



Argyll & Bute Health & Social Care Partnership

## **Argyll and Bute HSCP Equality Impact Assessment**

### **Guidance Document**

**February 2020**

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# 1 Introduction

- 1.1 This guidance sets out Argyll and Bute Health & Social Care Partnership's (HSCP) Equality Impact Assessment (EIA) process; why we have one; and how it is used. The guidance is designed mainly for staff who are legally required to complete an EIA but may also be of use to anyone else who has a role to play or an interest in the EIA process or equalities more generally.
- 1.2 People with equalities duties include:
  - Chief Officers and senior managers
  - Service improvement and planning staff
  - Managers/team leaders involved in service re-design
- 1.3 This guidance and associated documents replace the 'Person Centred Care Planning' EIA process produced by NHS Highland. It is based on Argyll and Bute Council's Equality and Socio-Economic Impact Assessment (EqSEIA).
- 1.4 Different terminology is used to describe the impact assessment process with EIA, EQIA and EqSEIA often used interchangeably. This document will use the term EIA as a coverall for the legal requirements of equality.

# 2 Why do we do Impact Assessments?

- 2.1 The EIA process enables the HSCP to demonstrate that it delivers on its legal obligations to pay due regard to issues relating to equalities and island communities.
- 2.2 An EIA serves the following purposes:
  - It helps staff 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 staff **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 It is a legal requirement to publish EIAs, this will be done on the HSCP page of the NHS Highland website.

### 3 Background

3.1 The Equality Act (2010) sought to harmonise discrimination law that was previously covered by lots of separate legislation. It protects people with certain 'protected characteristics'. These 'protected characteristics' are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation.

3.2 The public sector (or general duty) in the Equality Act 2010 came into force in 2011. This means public authorities must have 'due regard' to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

3.3 Further requirements of the Equality Act (2010) came into force in Scotland on 1 April 2018. Although in the legislation this is referred to as the Socio-Economic Duty, it is more commonly referred to as the **Fairer Scotland Duty**. This duty seeks to tackle socio-economic disadvantage and reduce inequalities of outcome. Areas that should be considered under this duty include:

- Mainland rural population
- Island populations
- Low income

- Low wealth
- Material deprivation
- Area deprivation
- Socio-economic background
- Communities of place
- Communities of interest

3.4 The Fairer Scotland Duty is for strategic decision making. The guidance states the requirement “to actively consider how [public bodies] could reduce inequalities of outcome in any **major strategic decision** they make”. To fulfil their obligations under the Duty, public bodies must be able to meet the following requirements:

- to actively consider how they could reduce inequalities of outcome in any major strategic decision they make; and
- to publish a written assessment, showing how they've done this.

For more information see the Scottish Government's Fairer Scotland's Interim Guidance: <https://www.gov.scot/publications/fairer-scotland-duty-interim-guidance-public-bodies/pages/2/>

3.5 As a public authority, the HSCP must consider equality issues and conduct an EIA in a range of circumstances, for example:

- when making strategic decisions;
- developing new services; or
- planning service changes.

The Chief Officer is accountable for ensuring systems are in place to support staff to undertake and act on the findings of an EIA.

3.6 In addition, there is a duty set out in the Island (Scotland) Act (2018), to consider the impact of proposals on island communities. Thus, an EIA can also incorporate consideration of island communities within the wider impact assessment process.

## 4.0 What has changed?

4.1 Key changes between the previous and current versions of EIA guidance are:

- The content of the EIA has been altered to take account of the Fairer Scotland Duty and the Islands (Scotland) Act (2018).
- There is now a single form to be completed that mirrors Argyll and Bute Council's form.

- The guidance and form have been produced as separate documents. This has reduced the size of the EIA document.
- This guidance replaces the 'Person Centred Planning' paperwork used by NHS Highland.
- There is a clear process for how to conduct an EIA which includes publication.

## 5.0 How to use this guidance

- 5.1 This guidance is designed to help you to understand the HSCP's EIA process and roles and responsibilities within it. This section summarises the steps to be followed when carrying out a EIA and should be read in conjunction with Appendices 1 to 3:
- Appendix 1: Glossary
  - Appendix 2: Sample form, with guidance notes
  - Appendix 3: Process Map for EIA
- 5.2 An EIA should take place in parallel with service proposals as this will ensure that active consideration is given to equalities and island communities throughout the development and decision-making processes.
- 5.3 Carrying out an EIA is an iterative process. Depending on the answers 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 assessment.
- 5.4 The amount of effort put into completing the EIA should be proportionate to the intended impact of the proposal being assessed. The Fairer Scotland Duty is required for "major strategic decisions".
- 5.5 The steps involved in following the EIA process are outlined in Table 1. See also Appendix 3.

**Table 1: Summary of steps involved in carrying out an EIA**

STEP	DESCRIPTION
Step 1	<p>Determine whether an EIA is required for the proposal. As a general rule, if a proposal relates to a strategic decision, changing or implementing new service, and involves/affects people in any way, an EIA is required.</p> <p><b>If staff are of the opinion that an EIA 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 statement must also be included in any consultation document that is produced in connection to the proposal.</b></p>
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 EIA. Does any new information need to be gathered and who will help provide this information.
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 and 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. Consultation and engagement with specific groups/communities should be considered as per the HSCP Engagement Framework 2019.
Step 5	Identify any negative impacts the proposal is likely to have, and consider how these will be mitigated (action plans will need to be drawn up).
Step 6	Develop monitoring and evaluation plans to ensure the mitigating plans are put into place.
Step 7	<p>Complete the EIA documentation.</p> <p>Staff may find it easier to complete the form as they work through the previous steps, or they may wish to leave completion until the end.</p>
Step 8	<p>Sign off the EIA by an appropriate manager:</p> <ul style="list-style-type: none"> <li>• Normally the appropriate manager will be the Head of Service</li> <li>• The EIA must accompany a service change proposal through the approval process.</li> <li>• The EIA must be included in any consultation activity that relates to a draft proposal.</li> <li>• Completed EIAs should be tabled at a Clinical and Care Governance meeting (or similar strategic decision making group) for quality assurance and sign off by Heads of Service.</li> <li>• Argyll and Bute Council has a ratification process that may need to</li> </ul>

	be followed for sign off depending on the developments being undertaken.
Step 9	It is a legal requirement to publish the EIA when complete and ratified. This should be on the HSCP's page by contacting the Communications Team - <a href="https://www.nhshighland.scot.nhs.uk/OurAreas/ArgyllandBute/Pages/ArgyllButeHSCPEqualityImpactAssessments.aspx">https://www.nhshighland.scot.nhs.uk/OurAreas/ArgyllandBute/Pages/ArgyllButeHSCPEqualityImpactAssessments.aspx</a>
Step 10	Carry out a review of your EIA whenever your proposal is reviewed and/or updated. Any action plans required should be reviewed and monitored.

## 6.0 Roles and responsibilities

6.1 Members of each of the following groups have roles to play in the EIA process:

- The Chief Officer
- Senior Managers
- Area Managers
- Locality managers
- Service Managers
- Team Leaders and all other staff involved in service change

**Table 2: Roles and responsibilities**

WHO	WHAT
<b>Chief Officer</b>	<ul style="list-style-type: none"> <li>• The Chief Officer is accountable for ensuring systems are in place to support staff to undertake and act on the findings of an EIA.</li> </ul>
<b>Managers</b>	<ul style="list-style-type: none"> <li>• Act as lead officer responsible for developing/ reviewing the proposal. Lead officers are responsible for completing EIA.</li> </ul>
<b>Human Resources</b>	<ul style="list-style-type: none"> <li>• Provide input into the EIA where there are implications affecting staff.</li> </ul>
<b>Service Managers</b>	<ul style="list-style-type: none"> <li>• Heads of Service act as 'appropriate' officers for the sign off of the EIA document.</li> </ul>
<b>Team Leads</b>	<ul style="list-style-type: none"> <li>• Be involved in the EIA process.</li> </ul>
<b>Trades Union representatives</b>	<ul style="list-style-type: none"> <li>• Provide input into the EIA where there are implications affecting staff.</li> </ul>
<b>Other staff involved in service change</b>	<ul style="list-style-type: none"> <li>• Provide input into the EIA.</li> </ul>



**Others eg people with protected characteristics, community members, partners**

- Should be consulted appropriately as part of the EIA process.

## 7.0 Further Information

### **Argyll and Bute Council Process**

This can be viewed here:

[https://www.argyll-bute.gov.uk/sites/default/files/approved\\_eqseia\\_guidance.docx](https://www.argyll-bute.gov.uk/sites/default/files/approved_eqseia_guidance.docx)

### **NHS Highland Process**

This can be viewed here:

<http://intranet.nhsh.scot.nhs.uk/Staff/EqualityAndDiversity/EqualityImpactAssessment/Pages/Default.aspx>

### **Equality Act**

Guidance can be viewed here:

<https://www.equalityhumanrights.com/en/publication-download/essential-guide-public-sector-equality-duty-guide-public-authorities-scotland>

### **Fairer Scotland Duty**

Guidance can be viewed here:

<https://www.gov.scot/publications/fairer-scotland-duty-interim-guidance-public-bodies/pages/2/>

### **Islands (Scotland) Act 2018**

The legislation can be viewed here:

<http://www.legislation.gov.uk/asp/2018/12/enacted>

For further information, contact Alison McGrory in the Public Health Department:

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Tel: 01586 865890

## 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 of 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.

**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 strategic decision. This may therefore include: policies; strategies; programmes; projects; plans. Examples where an EIA is required include:

- Preparation of the Local Development Plan
- City deals, rural 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 a service
- Redesigning a Service.

This list is not exhaustive.

**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: Template form, with guidance notes



Argyll & Bute Health & Social Care Partnership

### Argyll and Bute HSCP: Equality Impact Assessment

#### Section 1: About the proposal

<b>Title of Proposal</b>
This should be a written title that has some immediate meaning to the reader.

<b>Intended outcome of proposal</b>
Describe in a single sentence what the intended outcome of the proposal is.

<b>Description of proposal</b>
This should be no more than one or two paragraphs that will give the reader an overview of what the proposal is about.

<b>HSCP Strategic Priorities to which the proposal contributes</b>
<a href="#">Link to the HSCP Strategic Plan 2019 - 2022</a>

<b>Lead officer details:</b> The lead officer is the person who has been charged with carrying out the EIA. Normally, this would be the person developing the proposal.	
Name of lead officer	
Job title	
Department	
<b>Appropriate officer details:</b> The appropriate officer is normally the Head of Service for the area in which the proposal is being developed.	
Name of appropriate officer	
Job title	
Department	

Sign off of EIA	Signature of the appropriate officer to confirm they approve the EIA as completed
Date of sign off	

<b>Who will deliver the proposal?</b>
List the partners / services / teams that will deliver the proposal.

#### Section 2: Evidence used in the course of carrying out EIA

<b>Consultation / engagement</b>
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).

#### Data

Data sources referred to in the process of carrying out the EIA may include those suggested in the Fairer Scotland Duty Interim Guidance, the Scottish Government Equality Evidence Finder, or the HSCP Joint Strategic Needs Assessment. Sources used should be referred to here.

#### Other information

This could include local intelligence.

#### 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.

In addition to the protected characteristics set out in the Equality Act (2010), there are nine categories that relate to the Fairer Scotland Duty.

The Islands (Scotland) Act requires consideration of the impacts on island populations and bear in mind that proposals may affect island communities in significantly different ways.

#### Impact on service users:

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

<p><b>If you have identified any negative impacts on service users, give more detail here:</b></p> <p>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.</p>
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<p><b>If any 'don't knows' have been identified, when will impacts on these groups be clear?</b></p> <p>Insert information here regarding when you will be able to identify the proposal's impact(s) on those groups where impact is currently unknown.</p> <p>Note that you should consider these groups in more detail when completing Section 5, relating to monitoring and review.</p>
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<p><b>How has 'due regard' been given to any negative impacts that have been identified?</b></p> <p>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. Consider how any negative impacts can be mitigated, reduced or removed in this section. It may not always be possible to remove all negative impacts and it is for strategic decision makers (after the impact assessment stage) to weigh up the need for change with the impacts.</p>
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**Impact on service deliverers (including employees, volunteers etc.):**

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

<p><b>If you have identified any negative impacts on service users, give more detail here:</b></p> <p>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.</p>
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<p><b>If any 'don't knows' have been identified, when will impacts on these groups be clear?</b></p> <p>Insert information here regarding when you will be able to identify the proposal's impact(s) on those groups where impact is currently unknown.</p> <p>Note that you should consider these groups in more detail when completing Section 5, relating to monitoring and review.</p>
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<b>How has 'due regard' been given to any negative impacts that have been identified?</b>
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. Consider how any negative impacts can be mitigated, reduced or removed in this section. It may not always be possible to remove all negative impacts and it is for strategic decision makers (after the impact assessment stage) to weigh up the need for change with the impacts.

#### Section 4: Interdependencies

<b>Is this proposal likely to have any knock-on effects for any other activities carried out by or on behalf of the HSCP?</b>	Y/N
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<b>Details of knock-on effects identified</b>
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. (see HSCP Engagement specification in the HSCP Communication and Engagement Framework 2019 - <a href="https://www.nhshighland.scot.nhs.uk/OurAreas/ArgyllandBute/PPF/Documents/Final%20AB%20HSCP%20ENGAGEMENT%20FRAMEWORK%20April%202019.pdf">https://www.nhshighland.scot.nhs.uk/OurAreas/ArgyllandBute/PPF/Documents/Final%20AB%20HSCP%20ENGAGEMENT%20FRAMEWORK%20April%202019.pdf</a> )

#### Section 5: Monitoring and review

<b>Monitoring and review</b>
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 this? You should pay particular attention to any impacts you can identify on groups where you have recorded 'Don't know' in Section 3. Include dates of scheduled monitoring activity relating to the EIA.

## Appendix 3: Process Map for Conducting an EIA

Decide to conduct EIA	<ul style="list-style-type: none"><li>• Is a policy, practice or service being implemented or changed?</li><li>• Are the impacts major or minor?</li><li>• Will people be affected?</li></ul>
Engage partners	<ul style="list-style-type: none"><li>• Consider who will be affected</li><li>• Inform community reps on LPG or IJB</li><li>• Engage people with protected characteristics and/or who will be affected</li></ul>
Source paperwork	<ul style="list-style-type: none"><li>• Ensure you use the correct EIA HSCP template</li><li>• What data do you need for background info?</li><li>• Do you need to gather new data/intelligence?</li></ul>
Convene working group	<ul style="list-style-type: none"><li>• Proportionate input to scale of change</li><li>• May be one-off meeting</li><li>• Inform members of aims so they are prepared</li></ul>
Conduct EIA	<ul style="list-style-type: none"><li>• Systematically consider affected groups</li><li>• Record results and feedback</li></ul>
Develop action plan	<ul style="list-style-type: none"><li>• What needs to happen to mitigate potential impacts?</li><li>• Who needs to do what?</li></ul>
Ratification of EIA	<ul style="list-style-type: none"><li>• Completed EIAs to be tabled at Clinical &amp; Care Governance or alternative strategic meeting for quality assurance and Head of Service sign off</li></ul>
Publish EIA	<ul style="list-style-type: none"><li>• Publish on Argyll and Bute HSCP website</li><li>• Inform key stakeholders of results and actions</li></ul>
Review action plan	<ul style="list-style-type: none"><li>• Monitoring and evaluation of the action plan to ensure actions completed</li><li>• Consider timescale for reviewing/repeating EIA</li></ul>
Report & feedback outcomes	<ul style="list-style-type: none"><li>• Look at the data, are the expected impacts seen or not seen</li><li>• Understand the data - has EIA has made a difference or is more work needed?</li></ul>