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Equality Analysis Procedure (Formerly Equality Impact Assessment/Equality Assessments)

1. SCOPE AND PURPOSE

- 1.1 Bournemouth University (BU) aims to create a work and study environment for students, staff or visitors to BU where different values and beliefs can be freely expressed and openly discussed and will encourage open and respectful debate around equality and diversity issues.
- 1.2 This procedure sets out the expectations of BU and the responsibility of the university and its staff to ensure ongoing due regard to Equality and Diversity in accordance with the requirements of the Equality Act. It outlines a process for undertaking Equality Analysis as a tool that enables positive change. All staff and students should seek to engage with it in a constructive manner.
- 1.3 As part of the general equality duty BU is required to have **due regard** to the need to:
 - eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act (Equality Act, 2010).
 - advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
 - foster good relations between people who share a relevant protected characteristic and those who do not share it.
- 1.4 When making decisions and when setting policies at BU staff need to take into consideration the following characteristics of groups which are protected under the Equality Act 2010. These are:
 - Age
 - Disability
 - Gender reassignment
 - Marriage and civil partnership
 - Pregnancy and maternity (including paternity)
 - Race (colour, ethnic or national background)
 - Religion or belief (including non-belief)
 - Sex
 - Sexual orientation
- 1.5 The decisions and policies that generally need to be considered fall into three main categories. These are:

- Organisational policies and functions (e.g. BU Fair Access Agreement)
- Key decisions (e.g. restructuring within Faculties or Professional Services and changes to core purposes of buildings)
- Policies that set criteria or guidelines for others to use (e.g. BU pay and promotion criteria and study/research leave programmes)

1.6 If you are in any doubt about whether an activity you are leading on requires you to undertake Equality Analysis please speak to the university Equality and Diversity Adviser. Email: diversity@bournemouth.ac.uk.

1.7 Previously this work was referred to as Equality Impact Assessments or Equality Assessments. This revised procedure continues to adhere fully with the framework agreement reached between BU and University College Union (UCU). In addition the approach adopted at BU is fully supported by UNISON.

1.8 This procedure is written with reference to the guidance provided by the Equality and Human Rights Commission (EHRC).

2. KEY RESPONSIBILITIES

2.1 Responsibility for the procedure is held by the Chief Operating Officer, who is a member of the BU Board, advised by the Equality and Diversity Steering Group.

2.2 The responsibility for undertaking Equality Analysis is devolved to Faculties and Professional Services, with nominated decision-makers appointed by Executive Deans and Directors of Professional Services.

2.3 It is expected that everyone in BU has some understanding of the issues and has undertaken online diversity training (this is strongly advised for all staff not just new ones). Those with line management responsibilities should encourage completing the diversity training.

3. LINKS TO OTHER UNIVERSITY DOCUMENTS

3.1 Policies, procedures and codes of practice that sit alongside this policy and procedures include:

- [Equality and Diversity Policy](#)
- [Dignity and Respect \(Harassment\) Policy and Procedures](#)
- [Data Protection Policy](#)
- [Transgender Inclusion Policy and Procedure](#)

4. GENERAL PRINCIPLES

4.1 The individual leading on each Equality Analysis on behalf of the University, Faculty or Professional Service is the decision-maker.

- 4.2 Decision-makers need to have knowledge and understanding of the proposed activity. In addition, these individuals require knowledge and understanding of relevant equality issues and must attempt to be objective about the activity when undertaking the analysis.
- 4.3 The decision-maker must be aware of the general equality duty and consciously take it into account in the work. They should collate evidence of a structured attempt to focus on equality issues to show what was taken into account and what he or she knew when making a decision.
- 4.4 The Equality Analysis should be undertaken prior to the start of the activity. The decision-maker will also need to identify when the analysis will be reviewed.
- 4.5 Records should be kept by Equality and Diversity Adviser of the information gathered, the completed analysis and the decision taken.
- 4.6 The Equality and Diversity Adviser is available to provide advice and support to decision-makers within Faculties and Professional Services who are responsible for undertaking Equality Analysis at BU.

5. DECIDING WHICH ACTIVITIES NEED TO BE ASSESSED

- 5.1 A programme of annual Equality Analysis work is identified through discussions with Executive Deans and Directors/Heads of Professional Services. This is shared at the start of each academic year with the Equality and Diversity Steering Group.
- 5.2 Consultation documents that form part of organisational change need to include an Equality Analysis showing the pre-change and anticipated post-change situation in relation to equality and diversity issues. The Equality Analysis is then updated to reflect the post-consultation situation. Decision-makers who are leading on organisational change may talk to the Equality and Diversity Steering Group or if there are concerns over privacy or confidentiality the Equality and Diversity Adviser at the outset.
- 5.3 When and if there is a requirement to undertake new activities which had not previously been included in the identified programme of the Equality Analysis work, Executive Deans and Directors/Heads of Professional Services are advised to contact the Equality and Diversity Adviser to discuss further and to facilitate completion of any appropriate Equality Analysis.
- 5.4 The activities that need to be considered are listed in 1.5 above.
- 5.5 Not all activities can be expected to benefit everyone equally, particularly if they are targeted at addressing particular problems affecting one group of people, such as disabled students. It is important to consider the interplay between different protected characteristics.
- 5.6 If you decide that an activity has no equality implications you should be confident of your reasons for this, and record your reasons why an activity is not relevant in the Equality Analysis template.

6. GATHERING RELEVANT INFORMATION

- 6.1 The decision-maker should gather information to help undertake the analysis. It is useful to bring together the key people who are likely to be involved in developing and implementing the activity. This may include external organisations.

- 6.2 Examples of possible internal and external equality and diversity information are listed below in Appendix D.
- 6.3 It is important that the decision-maker undertaking the Equality Analysis has appropriate and reliable information about the different groups sharing protected characteristics that are likely to be affected by the activity. If this is not possible decision-makers could consider undertaking short surveys, undertaking some engagement work or seek to increase your understanding in the short term before undertaking more robust research at a later date.
- 6.4 When undertaking the analysis, it is recommended that the decision-maker draws on equality and diversity information from a range of sources to ensure objectivity and address concerns over possible bias.

7. COMPLETING THE EQUALITY ANALYSIS (Appendix A)

- 7.1 After the decision-maker has analysed the information gathered, they should complete the Equality Analysis template - Appendix B.
- 7.2 It is important to be careful about making overly general conclusions without supporting evidence. It may also be difficult to show compliance with the general equality duty.
- 7.3 To help shape the development of the analysis, feedback may be sought from the Equality and Diversity Steering Group **early on in the process**. However, it is not a compulsory requirement to consult with this committee. Further information about the Equality and Diversity Steering Group can be obtained by contacting the Equality and Diversity Adviser. E-mail: diversity@bournemouth.ac.uk

8. MAKING THE DECISION

- 8.1 After completing the Equality Analysis, the findings should result in one of the courses of action outlined in Table 1 below.
- 8.2 If the decision/policy is assessed at either level 3 or 4 the decision-maker must inform the relevant Executive Dean, Director/Head of Professional Service and discuss the plan of action with them.

Table 1: Analysis outcomes (from EHRC guidance)

Course of action	Notes
Continue the activity (Level 1)	The analysis demonstrates that there is evidence that the activity does not have potential for discrimination and that a proportionate approach to advancing equality of opportunity and fostering good relations between people with different protected characteristics has been taken. You should document the reasons for this conclusion and the information you used to make this decision. Form to be deposited on SharePoint site

Justify and continue the activity (Level 2)	Ultimately, there may be other factors (such as other activity aims or financial constraints) which make it reasonable for you to decide to adopt the activity despite its adverse equality impact. This option is appropriate where your activity does not unlawfully discriminate, or where any potential discrimination is indirect and can be objectively justified. You need to take into account the possibility that your decision could be challenged, and consider whether you would be able to satisfy a court that you had due regard to the aims of the general equality duty when you reached your decision. It is particularly important that you document the reasons for your decision and the evidence that supported these reasons. Form to be deposited on SharePoint site
Change the Activity (Level 3)	This involves making changes to the activity to ensure it does not adversely affect certain groups of people, or miss opportunities to affect them positively. This can involve taking steps to mitigate adverse impacts, or to bolster or tailor positive ones. It is lawful under the Act to treat people differently in some circumstances, such as putting in place single-sex provision where there is a need for it or adopting proportionate positive action measures that benefit people
Course of action	Notes
	sharing protected characteristics. Document the reasons for the steps you are adopting and the information you used to make this decision.
Stop the activity (Level 4)	If analysis of the activity shows a high probability of unavoidable discrimination which (where the law allows it) cannot be objectively justified, you must consider developing a new approach in order to avoid legal challenges under the Equality Act 2010. Document the reasons for this decision and the information you used to make it.

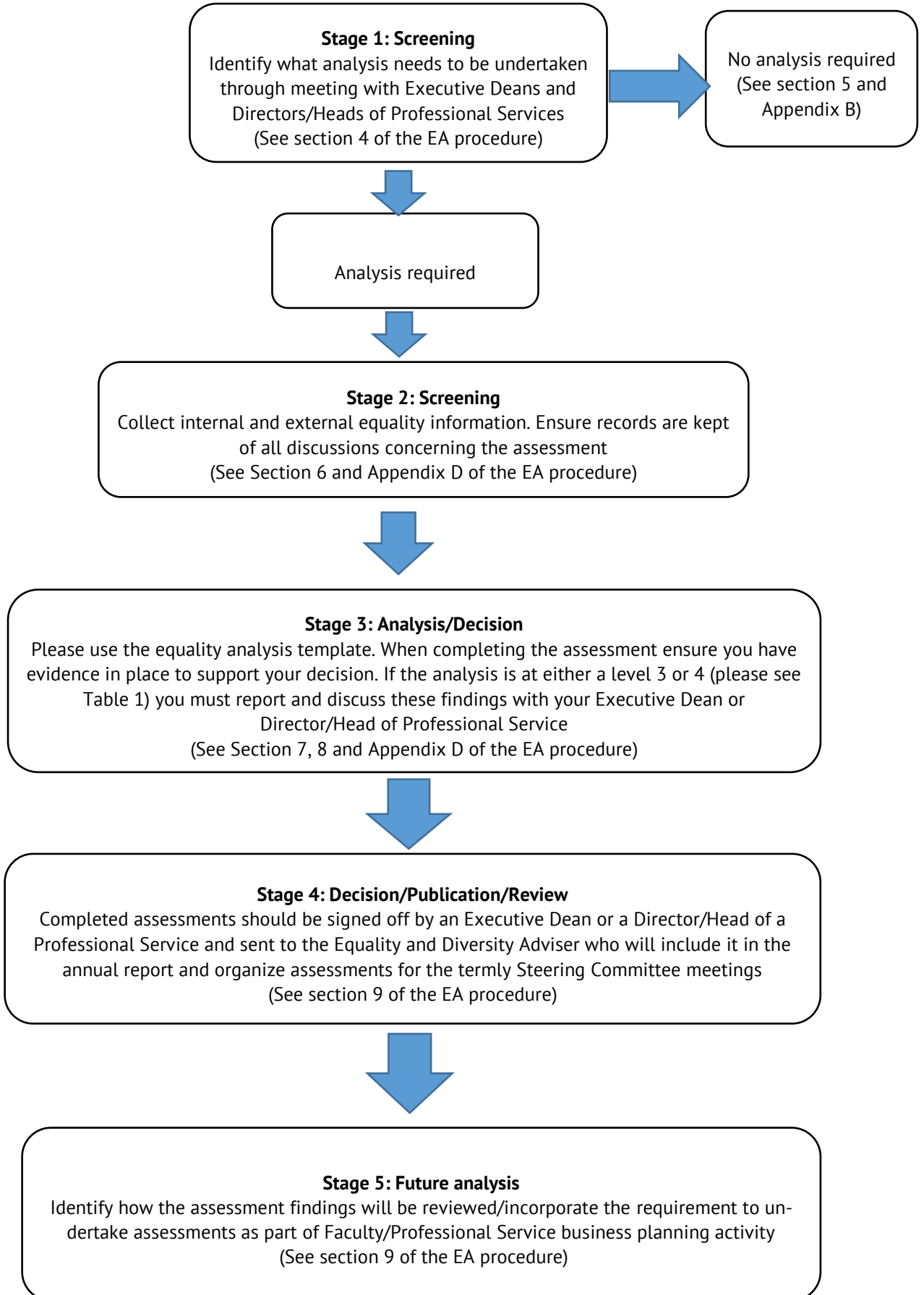
9. PUBLICATION

- 9.1 Once complete, the Equality Analysis and recommendations should be signed off by the decision-maker.
- 9.2 Completed forms must be provided to the Equality and Diversity Steering Group in advance of its termly meetings and to the Equality and Diversity Advisor, for inclusion in annual reporting to the Board. Completed forms should be sent via email to diversity@bournemouth.ac.uk
- 9.3 When presenting papers for discussion or decision at Board, University Leadership Team and Senate meetings it would be expected to confirm whether or not an analysis had been undertaken as part of the standard committee paperwork.
- 9.4 When reviewing decisions and policies, the results of previous equality analyses should be considered as part of normal business activity for each Faculty and Professional Service.
- 9.5 All Equality Analysis work that is shared with the Equality and Diversity Steering Group will be stored on SharePoint and available for BU staff to access.

10. REVISION

10.1 This Policy will be revised as necessary in the light of statutory changes, new guidance and/or experience of its operation.

Appendix A: BU Equality Analysis (EA) flowchart



Appendix B: Equality Analysis template

Screening	Please provide explanatory comments
1. What activity is being analysed?	

2. Who likely to be affected by the activity?						
3. Who led the analysis?						
4. Who contributed to the analysis?						
5. What information has been used to inform the analysis?						
Analysis	Please provide explanatory comments					
6. How does the activity promote good relations/equality/inclusion in relation to:						
6.1 Age						
6.2 Disability						
6.3 Gender Reassignment						
6.4 Marriage and civil partnership ¹						
6.5 Pregnancy and maternity (including paternity)						
6.6 Race (colour, ethnic or national background)						
6.7 Religion or belief (including non-belief)						
6.8 Sex (Female/Male)						
6.9 Sexual orientation						
7. Does the activity have an actual or potential adverse impact in relation to?						
7.1 Age						
7.2 Disability						
7.3 Gender Reassignment						
7.4 Marriage and civil partnership ²						
7.5 Pregnancy and maternity (including paternity)						
7.6 Race (colour, ethnic or national background)						
7.7 Religion or belief (including non-belief)						
7.8 Sex (Female/Male)						
7.9 Sexual orientation						
8. Comment on the good practice identified						
9. Comment on the actions to mitigate actual or potential adverse impact						
10. Decision/Feedback/Approval						
10.1 What is the analysis outcome? (See Table 1 to assist here)	<table border="1" style="display: inline-table; vertical-align: middle;"> <tr> <td style="text-align: center;">Please circle</td> <td style="text-align: center;">Level 1</td> <td style="text-align: center;">Level 2</td> <td style="text-align: center;">Level 3</td> <td style="text-align: center;">Level 4</td> </tr> </table>	Please circle	Level 1	Level 2	Level 3	Level 4
Please circle	Level 1	Level 2	Level 3	Level 4		
10.2 Have you consulted with EDSG?						
10.3 When will the analysis be reported to EDSG?						
10.4 Which Committee will approve the analysis?						
10.5 Date of approval						
10.6 When and how will the analysis be reviewed?						

Appendix C: Equality Analysis programme of work plan

¹ Marriage and civil partnership are protected under the legislation but only for the need to eliminate unlawful discrimination in employment.

² Please see footnote 1.

This programme of work was agreed by the Equality and Diversity Steering Group, following consultation with all Executive Deans and Directors/Heads of Professional Services. The plan has been developed by approaching Executive Deans and Directors/Heads of Professional Services to discuss how equality and diversity matters are being embedded into their business as usual activity within their Faculty and Professional Service. It also takes into consideration the programme of work identified in individual Faculty and Professional Service delivery plans.

To support staff in deciding what needs to be assessed the following checklist is provided. Please note this checklist is not an exhaustive list.

Table 2: Equality Analysis checklist

Questions	Response
1. Is the activity likely to affect BU students, staff or the wider community? The relevance of an activity to equality depends not just on the number of those affected but on the significance of the impact on them.	
2. Is the activity likely to affect people with protected characteristics differently?	
3. Is it a major BU activity, significantly affecting how University functions are delivered?	
4. Will the BU activity have a significant impact on how other organisations operate in terms of equality and diversity?	
5. Does the BU activity relate to an area with known inequalities?	
6. Does the BU activity relate to any equality objectives that have been set as part of BU 2018 or Faculty/Professional Services Delivery plans?	

The Equality Analysis work for 2017/18 will include discussing with Executive Deans and Directors/Heads of Professional Services the questions in Table 3.

Table 3: Equality Analysis programme of work

Question	Response
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1.	What Equality Analysis have you previously undertaken within in your Faculty and Professional Service?	
2.	What have you learnt/identified/actions taken from your previous analysis?	
3.	What new activity will you be undertaking during 2016/17that will need to be assessed?	
4.	What existing activity will you be undertaking during 2016/17 that will need to be assessed?	

When and if there is a requirement to undertake new activities which had previously not been included in the identified programme of the Equality Analysis work, Executive Deans and Directors/Heads of Professional Services are advised to contact the Equality and Diversity Adviser to discuss further.

Equality Analysis should be carried out using the template provided and having reference to the guidance.

Table 4: Faculty/Professional Services Equality analyses work 2016/17

Activity	Faculty/Professional Services	Lead	Completion date

The above programme of work does not take into consideration restructures planned within Faculties or Professional Services

Appendix D: Gathering and analysing information

To support completion of analysis, decision-makers may wish to use the questions below to assist in deciding what information to gather and use. Please note this checklist is not an exhaustive list.

- Have you established how the aims of the BU activity relate to equality and diversity?
- Have you established the purpose of the BU activity, the context in which it will operate, who should benefit, and what results are intended?
- Have you started to consider potential impacts on people with different protected characteristics?
- Have you considered which aspects of the BU activity are most relevant to equality and diversity?
- Have you considered which aims of the general equality duty and which protected characteristics your activity is most relevant to?

Table 5: Examples of internal and external equality information

Internal information	External information
Student/Staff BU profile data (concerning age, disability, gender, ethnicity) [included as part of the DDE Annual report]	National Student Survey
Pay progression and grading data [included as part of the DDE Annual report]	HESA Performance Indicators
Staff promotion data [included as part of the DDE Annual report]	Reports by external agencies e.g. Equality Challenge Unit (ECU)
Monitoring data on participation in staff development opportunities [included as part of the DDE Annual report]	Data collected by UCAS
Applications, short listing and appointment data to BU posts [included as part of the DDE Annual report]	Census data provided by the Office for National Statistics
Formal/informal feedback from staff/student equality networks/groups such as the Equality and Diversity Steering Group [can be provided through attending the Equality and Diversity Steering Group meetings]	Data provided by local networks e.g. Prejudice Free Dorset

Student/staff complaints which reflect an equality component (including hate incidents/hate crimes [included as part of the DDE Annual report])	
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Internal information	External information
Feedback from BU Trade Unions [Can be provided via the Equality and Diversity Steering Group]	
Internal staff and student surveys [Available on the staff intranet]	
Equal pay audits [included as part of the DDE Annual report]	
Flexible working requests [included as part of the DDE Annual report]	
Reasons for leaving [included as part of the DDE Annual report]	

INFORMATION IMPACT

- Have you made comparisons with similar BU policies in other departments or other HEIs to help you identify relevant equality and diversity issues?
- Have you undertaken an analysis of enquiries or complaints from BU students, staff and the wider public to help you understand the needs or experiences of different groups of people?
- Are you aware of any recommendations from inspections or audits to help you identify any concerns about equality and diversity matters?
- Have you used information about the local community, including census findings to help you establish the number of people with different protected characteristics?
- Have you used recent research from national, regional and local sources that includes information on equality and diversity issues?
- Have you used results of engagement activities or surveys to help you understand the needs or experiences of people with different protected characteristics?
- Have you used information from the public, and from voluntary organisations to help you understand the needs or experiences of people with different protected characteristics?

ANALYSIS OF INFORMATION GATHERED

- Do the outcomes of the BU activity affect people with protected characteristics differently?
- Are there any differences in the take-up of BU services by people with different protected characteristics?
- What are the key findings of your engagement undertaken?
- If there is a greater impact on one group, is that consistent with the aims of the BU activity?

- If the BU activity has negative impacts on people with particular characteristics, what steps can be taken to mitigate these effects?
- Is any part of the activity unlawful under the Equality Act 2010?
- Will the BU activity deliver practical benefits for certain groups?
- Does the BU activity miss opportunities to advance equality of opportunity and foster good relations?
- Do other BU policies need to change to enable this activity to be effective?

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