

Equality Impact Assessment Guide

Contents

What is an Equality Impact Assessment?	3
Equality Impact Assessment Fundamentals	4
Why must you complete an EqlA?	4
Who should complete an EqlA?	4
When should an EqlA be completed?	4
How long does an EqlA take to complete?	4
Stages of completing an EqlA.....	5
EqlAs and Equality legislation in Scotland.....	6
The Equality Act 2010	6
The Fairer Scotland Duty	7
Planning an EqlA.....	8
The scope of your proposal or change.....	8
Who you should consider	9
Evidence you will need.....	10
Impacts you should consider.....	10
Completing an EqlA.....	11
Gathering evidence	11
Analysing	11
Identifying actions	11
Publish	12
Completing the EqlA template with guidance notes	13
Support.....	18
Equality Impact Assessment Template.....	19

What is an Equality Impact Assessment?

An Equality Impact Assessment (EqIA) provides a structured way of considering how services, policies, projects or programmes might impact different groups of people. They help you to identify any potential impacts, both positive and negative, on various groups of people, and can help prevent potential discrimination.

EqIAs are important because they give you the opportunity to reflect on how decisions may play out once implemented. An EqIA gives space and time for you to consider the inclusion impacts of your proposals or changes.



Manager Tip:

EqIAs are not just about avoiding legal cases. They can be a useful method to identify opportunities too.

They help to identify any barriers, enabling you to re-evaluate whether the option you are proposing is the right one, or if you can come up with a more suitable alternative that better supports our equality aims.

EqIAs are considered a best-practice approach to decision-making.

Please note: There are a number of other impact assessments that you may be required to complete including:

- Island Communities Impact Assessment (ICIA)
- Child Rights and Wellbeing Impact Assessment (CRWIA)
- Environmental Impact Assessment (EIA)
- Data Protection Impact Assessment

Equality Impact Assessment Fundamentals

Why must you complete an EqlA?

Providing the best possible services for Orkney

By focusing on equality, you can develop better policies and make smarter decisions. Understanding the needs of all your service users and stakeholders, and getting their feedback, ensures your services are always relevant, responsive, and centred around the people you provide a service to.

The law

In Scotland, public bodies are legally required to assess the impact of policies and proposals against the three needs of the general duty of the Equality Act 2010. Assessing equality impacts helps us to shape our policies and practices so they meet the needs of everyone. We use an Equality Impact Assessment so that we can provide a record of our assessment and to support fair decision-making processes. These assessments help us meet our statutory duties and protect us from discrimination claims.

An example - Attracting and retaining a diverse workforce

When we apply EqlAs to our recruitment, selection and promotion processes, we ensure we recruit people based on their abilities and reduce the impact of any unconscious bias. This approach helps us tap into a diverse talent pool, ensuring our workforce reflects our community. A supportive and inclusive work environment leads to higher productivity and stability, which in turn puts our colleagues and our communities at the heart of everything we do.

Who should complete an EqlA?

Anyone leading the development of a project or policy should complete an EqlA. This includes when you are reviewing or making changes to projects, policies and setting budgets.

If you're unsure whether you need to complete an EqlA, reach out to the Organisational Development team by emailing od@orkney.gov.uk.

When should an EqlA be completed?

You should complete an EqlA whenever you propose a new service, project or policy, or when you plan to review or change an existing one.

It's best to make the EqlA part of the draft stage of your work. This way, the findings can shape the design, revision and implementation, helping to ensure the decision-making process is inclusive and reduces the risk of discrimination.

How long does an EqlA take to complete?

The time needed to complete an EqlA varies depending on the scale of your proposal. Sometimes, you can use existing data to quickly identify and mitigate impacts. Other times, you may need to undertake consultation at the outset, and data collection might continue throughout the delivery of the project through feedback.

Stages of completing an EqlA

You should complete an EqlA in the following stages:

- Planning
- Gathering evidence
- Analysing
- Taking action
- Communicating

It's important to ensure that an EqlA is proportionate. This means that the scope of the EqlA should match the scale of your proposal.

You can learn more about [how to plan an EqlA](#) later in this guide.

EqIAs and Equality legislation in Scotland

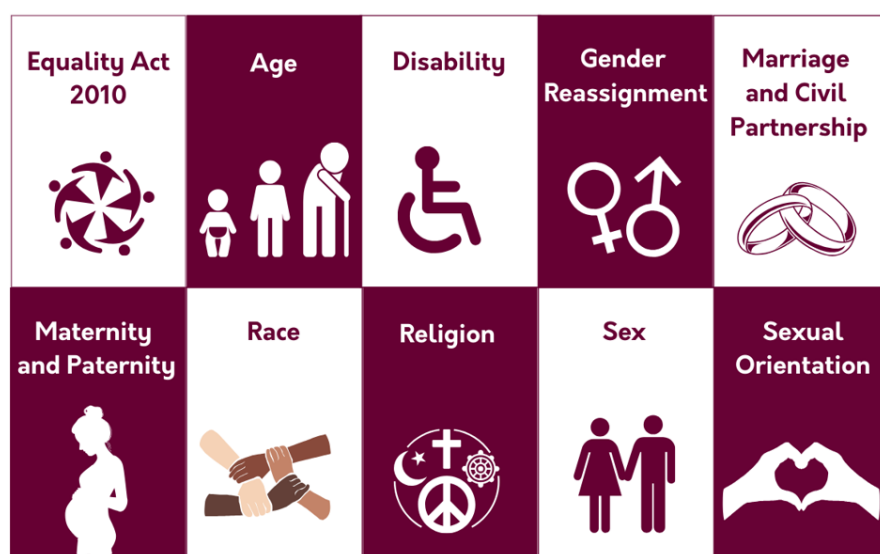
EqIAs help us to meet our statutory requirements under the General Equality Duty as part of the **Equality Act 2010**.

An overview of the legislative requirements are outlined below along with links providing further information on each of the Acts.

The Equality Act 2010

The Equality Act 2010 provides legal protection against discrimination and sets out the nine protected characteristics which are afforded protection under the Act.

These are the groups of people who are protected from unfair treatment under the Equality Act:



You can find out more about the Equality Act 2010 from [Equality Act 2010 | EHRC](#).

The Public Sector Equality Duty

The Public Sector Equality Duty (the General Duty) requires us to consider how our decisions and policies impact people with protected characteristics.

An Equality Impact Assessment (EqIA) enables us to evidence our evaluation and decision making on how a policy will support the three needs of the General Duty which are:

- Eliminate unlawful discrimination, harassment, victimisation, and other prohibited conduct
- Advance equality of opportunity between those who share a protected characteristic and those who do not
- Foster good relations between individuals who share a protected characteristic and those who do not

The Scotland Specific Equality Duties are designed to enhance the performance of the Public Sector Equality Duty under the Equality Act 2010.

The Scottish Specific Duties outline requirements to:

- Consider relevant evidence - from formal peer reviewed research to informal feedback from community engagement, relating to people who share a protected characteristic.
- Take account of the results of any assessment when developing a policy or practice.

We use EqlAs to help us demonstrate how we support the three needs of the General Duties and to evidence our decision-making process.

You can find out more about the Public Sector Equality Duty here: [Public Sector Equality Duty: guidance for public authorities GOV.UK.](#)

The Fairer Scotland Duty

The Fairer Scotland Duty requires public authorities to actively consider how they can reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions.

Like the Public Sector Equality Duty, the Fairer Scotland Duty aims to address inequality, and the two Duties sometimes overlap since people who share a protected characteristic are often at greater risk of economic disadvantage.

However, we choose to consider the impact on socio-economic disadvantage for all of our decision making.

You can find out more about the Fairer Scotland Duty here: [Fairer Scotland Duty: guidance for public bodies gov.scot.](#)

Planning an EqIA

In this section we will look at the questions you should consider when planning an EqIA.

We will take a more in depth look at the following:

- The scope of your proposal or change
- Who you should consider
- What evidence you will need
- What impacts you should consider
- The types of impact you might identify



Our local context

We may not think we have a hugely diverse community, but we all share protected characteristics. Not all protected characteristics are obvious. How do we know the impact of proposals or changes if we don't ask questions - are we then at risk of just making assumptions?

It is important to create policies and practices that are inclusive and adaptable to future changes, ensuring that our community and workplace remain welcoming and supportive for all.

The scope of your proposal or change

Start by thinking about the proposal or change you are implementing.

- **Is it new?** It's good to include equality considerations when you are drafting your proposal
- **Is it a change?** Think about how significant these changes are likely to be. Remember, you can review the previous EqIA to help inform your thinking

Your EqIA should be proportionate to the proposal or change. To help you establish the level of detail you might need for the EqIA, consider the following:

- The overall size and scope of the policy or service
- The number of people affected
- How significantly they might be affected

Where a proposal has a relatively small significance or scale, it may still have a major impact on people who share one of the protected characteristics.

Who you should consider

When starting an EqlA you will need to consider who is likely to be impacted by the proposal or change. This may be customers, service users, members of the community, employees or a combination of groups.

You will need to consider the impact on groups of people who share any of the nine protected characteristics under the **Equality Act 2010**:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and belief
- Sex
- Sexual Orientation

Other areas you should consider

In addition to the protected characteristics outlined by the Equality Act, you should also think about the people with caring responsibilities, who have care experience and groups covered by the Fairer Scotland Duty:

- **Care experienced** - groups of people who have spent time in care. This can include in foster care, residential care, or being looked after by relatives other than their parents. It acknowledges that these experiences can shape a person's life and identity.
- **Socio-Economic disadvantage** - people living in worse social and economic conditions compared to others in the same society. This can include having a low income or living in poor areas. It often means having less access to important resources and opportunities.
- **Carers** - people who provide care for older or disabled family members in addition to people with childcare responsibilities.

Intersectionality

It is important to remember that a lot of the time people do not fit neatly into a single group. Intersectionality is the term we use to describe the combination of characteristics and identities that we all have. For example, someone might be both black and transgender, or female and disabled.

When you complete an EqlA, you should consider how the different characteristics, and the likely impacts associated with them, might overlap and interact with one another.

Remember, an EqlA is designed to help you think about impacts from different perspectives and ensures you avoid making assumptions based on bias.

Evidence you will need

The EqIA process requires an evidence-based approach. How the evidence is obtained will vary and it is important to choose a method that is appropriate and proportionate to your proposal or change.

Quantitative data (statistics) is useful if you are trying to measure differences in something such as the number of men accessing a Day Service in comparison to women but may be harder to collect for small populations or to benchmark.

Qualitative data (feedback) is useful for obtaining insight into people's experiences. For example, people accessing a Day Service and their motivations for engaging with it, or any barriers preventing them from attending.

Impacts you should consider

Different groups of people can be affected differently by a policy, project or service, and they are often interrelated. Below are some ideas to help you think about the ways in which people might be disadvantaged.

- **Access** - Consider whether different groups of people have the same ability to make use of your information or service
- **Experience** - Consider how different groups of people might feel or react during your policy or project implementation or change
- **Outcomes** - Consider if people from different groups might be at a disadvantage as a result of your project or policy
- **Participation and engagement** - Think about the ways in which people are able to or are encouraged to take part, or the ways in which they are given the opportunity to make their own choices
 - Are disabled people given the opportunity to participate in decision-making in the same way as people who are not disabled?
 - Does the way in which your service is promoted target people of all ages?

Identifying the types of impact

- **Positive Impacts** - A positive impact is when a proposal or change benefits one or more groups of people who share a protected characteristic. It is something that reduces evidenced inequality, meets one of the three aims of the General Duty, or further supports our Equality Outcomes.
- **Differential Impacts** - A differential impact is when there is a significant difference in how people of a particular protected characteristic are affected by a change or proposal, compared to other groups.
- **Negative Impacts** - A negative or adverse impact - is where the impact could disadvantage one or more protected characteristic groups.

Completing an EqlA

Once you have planned your EqlA, you can complete the process in the following stages:

Gathering evidence

One key requirement of an EqlA is to base your assessment on relevant evidence. During the planning stage, you should identify potential sources of evidence, which may include data collection, consultations, or reviewing published research.

When gathering evidence, consider whether this highlights positive, differential, or negative impacts on protected characteristics. Depending on what you are assessing, gathering evidence for your EqlA might be an ongoing process. You may need to collect evidence in stages as your project progresses, for example through feedback.

Addressing a lack of evidence

It's important to recognise that if there isn't enough local data, you may need to identify these gaps and take steps to address them. Gathering evidence can be part of the actions taken in an EqlA. However, it is not always necessary to collect a lot of detailed evidence before addressing an equality issue.

When allocating resources, it's crucial to balance between gathering evidence and taking action to adjust a policy or practice to reduce risk.

Analysing

When analysing your evidence, focus on identifying positive, differential and negative impacts including their scale and severity. Start by summarising your data; what are the key points, and what do they reveal about differences in access, experience, outcomes and participation for different groups?

Next, think about the cause of these differences. You might need to gather more or different types of evidence. By understanding the causes, you can evaluate whether negative impacts can be reduced and determine the best way to do so.

Identifying actions

Having analysed your evidence, you will be able to decide on one of the following:

- **Stop** - If there are negative impacts which cannot be justified or mitigated you may wish to consider stopping the policy or practice altogether
- **Continue** - If your analysis shows no potential for discrimination and you have taken a balanced approach to promoting equality and good relations, you can continue with the policy or practice
- **Justify** - Sometimes, other factors like policy goals or financial constraints might make it reasonable to continue despite negative equality impacts. You can only justify policies that don't unlawfully discriminate or where any discrimination is indirect and can be objectively justified. Be prepared to explain your decision if challenged

- **Change** - If your analysis finds clear negative equality impacts that can be mitigated, you should adapt the policy or process. This might involve removing barriers, improving experiences and outcomes, or encouraging participation

Whatever action you choose, document your reasons and the information you used to reach your decision. Where you have identified mitigating actions, you need to include further details in the action plan, section four of the Equality Impact Assessment template.

If you decide a policy or practice should be changed, you might be able to implement the changes yourself, or you may need to recommend them to organisational leaders or other departments. When recommending changes, consider the resources available to make those changes.

Publish

Complete the [EqIA template](#), including details of the proposed policy, service or change, the ways in which you gathered evidence, the evidence itself, your analysis, and the actions you have identified (and taken) as a result.

The Equality Impact Assessment template you need to use can be found at the end of this guide. You will also find an [Equality Impact Assessment template with detailed guidance](#) notes to support you further.

Include a copy of your EqIA with your proposal or change as part of your review and approval process, for example the Corporate Leadership Team or relevant Committee, to help inform decisions.

EqIAs need to be published and searchable by the public, a process has been put in place which adds EqIAs to the council webpage once they have been submitted to the relevant Committee.

Completing the EqlA template with guidance notes

1. Identification of the proposal or change.

The Equality Impact Assessment template starts by asking for the name of the proposal or change and a brief summary of the goals and objectives. This helps readers understand what the proposal or change is about.



Equality Impact Assessment Template



The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a proposal or changes by anticipating the consequences and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

Should you have any questions or wish for your draft EqIA to be reviewed by our Equality, Diversity and Inclusion Adviser, please contact OD@orkney.gov.uk.

1. Identification of the Proposal or Change

Name of proposal or change being assessed.	
Responsible Service and Directorate.	
Date of assessment.	
Is the proposal or change existing? (Please indicate if the service is to be deleted, reduced or changed significantly).	

2. Primary Information

Completing this section will help you understand the goals of the proposal or change and who will benefit from it. You should also consider who might be affected. At this point, you might find it useful to involve people who are likely to be impacted by the proposal or change.

You may already have evidence from engagement, feedback and monitoring exercises. Here, you can also draw on sources such as national surveys, service user feedback, consultant reports, and benchmarking. Consider what this evidence tells you about the impact and whether it varies for different groups. Some useful questions to ask are:

- Does the evidence show different circumstances, needs, or outcomes for different groups?
- What are the effects for people with multiple identities? (e.g. a woman with a disability)
- Do these differences lead to a negative impact? If so, which groups are affected?
- Could these negative impacts be unlawful discrimination?

You will need to identify any gaps in the information and outline how these will be addressed. For example, consider if you need this information before conducting an impact assessment, or should gathering this information be one of your recommendations?

2. Primary Information	
What are the intended outcomes of the proposal or change?	
Is the proposal or change strategically important?	Strategic plans include major investment plans, new strategic frameworks or plans such as annual budgets, locality plans or corporate plans. Where a proposal is identified as strategic, evidence relating to socio-economic impacts and inequalities will be required in the relevant section Yes or No (delete as appropriate).
State who is or may be affected by this proposal or change, and how?	
How have stakeholders been involved in the development of this proposal or change?	

Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise. E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking.	
Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise. E.g. For people living in poverty or for people of low income. See The Fairer Scotland Duty Guidance for Public Bodies for further information.	This section is required for all proposals relating to strategic decisions.
Could the proposal or change have a differential impact on any of the following equality areas?	Please provide any evidence – positive impacts / benefits, negative impacts and reasons:

Protected Characteristics

Below, you'll find a list of the 9 protected characteristics covered by the Equality Act 2010 and Fairer Scotland Duty, as well as people with Caring responsibilities. This includes people who care for older family members or disabled family members, as well as those with childcare responsibilities.

In the column on the right, you will record any positive, differential, or negative impacts on these groups, or detail if there is no impact. For each impact, you will need to provide the reason and outline the evidence you have used to support your assessment.

1. Race: this includes ethnic or national groups, colour and nationality.	
2. Sex: a man or a woman.	
3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.	
4. Gender Reassignment: the process of transitioning from one gender to another.	
5. Pregnancy and maternity.	
6. Age: people of different ages.	
7. Religion or Belief (including atheists).	
8. Disability: people with disabilities (whether registered or not).	
9. Marriage and Civil Partnerships.	
10. Caring responsibilities	
11. Socio-economic disadvantage.	

3. Impact Assessment

In this section, you will summarise any potential differential and negative impacts you have identified.

If you find differential impacts or negative impacts, you have three options:

1. **Stop** the proposal or change if the data shows bias towards certain groups.
2. **Change** the proposal to eliminate the bias.
3. **Justify** the proposal or change. For example, if it negatively affects people with a specific protected characteristic, but there's no other way to achieve the aims despite careful consideration of all options, you may continue, knowing it may disadvantage people.

3. Impact Assessment	
Does the analysis above identify any differential impacts which need to be addressed?	
Does the analysis above identify any potential negative impacts?	Yes or No. If Yes, please complete the Equality Impact Assessment Action Plan below
Do you have enough information to make a judgement? If no, what information do you require?	

4. Equality Impact Assessment Action Plan

You will need to complete this section where differential or negative impacts have been identified. Complete the action plan to detail any steps you will take to mitigate these impacts. Consider the resources required and when you can implement these steps.

You will also need to plan how you will monitor and review the impact these steps have once they are in place.

4. Equality Impact Assessment Action Plan				
Please complete the following action plan where you have identified any differential impacts or potential negative impacts in Section 3 of the Equality Impact Assessment.				
Impact identified	Action to be taken	Owner	How will it be monitored	Date action to be completed

5. Sign and Date

Finally, sign and date the Equality Impact Assessment and include a copy of your EqlA with your proposal or change as part of your review and approval process.

5. Sign and date	
Signature:	Add ink or electronic signature here
Name:	Type your name here
Date:	Enter date of signature here

Support

Drop-in sessions to assist with completion of EqlAs will be held regularly throughout the year. You can find out when the next session is being held by taking a look at our Corporate Learning and Development programme [here](#). If you require any guidance for completing an EqlA please email OD@orkney.gov.uk



Equality Impact Assessment Template

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Should you have any questions or wish for your draft EqIA to be reviewed by our Equality, Diversity and Inclusion Adviser, please contact OD@orkney.gov.uk.

1. Identification of the Proposal or Change

Name of proposal or change being assessed.	
Responsible Service and Directorate.	
Date of assessment.	
Is the proposal or change existing? (Please indicate if the service is to be deleted, reduced or changed significantly).	

2. Primary Information

What are the intended outcomes of the proposal or change?	
Is the proposal or change strategically important?	Strategic plans include major investment plans, new strategic frameworks or plans such as annual budgets, locality plans or corporate plans. Where a proposal is identified as strategic, evidence relating to socio-economic impacts and inequalities will be required in the relevant section
State who is or may be affected by this proposal or change, and how?	

How have stakeholders been involved in the development of this proposal or change?	
Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise. E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking.	
Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise. E.g. For people living in poverty or for people of low income. See The Fairer Scotland Duty Guidance for Public Bodies for further information.	
Could the proposal or change have a differential impact on any of the following equality areas?	Please provide any evidence – positive impacts / benefits, negative impacts and reasons:
1. Race: this includes ethnic or national groups, colour and nationality.	
2. Sex: a man or a woman.	
3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.	
4. Gender Reassignment: the process of transitioning from one gender to another.	
5. Pregnancy and maternity.	
6. Age: people of different ages.	

7. Religion or Belief (including atheists).	
8. Disability: people with disabilities (whether registered or not).	
9. Marriage and Civil Partnerships.	
10. Caring responsibilities	
11. Socio-economic disadvantage.	
12. Care experienced	

3. Impact Assessment

Does the analysis above identify any differential impacts which need to be addressed?	
Does the analysis above identify any potential negative impacts?	Yes or No. If Yes, please complete the Equality Impact Assessment Action Plan below
Do you have enough information to make a judgement? If no, what information do you require?	

4. Equality Impact Assessment Action Plan

Please complete the following action plan where you have identified any differential impacts or potential negative impacts in Section 3 of the Equality Impact Assessment.

Impact identified	Action to be taken	Owner	How will it be monitored	Date action to be completed

5. Sign and date

Signature:	
Name:	
Date:	