

EQUALITY IMPACT ASSESSMENT GUIDANCE FRAMEWORK

For Managers within the HSSPS Family

May 2003

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EQIA GUIDANCE FRAMEWORK

1. This document sets out a guidance framework for undertaking an EQIA, and has been approved by the Equality Steering Group and the Regional Equality Liaison Panel. The framework is designed to assist practitioners or managers having to undertake an EQIA for the first time. The framework will:
 - **introduce** policy makers to an effective EQIA approach, setting out a recognised need for specific requirements and guidance on how to fulfil equality requirements;
 - **Steer** policy makers to where to seek help, including key documents and additional information sources.

2. We would envisage producing the following specific guides as parts of the overall framework:

Screening: helping managers to ascertain whether a full EQIA is necessary. Experience to date across the Department would suggest that knowledge of this stage is limited.

Collecting Evidence: consideration of data, assessment of impacts and consideration of measures and alternatives (stages 1-3). Much of the knowledge, skills and necessary processes at these stages are iterative and very interdependent.

Consultation: (initial draft available) going beyond equality, to assist managers in consultation from a broad policy making perspective (although still providing a strong equality presence – stage 4).

Producing an EQIA Report: would include - decisions by Public Authorities, publication of results and monitoring of policy and identification of adverse impacts (stages 5-7). Again these aspects of the process have a natural grouping and would make up a meaningful document.

Complaints: making explicit how complaints should be treated, setting out principles and good practice.

SCREENING

3. Purpose to identify whether the policy or service under consideration should be subject to a full Equality Impact Assessment. Screening is necessary for both existing policies and those being created. It should be undertaken as an integral part of policy making, sitting naturally along side financial, resource, economic, targeting social need, and human rights considerations in any business case. Evidence of screening must be in every submission where a new policy or item of

legislation is proposed, or where a change in policy or legislation is proposed.

4. The policy or service needs to be assessed against the four questions set out in Equality Commission guidance, namely:
 - Is there any evidence of higher or lower participation or uptake by different groups ?
 - Is there any evidence that different groups have different needs, experiences, issues and priorities in relation to the particular policy ?
 - Is there an opportunity to better promote equality of opportunity or good relations by altering policy or working with others in government or the community at large ?
 - Have consultations with relevant representatives, organisations or individuals within groups indicated that particular policies create problems that are specific to them ?
5. To help address these questions the submission will need to identify the policy aim(s), and where necessary specifically identify what the policy or intervention is designed to do or address.
6. There is a need to identify parameters to the policy: ie is the policy global, impacting on the population as a whole, or is it specifically designed to address issues that affect a more defined group. It is necessary to identify the boundaries of an impact assessment, and shape your activities to meet those limits. Consideration should also be given towards identifying related policies where there might be a secondary impact or lesson to be learned – how your policy areas affects another.
7. Defining the policy area will assist in identifying relevant service user groups, and help determine the potential issues that may impact on particular groups. This in turn will assist in developing more focussed EQIAs should that be necessary at a later stage. At this early stage there should be some pre-consultation with service user groups in order to test initial thinking.
8. Examination of available data, or other information relating to the policy area, or policy areas that have similar traits can help to realise potential adverse impacts¹ that may arise through the policy.
9. If in doubt, do not screen out. Seek additional information as the policy development process proceeds and reconsider at each key stage in the process.

¹ Simple definition: discriminating against one or more section 75 group where they benefit less or are treated less favourably than others.

10. Screening considerations and decisions need to be formally recorded. Equality Commission may wish to examine the screening exercise at a later date. Records of screening should set out the data considered, the rationale behind the approach taken, and make clear the conclusions reached for each of the four questions.

CONSIDERATION OF AVAILABLE DATA

11. Having established the need for an Equality Impact Assessment, it is necessary to obtain and consider all relevant data.
12. Data must be relevant to the policy area under concern including the specific issues identified through the screening exercise, or that have arisen as the policy process develops. Information gathering can be an evolving process particularly where the policy is new. Some reliable sources of data available to HSSPS can be provided by the Information and Analysis Unit, or drawn from the Information Guides recently developed for each section 75 group(Annex B).
13. Data sources can and should include both quantitative (ie numeric) and qualitative (ie based on verbal comments or written views) sources. Where an existing policy is being examined, baseline data together with performance data will help to indicate the performance of the policy and help identify areas of concern or potential issues that may require further investigation. In the instance of new policy, secondary sources of data may be helpful in considering potential issues – ie sources based on policies that have similar characteristics to the policy under development. In all cases the most up to date data should be sought, as this will provide an indication of the current position and relevant issues to be considered.
14. The use of informal consultation or pre-consultation is also useful (see paragraph 7). Drawing on the knowledge and information captured by experts or representative organisations is useful in determining potential issues, which may not be obvious from data retained or available within the HSSPS. Further views might be gleaned through use of the Equality Steering Group (detailed in Annex A), it is involved in considering many of the equality implications around the HSSPS Region-Wide programme of EQIAs.
15. The outcomes of the screening exercise can provide a basis against which data should be sought. The answers to the screening exercise will help provide some focus on specific concerns, and may provide direction in seeking further information. Where there are gaps in data, the process should not be halted whilst the data is commissioned. Instead, steps should be taken to put in place mechanisms to ensure relevant data is collected in the future and the outcomes considered at that time.

16. Thinking about how data will be analysed can also be useful in identifying necessary data – trend analysis, collective comparison between different data types to identify potential concerns, and user group specific information.
17. Again necessary consideration should be given towards the steps followed within the policy making process. Due regard also needs to be given towards financial and resource data to ensure developments provide value for money, and are affordable. These considerations can help steer further thought on alternatives or other options for consideration in policy development or reviews.

ASSESSMENT OF IMPACTS

18. The purpose of considering data is to help make informed decisions. The information gathered should be used to identify whether the policy is likely to bring about a differential impact (definition required) upon a specific group or groups. The collected data will provide an impact 'picture'. It is important to examine the data across all the dimensions of the policy and related policy areas. This is particularly important when examining and assessing each policy option.
19. In assessing the relevant data, the policy maker needs to ascertain whether there is likely, as a result of the policy, to be a differential impact on any group. The differential impact may arise through direct or indirect means, but in both cases needs to be considered fully to conclude whether the impact is an adverse impact in relation to the policy's aim and objectives.
20. Where the assessment of impact suggests that an adverse effect on a group will arise, policy makers have to consider whether or not the adverse impact is unlawfully discriminatory. This should be considered in the context of a Public Authority's obligation to promote equality of opportunity, and how this might be delivered in different situations. Policies are not always 'global' in their application, in many instances policies are designed to target specific groups in trying to redress an inequality, and actually promote affirmative or positive action.
21. Sufficient thought should also be given to considering secondary impacts – how the policy under review or development may affect other related policy areas or even how interface issues may impact on the specific policy being examined. This knowledge or awareness might limit or re-orientate the generation of policy options, for example where the policy interface restricts what your policy can produce. Policy makers need to expand the ability to consider matters on a broad range of issues and then to identify common areas of concern and focus efforts to inform decision making. Policy makers will be aware that secondary impacts might arise in policies that are group/client

specific, or where a policy may produce a substitute service in some way and produce an ill effect elsewhere.

22. The assessment process can be iterative, requiring the further gathering of relevant data, generation of additional options and the need to obtain expert views.
23. In determining the assessment of impact, where possible the use of expert opinion will be useful – utilising the experience and knowledge of relevant policy persons throughout the HSSPS, data skills available through statistical colleagues in the Department's Information and Analysis Unit, and informed views of representative groups. These sources can contribute to building up a more comprehensive 'picture' of the policy areas and should be drawn upon, to at least quality assure conclusions or outcomes.
24. Much of the assessment will require judgement based on available data, and it will be necessary to record decisions and the rationale behind conclusions, making clear assumptions, proxy indicators and supplementary information used within the process. Apart from being good practice, this will help to protect policy makers in the event of a complaint under the Department's Equality Scheme or in the event of a judicial review. There should be a commitment to monitor implementation in order to identify any negative impact at an early stage.

CONSIDERATION OF MEASURES AND ALTERNATIVES

25. This aspect of the EQIA process is concerned with shaping policy, identifying and sounding out particular options and where appropriate discounting issues. Whether reviewing or developing policy, policy makers will generate options as policy is shaped, and the provisional assessment of available data helps to inform considerations on such issues. In addition, collection of data and information is likely to have been gathered through informal consultation using representative organisations, key informants to the policy area both within the HSSPS, Government Departments and other organisations with an interest and role to play.
26. As data and other forms of information are considered, the outcomes have to be considered as to how they relate to the aim and objectives of the policy. Where the information indicates that there is likely to be an adverse impact on a group, the policy maker should look to develop alternative means of delivering the policy aims and objectives. Action must be taken to mitigate undesired impacts in the policy's application, and the information being considered should be analysed to help the policy maker determine the best way(s) forward. Policy makers should draw on the expertise that statisticians, analysts and other policy representatives can provide in determining the best options.

27. Although the policy maker will be taking account of other policy components such as financial and economic considerations together with New Targeting Social Need, Human Rights and other relevant impact assessments. The ways of delivering the policy outcomes which have a less adverse effect on the relevant group, or which better promote equality of opportunity for the relevant groups, must in particular be considered. It should be noted that in shaping the policy mitigation might take the form of lessening the severity of the impact where the adverse impact cannot reasonably be reduced.
28. This type of activity in the policy development or review process will be an iterative process. It will be used to develop the initial policy structure, and again in response to in depth consultation, where the policy takes its final form. The first formal outcome of this stage of the policy process will be a suggested policy – a written document setting out the policy aim, objectives and details on how the policy will operate.
29. It is important to record the decision making process. Policy makers need to make clear what options have been considered, providing an indication of what assessment of impacts have been taken into account. Recording how data and information has been interpreted, and setting out the rationale behind the consideration of each aspect of the policy will assist in the further assessment of information gathered through the formal consultative process.

FORMAL CONSULTATION

30. This is a very important stage of the policy making process – see also a separate guide on consultation which goes with this. Much work has gone into shaping a proposed policy. Policy makers will have assessed available data, sought expert views on the matter, and formulated a policy proposal they believe is best to address the policy aim and objectives under consideration.
31. The proposed policy should be consulted upon. Consultation will seek to obtain the best spread of views, opinions, experiences and information from those to be affected by, those with a legitimate interest, and those with a contribution to the policy under consideration.
32. Consultation must be designed specifically to meet the level (strategic or operational) and nature (complex, simple, global or sectoral) of the policy. The consultation approach, written or otherwise, must be meaningful to consultees, and be at a level where outcomes of proposals are recognisable, ie. not too strategic, to be effective. A practical guide to consultation is available entitled 'Guidance on Consultation Methods for Managers within the HSSPS Family', and is available at www.dhsspsni.gov.uk/econsultation/equality.

33. The consultation process should set out how and why the policy is in its current proposed state. Specific questions should be raised for consultees to consider, these should include specific issues based on the options presented, and seek to elicit views and opinions on equality aspects of the policy.
34. Explanation should also be provided regarding how consultation responses will be dealt with, and indication given as to how outcomes will be feed back to all contributors.
35. The consultation process should be documented. In particular, policy makers should evaluate the different consultation methods used to inform further work on the policy development or review in train, or provide findings to other colleagues at a later stage.

DECISION BY PUBLIC AUTHORITY

36. This stage of the EQIA naturally brings to close the consideration of options and mitigating circumstances that policy makers need to consider. Formal consultation will be complete and the policy maker will have all the available and necessary data particular to the policy under consideration. The decision making stage will make firm the characteristics of the policy or service. In doing so, the process must ensure that the statutory equality of opportunity duty is accorded proportionate weight in the complete process, along side economic, resources, financial and non-financial (ie. New TSN) considerations.
37. Decision making will be the culmination of all the work and efforts to date, to develop a policy or service to meet a specific need. The decision making process must take account of the data and other information gleaned through the earlier stages of the policy making process. Within the policy making process this stage must ensure that where applicable policy alternatives have been considered in determining final outcomes.
38. The business case or options analysis should detail all the considerations from an economic, financial, Value for Money, New TSN, Human Rights and equality point of view. The policy maker should set out how information has been considered, the weight placed behind different sources and types of information, the criteria and structure behind the decision making process. This will assist decision making by providing a sound structure, promoting a uniform approach to decision making and enabling the decision making process to be reviewed and understood at a later time.
39. Following formal consultation the policy maker will have received responses to the suggested policy structure as declared in the consultation process. The policy will have been shaped by pre-consultation and available data, and other relevant policy matters,

including the aim and objectives of the policy and policy interfaces, or other boundaries. The consultation responses will include comments and views as prompted by the consultation process and probably other relevant views provided by those with an interest in the policy area. The views expressed in the consultation responses need to be analysed. They may include quantitative information as well as qualitative data, and it is most likely that views will challenge the balance that the policy maker may have sought in the draft policy.

40. All consultation responses need to be considered in an objective and logical manner. The relevance of consultee's organisation or representation needs to be considered in determining the weight behind comments and views. The factual points need to be drawn from comments, which may at times be expressed in emotive terms. The consultation responses will be of value in that they will comment on the draft policy in a holistic manner – pre-consultation may have only taken account of specific views, and may have been tempered to take account of conflicting or competing points of view. With this in mind analysis of views need to look at comments from both a collective and strategic perspective, and then from an operational perspective in order to help and provide a more complete consideration of the issues.
41. Analysis of the consultation is not an easy task. Equality of opportunity, and the opportunity to promote good relations need to be drawn from the consultation, but not out of context in developing the policy or service. It is good practice to revisit and refresh the aims and objectives of the policy under consideration.
42. The weight and treatment of consultation responses should be recorded. In addition, the rationale behind this should be set out. Explanation will be necessary to make clear how conclusions are reached, particularly on the validity and reliability of information. Where different data sources suggest different outcomes, or do not correlate, then reasoning behind why specific information has been used becomes necessary. It is important that decisions reached can be justified and are reasonable.
43. Where the consultation process contributes to or indicates that a differential impact for two or more equality categories, or groups within the categories is likely, then this will have to be given further consideration – by way of possible solutions. As mentioned earlier, this stage of the process will bring to a close the consideration of measures to mitigate any adverse impact, or identification of alternatives which might better achieve the promotion of equality of opportunity. It is important when considering solutions that examination of ways forward are kept in context of both the policy aim and the nature of the problem. A further aid to identifying solutions might be to consider complementary policy issues such as New Targeting Social Need, (including Promoting Social Inclusion) human rights and other equality issues.

44. The criteria used to assess policy situations or to help determine policy outcomes are likely to have been made explicit in the consultation process. These criteria can be used to assist the policy maker in final determinations and help justify decisions. This is particularly useful where the consultation process supports and legitimises the criteria – that is where consultees have endorsed the criteria identified and seen as an appropriate and objective means of determining the policy outcome.

PUBLICATION OF RESULTS

45. The purpose of this stage of the process is to make known the outcomes of the consultation process. In addition to meeting statutory obligations (NI Act 1998, schedule 9 paragraph 9 requires public authorities to publish the results of equality assessments), it is good practice within the policy making process to feedback outcomes of consultation, and make transparent policy decisions.
46. Following the ratification of policy decisions by the relevant authority, this may be senior management within the HSS Board, Trust or Agency, or in the case of the Department the Minister, the policy maker should publish the results of the EQIA. This may be done through a specifically designed document, or as part of the final policy document.
47. Each policy issue is unique and likewise the EQIA. Regardless of the shape and dimension of the EQIA it is important that the policy maker sets out in a comprehensive and accessible form the results of the EQIA. The outcome should be presented in a logical and systematic manner. In this respect it may be useful to follow the seven stages of the EQIA process². Particular attention should be given to making explicit the quality of information used, how information was evaluated, how and what equality issues were identified, and consideration of mitigation across the whole policy making process. The structure and information provided should enable people to follow the rationale, replicate the decision making process and come to similar conclusions.
48. The policy development papers generated at each stage of the process will be of great benefit in reporting on the outcomes of the EQIA. Setting out the policy aim and objectives, the context in which the policy is designed to operate in, the methodology behind the policy making process and equality impact assessment process, the weighting and significance of information and evidence, and logical criteria used to help distil issues, generate and evaluate policy options, and the rationale behind conclusions. It is most important that the key issues raised in the consultation process are identified and explanation

² Seven stages outlined by the Equality Commission for Northern Ireland publication – Section 75 of the Northern Ireland Act 1998: Practical Guidance on Equality Impact Assessment.

provided to show how these were considered, taken on board, discounted and any mitigating or policy options examined and changed as a result of the complete process.

49. Where a full EQIA was not considered necessary, then it is recommended that equality screening details are provided to show how equality obligations were considered. It is also recommended that where the policy making process brought about a further examination of equality issues following a screening exercise, that these details also must be included in the final policy document. This is particularly important where initial equality screening identified potential concerns that the policy maker declared would be addressed by developing the policy in a way to mitigate at source.
50. In conclusion the publication of results should ensure the following are addressed:
 - background, setting out the policy aim, objectives and context to the policy;
 - information and evidence used to inform the development process, making clear the data sources used and the nature of the consultation process;
 - the key findings that emerged, the significance and consideration afforded to them; and
 - the conclusions, making explicit the decisions made in light of the EQIA.
51. Policy makers should also make clear their intention to monitor the policy, in particular for any adverse impact in the future. The equality obligation is a continuous commitment and not a one off review.

MONITORING OF POLICY AND IDENTIFICATION OF ADVERSE IMPACTS

52. A fundamental step in the policy making process is monitoring the performance of a policy or service. The policy maker in creating the policy will have established a baseline against which to help evaluate the performance of a policy. The baseline will comprise information relevant to the policy aim and objectives providing a picture of how things currently are.
53. The design of a policy should include the identification of relevant data to help measure outcomes through time, enabling the policy maker to determine the effectiveness of the policy's performance. An integral part of the identification of data will include capturing information on the nine equality categories (where appropriate – some categories may have little relevance on certain policy areas). In particular information should be captured where there are potential equality concerns, or where specific mitigating options are in place.

54. Monitoring should be systematic and continuous. This will involve capturing data on a regular basis, which is relevant to the 'life-cycle' or timescale of the policy or service, and evaluating it against the policy aim and objectives and projected performance targets. The data being captured can consist of quantitative or qualitative or both. The quality and quantity of data needed to inform the policy process should have been identified at the earlier policy development, and consideration of available data and research stages of the policy and EQIA process.
55. Monitoring information can be expensive to collect and policy makers are encouraged to both utilise and share relevant data sources. The Department's Information and Analysis Unit have produced nine guides on different data sources across the HPSS which reflect the nine equality categories. Further consideration should be given to human rights and privacy issues when establishing data capture systems.
56. Where evaluation of the monitoring information indicates that the policy is bringing about an adverse impact, or identifies an opportunity to promote greater equality of opportunity, then this must be acted upon. In addition acting upon this information, the policy maker should ensure that the result of monitoring are published in accordance with the policy maker's equality scheme.

COMPLAINTS

57. The SHSSB are currently undertaking a Good Practice Review on Complaints Procedures. The outcome of this work is planned for Summer 2003. Although there may be many variations across the HPSS family of organisations in responding to complaints, it is intended that this guidance will glean the generic good practice steps and provide a basis of what should happen across all organisations. The outcome of the SHSSB review will help to inform this guide. In addition the guide will refer to the need to comply with relevant Equality Schemes.

ANNEX A

Equality Steering Group – Contact List

NAME	ORG	ADDRESS	TEL NO	E-MAIL
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Mr Greg Irwin	Central Services Agency	Adelaide Street BELFAST BT2 8FH	028 9032 4431 Fax no 028 9053 5656	irwing@csa.n-i.nhs.uk
Ms Fiona Jennings	N I Blood Transfusion Service	Belfast City Hospital 51 Lisburn Road BELFAST BT9 7TS	028 90 32 1414	fjennings@nibts.n-i.nhs.uk

ANNEX B

Information and Analysis Unit – DHSSPS

The Information and Analysis Unit have developed a compendium of data sources within the DHSS and HPSS that may be useful to those undertaking equality impact assessments.

The data sources have been produced as a series of booklet reflecting the nine different section 75 groupings. These documents can be accessed via the DHSSPS website:

<http://www.dhsspsni.gov.uk/stats&research/guides.html>

Should you have any questions on these documents please contact::

Jim McColgan

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ANNEX C

KEY DOCUMENTS

Guide to the Statutory Duties, Equality Commission for Northern Ireland.
www.equalityni.org

Section 75 of the Northern Ireland Act 1998 - Practical Guidance on Equality Impact Assessment, Equality Commission for Northern Ireland, ISBN 1 903941 00 8. www.equalityni.org

Guide to Consultation Methods for Northern Ireland Public Authorities, Office of the First Minister and Deputy First Minister. www.ofmdfmini.gov.uk

Northern Ireland Preface to the Green Book [HM Treasury Guide to Economic Appraisals], Department of Finance and Personnel.

Better Services – guidelines for Departments on making information accessible, Office of the First Minister and Deputy First Minister.
www.newtsnni.gov.uk

A Fair Chance: for people with learning disability, DHSSPS, May 2002.

Policy Evaluation: a Guide for Managers, HM Treasury. HMSO 1988, ISBN 0 11 560015 9.

Making it Work: New TSN Action Plans Report, Office of the First Minister and Deputy First Minister, 2001. www.newtsnni.gov.uk

The Human Rights Act 1998 – Guidance for Departments, Cabinet Office Constitutional Secretariat, June 1999. www.homeoffice.gov.uk

Better Policy-Making, Cabinet Office, Government's Centre for Management and Policy Studies (CMPS), November 2001. www.cmeps.gov.uk