

Meeting the equality duty in policy and decision-making

**England (and non-devolved public
authorities in Scotland and Wales)**

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This edition reflects the final version of the specific duty regulations.
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1. Introduction

Context for this guide

This guide is one of a series written by the Equality and Human Rights Commission (the Commission) to explain how public authorities can meet the requirements of the Equality Act 2010 (the Act). The Act brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new public sector equality duty (the equality duty), replacing the separate duties relating to race, disability and gender equality. The equality duty came into force on 5 April 2011.

There are five England/GB guides giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Equality objectives and the equality duty
3. Equality information and the equality duty
4. Meeting the equality duty in policy and decision-making
5. Engagement and the equality duty

The essential guide provides the main overview of the equality duty requirements. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

This is the second edition of this guide, as it was revised to reflect the Equality Act 2010 (Specific Duties) Regulations 2011, which were published by Government on 27 June 2011. These came into force on 10 September 2011.

If you require this guide in an alternative format and/or language please contact our helpline to discuss your needs.

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Legal status of this guide

This guidance provides advice on how to meet the equality duty. It will assist public authorities to decide what they need to do to comply with their legal duties under:

- Section 149 of the Equality Act 2010 (the public sector equality duty), and
- The Equality Act 2010 (Specific Duties) Regulations 2011.

Who is this guide for

This guide is aimed at those responsible for implementing the public sector equality duty in public authorities in England (and non-devolved public authorities in Scotland and Wales). It will be of interest to staff throughout public authorities, but particularly those responsible for policy development and analysis and those involved in business planning, procurement, human resources, grant making, governance and scrutiny. The guide will also assist those who have an interest in the work of public authorities, such as service users, voluntary bodies, unions, and equality organisations.

It provides advice to two types of public authority: those that are subject only to the general equality duty, and those that are also subject to the specific duties ('listed authorities'). The different requirements for both of these types of bodies are set out clearly throughout this guide.

Content of this guide

This guide:

- Explains the requirements of the general equality duty for policy and decision-making.
- Provides advice on how to understand the relevance of your functions to equality and good relations.
- Provides advice on how to assess the potential impact of your functions on people with protected characteristics. This includes your policies and practices and the decisions that you make.
- Explains how your understanding of potential impact on equality can be used to influence policy development and decision-making.

2. Introduction to policy and decision-making and the duty

The public sector equality duty (the equality duty) is made up of a general equality duty which is supported by specific duties. The ‘public sector equality duty’ is the formal title of the legislation, the ‘general equality duty’ is the overarching requirement or substance of the duty, and the ‘specific duties’ are intended to help performance on the general equality duty. An overview of the equality duty is set out in our essential guide. This includes further information about the meaning of ‘due regard’.

The general equality duty requires public authorities, in the exercise of their functions, to have due regard to the need to:

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

These are often referred to as the three aims of the general equality duty.

The functions of a public authority include all of their powers and duties.

This means everything that they are required to do as well as everything that

they are allowed to do. Examples of this include: policy decisions, budgetary decisions, public appointments, service provision, statutory discretion, individual decisions, employing staff and procurement of goods or services.

The Equality Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- Encouraging people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

It states that meeting different needs involves taking steps to take account of disabled people’s disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups.

The general equality duty and policy and decision-making

Public authorities are required to have due regard to the aims of the general equality

duty when making decisions and setting policies. **Understanding the effect of your policies and practices on people with different protected characteristics is an important part of complying with the general equality duty.** This can help you to consider whether the policy will be effective for all sorts of different people. For example, does a particular policy meet the needs of people with protected characteristics? Does it minimise disadvantages faced by them? It can help you to identify any negative impacts or potential unlawful discrimination, as well as any positive opportunities to advance equality. Identifying these areas may help you to develop practical courses of action to mitigate negative consequences or to promote positive ones.

The general equality duty does not set out a particular process that public authorities are expected to follow. It is up to each authority to choose the most effective approach for them, which will vary depending on the size of the organisation, the functions they carry out, and the nature of the particular decision.

Having due regard to the aims of the general equality duty is about using good equality information and analysis, at the right time, as part and parcel of your decision-making processes.

Case law under the previous race, disability and gender equality duties is still relevant to the public sector equality duty. It established some general principles that illustrate what having due regard means in practice. Public authorities covered by the general equality duty must ensure that:

- Decision-makers are aware of the general equality duty's requirements.
- The general equality duty is complied with before and at the time a particular policy is under consideration and when a decision is taken.
- They consciously consider the need to do the things set out in the aims of the general equality duty as an integral part of the decision-making process.
- They have sufficient information to understand the effects of the policy, or the way a function is carried out, on the aims set out in the general equality duty.
- They review policies or decisions, for example, if the make-up of service users changes, as the general equality duty is a continuing duty.
- They take responsibility for complying with the general equality duty in relation to all their relevant functions. Responsibility cannot be delegated to external organisations that are carrying out public functions on their behalf.
- They consciously consider the need to do the things set out in the aims of the general equality duty not only when a policy is developed and decided upon, but when it is being implemented.

Case law also states that it is good practice for a public authority to keep records of its consideration of the aims of the general equality duty when making decisions. If an authority is challenged, it is likely to be more difficult to demonstrate that it has had due regard if no records have been kept. Furthermore, under the specific duties, listed authorities are now under an obligation to publish information to demonstrate compliance with the general equality duty.

3. How to meet the equality duty in policy and decision-making

What should be assessed?

In order to have due regard to the aims of the general equality duty, you will need to understand the impact of your functions on equality. This includes your existing policies and any new policies under development.

In this guide, we use the term ‘policy’ as shorthand for the full range of your policies, practices, activities and individual decisions.

This includes informal customs and practices. Take a proportionate approach to what you need to consider that is suitable to your size, resources and functions, and to the importance of the policy to equality and good relations. The policies you will consider will usually fall into three main categories:

1. Organisational policies and functions (eg your recruitment procedures, your stop and search procedures).
2. Key decisions (eg a health body cutting psychiatric services, a local authority allocating funding to voluntary organisations, or a government department developing new legislation).
3. Policies that set criteria or guidelines for others to use (eg a local authority setting criteria about school admissions).

For **new** policies, consider their potential impact on equality throughout the process of developing the policy. You should not wait for information to be available on the actual impact when it is implemented as this will prevent your assessment from influencing your policy development and decision-making. When data on the actual impact of your final policy does become available, consider it to see if your earlier assessment was correct, and whether refinements to the policy are necessary in light of this information.

You should have already assessed your **existing** policies with regard to race, gender and disability equality. You will therefore need to take steps to understand their impact on the new protected characteristics. It might be useful to carry out this work when these policies come up for review, if they are allocated funding to continue, or if you are in receipt of critical audit or inspection reports to help you improve your work.

Not all policies can be expected to benefit everyone equally, particularly if they are targeted at addressing particular problems affecting one group of people, such as women with learning disabilities. Consider the interplay between the different protected characteristics. For example, a policy to improve the access of women with learning disabilities to cancer

screening services is likely to be most effective if the impact of the policy on women of different ages (within that group) is also considered.

Having due regard across all of your functions may also involve assessing the impact on equality of decisions that are made together, such as a major review of services or when setting overall budgets. This would mean ensuring that you have sufficient information to understand the cumulative (or combined) impact of these decisions.

Example

A local authority is making changes to four different policies. These are: funding and delivering social care, day care, respite for carers, and community transport. Small changes in each of these policies may each slightly disadvantage disabled people so the cumulative impact of changes to these areas could have a significant impact on disabled people's participation in public life. The actual and potential impact on equality of all these proposals, and appropriate mitigating measures, will need to be considered. This will ensure that inequalities between people with different protected characteristics are identified and do not widen.

You will also need to understand the impact on equality when implementing a policy that has been developed elsewhere, for example by a government department. While responsibility for the policy itself will rest with the department that developed it, you may have choices in

how you implement it. Consider whether any mitigating measures or alternative ways of delivering your policies are required in order to minimise any negative impacts on people with different protected characteristics. If the policy originates with you, take steps to ensure that you meet your obligations under the general equality duty when the policy is implemented by other organisations.

Example

The Commission undertook an assessment of the Department for Work and Pension's (the department) performance on the race, gender and disability equality duties, which had implications for Jobcentre Plus. We recommended that Jobcentre Plus build a more seamless integration between the impact assessment work carried out by the department and themselves, so that work done at each level (national, regional or district) added value and avoided duplication of effort and paperwork.

Timing of your assessment

Your assessment should start early in the policy development process or at the early stages of a review. Assessing impact on equality should not be a one-off exercise. This is because the general equality duty is a continuing duty and policy contexts and other circumstances will change over time. Equality considerations are to be taken into account both when decisions are made and **after** policies are in place. There is no point in considering the impact of your policies on equality if your findings are not given active consideration

in your policy development and decision-making processes. Considering and reflecting on equality matters should benefit your policy development and the delivery of your services.

Remember

In the past, a number of public authorities have assessed the impact on equality of their policies and practices at the end of the policy development process. In some cases this has resulted in successful legal challenge. Undertaking assessments at this stage can lead to several problems:

- You will be unlikely to be able to demonstrate that you have had due regard to the aims of the general equality duty when decisions were made. This would leave you open to legal challenge.
- The policy may still contain potentially discriminatory activity or adverse impacts on particular groups of people.
- There may be an opportunity to advance equality that is missed, so people with some protected characteristics do not benefit from the policy to the same extent as others do.
- The policy is not likely to be effective in achieving its aims if it hasn't taken into account the impact it will have.

Who should undertake your assessment?

Assessing the impact on equality is most effective when it is integrated into day-to-day policy making, business planning and

other decision-making arrangements. It should not be an administrative task, but a core part of policy making, in the same way that resources and risk are considered. If you have a designated equality lead, they can provide useful expertise, but it is good practice for people across the organisation to take ownership of this work as an integral part of policy development. Staff will therefore benefit from clear advice and information about the approach they should take when assessing impact on equality in their day-to-day work.

If an assessment of a policy, or elements of it (such as information gathering) are outsourced, it is important to remember that the public authority is legally accountable for any decisions that are made as a result. Where outsourcing arrangements are put in place, consider what knowledge transfer arrangements would be useful for you to implement in order to build the knowledge base of your organisation in the future.

How should I assess the impact on equality and use the findings in my policy and decision-making?

As stated earlier, there is no prescribed methodology for assessing the impact on equality. Developing your own method as an organisation can help you to take a consistent and proportionate approach. The important thing is that the method works for you and enables you to meet your legal obligations. If you decide to develop a standard methodology, you may find it helpful to check it against available guidance, engage with stakeholders, and to share ideas with relevant partner organisations.

In practice, you can choose whether to extend an existing approach or method to all of the protected characteristics, or develop a new approach for your organisation. If you decide to adapt your existing approach, consider reviewing it to ensure that it is effective and proportionate, and that it meets all the requirements of the general equality duty. You no longer need to produce a document called an 'equality impact assessment', but some organisations may choose to do so where they have found it to be helpful. If challenged, you need to be able to demonstrate how you have had due regard to the aims of the general equality duty.

A good method:

- Is integrated into mainstream policy development and decision-making.
- Has the backing and buy-in of senior staff (including sign-off).
- Draws on relevant equality information and the results of any engagement activity.
- Ensures timely and informed consideration of the aims of the general equality duty, and keeps a record of this.
- Records the reason for any decision that a policy has no relevance to the aims of the general equality duty.
- Requires decision-makers to consider taking steps to mitigate adverse impacts where they have been identified.
- Documents how information about the actual impact of the policy will be used to review the policy in future, if necessary.
- Is regularly reviewed to ensure that it is effective and up-to-date.

The steps below are a suggested approach rather than a prescribed requirement under the general equality duty. They are based on the legal principles for compliance established by case law under the previous equality duties.

a) Prioritise your policies

Check all of your policies to establish their relevance to equality. If you have an existing method for this, it will be helpful to review it to ensure that it works under the public sector equality duty. Most public authorities will have policies that are particularly important for advancing equality or fostering good relations. For example, grant-making programmes, school admissions and exclusions policies, health screening policies, stop and search policies, significant changes to service delivery (including withdrawal or reduction of services), and recruitment or pay policies, are often relevant.

Policies that set quality standards for others to follow may also be important for equality. Equally, most public authorities will have at least some policies which are not particularly relevant to equality, for example, a policy on when to check the temperature of fridges in a hospital. Some policies may be more difficult to judge, for example, licensing arrangements for clubs may appear to affect people with all the different protected characteristics equally. However, they may have an impact on increasing the risks of violence targeted at protected young people, or on the good relations aim of the duty as it affects lesbian and gay people or certain ethnic minorities.

The following questions can help you to determine relevance to equality, but this is not an exhaustive list:

- Does the policy affect service users, employees or the wider community? The relevance of a policy to equality depends not just on the number of those affected but on the significance of the impact on them.
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, significantly affecting how functions are delivered?
- Will the policy have a significant impact on how other organisations operate in terms of equality?
- Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the policy relate to an area with known inequalities?
- Does the policy relate to any equality objectives that have been set?

If you decide that a policy is not relevant to equality, you should be confident of your reasons for this. The fact that ‘no information is available’ would not be adequate to justify a decision that a policy is not relevant to equality. Recording your reasons for why a policy is not relevant will help you to increase transparency, encourage engagement and may assist in demonstrating compliance with the general equality duty.

To promote transparency, it is helpful to publish information about the equality dimensions of policies you regard as being relevant to equality. This will enable people to understand the decisions that

you have taken, which may in turn help you to foster good relations between different groups.

Example

In a legal case under the race equality duty (*R (Elias) v. Secretary of State for Defence 2006*), a policy covering eligibility for a non-statutory compensation scheme for those who were interned by the Japanese during World War II was challenged. It was argued that the policy breached the race equality duty as certain ethnic groups were unable to apply. The Ministry of Defence had failed to identify the policy’s relevance to race equality, and had not assessed the impact of it in this regard. This meant that a discriminatory policy was implemented, ultimately leading to a successful legal challenge.

b) Gather relevant information

For policies that are relevant to equality, take steps to gather basic equality information to help you undertake your assessment. At this time it is useful to bring together the key people who are likely to be involved in developing and implementing the policy. This includes external organisations if a policy is being developed in partnership.

Firstly, establish how the aims of the policy relate to equality. Think about the purpose of the policy, the context in which it will operate, who it should benefit, and what results are intended. At this early stage you can start to think about potential impacts on people with different protected characteristics. This means that if

necessary you can decide to change your overall policy aims in order to take better account of equality considerations.

Example

A public authority is developing its policy on staff leadership skills. The purpose of developing such a policy is to ensure that all staff gain appropriate training. It assesses the training needs of the staff, and analyses the available information. The assessment shows that there is a disproportionately low number of women at senior management level and that there is no targeted training available for female staff to gain the appropriate skills. Based on this, the public authority reviews its initial policy aims and decides to implement targeted management training for women staff. (This is lawful under the positive action provisions of the Equality Act 2010.)

Next, consider which aspects of the policy are most relevant to equality. This will help you to focus your attention on the most important areas, including the inter-relationship between policies.

Example

In developing a new housing strategy, a local authority identifies a number of different elements of the strategy as being particularly relevant to equality. It therefore decides to focus on those areas when assessing the potential impact on equality. It looks at:

- take-up of housing services
- satisfaction rates and number and type of complaints
- supported housing provision
- homelessness rates and causes
- choice-based lettings
- availability and management of adapted housing
- Gypsy and Irish Traveller site provision
- staff training.

Think about which aims of the general equality duty and which protected characteristics your policy is most relevant to. It is important that you have appropriate and reliable information about the different protected characteristics likely to be affected by the policy. Understanding the impact on different groups is a key step in identifying whether a policy might unlawfully discriminate. Modern public services should be shaped by evidence-based policy-making, and using clear methods for your considerations will help you to collect, analyse and present evidence about equality in a consistent way. This will in turn help you to develop and deliver better policies and services.

The information that will be most useful will depend on the nature of the policy, but in order to identify important impacts on people with different protected characteristics, it may be useful to look at:

- Comparisons with similar policies in other departments or authorities to help you identify relevant equality issues.
- Analysis of enquiries or complaints from the public to help you understand the needs or experiences of different groups of people.
- Recommendations from inspections or audits to help you identify any concerns about equality matters from regulators.
- Information about the local community, including census findings to help you establish the numbers of people with different protected characteristics.
- Recent research from national, regional and local sources that includes information on relevant equality issues.
- Results of engagement activities or surveys to help you understand the needs or experiences of people with different protected characteristics.
- Information from the public, and voluntary organisations to help you understand the needs or experiences of people with different protected characteristics.

If you do not have equality information about people with particular protected characteristics, consider whether you need to fill these information gaps. This could mean undertaking short studies or surveys, or some engagement work. If it is not possible to collect this in time to inform your assessment, consider how you can increase your understanding in the short term before undertaking more

robust research at a later date. This could mean, for example, meeting with stakeholders. The information that you collect at a later date will be valuable for your monitoring and review work. The information you gain from engagement with stakeholders will help you to understand the potential impacts of your policy on different groups.

Although tailored information collection may be needed from time to time, it has generally proved more efficient for equality information to be collected as part of mainstream information collection and analysis. Establishing a reliable and up-to-date information resource that policy-makers can draw on and contribute to, is an effective way of achieving this.

Tips for small organisations

Smaller organisations could consider pooling resources with other organisations to develop a shared database of evidence that is not sensitive or confidential, such as research reports or population statistics.

c) Analyse your equality information

Bringing together your equality information and analysing it will enable you to make a judgement about what the likely impact of the policy will be on equality. Consider what questions will help you to understand the potential impact of the policy on equality. For some policies, the relevant questions will be obvious. For example, when reviewing a recruitment policy for disability equality, it would be useful to establish how many

disabled people have applied for posts, how many were appointed, and at what grades. Other information may also be useful, such as how long people stay in an organisation and why they leave.

For other policies, the questions will be less obvious, but you may find it useful to ask yourself the following:

- Do policy outcomes and service take-up differ between people with different protected characteristics?
- What are the key findings of your engagement?
- If there is a greater impact on one group, is that consistent with the policy aims?
- If the policy has negative impacts on people with particular characteristics, what steps can be taken to mitigate these effects?
- Does any part of the policy discriminate unlawfully?
- Will the policy deliver practical benefits for certain groups?
- Does the policy miss opportunities to advance equality of opportunity and foster good relations?
- Do other policies need to change to enable this policy to be effective?

In identifying whether a proposed policy may discriminate unlawfully, consider the scope of discrimination as set out in the Equality Act 2010. As well as direct and indirect discrimination, prohibited acts include (but are not limited to) harassment, victimisation and failure to make a reasonable adjustment. For guidance on what is unlawful discrimination, refer to the Commission's guidance and Codes of Practice on employment, goods and

services, and equal pay, which are available on our website.

Remember that assessing impact on equality is not simply about identifying, and mitigating or removing, negative effects or discrimination. It is also an opportunity to identify ways to advance equality of opportunity and foster good relations. This may involve using positive action measures within your services or employment, as permitted under the Equality Act 2010.

Consider also how you can tackle wider inequalities which your organisation is not solely responsible for causing, but which you can play an important role in addressing. For example, a school can have a positive impact on closing the gender pay gap by helping girls and boys consider non-traditional career choices.

Be wary of making overly general conclusions in your findings – you may not be able to demonstrate compliance with the general equality duty if you simply conclude that a policy will universally benefit all service users, without any evidence to support that conclusion.

Understanding the impact on equality will be easier for existing policies. In this case you can evaluate the policy in light of existing evidence about actual impact, and make a reasonable and informed judgement about whether the policy is having positive or negative consequences for particular protected characteristics. This will enable you to decide whether you need to amend your policy or introduce measures to mitigate adverse impacts on certain groups.

d) Make your decision

Public authorities are responsible for making a wide range of decisions. This varies from decisions about overarching policies and budgets to routine decisions which affect individuals. Having due regard involves taking the aims of the general equality duty into account in your decision-making. What this means in practice will vary according to the decision being made. Ultimately it is a matter for the courts to decide whether public authorities have had due regard.

The consideration given to equality in your decision-making should be proportionate to the importance of the policy to advancing equality and fostering good relations. In some cases, the policy will be critical to those aims. In other cases it will be less so. In all decisions, financial and other considerations will inevitably also be important. You should ensure that appropriate weight is given to equality, alongside other considerations. The weight given to different factors can be challenged in court if a decision is deemed to be irrational or based on irrelevant considerations or facts.

Case law has established the following principles which public authorities should take into account in their decision-making:

- Parliament has identified furthering the aims of the general equality duty as a ‘need’, so the weight given to equality matters in decision-making should therefore reflect this importance.
- Where large numbers of vulnerable people who share a protected characteristic are affected, the weight given to the aims of the general equality duty must be very high.
- However, the weight given does not depend solely on the numbers affected. Sometimes, even when the number of people affected is small, the weight given to equality considerations remains high due to the significance and/or seriousness of impact on individuals.

Your decision-making may mean that your policies will benefit certain groups of people. A strong evidence base and transparency about how you reached your decision should help you to explain and justify your decisions internally and externally. Having your decisions and rationale easily accessible should also help to counter any misconceptions.

e) Choose a course of action

As a result of your assessment, your findings may lead you to take one of the following courses of action:

- **Continue the policy** – Your assessment demonstrates that the policy shows no potential for discrimination and you have taken all appropriate opportunities to advance equality of opportunity and foster good relations between people with different protected characteristics. Document the reasons for this and the information you used to make this decision.
- **Justify and continue the policy** – Ultimately, there may be other factors (such as other policy aims or financial constraints) which make it reasonable for you to decide to adopt the policy despite its adverse equality impact. This is an option where your policy does not unlawfully discriminate, or where the discrimination can be objectively justified. If your decision is challenged,

you will need to be able to satisfy a court that you had due regard to the aims of the general equality duty when you reached your decision. It is therefore particularly important that you document your reasons and the information you used to reach them. You may find it helpful to seek legal advice before adopting this approach.

- **Change the policy** – This involves making changes to the policy to ensure it does not adversely affect certain groups of people, or miss opportunities to affect them positively. **This can involve taking steps to mitigate adverse impacts, or to bolster or tailor positive ones.** It is lawful under the Act to treat people differently in some circumstances, such as putting in place single-sex provision where there is a need for it. Document the reasons for this and the information you used to make this decision.
- **Stop the policy** – If a policy shows unlawful discrimination that cannot be changed or objectively justified, consider stopping it in order to avoid being sued for breach of the Equality Act 2010. Document the reasons for this and the information you used to make this decision.

When decisions have been made, we recommend that a senior manager/board member signs them off. When you have decided on your next course of action, consider sharing information about the findings of your assessments when engaging with stakeholders about the policy, and invite their views.

f) Document your findings and decisions

Documenting the impact of your policy on equality and the decisions you take will enable you to show that the general equality duty is being met. It was held in *R (Kaur and Shah) v. London Borough of Ealing* that:

‘The process of assessments should be recorded... records contribute to transparency. They serve to demonstrate that a genuine assessment has been carried out at a formative stage. They further tend to have the beneficial effect of disciplining the policy-maker to undertake the conscientious assessment of the future impact of [his/her] proposed policy.’

In order to meet your obligations under the specific duties (if you are a listed authority), it is advisable to keep records of your findings and decisions, which you may wish to publish. These records need not take any particular format. For example, the minutes of a meeting where the issues were discussed and the data presented to attendees might be sufficient.

You might like to keep a note of key pieces of information, such as:

- Your assessment of the relevance of the policy to the different aims of the general equality duty.
- Your assessment of the actual or potential impact of the policy, with regard to the aims of the general equality duty.
- What equality information you drew on, including from engagement work, in developing the policy and assessing its likely impact on equality.
- How this information informed your decision-making, and whether changes were made to your proposals as a result of your assessment of their impact.
- How you will review the actual impact after implementation of the policy.

g) Publish your findings and decisions

Listed authorities covered by the specific duties need to publish equality information to demonstrate compliance with the general equality duty. **In practice, documentation about your assessments of impact on equality is likely to be a key component of this information.** You may find it easier to have a structured way of publishing both the findings of impact on equality, and the decisions you made as a result of them, that links with your wider publication of policies and equality information.

We recommend that you publish some records of your equality considerations alongside the relevant policy. It is useful to do this before a policy is finalised so that people can engage with you on your findings. This should be proportionate to the matter in hand, though. For example, information about the equality implications of national policies on people with different protected characteristics is likely to be published at various stages of policy development. However, a school proposing changes to a school uniform policy may find it sufficient simply to include details of the findings of its assessment along with any other information sent out to parents and carers.

h) Monitor actual impact and review policies

Assessing the impact on equality is an ongoing process that does not end once a policy has been agreed or implemented. Your assessment will have helped you to anticipate and address the policy's potential impact on different groups. However, the actual impact of the policy will only be known once it has been introduced. You may find that you need to revise the policy if unexpected negative impacts occur. You may also want to change it if area demographics change, alternative services become available, or new ways to reduce adverse impact become apparent. You may find it helpful to set out when the policy will be reviewed. Reviewing a policy will involve using the experience gained through implementation to consider any possible adjustments. Issues to be considered include:

- How and when you will measure the impact of the policy.
- When the policy will be reviewed and what could trigger an early revision.
- Who will be responsible for monitoring and review.
- What type of information is needed for monitoring, and when it will be analysed.
- How to engage stakeholders in implementation, monitoring and review.

4. Summary

The following actions can help public authorities give proper consideration to the aims of the general equality duty:

- Assessing impact on equality should be an integral part of policy development and decision-making. Good, timely considerations will lead to better-informed decision-making and ultimately better policies.
- Without good evidence, assessing impact on equality will be difficult to achieve.
- Focus on identifying and understanding how a policy might affect people with particular protected characteristics differently.
- Identify any possible changes necessary to meet different people's different needs, in terms of removing or mitigating negative impacts and enhancing positive ones.
- The time and effort involved should be in proportion to the importance of the policy to advancing equality of opportunity and fostering good relations.
- Engagement with employees, service users, trade unions and others can provide useful evidence for your decision-making.
- Document how you considered the impact of your policy, and how that informed your decision-making.
- Evaluate the effectiveness of your approach and amend it where necessary.

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