

OGB 44

# Equality & Diversity

## (Equality impact assessment)



A guide for FC staff

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## Contents

1.	Foreword .....	4
1.1	Moving around in this booklet .....	4
2.	Terms explained and some definitions .....	5
3.	The principles .....	8
4.	The essentials  .....	8
5.	Using the Equality Impact Assessment Template .....	9
5.1	Section 1: Details of the policy/practice/project .....	9
5.2	Section 2: Collecting Information .....	9
5.3	Section 3: Impacts .....	10
5.4	Section 4: Meeting our General Equality Duty .....	10
5.5	Section 5: Outcome of assessment .....	10
5.6	Section 6: Monitoring .....	11
5.7	Section 7: Sign-off .....	11
6.	Equality Impact Assessment Template .....	12
6.1	Section 1: Details of the policy/practice/project .....	12
6.2	Section 2: Collecting information .....	12
6.3	Section 3: Impacts .....	13
6.4	Section 4: Meeting our General Equality Duty .....	15
6.5	Section 5: Outcome of assessment .....	15
6.6	Section 6: Monitoring .....	16
6.7	Section 7: Sign-off .....	16
7.	Frequently asked questions .....	18

# 1. Foreword

This Guidance Booklet is one of a series covering various subjects in the Forestry Commission (FC). We, in the Country Diversity Teams, have fully revised this one, *Equality and Diversity (Equality Impact Assessment)* to help you make sure that all that we do, not only meets the legislation on equality and diversity, but also meets our equality strategy and objectives.

In this booklet we will look at:

- the strategy and objectives;
- responsibilities;
- when and how to conduct an equality impact assessment;
- monitoring and record keeping; and
- publishing your results.

We have designed the booklet to be:

- a reference work;
- a supporting and instructional document; and
- the basis for follow up support visits and audits.

We hope you find it useful. You may also find:



**Mandatory elements.** These are auditable actions necessary to meet legal requirements or to deliver or report on corporate policy.



**Timebound mandatory elements.** As above, but to a deadline.



**Recommendations.** These are auditable actions that you should practise for efficiency and effectiveness. Any variation must be defined and authorised by unit managers.



**Cautions against certain actions, or things to avoid.**

**Examples, Best Practice and Important Reader Information** are shown in light blue boxes like this.

If you have any comments on this booklet, its procedures, or any new ways of presenting this subject please contact your Country Diversity Manager.

We will publish updates on the Operational Support Intranet site in the Operational Guidance folder and tell you in the Connect Bulletin.

## 1.1 Moving around in this booklet

We have designed this document for you to read on screen using Adobe Acrobat Reader.

## 2. Terms explained and some definitions

In equality and diversity, as with many processes, there is a lot of jargon and there are many abbreviations. Here we explain them before you read them.

Term	What does it mean? Or abbreviation in full.
<b>Demography</b>	The study of the structure of human populations using statistics and research on births, deaths, wealth and other factors.
<b>Discrimination</b>	<p><b>Direct discrimination</b> occurs when you treat someone less favourably than you treat (or would treat) another person because of a protected characteristic. So a very basic example would be refusing to work with someone because of their race, for example because they are Roma.</p> <p><b>Indirect discrimination</b> occurs when you apply a provision, criteria or practice in the same way for all employees or a particular employee group, such as foresters, but this has the effect of putting employees sharing a protected characteristic within the general employee group at a particular disadvantage. It doesn't matter that you did not intend to disadvantage the employees with a particular protected characteristic in this way. What does matter is whether your action does or would disadvantage such employees compared with employees who do not share that characteristic.</p> <p><b>Discrimination arising from disability</b> occurs when you treat a disabled student unfavourably because of something connected with their disability and cannot justify such treatment.</p>
<b>Harassment and Victimization</b>	<p>There are three types of harassment which are unlawful under the Equality Act.</p> <ul style="list-style-type: none"> <li>• Harassment related to a relevant protected characteristic.</li> <li>• Sexual harassment.</li> <li>• Less favourable treatment of someone because they submit to or reject sexual harassment or harassment related to sex.</li> </ul> <p>Victimization is defined in the Act as 'treating someone badly because they have done a 'protected act' (or because you believe that a person has done or is going to do a protected act)'. A 'protected act' is.:</p> <ul style="list-style-type: none"> <li>• making a claim or complaint of discrimination (under the Equality Act);</li> <li>• helping someone else to make a claim by giving evidence or information;</li> <li>• making an allegation that you or someone else has breached the Act; or</li> <li>• doing anything else in connection with the act.</li> </ul>


Term	What does it mean? Or abbreviation in full.
<b>Equality Impact Assessment (EqIA)</b>	A systematic, assessed and recorded method of assessing the impact of applying a proposed new or revised policy or practice <b>against the needs of the general equality duty</b> as set out by the public sector equality duties.
<b>General Equality Duty (GED)</b>	<p>As a public body, the Forestry Commission must in the exercise of our functions have due regard to the need to:</p> <ul style="list-style-type: none"> <li>• eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Equality Act 2010;</li> <li>• advance equality of opportunity between people who share a protected characteristic and those who do not; and</li> <li>• foster good relations between people who share a protected characteristic and those who do not.</li> </ul> <p>These are often referred to as the three aims or arms of the General Equality Duty.</p>
<b>Impact on people</b>	<p>Most of what we do affects people in one way or another, but some of what we do will have a more direct impact on people's opportunities to do or achieve or gain access to things.</p> <p>We use the phrase 'impact on people' to help us to understand when our actions should include consideration of equality and diversity issues.</p> <p>Decisions about which tree species to plant, or when to fell, may not affect people directly. However, the consequences of these actions (for example the amenity and recreation impacts) will affect people who are our neighbours and visitors, and you must consider those consequences from an equality and diversity view point.</p>
<b>Proportionate</b>	Being fair and reasonable. This refers to measures that are appropriate and necessary. Whether something is proportionate in the circumstances will involve weighing up the discriminatory impact of the initiative against the reasons for it, and asking if there is any other way of achieving that aim. When looking for evidence, it means making sure that the effort put into information gathering is reasonable when compared to the potential impact of the initiative on how we meet our equality duties.
<b>Protected Characteristics</b> Also referred to as <b>Protected Groups</b>	<p><b>Age</b> – Where this is referred to, it refers to a person belonging to a particular age (for example 32 year olds) or range of ages (for example 18 to 30 year olds)</p> <p><b>Disability</b> – A person who has a physical or mental impairment which has (or is likely to have) a substantial and long-term effect on their ability to carry out normal day-to-day activities.</p> <p><b>Gender Reassignment</b> – A person who is proposing to undergo, is undergoing, or has undergone a process (or part of a process) of</p>

Term	What does it mean? Or abbreviation in full.
	<p>changing from one gender to another; also referred to as a transsexual person.</p> <p><b>Marriage and Civil Partnership</b> – A person who is married or in a civil partnership. Marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).</p> <p><b>Pregnancy and Maternity</b> – Pregnancy is the condition of being pregnant (carrying a child in the womb). Maternity is the period after birth, and (outside employment) protection against discrimination lasts for 26 weeks after giving birth, it includes treating a woman unfavourably because she is breastfeeding.</p> <p><b>Race</b> – A person or group of people defined by their race, colour, nationality (including citizenship) ethnic or national origins.</p> <p><b>Religion or Belief</b> – Religion means any religion. Belief includes religious and philosophical beliefs, including a lack of belief, such as Atheism. A belief should affect a person's life choices, or the way they live, for it to be included in the definition.</p> <p><b>Sex (Gender)</b> - A man or a woman (male or female)</p> <p><b>Sexual Orientation</b> – The type of sexual, romantic, physical, and/or spiritual attraction one feels for others, often labelled based on the gender relationship between the person and the people to whom they are attracted. Usually described as heterosexual/straight, gay, lesbian or bisexual.</p>
<b>Quantitative data</b>	Numerical statistical information.
<b>Qualitative data</b>	Information gathered about the experiences of people from their own perspectives, usually with less emphasis on statistical data. Often gathered through meetings or consultation, this information can be valuable in supporting quantitative data, or in providing some relevant information where there is no quantitative data.
<b>Specific Equality Duties</b>	Each country in the UK has been devolved power to set specific equality duties for public authorities. In England there are two specific duties, whilst in Scotland there are nine specific duties. Equality Impact Assessment is covered by the general equality duty in England and a specific duty in Scotland.

## 3. The principles

To ensure the Forestry Commission promotes an inclusive environment for employees and the public, it is important that we understand the potential impact that our policies, practices and projects have on people, and that we are in line with the Equality Act 2010.

## 4. The essentials

1. When you start thinking about a new policy, practice or project, consider the potential impact on people.
2. Ensure you understand when an equality impact assessment is required and when it isn't.
3. Ensure you understand your local demographic information through census and survey data, and engage with local external groups or employees to understand the impact the policy, practice or project may have on them.
4. When engaging with employees and members of the public, remember not to disclose any personal information in line with the Data Protection Act.
5. Keep a full record of your data analysis and the engagement you undertake.
6.  **Do not do an equality impact assessment once a decision, policy or project has been implemented. It should always be undertaken before it is implemented – it will save a lot of time and, possibly, money in the long run.**
7. It is acceptable to group equality impact assessments. You do not always have to undertake an equality impact assessment every time you make a decision. For example, closing a car park. There could be a generic closing a car park assessment for the site, so you don't have to do a specific equality impact assessment on every single occasion.
8. Equality impact assessments are not just about reducing any negative impact on people. It's also about looking at ways the policy, practice or project could have more positive benefits for people.
9. If you are not sure about anything, please contact your Equality, Diversity and Inclusion Manager – they are there to help! See Section 5.7.



## 5. Using the Equality Impact Assessment Template

### 5.1 Section 1: Details of the policy/practice/project

This section asks for some brief details of the policy, practice or project. You need to list those involved in the assessment and the manager responsible, together with how long the assessment took.

You will then need to describe the purpose of the policy, practice or project. You will also need to provide the anticipated outcomes at this stage. It is important to ensure that the outcomes are as specific as possible and that you consider the groups, for example age, race and religion, which could be affected.

### 5.2 Section 2: Collecting Information

The group or individual undertaking the EqIA is required to consider the information available to help them. An essential part of the impact assessment is the collection of this information. This could be information available within the Forestry Commission, as well as external, including:

- demographic data, including census findings;
- research findings;
- consultation or survey reports;
- performance reports;
- equality monitoring data;
- audit reports;
- customer comments and complaints reports;
- ombudsman reports and case law; and
- other leaders' knowledge and experience.

You must list the information and documents used in this part of the exercise in this section so that it is clear what background information has helped you in the assessment process. Please include hyperlinks to any online evidence. A range of information that can assist with the process has been listed on the [EqIA page](#) of the intranet.

You are then asked to consider any further information which could assist in carrying out the assessment. Where there are gaps in the evidence, you should set out how these will be filled. In most cases an assessment should be informed by consultation and engagement. If you have recent consultation information, then use this. If not, you should consider what further consultation is needed at this point and ensure that this is carried out. Remember to check the intranet for the latest information and resources around EqIA which might help you.

## 5.3 Section 3: Impacts

This section is the key part of the assessment where you are asked to identify any different impacts on each of the protected characteristic groups. If a different impact is identified you should provide details.

Use the EqIA form systematically to consider possible impacts on each of the protected characteristics listed. You should think broadly about indirect and unintended impacts as well as direct, intended ones.

The next stage is to indicate any modifications that you plan to make to the policy, practice or project to address any impacts that you have identified. If a more detailed assessment is required when you have identified significant negative impacts on groups, it is likely that you will need to carry out more work.

## 5.4 Section 4: Meeting our General Equality Duty

This section asks you to provide information to show how the policy, practice or project will help us to meet our general equality duty, that is to give due regard to the need to:

1. eliminate discrimination, harassment, victimisation or any other prohibited conduct;
2. advance equality of opportunity; and
3. foster good relations – by tackling prejudice and promoting understanding.

It is crucial that you consider and record how the policy, practice or project will give 'due regard' under the three areas.

## 5.5 Section 5: Outcome of assessment

Having considered all the evidence and how the policy will meet the general equality duty, you should now detail the recommendations arising from the assessment at this stage. These should be one of the following four possible outcomes:

1. **Outcome 1: No major change:** the EqIA demonstrates the policy, practice or project is robust and there is no possible discrimination or adverse impact. All opportunities to advance equality and foster good relations between different groups have been taken.
2. **Outcome 2: Adjust the policy, practice or project:** the EqIA identifies potential problems of missed opportunities. Adjust to remove barriers or further advance equality.
3. **Outcome 3: Continue the policy, practice or project:** the EqIA identifies the potential for adverse impact or missed opportunities to advance equality and foster good relations. Set out clearly the justifications for continuing with it in the EqIA, in line with the duty to have due regard. For the most important policies, practices or projects, you will need compelling reasons.
4. **Outcome 4: Stop and remove the policy, practice or project:** it shows actual or potential unlawful discrimination that cannot be objectively justified. It must be removed or changed.

## 5.6 Section 6: Monitoring

It is important that the initial EqIA is not the end of the process. Often impact on communities is not felt or understood until after implementation of a policy, practice or project and so it is crucial to continue to monitor the impact.

This section asks for information on how you will monitor the impact of the policy, practice or project, what performance indicators you will use, any other monitoring arrangements, who will monitor progress, and the criteria you will use to measure the achievement of outcomes.

## 5.7 Section 7: Sign-off

Before the policy, practice or project is submitted to the relevant board for discussion and approval, you should send a copy of the policy, practice or project outline and the EqIA to your Equality and Diversity Manager or Diversity and Inclusion Manager for comments. They may be able to highlight some issues that you might not have considered which could improve the policy, practice or project.

The completed form **must** then be forwarded to the Cost Centre Head/Senior manager to consider the recommendations and sign it off.

It is important that enough time is built into the process to allow for this stage. Depending on the comments offered you may need to review the policy before submitting to the relevant board for approval.

Following approval of the policy, practice or project, please contact your Equality, Diversity and Inclusion Manager who will arrange for the EqIA documents to be published on the Forestry Commission website as appropriate.

England – Rebecca Poole, Diversity and Inclusion Manager, 07770 541 101

[Rebecca.poole@forestry.gsi.gov.uk](mailto:Rebecca.poole@forestry.gsi.gov.uk)

Scotland – Linda McKenna, Equality and Diversity Manager, 0300 067 5326

[Linda.mckenna@forestry.gsi.gov.uk](mailto:Linda.mckenna@forestry.gsi.gov.uk)

Forest Research and Shared Services/CFS – Caroline Swift, HR Operations Manager, 0300 067 5123, [caroline.swift@forestry.gsi.gov.uk](mailto:caroline.swift@forestry.gsi.gov.uk)

## 6. Equality Impact Assessment Template

### 6.1 Section 1: Details of the policy/practice/project

<b>Department/Team responsible:</b>			
<b>Name of Policy, Practice or Project being assessed:</b>			
<b>Purpose and anticipated outcomes:</b>			
<b>Is this a new or existing policy, practice or project?</b>	<b>New</b>		<b>Existing</b>
<b>List of participants in Equality Impact Assessment Process:</b>			
<b>Date assessment started:</b>	(dd/mm/yyyy)	<b>Completion Date:</b>	(dd/mm/yyyy)
<b>Please indicate who is likely to be affected:</b> For example: Employees, visitors, contractors, women, men, young people, older people, people with disabilities etc			

### 6.2 Section 2: Collecting information

What evidence is available about the needs of relevant groups? Please consider demographic data, including census information, research, consultation and survey reports, feedback and complaints, case law, others knowledge and experience. Please refer to the list of evidence on the EqIA page of the [intranet](#).



Details	Source of Evidence

From your research above have you identified any gaps in evidence? If so what are the gaps?

As appropriate please describe the consultation/engagement undertaken including details of the groups involved and the methods used.

Are there any other groups to be consulted?

### 6.3 Section 3: Impacts

Has the research and consultation identified any potential for impacts on the following groups:

Protected Characteristic	Yes	No	Please explain
<b>Age</b> (e.g. older people, children and young people)			
<b>Disability</b>			
<b>Gender Reassignment</b> (Where a person is living as the opposite gender to their birth)			

Protected Characteristic	Yes	No	Please explain
<b>Pregnancy and Maternity</b>			
<b>Race, ethnicity, colour, nationality or national origins</b> (including gypsies or travellers, refugees or asylum seekers)			
<b>Religion or belief</b> (including non-belief)			
<b>Sex/Gender</b>			
<b>Marriage and civil partnership</b>			
<b>Sexual Orientation</b>			

Is there any evidence that the policy may:

	Yes	No	No Evidence
<b>Result in less favourable treatment for particular groups?</b>			
<b>Give rise to direct or indirect discrimination?</b>			
<b>Give rise to unlawful harassment or victimisation?</b>			

**If yes to any of the above, please give details:**

<b>How will the policy, practice or project be modified to mitigate this less favourable treatment?</b>

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## 6.4 Section 4: Meeting our General Equality Duty

You must complete the following sections:

<b>Which aspects of the policy, practice or project seek to eliminate unlawful discrimination, harassment and victimisation?</b>

<b>Which aspects of the policy, practice or project seek to advance equality of opportunity between people which share a relevant protected characteristic and those who do not?</b>

<b>Which aspects of the policy, practice or project seek to foster good relations between people who share a protected characteristic and those who do not?</b>

## 6.5 Section 5: Outcome of assessment

Please detail the outcome of the assessment:

<b>No major change</b>	
<b>Adjust the policy</b>	
<b>Continue the policy</b>	
<b>Stop and remove the policy</b>	

Please detail recommendations, including any action required to address any negative impacts identified:

--

## 6.6 Section 6: Monitoring

Describe how you will monitor the impact of this policy, practice or project e.g. performance indicators used, other monitoring arrangements, who will monitor progress, criteria used to measure achievement of outcomes:

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When and how is the policy, practice or project due to be reviewed?

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## 6.7 Section 7: Sign-off

<b>Date sent to Equality &amp; Diversity or Diversity &amp; Inclusion Manager:</b>	Dd/mm/yyyy
<b>Comments</b>	(To be completed by Equality Manager)
<b>Date signed off</b>	Dd/mm/yyyy

Please insert name and title of the Senior Manager who has signed off this Equality Impact Assessment:

<b>Name</b>	
<b>Title</b>	
<b>Date approved</b>	Dd/mm/yyyy

Please send approved Equality Impact Assessment to either:



England – Rebecca Poole, Diversity and Inclusion Manager, 07770 541 101

[Rebecca.poole@forestry.gsi.gov.uk](mailto:Rebecca.poole@forestry.gsi.gov.uk)

Scotland – Linda McKenna, Equality and Diversity Manager, 0300 067 5326

[Linda.mckenna@forestry.gsi.gov.uk](mailto:Linda.mckenna@forestry.gsi.gov.uk)

Forest Research and Shared Services/CFS – Caroline Swift, HR Operations Manager,  
0300 067 5123, [caroline.swift@forestry.gsi.gov.uk](mailto:caroline.swift@forestry.gsi.gov.uk)

## 7. Frequently asked questions

We have provided this section to help answer frequently asked questions (FAQs) that arise from equality impact assessments. Equality, Diversity and Inclusion Managers will regularly update this section as we get questions from across the organisation.

### **FAQ 1: What is an Equality Impact Assessment (EqIA)?**

An equality impact assessment ensures that we fully consider the impact of our decisions on people. This is important as we want to ensure our workforce and our visitors are satisfied and have a positive experience with us. This will ensure that more visitors come to our forests and also that we can retain our workforce as they are motivated and engaged to stay.

It is also a legal requirement. All public sector organisations including the Forestry Commission are required to meet certain obligations under the Equality Act 2010. This includes the public sector 'General' and 'Specific' equality duties. Organisations subject to the general equality duty must, in the exercise of their functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a protected characteristic and those who do not.

These are sometimes referred to as the three aims or arms of the general equality duty. The Act explains that having due regard for advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and
- encouraging people from protected groups.

### **FAQ 2: What is actually required by the duty to assess and review?**

The duty to assess and review policies, practices or projects means that public authorities are required:

- to assess the impact of applying a proposed new or revised policy or practice against the needs of the general equality duty;
- in making the assessment, to consider relevant evidence relating to people who share a protected characteristic (including any evidence received from those people);
- in developing a policy, practice or project, to take account of the results of any assessment;
- to publish, within a reasonable period, the results of any assessment; and
- to make arrangements to review and where necessary revise any policy, practice or project.

### FAQ 3: What do we mean by policy?

Policy should be understood broadly to embrace the full range of policies, provisions, criteria, functions, practices and activities, including the delivery of services – essentially everything we do.

In practice and for the purposes of equality impact assessments, 'policy/policies' are typical HR policies, such as your grievance policy, but also business plans, programmes and strategies.

### FAQ 4: Is an Equality Impact Assessment always required?

An equality impact assessment applies to new or revised policies, practices or projects as well as to existing policies.

However, this does not mean that everything the organisation does requires a detailed assessment of impact. It's important before you start a new policy, strategy paper or new practice to consider what and who it will affect. **Only** when it **does not have the potential to impact on people** is an equality impact assessment **not required**.

However, you must set out the reasons why you have decided not to carry out an EqIA in your documentation.

EqIA likely to be required	EqIA not likely to be required
Corporate Plans People Strategies HR policies and procedures Engagement strategy Grant allocation policy Recreation Strategy Forest District Strategy Health strategy Marketing Plans and Strategies Project Development Plan	Biodiversity policy* Harvesting policy* Technical and scientific instruction and guidance Wildlife management policy* Forest management policy* *unless through an area of public access or close to neighbours.

### FAQ 5: I'm a Forest Centre Manager and we make decisions every day on certain practices (e.g. closing car parks). This clearly has a potential to impact on people. Do I need to do an EqIA every time I make a decision like this?

We have to be balanced and reasonable in our approach. We understand that there are certain practices, such as closing car parks, toilets, cafes, that happen regularly. We therefore propose that for your district that a detailed and thorough EqIA is undertaken for these key practices. When Forest Centre Managers then need to close a car park, you will need to ensure you go through the detailed consideration questions that are in the generic EqIA to ensure, before you make a decision, that you have thought through the impact.

### **FAQ 6: Who has responsibility for carrying out an Equality Impact Assessment?**

The person who is responsible for developing or writing the policy or project is generally the person who should lead on the EqIA. This is important as they will have a good knowledge of how the policy or plan should work in practice.

Cost Centre Heads or Senior managers should identify additional employees who need to be involved in undertaking the EqIA, and other people who will contribute to the assessment. This helps ensure that the employee with working knowledge is able to identify any particular issues. It is important to consider right at the start of the process who should be involved so that they can plan and prepare.

### **FAQ 7: When do you carry out an Assessment?**

The process of assessing the equality impact of what we do should be a continuous process beginning with the development of a new policy and continuing through its development and review. It is important that equality impact assessments are not just 'done at the end' as in fact there is limited point at this stage as the core purpose of equality impact assessments is to understand the impact on people **before** you make key decisions related to a policy, practice or project.

### **FAQ 8: Why should we conduct Equality Impact Assessments?**

The Equality Impact Assessment process has advantages and should:

- improve the quality of services by making sure they are suitable and accessible to everyone;
- identify any possible discrimination which may exist and the means of overcoming it;
- help to develop a better understanding of our communities;
- target resources efficiently; and
- advance equality of opportunity and foster good relations between different groups.

The impact assessment process also allows for equality considerations to be built into policy and decision-making, providing a clear and structured way to consider evidence about the needs of people with particular protected characteristics. It is a transparent and accountable process which demonstrates that equality has been considered when developing and reviewing the organisation's policies.

Equality Impact Assessments are also required by law. A number of public bodies have faced legal action as a result of implementing policies or taking decisions without undertaking effective Equality Impact Assessments as the following case study highlights.

#### **Case Study: Kaur and Shah v London Borough of Ealing (CO/3880/2008)**

Ealing Council provided financial support to organisations dealing with domestic violence. Southall Black Sisters had previously been funded by the Council to support Afro-Caribbean and Asian women and part of their work involved addressing issues of domestic violence amongst those communities. In 2007, the Council took the view that in the interests of 'community cohesion' they should only fund organisations that provided



services to the whole borough, not just those addressing needs of specific racial groups. The Council's decision was challenged on the grounds that they had failed to carry out a race impact assessment to assess the impact of the proposals on women from Afro-Caribbean and Asian communities before they were implemented.

The challenge was upheld by the High Court who held that the impact assessment had to be carried out before the policy was adopted: 'What is important is that a racial equality impact assessment should be an integral part of the formation of a proposed policy, not justification for its adoption.'

The High Court did not accept Ealing Council's argument that the principle of community cohesion meant that they could not fund one specific demographic group.

Lord Justice Moses said, "There is no dichotomy between the promotion of equality and cohesion and the provision of specialist services to an ethnic minority", and quoted from the Government's 2007 Equalities Review that, "an equal society recognises people's different needs, situations and goals and removes the barriers that limit what people can do and can be".

<http://www.publiclawproject.org.uk/documents/KaurandShahvLondonBoroughofEaling.pdf>

This case reinforces the need for compliance with the public sector duties, and undertaking effective EqIAs. The courts are increasingly prepared to intervene if the duties are ignored. This includes compliance with the requirements to carry out impact assessments before policy or practice is introduced, and also compliance with the terms of the relevant codes of practice.

### **FAQ 9: What are Protected Characteristics?**

Protected characteristics, formerly known as 'equality strands' are characteristics which people have that may lead to prejudice and discrimination. As set out by the Equality Act 2010, these are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion and Belief
- Sex
- Sexual Orientation

As such, everyone has many 'protected characteristics', not just minority groups. The public sector equality duty also covers marriage and civil partnerships with regard to eliminating unlawful discrimination in employment.

The EqIA must cover all protected characteristics (with the exception of marriage and civil partnership) and must be informed by evidence.

**FAQ 10: Why and when should I monitor the impact of the policy?**

It is important to record how our initiatives eliminate discrimination, advance equality of opportunity and foster good relations between different groups. As such it is important not only to ensure that our policies, functions and services comply with the Equality Act, but also to measure the actual impact on people from the protected groups, once the initiative starts.

A monitoring process should be agreed before implementation of a policy and should be proportionate to the impact of the policy. This could look at different impacts on groups for things like:

- user numbers;
- feedback, comments and complaints;
- surveys;
- inspection reports and other performance evaluations; and
- involvement in activities.

Monitoring will also help us to decide whether we should amend the initiative, and it will help us to learn lessons that could improve our services and performance in the future.

**FAQ 11: Why should I carry out Equality Impact Assessments during times of financial constraint?**

The public sector has a huge influence on people's lives, as an employer and provider and regulator of services. Financial constraints have resulted in many public bodies across the UK making important decisions about their operations and the services they provide. These decisions include efficiency drives, budget cuts, reorganisations and relocations, redundancies, and service reductions.

The law requires that we assess the equality impact of our proposals, including financial, thoroughly before any decisions are taken. We need to demonstrate that we are making decisions, including difficult decisions on reorganisations and service reductions, in a fair, transparent and accountable way. We must show that we have considered the needs and rights of different communities. The EqIA should be proportionate to the decision that is being made.

However, the equality duties do not prevent public authorities from making difficult decisions, such as reorganisations and relocations, redundancies, and service reductions. They also do not stop public authorities from making decisions which may affect one group more than another.

A number of equality advocacy groups, including the Equality and Human Rights Commission have however, raised concerns that some decisions may have a disproportionate effect on certain groups of people, and may be contrary to the statutory equality obligations to which public authorities are subject. Recent press reports substantiate these concerns by suggesting, for example, that women are more likely to be affected by redundancies than men, as it is mainly women in public sector positions that are most at threat.

Good performance on the Equality Duties and by undertaking effective EqIAs will help to prevent legal challenges under the Equality Act, such as the recent cases brought against Birmingham City Council and London Councils.

Legal challenges to decisions about cuts have been successful mainly where public bodies have failed to show such consideration of equality issues during the decision making process (including the case of Kaur and Shah vs. London Borough of Ealing, as set out above). In such cases, the public body will almost always be required to start the decision making process again, with proper consultation and evidence gathering to identify the impact on particular groups.

### **Importance of equality duty in tough financial times**

“Even when the context of decision-making is financial resources in a tight budget, that does not excuse compliance with the Public Sector Equality Duties, and there is much to be said for the proposition that even in straitened times the need for clear, well-informed decision-making when assessing the impacts on less advantaged members of society is as great, if not greater.”

Blake J in R (Rahman) v Birmingham City Council [2011] EWHC 944 (Admin).

The Equality and Human Rights Commission has published guidance on *Using the equality duties to make fair financial decisions* (2010) which provides useful, more detailed advice on this issue.

### **FAQ 12: Where can I get further information or advice?**

Details of lots of information and resources are available on the dedicated Equality Impact Assessment page of the intranet, which is regularly updated. If you would like any further information or advice in relation to the impact assessment process, this guidance or have any comments or queries, please contact your Equality, Diversity and Inclusion Manager who will be happy to assist. Email [diversity@forestry.gsi.gov.uk](mailto:diversity@forestry.gsi.gov.uk) in the first instance.

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