Equality Analysis / Impact Assessment Guidance

The purpose of this guidance is to support the completion of Equality Analyses.

This document should be used together with the Equality Analysis Template.

It is recommended that the guidance document is read through fully prior to commencing an Equality Analysis. Training is also available on the Learning Management System.

For further advice, contact: equality.analysis@newcastle.ac.uk

Contents

1. About Equality Analysis

What is Equality Analysis?

Equality Analysis (sometimes referred to as Equality Impact Assessment) is an evidence-based process that the University uses to consider the potential impacts, both positive and negative, of key decisions about our University that affect our people – our students, colleagues and service users. This includes new and revised strategies, policies, procedures, practices, services, key plans and major projects.

Equality Analysis (EA) helps us to proactively meet our legal obligation under the Equality Act's Public Sector Equality Duty to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by the Act.
- 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 people who do not share it.

It considers the nine protected characteristics:

- Age
- Disability
- Gender affirmation[1]
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Our process also provides opportunity to consider other factors relevant to inclusion, such as parental responsibilities and socio-economic background.

Why do we need to do it?

When we design or make changes to how we do things or what we provide, it may seem that they apply equally to everyone and that this is fair. However, it is all too easy to make decisions or create policies or processes that have unintended consequences for certain groups or are not inclusive of everyone. With closer consideration, we may find that a particular group might be impacted more than others, may be put at a disadvantage by the approach, or may not be able to access or benefit equally from it.

By embedding EA in our planning and decision-making, we can ensure that the key decisions we make do not unintentionally exclude or disadvantage people, but instead promote equality and foster inclusivity and respect for all.

EA ensures our decision-making aligns with our vision to be an inclusive global university community and upholds our values, as well as protecting our reputation as an employer and education provider. The Equality Analysis process enables documented equality deliberations and conclusions and shows transparency and accountability to our wider community.

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[1] The terminology in the Equality Act is gender reassignment but we use the term gender affirmation on the advice of our Rainbow network.

What needs an Equality Analysis?

EA is required when we make changes to how we do things or what we will do or provide relating to our core functions (e.g. teaching, research, employment) that will affect our colleagues, students, or service users.

In practice, this means it should take place for: strategies, major funding allocations, organisational change, service and system changes, policies, procedures and practices, major plans and projects that are:
- New
- Revised/changed or removed
- Have had no previous EA, the previous EA is more than 5 years old or is not fit for purpose

There are often 'unwritten' long-standing customs and practices, or new policies that gradually evolve without ever being formally set out and become 'the way we do things here'. These can have equality impacts and should be identified and scheduled for EA wherever possible.

EA should take place at University, Faculty, School/Unit and Service level in line with the level at which the planning or decision-making process is taking place. However, it should only take place at Faculty/School/Unit/Service level if the unit in question has control over the decision-making process or is making significant changes to something decided or designed at University-level.

EA is not for day-to-day decision-making, it is for planning and more strategic decision-making. It is also not for making decisions about an individual – we wouldn't use EA to decide if a policy was discriminating against one person, but we would use it to design an inclusion policy from the outset, or to review and update a policy.

> **Use the EA screening tool**
> To help you identify if an EA is needed, you can use the EA screening tool, which guides you through a series of questions to help you reach a decision.

Examples of what we would do an EA for:
- Strategies and strategic plans
- Major plans
- Policies
- Procedures
- Guidance
- Codes of conduct
- Organisational change e.g. restructure, closure, major change to how a function is delivered
- Business cases for a major project
- New or significant changes to services or systems
- Change to a provision or benefit e.g. pensions
- Proposals in executive board/committee papers that would lead to any of the above

What might happen if we don't do it when we should?

If we fail to do an EA when we should, we risk making poor and unfair decisions which may discriminate against particular groups and worsen inequality. If the impact of our decisions on different groups is not considered this may lead to avoidable poorer outcomes which bring additional financial burdens at a later stage. The decision, policy or approach may be open to legal challenge, which is costly and time-consuming.

When should the Equality Analysis happen?

It should happen as part of the planning or decision-making process so that it can inform the approach taken and decisions made. This means it should happen early in the process, rather than at the end of the process. It
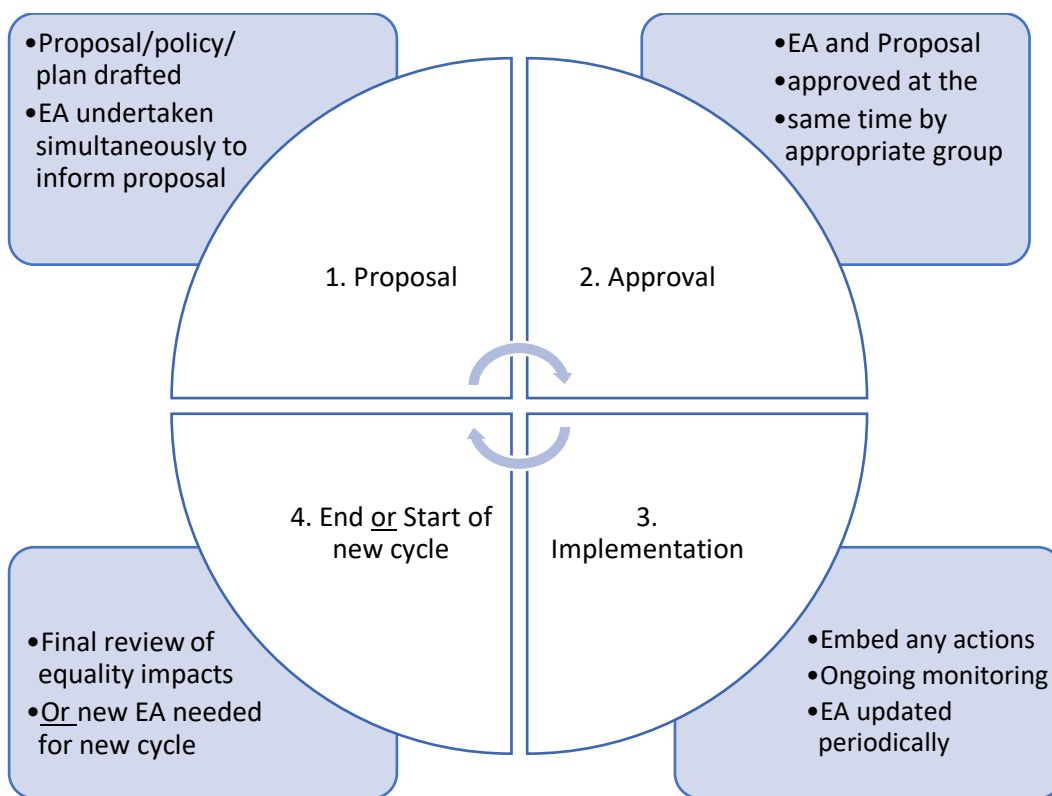
should not be seen as a separate exercise to undertake but should be built in as an integral part of the process and happen in tandem with it. Doing it this way also makes it easier to gather the information required as part of the process, e.g. through asking questions about equality, diversity and inclusion (EDI) during any consultation activity you undertake.

The EA should be presented alongside the proposed strategy/policy/plan/change for approval so that the decision to go ahead or not can be made with knowledge of any EDI implications. It is not appropriate for a decision to be taken on the proviso that an EA will be completed afterwards.

Staged EAs for strategies and long-term projects
- For strategies, it can be useful to do an initial EA for the proposed strategy, and then to follow this with an updated EA relating to any action plan that sits underneath the strategy.
- For complex or long-term projects and plans, interim EAs may be published at various stages e.g. business case, planning stage, review stage, to share equality considerations as things progress.

The Equality Analysis Cycle

1. Proposal
- Proposal/policy/plan drafted
- EA undertaken simultaneously to inform proposal

2. Approval
- EA and Proposal
- approved at the
- same time by appropriate group

3. Implementation
- Embed any actions
- Ongoing monitoring
- EA updated periodically

4. End or Start of new cycle
- Final review of equality impacts
- Or new EA needed for new cycle

Who should do the Equality Analysis?

The owner of the process/plan/policy/change should be the one to lead the EA, as they have overall responsibility for ensuring EDI is embedded into their area of responsibility. They also retain ownership of the EA. In practice, a small team may contribute to the EA, but this is not obligatory. EDI team members are available to provide advice when needed but cannot undertake the EA (unless it is about a policy/project owned by the EDI team) as they do not have the required knowledge of the policy/proposal in question.

How thorough does the Equality Analysis needs to be?

The level of depth and detail of the EA and the time and efforts put into it should be guided by:

- **Relevance** - EDI is relevant to all that we do; however, policies, plans, changes and decisions etc. that are of higher relevance to EDI for our students, colleagues and services users will need a more thorough EA, while those of lower relevance to EDI can have a lighter-touch approach.
- **Proportionality** - When the relevance to EDI, scale or seriousness of potential impacts, or the amount of change being proposed are greater, it is proportionate to take a more in-depth approach.

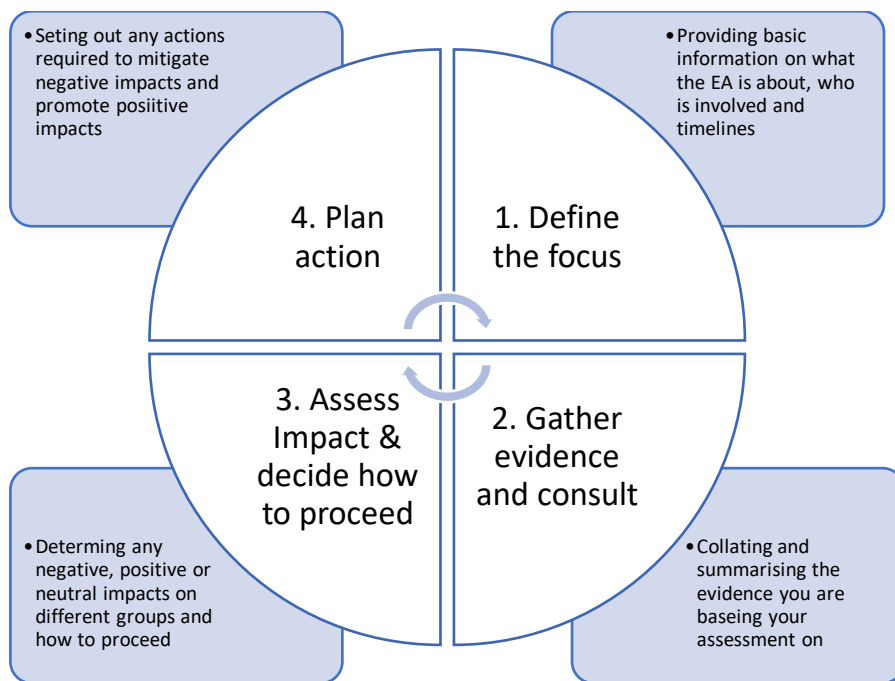Below are suggestions for determining what requires a more thorough approach:

- **Scale of change** – for a whole new approach or lots of changes to a previous approach more work will be required than for minor changes to an existing approach (when an EA has already been undertaken in the past).
- **Scale of impact** – how many people will be affected within the University or Faculty or Unit, or the likelihood that it will affect a high proportion of particular protected groups, e.g. a change that will affect everyone or a large number of people, or a change that will effect a large number (compared to overall numbers among students/colleagues) of one group such as disabled people or those with a particular faith.
- **Seriousness of potential consequences for individuals** – even when only a small number of people will likely be affected, if the potential consequences are serious for them, a more in-depth approach is appropriate e.g. consequences of disciplinary policies and restructures involving redundancies can be significant for individuals concerned.
- **Relevance to EDI** – if what you are planning or considering is relevant to eliminating unlawful discrimination, harassment or victimisation, advancing equality of opportunity or fostering good relations then a more detailed approach is needed.
- **When negative impacts have been identified** – if the evidence and/or information gathered through consultation indicate any potential negative impacts, it is appropriate to do more work to understand these more fully and to develop mitigating actions.

Length of an EA

Remember that the quality of an EA is not measured by its page count but by the quality of the analysis, the action taken as a result and the outcomes achieved through implementation. An EA is not intended to cover every single event/situation that might happen but to get you to think about how your decision could affect certain individuals or groups and what action you need to take as a result.

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2. How to do an Equality Analysis

Our EA process involves four steps, as depicted here. The remainder of this section will guide you through this process.

The diagram shows a four-step cycle:

- **4. Plan action** — Seting out any actions required to mitigate negative impacts and promote posiitive impacts
- **1. Define the focus** — Providing basic information on what the EA is about, who is involved and timelines
- **3. Assess Impact & decide how to proceed** — Determing any negative, positive or neutral impacts on different groups and how to proceed
- **2. Gather evidence and consult** — Collating and summarising the evidence you are baseing your assessment on

STEP 1 – Define the focus

In this step you provide basic information about what the EA is about, who is responsible for it and the timelines.

In the template, you should outline what the EA is about – the policy, plan, strategy, project, etc. that it is considering. Provide a summary of what it is, its purpose and aims and any relevant background information that will help the reader understand the EA.

Where relevant, you can identify any specific aspects that the EA is focusing on, for example, if it is focusing on a particular part of a wider service, system or plan.

You are also asked to identify who will be affected. Consider this in a broad sense. For example, it may be a policy focused on students, but its application may involve and impact on colleagues and external partners.

Additionally, you are asked to identify if the EA is for something new or something that is being revised or reviewed. If it is new, then your analysis will be predictive – looking forward and anticipating what negative or positive impacts on EDI there might be. If it is for something that is being revised, reviewed or changed, the analysis will be both retrospective – looking back at what impacts there have been - and predictive – looking forward to potential future impacts, particularly in regard to any changes being made.

STEP 2 – Gather evidence and consult

In this step you gather relevant information to enable you to evaluate if what the EA is about is likely to, and/or has previously had, a positive, negative or neutral impact on particular groups of people.

This involves:
- Firstly, gathering and analysing available evidence

- Then, [consulting](#) with relevant stakeholders

In the template, you should summarise the information sources you have used and any consultation you have undertaken, along with the key findings from this that are relevant to EDI – what the information told you. If you have a lot of information, it can be helpful to include this as a separate document as an appendix.

Bear in mind that to protect anonymity, you should not report numbers for any group that are less than 5, or percentages based on less than 5 people, which may mean you have to leave figures out for some groups. Instead, you can say 'less than 5' or suppress (don't provide) the numbers.

Evidence

A wide range of evidence may be relevant to your EA. Please contact the EDI team (equality.analysis@newcastle.ac.uk) who can advise on the best evidence to use, if you are unsure. Examples include:

- **Colleague and/or student diversity profile and study or employment related data**, as appropriate to what the EA is about:
    - Data on who is affected/who it applies to and their protected characteristics.
    - Course or study-related data by protected characteristic, such as level of study, programme of study, retention or degree outcomes.
    - Employment data by protected characteristic, such as job families, part-time/full-time, fixed-term/permanent, grade, salary.

- **Take-up/usage data by different groups** – where available, data on who has used or participated in the service, policy, system, project etc. in question, by protected group where possible (you will likely not have information on all the protected characteristics but look for as much as you can).

- **Comparator/benchmarking data (internal or external)** – comparing your data with benchmarking data can help to reveal if there are low or high numbers of a particular group in your population in question e.g. if a service or policy is being used by a higher proportion of women than are in the student/colleague population overall this may indicate barriers to uptake by men.
    - You may find it helpful to compare any colleague data you have with the University-wide situation shown in our Annual EDI Report [here.](#)
    - There is also a student diversity data dashboard available from the Planning team.
    - External benchmarking data sources are listed on the EA evidence resources page.

- **Survey results** – draw on findings of any available surveys as appropriate to the EA and pull out anything specific to any particular groups, if you can.

- **Feedback and anecdotal evidence** – you can draw on information received from colleagues or students that is relevant to what the EA is about. For example, feedback gathered through evaluation activities, surveys or focus groups, or provided in meetings. The knowledge and experience of colleagues working in a relevant area or who have implemented this or similar approaches in the past is also useful evidence. See [this section](#) for more information on consultation.

- **Reports of discrimination, harassment, victimisation, complaints, concerns or grievances** – where relevant to the EA and available, include information about these (anonymised).

- **Findings of research/reports** – external evidence sources are particularly useful when there are gaps in our internal evidence or to supplement our own evidence. There are many published reports on EDI in UK HE that can be cited, and relevant findings summarised to support the analysis (see EA <u>evidence resources</u> for examples).

> **What if there are gaps in the evidence?**
> You are unlikely to have all the information you would ideally want, but the important thing is to make best use of the information you have. Decisions will need to take into account information deficiencies and reach the best judgement possible using what is available. Where there are significant gaps in the information available that limit the EA <u>consultation</u> can help you to fill them. You may still be left with gaps, which you should note in the form and where possible identify how you will seek to address this in your plan at Step 4. This may include further engagement activity to gather feedback or changes to data collection or monitoring going forward to gather more information. Any new information you obtain should be used to update the EA, and any actions that are required.

Consultation

It is recommended that, wherever feasible, you consult/engage people affected by what your EA is about or people who can provide insight into the possible impacts for different groups, in order to understand different experiences and needs, and how the proposal/policy/change may affect different groups. This is particularly important when there is a lack of existing data or evidence or if there is any indication that there may be negative implications for any group(s).

Use the template to summarise the main issues highlighted in the consultation. A full report is not required. If there is concern that there may be negative impact with regard to one or more protected characteristics, this should be captured in the action plan (Step 4).

You will need to identify the most relevant and proportionate means of consultation. Sometimes a more thorough approach is needed, while at other times consulting a relevant committee or group and/or some relevant individuals will be sufficient. This guidance relating to <u>relevance and proportionality</u> can help you decide on the scale of consultation required.

Who should you consult?
It will depend on what the EA is about and who it affects. For employment related changes, you need to consult those whose employment will be affected, and consideration of EDI should be built into this process. For policies, projects and strategies affecting all or large groups of students or colleagues, a broader approach is needed. Suggestions are provided below.

Forums/groups for consultation include:
- University EDI Committee – for matters affecting the whole university or large groups of people and when EDI impacts are expected/likely. Items can be tabled at EDI Committee, either through firstly being considered at EDI Consultative Group (see below) or via Faculty EDI Committees.
- Faculty EDI Committees – for matters affecting large groups of people and when EDI impacts are expected/likely within particular Faculties.
- EDI Consultative Group – for consultation on matters that affect the whole University or large groups of people and when EDI impacts are expected/likely. Please email <u>equality.analysis@newcastle.ac.uk</u> to discuss if you would like to consult the group.

- School EDI Committees – for consultation on matters relating to a particular school.
- NUSU sabbatical officers – for matters relating to students.
- Colleague and PGR EDI networks - for consultation on matters that affect particular protected characteristic groups. Please email edi-team@newcastle.ac.uk to discuss if you would like to consult a network.

Suggestions for how to consult
- Gather feedback and experiences from students/colleagues affected e.g. through listening sessions, meetings, interviews, surveys or focus groups.
- Send or present the draft of your policy, strategy, or plan etc. to relevant people/groups and ask for comments on how it may impact them or those from particular groups in a positive or negative way.
- Ask former users of the policy, procedure, or service etc. for their experiences of using it.
- Refer to already available consultation data/results/findings your team/unit holds, including for something related but not exactly the same.
- Ensure future surveys and other feedback mechanisms relating to the area ask relevant questions to assist you with future EAs.

Timing and confidentiality
- **Remember to provide enough time for consultation**, bearing in mind that some individuals (e.g. EDI network members) will likely be providing feedback in their own time and not as part of their job.
- For all consultation you should **ensure confidentiality** of responses and do not name individuals in the EA document without their consent.

STEP 3 – Assess impact and decide how to proceed

Step 3 requires consideration of the equality impacts that the proposal has, or is likely to have, in relation to each of the protected characteristics, using outcomes from the evidence and consultation in the previous step.

You are looking for any findings from your evidence and consultation that suggest a possible negative or positive impact, implication or consideration for any group. Where no negative or positive impacts can be identified, you can specify if you anticipate a neutral impact for a particular group (neither negative nor positive). If after gathering as much information as you can you still cannot identify impacts, for example, because you don't have any evidence relating to a specific group, you should note this and explain if this limits the assessment. Where possible, identify how you can seek to develop greater knowledge of any impacts in future.

Consider all the protected characteristics of the Equality Act 2010 - there is a box in the template for each. Where relevant, you can also consider combinations of protected characteristics (intersectionality) and other relevant considerations, such as parental responsibilities or socio-economic background. There is a box for each of these too.

There are prompts in the template to help you think about negative and positive impacts and these are further explained in the following section. These will not all be relevant to every EA but aim to guide your thinking. You should fill in as much of the template as possible.

At the end of Step 3 in the template you have space to summarise key findings, which is a useful place to highlight your overall conclusions as well as any findings that are relevant to multiple groups. You will also be

asked to decide [how you will proceed](#) at the end of step 3.

Type of impact	Explanation
Negative	Findings that suggest a possible negative implication or consideration for a group.
Positive	Findings that suggest a possible positive implication or consideration for a group.
Neutral	Findings that are neither negative nor positive. This is not the same as unknown impact.
Unknown	When you don't know about impacts for some groups, e.g. no evidence. Note this and consider how to fill gaps in future – add to action plan.
Impacts relating to other factors	For example, relating to working pattern, socio-economic background, parenting responsibilities – use other considerations box.
Impacts relating to a combination of characteristics	For example, when there is an impact for women of colour (combination of sex and race) – use intersectionality box.
Impacts relating to multiple groups	When impacts could affect multiple groups use the summary box to capture this.

Identifying negative impacts

The following are prompts for things to look for in regard to negative impacts, considerations or findings. These will not all be relevant to every EA and there may well be other types of negative impacts that you can identify.

- [A group being treated less favourably](#)
- [A group being placed at a disadvantage](#)
- [A group being impacted (negatively) more than others](#)
- [Not making reasonable adjustments for disabled people](#)
- [Barriers to access and participation](#)
- [Poorer experiences or outcomes](#)

A group being treated less favourably
A student, colleague or service user is directly discriminated against if they are treated less favourably than others and this is because of a protected characteristic. Consider whether the policy, plan or service treats or could treat someone worse than others because of their protected characteristic. Consider not only whether the proposal/policy itself treats a group less favourably, but also whether during its implementation there is a risk of this occurring, for example because of prejudices or lack of understanding among those implementing it. Identify if there are any key decision-making or interaction points where prejudices could influence what happens and potentially lead to discrimination.

It is lawful to treat a group less favourably in certain circumstances:
- To comply with other law (e.g. minimum licensing age for alcohol is not age discrimination).
- The law states that it is not considered direct discrimination if you treat a disabled person more favourably than a person who is not disabled. It is lawful to make reasonable adjustments in relation to employment, education and services to ensure equality of opportunity for disabled people.

- It is not direct discrimination if you give women special treatment in connection with pregnancy or childbirth.
- When taking positive action to address disadvantage, underrepresentation or particular needs of a protected group.

Examples:
A mental health and wellbeing officer refuses to offer a service to a student because they believe the student to be gay or because the student is gay.

A manager does not shortlist an older job applicant because of an assumption that they would not fit well with the existing team due to their age.

A group being placed at a disadvantage
Indirect discrimination occurs when a policy, change or decision is neutral on the face of it, or is designed to be open to or apply to everyone, but it inadvertently puts someone at a disadvantage because of their protected characteristic. Consider whether any requirements, rules or conditions might be more difficult for someone to meet because of their protected characteristic, or whether any arrangements relating to the policy, plan or proposal might put someone at a disadvantage because of their protected characteristic.

Indirect discrimination can be objectively justified in limited circumstances when the provision, criterion or practice is shown to be a 'proportionate way of achieving a legitimate aim'. In the context of higher education this may include ensuring the health and safety and welfare of students or colleagues as well as maintaining academic and other standards.

Examples:
A student support service requiring all colleagues to work at least one Saturday a month could indirectly discriminate against observant Jewish colleagues.

A job advert that requires 10 years of experience in a particular field could disadvantage younger applicants and people who have taken career breaks, who are more likely to be women or disabled people.

A group being impacted (negatively) more than others
Consider whether what you are planning, or reviewing will or has in the past affected one group more than others in a negative way. To do this, you will need some idea of the population that will be affected regarding protected characteristics, and how this compares with the wider student or colleague population.

Examples:
The closure of a programme of study that has a high proportion of mature students compared to the student body as a whole could disproportionately affect older students.

Changes to a pension scheme for colleagues on lower grade contracts may disproportionately affect women (who tend to be overrepresented at lower grades) and those of lower socio-economic groups (not a protected characteristic but can be considered in an EA).

Not making reasonable adjustments for disabled people
The University has a legal duty to make reasonable adjustments for disabled colleagues, students and service users to enable them to participate fully in work, education and our services. Adjustments can be made in different ways: changing the way things are done, for example, providing teaching materials in alternative formats; making changes to the physical environment, such as providing inclusive access to buildings; providing

auxiliary aids and services, such as assistive software for an employee with a visual impairment. This duty is anticipatory; we have to think ahead, plan and act in advance, as far as we reasonably can, to meet the requirements of disabled students, colleagues and services users.

You should also consider if application of the policy/decision/plan may mean that reasonable adjustments for individuals affected need to be reassessed and provided again. It may be necessary to provide colleagues or students with the opportunity to inform the University of a Disability, as part of the new/revised policy or change.

Examples:
A team is to be moved to a new office which is not fully accessible and may not meet the requirements of two team members, who are not asked about their needs in relation to the new space. There may be more colleagues with disabilities who have not yet disclosed these or been provided the opportunity to do so as part of the planning of the move.

A policy that does not allow any food in seminars and lectures could negatively impact a student with diabetes who needs food in case of low blood sugar if it does not allow for reasonable adjustments.

Barriers to access and participation
Consider whether people sharing a characteristic may require different provisions or approaches in order to participate, access or benefit from what you are planning. Identify whether there is evidence of lower participation, uptake or usage of what you are considering by different groups, which may suggest barriers to access and participation. For example, underrepresentation in areas of employment, areas of study, or lower uptake of a policy or service. Additionally, think about whether there any reasons why some colleagues or students may not take advantage of what is offered/proposed, and whether this may be relevant to any groups more than others.

Examples
Underrepresentation of disabled people among University employees suggests there are barriers to disabled people being offered or entering University employment, or telling the University about their disability.

Lower uptake of careers service sessions among international students and students of colour and feedback gathered suggests a lack of awareness of careers provision among these groups.

People with primary responsibility for young children, who are more likely to be women, not being able to participate in meetings and events that occur in the late afternoon.

Poorer experience or outcomes

If there is evidence of a group having an experience that is worse than other groups' or worse outcomes than others, this indicates that there are factors that are negatively impacting them. These factors will often be multi-factorial and complex and not just related to what you are looking at through the EA. However, there may be aspects of what you are looking at that can be linked to these experiences or outcomes and changes or adjustments that can be made that could make a difference.

Example
Students who are unpaid carers report poorer experiences of their University courses than others as part of a student survey.

> Colleagues from ethnic minority groups have been less successful in promotion applications than white colleagues over the last three years and are underrepresented at senior levels.

Identifying positive impacts

The following are prompts for things to look for in regard to positive impacts, considerations or findings. These will not all be relevant to every EA and there may well be other types of positive impact that you can identify.

- Enabling access and participation
- Anticipatory adjustments for disabled people
- Improving colleague/student experience or outcomes
- Preventing discrimination, harassment or victimisation
- Fostering good relations

Enabling access and participation
You may identify ways in which what you are considering is already aiming to minimise barriers to access or participation, or ways in which it could do so. Consider if it is likely to or could encourage or facilitate any particular group(s) in joining the University/Faculty/School/Unit, especially if that group is underrepresented (a low proportion of the group among students or colleagues). Think about whether it could enable any group/s to take-up or access a particular service or policy, or benefit from an opportunity they might not otherwise. Also consider whether there is potential to increase or encourage diversity through what you are planning, e.g. seeking diversity of participants, users or perspectives.

> **Examples**
> A recruitment initiative for senior academic colleagues includes positive action statements to encourage applicants from underrepresented groups to apply and the recruitment campaign includes information on the University's commitment to EDI, EDI Networks, projects and events.
>
> An EA of a new personal relationships Code of Conduct identifies that LGBTQ+ colleagues may not feel comfortable disclosing a personal relationship to their line manager. The Code instructs all records concerning close personal relationships to be kept strictly confidential and alternative options for disclosing a relationship to contacts in People Services will be provided.

Anticipatory adjustments for disabled people
The University has a legal duty to make reasonable adjustments for disabled colleagues, students and service users to enable them to participate fully in work, education and our services. This duty is anticipatory; we have to think ahead, plan and act in advance, as far as we reasonably can, to meet the requirements of disabled students, colleagues and services users. Taking an anticipatory approach to meeting the requirements of disabled students or colleagues can result in positive impacts for individuals. An anticipatory approach could, for instance, include providing teaching materials in alternative formats as standard to enable all students to use them, providing inclusive access to buildings or providing closed captioning as standard in events and lecturers.

> **Examples:**
> New events guidance requires events to be planned in accessible venues as far as possible, to ask delegates for any access requirements in advance and for all online events to provide closed captions as standard.
>
> An EA finds that a prayer room does not have step free access, so a ramp will be provided. Future developments of faith space provision will build accessibility in from the start.

Improving colleague/student experience or outcomes
Many of the things we plan are intended to improve the experience of colleagues or students. For the EA, think about whether what you are planning could improve the experience of colleagues or students from a particular group. Consider who might it benefit in particular and how does it improve what we provide that would be of particular benefit to any group(s).

Examples:
Positive enhancements to a relocation policy for new colleagues moving to Newcastle from abroad would likely improve the colleague experience for people of non-UK nationalities and minority ethnic groups.

A new self-serve student data platform is intended to be of benefit to all students, but may particularly benefit students who

Preventing discrimination, harassment or victimisation
You may have planned already or may be able to identify ways in which a policy, project or plan will seek to prevent discrimination, harassment or victimisation from occurring. Consider whether there are ways in which what you are planning can help people understand what these are and what the expectations of behaviour are for Newcastle colleagues and students, such as through information, training etc., as well as what systems the University has for reporting and responding to incidents and what support is available e.g. our Survivor Support Service

Examples:
Student induction includes a session on the University's values, the student code of conduct and what discrimination, harassment, victimisation are, as well as how to report any incidents and the support available.

A new disciplinary policy requires all colleagues involved in making decisions to do with disciplinary cases to undertake EDI training, which covers what discrimination, harassment and victimisation are, as well as unconscious bias training. The new policy also includes discrimination, harassment and victimisation as matters that would always initiate the formal disciplinary process.

Fostering good relations
Fostering good relations is about promoting tolerance and respect for diversity across staff and student bodies. It includes tackling bias or prejudice, and/or promoting understanding between groups. Consider whether there are any existing or potential tensions between groups in relation to what you are planning or considering through the EA and whether it could seek to develop understanding and engagement between social groups, promote knowledge of differing lifestyles, beliefs and social groupings, clearly demonstrate that harmful perceptions, assumptions and intolerance within the institution are challenged and/or actively engage in community development and understanding.

Examples:
An academic unit identifies ways to foster good relations across its academic programmes including: making explicit to students the standards of conduct expected in the way that they interact and dealing promptly and appropriately with inappropriate behaviour, identifying opportunities within teaching for students to work collaboratively in diverse groups and devising creative and respectful ways of using the diverse experiences of students to add value to the learning experience for everyone.

A communications policy and accompanying plan identify opportunities to celebrate national and international dates of significance to different protected characteristics, ensuring balance across the year and engaging with

Deciding how to proceed

At the end of Step 3, the template asks you to identify whether your assessment suggests that the proposal/policy/initiative should not go ahead or be altered to address negative impacts or enable positive impacts. Take everything positive and negative into account and consider your decision.

You may decide to:
- **Stop/pause** – decide to stop the proposal due to the evidence showing negative impact to one or more groups that would make it unwise to proceed given the potential for unlawful discrimination or the effort and cost of managing negative impacts. Or you may decide to pause until you know more about impacts and what steps might be taken.
- **Alter in order to address impacts** – alter the proposal or take additional steps to eliminate any negative impact and/or promote positive impact. If you choose this option, you should set out the actions required at Step 4. In most cases, where negative impact has been identified, proposals can be adapted to reduce the risk of discrimination.
- **Proceed as planned** – decide to proceed without any changes if the assessment indicates no negatives at this time. If negatives have been identified but they can be objectively justified i.e. there is no reasonable alternative to achieve the aims and/or it is critical to business needs, and it is a 'proportionate means of achieving a legitimate aim', you may decide you need to proceed anyway. If you take this decision, you will need to record your decision and rationale and ensure the senior management team or senior leader in your area is in agreement before proceeding. You can also contact the EDI team for further advice at equality.analysis@newcastle.ac.uk

STEP 4 – Plan action

The assessment in Step 3 should inform actions to be recorded in the EA template and then included in University, Faculty, School, Unit or Central services plans to ensure they happen.

Depending on your EA findings, actions may include:
- actions to mitigate negative impacts
- actions to enable positive impacts
- actions to fill gaps in available evidence
- actions to consult further with colleagues or students

The best actions are specific, measurable, achievable, relevant and timebound (SMART). Try to be as clear and targeted as you can rather than vague and high-level. Ensure actions spell out how you will do something. Using sub-actions to break actions into smaller steps can help with this. Add a deadline for each action and the person responsible. Setting a success measure will help you to measure progress later.

This action plan should also outline how and when you will monitor actual impacts during implementation and when you will next review the EA. This may be at interim/mid-points during implementation, or at the next planned review point. When you have identified negative impacts, review should take place earlier than if you have not, and may be needed in advance of the next planned review date to check if your actions are working to alleviate negative impacts.

Embed and monitor your actions
Ensure the actions from the EA are embedded and integrated into University, Faculty, School, Unit or Central

services plans as appropriate to ensure they happen. Ensure they are assigned to a named individual and are regularly monitored through appropriate mechanisms.

3. What happens when the Equality Analysis is complete?

Once the EA is drafted it should be approved along with and at the same time as the policy/proposal in question by a relevant group or senior individual, such as the committee, advisory board, Executive Board or senior leadership team that is ultimately responsible for it. In cases where there is negative impact identified, you should inform approving groups/individuals of the negative impacts and how these will be mitigated and monitored.

The approved EA should be retained locally and also sent to equality.analysis@newcastle.ac.uk for University records, along with relevant accompanying documents, such as the policy/proposal in question. You may need a copy of the EA as evidence that EDI has been considered.

Database of completed EAs
On the completed template, please indicate whether you are happy for the Equality Analysis to be made available on our intranet/SharePoint internally as part of our database of completed assessments. The database is designed to help others doing Equality Analysis in the University. Publishing EAs is not a legal requirement.

4. Where can I get further help?

There is a briefing session and practical training to help you develop skills in doing Equality Analysis available on the Learning Management System.

If you have questions, you can contact your faculty or central EDI Advisor directly or request further advice via equality.analysis@newcastle.ac.uk.

Appendix 1: Frequently Asked Questions (FAQs)

What if something has never had an Equality Analysis when it should have?
It should generally have an EA at the next review point. However, if the policy is one that is fundamental to how we treat people and affects a large proportion of our staff and/or students, an EA should take place as soon as possible. Consider this guidance to help you make this decision. If there are a number of existing policies without an EA, you will need to schedule these for EA, prioritising those of greater relevance to EDI.

Do we need to do an Equality Analysis if no or minor changes are being made?
This needs to be decided on a case-by-case basis. It will depend on whether an EA has previously been done – if not, then one will be needed. If one has, it is likely to be appropriate to review the previous EA to identify if it is still relevant and sufficient or if it needs any amendments, updates or additions based on new information.

What if we didn't start the Equality Analysis early enough?
Don't panic. Start it as soon as you can. You may need to delay what you are working on in order to undertake the EA. Build EA into your planning process for next time.

Where can I access data for an EA?
There is high-level data on colleague diversity/protected characteristics in our Annual EDI Report here. There is a student diversity data power BI dashboard available for some purposes from the Planning Team. For more detailed or specific data, you should first find out what data your team/unit has access to locally. If there are gaps in the data available to you, you can contact the EDI team at equality.analysis@newcastle.ac.uk who can suggest your best course of action.

What if there are gaps in the evidence?
You are unlikely to have all the information you would ideally want, but the important thing is to make best use of the information you have. Decisions will need to take into account information deficiencies and reach the best judgement possible using what is available. Where there are significant gaps in the information available that limit the assessment, consultation can help you to fill them. You may still be left with gaps, which you should note in the form and where possible identify how you will seek to address this in your plan at Step 4. This may include further activity to gather feedback or changes to data collection going forward to gather more information. Any new information obtained should be used to update the EA, and any actions that are required.

What if I don't know about impacts?
If after gathering as much information as you can you still cannot identify impacts, for example because you don't have evidence relating to a specific group, you should note this and identify how you can seek to develop greater knowledge of impacts in future. You can also seek guidance from the EDI team at equality.analysis@newcastle.ac.uk

How detailed/thorough does the Equality Analysis needs to be?
The level of depth and detail of the EA and the time and efforts put into it should be guided by:

- **Relevance** - EDI is relevant to all that we do; however, policies, plans, changes and decisions etc. that are of higher relevance to EDI for our students, colleagues and services users will need a more thorough EA, while those of lower relevance to EDI can have a lighter-touch approach.
- **Proportionality** - When the relevance to EDI, scale or seriousness of potential impacts, or the amount of change being proposed are greater, it is proportionate to take a more in-depth approach.

Below are suggestions for determining what requires a more thorough approach:

- **Scale of change** – for a whole new approach or lots of changes to a previous approach more work will be required than for minor changes to an existing approach (when an EA has already been undertaken in the past).
- **Scale of impact** – how many people will be affected within the University or Faculty or Unit, or the likelihood that it will affect a high proportion of particular protected groups, e.g. a change that will affect everyone or a large number of people, or a change that will effect a large number (compared to overall numbers among students/colleagues) of one group such as disabled people or those with a particular faith.
- **Seriousness of potential consequences for individuals** – even when only a small number of people will likely be affected, if the potential consequences are serious for them, a more in-depth approach is appropriate e.g. consequences of disciplinary policies and restructures involving redundancies can be significant for individuals concerned.
- **Relevance to EDI** – if what you are planning or considering is relevant to eliminating unlawful discrimination, harassment or victimisation, advancing equality of opportunity or fostering good relations then a more detailed approach is needed.
- **When negative impacts have been identified** – if the evidence and/or information gathered through consultation indicate any potential negative impacts, it is appropriate to do more work to understand these more fully and to develop mitigating actions.

Remember that the quality of an EA is not measured by its page count but by the quality of the analysis, the action taken as a result and the outcomes achieved through implementation. An EA is not intended to cover every single event/situation that might happen but to get you to think about how your decision could affect certain individuals or groups with protected characteristics and what action you need to take as a result.

Does the EA have to be published?
No, there is no legal obligation for EAs to be published externally. However, we aim to publish all EAs internally on Sharepoint and in future on our external webpages to aid with transparency and to show our community that we are considering and are committed to EDI.

Where can I get further help?
There is a briefing session and practical training to help you develop skills in doing Equality Analysis available on the Learning Management System. If you have questions, you can contact your faculty or central EDI Advisor directly or request further advice via equality.analysis@newcastle.ac.uk.

Appendix 2: Definitions

Direct discrimination occurs when a student, colleague or service user is treated less favourably than others and this is because of a protected characteristic. Note: It is lawful to treat a group less favourably in certain circumstances:

- To comply with other law (e.g. minimum licensing age for alcohol is not age discrimination).
- The law states that it is not considered direct discrimination if you treat a disabled person more favourably than a person who is not disabled. It is lawful to make reasonable adjustments in relation to employment, education and services to ensure equality of opportunity for disabled people.
- It is not direct discrimination if you give women special treatment in connection with pregnancy or childbirth.
- When taking positive action to address disadvantage, underrepresentation or particular needs of a protected group.

Harassment is where a person is subjected to unwanted conduct relating to their protected characteristic and the conduct has the purpose or effect of violating the person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment to that person.

Indirect discrimination occurs when a policy, change or decision etc. is neutral on the face of it, or is designed to be open to or apply to everyone, but it inadvertently puts someone at a disadvantage because of their protected characteristic. Indirect discrimination can be objectively justified in limited circumstances.

Objective justification
It is possible to objectively justify a negative equality impact in limited circumstances - if there is no reasonable alternative to achieve the aims and/or it is critical to business needs, and it is a 'proportionate means of achieving a legitimate aim'. In the context of higher education this may include ensuring the health and safety and welfare of students or colleagues as well as maintaining academic and other standards. See further: Justifying discrimination - Citizens Advice

Protected characteristics
It is against the law to discriminate against someone because of a protected characteristic.

- **Age**
  A person belonging to a particular age (for example 32-year-olds) or range of ages (for example 18- to 30-year-olds) or stage of life. See further here.

- **Disability**
  A person has a disability if they have a physical or mental condition, including unseen, which (untreated) has a substantial and long-term impact, which might recur. See further here.

- **Gender affirmation (the terminology in the Equality Act is gender reassignment)**
  Includes anyone whose gender identity is different from their sex at birth, including all non-binary and trans identities who do and do not undergo medical or other transitions. See further here.

- **Marriage and civil partnership**
  Marriage is a union between a man and a woman or between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. See further here.

- **Pregnancy and maternity**

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding. See further here.

- **Race**
  Race refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins and includes related factors such as culture and language. See further here.

- **Religion and belief**
  Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect life choices or the way someone lives for it to be included in the definition. See further here.

- **Sex**
  In UK law, sex is binary and can either male or female, or a group of people like men or boys, or women or girls. See further here.

- **Sexual orientation**
  A person's sexual attraction towards their own sex, the opposite sex, to both sexes, or lack thereof. See further here.

Reasonable adjustments
We are required to take reasonable steps to:
- Avoid substantial disadvantage where a provision, criterion or practice puts disabled people at a substantial disadvantage.
- Avoid substantial disadvantage, where a physical feature puts disabled persons at a substantial disadvantage; this includes removing the physical feature in question, altering it or providing a reasonable means of avoiding it.
- Provide an auxiliary aid where without one, disabled people would be put at a substantial disadvantage.

We cannot justify a failure to make a reasonable adjustment; where the duty arises, the issue is whether or not the adjustment is 'reasonable' and this is an objective question for the courts to ultimately determine. See further here.

Underrepresented refers to a group of people who are insufficiently or inadequately represented. Typically, this means the proportion/percentage of a group is lower than would be expected in comparison with the proportion/percentage of that group in the population or in an organisation as a whole.

Victimisation takes place where one person treats another less favourably because he or she has carried out a 'protected act' (i.e. asserted a right in line with the Act or helped someone else to do so). Victimisation can also occur when one person treats another less favourably because they are suspected to have asserted a right or of intending to do so.