

EQUALITY IMPACT ASSESSMENTS POLICY

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EQUALITY IMPACT ASSESSMENTS (EIAs)

Owning Department: Norfolk and Suffolk County Policing Commands / HR

Department SPOC: Diversity, Equality and Inclusion Co-ordinator / Equality and Diversity Manager (Norfolk)

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Legal Basis

Legislation specific to the subject of this policy document:

- Equality Act 2010

Other relevant legislation which you must check this document against (required by law)

- Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)
- Crime and Disorder Act 1998
- Health and Safety at Work etc. Act 1974 and associated Regulations
- General Data Protection Regulation (GDPR) and Data Protection Act 2018
- Freedom Of Information Act 2000
- The Civil Contingencies Act 2004

Other Related Documents

- Creation and Review of Policies policy
- EIA Template
- EIA Guidance

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1. Introduction

- 1.1 The Equality Act 2010 and, in particular, the Public Sector Equality Duty, require public organisations to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations in the course of developing organisational products*. Norfolk and Suffolk Constabularies use an Equality Impact Assessment (EIA) process as the first step in complying with this duty.

**For ease of reference, the term 'product' is used throughout this document, but must be taken to mean any organisational functions, activities or decisions, such as policies, plans or practices, that may affect external communities or internal personnel.*

Please Note: The EIA process is not required for operational plans. The equality impact for these is considered via the National Decision Making model and Community Impact assessment process.

- 1.2 The Equality Act 2010 identifies nine protected characteristics against which the Constabularies are required to assess all of their functions. The nine protected characteristics are as follows:

- Age;
- Disability;
- Gender Reassignment;
- Marriage and Civil Partnership;
- Pregnancy and Maternity;
- Race;
- Religion or Belief;
- Sex; and
- Sexual Orientation.

- 1.3 All documented single and joint Force products will be assessed against the nine protected characteristics. As a matter of good practice, two additional categories, Family Status, e.g. dependents or caring responsibilities, and Economic Status (e.g. lower paid or unemployed), will also be assessed. However, the time and effort spent monitoring a product should be proportionate to its level of impact. Greater priority should be given to monitoring those products that have a greater potential impact on certain groups or that have significant health and safety implications.

- 1.4 For the purposes of completing EIAs, the following definitions apply:

- Equality is about creating a fairer society where everyone can participate and have the opportunity to fulfil their potential.
- Diversity is recognising and valuing our personal differences and perspectives. It is about creating a culture and practices that

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recognise, respect, value and harness difference for the benefit of members of the public and members of staff and officers.

- Prejudice is the pre-judgement of an individual or group based on expectations and assumptions about them.
- Discrimination is unlawful treatment of a person or group of people based on one or more of the nine protected characteristics under the Equality Act 2010.
- Inclusion is providing a space where everyone has equal access to opportunities and resources, and where everyone feels valued and accepted. Everyone should be able to contribute and have a voice. This may mean making reasonable adjustments to facilitate participation.

- 1.5 EIAs are an important and integral part of product development/review, to be used at the outset of the development/review process and continuing throughout the product's life cycle.
- 1.6 Conducting an EIA is an effective way of ensuring that new and existing products are inclusive and avoid discriminating against people with various protected characteristics to whom the product applies, as far as is reasonably possible.
- 1.7 The EIA will initially address all nine protected characteristics and the two additional categories of family status and economic status, however, some products will impact more on specific groups and others not at all, so the assessment should reflect this.
- 1.8 By building equality considerations into our product development/review process, we will be able to identify any actual or potential inequalities and seek to reduce them as much as possible.
- 1.9 There may be situations where negative impact is identified and the Constabulary/ies is/are unable to alter working practices due to operational and legislative requirements.
- 1.10 In these circumstances, by undertaking the EIA process, both Norfolk and Suffolk Constabularies will be able to evidence their considerations and demonstrate that the effects of their activities and actions have been considered in a structured and organised way.

2. Statement of Policy

- 2.1 This policy has been formally agreed via the approved policy development/review process. It will be maintained by the Diversity, Equality and Inclusion Co-ordinator and Equality and Diversity Manager (Norfolk) in conjunction with the Central Policy Unit.
- 2.2 The policy is intended to promote equality, eliminate unlawful discrimination and actively promote good relations regardless of age, disability, gender

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reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, economic or family status.

- 2.3 Managers have a responsibility to ensure this policy is applied fairly, and unless otherwise stated, all policies and procedures are non-contractual.

3. Applicability

- 3.1 This policy applies to all Constabularies officers and employees who have responsibility for completing an EIA for a new or reviewed product.

4. Responsibility for Completing Equality Impact Assessments

- 4.1 The product lead or other key decision maker is responsible for the EIA. Learning from your EIA should influence product development and implementation. The EIA owner must be someone with sufficient authority to collaborate with internal and external stakeholders, implement actions and hold others to account.

5. Completion of an Equality Impact Assessment (EIA)

When should it be completed?

- 5.1 An EIA should be completed at the earliest opportunity once the need for a new product has been identified or when an existing product is identified for review, as this will make it as easy as possible to make the changes or adjustments required.

How should it be completed?

- 5.2 Norfolk and Suffolk Constabularies use the EIA template recommended by the College of Policing (with some amendments to reflect the Constabularies' specific requirements, e.g. for consideration of the two additional categories set out at paragraph 1.3). The template includes helpful prompts to aid completion.
- 5.3 The College of Policing accompanying guidance document will also assist in the completion of the template and should be referred to accordingly.

Research

- 5.4 Prior to starting research, it is advisable to check to see if there has been any national EIA work conducted (see section on National Guidance).
- 5.5 Data used for research can be quantitative (i.e. the collection of numerical values) or it can be qualitative (i.e. the collection of views). The data published by the Constabularies to demonstrate compliance with the Public Sector Equality Duty can (where appropriate) form the basis of this research. However, other data, such as national statistics, should also be used if appropriate. Relevant data can be used to help determine what impact the product may have on certain groups.

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Consultation

- 5.6 It is important that consultation takes place with those most likely to be directly affected by the product both inside and outside the organisation. Consultation is designed to make sure that all Norfolk and Suffolk Constabularies' products are implemented fairly and effectively to all sections of the organisation and local communities. Consideration should also be given to those who may be indirectly affected by the product.
- 5.7 It is important that those being consulted are given the opportunity to explore how the product would work and to discuss possible impact on those it would apply to, rather than being asked to validate what has already been decided. This means building in time to explore issues raised and being prepared to amend or adapt the plan.
- 5.8 There are a number of recognised forums through which external consultation might be undertaken depending on the type of product being assessed. The following are provided as examples:
- Norfolk Independent Advisory Group (IAG).
 - Suffolk Disability Forums (accessible via the Diverse Communities Advisor).
 - Staff Support Networks.
 - Existing consultation such as Crime and Disorder Audits/Policing and Performance Plan consultation.
 - Support agencies related to the subject, e.g. The Samaritans, Alcoholics Anonymous, Drug Concern and other similar organisations.
 - Ipswich and Suffolk Council for Racial Equality (ISCRE)*.
 - Suffolk Inter-Faith Resource (SIFRE).
 - The Fire Service and Local Health Authorities.
 - Other Forces.

**Suffolk and Joint only.*

- 5.9 In order to avoid any duplication of effort, it is important that contact is made with Diversity contacts, the Central Policy Unit and Performance Analysis and Research Team to establish if any consultation is already being undertaken that would meet the needs of the product being developed/reviewed.

▪ Responses to Consultation

- 5.10 Any responses received relating to equality or diversity issues, should be recorded in the EIA, together with confirmation of any actions or amendments made as a result of the comments. Respondents should not be identified by name in the EIA, but by the department or group that they represent. It is good practice to provide feedback to those who provided responses to inform them of the action taken as a result of their comments.

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▪ National Guidance and Legislation

- 5.11 There will be occasions when national guidance or legislation is required to be disseminated to the workforce together with any particular local issues for Norfolk and/or Suffolk Constabularies.
- 5.12 In such circumstances, any work in relation to equality impact that has been carried out at a national level should be noted in the EIA. There may be occasions where an EIA has been undertaken at national level and further consultation and assessment by the Constabularies is not considered necessary.

Legitimate Aims

- 5.13 The Equality Act 2010 recognises that there will be occasions where products may have a differential impact on certain groups. The Constabularies may be able to justify the impact if it can be demonstrated that the product is a proportionate means of achieving a legitimate aim.
- 5.14 Whether there is a legitimate aim and whether the product is a proportionate means of achieving that aim are likely to be different in every case, so using details from another EIA as a template is unlikely to be sufficient. Where the product can be objectively justified, this must be recorded in the EIA.
- 5.15 Appendix A sets out further detail of objective justification and provides examples of where different impact on certain groups could be justified.

Recording of Decision Making

- 5.16 The recording of decision making is a fundamental part of the EIA process, whether it is when the assessment is first completed or when it is reviewed or amended.
- 5.17 The EIA should detail all the decisions made, together with the type of data, research and consultation that was collated to make those decisions. There is space within the template to document considerations and decisions made/action taken.
- 5.18 It is accepted that in some cases it may not be apparent straight away which protected characteristics are, or could be, affected. Therefore, it is important to remember that the EIA is a continual process, and if equality issues are identified during development/review of a product, the EIA should be revisited.

Monitoring

- 5.19 Monitoring is the most reliable way of knowing whether a product is working and reviews the impact on those it applies to. By monitoring the outcomes of a product, the Constabularies will be able to judge whether it is effective and whether it needs to be changed.

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5.20 It is important to review the impact of a product on those it applies to at the implementation stage. Monitoring is an on-going process and should indicate whether and how well, for example, the product is achieving its aims and can identify opportunities for improvement.

5.21 Monitoring allows the Constabularies to assess:

- Compliance with the product;
- Levels of satisfaction with the product;
- How particular groups are affected by the product.

5.22 The actual impact of any product will only be known once it has been put into operation. The arrangements for monitoring should be recorded in the appropriate section of the EIA.

5.23 The time and effort spent monitoring a product should be proportionate to its level of impact. Greater priority should be given to monitoring those products that have a greater potential impact on certain groups or that have significant health and safety implications.

- Monitoring Review Dates

5.24 In most cases, monitoring will coincide with the review date of the product. However, there may be occasions when there is a need to set an earlier review date

6. Further Advice and Guidance

6.1 Further advice and guidance on the completion of EIAs can be sought from the relevant Force's Diversity Lead and EIA Champions.

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Appendix A – Objective Justification

Indirect discrimination can happen when a provision, criterion or practice which is apparently neutral has a disproportionate negative impact on a certain group of people who share a protected characteristic. For example, requiring shift work is a necessary part of providing a 24 hour/365 day service, but is likely to impact disproportionately on women, who currently provide the bulk of domestic caring. The requirement therefore needs to be objectively justified to avoid any unlawful indirect discrimination.

To show that something is objectively justified, you must be able to show that there is a good organisational reason for what you are doing and that what you are doing is proportionate in its impact – that is 'a proportionate means of achieving a legitimate aim'.

Guidance from The Equality and Human Rights Commission sets out that, to prove objective justification:

- the aim must be a real, objective consideration, and not in itself discriminatory. Examples of legitimate aims would include ensuring the health and safety of others, running an efficient service or requirements of the organisation.
- if the aim is simply to reduce costs, this will not be a legitimate aim.
- working out whether how you want to achieve the aim is 'proportionate' is a balancing exercise: does the importance of the aim outweigh the impact on a particular group(s) of people who share a protected characteristic?
- there must be no alternative measures available that would meet the aim without too much difficulty and would avoid such a discriminatory effect: if proportionate alternative steps could have been taken, there is unlikely to be good reason for the provision, criterion or practice.

Examples of Objective Justification

Health and Safety of Individuals

Combat training involves a lot of intense physical activity. This training isn't offered to pregnant women. This could be discrimination on the grounds of sex, however this is likely to be justified due to the employer's requirement to look after the health and safety of their employees. The training is to ensure employees are fully prepared and equipped to deal with all circumstances they may be in as a result of their job role, so this is a legitimate aim and offering safe training is a proportionate way of achieving this aim.

Running an Efficient Service

A job advert for a firefighter requires applicants to pass a fitness test to be considered for the role. This could be indirect age discrimination because older people are less likely to pass the tests than younger applicants. However, this is likely to be justified because fire fighting is a job which requires a high level of physical capability. The test is to ensure candidates are fit enough to do the job and ensure the efficient functioning of the fire service. This is a legitimate aim, and making candidates take fitness tests is a proportionate way of achieving this aim.

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Requirement of the Business

Car insurance companies use age as a method of determining how expensive the insurance will be. This could be discrimination on the grounds of age, however it is justified due to the business requirement that insurance cost must be based on risk. Studies show certain age groups are more likely to be involved in a car accident. Therefore the increased cost is a proportionate means of achieving a legitimate aim.

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