



## **Equality Commission for Northern Ireland**

### **Section 75 - Equality Impact Assessments**

Welcome to this training session on the topic of equality impact assessments, otherwise known as EQIAs.

The session aims to help public authorities comply with their duties under section 75 of the Northern Ireland Act 1998 when they are developing or revising policies.

If you are preparing to do an EQIA, it is likely that you will already have some knowledge of section 75 and will be familiar with your organisation's equality scheme and how to equality screen policies.

If you do not, we strongly recommend that you watch the preceding video in this series which is on the subject of equality screening. It will provide you with the background information that you will need to understand the content of this video.

We cannot provide all of the detailed information that you will need in this short video, but we are always here to help. Today we'll direct you to sources of further guidance. All the links are in these downloadable notes.

## **So, what is an EQIA and why conduct one?**

This question was largely answered in our video on equality screening, where we explained that equality schemes usually specify two policy development tools for considering the equality and good relations goals of Section 75:

- screening and
- EQIAs.

To recap - [screening](#) is the crucial first step. It seeks to identify whether a policy may have any possible adverse impacts on any S75 group. If it appears it does, you must consider how these might be avoided or reduced, as well as considering whether there are opportunities to better promote equality of opportunity and good relations for people in those groups.

Additionally, screening may identify policies for which a more thorough and detailed equality analysis, called an [EQIA](#), should be undertaken. How you would reach that conclusion is explained in more detail in the video on equality screening.

Consequently, if you are preparing to do an EQIA it is likely that you, or, a colleague, have determined, as part of a screening exercise, that an EQIA is required.

The purpose of this video is to explain the structure of an EQIA, what to consider when doing one and some pitfalls to avoid.

## **Use our guidance document**

When doing an EQIA, you must follow the arrangements for conducting EQIAs that are outlined in your organisation's equality scheme.

For most public authorities, this means conducting EQIAs in accordance with this [Practical Guidance on Equality Impact Assessment](#) issued by the Equality Commission.

It outlines a seven-step process, and we'll provide an overview of that now.

But remember, the whole EQIA process should run in tandem with the development of the policy. It is not a separate process, but a complementary one. It should be completed before final policy decisions are taken and it should inform those decisions. It shouldn't be a tick box exercise.

## **Step 1: Defining the aims of the policy**

At the beginning of an EQIA, it is important to clearly define the aims of the policy so that you and others may understand what it is that you are assessing the equality impacts of. For example, is it a new policy or a revision to an old one? You should also outline the effects or outcomes that the policy is intended or expected to have on people.

These aims will likely have been formulated at the start of the policy development process, or for the screening exercise, however, it is useful to review them at this stage to reflect any changes that may have occurred since.

## **Step 2: Considering available data and research**

As with screening, at the EQIA stage you also need to consider what information you will use to assess the extent of the policy's likely impacts within the nine Section 75 categories. The information you will need depends on the policy being considered. It should be relevant to the Section 75 grounds, and to the policy area, providing sufficient information to enable you to make rational and coherent assessments.

This topic was covered in our equality screening video and we would refer you back to that for further information. In summary, data may be quantitative or qualitative. It may be informed by sources within your own organisation, for example, your audit of inequalities, or equality monitoring of other policies and programmes.

If there are gaps in data, you should consider what steps you can take to get it, such as by setting up appropriate data collection or equality monitoring systems, or by using data from other regions, such as GB, or information provided by consultees.

## **Step 3: Assessment of Impacts**

You should analyse the information you've gathered, to decide whether there are, or are likely to be, any differential impacts between people in the nine section 75 categories. If there are, your analysis should describe the nature of these impacts, positive or negative, and their scale or extent.

This is a crucial aspect of the EQIA. If potential impacts are not identified and assessed rationally and coherently on the basis of sound evidence, the EQIA will not be able to properly inform final policy decisions, which is its key function.

### **Some potential pitfalls**

- Remember to consider the opportunity to improve equality of opportunity as well as adverse effects.

Do not focus only on identifying the likely adverse impacts of a policy. You must also consider if and how you can promote, or better promote, equality of opportunity and good relations within the scope of the policy in question.

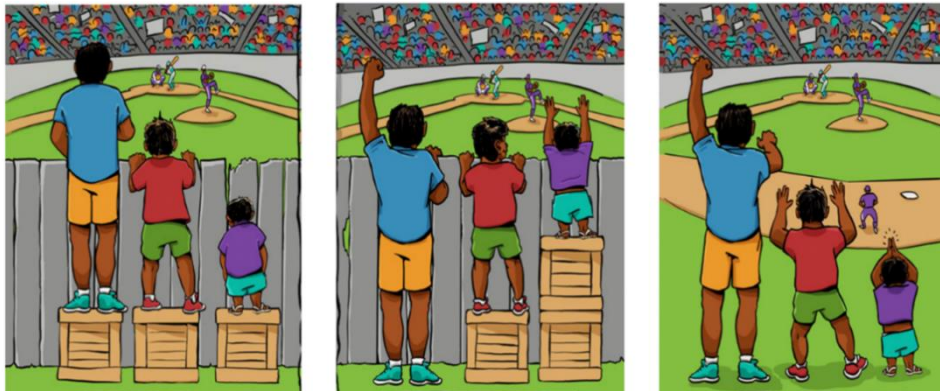
The Commission's [Practical Guide on Equality Impact Assessment](#) (at pages 23 and 24) includes a list of useful questions and prompts.

- But it applies to everyone!

Be slow to conclude that a policy will have a 'neutral' or "no" equality impact, merely on the basis that it *'applies to everyone'*.

Even where a policy does apply equally to everyone, if inequalities exist it is crucial you identify and acknowledge them.

If you do not do that, you are unlikely to consider how to address inequalities, for example, by considering how to avoid or mitigate them by taking lawful positive action.



Treating everyone the same

Positive action

Inequality removed

This principle is illustrated by this picture. If you treat everyone the same and presume that this means that there is a "neutral" impact, then you're making an obvious mistake.

Section 75 requires you to acknowledge these differences and allows you to consider treating some people differently to others to alleviate those effects.

You should go on to consider taking lawful 'positive action' in such situations; for example, by considering whether to target resources to address the inequalities that you have identified. This is important when considering the crucial fourth step of the EQIA process, which is 'considering changes to the policy'.

#### **Step 4: Considering mitigating measures and alternatives**

The consideration of mitigating measures and alternative policies is at the heart of the EQIA process.

In the draft EQIA report that is issued for consultation (which we'll discuss in step 5), you must give details of what mitigating measures or alternative policies you are considering taking and outline how you believe they will address the potential impacts or inequalities that you've identified.

These considerations are not only about identifying and eliminating potential adverse impacts, but also about thinking about and seeking opportunities to better promote equality of opportunity and good relations through the policy.

A good way to do this is to consider taking lawful positive action.

## **Positive action**

It is totally appropriate to consider taking 'positive action' when developing policies, for example, by developing particular services for women, or older people - as long as you can show those decisions are informed by evidence of existing inequalities and are lawful under the anti-discrimination or other laws.

## **Section 75 is a non-delegable duty**

The Section 75 duty is non-delegable, meaning that the responsibility for fulfilling it lies always on the public authority concerned.

You should not rely on consultees or others to identify potential mitigations or alternative policies for you. Although consultees may provide useful insights that may help you to identify better solutions, the primary responsibility lies on you, as the decision-maker, to identify and consider them.

## **Step 5: Consultation**

An equality impact assessment requires consultation on your EQIA.

You should prepare a draft EQIA report for consultees. It should include all the information you have gathered and assessed in the preceding stages, including your assessment of the potential impacts, and consideration of alternative policies and mitigations.

It should set out the data or information that you relied on to make your assessment of impacts – it is not enough to merely list data sources.

Consultation on a draft EQIA report should take place at the same time as any other consultation on the policy that is conducted, so that all the information is used to inform policy decisions.

Consultation must be carried out with those directly affected by the policy, the Equality Commission and relevant interest groups. Your equality scheme includes a list of consultees relevant to your organisation, to be used for this purpose.

Consultation should be conducted in an accessible and inclusive way. It should normally be conducted over a 12-week period and in line with the arrangements outlined in your equality scheme. It's important to familiarise yourself with these.

## **Step 6: Decision by public authority and publication of Stage 6 report**

In making any decision, and before it is taken, a public authority is required by law, and by its equality scheme, to take account of and consider any EQIA and associated consultation carried out on the policy.

You should prepare a final “Stage 6” EQIA report in which you will detail all the information you have gathered and considered to date. This report promotes transparency and accountability in decision-making and should include:

- The information gathered pre- and post-consultation that you considered,
- your post-consultation consideration of measures to mitigate any adverse impacts, or alternative policies to promote equality of opportunity and good relations,
- your final policy decisions and their rationales, and
- your arrangements for monitoring the actual impacts of the policy after it is implemented – an issue that we will discuss further in Step 7.

This Stage 6 EQIA report must be published. This should be done in accordance with the relevant arrangements set out in your organisation’s equality scheme. These typically require that the report should be published within two months of policy decisions being taken but check your equality scheme for further details.

### **Step 7: Monitoring adverse impacts**

Your organisation’s equality scheme outlines a range of monitoring commitments and arrangements relating to monitoring.

For example, when you have undertaken an EQIA, you must monitor the actual impacts of the policy over the subsequent two-year period. This also entails a commitment to consider revising the policy to achieve better outcomes for people, if the analysis reveals that the policy resulted in different impacts from those initially predicted.

In addition, you must publish the results of your findings and decisions.

This means you will need to ensure that appropriate monitoring systems are in place to do this for the policy in question.

There is more guidance on monitoring for the purposes of Section 75 on our website. Given that this monitoring may involve the processing of personal information, it must comply with the data protection legislation and further advice on that is available from the [Information Commissioner’s office](#).

More detail in the [Guide](#), pages 50-52

We appreciate that this is a short summary of the monitoring requirements, so please get in touch with us if you have any questions.

The **‘takeaways’** from today’s session are:

- Read your organisation’s equality scheme and understand the commitments it imposes on you,

- Read the Equality Commission’s Practical Guidance to Equality Impact Assessment which outlines the seven step EQIA process,
- Follow the seven-step process in a meaningful way, with rigour and an open mind, ensuring that it is not just a tick box exercise,
- Ensure that your EQIA assessment of impacts is rational and coherent, and informed by appropriate data and evidence,
- Include the relevant information in the draft EQIA report so that consultees are informed of your proposals and your assessments and the rationale for these – this will make your engagement with them transparent and more meaningful,
- Your EQIA should inform the policy under development or review and help you to decide if the policy could be improved.

We have a wealth of information online at [equalityni.org](http://equalityni.org), or you can phone us on 028 90 500 600 or email us at [enquiries@equalityni.org](mailto:enquiries@equalityni.org) for advice. If you have any questions, please get in touch.

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