

## Impact Assessment Guidelines

### Introduction

“Impact Assessment is a systematic way of finding out whether a policy affects (racial) groups equally. Authorities can use it to take account of different needs and experiences, and to:

- achieve better results generally;
- identify actual and potential inequalities, and;
- respond as necessary to those inequalities.”

[Commission for Racial Equality]

In the same way organisations are required to carry out Risk Assessments to ascertain whether any potential health and safety hazards exist, an Impact Assessment is a risk assessment of inequality and discrimination, to ascertain whether different groups of people are disadvantaged by a policy.

In carrying out a health and safety risk assessment, if a risk is identified, reasonable action should be taken to minimise or remove that risk. Action may involve modifications to the working environment, guidelines, or providing training to employees. In the same respect, if an assessment of a policy identifies that a group (e.g. racial group) is unreasonably and disproportionately disadvantaged, action should be taken to revise that policy in order to minimise or remove inequalities.

*For example*

In employment: If a job description states that a potential employee **MUST** have a specific UK based qualification, this may disproportionately disadvantage people from Ethnic Minorities who may have obtained qualifications overseas. However, if there is a legal requirement for an organisation to ensure a post-holder has a specific UK qualification, it may be reasonable to not make any adjustment. If this is not the case, the wording of the job description and recruitment selection activities should be revised.

In service provision: Library Scenario - As one of the policy options to balance the budget, a Council is proposing to close and sell off one of its five libraries. The library selected is on the most valuable site and will yield the highest return on the market. It is also known to be least used by residents, and is in the heart of a recognised ethnic minority community. In closing the library, the local community may be directly disadvantaged.

An authority must consult with the community and investigate alternatives. It may be that, following consultation and assessment, the library may still have to close because of funding, and keeping it open would be an unreasonable burden of cost for the authority. However, in consulting with the community, reasonable alternatives may be found – for instance, the library is under used and the consultation may highlight the need for other preferred facilities to be considered locally, such as selling the site for the development of leisure facilities or shops and cafes – whatever is preferred by the local community. ©

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## Who carries out the Impact Assessment?

Impact Assessments should be carried out by Managers or Policy Officers/Advisors. The person or group of people carrying out the Impact Assessment should (individually or collectively) have the following competencies:-

- Understanding of and commitment to equal opportunities and anti-discriminatory practice.
- Up to date, general knowledge of equal opportunities legislation and its implications.
- Analytical thinking: Ability to collate and analyse information from different sources.
- Good knowledge of the function, its policies and practices.
- Ability and authority to make judgements on which to prioritise and take action.
- Knowledge of performance indicators and other Council performance assessment processes and planning processes.

- Knowledge of monitoring and consultation processes that exist.
- Ability to be objective and critical. A willingness to admit/highlight failings or weaknesses in order to make positive improvements.

## **When to assess**

There are 2 types of Impact Assessment:-

- Existing policies and functions
- New Policies

The Council's Race Equality Scheme identifies a plan for reviewing those functions it regards as being relevant to the General Duty. Functions identified as being relevant should be assessed, as a whole, every three years.

Every new policy should undergo an assessment of its likely impact on different groups. This assessment should be carried out before and during policy development and presented to the committee responsible for final policy decision.

## **What to assess**

Assessors are required to assess policies, practices and processes (whether formal or informal) – anything that has an impact on people and the way people may be treated. This can include 'custom and practice', management decisions as well as formal written policy. Where this document refers to a 'policy' it should be interpreted in the widest sense.

When reviewing the function and existing policies, assessors should also assess how people can access the service as a whole i.e. Do front-line staff have the necessary skills and abilities to meet diverse needs of people in service delivery? Is the building accessible and welcoming to different groups? Is the service reaching out to the communities in Torbay?

At Torbay Council, assessors are required to assess their functions and policies against the '6 equality strands':-

Age, disability, gender, sexual orientation, religion/belief, race.

Where this document refers to 'groups', it is making reference to, for example:-

- Different racial groups (White, Black, Asian, Mixed, Chinese, Gypsies and travellers, etc.)
- People without disabilities and people with disabilities – physical, mental and sensory impairments
- People of different age groups (younger people, older people etc.)
- Men and women, including transsexual people and transvestite people
- Gay, lesbian, bi-sexual and heterosexual people
- People's different religions and beliefs

In addition, people should not be discriminated against on the grounds of their family circumstances/dependants and marital status (this should be taken into account when assessing the impact on gender/sexuality).

## How to assess

'Relevance' should first be assessed. If a policy has **no relevance**, it **does not need to be assessed further**.

## Relevance

1) Impact on people:-

- a) Can the policy affect people directly or indirectly?
- b) How widely is it used/applied and how regular is its usage – is it a policy that would be applied on a regular basis?

- 2) How relevant is it to all or part of the General Duty of the Race Relations (Amendment) Act 2000? Is it able/potentially able to:-
  - a) Eliminate unlawful discrimination.
  - b) Promote Equality of Opportunity.
  - c) Promote good relations between people of different groups.

### **Impact**

The 'impact' is how much a relevant policy can adversely affect different groups of people in different ways.

The Impact Assessment should challenge the assumption that policies affect everyone fairly and equally.

A critical assessment of the following should be carried out:-

- 1) Potential to be illegal.
- 2) Potential to discriminate or cause inequalities directly or indirectly:-
  - a) Is there flexibility in application of a policy or procedure? Are people treated differently in practice and why?
  - b) Is there potential that the policy does not meet the diverse needs of people, and is there the potential that the policy does not promote good relations between different groups of people (potential that what may be regarded as a benefit to one may be regarded as a disadvantage by another e.g. could a policy cause a 'flare up' of racial tension in a community)?
  - c) Are there barriers (language, format, availability) that people may encounter?
- 3) Other factors, for instance, whether a policy is imposed by law, or other government regulations. In employment, whether job criteria

is a 'Genuine Occupational Qualification' as defined in Employment Law.

### **Impact Assessment Methodology**

Assessment should be proportionate to the relevance. If the relevance is high, a full impact assessment should be carried out including consultation and monitoring. If its relevance is low, a brief critical assessment of the policy and any feedback that is available may suffice.

Methods of assessment:-

- 1) Analysing statistics (quantitative and qualitative data) produced from monitoring exercises.
- 2) Consultation with representative groups, the public or representative organisations.
- 3) Critical assessment by policy officer/managers:-
  - a) Asking - what are the aims and objectives of the policy?
  - b) Ascertaining - who will benefit and how will people benefit?
  - c) Identifying differences and looking for reasons for those differences. Assessing whether any differences could cause an unjustifiable and adverse impact on a group. May some groups benefit or be disproportionately disadvantaged to others?
  - d) Asking - are guidelines weak or strong? Are there consistent 'trigger points' which prompt an action regardless of an individual's racial group, sexuality, age etc.?
  - e) Does the policy actively promote equal opportunities, anti-discriminatory practice and good relations? What alternatives might promote better equalities?

- f) Does the policy help meet the Equalities Standard for Local Government and CRE (Commission for Racial Equality) Performance Indicators for Local Government?
  - g) Observation of behaviours.
- 4) Queries and comments received by the department, including complaints and feedback.
  - 5) Benchmarking policies with other 'best practice' organisations.
  - 6) Other relevant information available from:-
    - a) Corporate Performance Assessment and Directorate Inspections
    - b) Research and studies.
    - c) Best Value reviews and Performance Indicators.
    - d) Scrutiny Committee reports.

**Prioritisation of Actions for existing policies/functions**

Actions should be proportionate and prioritised according to relevance and impact.

<b>Relevance</b>	<b>Impact</b>	<b>Overall priority for actions</b>
A High	(Adverse Impact) 1 High	As a combination:- High (A1, A2, B1)
B Medium	2 Medium	Medium (B2, C1)
C Low	3 Low	Low (A3, B3, C2, C3)
No relevance – no assessment required		
No impact - no further action required		

Action plans should also be streamlined with other priorities such as department priorities, Best Value priorities, wider Council priorities and objectives (for instance, building alterations in respect of Disabled service users) and annual budget allocation.

## **Submitting a Completed Impact Assessment**

The Council is required to publish the results of reviews and assessments to show its commitment to promoting equality.

Summary Impact Assessments will be made available to the public.

The report should be in plain English, jargon and acronym free. Any 'terminology' should be explained, where possible.

Managers and policy officers presenting reports should expect to be questioned about methods used to gather information and draw their conclusions. Action plans will also be monitored.

## **Existing Policies and Function Reviews**

The completed Impact Assessment (existing policies and overall function review) Forms should be forwarded to the Corporate Policy Team. Any supporting documentation, such as monitoring statistics, which were used on which to base a judgement, should be attached as an appendix. Confidentiality of individual employees and service users should be protected.

## **New Policies**

The completed Impact Assessment (new policies) form should be attached to any Briefing Note or the Committee Report, provided to the Council, the Executive or Senior Management Team responsible for agreeing final policy decisions.