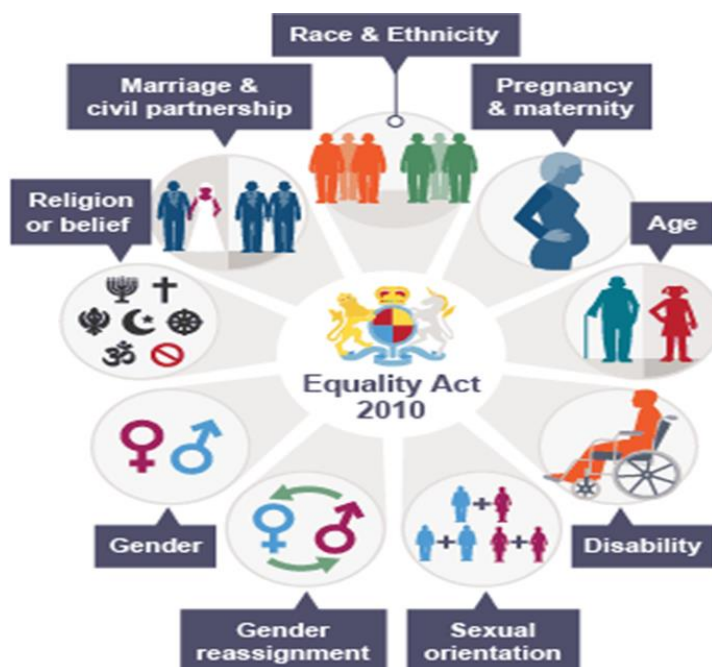


# Equality Impact Assessment (EIA) Guidance

July 2022



A document for all NHSBT colleagues carrying out  
Equality Impact Assessment

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## Introduction

In conducting this equality analysis, you are conducting a formal process to continually improve our decision making in relation to policies, processes, and procedures with the aim of identifying and removing all barriers to services or opportunities for staff and service users.

Additionally, it provides demonstrable evidence that NHSBT is carrying out its responsibilities under the Equality Act 2010 to identify and eliminate all forms of unlawful discrimination, allowing for positive improvements to be made.

This is especially relevant to people from specific groups (described within the Equality Act 2010 as those with Protected Characteristics) where evidence shows ongoing experience of discrimination, bullying, victimisation and harassment, disadvantage, access barriers, under-representation across workforce profiles or over-representation in formal processes such as grievance and disciplinarys.

The process will take you through a series of steps designed to confirm if an analysis should be conducted and whether this will be an initial **screening** that identifies relevance or a **full assessment**.

## Main stages

1. Identify the main aim of the policy or change
2. Relevance to equality diversity & inclusion (screening or full assessment)
3. Consult relevant people, staff networks, Unions, data, research
4. Assess adverse impact or enhancements to promote equality
5. Look at alternatives or the need for further research/consultation
6. Once completed and approved the EIA will be published on our website
7. Monitor and review

Who you consult and how depends on the proposal being assessed? Take an approach that is realistic, this is known as a **proportionate means of reaching a legitimate aim**

An Equality Impact Assessment is like a Health & Safety Risk Assessment. It must be conducted prior to, or during the proposed policy or review/change to consult and therefore inform the process and identify any issues or areas of improvement.

Managers or committees should NOT approve policy, procedure, or processes as an afterthought or where an EIA has not been properly conducted as this could lead to legal challenge/risk.

**Download the EIA form**

[Equality Impact Assessment form 2023.docx](#)



Determine if you need to form a cross directorate assessment team for more complex assessments. Identify your timescales, who/what to consult. This can be staff networks, network allies, trade unions, D&I Team, Freedom to Speak Up Guardian, NHSBT D&I leads and external support organisations.



Collect information to inform and evidence your assessment. This helps to back up your judgement



Relevance to equalities

**YES**



Relevance to equalities

**NO**

If you can evidence there is no relevance to equalities, and the change will NOT have a negative impact on Protected Characteristic groups, the process stops at screening. This must be based on evidence and not assumptions!



Where there is relevance to equalities, proceed to identify gaps, what the negative impact is and adaptations to avoid the negative impact. Also look at positive impact that improves access, experience, opportunities. Consultation is essential and will reveal what we do not know and ensure this is not a tick box paper exercise.



- A) Highlight what the aim of the change is, what it seeks to achieve
- B) **Examine/identify available data and research and consult to inform your assessment**
- C) Assess the impact in advance or during the proposed change or review
- D) Consult and engage those that are likely to be affected by the proposed change (list who you consulted)
- E) If there is concern or negative impact, is there an alternative?
- F) Monitor and review the change and its impact
- G) Please send all completed EIA forms to the D&I Team at: [equality.impact@nhsbt.nhs.uk](mailto:equality.impact@nhsbt.nhs.uk)

## Why should I carry out an EIA?

First and foremost an EIA allows you to find out whether your service, policy or process has a positive, negative, or adverse impact on the protected characteristics. The EIA process allows you to assess whether your services, policies or process are unlawfully discriminating anyone directly or indirectly.

Importantly, carrying out effective EIAs will allow NHSBT to establish excellent outcomes for its workforce and diverse communities by addressing existing or potential inequalities which may result from provision of its services, policies, or processes.

The Public Sector Equality Duties (as per section 149 of the Equality Act 2010) provide a framework for Public Sector organisations to carry out functions more effectively and to tackle discrimination in a proactive way, ensuring that equality considerations are consistently integrated into its day-to-day business through Equality Impact Assessments

This will not only engender legal compliance, but also help to ensure that our services best support the needs of our workforce and the healthcare needs of the population. As a manager or someone who is involved in a service, policy, or function development, you will be required to ensure due regard where an Equality Impact Assessment is carried out.

Carrying out an EIA involves systematically assessing the likely (or actual) effects of policies and any change in the way we work and what likely impact this may have on groups protected by law from discrimination. These are referred to as Protected Characteristics within the Equality Act 2010.

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

This includes looking for opportunities to promote equality that 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.

## The Equality Act 2010

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.

It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone.

### What is an Equality Impact Assessment?

An Equality Impact Assessment is used to assess the differential impact of our policies and processes on the protected characteristics of our staff and the services we provide for our service users.

This differential impact can be positive, negative or adverse. It provides evidence that an organisation is meeting its legal obligations in accordance with the Equality Act 2010, specifically section 149 the Public Sector Equality Duties

There are two parts to an EIA:

1. **Screening** – Determines relevance to equality, diversity & Inclusion
2. **Full assessment** – Identifies through consultation, data and research any issues, gaps or barriers and required response/action plan

### Indirect Discrimination

This occurs when a workplace policy or procedure applies to everybody, but it puts those who have a protected characteristic at a disadvantage.

### Direct Discrimination

This occurs when someone with a protected characteristic is treated less favourably than others in the workplace because of a protected characteristic.

EIAs are an opportunity for taking effective action to prevent discrimination and promote equality. Pro-active and informed steps should be taken to identify and remove potential discrimination or adapt a service to better promote equality.

Policies should, for example, reflect the diversity of the workforce and the population served, to make sure there is equal access and opportunity for all while recognising that providing the same service in the same way to everyone can sometimes create a disadvantage.

An EIA should start at the same time as the process or a review of an existing or proposed service, policy, or process.

Once the service, policy or process requiring an EIA has been approved and implemented, it should be monitored to ensure the intended outcome is being achieved. Any concerns about the way it is working can then be addressed.

For existing services, policies or processes, an EIA should be undertaken when formally reviewed. An EIA should be carried out on all policies every three years or when changes are required. An organisation is required to publish completed Equality Impact Assessments to demonstrate to the public that they are working to eliminate discrimination.

### **EIA Impact - High, Medium, Low**

#### 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.

#### Negative Impact:

An impact that will have a negative effect on equality target group or groups; when one group does not receive the same level or quality of services as other groups or are left at a disadvantage compared to other groups.

#### Adverse Impact:

Occurs when a decision, practice or policy has a disproportionately adverse effect on a protected group. Adverse impact may be unintentional but is illegal.

### **Our Process – What happens next?**

All EIA's need to include consultation (this is not a paper exercise). Assessments must be completed involving relevant staff/expertise and include consultation. The person responsible should be the project or policy lead of the specific area.

### **Governance**

Completed assessments should be signed off by a manager before being submitted to the diversity and inclusion team and relevant committees for discussion and approval.

They will be checked by;

- The Diversity and Inclusion Team to ensure consultation has taken place
- Reviewed as required by the STC Policy Subgroup
- Discussed at Execs/People Committee/Board

As part of the Public Sector Equality Duty (section 149 of the Equality Act 2010), completed EIA's are then published on the NHSBT website and made available upon request, This gives confidence to the public that we can evidence our responsibilities in addressing any evident barriers or discrimination.