

GUIDANCE ON THE COMPLETION AND APPROVAL OF  
EQUALITY ANALYSIS (EA)



## **Equality Act 2010**

The Government has stated its intention to make sure that equality and fairness are at the centre of its overall approach and the Equality Act is a key means of achieving this.

Equality legislation has developed over several decades in response to the lack of equity experienced by individuals and groups in society. The Equality Act has strengthened and harmonised the law which now covers a range of 9 protected characteristics:

- Religion or Belief
- Age
- Race
- Sex
- Disability
- Marriage and Civil Partnership
- Gender reassignment
- Pregnancy and maternity
- Sexual orientation

Everyone identifies with one or more of these characteristics so it is important to think across the spectrum of potential disadvantage when assessing the impact on the decision-making process and equality analysis.

We must make sure that all our policies, strategies, functions and activities are given due regard to Section 149 of the Equality Act 2012. The Public Sector Equality Duties (PSED) has 3 aims and we must have due regard:

1. To eliminate discrimination, harassment and victimisation
2. To advance equality of opportunity
3. To foster good relations

## **Equality Analysis**

Under the Equality Act 2010 the Trust has an obligation to:

- Evidence the analysis that has been undertaken to establish whether our policies and practices have (or would) further the aims of the general equality duty.
- Provide details of information that we have considered when carrying out an analysis.
- Provide details of engagement (consultation / involvement) that we have undertaken with people whom we consider would have an interest in furthering the aims of the general equality duty.

In order to meet the requirements of this duty the Trust will use the Equality Analysis which has been developed to be compliant with the Equality Act 2010.

An equality analysis is most effective when used at the primary stages of planning and is expected to be used for the following activities:

- Organisational change
- Considering any new or changing activity
- Developing or changing service delivery
- Procuring services
- Developing projects
- Developing a policy / procedure / guidance or changing or updating existing ones



It is used to assess whether there may be any barriers or difficulties, harassment or exclusion, or in fact any positive impact such as promotion of equality of opportunity, developing good community relationships, encouraging participation and involvement as experienced by service users, patients, carers, relatives, staff, the general public and key stakeholders.

When completing an Equality Analysis also consider whether the Trusts values and beliefs are addressed. These are:

Patients: We will put the safety and well being of patients at the forefront of everything we do.

Respect: We will treat each individual with respect.

Culture: We will be welcoming, friendly and helpful.

Integrity: We will be open and honest.

Improvement: We will continually find better ways of delivering our services.

Involvement: We will listen to colleagues and service users to shape our continuous improvement and development.

Stewardship: We will respect our environment and use resources wisely.

The Equality Analysis form should be completed alongside the 'Equality Definitions' guidance and an action plan completed.

### **Process for approving Equality Analysis**

All Equality Analysis should be sent to the line manager as soon as they have been completed for sign off, with a copy sent to the Equality and Diversity Department.

Some Equality Analysis will be available on the Trust intranet and website, and some subject to audit by external organisations such as the Equality and Human Rights Commission and it is therefore important that the documents are of a high quality and accurately reflect the time and effort which staff devote to ensuring that Trust services, activities and policies or procedures are progressive, seek to remove barriers and promote equality and diversity.

### **Who should complete an Equality Analysis?**

The Equality Analysis should be completed by staff who have undertaken the MLE online Equality Analysis training which will equip staff with the tools needed to complete the Equality Analysis template.

Support and advice can be obtained from members of the Equality and Diversity Team.

### **Further advice and support**

If you would like further advice or support to complete the Equality Analysis Template please contact the Equality and Diversity Manager, Pamela Permalloo-Bass email: [pamela.permalloo-bass@salisbury.nhs.uk](mailto:pamela.permalloo-bass@salisbury.nhs.uk)



## **Equality Analysis (EA's) Template**

1. Title of policy, programme, framework or organisational change being analysed.

Performance Appraisal and Pay Progression Policy

2. Please state the aims and objectives of this work and the intended equality outcomes. How does this proposal link to the organisation's business plan or Values and Beliefs?

Following review of this policy:

The total framework supports the delivery of high quality patient care by:

- aligning performance assessment to improve the capability and capacity of staff.
- aligning performance to pay progression.
- embedding the values and behaviours and reinforcement of the professional standards expected.
- focusing on achievement of team and individual objectives.
- being in accordance with the staff pledges included in the NHS Constitution.

The demonstration of KSF core skills will be reflected in the various elements of the performance appraisal process, including the statutory/mandatory training requirements, technical competencies, assessment against the values and behaviours and objectives.

Staff will be eligible to be awarded a pay progression point if they have:-

- attended their annual performance appraisal and have evidence of an agreed personal development plan and set of objectives.
- Achieved 100% completion of statutory and mandatory training (subject to opportunity being provided by the Trust to complete training).
- Have no live formal sanctions issued under the Disciplinary policy and procedure.
- Have no live formal sanctions issued under the Capability Policy and Procedures (stage 1, 2 or 3).
- Have no live formal sanctions under the Management of Attendance policy and process (stage 2, 3 or 4).

In addition Line Managers will need to evidence that eligible staff have received an annual performance appraisal and development review in line with the Trust target in percentage terms (in 2017 this was at 85%) This will be a standing objective for all managers and will be reviewed at the Manager's own performance appraisal meeting.

3. Who is likely to be affected? Eg: staff, patients, service users (please refer to appendix 1)

The framework only applies to staff covered by AfC Terms and Conditions. Roles such as; Doctors, Dentists and some Senior Management roles not covered by Agenda for Change have separate appraisal procedures which accord with these principles.

4. Using the 'Equality Definitions' template - What evidence do you have of the potential impact (positive or negative)? Include any supporting evidence eg: research, data or feedback from engagement activities



**4.1 Disability**

Positive impact – Staff who are on long term sick leave and are experiencing for example; cancer, mental health, arthritis, back pain would have an increment award deferred until the employee has returned to work for 3 months allowing the individual to achieve agreed objective/s within an agreed timeframe.

For staff that are being managed through the frequent absence process reference should be made to the Trust’s Management of Attendance Policy Equality Analysis.

**4.2 Sex (Male or Female)**

Positive impact – Staff on paternity leave, maternity leave, adoption leave or parental leave would have an increment award deferred until the employee has returned to work for 3 months allowing the individual to achieve agreed objective/s within an agreed timeframe.

**4.3 Race**

Positive impact – This framework does not discriminate against race and applies to all protected characteristics under the Equality Act 2010. The Trust has policies and procedures in place to ensure that discrimination does not take place Employment Break Scheme, Leave Policy and Flexible Working Policy.

**4.4 Age**

The Trust has 37% of staff over the age of 50. The Trust has policies and procedures in place to support staff with caring responsibilities but staff who are on lower points of the scale may have increments deferred if they meet any of the “stop” criteria.

**4.5 Transgender**

Positive impact – Refer to the Trust’s Management of Attendance Policy and Procedure.

**4.6 Sexual Orientation (this will include lesbian, gay and bi sexual as well as heterosexual people)**

See 4.2.

**4.7 Religion or belief (includes religion, beliefs or no religion or belief)**

Positive impact – This framework does not discriminate against religion or belief and applies to all protected characteristics under the Equality Act 2010.

**4.8 Marriage and civil partnership**

Positive impact – Staff may have a caring responsibility but the Trust has policies in place which enables staff to meet these responsibilities eg Flexible Working Policy, Leave Policy.

**4.9 Pregnancy and maternity (this can include impact on working arrangements and infant caring responsibilities)**

See 4.2.

**5.0** This table should be completed with all actions identified to mitigate any negative effects

**Action Plan**

**Target Date**

**Review Date**

**Person**

**Responsible**

**List of Actions:**



<p>4.1 Staff who are on long term sick leave and are experiencing for example; cancer, mental health, arthritis, back pain) would have an increment award deferred until the employee has returned to work for 3 months allowing the individual to achieve agreed objective/s within an agreed timeframe.</p>	<p>If staff are on long term sick the increment award should be deferred until they have returned to work for 3 months allowing the individual to achieve agreed objective/s within an agreed timeframe with the award then being backdated. 3 months is a reasonable time scale to expect a member of staff to complete any outstanding mandatory and statutory training and attend an appraisal.</p>	<p>Immediate</p>		<p>HR Project Lead</p>
<p>4.2, 4.6 and 4.9 When staff return from maternity, paternity, adoption or parental leave an increment award is deferred until the employee has returned to work for 3 months allowing the individual to achieve agreed objective/s within an agreed timeframe.</p>	<p>Under employment rights terms and conditions are protected and employees are entitled to any pay rises and improvements in their terms and conditions given during their leave, failure to do so is a breach of contract. It would therefore be advisable that the Trust awards an increment whilst staff are on maternity, adoption or parental leave at the time the increment is due rather than it being deferred and/or backdated. However, prior to any member of staff going on Maternity, Adoption or Parental leave they need to ensure that their appraisal is in date and that their Mandatory and Statutory Training is also in date. As long as none of the other stop/go criteria apply then the increment will be awarded at the time.</p>	<p>Immediate</p>		<p>HR Project Lead</p>

## 6.0 Sign off

Name and signature of person who carried out this analysis:  
Lucy Coombes

Date analysis completed:  
8 June 2017

Name and signature of line manager: Sharon Holt

Date analysis approved by line manager:  
8 June 2017

Copy forwarded to Equality and Diversity Department:  
8 June 2017



## Equality Definitions

The Equality Act 2010 identifies a number of groups or 'characteristics' protected against discrimination.

Protected Characteristic	Who to consider	Issues
Age	Refers to a person belonging to a particular age (eg, 32 year olds) or range of ages (eg, 18-30 year olds) Equality Act legislation defines age as 18 years and above	<ul style="list-style-type: none"> <li>• Assumptions based on the age range, capabilities, experience, eg children / young people as carers, teenage parents.</li> <li>• Access to services – physical, information for older population, technology issues.</li> </ul>
Sex	A man or a woman	<ul style="list-style-type: none"> <li>• Issues which can particularly affect women (who are predominantly the main carers) include physical access, eg pushchairs, and restrictions on time because of caring duties, eg difficulty in arranging appointments or attending events.</li> <li>• Under-representation, isolation, domestic violence.</li> <li>• Pensions, low incomes.</li> </ul>
Race	Refers to an individual or group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. Romany Gypsies and Irish Travellers are protected from discrimination under the Race protected characteristic	<ul style="list-style-type: none"> <li>• Access to services – communication, language, translation, different cultural traditions, customs, lifestyles</li> <li>• Difficulty in arranging appointments/attending events due to work patterns.</li> <li>• Social isolation, vulnerable to harassment and hate crime</li> </ul>
Religion or Belief	Religion has the meaning usually given to it but belief includes religious and philosophical beliefs, including lack of belief (e.g Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition. (Excludes political beliefs)	<ul style="list-style-type: none"> <li>• Assumptions about lifestyle, disrespect for certain viewpoints.</li> <li>• Timings for events; some days and times have religious significance so attending appointments or events can become an issue.</li> <li>• Space for worship or reflection</li> </ul>
Sexual Orientation	Whether a person's attraction is towards their own sex, the opposite sex or both sexes.	<ul style="list-style-type: none"> <li>• Assumptions about lifestyle, family type, partners.</li> <li>• Isolation, invisibility, vulnerable to harassment and hate crime</li> </ul>



Marriage and Civil Partnership	Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships recognised as 'civil partnerships'. Civil Partners must be treated the same as married couples on a wide range of legal matters.	<ul style="list-style-type: none"> <li>• Same rights for same sex couples – pensions, childcare etc</li> </ul>
Disability	A person has a disability if they have a physical or mental impairment which has a substantial and long term effect on that person's ability to carry out normal day-to-day activities. Includes mobility, sight, speech and language, mental health, HIV, multiple sclerosis, cancer.	<ul style="list-style-type: none"> <li>• Access issues – physical, communication, formats, signage, carers, low income</li> <li>• Vulnerable to harassment and hate crime</li> </ul>
Pregnancy & 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 non-work context, protection against maternity discrimination is for 26 weeks after giving birth. This includes treating a woman unfavourably because she is breastfeeding.	<ul style="list-style-type: none"> <li>• Includes treating a woman unfavourably because she is breastfeeding.</li> </ul>
Gender Reassignment	The process of transitioning from one gender to another.	<ul style="list-style-type: none"> <li>• Assumptions and ignorance.</li> <li>• Social isolation, vulnerable to harassment and hate crime.</li> <li>• Changing rooms and toilets can become an issue.</li> </ul>
Additional characteristics important to area	Eg - areas of rurality - can affect the way we deliver services. Rural issues are an important factor when completing an EA's.	<ul style="list-style-type: none"> <li>• Access to transport – public and personal, travel can be expensive. Transport issues affects all groups.</li> <li>• Isolation</li> <li>• Poorer ICT connections/access to broadband</li> </ul>

