

Nottingham Trent University

Guidance Notes Conducting Equality Analysis

Preparation for equality analysis

Equality analysis is a process by which we can consider the potential impact of our policies and practices on different groups of people.

It enables us to identify unintended consequences of our activities, and barriers that may be faced by those likely to experience disadvantage, and take appropriate action to address adverse impact.

Equality analysis positively promotes equality of opportunity and supports the University's commitment to inclusion.

NTU has a legal duty to promote equality through the Equality Duty (as set out in the Equality Act 2010), and is required to demonstrate 'due regard' of the duty in how it carries out its function, including considering the effects of its policies, practices and activities on equality.

In addition to promoting equality and improving inclusion, equality analysis enables us to demonstrate that we are carrying out our public duties and complying with the law.

The University's approach is to embed equality analysis within the policy and planning processes. **Equality analysis should be considered for all new, or changes to, policies, procedures, activities and services that impact students, staff or visitors.**

Analysis should be carried out as an integral part of policy development and review and planning of activities, and should inform decision making; **it is not a separate exercise completed after key decisions are taken.**

Examples of where equality analysis may be relevant:

- A change in process, organisational review or restructure, particularly those that involve relocating or rationalising staff
- Creating or reviewing key organisational or local policies and practices
- Developing business plans, projects, new models for service delivery (e.g. adding/changing/removing courses or support services)
- Any major website or communications project
- Developing online services or other resources
- Estate projects

The depth of equality analysis undertaken should be proportionate to the scope, level of impact and potential risk of the policy. For example, if the policy is likely to impact all students but the level of equalities risk is low then the equality analysis should be proportionate to this. Similarly a

policy may only impact a small number of students, e.g. trans students, but the level of risk associated may be high enough to warrant a more in depth equality analysis.

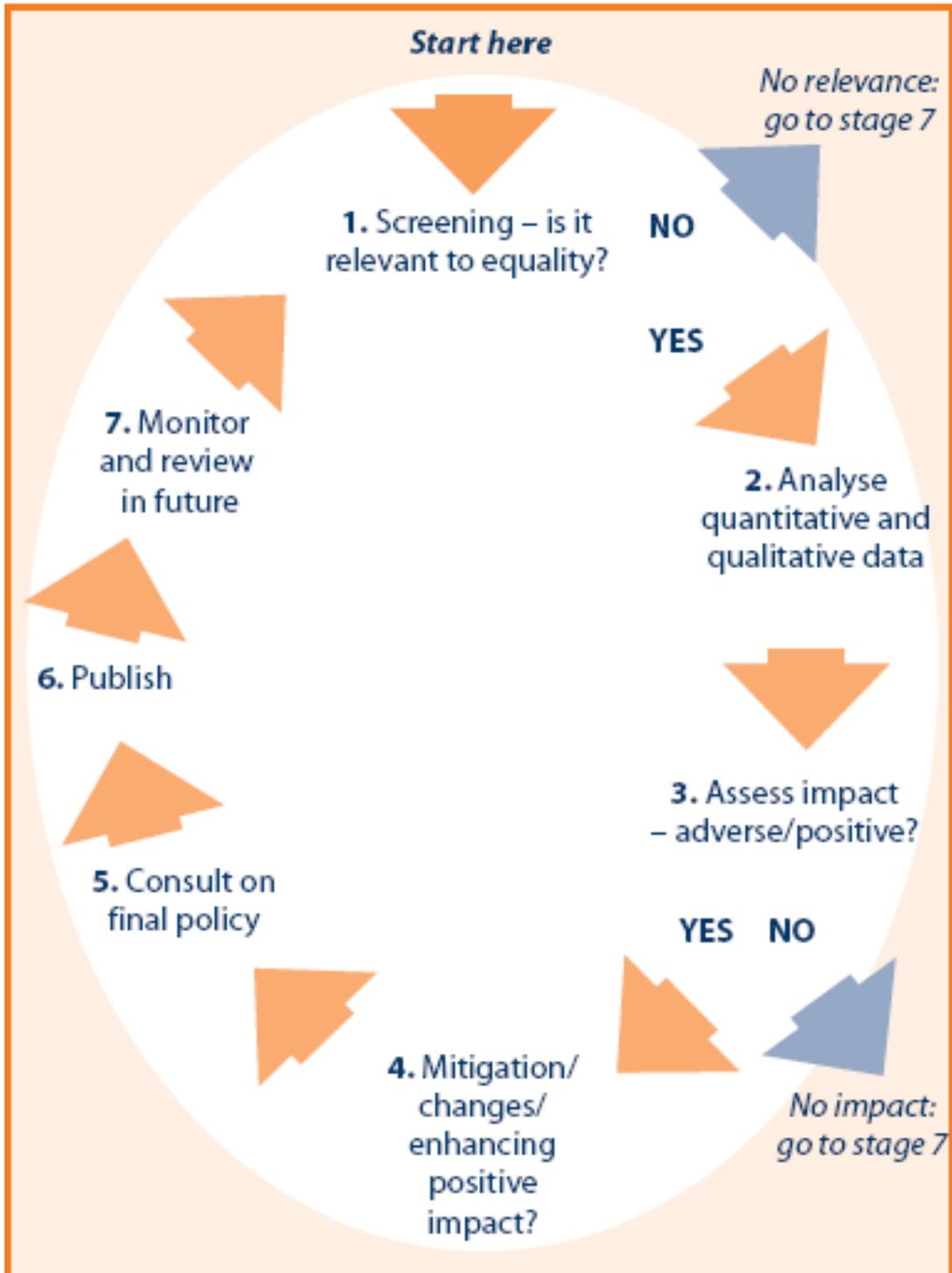
At NTU equality analysis follows a **seven stage process**, previously used for more formal Equality Impact Assessments. The process is supported by an online tool called 'Equate', which enables staff to follow the process of an 'Equality Impact Assessment' and to document the findings of their analysis in a central location.

Access to the 'Equate' online tool and training in how to conduct equality analysis is available from the Equality, Diversity and Inclusion (EDI) team.

The EDI team also provide one to one coaching to support staff undertaking equality analysis through all stages of the process.

For the purposes of this guidance document the term 'policy' is used to represent policy, practice, procedure, activity or service.

The Seven Stage Process



Source: P.23 Conducting Equality Impact Assessments in Higher Education – HEFCE/ ECU (2007)

Stage 1 Screening

Screening will help you make a judgement on whether the policy is relevant to equality and whether a full equality analysis is required.

During screening you will also consider whether the policy has the potential to impact each of the protected equality groups (as per the Equality Act 2010).

Key Question at this stage of the process: Is the policy relevant to equality?

Sub questions to establish relevance to equalities:

1. What is the aim/s of the policy or practice?
2. Who does the policy benefit?
3. Does the policy have the potential to impact, either positively or negatively, any of the protected equality groups?

If the answer to the question 3 is 'yes' then full equality analysis will be required.

The following may help indicate equalities relevance:

Statistical Information – Statistics from within or outside of the University that suggest this policy might impact on a particular equality group.

Consultation Views – any views you are aware of from particular groups that might have a bearing on this matter.

Direct Focus – does the policy have an obvious focus on a specific group? e.g. maternity leave policies relate to gender, access policies are likely to be relevant to disability.

Equality Awareness – general equalities awareness might indicate relevance e.g. in the UK the majority of part-time workers are female, therefore a policy on part time staff might have specific relevance to female staff.

At this stage we are not making a judgement that the policy does or does not have an impact but considering whether it has the potential to do so.

Stage 2 Analyse Quantitative and Qualitative Data

Consider what relevant data is available to assist us in reaching a judgement as to the impact each policy has, or might have, on a particular group of people, and whether this data is sufficient to make a judgement.

Key Question at this stage of the process: What data is needed to provide evidence of positive or adverse impact in relation to the equality groups?

- Consider how to evidence access, outcomes, satisfaction, complaints etc.
- Identify, gather and analyse relevant data/research.
- Internal data – HESA reports, staff monitoring, student satisfaction, complaints, feedback etc.
- External data for comparison - national, local and HE sector data.
- Use data from the last 3 years, to identify trends.
- Use quantitative and qualitative data (numbers and users' views).
- Consultation with relevant equality groups.

All data considered should be reliable and valid. You will need to document your data sources and findings.

If there is insufficient data decide what further data might be needed and what action needs to be taken as a result.

Stage 3 Assess Impact

Use the data gathered to assess whether the policy has, or is likely to have, a differential impact on the relevant equality groups. Differential impact might be positive or negative, and indicates that the policy affects a given group or groups differently to the majority.

Equality analysis looks for both adverse and beneficial effects. Where necessary, changes should be designed to minimise adverse effects and maximise beneficial effects to complement our duty to promote equality.

Key Question at this stage of the process: Is there evidence (quantitative or qualitative) of an actual or potential differential impact on any of the equality groups.

Identifying differential impact

- What does the evidence tell you?

- Consider all the equality groups even if the policy is targeting a specific equality group
- Does the policy have the potential for positive impact e.g. promoting good relations between groups, addressing discrimination?
- Does the policy already recognise the potential for negative impact and address it in some way? If so this would need to be recorded in the narrative for the analysis.

Possibility of 3 findings:

1. Policy has no differential impact: negative or positive, or the policy already recognises this potential impact and has addressed it in some way within the policy. This must be documented to show that it has been considered and addressed, for example, 'The evidence indicates a negative impact on disabled students, however this has been addressed within the policy section x (repeat the policy text)'.
- Go to Stage 5
2. Policy has a positive equality impact – make a record of the process and information you used in making a decision and move on to Stage 5
3. Policy has negative equality impact – Go to Stage 4

Any findings must be supported by evidence (see Stage 2). Where insufficient quantitative data exists you should consider carrying out consultation with stakeholders/equality groups.

Implications of negative impact

Where the evidence indicates potential or actual negative impact, and the policy itself does not already recognise and address this, then there are a number of options.

- Change, replace or remove the policy.
- Justify the negative impact and identify mitigating actions (see Stage 4).

<h3>Stage 4 Changes and Mitigation/Justification</h3>
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Key Question at the stage of the process. Can the policy be changed to reduce or eliminate negative impact? If not, can the negative impact be justified?

Changing the policy to mitigate impact

- Identify changes that will reduce or eliminate the negative impact where it has been identified.

- Consider what evidence would be needed to show that the changes have worked and build these into the revised policy.
- Consultation with the affected equality group may be useful.

Justifying the effect of a policy

- Negative impact resulting in direct discrimination would never be justifiable.
- Potential indirect discrimination within a policy would only be justifiable if it were a proportionate means of achieving a legitimate aim, e.g. where positive action is being undertaken or health and safety requirements override.
- It is vital that the institution can demonstrate that it has explored alternatives before deciding that negative impact is justified. Justification of a policy that causes a negative impact should be seen as the last resort.

Any justification for continued adverse impact would need to be escalated to, and endorsed by, the Senior Manager who accepts ownership of the associated risks.

Stage 5 Consult on the Final Policy

It is recommended that consultation takes place with appropriate stakeholders as part of the full equality analysis process to gain their perspectives.

The higher the potential for adverse impact the more comprehensive consultation should be with potentially affected groups. Consultation should be proportionate to the policy and the level of identified impact.

Where there is negative impact the consultation should specifically include any proposals to reduce the negative impact.

Types of consultation and methods of engaging with staff and students include:

- Focus groups
- Questionnaires
- Structured interviews
- Interest groups
- Staff Networks
- Staff consultative Committee
- Student Consultative committee

Consider using existing University consultation groups and mechanisms.

Stage 6 Publish

It is no longer a requirement to conduct and publish Equality Impact Assessments, however the University is legally required to demonstrate 'due regard' of the Equality Duty in how it carries out its function, including considering the effects of its policies, practices and activities on equality.

Documentation of equality analysis on the Equate system enables us to demonstrate that we are carrying out our public duties and complying with the law. It also demonstrates that the University is actively engaged in, and committed to, challenging potential discrimination, as well as improving its service delivery and employment practices for all equality groups.

Once the equality analysis is complete it should be endorsed by the relevant senior manager who ultimately owns the policy to show the findings of the analysis, together with any recommended changes or justification, have been approved. The analysis should then be submitted for 'publication'.

At this stage the equality analysis is automatically forwarded within the Equate system to the Equality, Diversity and Inclusion team who will check the equality analysis conducted, and if appropriate challenge the findings or provide feedback for suggested improvements. Once approved the analysis is recorded and saved as a PDF document.

Stage 7 Monitor and Review

Policies should be reviewed through equality analysis at least every three years, or sooner if indicated, to take account of any changes in circumstances related to it and to review the actual impacts of the policy and associated evidence.

Where equality analysis has recommended changes to the policy then the associated action plan to implement these changes should be reviewed regularly to monitor progress. Where changes are significant there may be a requirement for further analysis and consultation once changes are implemented.