



Guidance on Equality Check Process

Equality impact assessment (EIA) is a tool to help higher education institutions ensure that their policies, practices and decisions are fair, meet the needs of their staff and students and do not inadvertently discriminate against any protected group. The University's new EIA process is called 'Equality Check'.

Legal requirements

While equality impact assessment (EIA) is no longer a specific legal requirement in England, it is an established and credible tool for demonstrating due regard to the public sector equality duty (PSED), which is required by law. It also supports the University to understand equality issues and provides an evidence base for development of its equality objectives, which are legally required to be published every four years.

The PSED requires the University to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity
- Foster good relations

In relation to the following protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership (in employment)
- Pregnancy and maternity
- Race
- Religion or belief (including no belief)
- Sex
- Sexual orientation

Other benefits of Equality Checks

- Creating an environment and culture that is inclusive at all levels
- Supporting participation and success of all students and staff
- Supporting achievement of institutional mission, values and strategy

Carrying out an Equality Check

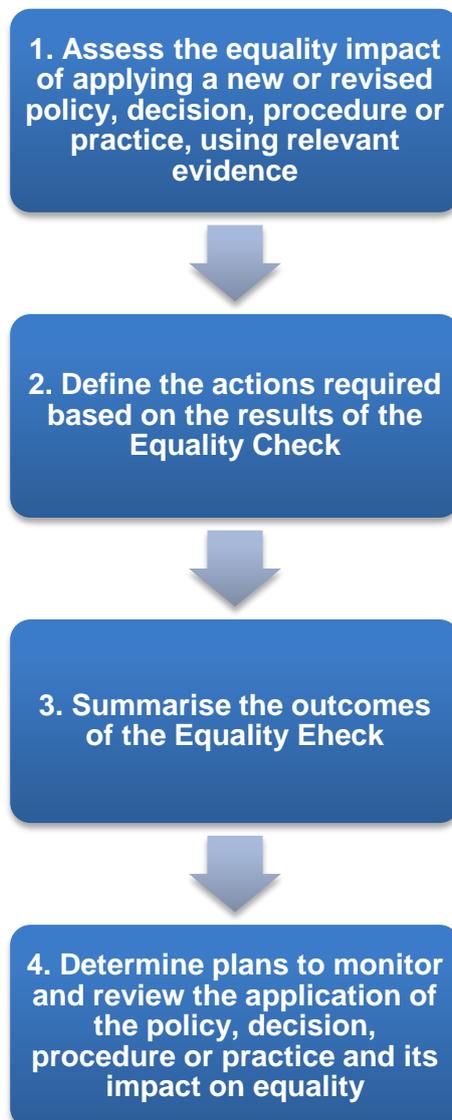
While EIA does not have to follow a specified process, most institutions have an EIA process and documentation to ensure consistency. The University has developed a streamlined process and pro forma that reflects the broader reach of the Equality Act 2010 and aims to increase staff and student engagement with EIA. Equality Checks should be undertaken at the beginning of a policy review or development process to ensure the results can inform the policy.



Responsibility for Equality Checks

Equality Checks should be undertaken by the policy owner, who has detailed knowledge of the policy. This ensures responsibility for and action to improve equality is embedded across the institution.

Process for Equality Checks





Pro Forma for Equality Check

Title of policy, decision, procedure, or relevant practice			
Name of person undertaking equality check			
Type of policy, decision, procedure, or relevant practice	New	<input type="checkbox"/>	
	Existing	<input type="checkbox"/>	
Date of Equality Check			
Who is it likely to impact on? (Students, staff, stakeholders, visitors)			
1. Assessment of equality impact			
PSED requirement	Detail of potential positive/ neutral/ negative impact	Not known	Evidence
Protected characteristics to consider: Age, disability, gender reassignment, pregnancy and maternity, marriage & civil partnership, sex (gender), sexual orientation, race, religion & belief.			
<p>Eliminating unlawful discrimination, harassment and victimisation</p> <p>Is the policy likely to treat anyone less favourably or disadvantage them because of their protected characteristics?</p> <p>Could it lead to different outcomes for different protected groups?</p>			
<p>Advancing equality of opportunity</p> <p>Will the needs of staff and students with different protected characteristics be met?</p> <p>Could the policy lead to increased take-up/participation or equality of opportunity for protected groups?</p>			
<p>Promoting good relations</p> <p>Have steps been taken to tackle prejudice and promote understanding, where appropriate?</p>			



How have relevant individuals or groups been consulted in developing and equality checking this policy/procedure/practice?			
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2. Outcomes of Equality Check – What changes are you making/action are you taking to address negative/promote positive impact in meeting the needs of the PSED for all protected groups, including any gaps in evidence?

<p>How will any unlawful discrimination, harassment or victimisation be eliminated?</p> <p>How will equality of opportunity be proactively advanced?</p> <p>How will good relations be fostered?</p> <p>Include:</p> <ul style="list-style-type: none"> • where negative impact is identified, action to reduce • where positive impact is identified, action to promote • justification of any proportionate negative or positive impact for different groups 	
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3. Summary of outcomes of Equality Check

<p>No action – no potential adverse impact <input type="checkbox"/></p> <p>Amendments or changes to remove barriers <input type="checkbox"/></p> <p>Proceed with awareness of adverse impact <input type="checkbox"/></p> <p>Abandon (stop and rethink) <input type="checkbox"/></p>
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4. Monitoring and review

Monitoring plans:	Review date:
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Completed form to be held locally. A copy also to be submitted to HR by email to hr@bolton.ac.uk.



Completion Notes

Who should undertake the Equality Check?

The assessment should be undertaken by the policy owner.

When should the Equality Check be undertaken?

The Equality Check should take place as early as possible in the policy review and development process in order that it can effectively inform the policy. It should not be undertaken retrospectively.

Should a screening be undertaken?

In the University's new process, an initial screening is not required. The full process is sufficiently streamlined and adaptable in order that it can be undertaken for all new and revised policies, procedures and practices. Where a policy is of low relevance to equality, this will quickly become apparent when proceeding through the process, and conversely when a policy is of high relevance, additional time will necessarily need to be spent to complete the process robustly.

What should be Equality Checked?

An Equality Check needs to be undertaken for new or revised strategic decisions, policies, procedures and practice. This covers the whole institution, including all functions and departments, and relates to staff, students and other service users.

How should we assess impact when undertaking the Equality Check?

- **Use evidence relating to protected characteristics**

It is essential that appropriate evidence related to protected characteristics is identified and considered for impact to accurately be assessed. This may include staff and student statistics across protected characteristics, participation and up-take data by protected group, feedback, complaints, external evidence sources, such as Equality Challenge Unit or Equality and Human Rights Commission reports. The scope of your evidence gathering will depend on the scope of the policy and your approach to evidence gathering should be proportionate to the policy in question.

- **Look for indicators of potential impact for protected characteristics**

There are a number of key indicators that might suggest potential for impact. Some will be relevant to staff, some to students, and some to both. For example, your information might show existing or potential for:

- Lower application rates (staff and students)
- Lower achievement rates (students)
- Lower promotion rates (staff)
- Lower job application and selection rates (staff)
- Lower rates of facility usage (staff or students)
- Higher complaints rates (staff or students)



- **Identify any evidence gaps**

There may be areas where you don't have evidence to support your assessment. In these cases, you should note the gaps in the pro forma, and where appropriate consider consultation activities (below) and/or planning action to fill the gaps in future.

- **Consider consultation and other engagement activities**

For example, focus groups, interviews and asking for feedback at meetings or events. This could add to the information you have gathered, fill evidence gaps, and help you to identify the impact of change. Again, the approach you take should be proportionate to the policy in question.

- **Consider the three parts of the PSED**

The pro forma will prompt consideration of the three parts of the public sector equality duty – eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity; foster good relations. This focuses your attention on the core elements of the University's responsibilities in relation to equality and diversity.

- **Consider each protected characteristic**

- **Age:** Age is defined in the Equality Act 2010 by reference to a person's age group.
- **Disability:** Under the Act, a person has a disability 'if they have a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities'.
- **Gender reassignment:** This protects trans people who propose to undergo, are undergoing, or have undergone a process (or part of a process) of having their sex reassigned.
- **Marriage and civil partnership:** The Act protects people who are married or in a civil partnership from discrimination in relation to employment only.
- **Pregnancy and maternity:** Protects a woman from being treated unfavourably because of her pregnancy, pregnancy-related illness or she is on maternity leave.
- **Race:** The definition of race includes colour, nationality, ethnic origins, national origins.
- **Sex:** The Act protects men (being a man) and women (being a woman) from discrimination.
- **Sexual orientation:** A person's sexual orientation towards people of the same sex, opposite sex or both. Lesbian, gay and bisexual staff and students are protected under the Act.
- **Religion and belief:** Religion is defined as any religion or reference to religion, including a reference to a lack of religion, and belief is defined as any religious or philosophical belief or reference to belief, including a reference to a lack of belief.

- **Think about negative, neutral and positive impacts**

As well as identifying potential negative impacts for particular groups, equality checks should identify potential positive impacts that can be taken advantage of to promote equality and diversity. Think about any negative results that may be encountered by particular groups as a result of the policy, but also think about how a policy might enable a particular group to participate or succeed.



Negative or adverse impact	The outcome of a decision, policy or practice that creates disadvantage or unequal treatment of a person with a protected characteristic
Neutral impact	The outcome has no negative or positive results for people with protected characteristics
Positive impact	The outcome creates a benefit to support the advancement of equality of opportunity for people with protected characteristics and/or promotes good relations between groups

Defining action required

If you can identify potential negative impacts, ask yourself: how can that impact be avoided or mitigated? The assessment should highlight areas where amendments may need to be made to the policy or additional actions may need to be taken to ensure that no adverse impacts ensue and that positive impacts are taken advantage of. For example, adjustments or alternative arrangements that can be provided to ensure that disabled staff or students can access a new facility. Including timescales for planned actions within the pro forma will support implementation.

There may be instances where you identify a potential negative impact but deem that this is justifiable and proportionate. In these circumstances, you should provide this justification in part two of the pro forma. You should also create plans for the policy to be monitored and reviewed regularly after its implementation.

In rare instances, you may find that it is necessary to pause the policy development process in order to give further consideration as to how to avoid negative impacts you have identified.

How frequently should Equality Checks be monitored and reviewed?

The plans you put in place for monitoring and review will reflect the findings of the Equality Check. For example, if negative impacts are detected and action is planned to address these, you will need to monitor the efficacy of these actions and review the policy after a shorter amount of time than if no negative impacts were detected. As a matter of course, a review of equality impact should be built into the policy review cycle.

How are completed Equality Checks reviewed?

The Organisational Development, Equality and Diversity Committee is responsible for overseeing the equality check process. They receive and regularly review completed Equality Checks.



Equality Challenge Unit

V1. February 2017



Teaching Intensive, Research Informed