

## Delivery of services Equality, Diversity and Inclusion

### Introduction

The main relevant legislation to which regard must be given when considering the delivery of Healthwatch Bedford Borough services is as follows:

**1 Equality Act 2010** which is intended to eliminate discrimination, harassment and victimisation. It is about:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The defined protected characteristics are as follows:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race (including ethnic or national origins, colour or nationality)
- Religion or belief (or no belief)
- Gender (men, women, other)
- Sexual orientation
- Marriage and civil partnership (only concerning eliminating discrimination)
- Caring responsibilities

**2 Public Sector Equality Duty 2011** is a duty on public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. Private organisations and individuals do not have to comply with the duty.

However other organisations not listed in the Act must also comply with the public sector equality duty if they carry out public functions. This can be a public sector organisation. It can also be a private organisation or charity.

**3 Health and Social Care Act 2012** introduced the first legal duties concerned with health inequalities.

**4 NHS Constitution** sets out rights for patients, public and staff. It outlines NHS commitments to patients and staff, and the responsibilities that the public, patients and staff owe to one another to ensure that the NHS operates fairly and effectively.

5 DCB1605 Accessible Information (NHS Accessible Information Standard) aims to make sure that people who have a disability, impairment or sensory loss get appropriate information and communication support from NHS and adult social care services.

6 NHS 10 year Long Term Plan.

### **Summary**

Healthwatch Bedford Borough is a publicly funded organisation. Therefore in the interests of both the organisation and its service users, it should have a key regard to the requirements of the legislation identified above.

### **Statement of Intent**

Healthwatch Bedford Borough recognises that its work impacts on people's lives and communities. Working with its partner agencies, it will ensure that the services it delivers will be relevant to local needs and local people and ensure that these services are accessible and appropriate for all sections of those communities.

In delivering its services Healthwatch Bedford Borough will take due account of the range of discriminatory factors identified earlier. It will seek to ensure that proper access exists for all of its service users by requiring that equality considerations are reflected both into the design of policies (both internal and external) and the actual delivery of services.

It is also important that these issues be kept under review and updated as necessary.

A copy of the Equality Impact Assessment Guidance and a Template is attached as an Appendix. Healthwatch Bedford Borough will use this Guidance and Template as necessary.

September 2020

***“A strong voice for local people”***

## Equality Impact Assessment Guidance and Template

This document provides guidance when completing an Equality Impact Assessment (EIA). The EIA template can be found at the end of this document.

The Research Councils are committed to promoting equality and participation in all their activities, whether this is related to the work we do with our external stakeholders or whether this is related to our responsibilities as an employer. As public authorities we are also required to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations when making decisions and developing policies. To do this, it is necessary to understand the potential impacts of the range of internal and external activities on different groups of people.

### What is an Equality Impact assessment (EIA) and why do we need to complete one?

An equality impact assessment (EIA) is an evidence-based approach designed to help organisations ensure that their policies, practices, events and decision-making processes are fair and do not present barriers to participation or disadvantage any protected groups from participation. This covers both strategic and operational activities.

The term 'policy', as used throughout this document, covers the range of functions, activities and decisions for which your organisation is responsible, including for example, strategic decision-making, arranging strategy & funding panels, conferences, training courses and employment policies.

The EIA will help to ensure that:

- we understand the potential effects of the policy by assessing the impacts on different groups both external and internal
- any adverse impacts are identified and actions identified to remove or mitigate them
- decisions are transparent and based on evidence with clear reasoning.

### When might I need to complete an EIA?

Whether an EIA is needed or not will depend on the likely impact that the policy may have and relevance of the activity to equality. The EIA should be done when the need for a new policy or practice is identified, or when an existing one is reviewed. Depending on the type of policy or activity advice can be sought from either your HR team, your Equality, Diversity and Inclusion team, your Peer Review Policy team or their equivalents.

**Ideally, an EIA should form part of any new policy, event or funding activity and be factored in as early as one would for other considerations such as risk, budget or health and safety.**

### Who is responsible for completing and signing off the EIA?

Depending on the nature of the policy, event or funding activity, the responsibility of who should complete the assessment, who should be consulted, and who should sign off the EIA will vary. Ultimate responsibility on whether an EIA is required and the evaluation decision(s) made after completing the EIA lies with the Senior Responsible Officer, budget holder, project board or the most relevant senior manager.

### What is discrimination?

Discrimination is where someone is treated less favourably or put at a disadvantage because of their protected characteristic. The different groups covered by the Equality

Act are referred to as protected characteristics: disability, gender reassignment, marriage or civil partnership status, pregnancy and maternity, race, religion or belief, sexual orientation, sex (gender), and age.

Discrimination is usually unintended and can often remain undetected until there is a complaint. Improving or promoting equality is when you identify ways to remove barriers and improve participation for people or groups with a protected characteristic.

### **Building the evidence, making a judgement**

In cases of new policies or management decisions there may be little evidence of the potential effect on protected characteristic groups. In such cases you should make a judgement that is as reliable as possible. Consultation will strengthen these value judgements by building a consensus that can avoid obvious prejudices or assumptions.

### **Consultation**

Consultation can add evidence to the assessment. Consultation is very important and key to demonstrating that organisations are meeting the equality duties, but it also needs to be proportionate and relevant. Considering the degree and range of consultation will safe-guard against 'groupthink' by involving a diverse range of consultees. These are the key considerations, to avoid over-consultation on a small policy or practice and under-consultation on a significant policy or an activity that has the potential to create barriers to participation.

### **Provisional Assessment**

At the initial stages, you may not have all the evidence you need so you can conduct a provisional assessment. Where a provisional assessment has been carried out, there must be plans to gather the required data so that a full assessment can be completed after a reasonable time. The scale of these plans should be proportionate to the activity at hand. When there is enough evidence a full impact assessment should be prepared. Only one EIA should be created for each policy, as more evidence becomes available the provisional assessment should be built upon.

### **Valuing Differences**

EIAs are about making comparisons between groups of employees, service users or stakeholders to identify differences in their needs and/or requirements. If the difference is disproportionate, then the policy may have a detrimental impact on some and not others.

***'You are looking for bias that can occur when there are significant differences (disproportionate difference) between groups of people in the way a policy or practice has impacted on them, asking the question "Why?" and investigating further'.***

### **Evaluation Decision**

There are four options open to you:

1. No barriers or impact identified, therefore activity will **proceed**.
2. You can decide to **stop** the policy or practice at some point because the evidence shows bias towards one or more groups
3. You can **adapt or change** the policy in a way which you think will eliminate the bias, or
4. Barriers and impact identified, however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in **extreme cases** or where **positive action** is taken). Therefore you are going to **proceed with caution** with this policy or practice knowing that it may

favour some people less than others, providing justification for this decision.

In most cases, where disproportionate disadvantage is found by carrying out EIAs, **policies and practices are usually changed or adapted. In these cases, or when a change has been justified** you should consider making a record on the project risk register.

### Equality Impact Assessment

Question	Response
1 Name of policy/activity/event being assessed	
2 Summary of aims and objectives of the policy/activity/event	
3 What involvement and consultation has been done in relation to this matter? (eg with relevant groups and stakeholders)	
4 Who is affected by this matter?	
5 What are the arrangements for monitoring and reviewing the actual impact of this matter?	

Protected Characteristic Group	Is there a potential for positive or negative impact?	Please explain and give examples of any evidence/data used	Action to address negative impact (eg; adjustment to the policy)
Disability			
Gender reassignment			
Marriage or civil partnership			
Pregnancy and maternity			
Race			
Religion or belief			
Sexual orientation			
Sex (gender)			
Age			

## Evaluation

Question	Explanation/justification	
Is it possible the proposed policy or activity or change in policy or activity could discriminate or unfairly disadvantage people?		
Final Decision	Tick the relevant box	Include any explanation/justification required
1 No barriers identified, therefore the activity will <b>proceed</b> .		
2 You can decide to <b>stop</b> the policy or activity at some point because the data shows bias towards one or more groups.		
3 You can <b>adapt or change</b> the policy in a way which you think will eliminate the bias.		
4 Barriers and impact identified, however having considered all available options carefully, there appear to be no other ways to achieve the aim of the policy or activity (eg; in extreme cases or where positive action is taken). Therefore you are going to <b>proceed with caution</b> with this policy or activity knowing that it may favour some people less than others, providing justification for this decision.		

<b>Will this EIA be published* Yes/Not required</b> (EIA`s should be published alongside relevant funding activities. Eg; Events, etc	
Date completed	
Review date (if applicable)	

## Change log

Name	Date	Version	Change
	When published	1	

September 2020