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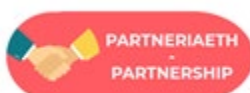
Specialised Services: Corp-026

Equality Impact Assessment Policy (EQIA)

July 2022
Version 1.0



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& INNOVATION

Document information

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Policy Statement

Welsh Health Specialised Services Committee (WHSSC) aims to eliminate unlawful discrimination that is prohibited by the Equality Act 2010¹, and to reduce inequality of outcomes for people who experience socio-economic disadvantage in accordance with sections 1-3 of the Equality Act 2010¹.

WHSSC are committed to promoting equality in all its activities for those that share a relevant protected characteristic and those that do not in accordance with the Public Sector Equality Duty².

Relationship with other documents

This document should be read in conjunction with the following documents:

- Policy for the development, review and update of WHSSC policies: Policy for policies, Corp-025 (July 2022)
- Developing WHSSC clinical policies: Process and Methods, Corp-024, (under review)

¹ [Equality Act 2010](#)

² [The Equality Act 2010 \(Specific Duties\) Regulations 2011](#)

1. Introduction

This document has been developed to provide guidance and advice on conducting an Equality Impact Assessment (EQIA). It also explains how the Welsh Health Specialised Services Committee (WHSSC) should pay due regard to reduce inequality of outcomes for people who experience socio-economic disadvantage when making decisions of a strategic nature, including the development of any type of policy, service or performing an activity.

An EQIA is a systematic way of ensuring that WHSSC treats everyone equally without discrimination.

1.1 What is discrimination

Direct discrimination is where someone is treated differently, less favourably or put at a disadvantage because of their protected characteristics, which is unlawful under the Equality Act 2010³.

Indirect discrimination is where everyone appears to be treated equally, but those people with certain protected characteristics are treated less favourable.

Discrimination also includes **discrimination by association**, this is when a person is treated worse than another person because of who they are connected to. **Discrimination by perception** is when a person is thought to have a protected characteristic but they don't.

1.2 Protected Characteristic

The different groups covered by the Equality Act 2010³ are referred to as protected characteristics, which are:

- Age
- Disability
- Gender reassignment
- Marital Status/Civil Partnership
- Pregnancy and Maternity (including breastfeeding)
- Race
- Religion and belief
- Sex
- Sexual orientation

³ [Equality Act 2010](#)

Age

Age discrimination is where someone is treated differently because of their age (for example 27 year olds) or because they belong to a particular age group (for example, people under 30, 40-45 years, 55-65 years, over 70's or 80 years of age and over).

Disability

This discrimination is where someone is treated differently because they have a physical/mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities, such as using the telephone, reading a book or using public transport. This can also include:

- Visual impairments
- Hearing impairments
- Mobility impairments
- Long term health conditions (such as cancer)
- Mental health impairment (such as depression)
- Learning difficulties
- Dyslexia or dyspraxia
- Autism
- Unseen disability (such as diabetes).

Gender reassignment

This discrimination is where someone is treated differently because of a process of transitioning from one sex to another, and includes people who want to change their gender, whether they go through medical treatment or not.

Marital Status/Civil Partnership

This discrimination is where someone is treated differently because they are legally married or in a civil partnership.

Legal marriage

Includes where the marriage is recognised under UK law, even if the ceremony did not take place in the UK.

Civil Partnership

This is a civil partnership registered under the Civil Partnership Act 2004, and includes civil partnerships outside of the UK.

Discrimination against this characteristic can only take place at **work**. If someone is treated unfairly due to being married or in a civil partnership outside of the workplace then it is **not** unlawful discrimination.

Pregnancy and Maternity (including breastfeeding)

This discrimination is where someone is treated unfavourably or victimised within a 'protected period' because a person is:

- pregnant
- has a pregnancy-related illness
- is on maternity leave

The protected period is from the start of a pregnancy to the end of maternity leave. If a person is not entitled to maternity leave, then the protected period ends 2 weeks after the birth.

Treating someone differently because they have taken maternity leave is pregnancy discrimination. Treating someone differently because they are breastfeeding (which is now protected under law) is sex discrimination.

It counts as sex discrimination if someone is treated unfavourably outside the protected period because they have a child. It's also sex discrimination if a person is treated less favourably outside the protected period because they have postnatal depression.

Race

This discrimination is where someone is treated differently because of their:

- Colour
- Nationality
- Ethnic origin
- National origin

This can also include belonging to a racial group, where people share the same colour, nationality, ethnic or National origin.

Nationality

This includes a person who has citizenship, membership of a particular nation, such as, British, American or Indian.

National origin

This includes a person who has connection to a country or nation through their birth.

The English, Scots and Welsh are all considered national groups, this means a person can be discriminated against because they are English, Scottish or Welsh.

Ethnic origin

An ethnic group is a group of people who share the same history and cultural traditions, they may also share one or more of the following:

- Language
- Religion
- Literature
- Geographical origin
- Be an oppressed group
- Be a minority

This also includes, Irish Travellers, Jews, Romany Gypsies and Sikhs.

Gypsy or Traveller

The travelling community are people who live a nomadic lifestyle, and are known as Gypsies and travellers.

Some gypsies and travellers are protected against discrimination on the basis of their ethnic origins, and includes Romany gypsies and travellers that have moved into settled accommodation. Gypsies and travellers that have not been recognised as ethnic groups by a court are not protected against race discrimination.

The travelling community includes:

- Romany Gypsies
- Irish Travellers
- Scottish Gypsies and Travellers
- Welsh Gypsies and Travellers
- New Travellers or New Age Travellers
- Bargees and other people living on boats
- Fairground and circus families, known as travelling showmen.

Religion and belief

This discrimination is where someone is treated differently due to their faith or beliefs, and includes both religious and non-religious beliefs (philosophical).

Religion

This includes belonging to an organised religion, specific denomination or sect within religion, for example:

- Islam
- Christianity
- Judaism
- Sikhism
- Buddhism

- Hinduism
- Rastafarianism
- Scientology
- Paganism
- Protestants, Methodist or Jehovah's Witnesses within Christianity
- Sunis or Shi'as with Islam
- Orthodox or Reform Judaism

Religious Beliefs

This includes a person's belief in a religion, central article of faith or belief which exist within a religions but not shared by everyone in the same religion, such as, some Christians wearing a cross as a symbol of faith, belief within Islam that a women should cover her hair or whole body.

Non-Religious belief/philosophical belief

This includes a person belief in things such as humanism, secularism and atheism, the belief must be acceptable in a democratic society and not conflict with the fundamental rights of others.

Sex

This discrimination is where someone is treated differently because they are either binary (man or a woman of any age (so includes girls and boys) or are gender diverse, including non-binary, trans-feminine, trans-masculine, Genderqueer, non-gender, intersex and others.

Sexual orientation

This discrimination is where someone is treated differently because they are sexually attracted to:

- People of your own sex (gay or lesbian)
- People of the opposite sex (heterosexual)
- People of both sexes (bisexual)
- People regardless of their gender (pansexual)
- People whose sex and gender match Cisgender (cis)

Or they have little or no sexual attraction (Asexual)

1.3 Socio-Economic Duty

The socio-economic duty (Part 1, Section 1 of the Equality Act 2010⁴) requires public bodies, such as the NHS to adopt transparent and effective measures to address the inequalities that result from differences in occupation, education, place of residence or social background.

This duty came into force in Wales on 31st March 2021, and aims to reduce inequality for people who experience socio-economic disadvantage.

⁴ <https://www.legislation.gov.uk/ukpga/2010/15/section/1>

There are three sections to the duty:

- Section 1: Sets out the Duty itself.
- Section 2: Confers a power on the Welsh Ministers to make regulations to amend section 1(3) of the 2010 Act¹⁷. This includes the power to add Welsh public bodies to which the Duty will apply.
- Section 3: Makes clear that the Duty will not create any new justiciable rights for individuals.

The Duty (Section 1)

The socio-economic duty states:

- “When making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage”.

The duty requires WHSSC to pay due regard to reducing inequalities of outcomes caused by socio-economic disadvantage when making new or revising previous strategic decisions such as deciding priorities and setting objectives.

Key terms of the socio-economic duty

Decisions of a strategic nature

Strategic decisions are defined as key high level decisions that set out how the organisation goes about its business. These can be decisions on reform or improving outcomes for services users. They can include decisions about setting priorities and targets, allocating resources, and commissioning services.

Examples of strategic decisions are:

- Strategic directive and intent.
- Strategies developed at Regional Partnership Boards and Public Service Boards which impact on a public bodies functions.
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans).
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy).
- Changes to and development of public services.
- Strategic financial planning.
- Major procurement and commissioning decisions.
- Strategic policy development.

Due regard

This places a duty on either an individual or corporate body to 'have regard' to certain circumstances when making a decision. The requirements of the duty to reduce unequal outcomes from socio-economic disadvantage need to be considered against the objectives of the decision.

Socio-economic disadvantage

Socio-economic disadvantage means people living in less favourable social and economic circumstances than others in the same society. It includes people on a low income and living in a deprived area. It also applies to particular communities of place, communities of interest and individual households. People in lower socio-economic groups are more likely to have long-term health conditions, and these conditions tend to be more severe than those experienced by people in higher socio-economic groups

Communities of interest

These can be people who share an identity such as

- lone parents
- carers
- a common first language
- one or more of the protected characteristics listed in section 1.2
- young people leaving care
- disabled people.

Communities of interest can also be people who share an experience, such as people who are:

- homeless or have experienced homelessness
- part of the same local health and social care system
- part of the same local service.

People are likely to be part of several communities of interest.

Communities of place

These are people that share a geographical location, such as where they live, work, visit or otherwise spend a substantial portion of their time.

Examples of communities of place are:

- People living in deprived areas, with poor housing, education and unemployment.
- People with shared protected characteristics, for example, age, sex, race, sexual orientation or disability.
- Vulnerable groups of society, such as:
 - the vulnerable
 - Migrants

- Gypsy, Roma and Traveller communities
- rough sleepers and homeless people
- sex workers
- Geography, which can be categorised into three types:
 - Rural: where houses are spread very far apart, such as farmland, and people may need to travel further for amenities and healthcare, with limited transport links.
 - Urban: located in cities, and people have greater access to amenities and health care, and have better access transport links and jobs.
 - Suburban: a mixture of urban and rural, where people normally have to travel for some amenities or transport links.

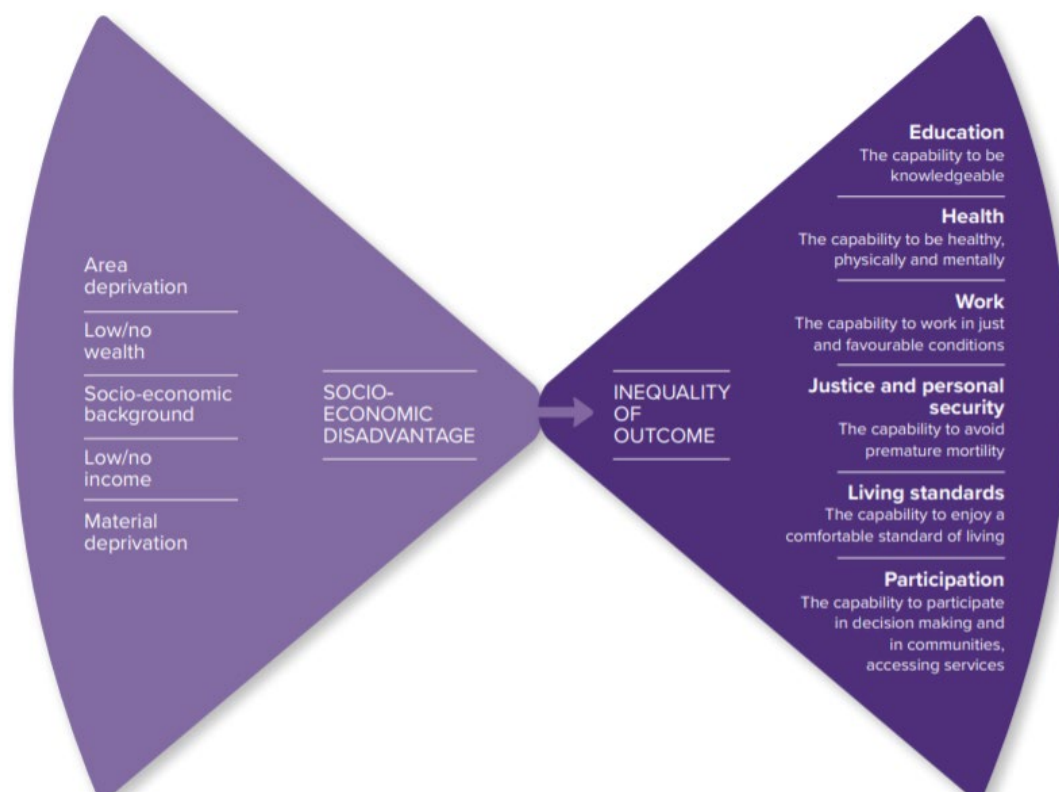
Inequality of Outcome

Inequality of outcome is any measurable difference in outcomes between those who have experienced socio-economic disadvantage and the rest of the population (See figure 1).

Measureable differences can include:

- Lower life expectancy due to a deprivation, which can be measured by levels of income, employment, education and local levels of crime.
- Inequitable access to healthcare, and availability of treatments, such as the availability of services that are timely, appropriate, sensitive and easy to use can lead to inappropriate or lower levels of care, these can be measured by travel distances, available transport available methods of communication, waiting times.
- Lower levels of quality of care and less patient satisfaction due to poorer experiences, outcomes and health status.
- Behavioural risk to health such as smoking rates, and wider determinants of health such as quality of housing.

Figure 1 - Socio-economic disadvantage as a determinant of unequal outcome⁵



To ensure due regard to the socio-economic duty and to reduce inequalities of outcome WHSSC will include this when undertaking an equality impact assessment.

1.4 Welsh Language

The Welsh Language is not a protected characteristic and does not form part of the Equality Act 2010. The language is covered by its own specific legislation, which are the Welsh Language Act 1993⁶, the Welsh Language Measure 2011⁷ and the Welsh Language Standards 2018⁸. However, to ensure that Welsh speakers are treated equally WHSSC will include this when undertaking an equality impact assessment.

1.5 All Wales

The policies, services or activities WHSSC develop impact on the population of Wales. To ensure equity between South, West, Mid and North Wales, WHSSC will include this when undertaking an equality impact assessment.

⁵ <https://gov.wales/sites/default/files/publications/2021-03/a-more-equal-wales.pdf>

⁶ [Welsh Language Act 1993](#)

⁷ [Welsh Language \(Wales\) Measure 2011](#)

⁸ [The Welsh Language Standards \(No. 7\) Regulations 2018](#)

1.6 Human Rights

Human rights are covered by The Human Rights Act 1998⁹ which sets out the fundamental rights and freedoms that everyone in the UK is entitled to under the European Convention on Human Rights.

The Human Rights Act came into force in the UK in October 2000. The Act has three main effects:

- Justice can be sought in a British Court or tribunal if a European Convention right is violated
- Public Bodies must not act in a way that is incompatible with the European Convention
- Law must be compatible with European Convention rights

As a public body the NHS must treat people with respect and protect their human rights. These rights are set out in a series of 'Articles', those articles that are relevant to the NHS are:

- Article 2 Right to life
- Article 3 Freedom from torture and inhuman or degrading treatment
- Article 5 Right to liberty and security
- Article 6 Right to fair trial
- Article 8 Respect private and family life, home and correspondence
- Article 11 Freedom of assembly and association
- Article 12 Right to marry and found a family

The Equality and Human Rights Commission (EHRC) is a statutory non-departmental public body that was established by the Equality Act 2006. This commission operates independently to challenge discrimination, promote equality of opportunity and protect human rights.

To ensure these rights have been considered WHSSC will include these when undertaking an equality impact assessment¹⁰.

⁹ [Human Rights Act 1998](#)

¹⁰ [Home Page | Equality and Human Rights Commission](#)

2. What is an Equality Impact Assessment (EQIA)

An EQIA considers the impact of WHSSC activities or policies across all the protected characteristics and the impact they may have on people living in less favourable social and economic circumstances.

The aim of the EQIA is to:

- Understand the effects of a policy, service or activity by assessing the impacts on different groups of people
- Help identify any adverse impacts that may be made, and take action to remove or mitigate them to ensure all communities and groups are equally served
- Identify opportunities to promote equality through the changes
- Ensure that all decisions/recommendations are proportionate, transparent and based on evidence with clear reasoning
- Identify any inequalities of outcome which may result from socio-economic disadvantage.

2.1 When should an EQIA be completed

The EQIA should be undertaken when a need for a new policy, service or activity is identified, or when an existing one is reviewed. This should initially be assessed and documented at the scoping stage, and then should be reviewed at all subsequent stages of development, including validation and publication.

2.2 Who should complete the EQIA

The EQIA should be carried out by the lead developer. The Executive Lead should review this EQIA to ensure it has been completed objectively. In some cases, involving communities affected by the changes in writing the EQIA will be appropriate.

2.3 Consultation and Validation of the EQIA

The EQIA should be submitted to the appropriate approval committee (WHSSC Policy Group or WHSSC Corporate Directors Group) alongside the scope for approval of policy development and, then with the policy at the consultation and validation stage.

2.4 Stages of Equality Impact Assessment

There are two stages of the equality impact assessment process:

- **Stage 1** - screening to identify if there are any equality/socio-economic issues
- **Stage 2** – conducting a full, in depth assessment of the impact on one of the more of the protected characteristics, or socioeconomic disadvantage, only if a negative issue is identified at Stage 1.

Stage 1: Equality Impact screening

Through answering a series of questions, this stage helps to identify the potential differences a policy, service or activity will have for people or groups with protected characteristics or at socio-economic disadvantage.

This process of screening can highlight whether those differences are likely to have a positive, negative or neutral impact on the protected characteristics or inequalities of outcomes and can help determine the outcome of the impact as shown in table 1.

The EQIA screening form (appendix 1) should be completed at the scoping stage, using the information documented in the scope. The screening form should be reviewed and updated as necessary throughout policy development. A final draft version should be included in stakeholder consultation, and the final version should be published alongside the policy.

When completing the EQIA screening form consider what aspects of the policy, service or activity are relevant to the protected characteristics, or socio-economic duty, including:

- What is the aim of the policy?
- Who is the policy for?
- What evidence has been considered in preparing for the decision, are there any gaps in the evidence?
- What does the evidence reveal about people and groups with protected characteristics including socio-economic disadvantage?
- What are the potential impacts of the policy on people with protected characteristics or experiencing socio-economic disadvantage, especially regarding inequalities of outcomes, will it reduce or increase them?
- Are some communities of interest or communities of place more affected by disadvantage by this policy than others?
- Could the policy be improved so it reduces the impact on people with protected characteristics or reduce the inequalities of outcome?
- How will the views and experiences of people experiencing socio-economic disadvantage be used to inform decisions within the policy?

Table 1: Impact and Outcomes of stage 1 - screening

Negative impact	The policy, service or activity may result in inequalities or discrimination for one or more of the protected characteristics.	A full EQIA is needed (Stage 2)
Neutral impact	The policy has no specific impact or relevance to equalities or and has no impact on any of the protected characteristics (this is an unlikely outcomes of a change to service or policy)	No further action is needed
Positive impact	The policy has a positive impact on one or more of the protected characteristics, or there is an improvement in the relationship between people who share the same protected characteristic.	No further action is needed

Stage 2: full equality impact assessment

A full EQIA is conducted when a negative impact has been identified at the screening stage.

Action to be taken at this stage:

- Review current evidence to see if the negative impact can be justified or changed.
- Gather additional evidence (if necessary) to see if the negative impact can be justified or changed.

Any action to be taken should be planned and monitored until a final outcome has been reached.

The outcomes of this stage are shown in table 2.

The full equality impact assessment form (appendix 2) should be used for this stage and the final version of this together with the final version of the screening document is to be included at stakeholder consultation.

Completed equality impact assessments should be available under freedom of information (FOI) requests¹¹, all evidence used to complete the assessment should be filed with the completed assessment.

¹¹ [How to make a freedom of information \(FOI\) request: Overview - GOV.UK](https://www.gov.uk/guidance/how-to-make-a-freedom-of-information-foi-request)

Table 2: Outcomes of stage 2 – full impact assessment

Continue	The EQIA identified the potential for a negative impact or discrimination. However, these can be clearly justified and the policy can continue. This justification should be documented in the EQIA.
Adjust	The EQIA identified a potential problem or missed opportunities, and the policy was adjusted to remove any discrimination.
Stop	The policy shows actual or potential for unlawful discrimination, which cannot be justified, and therefore the development must be stopped and changed or removed/abandoned.

2.5 Evidence to inform the EQIA

Evidence that will inform the development of the policy, service or activity can be used to inform the EQIA.

This includes evidence from formal reviews that have been carried out by organisations such as, Health Technology Wales, Cedar, NICE, AWMSG, NHS England and any other published sources that inform development.

Evidence used to develop the scope should be used to inform the EQIA, as this will include information on the population or local community that is affected by the policy, service or activity.

Other relevant sources of information for equalities are:

- [Public Health Wales Observatory](#)
- [Office for National Statistics](#)
- [Welsh Government Statistics](#)
- [World Health Organisation \(WHO\)](#)
- [Census](#)
- [Chief Medical Officer annual report](#)
- [Patient Episode Database for Wales \(PEDW\)](#)
- [Quality Outcome Framework \(QOF\)](#)
- [MAIR](#)
- [Welsh Health Survey](#)

Information from regional population needs wellbeing needs assessment¹², which are completed as part of the Social Services and Well-being Act 2014¹³ can also be used when completing the EQIA.

Relevant sources of data for information on socio-economic disadvantage are:

- [The Equality and Human Rights Commission measurement framework for equality and human rights](#)
- [The Equality and Human Rights Commission's report Is Wales Fairer](#)
- [Public Sector Equality Duty](#)
- [The Welsh Government's Future Trends report](#)
- [The Welsh Government's Well-being of Wales Report](#)
- [Chwarae Teg's Gender Equality Review](#)
- [Older Peoples Commissioner for Wales State of The Nation Report](#)
- [Children's Commissioner for Wales Reports](#)
- [StatsWales](#)
- [Office for National Statistics](#)
- [Relative Income Poverty \(Households Below Average Income\)](#)
- [Persistent Poverty](#)
- [Wellbeing and Finances, including Material Deprivation \(National Survey for Wales\)](#)
- [Office for National Statistics Income and Wealth data](#)
- [The Welsh Index of Multiple Deprivation \(WIMD\)](#)
- [Joseph Rowntree Foundation Poverty in Wales Series](#)
- [Well-being of Future Generations \(Wales\) Act](#)

¹² [Population needs assessment 2021 to 2022 | GOV.WALES](#)

¹³ [Social Services and Well-being \(Wales\) Act 2014](#)

3. Evidence used to informed this policy

The following documents have been used to inform this policy:

- [Equality Act 2010](#), UK Government
- [The Equality Act 2010 \(Specific Duties\) Regulations 2011](#), UK Government
- [Equalities Impact Assessment Guidance](#), Equality and Human Rights Commission, Wales.
- [Equality Impact Assessment in Wales Practice Hub](#), NHS Wales
- [Equality Impact Assessment Policy \(2015\)](#), Cwm Taf Morgannwg University Health Board

4. Date of Review

This document will be reviewed in 2025 or when information is received which indicates that the policy requires revision.

Appendix 1 - Equality Impact Screening Form

EQIA Screening Form			
Policy Name			
Version		Date	
Brief description of what is being screened			
Protected Characteristic	Negative Impact	Neutral Impact	Positive Impact
Age			
Disability			
Gender reassignment			
Marital Status/Civil Partnership			
Pregnancy and Maternity <i>(including breastfeeding)</i>			
Race			
Religion and belief			
Sex			
Sexual orientation			
Socio-economic duty			
Welsh Language			
All Wales			
Human Rights			
A full equality impact assessment must be undertaken for any negative impacts			
Date when consultation will take place			
From		To	
Completed by		Date	
Signed off by		Date	
Approved by		Date	
Were any issues identified at consultation that were not previously taken into account?			
Final version approved by		Date	

Appendix 2 – Full Equality Impact Assessment Form

EQIA Full Assessment Form			
The full assessment is undertaken when a negative impact is identified at screening			
Policy Name			
Version		Date	
Brief description of what is being assessed			
What Protected Characteristic (s) were screened as having a negative impact?			
Age		Disability	
Gender reassignment		Marital Status Civil Partnership	
Religion and belief		Pregnancy and Maternity (inc breastfeeding)	
Sex		Sexual orientation	
Socio-economic		Race	
Welsh Language		Human Rights	
All Wales			
After reviewing the evidence what was the outcome?			
Continue		Adjust	Stop
<p>Continue? Please enter a description of the reasons why include reference to evidence used.</p> <p>Adjust? Please enter a description of what has been changed and why and include reference to evidence used</p> <p>Stop? Please enter the reasons and the next course of action that is being taken</p>			

Date when consultation will take place			
<i>From</i>		<i>To</i>	
Completed by		Date	
Signed off by		Date	
Approved by		Date	
Were any issues identified at consultation that were not previously taken into account?			
Final version approved by		Date	