Equality Risks and Benefits Assessments
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Further support including a process flowchart, an example ERBA and information on key considerations and specific communities can be viewed on the Community and Workplace Equalities (CWE) section on the intranet.

Related documents:

- Assessment form ERBA 1
- Flowchart ERBA 3
Equality Risks and Benefits Assessment (ERBA)

Is there a risk that the policy, process, service proposal or decision you are responsible for could unlawfully discriminate against, exclude or disadvantage communities or colleagues?

Have you really considered individual needs that could make the difference between a good practice example and a policy not fit for purpose?

The best policies and practices have equality considerations - customer needs - at their heart. Unintentional discrimination, exclusion or disadvantage can have dangerous consequences. The ERBA is a service improvement tool, to help you design and deliver a considered and appropriate solution.

What is the Equality Risks and Benefits Assessment tool?

An Equality Risks and Benefits Assessment (ERBA) is an evidence based assessment tool, to ensure and evidence that the service does not unlawfully discriminate and that it positively fosters good relations with underrepresented and excluded groups, in line with the Public Sector Equality Duty 2011. An ERBA is also a service improvement tool, helping you to improve access and opportunities for communities and employees. If what you are doing is relevant to people, it is relevant to equalities. You start the assessment at the beginning of and throughout the development process, it should never be left until the end.

As well as a business requirement, there is legal duty to analyse everything the service does which has an impact on people in communities and employees and show how we:

- Have considered and removed discrimination, and removed, managed or mitigated the likelihood of a disadvantage on a particular group, and
- How we are positively promoting inclusion and good relations, in line with the Public Sector Equality Duty 2011.

This is in relation to the Protected Characteristics in the Equality Act 2010. We also consider other factors, such as Human Rights, socio-economic issues and rural living. We manage this in DSFRS by using the Risk and Benefits Assessment Tool.

What is the legal requirement?

The Equality Act 2010 was implemented on October 1st 2010. The Act creates a new Public Sector Equality Duty. This means there are General duties we must meet, and specific duties which are designed to help us meet them. The General Duty is as follows -

A public authority must, in the exercise of its functions, give due regard to the need to (in relation to legally protected characteristics below)

1. Eliminate discrimination, harassment, victimisation and any other prohibited conduct.
2. Advance equality of opportunity (remove or minimise disadvantage; meet people’s needs; take account of disabilities; encourage participation in public life).
3. Foster good relations between people (tackle prejudice and promote understanding).
For more information on the background to the duties, please see the Community and Workplace Equalities section on the intranet.

**What are the Protected Characteristics?**

- **Age:** A person of a particular age (e.g. 32 year old) or a range of ages (e.g. 18 - 30 year olds). NB age is not currently protected under goods and services (unlikely until 2012). When considering disadvantage, take into account impacts on children and young people as well as adults, and cross-cutting impacts such as parents and carers (of younger, disabled and older people).

- **Disability:** A person has a disability if s/he has, or has had, a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Carers are covered ‘by association’.

- **Gender reassignment:** A person who is proposing to undergo, is undergoing or has undergone gender reassignment (the process of changing physiological or other attributes of sex, therefore changing from male to female, or female to male).

- **Pregnancy and maternity:** Maternity refers to the period of 26 weeks after the birth (including still births), which reflects the period of a woman’s Ordinary Maternity Leave entitlement in the employment context. In employment, it also covers (where eligible) the period up to the end of her Additional Maternity Leave. (Not applicable to 3 of the General Duty)

- **Race:** A person’s colour, nationality, ethnic or national origin.

- **Religion and belief:** Religious and philosophical beliefs including lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

- **Sex:** A man or a woman.

- **Sexual orientation:** A person’s sexual orientation towards the same sex (lesbian or gay), the opposite sex (heterosexual) or to both sexes (bisexual). NB does not currently apply to the General Duty.

- **Marriage and civil partnership:** (not applicable to 2 and 3 of the General Duty)

**Other considerations:**

**Human Rights** – Public authorities also have a duty to assess whether Human Rights could be impacted on in relation to a policy. The analysis includes an initial assessment of the impact on Human Rights, which helps to identify possible disadvantage linked to other considerations such as economic disadvantage, family circumstances and rural isolation. For further guidance:

http://intranet/Departments/HumanResources/CommitmentStatement.asp
Where do I start?

! Do not attempt to complete the ERBA on your own – there will always be something you hadn’t considered.

! Do not leave the ERBA until you have completed a new policy or procedure. If your policy is relevant to people it is relevant to equalities. Ensure any team discussion about review of or development of an activity, policy or procedure includes discussions around any likely impact on people in relation to the protected characteristics - think about what will happen when different people are affected by this policy, activity or procedure - and record it for your ERBA

! Do consider the outcome you are trying to achieve with the activity you are assessing and the needs of the communities it is relevant to

! Do use evidence and information to make the assessment. If you identify the likelihood of a high or medium negative impact, gaps in knowledge and possible mitigation will need to be addressed with appropriate consultation.

! Do be confident in using your own initiative and knowledge to make the assessment – don’t feel you can’t assess because you don’t know everything about the protected characteristics. Use the evidence and knowledge you have - any gaps in knowledge can be filled by talking to people with personal experience and knowledge of different aspects of protected characteristics. Remember too there are things we don’t even know we don’t know! That is why consultation is so important. See the Key Considerations guidance on the CWE intranet page.

! Do accept that this takes some work – it is not a tick box exercise and you may need to consult more widely than you anticipated

This process will help you to improve the outcomes the activity is aiming to achieve. It will help us to gain a better understanding of the community we serve and to target our resources efficiently.

Where do I find my data and evidence to make an informed assessment?

Gather all the data and information you have around the activity, policy or practice you are assessing. Your assessment should be informed by evidence, information and data about people, including, for example:

- Equality monitoring data related to the organisation.
- Other demographic information related to who might use the service you are assessing
- Cultural, religious and social knowledge and research
- Existing Consultations
- Involvement and Engagement Feedback
- Survey results, Focus groups
- Complaints and compliments

See the CWE section on the intranet for information on some key considerations for each characteristic and for specific communities.
Making an assessment using the ERBA 1

On the form ERBA 1, you will need to complete:

1. The name of the activity

2. The purpose of the activity: describe what you are trying to achieve with the activity (which could be a policy, project, service or function), consider what is the intended outcome and who is it for?

   2a. The project manager, policy or process owner

   2b. The project or process linked to

3. List the information, data or evidence used in the assessment (you will explain how it links within the assessment.)

4. Consider what could prevent communities getting the most out of the activity – what are the risks and what are the benefits? This is considered against:

   - Community considerations (for example, associated with socio-economic factors, criminal convictions, rural living or human rights or applying across communities.) For guidance on Human Rights see the CWE intranet page: http://intranet/Departments/HumanResources/CommitmentStatement.asp

   - Each of the protected characteristics

   **Things to remember:**

   - Your narrative should reflect the negative assessment score in terms of describing likelihood and impact.

   - Describe the person you are assessing the impact on in terms of community member or employee and details of the characteristic, for example, explain which particular religion or disability are you talking about.

   - Show how your evidence/information links to your assessment

   - It is possible to have a negative and a positive against one characteristic – but one does not cancel the other.

What are the definitions of impact?

When you consider the impact on people in relation to each protected characteristic, it should be defined as positive, neutral or negative:

- **Positive:** where the impact is expected to have a particular benefit for this characteristic or improve equal opportunities and/or relationships

- **Neutral:** where there will be a neutral impact, neither positive nor negative

- **Negative:** where there is a risk that impact could unlawfully discriminate or disadvantage one or more of the people described in relation to a protected characteristic.

The risk of negative impact, and the potential benefits, or positive impacts, are recorded differently.

Negative impact is assessed using a risk matrix with explanatory narrative, and positive using narrative.
Assessing negative impact – What are the Risks?

When you have considered the likelihood and impact on people in relation to the protected characteristics, use the tables and matrix below to assess and enter a score.

<table>
<thead>
<tr>
<th>LIKELIHOOD</th>
<th>5</th>
<th>4</th>
<th>3</th>
<th>2</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certain to occur</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Very likely to occur</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Likely to occur</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Possible to occur</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Very unlikely to occur</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SEVERITY OF IMPACT</th>
<th>5</th>
<th>4</th>
<th>3</th>
<th>2</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unlawful discrimination</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Possible death or injury</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Serious or disproportionate disadvantage</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Moderate disadvantage</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor Policy /Procedure Adjustments</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Think in terms of risk:

Example: Activity: Home Safety Visits and self assessments

Because of the special communication needs of the Deaf community, there is a likely risk that a standard approach to HSVs and self assessments fails to address these needs, resulting in serious disadvantage which could even include injury or death. (Score 3 x 5 =15)

Your action plan is where you will record control measures – things we can do to remove or mitigate the risk.
Assessing negative score results

The negative score you enter will determine your next steps, as in the table below. Changes may be recorded on the EA:RB form and incorporated immediately into policy or may form part of an action plan, for example, an action could be to monitor the uptake of a particular service by a particularly underrepresented group or introduce a process to provide Deaf awareness training for a community safety delivery team.

<table>
<thead>
<tr>
<th>Overall Rating</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 – 6 Low to medium risk</strong>&lt;br&gt;Local management</td>
<td>Minor considerations and tailoring needed e.g. style and method of communication, timing of activity, venue suitability, minor cultural or social considerations. Some expert internal/external advice may be required.</td>
</tr>
<tr>
<td><strong>7 – 15 Medium</strong>&lt;br&gt;Local management and / or support from experts</td>
<td>Some expert internal/external advice is required. The policy / initiative cannot be rolled out until external/internal consultation has taken place with those that the activity affects. Amendments will be needed to the activity to take account of any issues identified. Legal advice may be required.</td>
</tr>
<tr>
<td><strong>16 – 25 High</strong>&lt;br&gt;Stop activity and fundamentally change, must contact CWE for advice</td>
<td>If unlawful discrimination or serious disproportionate disadvantage is identified then the policy cannot be implemented without fundamental change. Legal advice may be required.</td>
</tr>
</tbody>
</table>

If, after making your initial assessment you have a negative impact score **high** or **medium** against any of the characteristics, you must consult with internal experts and those who might be affected on how to negate, minimise or manage that negative impact. Contact **Community and Workplace Equalities** for advice.

Example: **Activity Home Safety Visits and self assessments**

**Score 3 x 5 =15** = High risk for Deaf community

Next steps: The policy / initiative cannot be rolled out until detailed external/internal consultation has taken place with those that the activity affects. Legal advice may be required.

So: Talk to internal experts in CWE, representatives of the Deaf community and develop a tailored response to mitigate the disadvantage.
Assessing Positive Impact – What are the benefits?

In the narrative section on the ERBA form, describe how the policy/activity will have a positive impact on people in relation to the characteristics – What are the potential benefits?

Ask yourself:

- How could this activity improve relations/service delivery/engagement with people in relation to each protected characteristic?
- Have opportunities to promote inclusion and good relations been utilised? If so, how?

5. Results

Record:

- Whether there are scores in the low range
- Whether positive impacts were identified
- If some people are benefiting more than others, explain who and why
- If one or more scores are in medium or high risk range (if yes you will contact CWE for further advice)

6. Consultation, Decisions and Actions

Record:

- If necessary, who was consulted and what recommendations were given
- Describe the decision on the activity
- List all actions to mitigate negative impact (control measures) or promote positively, and the responsible person and expected completion date.
  
  **There may be actions for other areas of the service. Discuss this with the section head.**
- When, how and by whom will the actions be monitored?

Example: **Activity Home Safety Visits and self assessments**

Following consultation with internal experts/ Deaf community representatives (describe recommendations)

**Actions** (control measures in development)

- Ensure a tailored approach to HSVs and self assessments, including tailored advice in BSL and the provision of interpreters as required.
- Develop HFSV BSL self assessment phone app and text advice line
- Ensure specific equipment is available and resourced
- Facilitate regular engagement with Deaf clubs across the service area
- Deaf awareness training for community safety delivery team
- Equality monitoring of HSVs to determine who is using the service.
- Data sharing protocol to include Deaf community
7. Signatures

- Sign off with line manager approval and forward to CWE with the activity description / policy document

Next steps:

- Following any amendments after consultation, the ERBA will be published with the policy on the Service Information Point. Some ERBAs will also be published on the Service website.
- Risk scores and actions will be recorded on the corporate risk register and assigned ownership
- Ensure that the ERBA action plan is monitored and collect appropriate data to enable the actual impact of the policy to be assessed when the ERBA is due for renewal.

When to review?

Review the EA:RB when there is any change to the service/process the activity relates to, or according to the review timetable.

For further guidance see the Community and Workplace Equalities Section on the intranet.

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