

## **Equality Impact Assessment (EIA) Report Form Guidance**

If you have identified the need to complete a full EIA report (via the Screening), please follow the guidance below to assist you. If you are producing a report for Corporate Management Team, Corporate Briefing, Committee, Cabinet or Council, it will not be accepted unless you have followed the EIA process.

Please note that EIAs need to be fully quality assured before agreement and this involves a number of colleagues from across the Council. While every effort will be made to respond as quickly as possible, 5 working days (at the very least) should be allowed for this process (as well as time to make any necessary amendments), to avoid any delay, particularly in relation to corporate report deadlines.

Please note – throughout this guide we will refer to functions, services, policies, procedures, strategies, plans, proposals and projects as ‘initiatives’.

Page 1 of the EIA report is a summary of the Screening Form so add the relevant information.

### **Section 1 - Aims:**

#### What are the aims?

- What are the aims of the initiative? Why is the initiative needed?
- Is it responding to an identified need/demand/outcome of consultation/engagement?
- What outcomes are you looking to achieve?
- How will you ensure that it works as it is intended?

#### Who has responsibility?

- Who is developing the initiative?
- Who will be responsible for implementation, monitoring and review?

#### Who are the stakeholders?

- Who is the initiative for? Public or staff, or both?
- Who will be affected by the initiative?
- Is the initiative aimed at certain groups of people?

### **Section 2 – Information about service users:**

- What information do you currently hold about your service users? Please remember that this does not necessarily have to be statistical data.
- What existing quantitative data is available, in-house or externally?
- What does the information tell you? Provide a brief snapshot of the relevant points. Where relevant, you can use high level population statistics, such as Census data.
- If there is insufficient information, what actions are required to address this?

There is some statistical information available on our website, which you may find useful:

<http://www.swansea.gov.uk/profiles>

### **Section 3 – Impact on protected characteristics:**

You will need to consider the impact on particular groups of service users or employees in terms of protected characteristic.

Are the impacts positive, negative or neutral? Think about issues such as those listed below and any potential barriers:

- Accessibility – not just physical access, remember:
  - Language
  - Delivery methods (e.g. on-line, telephone, location, etc.)
  - Staff involvement, availability of assistance
- Availability and accessibility of information
- Customer service
- Cultural sensitivity
- Fairness
- Dignity
- Respect

Has the delivery of the service been examined to assess if there are any indirect effects on any of the groups identified? I.e. through examination of available data such as complaints.

Do you need to consider the potential for discrimination by association or perception? This [guide](#) gives a few examples of the different types of discrimination, which are covered by the Equality Act 2010.

Remember to fully consider each group, e.g.

- For **gender** there may be considerations around gender reassignment or pregnancy/maternity, both of which are included in equality legislation
- For **age**, there may be specific issues affecting older people, e.g. consider how the initiative will affect citizens with dementia. What action can be taken to minimise adverse impact? Could the initiative contribute to the ‘age friendly’ agenda or improve the experience of getting older in Swansea? How can you ensure that the needs of older people are considered?
- Consider whether the initiative has any direct or indirect impact on **children**. Many initiatives have an indirect impact on children and you will need to consider whether the impact is positive or negative in relation to both children’s rights and their best interests.
- Cross-generational working offers a wide variety of benefits to individuals and communities. Does the initiative consist of activities or practices, which could bring together participants from different generations?
- For **disability**, remember that this doesn’t just mean wheelchair users – it could include someone who is deaf, visually impaired or has a learning disability or mental health issue.
- For **carers**, this includes anyone providing unpaid and informal care. Some examples follow, but please note that there are many other caring scenarios:
  - A child caring for a disabled parent

- An older person caring for a friend who has a mental health issue
- A young adult caring for a sibling with substance misuse difficulties
- An adult caring for an older relative who is elderly, frail or experiencing dementia.
- For **community cohesion**, remember that this is not solely a race or religion issue – it's much wider than that (for more information, see Section 5 )
- For **poverty & social exclusion**, remember issues around cost and the impact on limited incomes are significant but consideration also needs to be given to service accessibility and barriers to participation.
- We've added information on refugees, asylum seekers, gypsies and travellers on pages 8 and 9.

Equality legislation protects EVERYONE in society from discrimination so consider everyone who may access or receive a service or be affected by any changes in its operation. If you are unsure of any of these issues, contact [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk)

Remember to include the positive issues as well any negatives. For example, if you have done particular work with disabled people to ensure a service is accessible to all, and acted on the recommendations made, include the information here.

#### **Section 4 – Engagement:**

**We carry out engagement so the people who live in, work in or visit Swansea have a say in things that may affect them.**

This area is a legal requirement within EIAs so you will need to consider what activity is appropriate. Specific consultation with children is also part of the United Nations Convention on the Rights of the Child (UNCRC):

- What consultation and engagement has been done in relation to your EIA, or similar initiatives and what are the results?
  - Contact [consultation@swansea.gov.uk](mailto:consultation@swansea.gov.uk) to see what consultation has been undertaken
  - Contact [uncrc@swansea.gov.uk](mailto:uncrc@swansea.gov.uk) to see if any consultation has been undertaken with children
  - Our consultation toolkit gives you some helpful guidance if you are thinking of planning a consultation  
<http://www.swansea.gov.uk/staffnet/consultation>
- You may not have undertaken any Consultation or Engagement in relation to your EIA – don't panic! This does not stop you completing an EIA. Consultation and engagement activity can be identified as part of your report and completed as part of the EIA action plan.

## **Section 5 – Other impacts:**

We have a legal duty to:

- advance equality of opportunity between different groups,
- eliminate discrimination, harassment and victimisation and
- foster good relations.

It is therefore crucial that you consider how your initiative will affect and contribute towards achieving any (or all) of these objectives.

### **Advance equality of opportunity:**

Ensuring that equality considerations are built in at the policy development stage. Does the initiative ensure that everyone affected is treated fairly?

### **Eliminate discrimination:**

Reduce or eradicate unfairness and discrimination. Is there a possibility that different people could be (inadvertently) negatively affected by the initiative?

### **Community relations:**

- promoting equality
- supporting cross-community contact
- encouraging both mutual understanding
- acceptance of cultural diversity.

Has the initiative improved opportunities for different groups of people?

**Poverty and social exclusion:** It is important to recognise that poverty is not just about income, although it is a significant aspect. People's aspirations and opportunities are affected by a variety of different circumstances. Swansea Council recognises 3 dimensions of poverty:

- **Service poverty:** unable to, or have difficulty accessing services e.g. family support, education, health, housing, transport etc – for various reasons.
- **Participation poverty:** not being included in activities (social, cultural, leisure etc.) or in decisions/discussions/actions affecting your life. Resulting in some cases people having lower aspirations, and ambitions.
- **Income poverty:** household income less than 60% of the UK the median income (after housing costs).

**Social inclusion:** the process that is used to address these multiple issues of exclusion and to make sure that people from different backgrounds have similar life opportunities.

**Community cohesion:** what must happen in all communities to enable different groups of people to get on well together, whatever their backgrounds or circumstances. Community cohesion requires different groups to have:

- a shared future vision and sense of belonging

- a focus on what new and existing communities have in common, alongside a recognition of the value of diversity
- a strong and positive relationship between people from different backgrounds
- people from different backgrounds having similar life opportunities;
- people knowing their rights and responsibilities
- people trusting one another and trusting local institutions to act fairly.

Our communities are facing many challenges to make sure that everybody gets on well together. Some of these are:

- deep-rooted inequality where people feeling left out or isolated
- feeling of fear and distrust
- community tensions and vulnerability to radicalisation
- discrimination and hate related incidents
- the impact of divisive global politics
- changing demographics where people moving in and out of Wales
- a higher demand on public services
- a lack of community facilities and services in some rural areas
- support for Welsh-speaking communities.

<http://gov.wales/topics/people-and-communities/communities/communitycohesion/?lang=en>

**Welsh language:** Consider any effects the initiative may have on the use of Welsh. Specifically, aim to ensure that Welsh is treated no less favourably than English and that people have, and are offered, an equal opportunity to use Welsh or English in their dealings with the Council. Translating forms and information is only the first step.

To meet our legal duties, we need to focus on two main areas:

- Maximise opportunities for the Welsh language to be used
- Minimise any barriers to the use of the language.

## **Section 6 - United Nations Convention on the Rights of the Child (UNCRC):**

The UNCRC is an agreement between countries which sets out the basic rights all children should have. Almost every country in the world has signed the agreement and the UK agreed to it in 1991.

In 2013 Swansea Council became the first local authority in Europe to consider the UNCRC as part of its decision making process. The Welsh Government was the first National Government to do the same in 2011.

The UNCRC includes 42 rights given to all children and young people under the age of 18.

The 4 principles are:

1. Non-discrimination
2. Survival and development
3. Best interests
4. Participation

Although this guide contains a summary of all 42 articles some will be more relevant than others, depending on the initiative you are looking at or the department you work for. You are not expected to fully understand the entire convention and its relevance to your initiative. Colleagues within the Poverty and Prevention service will consider your EIA form in relation to the UNCRC as part of the normal quality assurance process.

The EIA form already addresses two of the principle articles (non-discrimination and participation) – the new Section 5 covers the others (best interests and survival and development).

**Direct and indirect impact – some examples:**

Some initiatives will have no impact on children e.g. day centres for older people.

**Direct Impact:** If the initiative relates to a service for children, e.g. a new school or playground.

**Indirect Impact:** this is more difficult to judge, however very often indirect impact will occur. Examples may include:

- The closure of a library or any cultural venue.
- Major road / infrastructure projects
- Any new building for community use or change of use
- Most planning decisions outside individual home applications

**What do we mean by “best interests”?**

The best interest’s principle does not mean that any negative decision would automatically be overridden but it does require you to look at how you justify the decision and how you would mitigate against the impact (in the same way as you would for any other protected group, e.g. disabled people).

- The living wage initiative would be considered as in the best interests. The initiative could potentially lift families out of poverty and poverty can seriously limit the life chances of children.
- The closure of a library or cultural building would not be in the best interests of children as it could limit their access to play, culture and heritage as outlined in Article 31.

**A final example:**

The following proposal was announced for consultation by Swansea Council in March 2014:

We would like to know what you think about our proposal to build a brand new GP surgery and Family Centre for Mayhill. The new Centre will be designed specifically to help staff provide you with the best possible health care in your community. The Surgery and Family Centre will be in one building, and will have a safe outside play area for the children and ample parking.

In this particular case a new family centre and GP surgery combined is most likely to be in the best interests of children and will directly impact on them. Further considerations could include:

- The location and design of the new centre – will there be safe access?
- Will the outdoor play area be available when the centre is closed?
- Will children be consulted on the play area and indeed on the family centre design?

You can see all 42 articles here:

<http://www.swansea.gov.uk/article/10610/UNCRC---Know-your-rights>

Further information is also available at:

<http://www.unicef.org.uk/crc?qclid=CKW8n9H5g8ICFTPJtAodcDIAkQ&ssi=1>

If you have any questions or need support to complete your EIA, please contact [uncrc@swansea.gov.uk](mailto:uncrc@swansea.gov.uk)

### **Section 7 – Monitoring arrangements:**

- How is the initiative being monitored (e.g. consultation and engagement activities, performance indicators, annual reviews, data collection on service users etc.)?
- Who is responsible for the monitoring process?
- What is the timetable?

In gathering and assessing the evidence you will identify **required actions**. They may be to gather information on your customers, eliminate discrimination or develop monitoring arrangements, etc. These actions can now be entered into the action plan template (found at the end of the EIA form) for the next 3 years.

### **Section 8 – Outcomes:**

As you fill in the EIA form, you will gather evidence/information to make an assessment on which of the following four possible outcomes apply to your initiative:

#### **Outcome 1: Continue the initiative – no concern**

The EIA demonstrates the initiative is robust; there is no potential for discrimination or adverse impact and all opportunities to promote equality have been taken. The initiative should be reviewed annually to ensure the content of the EIA is still relevant and accurate.

#### **Outcome 2: Adjust the initiative – low level of concern**

The EIA identifies potential problems or missed opportunities. Adjust the initiative via the action plan to remove barriers or better promote equality.

#### **Outcome 3: Justify the initiative – moderate level of concern**

The EIA identifies the potential for adverse impact or missed opportunities to promote equality with regard to some groups (e.g. positive action). Clearly set out the justifications for continuing with it. The justification should be included in the text box provided on the EIA form and must be in line with the duty to have due regard. For the most important relevant policies, compelling reasons will be needed.

**Outcome 4: Stop and refer the initiative – high level of concern**

The initiative shows actual or potential unlawful discrimination. In this instance, please detail the next steps / areas of concern in the text box and refer to your Head of Service / Director for further advice.

**Section 9 – Publication and monitoring arrangements:**

On completion, please follow this 3-step procedure:

1. Send the draft EIA report and action plan to the Access to Services Team for feedback and approval – [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk)
2. Make any necessary amendments/additions.
3. Provide the final version of this report to the team for publication, including email approval of the EIA from your Head of Service. The EIA will be published on the Council’s website, in line with legal requirements.

**Definitions:**

**Refugee**

“A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

The 1951 United Nations Convention Relating to the Status of Refugees

In the UK, a person is officially a refugee when they have their claim for asylum accepted by the government.

**Asylum Seeker**

A person who has left their country of origin and formally applied for asylum in another country but whose application has not yet been concluded.

**Refused asylum seeker**

A person whose asylum application has been unsuccessful and who has no other claim for protection awaiting a decision. Some refused asylum seekers voluntarily return home, others are forcibly returned and for some it is not safe or practical for them to return until conditions in their country change.



### **Economic migrant**

Someone who has moved to another country to work. Refugees are not economic migrants.

### **Gypsies and travellers**

Gypsy and Traveller communities are an integral part of 21st century Britain. Some committed, forward-looking local authorities have pioneered ways of meeting the needs of these nomadic groups to preserve their traditional lifestyle, while accessing health and education services and maintaining good relations with other communities.

In other areas, however, Gypsies and Travellers continue to be the focus of social tension with accommodation issues at the core. People living near unauthorised sites often object to developments without planning permission or where the environment is being damaged. Such concerns receive widespread coverage in local and national media.

Nobody benefits from such confrontations; least of all the Gypsies and Travellers themselves. Romany Gypsies and Irish Travellers are legally recognised as ethnic groups, and protected from discrimination by the Race Relations Act (1976, amended 2000) and the Human Rights Act (1998). In terms of health and education, they are one of the most deprived groups in Britain.

- Life expectancy for Gypsy and Traveller men and women is 10 years lower than the national average.
- Gypsy and Traveller mothers are 20 times more likely than the rest of the population to have experienced the death of a child.
- In 2003, less than a quarter of Gypsy and Traveller children obtained five GCSEs and A\*-C grades, compared to a national average of over half.

It also found that Gypsies and Travellers experience discrimination and inequalities in the following areas:

- Economic inclusion and access to employment
- Access to and experience of the healthcare system
- Social care, education and other public services, policing and the criminal justice system
- Racism and discrimination
- Domestic violence
- Interaction with faith organisations, political participation, good relations and capacity building.

“We are one community – the Travellers and our settled neighbours. We’ve all got something in common: we want our children to be healthy and educated”  
Gloria Buckley MBE, Romany Gypsy and manager of three authorised sites.