EQUALITY ANALYSIS

~ A guidance document for all staff carrying out an equality analysis

EQUALITY ANALYSIS

Introduction

Equality Analysis is a strategic process and is intended to support consideration for equality, diversity and inclusion (EDI) issues during the planning process of its strategies/policies/service provision. This guidance provides a mechanism to ensure that EDI considerations are integrated within its strategies/policies/service provision from the outset.

Equality Analysis is a thorough and systematic analysis of a policy, strategy, service, system, project or any activity that involves people. It is a predictive tool to evaluate the potential future impact of a new policy/procedure, changes in the way services are delivered, introduction of a new service or closure of a service, before it is implemented. Equality Analysis is designed to determine the extent of any differential impact upon the relevant Equality groups and whether that impact is adverse. In other words, it should ask questions such as: whether any group being discriminated against or being placed at a disadvantage as a result of the policy or function. If there is an adverse impact, alternative policies must be considered in order to promote equality of opportunity, eliminate discrimination and promote good relations.

The Equality Analysis covers nine strands of equality and diversity (also known as protected characteristics): namely age, disability, gender, race/ethnicity, religious faith/beliefs, sexual orientation, gender re-assignment, marriage and civil partnership and Pregnancy & Maternity. All of these have legislative backing. Equality Analysis is a tool used to benchmark all nine protected characteristics based on the premise that:

- There is an integrated Equality Act 2010
- There is a need to ensure that any EDI approach does not favour a hierarchy of oppression

Understanding equality, diversity & inclusion

- Equality is about creating a fairer society and/or organisation where everyone can participate and has the opportunity to fulfil their potential. It is mostly backed by legislation designed to address unfair discrimination based on membership of a particular group.
- Diversity is about recognising and valuing difference in its broadest sense. It is about creating a culture and practices that recognise, respect, value and harness difference for the benefit of the people. In order to achieve this we may need to change our existing processes and systems to accommodate diversity.

It is also important to note that Equality, Diversity and Inclusion are not interchangeable -they need to be progressed together. There is no equality of opportunity if difference and barriers to inclusion are not recognised and valued

Why we need to do it?

The purpose of carrying out Equality Analysis is to identify any adverse or differential impact or unmet needs and therefore provide the basis for creating 'Equality Objectives' and 'Key Performance Indicators' that will drive improvement and change in delivering better services for all communities within Newcastle University (NU).

The process we need to follow in NU:

Predictive Equality Analysis should be carried out before a new policy, plan, procedure, system or strategy etc. is implemented.
Equality Analysis that is carried out after any implementation of policies, strategies, procedures, systems should continue to monitor its impact that is known as a 'Retrospective Equality Analysis'.

Once the predicted equality analysis is complete, please say in the final section as to how the impact is further assessed and monitored after its implementation. This can be achieved by undertaking a retrospective analysis in the coming years.
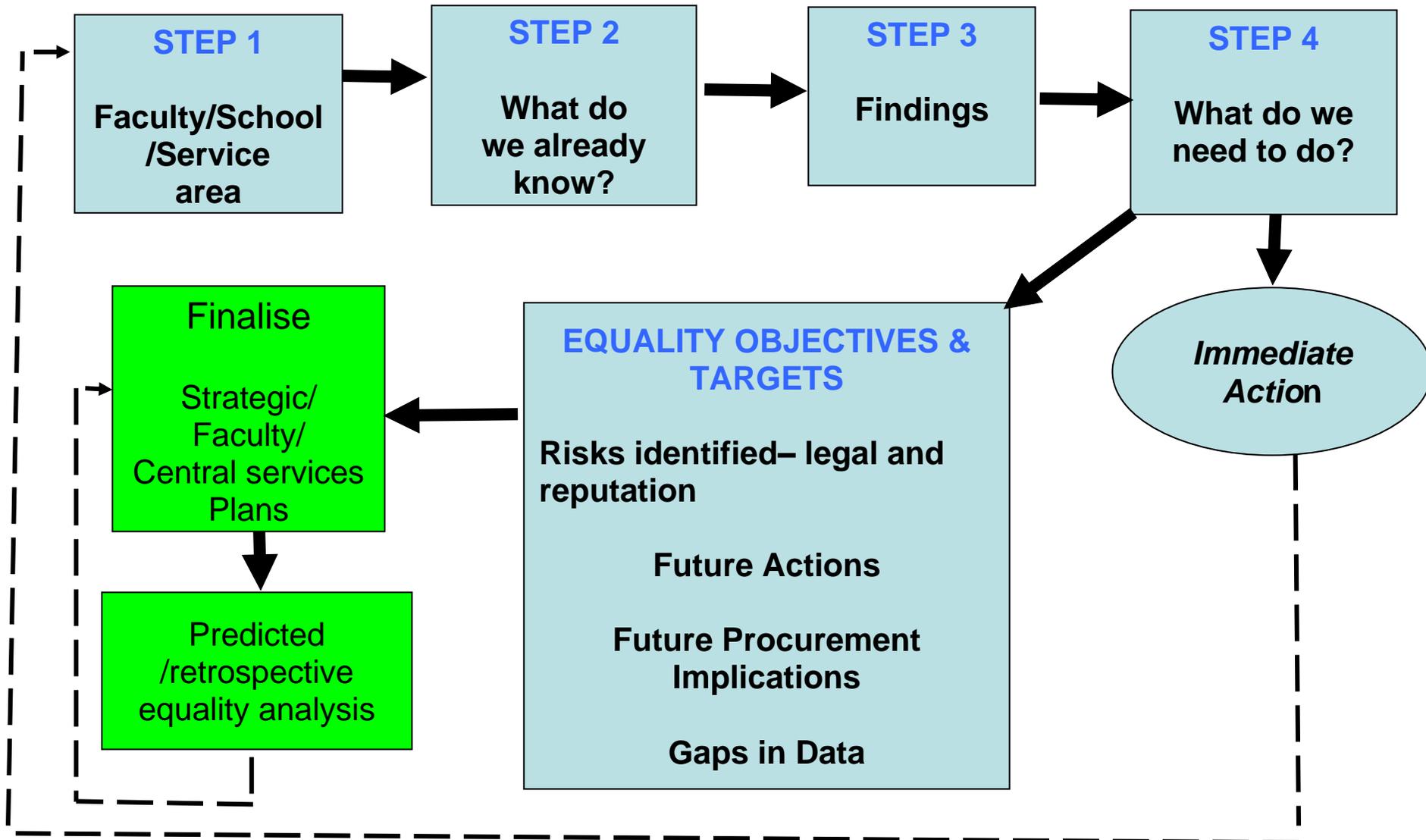
NU staff need to use the Equality Analysis forms and procedures to impact assess so as to assist all the Faculties and Central Services to assess their services and functions and update this assessment on an annual basis.

Equality Analysis is used to identify how closely the needs and requirements of the University community are being met by its policies and practices. In simple terminology as a University we must assess: the services we provide; the sort of impact it has on various groups; and the needs of our staff/students/stakeholders in order to provide services accordingly. It is an ongoing activity informed by monitoring data and is used to review equality objectives as part of the University's 'Performance Management Process.' The outcomes of these assessments inform the Faculty and Central Services plans.

> **Remember, the purpose of conducting Equality Analysis is to identify the needs or requirements of our staff /students/stakeholders and to find out the impact that our policies or procedures have on them**

The Equality Forms will be subject to review and will also be peer-reviewed by employees/students/stakeholders of the University. Please make sure the language used in these assessments is simple and can be easily understood/comprehensible by all especially the members of the public as this is an outward facing document.

EQUALITY ANALYSIS - OVERVIEW

STEP 1

Faculty/School /Service area

STEP 2

What do we already know?

STEP 3

Findings

STEP 4

What do we need to do?

Finalise

Strategic/ Faculty/ Central services Plans

Predicted /retrospective equality analysis

EQUALITY OBJECTIVES & TARGETS

Risks identified– legal and reputation

Future Actions

Future Procurement Implications

Gaps in Data

Immediate Action

Equality Analysis (EA) process follows 4 steps:

All EA's need to be deliberated/discussed and completed by their respective teams and not carried out by an individual member of staff. The person responsible should be the head/manager of the specific area.

Selecting what to assess prior to undertaking an EA:

Deciding on the focus of the assessment is an important decision-making task. There will be a choice in the approach taken by the Faculties and Central Services. The focus may be on: Policy, strategy, service functions, activities, procedures, research, a major project or a group of services.

There is a need to undertake a risk assessment associated with the services in order to ascertain priorities. Once the selection is made as to what needs to be assessed, having agreed on the focus of the assessment, make the following checks associated with the scoping exercise:
- Review the service/policy/procedure that you will be impact assessing
- Identify potential equality issues and factors

(The Scope should include all the nine equality protected characteristics included in the Equality Act 2010– race, disability, age, gender, sexual orientation, gender re-assignment, religion/belief, marriage and civil partnership and Maternity and Pregnancy).

STEP 1: Department/School/Service/Institute

A. **Scope:** In this section, describe the Department/School/Service/Institute that is the subject of the EA, then add the list of what should/could be covered in the description namely:
   - The service(s) it provides
   - Some key facts on number of staff employed in that section/division
   - Location of the service (where based)
   - Make clear who the customers are and how they are being dealt with
   - Identify documents and procedures that are included and any other details that define the service and the way it is delivered
   - Identify matters forcing or encouraging change (e.g. legislation, government policy).

For HR the Service area refers to Employment policies, strategies, training, systems and procedures. The scope of the Policy and the procedure need to be defined.

B. **What is your Unit trying to achieve?**
   Describe what your Unit is aiming to achieve. The most recent Faculty and Central Services' Business Plans is the place to start looking for these.
   If you do not think the outcomes from these plans are suitable/appropriate for the EA then consider changing them in the next planning round. You might

wish to discuss this with your respective planning representative or your Faculty Diversity Officer.

If you are reading this section of the EA, you must get a clear idea of what your service area is aiming to achieve and as well as identify areas for improvement.

Note: Throughout this guidance you will see Figure 1 to 6. These help identify how each step transfers to the planning process. On the final page Figure 7 shows how the service plan would look having completed steps 1 to 4 of the EA.

> **Figure 1: Purpose of a policy/service**
> **The University has a written Recruitment policy that states that it will ensure fair and equal access to all by providing equal opportunities regardless of their background.**

C. Links to University's Vision/mission/objectives/Faculty Values:

Each service the University provides either directly or indirectly links into the University's vision/mission or faculty values. It will assist in the findings on the relevant University Unit's contributions towards achieving the targets set for University or Faculty vision outcomes. Please name them and tick the relevant box/boxes. If you don't think they link to any and it's a one off –then just leave this section blank.

Step 2: What do we already know?

This is available from the University's profile data/benchmarking data. Describe the evidence; quantitative and qualitative, you have available, which has informed your findings, as set out in Step 3. The evidence you might wish to draw from includes:

- Details/results of consultation carried out, e.g. staff/student engagement survey, focus groups and other survey results e.g. satisfaction surveys
- Changes in legislation/introduction of new legislation
- Consultations with staff or student networks
- Monitoring data from University records e.g. complaints, concerns, health and safety issues related to protected characteristics
- Results of previous EA's if undertaken
- Any anecdotal or other evidence through complaints, concerns, comments etc.
- Evidence from national or regional research
- Views of staff on barriers and areas for improvement
- Whether this service included in the risks register due to Equality risk.

The description of evidence should be more than just a list of sources. You must provide the key results/conclusion e.g. *"…The satisfaction survey showed that all age groups were equally satisfied with the service."*

Include reference(s) to the source e.g. Employee Engagement survey 2016.

Were there any outcomes? Were these actions included? Have they been included as evidence?

RISKS: To determine the level of associated risk you must ask:
- Has this service/policy/strategy etc. been included in the risks register due to Equality risks?
- What has been planned or implemented?
- Was it monitored and what were the outcomes?

The EA's identify impacts and these are termed **negative impacts** and **unmet need** and categorised as **unjustified or justified**. The Equality Analysis process provides an opportunity for managers to identify risks faced by services and consider them for inclusion in the University/Faculty's risk register.

Unjustifiable: Where the negative impact or unmet need is (or is likely to be) **unjustifiable** (in law) these would pose legal and reputational risks to University.

Faculties and Central Services should consider including an appropriate risk in their risk register and implementing appropriate control measures to address them.

Justifiable: Negative impacts and unmet need, whilst not posing a legal risk, could pose a reputational risk and should also be considered for inclusion in a risk register. Once included in a risk register they would be reviewed in accordance within the Risk Management Strategy. All risks included in risk registers are reviewed at least on a quarterly basis and can be deleted/made inactive on the register when the officer managing the risk considers it is adequately controlled and no longer requires review on a quarterly basis. **Figure 8** summarises the possible Risk Register actions

It is likely there will be gaps in available information. Gaps in data collection and the need to collect new data could be one of the equality actions emerging from the EA assessment, which would be included in the service planning for the following year or in an action plan in Steps 3 and 4.

> **Figure 2: If we take the purpose from step 1 Internal Risk Assessments indicate that this service may fall short of the statutory requirements set by Equality Act 2010.**

Step 3: Findings

Use this section to report the findings and conclusions you have reached based on the evidence you have described in Step 2. EA is designed to determine if there is an unmet need or any differential impact upon the relevant groups and whether such impact is adverse.   Your conclusions will be one or more of the following:

- The evidence shows/suggests there is/is not an **differential impact** because …
- The evidence suggests there is/is not an **adverse impact** because. .

- The evidence suggests there is/is not an **unmet need** because . . .

<div align="center">**Or**</div>

- There is **insufficient evidence** to draw a conclusion on whether there is …..

What is an "IMPACT"?

There are two possible impacts to consider in EA process:

1. **A negative or adverse impact:** Where the impact could disadvantage one or more equality target groups. This disadvantage may be differential e.g. where the negative impact on one particular group is likely to be greater than on another. It should be noted that some negative impacts may be intended in order to achieve a differential impact on groups. The EA provides an opportunity to assess this.

> **Example**
> **A consultation exercise being carried out locally with no explicit consideration of the needs of the diverse staff is likely to have a negative or adverse impact on their ability to engage with the exercise. Evidence shows that such an approach does nothing to enhance accessibility.**

If a negative or adverse impact is judged to be unlawful (i.e. would result in direct or indirect discrimination) action must be taken immediately either to abandon the policy or service or change it to make it lawful.

> **Example**
> **The catering service provided at a University does not meet the different dietary needs e.g. on account of religion, cultural preference, choice (vegetarian/vegan/halal/kosher), health, (gluten free, nut allergy etc.) This service would prevent appropriate provision, as there is no choice and no opportunity to acquire it by the service user. The service provider could be acting *unlawfully on the grounds of race, or religion and belief. (Procurement and tendering contracts to provide such a service can also apply here)***

Figure 3

- ✓ **Access in certain buildings for disabled people is limited. (Some buildings have disability access and this is limited).**
- ✓ **There is a differential impact here as some disabled people have limited access or no access to buildings.**
- ✓ **Negative differential impact on disabled people who cannot access a building).**
- ✓ **Access to these buildings has an adverse impact on disabled people.**

2. An impact that will have a positive impact on equality target group or groups, or improve equal opportunities and/or relationships between groups. This positive impact may be differential, where the positive impact on one particular group of individuals or one equality target group is likely to be greater than one another.

Example: A targeted health improvement campaign for young men between the ages of 18-25 would have a positive differential impact on this age group compared with its impact on other age groups and women. It would not, however, necessarily have an adverse impact on other age groups or women.

Unmet needs: are those where the policy, strategy, services, activity etc. have not reached certain sections of the university who have needs for the particular service.

If there is insufficient evidence available to support conclusions on the findings of a specific protected characteristic then to consider and reach a judgement on whether the service needs to gather evidence. Your judgement will be informed by considering questions such as:

- Does the service have any impact on this particular protected characteristic?
- Is there a high risk to the service if such evidence is not available?

These are findings rather than actions. These findings should inform the actions in Step 4.

If there is any finding of an adverse impact then the University should remedy the situation by taking immediate action. When differential impacts or unmet needs are identified then improvement actions should be identified.

Figure 4:
A relatively low level of representation of Black, Asian and Minority Ethnic (BAME) students in particular courses is a finding.
If steps are not taken to address the above issue where it is proven that students have been unfairly rejected through the admission process then that is an adverse impact.

Figure 5:

Leading from the above examples in Figs 3 and 4 the outcomes sought could be:
- ✓ **Awareness raising to explore new ways of widening the participation of this group will be required to reduce the impact that is adverse.**
- ✓ **Improved engagement with underrepresented communities**
- ✓ **Increased outreach activities to target school leavers from BAME communities.**

The purpose of these actions will be to
- ✓ **Deliver University Objectives on Equality**
- ✓ **Improve the quality of data/research so that there is a clearer understanding of impact.**

These outcomes could be included in the University/Faculty and EDI plans.

Step 4: What do we need to do?

The findings from step 3 should inform the outcomes and actions identified in Step 4 and these should be included in your plans for next year. The actions should directly link and relate to the purpose of the service identified in Step 1.

Incorporate the actions into your plan and monitor in the same way as other aspects of your University/Faculty/central services plan.

Some top tips:

- Make sure the actions included in the service plans are as a result of all the findings and possible to deliver.
- The unmet needs or the gaps identified should inform the actions
- The action should have a completion date, which is realistic and is entered on the form. Do not use the word ongoing/onwards as this simply increases the need for monitoring progress
- Identify as an action if the service needs to be included in the risks register. Identify any actions to be taken as planned control measures for the risk.

Figure 6: Following Fig 3 and 4

The actions will be:
- ✓ **Review the access issues of the buildings.**
- ✓ **Review University's Admissions policy and procedures**

These may need to be monitored through key indicators to measure results:
- ✓ **Increase in number of BAME students**
- ✓ **Increase in use of buildings by people with a range of disabilities/impairments.**

If targets set are not achieved then these actions continue to be in the EA process for the next coming year.

Figure 7 - Table to show how the example works

Purpose of Service From Step 1	University or Faculty Plan Outcome	Actions	Associated PIs
Provide facilities appropriate to the University's staff and students' needs.	Raise awareness and knowledge about what programmes/activities are provided to increase confidence among BAME people to participate	• Review the way in which the University or Faculty make their programmes/activities available; • take into account issues of cultural and religious needs in providing this information.	Increase in use of Programmes or activities by BAME people
	Provide appropriate facilities with improved access for disabled people to participate in activities	• Review access issues of the buildings • Complete access improvements identified	Increase in use of buildings by people with a range of disabilities and/or impairments.

Note: The above is an example, only meant to show you how the table of action plan works but is not an exhaustive list.

PLEASE NOTE:

Activity could mean anything ranging from Field trips to Research, Exchange programmes, Travel, Practical lessons, Events etc.

Figure 8 – Summary of possible Risk Register actions

Impact/Unmet need	No significant Reputational risk	Significant Reputational Risk
Justified negative impact with no planned actions	No action	Include in the Risk Register until the reputational risk is no longer significant
Justified negative impact once planned actions are implemented	Include in Risk Register until the negative impact is justified following implementation of planned actions	Include in the Risk Register until the reputational risk is no longer significant
Unjustified negative impact with no planned actions	Include in Risk Register (and identify whether any actions would mitigate the risk) until the negative impact is justified	Include in the Risk Register until the reputational risk is no longer significant
Unjustified negative impact once planned actions are implemented	Include in Risk Register (and identify whether any additional actions would mitigate the risk) until negative impact is justified	Include in the Risk Register until the reputational risk is no longer significant
Justified unmet need with no planned actions	No action	Include in the Risk Register until the reputational risk is no longer significant
Justified unmet need once planned actions are implemented	Include in Risk Register until the unmet need is justified following implementation of planned actions	Include in the Risk Register until the reputational risk is no longer significant
Unjustified unmet need with no planned actions	Include in Risk Register (and identify whether any actions would mitigate the risk) until the unmet need is justified	Include in the Risk Register until the reputational risk is no longer significant
Unjustified unmet need once planned actions are implemented	Include in Risk Register (and identify whether any additional actions would mitigate the risk) until unmet need is justified	Include in the Risk Register until the reputational risk is no longer significant

Where there is a legal and reputational risk only one entry in the Risk register is needed.

All EA's are required to be signed by the Head of the Service and reported accordingly depending upon where the actions of the EA's are placed in the University/Faculty/Central services plan.

All EA's should be published on Intranet and Internet.

If you have any comments, queries, suggestions or would like to know more on the assessment process please contact your relevant Diversity Officers.

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Glossary:

Unmet Needs: are those where the services have not reached certain sections of the University who have needs for the particular service.
For example: If the University doesn't have a formal identification process for unpaid carers, the absence of peer support for this group could be classed as an unmet need.

Identify the unmet need for this type of service to obtain an understanding of current shortfalls in policies, practices and procedures.

Assess the effectiveness of funding to reduce the unmet need by quantifying and describing additional services provided to address unmet need. Wherever possible, it's important to document the impact of these services for individuals receiving support. Effectiveness, in this context, refers to the degree to which stated funding objectives have been achieved.

Positive Impact: An impact that will have a positive effect on equality target group or groups, or improve equal opportunities and/or relationships between groups. This positive impact may be differential, where the positive impact on one particular group of individuals or one equality target group is likely to be greater than on another.

Negative Impact: An impact that will have a negative effect on equality target group or groups e.g. if for cost-cutting reasons, environmental impact and accessibility, the University decides to publicise all documents on the web. However, whilst many positive aspects of web-based publications are identified, there is a clear negative impact on disabled people who are known to face particular challenges in accessing the information on line. Actions are therefore put in place to ensure that the University's public access computers in public buildings or School foyers, libraries and information centres include appropriate access technology. Key documents and consultations are publicised through other channels to ensure that people know of their existence without having to access the website in order to find this out.

Differential Impact is where the impact could disadvantage one or more equality target groups. This disadvantage may be differential, meaning that the negative impact on one particular group is likely to be greater than on another. It should be noted that some negative impacts may be intended in order to achieve a differential impact on groups.
For example: Information about University is made available in English language. The majority of the users are English speakers and hence there is a positive impact on this group as they are able to access the services. There are a proportion of students or potential students where English may not be their first language as in the case of Deaf people or visually challenged people who use braille (this does not include students or potential students, who are speakers of other languages and must meet a certain level of proficiency for admissions). There is a differential impact where this factor has disadvantaged certain groups from accessing the services.

Adverse Impact: Adverse impact is defined as a significant difference in patterns of representation or outcomes between equality groups, with the difference amounting to a detriment for one or more equality groups. It occurs when a decision, practice or policy has a disproportionately negative effect on a protected group (protected through Equality legislation). Adverse impact may be unintentional.

Adverse impact is also known as an unintentional form of discrimination, which occurs when identical standards or procedures are applied to everyone, despite the fact that they lead to a substantial difference in outcomes for the members of a particular group.

An important thing to note is that adverse impact only becomes illegal if the service or the policy cannot **justify** the reasons causing the adverse impact.

For example: A policy that requires all applicants to have a clean driving license may have an adverse (or negative) impact on a particular group's ability to secure employment. If the driving qualification is not a necessary requirement in order to successfully perform the job, then the policy must be revisited.

If you do find any adverse impact, you will need to investigate the reasons for this and consider whether you should revise your policies and procedures. One of the questions you might ask when you are looking for reasons is whether the policy or procedure has been strictly followed or whether management or staff has used discretion to vary it.

It cannot be emphasised too strongly that monitoring is more than just collecting information. Unless you follow up the findings of your monitoring, investigate any adverse impact and tackle any barriers or failures you find, you may not be meeting the general duty of the Equality Act.