

# Equality Impact Assessments (EIAs)

GMB Briefing

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# Questions to be answered

- What is a EIAs?
- How can I use it?
- Enforcement

# Background

- Government cuts in public spending
  - Interim budget (June 10)
  - Comprehensive Spending Review (CSR, Oct 10)
  - Localised cuts agenda (pre General Election)
- Implications
  - Services
  - Jobs
  - Conditions
  - For particular groups
- Equality Act 10 (Oct 10)
  - Consolidates Equality Legislation
  - Equality Duties
  - EIA's



# What is an EIAs?

- General duties:
  - eliminate discrimination and harassment and promote race, gender (including gender reassignment) and disability equality
  - ‘Due regard’ and
  - assessing the equality impact of policies, procedures and practices as 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
- EIAs is a tool / method to assess if any proposed change in policy, procedure and practices have an adverse, disproportionate impact on particular groups of workers

# Benefits of EIAs

- Ensure that proposals for cuts are evidenced based
    - accountability
  - Consider the potential disproportionate impact on staff and service users from different equality groups and consider mitigating actions
    - fairness
  - Ensure staff and services users' views have been taken into account
    - transparency
- It is about
    - complying with the law
    - good Government
  - Systematic approach to ensure accountability, transparency and fairness in decision making process
  - Written record of equality considerations



# Benefits for GMB

## Opportunity to

- Engage employers
- Negotiate
- Ensure legal compliance
- Ask questions
- Key player in the process



# What does a EIA look like?

- What is the proposal about and why is it needed? *'e.g. outsourcing nursery provision by a local authority'*
- Is there sufficient data/evidence to assess the impact the proposal might have?
  - Has a baseline (starting point) been established?
  - Clarity of users including trade union engagement?
  - What are the gaps?
- Did consultation/involvement take place and did this inform the proposal?
  - Has meaningful consultation taken place?
  - How has this been reflected?

# What does EIA look like?

- Is the purpose of the proposal clearly set out?
- Has the EIA considered available evidence?
- Have those likely to be affected by the proposal been consulted and involved? Eg GMB, trade unions, users
- Have potential positive and negative impacts been identified
- What course of action does the EIA suggest?





# What does EIA look like? cont

## 4 possible outcomes

- Outcome 1: No major change
  - Outcome 2: Adjust the policy
  - Outcome 3: Continue the policy despite potential for adverse impact or missed opportunities to promote equality been identified (get advise from GMB Officer)
  - Outcome 4: Stop and remove the policy: the policy shows actual or potential unlawful discrimination
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- Does the EIA identify the option(s) chosen and records the reasons for this?
  - Has a plan been developed?
  - Are arrangements in place to monitor and review the actual impact?
  - Is there a plan to publish the assessments?



# When should EIA be carried out?

At the:

- formative stage of a proposal
  - should be integral to development of proposal
  - no retrospective justification of proposal.
- any financial proposal.
  - includes proposals to outsource or procure any of the organisation's functions

**NB – EIAs should be conducted before** a decision is made.

# If no EIAs has been carried out?

- Ask why
- fully document the reasons and the evidence
  - authorities decision could be challenged
- potential impact is not just about numbers.
  - impact that may affect a small number of individuals is just as important as the impact affecting many people.
- Demand that they comply with the law (Equality Act 10)

# Best practice example

## Restructuring non residential care services

- Evidence based – data analysis and survey – data analysis on services used by which category of user
- Consultation with users to assess satisfaction level and get their views on the proposal for restructuring
- Potential impact on jobs assessed
- Potential impact on users assessed
- Potential negative impact addressed
- Action planning and arrangements for monitoring and reviewing actual impact and mitigating actions



# Process Diagram



# Further information

- **GMB Website** - [www.gmb.org.uk](http://www.gmb.org.uk)
- **GMB Regional website** -
- **GMB Equality Officer** – Regional office
- **TUC** - [www.tuc.org.uk](http://www.tuc.org.uk)
- **EHRC** - [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

