

Equality Impact Assessment Policy & Procedure

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1 Purpose and scope

1.1 This document outlines PSOW's policy and procedure for conducting equality impact assessments (EIA). It sits within the broader governance framework of the Public Services Ombudsman for Wales (PSOW). However, it is especially closely connected to PSOW's:

- [Strategic Equality Plan 2019-22](#)
- [Welsh Language Policy](#)

1.2 It is relevant to the following characteristics:

- 'protected characteristics' under the Equality Act 2010: age; disability; ethnicity; gender; gender reassignment; national identity; marriage and civil partnership; pregnancy and maternity; religion or belief – including lack of belief; and sexual orientation;
- socio-economic status, as defined by such characteristics as area of residence, educational attainment, employment or caring duties;
- the Welsh language.

1.3 These are referred to throughout this document collectively as 'equality characteristics'.

1.4 This document is relevant primarily to the development or review of PSOW's strategies, policies and procedures - i.e. key corporate documents defining PSOW's strategy and operations that significantly affect functions of the office and are subject to Management Team (MT) approval. These are referred to throughout this document collectively as 'policies'.¹ However, it can also be applied as needed to the assessment of other activities, for example, own initiative investigations.

¹ Definitions of policies are discussed in more detail in PSOW's Policy Control Procedure.

Stage A section below explains how equality issues should be considered in other aspects of PSOW's operations, for example, communication projects and procurement processes.

- 1.5 This document aims to ensure that EIAs of PSOW's policies are conducted consistently; in a timely manner; to a high standard and in line with PSOW's statutory duties and voluntary commitments.

2 Rationale for the EIA procedure

2.1 Purpose of impact assessments

- 2.1.1 An impact assessment is simply a procedure which enables an organisation to consider the effects of its decisions, policies or services on different communities, individuals or groups.

2.1.2 It aims to:

- anticipate or identify the consequences of this work on individuals or groups of service users/employees;
- ensure that any negative effects are eliminated or minimised;
- maximise opportunities for promoting positive effects.

- 2.1.3 An impact assessment may be a statutory requirement. However, it also represents good organizational practice. It enables the development of better policies and practices and aids transparency and accountability. It can also encourage individuals and communities to participate in decision making processes, giving them ownership of decisions and transforming institutional cultures and decision making.

2.2 PSOW's equality impact assessment duties and commitments

2.2.1 This policy and procedure will help PSOW demonstrate compliance with these statutory obligations and voluntary commitments. However, the ultimate rationale for completing an EIA is that it can improve services for people, making these services better and fairer.

2.3 Protected characteristics

2.3.1 PSOW has duties in relation to assessments of impact on protected characteristics under the general and specific equality duties introduced by the Equality Act 2010 and Equality Act (Statutory Duties) (Wales) Regulations 2011.

The 2010 Act also places a 'due regard' duty (Public Sector Equality Duty) on public bodies, when carrying out their functions, to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups;
- foster good relations between different groups.

2.3.2 Under the specific regulations in Wales, PSOW is required to:

- assess the likely impact of any proposed policies and practices, or any planned or proposed revisions of these policies and practices, on his ability to comply with the general equality duty;
- monitor the impact of these policies and practices; and
- publish reports on impact assessments.

2.4 Socio-economic status

2.4.1 In addition to establishing the general equality duty in relation to people with protected characteristics, part 1 of the 2010 Act also established a so-called 'socio-economic duty'.

The socio-economic duty requires key public bodies, when taking strategic decisions, to have due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage. This duty has not been enacted to date in England. However, it has been implemented in Scotland and it will shortly be implemented in Wales.

2.4.2 PSOW is committed to working in the spirit of the socio-economic duty.

2.5 Welsh language

2.5.1 Under the Public Services Ombudsman (Wales) Act 2019, PSOW has statutory duties in relation to the Welsh language. These will include duties to assess positive and negative impact of new or revised policies on:

- opportunities for persons to use the Welsh language, and
- treating the Welsh language no less favourably than the English language.

2.5.2 PSOW will also have to consider how a new policy, or review or revision of an existing policy should be formulated to minimise the negative impact and maximise the positive impact.

2.6 Integrated impact assessment

2.6.1 This policy and procedure integrates due regard to protected characteristics; characteristics associated with socio-economic disadvantage and the Welsh language. This approach is adopted to encourage more joined-up thinking and avoid duplication of time and effort.

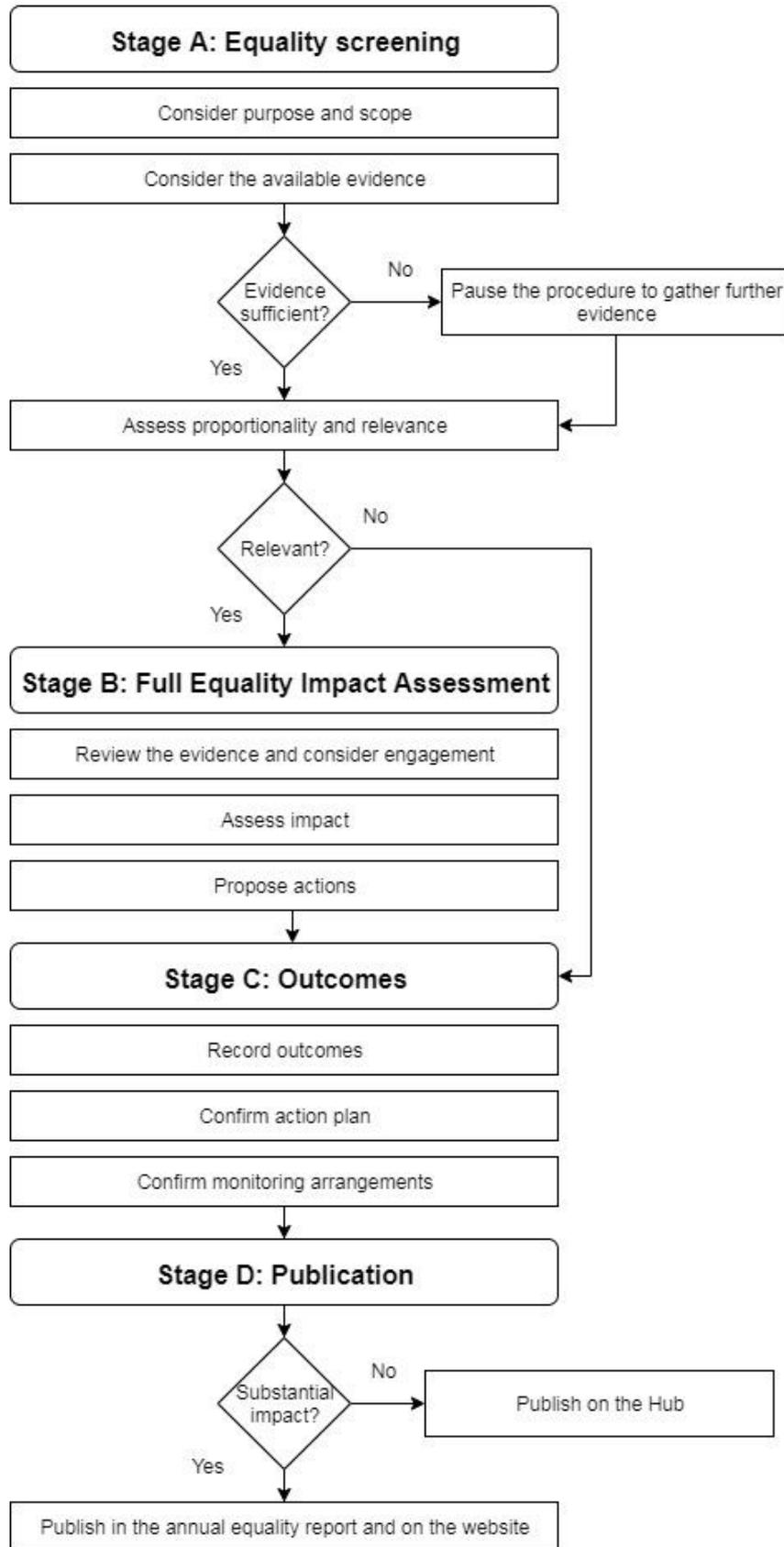
3 Roles and responsibilities

- 3.1 The **Management Team** (MT) has overall responsibility for the strategic direction and governance of PSOW and ensures that operational management complies with all legal, statutory and good practice guidance requirements. In addition, the completed EIA forms must be authorised by a member of the Management Team.
- 3.2 The **Policy Control Officer** (PCO) is responsible to the Management Team for ensuring the Equality Impact Assessment Policy and Procedure is up to date; that the policy is implemented and reviewed and that its effect is monitored. The PCO is responsible for maintaining and updating of PSOW's internal [Equality Information Reference Document](#); as well as PSOW's EIA library. The PCO can also provide advice about conducting the EIAs.
- 3.3 The **Policy Owners** (POs) are responsible for ensuring that EIAs are completed and approved as required. However, POs should be supported in this task by the PCO and other members of staff and external stakeholders, as appropriate. The POs are also responsible for reporting on the EIA outcomes to the Management Team.
- 3.4 **All staff** must follow the requirements of this and related equality policies.

4 Overview of the EIA procedure

- 4.1 The EIA procedure involves four stages, each underpinned and supported by consideration of relevant evidence and engagement:

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4.2 Initially, the procedure may seem cumbersome and the officers undertaking EIAs may lack confidence in their skills and knowledge. However, over time, undertaking EIAs will become more routine and a body of knowledge, shared good practice and evidence to inform the procedure will be developed.

Key points to remember:

- the procedure should be followed from the start of an initiative to ensure that potential problems are identified at an early stage, when addressing them will be simpler and less costly and the direction of work can be influenced.
- EIAs should not be undertaken by one person alone. The procedure should involve the PO as well as at least one other officer.

5 Evidence and engagement

5.1 General remarks

5.1.1. To complete the EIA procedure, the responsible officers will have to draw at every stage on broad evidence related to equality issues. Without considering this evidence, it will be impossible to assess the relevance and/or impact of a policy or practice, or to define adequate actions to mitigate or enhance its impact.

5.2 Existing evidence

5.2.1 In meeting this requirement, the responsible officers should use a broad range of data: case studies, employment statistics, data sets, reports, audits, feedback, surveys, etc. The evidence must be considered in relation to every group and characteristic within the scope of the impact assessment.

5.2.2 To facilitate this task, PSOW will maintain an internal [Equality Information Reference Document](#), collating some of the data that could inform the EIA process. This document will be maintained and updated by the PCO. Advice and support are also available from the PCO at every stage of the EIA procedure.

5.2.3 The responsible officers may also want to consider any previous EIAs of this or a similar policy or practice. All EIAs completed by PSOW in the past can be accessed in PSOW's Policy Database.

5.3 Additional evidence

5.3.1 In order to complete the EIA procedure, it may be necessary to gather further information. If at any point during the procedure it is deemed that the evidence is insufficient, or insufficiently reliable to assess relevance or impact of a policy on equality, the procedure must be paused to gather the required evidence.

5.4 Consultation and engagement

5.4.1 The principle of engagement with potentially affected groups is at the heart of compliance with the general equality duty and is extended in the current policy to include the socio-economic and Welsh language considerations. Where a policy is relevant to a particular stakeholder group, it is advisable to try to consult with or involve a representative of this group at the earliest possible opportunity.

5.5 Record of evidence

5.5.1. The officers must record all evidence considered at all stages of the procedure in [section 4](#) of the EIA form. This should include details of any:

- existing evidence considered:
- additional evidence collected, including through consultation and engagement.

5.5.2. Keeping a record of all the evidence informing the EIA process is essential to demonstrate due regard to equality.

Key points to remember:

- previous EIAs may serve as a template for the consideration of new or revised policies and practices. However, each policy should be ultimately considered on its own merits.
- inequalities based on certain characteristics may relate and combine to generate unique modes of disadvantage and discrimination. For example, discrimination based on gender and ethnicity may combine to place women from black ethnic backgrounds under a particular disadvantage compared to women from white ethnic backgrounds. This is referred to as 'intersectionality'. Pay attention to potential intersections between various equality characteristics when assessing the evidence.

6. Stage A: Equality screening

- 6.1. The legal requirements to undertake impact assessments in relation to equality and the Welsh language refer to **new or revised 'policies and practices'** ([Equality Act 2010](#)) and **'policies'** ([Welsh Language \(Wales\) Measure 2011](#)).
- 6.2. These terms are not defined in the legislation. They could encompass, for example: strategies and operational plans; any policies and procedures; capital bids, procurement and commissioning; budget setting decisions and criteria for resource allocation; provision of information to staff and the public; internal and external events and day-to-day decisions where these may have a significant impact on people.

- 6.3. The EIA procedure outlined in this document relates to PSOW's 'policies', i.e. key corporate documents defining PSOW's strategy and operations that significantly affect PSOW's functions and are subject to MT approval.

This does not mean that equality considerations are not relevant to other aspects of PSOW's operations. All staff should be aware of PSOW's equality duties and commitments and take them into account when undertaking their work. Also, separate, tailored tools will be developed to conduct equality assessments of communications projects and procurement activities.

- 6.4. Furthermore, not every PSOW policy must be subject to a full EIA. The legal requirement to assess impact on protected characteristics under the Equality Act 2010 applies the principles of relevance and proportionality. To ensure proportionality and relevance, it is permissible for public authorities to 'screen out' policies that are likely to have minimal equalities impact and therefore do not require a full assessment.
- 6.5. Screening allows PSOW to prioritise available resources towards those issues where potentially the most serious equality issues arise.
- 6.6. However, it is impossible to accurately assess relevance of policies to equality without considering the broader evidence. Officers completing the EIA must consider at this stage the available evidence relevant to all the equality characteristics.
- 6.7. It should not be necessary to conduct additional research at the screening stage. However, where gaps in evidence are significant, the EIA procedure should be paused to address them.

6.8. Relevant sections of the EIA form:

- [Section 1](#): purpose and scope of a policy
- [Section 2](#): assessment of relevance
- [Section 4](#): register of evidence and engagement

7. Stage B: Full Equality Impact Assessment

7.1. Equality screening assesses relevance, not impact. If the screening exercise suggests that a policy is relevant – i.e. it is likely to have an impact on equality - it will be necessary to undertake a full impact assessment.

7.2. The full EIA will build on the evidence gathered during the screening. However, at this stage the responsible officers must consider the need to consult or engage with particular affected groups.

7.3. In the context of this EIA procedure, impact may be both negative and positive:

- negative impact - can be defined as the detrimental effect upon some individuals and groups because of their differences. Negative impact may be intentional or unintentional.
- positive impact – occurs where a policy or practice affects people in a positive way, making a positive contribution to addressing their needs.

7.4. The legislation requires that the impact assessment considers the following specific impacts:

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	Negative impact	Positive impact
Protected characteristics	<p>Result in less favourable treatment for people with certain characteristics</p> <p>Lead to direct or indirect discrimination</p> <p>Impact making reasonable adjustments</p>	<p>Remove or minimise disadvantage;</p> <p>Help meet the needs of people with equality characteristics;</p> <p>Encourage increased participation of people with equality characteristics</p> <p>Help to tackle prejudice;</p> <p>Help to promote understanding between people with different equality characteristics</p>
Socio-economic status		<p>Help to reduce disadvantage due to people's socio-economic status</p>
Welsh language	<p>Have a negative impact on</p> <ul style="list-style-type: none"> • opportunities for people to use the Welsh language, and • treating the Welsh language no less favourably than the English language. 	<p>Have a positive impact on</p> <ul style="list-style-type: none"> • opportunities for people to use the Welsh language, and • treating the Welsh language no less favourably than the English language.

- 7.5. The final step of the impact assessment involves proposing actions to mitigate any negative impact and/or maximise any positive impacts; as well as re-assessing impact.
- 7.6. Relevant sections of the EIA form:
- [Section 3](#): full Equality Impact Assessment
 - [Section 4](#): register of evidence and engagement

Key points to remember:

- in formulating recommendations for actions, ensure you consider seeking the support and ideas of all relevant stakeholders
- be prepared to consider alternatives that could still achieve the aims of the original policy.

8. Stage C: Outcomes

- 8.1. Whether the procedure was concluded at the screening stage or involved completion of a full EIA, its final step involves recording outcomes.
- 8.2. The outcome report should specify whether it is recommended that the policy:
- is adopted without changes;
 - is adopted with changes;
 - is not adopted.
- 8.3. If it is decided to proceed with the policy, even though it is likely to have a negative impact on some groups, PSOW must be able to demonstrate that:
- the policy was necessary in order to carry out specific functions;
 - there is no way of achieving the aims of the policy that has less negative impact;

- the means employed to achieve the aims of the policy are necessary and appropriate.
- 8.4. However, if a policy is deemed to directly or indirectly discriminate against protected groups, it may be unlawful and its implementation may contravene the law.
- 8.5. If changes to the policy are required, or if alternatives must be found, the outcomes report must specify an action plan and arrangements for monitoring of these actions.
- 8.6. The completed EIA must be submitted to and approved by the MT as part of the approval of any new or revised PSOW policies.
- 8.7. Following MT approval, new and revised EIAs should be submitted to the PCO, according to PSOW's Policy Control Procedure.
- 8.8. Relevant sections of the EIA form:
- [Section 5](#): outcomes

9. Stage D: Publication

- 9.1. All EIA forms, regardless of the stage completed (screening or full assessment) will be uploaded by the PCO to the HUB and linked to the relevant policies in the Policy Database.
- 9.2. PSOW is required by law to publish the results of assessments of impact on protected characteristics where the impact or likely impact is deemed to be 'substantial'. The relevant assessments should be identified at the Outcomes stage and published in PSOW's annual equality report and on PSOW's website.
- 9.3. All EIA publication arrangements are coordinated by the PCO.

10. Questions about the procedure

Q: When should I consider the need for an EIA?

A: Equality screening must be undertaken at the point of development or review of any of PSOW's documents categorised as strategies, policies or procedures – i.e. key corporate documents defining PSOW's strategy and operations that significantly affect PSOW's functions and are subject to MT approval. However, the procedure can also be applied to other PSOW activities and interventions, e.g. own initiative investigations.

Q: Who should complete the EIA?

A: Policy Owners (POs) are responsible for ensuring that equality screening and/or full EIAs are completed as required. However, the EIA procedure should not be undertaken by one person alone. It will require a group of at least 2 members of staff with the best knowledge and understanding of the policy or practice. The PCO can offer advice and support in the process. You should consider if these members of staff represent all relevant areas of interest and whether it may be necessary to involve external stakeholders.

Q: How do I know whether an EIA is needed or not?

A: Not every PSOW policy must involve a full EIA. However, all must be screened for relevance to equality. The screening process in part 2 of the EIA form is designed to help to identify the policies which are likely to have an impact on equality and where a full EIA would be proportionate.

Q: What do I do with the completed EIA form?

A: Once equality screening and/or a full EIA is completed, you will need to record the outcomes of the process. The outcomes must be signed off by the MT as part of the approval of a new or revised policy. Following this, the EIAs should be shared with the PCO according to PSOW's Policy Control Procedure. The PCO will upload the EIA to the HUB and arrange for publication, as required.

11. Monitoring and review

11.1. The effectiveness of this policy and procedure will be monitored by the PCO with reports, as required to Management Team.

11.2. The policy will be reviewed on a biennial basis.

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The EIA form

The Word version of this form can be accessed [on the HUB](#).

Section 1: Purpose and scope of policy

Title	
New or existing	
Owner	
Officer(s) undertaking the EIA	Remember that EIA should not be undertaken by one person alone. It will require a group of at least 2 members of staff with the best knowledge and understanding of the policy or practice. It may require engaging with external stakeholders as well.
What does the policy aim to achieve?	
How is the policy related to other areas of work?	Think about where this policy or practice fits in a wider context. E.g. does it link to PSOW's Equality Plan, Outreach Plan, or employment policies? Can you screen a group of related policies together?
Who is likely to be affected by this policy?	Think of both internal and external stakeholders - e.g. service users, the public, visitors, staff, contractors, etc. Remember that the policy or practice may affect people directly or indirectly.

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Section 2: Assessment of relevance and proportionality

Key points to remember:

- to assess relevance you must consider evidence related to all equality characteristics
- you must record all evidence considered in [section 4](#) of this form.

Question	No	Yes	Comments
Does the policy relate to PSOW's equality objectives and identified actions?	<input type="checkbox"/>	<input type="checkbox"/>	
Does the policy relate to functions that evidence, or previous activities have identified as being important to, particular characteristics?	<input type="checkbox"/>	<input type="checkbox"/>	
Does the policy relate to an area where there are known inequalities, or a significant potential for reducing inequalities or improving outcomes?	<input type="checkbox"/>	<input type="checkbox"/>	
Is there evidence to suggest that this policy may affect:			
<ul style="list-style-type: none"> • equal treatment of people with certain characteristics 	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> • meeting the needs of people with equality characteristics (including through provision of reasonable adjustments) 	<input type="checkbox"/>	<input type="checkbox"/>	

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<ul style="list-style-type: none"> • participation of people with equality characteristics 	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> • community relations between different equality groups 	<input type="checkbox"/>	<input type="checkbox"/>	
Is there evidence to suggest that this policy may influence disadvantage due to people's socio-economic status?	<input type="checkbox"/>	<input type="checkbox"/>	
Is there evidence to suggest that this policy may affect opportunities for people to use Welsh or affect how PSOW treats the Welsh language?	<input type="checkbox"/>	<input type="checkbox"/>	

If you answer 'yes' to any of these questions, proceed to [section 3](#).

If a policy is not deemed relevant for conducting a full EIA, proceed to [section 5](#).

Section 3: Full Equality Impact Assessment

Key points to remember:

- you must consider at this stage any need for collection of further evidence - including through engagement with groups potentially affected by the policy;
- you must record all evidence informing this stage in [section 4](#) of this form.

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Characteristic	Negative impact			Positive impact			n/a	Justification based on the evidence considered	Proposed actions to mitigate negative impact /maximise positive impact	Negative impact			Positive impact		
	H	M	L	H	M	L				H	M	L	H	M	L
General aspects	<input type="checkbox"/>			<input type="checkbox"/>											
Age	<input type="checkbox"/>														
Disability	<input type="checkbox"/>														
Gender	<input type="checkbox"/>														
Gender reassignment	<input type="checkbox"/>														
Marriage & civil partnership	<input type="checkbox"/>														
Pregnancy & maternity	<input type="checkbox"/>														
Race	<input type="checkbox"/>														
Religion or belief	<input type="checkbox"/>														
Sexual orientation	<input type="checkbox"/>														
Socio-economic status	<input type="checkbox"/>														
Welsh language	<input type="checkbox"/>														

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Section 4: Register of evidence and engagement

Existing evidence considered	
Equality screening	
Equality Impact Assessment	
Additional evidence collected	
Equality screening	
Method of evidence collection	
Record of the evidence collected	
Date completed	
Equality Impact Assessment	
Method of evidence collection	
Record of the evidence collected	
Date completed	

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Section 5: Outcomes report

EIA stage completed	Screening	<input type="checkbox"/>	
	Impact assessment	<input type="checkbox"/>	
Outcome of the EIA procedure	Proceed with policy – no changes	<input type="checkbox"/>	
	Make changes to policy	<input type="checkbox"/>	
	Do not proceed with policy	<input type="checkbox"/>	
Action plan (full EIA only)			
Where actions are required to mitigate the level of negative impact or maximise positive impact, please specify:			
Key issue	Action to be taken	Responsible officer	Date for completion
Monitoring (full EIA only)			
Please outline monitoring arrangements			
Please specify responsible officer			
Publication needs (full EIA only)			
Was the impact deemed as substantial (high)?			
Authorised by the MT	<input type="checkbox"/>		
Date			