



## **EQUALITY IMPACT ASSESSMENT (EQIA) For Short-stay halting site for Gypsy/Travellers**

### **1. BACKGROUND**

Legislation provides General Duties, which require the Council as a public authority to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity.

A framework for guiding policy formulation within Clackmannanshire Council is needed to ensure that potential impact of policy development and new ways of working are systematically identified assessed and taken into account. The purpose therefore of the Equality Impact Assessment is to work out whether a group or individual will be adversely impacted on by a Council policy or procedure.

### **2. AIMS**

The aim of an Equality Impact Assessment is to facilitate openness in the way Council policies are designed and delivered and to be accountable to the public for decisions which affect them. This approach leads to greater public confidence and trust, particularly from those whose needs and concerns have been overlooked.

This document provides a step-by-step guide to carrying out an impact assessment and will cover the following areas:

- what is an equality impact assessment?
- why should it be done?
- who should do it?
- how should it be done?

### **3. EQUALITY IMPACT ASSESSMENT**

#### **What is an impact assessment?**

An equality impact assessment is a way of systematically and thoroughly assessing and consulting on the effects that a proposed policy or function could have on some groups or individuals depending on their group. This then enables the Council to pre-empt the possibility that the proposal could affect some groups unfavourably.

The assessment extends to monitoring the effects of the policy/functions and being alert to any concerns about the way it is functioning.

An equality impact assessment has two key stages:

## **Stage 1**

Involves screening policies or legislative proposals to see if they are relevant to equality:

- identify the main aims of the policy
- collect information
- decide if the policy is relevant

The answers to these questions should provide initial information on the priority issues. If it is identified through **Stage 1** that there may be an adverse impact on an area of equality, a more detailed assessment will be undertaken.

This will consist of following up and obtaining further information on the likely impact.

## **Stage 2**

Involves fully assessing policies identified as being relevant to make sure they do not have an adverse effects on any groups. Policies may be defined as the sets of principles or criteria an organisation develops to help carry out its functions or role. This process will:

- Identify all aims of the policy
- consider the likely impact – is this appropriate consistent with the objective of the policy?
- consider alternatives
- consult formally
- decide whether to adopt the policy
- make monitoring arrangements
- publish assessment results

Whilst we have introduced a toolkit for use by services, all assessments will be based on individual Service estimates of likely implications and outcomes.

If an adverse impact is found during the Impact Assessment process, services will consider what action requires to be taken. Actions taken and reasons for the decision will be documented as part of the Assessment process. Services will consider what action requires to be taken and actions taken and reasons for the decision will be documented as part of the assessment process. Actions may include:

- changing the proposed policy
- considering ways it could be introduced that will remove or reduce the adverse impact
- finding an alternative way to achieve the aim of the policy

There may be situations, however, due to the policy's importance or to meet the needs of particular groups, that there is no other way of achieving the policy. Services may then be able to justify the policy as it was originally proposed this process and the decision taken in respect of the policy must be clearly documented as part of the assessment process.

By carrying out impact assessments in this way, we will ensure continued openness about the way that functions and policies are developed and ensure that an opportunity is given for individuals, both internal and external to the Council, to contribute to the shaping of the services we provide.

If you said you didn't need to carry out an Impact Assessment consider the following before going any further:

- will individuals have access to, or be denied access to a service or function as a result of the policy or the changes you propose to make to existing services or functions?
- will the implementation of your policy result in individuals being employed, a change in staffing levels or a change in terms and conditions, employer or location – either directly or indirectly?
- is there a change in the size of a budget? How will this change impact on individuals? Will a service be withdrawn, changed or expanded?

If you have answered yes to any of these questions, your policy **does** affect people and you should undertake an Equality Impact Assessment.

If you have decided that, in light of the answers to the questions above, that you do not need to carry out an Equality Impact Assessment, you should complete this form:

<b>Policy Title:</b>	Policy on Short-stay Halting Sites for Gypsies/Travellers
<b>Service:</b>	Housing Services
<b>Team:</b>	Strategic Housing Services
<b><i>This policy/function will have no impact on people from any of the equality groups and an EQIA is not required</i></b>	
<b>Name:</b>	
<b>Position:</b>	
<b>Title:</b>	
<b>AUTHORISATION</b>	
<b>Name:</b>	<b>Eugene H. Rauch</b>
<b>Position:</b>	<b>Policy Planning Co-ordinator</b>
<b>Title:</b>	

***If you do need to carry out an EQIA this is the process:***

You should aim to carry out the Impact Assessment at the beginning of the planning of a new policy or the review of an existing policy. However, it is recognised that it is not always possible to do this and you should therefore do it as soon as is practicable.

A successful EQIA will look at 4 key areas.

**Policy** – a clear definition of your policy and its aims.

**Collecting Evidence** – this should involve engagement with equality groups.

**Differential Impact** – reaching an informed decision on whether or not there is a differential impact on equality groups, at what level and what will be done to address any adverse impact.

**Measuring Outcomes** – stating how you will be monitoring and evaluating the policy to ensure that you are continuing to achieve the expected outcomes for all groups.

**An EQIA should be considered for the full range of Council activities, strategies, functions, policies and processes. The term 'Policy' will be used throughout this document to mean all of the above.**

This 9 step process has been developed to help you:

<b>Step 1</b>	Define the aims of your policy
<b>Step 2</b>	What do you already know about the diverse needs of your target audience?
<b>Step 3</b>	What does the information you have tell you about how this policy might impact positively or negatively on the different groups within the target audience?
<b>Step 4</b>	Will you be making any changes to your policy?
<b>Step 5</b>	Does your policy provide the opportunity to promote equality of opportunity or good relations?
<b>Step 6</b>	Based on the work you have done – rate the level of relevance to your policy – <b>High Medium or Low</b>
<b>Step 7</b>	Do you need to carry out a further Impact Assessment
<b>Step 8</b>	Outline how you will monitor and evaluate this policy to measure progress
<b>Step 9</b>	Sign off and publish Impact Assessment

### **Step 1 - Define the Aims of the Policy**

The first step of the Impact Assessment process is to identify what the policy is designed to achieve. This helps you to think about how the needs of different groups of people are integrated into the policy aims and objectives. It helps you to think about who is intended to benefit from the policy and how.

When you are defining the aims of your policy, you should also be giving some thought to the resources that will be (or have been) allocated to deliver that work.

Have the potential costs of this work been set in a way which will help you to achieve the best outcomes for the diverse communities that your policy will engage with?

<b>Title of Policy:</b>	Policy on Short-stay Halting Sites for Gypsies/Travellers
<b>Service:</b>	Housing Services
<p>What is the purpose of the proposed policy or changes to established policy?</p> <p>The policy would establish that at the current time there is insufficient demand for provision of a short-stay halting site within Clackmannanshire Council. Prior to this time there was not an established policy on short-stay halting sites for Gypsies/Travellers. This new policy sets out the justification for no provision at this time and also establishes a regular programme to review the situation every three years. If the situation is substantially altered, the policy will be revised to accommodate the change in provision.</p>	
<p>Who is affected by the policy or who is intended to benefit from the proposed policy and how?</p> <p>The policy directly affects the population of gypsies/travellers who travel through Clackmannanshire Council and would benefit from provision of a site for halting over a short time. The policy was developed to clearly define the Council's position on provision (or absence thereof) and provide a process for re-evaluating the situation over time. While the provision of a site would benefit Gypsies/Travellers, there is a substantial cost associated with provision which would need to be funded by tax payers. Under current circumstances, there is a limited number of times per year that this provision would be beneficial, yet it would need to be maintained throughout the year (currently most incidents of illegal encampment occur only in the summer). Thus, there is an issue of cost/benefit which needs to be considered if provision is made.</p>	

How have you, or will you, put the policy into practice? Who will be responsible for delivering it?

As there is not a policy in place, the Council has de facto established a policy of not providing short-stay halting sites. By developing and establishing a policy, the Council has knowingly considered the issue and provided information as to why it has established its position on provision of sites. The Policy will be delivered by the Strategic Housing Services Team, who will also be responsible for reviewing the policy and the data used to establish the policy.

## **Step 2 - What do you already know about the diverse needs and/or experiences of your target audience?**

To understand the different needs and experiences of the people you are making policy for, you will need to gather the facts and figures about the target audience for your policy. It is important to know **who** will be affected by the proposed changes and **how**.

The evidence (or information) you require may come from a variety of sources – it may be statistical information, research projects which have collected information through discussions, focus groups and interviews with a range of people including those from recognised equality groups. It is also important to identify any information or evidence gaps you may have and which may need to be addressed in order to successfully complete the assessment process.

Evidence may include data (facts, figures, research findings etc) from our own information management systems or research surveys and consultation exercises.

In the absence of research there may be anecdotal evidence, feedback from service users and affected groups which may indicate positive or negative impact.

### **Points to remember:**

- Evidence may indicate that there may or may not be an equality impact associated with a policy.
- The absence of evidence or indicators does not necessarily mean that there is no impact on equality.
- Arrangements should be made to obtain the relevant information ( i.e. there is a need for us to conduct our own survey) to help in the process of deciding whether or not a policy has a differential adverse impact or whether the policy requires further, in-depth equality impact assessment.
- That an issue may only impact on small numbers of people from the different equality groups does not mean that there is not an issue or a problem. For example, it may be necessary to consider the needs of minority ethnic communities in rural areas, or lesbian, gay bisexual or transgendered people who may choose not to identify themselves as such due to fear of abuse or discrimination.
- You have a statutory duty to involve the community and you should keep a record of how you have done this.

Consultation is a key part of the process. The public sector equality duties require us to involve, consult and engage with our communities as widely as possible.

There are a variety of ways you can consult with people but it is important that you take account of the different needs of people from different communities.

**Note:** The background information for this policy is contained in a "Scoping Paper" prepared in April 2009 and an assessment carried out later in the same year.

**Step 3 - What does the Information you have tell you about how this policy might impact positively or negatively on the different groups within the target audience?**

In this section you should be looking at the information you have collected to asses what it is telling you about the needs of different groups of people.

Key Questions:

- Will the impact of the proposes policy/function be the same or different for each group
- Is there any indication or evidence of higher or lower participation or uptake of services by different groups?
- Are there any groups of people who are not taking up services?

**What does the information you have tell you about how this policy might impact positively or negatively on the different groups within the target audience?**

Age	This policy does not differentiate between age groups
Disability	People with disabilities are not disadvantaged by this policy.
Gender	The policy does not negatively impact on a gender basis.
Lesbian, Gay, Bisexual and Transgender	People with different sexual preference are not disadvantaged by the policy.
Race	Although Gypsies/Travellers are often referred to as an ethnic group, this population is not a minority race. For purposes of this exercise, this policy does not affect or impact on the individual by their race. The publication "Delivering for Scotland's Gypsies/Travellers", published by the Scottish Executive, clearly states that Gypsies/Travellers are an ethnic group but are not recognised as a racial group. Many of the gypsies/travellers found in illegal encampments state their origin as English or Irish.
Religion and Belief	Neither the religion or belief of individuals are cause for being disadvantaged by the policy.

Note: The Scottish Executive (Government) clearly identifies that Gypsies/Travellers should be identified as a specific community of interest in implementing the Equality Strategy.

**Step 4 - Does the policy need to be changed?**

If the policy is likely to have an adverse impact on a group of people, the presumption should be that the policy will be changed or amended to lessen or remove this adverse impact. However, when considering making changes to our policies the actions we take should be proportionate.

It may be possible to make a change that may remove a barrier or have a lasting effect on one or all of the equality groups this will also be essential to avoid illegal discrimination. The EQIA process is a policy making tool which allows us to identify ways in which we can improve our policies and make them better suited for their purpose. You should also consider the resource implications of any changes you make i.e. will it cost more or should your resources be focussed on ensuring that your policy delivers effectively across different groups?

**Will you be making any changes to your policy?**

Are there any changes?		
<i>Description</i>		
Disability	No	
Gender	No	
Lesbian, Gay, Bisexual and Transgender	No	
Race	No	
Religion and Belief	No	
Age	No	

Please Identify:

- what action you will take  
 Every three years the policy will be reviewed and amended, as necessary.  
 Gypsies/Travellers and their potential need for short-stay halting sites will be reviewed during the annual monitoring of Local Housing Strategy.
- who will take that action  
 The Strategic Housing Service will be responsible for annual monitoring and three-yearly review of the policy.
- when that action will be taken

The three-yearly review will be done on the anniversary of the policy implementation. The monitoring will be undertaken along with other monitoring events prior to the LHS report.

***Step 5 - Does your policy provide the opportunity to promote equality of opportunity or good relations?***

The main purpose of the EQIA is to identify any potential adverse impact, it also offers the opportunity to consider how your work can better promote equality of opportunity and good relations.

The public sector equality duties require that the Council, in carrying out its functions, has due regard to the need to promote equality of opportunity and /or outcomes.

The public sector equality duties and the Council's own policies require that the Council, in carrying out its functions, has due regard to the need to promote equality of opportunity between:

- persons of a different race
- men and women
- persons with a disability and without
- persons of a different religion or belief
- persons of different ages
- persons of different sexual orientation

The public sector duties also require the Council to:

- promote good relations between people of different racial groups
- promote positive attitudes towards people with disabilities
- encourage participation by people with disabilities in public life

It must not be assumed that areas which have been immune to challenge or question in the past, do not have implications for equality of opportunity. All existing areas of policy must be looked at with a fresh eye.

Key Questions:

- How does this policy promote equality of opportunity?
- what is being done to ensure equal outcomes for people from different groups or communities?
- How can this policy encourage participation in public life?
- How does this promote good relations?



**Step 6 – Based on the work you have done – rate the level of relevance to your policy.**

You should now have enough information to decide whether or not there is an impact for any or all of the equality groups and whether the level of impact is in proportion to the policy. You will now have to decide whether the impact is high, medium or low for any of the strands.

**Based on the work you have done rate the impact of your policy on equality groups:**

Tick one box for each strand	Age	Disability	Gender	LGBT	Religion and Belief	Race
<p><b>High</b>                      There is substantial evidence that people from different communities or groups are or could be differently affected by the policy.                      There is substantial public concern about the policy or concerns have been raised about the policy’s potential impact by relevant bodies.                      This policy is relevant to all or part of the respective duty in the case of race, disability or gender</p>						
<p><b>Medium</b>                      There is some evidence that people from different groups or communities are or could be differently affected.                      There is some public concern about the policy. The policy is relevant to parts of the respective general duty</p>						
<p><b>Low</b>                      There is little or no evidence that some people from different groups or communities are or could be differently affected.                      There is little or no public concern about the policy.                      The policy has little or no relevance to the respective general duty.</p>	√	√	√	√	√	√
<p><b>Unknown</b>                      No evidence or data has been collected therefore an assessment cannot be made.</p>						

**Step 7 - Carrying out a Further Impact Assessment**

If you haven’t got enough information gather more and go through the process again. A further assessment should be undertaken if more detailed investigation is required. There will be some policies where, as a result of undertaking this EQIA, you may decide a further impact assessment is required although it may not be necessary for all equality groups depending on the nature and the focus of the policy in question.

Further impact assessment could include:

- collecting further data, commissioning research and analysis
- considering alternative ways to collect information
- consulting further with people affected by the policy

Having undertaken further work, you should then revisit the impact assessment toolkit as you should now be in a position to complete the EQIA more fully.

Is a further EQIA required?		
		<i>Description</i>
Disability	No	
Gender	No	
Lesbian, Gay, Bisexual and Transgender	No	
Race	No	
Religion and Belief	No	
Age	No	

If you have answered **yes** please explain **why**

If you have answered **no** but have identified a high impact on policy, please explain your decision.

### **Step 8 – Monitoring and Evaluating the Policy to Measure Progress**

To ensure that the policy remains focused and is not affected by changing circumstances, it is important to keep it under review against its original aims. Monitoring and evaluation processes should be established to periodically assess the impact of the policy on the diverse needs of the target audience. This should reveal any unexpected adverse effect or unintentional discrimination.

The key to evaluating policy is good management information which may be collected as part of the ongoing monitoring process or conducted as a separate exercise.

**Note:** This policy is monitored by the Strategic Housing Service and will be reviewed every three years. It is annually monitored when the Local Housing Strategy is reviewed and updated.

## Step 9 – Signing off

You should have completed the following steps:

Impact Assessment Steps 1-8	Yes	No
1. Defined the aims of your policy	√	
2. Identified what we already know what does the existing evidence tell us?	√	
3. Identified what more we need to know – what gaps have we identified?	√	
4. Analysed the evidence – what does all this mean in relation to our policies?	√	
5. Considered any necessary changes and identified action – will you be taking action? If yes What? When? Who? If not Why not?		√
6. Identified opportunities to promote equality	√	
7. Measured differential impact?	√	
8. Outlined how you will monitor and evaluate the process	√	
9. Signed off and published the Impact Assessment	√	

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