

What equalities legislation is there?

The [Equality Act 2010](#) is a single legal framework that seeks to provide a clear basis upon which to tackle disadvantage and discrimination. Most of the provisions of the Act came into force in October 2010, replacing and consolidating nine pieces of legislation. The Act seeks to ensure people are not discriminated against because they **share certain ‘protected characteristics’**¹, are **assumed to share** those characteristics or **associate with other people** that share a protected characteristic. It also aims to increase equality of opportunity and foster good relations between groups.

In the Act the Government created a [Public Sector Equality Duty](#). This Duty seeks to ensure public authorities play their part in making society fairer by requiring them to have ‘due regard’ to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- foster good relations between people who share a protected characteristic and those who do not share it.

The Act covers both direct and indirect discrimination². The Act also extended protection to those experiencing associative discrimination. This occurs when a victim of discrimination does not have a protected characteristic but is discriminated against because of their association with someone who does e.g. the parent of a disabled child. It also extended the concept of discrimination by perception, where a victim of discrimination is presumed to have a protected characteristic, whether they do have it or not.

What does ‘due regard’ mean?

Having ‘due regard’ means giving an appropriate level of consideration to equalities issues. The Equality Act 2010 explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

¹ The ‘protected characteristics’ defined in the Act are: age; disability; gender reassignment; pregnancy and maternity; race (including ethnic or national origins, colour or nationality); religion or belief (including lack of belief); sex and sexual orientation. Marriage and civil partnerships is also protected but only with regards to the need to eliminate discrimination.

² Equality Law provides [useful summaries](#) of different types of discrimination.

EQUALITY IMPACT ASSESSMENT GUIDANCE

The Act also states that meeting different needs involves taking steps to take account of disabled people's disabilities. It also describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. Further, it states that compliance with the duty may involve treating some people more favourably than others.

The issue of 'due regard' has been considered in a number of Court cases³. It has been emphasised that there are no "prescribed" steps that public bodies must take to demonstrate due regard. In addition there are no particular outcomes that authorities must achieve for those that share protected characteristics as a result of having had 'due regard'. Rather the test of whether an authority has given due regard is a test of substance not "of mere form or box ticking". The duty therefore must be performed "with rigour and with an open mind" and where it forms part of a decision to be made by Members it is important for officers to "be rigorous in enquiring and reporting to them".

Surrey County Council demonstrates how it has applied 'due regard' to equalities by developing Equality Impact Assessments (EIAs) and incorporating the findings from these assessments into changes it makes to services, functions or policies.

Surrey County Council has also made a wider commitment to fairness and respect, which underpins everything we do. Our [One Council One Team Fairness and Respect Strategy 2012-2017](#) sets out our equality objectives for the organisation. It also demonstrates our commitment to deliver these objectives in partnership with local organisations and public bodies that are best placed to improve services for Surrey's residents.

What is this guidance and template for?

This guidance and template seeks to support staff when they are developing an EIA by:

- asking a series of questions that will ensure the equalities implications of any policy, function or service are considered in a robust fashion;
- ensuring that an action plan is produced to address any impacts that are identified; and
- ensuring that decision makers are provided with clear information about the potential impact of decisions on people with protected characteristics.

Do I need to complete an Equality Impact Assessment?

As a first step you will need to determine whether you need to complete an EIA for the policy, function or service you are developing or changing. The key question is whether any aspect of a new policy, function or service, or changes to an existing one, will have an impact on residents or staff, particularly people sharing protected characteristics. If it will then it is likely that an EIA will need to be completed⁴. **Very few of our policies, functions or services will have no equalities implications for either our residents or our staff.**

³ The Equality and Human Rights Commission has produced a summary of the implications of these cases in [The Public Sector Equality Duties and financial decisions](#).

⁴ The Equality and Human Rights Commission publication [Meeting the equality duty in policy and decision-making](#) includes useful guidance on what should be assessed.

EQUALITY IMPACT ASSESSMENT GUIDANCE

However, the level of detail within the EIA should be proportionate to the issue being considered and the scale of the impact. This means that the range of data used and the extent of community engagement undertaken should be proportionate to the issue being considered. For example, changes to an adult social care service that supports vulnerable elderly residents are likely to require a detailed EIA. However, changes to highway verge maintenance are likely to require either a light touch EIA or no EIA at all. **It is for Directorates to decide the level of detail required in their EIAs.**

If you decide not to complete an EIA, you must make a record of this decision. This might take the form of minutes of a meeting, an internal email or a record in a service plan. Most importantly, it must make clear **why you have concluded that an EIA is unnecessary**

When should I complete an Equality Impact Assessment?

Consideration of equalities is an ongoing process. Your assessment should start early in the development of a new or amended policy, service or function. **It is vital that your consideration of equalities issues is not a one-off exercise undertaken at the end of a project.** You need only publish your final EIA. However, you should keep previous versions of your EIA as a record of how the proposals changed as a result of your analysis.

What if I identify negative impacts that can't be mitigated?

The outcome of your equality analysis is only one factor in the overall decision making process. Other factors (such as financial issues or legal matters) may have equal or greater influence over the decision. Further, the new or amended policy, service or function may have to proceed even though not all of the negative equality impacts can be mitigated. The important thing is that decision makers are aware of the equalities implications of the new or amended policy, service or function when making their decision and these implications are considered alongside all other factors.

How should I finalise my Equality Impact Assessment?

All EIAs should be approved by an appropriate level of management in accordance with equalities processes in your Directorate. This may include consideration of your EIA by your Directorate Equality Group, if you have one. Your Strategic Director, Leadership Team and/or Cabinet Member may also wish to approve your EIA.

Once your EIA is approved, you should send it to the Chief Executive's Policy Team (Equality and Diversity/CEO/SCC) for publication on the Council's website. It is important that we publish our EIAs as this is one of the ways that we demonstrate how we have paid 'due regard' to the equalities issues identified in the Equality Act.

EQUALITY IMPACT ASSESSMENT TEMPLATE

1. Topic of assessment

EIA title:	Surrey Fire and Rescue Service Contingency Crewing
-------------------	---

EIA author:	Gavin Watts Area Manager – Fire and Rescue
--------------------	---

2. Approval

	Name	Date approved
Approved by⁵	Russell Pearson	17/10/12

3. Quality control

Version number	V.2	EIA completed	15/10/12
Date saved	15/10/12	EIA published	

4. EIA team

Name	Job title (if applicable)	Organisation	Role
Gavin Watts	Area Manager	Fire and Rescue	
Angeliki Humphries	Policy Officer (Equalities & Cohesion)	SCC Fire and Rescue	

⁵ Refer to earlier guidance for details on getting approval for your EIA.

EQUALITY IMPACT ASSESSMENT TEMPLATE

5. Explaining the matter being assessed

What policy, function or service is being introduced or reviewed?	<p>The Fire Authority is required by law to provide a fire and rescue service and to put in place business continuity arrangements to ensure that this can continue to be provided in a range of circumstances. Surrey Fire and Rescue Service Business Continuity plans were presented to Cabinet in November 2011. Since that time the Service has been working to ensure that, as far as reasonably possible, there would be no gap in business continuity in the event of industrial action and that it could continue to undertake its mission to save life, relieve suffering and protect property.</p> <p>This work has led to the development of a proposal to not only address the long standing capability gap in the event of industrial action but also to deliver additional support in terms of specialist services and equipment.</p> <p>Access to this response would be through the existing 999 telephone system.</p>
What proposals are you assessing?	<p>This is not a change to 'business as usual' but an additional set of measures to be made available in the event of industrial action or some other such circumstances that result in the significant reduction of emergency response cover.</p> <p>The provision of a contingency crewing capability has the intention to maintain a level of emergency response to critical incidents during a period of resource degradation. The reduction in resources would require an increased level of call challenge to reduce the number of incidents requiring a fire and rescue response. This call challenge would be undertaken as during normal operating circumstances and would consider the circumstances of those individuals involved in the incident.</p> <p>The proposals are for the provision of a commercial sector provided specialist emergency response, supplying specialist skills and equipment to support SFRS frontline crews. This would be notably in areas such as working at height, confined space and water rescue. This specialist resource would also be available to provide a contingency crew when necessary.</p>
Who is affected by the proposals outlined above?	<p>The proposals will affect:</p> <p>Service users: This proposal aims to provide a continuation of emergency response during periods of staff shortages (such as industrial action). The proposals aim to reduce the impact that such shortages would have on the safety and welfare of all residents and visitors to Surrey.</p> <p>Council staff: The continued provision of an emergency response will reduce the potential impact on non Fire and Rescue Council staff who may be placed in difficult positions should emergencies arise with no</p>

EQUALITY IMPACT ASSESSMENT TEMPLATE

trained emergency response available. This may lead to a number of situations where the imperative to act or the negative reaction of members of the public in need of assistance may be impactful.

External organisations: The proposal aims to reduce the impact on other emergency services who may see an increase in demand and an expectation from the public to undertake life saving action in risk critical situations. This may place un-trained personnel in dangerous situations.

The contingency crewing proposal would provide an emergency response during periods of degradation but this is likely to be a significantly reduced capability compared to business as usual. Whilst this reduction would be felt equally by all those living, working or travelling in Surrey, those who are already at a higher risk from the effects of fires and other incidents may see this risk increase due to the potentially extended response times that the reduced capability would provide. These groups include the elderly and those with disabilities.

EQUALITY IMPACT ASSESSMENT TEMPLATE

6. Sources of information

Engagement carried out
<p>The reduction in emergency response capability would require the Service to manage the contingency crewing on a risk assessed basis, responding only to genuine calls where lives are at risk. This risk assessment would be based upon the same standards as are applied now, which are free from negative bias towards and particular individuals or groups.</p> <p>During the development of the Public Safety Plan (2011-20) a wide ranging consultation was undertaken to establish the potential impacts on groups where emergency response cover was potentially being reduced. This again established that the provision of emergency response is delivered free from negative bias and is based upon risk assessment and individual needs. These are established either by intelligence gathering prior to the call being received or by the management of the information being obtained from the caller. This seeks to identify any particular issues or circumstances which may increase the risk of harm to those involved in the incident, such as disability.</p> <p>Staff will be engaged as the proposals are implemented as there is a 'business as usual' element within the proposed contract for the provision of specialist services such as confined space and water rescue. These services will enhance the safety of SFRS staff when delivering an emergency response.</p>
Data used
<ul style="list-style-type: none">• Public Safety Plan consultation results• EIA – Public Safety Plan 2011-20• EIA - Surrey Fire and Rescue - Delivery - Attendance at operational incidents involving fires• EIA - Surrey Fire and Rescue - Delivery - Attendance at operational incidents that are not involved in fire• EIA - Surrey Fire and Rescue - Delivery - Attendance at an Automatic Fire Alarm• EIA - Surrey Fire and Rescue - Mobilising - Mobilising• EIA - Surrey Fire and Rescue - Delivery - Animal Rescue

7. Impact of the new/amended policy, service or function

EQUALITY IMPACT ASSESSMENT TEMPLATE

7a. Impact of the proposals on residents and service users with protected characteristics

Protected characteristic ⁶	Potential positive impacts	Potential negative impacts	Evidence
Age	Maintenance of an emergency response provision during periods of capability degradation	Response times may be longer than usual due to reduced numbers of fire engines being available.	Elderly people are identified as being more vulnerable to the likelihood and impact of fire.
Disability	Maintenance of an emergency response provision during periods of capability degradation	Response times may be longer than usual due to reduced numbers of fire engines being available.	People with physical and/or mental disabilities are identified as being more vulnerable to the likelihood and impact of fire.
Gender reassignment	Maintenance of an emergency response provision during periods of capability degradation	None	NA
Pregnancy and maternity	Maintenance of an emergency response provision during periods of capability degradation	Response times may be longer than usual due to reduced numbers of fire engines being available.	Pregnant women and families with young children are identified as being more vulnerable to the likelihood and impact of fire.
Race	Maintenance of an emergency response provision during periods of capability degradation	None	NA
Religion and belief	Maintenance of an emergency response provision during periods of capability degradation	None	NA
Sex	Maintenance of an emergency response provision during periods of capability degradation	None	NA

⁶ More information on the definitions of these groups can be found [here](#).

EQUALITY IMPACT ASSESSMENT TEMPLATE

Sexual orientation	Maintenance of an emergency response provision during periods of capability degradation	None	NA
Marriage and civil partnerships	Maintenance of an emergency response provision during periods of capability degradation	None	NA

7b. Impact of the proposals on staff with protected characteristics

Protected characteristic	Potential positive impacts	Potential negative impacts	Evidence
Age	No positive impact identified	No negative impact identified	The proposals are about maintaining emergency response cover during periods of industrial action and providing an enhanced specialist rescue capability. There are no impacts on any particular protected characteristic.
Disability	No positive impact identified	No negative impact identified	The proposals are about maintaining emergency response cover during periods of industrial action and providing an enhanced specialist rescue capability. There are no impacts on any particular protected characteristic.
Gender reassignment	No positive impact identified	No negative impact identified	The proposals are about maintaining emergency response cover during periods of industrial action and providing an enhanced specialist rescue capability. There are no impacts on any particular protected characteristic.
Pregnancy and maternity	No positive impact identified	No negative impact identified	The proposals are about maintaining emergency response cover during periods of industrial action and providing an enhanced specialist rescue capability. There are no impacts on any particular protected characteristic.
Race	No positive impact identified	No negative impact identified	The proposals are about maintaining emergency response cover during periods of industrial action and

EQUALITY IMPACT ASSESSMENT TEMPLATE

			providing an enhanced specialist rescue capability. There are no impacts on any particular protected characteristic.
Religion and belief	No positive impact identified	No negative impact identified	The proposals are about maintaining emergency response cover during periods of industrial action and providing an enhanced specialist rescue capability. There are no impacts on any particular protected characteristic.
Sex	No positive impact identified	No negative impact identified	The proposals are about maintaining emergency response cover during periods of industrial action and providing an enhanced specialist rescue capability. There are no impacts on any particular protected characteristic.
Sexual orientation	No positive impact identified	No negative impact identified	The proposals are about maintaining emergency response cover during periods of industrial action and providing an enhanced specialist rescue capability. There are no impacts on any particular protected characteristic.
Marriage and civil partnerships	No positive impact identified	No negative impact identified	The proposals are about maintaining emergency response cover during periods of industrial action and providing an enhanced specialist rescue capability. There are no impacts on any particular protected characteristic.

EQUALITY IMPACT ASSESSMENT TEMPLATE

8. Amendments to the proposals

Change	Reason for change
NA	

9. Action plan

Potential impact (positive or negative)	Action needed to maximise positive impact or mitigate negative impact	By when	Owner
Increased risk to vulnerable groups	Extensive communications during periods of industrial action. Historical evidence has shown that incident numbers and demand for emergency response can be reduced significantly through effective publicity.	To be implemented as required and within the implementation plan leading up to industrial action	Fire and Rescue Service: Chief of Staff
Potential negative impact to public and/or staff through general terms of contract that have not been considered within this EIA	EIA reviewed as part of 6 month review of contract performance and included in Cabinet report	September 2013	Fire and Rescue Service: Area Manager-Operational Development
Preferred supplier non-compliant with SCC fairness and respect strategy	Terms of contract to include requirement to produce equality statement. SFRS to ensure compliance with SCC fairness and respect strategy	Prior to contract sign off	Fire and Rescue Service: Area Manager-Operational Development
Lack of community knowledge within specialist team	Ensure that SCC fairness and respect strategy forms part of induction training for preferred supplier staff.	Prior to implementation of specialist team	Fire and Rescue Service: Area Manager-Operational Development

10. Potential negative impacts that cannot be mitigated

If your assessment has identified potential negative impacts that cannot be mitigated, you should list them here. This does not mean the proposal has to be abandoned, but will

EQUALITY IMPACT ASSESSMENT TEMPLATE

allow decision makers to have 'due regard' to these matters when they make their decision.

Potential negative impact	Protected characteristic(s) that could be affected
NA	

11. Summary of key impacts and actions

Information and engagement underpinning equalities analysis	Public Safety Plan 2011-20 Consultation, including staff and public meetings and surveys.
Key impacts (positive and/or negative) on people with protected characteristics	The proposals aim to reduce the impact that staff shortages would have on the safety and welfare of all residents and visitors to Surrey. There are no negative impacts identified as a result of the proposals. The negative impacts linked to the proposals are the potential for an increased risk to those in vulnerable groups as a result of a reduced level of service.
Changes you have made to the proposal as a result of the EIA	NA
Key mitigating actions planned to address any outstanding negative impacts	Extensive communications during periods of industrial action. Historical evidence has shown that incident numbers and demand for emergency response can be reduced significantly through effective publicity.
Potential negative impacts that cannot be mitigated	NA

Be sure to review the checklist in Annex 2 before submitting your EIA for approval and publication.

Further guidance

If you need more advice and guidance, you may find the following sources useful:

- [Government Equality Office: Equality Act guidance](#)
- [Equality and Human Rights Commission: *Guidance on the Equality Duty*](#)
- [Equality and Human Rights Commission: *Making fair financial decisions*](#)
- [Equality and Human Rights Commission: *Meeting the Equality Duty in policy and decision making*](#)
- [TUC: *Equality Toolkit*](#)

EQUALITY IMPACT ASSESSMENT TEMPLATE

Annex 1

Issues to consider when assessing impact

It is important to consider the full range of impacts on service users, their carers and staff. Primarily, the Council wants to ensure that people with protected characteristics can achieve the same outcomes as people that do not share the protected characteristic. You should therefore think about each of the following issues when assessing impact.

Identifying impact

Could the new/amended policy, service or function:

- Lead to different outcomes for service users due to their protected characteristic? Do service users have particular needs, experiences, concerns or priorities in relation to the proposal because of this protected characteristic?
- Affect different groups disproportionately? For example, is there evidence of higher or lower participation or uptake by certain groups?
- Disadvantage particular groups? It is essential to consider not just the intended consequences of the proposal but also unintended consequences.

Discrimination

Could the new/amended policy, service or function:

- Discriminate unlawfully (directly or indirectly⁷) against people from certain groups?
- Lead to associative discrimination? Associative discrimination is where a victim of discrimination does not have a protected characteristic but is discriminated against because of their association with someone who does e.g. the parent of a disabled child.

Promoting positive outcomes

Could the new/amended policy, service or function:

- Include lawful positive action to address particular needs?
- Affect relations between certain groups? For example, could it be seen to favour particular groups or denying opportunities to another?
- Do more to promote equality and ensure equitable outcomes?
- Do more to promote positive attitudes and good relations between different groups?
- Do more to promote participation by under-represented groups?

Accessibility and barriers

Could the new/amended policy, service or function:

- Create barriers that prevent certain groups from benefitting from the changes?
- Make it hard for certain groups to access information about the service, function or policy?

⁷ Further information about direct and indirect discrimination is available from the [Equality and Human Rights Commission](#).

EQUALITY IMPACT ASSESSMENT TEMPLATE

- Make a service less physically accessible? Do you understand how to respond to requests for reasonable adjustment?
- Exclude groups because of cost? Are there any extra costs for some people (such as paying for a carer, transport, childcare)?

Experiences of services

- Does your training give people providing services the skills and knowledge they need to provide services to a diverse population? Do staff know how to use equipment or facilities such as minicomms or induction loops?
- Do your managers and staff know what their legal responsibilities are?
- Are staff trained to give extra assistance to disabled people if they ask? Have staff been trained how to offer and give help?
- Are crime, harassment or bullying problems likely to arise in this service area? Do staff know how to record incidents of racial harassment or other equality related incidents?

Stereotypes and assumptions

- Have your services been designed around a particular type of customer? For example, has it been designed around a particular family unit? Does this exclude same sex couples, older couples, large and extended families, people who move home a lot, or carers?
- Are people disadvantaged if they cannot find or remember information or documents? Are people expected to read or access information in a certain way?
- If you are using images in publicity, do they reinforce stereotypes? Try where possible to use images that reflect diversity.

EQUALITY IMPACT ASSESSMENT TEMPLATE

Annex 2 Your checklist

Before publishing your EIA, think about the following:

- Is your assessment written in plain English? Consider whether people would understand your explanations if they did not work for the Council, or indeed your service. Try to avoid technical or specialist terminology and explain any acronyms in full even if they are common in your job
- Has anyone else checked your EIA? You might find it useful to get constructive feedback and challenge on your proposals and the conclusions you have reached. Think about colleagues, your Directorate Equality Group, service users or groups representing people that share particular protected characteristics.
- Have you told local organisations about the proposals? If the proposals will impact on organisations the Council commission services from, you must ask their views and give them the opportunity to identify any equalities implications from the proposals.
- Have you been clear about what has changed as a result of your EIA and how the process influenced proposals? If your assessment found that no changes were needed, ensure you explain the positive implications of the proposal.
- Have you been clear about the mitigating actions that will remove or minimise any negative impacts? Does your action plan have owners? If you have identified mitigating actions, it is essential these are delivered. You must be clear about who will take these forward.
- Has your EIA been approved by an appropriate level of management?