



# Equality Impact Assessment Guidance

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## *PREVENTING PROTECTING RESPONDING*

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## 1. Introduction

Avon Fire & Rescue Service (AF&RS) is committed to improving the quality of its service delivery and employment practices across the board. The EIA process and this guidance is intended to equip AF&RS staff and Members with the knowledge and confidence to undertake thorough, appropriate and proportionate Equality Impact Assessment (EIA) in respect of all aspects of service delivery, functions and employment practices.

It is recommended that you use this guidance and refer to it as you work through the EIA template. It should assist you when you are assessing whether the policies that guide your work, the procedures that you operate and the day-to-day working practices you have developed are likely to have a positive or negative impact on different groups of people.

Throughout this document we use the word 'policy' to refer to what is being assessed. This should be interpreted broadly to embrace the full range of functions, activities, plans, projects, proposals, procedures (including informal 'custom-and-practice'), decisions, interventions and activities, for which AF&RS is responsible.

For further help or guidance on anything relating to the EIA process you can contact the Equalities team by emailing [equalities@avonfire.gov.uk](mailto:equalities@avonfire.gov.uk).

### 1.1. The legal background

There has been legislation in force within the UK in the area of equal opportunities for many years, but historically the overall focus of this legislation has been 'anti-discrimination' – or what we **must not** do. In contrast, under the Equality Act 2010, the Public Sector Equality Duty (PSED), which came into force in April 2011, sets out a 'positive enforceable duty' (Equality Act 2010, Chapter 15, Part 11). In other words it sets out what we **must** do.

It is important to understand this distinction as it means that we must take a proactive, rather than reactive, approach to equality. Undertaking proportionate, high-quality equality impact assessment is one of the key ways that we can demonstrate our compliance with the positive duty.

Simply producing a written document labelled "Equality Impact Assessment" will not discharge the duty if the EIA fails to get to grips fully and properly with the actual, practical impacts that may result from the policy under consideration - but undertaking thorough, appropriate, proportionate and timely equality impact assessment **during the formulation** of policy will **help** us to comply with the PSED. EIA is a means to an end, not the end itself.

Case law demonstrates that in the event of legal challenge the courts place significant weight on the existence of documentary evidence of compliance with the PSED when determining judicial review cases. But perhaps more significantly case law also

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demonstrates that the court will challenge **the way in which a decision has been made**, rather than the rights and wrongs of the conclusion reached, therefore they focus on **process** rather than **outcome**".

**This is an important point.** Because even when a decision has been made with all good intentions, we must still be able to demonstrate that we have followed robust decision-making procedures and have paid 'due regard' to equality implications and opportunities. The following example underlines the importance of this:

**Example:**

A legal case challenged a council's decision on eligibility and criteria for support services to disabled children. The Court rejected the argument that [the council] had had due regard. The judge said that 'there is no audit trail confirming that the local authority has complied [with the general equality duty] or even had reference to it at all. The local authority has produced no documentation to demonstrate a proper approach to the question ... **where the local authority cannot produce any documentation relating to the eligibility criteria which makes reference to the duty and there is no real identification of the sort of factors that it makes relevant, it is obviously difficult to conclude that there has been compliance**'<sup>1</sup>

Properly used, the EIA template can serve both as a tool and a checklist to help guide those who formulate policy through a logical and proportionate process of equality analysis. That process requires the gathering and analysis of information about the impact of a proposed policy or decision, then weighing up that impact against countervailing factors, such as financial pressures. A thorough EIA will provide evidence that will help us to demonstrate, if there is ever a challenge, that we have shown due regard – and **how** we did this.

## 1.2. What is Due Regard?

The law requires a public authority to have 'due regard' to the three aims of the equality duty, which are (briefly):

- To advance equality of opportunity
- To eliminate discrimination
- To foster good relations

But what does having 'due regard' really mean?

<sup>1</sup> L (A Child), Re [2009] EWHC 458 (Admin) (12 March 2009) Black J at paras 121 and 123



The 'legal' response is: **“the regard that is appropriate in all the particular circumstances in which the public authority concerned is carrying out its function as a public authority”**.<sup>2</sup>

What this means is that there is no one-size-fits-all approach. The key thing to remember is that due regard means the **degree of regard that is proportionate** in all the circumstances. In other words, the greater the potential adverse impact of the proposed policy on a protected group, the more thorough and demanding the process required will need to be.

**However, the law does not mandate that the aims of the duty must be achieved at all costs.** In this context, the courts have made it clear that the public authority must also pay regard to any countervailing factors which, in the light of the function being exercised, it is proper and reasonable for the public authority to consider.

### 1.3 The Brown Principles

When considering whether a public authority has shown due regard, courts will now generally refer to the 'Brown Principles' – a set of six broad principles derived from case law in recent years. The Brown principles are summarised below, with an additional explanatory note or example beneath each principle:

Brown Principle	Explanatory note
<b>Decision makers must be made aware of their duty to have 'due regard' and to the aims of the duty – they must be aware of and understand the goals identified in the statutory provision.</b>	Although explicit reference to the PSED is not a specific requirement, it is good practice to do so as it can direct the decision-makers' attention to the relevant factors and can narrow the scope for argument about whether the duty has been fulfilled or not.
<b>Due regard is fulfilled before and at the time a particular policy is under consideration, as well as at the time a decision is taken.</b>	The due regard duty cannot be fulfilled retrospectively. "Fulfilling the PSED must be an essential preliminary to taking an important policy decision, not a 'rear-guard' action following a concluded decision" <sup>3</sup> .

<sup>2</sup> R (Baker) v Secretary of State for the Communities and Local Government [2008] LGR 239 at paragraph 31.

<sup>3</sup> R (Bapio Action Limited) v SSHD [2007] EWCA Civ 1139 (at paragraph 3)



<b>The duty must be exercised in substance, with rigour and with an open mind.</b>	It is not a question of ‘ticking boxes’. Substance is the key. The requirement of ‘rigour’ means that, where required, the analysis must be through and unflinching.
<b>The duty cannot be delegated – ‘due regard’ must be paid by the actual decision-maker.</b>	The officers of a public authority can conduct the necessary investigations and analysis in relation to the duty, but must ensure that these are read, considered and taken into account by the person or body who is legally charged with making the decision (for example, the Fire Authority).
<b>The duty is a continuing one.</b>	The PSED is not discharged once and for all. Policies must be kept under review.
<b>It is good practice to keep an adequate record showing that they actually considered the PSED and pondered the relevant questions.</b>	Proper record keeping encourages transparency and will discipline those carrying out the relevant function to fulfil the PSED conscientiously. It will be difficult to convince a court that due regard has been paid when there is no record of any investigation into or consideration of the factors mandated by the statute.

If the policy or decision is subsequently challenged it will be the policy owner themselves that will be asked by the courts to produce extensive documentary evidence that the decision was based on robust knowledge, research and information.

### Could you defend your decision under these circumstances?

#### 1.4. The cost of non-compliance

It is worth remembering that defending challenges can be very expensive. Devon County Council were recently subjected to three judicial reviews in relation to whether the council applied its public sector equality duty, followed its policies and consulted adequately. Despite effectively winning these cases, Devon’s legal costs alone exceeded half a million pounds. There is of course also the arguably greater cost attributed to adverse publicity, damage to reputation and the service’s relationship with the community.

#### 1.5. The benefits of Equality Impact Assessment

We must be confident that the systems we operate and the actions we take in our work do not explicitly or unwittingly impact unfairly or negatively on any groups or individuals who use our services or who are employed by us and that we promote equality of opportunity throughout our broad range of activities.



Conducting an EIA allows us to analyse what we are doing and to understand the impact on the end user (for example staff, service users etc). By working through the EIA process we can be certain that we:

- take positive and proactive steps to identify areas of potential inequality before they have chance to have an impact on people;
- make changes to ensure that any areas of potential inequality are eliminated;
- take positive and proactive steps to improve equality of opportunity for all.

The process enables us to find out whether any of our policies have a **differential impact** on different **groups** of people. Differential impact suggests that a particular group (an equality group) is affected differently by a policy (in either a positive or negative way). When differential impact is found it is important to establish a full understanding of what is happening to cause differential impact.

EIAs are used to assess the impact (positive as well as negative) of policies on **groups** of people – not individuals. So for example, if management were considering a proposal to merge two units which would result in 6 members of staff being moved, an EIA should be carried out on the overarching proposal and not for each individual person. EIAs are about **differential impact** on **groups** of people.

## 1.6 Equality groups

An equality group is a group of people that shares a ‘protected characteristic’ as defined within the Equality Act 2010. It is a group that is likely to face discrimination and disadvantage on the basis of an inappropriate distinction based on any one or more of the protected characteristics. In assessing impact we need to be mindful of the particular needs of equality groups and the challenges they face. Equality impact assessment is an effective way of making sure that we consider the needs of these groups, that we identify potential steps to promote equality and do not discriminate. A well-informed equality impact assessment of sufficient quality facilitates evidence-based policy making and can allow efficiency savings through delivery of effective services targeted at the people who need them the most.

The equality groups (protected characteristics) are listed below. The list also includes additional at-risk groups which although are not classified as “protected characteristics”, are important to AF&RS. Equality considerations are therefore extended to these groups due to their lifestyle factors which can be linked to increased disadvantage and vulnerability.

Age	Age discrimination against adults (over 18’s) is unlawful in the provision of services and public functions. AF&RS extends this to young (under 18) or old (over 65) people when assessing the fairness of its functions or service
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	delivery.
Disability	Defined as a “physical or mental impairment which has a substantial and long term adverse effect on the person’s ability to carry out normal day to day activities”

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Not protectively marked



Gender reassignment	The process of transitioning from one gender to another. Protection is provided when someone has proposed, started or completed a process to change their gender. There is no requirement to be undergoing medical supervision.
Marriage or civil partnership	Applies in employment only - The Equality Act 2010 protects employees who are married or in a civil partnership against discrimination. Benefits which are restricted on the basis of a worker's marital status are lawful under the Act, provided workers in a civil partnership have access to the same benefit. Workers who are not married or in a civil partnership can be excluded from such benefits.
Pregnancy and maternity	For all areas covered by the Act a woman is protected from unfavourable treatment because of pregnancy or because she has given birth. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.
Race	Refers to a group of people defined by their race, colour and nationality (including citizenship), ethnic or national origins.
Religion or belief	Religion can be any religion – it doesn't have to be a mainstream religion. Belief includes religious and philosophical beliefs including lack of belief (atheism). Generally a belief should affect your life choices or the way you live for it to be included in the definition.
Sex	Refers to men or women
Sexual orientation	Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.
Social or economic exclusion	Not a protected characteristic People who's life opportunities are limited, or who are at a disadvantage due to low income which results in exclusion – fully or partially – from any of the social, economic, political and cultural systems which determine the social integration of a person in society <sup>4</sup>
People living alone	These are not classed as protected characteristics but are included because these factors can be linked to increased vulnerability.
Families with young children	
Mental health, alcohol, drug abuse	

<sup>4</sup> Walker and Walker, 1997.



## 1.7. When is an EIA not necessary?

Not every policy will require an EIA. However when deciding whether an EIA is needed there is no one-size-fits-all approach. The following questions should help you to decide whether an EIA is required, and if so, how thorough that EIA should be:

- Does the policy affect people?
- Is the policy likely to be relevant to any of the equality strands (protected characteristics)?
- How many people is the policy likely to affect?
- How significant is the impact?
- Does it relate to an area where there are known inequalities?

If you are at all unsure you are strongly advised to start working through the EIA template and process because:

- Even if it appears obvious at the outset that the policy has no impact on equality, you may be wrong! Working through the EIA template and having the relevant discussions with the right people can trigger issues and questions that you may not previously have thought about.
- If you feel certain that there really is no relevance to equality and no impact on specific groups is anticipated, you are still strongly advised to use the EIA template to record this - thereby creating important documentary evidence that the equality impact has been considered and why an EIA has not been completed.

Examples of when an EIA **may not** be required could include:

- Policies which do not affect people – for example there is no public or staffing element such as a proposal to move electronic storage on AF&RS IT network servers.
- A transfer of management responsibility with no change to staffing, budget or service eligibility criteria.
- A recent EIA already exists for a very similar policy with similar impact which has been mitigated.

In these circumstances you would not need to complete the full EIA (unless you wanted to) but what's important in **every case** is to use the EIA template so that you can record the reasons for your decision, including references to any evidence such as documents, meeting minutes, other EIAs etc, that support the rationale behind your decision.



## 1.8 Some common myths and misunderstandings

### Myth:

“My policy doesn’t need an EIA – it applies equally to everyone”

### Fact:

If you think that there is no equality impact because your policy applies to ‘everyone’, then you should reconsider. Equality does not mean treating everybody in the same way. Just because it **applies** to everyone does not mean that everyone will **benefit** or **experience** the policy in the same way. People have different needs and requirements and this is precisely why we need to equality impact assess our work. **We should not make assumptions on behalf of other groups or individuals.**

### Myth:

“The Government have said we have to implement this. I have no control over it so there’s no point doing an EIA”.

### Fact:

An EIA can still be carried out even when implementing a decision over which you have no control. For example, when implementing cuts to funding decided elsewhere, you will still be able to consider mitigating measures or alternative ways of doing things to minimise the impact on services and equality groups. This could be as simple as finding ways of improving communication with affected groups, perhaps through attendance at their meetings, or by a ‘mailshot’ to keep them informed about what we are doing and why.

So, even with the current pressures on spending and the need to make tough choices we can still make difficult decisions about reductions or changes in services **and** meet the requirements of the PSED, providing such decisions are:

- Informed and considered – and that **those affected have been consulted**
- Proportionate
- Fair
- Necessary
- Reasonable

## 1.9. Prioritising EIAs

All planned and new policies should be scheduled for an EIA which should take place during their development. Existing EIAs should be kept under continuous review in conjunction with their associated policy reviews throughout their lifetime.



An annual timetable for EIAs is centrally compiled and co-ordinated by the Equalities Team in conjunction with managers. However, responsibility for initiating and completing EIAs sits with policy owners/department heads – not the Equalities Team.

When planning and scheduling your forthcoming policies and EIAs you must give consideration to **relevance** and **proportionality**. This means giving greater consideration and urgency to policies that are likely to have the most effect on people. You may therefore wish to compile and maintain your own list of planned policies and EIAs so that you can prioritise these and ensure they are fed into the EIA timetable with the appropriate level of priority dependant upon their required implementation dates and perceived level of relevance to equality.

To help you decide what to assess and when, an EIA schedule and record form has been produced for your own use within your station or department. Please feel free to use it and adapt it as required to keep an ongoing record of your progress. The form can be found in [Appendix 1](#) of this guidance document.

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## 2. Completing the EIA template

As you work your way through the EIA template it is recommended that you have this guidance document available so that you can refer to it to ensure you understand what is required in each part of the EIA template and the reasons for this.

Throughout this guidance document and the EIA template the word ‘policy’ is used to refer to what is being assessed. The term covers all the different things that AF&RS does in the exercising of its functions, such as proposals, strategies, functions, procedures and practices (formal and informal), decisions, projects, activities and interventions.

### 2.1. How should you go about completing an EIA?

An EIA should be started by the EIA owner at the proposal stage of a new policy. Whenever a new policy is being developed or when an existing policy is to be reviewed or changed an EIA should be started at the same time. EIAs do not need to be carried out for a single event which affects only one person, but an EIA should be carried out for the overarching plan or policy which may result in such an event. For example, if management were considering shutting down a unit and this resulted in 6 staff being moved to other locations and/or other jobs, an EIA should be carried out on the overall plan, but an EIA assessing the impact on each individual person would not be required.

The ideal way to conduct an EIA is through discussion so ideally the policy and equality implications will be considered by a group consisting of the EIA owner plus others who can contribute knowledgably. This could be a team meeting or perhaps you may wish to involve a user group or project group, for example, if you have specific questions or concerns.



It is recommended that you consider involving elected members, representative bodies and equality officers at an early stage if the policy warrants it. When identifying the people or groups within the organisation who will be involved it is always preferable to use job titles or roles, rather than actual names. This protects individuals by preventing inappropriate use of their personal information – remember that an EIA is a public document.

The design of the EIA template allows you to dip in and out of the process as and when you are able. In its electronic format the EIA template will be displayed on your screen as a fillable PDF form which you can save locally on your own computer at any stage and return to later, if required. You can save a partially completed form at any stage and email it to colleagues for their input or to equalities staff for advice if required.

The forms can be printed, for example if you need to hand out hard copies for people to read – but you must complete (or partially complete) and save the form first, otherwise the electronic record will be lost and some of the functionality in the form will be lost – such as drop-down menus and other hidden fields. Please do not send hard copies to the Equalities Unit.

This section of this guidance document looks at Parts 1 to 7 of the EIA template and explains the things you need to consider and the type of information that is required in each part.

## Part 1: Information about the EIA owner

### Who should complete the EIA?

The person who completes the EIA should ideally be the policy owner as they will need a detailed knowledge and understanding of the policy and be in a position to ensure changes are made where they are needed. This person will be the EIA owner.

A representative can complete an EIA on behalf of the EIA owner, so long as the EIA owner authorises and approves the EIA – in other words, the EIA owner should not delegate all responsibility.

## Part 2: Policy information

In this section of the EIA you should provide some overarching information about the policy – ‘at-a-glance’ information that will tell your reader what it is all about. Try to imagine that you are explaining this to someone who knows nothing about your policy – for example a member of the public.

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Without using abbreviations or jargon, give a name (or working title) to the policy and explain what it is designed to do, what the desired outcomes are and anything else that will help the reader to understand your policy.

Being very clear about this information at the start of the EIA process will help you later on when you start to consider who will be affected and whether different people might experience the policy in different ways – whether there will be any differential impacts.

### Part 3: Gathering information

#### Where can I find the information I need?

Knowing your audience is critical to understanding how they might be affected. Consulting and analyzing these sources of information will help you to understand **who** will be affected and **how**. Do not make assumptions. Stakeholder mapping is a good way to start. Use a stakeholder analysis template to jot down your initial thoughts on which groups and individuals have an interest in, and will therefore be affected by, the policy. The information captured on the stakeholder analysis template can then be used to inform your EIA – and can be included as evidence of your thought processes.

Firstly, think about who will be affected by the policy. For example, will it only affect AF&RS staff? If so, will this be support staff only? Operational staff? All staff? Once you are clear on this you can then start to identify the baseline data and research that will tell you more about your target audience. For example, if the target audience is limited to AF&RS staff, you should consult the employee equalities and diversity monitoring data held by the Human Resources (HR) department. AF&RS collects information about its employees across all of the equality strands.

If the policy affects people outside of the organisation – that is, members of the community, you should firstly identify the target area and consult statistics relating to people in that area. For example if your policy will affect people living in the Yate area, you could consult South Gloucestershire Council's website where you will find data, reports and statistics relating to the population of areas of South Gloucestershire.

You should try to include both qualitative and quantitative data. Qualitative data may include the results of consultation, focus groups and feedback exercises already undertaken, for example. Quantitative data may include population census statistics or employee equalities monitoring data for example.

The information you will need can be obtained from a variety of sources, but in the first instance you are advised to consult the [Corporate Performance](#) pages of the AF&RS intranet. There you will find reports and statistical information relating to the population of the Avon area, as well as links to census information where you can drill down to isolate specific equality groups, wards or community safety sectors, for example. The [Equality and](#)

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[Diversity](#) pages on the external AF&RS website will also provide you with information in the form of the annual equality and diversity report containing employee and community statistics.

As briefly mentioned earlier, local councils are a key source of information about the community. All four unitary authorities publish population statistics and other relevant information that could be helpful to you such as contacts for various community and equality groups on their websites. Links to useful pages of the council websites are listed below:

<b>Bristol:</b>	<a href="http://www.bristol.gov.uk/page/equalities-data-and-research">http://www.bristol.gov.uk/page/equalities-data-and-research</a>
<b>North Somerset:</b>	<a href="http://www.n-somerset.gov.uk/community/partnerships/Documents/JSNA/Overall%20findings/population%20chapter%20(pdf).pdf">http://www.n-somerset.gov.uk/community/partnerships/Documents/JSNA/Overall%20findings/population%20chapter%20(pdf).pdf</a>
<b>South Gloucestershire:</b>	<a href="http://www.southglos.gov.uk/Pages/Article%20Pages/Chief%20Executive%20-%20Corporate%20Resources/Census-2011-11837.aspx">http://www.southglos.gov.uk/Pages/Article%20Pages/Chief%20Executive%20-%20Corporate%20Resources/Census-2011-11837.aspx</a>
<b>Bath &amp; North East Somerset:</b>	<a href="http://www.bathnes.gov.uk/services/your-council-and-democracy/local-research-and-statistics/research-library/census-2011-ward">http://www.bathnes.gov.uk/services/your-council-and-democracy/local-research-and-statistics/research-library/census-2011-ward</a>

Examples of further sources of information you could explore are:

- Equality monitoring statistics related to AF&RS (in the case of internal policies).
- Existing consultations with the relevant communities.
- Research projects which have collected evidence through discussions, focus groups, surveys and interviews.
- Recognised equality group organisations – such as the Fawcett Society, SARI etc.
- Complaints and compliments statistics.
- Staff or community involvement and engagement feedback.

It is also important to identify any gaps in your information or evidence which may need to be filled in order to successfully complete the assessment process. If you identify a gap you can pause the EIA whilst you undertake further research and then come back to it.

As a final word of reinforcement – keep in mind that you are conducting an **Equality Impact Assessment**. This means when you carry out research and analysis about who will be affected you need to focus particularly on the people who are **already disadvantaged** in some way. For example, if you are conducting a publicity campaign or holding a consultation, how will you get your message across to people who may be isolated from mainstream media or society due to disability, illness, or economic exclusion? What about people who have a visual impairment, or a learning disability? How will you reach them? They have a voice and they have a right to be heard. Do not be tempted to make assumptions on their behalf.



## Part 4: Initial assessment of relevance to equalities

This section has been included in the EIA template at an early stage so that you do not have to go through pages of unnecessary tick-boxes and documentation if your policy does not require an EIA. This is where you can make a judgement about your policy to decide whether it is relevant to equality and therefore whether you need to continue with the EIA.

There will be occasions when a policy will genuinely not require an equality impact assessment, so if you are absolutely sure that your policy does not need one you do not need to complete the rest of the EIA template. Please think carefully before you answer the questions in this section.

Using your expertise and knowledge of the subject area, together with any evidence or information you have gathered from discussions, statistics, reports and meetings, carefully consider the information you have provided in Parts 2 and 3, and choose the appropriate option:

### An EIA **IS** required:

- Select this option and you will be directed to go to **Part 5** of the EIA template to continue with the impact assessment process.

### I am not sure if an EIA is needed:

- Selecting this will also direct you to go to **Part 5** of the EIA template to continue with the impact assessment process.

### An EIA **IS NOT** required:

- If you select this option you will reveal a number of hidden fields and instructions on what to do next, as shown below in Figure 1:

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### Part 4: Initial assessment of relevance to equalities

**Please refer to the Equality Impact Assessment guidance before completing this section.**

Not every policy will require an EIA. If you decide that your policy does **not** require an EIA, it is important to show that you have given this adequate consideration and to describe what has led you to that conclusion. The data and research that you have used to inform you about the people who will be affected by the policy should enable you to make an initial assessment of the policy's relevance to equalities and whether or not you need to continue with this equality impact assessment.

**Please select the appropriate option and follow the relevant instruction:**

An EIA **IS** required  
 I am not sure if an EIA is needed  
 An EIA **IS NOT** required

**You do not need to complete the remaining pages of this document but you MUST follow the 6 steps below:**

1. **Complete the statement** in the box below and explain the reasons for this decision, making reference to any evidence, meetings, minutes, discussions, statistics etc that support your rationale and decision.
2. **Insert your name** and the submission **date** in the relevant boxes below.
3. **Save a copy** for your own records (click on **File, Save As...**) (do this **BEFORE** emailing it)
4. **Click on the email button** below - an email window will open with this document automatically attached.
5. **ALSO ATTACH THE RELEVANT POLICY OR DOCUMENT TO THE EMAIL.**
6. **Add any comments** in the body of the email if required and **click 'Send'** to send the email in the normal way.

This policy does not require an EIA because:

Your name:

Submission Date:

**Email to Equalities Unit**

**What happens next?** On receipt of this form an Equalities Officer will review your decision in the light of the information you have provided. If they are in agreement with your decision not to carry out an EIA and no further information is required, you will receive an acknowledgement of receipt, the form will be signed off and retained by the Equalities Unit for an audit trail. You are also advised to keep your own copy. On occasions the Equalities Officer may disagree with your decision or may need to have a better understanding of the policy and further information before signing off the form. In these circumstances the Equalities Officer will ask to meet with you to discuss the policy. This is to ensure that risk to the organisation is minimised.

Figure 1

- Complete the statement in the box which starts with **“This policy does not require an EIA because...”**.
  - Refer to any discussions, meetings, research or engagement which have led you to this conclusion, if applicable.
- Enter your name and the submission date into the appropriate boxes.
- Save a copy of the EIA form for your own records (click **File, Save As...**). **DO THIS BEFORE YOU EMAIL IT.**
- Click on the yellow email button to submit the EIA form directly to the Equalities Unit.
  - This will open a new email window.
  - The email will already be addressed to the Equalities Unit and the EIA form will automatically be attached.
  - ALSO attach the relevant policy or SOP to the email – the equalities officer needs to see this before they can approve your decision.
  - You can add your own message to the body of the email if you wish.
  - Click on ‘Send’ to send the email in the normal way.



- A copy will appear in 'Sent items' in your own mailbox.

### What happens next?

On receipt of your email a member of the Equalities Unit will review the attached EIA form as soon as possible and you will be emailed regarding one of the two outcomes below:

**Outcome 1:** The Equalities Officer **AGREES** with your decision that no EIA is required:

- The Equalities Officer will mark the form as 'Approved' and will sign it off by inserting their name in the 'Checked by' box in the 'E&D sign-off' section at the end of the form.
- Supporting comments or information may be added in the 'E&D comments' box.
- The EIA form will be allocated a reference number in the top right-hand corner on page 1 of the EIA form.
- A copy of the numbered, approved and signed off form will be returned to you.
- The Equalities Unit will also retain an electronic copy of the form for their records.

**Outcome 2:** The Equalities Officer **DISAGREES** with your decision that no EIA is required:

- The document will be allocated a reference number.
- It will be marked 'Not approved' in the E&D sign-off section at the end of the form and will usually include comments about why it has not been approved - this will usually include a recommendation to complete an EIA.
- It will then be emailed back to you for further action
- You may also be requested to meet with a member of the equalities team to discuss the EIA so that a better understanding of the policy can be obtained.
- If, following that meeting, the Equalities Officer now agrees with your decision, the EIA will be amended accordingly which means it will be marked as 'Approved', signed off and a copy returned to you for your records.
- If the Equalities Officer still disagrees with your decision you must either complete the EIA as advised within the specified timescale OR inform the Equalities Unit that you do not intend to complete an EIA.

**To mitigate any potential corporate risk the Service Management Board will be informed of any instances where a recommendation to complete an EIA is ignored.**

## Part 5: Analysing the impact

The impact assessment part of the EIA enables us to think about whether any of our policies have a **differential impact** on different groups of people. Differential impact is where a particular group is affected differently by a policy (in either a positive or negative way). When differential impact is found or anticipated it is important to establish a full understanding of what is happening to cause differential impact.

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Consider the equality and at-risk groups listed and assess how each of them might be affected by your policy. Could it make life better or worse for them? Will a particular group benefit from it more than another? Might one group be excluded from those benefits for some reason – for example a particular racial or religious group? Could the policy be better for one gender than other? Generalisations such as simply stating that “the policy is likely disadvantage elderly women” will not be enough. You would need to include information about how many or what percentage of elderly women would be affected, in what area, how they would be affected and to what extent.

In summary there are three key points to consider:

- Could the policy affect different groups differently?
- If so, do any differences amount to adverse (negative) impact or unlawful discrimination?
- Has every opportunity to maximise any positive impact been taken?

The information that you provide in this section must be based on the evidence, information and data that you have gathered and not on your own opinion or an assumption – although you can and should use your own expertise and knowledge of the subject area to support your argument. Based on the information you have gathered, consideration of the following questions may be useful:

- Does the quantitative data show differences between equalities groups?
- Does the qualitative data show differences – for example, in people’s experiences?
- Do the differences indicate adverse impact for some groups?
- Could the policy be directly or indirectly discriminatory? (This does not depend on the intention, but on the effect of the policy).
- If indirectly discriminatory could it still be justifiable under the Equality Act 2010? (It would be advisable to seek legal advice on this point).

The impact on people in each equality group should be described as positive, negative or neutral, as defined below. Note – it is possible for impact to be both negative **and** positive at the same time for a particular group – you should describe both if this happens.

- **Positive:** Where the impact is expected to have a **particular benefit** for this group of people or **improve equal opportunities** and/or relationships. The positive impact may be differential or disproportionate, where the positive impact on one particular group of individuals or one equality group is likely to be greater than on another.
- **Negative:** Where there is a risk that impact could **unlawfully discriminate** or **disadvantage** one or more of the people or equality groups. The disadvantage may be differential or disproportionate, where the negative impact on one particular group of individuals or one equality group is likely to be greater than on another.
- **Neutral:** Where there will be a neutral impact – neither negative nor positive.

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Select the appropriate check-box against each of the equality groups and provide a brief explanation about why you have made this choice. Remember where any negative impacts are identified, you will need to show in your action plan how these will be mitigated; and if positive impacts are identified you are asked to consider if these can be extended to benefit other groups as well.

### The 10 Dimensions of Equality

The “10 dimensions of equality<sup>5</sup>” is a list of the things that members of our society feel it is most important they are **enabled** to do. You may find it helpful to consider whether the policy will have any impact (negative or positive) on people’s ability to achieve any of these things:

- **Life expectancy:** including avoiding premature mortality through disease, neglect, injury or suicide.
- **Physical security:** including freedom from violence and physical and sexual abuse; domestic and identity-based violence; to go out and use public spaces safely and securely, without fear.
- **Health and well-being:** including access to high quality healthcare, timely and impartial information about health and healthcare options; maintain a healthy lifestyle including exercise and nutrition; living in a healthy and safe environment.
- **Education:** including being able to be creative, to acquire skills and qualifications, and having access to training and life-long learning.
- **Standard of living:** including being able to live with independence, dignity, self-respect and security; and covering nutrition, clothing, housing, warmth, utilities, social services and transport.
- **Productive and valued activities:** including access to employment, a positive experience in the workplace, work/life balance, being able to care for others; work in just and favourable conditions, including health and safety, fair treatment during pregnancy and maternity, and fair remuneration.
- **Individual, family and social life:** including self-development, having independence and equality in relationships and marriage; be confident that primary relationships will be treated with dignity and respect; enjoy special support during pregnancy and maternity; enjoy protection of personal data.
- **Participation, influence and voice:** including participation in decision-making and democratic life; participate in the local community; form and join civil organisations and solidarity groups such as trade unions.
- **Identity, expression and self-respect:** including freedom of belief and religion; cultural identity; communicate, including using ICT in your own language; engage in

5

[http://webarchive.nationalarchives.gov.uk/20100807034701/http://archive.cabinetoffice.gov.uk/equalitiesreview/upload/assets/www.theequalitiesreview.org.uk/equality\\_review.pdf](http://webarchive.nationalarchives.gov.uk/20100807034701/http://archive.cabinetoffice.gov.uk/equalitiesreview/upload/assets/www.theequalitiesreview.org.uk/equality_review.pdf)

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cultural practices in community with other members of your group; live without fear of humiliation, harassment or identity-based abuse; be confident that you will be treated with dignity and respect.

- **Legal security:** including equality and non-discrimination before the law and equal treatment within the criminal justice system; know your privacy will be respected and personal data protected.

### Consider alternatives

If negative impacts have been identified it then becomes necessary to consider how this effect could be removed or reduced, for example by changing the policy and/or the way it will be implemented. A decision needs to be made about how the policy will be modified. If the policy is not modified to avoid negative impact or where negative impact against some groups is unavoidable, a check must be done to ensure this can be justified legally.

Use this part of the template to make some notes recording your thoughts and findings, and use the Action Plan in **Part 6** of the template to set out the actions you will take to remove or reduce negative impact.

### Consultation and outcomes

One of the key points of carrying out an equality impact assessment is that you take account of equality **as you develop** your policy and plans. Just “doing it at the end” will not enable you to properly consult and involve relevant stakeholders at the right time, and you are likely to miss valuable opportunities for picking up issues and making adjustments as part of the policy development.

Timely consultation, engagement and involvement are therefore key parts of the EIA process. The level of consultation required will depend upon the degree of relevance to equality and the likely impact of the policy. Involving stakeholders directly in the decision-making process is highly beneficial. It is also beneficial to involve Members in engagement and impact assessment at an early stage.

Policies that have a high impact on equality will require consultation with the public and/or employees. Policies which are likely to have a high relevance to equality with significant potential for adverse impact would require a much higher level of consultation and stakeholder engagement than a policy with low relevance/little impact. It may also be necessary for managers to arrange further consultation events on specific issues. That is why it is important that you attempt to identify impact **before** consultation is carried out.

However, the resources required for adequate consultation should not be under estimated; a proportionate approach is therefore recommended to ensure that the scale and scope of consultation matches the equality relevance of the policy.

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### How will I know who to consult?

Attracting people from diverse equality communities can be a challenge and will take effort and time. There are a number of ways you can consult with people and you will need to consider your approach and your target audience carefully - based on the impact, evidence and information you have gathered. It is worth remembering that no-one can give you a better insight into how proposed changes will affect, for example, disabled people, than disabled people themselves.

Any consultation exercise that you undertake should:

- Have clear objectives, be timetabled properly and the exercise explained to the people involved.
- Produce results which are published and fed back in to the planning and decision-making processes.

For internal consultation you can make use of our own internal staff support groups such as trade unions, the dyslexia group, and the Equalities Working Group, for example.

Individual council websites (listed in [Part 3](#) of this document) contain a lot of information that may be useful to you, for example population statistics, reports and other information about the communities served as published by each local council.

To help you to identify and make contact with appropriate stakeholder groups for consultation the Equalities Unit has compiled a list of equality groups that exist across all four unitary authority areas, and the internal support groups within AF&RS. The list can be found on the Equalities Impact Assessment pages of the intranet in the section on '[Consultation and Engagement](#)'. Alternatively you can contact the Equalities team if you require further information or assistance with this.

## Part 6: Action plan & monitoring

### Impact and what to do about it

Identifying impact and knowing what to do about it is a critical element of the EIA process. No matter how well-informed you are about the impacts, it will not be possible to improve the policy unless appropriate, proportionate actions are taken in respect of the impacts.

If adverse (negative) impact has been identified it then becomes necessary to consider how this effect could be removed or reduced, for example by changing the policy and/or the way it will be implemented, or taking additional steps to ensure that the needs of the disadvantaged group of people are properly catered for.

Consider the following:

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- Do changes or modifications need to be made to the policy in view of the identified impacts?
- How have the consultation results affected the development of the final policy/service development?

The table below gives some suggestions for the type of action you may need to consider in relation to various levels of impact:

Issue identified	Example of actions/decisions to be considered
Negative impact has been identified.	Make amendments to the policy to eliminate or reduce the negative impact. Implement an amended version of the policy or continue with the current policy. (Sound justification will be required for the latter option).
There is a negative impact but amendments to the policy may not necessarily fully mitigate this.	Give serious consideration to continuing with the policy – can you really justify it? Consider whether the policy should be fully rolled out, or carried out on a pilot basis in order to further assess the situation.
The impact is such that a policy should not be implemented or should be cancelled/stopped.	Is there a way that the objectives which the policy was intended to achieve can be met with less or no negative impact? Could the objectives be changes in some way? (This will often require a completely new policy and EIA).
Opportunities to improve outcomes have been identified.	Is there a way to maximise the positive impact across other equality groups? (Remember that a positive outcome for some groups potentially means a differential negative impact for others!) How can impact be maximised for all?
How and when to monitor and review the impact of the policy and/or of any changes made.	Consider what are reasonable timescales for monitoring and reviewing the impact. What methods should be used to assess the effects? For example could you use questionnaires? Could you carry out return visits to affected communities? How will improvement be measured?

### Compiling an action plan

The EIA process is not just a paper exercise and it is of little value if it does not lead to improvements. Any action plan that has been devised should be fully implemented, monitored and evaluated. This means identifying the type of impact, setting out clear and achievable actions, identifying the people who are/will be responsible and setting appropriate and achievable timescales.

List all actions that you will take or have already taken as a result of the EIA. Actions can be things that you have already done to amend the policy to reduce or remove negative

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impact, or things that you plan to do in the future to reduce or remove negative impact. You should also include any actions to maximise any positive impact.

It is important that you clearly document all actions within the action plan of the EIA as this can be a valuable source of evidence which can be used in the event of legal challenge. Regular monitoring should be carried out to ensure that the actions are being implemented, and adjustments should be made to the actions if required, and the EIA updated accordingly. (If you do update your EIA remember to send an updated version to the Equalities Team).

Even if no actions are required as a result of this EIA, the effectiveness of the new or changed policy must be monitored to ensure that it continues to function in the way it was originally intended and that the outcomes are as desired. Monitoring arrangements must be put in place to monitor the policy regularly, either as part of existing monitoring or review arrangements or as a separate timetabled exercise.

## Part 7: Supporting information & submission

Use this area of the EIA template to include any further information about your equality impact assessment, including references to any supporting documentation – for example the title and location of any meeting minutes, reports, surveys etc, that will provide evidence of discussions, consideration of equality impacts or other research.

**Before you email the EIA...** Save a copy of the completed EIA in your desired location on your own computer (Click **File, Save As...**)

Click on the email button on the EIA template to send the form directly to the Equalities Team. This will open up a blank email message in a new window. The EIA will already be attached to the email and the subject line will be already filled. You can add a message to the body of the email if you wish, and you can add other recipients if required. Click on 'Send' to send the email in the normal way.

Upon receipt of your EIA (or as soon as possible) a member of the Equalities Team will review the information you have provided. If there are no issues with the EIA, it will be marked as '**Approved**' and the Equalities Officer will add their name to the '**Checked by**' box at the bottom of the EIA template. You will receive a copy of the approved document by email which you should retain for your records. The Equalities Unit will also retain a copy of the approved document.

In some cases the EIA will not be approved. It may be that further clarification or information is required before it can be signed off. In this case a member of the equalities team may ask to meet with you to discuss the EIA so that they can get a better understanding of the policy and related issues.

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If the EIA cannot be approved it will be returned to you (by email) marked '**Not Approved**' and relevant comments will be added to the 'E&D comments' box on the EIA template. On receipt you should refer to the E&D comments on the EIA template for advice on what to do next.

Once the EIA has been satisfactorily completed re-submit it to the Equalities Unit again by email. When the EIA is finally approved and signed off it will be allocated a reference number and added to the list of completed EIAs published on the internet.

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### 3. Quality assurance & scrutiny

All EIAs must be submitted to the Equalities Team for logging and quality checking. A report on EIA completion including any significant or commonly occurring quality issues will be submitted to the Equalities Working Group.

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### 4. Publication of EIAs

There is no legal requirement to publish EIAs, however the Specific Duty element of the PSED requires a public body to publish sufficient information to demonstrate its compliance with the General Duty. The Brown Principles have established that:

- It is good practice to keep an adequate record, showing that the equality duties have been considered and they have pondered relevant questions.

EIAs are public documents and anyone can ask to see them. Actual EIAs will not be published but in the interests of transparency the Equalities Unit will publish and maintain a list of completed EIAs on the internal and external AF&RS website. The Equalities Unit will also centrally manage any requests for EIAs, therefore if you receive a request for a copy of a completed EIA from a member of staff or public please refer this request to the Equalities Unit for processing.

Please remember when you are carrying out an EIA that it is a public document and you should not write anything that you would not be happy for an employee or a member of the public to see. EIAs will not be released to staff or the public until they are fully complete. This will ensure that:

- Only fully completed (not draft) EIAs are released.
- If you are working on an EIA for a policy that is potentially sensitive whilst in the developmental stages you can be assured that the EIA will remain protected from

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publication until it is finalised, fully approved and agreed and ready to be released into the public domain.

If you have any suggestions for improvements to the EIA process or the template, your feedback is welcome. Please email [equalities@avonfire.gov.uk](mailto:equalities@avonfire.gov.uk).

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## APPENDIX 2: EIA Stakeholder Analysis

Stakeholder: Individual or group	Protected Characteristic	What is their involvement?	Level of interest: H/M/L	Mitigating actions already taken

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**Document Control Information:**

<b>Policy title:</b>	Equality Impact Assessment Guidance
<b>Policy owner: (role)</b>	Equalities Support Officer
<b>Authoriser: (role)</b>	Equalities Support Officer
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Review Date	Version No	Summary of Changes	Equality Impact Assessed (Y/N)
23/08/2013	0.1	First draft	N
5/12/2013	0.7	Final draft for submission to Negotiating Committee and JCC	Y
22/01/2014	1.0	V/no & status updated following approval to publish	Y
6/03/2014	1.1	Added stakeholder analysis guidance & stakeholder analysis template	Y
26/9/2014	2.2	Updated following feedback from UNISON at JCC on 25/9/2014	Y

**Distribution History:**

Date	Version No	Distributed to: (role/s or group/s)
23/8/2013	0.1	K Shiel, J Williams-Lock, J Leggett, S Flood, K Foster (staff dyslexia group)
28/8/2013	0.2	UNISON, FBU – for early comments & feedback
16/10/2013	0.4	SMT
5/12/2013	0.7	Negotiating Committee, JCC
22/01/2014	1.0	All staff via intranet
6/03/2014	1.1	All staff via intranet
26/9/2014	2.2	UNISON reps

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