

---

## **Mitigating Action within Scottish Public Bodies**

### **Equality and Human Rights Commission**

#### **Final Report**

**April 2012**

The Equality and Human Rights Commission Research Report Series publishes research carried out for the Commission by commissioned researchers.

The views expressed in this report are those of the authors and do not necessarily represent the views of the Commission. The Commission is publishing the report as a contribution to discussion and debate.



## Contents

1.	Introduction.....	i
2.	Gathering the EIAs .....	8
3.	Reviewing the EIAs .....	11
4.	Negative Impact and Mitigating Action by Public Authorities .....	17
5.	Conclusions.....	25

Annex One – Example discussion and interview guides

    Follow-up interviews on mitigating actions

    Follow-up interviews where mitigating actions were not identified

Annex Two – Narrative for each public body



## Executive Summary

---

### The research

1. Scottish public bodies have had a duty to assess the equality impact of their policies and practices for some time. In 2000, the Race Relations (Amendment) Act introduced a duty related to race. Duties relating to disability and gender were added through the Disability Discrimination Act 2005 and the Equality Act 2006.
2. The 2010 Equality Act introduces a duty requiring public bodies to assess the equality impact of their policies and practices for all the protected characteristics set out in the Act – age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. They must also take ‘due regard’ of their assessments of equality impact. The Equality and Human Rights Commission in Scotland will be producing non-statutory guidance in May 2012 to support these new duties.
3. This research covered the financial years 2009/10 and 2010/11. The primary focus was ‘mitigating action’ by public bodies to reduce the negative impacts on equality groups resulting from policy change.
4. The research considered the extent to which Scottish public bodies:
  - have identified a need for mitigating action to be taken as a result of conducting Equality Impact Assessments (EIAs); and
  - can supply evidence that such mitigating action has been put in place and has been successful in addressing the negative impact identified through the EIA.
5. To give the study focus it was agreed that the research would concentrate on two sets of public bodies in Scotland:
  - the eight police forces; and
  - the 32 education authorities (within local councils) in relation to primary school provision.
6. To meet the objectives for the study, the research was carried out in two key stages:
  - **Stage One – Initial information gathering:** We identified the EIAs that had been carried out by police forces and education authorities in 2009/10 and 2010/11. We analysed a sample of those EIAs which included mitigating actions. And we agreed the focus for Stage Two.



- **Stage Two – Detailed survey:** We conducted telephone interviews with staff from 12 public bodies either where the EIA(s) had identified potential negative impacts and mitigating actions or where the EIA(s) had identified negative impacts but had not proposed mitigating actions. This allowed us to:
  - discuss the negative impacts and mitigating actions identified in the EIAs;
  - find out whether the mitigating actions identified had been undertaken;
  - assess the extent of success; and
  - consider the lessons learned.

### Reviewing EIAs

7. We were able to gather lists of EIAs from 26 of the 32 education authorities (81%) and from all eight police forces. Of the 26 education authorities who supplied lists of EIAs, eight (31%) had carried out no EIAs relating to primary schooling in 2009/10 or 2010/11.
8. This gave us a sample of 18 education authorities and all 8 police forces for our analysis of EIAs. We selected a number of EIAs from each of the public bodies (based on the total number of EIAs carried out and the likelihood that an equality assessment of the policy would identify a negative impact in relation to race, disability or gender). All those in the sample provided copies of the EIAs that we had requested.
9. However, when we analysed the EIAs we found that in one education authority and in two police forces, all the EIAs which had been undertaken were 'initial screenings'. Many public bodies carry out these screenings as an initial step in their EIA process to help them determine whether there is a requirement to undertake a full EIA. We had made clear in our request to the authorities and forces that we wished to receive full EIAs **not** initial screenings.
10. We assessed each of the full EIAs that we received as part of this sample against five criteria:
  - the quality of the EIA template which was used;
  - the quality of the evidence included in the EIA;
  - the extent of the consultation that is referred to in the EIA;
  - whether negative impacts were identified; and
  - whether mitigating actions were identified.

11. On the basis of this assessment:
- nearly half of the templates (48%) were assessed as poor – meaning that the template was not likely to lead to a satisfactory EIA;
  - of the 101 completed EIAs that we received, we found that 56% contained no evidence at all, and 34% had limited evidence;
  - of the 101 completed EIAs that we reviewed, 25% did not mention any consultation, while we assessed that limited consultation was referred to in 49% of the EIAs;
  - of the 101 completed EIAs, 25 (25%) identified disproportionate negative impacts for particular groups of people;
  - only those that identified negative impacts considered the need for mitigating action and mitigating actions were identified in 14 of the 25 EIAs (56%) that identified negative impacts – this means that 14% of all the EIAs that we received contained mitigating actions.

### **Mitigating actions**

12. The review of the EIAs identified six education authorities and one police force that had included mitigating actions in the EIAs we included in the sample. We interviewed the key person in each of these public bodies. We also interviewed the key person in the three education authorities and two police forces that had identified disproportionate negative impact for particular groups, but not included mitigating action.
13. Generally the public bodies that had identified mitigating actions were less likely to have poor templates and were more likely to consult. Evidence was still an issue – but often steps were being taken to improve the evidence base.
14. Where mitigating actions were identified, there was a clear responsibility for ensuring that these were carried out and a system to report back the outcome. In many cases, there were also clear timescales for action. And although some of the EIAs were relatively recently completed, in many cases progress had been made in delivering the mitigating actions.
15. Crucially, we were told that the mitigating actions were normally being delivered within existing budgets and using existing staff and other resources. This suggests that if the impacts of policy are not being identified – and early intervention taken – then the cost to public bodies of dealing with issues further ‘downstream’ would outweigh any costs of using EIAs to prevent or take early intervention on inequality.



## Conclusions

16. This research achieved a high rate of response, given that participation in the research by public bodies was discretionary. In total, 34 of the 40 public bodies (85%) invited to participate took part.
17. However, it appeared that Equality Impact Assessments are not taken seriously by many public bodies. Nearly one third of education authorities did not carry out any full EIAs in relation to primary schools in 2009/10 and 2010/11.
18. There remains poor knowledge, use and understanding of the available central guidance on EIAs and there is a lack of knowledge or skills transfer within and between similar organisations operating on similar issues in similar contexts. The lack of communication on good practice suggests that expertise about equality is not valued internally or that it does not have 'corporate capital'. And the low standards of performance in this area suggest a lack of senior organisational or political commitment to quality improvement.
19. The quality of the content of a large proportion of EIAs is poor. They fall down particularly in terms of:
  - evidence and baseline information about the populations covered by the EIA;
  - consultation – many EIAs are produced by an officer (or small group of officers) and do not involve people from the equality groups included in the EIA (or those representing them);
  - related to this, there is confusion between consulting on the policy (which, in the case of education authorities, would often involve teachers and parent teacher associations) rather than on the equality impacts of the policy;
  - analysis of potential impact – there is a lack of imaginative and inquisitive thinking and discussion about the possible negative impacts and an apparent lack of confidence to 'think out loud' about what these might be; and
  - identification of mitigating actions – in part because the prior evidence and analysis is not sufficient and in part a lack of confidence (or seniority or responsibility) to bring about change.
20. Although only seven of the public bodies identified mitigating actions, there are hopeful signs from the experience of this group. It is essential that the learning from this good practice is shared – possibly through action learning, benchmarking clubs and the introduction of more consistent processes.



21. In relation to the new equality duties under the Equality Act 2010, it is clear that many public bodies will need to:
- re-design the processes that they use to assess equality impact of policy and practice;
  - significantly improve the evidence base;
  - identify a range of methods for engaging those who may be most affected by policy and practice in the design and delivery of services;
  - ask more searching questions of themselves and others about how to achieve a greater recognition of existing knowledge limitations in relation to equality;
  - use equality outcomes to draw equality impact assessment into the mainstream of the work of community planning partnerships and to ensure that there is clear accountability for the delivery of the equality outcomes; and
  - ensure senior commitment to equality issues and embedding consideration of equality issues throughout organisations.

## 1. Introduction

---

### Background

- 1.1 In August 2011 the Equality and Human Rights Commission (the Commission) appointed us (ODS Consulting) to undertake research looking at 'mitigating action' by public bodies to reduce the negative impacts on equality groups resulting from policy change.
- 1.2 The research considered the extent to which Scottish public bodies:
- have identified a need for mitigating action to be taken as a result of conducting Equality Impact Assessments (EIAs); and
  - can supply evidence that such mitigating action has been put in place and has been successful in addressing the negative impact identified through the EIA.
- 1.3 The research project built on the 2010 study for the Commission, *Counting the Cost*<sup>1</sup> which looked at the extent to which Scottish local authorities had assessed the impact of budgetary decisions on specific services targeted at women, disabled people and ethnic minority groups.

### The public sector equality duties

- 1.4 During the period covered by this research (2009/10 and 2010/11) public authorities had specific duties in relation to race, disability and gender equality. The duties were set out in:
- the Race Relations (Amendment) Act 2000;
  - the Disability Discrimination Act 2005; and
  - the Equality Act 2006.
- 1.5 The three duties were known as the public sector equality duties. They were statutory duties, meaning that they were legally enforceable. All public bodies that were subject to the duties were legally obliged to pay 'due regard' to the need to take action on race, disability and gender equality. The general duties under each of the three Acts are set out in Table 1.1.

---

<sup>1</sup> Equality and Human Rights Commission (2010) *Counting the Cost* - <http://www.equalityhumanrights.com/scotland/projects-and-campaigns-in-scotland/counting-the-cost/>

<b>Table 1.1 The Public Sector Equality Duties – general duties</b>		
<b>Race: General Duties</b>	<b>Disability: General Duties</b>	<b>Gender: General Duties</b>
Eliminate unlawful discrimination	Eliminate unlawful discrimination	Eliminate unlawful discrimination and harassment
Promote equality of opportunity	Promote equality of opportunity	Promote equality of opportunity
Promote good relations	Promote positive attitudes	
	Eliminate harassment	
	Take account of disabilities	
	Encourage disabled people's participation in public life	
Introduced by the Race Relations Amendment Act 2000	Introduced by the Disability Discrimination Act 2005	Introduced by the Equality Act 2006

1.6 In addition, public authorities were subject to specific duties (set out in Table 1.2). These set out the steps that a public body needed to take to help it to meet these general duties.

<b>Table 1.2 The Public Sector Equality Duties – specific duties</b>		
<b>Race: Specific Duties</b>	<b>Disability: Specific Duties</b>	<b>Gender: Specific Duties</b>
Publish a race equality scheme	Publish a disability equality scheme	Publish a gender equality scheme
Assess and consult on the likely impact of proposed policies	Involve disabled people in developing the scheme	Consult employees, service users and others
Publish the results of impact assessments, consultation and monitoring	Include methods for undertaking impact assessments	Assess the impact of current and future policies and practices
Review relevant functions/policies at least every three years	Review and revise the equality scheme every three years	Review and revise the scheme every three years
	Include arrangements for gathering and using information on the effect of policies and practices	Include arrangements for gathering and using information on gender equality in employment,

		services and functions
	Develop and implement an action plan	Formulate gender equality objectives and ensure implementation of these
	Report annually on progress	Report annually on progress
Make sure the public have access to information and services		
Train staff on both the general and specific equality duties		

1.7 Both the general and specific equality duties were worded differently for each equality group, but were the same in spirit and intention across all three duties. Overall, the Commission recommended<sup>2</sup> that public bodies should take five steps to comply with their public sector equality duties:

- gather information on how their work affects different racial groups, disabled people and men and women, including transsexual men and women;
- consult employees, service users, trade unions and other stakeholders, and involve disabled people;
- assess the impact of their policies and practices;
- in the light of this evidence decide what their priorities for taking action should be; and
- take the action that will deliver the best outcomes in race, disability and gender equality.

1.8 The Commission also produced guidance in March 2009 on how these equality duties should relate to financial decisions<sup>3</sup>. It makes absolutely clear the requirement for public authorities to meet their public sector equality duties, including undertaking EIAs:

To ensure that they have complied with the equality duties, and to ensure that any decision made does not unfairly discriminate, public authorities should carry out robust equality impact assessments and consult and involve relevant stakeholders as part of the decision making process.

<sup>2</sup> Public Sector Equality Duties, Equality and Human Rights Commission, 2009

<sup>3</sup> Public Sector Equality Duties and Financial Decisions, EHRC, 2009



## The Equality Act 2010

- 1.9 The legislation that governed the equality actions by public bodies were transformed by the Equality Act 2010, which brought together a wide range of existing law, and introduced new law on equality. The guidance to support the new legislation is being introduced incrementally.
- 1.10 On 5 April 2011 a new **general public sector equality duty** came into force across Britain. A public body must work to:
- eliminate discrimination, harassment and victimisation;
  - advance equality of opportunity between people who share a protected characteristic and those who do not; and
  - foster good relations between people who share a protected characteristic and those who do not.
- 1.11 The protected characteristics are – age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Public bodies should be:
- removing or minimising disadvantages experienced by people due to their protected characteristics;
  - taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and
  - encouraging people with protected characteristics to participate in public life or other activities where their participation is disproportionately low.
- 1.12 There are also **specific equality duties** that are designed to support public authorities to meet the new general equality duty which set out how public bodies should set about meeting the general public sector equality duties. In Scotland, these specific equality duties are different from those in England, and also from those in Wales. The Equality and Human Rights Commission in Scotland will be producing non-statutory guidance in May 2012 to support the new specific equality duties.
- 1.13 In Scotland, Ministers will require public bodies to set ‘equality outcomes’. This fits with the Scottish Government’s outcomes focused approach. The Government is keen that organisations focus on the difference that they are making (the outcomes) rather than what they are doing (the outputs) or the money that they are spending (the inputs).
- 1.14 The ‘Equality Act 2010 (Specific Duties Scotland) Regulations 2012’ will require that:



- Each listed authority should publish a set of equality outcomes in 2013 to help it to meet the public sector equality duty and update these at least every four years.
- Public authorities must also:
  - take reasonable steps to involve people with protected characteristics and people who appear to represent their interests; and
  - consider relevant evidence about people with protected characteristics.

1.15 Public authorities should try to have outcomes which assist people from each of the protected characteristics. But if this is not possible, authorities should explain their reasons for not doing so – and publish them.

1.16 Public bodies will also have an equality duty to assess and review their policies and practices and consider their impact on people with protected characteristics. Public bodies will require to:

- take account of the results of the assessments that they carry out;
- publish the results of these assessments; and
- review and where necessary revise any policy or practice to make sure that it complies with the equality duty.

### **Equality Impact Assessments**

1.17 Most public bodies have developed templates to carry out EIAs. There is no standard format, leading to a considerable variety of approaches across Scotland.

1.18 Many public bodies have adopted a two stage process. An initial ‘screening’ process is used to determine if a full EIA is necessary. Where issues are identified that suggest a full EIA should be carried out, a more significant exercise is carried out which should ideally involve:

- gathering relevant evidence and carrying out research;
- identifying any gaps in the evidence available;
- consultation with people with protected characteristics and others who may be affected;
- assessing how the policy or practice might impact (positively and negatively) on equality and people with protected characteristics (being imaginative and inquisitive about the potential impacts);
- considering what actions might be taken to mitigate any negative impacts that have been identified; and



- signing off the EIA at a senior level and putting in place a process for reviewing – including having clear timescales and responsibilities for ensuring that any mitigating actions are taken.

1.19 It is likely that there will be an even greater focus under the Equality Act 2010 (and related guidance) on the importance of gathering and assessing good quality evidence and on involving people with protected characteristics (or their representatives) in assessing equality impact. In addition, having assessed the impact, public bodies must pay ‘due regard’ to the results of such assessments. This will require bodies to consider taking action to address any issues identified, such as removing or mitigating any negative impacts, where possible.

### Summary of methodology

1.20 The study considered the EIAs that public bodies had produced in financial years 2009/10 and 2010/11.

1.21 To give the study focus it was agreed that the research would concentrate on practice in two sectors of the work undertaken by public bodies in Scotland. As well as providing a focus for the work this would allow for comparisons to be drawn about the approaches taken within and between the two sectors. Following detailed discussion with the Commission, it was agreed that the two sectors to be researched should be:

- the eight police forces; and
- the 32 education authorities (within local councils) in relation to primary school provision.

1.22 To meet the objectives for the study, the research was carried out in two key stages:

- **Stage One – Initial information gathering:** We identified the EIAs that had been carried out in the two sectors in 2009/10 and 2010/11. We analysed a sample of those EIAs which included mitigating actions. And we agreed the focus for Stage Two.
- **Stage Two – Detailed survey:** We conducted telephone interviews with staff from a number of public bodies either where the EIA(s) had identified potential negative impacts and mitigating actions or where the EIA(s) had identified negative impacts but had not proposed mitigating actions. This allowed us to discuss the negative impacts and mitigating actions identified in the EIAs; to understand whether the actions identified had been undertaken; the extent of success; and the lessons learned.

## Terminology

1.23 In gathering information about EIAs, we requested:

*'What we want you to include on the list are the titles of **full** Equality Impact Assessments (EIAs) prepared by (name of public body) and relating for example to formal policy; written guidance; changes in service; budgets; and staff and resources. Please do not include Community Impact Assessments or Initial Screening for Relevance prior to undertaking a full EIA'.*

1.24 This was because we were interested principally in mitigating actions, which would not be identified in the initial screening stage.

## 2. Gathering the EIAs

---

### Initial Information Gathering

#### ***Education authorities***

- 2.1 We prepared a contact list of Directors of Education (or equivalent) for all 32 education authorities in Scotland using websites and known contacts. Directors of Education were sent an email informing them of the purpose of our research and asking them to provide the name and details of a key contact - a staff member who would be able to provide information about the EIAs. To encourage participation, we attached a supporting email from the Commission's National Director for Scotland.
- 2.2 Following our initial email we received details for ten key contacts. We carried out three further rounds of phone calls to those that did not respond to the initial requests. By the end of this process we received key contact details for 28 of the 32 education authorities.
- 2.3 This meant that four education authorities chose not to take part. Two education authorities told us that they were not able to participate in the research and two were not able to identify a key contact for this work (in one case because of restructuring within the authority).
- 2.4 Emails requesting lists of the full EIAs carried out in 2009/10 and 2010/11 were sent to the key contacts as details were received. Four further rounds of phone calls were made (where required) to follow up the request. This resulted in responses from 26 of the 28 participating education authorities by the final deadline.

#### ***Police***

- 2.5 Initially we sent an email to Chief Constables informing them of the purpose of our research and asking them to provide the name and details of a key contact - a staff member who would be able to provide information about the EIAs. To encourage participation, we attached a supporting email from the Commission's National Director for Scotland. Shortly after this, we were contacted by the Association of Chief Police Officers in Scotland (ACPOS) to say that they would coordinate a list of key contacts from each police force. These contacts were then issued with an email requesting the list of full EIAs carried out in 2009/10 and 2010/11. We received the lists of EIAs without having to conduct follow up phone calls.



- 2.6 In the case of one force, their central policy control system does not allow them to count the number of EIAs that they have done, without manually examining the files for over 1,000 policies. We agreed with them that we could not justify asking them to do this. We agreed that they would provide us with a list of their policies and that we would select a small sample of these, for which they would provide the EIA (if one had been done in 2009/10 or 2010/11).

## **Review of Lists of Equality Impact Assessments**

### ***Education authorities***

- 2.7 Of the 26 education authorities who supplied lists of full EIAs, eight (31%) had carried out no EIAs relating to primary schooling in 2009/10 or 2010/11.
- 2.8 Of the 18 remaining education authorities:
- three had carried out one or two full EIAs;
  - five had carried out between three and six full EIAs
  - five had carried out between 7 and 15 full EIAs; and
  - five had carried out over 16 full EIAs (the largest number carried out was 45).

### ***Police***

- 2.9 All eight police forces had carried out EIAs in 2009/10 and 2010/11. Because of the way one of the forces holds their policies, it was not possible for them to confirm how many EIAs they have undertaken.
- 2.10 For the remaining seven:
- two had carried out three full EIAs;
  - three had carried out between 10 and 30 full EIAs;
  - two had carried out over 100 EIAs (with the largest number being 187).

## **Gathering Copies of Equality Impact Assessments**

- 2.11 In this stage of our work we had originally intended to focus on particular narrower themes within each sector which we would follow up in more detail, by requesting copies of full EIAs. But, by the time we reached this stage, we had already seen a number of EIAs (for example some police forces provided us with a link to the EIAs on their website), and realised that the quality of these EIAs was often lower than we would have expected. In particular, it was rare for mitigating actions to be identified – either because the EIA template in use did not include a section for mitigating actions or because the person (or people) completing the EIA had not identified any.



- 2.12 We were concerned that if we narrowed the focus of our work at this stage, we would have few (if any) EIAs that identified negative impact or mitigating actions. We discussed this with the Commission and agreed that we should retain a broad approach at this stage to maximise the opportunity of identifying EIAs which contained mitigating actions.
- 2.13 We decided that for those public bodies that had undertaken a modest number of EIAs, we would normally ask for copies of all the EIAs that appeared relevant. For those with larger numbers we selected those where we believed that negative impact was more likely to have been identified.

### ***Education authorities***

- 2.14 We emailed all our education authority contacts (in the 18 authorities that had responded to the first stage and had carried out an EIA in 2009/10 or 2010/11). We asked for electronic copies of the relevant EIAs to be sent to us – these were provided by all 18 authorities.
- 2.15 We found that a few of the initial lists that we were given were not fully accurate. In particular, in one case only screening assessments had been carried out, rather than the full EIAs that were the focus of our research.

### ***Police***

- 2.16 We emailed all our police contacts and asked for electronic copies of the relevant EIAs to be sent to us. The EIAs were provided by all forces.
- 2.17 Again we found that a few of the initial lists that we were given were not fully accurate. In particular, in two cases only screening assessments had been carried out, rather than the full EIAs that were the focus of our research.

### 3. Reviewing the EIAs

3.1 We assessed each of the full EIAs that we received as part of our sample against five criteria:

- the quality of the EIA template which was used;
- the quality of the evidence included in the EIA;
- the extent of the consultation that is referred to in the EIA;
- whether negative impacts were identified; and
- whether mitigating actions were identified.

3.2 In doing this, we rated these using consistent guidelines. We assessed the templates used as being poor, good or very good using the guidelines set out in Table 3.1.

Table 3.1 Guidelines for assessing EIA templates	
Rating	Guidelines
Poor	This is not likely to achieve a satisfactory EIA. This may, for example, be because the template is too complex; it is not clear which equality groups should be considered; it is difficult to follow the logic of the assessment (for those completing it and those reading it); or there are major sections of a good assessment not included – for example no section to set out evidence, no section on consultation, or no section on mitigating actions.
Good	If completed properly this is likely to lead to a satisfactory EIA. It contains all the sections that we believe are important in undertaking an effective EIA. But, for example, the lay-out and text could be improved or the links between the different sections could be made clearer.
Very good	A particularly good example of a template which guides those completing it and readers through a clear logical process. No obvious major areas for improvement.

3.3 We assessed the quality of the evidence provided in the completed EIA using three descriptors – none, limited, or good. Table 3.2 sets out the guidelines that we used.

<b>Table 3.2 Guidelines for assessing quality of evidence in completed EIAs</b>	
Rating	Guidelines
None	No evidence was referred to in the EIA.
Limited	There was reference to evidence, but this did not assist the reader to understand the implications arising from the evidence. For instance, some EIAs indicated the sources of evidence that were available – but did not report on the evidence or analyse it. Others contained evidence relating to the policy under consideration – but this did not include any evidence relating to equality groups.
Good	These EIAs contained relevant evidence about equality groups which assisted in assessing the likely future impact of the policy. In some cases primary research had been carried out. In others, monitoring information was used as evidence.

3.4 We assessed the extent of the consultation carried out and reported in the completed EIA using three descriptors – none, limited, or good. Table 3.3 sets out the guidelines that we used.

<b>Table 3.3 Guidelines for assessing extent of consultation and reporting in completed EIAs</b>	
Rating	Guidelines
None	No consultation was referred to in the EIA.
Limited	There was reference to consultation, but it did not assist the development of the impact assessment. Most commonly, this related to consultation that was undertaken as part of consultation on the policy or practice – and did not refer to equality issues specifically. In some cases, consultation was referred to, but no further information was provided about the issues raised in the consultation.
Good	These EIAs contained evidence that consultation including consultation with people from equality groups, or their representatives had taken place – and the main points raised were included in the EIA. It was clear how this consultation had increased understanding of potential impacts of the policy or practice.

3.5 Finally we used a simple ‘Yes/No’ classification on whether the EIAs had identified negative impacts and whether mitigating actions were identified.

3.6 Table 3.4 sets out our (anonymised) assessment of the full EIAs we reviewed from the 18 education authorities. And table 3.5 sets out our (anonymised) assessment of the full EIAs we reviewed from the eight police forces. Annex 2 contains a short narrative about our assessment of the EIAs we reviewed in each of the public bodies.

Table 3.4 Review of Education Authorities EIAs						
EA	Number of EIAs considered	Quality of EIA template	Quality of evidence	Extent of consultation	Negative impacts identified	Mitigating actions identified
		Poor/ Good/ Very good	None/ Limited/ Good	None/ Limited/ Good	YES/NO	YES/NO
1	8	Poor	None	Good	Yes – in three cases	Yes – in three cases
2	5	Good	Limited	Limited	Yes – in one case	Yes – in the one case where negative impacts were identified
3	2	Very good	None	Limited	Yes – in one case	Yes - in the one case where negative impacts were identified
4	5	Two templates used – both poor	None in three cases; limited in one case; good in one case	Limited	Yes – in 2 cases	Yes – in the 2 cases where negative impacts were identified
5	3	Good	Limited	None	Yes – in all cases	Yes – in all cases
6	5	Very good	Limited	Limited	Yes – in 4 cases	Yes – in 3 of the 4 EIAs that identified negative impacts
7	9	Poor	None	None	Yes – in two cases	No
8	4	Poor	Limited	Limited	Yes – in all cases	No
9	2	Poor	None	None	Yes – in one case	No
10	5	Poor	None	None	No	No
11	4	Two templates used – one poor, one good	Limited	Limited	No	No
12	1	Good	None	None	No	No
13	5	Poor	None	Limited	No	No
14	6	Very good	None	Limited	No	No
15	4	Good	Limited	Limited	No	No
16	4	Poor	None	None	No	No
17	1	Very good	None	None	No	No
18	7	Found that they were all initial 'screenings'	-	-	-	-

Table 3.5 Review of Police Forces EIAs						
PF	Number of EIAs considered	Quality of EIA template	Quality of evidence	Quality of consultation	Negative impacts identified	Mitigating actions identified
		Poor/ Good/ Very good	None/ Limited/ Good/	None/ Limited/ Good	YES/NO	YES/NO
1	5	Very good	Good (but none in two cases)	Good	Yes – in one case	Yes - in the one case where negative impacts were identified
2	8	Poor	Limited	Limited	Yes - in two cases	No
3	2	Good	Good	Limited	Yes – in one case	No
4	2	Very good	Good	Good	No	No
5	2	Very good	Good	Good	No	No
6	9	Poor	None	Good	No	No
7	10	Found that they were all initial 'screenings'	-	-	-	-
8	2	Found that they were both initial 'screenings'	-	-	-	-

3.7 We initially identified 18 education authorities and eight police forces which appeared to have undertaken full EIAs. However, when copies of the EIAs were received, it was clear that one of the education authorities and two of the police forces had not undertaken full EIAs – only initial screening exercises. This left 23 public bodies in our sample – 17 education authorities and six police forces.

3.8 In considering the templates that were used by public bodies we found that two bodies had used different templates for different EIAs. So we looked at 25 different templates. Of these, we assessed 12 of the 25 templates (48%) as poor – meaning that the template was not likely to lead to a satisfactory EIA, for example because:

- the template was too complex;
- it was not clear which equality groups should be considered;
- it was difficult to follow the logic of the assessment (for those completing it and those reading it); or
- there were major sections of a good assessment not included – for example there was no section to set out evidence, no section on consultation, or no section on mitigating actions.

- 3.9 Of the remaining templates, we assessed that six were good (24%) and seven were very good (28%).
- 3.10 In total, we reviewed 101 completed EIAs. Of these, 57 (56%) had no evidence at all. We assessed 34 (34%) of the EIAs to have only limited evidence and ten (10%) to have good evidence. All but one of the EIAs assessed as containing good evidence were from police forces.
- 3.11 Of the 101 completed EIAs that we reviewed, 25 (25%) did not mention any consultation. We assessed that limited consultation had taken place in 50 EIAs (49%). Most commonly, this related to consultation that was undertaken as part of consultation on the policy or practice – and did not refer to equality issues specifically. In some cases, consultation was referred to, but no further information was provided about the issues raised in the consultation. In 26 EIAs (26%) we assessed that the extent of consultation was good. All the EIAs prepared by police forces contained some information about consultation – and in the majority of cases we assessed that the extent of consultation on EIAs by police forces was good.
- 3.12 Of the 101 completed EIAs, 25 (25%) identified negative impacts. Of these, mitigating actions were identified in 14 EIAs (56% of those that identified negative impacts and 14% of all EIAs). We would have expected that all those public bodies that had identified negative impacts would have included mitigating actions. The fact that this did not happen was at least in part due to the fact that a number of the EIA templates which were used did not include a section on mitigating actions. Generally, education authorities were more likely than police forces to identify mitigating actions.
- 3.13 There were some policies that were equality impact assessed by a number of public bodies. The most obvious example was the assessment of the impact of school closures or mergers. We found that the approach taken varied hugely from authority to authority. For example, we found cases where a screening exercise was carried out to decide whether it was necessary to carry out an EIA when a proposal to close a school was being considered and this concluded that there was no reason to undertake a full EIA. We found many cases where a full EIA was carried out in relation to school closures and no negative impacts were identified or considered. And we found a smaller number of cases where negative impacts were identified and mitigating actions were proposed. We would generally have expected that there would be potential negative impacts in relation to disability, gender and, possibly race that would arise in a school



closure. We were surprised that relatively few of the EIAs on this subject identified any potential negative impacts.

- 3.14 More generally, we selected EIAs relating to policies that we believed would be likely to raise issues of disproportionate negative impact for particular groups. These were generally policies which would lead to real changes for service users (such as school closures; withdrawal of funding for childcare; removal of free school transports; looked after children; and counter terrorism) or where there were likely to be issues for particular groups of people (such as managing unauthorised encampments; wearing of veils; and asylum seekers). We would have anticipated that more than a quarter of the EIAs would have identified disproportionate negative impacts for some equality groups. And we would have hoped that where negative impacts were identified that mitigating actions would be included. However, this happened only in 56 per cent of the cases where negative impacts were identified. Overall, 14 per cent of all the EIAs we reviewed contained mitigating actions.

## 4. Negative Impact and Mitigating Action by Public Authorities

---

### Introduction

- 4.1 The review of the EIAs identified six education authorities (out of the 26 authorities that took part in the research) that had included mitigating actions in their EIAs. We also identified one police force (out of the eight forces that took part in the research) that had included mitigating actions in their EIAs.<sup>4</sup> This number was far lower than we had anticipated when we began the research.
- 4.2 We also identified three education authorities and two police forces that had identified negative impacts in their EIAs but did not include mitigating actions.<sup>5</sup>
- 4.3 To find out more about the EIA process we carried out a series of in-depth interviews with the seven public bodies which had included mitigating actions in at least one of their EIAs. The interviews with education authorities were with senior policy staff (including Directors and other senior managers) or equality and diversity officers. The interviews with police forces were with Chief Inspectors or equality and diversity officers. They were carried out by telephone and explored:
- whether the mitigating actions that were identified in the assessment were put in place;
  - if so, to what extent the mitigating actions were successful – and what evidence there was for this (for example from performance information or from service users); and
  - what lessons had been learned from this.
- 4.4 In addition, we carried out in-depth interviews with the five public bodies which had identified negative impacts, but had not included mitigating actions in their EIAs. Here we considered whether the organisation had been able to monitor the potential impacts identified; whether the policy or procedure had subsequently been reviewed; and whether any approaches to deal with the impacts had been identified and undertaken.

---

<sup>4</sup> These were the bodies called Education Authorities 1, 2, 3, 4, 5 and 6 and Police Force 1 in Section 3 and Annex 2 of this report.

<sup>5</sup> These were the bodies called Education Authorities 7, 8 and 9 and Police Forces 2 and 3 in Section 3 and Annex 2 of this report.

- 4.5 Examples of the discussion guides that were used in these interviews are included as Annex One. The rest of this section provides a summary of the key themes coming out of the discussions.

### **Setting mitigating actions and establishing a framework**

- 4.6 Of the seven public bodies that had set out mitigating actions all were broadly content that the actions they had initially proposed were appropriate.
- 4.7 There were relatively robust frameworks in place for ensuring that the mitigating actions were carried out. In all cases it was clear who had lead responsibility for ensuring the actions were undertaken. This was usually the officer with overall responsibility for the policy. In some cases responsibility for particular actions was cascaded to other officers within the particular policy team – but with overall responsibility remaining with a single officer.
- 4.8 In some instances there were clear timescales set for undertaking the actions. For example, at one education authority the lead officer was required to ensure that the mitigating actions were completed within the three years of the policy to which the EIA referred. However, this was not always the case. Where there were not clear timescales (and the actions were complex or difficult to undertake) we had concerns that these may not receive priority and that there may be limited impetus to make sure that they are undertaken.

### **Undertaking mitigating actions**

- 4.9 Overall, the public bodies stated that they had made good progress towards delivering the mitigating actions they had set out in the EIAs.
- 4.10 Some of the proposed mitigating actions involved setting up new processes or structures and these were generally implemented within reasonable timescales after the EIAs were approved. An example of this was one education authority where a proposed budget reduction for management time in primary schools resulted in the following mitigating actions:
- engaging with head teachers and senior staff to seek a collective way to reduce the negative impacts; and
  - leadership to encourage all staff to do things differently and understand expectations of each other will have to change.
- 4.11 This education authority established six new Children's Services Management Groups to build the capacity of schools to deliver 'Getting it Right for Every Child' and is also developing 'teams around the cluster' which will consider



what other potential partners at the local level can provide support and advice to the school.

- 4.12 One police force which had established mitigating actions in relation to one of its policies had:
- developed a local Risk Assessment for use by Domestic Abuse Liaison Officers;
  - developed partnership structures with voluntary organisations working with affected communities; and
  - put arrangements in place for supporting the development of national guidance on the issue.
- 4.13 Many of the mitigating actions were described as ‘ongoing’. This was typically the case where actions related to ongoing monitoring and evaluation of negative impacts, but also where the action was about supporting activity at other organisations. An example of this was at an education authority where there were proposals for funding cuts to two projects and an out of school care provider. Mitigating actions related to encouraging the providers to seek funding from other sources – and the education authority had supported the providers in this process.
- 4.14 In another example, one education authority carried out an EIA on its policy for continuous improvement in primary education. This raised potential negative impacts for boys. Their mitigating actions included:
- reduce school exclusions by changing the ethos of schools; and
  - use Curriculum for Excellence to review learning and teaching approaches to improve motivation – especially for boys.
- 4.15 These resulted in ongoing work programmes looking at how teaching and learning are delivered for all pupils, how well approaches work in lesson planning and curriculum development. The intention is that there will be an appropriate mix of support provision with extra support to pupils facing difficulties.
- 4.16 For most of the mitigating actions that were undertaken there were no additional financial or resource implications. Actions were generally carried out as part of lead officers ongoing work programmes. One interviewee told us that no extra resources had been used for their mitigating actions, rather *“priorities had been identified and changes made where needed to existing work patterns”*. Across the public bodies that we spoke to there was no measurement of the resource implication in relation to the mitigating actions.



- 4.17 One exception to delivering mitigating actions within existing resources was where building work was required to take educational establishments up to the standards required for access for disabled people – resulting in a clear capital cost for the intervention.
- 4.18 One police force overcame resource issues in its work with voluntary sector partners and community-based organisations by supporting activities led by a voluntary organisation rather than the police. The force believed that for activities like consultation events it is often easier for small organisations to attract discrete funding compared with a public body.

### Potential barriers to action

- 4.19 Where mitigating actions had not been carried out this was because the approach was no longer seen as possible in the short term. For example, at one education authority proposed equality monitoring could not be undertaken as they had tried (unsuccessfully) to establish adequate baseline information. Until this was in place, the monitoring activities could not be undertaken.
- 4.20 However, there was also occasional evidence of mitigating actions not being undertaken as a result of resource constraints. For example, at one education authority the action “*Continue to provide training for staff in equalities issues*” had faltered. Although training had been provided to ‘equality impact champions’ there had been no training for general staff due to “*issues of timescales, budgets and the difficulty of the existing pressure on in-service time*”. In this case they will be reliant on the equality impact champions cascading information and training to teachers.
- 4.21 Two education authorities told us that mitigating actions which sought to bring about greater parental involvement in planning had been difficult to implement. In one case the commitment to “*encourage schools to involve parents in planning, developing and implementing equality policies*” had not been undertaken due to the resource and time commitment expected of parents and staff. While the education authority is aware that it has set out a requirement to do this – and does intend to fulfil the action – it is currently unsure how it will be taken forward.

### Measuring the impact of mitigating actions

- 4.22 Measuring the impact of mitigating actions in reducing negative impacts was a more difficult area for the public bodies. Generally, the interviews did not reveal the use of particularly strong indicators and in several cases lead officers were relying on ‘ad hoc’ evidence. However, in many cases the



timescale since the EIA was relatively short and it was felt by interviewees to be too early to expect any marked change in relation to the equality group. Nonetheless, it was acknowledged by interviewees that it was essential to establish a baseline against which to measure future progress – and not all had this in place.

4.23 Examples where the public body felt they could evidence success included:

- Where action was to reduce exclusions (particularly among boys): the education authority had recorded a significant drop in exclusions.
- Where the policy resulted in cuts to out-of-school clubs: parents have been able to find alternative options for childcare – enquiries to the team have reduced.
- Where the policy on Forced Marriage may have had negative impacts on relations with ethnic minority people: the police force noted the number of successful cases with no complaints from the public. They also had anecdotal positive feedback from relevant community groups.

4.24 In some cases there were issues about the robustness of equality monitoring being undertaken. This related to the classifications used in existing systems and also to poor baseline information being available at the beginning of the period. We have a general concern that monitoring and performance management systems have often not (in the ten years since the initial introduction of impact assessment under the Race Relations (Amendment) Act 2000) been developed to gather essential information which would allow effective assessment of the effectiveness of mitigating actions.

### **Reviewing policies in light of negative impacts**

4.25 We spoke to five public bodies that had identified potential negative impacts in their EIAs but had not committed to undertaking any mitigating actions. In these cases we considered whether the organisation had been able to review the policy or procedure in light of the negative impact identified – and whether any subsequent actions had been undertaken.

4.26 In two of the cases there had been a specific review of the policy in light of the negative impacts. In one education authority there had been a primary schools closure programme and there was concern about the impact of the transition on pupils with additional support needs and the impact of denominational school closures in relation to faith. This authority undertook an evaluation of impacts 12 months after the schools transition. This involved review visits to the re-provisioned schools and looked at the impact on the



groups identified in the EIA. The review involved interviews with pupils, parent/carers, staff and other interested local parties.

- 4.27 A police force undertook an EIA on its Unauthorised Encampment Statement of Policy. It identified potential negative impacts but did not identify mitigating actions. In practice, it undertakes annual reviews of the impact of the policy in relation to Gypsies and Travellers (and the wider public). This happens at the end of the traditional 'travelling season' over the summer months and allows for comparison with the previous year. The force felt that this work helped to reduce negative impacts on Gypsies and Travellers particularly in terms of misrepresentation in the media and poor relationships with local residents.
- 4.28 In one case where a police force had highlighted concerns about the impact of interpreting provision on people with sensory impairment, it was not able to conduct any review as the crime recording system does not record whether victims are sensory impaired (and as a result there was no ongoing monitoring on this issue).
- 4.29 One education authority had not reviewed the policy as this was relatively new and a review was planned for 12 months after implementation. Another education authority did not have any plans for reviewing its policy beyond the generic audit process it has in place.

### **Improving engagement of people from equality groups**

- 4.30 In our interviews with public bodies which had identified negative impacts, we found that some had improved their approach to engaging people from equality groups in monitoring the impact of the policy since the EIA was carried out. Where this did happen approaches seemed to have been developed in line with operational considerations rather than specific learning as a result of the EIA.
- 4.31 For example, one police force was concerned with impacts of interpreting provision for service users with sensory impairments. Its EIA highlighted the failure to establish a permanent contract with a BSL interpreting provider. Following the EIA it consulted with relevant organisations and set up contacts with six sensory impairment organisations rather than establishing an interpreting contract. It realised that providers would not enter into a contract due to the comparatively low level of provision. It also realised that the issue of a contract was not significant and the biggest issue was provision of 'instant' interpreting when there is an incident or when someone comes into a station with an enquiry. It has now developed a pilot project that will use a wifi netbook to access remote BSL interpreting.



- 4.32 One education authority had completed an EIA in relation to its policy on administering medicines in primary schools. It was concerned that communication issues could result in negative impacts for ethnic minority people and disabled people. It has put interpreting and translation provision in place – this is particularly aimed at parents/ carers who are heavily involved in planning for the administration of medicines for their child.

### **Lessons learned from the EIA process**

- 4.33 All 12 of the public bodies that we spoke to were asked whether lessons had been learned from the EIA process in the area being considered.
- 4.34 There were a range of very positive comments in relation to the production of EIAs with most of the officers stating that it had been a worthwhile exercise. Interviewees said that the EIA process had encouraged them to ask questions about the consequence of the policy change that they would not have otherwise considered - and helped them consider realistic impacts.
- 4.35 One education authority interviewee said that taking an equality perspective had helped them to understand more about the impact of their decisions on other council services.
- 4.36 Among the organisations that had set out mitigating actions there was a strong sense that the EIA process had resulted in appropriate and practical actions for them to take forward. Setting out mitigating actions had taken the EIA beyond being ‘just a paper exercise’.
- 4.37 Some interviewees said that the effectiveness of the EIA process is dependent on the commitment of the individual(s) undertaking the assessment. One person said that the person undertaking the EIA needs to be sensitive and searching in terms of thinking about impacts. Another interviewee felt that it is important that the right group of people get involved in order to identify a range of potential issues and solutions.
- 4.38 Some interviewees were more negative and raised concerns about the bureaucracy involved in the EIA process. Some Equality and Diversity officers were concerned that policy staff can view EIAs as ‘extra paper work’. There was a strong sense in some of the public bodies that officers see EIAs as a ‘stand alone’ exercise rather than part of the policy making process.
- 4.39 Interviews with police forces revealed some concerns that with cuts to ‘backroom staff’ there are increasing resource constraints. One interviewee said that it is becoming difficult to carry out an effective EIA process across a



wide range of areas. One education authority also said that its Quality Improvement service had been cut by 40 per cent and that the EIA and review process was becoming increasingly difficult to deliver.

- 4.40 A number of interviewees stated that their EIAs did not fully reflect thinking in a policy area or the actions that were planned. They expressed concerns that EIAs are not always robustly completed and that there are 'informal understandings' that are not reflected in EIA. As a result positive activities may be carried out (including 'mitigating actions') that are not clearly articulated through the EIA process.
- 4.41 A number of interviewees felt that the approaches they had taken would have happened regardless of the EIA process. There was some sense that organisations sought to reduce the negative impacts of a policy change in a general sense rather than being led by a focus on equality.
- 4.42 In cases where the EIA related to proposed budget reductions we did not hear of any examples where the EIA directly affected the budget decision – although in relation to a decision taken not to amalgamate primary schools, it was argued that it is difficult to 'disentangle' the impact on a better early life and the equality impact. We were also told that typically timescales for the budget decision processes are very tight – and that this restricts the time available for consultation and a thorough EIA process.

## 5. Conclusions

---

- 5.1 This research achieved a high rate of response, given that participation in the research by public bodies was discretionary. In total, 34 of the 40 public bodies (85%) invited to participate took part. Although there was a considerable amount of follow-up work carried out by us, to ensure that information was returned, by the later stages of the research (involving interviews with staff) we found the responses both straightforward and helpful.
- 5.2 However, it appeared that Equality Impact Assessments are not taken seriously by many public bodies. Nearly one third of education authorities did not carry out any full EIAs in relation to primary schools in 2009/10 and 2010/11. In addition, there was considerable confusion in the minds of some public bodies between the different stages of assessment. Most commonly, this involved a misunderstanding between initial screening EIAs and full EIAs.
- 5.3 Nearly half the templates for EIAs (48%) were assessed by us as poor, meaning that the template was not likely to lead to a satisfactory EIA, for example because:
- the template was too complex;
  - it was not clear which equality groups should be considered;
  - it was difficult to follow the logic of the assessment (for those completing it and those reading it); or
  - there are major sections of a good assessment not included – for example there was no section to set out evidence, no section on consultation, or no section on mitigating actions.
- 5.4 Three of the templates used by education authorities and one of those used by police forces contained no reference to mitigating actions.
- 5.5 There remains poor knowledge, use and understanding of the available central guidance on EIAs and there is a lack of knowledge or skills transfer within and between similar organisations operating on similar issues in similar contexts. The lack of communication on good practice suggests that expertise about equality is not valued internally or that it does not have 'corporate capital'. And the low standards of performance in this area suggest a lack of senior organisational or political commitment to quality improvement.



- 5.6 There is a great deal of inconsistency among the templates used. This is particularly noticeable between different public bodies. But there are also variations on the templates used within some education authorities, depending on the department (or person) that had responsibility for undertaking the EIA.
- 5.7 The quality of the content of a large proportion of EIAs is poor. They fall down particularly in terms of:
- evidence and baseline information about the populations covered by the EIA;
  - consultation – many EIAs are produced by an officer (or small group of officers) and do not involve people from the equality groups included in the EIA (or those representing them);
  - related to this, there is confusion between consulting on the policy (which, in the case of education authorities, would often involve teachers and parent teacher associations) rather than on the equality impacts of the policy;
  - analysis of potential impact – there is a lack of imaginative and inquisitive thinking and discussion about the possible negative impacts and an apparent lack of confidence to ‘think out loud’ about what these might be; and
  - identification of mitigating actions – in part because the prior evidence and analysis is not sufficient and in part a lack of confidence (or seniority or responsibility) to bring about change.
- 5.8 Out of the 101 EIAs reviewed for this research, 75% identified no negative impacts for equality groups of their policies. This figure seems remarkably high, given the importance (and potential impact) of the policies being considered – including school closure and significant budget reductions.
- 5.9 Only 14% of the EIAs reviewed identified any mitigating actions. Even where negative impacts for equality groups were identified, mitigating actions were not identified in 44% of these EIAs.
- 5.10 It is not possible to gauge the reasons for the generally poor delivery of equality impact assessment. However, it is plausible to suggest that in many cases:
- there is limited senior responsibility taken for equality impact assessment;
  - the poor quality of assessment means that there is insufficient evidence or effort to make a real impact on equality;



- this lack of impact results in a stream of work and resource commitment in which people have little belief that it will make a difference;
- this gives an impression of ‘going through the motions’ or ticking the boxes’;
- this leads to people seeing EIAs as a waste of time and becoming disinterested in the issue of equality more generally;
- this leads to less engagement with those outside the public body who could inform an assessment of the negative impacts of policies;
- as a result, EIAs seldom identify negative impacts (even though an informed observer may be able to identify these);
- far from improving equality outcomes, this bureaucratises the acceptance of disadvantage and exclusion, making them more difficult to address in the future; and
- all of this creates a culture (and a lack of understanding) that impacts adversely on the equality improvement agenda – especially at a time of budget constraint.

5.11 Even if these suggestions are true only to a certain extent within individual public bodies, it is of considerable concern. Most importantly, it directly affects the people for whom the lack of awareness by public bodies of the impact of their policies is having a detrimental effect.

5.12 However, although only seven of the public bodies identified mitigating actions, there are hopeful signs from the experience of this group. Generally these were the public bodies that had the better templates and were more likely to consult. Evidence was still an issue – but often steps were being taken to improve the evidence base.

5.13 Where mitigating actions were identified, there was a clear responsibility for ensuring that these were carried out and a system to report back the outcome. In many cases, there were also clear timescales for action. And although some of the EIAs were relatively recently completed, in many cases progress had been made in delivering the mitigating actions.

5.14 Crucially, we were told that the mitigating actions were normally being delivered within existing budgets and using existing staff and other resources. This suggests that if the impacts of policy are not being identified – and early intervention taken – then the cost to public bodies of dealing with issues further ‘downstream’ would far outweigh any costs of using EIAs to prevent or take early intervention on inequality.



5.15 In relation to the new equality duties under the Equality Act 2010, it is clear that many public bodies will need to:

- re-design the processes that they use to assess equality impact of policy and practice;
- significantly improve the evidence base;
- identify a range of methods for engaging those who may be most affected by policy and practice in the design and delivery of services;
- ask more searching questions of themselves and others about how to achieve a greater recognition of existing knowledge limitations in relation to equality;
- use equality outcomes to draw equality impact assessment into the mainstream of the work of community planning partnerships and to ensure that there is clear accountability for the delivery of the equality outcomes; and
- ensure senior commitment to equality issues and embedding consideration of equality issues throughout organisations.

5.16 Although they were a minority, a number of public bodies involved in the survey already undertook good practice. It is essential that the learning from this good practice is shared – possibly through action learning, benchmarking clubs and the introduction of more consistent processes.

## Annex One

### Follow up interviews on mitigating actions

#### Example Discussion guide

##### Introduction

*The EIAs that you sent us related to budget reductions for management time in primary schools, additional support for learning and psychological services. These identified actions that could be taken to reduce the impact on equality groups including:*

- *engaging with head teachers and senior staff to seek a collective way to reduce the negative impacts*
- *the establishment of effective service monitoring and prioritising*
- *leadership to encourage all staff to do things differently and understand that expectations of each other will have to change.*

##### Questions on actions

- Was it clear who was responsible for undertaking / supporting these actions – and was there a timescale in place for taking the actions?
- Which actions are completed? Are others underway at the moment?

(If mitigating action has been taken)

- What actions were undertaken?
- Was each action undertaken by the person/ team identified as being responsible? And was each action delivered within any agreed timescales?
- What resources were required to undertake these actions?
- To what extent have the actions been successful?
- What evidence is there that actions have been successful or otherwise? (for example, performance indicators; monitoring of impact; service user feedback; consultation with representative groups)
- Did you identify any other mitigating actions after the EIA was completed – and were they put in place?

(If mitigating action has not been taken)

- Why weren't you able to carry out the actions?
  - Were there specific barriers? (e.g. resources)
  - Were the proposed actions in the EIA appropriate / realistic?
- Are there any plans to put these actions in place in future?
- Did you undertake any alternative approaches to deal with the identified negative impacts on equality groups?
  
- What lessons have been learnt from the EIA process in this area?

## **Follow-up interviews where mitigating actions were not identified**

### **Example Discussion guide**

#### **Introduction**

*Of the EIAs that we looked at for your organisation, the EIA on Administration of Medicine in education establishments identified some potential negative impacts for disabled people and ethnic minority people, mainly relating understanding the policy and the supporting forms.*

- Have you been able to review the impact of the policy in relation to impact on equality groups?
  - If so, how was this carried out? Who was responsible for this?
- Has there been any specific monitoring of the potential impacts identified in the EIA? If so, what did you learn from this?
- Have you undertaken any other activities to identify the impacts? (for example, performance indicators; service user feedback; consultation with representative groups)
- Are there any procedures in place for ongoing review of the policy?
  - If so, who has responsibility for this? Are there set timescales for this?
- Have you identified any approaches to deal with the negative impacts you identified for equality groups?
- Have these been undertaken or are there any plans to put these actions in place in future?
- If so, what actions were undertaken?
  - What resources were required for this?
  - To what extent have the actions been successful or otherwise (evidence)?
- What lessons have been learnt from the EIA process in this area?

## **Annex Two - Narrative for each Public Body**

### ***Education authorities***

#### **Education Authority 1**

- 1.1 We looked at eight EIAs. Two of these related to proposed budget reductions; four related to education policies and two to equality policies.
- 1.2 The EIA template is poor. It assesses against the six 'equality strands'. It contains a section asking about the impact on each equality group – but it is often not clear whether any negative impacts are identified. And it does not include a section on mitigating impact.
- 1.3 A number of the EIAs demonstrate consultation with a range of local and (on occasion) national equality organisations. Although there is not a specific section on mitigating actions, three of the EIAs include some recommendations for action. In two cases, this is very general (and not easily measurable). In the other assessment, the following actions are proposed:
  - Amend equal opportunities section of the volunteer policy to take account of age discrimination and include objective justification of age restrictions on volunteering within the project.
  - Develop equality monitoring process for peer support volunteers and applicants.
  - Develop equality monitoring process for project applicants and members.
  - Analyse monitoring information on an annual basis to identify specific targeting.
  - Include section on approach to dealing with bullying, harassment, victimisation or discrimination within Volunteer Code of Conduct.

#### **Education Authority 2**

- 1.4 We looked at five EIAs. Two related to the closure or amalgamation of schools and three to educational policy.
- 1.5 The EIA template is good. It covers the 'six equality strands' and also 'Other - poverty, homelessness, ex offenders, isolated rural communities, carers, part-time workers'.
- 1.6 In relation to disproportionate impact and mitigating action, it asks:
  - Is there any evidence of possible adverse impact on any equality group?
  - Is there a risk that the policy could be indirectly discriminatory?
  - Please state recommendations, including any action required to address negative impacts identified.
- 1.7 There is limited data to inform the assessments. Consultation generally was with people directly involved in education provision – although the local Minority Ethnic Community Association was consulted on two of the EIAs and

the Disability Forum on one. Neither were consulted on the two related to school closures. Four of the five EIAs identify no negative impacts. One identifies a possible negative impact for boys. It sets out some actions that should be taken as a result of the assessment:

- to reduce school exclusions;
- to use Curriculum for Excellence to review learning and teaching approaches to improve motivation – especially for boys;
- to ensure that all schools are fully accessible to meet the needs of children, young people and staff affected by disability;
- to provide integrated support for children affected by substance misuse and domestic abuse;
- to encourage schools to involve parents in planning, developing and implementing equality policies; and
- to continue to provide training for staff in equality issues.

### Education Authority 3

1.8 We looked at two EIAs, both relating to education policy.

1.9 The EIA template is very good. It covers all the protected characteristics in the 2010 Equality Act as well as a section for other – for example socio-economic or rural.

1.10 In relation to disproportionate impact and mitigating actions it asks:

- Provide details of the likely impact the relevant policy may have on the equality protected characteristics.
- As a result of this equality impact assessment, please **clearly describe practical actions** you plan to take to:
  - reduce or remove any identified **negative impact**;
  - promote any **positive impact**; or
  - **gather** further information/evidence.

1.11 The EIA asks who will be responsible for ensuring that any actions are undertaken - and the date for completion.

1.12 Neither of the EIAs makes clear the evidence on which the assessment is based. Although consultations took place on the policy, no equality groups were specifically involved. One of the EIAs identified no negative impacts – but it did identify that new monitoring of participation levels should be put in place relating to race; gender; disability; and religion/belief. These actions were to be completed by June 2011.

1.13 The other EIA identified potential negative impacts for women; children; low income families; and people living in rural areas. Mitigating actions were proposed. For women and children these were:

- To put in place a series of proposals to ensure as far as possible conditions and policies are in place to support parents in their need for childcare.
- On-going engagement with registered users.

- Continued monitoring and report on progress.

1.14 For low income families and people living in rural areas it was proposed to introduce a package of measures such as free lets, transport options, business support, transition periods and training and support to be offered. Unfortunately, the sections on who is responsible and timescales were not completed.

#### **Education Authority 4**

1.15 We looked at five EIAs. Three of these related to education policies; one to an equality policy; and one related to consultation.

1.16 Two different templates have been used. Both are reasonably good, although the second does not explicitly refer to mitigating actions. They both relate to the 'six equality strands'. In relation to disproportionate impact and mitigating actions the first asks:

- How will different groups be affected by the policy or the way in which it is put into practice – identify positive and potential negative impacts;
- Consider how you can modify the policy to reduce or eliminate any potential negative impacts.

1.17 The second asks:

- In what ways might this work impact negatively on the groups identified;
- How would you assess the potential risk of this work having a negative impact on each of the six equality groups;
- What action shall we take now:
  - Make amendments to the planned work
  - Add as a priority in relevant action plans
  - Undertake a further EIA.

1.18 There is considerable variety in the quality of the EIAs. Three contain no data or research as background; one contains substantial general data, which is not directly related to the topic; and one contains robust relevant data. Consultation (on equality aspects of the policies) was very limited or non-existent.

1.19 Three of the policies identify no disproportionate impact. The other two do identify disproportionate impact. One of the EIAs identifies opportunities to amend and improve the policy. Another EIA notes that the policy sets out to bring about change and indicates that progress will depend on:

- Design and delivery of programmes to remove barriers to participation.
- Consultation and research to make sure activities are accessible; appealing; take account of the requirements of particular faith groups; and are appropriately priced.
- Research and monitoring being undertaken to establish baseline levels of participation where these do not exist and to track progress. Trends will be looked at and remedial action taken where needed.

- The provision of information throughout the school sector to each pupil to include signposting into local community opportunities. All information will be provided in alternative formats.

### **Education Authority 5**

- 1.20 The three EIAs undertaken during the time period related to budget savings between 2011 and 2014. The format was an abbreviated version of the template usually used – because of the extremely short timescales for completion. Consultation took place with the local Equality Network.
- 1.21 The EIAs all identified potential or actual negative impacts for a wide range of equality domains and set out ways that the negative impacts could be addressed or reduced. These included:
- Engaging with head teachers and senior staff to seek a collective way to reduce the negative impacts.
  - The establishment of effective service monitoring and prioritising.
  - Leadership to encourage all staff to do things differently and understand that expectations of each other will have to change.
- 1.22 In the budget discussions, only one of the three budget cuts was implemented.

### **Education Authority 6**

- 1.23 We looked at five EIAs. Four of these related to proposed budget reductions and one to the merger of schools.
- 1.24 The template is very good. In relation to disproportionate impact and mitigating actions it asks:
- Please describe the positive and negative impacts for each equality group (race, disability, gender, age, faith, sexual orientation). You should identify if there is any potential discrimination. You should take into account the different needs of the range of groups within each category of equality groups, and also consider if there are any issues which affect groups because of multiple identities or interaction between equality groups (e.g. disabled young women).
  - Does the policy have an adverse impact? Please give details specifying the groups for which there is an adverse impact and the nature of the impact.
  - How could you modify the initiative to eliminate discrimination or to reduce any identified negative impacts? If necessary, consider other ways in which you could you meet the aims and objectives.
- 1.25 The EIAs are relatively fully completed. There is limited data or research provided to underpin the assessments. No specific consultation took place – although most related to proposed budget savings on which there was some general consultation.
- 1.26 Four of the five EIAs identified negative impacts. Three identified negative impacts in relation to age and gender and one identified negative impacts in

relation to disability. Three of these EIAs did include suggestions for modifications to reduce the impact – but most appeared unsatisfactory. In two cases it was suggested that the voluntary organisations involved should apply for funds from other sources (and that ‘the removal of council funding would increase opportunities to attract other funding’).

- 1.27 In the other case, the council stated that it would ensure that work was done to make sure that the premises were ‘DDA compliant’.

### **Education Authority 7**

- 1.28 We looked at nine EIAs. One related to a proposed budget reduction; six related to education policies and two to equality policies.
- 1.29 The EIA template is very poor. It includes a wide variety of equality groups. These are the six ‘equality strands’ (although age is not included in some of the EIAs). In addition, it includes homeless people; people with mental health problems; people involved in the criminal justice system; people of low income; and staff.
- 1.30 In relation to disproportionate impact and mitigating actions it asks:
- Note any negative impacts of the policy or function.
  - Include recommendations to address any negative impacts identified.
- 1.31 There is no data or research to inform the EIAs. No consultation with groups took place (the EIA asks whether this happened). Two of the EIAs identified potential negative impacts. One of the EIAs notes that not all issues for young disabled people have been properly resolved; that ‘people of low income’ may have a problem with the school uniform policy; and that staff are not adequately trained. The negative impacts are seen to be ‘outwith the control of the Educational Services and, as such, cannot be considered within the policy review’. Another EIA notes potential language difficulties for ethnic minority pupils and ‘a major difficulty’ for staff who come from a non Scottish background – and do not understand the vernacular. It is suggested that these potential negative impacts are reviewed as the Curriculum for Excellence is developed.

### **Education Authority 8**

- 1.32 We looked at four EIAs, all relating to school closures.
- 1.33 The EIA template is relatively poor. It covers the ‘six equality strands’ as well as the rehabilitation of offenders. In relation to disproportionate impact and mitigating actions it asks:
- Could the policy have a discriminatory impact?
  - What needs included in the service action plan to address the negative impact?
- 1.34 The data and research referred to is all about total school numbers – with no reference to equality groups. Consultation did not specifically include any

equality organisations. The EIAs all identified a negative impact for pupils with Additional Support Needs – and for the denominational schools identified a negative impact in relation to faith. No mitigating actions were proposed.

### **Education Authority 9**

- 1.35 We looked at two EIAs relating to the safety of children.
- 1.36 The EIA template is very complex and not particularly helpful. It assesses both equality and health. It covers health; disability; race; religion and belief; and gender. But it does not request the provision of evidence. In relation to disproportionate impact and mitigating action, it requests:
- describe the potential negative and positive impacts;
  - include actions or changes required to remove or alleviate negative impact or enhance positive impact.
- 1.37 Neither EIA contains any data or research. No consultation was carried out. One of the EIAs identifies no negative impacts. The other identified some potential negative impacts for disabled people and ethnic minority people, mainly relating to understanding the policy and the supporting forms. These were to be reduced through (unspecified) staff training and a range of communication methods.

### **Education Authority 10**

- 1.38 We looked at five EIAs. Two of these related to proposed budget reductions; one to a merger of schools; and two to equality policies.
- 1.39 The template is poor. In relation to disproportionate impact and mitigating actions it asks:
- Is there any reason to believe the policy could affect people differently because of their race, gender or disability?
  - Can any adverse impact be justified (*sic*)?
- 1.40 The EIAs are very sparsely completed. No data or research is provided to set a scene. No consultation with representative groups or individuals was undertaken as part of the assessments. None of the EIAs identified that the policy would affect people differently – other than a comment that the ending of free school meals would have an impact on ‘socio-economic’ groups.

### **Education Authority 11**

- 1.41 We looked at four EIAs. One related to proposed budget reductions; one to a merger of schools and two to education policies.
- 1.42 Two different templates are used. The first is poor. It does not include a section on mitigating actions. It does not make clear which equality groups are covered by the assessment. In relation to disproportionate impact it asks about the level of negative impact and the numbers affected. The second (which appears to have been used more recently) is a better template. It

makes clear that the assessment relates to the six 'equality strands' – but still does not ask about mitigating actions.

- 1.43 The EIAs are complete – but contain limited information. The consultation referred to relates to general consultation on the policy (not on the equality impact). None of the EIAs identified any negative impact on any equality group.

### **Education Authority 12**

- 1.44 We looked at the only EIA undertaken in the time period, which related education policy.
- 1.45 The template is reasonably good. It relates to age, disability, gender, gender reassignment, race, religion and sexual orientation. In relation to disproportionate impact and mitigating actions it asks:
- Could this policy/process/service affect some groups differently?
  - The policy in its intention or implementation affects some equality groups disproportionately. Is this justified?
  - Are there barriers that might inhibit access to the service or benefits of the policy?
  - If the policy affects people adversely, can it be justified by its overall aims?
  - Can an adverse impact be overcome if we adapt the policy?
  - If the assessment reveals that some groups within the equality groups have distinct needs, can these be met either within the policy or by separate means?
- 1.46 The EIA is very sparsely completed with many sections not completed. There is no data or research to set the scene. No consultation was undertaken. No disproportionate impact was identified.

### **Education Authority 13**

- 1.47 We looked at five EIAs. Two of these related to educational policy and three to equality policies.
- 1.48 The EIA template is weak. It relates to the 'six equality strands'. A more recent EIA uses the terminology in the 2010 Equality Act. In relation to disproportionate impact and mitigating actions it asks:
- Outline the positive, negative and neutral impacts the policy and function may have.
  - Detail the actions you will take to remove or mitigate any actual or potential negative impacts identified. Include timescales and responsibilities.
- 1.49 Only one of the EIAs uses the full template – and not all sections have been completed. There is little or no use of data or research to inform the EIA. Although consultation is referred to in each EIA, this is consultation on the

policy – rather than the equality impact of the policy. Negative impact was not identified in any of the EIAs – and mitigating actions were not discussed.

#### **Education Authority 14**

- 1.50 We looked at six EIAs. Three related to proposed budget reductions and three to educational policies.
- 1.51 The EIA template is very good. It relates to the ‘six equality strands’. In relation to disproportionate impact and mitigating actions it asks:
- How does the policy impact on different groups of people?
  - What evidence do you have to help identify any potential impacts?
  - Describe the positive and negative impacts and the groups affected.
  - Consider ways in which you can minimise or remove any negative impact.
- 1.52 There is no data or research to inform the EIAs. Although consultation is referred to, this is consultation with head teachers on the drafting of the policy, rather than its equality impact. None of the EIAs identify any potential negative impact.

#### **Education Authority 15**

- 1.53 We looked at four EIAs. Two related to education policies; one to an equality policy; and one to a wider plan for children.
- 1.54 The EIA template is good, but could be clearer about dealing with negative impacts. It covers all the protected characteristics in the 2010 Equality Act. In relation to disproportionate impact and mitigating actions it asks:
- Think about the policy, practice or function you are assessing and
    - people with the above characteristics
    - people associated with them (e.g. a parent or carer)
    - people mistakenly assumed to have the above characteristics
  - Would any of these have different needs, or be affected in different ways by what you are doing/proposing?
  - Note any negative impacts on equality groups.
  - Note any action you will be taking as a result of this assessment.
- 1.55 The EIAs made limited use of relevant data and research. Consultation with equality organisations was evident in some of the EIAs. None identified any negative impacts and there were therefore no mitigating actions proposed.

#### **Education Authority 16**

- 1.56 We looked at four EIAs, all relating to proposed budget reductions.
- 1.57 The EIA template is poor – it appears to be little more than a screening exercise. It covers all the protected characteristics in the 2010 Equality Act as well as caring responsibilities. In relation to disproportionate impact and mitigating actions it asks:
- Does the assessment identify any differential impacts which need to be addressed?

- How would you minimise or remove any potential negative impact?

1.58 The EIAs contain no relevant data or research. None identifies any potential negative impact – and therefore there are no mitigating actions included.

### **Education Authority 17**

1.59 We looked at the only EIA undertaken in the time period which related to educational policy.

1.60 The EIA template is very good. It covers the ‘six equality strands’ and ‘poverty/socio-economic’. In relation to disproportionate impact and mitigating action, it asks:

- What Protected Characteristic groups could be affected?
- What positive and negative impacts do you think that the policy will have?
- Describe in detail the actions taken to remove any identified negative impact. Where negative impacts cannot be removed or minimised, clearly state your justifications for continuing the policy in its existing format.

1.61 The EIA is very sparsely populated, with no evidence provided to underpin the assessment. No consultation was carried out. The assessment is that there are no negative impacts – and therefore no mitigating actions are proposed.

### **Education Authority 18**

1.62 We looked at seven EIAs. One of these related to proposed budget reductions. The others were all education policies.

1.63 Although we had been told that these were full EIAs, they were all initial screenings. In one case, significant negative impacts were identified in relation to race, disability, gender and ‘other groups’. Despite this, the screening concludes that ‘no adverse impacts have been identified’ and that there is no need to undertake a full equality impact assessment.

## ***Police Forces***

### **Force 1**

We looked at five EIAs. Three related to policing policies and two to equality policies.

1.64 The template is very good and asks detailed questions on impacts and alternative approaches. In relation to disproportionate impact and mitigating actions it asks:

- Does the analysis of the proposed policy indicate possible adverse impact on any group because of their age, disability, gender, transgender, race, religion or belief, or sexual orientation?

- Could the proposed policy lead to unlawful direct discrimination for any individual/s or group/s? If yes explain how, abandon policy and consider alternative approach.
- Could the proposed policy lead to unlawful **indirect** discrimination for any individual/s or group/s? If yes explain how.
- Summarise the full impact this policy or procedure has on different social groups, considering the following point: can this adverse impact be justified or the policy changed to remove the adverse impact?
- If your assessment shows that there is likelihood of adverse impact, is there an alternative way of achieving the policy's aim, objective or outcome?
- What changes, if any, need to be made in order to minimise unjustifiable adverse impact and risk to the force's statutory duty to promote equality?

1.65 Generally, the EIAs have been well completed although two have only been sparsely completed. Overall, the EIAs provide a good level of detail in terms of background information and consultation. They show a good level of analysis in terms of actual impacts on groups and possible alternative approaches or mitigating actions where appropriate. Nevertheless, only one of the EIAs identifies negative impacts for faith groups.

1.66 The EIA recommends six mitigating actions including: 'sensitive and measured' actions on behalf of the police; promotion in partnerships with organisations working with affected communities; closer working relations with community organisations; development of a local Risk Assessment for victims; and provision of support for the development of national guidance.

## **Force 2**

1.67 We looked at eight EIAs. Four related to policing policies and four to equality policies.

1.68 The template is poor. In relation to disproportionate impact it asks:

- What impact is the project likely to have on different people because of their: Age; Disability (physical, sensory, learning difficulties, cognitive impairment); Gender; Race; Religion/Belief or strong philosophical opinion; Sexual Orientation; Transgender identity; Physical Environment; Other.

1.69 It does not ask any questions in relation to mitigating actions or interventions to reduce negative impacts.

1.70 The EIAs only provide limited information due primarily to the poor template. The EIAs give some background information and provide evidence of consultation. They consider impacts in relation to the main equality groups. However, where negative impacts are identified in relation to a group there is only limited consideration of this and no opportunity to consider mitigating actions. Two of the EIAs identify negative impacts – one in relation to age and one in relation to race and religion/ belief. No mitigating actions were identified.

### **Force 3**

- 1.71 We initially wished to look at ten EIAs. However, we received only two full EIAs, one relating to a policing policy and one relating to an equality policy. The supporting documents in relation to the other eight only provided an initial screening.
- 1.72 The template is relatively comprehensive and includes an EIA Action Plan which provides a template for mitigating action in relation to negative impacts. The Action Plan is subdivided into the six equality strands (gender; ethnicity; disability; sexual orientation; faith, religion or belief; age). The templates are fully completed although there does not appear to be an in-depth and wide-reaching analysis of potential impacts. The template does not look for details on research evidence. One of the EIAs provides a list of all stakeholders consulted but does not provide details of the nature of consultations or their outcomes. The other EIA did not give any information on consultations.
- 1.73 One EIA does not identify any negative impacts for any group. The other EIA found that there was a negative impact for those with a sensory impairment, relating to the provision of British Sign Language (BSL). It includes the following actions which describe the existing arrangements rather than planned mitigating actions:
- at present a number of BSL providers are utilised on an ad hoc basis to provide 24/7 coverage; and
  - stop gap measures include training officers in basic BSL and use of written communication.

### **Force 4**

- 1.74 We initially wished to look at five EIAs, all relating to equality policies. However, only two of these had full EIAs.
- 1.75 The template is very good. In relation to disproportionate impact and mitigating actions it asks:
- How does/will the policy and resulting activities affect different equality groups?
  - Does your analysis of the evidence indicate any possible adverse impact on a particular group?
  - If the policy is likely to have a negative (adverse) impact what are the reasons for this? [including direct and indirect discrimination]
  - What practical changes will help reduce any adverse impact on particular equality groups? What measures does, or could, the policy include to address existing patterns of discrimination, harassment or disproportionality?
  - What evidence is there that actions to address any negative effects on one area of equality may affect other areas of equality?
- 1.76 The EIAs appear comprehensively completed. There is good data or evidence provided with reference to scoping work and examples of case law as well as legislation. Internal and external consultation work was undertaken for the EIAs. Neither of the EIAs identified any negative impacts and one of the EIAs

stated that there would be a positive impact for groups linked with religion and belief. There were no proposed mitigating actions for the two EIAs.

## **Force 5**

1.77 We looked at two EIAs, both relating to equality policies.

1.78 The template is very good. In relation to disproportionate impact and mitigating actions it asks:

- How does/will the policy or proposal, and resulting activities, affect different communities and groups?

1.79 In addition, the template asks for consideration of the following:

- Is there any potential for, or known, adverse or positive impacts of the policy or proposal?
- You should consider how the proposed actions might affect communities with small populations; people affected by discrimination in multiple areas of equality (age, disability, gender, gender reassignment, race, religion or belief, and sexual orientation); specific interest groups such as small businesses, voluntary sector agencies and other service providers.
- Are there examples of good practice that can be built on?  
You may wish to consider how the policy or proposal will be delivered or communicated.
- If the policy or proposal is likely to have a negative effect ('adverse impact'), what are the reasons for this?
- What practical changes will help reduce any adverse impact on particular groups?
- What evidence is there that actions to address any negative effects on one area of Equality may affect other areas of Equality or Human Rights?

1.80 The EIAs are very fully completed. There is strong use of research and evidence in relation to the national and local context. The EIAs are strong on consultation and detail consultation activity in respect of each of the equality groups, as relevant.

1.81 The EIAs do not clearly identify negative impacts on equality groups or propose any specific mitigating action. There is a focus on promotion and review of the policies.

## **Force 6**

1.82 We looked at nine EIAs. Six of these related to equality policies and three to policing policies.

1.83 The template is minimal in comparison with other police forces. In relation to disproportionate impact and mitigating actions it asks:

- Explain the likely differential impact (whether intended or unintended, positive or negative) of the proposal on individual service users, employees or citizens on account of: Age; Disability; Religion or Belief;

Gender, Transgender, Marital or Civil Partnership status;  
Nationality/Ethnicity; Sexual Orientation; Other issues.

- Is the proposal directly or indirectly discriminatory? Is there a genuine occupational requirement?
- Could the proposal be modified to reduce or eliminate any identified negative impacts, or create or increase positive impacts? If so how?

#### **Force 7**

1.84 We initially wished to look at ten EIAs. However, although we had been told that these were full impact assessments, they were actually initial screenings and no full EIAs were carried out.

1.85 The EIAs are sparsely and poorly completed. There appears to be limited detailed consideration of impacts on minority groups. None of the EIAs contain any background information from research or other sources of evidence. The EIAs list the individuals or groups that have been consulted and methods used – and give a brief summary of the outcome of these consultations. Across all the EIAs no negative impacts are identified. As a result there are no mitigating actions proposed.

#### **Force 8**

1.86 We initially wished to look at two EIAs, both related to policing policies. The documents we were sent were, in fact, initial screenings – both of which recommended that a full EIA was undertaken. But no full EIA has been completed.