

Equality Impact Assessment Policy

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Version Control

Version	Summary of Changes/Amendments	Issue Date
1	First version approved	Sept/2009
2	V2 Amendment Policy Review Group	April 2013
3	V3 Amendment Policy Review Group	July 2014
4	V4 Workforce Policy Review Group	June 2017
5	Review undertaken to ensure requirements of Socio-economic Duty	

ENGAGEMENT & CONSULTATION

Key Individuals/Groups Involved in Developing this Document

Role / Designation
Executive Director of Therapies and Health Sciences
Board Secretary
Service Improvement Manager for Welsh Language and Equality
Head of Corporate Governance
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Circulated to the following for Consultation

Date	Role / Designation
03/03/2021	Welsh Language and Equality Service Leads
10/03/2021	Executive Committee
March 2021	Board

Evidence Base

Please list any National Guidelines, Legislation or Health and Care Standards relating to this subject area?

- Equality Act 2010
- Public Sector Equality Duty (PSED)
- Welsh Language Act 1993
- Welsh Language Measure 2011
- Welsh Language Standards (no.7) Regulations 2018
- More Than Just Words Strategic Framework
- All Wales Standards for Accessible Communication and Information for People with Sensory Loss
- Socio-economic Duty Wales
- Well-being of Future Generations (Wales) Act 2015
- Social Services and Well-being (Wales) Act 2015
- Health Impact Assessment (non-statutory but good practice)
- The Human Rights Act 1998
- United Nations Convention on the Rights of the Child 1989
- United Nations Convention on Rights of Persons with Disabilities 2009
- United Nations Principles for Older Persons 1991
- Welsh Government Health & Care Standards 2015
- CHC Regulations 2015
- NHS Wales Guidance on Engagement and Consultation on Changes to Healthcare Services

IMPACT ASSESSMENTS

Equality Impact Assessment Summary					
	No impact	Adverse	Differential	Positive	
					<p>This policy will enable the staff to identify and reduce health inequalities when making strategic decisions.</p> <p>The policy will encourage good practice to put actions in place to mitigate any risks or disadvantage for persons in these groups.</p>
Age				X	<p>This policy will aim to support persons in these groups by enabling improved access to service and reduce exclusion and discrimination.</p>
Disability				X	
Gender reassignment				X	
Pregnancy and Maternity				X	
Race				X	
Religion or Belief				X	
Sex				X	
Sexual Orientation				X	
Marriage and Civil Partnership				X	

Welsh Language				X
Risk Assessment Summary				
Have you identified any risks arising from the implementation of this policy / procedure / written control document?				
N/A				
Have you identified any Information Governance issues arising from the implementation of this policy / procedure / written control document?				
N/A				
Have you identified any training and / or resource implications as a result of implementing this?				
Training sessions on the Socioeconomic Duty already provided to Independent Board Members and the Executive Committee. Service Improvement Manager to hold EIA workshops for staff and advise on EIA procedures.				

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Introduction

Powys Teaching Health Board (PTHB) is committed to putting people at the centre of everything we do. Our vision is to create an accessible and inclusive organisational culture and environment for everyone. This includes our staff, those who receive care including their families and carers, as well as partners who work with us whether this is statutory organisations, third sector partners or our communities. This means thinking about people as individuals and taking a person-centred approach, so that we treat everyone fairly, with integrity, dignity and respect, whatever their background and beliefs.

Fairness & Equality is one of the six core organisational values developed by our staff. Our values are the things that we believe are important in the way we live and work. They are our “guiding principles”.

With this in mind, when developing or reviewing any strategies, policies, plans, procedures or services it will be required that the following issues are explicitly included and addressed from the outset:-

- Equitable access to services
- Service delivery that addresses health inequalities
- Sustainability and how the health board is meeting the requirements of the Well-being of Future Generations (Wales) Act (2015)

Equality Impact Assessment should be considered by **all staff**. This policy is particularly relevant to those staff who are responsible for policy development, strategic decision making and their ratification and approval.

Purpose

The aim of this policy is to provide policy guidance and procedures to ensure that equality and human rights principles are identified and considered in everything we do. It also aims to ensure the organisation develops the necessary capacity and competence to undertake robust impact assessments.

The purpose of the policy is to ensure that equality impact assessment forms part of organisational strategic decision-making processes. This will enable the organisation to identify ways in which it can more effectively embed equality considerations into decision-making thereby ensuring compliance with specific legislative requirements for Wales and contributing to service improvement.

Statutory Requirements

This policy should be considered in line with the following legislation and regulations which place statutory duties upon public sector organisations in Wales

- Equality Act 2010
- Public Sector Equality Duty (PSED)
- Welsh Language Act 1993
- Welsh Language Measure 2011
- Welsh Language Standards (no.7) Regulations 2018
- More Than Just Words Strategic Framework
- All Wales Standards for Accessible Communication and Information for People with Sensory Loss
- Socio-economic Duty Wales
- Well-being of Future Generations (Wales) Act 2015
- Social Services and Well-being (Wales) Act 2015
- Health Impact Assessment (non-statutory but good practice)
- The Human Rights Act 1998
- Data Protection Legislation
- Freedom of Information Act (FOIA) 2000
- Environmental Information Regulations (EIR) 2004
- IGP 012 Information Governance Policy (PTHB)
- Privacy and Electronic Communications Regulations (PECR) 2003
- United Nations Convention on the Rights of the Child 1989
- United Nations Convention on Rights of Persons with Disabilities 2009
- United Nations Principles for Older Persons 1991
- Welsh Government Health & Care Standards 2015
- CHC Regulations 2015
- NHS Wales Guidance on Engagement and Consultation on Changes to Healthcare Services

Definitions

Equality Impact Assessment (EIA).

Impact assessment is simply a process which enables the organisation to consider the effects of its decisions, policies or services on different communities, individuals or groups. This involves:

- anticipating or identifying the consequences of our strategic decisions on individuals or groups of service users/employees;
- making sure that any negative effects are eliminated, minimized and that mitigating actions are put in place to reduce any negative impact; and
- maximising opportunities for promoting positive effects and reducing health inequalities.

EIA is not optional, it is embedded in Equality legislation and this organisation, together with all other Public Sector organisations, has a statutory duty to demonstrate it is meeting the requirements of the Human Rights Act and the Equality Duties with regard to Equality Impact Assessment.

Strategic Decision Making

In general, strategic decisions will be those which effect how the relevant public body fulfils its intended statutory purpose (its functions in regards to the set of powers and duties that it uses to perform its remit) over a significant period of time and will not include routine 'day to day' decisions.

Due Regard

Giving weight to a particular issue in proportion to its relevance.

Why do we undertake EIA?

EIA is crucial to improving the quality of local health services and to meeting the needs of those using them (and the needs of our employees) by ensuring that individuals and groups consider the effects that their decisions, policies or services have on people on the basis of their age, disability, gender reassignment, marital status, race, religion or belief, sex, sexual orientation, or whether they are pregnant or on maternity. We also need to consider the effects on Welsh language, socioeconomic situation and human rights.

When do we undertake EIA?

The purpose of an EIA is to ensure equality considerations are taken into account as part of the decision-making and policy development processes. It is therefore important that the assessment takes place **before or during** these processes, and is not considered as an additional task to be undertaken after the policy has been developed or as a means of justifying decisions that have already been made.

How do we undertake EIA?

1. Before you start

The Assessment Tool in Appendix 1 will help you to undertake an EIA. Please read through this before you start. Also, the extremely comprehensive toolkit on the NHS Centre for Equality and Human Rights Website has some useful information too.

2. Who should do the EIA?

Decide who should be part of the assessment. Try to involve subject experts, and people who might be affected by the change or proposal, for example, may wish to contact staff who lead on equality and public consultation. The Service Lead or a Senior Manager would usually be the person tasked with shaping or managing the proposal or change.

3. Consider the reason for or purpose of proposal or change. Is this clear?

Can the purpose of the proposal or change be stated in one or two sentences? This is a good indicator of clarity.

4. Involve and engage. Consider who else should be involved and who you need to engage with. Decide how to do this and when. You should link in with any Patient Participation Groups, Health Focus Groups, and any other relevant local groups, in particular those who may be impacted the most by any service change proposals. You should also notify Powys Community Health Council (CHC) when making strategic decisions. The CHC may be able to offer advice and assistance on engaging with the public.

5. Relevant Evidence

- Is there a robust business case for the proposal or change?
- Is there enough national or local evidence for you to be able to make an informed assessment regarding equality? If not, how can you obtain this information? If it is not available could this be a show stopper or is there time to collect the information?
- Throughout the process keep asking who might benefit and who might be disadvantaged by the proposal or change.
- If there is a potential for disadvantage or discrimination, consider ways to eliminate or mitigate the risks.

6. Justification

- Either decide to do nothing and to proceed with the proposal as planned;
OR
- change the proposal putting a contingency in place to eliminate or alleviate any identified harm; OR
- scrap the proposal or change altogether.

7. Summary Outcome Report (see Appendix 1).

Complete this and attach to any report containing recommendations or seeking approval and send a copy to the Equalities Team for monitoring and publication purposes.

(Remember that these reports will be published so use appropriate and anonymised language). Keep all records accumulated during the process locally to support the Summary Outcome Report and to complete the audit trail. This should include the relevant evidence, engagement activities and group thinking.

Roles and Responsibilities

Responsibility and ownership of the EIA process, including any actions that arise from the assessment rests with originators of the particular work stream and will include managers and staff who develop new, or modify existing, policies, strategies, procedures, etc. EIA is an organisational responsibility.

With effect from the implementation of this policy, approval of new or amended policies, strategies and other proposals including service changes and developments, for example, will only be given if the Board are satisfied and assured that due regard has been given and evidence of sufficient EIA is provided at the time of ratification and approval.

Executive Directors and Senior Managers are responsible for ensuring this policy and procedure is implemented in their respective areas and that sufficient EIAs are completed. Executive Directors and Senior Managers will also ensure that the Board are aware of any identified equality impacts and any proposals to mitigate these when presenting a proposal or report to a decision maker for approval or decision.

Corporate Governance

The Corporate Governance Team will monitor the implementation and effectiveness of this policy and will arrange for the publication of any relevant EIAs to ensure compliance with the requirements of the PSED for Wales.

Training

Targeted support on EIA procedures will be offered and provided routinely by the Service Improvement Manager for Equality. General Awareness raising will be undertaken whenever there is an opportunity to do so, e.g. during corporate induction, staff briefings.

Review

This policy will be reviewed every 3 years or sooner if changes are required in line with any new statutory requirements.

References and useful links

[Equality and Human Rights Commission](#)

[Equality Act 2010](#)

[The Welsh Language Standards \(No. 7\) Regulations 2018 \(legislation.gov.uk\)](#)

[Public Sector Equality Duty in Wales](#)

[All Wales Sensory Loss Standards](#)

[Wellbeing of Future Generations \(Wales\) Act 2015](#)

[Social Services and Well-being \(Wales\) Act 2014](#)

APPENDICES

Appendix 1

<u>For:</u>	(Insert title of proposal, service, decision etc.)
<u>Date form completed:</u>	
<u>Name of Completer</u>	

Any organisation providing a public function is subject to the general duty under the Equality Act 2010.

In summary, those subject to the general equality duty must have had due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act.
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Equality Impact Assessments **must** be carried out for all new policies, strategies, service plans, new services and service change proposals.

Generally speaking, the majority of new policies, strategies, and plans, will be developed with the intention of improving conditions for members of staff and the public. They usually promote equality and seek to have a positive impact. However, you should still complete the template on page

6 to accompany your documents prior to gaining approval. The EIA template may prompt you to make further improvements to your document which you may not have considered previously. It could also highlight any possible omissions or issues which you may need to address before seeking approval.

New service proposals and service change will require a more in-depth consultation and engagement procedure, and will required a more detailed EIA.

The following guidelines provide a simple template to help you consider the general equality duty in relation to the services you provide, and particularly in relation to any plans for changes in the ways those services are provided.

It is good practice to engage with service users and other stakeholders in the development and ongoing review of your equality impact assessment. For example, by asking them what they think the impact might be, working with them to agree mitigation actions to address adverse impact, and continuing your dialogue to check that your actions are having the desired effect.

In addition to the statutory duties under the Equality Act it is also good practice for independent contractors to also consider the impact on:

- Welsh Language
- Carers
- People living in Socio Economic Disadvantage

Preparing your EIA document

Service Change Proposal / Strategy / Policy

You should state the title and outline the nature of what you are equality impact assessing here.

Background / Introduction:

Use this section to give context to the EIA. You should introduce the EIA outlining the details of the proposal. This section should also include details about the nature of your service, the area it covers and the population it serves. You should refer to data in the most recent [Population Needs Assessment](#) to inform your EIA.

For example, you should you should provide the following:

- General information on the service area – which areas does it cover? Who does it serve? It would be good to include some basic info about

the local population and your service users if they are available to you, e.g. age range of service users / how many have a registered disability / any social deprivation / rural challenges, etc.

- Description of the proposal / Background situation e.g. why are you undertaking an EIA? What changes to services are you making? What do you propose? Why are you making these changes? How have demands on the primary care service changed and what changes are needed to incorporate them? What is your current capacity to deliver the required changes? What resources are available to meet the needs of your service users and implement the required changes? (It would be good if you could include some data / statistics / graphs here to illustrate the type of services accessed over a set period of time to demonstrate any trends / changes in access to services. Is there any data that you can share to demonstrate how you have reached your decision to make the proposed changes?

Description of the EIA undertaken

What did you do? You should provide details about the level of consultation and engagement you have undertaken. The feedback obtained from the consultation and engagement needs to inform your EIA, so giving details about the type of engagement you have done is paramount.

You should include precise details – dates, timescales, how people were invited to respond, etc.

You should provide more specific details of the consultation and engagement which took place e.g. give details of public meeting events, social media engagement, letter correspondence, posters, notices, local press announcements, etc. Did you consider any other form of consultation and engagement? Were there any restrictions? For example, due to COVID-19, inclement weather, etc, and what impact did this have?

How many responses were received? How were they received? How have you analysed them?

Do you have plans for any continued consultation / communication with service users?

What was the expected outcome of the EIA? Did this differ to the actual outcome?

Was there a mix of positive and negative responses to the proposals?

NOTE: any stats or information collected during consultation/engagement may be subject to FOI. Consideration should be made for service users who have conditions, or fall under a protected characteristic, where there are few in number in PTHB and may be easily identifiable if consultation information is published to the health board website. Staff should follow the guidance available

in the national Information Governance Policy on how to treat Personal Identifiable Information (PII)

Common Themes

You should acknowledge and analyse any common themes arising from the responses received. It is important to demonstrate that you have listened to the concerns raised and have explored mitigating actions. What discussions have taken place after the consultation and engagement? How have you analysed the responses? Have you sought advice from external organisations? E.g. support from Service Improvement Manager for Equality in PTHB, 3rd Sector organisations, etc.? Do you intend to seek advice from other organisations to help put mitigating actions in place? E.g. Local Councils, Accessibility Powys, RNIB, local action groups, patient stakeholder groups, etc?

Lessons Learned / Mitigating Actions

You should look at each of the common themes identified and explain how you have or will address any concerns.

For example, if a key theme appears to be miscommunication, a mitigating action would be to develop clear communication channels between your team and your service users in order to alleviate concerns. For example, you could work with Local Councils, other service areas, 3rd sector organisations, etc, to help promote further communication to service users and the public to help clarify your proposals and what this will mean for your service users to avoid any future misunderstanding and misinterpretation.

How does your service promote equality?

Look at the EIA template which lists the protected characteristics, Welsh Language, Carers and Socio-economic conditions. You should provide details of the procedures you have in place to deal with the specific individual needs of your service users, for example, how is your service accessible to those with a physical disability? How do you promote this accessibility? Does your service have alternative methods for communicating with individuals who have a sensory loss? Do you use interpretation services, emailing and text services for those who are hard of hearing? Do you use interpretation services for individuals who's first language is not English? Is your signage and documentation available in Welsh and English? Do you have any Welsh speaking staff? If you do not have any systems in place to cater for individual needs, you should state how you will mitigate these risks, and outline the actions you will take. You should approach this thinking about the protected groups as a whole but

also take into consideration the specific comments received from individuals.

For example, if an individual has made comments on physical access to buildings, you could refer to any mitigating actions that you already have in place, or will put in place to resolve this issue. You should outline any further steps which could take e.g. methods of promoting accessibility to buildings. This could be included under the disability section of the EIA template.

Another example could be how your service deals with services users who have a sensory loss. You should state your intention to work with relevant 3rd sector organisations to introduce and promote available support such as the use of live sign / Relay UK, Type Talk, or establish an email / text system for Deaf/deaf patients. You could also look to source sensory loss awareness training for staff and specialist advice in the future to help improve accessibility to your services for those with sensory loss.

Conclusions

You should summarise all of the above and state your intentions whether you wish to continue with your proposed changes or not.

You should summarise what you feel the impact of the proposals will be upon your service users, in particular those who may face additional challenges due to a protected characteristic.

You should acknowledge any challenges which remain and how you will continue to address them. What impact should the mitigating actions have? How will you improve service delivery?

Did you consider any alternative service change proposals? Could they have had a worst impact upon service users to those which you propose?

You should reinforce your reasons for the proposed changes and outline how you intend to monitor the changes and how it will impact upon your service users in the future. Will you review the situation within a set timescale? Will you continue to monitor the impact the changes have upon those with a protected characteristic? For example, establish a service user stakeholder group? Work with local action groups? Repeat engagement activity at regular intervals? Etc.

EIA Table

Please indicate overleaf that you have considered the impact of the proposal on the protected characteristics for all those that might be impacted (service users, patients, staff, patient's relatives and carers etc.).

Title: Equality Impact Assessment Policy
Reference No: PTHB / CGP 009
Status: final

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts	Recommendations for improvement/ mitigation	Action taken Make reference to where the mitigation is included in the document, as appropriate
Age For most purposes, the main categories are: <ul style="list-style-type: none"> • under 18; • between 18 and 65; and • over 65 			
Persons with a disability as defined in the Equality Act 2010 Those with physical impairments, learning disability, sensory loss or impairment, mental health conditions, long-term medical conditions such as diabetes			
People of different genders: Consider men, women, people undergoing gender reassignment NB Gender-reassignment is anyone who proposes to, starts, is going through or who has completed a process to change his or her gender with or without going through any medical			

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts	Recommendations for improvement/ mitigation	Action taken Make reference to where the mitigation is included in the document, as appropriate
procedures. Sometimes referred to as Trans or Transgender			
People who are married or who have a civil partner.			
Women who are expecting a baby, who are on a break from work after having a baby, or who are breastfeeding. They are protected for 26 weeks after having a baby whether or not they are on maternity leave.			
People of a minority race, nationality, colour, culture or ethnic origin including non-English speakers, gypsies/travellers, migrant workers			

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts	Recommendations for improvement/ mitigation	Action taken Make reference to where the mitigation is included in the document, as appropriate
People with a religion or belief or with no religion or belief. The term 'religion' includes a religious or philosophical belief			
People who are attracted to other people of: <ul style="list-style-type: none"> • the opposite sex (heterosexual); • the same sex (lesbian or gay); • both sexes (bisexual) 			
People who communicate using the Welsh language in terms of correspondence, information leaflets, or service plans and design Well-being Goal – A Wales of vibrant culture and thriving Welsh language			

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts	Recommendations for improvement/ mitigation	Action taken Make reference to where the mitigation is included in the document, as appropriate
People according to their income related group: Consider people on low income, economically inactive, unemployed/workless, people who are unable to work due to ill-health			
People according to where they live: Consider people living in areas known to exhibit poor economic and/or health indicators, people unable to access services and facilities. This also may include wifi poverty, travel poverty and fuel poverty.			
Consider any other groups and risk factors relevant to this strategy, policy, plan, procedure and/or service			

How will the strategy, policy, plan, procedure and/or service impact on the health and well-being of our population and help address inequalities in health?

Questions in this section relate to the impact on the overall health of individual people and on the impact on our population. Specific alignment with the 7 goals of the Well-being of Future Generations (Wales) Act 2015 is included against the relevant sections.

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts and any particular groups affected	Recommendations for improvement/ mitigation	Action taken by Clinical Board / Corporate Directorate Make reference to where the mitigation is included in the document, as appropriate
People being able to access the service offered: Consider access for those living in areas of deprivation and/or those experiencing health inequalities Well-being Goal - A more equal Wales			
People being able to improve /maintain healthy lifestyles: Consider the impact on healthy lifestyles, including healthy eating, being active, no smoking /smoking cessation, reducing the harm caused by alcohol and /or non-prescribed drugs plus access to services that support			

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts and any particular groups affected	Recommendations for improvement/ mitigation	Action taken by Clinical Board / Corporate Directorate Make reference to where the mitigation is included in the document, as appropriate
<p>disease prevention (eg immunisation and vaccination, falls prevention). Also consider impact on access to supportive services including smoking cessation services, weight management services etc</p> <p>Well-being Goal – A healthier Wales</p>			
<p>People in terms of their income and employment status:</p> <p>Consider the impact on the availability and accessibility of work, paid/ unpaid employment, wage levels, job security, working conditions</p> <p>Well-being Goal – A prosperous Wales</p>			

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts and any particular groups affected	Recommendations for improvement/ mitigation	Action taken by Clinical Board / Corporate Directorate Make reference to where the mitigation is included in the document, as appropriate
<p>People in terms of their use of the physical environment:</p> <p>Consider the impact on the availability and accessibility of transport, healthy food, leisure activities, green spaces; of the design of the built environment on the physical and mental health of patients, staff and visitors; on air quality, exposure to pollutants; safety of neighbourhoods, exposure to crime; road safety and preventing injuries/accidents; quality and safety of play areas and open spaces</p> <p>Well-being Goal – A resilient Wales</p>			
<p>People in terms of social and community influences on their health:</p>			

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts and any particular groups affected	Recommendations for improvement/ mitigation	Action taken by Clinical Board / Corporate Directorate Make reference to where the mitigation is included in the document, as appropriate
<p>Consider the impact on family organisation and roles; social support and social networks; neighbourliness and sense of belonging; social isolation; peer pressure; community identity; cultural and spiritual ethos</p> <p>Well-being Goal – A Wales of cohesive communities</p>			
<p>People in terms of macro-economic, environmental and sustainability factors: Consider the impact of government policies; gross domestic product; economic development; biological diversity; climate</p>			

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts and any particular groups affected	Recommendations for improvement/ mitigation	Action taken by Clinical Board / Corporate Directorate Make reference to where the mitigation is included in the document, as appropriate
Well-being Goal – A globally responsible Wales			

Appendix 2

Tips

- Be clear about the policy or decision’s rationale, objectives, delivery method and stakeholders.
- Work through the Toolkit early in the design and development stages and make use of it as the work progresses to inform you of those most affected and inform mitigating actions
- Allow adequate time to complete the Equality Health Impact Assessment
- Identify what data you already have and what are the gaps.
- Engage with stakeholders and those most affected early. View them as active partners rather than passive recipients of your services.
- Remember to consider the impact of your decisions on your staff as well as the public.

- Record which organisations and protected characteristic groups you engaged with, when you engaged with them and how you did so (for example, workshop, public meeting, written submission).
- Produce a summary table describing the issues affecting each protected group and what the potential mitigations are.
- Report on positive impacts as well as negative ones.
- Remember what the Equality Act says – how can this policy or decision help foster good relations between different groups?
- Do it with other people! Talk to colleagues, bounce ideas, seek views and opinions.