

EQUALITY IMPACT ASSESSMENT

Guidance Notes



**Lancashire
Constabulary**

police and communities together

These notes should be read when you are completing a Equality Impact Assessment.

A Equality Impact Assessment is required when you are:

- **Developing policies or Procedures**
- **Implementing Policies or Procedures**
- **Reviewing Policies or Procedures**
- **Setting Budgets**
- **Making Public Appointments**
- **Managing Premises**
- **Designing and Delivering Services**
- **Commissioning and Procuring Goods and Services**

Which may impact on the way Lancashire Constabulary conducts it's business and which may affect one or more of the 'Protected Groups'.

Legislation

A Equality Impact Assessment (EIA), previously referred to as an General Equality Duty Assessment (GEDA), is a risk assessment process to ensure that public sector organisations, including Lancashire Constabulary are compliant with certain legal responsibilities they have under equality legislation.

The public sector equality duty consists of a general equality duty, which is set out in section 149 of the Equality Act 2010 itself, and specific duties which are imposed by secondary legislation. Those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- **Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.**
- **Advance equality of opportunity between people who share a Protected Characteristic and those who do not.**
- **Foster good relations between people who share a Protected Characteristic and those who do not.**

These are sometimes referred to as the three aims or arms of the general equality duty. The Act helpfully explains that having due regard for advancing equality involves:

- **Removing or minimising disadvantages suffered by people due to their Protected Characteristics.**
- **Taking steps to meet the needs of people from Protected Characteristic Groups where these are different from the needs of other people.**
- **Encouraging people from Protected Characteristic Groups to participate in public life or in other activities where their participation is disproportionately low.**

The Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding

between people from different Protected Characteristic Groups. It states that compliance with the duty may involve treating some people more favorably than others.

The equality areas (now known as Protected Characteristics) that must be considered are:

- Age
- Disability
- Gender
- Gender Reassignment
- Marriage and Civil Partnership (see below note)
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sexual Orientation

For marriage and civil partnerships only the first part of the General Duty applies (to eliminate unlawful discrimination, harassment and victimisation)

Guiding Principles

In the same way that organisational processes are considered for the potential Health and Safety implications or operational risk, a Equality Impact Assessment (EIA) is a process for considering and assessing organisational risk specifically in relation to meeting the requirements of specific equality legislation. The aim of the EIA is to ensure that when Lancashire Constabulary are developing, implementing or reviewing policies or procedures, setting budgets, making public appointments, managing premises, designing and delivering services or commissioning and procuring goods and services which may impact on the way we conduct our business we take into account the needs of protected characteristic groups.

It is the responsibility of the owner of the policy or piece of work to conduct the EIA as they will understand the area of business and be best placed to identify those Protected Characteristic Groups who may or may not be affected.

Undertaking the EIA

You will initially need to identify what the core aspects of the policy, procedure, decision under consideration are. The questions you should be considering are:

- What is the overall purpose of the policy, procedure or decision under consideration, including its aims and objectives?
- What are the organisational drivers for developing, amending this policy, procedure or decision under consideration?
- Is it likely that this policy, procedure or decision under consideration will impact internally only or will there be external service delivery impact?

Development and Consultation

Lancashire Constabulary is duty bound to make the best assessment of equality risk that it can. As such the EIA should be based on evidence and facts. Evidence can come from a broad range of sources for example:

- Association of Chief Police Officers (ACPO)
- Police Authority (from 22/12/2012 Police and Crime Commissioner)
- Public Consultation Surveys
- Staff Surveys

- Strategic and Divisional Independent Advisory Groups (IAG)
- Key Individual Networks (KINs)
- HMIC Inspection Reports
- HQ Equality and Diversity
- Divisional Equality and Diversity
- Police Federation
- Unison
- Staff Support Networks (Lancashire Black Police Association, LGBT Staff Network, Women's Network, Disability Support Network, Christian Police Association)
- Protected Groups (consider the wider audience within these groups e.g. Disability with Sensory Impairment, Mental Health etc)
- Professional Standards – Complaints
- British Crime Survey
- Open Source

The above list isn't exhaustive but gives a basis for the sort of areas you should consider as part of your consultation.

Where evidence does not exist Lancashire Constabulary must try to gather relevant information in order to undertake the EIA. Ideally the EIA should be part of the policy, procedure or decision under consideration and should be reviewed and revised as the work is progressed.

Where the likely impact is on the delivery of services to the public the evidence gathering process should include the public from those Protected Characteristic Groups. This is relative for both positive and negative potential impact as we need to ensure that negative impact can be minimised and that communities agree with our EIA of the positive impact.

If during the EIA process you identify potential impact on certain 'Protected Characteristic Groups' and the Constabulary is already engaging with people from those 'Protected Characteristic Groups' through PACT, Community Meetings, Safeguarding Work or other routine engagement there is no requirement to arrange special consultation events, you can simply feed in existing information.

If however your usual engagement process does not include these 'Protected Characteristic Groups' you will need to consider how you will engage with them and get their perspective on the new policy, procedure or decision under consideration.

On occasions there may be clear potential to impact on 'Protected Characteristic Groups' that specific consultation with these protected groups MUST be undertaken regardless of how good day to day engagement is.

Knowledge and understanding of the demographics of local communities and the establishment of good community contacts are essential aspects of undertaking a meaningful EIA.

Assessment of Impact

Based on your data and evidence gathering process you need to identify areas of potential impact by considering the General duties and the 'Protected Characteristics' in combination. If you ask yourself the question "Could this policy, procedure or decision under consideration impact on the General Duty to promote equality of opportunity?" it can be relatively easy not to see any relevance or impact if your questioning is not detailed. If you ask the same question and combine it with each General Duty and each Protected Characteristic the picture may begin to look different for example:

- Could this policy, procedure or decision under consideration impact on the General Duty to promote equality of opportunity for people of different faiths?
- Could this policy, procedure or decision under consideration impact on the General Duty to eliminate unlawful discrimination and harassment for people with disabilities?

- Could this policy, procedure or decision under consideration impact on the General Duty to promote good relations between people of different racial groups?

You need to be aware that even when dealing with specific 'Protected Characteristic Groups' the area for consultation could be different even within that group, for example the impact of a particular policy, procedure or decision under consideration on a wheelchair user or a person with a mobility scooter could be very different to the impact on someone with mental health impairment or a learning disability, the same way that someone who lives and works independently with a 'hidden' condition may have no issues whereas someone with severe disabilities living in assisted living may have lots of challenges to deal with.

Confidence and Satisfaction

If you have identified that your policy, procedure or decision under consideration will or may have a **Negative Impact** on meeting any of the general duties or for one of the 'Protected Characteristic Groups' then you need to consider whether this may have any impact on public confidence and satisfaction, particularly amongst any of the 'Protected Characteristic Groups'. It may also be appropriate to show how there maybe conflict between meeting the needs of one group versus another i.e. that the introduction of a particular policy, procedure or decision under consideration may have a differential negative impact on one group but to not introduce it would have a differential negative impact on a different group.

Mitigation and Monitoring

Where negative impact is identified there is a requirement to consider whether the impact can be mitigated in any way. Mitigation may, in extreme circumstances, include not implementing the policy, procedure or decision under consideration, however this is unlikely. A more common outcome will be the need to amend certain aspects of it.

On occasions negative equality impact which is reasonable and proportionate maybe identified and when this is actually considered along side all potential risks it is apparent that to not implement the policy, procedure or decision under consideration would impact on operational, organisational efficiency or cost efficiency and could be a greater overall risk than the equality issues. In these circumstances the wider risk and mitigation must be clearly outlined in the EIA form.

In some circumstances non implementation of a policy, procedure or decision under consideration due to identified negative impact on one or more group may actually cause a detriment to other groups or the wider community. In these circumstances the EIA process has fulfilled its role as it has been used to identify risk and impact in the specialist area of equality and diversity which has ensured that the decision maker or policy writer has as much information as possible to make informed decisions. They can then decide whether to implement the policy, procedure or decision under consideration.

If you require any further information on the Equality Act or completing a Equality Impact Assessment you should make contact with the Local Policing Unit on [REDACTED]