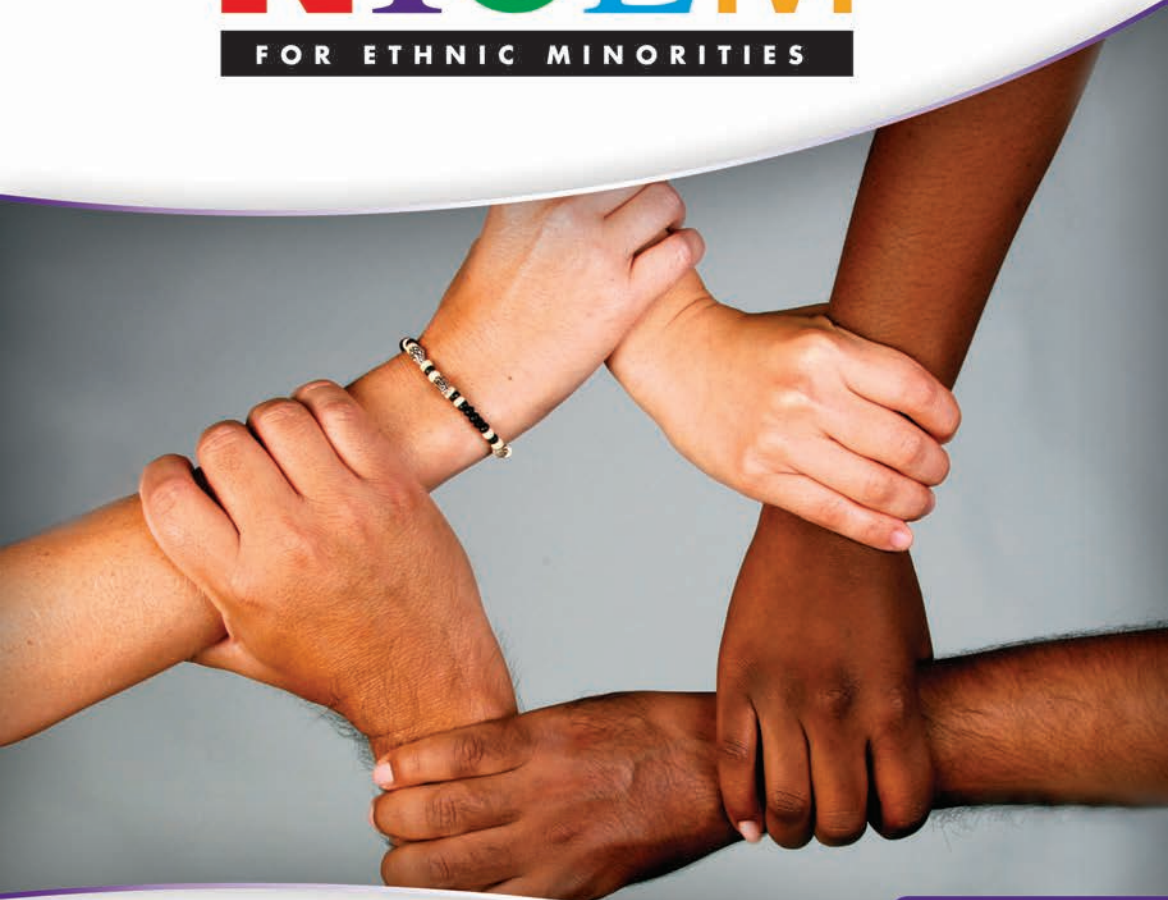


● Northern Ireland Council

N1CEM

FOR ETHNIC MINORITIES



TOOLS FOR EQUALITY IN PUBLIC
POLICY, SERVICE PLANNING AND

Decision Making

Booklet
Number

2

Human Rights and Equality
Framework Booklet Series





Understanding the effects of decisions on equality

When public authorities make decisions, they are required to understand what effect that decision will have on equality. Decisions can involve planning a new service, reviewing an old service, setting a standard for others to follow, or deciding where to employ people. Public authorities are also encouraged to look at the effect of those same decisions on good relations.

The way a public authority understands or predicts the impact of its decisions on equality is called 'equality impact assessment', which means using evidence to help make decisions, rather than what is assumed may happen. Equality impact assessments help officials show people affected what has been decided, and why; that the process is open; and that decisions can be changed if required.

Equality impact assessment examines 'policies'. This is a wide term and includes how a public authority delivers or plans to deliver its functions. Essentially, if they have decided, or say they plan to decide, on how they will do things - then there is a policy.

This process is not an end in itself – equality impact assessments must be used in making decisions, ensuring that 'due regard' has been given to equality.

This booklet explains more about what these impact assessments are and how you can use them to engage with public authorities.

Equality duties in action

ISSUE:

A hospital wants to improve the number of women who take up breast cancer screening. Their evidence shows that take-up is especially low among Polish women.

ACTION:

They translate their leaflets into Polish, and ask local shopkeepers and migrant support organisations for help in displaying the information.

IMPACT:

The hospital later monitors how many women come forward and finds a big increase in participation from all women, including Polish women, who might not otherwise have taken part.



The bigger picture

Equality impact assessment is part of the wider obligation on public authorities to think about equality and good relations in everything they do. This means that as well as looking at a specific area, the assessment can use evidence such as their audit of inequalities (which will provide evidence on relevant inequalities, see booklet 1 for more details) to understand the effect of decisions on equality.


Looking at the bigger picture also means a public authority needs to think about what should be the highest priority. How much needs to be done to meet the duties and how fast it needs to be done depends on how significant the impact of the policy is likely to be.

For example: If a higher education college finds, through monitoring data, that it has no minority ethnic students in a particular department it will want to take action. If other departments do have BME students, then the department presenting a discrepancy would be given priority attention.

What if I don't think a public authority has properly considered equality for me, my family or my community?

The first thing to do is to tell the authority concerned that you think there is a problem and ask them if they are aware of it and if they have, or plan to do, anything about it.

Tip: You can find contact details for a named person in the public authority in their Equality Scheme. They should either be able to answer your questions or put you in touch with someone who can.



The public authority may be unaware of the issue, and may be willing to fix things more quickly (any formal process will take some time). It will help if you ask them some specific questions, and be clear about what it is you think they need to be looking into.

If you think that you have been treated less favourably than others because of your ethnicity (i.e. because you are a Traveller, Polish, Jewish or Chinese, for example) then you can directly raise the issue as a matter of anti-discrimination law.

However, maybe the problem has arisen because of the way in which the public authority has decided to do things. If the problem is one of opening hours, or the criteria for using a service, or changes to the way staff are employed, then it is likely that the problem is to do with a 'policy'. In such cases, it may be more appropriate to raise the issue under the equality duties so that the policy can, if necessary, be examined and changed.

It may be that a policy is disadvantaging certain groups, for example refusing to provide an interpreter without justification or adopting a uniform policy that bans headscarves. In such cases you may want to raise both discrimination and equality duty issues.

If you are aware that a public authority is thinking about doing something (such as introducing a new service), and are concerned that it will not work for people from your community, the equality duties provide an opportunity to insist on early discussion with the community. In this way, you can help prevent problems before they even arise.



How to raise an issue

- ▶ Ask the public authority for information on how they have considered equality in deciding on the policy.
- ▶ It is useful to have an idea of what the specific policy covering your issue is, but if you do not know the exact title and details, then the public authority should be able to help you identify the right one.
- ▶ They can tell you if and how they have considered equality either through a 'screening report' or an 'equality impact assessment'. Either of these documents should tell you how equality was considered, what was decided, and why.
- ▶ Public authorities need to prioritise, and carry out equality impact assessments on those policies that are most important in terms of their impact on equality. Such priority-setting should mean that the most important issues get addressed and that the public authority can make sure it uses its resources well.
- ▶ 'Screening' is carried out to decide if the policy is high enough priority to need an equality impact assessment. Policies with the most significant ('major') impact should be equality impact assessed while those with the least significant ('minor') impact get 'screened out'.
- ▶ However, 'screening' is not meant to be just a guess. Evidence is needed to understand the potential impact of a policy and whether a full impact assessment is needed. The authorities should also consult on their conclusions and give those affected a chance to question them.
- ▶ Even if a policy has been 'screened out' the public authority still needs to consider if it can adjust or adapt the policy to reduce or remove the minor impact.



Equality duties in action


ISSUE IDENTIFIED:

A hospital knows from patient feedback that it isn't providing halal or kosher meals for patients. It concludes that the impact is minor but also easily fixed.

IMPACT OF ACTION:

When renewing the contract with the company that provides meals it requires them to make sure that it meets all dietary requirements, including those required by religious belief.

***Tip:** If there is no screening report or equality impact assessment, the public authority may have failed to meet their duties and will need to act to remedy this. If they do so, this can be a good opportunity for you to propose solutions.*



What if the response is that no equality impact assessment was done?


Even with the requirement to 'screen' policies, the policy of concern to you may not have been the subject of an equality impact assessment. The public authority may not have been aware that the policy raised issues of equality, or maybe they did not think that any issues were serious (or 'major') enough to do a full equality impact assessment.

If you disagree with the reasons given for thinking the effect of the policy is not serious enough for impact assessment, then you will need to tell them why you disagree.

Maybe you have reports that are relevant and were not considered? Or you may know about experiences from within your community that show real equality problems that the public authority was unaware of?

If you tell the public authority about this, then they should look again at their initial decision, and decide whether to carry out a full equality impact assessment, or move directly to change the policy.

Tip: *Some public authorities have mistakenly thought that where they don't have evidence of a problem this means that there are no problems with the policy. You may need to remind the authority that no evidence does not equal no impact and that they have an obligation to collect and use evidence.*



Another problem that has arisen in the past is some public authorities thinking that a policy that treats everyone the same must be fine or even required. This misunderstands the nature of equality, where sometimes a policy will need to be designed or delivered in different ways to be sure it meets the needs of different groups.



Equality duties in action

ISSUE:

A local council reviews its funding for youth groups in the area. It decides to only provide funding to groups with a minimum of 20 members and who are independent of any other organisation. This disadvantages minority ethnic youth groups, who, because of small numbers of ethnic minorities in the area, do not meet the minimum and tend to be a part of a bigger organisation.

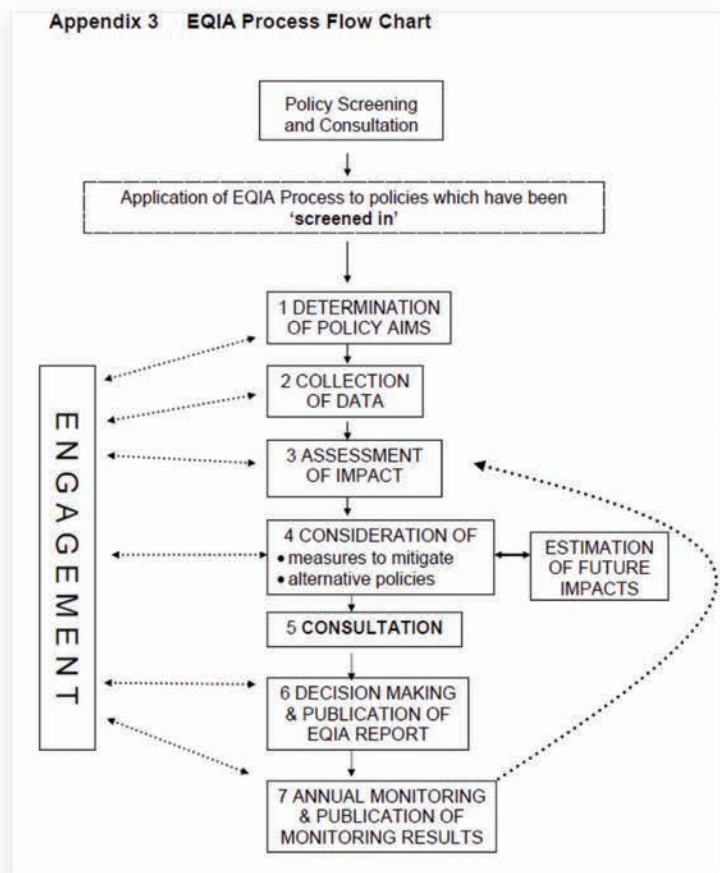
IMPACT OF ACTION:

The local council thinks this is fine because everyone is treated the same, but in fact it needs to be equality impact assessed because it means that no ethnic minority organisations are receiving funding for youth activities.


So how does equality impact assessment work?

Impact assessment involves a public authority asking itself a series of questions and making a decision on the basis of the answers.

The flow chart below gives you an overview of this 'seven step process', taken from the Equality Commission guidance on equality impact assessment, that can be found on their website.



Source: Equality Commission for Northern Ireland, Practical Guidance on Equality Impact Assessment, February 2005.



An equality impact assessment must be published and should include the following things:

WHAT IS THE POLICY AND WHAT DOES IT AIM TO DO?

(Determination of policy aims – step 1)

This part of the impact assessment allows the public authority to think about;

- ▶ the purpose of the policy,
- ▶ the context in which it will operate,
- ▶ who it should benefit,
- ▶ and what results are intended.

They can also consider if the policy aims are the right ones, or if they need to change them to promote equality better.



Equality duties in action

ISSUE: A public authority that provides services to the public is writing a new learning and development policy for its staff with the general aim of ensuring a highly skilled staff team.

IMPACT OF ACTION: A staff survey shows that many staff lack confidence when challenging racist comments by service users. This was part of the evidence that made the policy a priority for impact assessment, so it is decided to add the aim of 'providing staff with the knowledge and skills to ensure equal access to services' to the policy at the outset and include training to help staff gain skills in tackling prejudice and promoting understanding among service users.

WHAT IS THE EVIDENCE AND WHAT DOES IT SAY?

(Collection of data – step 2)

Public authorities should be collecting evidence on an ongoing basis so that they have enough relevant information to rely upon when they get to this stage. Information might include statistics on who they employ, who uses their services, academic research, research on similar areas and reports done by community organisations that show problems accessing services.

If there is no evidence immediately available about the impact of a policy then the public authority needs to make efforts to find more information. This does not mean spending lots of money to get “perfect” information, but it does mean gathering enough data to have a good idea of what the effects of a decision are likely to be.

As explained in booklet 1 of this series, public authorities are likely to have done an 'audit of inequalities'. This should mean that they have evidence which would be relevant to individual impact assessments and allows them to look at specific policies in a wider context.

Things to think about:

- ✓ Do you have or know about research that the public authority may not know about?
- ✓ Do you have reports, such as conference reports, the results of workshops with your community, etc. that may help others to understand better the needs of your community?
- ✓ What do you think the public authority needs more information on? Can you help them by directing them to issues that they should be researching further?



WHAT IS THE IMPACT?

(Assessment of impact – step 3)

This is where the public authority takes the information it has and uses it to look closely at the policy and how it affects, or could affect equality for different groups, including your community.

As with collecting evidence, this process does not have to aim at perfection. Instead, the assessment of evidence needs simply to be rational and sensible.

Public authorities cannot conclude, on the basis of a lack of evidence, that there is no impact: if there is not enough evidence to decide either way, then the public authority should be seeking more.

This will also help the public authority understand the actual effects of a policy and if it needs to take action to ensure that the needs of different groups are being met or if a 'one size fits all' approach is appropriate.

An example will be used in the next three 'equality duties in action' boxes below to illustrate how a particular issue can be addressed in different ways.

Equality duties in action

1 – Using evidence to find out about disadvantage in a local service

ISSUE:

A local council is reviewing access to its leisure centres and realises that it does not have a written policy and they do not collect monitoring data on who uses the leisure centres.

EVIDENCE:

At first it is assumed that this is fine, and anyone who wants to use a leisure centre can. However, the centre staff (when asked) say that their impression is that very few people from minority groups do use the centres.

TURNING EVIDENCE INTO ACTION:

Consultation with groups representing asylum seekers confirms that few members use them; they cannot afford to use the centres because their papers are not accepted as proof of low income.

IMPACT OF ACTION:

A Muslim women's group reports that members do not want to use the centres because there are no women-only sessions.

ARE THERE ALTERNATIVE WAYS OF DESIGNING THE POLICY?

(Consideration of alternative policies – step 4)

The public authority needs to consider if there is a better way to design the policy so that it meets the needs of minority ethnic communities and does not cause the disadvantages identified.

This can mean adapting the policy or replacing it altogether.

Equality duties in action

2 – Doing things differently

JOINED-UP APPROACH:

The local council works with the leisure centres, which decide to introduce a specific policy on access.

ENGAGING WITH COMMUNITIES:

They designate a member of staff to talk to different communities and develop an action plan on how to increase use of the leisure centre.

STAFF TRAINING:

This includes issuing instructions to staff about what can be used as proof of low income and introducing short women-only sessions in the swimming pool at different times of the week.

CAN THE IMPACT BE REDUCED?

(Consideration of measures to mitigate impact – step 4, continued)

If the policy creates problems but cannot be changed completely, the public authority is required to consider how it might reduce the disadvantage. This practice is known as ‘mitigating’.

Equality duties in action

3 – Adapting the way you work

Rather than introducing regular women-only sessions as part of the timetable...

ENGAGING WITH COMMUNITIES:

One leisure centre invites the Muslim women’s group to form a swimming club as clubs are allowed to book the pool for exclusive use on certain days.

RECOGNISING NEEDS OF COMMUNITIES:

They also offer to help them book the pool at times when there will be a female lifeguard on duty.

FORMAL CONSULTATION

(Step 5)

Once the public authority has asked itself these questions, it must formally consult with those affected and with their representatives. Consultation should last for a minimum of 12 weeks, unless there are exceptional reasons to shorten this. If you feel you have not been given enough time to respond properly, make the authority aware of this and ask for more time before the deadline.

At this point they should be able to present you with all the information they have used; this will help you understand the policy under discussion and the decisions to date.

You cannot be expected to be an expert in public policy, but you probably have expertise to offer about the practical impact of public policy. You will need to think about the right questions to ask and what information you can contribute to making the policy better.



MAKING THE DECISION AND LETTING PEOPLE KNOW

(Decision making and publication of EQIA report – step 6)

When making its decision, the public authority has to consider the impact of its policy; what it has been told through consultation; and what it has discovered about alternative ways of doing things that would result in greater equality/less inequality.

The equality impact assessment will be published by the public authority to explain publicly what decision it came to, and how it came to that decision.

While ultimately the public authority may decide to carry on with its policy even if there is a negative impact, it must explain why it chooses to do this and how it has properly considered equality in doing so.





MONITORING FOR ADVERSE IMPACT IN THE FUTURE, AND PUBLICATION OF THE RESULTS OF SUCH MONITORING.

(Annual monitoring and publication of monitoring results – step 7)

The decision is not the end of the story. The public authority has to continue to pay attention to how the policy operates in practice and make sure that what it thought would happen does take place. If the authority has taken action to reduce disadvantage, it should in particular check to make sure it worked.

Monitoring should also ensure that unexpected impacts can be identified. Most public authorities have, in their Equality Schemes, committed to monitor more broadly to identify opportunities to better promote equality of opportunity and good relations.

Most public authorities have also committed to revise policies where the monitoring shows that the effects of the policy are worse than expected, or where it shows unexpected potential to improve equality.

This means that it is very important that enough data is collected so that the public authority can really understand the effect of the policy. If this is not done properly, public bodies may have to reverse decisions already taken, or revise policies that have already required a lot of work (and staff and financial resources) to implement. It is better for everyone if things can be done right from the start.

Tip: *You can help public authorities work better for everyone in Northern Ireland by working with them at an early stage to really improve public policy, service planning and decision-making.*



To find out more about any of the information contained in this leaflet
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NOTICE

This booklet is intended to explain how the law works in practice. It is not however a legal document and many of the terms have been simplified for easier understanding.