

## **The Disability Rights Commission**

### **Disability equality impact assessment and the Disability Equality Duty**



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# 1 About this guidance

## General

This guidance is aimed at everyone who may become involved in the process of disability equality impact assessment. This includes those required to carry out assessments of policies – as widely defined in the ‘Meaning of policy and its many guises’ section of this guidance - for which they are responsible, and those with overall responsibility for delivering on the Disability Equality Duty (DED), including:

- service managers at all levels whose decisions could affect the suitability of services for disabled people
- policymakers throughout the public sector
- managers of internal services, such as hr, finance, it and procurement
- equality specialists and others who may be involved in devising disability equality impact assessment arrangements, and in supporting those carrying out disability equality impact assessments.

The purpose of this guidance is to ensure that effective impact assessments are carried out as a matter of course and that these lead to positive changes for disabled people in both service delivery and employment contexts. The focus is thus on outcome not process.

Our aim is to encourage users of the guidance to ‘get into the water’ of disability equality impact assessment as well as helping them to go about this. Authorities will not necessarily get it 100 per cent right the first time, but what the Disability Rights Commission (DRC) wants to see is genuine best efforts. Authorities need to learn about disability equality impact assessments as they go along, and to engage and share with disabled people and groups in the learning process.

**This guidance should be considered in conjunction with other guidance produced by the DRC, in particular:**

- **The Statutory Code of Practice – ‘The Duty to Promote Disability Equality Statutory Code of Practice England & Wales’ and the parallel Code for Scotland.<sup>1</sup>**
- **Guidance on ‘Gathering and Analysing Evidence to Inform Action’.<sup>2</sup>**
- **‘Guidance for Public Authorities on How to Effectively Involve Disabled People’.<sup>3</sup>**

**All these guidance documents are available on the DRC’s website [www.dotheduty.org](http://www.dotheduty.org) along with other guidance on the DED.**

**References to paragraph numbers of ‘the Code’ are to the England and Wales Code followed by the corresponding paragraphs of the Scotland Code.**

**The guidance has been produced in the context of the DED, key aspects of which are outlined in Appendix A – The Disability Equality Duty. In brief, the DED, in force from 4 December 2006, requires public authorities to have due regard to the promotion of disability**

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<sup>1</sup> **Disability Rights Commission (2005) ‘Statutory Code of Practice, the Duty to Promote Disability Equality’ The code for England and Wales, and the equivalent code for Scotland are available at [www.drc.org.uk/employers\\_and\\_service\\_provider/disability\\_equality\\_duty/getting\\_started/codes\\_of\\_practice.aspx](http://www.drc.org.uk/employers_and_service_provider/disability_equality_duty/getting_started/codes_of_practice.aspx)**

<sup>2</sup> **Disability Rights Commission (2006) ‘The Disability Equality Duty: Guidance on gathering and analysing evidence to inform action’ [www.drc.org.uk/employers\\_and\\_service\\_provider/disability\\_equality\\_duty/getting\\_started/evidence\\_gathering.aspx](http://www.drc.org.uk/employers_and_service_provider/disability_equality_duty/getting_started/evidence_gathering.aspx)**

<sup>3</sup> **Disability Rights Commission (2006) ‘The Disability Equality Duty and involvement: Guidance for public authorities on how to effectively involve disabled people’ [www.drc.org.uk/employers\\_and\\_service\\_provider/disability\\_equality\\_duty/getting\\_started/involving\\_disabled\\_people.aspx](http://www.drc.org.uk/employers_and_service_provider/disability_equality_duty/getting_started/involving_disabled_people.aspx)**

equality. Many authorities are also covered by a set of specific duties and are required to produce a Disability Equality Scheme (DES) showing how they intend to fulfil the duty.

## **Examples**

We use a range of examples to illustrate particular points throughout the text. Where examples refer to procedural matters, such as ways of mainstreaming disability equality impact assessment, or where it is clear from the content of an assessment which authority is involved, we have named authorities. Other examples are kept anonymous. In quoting the examples, our objective is to illustrate particular points in the text and approaches that organisations may take to disability equality impact assessment. While the examples may illustrate some good or interesting practice, we do not put them, or the authorities involved, forward as exemplifying best practice in all respects.

## **Section by Section**

- Section 2 ‘What is disability equality impact assessment and why do it’ provides a brief overview of what disability equality impact assessment is about and explains the reasons for, and benefits of, carrying out disability equality impact assessments.
- Section 3 ‘Deciding what needs disability equality impact assessment’ deals with the question of selecting and prioritising disability equality impact assessments, in relation to both existing and new policies.
- Section 4 ‘Who should be involved in a disability equality impact assessment’ who should be involved in the assessment.
- Section 5 ‘Carrying out a disability equality impact assessment’ describes the key steps involved in disability equality impact assessments and the key questions a disability equality impact assessment must address and answer.
- Section 6 ‘Mainstreaming the impact assessment conference’ considers ways of ‘mainstreaming’ the disability equality impact assessment process into decision-making and policy-making.
- Section 7 ‘Supporting and training for staff doing disability equality impact assessments’ looks at the support and training needs of staff involved in assessing disability equality impact.

- [Section 8 ‘Generic or multi-strand equality impact assessments’](#) sets out the DRC’s views on carrying out disability equality impact assessment in the context of a ‘multi-strand’ equality impact assessment.
- [Appendix A – The Disability Equality Duty](#) summarises key points of the DED.

## **2. What is disability equality impact assessment and why do it?**

### **What is it?**

Disability equality impact assessment is the process of assessing the impact of existing or proposed policies and practices in relation to their consequences for disability equality. It includes looking for opportunities for positive impact that may have been missed or that could be better exploited, as well as the detection of actual or potential negative impact for disabled people. Impact assessment is an on-going process, not something that happens just once, at the start or end of policy development, and should develop and evolve along with the policy. The meaning of 'policy' is considered in the ['Meaning of policy and its many guises section'](#), but it is important to be aware of its broad interpretation. Disability equality impact assessment is not something to be applied only to 'formal' policies.

Disability equality impact assessment is – or should be - as much an overall approach and way of thinking as it is a set of formal arrangements. Therefore authorities should give at least as much thought to their management, decision-making and governance structures as to the tools and templates they may wish to develop for the conduct of full assessments of disability equality impact.

Disability equality impact assessment is not an end in itself. The purpose is to achieve improvements for disabled people, so most good impact assessments are likely to require action to be taken to bring about greater disability equality. The outcome of such action needs to be monitored and reviewed as part of the ongoing disability equality impact assessment process.

Assessing impact on disability equality is a positive process which should lead to real and practical improvements in relation to policies and practices. How the impact is assessed will vary but this should be part of the run-of-the-mill and routine elements of developing policy and putting it into practice.

The nature and detail of the disability equality impact assessment process will vary from assessment to assessment, but it should not be seen as inherently difficult, nor as an activity apart from other policy development and assessment work.

## **Why do it?**

### **Meeting Disability Equality Duty requirements**

The disability equality impact assessment process should be seen in the context of both the specific and the general duties described in [Appendix A – The Disability Equality Duty](#). An authority subject to the specific duties is required to produce and publish a DES that includes a statement of the authority’s arrangements for assessing the impact of its policies and practices, or the likely impact of its proposed policies and practices, on equality for disabled persons.

The specific duties are, however, not an end in themselves, but designed to help authorities meet the general duty. The Code notes that: ‘The specific duty requirement to conduct impact assessments is designed to provide a mechanism for ensuring that due regard is given to disability equality in decision-making and activities.’ (para 2.49)(para 2.48 Scottish Code).

All public authorities bound by the general duty – whether or not they are required to publish Disability Equality Schemes – must give ‘due regard’ to the DED as they go about their business. That means that they need to think about the needs of disabled people as they make decisions. Disability equality impact assessment is a way of ensuring that they do this. We therefore see disability equality impact assessment as essential for effective delivery on the general duty for all public bodies.

### **Improving disability equality performance**

Improving disability equality performance is what disability equality impact assessment is all about. Conducting disability equality impact assessments should lead to action to improve performance in relation to disabled people. If nothing changes as a result of the disability equality impact assessments carried out by an authority across its range of functions, then it is unlikely that these will have been adequately conducted, or that the authority is genuinely meeting its disability equality duty.

Disability equality impact assessment will enable an authority to identify the impact of its current activities and to identify and remove or reduce barriers to disability equality, and / or to maximise positive impact for disabled people. In respect of proposed actions or policies, disability equality impact assessment offers the opportunity pre-

emptively to explore potential impact in advance of implementation, and to make suitable modifications to eliminate or reduce negative impact or create or increase positive impact, or to clarify its justification for not so doing.

## **Increasing transparency**

Conducting (and publishing) disability equality impact assessments makes it possible for an organisation to demonstrate to all its stakeholders that it has fully addressed disability equality in its policy-making in the light of considerations of relevance and proportionality explained in [Appendix A – The Disability Equality Duty](#). An authority will thus be better equipped to respond to any challenges from stakeholders; regulators such as parliamentary or Assembly committees; inspection or regulatory bodies; and relevant sector Inspectorates. This applies even if, in line with the duty's requirement to act 'proportionately' in relation to disability equality, it does not prove possible to remove a specific identified negative impact on disabled people (or to seize a particular opportunity for improved impact).

## **Improving performance generally**

By carrying out timely and effective impact assessments, authorities can ensure that they reap the business benefits of disability equality. These include enhanced ability to comply with broader performance measurement and audit regimes, such as:

- Best Value
- improved service delivery for all users or potential users
- avoidance of the costs – financial and otherwise – of discrimination complaints
- better utilisation of the full pool of available workforce resources including existing and potential employees.

**Effective disability equality impact assessment can help an authority meet its wider strategic objectives. For example, a disability equality impact assessment of activities designed to reduce smoking rates, or to reduce fire deaths, could lead to significant progress towards these targets by ensuring that these activities take account of the needs of disabled people, who are over-represented in deaths from heart disease and cancer, and from fires.**

**Disability equality impact assessment can benefit all users, not just disabled people. For example, improvements in signage to incorporate images as well as words, designed to help meet the needs of those with learning disabilities, can be helpful to everyone, including those with other impairments, and those with limited knowledge of English.**

### **3. Deciding what needs disability equality impact assessment**

The requirements relating to disability equality impact assessment arrangements apply to both new policies and old policies (described in the Code as the ‘back catalogue’). All new policies, including reviews of and changes to existing policies, will have to be screened for disability equality impact assessment, to ensure that an authority gives ‘due consideration’ to disability equality. In parallel with this, authorities will also have to prioritise and schedule for impact assessment its existing policies and practices.

It is as important to ensure that all possibly relevant policies are put through a screening process as it is to ensure that the screening process (see ‘Screening for full assessment’ section) ‘screens in’ (for full assessment) the policies it needs to. Obviously, it cannot do this if the policies never even reach screening, so it is important to be aware of the full range of policies and practices that need to be considered for disability equality impact assessment.

#### **Meaning of ‘policy’ and its many guises**

The regulations setting out the specific duties require that an authority’s DES should set out its arrangements for assessing the impact of its ‘policies and practices’ on disability equality. The term ‘policy’ (or ‘policies’) is used in this guidance as a shorthand for the phrase ‘policies and practices’ and therefore needs to be understood broadly to embrace the full range of functions, activities and decisions for which the organisation is responsible – essentially everything the authority does. Many policies will be glaringly obvious:

- the local authority cultural strategy
- the government department policy proposals on pensions
- the university admissions criteria.

Others will be less obvious. So the following should all be considered as examples of ‘policies’:

- procurement strategy and procedures
- employee terms and conditions
- opening hours for a service
- complaints procedures
- entitlement conditions for benefits or services
- eligibility criteria for promotion
- an organisation’s estates strategy
- rules covering entitlement to and payment of expenses
- relocation plans
- communication strategies
- budget setting decisions and criteria for resource allocation
- standard methods used for providing information to staff.

In the context of impact assessment, ‘policies’ will include fairly mundane day to day decision-making that may be taken at a relatively low level but still have the potential to impact positively or negatively on disabled people.

It is also important to remember that there are ‘unwritten’ policies, in the form of long-standing ‘custom and practice’, or new policy that evolves gradually without ever being formally set out, and becomes ‘the way we do things’. These may need to be considered in relation to their potential impact on disability equality and disabled people as much as formal written policies, but be much less likely to be considered for disability equality impact assessment.

**Breast cancer screening services are provided in mobile screening units located across Wales. It was highlighted by a disabled service user that the mobile screening units were not accessible to women who are wheelchair users or women with learning disabilities, who may need to be accompanied at the screening. As a consequence, certain disabled women either did not attend for a screening or had to travel to the fixed breast screening locations in South and North Wales. One NHS Trust formed a disability group including a disabled service user and carer. Through the work of this group agreement was reached with a number of other NHS Trusts for women who are not able to access the mobile screening units to attend for screening at their local hospital. A longer term plan will ensure that new mobile screening units are designed to be accessible to all disabled women.**

**A metropolitan authority over time delivers more and more publications as web-only documents for reasons of cost, environmental impact and accessibility. This is never a formal policy and has therefore not had a disability equality impact assessment. However, the local organisation of disabled people is involved in the user forum for the authority and raise concerns about this.**

**A disability equality impact assessment is undertaken of this practice and whilst many positive aspects of web-based publications are identified there is a clear negative impact on disabled people who are known to face particular challenges in accessing the Internet. Actions are therefore put in place to ensure that the authority's public-access computers in libraries and information centres include appropriate access technology and that facilities are available in these centres for staff to print off appropriate documents in a range of font sizes for customers. Key documents and consultations are also publicised through other channels to ensure people know of their existence without accessing the Council website.**

**The council is reviewing its mechanisms for ensuring that all policies, whether or not formalised in writing as such, are considered for disability equality impact assessment.**

## **Reviews**

**A review of practical arrangements also constitutes a ‘policy’ for disability equality impact assessment purposes.**

**A review of security of hospital premises led to digital locks being installed on external and internal doors with an intercom facility to seek assistance – alternative communication was not initially offered, which created barriers for access for certain disabled people. Equality impact assessment of this decision making process would have anticipated this potential problem and alternative arrangements could have been provided from the outset.**

**An urban authority found evidence from an extensive review exercise that its street markets did not provide appropriate access for disabled people, including access to toilet facilities. Consultation with traders showed that a large proportion felt that more should be done for disabled people, including improvements to pavements and public thoroughfares.**

**Through this and monitoring for disability amongst market traders when they apply for stalls, the authority has been able to ensure that those disabled people who need close or very regular toilet access are provided with pitches closer to these facilities.**

**Access to the markets, for both non-disabled and disabled people, was found to be particularly difficult when market traders operated outside their designated pitch markings. Continual checking by the Council resulted in traders operating within their designated pitch areas, greatly increasing ease of access by disabled people. Access for the public generally and for emergency services have also been found to be better.**

## **Day-to-day decisions**

Apparently insignificant decisions may have a significant impact on disability equality, so require the challenge of an assessment process. Such a process may not be lengthy or complicated, but will ensure that the key questions set out in ‘the Questions the assessment should address’ section are addressed. Ensuring that the disability equality implications of such decisions are given proper consideration may rely on a process of managerial checks, as discussed in the Section on ‘Mainstreaming disability equality impact assessment’.

The manager of a local authority swimming pool decides, as part of a cost-saving drive, that the water in the pool should be reduced by two degrees.

The reduction in temperature makes it impossible for a significant number of disabled people to continue using the pool. Some of them complain to the authority.

Fortunately, the decision can easily be reversed, but has not enhanced the reputation of the authority, which has made much of its policies on fairness and inclusion. The authority issued information to all Leisure Service staff to remind them of the benefits and importance of checking that no decision affecting service users is implemented without being cleared by senior management in the leisure directorate, and of the need to think about the disability and other impact of any proposed changes before moving to implement them. Managers in other directorates have also been told to ensure that staff are aware of the need to think about disability implications of decisions and to ensure all decisions affecting service users are cleared at an appropriate managerial level. A section on disability equality is placed in all customer care training as well as a specific course for managers.

The mainstreaming of disability equality impact assessment as a way of thinking is particularly important in relation to these ‘minor’ decisions. It is a relatively simple matter to ask the question ‘Have we thought about the disability (and other) equality implications of this decision?’ Staff should be encouraged to do this in relation to every decision they face, as well as being given the training and support to ensure that they know where to start looking for possible answers and at the possible implications.

**Disability equality impact assessment of ‘minor’ policies should ensure that no decision is made without due consideration being given to disability equality. Such disability equality impact assessments may take very little time and require only minimal documentation, but they will require decision-makers at all levels to think about disability equality before:**

- **proceeding with a decision confident that it has no potential impact**
- **seeking further information**
- **changing the decision**
- **delaying its implementation**
- **making modifications to proposed or existing policies.**

**Training and confidence building, as well as positively acknowledging improved outcomes will be essential to making this second nature for officers.**

## **New policies**

**Authorities will need to have in place arrangements for ensuring that new policies, including changes and updates to or reviews of existing policies, are assessed for their disability equality impact as and when they are proposed. The timetabling of disability equality impact assessments on new policies will thus reflect the timetabling for the policies themselves.**

**Authorities will need to consider arrangements for ensuring that all new / changed policies are identified and put through some impact assessment filter (see the ‘Screening for full assessment’ section) to ensure that those requiring assessment do receive it. ‘Mainstreaming’ arrangements to bring this about are considered in the ‘Mainstreaming the impact assessment process’ section’.**

## **The ‘back catalogue’**

Clearly public authorities will have responsibility for a range of functions and policies, a range that will be bigger or smaller dependent on the size and remit of the authority. It will probably not be possible to conduct disability equality impact assessments in relation to all of these immediately. It will be important, as part of a DES, to prioritise which existing policies should be assessed first. The requirement to involve disabled people in the Scheme’s development should ensure that they are also fully involved in this process of prioritisation.

The first step in prioritising ‘the back catalogue’ for disability equality impact assessment will be to ensure that the authority has a clear and full picture of what this catalogue includes. This will entail identifying all the authority’s current main activities and functions, to ensure that all relevant policies are put ‘in the frame’ for disability equality impact assessment prioritisation.

The best level for generating lists of relevant policies to ensure that nothing is omitted will vary from authority to authority, depending on an authority’s size and range of functions.

The prioritisation process is likely in all but the smallest of authorities to be best carried out at least at directorate level, and in some larger ones may most effectively take place at service area level. Clearly some directorates and / or departments of, for example, a local authority will have a larger number of ‘relevant’ functions than others, and it will probably be easier and more logical for prioritisation to be carried out at a level that makes it possible to take realistic account of demands and resources. However, it will be important for an authority to ensure that a directorate or department responsible for a significant number of relevant policies is given adequate resources to carry out disability equality impact assessments of these within a reasonable timeframe.

The process whereby authorities and their departments prioritise existing policies and practices for disability equality impact assessment will clearly need to take account of considerations of ‘relevance’ and ‘proportionality’, which are key factors in the DED. In doing this, they are likely to want to draw up and use criteria comparable to those they use for ‘screening’ policies for disability equality impact assessment. In fact the prioritisation and screening process are likely, in the case of existing policies, to overlap. But not

**all existing policies ‘screened in’ as relevant will be given the same priority. Some may meet more of, or score higher on, the range of criteria than others, and this, along with practical considerations, will determine the order in which they are scheduled for assessment.**

**As an example of the kind of current policies authorities might wish to prioritise for inclusion for assessment, DRC guidance on Housing and the DED says:**

**‘Housing organisations need to identify their top policies and projects which need to be impact assessed. For example, in the first Disability Equality Scheme they may choose to review:**

- major works / repairs programme**
- new housing developments**
- homelessness strategy and procedures**
- harassment and Anti-Social Behaviour Order procedures**
- adaptations services**
- letting procedures including Choice Based Lettings and private sector leasing.<sup>4</sup>**

**It is essential to ensure that your disability equality impact assessment planning does capture all relevant functions. Some impact assessments reveal barriers that might have been thought to be obvious, but it is only through taking the time to ‘stop and think’ by means of some form of disability equality impact assessment process that you can be sure of finding and tackling them.**

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<sup>4</sup> **Disability Rights Commission (2006) ‘Housing and the Disability Equality Duty: A guide to the Disability Equality Duty and Disability Discrimination Act 2005 for the social housing sector’**  
[www.drc.org.uk/employers\\_and\\_service\\_provider/disability\\_equality\\_duty/housing.aspx](http://www.drc.org.uk/employers_and_service_provider/disability_equality_duty/housing.aspx)

## **4. Who should be involved in a disability equality impact assessment?**

Someone with a full knowledge and understanding of the policy in question must be involved in the initial screening and disability equality impact assessment. However, for a full assessment it can also be useful to involve an ‘outsider’ perhaps from a different department or section, as an independent challenge or ‘critical friend’ to ensure that the assessment, and indeed the policy itself, are seen with fresh eyes. Someone too close to a policy may be unable to see the wood for the trees, or so personally bound up in the policy’s development that they have become resistant to anything that may require changes (although this should not happen if disability equality impact assessment is built into policy development from the outset). Having a team can help to bring a range of experience and expertise to the disability equality impact assessment, although it is generally likely to be helpful to have someone with designated responsibility for recording and progressing the assessment.

### **Should disabled people be involved in disability equality impact assessments?**

In our Code we indicate that, while the regulations specifically require the involvement of disabled people in the development of the DES, involvement of disabled people in other aspects, such as impact assessment, will also be critical to the successful implementation of the duty.

There will be many cases where the full involvement of disabled people will add considerable value to the assessment, particularly where it is of a large policy or strategy, or one that is covering ‘uncharted territory’ – where there is no previous evidence from within your own or other authorities of the kind of impact that might be expected. However, this does not mean that disabled people must be involved in all impact assessments.

Impact assessment is the responsibility of the authority, and involvement of disabled people in every assessment could become unnecessarily burdensome particularly for disabled people, unnecessarily time-consuming and ‘disproportionate’ to what the assessment requires, and potentially an abdication of the authority’s own responsibility for disability equality impact assessment.

**In other cases the involvement of disabled people may be restricted to engagement at a suitable point or points in the assessment, and in some cases not required at all. For example where disabled people have been involved in a very similar assessment elsewhere, and / or where the issues relating to disability equality are well tested and documented, and sufficient quantitative and qualitative data already exist to inform an accurate assessment of disability equality impact.**

**In determining your arrangements for impact assessment, you may wish to agree criteria for determining the extent to which disabled people should be involved in impact assessment. These criteria, drawn up in the context of your DES, will themselves have been determined with the full involvement of disabled people.**

**Where disabled people from outside the policy area are involved in an impact assessment, you should ensure that they receive adequate briefing or training on the policy area in question, to equip them with the necessary expertise to participate fully in the assessment.**

**The London Development Agency involves disabled people in equality impact assessments in the following way,**

- in building staff expertise through disability equality training**
- in designing the impact assessment process through the involvement of their Independent Disability Group (IDG)**
- through formal consultation for particularly relevant or large-scale projects for example crystal palace park**
- and lastly in drawing up the processes for monitoring and evaluation through the IDG.**

**As indicated in other sections of this guidance, disabled people could effectively be involved in panels or boards set up to review disability equality impact assessments as part of arrangements for mainstreaming the disability equality impact assessment process. However, it should be the responsibility of all panel members to ensure that disability equality impact assessments are properly carried out, and in particular that disability issues receive proper attention where the equality impact assessment is a multi-strand one.**

Where disabled people have been involved in disability equality impact assessments it will be important to ensure that they receive feedback on the progress of the assessment and its implementation. In particular, where changes recommended as a result of disabled people's involvement are not fully implemented, this should be discussed with the disabled people involved and a full explanation offered. Disabled people should also receive positive feedback – about the use made of their input, and about the beneficial effects of changes made as a result.

Please refer also to DRC guidance on involving disabled people, at [www.drc-gb.org/employers\\_and\\_service\\_provider/disability\\_equality\\_duty/getting\\_started/involving\\_disabled\\_people.aspx](http://www.drc-gb.org/employers_and_service_provider/disability_equality_duty/getting_started/involving_disabled_people.aspx).

## **What about using equality specialists?**

If disability equality impact assessment is ever to be truly 'mainstreamed', it will be essential for mainstream decision-makers and policy-makers to see disability equality, and the meeting of the disability equality duty, as part of their regular day-to-day work. A reliance on equality specialists to carry out disability equality impact assessments is not likely to bring this about. However, there can be a role for equality specialists or disability equality specialists in supporting mainstream staff carrying out assessments, and ensuring that these staff are adequately trained and equipped to do this work.

While it is therefore not likely to be appropriate (or feasible) for Equalities and / or Diversity officers or units to carry out disability equality impact assessments outside of their own area of responsibility, equalities personnel may be involved in the provision of advice, support, training and guidance, or in the scrutiny of disability equality impact assessments. We regard the provision of support to officers engaged in disability equality impact assessment as a key responsibility for authorities bound by the DED and where there is a Equalities or Diversity officer or Unit, these may well be the people best able to provide this support, at least until disability equality impact assessment experience and disability equality knowledge have spread throughout the authority.

Some organisations have used external consultants to carry out impact assessments. This has potential benefits and potential disadvantages. An external consultant can bring specialist equality or disability equality expertise that may make the process more efficient

and effective, and can also bring an objective independent view. A concern that is often expressed about using consultants is that the authority itself does not taken ‘ownership’ of the assessment or of any recommended changes that it calls for. A compromise solution may be to use consultancy expertise initially while building capacity in the organisation at the same time.

A government department commissions a panel of consultants to carry out equality impact assessments as required. Built into the specifications for being on the panel, and into the individual equality impact assessments contract specifications, is a requirement for the consultants to provide training to policy teams, with whom they are required to work closely, as a way of building equality impact assessments and equality expertise into the teams, so that they can carry out future impact assessments, and future work on the equality impact assessments in question, themselves.

It will be important to ensure that such capacity-building activities, whether by internal or external specialists, lead to a spread of learning, by ensuring that the people trained in this way are likely to have responsibility for more than one policy area, or by using staff who have worked with the specialists on the initial assessment to support other officers in carrying out subsequent ones.

### **What about joint working?**

The purpose of disability equality impact assessment is to assess disability equality impact, not to make work. Anything that saves time, resources and effort without compromising the quality of disability equality impact assessment is to be commended, since it will increase the overall volume of disability equality impact assessment work and impact. So there is no reason why authorities should not work together to optimise their use of disability equality impact assessment resources.

For example:

- Authorities in the same area may wish to collaborate to obtain baseline data about disability patterns in the population.
- Those in the same field may wish to pool resources on the assessment of policies common to all of them.

- Different parts of the same authority may have a need for the same data, or may wish to commission, for example, joint satisfaction surveys that cover their different services.

Existing strategic partnerships can be used to facilitate joint working across common policy areas.

A local authority planning department has considered its various planning policies for disability equality impact assessments and believes that a full assessment is required. However, there are a large number of planning departments in their sub-region. So the planning manager raises this at a sub -regional meeting and they decide to work together, involving local disabled people from the access alliance, in undertaking disability equality impact assessments of these policies.

In working together, however, authorities need to be alert to any differences, say in population patterns, or economic factors, that might make an equality impact assessment carried out in one area less valid for another, and to take steps to ensure that any local variations or gaps in knowledge are taken into account. This may require some further work to supplement disability equality impact assessment activities undertaken in a different geographical or policy context.

## **5. Carrying out a disability equality impact assessment**

### **The focus and purpose of disability equality impact assessment**

It is important to remember that the focus of disability equality impact assessment should be on outcomes and improvements, not on process. The process should be whatever is required to identify impacts, actual or potential, positive or negative, and to plan for and implement any changes required to ensure that the authority is meeting its disability equality duty.

We do not therefore advocate a rigid sequence of steps that should be followed in the course of a disability equality impact assessment process, although we do outline some key disability equality impact assessment phases. Our focus is on the key questions that an impact assessment needs to address, and that need to be shown to have been properly addressed in the record of the disability equality impact assessment, whatever form this may take.

It is also important to stress that impact assessment of ‘new’ policies should not be seen as an activity that takes place outside the context of the development and implementation of the policy in question. Impact assessment needs to be integrated into policy development.

There is a risk that the act of completing an impact assessment form can be equated with ‘doing’ the impact assessment. In fact the completion of an impact assessment form or record or report should be no more than a recording of those impact assessment activities that have already taken place during the course of policy development or review, or, at intermediate stages, about the activities needed and planned to ensure a proper assessment. A well-designed template can, however, assist in the assessment process by directing you to the questions that the assessment will have to have covered.

Not all disability equality impact assessments will take the same form or follow an identical sequence of steps, but they will all be directed to answering the same questions, whose answers need to be recorded and justified. These will then be followed, if necessary, by a range of recommended action points, including monitoring arrangements, or by an explanation for the decision not to take action, a decision that may itself require monitoring and review.

## **Timing of disability equality impact assessment**

Disability equality impact assessment is emphatically not something that should happen 'after the event', and its timing and nature should ensure that the assessment can really feed into the policy's development and implementation (or non-implementation if this is what the assessment suggests). We are aware of concerns that equality impact assessments are often undertaken too late to be of any real influence, and the Commission for Racial Equality has identified this as a real problem in relation to many race equality impact assessments undertaken in connection with the Race Equality Duty imposed by the Race Relations (Amendment) Act 2000.

A local authority decides to develop a new corporate brand and fails to involve disabled people or carry out a disability equality impact assessment at any time during the development. Just before the first document is to be printed in the new brand a member of disabled staff working in the authority raises concerns about the inaccessibility of the new type face, its size and the use of coloured text. The concern is referred to the Director of Communications who is then forced to go back to the drawing board for the new brand at substantial, and unnecessary, cost.

## **Getting started**

Disability equality impact assessment need not always be a complicated or time-consuming process. Depending on the scale of the policy and the information available, impact assessment can be relatively straightforward, and should not be seen as a daunting prospect. This is not to say that disability equality impact assessments should be superficial – they certainly should not - just that they need not be seen as intrinsically burdensome or difficult.

For purposes of disability equality impact assessment you should be aware of the wide range of policies, decisions and practices covered by the term 'policy', as discussed in [the 'Meaning of policy and its many guises' section](#).

Even for complex policies, impact assessment is really no more than the systematic addressing of one of a range of considerations that good policy-making should take into account. Disability equality impact assessment needs to be seen as an integral element of broader

policy development and appraisal activities.

The disability equality impact assessment process is the same as any other fact-finding or research exercise you may be required to carry out in the course of your work and will vary in complexity and difficulty according to what is being assessed.

There is nothing to fear in identifying a policy's potential or actual negative consequences for disability equality – finding negative impact or missed opportunities for positive impact are, after all, what disability equality impact assessments are for. The impacts are there, whether they are identified by an assessment or not, and an authority is more vulnerable if it fails to identify them. Failing to remedy them may mean that the authority is in breach not only of its disability equality duty, but of the wider disability discrimination legislation. Identifying impacts and taking remedial action necessary for disability equality presents a positive opportunity to enhance your authority's relationships with disabled people as well as its compliance with the Disability Discrimination Act (DDA).

Glossing over negative impacts or disregarding them may sometimes seem a tempting short-term solution, especially if the assessment is a 'retrospective' one, embarked on only after, or at the closing stages of policy development. However, this will not ultimately help your authority to deliver on the DED or to reap the associated benefits. Even if specific negative impacts can not be entirely removed, identifying these in advance will ensure that your authority has the opportunity to address them properly in the light of considerations of relevance and proportionality, and to show justification for any residual negative impact.

It is important to bear in mind the social model of disability with its central message that people are 'disabled' not by their impairments but by barriers society has put in place or failed to remove. The impact you are looking for will often be the impact on disabled people of a society – and of policies and practices - designed by and for non-disabled people.

Many authorities provide toolkits for staff engaged in disability equality impact assessments and you may find a lot of helpful information and links in such a toolkit. However, even the best toolkits may not be a substitute for disability equality training and if you have not yet had any such training you could find it very useful to obtain this before embarking on your first disability equality

impact assessment.

**If you are unsure about how or where to start the disability equality impact assessment process, you may find it helpful to look at the impairment and barrier categories recommended in the [DRC guidance on 'Gathering Evidence to Inform Action'](#) as a starting point, to help you to be aware of the range of impairments and barriers that you may need to consider.**

**However, you should use these categories as a guide only, to help you recognise the wide range of issues that you need to think about. They should not be seen as exhaustive, or used as simple checklists, since the complexity of disability and disability equality are clearly greater than simple categorisations could suggest.**

**You could also look at other disability equality impact assessments carried out within your authority, or by others, particularly those with a similar or analogous range of functions or responsibilities. It can be helpful to seek assistance from people who have already done disability equality impact assessments, from either within your authority or outside it.**

**You may also find it helpful to refer to the examples set out in text boxes throughout this guidance, to illustrate varying approaches to, and findings and outcomes of, disability equality impact assessment.**

**Your authority will have established links with disabled individuals and organisations in the course of involving disabled people in the development of its DES. Some authorities will have developed this initial involvement into an ongoing dialogue and this may provide you with an opportunity to raise some issues with disabled people either at the start of your assessment or in the course of carrying it out. However, you should not expect disabled people to undertake the assessment, their role will be advisory. The extent to which disabled people need to be involved in the disability equality impact assessment process is considered in the ['Should disabled people be involved in disability equality impact assessment'](#) section. In addition to possibly employing designated equalities personnel who may be able to help you, some authorities have developed networks of 'equality champions' and / or 'disability champions', so there may be someone within your own business area or department who has more experience of assessing impact that you can approach for help.**

Disability equality impact assessment arrangements are the responsibility of your authority, so you should be able to get the support and training you need to carry out your disability equality impact assessment. If you feel you need additional support or training, contact someone who can help you obtain this. Disability is not an area in which many people currently possess wide expertise, so you should not be afraid or embarrassed to admit that you do not know, and to ask for information and help.

## **Screening for full assessment**

In our Code we suggest that a policy is likely to require full assessment, if:

- the policy is a major one in terms of scale or significance for the authority's activities; or
- there is a clear indication that, although the policy is minor, it is likely to have a major impact upon disabled people – in terms either of numbers affected or the seriousness of the likely impact, or both.

Thus the first question that needs to be addressed is whether the policy falls within one of these categories. An authority will need to have developed criteria for deciding whether a policy falls within one of these categories. Some of the questions suggested in [the 'Questions the assessment should address' section](#) for a full assessment of impact may be helpful for screening. If on the basis of these, you consider that a policy comes within one of them, then the policy will generally need to be the subject of a full assessment.

The criteria that authorities use for determining 'major', 'scale' and 'significance' will be in relation to the authority's own activities. Whether an impact is 'major' or not will also be in relation to the authority's own activities and the public it serves. Similarly, what is 'significant' or 'major' for one authority may not be so for another. Developing these criteria will be an organisational responsibility and should be undertaken on that basis to ensure consistency across the public body.

We set out below a range of possible criteria that authorities might use to help them determine whether a policy is 'major' or is likely to have 'major impact' on disabled people.

The criteria suggested below are not intended to be exhaustive and are not mutually exclusive. They should be used as a possible guide for determining the authority's own, perhaps more specific, screening criteria.

### **Suggested criteria for a major policy**

#### **The number of people affected by the policy**

A policy that directly affects large numbers of people is likely to affect more disabled people than one that affects only a small number of people. Therefore the number of people affected by the policy may affect whether it is considered to be major or not.

#### **The nature of the policy's general impact on people**

The kind of impact the policy has on those it affects may also help to determine its importance for disability equality impact assessment purposes. For example a policy that may have life or death consequences, such as a health screening policy or a reorganisation of an emergency service, clearly has the potential for major impact, even if only on a relatively small number of people.

#### **Scale and cost**

A large-scale project involving significant costs or resources, such as the acquisition of a major new ICT system or the commissioning of a significant piece of research is likely to be a strong candidate for a comprehensive impact assessment process. Such a project is likely to have wide repercussions, and the costs of making changes to the policy after it has been finalised could be substantial. In addition to financial costs, there could be damage to an authority's credibility if it fails to take account of disability equality issues at the right time, and such failure could amount to a failure to comply with the DED or with the wider disability discrimination legislation. Examples may be a recruitment review, letting of a contract for transport services or a new recycling system.

#### **'Profile' of the policy**

A policy that is likely to receive considerable public or media attention, and / or to be politically sensitive may be judged by an authority to be a 'significant' one. An example may be the closure of a facility such as a nursery.

The London Borough of Lambeth requires equality impact assessments to be produced for all policies specified within its Corporate Policy Framework, its Corporate Plan and for 'all other key strategic or policy changes that are likely to have an impact on either the community, customers or staff.

Lead Equalities Officers within all Council departments are responsible for working with Departmental Leadership Teams and Departmental Equalities Groups to make appropriate arrangements for carrying out and reviewing equality impact assessments of key policies outside the Corporate Policy Framework, identified as having high or medium equality relevance.

Additionally, from 2005 / 06, the business planning process includes a requirement to carry out an equality impact assessment of all departmental business plans.

### **Suggested criteria for minor policies which have a major impact**

- A policy which is not in itself major but could have a significant or major impact on disabled people.
- A policy, or an element of it, that could be highly relevant for some disabled people although not necessarily large numbers of disabled people.

Examples of minor policies which could have a major impact are set out on in the 'Examples of policies judged minor but to have major impact' section. The screening process itself and the questions utilised within it will be crucial in ascertaining whether minor policies could have a major impact.

Whatever criteria you use, they should be drawn and interpreted widely, to ensure that every 'major' or potentially 'major impact' policy is treated as such. As discussed below, a 'screening in' (for full assessment) decision can always be amended later if subsequent evidence suggests that the policy will not in fact have major impact and so does not need a full assessment. The initial screening process should always err on the side of 'screening in' rather than 'screening out'.

The purpose of these criteria is to help the authority, and individual departments / officers make decisions about whether a policy should move forward to be assessed for impact on disabled people.

Any screening decision not to proceed with full assessment must be properly documented, with a record of the steps you have taken to explore the issue, and the evidence base for deciding that the policy is of low relevance. If you have carried out the screening properly, you should be well equipped to defend your decision, in the face of any challenge, whether internal or external. In explaining your decision, you need to take account of the considerations of relevance and proportionality discussed earlier, as well as documenting any steps you have taken to make improvements in the absence of full assessment, as discussed below.

Set out clearly below are examples of the variety of different outcomes which can arise from the screening process.

### **Examples of policies screened and deemed to be ‘major’**

A university is considering various policies and practices in relation to disability equality and undertakes initial screening of its examination policy. The screening identifies that this affects a large number of students and therefore is a major policy which is relevant to disabled people. Therefore a full impact assessment is undertaken and disabled students are involved in this process. The assessment of impact is built into the review and it helps to identify a range of areas where the current examination policy could be improved to better promote disability equality, such as providing both extra time and rest facilities for disabled students who experience serious fatigue related to their impairment.

A hospital is moving from free parking to a paid parking system in its car park. Initial screening identifies this as a major policy change as this not only affects a large number of people but is also very high profile. Therefore a full impact assessment is undertaken which involves members of the patient forum who have a disability. As part of this full impact assessment the hospital have to gather data about the usage of their car park by disabled people. The impact assessment finally concludes that the change to paid parking will make it difficult for many disabled people, particularly those on low income to use the car park. They build in various mechanisms to

mitigate this adverse impact including free parking for patients who attend the hospital regularly and additional free blue badge bays.

A government department is considering new policy proposals around social housing. Whilst this is still in the early stages it is likely that the policy proposals may lead to new guidance or possibly primary legislation. As this is a major policy issue, the initial screening concludes that assessment of disability equality impact needs to be undertaken. A full impact assessment process is then built into the various stages of developing this policy including significant effort in relation to assembling evidence at an early stage to inform the assessment.

In other situations the outcome of the screening will be that the policy is not a major but rather a minor policy that is likely to have a big impact on disabled people, even in relatively small numbers.

### **Examples of policies judged ‘minor’ but to have ‘major’ impact**

A government department is planning to make changes to some of its home working system. As the system is already in operation and this is simply about making refinements this is not considered a major policy change. The initial screening on disability equality identifies that this minor policy change could potentially have significant impact on disabled people who in the main have opted for home working more than non disabled staff. Therefore a full assessment of the proposed changes for impact on disability equality is undertaken. This identifies a range of issues for disabled people including adverse impact from proposals that home working should only be agreed for operational reasons and limited support for ICT equipment for home workers. Actions arising from this impact assessment include a new policy around home working as a reasonable adjustment, specific support for home workers who use access ICT technology and further consideration of the departmental hot-desking policies where adverse impact for disabled people has also been identified.

A large local authority is concerned about potential fraud in its small outlying offices. So they decide that these offices can no longer deal with parking permits including resident parking permits and blue badges. These will all have to be applied for at the main municipal offices. This is not considered to be a major policy change for this local authority as it is a decision made within the environment directorate. However, the screening for potential impact on disability equality identifies that this minor policy change could have a substantial impact on disabled people. Therefore it is decided to undertake a full disability equality impact assessment. Within this, data is gathered as to the number of disabled people who have used the small offices for obtaining their blue badge and identification of the areas where there are significant blue badge holders. Following analysis and further consideration, the policy is amended, such that the initial stages of the application can be undertaken by post, blue badges are still to be issued at some other council offices in specific areas; and accessible parking spaces are available at the main municipal offices to those who are visiting to obtain a blue badge.

In general, a policy meeting criteria for being ‘major’ or having potential ‘major’ impact will require a full assessment, but there may be variations, as outlined below.

On some rare occasions, a policy that meets criteria of scale and significance for deeming it ‘major’ may be judged to have minimal or no relevance to disability equality. For example, some policies such as a change in planning controls to encourage the use of solar panels, or about farm animal welfare, might certainly be seen as ‘major’ but still have little impact on disability equality. It could be legitimate to decide not to carry out a full disability equality impact assessment of such a policy, despite its having met formal screening criteria as ‘major’. But before doing this, you should be certain that you have given reasonable consideration to the full range of impacts of the policy, to ensure that none has consequences for disability equality. And you should record your reasons for not proceeding with a full disability equality impact assessment.

A ‘minor’ policy that is judged likely to have ‘major’ impact on disabled people may not always be easy to recognise as such early on in the screening stage. So in finding a clear indication that, although

a policy is minor, it is likely to have a major impact on disabled people, an authority may already have moved some way down the road of 'full assessment' and it may already be clear what the nature of the likely impact is, and how it could be mitigated. In these circumstances, it may be sensible not to proceed with a full assessment, but instead to move ahead to dealing with the impact identified.

However, there may be a need for further screening to ensure that there are no other potential impacts, apart from the one identified, that may require further assessment.

If there is any adverse impact which can be dealt with or improvements made then and there, and a decision is made not to undertake any further assessment the reasons for such a decision not to proceed with full assessment should be documented, together with a summary of the actions taken as a result of the screening exercise.

### **Example of moving forward on the basis of information established during screening**

A police authority, in conjunction with the local council, is planning a programme of intensive enforcement days in local shopping areas. These involve police checks on vehicles, trading standards visiting food premises and highways officers addressing any potential violations. Initial screening of the plans to assess their possible relevance on disability equality identify some obvious areas for attention and action. These include: police checking for blue badge violations; trading standards reminding those operating food premises about their obligations under the DDA in relation to access; and highways officers focusing on ensuring traders do not place obstructions such as advertising 'A-boards' in the street. Following the screening these are included in the plans and it is decided that they have covered a very wide range of issues and there is nothing to be gained by proceeding to a full assessment, but that implementation in relation to disability-relevant aspects will be monitored.

Equally, there will be times when it is difficult to tell from initial screening whether the policy is indeed likely to have a major impact upon disabled people – for example there may be a recognised possibility that it might, but no way of knowing for sure without doing a full assessment. It could be inappropriate on this basis to decide not to proceed with a full assessment, or at least some further assessment, until you are fully satisfied that there will not be ‘major’ impact. If the screening process does leave you unsure as to whether a minor policy is likely to have ‘major’ impact, you should take the assessment further, following the ‘full assessment’ steps outlined below, until you reach a point where you can make this decision, and either proceed with full assessment or decide that the policy in fact has no or limited relevance to disability equality and curtail the assessment, recording your reasons for this.

If you have decided that a policy does not meet your criteria that a policy is either ‘major’ or ‘minor’ but with likely major impact on disabled people, you may still wish to give consideration to any small improvements that could be made without a full assessment being carried out. Or you may consider it necessary or desirable to carry out further assessment, short of ‘full assessment’, to help you to determine what improvements might be necessary.

### **Examples of ‘minor’ policies not judged to require full assessment, but with some action taken**

A local authority is undertaking a programme of tree-planting. This is not a major policy and therefore does not qualify for a full impact assessment on these grounds. The screening also identifies that this minor policy is unlikely to have a significant impact on disabled people but still has some disability equality relevance. The manager responsible for this project decides not to go through a full impact assessment but to ask the local access group to look at the proposals. This helps identify straightforward issues like ensuring that the trees are not planted on pavements where they would impede access; and regular monitoring to ensure that contractors maintain access and site safety throughout the planting works.

A museum is considering opening an hour later one day a week to give time for staff training. This is not a major policy change and therefore does not qualify for full impact assessment on these grounds. The screening identifies also that this minor policy is unlikely to have a significant impact on disabled people although it has some relevance. Rather than undertake a full impact assessment the museum monitors early-morning visitors for a short period to see whether disabled people are more likely to visit at this time. This monitoring identifies that very few disabled people are visiting early in the morning and so the museum proceeds with the proposed changes, recording the reasons for its decision.

## **Full assessment**

While what we say below relates largely to the formal assessment of policies formally ‘screened in’ for full assessment, some of the questions may be useful to the assessment of the kind of day-to-day decision-making that may not be put through a formal screening process other than to ask the question ‘could this decision have an impact on disability equality?’

### **Questions the assessment should address**

The process of full assessment entails further exploration of the following questions (some of which may also have been given preliminary consideration in screening):

- What kind of disability equality impact might there be?
- How significant is it in terms of its nature and the number of people likely to be affected?
- For which groups of disabled people will there be an impact?
- Is the impact positive or negative (or is there a potential for both)?
- On what aspects of the Disability Equality Duty will this impact be? (See the six strands set out in the [Appendix A – The Disability Equality Duty](#))

- **Could the impact constitute unlawful disability discrimination?**
- **What further information is required to gauge the probability and extent of the impact?**
- **Where and how can that information be obtained?**
- **What does all the evidence tell us about the probable impact on disability equality?**
- **What action do we need to take to reduce negative impact?**
- **What action do we need to take to increase positive impact?**
- **If the action proposed will not fully mitigate adverse consequences for disability equality, or if the decision is to take no action, why is this, and can we justify it?**
- **How will we know what the impact in practice of proposed policies, or of changes introduced has been?**
- **What have we learned from the disability equality impact assessment process?**

### **The stages of a disability equality impact assessment**

We suggest six main stages that a disability equality impact assessment is likely to have to go through. We list them in their likely logical order, but it is important to bear in mind that they will not always follow one another in an orderly sequence, and you may particularly on complex policies need to move back and forth - for example as the evidence obtained from consultation or from a pilot implementation leads to amended proposals - or to work on more than one step at any given time. In some disability equality impact assessments the action required at one stage may be minimal, while the same stage may be a major part of another.

The stages we identify are:

- 1. Assembling the evidence**
  - Exploring existing evidence
  - Obtaining further evidence
- 2. Judging impact**
- 3. Planning action**
- 4. Implementation of Action Plans**
- 5. Monitoring and review (including review of disability equality impact assessment process)**
- 6. Publication**

An adequate assessment is likely always to contain aspects of the first five stages, and assessments of major policies or ones with a likely major impact on disabled people should also be the subject of publication in some form.

We have not designated ‘consultation’ as a stage of assessment. Consultation is one way of obtaining evidence but the need for consultation will vary from disability equality impact assessment to disability equality impact assessment. For some disability equality impact assessments formal public consultation will be essential, whereas in other exercises the relevant evidence may already be available from other sources, including for example recent previous consultations, making a consultation exercise unnecessary or ‘disproportionate’.

As indicated earlier, ‘full assessments’ are likely to come in many shapes and sizes. A full assessment is an assessment that is ‘fit for purpose’ in the context of considerations of relevance and proportionality outlined in [Appendix A – The Disability Equality Duty](#).

But remember that it must be fit for purpose, which means that it must enable the authority to make informed judgements about the disability equality impact of the policy or practice in question and appropriate decisions about what action needs to be taken in the light of this impact.

**Looking at the example about obtaining a blue badge from a local authority, one option could have been to engage in a lengthy consultation process. However, this would be unnecessarily burdensome if the information required can be obtained from:**

- **frontline staff**
- **data on current badge holders**
- **qualitative information from blue badge holders about their experience of obtaining a badge**
- **others within the authority with the relevant disability knowledge and experience**
- **those involved in providing parallel services in other authorities.**

**At the other end of the spectrum, the efforts of the Department for Culture Media and Sport (DCMS) to look fully into the needs of vulnerable users (elderly and disabled people) in the context of the switchover to digital TV has required full and specialised examination, throughout the development of the switchover strategy, of the ergonomic and other needs of people with a range of different impairment types and of ways in which these needs should be met in the implementation of the switchover. (See example text box on [‘Mainstreaming disability impact issues in the switchover to digital TV’](#))**

**In general, the more complex and large-scale the policy, the more complex and large-scale the disability equality impact assessment needed. But the extent of existing knowledge about the impact of similar policies may increase or reduce the amount of work required for a proper assessment.**

**In the following sub-sections, we consider each element of the ‘full assessment’ process in more detail.**

## **Assembling the evidence**

### **What is the difference between impact assessment and evidence gathering?**

Guidance on gathering and analysing evidence to inform action is the subject of a separate DRC guidance document.

In practice it is not easy to draw a firm distinction between impact assessment and gathering and analysing evidence to inform action. One that we draw is that gathering and analysing evidence may be used for purposes other than impact assessment, and could also be used for more than one assessment, forming a growing pool of information about disabled people in the authority's catchment area, the barriers they face, and mechanisms for removing these. Impact assessment is more specific – directed at only one policy. Where an authority is collecting general data about, for example, satisfaction with a service such as street-lighting, the data collected should increasingly include data relating to respondents' disability status, so that the information could be used in a disability equality impact assessment process as required.

But impact assessment may itself require the gathering and analysing of evidence to inform action, and the evidence so gathered should then become part of the authority's wider base of evidence. This evidence base should be well-publicised so the others in the authority can use this.

A Regional Development Agency (RDA) looked at its work on enterprise and business support and found that there was a very limited amount of data on the numbers of disabled business owners. As part of its Disability Equality Scheme the RDA has made a commitment to commission research which will aim to address this gap. This evidence can then be used in future disability equality impact assessments to establish the impacts of business support programmes.

## Exploring existing evidence

Having information and evidence will help you to make decisions about possible impact on disability equality. This could come from all sorts of places. For example:

- census and other population data
- national, regional or local research both quantitative and qualitative
- information gathered by your authority, often in furtherance of this duty to put into effect its DES arrangements to gathering and using information
- existing feedback data, such as satisfaction surveys and complaints records which may also include disability data that are useful to your assessment, but you should not assume that an absence of evidence of different complaints or satisfaction levels means that all is well. Disabled people may not have used a service at all, and hence be unlikely to have complained about it
- information from people engaged in similar work in your own or other authorities, who may also be carrying out, or have carried out, assessments of the same or similar policies or practice. This does not of course mean that you should delay any impact assessment until someone else has carried out a similar exercise – each authority is responsible for making arrangements for its own disability equality impact assessments
- relevant information may also exist in informal or unwritten sources, for example the knowledge and experience of frontline staff, of equalities staff, and of disabled people
- the ongoing, or specific, involvement of disabled people in your authority.

In the guidance on gathering and analysing evidence, we stress that a historical lack of data should not be used as a justification for inaction or delayed action. The same point is stressed again here. Even if the data – qualitative or quantitative – you have is not perfect, it may be an adequate and sound basis for gauging the likely impact of a particular policy. For example, if your preliminary assessment has suggested that the policy could have a negative impact on certain groups of disabled people, you do not necessarily

need to know the precise numbers of people from these groups in your geographical area before recognising the need to take action to mitigate the negative impact, particularly if there is already evidence to suggest that nationally they represent a substantial proportion of the population, or that the negative impact could be serious for those affected by it.

The Housing Benefit Office of a local authority learns via front line staff that its forms are inaccessible to visually impaired users. The Office has only recently embarked on disability monitoring, so does not have extensive statistical data about visually impaired people using the office or how this compares to the figure for its population. However, it consults a local organisation representing visually impaired people, and decides to make changes, without moving to a detailed impact assessment. It adjusts its printed forms to an appropriately large font and suitable colour scheme.

## **Obtaining further evidence**

Having reviewed the data currently available, you may decide that you simply do not have sufficient evidence to inform the assessment particularly for complex policies. In this case you need to consider ways of obtaining this evidence.

Methods of data gathering are considered in detail in the [DRC guidance on gathering and analysing evidence](#), which identifies the following as common methods:

- surveys and questionnaires
- interviews and focus groups
- secondary sources and data reviews
- observations
- desk research
- panels
- mystery shopping.

Disability equality impact assessments may also use existing diversity monitoring data, relating to service delivery or employment, as a key source of evidence on some policies. Diversity monitoring data may cover a wide range of outcomes, such as service take-up, satisfaction levels, complaints rates, application and recruitment rates and patterns of appraisal markings, grievances, promotion and leaving. Sometimes the monitoring data already available may need to be supplemented by further data-gathering work.

A small government agency proposes on grounds of cost and staff development to restrict access to first line management jobs initially to applicants from within the organisation, using external sources only if posts are not filled externally. However, the organisation's diversity monitoring data suggest that there are very few disabled people in the feeder grades, or indeed within the organisation as a whole, relative to population estimates. Aware that a large number of people have not answered the disability question, the agency carries out a top-up and updating data collection exercise, which greatly increases the return rate, but still suggests under-representation of disabled people in all grades. The agency decides not to proceed with the proposal, but to seek applicants externally as well as internally, using local jobcentres, while at the same time notifying local disability organisations of vacancies, and of its desire to recruit more disabled staff.

Your authority may have a department capable of offering more detailed advice about how to meet your data needs, for example a department responsible for research and statistics, or for consultation, or an equalities and diversity unit.

Gathering further data may require additional time, with the possible risk that impact assessment lags behind policy development and decisions are made and even implemented before the assessment is completed. A balance may have to be struck between the requirement for good quality data and the need for timely assessment.

If you do go down the route of further data collection, you need to take a decision about what action to take in the interim. Depending on what you think the nature and extent of the possible impact may be, you may decide to let the policy stand (if an existing one) or proceed (if a proposed one), possibly on a pilot basis, subject to further review when the further evidence becomes available, but do not use the limited data as a reason to put off till tomorrow what

needs to be done today. In other cases, particularly for example if the impact could constitute unlawful discrimination, you may decide that the policy should be immediately amended or its implementation delayed, until you have further information.

Your judgement about when to stop or suspend the evidence-gathering process will itself be influenced by considerations of proportionality and relevance, but you should be prepared to justify your judgement if challenged.

A Primary Care Trust (PCT) has a comprehensive training system for staff. When gathering and pulling together information to inform impact assessments of HR policy it becomes immediately apparent that disabled people are not taking up training opportunities in the same numbers as their non-disabled colleagues. They analyse this data to see whether there is a link with disabled people being in particular grades but the issue cuts across grades. They then do some qualitative work by undertaking interviews with a range of disabled people.

This still leaves some gaps in the PCT's understanding of the differing patterns of training take-up, but rather than continuing to collect and analyse data, the PCT decides that it has enough information to make a judgement about key barriers and to take appropriate action.

Changes made include:

- specific training courses for disabled people on issues such as moving into management
- specific information on training targeted at disabled employees which provide reassurances about reasonable adjustments
- disaggregation (by disability status) of training feedback to inform future course development.

## **Assessing impact and planning action**

Once you have all the data you believe you need, or as much as can feasibly be gathered in a reasonable time, you need to make an informed assessment of the policy's actual or potential impact on disability equality.

This is the time to take the evidence, knowledge of the policy and disability equality and put them together to carefully analyse the issues. A systematic approach to considering potential barriers or issues for disabled people will be an effective way to approach this. Whilst looking for barriers consideration should also be given to looking for potential improvements so that the policy can better promote disability equality.

When assessing impact it should not be forgotten that the DED requires due regard not only to eliminate unlawful discrimination and promote disability equality but also to:

- eliminate harassment
- encourage participation of disabled people in public life
- promote positive attitudes towards disabled people.

It will be beneficial to consider all of these issues in relation to a particular policy. In many of these areas improvements may be able to be made to better achieve these.

When assessing impact always look beyond the obvious, consider the impact on a wide range of disabled people and think broadly about what issues may be relevant, possible negative impact and opportunities for positive improvements. It isn't always the most obvious policies or the most obvious barriers which have the biggest impact.

Training and support, particularly for those people who are relatively new assessing disability equality impact will be absolutely essential. When first undertaken this is not an easy element of policy development but training, support and experience will make this much more straightforward and effective.

The judgement you make about disability equality impact will then have to be followed by decisions about action:

- Where negative impact or opportunities to improve disability equality outcomes have been identified how best to make amendments to eliminate / reduce negative or increase / maximise positive impact.
- Where there is negative impact, or difficulty maximising in positive impact whether to implement or continue with the policy without changes. Such a decision will have to be justified in relation to the DED and consideration of relevance and proportionality.
- Where there is negative impact but amendments may not necessarily fully mitigate this whether implementation should be fully rolled out, or carried out on a pilot basis in order to further assess the situation.
- Whether the impact is such that the policy should not be implemented, or should be cancelled / stopped (if already in operation), and if so how the objectives the policy was intended to achieve can be met with less or no negative impact (in some cases requiring a fresh disability equality impact assessment of the alternative policy).
- How and when to monitor and review the impact in practice of the policy and / or of any changes made.

It is essential that a careful track is kept of what changes and improvements are made as well as any adverse impact identified which could not be mitigated. You should ensure that the decisions made (whether by you or by a committee or other panel acting on the recommendations flowing from your assessment), and the evidence and thinking behind these are adequately documented. Your authority may have developed a template that you can use for the recording of decisions and evidence.

The aim of this activity is to be able to put forward as full a range as possible of improvements to both mitigate adverse impact and maximise identified opportunities. However, if all of these changes are not possible it is important to clearly set out the reasons for this. But it is equally important to set out the positive changes you did make and not only share these but take credit for them.

## **Implementation**

You then need to take action to implement the action agreed to be necessary. An assessment is not a paper exercise, and is of little value if it does not lead to improvements (or a clear statement of why improvements are either not needed or not practicable).

It is important to remember that while a negative impact may not necessarily of itself constitute or give rise to unlawful discrimination, a negative impact, or missed positive impact, could still be in breach of the DDA, since it could mean that an authority was failing to comply with its general duty if there are not cogent and robust reasons for this decision.

As a result of their impact assessments, authorities may identify barriers to equality of opportunity which are outside their control – for example, a local authority may identify a barrier which falls within the control of a government department. Whilst steps may be identified in the Action Plan to address the barriers so far as the authority is able to do so, the authority could also draw these barriers to the attention of the relevant Secretary of State, so that they can be addressed in the Secretary of State's report (see Chapter 4 in both the [Code of Practice for England and Wales](#) and the [Scottish equivalent](#) for details of the Secretary of State's reporting requirements).

## **Monitoring and review**

In parallel with implementation, you also need to put into effect your monitoring and review arrangements, which should already have been considered at the planning stage. You can then assess the actual impact of new policies, and / or the impact of changes made to new or existing policies to check whether they have had the effect you intended. Your monitoring and review arrangements could include any or all of the suggested mechanisms for gathering and analysing evidence, depending on the nature of the information you need for effective monitoring.

As well as reviewing implementation following disability equality impact assessment, it is important to review the disability equality impact assessment itself. This entails asking questions such as:

- What went well?
- What could have been done better?
- What have we learned that we can take to our next disability equality impact assessment?
- What might be helpful to communicate to colleagues or others who could benefit from our learning?

It can also be helpful for the authority periodically to take an overview of its disability equality impact assessments and what it is learning from them, so that lessons can be learned throughout the organisation, and authority-wide action taken where necessary.

A local authority in Wales observed that in a number of impact assessments conducted so far consultation and customer feedback was consistently highlighting the delays in accessing information and services due to the lack of qualified British Sign Language (BSL) interpreters in Wales. As a result the authority has committed to increase the number of BSL users within the workforce so that simple enquiries by BSL users can be dealt with efficiently and promptly. Qualified interpreters will still be needed and used for more complex matters but having trained BSL users among staff will help with simple enquiries - such as requests for forms. So far 42 staff have come forward to take part in a BSL six month introductory course which is to commence in Signers Week.

## **Publishing and publicising disability equality impact assessments and outcomes**

Public authorities are required to publish annually a report summarising the steps they have taken to meet the general duty, ie the steps set out in their ‘Action Plan’ (see [Appendix A – The Disability Equality Duty](#)). This means that the annual report (which can be contained within another document) should include at least a summary of the disability equality impact assessments set out in your Action Plan.

However, authorities may find it useful in terms of transparency and sharing information to publish in their own reports, or separate document at least a summary of all full assessment of major policies including changes which were made and outcomes.

We recommend that authorities should publish at least a summary of all full assessments of ‘major’ policies, either in their annual reports about steps taken to deliver on the general duty, or in a separate document setting out their impact assessment work. The report should indicate the range of policies that have been subject to disability equality impact assessment, and action taken as a result.

As noted in the Code (para 3.42) (para 3.42 in Scottish code):

‘It will be particularly important to capture improvements made as a result of impact assessment. Publishing this information...will build community confidence in the robustness of the authority’s approach to disability equality.’

Although not every individual disability equality impact assessment will require a full report, we would suggest that such individual reports should be prepared on major policies and minor policies with potential major impact (ie those ‘screened in’ for full assessment). As part of an authority’s duties under the DDA, reports should be published in a range of formats, and should be made available to those who request them.

For other policies and practices, a brief record of policies and practices assessed, decisions and action taken could serve to show the extent of disability equality impact assessment activity that has taken place, and its outcomes. Such a record might perhaps be prepared on a directorate, departmental or divisional basis depending on the size and nature of the authority.

**In addition to formal publication arrangements, you should think about ways the results of your authority’s disability equality impact assessments can be more widely publicised, both within and outside your authority, to optimise the spread of knowledge and experience within and between authorities, particularly but not exclusively authorities within the same sector or geographical area.**

**Internal arrangements for spreading disability equality impact assessment experience, and highlighting positive outcomes, could include newsletters, intranet materials, and networks of disability ‘champions’, who can be used as a source of information about past disability equality impact assessments and advice about new ones.**

**To ensure that its learning about designing forms for visually impaired people is shared, the Housing Benefit Office referred to on page 44 reports what it has done in an authority-wide equalities newsletter, and also informs the regional government association, who draw it to the attention of other authorities.**

## **6. Mainstreaming the impact assessment process**

As indicated earlier, the disability equality impact assessment process is not a bolt-on, but is ‘part of the day job’, and has to be seen as such. An authority’s ‘arrangements’ for impact assessment should focus at least as much on arrangements for mainstreaming disability equality impact assessment, and for ensuring that everything that should be the subject of a disability equality impact assessment is impact-assessed.

To ensure that this is the case, authorities need to build disability equality impact assessment into their wider decision / policy-making, management and governance processes. The way that they do this will depend on the culture of the organisation, but the following are suggested as useful mechanisms:

### **Risk assessment**

Equality impact assessment can be seen as a form of risk assessment, so some organisations find it useful to set their equality impact assessment work in this context. Managers and policy developers are familiar with risk assessment as a routine part of their work, and are comfortable with the idea of slotting equality impact assessment into this framework. However, if disability equality impact assessments are formally undertaken within the risk assessment framework, it is essential to ensure that disability equality issues are specifically and separately addressed. This may require that the disability equality impact assessment forms a separate document referred to in, and appended to, the main risk assessment, or that the risk assessment itself gives full coverage to disability questions and evidence.

The reference to ‘risk’ may focus people’s mind on possible adverse consequences, so it is important to ensure that disability equality impact assessments undertaken in a risk assessment context also focus on the ‘risk’ of missing opportunities for positive impact.

## **Policy development / appraisal**

As we have already noted, impact assessment is ideally carried out hand-in-hand with, and as part of, policy development. At each stage in the development of a policy, and of its separate elements if it is a large project, consideration should be given to disability equality. It may be useful at the outset of the development process to outline the key questions which will be considered and at what stage in. This ongoing assessment will differ from a 'one-off' disability equality impact assessment but will continually address the questions a disability equality impact assessment is intended to answer. For example when government departments publish Green Papers consulting on proposed legislation, they could specifically seek feedback on disability impact as well as the other questions on which views are sought.

### **Mainstreaming disability impact issues in the switchover to digital TV**

The Department for Culture, Media and Sport (DCMS) is responsible for the development of policy on the national switchover to digital television. Working with organisations representing the disabled and the elderly has been seen as a key part of ensuring successful implementation of the switchover, and thus as integral to policy development.

A Consumer Expert Group (CEG) was set up at the request of Government in 2003 to ensure consumers, particularly elderly and disabled people, were fully involved in decisions on switchover and its implementation. The CEG advised the Department at various stages of development of the switchover strategy, and in early 2006, made recommendations on the digital receiver equipment needed to help amongst others disabled consumers through switchover, and on the implementation of the scheme itself. The recommendations followed two government-commissioned research reports looking at the equipment and support needs of consumers likely to face the most difficulty in switching to digital.

The Scottish Executive Health Department sets the process of equality impact assessment within its overall policy framework, and the background section of its toolkit points to the central place of equality impact assessments in relation to key Health Department policies relating to:

- Patient Focus and Public Involvement
- Informing, Engaging and Consulting the Public in Developing Health and Community Care Policies
- ‘Fair for All’
- Partnerships for Care, which commits the Department to extending ‘the principles set out in Fair for All across the NHS to ensure that our health services recognise and respond sensitively to the individual needs, background and circumstances of people’s lives’.

Many NHS organisations in Wales have a ‘policy on policies’ – such a policy sets out the organisational arrangements and structures for all new policy development. In order to ensure that equality impact assessment is mainstreamed into all new policy development, organisations have included a requirement that all new policy is subject to screening for equality impact assessment.

### **Committee / Board decision-making & scrutiny**

An important mechanism for mainstreaming is the incorporation of disability equality into proposals and reports submitted to decision-makers. It could be useful to build in a requirement that disability equality impact assessments, or a statement of disability equality impact assessment outcomes, should be appended to any policy papers meeting certain criteria (perhaps determined at the stage of developing the DES). In addition, it may be helpful to make provision for other documents to include a standard item on equality impact including disability equality impact.

**The London Development Agency's remit is to deliver the Mayor's vision for London to be a sustainable world city with strong, long-term economic growth, social inclusion and active environmental improvement. They have a budget of £400m to commission and procure projects to develop London. All spending is approved by the Corporate Investment Panel (CIP), and no funding is approved unless a satisfactory equality impact assessment is included with the proposal.**

**The Scottish Executive Health Department found, following the launch of its toolkit in September 2004, that equality impact assessments were not initially being carried out to the extent hoped for, but that gradually many NHS Boards were building an impact assessment requirement into their approval structures. The Department itself is now making equality impact assessment mandatory in respect of Boards' planning and delivery on central policy in three key national priority areas (cancer, stroke & heart disease, and mental health).**

**An urban local authority requires all reports going to its Management Board or Cabinet to include information on the disability equality impact assessment and specifically a summary of the changes or improvements made as a result of this assessment and any outstanding adverse impact.**

**Some authorities require all formal equality impact assessments to be scrutinised by their equalities team and / or an equality impact assessment panel, ensuring that equality expertise is built into the impact assessment review process and that standards are maintained. Having all an authority's impact assessments seen by a single group of people can also help to identify any shortcomings in the authority's impact assessment process and support and training needs that have to be met. A constructive feedback process can help to build capacity in those carrying out assessments. As a body increasingly focuses on promoting disability equality and impact assessments and where the volume of disability equality impact assessments is such that it is**

impractical for a single panel to review all of them, a central panel might review all ‘major’ policy disability equality impact assessments, or a sample of these or a sample of all disability equality impact assessments. This feedback should of course report on any trends in assessments, highlight best practice and also identify general training or support needs.

The inclusion of disabled people in scrutinising impact assessment is one way of involving disabled people in the impact assessment process, but may not of course be a sufficient involvement mechanism in all cases. The involvement of disabled people should not be seen as removing the obligation on all involved to ensure that disability issues have been properly addressed.

Successful implementation of disability equality impact assessment scrutiny arrangements by committees, boards and other decision-making bodies will require that members of these bodies, as well as staff, are adequately trained in discrimination legislation including the DED, in impact assessment requirements and in disability equality generally (see Section 7 ‘Support and training for staff doing disability equality impact assessment work’).

The London Borough of Lambeth has set up a corporate equality impact assessment Panel to steer and manage the Equality Impact Assessment process. The Panel meets quarterly to review assessments of three or four of the policies that have been selected for assessment from the Council’s Corporate Policy Framework or the Corporate Plan. The Panel also annually reviews the equality impact assessments of Departmental Business Plans. The Panel consists of:

- elected members
- senior officers
- the Head of Equality and Diversity
- external stakeholders including representatives from local voluntary organisations that are working to address race, disability, gender, age and Lesbian, Gay, Bisexual and Transgender equality issues.

The council is also moving towards formalising arrangements whereby departmental Equality Groups would function as Panels to

review equality impact assessments of department specific policies, projects and services that are not included in the Policy Framework or Corporate Plan.

Equality impact assessments submitted with funding proposals to the London Development Agency are scrutinised by the Performance Office, who have been trained by the Head of Equalities to audit the equality impact assessments, and who refer to her any that may not be of the standard required. The Equalities Director sits on the Corporate Investment Panel and is briefed by the Head of Equalities on the equality impact assessments on proposals under consideration.

## **Line management arrangements, including performance appraisal**

In addition to ensuring formal disability equality impact assessments of ‘major’ projects, there need to be mechanisms in place for scrutiny of decisions made by officers in the course of their work. When looking at recommendations by staff, line managers need to check whether disability equality implications have been considered, and to ask questions about these. Even decisions made at a fairly junior level have the potential for disability impact, and there should be procedures in place to ensure that such decisions are checked before being implemented.

It is good practice to include an ‘equality and diversity’ competency for staff appraisals, and one element of such a competency could relate to efforts made by the individual to disability equality impact assessment his / her actions and decisions. Staff should be encouraged to see the raising of disability concerns as a positive contribution to the authority’s delivery on both the DED and its wider responsibilities to customers and users, and should receive ‘brownie points’ for doing this.

A college in Scotland has a well-established appraisal system, linked to pay. The competency framework for all grades includes a competency relating to diversity. The behavioural indicators for this have been updated to include reference to the officer’s performance in relation to identifying and dealing with disability equality impact.

## **7. Support and training for staff doing disability equality impact assessment work**

### **Equality impact assessment toolkits / guidance**

In the time since the Race Relations (Amendment) Act 2000 introduced a requirement for race equality impact assessments, many authorities have moved to multi-strand equality impact assessments and prepared equality impact assessment toolkits and templates, with a view both to supporting staff engaged in equality impact assessments (including disability equality impact assessments) and to improving the quality of the assessments produced. See the DRC's considerations of the suitability of multi-strand equality impact assessments in [Section 8 'Generic or multi-strand equality impact assessments'](#).

Many authorities report that staff seem to experience anxiety when faced with the prospect of an equality impact assessment. Such anxiety can be a barrier to effective assessment, so a well designed toolkit can be of great value if it enables staff to feel confident about embarking on a disability equality impact assessment. Such a toolkit could include some basic disability equality information - about legislation, about the social model, and about impairments and common barriers, tailored if appropriate to the authority's work, as well as information about easily accessible sources of further advice and information, both external and internal. As experience in carrying out disability equality impact assessments grows, these could include (virtual or real) disability equality impact assessment 'resource centres' with libraries of past assessments, and equality newsletters and networks available within the authority and outside it.

The London Borough of Croydon uses a multi-stand equality impact assessment process, but issues separate guidance on the steps to be taken in relation to 'Assessing for Impact on Equality for Disabled People'. This document refers people to a detailed guidance document 'Achieving Access for All', which provides detailed information about the kind of barriers faced by different groups of disabled people, and specific guidance on tackling a range of barriers, providing access and promoting equality.

## **Equality impact assessment templates**

Most toolkits incorporate or are accompanied by formal templates for documenting the equality impact assessment. We have seen a range of (disability) equality impact assessment templates, of varying length and complexity and requiring different levels of detail for their completion.

Equality impact assessment templates have the advantage that they require those doing impact assessments systematically to address and answer the questions they pose. They can also reduce the ‘fear factor’ by giving people a structure around which to frame their disability equality impact assessment.

However, a concern about templates is that the completion of the template can be equated with the carrying out of the impact assessment itself, increasing the risk that an assessment may be completed ‘after the event’. In some authorities, there is an experience of templates being seen as over-complicated and intimidating, sometimes with the result that people do not complete them, or opt for the solution of ‘screening out’ policies that could in reality have a disability (or other) equality impact. In some cases, like the one described below, recourse to a more simplified form can ensure that people do engage with the process of impact assessment. However, if forms become too simple, there is a risk that completed forms may be minimalist and superficial, often again with a premature or unjustified conclusion that there is no potential or actual disability equality impact. Over-simplified forms may also lead to a (literally) ‘tick-box’ approach to (disability) equality impact assessment.

Authorities need to tailor their templates to the needs of users. What works for one authority may be inappropriate for another, and those responsible for producing templates need regularly to review them in the light of evidence about how (and whether) they are being used.

A rural Scottish authority introduced an equality impact assessment toolkit and template derived from one used in another sector. The authority found that the template was alienating and off-putting to staff because of its complexity. The template was replaced with a greatly simplified one, linked to the council's policy-making process. The toolkit was also shortened and simplified. The authority considers that it is better to have people at least engaging with the equality impact assessment process, and to build capacity gradually, so that there may be scope for a more elaborate template later.

In practice impact assessments seldom follow a set format or pattern any more than any other essentially 'research' activity follows a set pattern, so the use of templates may inappropriately straitjacket not just the reporting of assessments but the assessment activity itself. It is therefore important to stress in guidance to users that the template is a mechanism to help them structure and report their equality impact assessment activities, not a rigid methodology for the assessment, and certainly does not constitute the assessment itself. It also makes it important to ensure that any template directs users to the key questions we outlined in the 'Questions the assessment should address' section, with a strong emphasis on compiling an evidence base in support of the answers reached.

One solution may be to produce a basic template, in the form of a statement of key questions rather than a lengthy form or questionnaire, but to support this with supplementary questions or notes to remind those completing the form of the kind of evidence that could be used and on which they might be challenged.

The London Development Agency uses six basic questions in its equality impact assessment template, but each of these is supplemented by supporting notes designed to prompt further thinking and more detailed answers for each question. For example, in support of the main question 'How have or will minority groups / staff affected by this strategy / project / policy be consulted?', supplementary questions include ones about whether the consultation will be direct or with representative organisations, and how those consulted will be informed of the outcome of the process.

Where templates are for multi-strand assessments, it is essential to ensure that they require explicit consideration of disability issues at all stages of the process, including action planning and monitoring.

## **Other training and support**

Staff involved in carrying out disability equality impact assessments will, initially at least, require some form of support, over and above written guidance, to enable them to carry these out effectively, particularly when they lack disability equality impact assessment experience.

Although individuals may be responsible for the conduct of disability equality impact assessments, it is the responsibility of the authority to deliver on the DED, and to ensure that this delivery is underpinned by an effective disability equality impact assessment process. This means giving staff whatever training and support they need to give them the capacity to carry out thorough assessments as well as building their confidence.

The Greater London Authority has produced a brief leaflet guide to 'Equality Impact Assessments – How to do them', which supplements its intranet-based toolkit and template.<sup>5</sup> This provides examples of positive and negative impacts on different groups. It includes a 'tips and general guidance' section which reassures people that 'Equality Impact Assessments are designed to be a challenging process, but they are not intended to be over complicated or about 'getting it right'. It is not an exact science and project leads should take a common sense approach.' It also notes that 'it is not intended that project leads complete the form without the support and advice of others in the project team, members of the Equalities Team, or managers'.

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<sup>5</sup> Greater London Authority (2003) 'Equality Impact Assessments: How to do them'

[www.london.gov.uk/gla/publications/equalities/eq\\_impact\\_assess.rtf](http://www.london.gov.uk/gla/publications/equalities/eq_impact_assess.rtf)

While formal disability equality impact assessment training may help the authority to introduce the disability equality impact assessment process and associated support documents (toolkits and templates), it may well be that for many people, the barrier of ignorance (and fear) may also need to be addressed through broader disability equality training, equipping staff with a clearer idea of the kind of barriers they may need to consider, and of possible ways of dealing with these. As part of your DES you may already be planning a programme of disability equality training for staff. However, it may also be necessary to provide supplementary or refresher training for those carrying out disability equality impact assessments.

Direct ‘hands on’ assistance by equalities staff, by mainstream staff with an equalities role, or by people from other directorates or service areas who have already carried out disability equality impact assessments, is likely to be invaluable, particularly for staff new to the process of disability equality impact assessment, even those who have had disability equality impact assessment and disability equality training. The support process should also increase the expertise of those providing assistance as well as helping to alert the authority to the particular problems its staff experience in carrying out disability equality impact assessments. It may be useful to allow people a choice of disability equality impact assessment ‘mentors’, to enable them to choose someone they will feel comfortable to work with.

Feedback on disability equality impact assessments that have been reviewed, whether by equalities staff or others, can also support staff in improving existing disability equality impact assessments and in carrying out subsequent ones, provided of course it is offered in a genuinely constructive and supportive spirit and tone.

The London Borough of Lambeth has provided multi-strand impact assessment training designed to ensure that staff from all departments who were likely to be involved in the development of key policies were introduced to the process and equipped with appropriate skills and techniques. Staff are also supported by an impact assessment toolkit and a detailed consultation toolkit.

The Equalities and Diversity Unit has also provided support at all stages to officers working on the impact assessments of key policies, but has recognised the need for more hands-on support for officers completing equality impact assessments of policies outside its core policy frameworks.

**The Council has a network of Departmental Lead Equalities Officers, and these officers are seen as pivotal to meeting this support need. Departments are asked both to take action to build the skills and knowledge of these officers and to ensure that appropriate time is built into their job descriptions and work plans to enable them to be more proactive in supporting equality impact assessment work.**

**In addition to ensuring that staff have adequate training and support, authorities should ensure that others involved in the process are equipped to discharge their responsibilities. In particular those committee members and others who make policy decision and / or who scrutinise and review disability equality impact assessments should have a good understanding of disability equality issues and legislation, and of the requirements of a satisfactory disability equality impact assessment.**

**Finally, authorities should remember that people may be anxious about exposing their lack of knowledge or understanding about disability issues. It is vital to develop a non-threatening 'learning' climate that encourages people to 'ask if you don't know', and that then offers easy access to those who can answer.**

## **8. ‘Generic’ or ‘multi-strand’ equality impact assessments**

In the [DRC statement of our position on single equality schemes](#), we point to some of the risks associated with these, in particular with reference to the differences in the race, gender and disability duties, and in the organisations covered by them.<sup>6</sup> The position statement notes that:

‘The Disability Rights Commission (DRC) is concerned that such schemes all too often result in only a superficial consideration of each distinctive experience of equality, and also fail to comply with the distinctive legal requirements of the three duties.’

We have some similar concerns about multi-strand equality impact assessments, which often incorporate equality strands not covered by a statutory duty as well those that are or shortly will be. (The ‘statutory duty’ strands are race, disability from December 2006, and gender from April 2007.)

The concern is that inadequate evidence or information about some strands could stall the whole equality impact assessment process, to the detriment of all of the strands. In addition, attempting to assess all strands simultaneously could be complex, burdensome and time-consuming, again increasing the risk that disability equality impact assessments will be unnecessarily delayed, or superficial, making them insufficiently detailed to lead to appropriate effective action.

Different strands may require different assessment approaches. Disability equality impact assessments will often require a significant qualitative focus, and a breadth and depth of disability equality training and knowledge, in order to identify barriers and sources of

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<sup>6</sup> Disability Rights Commission (2006) ‘Preparing and publishing your Disability Equality Scheme: Disability Rights Commission’s position on single equality schemes’  
[www.drc.org.uk/employers\\_and\\_service\\_provider/disability\\_equality\\_duty/getting\\_started/single\\_equality\\_schemes.aspx](http://www.drc.org.uk/employers_and_service_provider/disability_equality_duty/getting_started/single_equality_schemes.aspx)

adverse impact. Disability equality impact assessments will often require a significant qualitative focus, and a breadth and depth of disability equality training and knowledge, in order to identify barriers and sources of adverse impact.

However, we recognise that many authorities will be reluctant to carry out a series of discrete equality impact assessments, one for each equality strand, and that many authorities have already moved to a multi-strand procedure. We also understand that authorities carrying out wide-ranging multi-strand assessments are trying to act in accordance with the full range of anti-discrimination legislation, as well as with a recognition of the importance of diversity in all its aspects. Some authorities also consider that multi-strand assessments make it easier to identify and deal with multiple disadvantage or patterns of variations across strands. In addition, some consultation or other activities required for, say, race equality impact assessment could also usefully capture information in relation to disability or other equality issues, so co-ordination of equality impact assessment work across strands could lead to better use of resources.

We are therefore content to see authorities carrying out multi-strand assessments, but would recommend the following safeguards to ensure that disability equality impact assessments carried out within this framework are timely and adequate.

- Disability equality issues should be addressed separately, and the assessment report should show clearly how the specific disability equality impact assessment questions have been answered.
- Where it is possible to complete a disability equality impact assessment before equality impact assessment of other strands can be completed, that disability equality impact assessment should be completed and submitted to decision makers, and necessary action taken promptly, even if this means submitting (and publishing) an ‘incomplete’ equality impact assessment in relation to other strands. Such an incomplete equality impact assessment could simply record the data needs outstanding in respect of other strands, and the authority’s plans for meeting these and completing the rest of the equality impact assessment at a later date.
- Guidance and toolkits on multi-strand equality impact assessments should clearly point to relevant disability considerations and questions, and those with scrutiny or signing-

**off responsibilities for policies and / or the equality impact assessments covering them, should be made aware of the need to ensure that multi-strand equality impact assessments do adequately capture disability issues.**

- **Equality impact assessment methodologies should be flexible, and should reflect the differing nature of the assessments that may be required for disability.**

## **Appendix A - The Disability Equality Duty**

The Disability Equality Duty came into force on 4 December 2006.

Further information about all aspects of the duty can be found in the DRC statutory Codes of Practice (one for England and Wales and one for Scotland) and other resources at [www.dotheduty.org](http://www.dotheduty.org).

### **Who does the duty apply to?**

The duty to promote disability equality applies to all public authorities, (with a handful of specialised exceptions), and also organisations which exercise some functions of a public nature.

### **What is the duty?**

The duty requires public authorities, when carrying out their functions, to have due regard to the need to:

- promote equality of opportunity between disabled people and other people
- eliminate discrimination that is unlawful under the DDA
- eliminate disability-related harassment
- promote positive attitudes towards disabled people
- encourage participation by disabled people in public life
- take steps to meet disabled peoples needs, even if this requires more favourable treatment.

The duty covers all functions and activities, not just employment and service delivery, but budget setting, procurement, regulatory functions and setting the framework within which the organisation will deliver services.

## **Disabled people**

The definition of disability is that used in the Disability Discrimination Act and applies to a wide range of conditions (including for example people with Alzheimer's and arthritis, and those with learning disabilities, depression, diabetes, cancer etc). (Further guidance on the definition is contained at [www.drc.org.uk](http://www.drc.org.uk)) It is acknowledged that different definitions of disability may have been used by different authorities for specific aspects of their work. It is essential that public bodies consider the impact of their decisions on the full range of disabled people.

## **The social model**

The duty reflects the social model of disability. This takes the approach that what stops or hinders a disabled person doing something are barriers that society has put in place or failed to remove. It is society that disables a person not their impairment.

The Disability Equality Duty takes the social model and applies it to the functions of a public authority. It does this by recognising the negative impact on disabled people of a society designed for non-disabled people. It also recognises that active steps are needed to promote equality for disabled people.

## **Disability Equality Schemes and the specific duties**

Major public authorities, including local and central government, NHS Trusts or Boards, schools, colleges and universities and the emergency services are subject not only to the general duty but also have a set of specific duties which are designed to help them effectively meet the overall general duty. Those public bodies who are listed in regulations (which are reproduced in the DRC Statutory Codes of Practice) must publish a Disability Equality Scheme demonstrating how they intend to fulfil their disability equality duty.

The DES is a framework to assist authorities in planning, delivering, evaluating and reporting on their activities to ensure compliance with the general duty.

## **Contents of Disability Equality Schemes**

The essential elements which the DES must cover are:

- a statement of how disabled people have been involved in developing the Scheme
- the Action Plan (steps the authority will take to comply with general duty)
- arrangements for gathering information about performance of the public body on disability equality
- arrangements for assessing the impact of the activities of the authority on disability equality
- details of how the authority is going to use the information gathered, in particular in reviewing the effectiveness of its Action Plan and preparing subsequent Schemes.

## **Acting on the Disability Equality Scheme**

The DES must be published. It can be contained within other documents, such as an annual report, but it is essential that disabled people (and other interested parties) know where to find it and that the essential elements of the Scheme are in one place.

A public authority must take the steps set out in its Action Plan unless it is unreasonable or impracticable for it to do so. Bodies must also use the information that they have gathered to regularly review the effectiveness of their Action Plans.

A report on the implementation of the Scheme must be published annually – covering in particular the steps taken as set out in the Action Plan, the results of the information gathered and the use to which it has been put. Public bodies must review and revise the Scheme every three years.

## **National leadership by Secretaries of State, the National Assembly for Wales, and Scottish Ministers**

Certain Secretaries of State, the National Assembly for Wales and Scottish Ministers will have to publish a report every three years that gives an overview of the progress made by public authorities in their areas of responsibility in relation to disability equality. They must also set out proposals for coordination of action by those public authorities in that area of responsibility, to bring about further progress on disability equality. This duty allows for a greater degree of strategic co-ordination across government, and requires the development of a framework for consistent information gathering processes, benchmarking and target setting throughout the areas of responsibility.

### **Enforcement**

The DRC has the power to take legal action where authorities fail to carry out their responsibilities under the specific duties. In relation to the general duty, authorities may be subject to judicial review by interested parties, including the DRC.

### **Due regard**

Public authorities are expected to have ‘due regard’ to the six parts of the general duty. ‘Due regard’ comprises two linked elements: proportionality and relevance. In all their decisions and functions authorities should give due weight to the need to promote disability equality in proportion to its relevance. This requires more than simply giving consideration to disability equality.

Due regard, relevance and proportionality will be particularly important concepts when looking at the impact of policies on disability equality.

### **Relevance**

Disability equality will be more relevant to some functions than others. Public authorities will need to take care when assessing relevance, as many areas of their functioning are likely to be of relevance to disabled people.

## **Proportionality**

Proportionality requires greater consideration to be given to disability equality in relation to functions or policies that have the most effect on disabled people. Where changing a function or proposed policy would lead to significant benefits to disabled people, the need for such a change will carry added weight when balanced against other considerations.

It will not always be possible for authorities to adopt the course of action which will best promote disability equality but public authorities must ensure that they have due regard to the requirement to promote disability equality alongside other competing requirements.

The general duty requires authorities not only to have due regard to disability equality when making decisions about the future but also to take action to tackle the consequences of decisions in the past which failed to give due regard to disability equality.

Having due regard to disability equality will generally require some adaptation to existing or proposed activities.

Ensuring that services give due regard to disability equality may require an authority to consider, in relation to any services delivered specifically to disabled people, whether the way in which they are delivered maximises disabled people's ability to exercise real choice, and promotes their equality more generally.

Because the general duty requires authorities to give due regard to disability equality in every aspect of their activities it may, depending on the nature and remit of the particular authority, require a public authority to consider what action it can take to dismantle attitudinal and environmental barriers within its sphere of influence.

For a fuller statement of due regard, proportionality and relevance, refer to paras 2.34 to 2.44 (2.33 – 2.43) of the Code.

## **Disclaimer**

**The information in this guidance is based on the law but its main purpose is to help authorities to comply with and make the most of the Disability Equality Duty. The Statutory Code of Practice on the Disability Equality Duty provides further detail of the legislation.**