

UWS UNIVERSITY OF THE
WEST *of* SCOTLAND

Equality Impact Assessment TOOLKIT

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1. Introduction

- 1.1 Since the introduction of the Equality Act 2010, public sector organisations have a legal requirement to assess the impact of their decisions, policies and practices on groups who share the same “protected characteristics”, namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation (see Appendix 2 for more detailed information).
- 1.2 UWS also recognises the following groups in relation to equality impact assessment:- care experienced students, BSL users, military veterans.
- 1.3 This toolkit has been developed to support the Equality Impact Assessment (EIA) of decisions, policies and practices relating to University of the West of Scotland. It provides guidance on the following:
- What is meant by discrimination?
 - What are Equality Impact Assessments?
 - Why we need to do Equality Impact Assessments?
 - When should Equality Impact Assessments be carried out?
 - The Equality Impact Assessment Process
 - How potential impacts are identified
 - What happens when the Equality Impact Assessment Form is completed?

2. What do we mean by discrimination?

- 2.1 At a basic level, discrimination is the unjust distinction in the treatment of people because of one, or more, of their characteristics. Discrimination can happen in many ways but the main types of discrimination are known as direct and indirect discrimination.
- 2.2 **Direct discrimination** occurs when someone is treated less favourably than another person on the grounds of a having a particular protected characteristic (such as their gender).

- 2.3 **Indirect discrimination** occurs when the University applies a policy, practice or decision that applies to everyone but may disadvantage one or more groups sharing the same protected characteristic. For example, the requirement that a particular job needs to be done full time may disadvantage some female applicants.
- 2.4 Discrimination does not have to be connected to an individual's own characteristics - less favourable treatment on the basis of association or perception is also unlawful. This will apply if discrimination takes place because, for example, it is perceived that someone has a particular religious belief, or someone is associated with a friend, partner or relative with a particular protected characteristic.

3. What is an Equality Impact Assessment?

- 3.1 An Equality Impact Assessment is a way of looking at decisions, policies and practices systematically to understand any disproportionate impact and how they could potentially affect groups of people sharing the same protected characteristic.
- 3.2 The process is designed to ensure that the University is paying due regard to the needs of the diverse groups who may be impacted by decisions or actions of the University.
- 3.3 By using Equality Impact Assessments the University can demonstrate that we are considering the needs of different groups and taking effective action to promote and implement equality so we can make better decisions and develop better policies and practices based on objective evidence.
- 3.4 As well offering training about our overarching equality duties, more detailed training on Equality Impact Assessment is also available to ensure staff understand the equality impact assessment process.

4. Why do we need to do Equality Impact Assessments?

4.1 All Universities in Scotland have a legal obligation to observe both the Public Sector Equality Duty and the specific equality duties contained within the Equality Act 2010 and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

4.2 The Public Sector Equality Duty states that the University, in the exercise of its functions, must demonstrate that we have had due regard to:

- Eliminating unlawful discrimination, harassment and victimisation as well as other conduct that is prohibited by the Equality Act 2010;
- Advancing equality of opportunity between people who share a relevant protected characteristic and those who do not;
- Fostering good relations between people who share a protected characteristic and those who do not.

4.3 The University must be able to demonstrate that it has shown 'due regard' to the general duty. As recent case law has shown, due regard means we must make sure we can demonstrate that we have considered not only the likely impact but also how proportionate and relevant any strategic decision, process or policy will be in achieving a legitimate aim.

4.4 The specific duties in Scotland state that the University will also have to:

- Assess the impact of applying a proposed new or revised policy or practice against the needs of the general duty;
- In making the assessment, organisations must consider relevant evidence relating to persons who share a protected characteristic (including any evidence received from those persons);
- In developing a policy or practice, organisations must take account of the results of any assessment in respect of that policy or practice;
- Organisations must publish, within a reasonable period, the results of any assessment where it decides to apply the policy or practice in question;
- Organisations must make arrangements to review and where necessary revise any policy or practice that it applies in the exercise of its function.

5. When should Equality Impact Assessments be carried out?

- 5.1 Equality Impact Assessments should be conducted when strategic decisions, policies or practices are being considered and developed. Impact assessments should also be completed periodically to ensure that policies, practices or strategic decisions continue to have the desired effect whilst meeting the needs of the Public Sector Equality Duty. Equality Impact Assessments should also be done where evidence comes to light which suggests that discrimination may be occurring but has been undetected so far.
- 5.2 The term 'policy' is used as shorthand for any activity of the University. It should be understood broadly to embrace the full range of policies, provisions, criteria, functions, practices and activities, including the delivery of services.. Specific examples might be the proposed introduction of a new staff or student procedure, such as the staff expenses procedure or a proposal to move a programme to another campus. If you are not sure whether an EIA is needed you should contact equality@uws.ac.uk
- 5.3 Equality Impact Assessments should always be considered at the beginning of a process and NOT the end as this may result in UWS committees rejecting papers which have not carefully considered EIA in its approach. This may delay policy enactment, the implementation of decisions or the commitment of resources.
- 5.4 Understanding how your work could and does impact on different groups of people is not a separate or additional bit of work. It *is* your work. When done well, PSED compliance helps to make fairer and more inclusive decisions – which, ultimately, results in better decisions.

6. Equality Impact Assessment Process

- 6.1 Before taking a decision which has the potential to impact current or potential students, employees or visitors then you should instigate the EIA process. Equality Impact Assessments should be conducted at an early stage in the decision making or development process – this saves spending time and effort

to later discover that a proposal unfairly treats a group of people in an unlawful way. An equality impact assessment is required during decision making, developing or reviewing policies and practices, such as:

- UWS Outcome Agreement and strategic plans
- Research Excellence Framework Code of Practice
- Developing or reviewing a policy or procedure
- Managing organisational change
- Developing plans to reopen campuses following Covid-19 lockdown
- Making decisions about changing the mode of delivery of a programme of study
- Implementing new technology or apps for staff and students
- Portfolio review

This list above is not exhaustive but gives some examples of when an equality impact assessment would be appropriate.

6.2 This assessment will enable you to focus your thoughts on whether your decision, policy or practice, if implemented, will have an actual or potential impact upon a group of people sharing a protected characteristic. It will also allow you the opportunity to look at ways that the policy, practice or decision can help to foster good relations between groups and to advance equality of opportunity.

6.3 The person who is leading the work will be responsible for completing the Equality Impact Assessment form. However, they should not do this on their own and should gather evidence and consult with others who may be impacted by the decision, policy or practice (see EDI webpage for helpful contacts). As a group you should source relevant evidence that can be used to justify the considered impact of your decision, policy or practice. You should write a narrative explaining how you have reached your decision and what evidence you have used to support your position.

- 6.4 When considering whether the decision, policy or practice has or could have an adverse impact on a group of people sharing the same protected characteristic you should review the available evidence and ask yourself the following:
- Could the decision, policy or practice, if implemented, result in less favourable treatment for groups who have a particular protected characteristic?
 - Is it possible that there could be indirect discrimination as a result of implementing the policy, practice or decision?
 - What changes could be made, if any, to reduce any potential adverse impacts identified?
- 6.5 When considering whether the decision, policy or practice has, or could have, an impact on promoting or advancing equality of opportunity for a group of people sharing the same protected characteristic, you should review the available evidence and consider whether your actions:
- Remove or minimise potential discrimination
 - Meet the needs of different groups
 - Encourage the participation of particular groups
 - Take account of different people's impairments
- 6.6 When considering whether the decision, policy or practice has, or could have, an impact on fostering good relations between groups of people sharing the same protected characteristic and those who do not, you should review the available evidence and consider whether your actions:
- Tackle prejudice
 - Promote understanding between groups
- 6.7 It is likely that you may need to access data relating to current employee or student equality profiles to assist you in completing your Equality Impact Assessment.
- 6.8 This may result in consideration of the following:

Adjust the decision, policy or practice– this can involve amending the decision, policy or practice to ensure that any discriminatory practice, or barriers to achieving the promotion of equal opportunities and fostering good relations, are removed or mitigated against.

- 6.9 **Continue with the decision, policy or practice** – this means that the decision, policy or practice will not be amended despite the potential for a negative impact. It may be appropriate for the decision, policy or practice to affect groups differently if this is a proportionate means of achieving a legitimate aim. If you are considering this option, then you should clearly evidence the reasoning behind your decision and focus on why your decision will help the University to achieve its aim; why the negative impact will be outweighed by the importance and benefits of the legitimate aim; and also why there was no other reasonable alternatives to the decision, practice or process that is being recommended.
- 6.10 **Do not progress the decision, policy or practice** – if any negative impacts cannot be removed, mitigated or objectively justified as a proportionate means of achieving a legitimate aim, then the University should consider stopping the work altogether.
- 6.11 The 'legitimate aim' must represent a real, objective consideration. It is not enough that there is a legitimate aim - the action taken must also be 'proportionate'.

7. How do I identify potential impacts?

- 7.1 Potential impacts are not always easily identified. Often, we have a specific perspective which is based upon our own experiences. These experiences may often be from a 'majority' position as we do not share the same understanding of likely impact upon protected characteristics of 'minority' groups.
- 7.2 So what can we do about this? Firstly, we can try to ensure that as diverse a group of people as possible will be involved in completing the Equality Impact Assessment. This does not mean that there must be someone representing

every protected characteristic in a group, but it does mean that people should be aware of the limitations of their own perspectives and understanding. We must also be aware of how our own personal prejudices and unconscious bias can influence our perspectives and may lead us to assume things about different groups of people.

7.3 Secondly, we need to try to get as much evidence as possible that can be used to determine potential impacts. The actual evidence that is sourced will depend upon what policy, practice or decision is being considered but potential areas of evidence could come from:

- Staff iTrent data
- Student Equality dashboard
- Census information
- [Equality Evidence Finder](#)
- Scottish Government (www.scotland.gov.uk/topics/statistics)
- Equality and Human Rights Commission (www.equalityhumanrights.com)
- Scottish Neighbourhood Statistics (www.sns.gov.uk)
- Scottish Funding Council (www.sfc.ac.uk)

This list is not exhaustive and consideration should be given to specific reports by interest groups and other organisations representing different equality characteristics. The Inclusivity Champion in your School or Department may be able to direct you to sources of information. If you are unsure about potential sources of evidence, then please contact equality@uws.ac.uk

8. What happens when I have finished the Equality Impact Assessment process?

8.1 You should forward the completed Equality Impact Assessment Form to the Dean of your School or Director/Head for approval and then email the completed form to equality@uws.ac.uk

8.2 The person approving the EIA may seek advice from the EIA sub-group prior to confirming approval.

- 8.3 Once equality@uws.ac.uk has received your signed EIA form this will then be reviewed by the EDI sub-group for EIA prior to publication on the [Equality and Diversity website](#).
- 8.4 The Public Sector Equality Duty requires us to publish the results of EIA. Where issues of financial or commercial sensitivity are covered, partial, or full, publication may be withheld. The EDI sub committee for EIA will advise on publication.

Appendix 1

Equality Impact Assessment Form

Decision, Policy or Practice - new or changed	
Owner Dean, Director, Head or Executive Lead	
Who is affected?	
Purpose of the Decision, Policy or Practice It will help to ask: <ul style="list-style-type: none"> • Why are the policy or decisions needed? • What do we hope to achieve by it? • How will we ensure that it works as intended? 	
Consultation and Evidence What involvement and consultation has been done in relation to this decision, policy or procedure and what were the results? Identify what evidence is available and set it out a summary here. This includes data and evidence from involvement and consultation.	

Does, or could, the decision, policy or practice have an adverse effect on people sharing the following protected characteristics? (Please tick relevant box)			
Protected Characteristic and/or equality priority	Yes	No	Unknown
Age			
Disability			
Gender Reassignment			

Marriage or Civil Partnership			
Pregnancy and Maternity			
Race			
Religion or Belief			
Sex			
Sexual Orientation			
Others which may include:- care experienced students, BSL users, military veterans' asylum seekers, those living in poverty, those with caring responsibilities, those estranged from family.			
Details of the adverse effect and how you will mitigate this:			

Does, or could, the decision, policy or practice promote or advance equality of opportunity for people sharing the following protected characteristics? (Please tick relevant box)			
Protected Characteristic	Yes	No	Unknown
Age			
Disability			
Gender Reassignment			
Marriage or Civil Partnership			
Pregnancy or Maternity			

Race			
Religion or Belief			
Sex			
Sexual Orientation			
Others which may include:- care experienced students, BSL users, military veterans' asylum seekers, those living in poverty, those with caring responsibilities, those estranged from family.			
Details of the positive effect:			

<p>In what way does, or could, the decision, policy or practice foster good relations between people who share a protected characteristic and those who do not?</p>	
<p>Outcome</p> <p>Identify the range of options to address the impact. Remember to consider each of the general duties. There are three possible options:</p> <p>Identify the option(s) chosen and document the reasons for this</p> <ol style="list-style-type: none"> 1. Adjust the decision/policy. 2. Continue with the decision/policy. 3. Withdraw the decision/policy. 	
<p>Actions</p> <p>Please detail the actions you have taken to mitigate the impact of your decision, policy or practice(s)</p>	
<p>Monitoring and Review</p> <p>Set out the arrangements for reviewing the actual impact of a decision or policy once it has been implemented.</p>	

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EIA Owner(s) to confirm approval:		Date
EDI Consultant to confirm reviewed:		Date

Please forward your completed Equality Impact Assessment to equality@uws.ac.uk

Received by EDI Consultant	
Date:	
Reviewed by EDI sub group:	
Date:	
Publication EIA Summary Date:	

Appendix 2

Protected Characteristics

Age	A person belonging to a particular age (for example 32 year olds) or range of ages (for example 18 to 30 year olds).
Disability	A person has a disability if she or he has 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.
Gender Reassignment	The process of transitioning from one sex to another.
Marriage and 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).
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 she is breastfeeding
Religion	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.
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.
Sex	A man or a woman.

Sexual Orientation	Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.
Care-experienced Individual	'Care-experienced' refers to anyone who has been or is currently in care or from a looked after background at any stage of their life, no matter how short, including adopted children who were previously looked after. Care may have been provided in one of many different settings, such as in residential care, foster care, kinship care or through being looked after at home with a supervision requirement.
Military Veterans	A military veteran is a current or ex-service person who has served a minimum of one day in the Armed Forces: the Army, Royal Navy (Royal Marines) and Royal Air Force. This includes National Servicemen, Regulars and Reserves
British Sign Language User	British Sign Language users are individuals who use British Sign Language as their first language. British Sign Language (BSL) is a visual-gestural language, using hand gestures, movement, space and facial expression, to communicate in a three-dimensional way.
Asylum Seekers	An asylum-seeker is a person who has left their country and is seeking protection from persecution and serious human rights violations in another country, but who hasn't yet been legally recognised as a refugee and is waiting to receive a decision on their asylum claim. Seeking asylum is a human right.
Individuals living in poverty	Individuals are defined as in income poverty if their equivalised household income is below a specified threshold. The most commonly used poverty threshold is 60% of the median household income.

<p>Individuals with caring responsibilities</p>	<p>A carer is anyone, who looks after a family member partner or friend who needs help because of their illness, frailty, disability (this can be either a physical disability or mental ill health), or a substance misuse and cannot cope without their support. The <i>care</i> they give is unpaid. This care can be short or longer term.</p>
<p>Individuals estranged from family</p>	<p>Family estrangement is the loss of a previously existing relationship between family members, through physical and/or emotional distancing, often to the extent that there is negligible or no communication between the individuals involved for a prolonged period.</p>
<p>Individuals with criminal convictions</p>	<p>An individual is considered to have a criminal conviction if they have plead guilty to or been found guilty of a crime. A criminal record has information about their contact with the police.</p>

