

Please could you provide:

1. Equality Impact Assessment Template
Yes, a copy is attached. There are plans in place to review and update the template in light of the Progress with Unity work, this will be completed by September 2024
2. Equality Impact Assessment Guidance supporting the template
Yes, a copy is attached. There are plans in place to review and update the Guidance in light of the Progress with Unity work, this will be completed by September 2024
3. Copies of any training materials supporting EIA delivery
Our in-house e-learning EDI modules are interactive for staff to use and learn from. The training operates within a wider system therefore unfortunately we are unable to share the E-Learning materials.

Wigan Council Equality Impact Assessment

Introduction

When you start to develop a strategy or project you will need to assess the impact that this may have on equality. This equality impact analysis needs to provide elected members with sufficient information to enable them to pay “due regard” to the general equality duty before they reach a decision about a strategy or project.

This guidance explains what the general equality duty is and what action needs to be taken to pay “due regard” This guidance also provides a template of the equality impact assessment template which you will need to complete. This assessment should be done **before** a decision is made, and a written record is important for demonstrating compliance.

The General Equality Duty

In the exercise of their functions, public authorities must have “**due regard**” to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Equality Act 2010 (‘the Act ‘)
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and
- Foster good relations between persons who share a relevant protected characteristic and those who do not share it

Advancing equality of opportunity means:

- Removing or minimising disadvantages
- Meeting needs
- Encouraging participation where this is low and/or addressing under-representation

Fostering good relations means:

- Tackling prejudice
- Promoting understanding

Paying “Due Regard” to the General Equality Duty

The Act does not identify what is meant by the requirement to “have due regard “. In order to approximate a definition of what it means it is necessary to look at case law. The “due regard” required is very high when a decision is being made which may affect large numbers of vulnerable people, many of whom may fall within one or more of the protected groups. What is due regard? It is the regard that is appropriate in all the circumstances.

What does this mean for the decision maker?

1. One of the leading cases is R (Brown) v Secretary of State for Work and Pensions [2008] EWHC 3158 which established six principles, known as the “Brown Principles”:

- There should be a proper analysis of all the relevant material and an appreciation of the duty to have due regard.
- Regard should be had to the duty to have due regard before, and at the time, a particular policy is considered. It should not be a box-ticking exercise but should be a process integrated in the decision –making process.
- The duty is non-delegable and will always remain the responsibility of the body subject to the duty.
- The duty is a continuing one.
- The duty should be reconsidered if new information comes to light and adequate records should be kept of the consideration and decision –making processes in order to demonstrate that the equality duties have been undertaken conscientiously. If the relevant general equality duty is not mentioned, it does not mean that the duty has not been performed ,however,it is good practice to refer to the duty and any considerations under it to avoid future legal challenge.

2. In *Bracking v Secretary of State for Work and Pensions* [2013] EWCA Civ 1345 the Court of Appeal approved ‘the Brown Principles’ as well as setting out some additional principles that are relevant for a public body in fulfilling its duty to have “due regard” to the aims set out in the general equality duty. These principles are that:

- The equality duty is integral and Important part of the mechanisms for ensuring the fulfilment of the aims of anti- discrimination legislation.
- The duty is upon the decision –maker personally. A body must assess the risk and extent of any adverse impact and the ways in which such a risk may be eliminated before the adoption of a proposed policy.

The Act brings race, disability and gender together into a single duty, and extends protection to also cover age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment (in full). With regard to marriage and civil partnership, protection is provided in employment and vocational training only. The aim of the general equality duty is for public bodies to consider the needs of all individuals in their day-to-day work, in developing policy, in delivering services, and in relation to their own employees.

The public sector equality duty protects people from discrimination on the basis of certain characteristics which are known as protected characteristics. There are nine protected characteristics:

- age,
- race
- disability,
- gender reassignment,
- marriage or civil partnership,
- pregnancy and maternity,
- religion or belief,
- sex,
- sexual orientation.

Details of each of the protected characteristics are provided in Appendix 1.

In addition to the nine protected characteristics, Wigan Council also consider the equality impact on the following four characteristics:

- carers,
- forces personnel,
- socio economic disadvantage, and
- Looked after children and care leavers,

when undertaking an equality impact assessment.

Undertaking an analysis of the impact that a strategy or project may have on equality.

An Equality Impact Assessment needs to be completed when decision-making, in the design of policies and in the delivery of services, including internal policies, and for these matters to be kept under review. A template is provided in Appendix 2. The completed Equality Impact Assessment should be attached to the Cabinet Report.

Undertaking an equality impact analysis involves:

- describing the purpose of the decision (e.g., strategy/project/change to service) and the needs that it is designed to meet.
- identifying who should be involved in the equality impact analysis (stakeholders, the people potentially impacted).
- engage your stakeholders, people with lived experience and those potentially affected at an early opportunity.
- assessing the positive and negative impact of the decision has on the nine protected characteristics plus the locally adopted four characteristics.
- state the main conclusions from the analysis and list your recommendations.
- consulting your stakeholders on the main findings and conclusions of the equality impact analysis.
- producing an Impact Analysis Action Plan. A template for this Action Plan is included in this Guidance. Details of this Action Plan should be included in your Service Delivery Plan.
- Implement and monitor your Impact Analysis Actions.

To conduct the analysis, you will need to gather the existing information available to you, which will enable you to identify whether your proposed strategy/project may give rise to a discriminatory outcome or unmet need.

Examples of some of this information are:

- [Key demographic data \(such as Census information\)](#)
- [State of the Borough](#)
- The findings of key evaluation and research exercises, customer insight initiatives, service reviews and recent inspections.
- An equality profile of your customers, i.e., information on which groups use or receive your service and information on those who do not use or receive your service but may wish to do so etc.
- [Consultation information.](#)

- Service level questionnaires, complaints data, feedback from customers, frontline staff, stakeholders and key partners, and national surveys, such as MORI polls.
- [Engagement insight](#).
- Information on how the community is informed of the service, whether the service is targeted at a particular group/community, the different formats and languages in which this information is provided, how the users access the service and how the service take-up is evaluated; and
- Service outcome information, such as what they are, how they are measured, what is done with the information collected, how it is used in the service planning process, what evidence is there of service improvement.

Further information and advice on the above can be obtained via the Joint Intelligence Unit <http://thehub/OurCouncil/Internal-services/JIU/index.aspx>

During your analysis you need to state the relevant data which you have considered and state if you identified any gaps in the data and what mechanisms have been put in place to close the gaps. To assess the impact that the strategy/project has on equality for different groups or communities, you should consider the following questions:

- Is there any evidence of, or potential for unequal outcomes or disadvantage?
- Are there, or could there be barriers to accessing the service? E.g. language, physical access etc.
- Is there any evidence of unmet needs or potential that needs will not be met?
- Could the strategy/project encourage greater participation by a particular group or community where this is low?
- Could the strategy/project be developed to further foster good relations between different groups/communities?

Support available.

██████████ in Policy and Programmes is one of our internal equality contacts, please contact ██████████ if you have any questions.

Draft Equality Impact Assessments can also be taken to our Equality, Diversity and Inclusion Steering Group, when there is availability. The group is a coalition of public, community and voluntary groups and organisations from a wide range of communities of experience across Wigan. Established to tackle inequalities and ensure a fair and inclusive borough, through collaboration.

An Equality and Diversity training module can be found on the MeLearning platform.

Please send completed Equality Impact Assessments to ██████████ so they can be added to the Equality Impact Assessment library.

APPENDIX 1

The Protected Characteristics defined in the Equalities Act and the additional three characteristics adopted by Wigan Council.

| Protected Characteristic | Definition and link to EHRC |
|--------------------------------------|--|
| Age | A person belonging to a particular age (for example 32-year-olds) or range of ages (for example 18- to 30-year-olds). Click here to see what the Equality Act says about age discrimination . |
| Disability | A person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities. Click here to see what the Equality Act says about disability advice and guidance |
| Gender reassignment | Proposing to undergo, undergoing, or having undergone a process to reassign your sex. To be protected from gender reassignment discrimination, you do not need to have undergone any medical treatment or surgery to change from your birth sex to your preferred gender. Click here to see what the Equality Act says about Gender reassignment discrimination |
| Marriage or civil partnership | Marriage is a union between a man and a woman or between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act). Click here to see what the Equality Act says about marriage and civil partnership discrimination |
| Pregnancy and maternity | Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because they are breastfeeding. Click here to see what the Equality Act says about pregnancy and maternity discrimination |
| Race | Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. Click here to see what the Equality Act says about race discrimination |

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|---|---|
| Religion or belief | <p>Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.</p> <p>Click here to see what the Equality Act says about religion and belief in the workplace</p> |
| Sex | <p>A man or a woman</p> <p>Click here to see what the Equality Act says about sex discrimination</p> |
| Sexual orientation | <p>Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.</p> <p>Click here to see what the Equality Act says about sexual orientation discrimination</p> |
| Armed forces personnel | <p>Serving and ex-serving members of the Armed Forces. Reservists and any immediate family members of any of the serving, ex-serving and reservists. Also, war widow and registered Carer of any of the above</p> |
| Carers | <p>A carer is anyone who cares, unpaid, for a friend or family member who due to illness, disability, a mental health problem or an addiction cannot cope without their support.</p> |
| Socio economic disadvantage | <p>A person living on a low income compared to others, with little or no accumulated wealth, leading to greater material deprivation, restricting the ability to access basic goods and services leading to further negative outcomes such as social exclusion. Using the measure of The Indices of Multiple Deprivation.</p> |
| Looked after Children and Care Leavers | <p>Definition to be agreed</p> |

APPENDIX 2

Through The Deal, we celebrate diversity and promote equality both within our local communities and within our workforce by viewing and treating difference as a source of great strength. When we build services, we ensure they are built around residents and their families. When changing or introducing services or policies we need to ensure The Deal Principles are at the heart of our planning

The Deal Principles

- Different Conversations
- Empowered communities
- Fairness and inclusive
- Core behaviours
- Working together
- Freedom and permission to innovate

| | |
|--|--|
| Service: | Section: |
| Responsible Officer: | Name of strategy or project assessed: |
| Date of Assessment: | |
| Officers Involved: | |
| 1. What will change? | |
| <p><i>You are changing or introducing a new service, or policy use this section to: Describe the purpose of the change or new service or policy: Define what you want the service/policy to achieve:</i></p> | |
| 2. Who will be impacted by the changes? | |
| <p><i>Use this section as an opportunity to walk through the new, or updated service or policy. This will help you identify barriers in your process. It will help you understand who will benefit, by identifying who those groups are internally and externally, and how each one will be affected. This process will aid in highlighting those groups who may be disadvantaged through the changes. To do this, you can use experience and research undertaken, and include in section 3 for reference.</i></p> | |

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| 3. How will you embed the principles of The Deal in your approach? | | |
| <i>This section will highlight your approach to embedding the principles of The Deal in your project/proposal or service, this as an opportunity to show how the change you are planning will have a positive impact.</i> | | |
| 4. Are there any other documents/strategies linked to this strategy/project? | | |
| <i>Use this section to share all the information gathered that will be used in the decision-making process, including mitigation of impact for those groups who may be affected. The scale of your research will relate to the size of the change being proposed. Include all relevant information or links to evidence, research and consultation and service user data. You might consider engaging with</i> | | |
| <ul style="list-style-type: none"> • Residents (will include non-users of the service as well as potential users of the future) • Users or customers • All Stakeholders, including partner organisations, councillors, community leaders. | | |
| 5. In your assessment of the data Have any gaps in the data been identified. What action will be taken to close any data gaps? | | |
| <i>Outline any gaps in the data that are preventing you from having a full understanding of the needs of different groups and that will need to be addressed through further research or consultation.</i> | | |
| 6. Will the strategy/project have an impact on any of the protected groups? | | |
| <i>Drawing on section 4 give further details of the potential impact on any of the protected groups listed. Also drawing on</i> | | |
| Race Equality | Yes | No |
| If yes, describe how will there be an impact? | | |
| How will we ensure there will be a positive impact? | | |
| Disabled People | Yes | No |
| If yes, describe how will there be an impact? | | |
| How will we ensure there will be a positive impact? | | |
| Carers | Yes | No |

| | | |
|---|------------|-----------|
| If yes, describe how will there be an impact? | | |
| How will we ensure there will be a positive impact? | | |
| Sex | Yes | No |
| If yes, describe how will there be an impact? | | |
| How will we ensure there will be a positive impact? | | |
| Age | Yes | No |
| If yes, describe how will there be an impact? | | |
| How will we ensure there will be a positive impact? | | |
| Armed Forces Personnel | Yes | No |
| If yes, describe how will there be an impact? | | |
| How will we ensure there will be a positive impact? | | |
| Religion or Belief | Yes | No |
| If yes, describe how will there be an impact? | | |
| How will we ensure there will be a positive impact? | | |
| Sexual Orientation | Yes | No |
| If yes, describe how will there be an impact? | | |
| How will we ensure there will be a positive impact? | | |
| Gender Reassignment | Yes | No |
| If yes, describe how will there be an impact? | | |
| How will we ensure there will be a positive impact? | | |

| | | |
|--|------------|-----------|
| Pregnant or those on maternity leave | Yes | No |
| If yes, describe how will there be an impact? | | |
| How will we ensure there will be a positive impact? | | |
| Marriage or Civil Partnership | Yes | No |
| If yes, describe how will there be an impact? | | |
| How will we ensure there will be a positive impact? | | |
| Socio-economic disadvantage | Yes | No |
| If yes, describe how will there be an impact? | | |
| How will we ensure there will be a positive impact? | | |
| Looked after children and care leavers | Yes | No |
| If yes, describe how will there be an impact? | | |
| How will we ensure there will be a positive impact? | | |
| 7. What are your main conclusions from this analysis? | | |
| <i>Give an indication if the plan/policy proposed would be deliverable, whether it would need to be revised or whether the data is sufficient to assess the equalities impact.</i> | | |
| 8. What are your recommendations? | | |
| <i>What is the recommendation to the decision maker – to either approve the change etc., or approve it with mitigating plan?</i> | | |
| 9. What equality targets and actions have you set based on the findings of this assessment? Please attach an action plan including details of designated officers responsible for completing these actions. | | |
| <i>Use section 4 to help inform the action plan.</i> | | |

Signed (Completing Officer): _____ Date: _____

Signed (Assistant Director): _____ Date: _____