



Equality Impact Assessment [EIA]

Demonstrating Compliance with the Public Sector Equality Duty (PSED)

Due regard must be shown:

- ✓ Decision-makers must be made aware of their duty to have 'due regard' and to the aims of the duty
- ✓ Due regard is fulfilled before and at the time a particular policy or operational activity, that will or might affect people with protected characteristics is under consideration, as well as at the time a decision is taken. It is not a box ticking exercise.
- ✓ Due regard involves a conscious approach and state of mind. The duty must be exercised with rigour and an open mind.
- ✓ The duty cannot be delegated to another body and will always remain on the body subject to it.
- ✓ The duty is a continuing one.
- ✓ It is good practice for the public body to keep an adequate record showing that they have considered their equality duties and considered relevant questions.

1. Verifying identity digitally to demonstrate eligibility for the Right to Work and Right to Rent Schemes

At the onset of the COVID-19 pandemic in March 2020, temporary adjustments were made to the system of identity checks undertaken by employers and landlords to comply with the Right to Work (RTW) and Right to Rent (RTR) Schemes, in order to allow for social distancing protocols to be adhered to. These temporary adjustments are planned to end on 5 April 2022.

Many employers have now changed their office footprint and ways of working permanently, moving to hybrid models where their business model allows. We have received extensive feedback from employers about the benefits of the current temporary adjusted checking process and have been lobbied hard to implement an established remote checking process. In order to ensure the RTW and RTR Schemes (the Schemes) keep pace with the changing landscape we have undertaken a review of available options, to introduce a long-term digital solution for employers and landlords to conduct right to work / rent checks on those not already in scope for Home Office checking services. As part of the review, we have consulted with employers, landlords and their representative bodies. The review has now concluded, and this EIA sets out the recommended option and equality considerations. This EIA is an update to that issued on 2 November 2021.

Background

The Schemes were introduced as part of a suite of measures designed to tackle and deter illegal immigration. They are intended to prevent individuals without lawful immigration status in the United Kingdom from taking up employment or accessing accommodation in the private rented sector; and to support efforts to tackle those who exploit vulnerable migrants.

Employers and landlords (including letting agents) are required to carry out simple checks, applicable to everyone, including British citizens, to ensure the individual has lawful status in the UK before they employ or let a property to them.

Employers and landlords may establish a statutory excuse against a civil penalty by conducting right to work or right to rent checks prescribed in legislation and set out in the codes of practice and supporting guidance.

Policy Development

The policy development is to amend secondary legislation to allow for employers and landlords to use Identification Document Validation Technology (IDVT) to digitally verify an individual's identity when carrying out a right to work or right to rent check. This provides an alternative to the requirement for employers and landlords to carry out a physical check of identity documents for some individuals who cannot use the Home Office online service e.g. British and Irish citizens, whilst maintaining the security and integrity of the Schemes.

Identification Document Validation Technology (IDVT) is technology that can quickly and easily assist to establish the authenticity of documents presented for identity verification purposes, including passports, driving licenses and identity cards. IDVT can play an important role in preventing the use of fraudulent documentation, although the technology does not replace forgery experts.

A large proportion of employers are moving to hybrid models of working where their business model allows, 76% of those who participated in a 2021 CBI survey said they expect flexible working to become more common in their organisations post-pandemic¹.

We have received extensive feedback from employers and MPs about the benefits the adjusted checking process has brought. We are being lobbied to keep the process in place long term and to ensure the Schemes keep pace with the changing work landscape.

However, this feedback tends to represent the views of big business, recruitment agencies and "office-based" businesses, rather than the sectors

¹ [Adapting to hybrid working: how businesses can transition effectively, CBI, 2021](#)

where we tend to see most abuse. While the adjusted checking process allows checks to be undertaken remotely, this is not an established digital process containing the level of safeguards we would require for it to be a permanent solution.

We intend for employers and landlords to be able to use IDVT to verify an individual's identity if they prefer to as part of their RTW and RTR checks. At this time, we intend for this service to be available for checks on valid British and Irish passports only (including Irish passport cards). This will allow for the operation of the checks and the technology to be tested ahead for broader rollout. We are not recommending that the use of IDVT be mandated. Employers and landlords will be able to continue carrying out manual face-to-face identity checks if they wish to.

Summary of the evidence considered in demonstrating due regard to the Public Sector Equality Duty.

General Information

This policy does not recommend that employers and landlords have to use IDVT as part of their eligibility checks. They can continue to carry out physical checks of documents if they, or the individuals they are carrying out checks on, prefer to. This proposal is creating a new optional route for identity verification whilst maintaining the existing method of physical document checking.

Employers and landlords must not discriminate against individuals who either do wish to demonstrate their identity via an IDVT supplier and those who do not, or those who do not hold the required documentation to be able to access IDVT at this time. The employer and landlord statutory codes of practice on avoiding unlawful discrimination will be updated to reflect this.

Whilst the scope of those who can use IDVT is currently limited, it is still significant in volume. According to a 2016 ONS report, British citizens make up 89 per cent of the UK workforce². The 2011 Census data suggested that those aged 16 or over with a valid passport out of the total UK population is 72%.³ (Further reviews of this EIA will include data from the 2021 Census, which are anticipated to be released in May 2022).

Employers and landlords would meet the cost of using an IDVT service through a direct arrangement with the particular provider. As such, some may choose not to use IDVT and continue with physical checking of documents. The cost of accessing IDVT may lead to a degree of disparity for several reasons:

² [A12: Employment, unemployment and economic inactivity by nationality and country of birth - Office for National Statistics \(ons.gov.uk\)](#)

³ <https://www.nomisweb.co.uk/census/2011/dc2110ewr>

- whilst it is currently free for employers and landlords to carry out a manual check of identity, there is a cost to them in time and expertise. Some large-scale employers have reported that it would be more cost effective if they were able to use an IDVT supplier to verify identity as it is quicker and more efficient. Other employers report that the cost would be prohibitive.
- it is free to use the Home Office online service, therefore, it will be cheaper to carry out RTW/RTR checks on those who have an immigration footprint rather than British and Irish citizens via IDVT. However, this is currently the case with physical checking of documents of those not in scope of the Home Office online services.

It will, therefore, still be more cost effective to carry out an RTW/RTR check on an individual who has an immigration footprint and is able to use the Home Office online checking services.

When considering the policy, we have taken account of the Home Office objective to develop a border and immigration system which is “digital by default”, which means over time we will increasingly replace use of physical documents with accessible, easy to use, online and digital services. This mirrors the approach adopted by other countries, such as Australia, in administering their immigration systems and use of online services reflects the way in which people increasingly live their lives.

Legislation and policy

Immigration Legislation:

- Immigration, Asylum and Nationality Act 2006
<https://www.legislation.gov.uk/ukpga/2006/13/contents>
- Immigration Act 2014
<https://www.legislation.gov.uk/ukpga/2014/22/contents/enacted>
- Immigration Act 2016
<https://www.legislation.gov.uk/ukpga/2016/19/contents/enacted>
- Equality Impact Assessment - The UK’s points-based immigration system
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/939712/Equality_Impact_Assessment_Points-Based_Immigration_System.pdf

Right to Work:

- The Immigration (Restrictions on Employment) Order 2007
<https://www.legislation.gov.uk/uksi/2007/3290/contents/made>

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Right to Work EIA 2007

- Licensing Act 2003 (Personal licenses) Regulations 2005 and the Licensing Act 2003 (Premises licenses and club premises certificates) Regulations 2005.
<https://www.legislation.gov.uk/uksi/2018/1381/contents/made>
<https://www.legislation.gov.uk/uksi/2005/41/contents>
- The Illegal Working Compliance Orders 2016
<https://www.legislation.gov.uk/uksi/2016/1058/contents/made>
- Policy Equality Statement – [2018 Order, measures to introduce online right to work service](#)
- The Immigration (Restrictions on Employment) (Code of Practice and Amendment Order 2018
<https://www.legislation.gov.uk/uksi/2018/1340/contents/made>
- Equality Impact Assessment – 2020 Order, measures to introduce online right to work service
- Code of Practice on preventing illegal working: civil penalty scheme for employers
<https://www.gov.uk/government/publications/illegal-working-penalties-codes-of-practice-for-employers-2018>
- Code of Practice for employers: avoiding unlawful discrimination while preventing illegal working
<https://www.gov.uk/government/publications/illegal-working-penalties-codes-of-practice-for-employers-2018>

Right to Rent:

- The Immigration (Residential Accommodation) (Prescribed Requirements and Code of Practice) Order 2014
<https://www.legislation.gov.uk/uksi/2014/2874/contents/made>
[Right to Rent Policy Equality Statement 2014](#)

Right to Rent Policy Equality Statement 2016

- The Immigration (Residential Accommodation) (Prescribed Requirements and Codes of Practice) (Amendment) Order 2020
<https://www.legislation.gov.uk/uksi/2020/1047/contents/made>
- Code of Practice on Right to Rent: civil penalty scheme for landlords and the agents and Code of Practice on illegal immigrants and private rented accommodation and the Code of Practice for landlords on

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avoiding unlawful discrimination when conducting 'right to rent' checks in the private rented sector
<https://www.gov.uk/government/collections/landlords-immigration-right-to-rent-checks>

Public Sector Equality Duty:

The Public Sector Equality Duty is set out in s149(1) of the Equality Act 2010, which states that a public authority, in the exercise of its functions, must have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
1. Under s149 the eight specified protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race (including ethnic or national origins, colour or nationality); religion or belief; sex; and sexual orientation.
 2. Schedule 18 of the Act sets out exceptions to the public sector equality duty. In relation to the exercise of immigration and nationality functions, s149(1)(b) – advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it – does not apply to the protected characteristics of age, race (insofar as it relates to nationality or ethnic or national origins) or religion or belief.

The Right to Work Scheme applies to all residents in the UK and the Right to Rent Scheme applies to residents in England, not just the migrant population. Figures published by the Migration Observatory suggest that in Quarter 3 2020⁴ (July to September) the proportion of non-UK born workers in the UK was 16%.

Consultation

We have consulted widely as part of the review into verifying identity digitally for the Schemes.

Feedback from employer groups, in particular, was in favour of the remote capability of the adjusted checking process. Therefore, to determine the appetite for another, permanent form of digital identity checking from the

⁴ <https://migrationobservatory.ox.ac.uk/resources/briefings/migrants-in-the-uk-labour-market-an-overview/>

perspective of employers and landlords, we consulted a range of key stakeholders. Representatives of the Home Office Employers Consultative Group (ECHO), covering all major employment sectors and prominent organisations from the Employers Advisory Group comprising over 30 major employers and their representatives in the UK provided universally positive feedback in favour of digital identity checking.

We also held round table discussions with 15 different employers/groups to listen to their experiences of the adjusted checking process and what they would want from a digital identity checking solution.

They welcomed the simplicity of the adjusted checks in the current circumstances, where the increase in remote working makes physical checks of original documents face-to-face more difficult. The adjusted checks have enabled businesses to continue recruitment more effectively and saved time handling documents face-to-face and the costs incurred with having staff handle said papers. Similarly, positive feedback has been received from landlords, letting agents and their representatives, in terms of maintaining business processes and compliance with Home Office requirements whilst adhering to social distancing rules to keep staff and customers safe.

Many employers are moving to hybrid models of working where their business model allows, and some have told us they are now hiring staff who live in remote and coastal (non-commutable) locations because of the opportunities home working presents.

This is a welcome step for the government's levelling up and places for growth agenda, but employers suggest a return to face-to-face checks would hinder that process because of the time and costs involved in requiring people to travel long distances to present physical documents. Research by Credas (an identity verification provider) found employers spend an average of 31 hours, or one week per month per recruiter, carrying out physical checks, and the time can be used more effectively, in other areas of their business to help its growth⁵.

Some employers also highlighted the current disparity between the ease of carrying out right to work checks on individuals who can use the Home Office online service (those who have a current immigration footprint) and those who cannot (mainly British and Irish citizens). It is currently quicker and easier to conduct a check on those who can use the online service who simply need to share their status digitally, than those who have to partake in a physical check of documents.

There was, however, concern from some employer groups regarding the cost (which they would have to meet) of using IDVT as part of their checks. We are not recommending that the use of IDVT be mandated, however. Employers and landlords will be able to continue carrying out manual face-to-face identity checks if they wish to.

⁵ [Article, Recruitment Buzz, Online, 2019 \[last accessed June 2021\]](#)

3a. Consideration of limb 1 of the duty: Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act.

The Right to Work Scheme applies to all UK residents, and the Right to Rent Scheme applies to all those living in England, not just the migrant population.

Age

Right to work checks are only conducted on people who are aged 16 and over and right to rent checks on those who are aged 18 or over. The proposal does not involve a change in the parameters of who falls within the checking regimes. There is no direct discrimination or disadvantage on the basis of age.

Direct Discrimination

It is not considered that any age group would be significantly disadvantaged by allowing the use of IDVT for RTW and RTR checks. It should also be noted that some employers and landlords will choose to continue to carry out physical document checks in certain industries, especially where remote working is not appropriate. Furthermore, the policy proposal is not to mandate the use of IDVT in RTW and RTR checks.

Indirect Discrimination

There could be indirect discrimination on the basis of a person's age. In order to use IDVT for RTW or RTR checks, the prospective employee or tenant, must be in possession of a valid British or Irish passport.

Those who are aged 16 or over who do not possess a valid British or Irish passport, may be disadvantaged if the use of IDVT does not include the use of other documents which can be relied upon in a physical check. If individuals do not possess a valid British or Irish passport, to access IDVT for a RTW or RTR check, then they will have to revert to physical identity document checks.

There may be certain age groups who have never held, or no longer possess a valid British or Irish passport. Whilst the use of IDVT will not be mandated, individuals may be disadvantaged as they will not have the option to demonstrate their RTW or RTR via IDVT but will have to demonstrate their identity physically for employment or housing.

However, it is noted that these individuals will be in the same position as they are currently by demonstrating eligibility physically. Furthermore, as there is no charge to physical checks, unlike the IDVT fee, it may be considered that some employers and landlords would not see this as a favourable option.

We do not think that this potential impact would constitute indirect discrimination because there is no disadvantage to people in those age groups, who can still choose to use physical documents. In any event, if there is indirect discrimination, we consider that this is justified as a proportionate means of achieving a legitimate aim to allow for a more efficient system of

identity verification for RTW/RTR checks. Further, the proposal is not for IDVT checking to be mandatory, physical checks can still be carried out.

The ONS survey of 'Internet users in the UK⁶' for 2020 found that 54% of adults aged 75 or over were recent internet users, a 7% increase compared to 47% in 2019. This is compared with 85% of those aged 65-74 (up by 2%), and 99.4% of those aged 16-44. In 2019, 7.5% of adults had never used the internet; in 2020, this number was 6.3%, with 1.2% more adults using the internet than the previous year. This represents a steady fall of adults who have never used the internet. A decade ago, almost 20% of adult women and almost 15% of men had never used the internet. Trends suggest this percentage will reduce even further over the next five to 10 years.

The COVID-19 pandemic has seen an increase in use of digital technologies, which have enabled many people to work from home, shop and obtain government services remotely. Moreover, Ofcom⁷ reports the pandemic appears to have accelerated the adoption of online services to keep in touch with friends and family. More than 70% of adults in the UK who use the internet are now making video calls at least weekly, up from 35% pre-lockdown. This trend is particularly noticeable among older internet users; the proportion of adults aged 65+ who use the internet making a least one video-call each week increased from 22% in February 2020 to 61% by May 2020. Since the COVID-19 temporary adjusted checking process was introduced in March 2020, many individuals have been taking part in remote right to work and right to rent checks using scanned documents and video calls to support social distancing measures.

Disability

Direct Discrimination

The proposal does not involve a change in who falls within the checking regimes. There is no direct discrimination or disadvantage on the basis of disability.

Feedback from employer groups has indicated that colleagues who continue to shield have benefited from the adjusted checks process as it allows them to continue working from home. Allowing the use of IDVT for identity verification would be advantageous for those who have difficulty travelling due to disability or shielding.

Indirect Discrimination

There could be indirect discrimination on people with a disability. The ONS survey of 'Internet users in the UK⁸' for 2020 found that 18% of disabled

⁶ ONS Internet Users, UK - 2020

<https://www.ons.gov.uk/businessindustryandtrade/itandinternetindustry/bulletins/internetusers/2020>

⁷ Ofcom UK's internet use surges to record levels – 2020 <https://www.ofcom.org.uk/about-ofcom/latest/media/media-releases/2020/uk-internet-use-surges>

⁸ ONS Internet Users, UK - 2020

<https://www.ons.gov.uk/businessindustryandtrade/itandinternetindustry/bulletins/internetusers/2020>

adults had not recently used the internet. However, as we are not proposing to mandate the use of IDVT and employers and landlords will still be able to carry out checks of physical documents, we do not consider that any accessibility issues cannot be overcome.

Reasonable Adjustments – IDVT checks will not be mandated and the option of physical checks will remain in place. We will update our codes of practice on unlawful discrimination and ensure the messaging is clear for employers and landlords. We will also continue to signpost individuals to their local libraries and Citizens Advice, where support can be provided to access facilities such as access to a device or the internet.

Gender Reassignment

Direct Discrimination

We do not consider there to be any direct discrimination on the basis of gender reassignment. There is no evidence to indicate that those falling within the protected characteristic of gender reassignment will be affected by this policy proposal.

Indirect Discrimination

We do not consider there to be any indirect discrimination on the basis of a change of gender. There is no evidence to indicate that those falling within the protected characteristic of gender reassignment will be affected by this policy proposal.

Marriage and Civil Partnership

Direct Discrimination

We do not consider there to be any direct discrimination on the basis of marriage or civil partnership. There is no evidence to indicate that those falling within the protected characteristic of marriage and civil partnership will be affected by this policy proposal.

Indirect Discrimination

We do not consider there to be any indirect discrimination on the basis of marriage or civil partnership. The policy proposal applies to everyone regardless of their marital or civil partnership status.

Pregnancy and Maternity

Direct Discrimination

We do not consider there to be any direct discrimination on the basis of pregnancy or maternity. There is no evidence to indicate that those falling within the protected characteristic of pregnancy or maternity will be negatively affected by this policy proposal.

Indirect Discrimination

We do not consider there to be any indirect discrimination on the basis of pregnancy or maternity. There is no evidence to indicate that those falling within the protected characteristic of pregnancy or maternity will be negatively affected by this policy proposal.

Race

Direct Discrimination

We do not believe direct discrimination arises from this policy proposal. RTW and RTR checks apply to everyone, regardless of nationality. The proposal to allow IDVT use does not involve a change in who falls within the checking regimes.

We do not believe there is indirect discrimination if IDVT is allowed.

This policy proposal affects British and Irish employees and tenants. This is because those with a current immigration footprint can often use the Home Office online checking service to demonstrate their RTW or RTR, so will be unaffected by this policy proposal.

The issue of inequality of the RTW and RTR checking process has been raised by employer groups during consultations. They have the opinion that it is currently quicker, easier and simpler to check an individual with an immigration status, who can use the Home Office online checking service than a British or Irish citizen. This policy proposal goes some way to address this inequality by allowing digital / remote identity verification for British and Irish citizens who hold a valid passport.

Indirect Discrimination

The current adjusted checks process affects British and Irish citizens more than others. Many migrants are able to carry out digital checks already, whereas British and Irish citizens have to present documents physically. This levelling up, could be perceived as promoting equality of treatment between British and Irish citizens (who hold a valid passport) and others. For those migrants who are not able to use the Home Office online service, they will be in the same position as they are currently by demonstrating eligibility physically.

Right to Work – Immigration, Nationality and Asylum Act, Section 15(2)
<https://www.legislation.gov.uk/ukpga/2006/13/section/15>

Right to Rent – Immigration Act 2014, Section 23(1)
<https://www.legislation.gov.uk/ukpga/2014/22/section/23>

The Equality Act 2010, paragraph 1 of Schedule 23 provides a legal basis for the difference of treatment.

Religion or Belief

Direct Discrimination

We do not consider there to be any direct discrimination on the basis of religion or belief. There is no evidence to indicate that those falling within the protected characteristic of religion or belief will be affected by this policy proposal.

Indirect Discrimination

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We do not consider there to be any indirect discrimination on the basis of religion or belief. There is no evidence to indicate that those falling within the protected characteristic of religion or belief will be affected by this policy proposal.

Sex

Direct Discrimination

We do not consider there to be any direct discrimination on the basis of sex. There is no evidence to indicate that those falling within the protected characteristic of sex will be affected by this policy proposal.

Indirect Discrimination

We do not consider there to be any indirect discrimination on the basis of sex. There is no evidence to indicate that those falling within the protected characteristic of sex will be affected by this policy proposal.

Sexual Orientation

Direct Discrimination

We do not consider there to be any direct discrimination on the basis of sexual orientation. There is no evidence to indicate that those falling within the protected characteristic of sexual orientation will be affected by this policy proposal.

Indirect Discrimination

We do not consider there to be any indirect discrimination on the basis of sexual orientation. There is no evidence to indicate that those falling within the protected characteristic of sexual orientation will be affected by this policy proposal.

3b. Consideration of limb 2: Advance equality of opportunity between people who share a protected characteristic and people who do not share it.

Schedule 18 paragraph 2 (1) states that in relation to the exercise of immigration and nationality functions subsection 1(b) (to have due regard to the need to advance equality of opportunity) does not apply to age, religion or belief or race (in so far as it relates to nationality or national or ethnic origins). The requirements of limb 2 are set out further in s149(3), which defines having due regard to the need to advance equality of opportunity as having due regard, in particular, to the need to:

- (a) remove or minimise disadvantage suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (d) above (participation in public life) is not relevant to the change being discussed. (a) and (b) may have relevance, and this is discussed below in relation to the protected characteristics.

The law preventing illegal working is set out in The [Immigration, Asylum and Nationality Act 2006 \(section 15 - 25\)](#), under section 15 of that Act an employer may be liable for a civil penalty if they employ someone who does not have the requisite immigration status to undertake the work in question, if that person commenced employment or after 29 February 2008. The civil penalty provision in the 2006 Act do not apply to continuous employment with the same employer that commenced before the 29 February 2008.

The [Immigration Act 2016 sections 34 and 34](#) make it a criminal offence if an employer knows or have reasonable cause to believe that they are employing an illegal worker and an offence to work illegally in the UK.

The aim of the [Immigration 2014 Act \(Part 3 Chapter 1 Residential Tenancies\)](#) is to prevent disqualified persons, (a person with no legal immigration status in the UK) from accessing the private rented residential sector irrespective of their nationality or other protected characteristic.

The proposals do not change the operation of the Right to Work or the Right to Rent Schemes. They do not alter the duties on employers and landlords to conduct right to work or rent checks, nor the legal protections that employees and tenants enjoy against unlawful discrimination set out in the existing statutory codes of practice.

Age – We do not have any evidence to suggest that people of different ages have different needs that are relevant to this change. The proposal does not involve a change in who falls within the checking regime. The recommendation promotes equality of opportunity by removing the need to travel to show their physical documents in person, which may have been harder for older people at a time of continued home working, or for younger people who may not have access to transport.

Our mitigation for any groups who are indirectly impacted is that we will ensure adequate support services are mandated as part of the assurance framework and that IDVT suppliers ensure accessibility and support is offered.

The impact is considered proportionate, as it supports the legitimate aim to allow for a more efficient identity verification process. It should also be noted that the use of IDVT will not be mandated, and those who prefer not to use it, would be able to demonstrate their identity using physical documents. Statutory codes of practice on avoiding unlawful discrimination for employers

and landlords will be updated to prevent discrimination against individuals because they choose not to use IDVT to prove their identity.

Disability – We do not have any evidence to suggest that people with disabilities have different needs that are relevant to this change. The proposal does not involve a change in who falls within the checking regime. The recommendation promotes equality of opportunity by removing the need to travel specifically for the purposes of showing their physical documents in person, which may have been harder for disabled people at a time of continued home working. This policy change would not impact all with disabilities in the same way. Some with cognitive impairment may be more negatively impacted, whilst some with limited mobility may be positively impacted by removing the need for unnecessary travel for vulnerable people well as allowing individuals to continue shielding.

The impact is considered proportionate, as it supports the legitimate aim to allow for a more efficient identity verification process. It should also be noted that the use of IDVT will not be mandated, and those who prefer not to use it, would be able to demonstrate their identity using physical documents. Statutory codes of practice on avoiding unlawful discrimination for employers and landlords will be updated to prevent discrimination against individuals because they choose not to use IDVT to prove their identity. Our mitigation for any groups who are indirectly impacted is that we will ensure adequate support services are mandated as part of the assurance framework and that IDVT suppliers ensure accessibility and support is offered.

Gender Reassignment – We do not have any evidence to suggest that people who have undergone gender reassignment have different needs that are relevant to this change. The proposal does not involve a change in who falls within the checking regime.

The recommendation neither promotes nor diminishes equality of opportunity.

Maternity and Pregnancy – We do not have any evidence to suggest that women who are pregnant or on maternity have different needs that are relevant to this change. The proposal does not involve a change in who falls within the checking regime.

The recommendation may promote equality of opportunity by removing the need for pregnant women or those with new-born or very young children from travelling.

Race – We do not have any evidence to suggest that people of different races have different needs that are relevant to this change. The proposal does not involve a change in who falls within the checking regime.

This policy proposal has the potential to advance equality of opportunity as it enables right work and rent check to be carried out remotely via IDVT and

does not require the employer or landlord to be in possession of the individual's documents.

This proposal will mainly impact positively upon British and Irish citizens who hold a valid British or Irish passport, and who will now have the option to demonstrate their identity digitally. We do not have any evidence to suggest that these groups, or any other group will be negatively impacted upon by the policy proposal.

Religion or Belief – The policy proposal neither promotes nor diminishes equality of opportunity.

Sex – The policy proposal does not involve a change in who falls within the checking regime.

The recommendation neither promotes nor diminishes equality of opportunity.

Sexual Orientation – The proposal does not involve a change in who falls within the checking regime.

The recommendation neither promotes nor diminishes equality of opportunity.

3c. Consideration of limb 3: Foster good relations between people who share a protected characteristic and persons who do not share it

Age – There is no distinction between people who share the protective characteristic and persons who do not share it as this change does not make exception to those in relation to age.

We are aware that elderly people may be less confident in using or interacting with new technology or the internet. However, technology plays an ever more prominent role in the lives of older people, as evidenced by the COVID-19 pandemic. The policy provides them with the opportunity to access services in the same way as younger people, with the potential to upskill previously neglected cohorts.

The COVID-19 pandemic has seen an increase in the use of digital technologies, which have enabled many people to work from home, shop, keep in touch with family and obtain government services remotely, such as undertaking right to work and rent checks.

Ofcom⁹ has reported the COVID-19 pandemic appears to have accelerated the adoption of online services to keep in touch with friends and family. This trend is particularly noticeable among older internet users; the proportion of online adults aged 65+ who make a least one video-call each week increased from 22% in February 2020 to 61% by May 2020.

⁹ <https://www.ofcom.org.uk/about-ofcom/latest/media/media-releases/2020/uk-internet-use-surges>

Disability – There is no distinction between people who share the protective characteristic and persons who do not share it as this change does not make exception to those in relation to disability.

Technology plays an ever more positive and prominent role in the lives of people with disabilities. This policy proposal provides them with the opportunity to access services in the same way as people who do not have a disability.

Gender Reassignment – There is no distinction between people who share the protective characteristic and persons who do not share it as this change does not make exception to those in relation to gender reassignment.

Maternity and Pregnancy – There is no distinction between people who share the protective characteristic and persons who do not share it as this change does not make exception to those in relation to maternity and pregnancy.

Race – There is no distinction between people who share the protective characteristic and persons who do not share it as this change does not make exception to those in relation to race.

Religion or Belief – There is no distinction between people who share the protective characteristic and persons who do not share it as this change does not make exception to those in relation to religion and belief.

Sex – There is no distinction between people who share the protective characteristic and persons who do not share it as this change does not make exception to those in relation to sex.

Sexual Orientation – There is no distinction between people who share the protective characteristic and persons who do not share it as this change does not make exception to those in relation to sexual orientation.

4. Summary of foreseeable impacts of policy proposal, guidance or operational activity on people who share protected characteristics

Protected Characteristic Group	Potential for Positive or Negative Impact?	Explanation	Action to address negative impact
Age	Positive impact & Negative impact	<p>RTW / RTR can be confirmed through sharing identification documents via an IDVT platform, therefore it will no longer be necessary to travel to show these documents (if the option to use IDVT is taken up). This will be more secure which is particularly beneficial for those who are more vulnerable, such as the elderly or those who do not readily have access to transport</p> <p>This may also negatively impact those who are of an age where they do not hold a valid British or Irish passport (or Irish passport card) to use as an acceptable IDVT form of ID, or no longer require one.</p> <p>There may be individuals who will be unwilling or unable to use the online IDVT services.</p>	IDVT is not mandated. Individuals can continue to show ID physically if they choose.
Disability	Positive Impact	<p>RTW/RTR can be confirmed through IDVT platform, therefore, it will no longer be necessary to travel to show these documents (if the option to use IDVT is taken up) This will reduce journeys for those who are disabled.</p> <p>There is the possibility that some individuals who live with learning or cognitive difficulties may experience difficulties in using IDVT services.</p>	<p>The online services should be compliant with Web Content Accessibility Guidelines version 2.1 AA standard. Statements will continue to be updated on a regular basis, as issues are resolved, or new issues identified.</p> <p>We will work with DCMS to draw up standards – accessibility will be an element of those standards.</p> <p>IDVT use is not being mandated</p>

EIA enquires **must** also be sent to PSED@homeoffice.gov.uk

Gender Reassignment	n/a		
Marriage and Civil Partnership	n/a		
Pregnancy and Maternity	Positive impact	RTW/RTR can be confirmed through an IDVT platform, therefore it will no longer be necessary to travel to show these documents. The proposal may promote equality of opportunity by removing the need for pregnant women or those with new-born or very young children (whose circumstances may well have changed since the original check was completed) from travelling.	
Race	Positive Impact	This policy will impact upon British and Irish citizens who hold a valid British or Irish passport (or Irish passport card) and who at present cannot use the Home Office online service to demonstrate an RTW/RTR. Allowing the use of IDVT will provide a degree of parity so that British and Irish citizens, who hold the required documents, can have their identity verified digitally and remotely.	
Religion or Belief	n/a		
Sex	n/a		

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Sexual Orientation	n/a		
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5. In light of the overall policy objective, are there any ways to avoid or mitigate any of the negative impacts that you have identified above?

Accessibility will be an element of the assurance rules and standards drawn up with DCMS that IDVT suppliers would be required to meet to participate in the Trust Framework beta testing phase. This would ensure that the rules comply with our standards and would enable those IDVT suppliers to carry out digital identity checking for the purposes of RTW/R checks.

The use of IDVT is not being mandated. Employers / landlords can continue to check identity documents as they did pre-COVID-19 adjusted checks.

6. Review date

1 October 2022.

7. Declaration

I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act and that due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.

Sign off

Title: SCS

Directorate/Unit: Asylum, Protection and Enforcement Directorate (APED), Compliant Environment and Enforcement Unit (CEEU)

Date: 10 February 2022

For monitoring purposes all completed EIA documents **must** be sent to the PSED@homeoffice.gov.uk