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Equality Impact Assessments - are funding decisions increasing inequalities? (November 2010)

With major reductions in public spending, organisations in Britain are having to make difficult financial decisions. The Equality and Human Rights Commission (EHRC) has a guide which sets out what is expected of decision-makers and leaders of a public authority responsible for delivering key services at a national, regional and/or local level, in order to make such decisions as fair as possible.

This article is based on the contents of the EHRC's Using the Equality Duties to make fair financial decisions: A guide for decision-makers

Equality Duties mean assessing the impact of a decision on different groups

Equality duties do not prevent officers from making difficult decisions such as reorganisations and relocations, redundancies, and service reductions. Nor do they stop them from making decisions which may affect one group more than another.

Rather, equality duties enable people to demonstrate that they are making financial decisions in a fair, transparent and accountable way, considering the needs and the rights of different members of a community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups.

Assessing the impact of proposed changes to

policies, procedures and practices is not just something the law requires, it is a positive opportunity for public authority leaders to ensure they make better decisions based on robust evidence.

Equality Impact Assessment

An equality impact assessment (EIA) is a tool that helps public authorities make sure their policies, and the ways they carry out their functions, do what they are intended to do and for everybody. Carrying out an EIA involves systematically assessing the likely (or actual) effects of policies on people in respect of disability, gender, including gender identity, and racial equality and, where you choose, wider equality areas.

This includes looking for opportunities to promote equality that may have previously been missed or could be better used, as well as negative or adverse impacts that can be removed or mitigated, where possible. If any negative or adverse impacts amount to unlawful discrimination, they must be removed.

What the law requires

Under equality legislation, your authority has legal duties to pay "due regard to the need to eliminate discrimination and promote equality with regard to race, disability and gender, including gender reassignment, as well as to promote good race relations."

When should Equality Impact Assessments be carried out?

An assessment of impact must be carried out at a formative stage so that the assessment is an integral part of the development of a proposed policy, not a later justification of a policy that has already been adopted.

What should the assessment look at?

An assessment needs to be based on relevant data and sufficient analysis to enable the decision-maker to understand the equality implications of a decision and any alternative options or proposals.

A robust EIA will set out the reasons for the change; how this change can impact on equality groups, as well as who it is intended to benefit; and the intended outcome.

Individual proposals combine to have a higher impact

Authority leaders should also think about how individual financial proposals might relate to one another. This is because a series of changes to different policies or services could have a severe impact on particular equality groups.

Joint working with public authority partners will also help officers to consider thoroughly the impact of decisions on the people they collectively serve.

Example: A local authority takes separate decisions to limit the eligibility criteria for community care services; increase charges for short break services; scale back its accessible housing programme; and cut concessionary travel. Each separate decision may have a significant effect on the lives of disabled residents, and the cumulative impact of these decisions may be considerable. This combined impact would not be apparent where the decisions are considered in isolation

Guiding questions for good Equality Impact Assessments

- Is the purpose of the financial proposal clearly set out?
- Has the EIA considered available evidence? (A lack of data is not sufficient reason to decide there is no impact).
- Have those likely to be affected by the proposal been consulted and involved?
- Have potential positive and negative impacts been identified?
It is not enough to state simply that a policy will affect everyone equally; there should be a more in-depth consideration of available evidence to see if particular equality groups are more likely to be affected than others. Equal treatment does not always produce equal outcomes; sometimes authorities will have to take specific steps for particular groups to address an existing disadvantage or to meet differing needs.
- What course of action does the EIA suggest I take?
- Is it justifiable?
The EIA should clearly identify the option(s) chosen, and their potential impacts
- Are there plans to alleviate any negative impact?
Considering what action could be taken to avoid any negative impact is crucial, to reduce the likelihood that the difficult decisions that will have to be made in near future do not create or perpetuate inequality.

Example: A University decides to close down its childcare facility to save money, particularly given that it is currently being underused. It identifies that doing so will have a negative impact on women and individuals from different racial groups, both staff and students.

In order to mitigate such impact, the University designs an action plan to ensure relevant information on childcare facilities in the area is disseminated to staff and students in a timely manner and to develop partnership working with

its local authority and ensure sufficient and affordable childcare facilities remains accessible to its students and staff.

- Are there plans to monitor the actual impact of the proposal?

What happens if the impact of relevant decisions is not assessed properly?

Authorities who have not carried out an assessment of the proposal, or have not done so thoroughly, risk leaving themselves open to legal challenges, which are both costly and time-consuming.

The result can often be far more fundamental than a legal challenge. If people feel that an authority is acting high-handedly or without properly involving its service users or employees, or listening to their concerns, they are likely to become disillusioned with their officers.

Above all, authorities which fail to carry out robust assessments risk making poor and unfair decisions that could discriminate against particular equality groups and perpetuate or worsen inequality.

Equality & Human Rights Commission's role

As part of its regulatory role to ensure compliance with the equality duties, the Commission will monitor financial decisions with a view to ensuring that these have been taken in compliance with the equality duties and have taken into account the need to mitigate impact where possible

For more information see www.equalityhumanrights.com or *Equality Impact Assessment, Quick Start guide*, a 12 page step by step guide to integrating equality impact assessment into policymaking and review, published in March 2010. Available by calling the EHRC

helpline or writing to EHRC, FREEPOST RRLR-UEYB-UYZL, 3rd Floor, 3 Callaghan Square, Cardiff CF10 5BT. Main number 0845 604 8810, Textphone 0845 604 8820, Fax 0845 604 8830. **Helpline opening times:** Monday to Friday: 8am – 6pm

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