



# Equality Risk Assessment Training day

Trainer

Joy Ogeh-Huffield  
Lamajo Senior Training Consultant

South Wales  
Fire and Rescue Service



Gwasanaeth Tân ac Achub  
De Cymru



Gwasanaeth Tân ac Achub  
Fire and Rescue Service

GWASANAETH TÂN AC ACHUB  
Canolfarth a Gortlewis Cymru  
Mid and West Wales  
FIRE AND RESCUE SERVICE



Llywodraeth Cymru  
Welsh Government

# Lamajo

## Joy Ogeh-Hutfield - Senior Training Consultant



Joy is the Director of Lamajo Training Consultancy, providing bespoke professional training and development services to various businesses across England and Wales in areas of Equality and Diversity, Leadership and Management Skills.

Joy is also a professional Coach (accredited by the International Coaching Federation - ICF) with experience in key areas including personal motivation, confidence and assertiveness and relationship building.

She is an inspirational motivational speaker with 'maximum impact' and has been invited as guest speaker at many major conferences and events including the British Association for Women in Policing (BAWP), Chwarae Teg Networking Event, Nottinghamshire Women Police Conference, South Wales Female Police Conference, and The Chinese Mental Health Conference. Joy has also hosted the 'Wales National Diversity Awards', the 'One World Day' and The Chinese International New Year Celebrations'.

As a gifted speaker with an infectious personality, Joy has also featured regularly on BBC TV, HTV and Radio Wales in a diverse range of programmes including BBC Wales 'X- Ray' and 'The One Show'.

Joy has been active in the area of management and personal skills development training for 15 years, designing and implementing projects for a large number of organisations in both Wales and England. Joy also has wide experience of working in the areas of personal motivation, confidence and assertion, devising and implementing schemes of work, personal tutoring, support, guidance and advice.

# Equality Risk Assessment

## Training Programme

Start Time	End Time		Session
9.30	9.45	<b>Session 1</b>	Introduction Aims and Objectives of the training
9.45	10.40	<b>Session 2</b>	Overview of the New Equality Act 2010 and the Specific Duties Wales 2011. <ul style="list-style-type: none"> <li>• Identify significant changes</li> <li>• 9 protected equality characteristics</li> <li>• Specific duties in Wales</li> <li>• Interactive exercise</li> <li>• Mention ERA explore next session</li> </ul>
10.40	11.00		<b>Comfort Break</b>
11.00	11.45	<b>Session 3</b>	What is an ERA? <ul style="list-style-type: none"> <li>• The business case v the moral duty (exercise)</li> <li>• Mindset</li> </ul>
11.45	12.30	<b>Session 4</b>	Why, how and when <ul style="list-style-type: none"> <li>• Introduce Equality Risk Assessment Forms</li> <li>• Explain stages</li> <li>• Personal ERA (exercise)</li> </ul>
12.30	13.15		<b>Lunch Break</b>
13.15	14.00	<b>Session 5</b>	Conducting Equality Risk Assessments Practical Exercise Equality Risk Assessment <ul style="list-style-type: none"> <li>• <b>Plan a station open Day</b></li> </ul>
14.00	14.45	<b>Session 6</b>	Next steps for a Full Risk Assessment Gathering evidence of impact <ul style="list-style-type: none"> <li>• Collecting and analysing data?</li> <li>• Research?</li> <li>• Engagement and consultation?</li> <li>• Survey data?</li> <li>• Demographic and labour force data?</li> </ul>
14.45	15.00		<b>Comfort Break</b>
1500	16.00	<b>Session 7</b>	Feedback on Group Exercise, and What Next
16.00	16.15	<b>Session 8</b>	Summary of the day (how to implement your learning, talk to Diversity Officers, electronic versions, resources etc.)
16.00	16.15		Evaluation of Workshop
16.15	-		END

## What is the general equality duty?

It is how we can positively contribute to a fairer society through advancing equality and good relations into our day to day activities, building it into the design of our policies and the delivery of our services and that they are kept under review. This will achieve better outcomes for all.

We must have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited under the Act
- advance equality of opportunity between people who share a relevant protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not

## What are the 9 protected characteristics?

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Religion or belief – inc. lack of
- Race
- Sex
- Sexual orientation
- Marriage and civil partnership – limited

## What do the specific duties cover?

Specific Duties in Wales are set out in the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011. The specific duties in Wales came into force on 6 April 2011.

- Objectives
- Strategic Equality Plans
- Engagement
- Assessing impact
- Equality information
- Employment information
- Pay differences
- Staff training
- Procurement
- Annual reporting
- Publishing
- Welsh Ministers' reporting
- Review
- Accessibility

## What is an Equality Risk Assessment?

An Equality Risk assessment helps us promote equal opportunities and positive relations between people as well as prevent unlawful discrimination. It is a tool that will help with your research when you are making key decisions, developing a project, policy, procedure or initiative that affects our staff or communities.

Assessing for impact/risk is a legal requirement. We must consider how the decisions we make impact on people and consider their protected characteristics namely

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

This process will help you to take account of different needs and experiences which will ensure:

- We meet the needs of our different service users and staff.
- That that our policies and services are not adversely affecting different groups in different ways.
- Assist in advancing equality of opportunity and relations between different groups
- Help us audit and meet our legal obligations

Modern public services are informed by qualitative (i.e. surveys, interviews, conversations, consultations) and quantitative (i.e. census, service delivery, employment data and statistics) data. This is called evidence based decision making and aims to achieve inclusive governance. This means the people who are affected by decisions, policies, services and initiatives are included and involved in the development of them which should lead to successful outcomes as well as those involved feeling valued.

## When is an Equality Risk Assessment useful?

It will assist in strategic planning, decision making, procurement, the development of policy and procedure, part of service delivery, communications, human resource planning, changes to work patterns, organising a meeting or event, moving offices, the list goes on. It is a useful tool and skill to learn, it can be applied to every decision and action you take and we aspire to developing an equality risk assessment mindset and not require a formal form based process.

## **What is the business case for an Equality Risk Assessment?**

Some of the main business drivers for the Fire and Rescue Services to adopt strategies relating to diversity are:

- Managing risk and reputation
- Appeal to an inclusive customer base
- Enhance individual and business performance
- Develop a creative, innovative culture
- Attraction, retention and development of staff.

A representative decision-making structure is more likely to deliver the best solution and design of services. Therefore, communities who have been consulted will feel more valued and are more likely to view service delivery as fair and equitable.

Simple fairness demands that people from under-represented groups are not excluded from access to services and decision-making processes and therefore an equality risk assessment provides a useful checklist to eliminate unlawful discrimination against any groups.

### **Preparation for completing an assessment**

The process involved in conducting an assessment should not be looked on as an end in itself. Instead, bear in mind that the aim of the assessment is the promotion of equality of opportunity and the outcomes of the assessment are of primary concern.

To assess the impact of a proposed 'policy or action' it is important to have as much knowledge as possible about how the proposed 'policy' will affect people. How this is addressed will depend on the nature of the policy or action itself but will include some of the following:

- Discussion with the end users
- Demographic data and other statistics, including census findings
- Available research findings
- Comparisons between similar policies/proposals in our service and other services
- Survey data
- Equality monitoring data
- Ad hoc data gathering exercises
- Specially commissioned research

## Equality Risk Assessment

We have simplified the process after consultation with users and checking legal requirements. We want the process to assist rather than burden. In Wales we have one process, one form consisting of initial screening then a full assessment if required a set of guidance notes brought to life through practical sessions during Equality Risk Assessment workshops. Contact your training department to attend a session.

Screening is the process of looking at a policy, service, strategy or function and making an initial decision and identify whether they could have a positive impact and be recognised as good practice, promotes equality and community relations or negative impacts.

### What do we mean by 'negative impacts'?

The negative impacts that screening could identify are.

- **Discrimination** means to treat a person or group unfairly or less favourably than another which is against the law in relation to the 9 protected Characteristics. Discrimination can be direct, indirect or by association.
- **Direct discrimination** is when someone is deliberately treated unfairly due to an irrelevant characteristic, such as their race, gender, age, disability, religion/belief or sexual orientation. An example is to not employ someone who is qualified for the job because he or she is disabled.
- **Indirect discrimination** occurs when a criterion or practice is applied to everyone but has the effect of putting a particular group at a disadvantage. An example is an organisation having a requirement that all its jobs are full time. This could prevent those groups who are likely to want part time hours, such as women, from working for the organisation.
- **Discrimination by association** is a form of discrimination that occurs when the discriminatory ground applies to a person, but another person is detrimentally treated in consequence. An example is denying flexible working to a woman who cares for her disabled son when other staff have access to those arrangements.
- **Unmet needs** are specific requirements of particular groups that might be overlooked. Whilst overlooking specific needs may not be against the law, doing so may have a negative effect on different groups, preventing them from accessing a service, applying for a job or taking part in society for example. An example of unmet needs could be not asking about dietary requirements when organising a meeting or event. This could mean that people who cannot eat certain foods for religious or health reasons are not provided for.

### Dealing with a negative impact

If you identify a negative impact, action must be taken immediately to prevent or remove it. If this is not done and the service or policy is implemented and discriminates, the FRS may be breaking the law. You must not implement the policy or service until action is taken to remove discrimination. If any unmet needs are identified it is essential consider how the service or policy can be made more inclusive and accessible for all groups and a full assessment is required.

## Step by step screening and full assessment

### Screening

1. Ask yourself if this decision, policy, service, project, proposal and the way it is delivered affects some groups in society differently?
2. Ask yourself if this decision, policy, service, project, proposal and the way it is delivered promotes equal opportunities?
3. Record your answers against each of the protected characteristics and language.
4. Chose if it has a positive or negative impact.
5. If it has a positive impact briefly describe it as evidence of good practice
6. If it has a negative impact chose if it is high, medium or low risk. For example, moving a service to be based at a building where there is no disabled access could have a high, negative impact on disabled people.
7. Then explain your assessment of potential impact.

**If negative and medium or negative and high risk is identified for any protected characteristic further information is required and a full assessment.**

### Full Assessment

1. Plan your resources and set up your team, seek advice from your Equality and Diversity Advisor. An assessment should not be done by one person as you will benefit from a range of ideas and opinions. You will need different expertise to complete a full assessment, including knowledge of the service area or policy, data collection and analysis, and consultation. It is important to consult the groups who will be most affected by the policy or service or the changes you are considering making to it to ensure that the actions you intend to carry out meet their needs.
2. Be specific about what you are looking at; for example a whole service or particular parts of it. You should define your boundaries and make sure you stick within them so that you are clear about what you are assessing.

3. Consider these key questions:

- Does the policy or service break the law (equalities legislation) or have the potential to break the law?
- Does the policy or service target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? Can this be justified?
- Is the policy or service likely to be equally accessed by all equality groups and communities? If not, can this be justified?
- Are there barriers that might make access difficult or stop different groups or communities accessing the policy or service?
- Will the policy or strategy promote equal opportunities? How?

4. Assess qualitative (written, verbal, experiential information) and quantitative (numeric information) evidence by collecting and considering more detailed information in order to understand the exact nature of and reasons for the negative impacts identified . Your corporate planning department can assist with this information. Examples include:

- performance data
- satisfaction rates for particular groups
- employee profiles
- talking to voluntary groups and organisations
- experience of other comparable organisations
- results from other projects
- central government or national data, or the
- Census data
- talking to people and groups by conducting interviews and surveys,
- using focus groups and carrying out consultation

5. If you identify that discrimination is taking place, **immediate** action is needed. Implementation should be delayed and an action plan put in place to remedy any unlawful discriminatory practice.

6. Record the findings from the assessment of evidence? At this stage only complete the relevant sections that were identified in the screening process.

7. Note how you will monitor the effects of the proposal to ensure that inequality or discrimination does not arise as a result of its implementation and to meet the changing needs of services users and staff.

8. It is a legislative requirement to publish the results of a Full Equality Impact Assessment. The Equality and Diversity Advisor will draft this report based on the information you provide in your assessment. As a minimum, the report must:

- set out the purpose of the policy or procedure
- a summary of the steps taken to carry out the assessment
- summary of the information taken into account
- the results of the assessment
- decisions taken in relation to the results
- comply with the engagement provisions
- have due regard to the relevant information the Service holds

9. Sign and date your assessment, discuss it with your relevant manager who will endorse your assessment and authorise it for you.

This process is a guide and includes many of the things you do as a matter of course to inform a decision, develop a strategy or service, plan a new a station. But it is important to include the end user; it will prove to be a fascinating experience of joint learning we promise and as you become more familiar with the process it will become a mental checklist that enables you to make informed decisions.

# Equality Legislation Pointers

## Age

- Are you aiming at a specific age group?
- What could be a difficult impact depending on age?
- Can all ages access the service?
- Should your service/policy highlight different needs depending on age?

## Disability

- Are you considering the needs of all disabled people?
- Is Braille or a BSL interpreter available?
- How might disabled people with different needs access services?

## Gender Re-assignment

- Is training required to support staff on transgender needs and legislation?
- Have the needs of transgender men and women at all stages of transition been considered?

## Marriage and Civil Partnership

- Do you positively promote the needs of married and same-sex couples?
- How do you consider the needs of married/civil partnership couples?

## Pregnancy and Maternity

- Are you considering the needs of breast-feeding parents?
- Have the needs of pregnant women and maternity implications been considered?

## Race

- Is there data by race and ethnicity?
- Have potential needs of different ethnic groups been considered?

## Religion and Belief

- Are you considering cultural needs?
- Are religion, belief, non-belief and spirituality considered in the workplace?

## Sex

- How might your decisions impact females or males differently?

## Sexual Orientation

- Are all of your policies and procedures inclusive?
- Is the language you use inclusive (i.e. instead of husband wife use partner or civil partner)

## **Glossary of terms**

The terms in this glossary are for explanatory purposes and should not be considered as legal definitions.

### **Policy or Practice**

These are the set of principles or criteria an organisation develops, to help carry out its functions or role and to meet its duties, it is also advisable to include formal and informal decisions made in the course of their implementation.

### **Equality**

Is about creating a fairer society where everyone can participate and has the opportunity to fulfil their potential. It is backed by legislation designed to address unfair discrimination based on membership of a particular group.

### **Protected characteristics**

Refers to a group within one of the 9 protected characteristics covered by the Equality Act 2010, namely age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation.

### **Diversity**

Recognising and valuing difference in its broadest sense. It is about creating a culture and practices that recognise, respect, value and harness difference for the benefit of members of the public, members of staff and the whole organisation.

### **Prejudice (the thoughts)**

The pre-judgement of an individual or group based on little or no fact; negative assumptions about others who are different from ourselves.

### **Discrimination (the actions)**

Discrimination is prejudice in action; discrimination occurs when a person is treated less favourably than another.

### **Direct discrimination**

Less favourable treatment on the grounds of age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation and language. Direct discrimination cannot be justified and is unlawful except in extremely limited circumstances.

## **Indirect discrimination**

Applying a provision, criterion or practice which disadvantages people of a particular group.

## **Discrimination by association**

Discrimination that occurs when the discriminatory ground applies to a person, but another person is detrimentally treated in consequence.

## **Mitigation**

Measures put in place to lessen the negative effects of a proposal or policy.

## **Quantitative data**

Data described as 'numbers'. This is statistical information which can be analysed and cross-referenced in a number of different ways.

## **Qualitative data**

Data that is described as people's experiences. This is information gathered from individuals about their experiences, which can be gathered through consultation, involvement and research.

## **Screening**

A short exercise to determine the relevance of a policy or proposal in relation to equality.

## **Impact assessment**

Impact assessment is the process which enables an authority to identify and act on the need to modify policies and practices in order to promote equality.

## **Impact**

When undertaking the EIA you must consider the positive or negative impact your policy has/will have on your equality target groups.

## **Negative impact**

Where a policy disadvantages one or some of your equality target groups. This disadvantage may also be differential in the sense that the negative impact on one particular group of individuals or one equality target group is likely to be greater than on another.

**Positive impact**

Where a policy has a positive influence on an equality target group or some equality target groups, or improves equal opportunities and/or relationships between different groups.

**Involvement**

An active engagement process with stakeholders from equality groups which should be influential, transparent and ongoing.

**Monitoring**

The process of collecting, analysing and evaluating information to measure performance, progress or change.

**Publish**

Making the results available to the public. This can be presented in written or electronic form for distribution.

## Equality Risk Assessment – Screening and Full

For the purposes of this document, the word ‘proposal’ can refer to any policies, strategies, procedures, reviews, projects and plans.

<b>Name of Policy/Procedure/Project/Piece of Equipment proposal</b>	
<b>Directorate/Department/Team</b>	
<b>Date of screening:</b>	<b>Who are the main beneficiaries/users?</b> <i>i.e. staff, community, groups, businesses etc.</i>
<b>Aims, objectives and outcomes</b> <i>What will the proposal achieve? Attach any relevant links/documentation</i>	

An Equality Risk Assessment helps us promote equal opportunities and positive relations between people as well as prevent unlawful discrimination. It is a tool that will help with your research when you are making key decisions, developing a project, policy, procedure or initiative that affects our staff or communities. The assessment will also serve to act as an audit of the decisions you are proposing.

Assessing for impact/risk is a legal requirement. We must consider how the decisions we make impact on people and consider their protected characteristics namely; age, disability gender-reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation.

## Screening for Impact

Please consider each of the Protected Characteristics below and note if your proposal has a positive or negative impact then choose if the risk of the impact is **low**, **medium** or **high**.

<b>Level of Risk</b>	
<b>Low</b>	<b>Minimal or minor impact on a protected characteristic. Adverse impact unlikely.</b>
<b>Medium</b>	<b>Significant impact on a protected characteristic. It will impact on the community, staff or business process and needs to be explored further. Requires analysis consideration of both qualitative and quantitative information. Adverse impact fairly likely.</b>
<b>High</b>	<b>Major or critical impact on a protected characteristic, serious impact on the community, staff or business process which would have a big impact on service quality, staff confidence and reputation with the community. Requires analysis consideration of both qualitative and quantitative information</b>

<b>Protected Characteristics</b>	<b>Positive or Negative Impact</b>	<b>Level of Risk high, medium, low</b>	<b>Please briefly explain your assessment</b>	<b>Evidence of good practice</b>
<b>Age</b> (younger, older or particular age group)				
<b>Disability</b> (physical, sensory, mental health, long term illness, hidden)				
<b>Gender Re-assignment</b> (someone in transition from one gender to another)				
<b>Marriage/Civil Partnership</b> (married as well as same-sex couples)				
<b>Pregnancy and Maternity</b> (Pregnancy, maternity leave, breast-feeding)				
<b>Race</b> (Ethnic origin, nationality, colour, including gypsies and travellers)				
<b>Religion/Belief</b> (Christian, Muslim, Hindu, Jewish, Buddhist)				
<b>Sex</b> (Men or women)				
<b>Sexual Orientation</b> (Gay, Lesbian or Bisexual)				
<b>Language</b> (Welsh language, minority ethnic languages, Braille, BSL)				

**If negative and medium or negative and high risk is identified for any protected characteristic further information is required and a full assessment.**

Please continue to the next section if such risk has been identified and complete the relevant sections, for example if you identify negative impact with a medium risk for disabled people and negative high impact for older people complete those sections. A summary of that assessment must be published in an annual report produced by your Equality and Diversity Advisor.

**Person carrying out screening:**

Name:

Date:

**Authorised by:**

Name:

Date:

## Full Assessment

This section will help you gather data and information about the beneficiaries/users identified in your initial assessment. This section can be on-going throughout the development of your piece of work and evidence that you have involved interested parties and stakeholders especially those representing the protected characteristics.

### Assessing the evidence

Is there any **qualitative data** (written, verbal, experiential information) relating to this proposal, such as service delivery or staff feedback, external complaints and consultation feedback? Detail and list who you intend to consult and how you intend to gather this information and if any other parties or groups will be involved, such as community, external advisory, unions or focus groups.

*Attach any relevant documentation/or attach links to the documentation.*

Is there any **quantitative data** (numeric information) relating to this proposal, such as statistics and data from corporate and performance planning departments, fire and special service data, statistics, census data and community data for example. Detail what you intend to do.

*Attach any relevant documentation/or attach links to the documentation.*

If a negative impact has been identified you should consider whether it can be objectively justified, such as on the grounds of promoting equality of opportunity or whether there are options to modify the proposal to reduce adverse risk.

What are the findings from the assessment of evidence? Complete the relevant sections that were identified in the screening process. The Equality and Diversity Adviser is a good source of knowledge and experience in carrying out assessments so contact them at the earliest opportunity.

<b>Protected Characteristic</b>	<b>Findings</b>	<b>What will you do to negate the risk or Objective justification of negative impact</b>
<b>Age</b> (younger, older or particular age group)		
<b>Disability</b> (physical, sensory, mental health, long term illness, hidden)		
<b>Gender Re-assignment</b> (someone in transition from one gender to another)		
<b>Marriage and Civil Partnership</b> (same sex as well as married couples)		
<b>Pregnancy and Maternity</b> (Pregnancy, maternity leave, breast-feeding)		
<b>Race</b> (Ethnic origin, nationality, colour, including gypsies and travellers)		
<b>Religion/Belief</b> (Christian, Muslim, Hindu, Jewish, Buddhist)		
<b>Sex</b> (Men or women)		
<b>Sexual Orientation</b> (Gay, Lesbian or Bisexual)		
<b>Language</b> (Welsh language, minority ethnic languages, Braille, BSL)		

*Continue to detail any additional feedback that comes out of the consultation/involvement process in order that the EIA remains a 'live' document*

## Monitoring the effects of the proposal

How will the implementation of the proposal be monitored?

<i>Please State</i>
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<b>Person carrying out full impact assessment:</b> Name: Date:	<b>Authorised by:</b> Name: Date:
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## Publishing the results of the assessment

Assessments completed online will automatically be uploaded to the intranet and website.

## Action Plan

Protected Characteristic	Solution	Action	Responsibility	Review Date
<b>e.g. Disability</b> (physical, sensory, mental health, long term illness, hidden)	Monitor the need to review the risk assessment and provision of Personal Protective Equipment.	Seek advice from Equality and Diversity Team and other services that utilise similar schemes.	Group Manager TV&E	29 <sup>th</sup> October 2011

### Contact Details

Equalities Advisor  
 North Wales Fire and Rescue Service  
 Fire Service Headquarters  
 St Asaph Business Parc  
 Ffordd Salesbury  
 St Asaph  
 Denbighshire  
 LL17 0JJ

01745 535250