



Please Note: This policy is currently under review and is still fit for purpose.

EQUALITY ANALYSIS POLICY

This procedural document supersedes: CORP/EMP 27 v.3 – Equality Analysis Policy



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The Trust discourages the retention of hard copies of policies and can only guarantee that the policy on the Trust website is the most up-to-date version. **If, for exceptional reasons, you need to print a policy off, it is only valid for 24 hours.**

Executive Sponsor(s):	Karen Barnard
Author/reviewer: (this version)	John Scott
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Target audience:	Trust-wide

Amendment Form

Please record brief details of the changes made alongside the next version number. If the procedural document has been reviewed **without change**, this information will still need to be recorded although the version number will remain the same.

Version	Date Issued	Brief Summary of Changes	Author
Version 4	14 December 2017	Reviewed to ensure policy is current and reflects organisation structure and governance arrangements.	John Scott
Version 3	2 April 2014	<p>Please read in full – changes made throughout, including:</p> <ul style="list-style-type: none"> • With immediate effect Equality Impact Assessment forms to be included as appendix in all new and revised policies. • Shorter, clearer narrative. • Changes to some roles and responsibilities. • Clearer steps and forms to conduct the analysis. • Appendix 1 - 4 updated and re-designed. 	Dawn Jarvis
Version 2	June 2012	<p>Please read in full – changes made throughout.</p> <ul style="list-style-type: none"> • Title change • Introduction updated • Purpose updated • Duties and responsibilities is a new section • Procedure updated • Training/Support is a new section • Monitoring Compliance is a new section • Definitions is a new section • Appendix 1 - 3 updated and re-designed 	Christine White
Version 1	July 2009	<ul style="list-style-type: none"> • This is a new policy and should be read in full. 	Janette Bailey

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1 INTRODUCTION

Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust are committed to shaping services around the needs and preference of patients, their families and carers, and eliminating inequalities in patient experience and health outcomes.

The public sector equality duty, which forms part of the Equality Act 2010, stipulates that public authorities are required to have due regard to;

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act,
- Advance equality of opportunity between people who share a relevant protected characteristic (Section 4.1) and people who do not share it and,
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

When making decisions that can impact on any Trust policy, strategy, function, project or service an equality analysis must be conducted to understand the effect on people with different protected characteristics (see Section 4.1). This practice will assist in our efforts to eliminate all forms of discrimination and promote equality.

Please note the change in responsibilities for clearance (see section 3.2).

2 PURPOSE

Undertaking Equality Analysis in respect of the nine protected characteristics is a legal requirement under the Equality Act 2010 and the public sector equality duty.

Equality Analysis involves using good quality information and analysis, at the right time, as a fundamental part of our decision-making processes.

Equality Analysis is a process of systematically analysing a new or existing policy or strategy to identify what effect - or likely effect - will follow as a result of the implementation of a policy or strategy and whether this will have a different or detrimental impact for different groups within the community. It can also be used as a mechanism for analysing the impact of a whole service or one aspect of the service. Equality Analysis should be carried out in relation to service delivery as well as employment policies and strategies.

Equality Analysis is concerned with anticipating and identifying the discriminatory, negative consequences for a particular group or sector of the community because of the nine protected characteristics. Equality analysis ensures individuals and teams think carefully about the likely impact of their work on individuals or groups and take action to improve services, policies, strategies and projects.

The final output of Equality Analysis is the completion of an Equality Impact Assessment form (see Appendix 3 and 4). This process enables counter measures to be taken, which eliminate, minimise or balance any discriminatory or negative consequences identified by the analysis. The key purpose is to help identify discrimination, adverse impact and any gaps in service provision.

3 DUTIES AND RESPONSIBILITIES

3.1 The Chief Executive

The Chief Executive has overall responsibility for ensuring the Trust meets all its legal requirements in relation to the Equality Act 2010. Duties may be implemented through Executive Directors, Care Group Directors, General Managers, Heads of Nursing, or Departmental Managers.

3.2 Managers and Decision Makers

All completed Equality Impact Assessment (EIA) forms must be attached to the policy they relate to and checked by the group that ratifies each policy. If an EIA has been completed for a service change, a strategy or other project, the group that ratifies those changes is responsible for checking and signing off the EIA too. Each manager that is responsible for ensuring decisions are reached is responsible for making sure that they complete and store each EIA with the decisions for that project, policy, strategy or service change.

3.3 Equality and Diversity Lead in People and OD

The Trust lead for Equality and Diversity will be responsible for reviewing this document in line with the published review date, and for carrying out a bi-annual random check of decision documentation to ensure that EIAs are being completed, are of a good standard and are stored with other decisions.

3.4 Corporate Investment Group (CIG)

The CIG approves all major expenditure projects and new services by considering proposals in the form of business cases. One element of these business case is an Equality Impact Assessment.

3.5 The Policy Approval Group and the Workforce and Education Group (WEC)

The Trusts Approved Procedural Documents Group oversees the development of policies and procedures and will seek assurance from authors that equality analysis has been conducted. The Workforce and Education Group (WEC) will ensure that all Employment policies and developments are subject to equality analysis via the production of a completed EIA form and quality-assure the EIA's submitted. The WEC is a sub-group of the Management Board.

3.6 Others

Policy writers, service designers and other members of staff who are involved in producing policies, functions, services, projects and strategies must complete an Equality Analysis in line with the guidance in this document.

4 PROCEDURE

4.1 Protected Characteristics

The Equality Act 2010 applies to all organisations that provide a service to the public or a section of the public (service providers). It also applies to anyone who sells goods or provides facilities. It applies to all our services, whether or not a charge is made for them. The Act protects people from discrimination on the basis of 'protected characteristics'.

The relevant characteristics for services and public functions are:

- age
- disability
- gender
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race - this includes ethnic or national origins, colour and nationality
- religion or belief and;
- sexual orientation

The equality analysis process is therefore aimed at assessing the impact of policies, strategies, functions, services or projects across the nine protected characteristic groups.

Undertaking Equality Analysis in respect of the nine protected characteristics is a legal requirement under the Equality Act 2010 and the public sector equality duty.

4.2 FIRST STEP - Prioritisation

All current services/functions/policies/projects/strategies etc. should be prioritised. Appendix 1 gives some hints/tips and Appendix 2 should be used to give a time table for review and conducting Equality Analysis. All new or changed items should be done as a matter of course on development, but existing services need a timetable for review too and each item should be reviewed every three years.

It is recommended that the prioritisation process is done in consultation with staff, and where possible, service users (prior evidence from service users may be a good source of information i.e. complaint letters).

4.3 SECOND STEP - Equality Analysis part 1 Initial Screening

This gives a score 1-4 based on the impact of the item or the change and requires you to complete the form at Appendix 3.

Gather and analyse information and consider whether some groups of people are likely to be put at a disadvantage by the policy, function, project, service or strategy. Examples of information that could prove useful include;

- relevant statistics held by the Trust or other bodies;
- consultation with users;
- staff surveys;
- personal knowledge and experience;
- relevant research and reports;
- previous consultation results;
- analysis of complaints, comments, surveys or audits;
- demographic data and other statistics including census results;
- Trust equality monitoring data; and
- specialist advice (internal and external).

The information gathered could indicate that the policy may or is unlikely to disadvantage any particular group, and you should check that all potential opportunities to promote equality have been taken. Once you have analysed your information and come up with a view based on that analysis you need to complete the form at Appendix 3 giving a score as indicated below.

Outcome 1: No major change – you have demonstrated the policy or change is robust and there is no potential discrimination and all opportunities to promote equality have been taken – **attach this to the end of the policy or to the decision papers for other items for future reference and set a review date within the next three years.**

Outcome 2: Justify and continue the policy - other factors may exist (such as clinical targeting or financial constraints) which make it reasonable for you to decide to adopt the policy despite its adverse equality impact. Your policy does not unlawfully discriminate, or where the discrimination can be objectively justified. If your decision is challenged, you will need to be able to satisfy a court that you had due regard to the aims of the general equality duty when you reached your decision. It is therefore particularly important that you document your reasons and the information you used to reach them – **move to the third step.**

Outcome 3: Change the policy - to ensure it does not adversely affect certain groups of people, or miss opportunities to affect them positively. **This can involve taking steps to mitigate adverse impacts, or to bolster or tailor positive ones.** It is lawful under the Act to treat people differently in some circumstances, such as putting in place single-sex provision where there is a need for it. Document the reasons for this and the information you used to make this decision – **move to the third step.**

Outcome 4: Stop and remove - The policy or change shows actual or potential unlawful discrimination. It must be stopped, removed or changed – **move to the third step.**

4.4 THIRD STEP - Equality Analysis part 2 Detailed Analysis

Outcomes 2, 3 and 4 mean you need to do some more detailed work and complete Appendix 4.

The following prompts are provided to guide the Equality Analysis at this stage:

- Who is responsible for carrying out the assessment?
- What are the timescales for carrying it out?

- Who are the main stakeholders? How do we consult them?
- What data / evidence is available / needed?
- What is the aim or purpose of the function, service or policy?
- Is the relevant documentation discriminatory?
- Does the data indicate there is a differential impact for any group?
- Is there any relevant national or local best practice guidance against which the Trust could benchmark practice and outcomes?
- What new measures might prevent or minimise adverse impact?
- Is the policy intended to promote equality through positive action?
- Is there any scope for taking positive action to promote equality?
- What are the views of stakeholders?
- What are the recommendations for change arising from the assessment?
- How will the relevant groups be advised of the changes?
- What are the costs and benefits to the relevant patient group and to DBTH?
- Who will be responsible for the monitoring?
- Are there monitoring procedures already in place which will generate information? If not, what adaptations need to be made?
- What indicators or targets will be used to evaluate the effectiveness of the policy?
- How, and in what form, will the monitoring information be made available?

Once you have gone through the process in Appendix 4 you should publish the appendix with the policy or store this with the decision papers for the other items.

4.5 Service Changes – Corporate Investment Group

The Trust's service change planning processes are overseen on behalf of the Management Board by the Corporate Investment Group and currently include requirements for EIA's to be undertaken. This is confirmed on a checklist required for every business case submitted. The business case checklist confirms:

That an EIA had been undertaken.

The possible outcome as categorised in outcomes 3 and 4 as described above.

Service changes for which the outcomes are categorised as Outcome 1: No major change or Outcome 2: Adjust will be noted by the Business Support Group. Service changes for which the outcomes are categorised as Outcome 3: Continue will require the full EIA to be submitted with the business case. The Business Support Group will assess the EIA and may refer to the Management Board. Service changes for which the outcomes are categorised as Outcome 4: Stop will be referred to the Management Board.

4.6 Further Information

For more information on Equality Analysis, please contact the HR Service in People and Organisational Development Directorate. Or view the **Equality Legislation** at www.equalityhumanrights.com.

5 TRAINING/SUPPORT

The training requirements of staff will be identified through a training needs analysis. Role specific education will be delivered by the service lead.

6 MONITORING COMPLIANCE WITH THE PROCEDURAL DOCUMENT

What is being Monitored	Who will carry out the Monitoring	How often	How Reviewed/ Where Reported to
Ensure that EIAs are being completed, are of a good standard and are stored with other decisions.	Deputy Director (HR) in People & Organisational Development	Bi-annual	A percentage check on the new policies, service changes, strategies and decision documentation.
Ensure all new work/projects/services are subject to the completion of an EIA.	Corporate Investment Group	Monthly schedule of meetings	Review EIA section of all business cases submitted.
Ensure that key service developments/CIPs are subject to the completion of EIAs.	Programme Management office in Strategy & Improvement	Monthly in line with Accountability Meetings	Exception reporting.
Ensure that new or reviewed policies are subject to the completion of EIAs.	Policy Approval Group	Monthly	Group reviews all policies to ensure suitable documentation in place.
Ensure that new or reviewed employment policies are subject to the completion of EIAs.	Workforce & Education Group	Bi-annually	Group reviews all policies to ensure suitable documentation in place.

7 DEFINITIONS

CIPs	Continuous Improvement Processes
Discrimination	When a person or group is treated less favourably than somebody else in the same or comparable situation or criteria which when applied across the board and cannot be justified, leads to a detriment.
EIA	Equality Impact Assessment
Function	Activities organised by the Trust to deliver a service.
Mitigate	Make milder or less intense
Policy	Written Statement of Intent
Service	A 'product' that is received by a patient, carer or visitor
Strategy	Document setting out the long term aims and objectives for the organisation/Directorate or service, often linked to other corporate documents.

8 EQUALITY IMPACT ASSESSMENT

The Trust aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are disadvantaged over others. Our objectives and responsibilities relating to equality and diversity are outlined within our equality schemes. When considering the needs and assessing the impact of a procedural document any discriminatory factors must be identified.

An Equality Impact Assessment (EIA) has been conducted on this procedural document in line with the principles of the Equality Analysis Policy (CORP/EMP 27) and the Fair Treatment For All Policy (CORP/EMP 4).

The purpose of the EIA is to minimise and if possible remove any disproportionate impact on employees on the grounds of race, sex, disability, age, sexual orientation or religious belief. No detriment was identified. (See Appendix 5)

9 ASSOCIATED TRUST PROCEDURAL DOCUMENTS

This policy is supported by the following Trust policies:-

Approved Procedural Documents, Development and Management Process – CORP/COMM 1
Fair Treatment For All Policy - CORP/EMP 4
Equality Analysis Policy – CORP/EMP 27

10 REFERENCES

[DBTH webpage – Equality & Diversity Action and Progress](#)

[Equality and Human Rights Commission Guidance](#)

[The Equality Act 2010 and Public Sector Equality Duty](#)

APPENDIX 1 – HINTS AND TIPS

- Equality Analysis is designed to be a challenging process, but it is not intended to be over-complicated or about 'getting it right'. It is not an exact science and reviewers should take a common sense approach.
- Try to take the perspective of someone outside the Trust, such as a patient, relative or carer.
- Completing the Equality Impact Assessment form is similar to doing a risk assessment. It involves predicting and assessing what the implications of our actions are on a wide range of people with varied needs. This can be a difficult thing to do and it is not intended that individuals complete the form without the support and advice of others.
- Assessments should make use of the following:
 - The Trust's professional knowledge of the issue and/or personal experience
 - previous consultation results
 - analysis of previous complaints, comments, evaluations and monitoring
 - research, reports, library & internet searches
 - advice from internal and external specialists
- It can be difficult to assess whether there is a negative impact in areas where there is little or no information. In these cases, it is recommended to note the lack of data and move on to the next part of the form. The lack of data should not be a reason to halt the process or not complete the form. Information gaps can be addressed through future action plans.

APPENDIX 2 - CORP/EMP 27 V 4 – EQUALITY ANALYSIS PRIORITISATION REVIEW CYCLE

Care Group /Work Area	
Lead	
Date	

Some questions to help prioritise the right functions in the first instance.

Does the Service have High, Medium or Low impact?

High: Frontline – considerable power/influence over groups or individuals, possibility of differential impact

Medium – day to day contact, but is less scope/evidence of differential impact

Low – Back office, not engaged with end user, little likelihood of differential impact

Have any consultations or satisfaction surveys indicted concerns?

Have there been a large number of complaints about the service?

Is there any research evidence that indicates some groups experience the service differently?

Is there any anecdotal evidence of concern?

Has the local population or population using your service changed in any way?

Are there new groups who you haven't experienced before, who may have different needs?

Functions that are to be Impact Assessed	Reasons for Prioritising Function (inc any evidence)	Date of Impact Assessment

APPENDIX 3 - COPR/EMP 27 V 4 – EQUALITY IMPACT ASSESSMENT PART 1 INITIAL SCREENING

Service/Function/Policy/ Project/Strategy	Care Group/Executive Directorate and Department	Assessor (s)	New or Existing Service or Policy?	Date of Assessment
Who is responsible for this policy? People and OD Directorate				
Describe the purpose of the service / function / policy / project/ strategy? Who is it intended to benefit? What are the intended outcomes?				
Are there any associated objectives? Legislation, targets national expectation, standards				
What factors contribute or detract from achieving intended outcomes? –				
Does the policy have an impact in terms of age, race, disability, gender, gender reassignment, sexual orientation, marriage/civil partnership, maternity/pregnancy and religion/belief? Details: [see Equality Impact Assessment Guidance] -				
If yes, please describe current or planned activities to address the impact [eg. Monitoring, consultation] –				
Is there any scope for new measures which would promote equality? [any actions to be taken]				
Are any of the following groups adversely affected by the policy?				
Protected Characteristics	Affected?	Impact		
Age	No			
Disability	No			
Gender	No			
Gender Reassignment	No			
Marriage/Civil Partnership	No			
Maternity/Pregnancy	No			
Race	No			
Religion/Belief	No			
Sexual Orientation	No			
Provide the Equality Rating of the service/ function/policy /project / strategy				
Outcome 1	Outcome 2	Outcome 3	Outcome 4	
*If you have rated the policy as having an outcome of 2, 3 or 4, it is necessary to carry out a detailed assessment and complete a Detailed Equality Analysis form in Appendix 3				
1.9 Date for next review				
Checked by:			Date:	

APPENDIX 4 – COPR/EMP 27 V 4 - EQUALITY IMPACT ASSESSMENT PART 2 DETAILED ANALYSIS

Service/Function/Policy/Project/Strategy	Directorate / Department	Assessor(s)	New or Existing Policy/Service	Date of Assessment								
<p>In which areas is the service, function, project, strategy or policy judged to result in outcome 2, 3 or 4 and does this relate to a specific protected characteristic group? Summarise issues raised at the screening stage.</p>												
<p>What relevant data is available [e.g. ethnic coding monitoring, complaints, previous consultation etc]? Does the data indicate there is a differential impact on any protected characteristic groups?</p>												
<p>Is there any national or local guidance on equality issues for this service, function, project, strategy or policy?</p>												
<p>Summarise the consultation. Who are the main stakeholders? What are their views?</p>												
<p>What are the recommendations for change arising from the assessment?</p>												
<p>Following recommendations for change, please provide any amended Equality Rating of the service/ function/policy /project / strategy</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Outcome 1</th> <th style="width: 20%;">Outcome 2</th> <th style="width: 20%;">Outcome 3</th> <th style="width: 20%;">Outcome 4</th> </tr> </thead> <tbody> <tr> <td style="height: 20px;"></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>					Outcome 1	Outcome 2	Outcome 3	Outcome 4				
Outcome 1	Outcome 2	Outcome 3	Outcome 4									
<p>What are the costs / benefits to the relevant group and to the Trust?</p>												
<p>Details of the action plan to ensure implementation, including how relevant groups will be advised of the changes.</p>												
<p>Monitoring arrangements</p>												
<p>Date for next review</p>												
<p>Checked by:</p>			<p>Date:</p>									

APPENDIX 5 - EQUALITY IMPACT ASSESSMENT PART 1 INITIAL SCREENING

Service/Function/Policy/Project/ Strategy	Care Group/Executive Directorate and Department	Assessor (s)	New or Existing Service or Policy?	Date of Assessment
Equality Impact assessment	People & OD	John Scott	Existing	15 November 2017
1) Who is responsible for this policy? People and OD				
2) Describe the purpose of the service / function / policy / project/ strategy? Equality outcomes for all patients, staff and users.				
3) Are there any associated objectives? Equality Act; NHS Constitution; Trust Strategy; contract compliance with CCG.				
4) What factors contribute or detract from achieving intended outcomes? Quality of completion.				
5) Does the policy have an impact in terms of age, race, disability, gender, gender reassignment, sexual orientation, marriage/civil partnership, maternity/pregnancy and religion/belief? No				
• If yes, please describe current or planned activities to address the impact N/A				
6) Is there any scope for new measures which would promote equality? N/A				
7) Are any of the following groups adversely affected by the policy?				
Protected Characteristics	Affected?	Impact		
a) Age	No			
b) Disability	No			
c) Gender	No			
d) Gender Reassignment	No			
e) Marriage/Civil Partnership	No			
f) Maternity/Pregnancy	No			
g) Race	No			
h) Religion/Belief	No			
i) Sexual Orientation	No			
8) Provide the Equality Rating of the service / function /policy / project / strategy – tick (✓) outcome box				
Outcome 1	X	Outcome 2	Outcome 3	Outcome 4
*If you have rated the policy as having an outcome of 2, 3 or 4, it is necessary to carry out a detailed assessment and complete a Detailed Equality Analysis form – see CORP/EMP 27.				
Date for next review:	November 2020			
Checked by:	Anthony Jones		Date:	November 2017