

## GMB Briefing

### Equality Impact Assessments (EIAs)

#### What is it?

An Equality Impact Assessment or EIA is a tool / method to assess if any proposed changes by a public authority to a policy, procedure or practices, have an adverse, disproportionate impact on particular groups of workers or users.

In the Equality Act 2010, (which consolidates equality legislation), places a legal duty on public authorities to:

- eliminate discrimination and harassment and promote race, gender (including gender reassignment) and disability equality
- have 'Due regard' to the above and
- assess the equality impact of policies, procedures and practices as a legal requirements

By law, an EIA must:

- Contain sufficient information to enable public authority to show "due regard" to the equality duties in its decision making
- Identify methods for mitigating any adverse impact

#### Background

The Coalition Government announced cuts in public spending in its interim budget (June 2010) and Comprehensive Spending Review (CSR, October 2010) and localised cuts were being implemented before the General Election by some public authorities. This has implications for services, jobs, conditions and could have a disproportionate negative impact on particular groups of workers and communities.

#### What the law will require from April 2011

The Equality Act 2010 also introduces a new public sector duty that extends coverage to age, sexual orientation, pregnancy and maternity, and religion or belief.

#### Benefits of EIAs

- Ensures that proposals for cuts are evidenced based
- Considers the potential disproportionate impact on staff and service users from different equality groups and consider mitigating actions
- Ensures staff and services users' views have been taken into account
- There is a written record of equality considerations.

#### Benefits for GMB

This is an opportunity for GMB Reps to engage and negotiate with employers; ensure legal compliance; ask questions and become a key player in the process.

#### What does an EIA look like?

An EIA should be based on relevant data and sufficient analysis to enable the employer to understand the equality implications of a decision to cut and any alternative options or proposals. Disproportional is the key principle.

An EIA should be carried out at the start of any proposed changes or cuts.

Assessing the impact of a major financial cut is likely to need significantly more effort, and resources to ensure effective consultation and involvement.

There is no prescribed format for an EIA; however, the following questions and answers provide guidance to assist you in determining whether the EIA is robust enough or whether the employer should be challenged to conduct further analysis:

- What is the proposal about and why is it needed? *'e.g. outsourcing nursery provision by a local authority'*
- Is it a full EIA or a pre EIA / provisional EIA?
- Is there sufficient data/evidence to assess the impact the proposal might have?
- Has a baseline (starting point) been established?
- Clarity of users, have trade unions been engagement? What are the gaps?
- Did consultation/involvement take place and did this change the proposal?
- How meaningful was the consultation?

### **Outcome of an EIA.**

There are likely to be four possible outcomes

1. no major change
2. proposal / policy is adjusted
3. proposal / policy continues, despite potential for adverse impact or missed opportunities to promote equality being identified (get advice from GMB Officer)
4. proposal / policy stopped and removed - the policy shows actual or potential unlawful discrimination.

### **No EIA?**

Ask the employer why; fully document the reasons given, as the authority's decision could be challenged.

Note that potential impact is not just about numbers. Any impact that may affect a small number of individuals is just as important as the impact affecting many people and demand that the employer complies with the law (Equality Act 2010).

### **Check List once EIA has been conducted :-**

- Do not feel obliged to accept any changes until the employer has produced all the evidence.
- Does the EIA identify the option chosen and records the reasons for this?
- Has a plan of action been developed?
- Are arrangements in place to monitor and review the actual impact?
- Is there a plan to publish the assessments?
- Are there any risks to GMB?

### **What can I do if the EIA is unsatisfactory?**

- Remind the Authority of it's obligations
- Contact Regional Equality Officer

### **Further information**

- GMB Website - [www.gmb.org.uk](http://www.gmb.org.uk);
- TUC - [www.tuc.org.uk](http://www.tuc.org.uk) ;

GMB Regional website;  
EHRC - [www.equalityhumanrights.com](http://www.equalityhumanrights.com)