**Argyll and Bute Equality and Socio-Economic Impact Assessment**

**March 2020**

**Version 2.3**

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| **Version** | **Date** | **Amended** |
| **2.0** | **25 June 2018** | **Complete review of EqIA (approved by SMT 25 June) in light of new legislation and scheduled review of policy** |
| **2.1** | **6 July 2018** | **Guidance includes Islands (Scotland) Act (2018)** |
| **2.2** | **18 January 2019** | **Edited to ensure protected characteristic of ‘sex’ is used instead of ‘gender’** |
| **2.3** | **February 2020** | **Updated to provide additional guidance around the circumstances when an EqSEIA is required, and provide guidance and to signpost to resources to effective consultation. Clarification around publication of EqSEIAs. Additional wording around elimination of discrimination, inequality of opportunity and fostering good relations. Updated references to Services to align with 2019 management restructure. Minor changes to EqSEIA form.** |

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# **1.0 Introduction**

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| --- | --- |
| 1.1 | This guidance sets out the council’s Equality and Socio-Economic Impact Assessment (EqSEIA) process, why we have one, and how it is used. The guidance is designed mainly for officers who are required to complete an EqSEIA but may also be of use to anyone else who has a role to play or an interest in the EqSEIA process or equalities, more generally. |
| 1.2 | People with roles to play include:* Chief Officers and Senior managers
* Elected Members
* Third Tier Managers
* Fourth Tier Managers
* Members of the HROD Performance and Improvement team
 |
| 1.3 | This guidance and associated documents replace the EqIA guidance and forms, approved by Council in December 2012. |

# **2.0 Why do we do Equality and Socio-Economic Impact Assessments?**

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| --- | --- |
| 2.1 | The EqSEIA process enables the council to demonstrate that it delivers on its obligations to pay due regard to issues relating to equalities and island communities. |
| 2.2 | The Equality and Socio-Economic Impact Assessment serves the following purposes:* It helps the officers who are designing a new proposal **to check** that they have considered all equalities implications, including socio-economic inequalities, as well as impacts on island communities.
* It helps officers **to show** that they have considered all equalities implications, including socio-economic inequalities, as well as impacts on island communities.
* It helps people who are interested in equalities, socio-economic inequalities, and island impacts **to see** that these have been considered, and how.
* It **enables better / more informed consultation** around proposals while they are still in development.
* It **enables better scrutiny** around decision making as issues around equalities and socio-economic inequalities are made more transparent.
 |
| 2.3 | To ensure that public authorities can demonstrate that they have paid ‘due regard’ to equalities issues, a record of the assessment process should be made publicly available. Thus, at the end of the EqSEIA process, a document is produced that can be clearly and quickly understood by people reading it; this document will be published on the Council's website. |

# **3.0 Background**

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| 3.1 | The Equality Act (2010) sought to harmonise discrimination law that previously had been covered in a range of separate pieces of legislation, and to strengthen the law to support progress on diversity. However, not all legislation contained within the Equality Act (2010) was enacted in 2010. |
| 3.2 | Those parts of the Equality Act (2010) that relate to people with ‘protected characteristics’ was enacted in 2010. The ‘protected characteristics’ are:* Age
* Disability
* Gender reassignment
* Marriage and civil partnership
* Race
* Religion or belief
* Sex
* Pregnancy and maternity
* Sexual orientation.
 |
| 3.3 | Part 1 of the Equality Act (2010) was enacted by Scottish Government in late 2017, and came into force on 1 April 2018. Although in the legislation Part 1 is referred to as the Socio-Economic Duty, it is more commonly referred to as the **Fairer Scotland Duty**. The Fairer Scotland Duty seeks to tackle socio-economic disadvantage and reduce inequalities of outcome. |
| 3.4 | As a public authority, the council must consider equality issues when making certain types of decisions. See Section 6. In addition to considering the impact the council’s activities might have on people with one or more of the nine protected characteristics listed above, there is now a requirement for the council to take into account socio-economic disadvantage. To that end, the impact strategic decisions have on the following should be considered:* Mainland rural population
* Island populations
* Low income
* Low wealth
* Material deprivation
* Area deprivation
* Socio-economic background
* Communities of place
* Communities of interest
 |
| 3.5 | For more information see the Scottish Government’s [**Fairer Scotland Duty Interim Guidance**](http://www.gov.scot/Publications/2018/03/6918) |
| 3.6 | In addition, we have a duty, which is set out in the Island (Scotland) Act (2018), to consider the impact of proposals on island communities. Thus, the EqSEIA incorporates consideration of island communities within the wider impact assessment process. |
| 3.7 | The council has carried out Equality Impact Assessments for a number of years. Equality and Diversity Impacts were developed and approved in the 2000s. These were subsequently updated in light of the Equality Act (2010) and the updated EqIA was approved by council in December 2012. |
| 3.8 | In light of changes to the Equality legislation and the introduction of the Islands (Scotland) Act, the EqIA process has been reviewed and updated again, in 2018. This review has resulted in the EqSEIA process. |

# **4.0 What has changed?**

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| 4.1 | Key changes between the previous and current versions of the impact assessments are:* The content of the impact assessment has been altered to take account of the Fairer Scotland Duty and the Islands (Scotland) Act (2018).
* Instead of having two forms (Rapid Impact Assessment and Full EqIA), there is now a single form to be completed.
* The guidance and form have been produced as separate documents. This is intended to increase the readability of the completed EqSEIA form.
* HROD no longer has a quality assurance role in the process, although completed EqSEIAs should be sent to HROD (Performance and Improvement) once a proposal has been approved for collation as evidence for audits and publication on the council's website.
 |

# **5.0 How to use this guidance**

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| --- | --- |
| 5.1 | This guidance is designed to help you to understand the council’s EqSEIA process and roles and responsibilities within it. This section summarises the steps to be followed when carrying out a EqSEIA and should be read in conjunction with Appendices 1 to 4:* Appendix 1: Glossary.
* Appendix 2: Sample form, with annotated notes.
* Appendix 3: Process Map for EqSEIA.
* Appendix 4: Consultation and the EqSEIA.
 |
| 5.2 | Work on the EqSEIA should take place in parallel with your proposal as it is designed to ensure that active consideration is given to equalities and island communities throughout the development and decision-making processes. |
| 5.3 | Carrying out an Equality and Socio-Economic Impact Assessment is an iterative process. Depending on the answers you develop at any particular step in the process, you may find that you have to return to an earlier step to revise or refine your proposal and EqSEIA. |
| 5.4 | The amount of effort put into completing the EqSEIA should be proportionate to the intended impact of the proposal being assessed. |
| 5.5 | The steps involved in following the EqSEIA process are outlined in Table 1. See also Appendix 3. |

**Table 1: Summary of steps involved in carrying out EqIA**

|  |  |
| --- | --- |
| Step 1 | Determine whether an EqSEIA is required for the proposal. See Section 6.**If officers are of the opinion that an EqSEIA is not required, a note to this effect must be put in the implications section of any covering report against the Equalities / Fairer Scotland Duty heading. A similar statement must also be included in any consultation report that is produced in connection to the proposal.** |
| Step 2 | Identify the purpose of the proposal and who should be involved in carrying out the assessment |
| Step 3 | Identify the evidence needed to carry out the EqSEIA |
| Step 4 | Assess the impact(s) that the proposal will have on the various groups covered by the Equality Act (2010), including those covered by the Fairer Scotland Duty. These include island communities. Consider both service users and employees. (You may wish to consider, for example, how specific groups are affected by the accessibility of facilities and information, or the availability of transport.) |
| Step 5 | Identify any negative impacts the proposal is likely to have, and consider how these will be addressed.  |
| Step 6 | Develop monitoring and evaluation plans. |
| Step 7 | Complete the EqSEIA documentation.* Officers may find it easier to complete the form as they work through the previous steps, or they may wish to leave completion until this point.
 |
| Step 8 | Sign off the EqSEIA by the appropriate officer, and attach it to the proposal.* Normally the appropriate officer will be the Head of Service.
* **The EqSEIA must accompany the proposal through the approval process.**
* If consultation is carried out after initial approval, as further iterations of a proposal are developed, the EqSEIA must be included as part of any documentation provided as part of that consultation.
 |
| Step 9 | When a decision regarding the proposal has been made, send a copy of the completed EqSEIA to HROD (Performance and Improvement): equality@argyll-bute.gov.uk . |
| Step 10 | Carry out a review of your EqSEIA whenever your proposal is reviewed and / or updated. |

# **6.0 When is an EqSEIA required?**

|  |  |
| --- | --- |
| 6.1 | You **must** carry out an EqSEIA for the following things:* **Policy**: new or reviewed
* **Strategy**: examples of when an EqSEIA is required include:
	+ Preparation of the Local Development Plan
	+ City deals or other major investment plans
	+ Preparing legislation
	+ Development of new strategic frameworks
	+ Development of significant new policies or proposals
	+ Preparation of an annual budget
	+ Major procurement exercises
	+ Decisions about the shape, size and location of the estate
	+ Preparing a Local Outcomes Improvement Plan as part of a CPP
	+ Preparing locality plans
	+ Preparation of a Corporate Plan
	+ Commissioning of service
	+ Note that this list is not exhaustive. Even if your strategy is not listed here, you may still need to carry out an EqSEIA.
* **Changes to service design and the way services are delivered**
 |
| 6.2 | If you are not sure whether you need to complete an EqSEIA, you should think about:**(1) Is your proposal a strategy that is of equivalent scale to those listed above?**If yes, then you must complete an EqSEIA.**(2) Is your proposal covered by an EqSEIA that has previously been completed at policy or strategy level?** If the answer is ‘yes’, you may not need to carry out an EqSEIA.However, it is still good practice to consider whether specific groups will be adversely affected by your proposal and its implementation. It is also good practice to check that the policy/strategy has an up-to-date EqSEIA. |
| 6.3 | Across the organisation, there is confusion about how we describe things. Some plans are strategies; some policies are procedures. This is confusing and may make it hard to decide when EqSEIAs are required. To further clarify when EqSEIAs are required, see Table 2. |

**Table 2:**

| **Type of proposal/document** | **Is an EqSEIA required?** |
| --- | --- |
| **Policy**An explanation of how we, as an organisation, will behave, and the rationale for that behaviour. | EqSEIA required. |
| **Strategy**What we want to achieve, usually over an extended period of time. A strategy may give an indication of the types of things we wish to do to reach our goal. | EqSEIA required. |
| **Service redesign and changes to the way a service is delivered** | EqSEIA required. |
| **Plan**Sets out detailed actions we will take to deliver our policy / strategy. | An EqSEIA may be required, depending on whether there is a separate strategy document.Note, though, that specific types of plans must have EqSEIAs done: these include the Argyll and Bute Outcome Improvement Plan and the Local Development Plan. |
| **Procedure**The steps we go through to deliver a policy. This is not a plan. This is more likely to be a description of the tasks that are involved in delivering a plan. | EqSEIA is not usually required.  |
| **Process**Step-by-step instructions to carry out a task or tasks to deliver on a procedure. | EqSEIA not required. |
| **Framework**Usually a broad overview of something we do. Probably sits between policy and procedure. | EqSEIA may be required.  |
| **Progress reports, performance reporting and similar** | EqSEIA is not required. |

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| --- | --- |
| 6.4 | **If you are still not sure whether you should carry out an EqSEIA, it is probably better to be on the safe side and do one.****Remember, if you decide that an EqSEIA is NOT required, you must be able to defend your position, and you are expected to record your reasoning in the relevant ‘implications’ section of any committee report.** |

# **7.0 Roles and responsibilities**

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| --- | --- |
| 7.1 | Members of each of the following groups have roles to play in the EqSEIA process:* Chief Officers and Senior Managers
* Elected Members
* Third Tier Managers
* Fourth Tier Managers
* Members of the HROD Performance and Improvement team

These roles are described in more detail in Table 3. |

**Table 3: Roles and responsibilities**

|  |  |
| --- | --- |
| **Who** | **What** |
| Third Tier Managers | * May act as lead officer responsible for developing / reviewing the proposal. Lead officers are responsible for completing EqSEIA.
 |
| Fourth Tier Managers and other officers | * May act as lead officer responsible for developing / reviewing the proposal. Lead officers are responsible for completing EqSEIA.
* May provide input into the EqSEIA where there is relevant experience.
 |
| HROD | * May provide input into the EqSEIA where there are implications affecting staff
 |
| HROD Performance and Improvement | * Copies of completed EqSEIAs should be sent to HROD P&I, where they will be retained as corporate evidence and published on the council's website.
 |
| Chief Officers and Senior Officers | * Heads of Service act as ‘appropriate’ officers for the sign off of the EqSEIA document.
* Other Chief Officers / Senior Officers may have scrutiny and approval roles.
 |
| Elected Members | * Have scrutiny and approval roles where proposals go to committee or council for approval.
 |
| Trades Union representatives | * May provide input into the EqSEIA where there are implications affecting staff
 |
| Stakeholders | * Should be consulted as required as part of the EqSEIA process
 |
| Development and Economic Growth | * May provide advice with regard to assessing socio-economic impact and impact on island communities.
 |
| Community Development Officers | * May provide advice around consultation and engagement methods and how to reach stakeholder groups.
 |
| Research and Engagement Officer | * May provide advice around consultation and engagement methods and how to reach stakeholder groups.
 |

# **8.0 Further Information**

For further information and support around the EqSEIA process, contact HROD (Performance and Information) via: equality@argyll-bute.gov.uk.

For further information and support around consultation and engagement:

* See Appendix 4.
* Contact Community Development Officers and/or Research and Engagement Officer
* Refer to resources available on the Hub (available only within the organisation): How to carry out a consultation: <http://intranet.argyll-bute.gov.uk/communicating/how-consultation> . This page includes a link to the council's consultation toolkit: <http://intranet.argyll-bute.gov.uk/sites/default/files/updated_consultation_toolkit.pdf> .

# **Appendix 1: Glossary**

**Active consideration**: Relates to ‘due regard’. When making a decision, the public authority should actively think about whether there are opportunities to reduce inequalities caused by socio-economic disadvantage.

**Area deprivation:** Areas where there are concentrations of deprived households.

**Communities of interest**: refers to groups of people who share an identity or an experience. They do not need to live in the same area, however.

**Communities of place**: refers to people who are bound together because of where they live, work, visit, or otherwise spend a continuous portion of their time. This may include rural, remote and island areas.

**Due regard**: Due regard does not mean that there is an obligation to achieve a result. Public bodies are not required to reduce inequalities of outcomes as part of any decision made under the duty. There may be good reasons why it is not desirable or possible to seek to reduce inequalities in a particular case. However, the public authority should be able to demonstrate that it has considered options and why a decision has been made. Where there are no compelling reasons for not doing so, due regard would suggest that changes should be made.

**Inequalities of Outcome:** measurable differences for communities of interest or of place. Socio-economically disadvantaged households have a higher risk of experiencing negative outcomes.

**Low income:** There is no single definition or measure of low income. Some indicators suggest that low income is where individuals living in households receive below 60% of UK median income. Scottish Government’s *Children in Families With Limited Resources Across Scotland 2014-2016* defines low income as ‘household income below 70% of the Scottish median after housing cost’.

**Low wealth:** not having access to wealth (including for example, financial products, equity from housing, decent pension, accessible saving). People who have low wealth lack protection from socio-economic disadvantage.

**Material deprivation:** Inability to access basic goods and services.

**Proportionality:** How much regard is due will depend on the relevance of the decision to the scale of the socio-economic disadvantage and inequalities of outcome in relation to each strategic issue.

**Proposal:** Within this guidance and related documentation, ‘proposal’ refers to any decision that requires approval at board level or above.

**Protected characteristics:** The protected characteristics covered by the Equality Act (2010) are: age; disability; gender reassignment, marriage and civil partnership; race; religion or belief; sex; pregnancy and maternity; sexual orientation.

**Socio-economic background:** Relates to the context in which a person has been raised or in which they live. Disadvantage may arise from parents’ education, employment and income (social class).

**Socio-economic disadvantage** means living on below average incomes, with little accumulated wealth, leading to greater material deprivation, restricting the ability to access basic goods and services. Socio-economic disadvantage can be experienced in both places and communities of interest, leading to further negative outcomes such as social exclusion.

# **Appendix 2: Sample form, with annotated notes**

**Argyll and Bute Council: Equality and Socio-Economic Impact Assessment**

**Section 1: About the proposal**

|  |
| --- |
| **Title of Proposal** |
| This should be a written title that has some immediate meaning to the reader. |

|  |
| --- |
| **Intended outcome of proposal** |
| Describe in a single sentence what the intended outcome of the proposal is. |

|  |
| --- |
| **Description of proposal** |
| This should be no more than a few paragraphs that will give the reader an overview of what the proposal is about. |

|  |
| --- |
| **Business Outcome(s) / Corporate Outcome(s) to which the proposal contributes** |
|  |

|  |
| --- |
| **Lead officer details:** The lead officer is the person who has been charged with carrying out the EqSEIA. Normally, this would be the person developing the proposal. |
| Name of lead officer |  |
| Job title |  |
| Department |  |
| **Appropriate officer details:** The appropriate officer is normally the Head of Service for the Service in which the proposal is being developed. |
| Name of appropriate officer |  |
| Job title |  |
| Department |  |
| Sign off of EqSEIA | Signature of the appropriate officer to confirm they approve the EqSEIA as completed |
| Date of sign off |  |

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| --- |
| **Who will deliver the proposal?** |
| List the partners / services / teams that will deliver the proposal. |

**Section 2: Evidence used in the course of carrying out EqSEIA**

|  |
| --- |
| **Consultation / engagement** |
| Consultation / Engagement (give details of individuals / groups who have been consulted and results of the consultation; when consultation took place and methods used. This section should include details of consultation with partners).See also Appendix 4. |

|  |
| --- |
| **Data** |
| Data sources referred to in the process of carrying out the EqSEIA may include those suggested in the [**Fairer Scotland Duty Interim Guidance**](http://www.gov.scot/Publications/2018/03/6918) document or the [**Scottish Government Equality Evidence Finder**](http://www.gov.scot/Topics/People/Equality/Equalities/DataGrid). These, and any other sources you use (including internal and external data sources) should be referred to here. |

|  |
| --- |
| **Other information** |
| Other research (data sources consulted/accessed)Existing documents that have been used to inform EqSEIA |

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| **Gaps in evidence** |
| Gaps and uncertainties. (Areas for particular attention when monitoring (see below) need to be included in monitoring and evaluation arrangements). |

**Section 3: Impact of proposal**

In this section, and based on the evidence you have identified in Section 2, you will check the boxes that best describe the impact(s) that you think your proposal will have on the groups listed.

With regard to the protected characteristics, you should consider whether your proposal will have any impact on the:

* Elimination of unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
* Advancement of equality of opportunity between people who share a relevant protected characteristic and those who do not
* Fostering of good relations between people who share a protected characteristic and those who do not.

In addition to the protected characteristics set out in the Equality Act (2010), there are nine categories that relate to the Fairer Scotland Duty. More information about these is given in the guidance.

The Islands (Scotland) Act requires that, when you consider impacts on island populations, you bear in mind that proposals may affect different island communities in significantly different ways.

**Impact on service users:**

|  | **Negative** | **No impact** | **Positive** |  | **Don’t know** |
| --- | --- | --- | --- | --- | --- |
| **Protected characteristics:** |  |  |  |  |  |
| Age |  |  |  |  |  |
| Disability |  |  |  |  |  |
| Ethnicity |  |  |  |  |  |
| Sex |  |  |  |  |  |
| Gender reassignment |  |  |  |  |  |
| Marriage and Civil Partnership |  |  |  |  |  |
| Pregnancy and Maternity |  |  |  |  |  |
| Religion |  |  |  |  |  |
| Sexual Orientation |  |  |  |  |  |
| **Fairer Scotland Duty:** |  |  |  |  |  |
| Mainland rural population |  |  |  |  |  |
| Island populations |  |  |  |  |  |
| Low income  |  |  |  |  |  |
| Low wealth |  |  |  |  |  |
| Material deprivation |  |  |  |  |  |
| Area deprivation |  |  |  |  |  |
| Socio-economic background |  |  |  |  |  |
| Communities of place |  |  |  |  |  |
| Communities of interest |  |  |  |  |  |

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| **If you have identified any impacts on service users, explain what these will be.** |
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| **If any ‘don’t know’s have been identified, at what point will impacts on these groups become identifiable?** |
| Insert information here regarding when you will be able to identify the proposal’s impact(s) on those groups where impact is currently unknown.Note that you should consider these groups in more detail when completing Section 5, relating to monitoring and review. |

**Impact on service deliverers (including employees, volunteers etc):**

|  | **Negative** | **No impact** | **Positive** |  | **Don’t know** |
| --- | --- | --- | --- | --- | --- |
| **Protected characteristics:** |  |  |  |  |  |
| Age |  |  |  |  |  |
| Disability |  |  |  |  |  |
| Ethnicity |  |  |  |  |  |
| Sex |  |  |  |  |  |
| Gender reassignment |  |  |  |  |  |
| Marriage and Civil Partnership |  |  |  |  |  |
| Pregnancy and Maternity |  |  |  |  |  |
| Religion |  |  |  |  |  |
| Sexual Orientation |  |  |  |  |  |
| **Fairer Scotland Duty:** |  |  |  |  |  |
| Mainland rural population |  |  |  |  |  |
| Island populations |  |  |  |  |  |
| Low income  |  |  |  |  |  |
| Low wealth |  |  |  |  |  |
| Material deprivation |  |  |  |  |  |
| Area deprivation |  |  |  |  |  |
| Socio-economic background |  |  |  |  |  |
| Communities of place |  |  |  |  |  |
| Communities of interest |  |  |  |  |  |

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| --- |
| **If you have identified any impacts on service deliverers, explain what these will be.** |
|  |

|  |
| --- |
| **If any ‘don’t know’s have been identified, at what point will impacts on these groups become identifiable?** |
| Insert information here regarding when you will be able to identify the proposal’s impact(s) on those groups where impact is currently unknown.Note that you should consider these groups in more detail when completing Section 5, relating to monitoring and review. |

|  |
| --- |
| **How has ‘due regard’ been given to any negative impacts that have been identified?** |
| If you have identified any negative impact(s) on any of the groups listed in the tables above, you need to explain your justification for continuing with the proposal and why it cannot be amended or changed without compromising its intended outcome. |

**Section 4: Interdependencies**

|  |  |
| --- | --- |
| **Is this proposal likely to have any knock-on effects for any other activities carried out by or on behalf of the council?** | Y/N |

|  |
| --- |
| **Details of knock-on effects identified** |
| In addition to describing knock-on effects, you should also include information about how you have engaged with those individuals / groups responsible for delivering activities upon which the proposal will have impact. |

**Section 5: Monitoring and review**

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| **Monitoring and review** |
| How will you monitor and evaluate the equality impacts of your proposal?You should monitor your proposal as it is being delivered to ensure that the impacts are as expected. If they are not, what will you do to address the difference?Include dates of scheduled monitoring activity relating to the EqSEIA.In your monitoring arrangements, you should pay particular attention to any impacts you can identify on groups where you have recorded ‘Don’t know’ in Section 3. |

# **Appendix 3: Process Map for EqSEIA**



# **Appendix 4: Consultation and the EqSEIA**

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| --- | --- |
| A4.1 | **When and how to consult when carrying out an EqSEIA:** For all proposals identified as needing an EqSEIA:* If you are carrying out a questionnaire or survey as part of the development of your proposal, include a question about the likely impact of the proposal on the various groups included in the EqSEIA. (See Section 3 of the EqSEIA form.)
* If you are not carrying out a questionnaire, you should still consider whose feedback you need and capture their views on the standard EqSEIA form.
 |
| A4.2 | **Who to consult:**As a minimum, consider if you need these views when consulting:* Employees
* External/service user groups
* The council’s Equality Forum
* Community councils

All policies that involve employees must be considered by Trades Unions. |
| A4.3 | **Encouraging responses:**Avoiding consultation fatigue is vital in encouraging a good level of response to your consultation:* Contact the council’s Research and Engagement Officer to check the best timing for your consultation and to avoid clashes with other council consultation exercises that target the same people.
* If other council services are carrying out similar/same consultations at the same time, consider how to join up or better co-ordinate consultations.
 |
| A4.4 | **What to do with consultation findings:*** If council officers, based on their knowledge of their service and their service users/delivers, and/or the public believe there would be an impact, this must be reflected in the EqSEIA, particularly in Section 3, relating to 'due regard'.
* If neither council officers nor the public see an impact, complete the EqSEIA to reflect this.
 |