking steps to remove any barriers, to better advance equality and/or to foster good relations. This may involve removing or changing the aspect of the policy/practice that creates any negative or unwanted impact. It may also involve introducing additional measures to reduce or mitigate any potential negative impact.

Option 3: Continue the policy or practice – this means adopting/continuing with the policy or practice despite the potential for adverse impact. Set out the rationale for this decision, including how the decision is compatible with our legal obligation. Where there is discrimination, but it is considered not to be unlawful – the objective justification must be recorded.

Option 4: Stop the policy or practice – if there would otherwise be unlawful discrimination or adverse effects that are not justified and cannot be prevented/mitigated.

6. Action and Monitoring

- Specify the actions required to implement the findings of this EqlA.
- State how the policy or practice will be monitored in relation to its equality impact (or note where this is specified above).
- When will the policy/practice next be reviewed?

7. Publication of EqlAs

EqlAs are published on the Equality and Diversity website at:

<https://www.ed.ac.uk/equality-diversity/monitoring-statistics/impact-assessment/a-z-assessments>

There is a statutory requirement to publish EqlAs within a reasonable period. However, in some circumstances there may be valid reasons to limit what is published or to delay publication. You should indicate what restrictions apply that prevents publication.