Equality Analysis Policy Framework – a brief guide to completing an Equality Analysis (EA)

HMPPS Diversity and Inclusion Team
Equality Analysis Policy Framework

Contents

Equality Analysis Policy Framework – a brief guide to completing an Equality Analysis (EA) .................................................................1
1. Overview ............................................................................................................................3
2. Who and when? ..................................................................................................................3
3. Why? .................................................................................................................................4
4. How? .................................................................................................................................4
5. Completing an equality analysis template .................................................................4
   Equality analysis relevance checklist .................................................................5
   Balancing relevance and proportionality ...............................................................6
Equality Analysis Policy Framework

1. Overview

HMPPS must consider the Public Sector Equality Duty (PSED) when making decisions that affect policy and/or how we provide our services, for staff, people in our care, children, victims, and so on.

Under PSED a public body must, in the exercise of its functions, pay due regard to:

- eliminating unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- advancing equality of opportunity
- fostering good relations

An equality analysis is a working tool which supports policy/decision makers to consider the equality impact of their decisions.

It provides a record that they have done this, and that any impacts on protected groups have been identified and addressed.

(Please refer to the HMPPS Equality Analysis Framework and Supporting Documents for more details.)

2 Who and when?

An equality analysis should be completed by anyone leading on a piece of work, for example when:

- developing and/or implementing a new or revised strategy/policy
- developing and/or implementing a new or revised project, working practice, procedure, or service
- implementing a national strategy, policy, procedure or process locally
- procuring goods or commissioning services
- planning or implementing changes to our estate and facilities
- managing programmes, projects and workstreams
- progressing any activity that has the potential to impact, positively or negatively, protected groups

An equality analysis should be started at the very beginning of a piece of work and reviewed at regular intervals.

Paying ‘due regard’ does not mean a particular approach should not be taken, or that a decision should be changed because an equality impact has been identified. What it does mean is that a record of the reasons for the decision must be kept.
3. Why?

Completing the equality analysis shows that the decision maker has considered and understood the potential effects of their decisions on people with protected characteristics under the Equality Act 2010.

The benefits include:

- the development of effective and inclusive policies
- better outcomes for staff and people in our care
- increased transparency in policy making
- increased involvement of service users, staff and other key stakeholders in policy development
- identification of new ways in which to promote equality and identify inequalities
- more effective use of resources and budget
- improved reputation

4. How?

HMPPS requires decision makers to complete an equality analysis template at the very beginning of a piece of work. This will guide its user to:

- think about any potential impacts on equality
- demonstrate how they have arrived at their decisions using appropriate evidence, such as data, reports, stakeholder engagement, and so on

5. Completing an equality analysis template

You should always complete an equality analysis. However, a proportional approach should be taken depending on the context and impact on equality:

- if there is little or no disproportionate impact identified, a light touch equality analysis should be completed using the template to record the reasons for your decision
- if there is a disproportionate impact identified, you must evidence this using relevant data, stakeholder engagement, and so on to understand and analyse the impact
Equality Analysis Policy Framework

Equality analysis relevance checklist
The following checklist may help you establish relevance:

Whether you answer yes or no to any these questions, you should record the reasons for arriving at that conclusion (remember, it can be light touch if appropriate).
If you’re unsure, you should seek further data / stakeholder engagement.

<table>
<thead>
<tr>
<th>Potential impact in relation to a protected characteristic</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the change affect people in our care / staff / visitors / victims? How widespread is the effect?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are there any issues engaging with a service, for example, issues with understanding messages or accessing communications, purpose/criteria, capacity to deliver and so on?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restrictions – does the policy/process exclude a particular protected group – for example: women or children? (If yes: how is it justified?)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equality of access – are certain groups unable to take part because accessibility of chosen location, or geography or how it is set up/times when service is offered and so on?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does it relate to a policy where there is significant potential for reducing inequalities or improving outcomes? For example: reducing reoffending by commissioning gender specific services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does it relate to an equality analysis or area of work with already known inequalities? For example: disproportionate outcomes in sentencing or completion rates, representation of groups at senior levels?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does it affect an individual’s dignity, for example: are they forced to disclose their protected characteristic, not being able to undertake prayers, being excluded and so on?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does it affect an individual’s health and wellbeing, for example, exposure to covid in vulnerable cohorts?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Equality Analysis Policy Framework

Balancing relevance and proportionality

You should always complete the equality analysis template. However, when considering a policy/procedure and so on, it may be useful to use this grid to help you consider how robust your approach to an equality analysis should be.

- Score the impact on equality outcomes: High (3), Medium (2), Low (1)
- Score the relevance: very likely (3), possible (2), Unlikely (1)

<table>
<thead>
<tr>
<th>Impact Level</th>
<th>Relevance Very Likely (3)</th>
<th>Relevance Possible (2)</th>
<th>Relevance Unlikely (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Impact (3)</td>
<td>9</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>Medium Impact (2)</td>
<td>6</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Low Impact (1)</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

- Use your total your score to refer to the table on the following page for the actions to take:
  - 1 to 3 (low impact)
  - 4 to 6 (medium impact)
  - 9 (high impact)

If you are unsure of the impact or relevance, it would be best practice to speak to stakeholders, such as trade unions and equality networks.

For additional help and advice, you can access our equality analysis resource documents and training pages or contact hmppsdiversity_inclusion@justice.gov.uk
<table>
<thead>
<tr>
<th>Overall assessment level</th>
<th>Typical features at this level</th>
<th>What to do</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>Decisions that don’t impact on people in our care, children in our care, staff, victims, and so on.</td>
<td>Carefully consider due regard</td>
</tr>
<tr>
<td></td>
<td>Continuing with something that hasn’t shown disproportionate outcomes. For example: minor changes to budgets or minor increases/decreases in costs</td>
<td></td>
</tr>
<tr>
<td>Medium</td>
<td>Decisions that potentially affect some protected characteristics negatively, but with limited effects. Decisions that potentially affect some protected characteristics positively. For example: making some changes to current service delivery.</td>
<td>Carefully consider due regard</td>
</tr>
<tr>
<td>High</td>
<td>Decisions that greatly affect some or all protected characteristics negatively. An area of work that has been already shown to have disproportionate effects on some or all protected characteristics. A decision that is very likely to attract public and media scrutiny. For example: major changes or new developments to the estate, new prison or probation hub.</td>
<td>Carefully consider due regard</td>
</tr>
</tbody>
</table>