

EQHRIA

Equality & Human Rights Impact Assessment



**Equality and
Human Rights
Commission**

Scotland

Pilot Local Authorities



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Local authorities and public bodies across Scotland are working to improve and build on their impact assessment processes in line with the public sector equality duty and published guidance.

Many public bodies are also now taking steps to integrate human rights into their impact assessment models.

Donald Macaskill, Project Supporting
Consultant, Equal and Diverse



Each Council has taken its own approach to equality and human rights impact assessment without applying any one standard methodology or toolkit, which would not on its own embed any transformative change or lead to a deepened understanding of how EQHRIA can lead to improved outcomes and performance. The reports published here reflect the activity of each Council to date and some of lessons learned and challenges to overcome.

From 2012 - 2014 the Commissions have been working with Fife Council and Renfrewshire Council to begin to embed Good Practice Building Blocks in integrated equality and human rights impact assessment and pilot practical approaches at a local level.

“By combining both together [equality and human rights] I think what we ended up with was the best of all possible worlds. This wasn’t reinventing the wheel, it shouldn’t be an added burden to independent officers. It should be a tool, which if used well, supports what you do and actually makes your job easier and makes the outcomes better.”

Donald Macaskill, Supporting consultant to pilot, Equal and Diverse

The assessment of human rights impact and a rights based approach to impact assessment can add value to both the process and the outcomes of policy and decision making. For further information read more about the added of value of human rights for an analysis of human rights impact assessment methodologies both in the UK and internationally.

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“It is more about people’s minds being set on it, rather than a resourcing issue. Behavioural and cultural change is needed to demonstrate need, impact, outcomes...”

Council officer, Fife Council (ODS consulting evaluation report)

“I think across the full range of services that we provide we need to address human rights and equalities thoroughly, early and in a meaningful way so we avoid unintended consequences, comply with the law and, importantly, we just provide better outcomes for people.” **David Martin, Chief Executive, Renfrewshire Council**

“The human rights perspective was new for a lot of us in our pilot assessment. It wasn’t scary though, once you broke it down to what the actual duties were and what the right actually meant you could apply it. So it’s just about taking the time to understand it and apply it to the service area you’re looking at.” **Pamela Rennie, Senior officer, Renfrewshire Council**

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Fife Council Pilot Report

Paul Vaughan, Senior Manager,
Fife Council



What happened?

At the start of the pilot project an independent baseline study highlighted that although senior officers within Fife Council had a high level of awareness of equalities and their consideration as part of the decision making process there was less understanding of human rights amongst the workforce in general.

In addition the survey showed that the approach to impact assessments was, in common with many public authorities, one that was still seen as a “tick box” exercise rather than a process to help inform decisions and give proper consideration to how equality groups will be affected by changes to services and budgets. Fife Council wanted to develop a more robust response to equality and human rights impact at an appropriate place in the policy cycle.

In January 2013 council officers from across Fife received training on equality and human rights (see Building Block 3 - Staff, Training and Resources).

Following this training in February/March 2013 initial meetings were held to identify which area would be of significance to undertake an assessment. It proved to be a challenging task to identify the most appropriate area not least because it was felt that it was very important to undertake the assessment at the appropriate time in the policy cycle and that many areas were already at the point of final decision making.

The Impact Assessment process

In May 2013 it was decided to focus on the impact of Welfare Reform legislation on the lives of those who were lone parents within Fife.

A small group was identified to focus upon this work and included not only the lead on Welfare Reform within the Council but a key third sector stakeholder, Gingerbread Fife. The composition of this planning group was important, not only because of the particular sensitivity of the issues, but also because the group would identify any potential mitigation or policy interventions which could be introduced in response to welfare reform changes which the authority itself has no direct control or influence.



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An Action Plan was developed with four main stages.

The first stage was to conduct desktop research to gather evidence on the overall population of Fife and specifically to examine the relative impact of welfare reform changes upon those who were lone parents. In addition evidence from other authorities and sources was gathered by the Fife Equalities Unit and their colleagues in the Welfare Reform team. This process helped to identify the particular gaps in knowledge and evidence in relation to lone parents. This was undertaken in July and August 2013 (see Building Block 6 - evidence gathering).

The second stage was specific and bespoke training on human rights and equality issues which was delivered to staff from Fife Gingerbread delivered in August 2013. These staff had been selected to assist in the conduct of one to one interviews with a range of lone parents in Fife who had been or might be affected by Welfare Reform changes (see Building Block 3 - Staff, Training and Resources).



Thirdly, a process of consultation and engagement was undertaken with Fife Equalities Unit and Gingerbread staff both involved. These interviews lasted until early November 2013. The outputs from these interviews were then added to the growing evidence which had been gathered during December 2013. (see Building Block 7- Involvement of Communities).

Fourthly, in early January 2014 an impact assessment day was held with a large number of stakeholders including senior management and policy officers. The primary purpose of the day was to consider the evidence which had been gathered in relation to the impact on lone parents of welfare reform in Fife using an equality and human rights framework. The presence of frontline workers who were directly working with those affected by the impact of Welfare Reform helped participants to identify contributory and combined impacts as well as supporting council officers present to begin the process of identifying potential changes.

As a result of the EQHRIA a number of significant issues were identified. From the workshop session and from the interviews, it was clear that people's quality of life is being affected and some people were finding it hard to cope with changes in their circumstances due to welfare reform changes. As well as mental health issues, concerns were raised about child protection with some people not being able to cope with looking after their children. For further detail on the human rights issues identified in the pilot see the section on Added Value of Human Rights.

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In terms of equality, age (both younger and older people), disability and to a lesser extent race was a factor in how people were affected by welfare reform. It was also noted that in some instances welfare reform was not the only contributing factor affecting people and that a holistic overview needed to be taken to the cumulative effect of a number of issues affecting people's quality of life and circumstances.

Following the workshop session, a number of actions have been progressed including the development of a final EQHRIA and highlighting the issues raised with the Chief Officer Welfare Reform Group. Fife Council Area Service Managers have been asked to consider at a local response to welfare reform in light of the evidence presented (see Building Block 9 - Conclusions and Recommendations).

The Senior Equalities Group of the Council held a development session in January 2014 where they took feedback on the pilot and have started to develop thinking on its impact for staff training and learning development and on re-modelling existing guidance for impact assessments.

The lessons learnt included:

A strong conviction that **frontline staff** and those working directly with people affected by changes to services need to be involved in the impact assessment process as this enriches both the outcome and highlights the connections between impacts.

- The project highlighted the importance of not only gathering data and evidence of a quantitative nature but the central role which qualitative research through focus groups and **community engagement** can offer any impact assessment process (see Building Block 7- Involvement of Communities).
- One of the insights from the project was the degree to which officers felt that the role of **moderation** was important in ensuring a proportionate response.
- The **added benefit** of using a human rights lens to examine issues which are not covered by the equality duty.
- The experience of identifying what to impact assess as the focus of this pilot highlighted for participants the importance of timing and the need to assess impact early within the **policy cycle** and to developing some strategic **prioritisation** for what to impact assess.



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- Fife Council also highlighted that the project illustrated the necessity of approaching impact assessments in a very different way - changing the culture and language around EQHRIAs and promoting them as a way of making better decisions and improving outcomes and service delivery for people as opposed to having to meet legislative obligations (see the section on the benefits of EQHRIA).
- The bespoke training which was delivered served to highlight the importance of human rights and equality in service delivery as well as impact assessment and enabled a more robust consideration of the issues when the impact assessment was being carried out (see Building Block 3 - Staff, Training and Resources).

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Renfrewshire Council - Pilot Report

Oliver Reid, Chief Executive's Service,
Renfrewshire Council



What happened?

At an early stage Renfrewshire Council identified the importance of senior manager involvement and commitment to the work which would be undertaken. It was decided to utilise an existing group the Best Value Working Group (BWVG) to drive the changes it saw as important and necessary. This group was led by the office of the Chief Executive. Part of this group's work included key reports to

the Council's Leadership Board (see Good Practice Building Blocks 1 and 2 for the importance of senior level commitment).

An initial baseline study highlighted that although senior officers within the Council had a high level of awareness of equalities and its consideration as part of the decision making process there was less understanding of human rights amongst the workforce in general.

In January 2013 Council officers from across services received training on equality and human rights (see Building Block 3 - Staff, Training and Resources).

Following this training in February 2013 a small core officer group was developed which drew up an Action Plan which identified four areas for development together with associated resource and staffing implications, namely:

- Developing an integrated equality and human rights impact assessment toolkit.
- Developing effective communications to raise the awareness, understanding and knowledge of employees on equality and human rights issues.
- Developing in-house training to increase the capacity of employees to carry out effective assessments.
- Identifying an area and running a pilot to test the integrated equality and human rights assessment process in practice

Over the next few months work was developed concurrently in these areas.

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Developing an integrated equality and human rights impact assessment toolkit

The Council's guidance on assessing impact was revised and updated in consultation with key representatives across Council Services and included input from the early learning from the pilot project.



The revised guidance gave particular attention to integrating human rights in the assessment process and was publicised and circulated to managers and officers across the Council. The guidance also aims to promote a more inquisitive and meaningful approach to impact assessment - moving away from a "tick box" approach.

A template to ensure that impact assessment results are reported to Elected Members in a

standard format and publicised with Board Reports on the Council website has also been devised and was rolled out from August 2013.

The 'Equal Opportunities' implications in the standard Council Board report template was updated to ensure that all decision makers are able to pay due regard to both equality and human rights. The new report template has been used for reports going to policy boards from January 2014.

Developing effective communications to raise the awareness, understanding and knowledge of employees on equality and human rights issues

An awareness raising campaign was commenced from summer 2013. The primary focus of this was to raise awareness of human rights, making more information available for staff on the intranet site and promoting the new guidance. This was an important part of the pilot in that it helped to assure officers of the importance of considering human rights issues when developing policy and re-designing service delivery.

A further campaign was launched during an Equalities week in January 2014, where a number of other initiatives took place including the launch of additional e-learning packages. An equality and human rights event was held in February 2014 to raise awareness of the benefit and added value of adopting integrated approaches.



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Impact assessment support, information and guidance is being developed for publication on the Council's website and Renfo. This will be linked to data held on the knowledge hub, 'Renfrewshire Today', which is also being developed and will include a wide range of data, consultation results and statistics that give a clear picture about the diverse population of Renfrewshire and the particular service needs and expectations of key groups and communities.

Developing in-house training to increase the capacity of employees to carry out effective assessments

Training was identified as a priority for the authority. In addition to the training delivered in January 2013 additional training on equality and human rights was delivered to those who were to take part during the impact assessment process (see Building Block 3 - Staff, Training and Resources).

As part of this process the authority reviewed its existing equality and human rights training packages and have developed an online resource to support both.

In addition a session specifically tailored for Elected Members in their decision making capacity and 'scrutiny' role is being developed. This was intended to help Elected Members keep up to date with equality and human rights issues, and ensure that they are able to assess whether the impact assessment results/information presented to them are sufficiently robust and evidence based in order to pay due regard to equality and human rights.

Identifying an area and running a pilot to test the integrated equality and human rights assessment process in practice

The Council decided to pilot an integrated EQHRIA approach in relation to the review of Advice Services. A small "assessment team" was formed and they developed a staged, timetabled and resourced action plan.

The first step the group identified was the need to conduct desktop research to gather evidence on the overall population of Renfrewshire disaggregated by specific groups and customers in order to establish where gaps in data or understanding existed and the key issues impacting on specific groups and customers. This evidence development produced an extremely thorough analysis of the authority which included measurement of the protected characteristics as well as human rights impacts (see Building Block 6 - evidence gathering).



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Following the identification of evidence gaps it was decided to conduct engagement and consultation with specific community and voluntary groups/individuals in September 2013. Further evidence was gathered from 14 local advice providers who participated in two focus groups to help develop a better understanding of the needs and experiences of users of advice services within Renfrewshire. All of this evidence has been included in a knowledge hub being created on the Council website which will be used to inform future assessment exercises.

Specific and focused briefing sessions were then undertaken in September 2013 with a range of frontline and strategic policy officers who were to be involved in undertaking the equalities and human rights impact assessment work. These sessions focused on human rights and equality impacts.

In October 2013, a larger group of key stakeholders took part in a day long workshop where they undertook an equality and human rights impact assessment. This process was independently facilitated and the group considered the recommendations from the Advice Services Review; considered the evidence which had been gathered, assessed the human rights and equality impacts of the Advice Services Review recommendations and identified any area which required changes or mitigation. After the workshop a summary report was produced, findings were passed to the Advice Services Review policy team who made final recommendations to senior managers and elected members for decision making (see Building Block 9 - Conclusions and Recommendations).

Key lessons learned and challenges identified

The Renfrewshire pilot identified some important lessons:

- It was critical that from the outset there was senior leadership commitment and involvement which fostered a sense of priority and commitment from officers involved; gave focus to the benefits of undertaking an EQHRIA for the delivery of effective services and improved the ability to influence and engender change where it was needed (see Building Block 1 - senior level commitment and engagement).
- The authority gave significant priority to the process and committed resources both in terms of staffing and to the conduct of consultation events and evidence gathering (see Building Block 5 - What to Assess and Scope).
- The bespoke training which was delivered served to highlight the importance of human rights and equality in service delivery as well as impact assessment and enabled a more robust consideration of the issues when the impact assessment was being carried out (see Building Block 3 - Staff, Training and Resources).

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- A significant amount of time and resource was expended on developing a robust evidence base to support the EQHRIA. This was quickly seen as having a benefit far beyond the specific project (see Building Block 6 - evidence gathering).
- The engagement and involvement of community members, affected groups and authority partners not only enriched the evidence gathering process but was critical in the identification of human rights and equality impacts (see Building Block 7 - Involvement of Communities).
- Gathering a range of informed stakeholders in the one place to undertake the impact assessment helped them to consider the issues from a diverse range of viewpoints. This process also helped to highlight the combined impact of changes upon affected individuals. It also served to highlight how important it is that impact assessments be undertaken with as broad a range of participants as possible (see Building Blocks 3, 5 and 8).
- Participants reflected that as a result of the pilot they were more comfortable both with recognising the relevance of human rights and its relationship to equality outcomes, but also that the whole process of impact assessment was seen as being beneficial to policy development (see the section on Added Value of human rights).

For more information on the human rights impacts identified see the section on the Added Value of human rights in the pilot areas.