

PW1. Equality Impact Assessment and Guidance

1. What is an Equality Impact Assessment?

An equality impact assessment (EIA) is a tool that helps the University of York make sure our policies, procedures and practices (referred to collectively in this guidance as a 'policy') do what they are intended to do and are inclusive for staff, students and visitors.

Carrying out an EIA helps support good decision making and involves systematically assessing the likely (or actual) effects of our activities on people relating to the nine protected characteristics (age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation) and caring responsibilities.

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 impacts¹ that can be removed or mitigated, where possible. If any negative or adverse impacts amount to unlawful discrimination, they must be removed.

The following guidance explains how to conduct an EIA and should be read alongside the EIA form.

2. When should an EIA be carried out?

An EIA should be carried out where there are changes suggested to a policy. For the purpose of the EIA, any reference to 'policy', covers the full range of functions, activities and decisions for which the University of York is responsible – essentially everything we do. It includes both current policies and those under development.

3. The Equality Impact Assessment form

Section 1 – Contact details

Please complete this section in as much detail as possible. Include the details of all the decision makers involved in developing the policy.

Section 2 – About the policy

Please identify the policy aims, including its scope, for example does it cover students, staff or a particular cohort such as postgraduate research students. The purpose needs to be defined in some detail as it is this 'intention' that the impact assessment will seek to measure.

¹ Negative or adverse impact: The outcome of a decision, policy or practice that creates disadvantage to or unequal treatment of a person with a protected characteristic.

Positive impact: The outcome creates a benefit to support the advancement of equality of groups opportunity for people with protected characteristics and/or promotes good relations between.

Section 3 – Gathering data and evidence

The EIA process is an evidence based one and is therefore not possible without adequate data. How the evidence is obtained will vary and it will be important to choose a method that is appropriate and proportionate. The key question to ask at this stage of the process is - what data is needed to provide evidence of potential positive or negative/adverse impacts in relation to the different protected characteristics?

- Identify, gather and analyse relevant data/research – you may not need to collect new data as the University of York already holds a lot of data centrally, for example, staff and student data broken down by different protected characteristics This includes information on staff recruitment, staff in post, promotions and turnover as well as student admissions, registration and attainment. Additional, or more detailed data, may be available on request from HR (staff data) and Strategy & Planning (student data).
- Refer to completed EIAs which may contain relevant data. Use national, local and Higher Education sector data for benchmarking. For example, [find national and regional data from the 2011 Census](#).

In addition, [AdvanceHE produce annual statistical reports](#) which provide equality data on staff and students within UK Higher Education.

- Use data from a number of years to identify trends
- Use quantitative (for example, enrolment numbers, student achievement statistics, staff profile) and qualitative evidence (for example, interviews, focus groups, surveys and course reviews)
- Anecdotal evidence – Where none of the above exist, some anecdotal information may be used as supportive evidence until such time where data gathering, consultation or research becomes available.
- Identify whether sufficient data exists – if not, decide what further action needs to be taken to fill these gaps.

Section 4 - Assessing the impact

Once data and evidence have been gathered, including filling any identified gaps, the next step is to use this information to assess whether the policy has, or is likely to have, a differential impact on any equality groups.

One of three possible outcomes should also be identified and recorded:

i) Positive impact

The evidence demonstrates that the policy is robust; there is no potential for discrimination or any negative impact. All opportunities to promote equality have been taken.

Examples of a positive impact could be:

- University of York publications indicating availability in different formats and use of gender inclusive language
- In renovating a reception area, accessible counters are provided
- Height adjustable desks provided in lecture theatres where a refurbishment is considered
- Staff Policies have been created which include due regard to inclusion for diverse groups of staff

If this is the outcome, document how you reached this decision and move to **section 6, involvement and consultation**.

ii) Negative equality impact

The evidence identifies potential problems or missed opportunities. This might mean the policy could be potentially discriminatory. Where necessary, changes to the policy should be designed to minimise negative effects and maximise positive impact.

Examples of a negative impact for a protected characteristic group could be:

- Evidence of no ethnic minority staff participating in staff training
- Male or female only interview panels
- New Facilities developed without the consideration for the needs of international students
- Placement policy not covering accessibility needs for disabled students
- Decisions made which disadvantage particular groups of staff

If this is the outcome, move to **section 5, addressing impact – action planning**.

iii) Neutral impact

The evidence identifies that the policy has no negative or positive results for people with protected characteristics. Examples of neutral impact could be:

- Relocation Policy for staff – accessible to everyone who is appointed at the qualifying grade at the University
- Provision of sports facilities – which are open to all students and staff

If this is the outcome, move to **section 6, involvement and consultation**.

Section 5 – Addressing any impact: action planning

If a negative impact has been found, it is necessary to consider whether the policy can be changed to reduce or eliminate this impact. It is important to note that if the EIA shows actual or potential unlawful discrimination, you must take steps to stop, remove or change the policy as soon as possible.

i) Changing the policy & completing the action plan

- Identify changes that will reduce or eliminate the negative impact where it has been identified.
- Consider what evidence would be needed to show that the changes have worked and build these into the revised policy.
- Consultation with the affected equality group (s) may be useful here.
- The changes that you identify should be documented in the action plan in this section.
- Each action should be allocated to a key person who is responsible for its completion.
- Set an ambitious, but achievable timescale.
- Monitor & review: Progress against the action plan should be reviewed regularly.

ii) Mitigating/justifying the policy

If the policy cannot be changed, can the negative impact be justified?

- The primary purpose of an EIA is to eliminate unlawful discrimination.
- If the policy can be demonstrated to be what is called a 'proportionate means of achieving a legitimate aim' then it may not be unlawful discrimination.
- Justification may include where positive action is being undertaken or for reasons of health and safety or business efficiency.
- Equality Challenge Unit guidance states that "justification has two main elements: it must be demonstrated that the policy is important on grounds unconnected with discrimination

that is taking place, and that it proved impossible to find other ways of achieving the policy's aims without causing a negative impact for one or more relevant grounds".

- It is vital that it can be demonstrated that all alternatives have been explored before deciding that negative impact is justified and should be seen as the last resort.

Section 6 – Involvement and consultation

Consultation should take place with appropriate stakeholders as part of the EIA process whether there is a positive, neutral or negative impact. The scale of the consultation will vary: the higher the potential for negative impact the more comprehensive the consultation will need to be. Where there is a negative impact the consultation should include any proposals to reduce this impact.

Examples of consultation methods might include:

- Focus groups
- Questionnaires
- Staff networks
- Targeted emails
- Posters & leaflets
- E-newsletter

Section 7 – Approval and publishing

Before an EIA is published, it should be signed off by the person completing it and shared with the relevant working groups / stakeholder groups. Progress against the action plan should continue to be reviewed regularly.