



## EQUALITY ANALYSIS POLICY

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	This is a revised policy - renames the Equality Impact Assessment Policy, addresses changes in approach from the Equality Act 2010 and Public Sector General Equality Duty

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### **1. Purpose**

- 1.1** The British Library has a statutory obligation to analyse the effects on equality for all projects, policies, practices and other decision-making which affect employees or service users for their effectiveness in delivering and promoting equality.
- 1.2** The Library also has employment duties to promote equality. However, assessing these areas goes beyond simply meeting a statutory obligation.
- 1.3** The purpose of this policy is to ensure that managers:
- have undertaken an equality analysis on the effects on equality and this should be carried out at the beginning of any decision-making process.
  - consider equality in their decision-making and activities and think carefully about the likely impact of policies, procedures, procurement and service delivery on individuals and groups who share a protected characteristic.
  - An assessment of the effects on equality and is able to demonstrate due regard to three aims of the General Duty, Equality Act 2010.

### **2. Scope**

- 2.1** This policy will apply to all managers (including Project managers) who are responsible for the development and adoption of corporate policies, and also those who procure goods and services for Library-wide use or have high level decision-making responsibilities which have an impact on employees or service users.

### **3. Legislation**

- 3.1** The Public Sector Equality Duty which as set out in the Equality Act 2010, consists of a General Equality Duty which means that:
- 3.2** Public authorities in the exercise of the functions must have due regard to the need to:

- (1) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act'

- (2) Advance equality of opportunity between people who share a protected characteristic and those who do not;
- (3) Foster good relations between people who share a protected characteristic and those who do not.

**3.3** Public authorities are also expected to consider the need to remove or minimise disadvantage or through their equality analysis meet the needs of a particular group/s. Public authorities are also required to think about how to encourage participation in public life.

#### **4. General Principles**

- 4.1** The Library will ensure that managers are aware of their responsibilities under the policy and are clear on what they are expected to do when carrying out an Equality Analysis assessment.
- 4.2** Where a revision of policy or organisational change affects employees, managers will be required to inform and produce their Equality Analysis assessments to Trade Union Side on the impact on different equality groups in the consultation and negotiation exercise.
- 4.3** This policy must be applied in accordance with the Library’s Equality & Diversity Policy (See Section 5.2)

#### **5. “Analysis of the effects on Equality”**

**5.1** An Equality analysis:-

- is a way of anticipating and considering the effect of proposals, policies and practices on different groups protected from discrimination by the Equality Act 2010.
- is conducted to understand the actual effect or potential effect of projects, policies or any decision-making processes.
- analysing the effects on equality which can help to identify and tackle any negative effects or discrimination and also help to advance equality and foster good relations.
- should show due regard to the general aims set out in the Equality Duty and a proportionate approach should be taken in regards to the resources and functions of the Library.
- should cover all of the ten protected characteristics (See Section 5.1) and ensure they all receive adequate attention.

#### **6. What is meant by the term “groups who share a protected characteristic”?**

**6.1** Groups who share a protected characteristic as: women, men, minority ethnic people, people of all ages, disabled people, lesbians, gay men, bisexuals, transgender people, transsexuals and people from different faith or belief groups or those with caring responsibilities.

**N.B.** Caring responsibilities is not a protected characteristic but those caring for an elderly or a disabled child or adult are protected by the Equality Act 2010 from discrimination by association and harassment because of their caring responsibilities at work or outside of work.

**6.2** The protected characteristic strands are commonly referred to as age, disability gender, gender reassignment, race, religion or belief, -sexual orientation, marriage and civil partnership, pregnancy and maternity. The strands are not mutually exclusive of all people.

## **7. The Importance and Benefits of conducting Equality Analysis Assessments**

**7.1** There are many benefits to carrying out Equality Analysis assessments:

- Promotes equality and inclusion;
- Promotes public trust and confidence;
- Helps to facilitate the mainstreaming of equality and inclusion into business decisions;
- It is a useful business tool for managers in which you can evaluate the impact of decisions upon the business e.g. in terms of service value such as widening audiences and revenue, or e.g. income streams such as funding or sponsorship for diversity or access initiatives. This is now part of the Library's business case application format.

**7.2** An analysis of the effects on equality will assist in driving forward of the equality and diversity agenda throughout the Library. The outcomes from the equality analysis assessment will realise benefits for the Library such as:

- Alerting managers to issues of equality and diversity in their decision-making and make them aware of any particular needs of equality groups;
- Enable the Library to make decisions based on evidence and consultation with different people and communities on the wider effects of implementing policies or proposals;
- Encourage the sharing of information and identify good practice between departments and Divisions;
- More effective targeting of resources.

## **8. Managing the Assessment process**

**8.1** It makes good sense to start planning early – preferably at the start of the process review. This will allow the time to be effectively used to fully integrate the outcome of the analysis into the potential organisational change, proposal or policy.

**8.2** Where the service or policy impacts on other Departments or Divisions. The Lead Manager should ensure that the key people are involved or ask them to contribute to the carrying out of the assessment.

**8.3** The Lead Manager can ask for support from their HR Business Partner/Advisor before starting the assessment process. They can provide support throughout the process.

**8.4** New information may also come to light at a later stage, so it is important not to draw a line after the completion of the assessment, but to be open to the need for review and continuous improvement.

## **9. Responsibility**

**9.1** There are various roles which have responsibilities under this policy:

- **Lead manager:** A manager responsible for the current function or policy or who is responsible for reviewing a function/service or a proposed policy and is accountable for the completion of an assessment.
- **HR Business Partner/Advisor:** To advise and support the lead manager on the completion of an assessment.

## **10. When an Equality Analysis Assessment should be carried out.**

**10.1** An assessment must be undertaken when:

- Current departments, policies and projects that have not previously been impact assessed for their impact on groups who share a protected characteristic;
- Developing a new policy or reviewing/changing an existing policy;
- Service or products undertake a change;
- Proposing to undertake a capital project;
- Proposing to procure goods and services for implementation Library-wide including software applications;
- Planning organisational change which affects employees or service users. .

## **11. How to carry out an Equality Analysis Assessment?**

**11.1** The Lead Manager should refer to the Assessment Form (Appendix 1) and guidance on How to carry out an Equality Analysis using the assessment form (Appendix 2).

**11.2** Conducting an Equality Analysis Assessment will require lead managers to access management information such as Divisional information, staff in post figures, reader or visitor surveys, staff surveys or comment forms analysis information. Lead Managers when reviewing data should maintain confidentiality in order to not identify individuals.

**11.3** You must make a record of your assessment on the Assessment Form on Appendix 1).

## **12. Monitoring arrangements**

**12.1** All assessments have to be signed off by the relevant lead manager and a record of the assessment kept in line with Record Management for control purposes. The Lead

Manager should set up arrangements to monitor any changes, amendments and recommendations arising from the final assessments or if required make changes to mitigate any disadvantage or foster good relations. .

### **13. Contacts**

**13.1** For further advice and support contact your HR Business Partner/ Advisor

### **14 Policy Responsibility**

**14.1** Human Resources have the responsibility for ensuring the maintenance, regular review and updating of this policy. Proposed changes to the policy will follow the process as described in section A: Introduction: [paragraph 1.1](#) of this Staff Handbook.

APPENDIX 1 – Equality Analysis Policy  
 Equality Analysis Assessment

To be conducted prior to policy or project development or for a service change

<b>Division &amp; Department:</b>		<b>Lead manager responsible for assessment:</b>	
<b>Date of Initial Assessment:</b>		<b>Date of Sign off</b>	
<b>Name of service function/policy or project being assessed</b>		<b>Why is this being assessed</b>	
		<ul style="list-style-type: none"> <li>• Is this a new service function/policy or project?</li> <li>• Is this a change to service function/policy or project?</li> </ul>	

<p>1. What are the aims, objectives and intended outcomes of the proposed new development / change?</p>	
<p>2. (a) Which groups or individuals are implicated in this proposal? E.g. staff, service users, or other relevant stakeholders</p> <p>(b) Do they share a protected characteristic which is likely to be affected in relation to this proposal?</p> <p><i>Protected characteristics are Age, Disability,</i></p>	

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*Gender, Race, Sexual Orientation, Transgender, Gender Reassignment, Religion or Belief, Marriage and Civil Partnership, Caring responsibilities, Pregnancy and Maternity.*

*N.B. Caring Responsibilities is not a protected characteristic but those caring for the elderly or a disabled child or adult are protected by the Equality Act 2010 from discrimination by association and harassment because of their caring responsibilities at work or outside of work.*

If there are no consequences for these groups or individuals in terms of their protected characteristics then please state that there is no impact and why.

3. Is this proposal relevant to the three aims of Equality Duty 2010 for those who share a protected characteristic (as listed in section 2)?

Please check relevant boxes:

**(a)** Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act (*i.e. the function removes or minimises disadvantages suffered by people due to their protected characteristics*)   
(*This aim applies to all the protected characteristics*)

**(b)** Advance equality of opportunity between those who share a protected characteristic and those who do not (*i.e. the function takes steps to meet the needs of people from protected groups where these are different from the needs of other people*)   
(*This aim applies all the protected characteristics except Marriage and civil partnership*)

**(c)** Foster good relations between people who share a protected characteristic and those who do not (*i.e. the function encourages people from protected groups to participate in public life or in other activities where their participation is disproportionately low*)   
(*This aim applies to all the protected characteristics except Marriage and civil partnership*)

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(d) Not applicable

4. Do you have all the equality information required in relation to the groups / individuals who share a protected characteristic/s that are likely to be affected?

Yes  No

If not, consider how further information of relevance and value can be obtained, such as data, group or individual engagement (e.g. of employees, service users or stakeholders) in what is being assessed before continuing? List below what still needs to be considered and why:

5. Analysis of the effects on Equality and show “due regard” to the three aims of the Public Sector Equality Duty

Document the current practice and how individuals / groups who share a protected characteristic are likely to be affected by the intended proposal and analyse the impact against the three aims of the duty.

If the assessment has identified a potential impact on individuals/groups who share one or more of the protected characteristics, this must be analysed and both advancing equality of opportunity and fostering good relations between those who share a protected characteristic and those who don't should be analysed positive and negative impacts should also be considered.

Protected Characteristics Analysis - Consider and tick appropriate boxes with comments:	
Age <input type="checkbox"/>	
Disability <input type="checkbox"/>	
Race <input type="checkbox"/>	
Gender <input type="checkbox"/>	

APPENDIX 1 – Equality Analysis Policy  
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Gender <input type="checkbox"/>	
Reassignment	
Sexual Orientation <input type="checkbox"/>	
Religion or Belief <input type="checkbox"/>	
Marriage & Civil Partnership <input type="checkbox"/>	
Caring Responsibilities <input type="checkbox"/>	
Pregnancy and maternity <input type="checkbox"/>	

**6. Outcome Summary:**

- The analysis undertaken has identified no adverse impact in regards individuals or groups who share a protected characteristic.
  
- The analysis undertaken has identified that the proposed development / change indicates an impact for individuals or groups who share a protected characteristic as detailed above but it can be mitigated by an adjustment to the proposal. (Positive and Negative outcomes have been analysed).
  
- The analysis undertaken has demonstrated an adverse impact on individuals or groups who share a protected characteristic.  
 However, if you can objectively justify your action as meeting a legitimate aim in a way that is reasonable, proportionate and

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Equality Analysis Assessment

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appropriate, and not related to cost alone, you may be able to continue with your proposal. You must record your reasons/ reasoning to show how you reached this decision and have this approved as sound before proceeding

**Record objective justification:**

If the analysis *has identified an adverse impact to the protected groups, which cannot be mitigated or objectively justified then the proposed changed or development should be stopped altogether* If a policy shows unlawful discrimination it must be removed or changed.

7. How will the service function/policy or project be monitored after implementation

It may be useful to formulate an Action plan



## **Appendix – 2**

### **How to carry out an Equality Analysis using the assessment form**

#### **Introduction**

The responsibility for conducting an Equality Analysis on equality rests with the lead manager. Completing the assessment is similar to a risk assessment as it involves predicting and assessing the implications of a policy, project, strategy or a new service change on a wide range of people with different needs.

The lead manager on conducting the assessment should identify which individuals might contribute to the analysis of the effects on equality in the assessment process. So individuals can plan and prepare adequate time and resources. The lead manager may wish to seek contributions from individuals who directly work in the area or have expertise/knowledge to get their perspective. Whoever conducts the assessment needs enough knowledge of the service, policy or project to make valid judgements, but needs to be as objective as possible.

**Follow the process outlined below to assist in completing the assessment form.**

#### **Question 1**

Outline what the aims, objectives and the projected outcomes of what is being assessed.

**Aims:** are a general statement about what you want the service/policy or project to achieve or the purpose or function of the service.

**Objectives:** are more specific statements setting out what you will do to achieve your aims

**Projected outcomes:** If you are assessing a service change, be clear about what outcomes are expected.

#### **Question 2**

Identify which groups or individuals are likely to be affected by the proposal. Remember the proposal is likely to affect people or groups who share a protected characteristic or who may share multiple protected characteristics. The term “Protected characteristics” means the umbrella term for all specified equality groups.

The Protected characteristics are:

Age, Disability, Gender, Race, Sexual Orientation, Gender Reassignment, Religion or Belief, Marriage and Civil Partnership, Caring responsibilities, Pregnancy and Maternity.

N.B. Caring responsibilities is not a protected characteristic but those caring for an elderly or a disabled child or adult are protected by the Equality Act 2010 from discrimination by association and harassment because of their caring responsibilities at work or outside of work.

Refer to the groups below:

- Men;
- Women;
- Different Race or Ethnic Minority Groups;
- Disabled people;
- People of all ages;
- Religious/faith or belief groups;
- Pregnant or nursing women;
- Married or civil partnerships;
- Lesbian, Gay, Bisexual and Transgendered groups;
- People with caring responsibilities.

Assess whether the groups or individuals affected share a protected characteristics and are likely to be affected by this proposal.

Issues to consider are: the number of people likely to be affected although some might have a high significance to equality or advancing equality of opportunity even though the numbers affected could be small for example, people with disabilities accessing online services; the size of the budget or amount of money involved, the extent of the proposed change and the wider strategic aims of the library.

If there are not consequences for these groups or individuals in terms of their protected characteristics then please state there is no impact and why?

### **Question 3**

Review if the proposed project, policy or service change is relevant to meeting the three aims of the Equality Act 2010 (General Duty) for those who share a protected characteristic and tick the relevant boxes.

(a) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

(b) Advance equality of opportunity between people who share a protected characteristic and those who do not.

(c) Foster good relations between people who share a protected characteristic and those who do not.

(d) Or: if the proposal is not applicable to the General Duty.

In most cases the intended proposal is likely to be relevant to the General Duty

Questions to consider:

(1) Does the policy affect service users, employees or the wider community, and Therefore, potentially have a significant effect in terms of equality? Remember that relevance of a proposal will depend not only on the number of those affected but also by the significance of the effect on them.

(2) Does or could the policy affect different protected groups differently leading to different outcomes?

#### **Question 4**

Assess if you have all the equality information required in relation to analyse the effects on the groups/ individuals who share a protected characteristic.

Please tick the relevant box.

If you require additional information in order to continue with the assessment Please outline what further information is still required and why?

Examples such as:

User Surveys,

Management information reports,

Comments/Complaints information,

Service provision,

Engagement with particular groups who share a protected characteristic.

#### **Question 5**

From the available evidence you must document how individuals/groups who share a protected characteristic how they are currently affected and may likely to be affected by the intended proposal and analyse their impact on the three aims of the general duty. You should consider positive as well as any negative impacts and if there are ways in which the proposal could foster good relations and inclusion between people who share a protected characteristic and those who do not.

Tick the relevant boxes with comments.

For example, the protected group/individual characteristic is disability, your analysis should consider how they are currently affected and may likely to be affected by the intended proposal and demonstrate how your analysis shows due regard to three aims of the public sector equality duty.

- (1) Does the intended proposal eliminate discrimination, harassment and victimisation or other prohibited conducts for disabled groups
- (2) Will the intended proposal advance equality of opportunity between disabled groups and non-disabled groups

- (3) Will the intended proposal help to foster good relations between disabled groups and non-disabled groups.

**Question 6**

**Outcome Summary**

As the lead manager responsible you must now assess the outcome of the assessment. Please tick the relevant box.

**Question 7**

As good practice you should devise how the policy, project or service change will be monitored after implementation.

It may be useful to formulate Action Plan.

**Document Control**

The Lead Manager responsible should keep a final version of the completed assessment for control purposes.

## **Appendix 3 - Glossary of Terms**

### **Function**

A function is the term that is usually referred to as actions and activities assigned to, required by or expected of a Department

### **Direct Discrimination**

**Direct discrimination** occurs when someone is treated less favourably than another person because of a protected characteristic. (see under Equality Groups below) Relevant protected characteristics include age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage & civil partnership, pregnancy and maternity. Direct Discrimination cannot be justified.

### **Indirect Discrimination**

**Indirect discrimination** occurs when a seemingly neutral provision, criterion or practice that applies to everyone places a group who share a characteristic e.g. type of disability at a particular disadvantage. Indirect discrimination may be justified if it can be shown that the provision, criterion or practice is a proportionate means of achieving a legitimate aim.

### **Objective Justification**

To justify a particular practice, an employer must show that there is a real business need and that the practice is proportionate to that need. In other words, that it really is necessary and there really is no alternative approach.

### **Equality Groups**

Groups or individuals who share a protected characteristic can face discrimination and disadvantage on the basis of, the protected characteristics as outlined by the Equality

Act 2010 which are:

age

disability;

gender reassignment;

marriage and civil partnership;

pregnancy and maternity;

race (includes colour, nationality and ethnic origins);

religion and or belief;

sex;

sexual orientation;

It is important to be aware of the particular needs of equality groups but be aware individuals can belong to several equality groups at the same time and have multiple identities.

### **Relevance**

Lead Managers have to assess how groups who share a protected characteristic may be more relevant to some functions or policies than others to meeting the 3 aims of the general duty. Lead managers will need to take care when assessing relevance, as many areas of their functions, policies or new projects are likely to be more relevant to particular protected groups than others.

### **Proportionality**

Lead Managers when assessing the relevance to equality should also consider proportionality. Is the relevance major or minor? If it is major is the intended proposal likely to affect many people to some extent or a small number of people significantly. If it is minor is the intended proposal likely to affect many people to a small extent or a small number of people to a limited extent.

### **Mitigation**

Mitigating negative impact is intertwined with considering alternative approaches or policies. Mitigation can take the form of lessening the severity of any negative impact.

### **Negative/adverse impact**

This is the point at which the differential impact of a function, policy or practice becomes detrimental or has a negative impact on a group who share a protected characteristics.