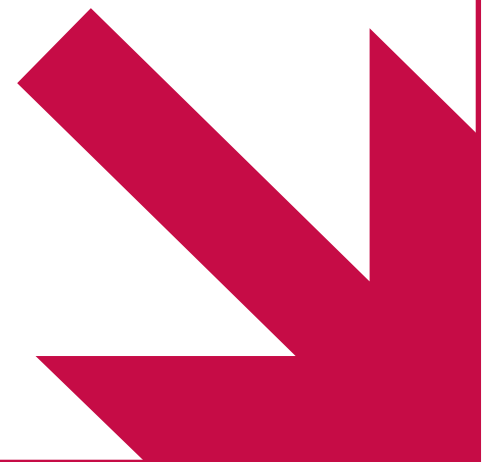


# Acas managers' guide to equality impact assessments

**acas**

> CONTENTS <



## > WHAT ARE THEY? <

# A practical tool to identify discrimination

**A**ll our policies and practices are at the heart of Equality Impact Assessments.

Policy and practices in this context need to be understood to embrace the full range of functions, activities and decisions for which an organisation is responsible – essentially everything it does. It includes both current policies and those under development.

An equality impact assessment will help you analyse your policies and practices to make sure they do not discriminate or disadvantage people. EAls also improve or promote equality.

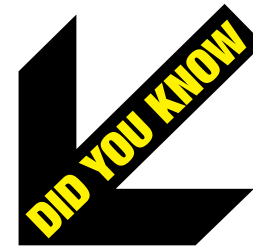
Discrimination is where someone is treated less favourably or put at a disadvantage because of their protected characteristic (such as gender, race or disability) than others without that characteristic (see **annex 1** for a list of protected characteristics)

Improving or promoting equality is when you identify ways to remove barriers and improve participation for people with a protected characteristic.

Of course the vast majority of organisations and their managers do not set out to discriminate on purpose against their staff, clients, customers or members of the public.

Discrimination is usually unintended and can even remain undetected until someone at length complains or is let down by the system or the service they have received.

This is how indirect discrimination can work and why equality impact assessments are used to identify this disadvantage and to take appropriate steps.



It is not an end in itself – it is a way of ensuring and showing that due regard has been paid to the general duties

## CASE STUDY

### Ethnic menu means more happy eaters

One local authority found a recipe for success over its meals on wheels service.

The authority was concerned that the food it was serving up wasn't to everybody's taste.

So it used an equality impact assessment to find out why. The authority discovered that in certain ethnic communities, only a few people were tucking in.

So the authority decided to change the menu to ensure that these diners had a range of different types of meals more likely to appeal to choose from.

Soon there were many more 'happy eaters' among these communities, while 'white British' users were also delighted at the improved choice and quality of the food.

In this way the authority not only improved its service but saved money as well.

## > WHEN DO I NEED TO DO THEM? <

# If you decide it's not relevant, make a note

**I**deally, an impact assessment should form part of any new policy or practice and be factored in as early as one would for other considerations such as risk, budget or health and safety.

Sometimes EIAs are done retrospectively. The important thing is that they are being done as part of the governance of Acas.

Not everything needs to be impact assessed, only policies and practices that are relevant to equality need to be put in focus under the Race, Disability and Gender Duties.

If you decide that a policy or practice is not relevant to equality then you should make a note of this.

### **But 'relevant to equality' – how do you know?**

Relevance is to do with whether the policy or practice affects people because of race, disability or gender. If it does, then it is likely that an impact assessment is required. If it

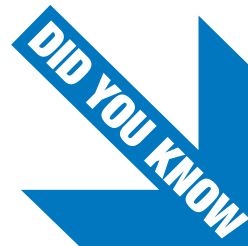
doesn't, then there is no need to do one.

The degree to which a policy or practice affects someone will make it 'high', 'medium' or 'low'. Managers can decide which of these bands a particular issue falls into, and this enables them to effectively plan and allocate resources to undertake the impact assessment

The Gender and Disability Duties also distinguish between 'major' and 'minor' policies and practices. The term 'major' describes the importance of the policy or practice to the organisation. All of those deemed 'major' will likely need impact assessments.

### **Different levels of 'relevance' at the same time?**

It is quite possible that some policies or practices will be more relevant to one protected characteristic than others.



They should be an integral part of policy development and review, not a one off or separate exercise

## **CASE STUDY**

### **Council considers road sign duties**

A local authority has a policy regarding its road 'furniture' (such as directional signs, white lines, parking bays and zebra crossings).

Any proposed change to this policy would rate as 'highly relevant' for the Disability Duty as considerations over disability and sight would need to be looked at before any change.

However, the same policy will be low for the Race Duty as people's

ethnicity is unlikely to be an issue.

What's the relevance for the Gender Duty?

Probably medium to high, given health and safety reasons for illuminating certain areas at night to make them safer for women. Some local authorities have well-lit women-only parking bays.

The important point is the authority that decides after factoring in local considerations.

# The questions you must ask yourself

All equality impact assessments are based around four core questions. There may well be others that contribute to the assessment, but the core ones remain throughout.

**They are:**  
**What is the purpose of the policy?**

The purpose of the policy or practice/service is what it is meant to achieve. This purpose needs to be defined in some detail and to be crystal clear in meaning. It is this 'intention' that the impact assessment will seek to measure.

**How is it seeking to achieve this?**

This question aims to explore how the organisation sets up systems,

practices, understandings or conventions to deliver on that intention.

This is about process mechanics, or more simply, 'how it works'. It requires the impact assessment to 'walk through' the process or practices and consider what barriers emerge and what supports is on hand.

**Who benefits and how? (and who, therefore, doesn't and why?)**

This is about determining who gets the service or policy as intended in question 1, where possible actual research or experience should be used or pointed to. It will highlight who doesn't get the policy or practice as intended, and does this create any disadvantage.

**What are any 'associated aims' attached to the policy?**

This final question acknowledges that policies and practices rarely operate in isolation. An impact in one area may have knock-on effects in others, so this question is about identifying these. Similarly, in a positive vein, good practice can support other areas in promoting equality.

As an Acas manager you'll need to consider applying these questions to your decisions, where relevant, as these are part and parcel of policies and practices described earlier. These questions not only apply to customer-facing services but often will be people-based decisions such as estates and internal HR considerations like organisational restructuring.

## CASE STUDY

### Job losses reveal imbalance

Redundancies were on the cards when the London Probation Service held a major organisational review.

EIAs early on looked at equality in relation to senior, administrative and corporate centre staff. Both assessments concluded there might be a negative impact on women, black and older people.

Fewer jobs would be available, particularly at senior management level. Many older staff had been in post for a number of years and had no recent experience of job applications and interview.

A programme of support for all staff focused on briefings about the assessment centre process as well as job application and interview techniques.

Those who weren't successful received further help on developing CVs and careers advice.

A review of the recruitment process for senior staff following the restructure revealed an increase in black senior managers. There was also no negative impact on women or disabled staff.

A more equal balance had been achieved between women and men within the admin ranks. The assessment process has given the service a deeper understanding of the workforce, and this will be monitored regularly.

The assessment found potential disadvantages, but these were reduced or removed through training. The service continued with its policy and reacted proportionately in reducing disadvantage.

> WHAT DO THEY LOOK LIKE? <

# Download the form to guide you

**T**here is a framework that sets out an approach to undertaking an impact assessment. It covers the key areas you'll need to consider.



[Download the EIA template here](#)

**TEMPLATE FOR EQUALITY IMPACT ASSESSMENTS**

Name of policy/product:  
Date:

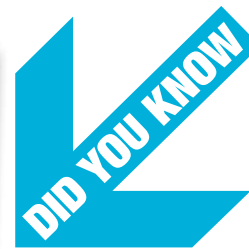
Questions	Comments/evidence
(1) Purpose of the policy or product?  Agreement of purpose (manager and TU): Yes/No Date:	
(2) How does it seek to achieve this?	
(3) Who benefits and how? (who therefore doesn't and why?)	
(4) Are there any associated aims linked to this policy or practice?	

(5) List any research or evidence and references used. If there is time then state the value judgement and plans to validate this.

(6) Consultation and involvement. Describe who you have engaged in developing this assessment.

(7) Analysis of assessment and action. Is any difference significant? Give you either -  
(a) stopped?  
(b) changed?  
(c) or justified continuing the policy or practice?

General observations



They are not only about addressing discrimination or adverse impact. They are about positive promotion of equality of opportunity, improving access, participation in public life and good relations



# Don't let lack of evidence put you off

**I**t may sound contradictory, but lack of evidence should not prevent an equality impact assessment from being undertaken – provisionally.

In cases of new policies or management decisions there may be little evidence. In such cases you should make a judgement that is as reliable as possible.

Consultation will strengthen these value judgements by building a consensus that can avoid obvious prejudices or assumptions. But even on these occasions you would need to guard against 'groupthink' by having a diverse range of consultees.

Provisional assessments are sometimes called screening assessments, initial assessments or partial assessments.

Where a provisional assessment has been carried out, there must be plans to gather the required data so that a full assessment can be completed after a reasonable time.

The scale of these plans should be

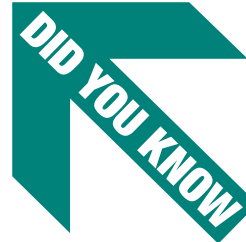
proportionate to the issue at hand. When there is enough evidence a full impact assessment should be prepared.

In both cases – initial and full assessments – the process around the four key questions remains the same.

Where appropriate, questions that involve disabled people can be put to our Disability Involvement Forum. Their considerations and views will amount to evidence that can be used in an assessment.

**An equality impact assessment must be objective and must use evidence in deciding impact. Value judgements will not do!**

The quality of an assessment is not measured by the number of pages produced but by the quality of the analysis, the action taken as a result, and the outcomes achieved through implementation



# Consultation: keep a sense of proportion

**C**onsultation is very important and key to demonstrating that you are meeting the equality duties, but it also needs to be proportionate and relevant.

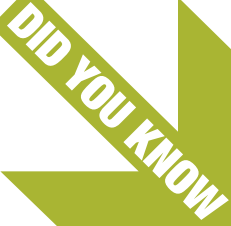
Make sure you also consider the scale of degree of consultation.

These are the key considerations, because

you don't want to over-consult on a small policy or practice and you don't want to under-consult on an important policy.

Consultation can add evidence to the assessment; it is also consistent with good management.

**Annex 2** sets out consultation considerations for the Acas manager.



The information and insights that can be gained from involvement and consultation are essential, but should also usually be carried out as part of the main policy development process





# The rule of thumb that assesses difference

**E**quality impact assessments are about making comparisons between groups of employees or service users. You will uncover differences, however not all difference is bad. Difference is normal and it would be surprising if comparisons were always the same.

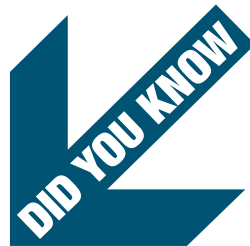
You are looking for bias that can occur when there are significant differences (disproportionate difference) between groups of people in the way a policy or practice has impacted on them, asking the question “Why?” and investigating further.

One way of identifying a significant difference is to use the four-fifths rule, a ‘rule of thumb’ way of assessing difference.

- The four-fifths rule suggests that if any group is less than four-fifths of the rate of the group with the highest success rate, it may indicate bias.
- It is not intended to be an absolute yardstick, but a simple and easy way to measure whether the differences in rates are worth investigating further.

## ANALYSIS

- Finally, the relevance of the four-fifths rule depends on the size of the group being looked at. It’s difficult where a small group of around 10 is involved, but with a larger group of about 200, four-fifths might be reasonable



The time and effort involved should be in proportion to the relevance and significance of the policy

## THE FOUR-FIFTHS RULE

Williams and Co, a call centre operation, recruited for 30 new posts and interviewed 200 people who were equally split between men and women. Twenty men and 10 women were offered appointments.

- Male success rate 20/100 (as a percentage) = 20%
- Female success rate 10/100 (as a percentage) = 10%
- 4/5ths of highest success rate = 16%

In the example, there is significant disparity because the female success rate (10 per cent) is less than four-fifths the male success rate (16 per cent). Further investigation is needed to understand this difference. But remember, there may be entirely reasonable and non-discriminatory reasons for this difference. Do not jump to conclusions!

# Three options if you find significant difference

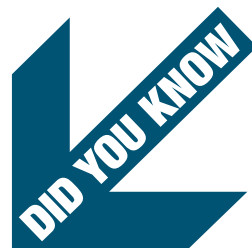
**T**here are three options open to you if you find a significant difference (often called an adverse impact):

- You can decide to stop the policy or practice at some point because the data shows bias towards one or more groups
- You can adapt or change the policy in a way which you think will eliminate the bias, or
- You can justify it. For example, if the data shows the policy operates against disabled people, women or particular communities but we can't see any way around it. You've looked at the policy or practice from every angle, considered all available options carefully, and there still seems no other proportionate way to achieve the aim of the policy or practice. Then you are going to continue with this policy or practice knowing full well that it may favour some people less than others.

## ACTION

In most cases, where disproportionate disadvantage is found by carrying out EIAs, policies and practices are usually changed or adapted.

This is a positive feature and demonstrates fairness in Acas by removing barriers to both staff and service users.



The assessment should always inform the final decision on a policy

## CONSIDERATIONS IN JUSTIFICATION

Jones and Company are unsure if they need an objective justification. To help make the decision they ask themselves:

- Why do we want to do this?
- Can we set out the reason clearly on paper?
- Do we have evidence to support us in this reason?
- Are we certain this is real hard evidence and not just based on assumptions?
- Is there an alternative less or non-discriminatory way of achieving the same result?

Have you sought a second opinion from other key managers and had it recorded how the decision was made in case it is reviewed in the future?

# Publish findings in a way we can all understand

**A**t Acas we are required to publish race equality impact assessments, and it would be good practice to do the same for gender and disability.

All equality impact assessments should be in plain English and free from jargon. The test is whether a disinterested observer would understand the decision!

An example of this is given at **annex 3**, the race equality impact assessment for our conciliation service.

Acas will publish assessments on our website and intranet. However only highly relevant or major policies or practices need appear.

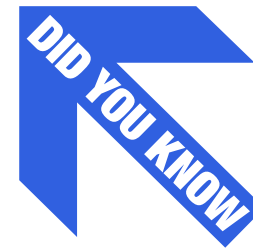
Most impact assessments will be routine

and part of our day-to-day decision-making or governance system.

In these instances, a simple paragraph that sets out the relevance of the policy or practice, a summary of the four questions completed, and the consultation involved will enable the manager to ensure an impact assessment has been undertaken.

All routine assessments could go on the intranet to share knowledge across Acas and to enable scrutiny.

Lack of data is never an excuse for not assessing impact. Some data will always be available, and where it is not, it must be actively gathered



**REMEMBER** You only carry out an equality impact assessment on policies and practices that are relevant to equality.

# Still not sure? These answers may help

## **What is an initial impact assessment?**

This is a shorter version of a full impact assessment. It involves determining the relevance of the policy or practice (see *section 2*) and applying any evidence you may have to the four questions described in *section 3* of this guide.

If you then consider there may be adverse impacts, you need to arrange for a full impact assessment. This could well be putting in place systems to gather evidence.

Remember: this is a fast track process using what you have available.

## **What is screening?**

Screening is a short, sharp exercise that determines relevance. Once an EIA is deemed necessary, screening can stop and an EIA begin, regardless of the stage screening has reached. For more difficult

decisions, screening may start to look like an EIA, with detailed information and evidence gathered and analysed.

## **What does relevance mean?**

Relevance is the potential for impact but not the impact itself. For example, given the significance of the gender pay gap nationally, any changes to pay and conditions will be relevant to gender equality.

## **What is a partial impact assessment?**

The same as an initial impact assessment

## **What are the main differences between an initial impact assessment and a full impact assessment?**

The main differences are that initial assessments are usually more to do with

identifying policies and practices with the potential for adverse differences on the one hand and those with no potential on the other – in which case, the initial assessment will be all that need be done.

Initial impact assessments are quick, based on available evidence (including value judgements), and are more of a pointer to further action when necessary.

Although they follow the same four questions as at *section 3*, they may only be a paragraph in a paper or project plan.

## **Does an impact assessment have to be a big document?**

No. Quality is the watchword. Many need be no more than a few paragraphs that answer the four questions in *section 3*.

A policy should be impact assessed if it is relevant to equality, with the most relevant policies assessed first and most thoroughly

