



Public – To be published on the Trust external website

Title: Equality Impact Assessment Policy

Ref: CORP-0052-v3.2

Status: Ratified

Document type: Policy

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1 Introduction

Tees Esk and Wear Valleys NHS Foundation Trust is fully committed to ensuring that it provides fair and equal treatment to all, whether this is in the provision of Trust services or in relation to employment matters. No one should have a lesser service or a worse experience because of their difference. It is in keeping with this principle that this policy has been written.

The Equality Impact Assessment (EIA) Policy and **The Equality Impact Assessment Guidance, Ref CORP-0052-001** supports policy writers, project leads and service managers to analyse organisational change, policies, strategies, functions, projects and services in the context of assessing in so far as is proportionate and relevant, the Trusts impact on equality. The process of completing equality impact assessment is a positive process. Getting an equality impact assessment right means high quality services that are accessible, fair and meet people's needs.

This policy is critical to the delivery of OJTC and our ambition to co-create safe and personalised care that improves the lives of people with mental health needs, a learning disability or autism. It helps us deliver our three strategic goals as follows:

This policy supports the trust to co- create a great experience for all patients, carers and families from its diverse communities by:

- Outlining the trust's commitment to provide services that meet people's needs and are available and accessible to its diverse communities and that any barriers to accessing services that are identified through the process of completing equality impact assessments are removed
- Detailing the equality impact assessment process that the trust will take to ensure that its services meet the needs of its diverse communities

This policy supports the trust to co-create a great experience for all colleagues from its diverse communities by:

- Outlining the trust's commitment to ensuring that equality impact assessment process also supports staff from protected groups to ensure that they have the same outcomes and experiences as other staff.

2 Why we need this policy

Equality impact assessment helps the Trust manage its impact on equality. Having a policy and guidance in place further supports this and helps Trust staff consider equality when they make decisions that are going to impact on people from different groups.

Equality impact assessment reduces the likelihood of 'Institutional Discrimination'. This happens when the culture, policies, systems and procedures in an organisation inherently discriminate against a group or groups of people because the systems and processes are designed without taking into account the diverse needs of groups within the community in relation to their race,

disability, sex, gender identity/reassignment, sexual orientation, religion or belief, age, pregnancy and maternity and marriage and civil partnership status.

2.1 Purpose

- To support the Trust Board of Directors in their decision-making processes. Provides relevant information that enables them to consider equality before decisions are made
- To enable policy owners and service leads, etc. to manage the Trusts impact on Equality and to ensure that all of our practices are inclusive and meet people's needs
- Supports the identification of potential negative impacts. Note: Unlawful discriminatory impacts must be removed completely
- Supports the identification of positive practice and alternative approaches, which might alleviate negative impact and more effectively promote equality of opportunity and choice

2.2 Objectives

- To ensure Trust policies, strategies, functions and services etc. meet the requirements of the Equality Act 2010, with a specific focus on the Public Sector Equality Duty;
- To ensure, so far as is reasonable and practical, that the Trust makes a proactive and consistent effort to ensure that it does not discriminate in employment or in the delivery and provision of goods, services and functions;
- To support and promote fair, inclusive services that meet people's needs;
- To support and promote fair and equal treatment of Trust staff, regardless of role, grade or position;
- To further minimise the risk of litigation through legal challenge.

3 Scope

The Trust believes that a transparent and honest service provider works in collaboration with the communities it serves. The Equality Impact Assessment Policy and The **Equality Impact Assessment Guidance, Ref CORP-0052-001** supports Trust staff to analyse the impact that it's policies, strategies, functions and services etc. may have on our service users, their carers, our communities and staff.

Equality impact assessment involves assessing, (insofar as is reasonable and proportionate) the impact NHS organisations can have on health equity in our society. The Trust and other NHS organisations have a responsibility to ensure that all relevant staff are provided with appropriate training and support in relation to completing equality impact assessment.

Independent contractors are responsible for the development and management of their own procedural documents and for ensuring compliance with relevant legislation and best practice guidelines. The Trusts Equality, Diversity, Inclusion and Human Rights Team can provide support, advice and guidance to all staff completing Equality Impact Assessments.

3.1 Who this policy applies to

The Equality Act 2010 Public Sector Equality Duty Section 149(2) states that ‘A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in Subsection (1)’.

In essence this means that all Trust staff have a responsibility to uphold the principles and spirit of the Equality Act 2010 when they are at work and whenever they representing the Trust. This policy applies to all Trust staff who are writing, designing, developing or reviewing of any of the bulleted items stated in section 4 of this document

3.2 Roles and responsibilities

Role	Responsibility
Policy, strategy, function or service owner/lead (See section 4.1)	<ul style="list-style-type: none"> • Conduct EIA screening • Contact EDI & HR team when negative impact has been identified 0191 3336267 or if you are unsure • Unlawful discriminatory impacts MUST be removed completely • Review EIA's when changes are made that are more than minor or trivial • Review in line with the Equality Impact Assessment Policy and Guidance and also Governance of policies policy and Guidance for writers' procedure • Identify training need
EDI & HR Team	<ul style="list-style-type: none"> • The EDI & HR Team review all completed EIA's to ensure that any negative impact is identified. • The EDI & HR Team, work with the policy, strategy, function or service owner / lead to identify ways to reduce or remove any negative impact that may have been identified.

4 Policy

1.1. Equality Impact Assessment Screening

*An Equality Impact Assessment screening must be completed by the owner or lead for all:

- Organisational Change
- Buildings, includes - new builds, hospitals, rented premises etc.
- Policies
- Procedures
- Functions
- Strategies
- Services
- Pathways
- Codes of practice
- Guidance or guidelines
- Projects
- Business plans
- Trust Events

Please note that this is a non-exhaustive list. If you are unsure about what your responsibilities are then please contact the EDI & HR Team for further advice, contact tewv.eand@nhs.net

1.2. Identifying a Negative Impact

Should you identify a negative impact/s on any of the protected groups you **must** contact the EDI & HR Lead or Officer to discuss your concerns / findings etc. tewv.eand@nhs.net for further advice.

1.3. The Duty of 'Due regard'

As an NHS employee you cannot delegate your duty of 'due regard'. This means that you cannot lawfully ask another person make a decision that could impact negatively on equality in order to not have to make that decision yourself.

1.4. Review

Equality Impact Assessment will be reviewed by the owner / lead every three years in line with the guidance which can be found in the **Governance of policies, CORP-0001 and Guidance for Writers Procedure** or when there are changes made that are more than minor or trivial.

Please note; it is the owner, lead or manager's responsibility to identify when a review should be undertaken.

1.5. Context

The Trust must be compliant with the Equality Act 2010. It applies to all organisations that provide a service to the public or a section of the public (service providers). It also applies to anyone who sells goods or provides facilities. It applies to all of our services, whether or not a charge is made for them.

The Act protects people from discrimination on the basis of a 'protected characteristic' (these used to be called 'grounds'). The relevant characteristics for services, public functions and employment are:

- 149(1) – A public authority must, in the exercise of its functions, have due regard (take seriously) 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

Section 149(1) of the Act requires that the Trust demonstrates 'due regard' this means the Trust **MUST** demonstrate that it has reasonably considered its impact on equality. This is an ongoing requirement (continuous duty) and it is essential that this is done in a proactive and anticipatory way, rather than in a reactive way which is ineffective and does not evidence or demonstrate 'due regard' (reasonable consideration) of the requirements of the Act.

Conducting Equality Impact Assessments provides the Trust with the best evidence of a proactive approach. This evidence is vital should the organisation be challenged or be required to give evidence of what it has taken into consideration with regard to its impact on equality.

Protected Characteristic Groups identified in the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnerships (In employment only), pregnancy and maternity, race, religion or belief, sex and sexual orientation.

1.6. Equality Impact Assessment Guidance

Staff conducting an equality impact assessment must read **The Equality Impact Assessment Guidance, Ref CORP-0052-001** before they begin. The guidance gives staff important context that will help with their understanding of what an equality impact assessment is and how to conduct one.

5 Definitions

Term	Definition
EIA	Equality Impact Assessment
EDI & HR	Equality, Diversity, Inclusion and Human Rights

6 Related documents

- The Equality Impact Assessment Guidance, Ref CORP-0052-001
- Governance of policies policy and Guidance for writers' procedure

7 How this policy will be implemented

- This policy will be published on the Trust's intranet and external website
- Line managers will disseminate this policy to all Trust employees through a line management briefing
- The Equality, Diversity, Inclusion and Human Rights Team will provide an overview of Equality Impact Assessment on the Policy Writing Course
- The Equality, Diversity, Inclusion and Human Rights Team will provide 1:1 support and training for Trust staff that require it

7.1 Implementation action plan

Activity	Expected outcome	Timescale	Responsibility	Means of verification/ measurement
N/A already implemented				

7.2 Training needs analysis

Staff/Professional Group	Type of Training	Duration	Frequency of Training
Policy, strategy, function or service owner/lead	Equality Impact Assessment Training	50mins	As required

8 How the implementation of this policy will be monitored

Number	Auditable Standard/Key Performance Indicators	Frequency/Method/Person Responsible	Where results and any Associate Action Plan will be reported to, implemented and monitored; (this will usually be via the relevant Governance Group).
1	The EDI & HR Team review all EIA's sent through via the Policies and Procedure Department to ensure that policies and procedures have an up to date EIA.	Weekly / EDI & HR Team	N/A

9 References

[The Equality Act 2010](#)

[The Human Rights Act 1998](#)

The Equality and Human Rights Commission – www.equalityhumanrights.com

10 Document control (external)

To be recorded on the policy register by Policy Coordinator

Date of approval	17 January 2024
Next review date	17 January 2027
This document replaces	CORP-0052-v3.1 Equality Analysis Policy
This document was approved by	Policy Working Group (PWG) Joint Consultative Group – virtual (JCC)

This document was approved	15 September 2023 PWG 06 December 2023 JCC
This document was ratified by	Management Group
This document was ratified	17 January 2024
An equality Impact Assessment was completed on this policy on	11 August 2023
Document type	Public
FOI Clause (Private documents only)	N/A

Change record

Version	Date	Amendment details	Status
v3.2	17 Jan 2024	Full review with minor changes, including title change, team name changes and reference to documentation name change and new template with Journey to Change	Ratified

Appendix 1 - Equality Impact Assessment Screening Form

Please note: The Equality Impact Assessment Policy and Equality Impact Assessment Guidance can be found on the policy pages of the intranet

Section 1	Scope
Name of service area/directorate/department	Equality Diversity Inclusion and Human Rights Team – People and Culture Directorate
Title	Equality Impact Assessment Policy
Type	Policy
Geographical area covered	Trust wide
Aims and objectives	The aim of this policy is to provide additional support to Trust staff who may find themselves responsible for conducting equality analysis
Start date of Equality Analysis Screening	11 Aug 2023
End date of Equality Analysis Screening	11 Aug 2023

Section 2	Impacts
Who does the Policy, Service, Function, Strategy, Code of practice, Guidance, Project or Business plan benefit?	All staff who complete equality impact assessments
Will the Policy, Service, Function, Strategy, Code of practice, Guidance, Project or Business plan impact negatively on any of the protected characteristic groups? Are there any Human Rights implications?	<ul style="list-style-type: none"> • Race (including Gypsy and Traveller) NO • Disability (includes physical, learning, mental health, sensory and medical disabilities) NO • Sex (Men and women) NO

	<ul style="list-style-type: none"> • Gender reassignment (Transgender and gender identity) NO • Sexual Orientation (Lesbian, Gay, Bisexual, Heterosexual, Pansexual and Asexual etc.) NO • Age (includes, young people, older people – people of all ages) NO • Religion or Belief (includes faith groups, atheism and philosophical beliefs) NO • Pregnancy and Maternity (includes pregnancy, women / people who are breastfeeding and women / people on maternity leave) NO • Marriage and Civil Partnership (includes opposite and same sex couples who are married or civil partners) NO • Armed Forces (includes serving armed forces personnel, reservists, veterans and their families) NO • Human Rights Implications NO
Describe any negative impacts / Human Rights Implications	
Describe any positive impacts / Human Rights Implications	The policy will have a positive outcome as it aims to improve practices and the way we think about what we do in order to proactively reduce inequality

Section 3	Research and involvement
What sources of information have you considered? (e.g. legislation, codes of practice, best practice, nice guidelines, CQC reports or feedback etc.)	Equality Act 2010 Public Sector Duties Human Rights Act 1998
Have you engaged or consulted with service users, carers, staff and other stakeholders including people from the protected groups?	Yes

If you answered Yes above, describe the engagement and involvement that has taken place	The EDI & HR Team – ongoing feedback
If you answered No above, describe future plans that you may have to engage and involve people from different groups	

Section 4	Training needs
As part of this equality analysis have any training needs/service needs been identified?	No
Describe any training needs for Trust staff	No although training is available should staff request it.
Describe any training needs for patients	N/A
Describe any training needs for contractors or other outside agencies	N/A

Check the information you have provided and ensure additional evidence can be provided if asked

Appendix 2 – Approval checklist

To be completed by lead and attached to any document which guides practice when submitted to the appropriate committee/group for consideration and approval.

	Title of document being reviewed:	Yes / No / Not applicable	Comments
1.	Title		
	Is the title clear and unambiguous?	Yes	
	Is it clear whether the document is a guideline, policy, protocol or standard?	Yes	
2.	Rationale		
	Are reasons for development of the document stated?	Yes	
3.	Development Process		
	Are people involved in the development identified?	Yes	
	Has relevant expertise has been sought/used?	Yes	
	Is there evidence of consultation with stakeholders and users?	Yes	
	Have any related documents or documents that are impacted by this change been identified and updated?	Yes	
4.	Content		
	Is the objective of the document clear?	Yes	
	Is the target population clear and unambiguous?	Yes	
	Are the intended outcomes described?	Yes	
	Are the statements clear and unambiguous?	Yes	
5.	Evidence Base		
	Is the type of evidence to support the document identified explicitly?	Yes	
	Are key references cited?	Yes	
	Are supporting documents referenced?	Yes	
6.	Training		
	Have training needs been considered?	Yes	
	Are training needs included in the document?	Yes	
7.	Implementation and monitoring		

	Title of document being reviewed:	Yes / No / Not applicable	Comments
	Does the document identify how it will be implemented and monitored?	Yes	
8.	Equality Impact Assessment		
	Has an equality Impact Assessment been completed for the document?	Yes	
	Have Equality and Diversity reviewed and approved the equality Impact Assessment?	Yes	
9.	Approval		
	Does the document identify which committee/group will approve it?	Yes	
10.	Publication		
	Has the policy been reviewed for harm?	Yes	No harm
	Does the document identify whether it is private or public?	Yes	Public
	If private, does the document identify which clause of the Freedom of Information Act 2000 applies?	N/A	