Guidance

G1060 A1 Equality Impact Assessments

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1 Purpose

The purpose of this guidance is to outline the reasons for completing an Equality Impact Assessment (EqIA) and how to do this.

2 Scope

This guidance applies to all TfL employees involved in developing and delivering strategies, policies, programmes or projects that affect our customers or staff.

3 Guidance

3.1 Inclusive Transport in London

The key aim of the Mayor's 2018 Transport Strategy (MTS) is to reduce dependency on cars in favour of increased walking and cycling[1] and public transport use. This modal shift will support the long-term social and economic success of London by addressing the range of safety, health and environmental impacts caused by car dependency.

If TfL is to succeed in delivering this aim we need to provide an inclusive transport network where everyone is able to make seamless, safe, affordable and accessible journeys from their front doors to their destinations. An inclusive transport network will also support the Mayor's commitment to social integration; helping to reconnect communities. By designing places that feel welcoming and secure, we will encourage interaction and reduce both levels of and fear of crime.

Integral to success will be our ability to understand and address the barriers faced by some of London's communities in getting to work, shops, schools, doctors and all the places they want to go. We will understand these barriers better if we are able to recruit and retain a diverse workforce that represents the city we serve. We will only be able to harness this diversity though by fostering more inclusive cultures, behaviours and ways of working that in turn deliver safety, performance, innovation and commercial benefits.

Through the use of Equality Impact Assessments (EqIAs) we will be able to identify and support differences in the way that customers need to use our services and the way that our policies and practices and decisions impact on our workforce.

3.2 Introduction

As a public body Transport for London needs to respond positively to the Public Sector Equality Duty (PSED). This part of the Equality Act 2010 requires public bodies and organisations that carry out public functions[2] to consider everyone's needs when doing so.

An Equality Impact Assessment (EqIA) is a tool used to demonstrate that we have met the PSED duties within the Equality Act 2010. Like a risk assessment process, an EqIA is a process that helps us to make more inclusive decisions and to make

[1] Including for those using walking aids, scooters, wheelchairs, adapted cycles and e-bikes.
[2] Our functions include everything we are required to do plus everything we are allowed to do e.g. policy decisions, budgetary decisions, public appointments, service provision, statutory discretion, individual decisions, employing staff and procurement of goods or services.

sure that our programmes, policies, projects and the way we design build and operate services works well for our staff and our customers.

Inclusive ways of thinking are required at every level of decision making to change London's transport for the better. EqIAs help us to reduce the range of barriers to travelling that impact on everyone, but especially those Londoners who are already disadvantaged. These barriers include overcrowding, crime and the fear of crime, lack of information – especially real-time information - physical / infrastructure barriers, and lack of awareness from staff or other passengers. We also know that one of the most basic barriers to travel is affordability, which can then limit job prospects and social integration.

For our workforce, our diversity and inclusion dashboards tell us that women and those from BAME communities are much less likely to be part of some of our senior leadership teams – which is partly why our pay gaps remain high. The results of our Viewpoint survey also show us that many of our disabled employees feel less included – as do many of our lesbian, gay, and bisexual staff.

An EqIA helps us analyse the evidence we have of existing inequalities and then anticipate the likely effects of our planned work on people with the characteristics that are protected by the Equality Act (age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation, marriage and civil partnerships), in short everyone. As a Mayoral body TfL also needs to consider our wider impact on other groups who are disadvantaged in London for example people on low incomes, refugees and asylum seekers and homeless people. Once any potential negative impacts have been identified, the EqIA can be used to plan ways to remove or mitigate these, wherever possible.

3.3 Background: The Public Sector Equality Duty

The Public Sector Equality Duty requires us to consciously think about (pay due regard to) the need to:

a) Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act.

b) Tackle prejudice and promote understanding, between people who share a 'protected characteristic' and people who don't (known as fostering good relations).

c) Advance equality of opportunity between people who share a 'protected characteristic' and people who do not share it by:

- removing or minimising disadvantages experienced by people because of their protected characteristics
- meeting the needs of people with protected characteristics and
- encouraging people with protected characteristics to participate in public life

When making decisions about how we:

- act as an employer
- develop, evaluate and review policy

- design, deliver and evaluate services, and
- commission and procure from others.

Having 'due regard' is about using good evidence and information about who uses a service or facility or might want to do so in the future. It's also about good analysis of this evidence, at the right time, as part and parcel of our decision-making processes and shaping and providing inclusive services. And finally it's how we demonstrate that we have changed our plans in light of an analysis of the evidence.

Case law has clarified that decision-makers need to:

a) Be aware of the general equality duty and place equality considerations at the centre of policy formulation, side-by-side with other considerations, such as quality, cost, and time.

b) Be clear that compliance with the general equality duty takes place before and at the time a particular policy is under consideration and when a decision is taken.

c) Consciously consider the need to do the things set out in the aims of the general equality duty as an integral part of the decision-making process. They must recognise it is not just a matter of 'box ticking'.

d) Have sufficient information to understand the effects of the policy, or of the particular decision, on the aims set out in the general equality duty.

e) Review policies or decisions if circumstances change e.g. if the location or timing of a project changes. This is vital as the duty is a continuing one.

f) Take responsibility for complying with the general equality duty with regard to all relevant functions. Responsibility cannot be delegated to external organisations that are carrying out public functions on their behalf.

g) Consciously consider the need to do the things set out in the aims of the general equality duty not only when a policy is developed and decided upon, but when it is being implemented.

The Mayor's Equality Diversity and Inclusion strategy and our own Action on Equality strategy sets out the reasons why diversity and inclusion is important to our business, how we will adopt best practice and implement legislation. We also need to be able to clearly demonstrate how we fulfil our legal obligations on individual programmes, strategies, policies and projects and an EqIA gives as a straight forward way of doing so.

3.4 What is an Equality Impact Assessment (EqIA)?

To consider how we 1) eliminate discrimination, 2) foster good relations between different people and 3) advance equality of opportunity, we need to understand the potential effect of our decisions, strategies, programmes, projects, policies and processes on different people.

Inclusive services should be shaped by evidence-based policy-making, and using a clear methodology will help you to collect, analyse and present evidence about diversity and inclusion and fairness in a consistent way. Additionally it helps us to develop and deliver better policies and services.

An EqIA is an 8-step information-gathering and consultation tool similar to a risk assessment. An EqIA is used to predict the potential negative effects of our work and to work out what we can do to avoid them. It also helps us to identify potential positive effects so that we can promote them. These 8 steps are set out below.

Step 1: Clarifying Aims

First, establish how the objectives of your piece of work, relate to the three aims of eliminating discrimination, fostering good relations between different people and advancing equality of opportunity. Think about the purpose of the project, the context in which it will operate, who it should benefit, and the intended results. Here, you can start to think about potential impacts on people with different protected characteristics. This would allow you to consider changing your aims if necessary to take better account of diversity considerations.

At this stage, use descriptions that will facilitate a more open or broader assessment. For example, your aim could be 'to provide a safe route for people to us the road network', rather than 'introduce a staggered crossing', as the latter assumes only one solution from the outset. Clarifying the aims helps you to set the scope of the impact assessment as well as identify which aspects of the policy are most relevant.

If a description of your aims has been written elsewhere e.g. in a project brief then simply cut and paste this in so other readers of the EqIA understand your work. NB this document may need to be published.

Step 2: Collecting Evidence

Think about which of the three aims - eliminating discrimination, fostering good relations and advancing equality of opportunity – and which groups with the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation, marriage and civil partnerships are relevant to your piece of work. Also consider any evidence relating to other groups who are already at a disadvantage for example those living in poverty, refugees and asylum seekers, ex-offenders.

It is important that you have appropriate and reliable information about the different groups that are likely to be affected. The information that will be most useful will depend on the nature of the project. It may be helpful to look at:

a) The Understanding Diverse Customers report
b) Comparisons with similar projects although local demographics often differ.
c) The GLA's Equality Evidence Base
d) Information about the local community, including census findings to help you establish the diversity of the population.
e) Local authority local plans, both quantitative and qualitative information.
f) Local data on demographics, amenity and development plans as well as data from the UK Census
g) Analysis of enquiries or complaints from the public to help you understand the needs or experiences of different groups of people.

h) Recommendations from inspections or audits to help you identify any concerns about diversity and inclusion matters from regulators.

i) Recent research from national, regional and local sources that includes information on relevant equality issues.

j) The Diversity and Inclusion Dashboards

k) Viewpoint survey results

l) Results of your own engagement with people with different protected characteristics or information from expert organisations who understand the needs of people with different protected characteristics.

m) Are any of these groups under or over represented, or are there barriers to their access?

If you do not have good evidence about the diversity of people, consider whether your piece of work needs to start filling this information gap. This could mean undertaking short surveys, or some engagement work. If it is not possible to collect this in time to inform your assessment, think about how you can increase your understanding in the short-term before undertaking more robust research at a later date.

This could mean, for example, consulting our Independent Disability Advisory Group, the TfL Research library and Insights team, the Stakeholder Accessibility Forum, the Diversity and Inclusion team or one of our staff networks. The information you gain from engagement with stakeholders will help you to understand the potential impacts of your work on different groups.

The information that you collect at a later date on the actual impact of your project, will be valuable for your monitoring and review work. Further guidance on collecting information can be found in the Equality Information and the Equality Duty: A Guide for Public Authorities guidance document.

Step 3: Assessing Impact

Bringing together your evidence and the aims of your project should enable you to start assessing the likely impact on - eliminating discrimination, fostering good relations between different people and advancing equality of opportunity.

An approach that you may find useful is to ask yourself the following:

a) Do policy outcomes and service take-up differ between people with different protected characteristics? For example young people and older people; disabled people and non-disabled people, or women and men.

b) What impact the plans of other teams might have on yours (this is especially key where you cite the work of other teams as mitigation for any impact your plans could have)?

c) Are a number of different changes planned that could have a more compound impact on protected groups?

d) What are the key findings of any engagement you have undertaken?

e) If there is a greater impact on one group, is that consistent with the policy aims?

f) Could some groups or communities be excluded from the benefits of your work?

g) If the project has negative impacts on people sharing particular characteristics, what steps can be taken to mitigate these effects?

h) Will the piece of work deliver practical benefits for certain groups?

i) Does the project miss opportunities to advance our diversity and inclusion objectives as set out in Action on Equality?

j) Do other standards or policies need to change to enable this work to be effective?

k) Is there a focus on reducing barriers for a specific group e.g. disabled people?

Be wary of making overly positive or overly generalised conclusions at this stage. For example, if you conclude that 'a new platform design will universally benefit all passengers' without any evidence to support that conclusion; it may be difficult for you to demonstrate compliance with the general equality duty.

Remember that an equality impact assessment helps to identify, and mitigate against or remove, negative effects. It is also an opportunity to identify ways to advance equality of opportunity and foster good relations. This may involve building innovative or creative solutions into your project at the design stage.

This is also an opportunity to think about ways in which your piece of work could make a positive impact on equality, diversity and inclusion in line with our role as a public and Mayoral body. Some examples are provided below

a) Lifts that are easy to find are more likely to be used by people with luggage and buggies as well as people using wheelchairs, reducing accidents on escalators.

b) Accessible, well-signed and well-lit streets encourage people to walk around the city supporting the Mayor's healthy streets agenda and reducing use of cars.

c) Platforms that are well signed and easier to find reduce the likelihood of customers running, tripping and falling

d) Reliable audio and visual real-time information ensures users receive safety announcements, updates on delays and platform alterations.

e) Evenly distributed lighting helps visually impaired people to get around more easily whilst also reducing slips, trips and falls for everyone.

f) Safely placed seating encourages people to walk further and to use our stations more independently, reducing the need for people to stop, sit or lean where it is unsafe.

Step 4: Engagement and Consultation

External

A great deal of engagement has already been undertaken by us and City Hall on transport and equality, diversity and inclusion issues, particular in relation to the Mayor's Transport Strategy. Be sure to read and refer to this when planning your work.

Audience understanding should be at the heart of policy and service design, resulting in better decision-making and improved delivery. Genuine two-way engagement improves our understanding of what our audiences are thinking and want, and answering concerns and mitigating criticism early on could help you save money and time in the long run.

While the project manager / sponsor will be responsible for completing the EqIA, the National and Regional Partnerships, within Public Affairs, can provide stakeholder insight and intelligence to help shape your engagement before the consultation stage. They can also facilitate engagement with relevant audiences, including with organisations representing, disabled, older and younger people; women; LGBT+; faith and BAME communities – at a London-wide and national level.

The Local Communities and Partnerships team can offer intelligence and insight into the views of a diverse range of local stakeholders and audiences through engagement. It is important to plan stakeholder engagement well to ensure that we have a wide range of people inputting. Public Affairs can support you with this.

Once you get to the consultation stage, there are a number of key issues to consider. The Consultation Team can also provide further advice

Consultation issues and ideas

When	Issue	Ideas
Before consultation	Identifying relevant stakeholder groups who can promote the consultation or help gather community views	Local authorities often have lists of local charities, support groups etc. but be mindful of how diverse these groups are and how representative they are of local views Pre-consultation engagement may be helpful in identifying issues and levels of support which could feed into design. Letter drops to local residents, additional leaflets at medical centres/ religious centres where older people may visit.
	Ensuring everyone who wants to take part can do so	Use a variety of methods e.g. online surveys, drop-in events, emails and letters. Ensure consultation materials include a statement that the materials are available in large print, different languages on request.
	Probing on known hot topics	Using the evidence base and research work for your EqIA and by engagement with your superuser you should be able to identify any hot topics that require specific questions during the consultation e.g. shared space.

During consultation	Responses are not being received from key sections of the community	We often receive the highest levels of responses to consultations in the first few weeks of a consultation. By including monitoring of responses to demographic questions in your process you can identify if certain groups are not taking part. You can then use reminder emails and phone calls or outreach to parts of the community – community venues, day centres, school gates, parent & toddler groups, social media.
After Consultation	Checking a broad range of communities have been engaged.	Consider both the diversity of respondents and expertise of groups consulted. Where gaps exist speak to the stakeholder engagement team who will be able to find specific groups to help. Ensure the analysis considers the differences between response rates and views from different groups and communities
	Communicating clearly how the work has been modified to take account of views and expertise inputted during consultation.	Use the EqIA to record the ways in which your work has been changed in light of stakeholder input. Where issues have been raised that we can not mitigate it is crucial to explain why.

Consultation can help to identify additional positive and negative impact that your work may have. It is important to understand the difference between consultation with local people with protected characteristics who may be affected by your work and consultation with experts in equality or accessibility issues. Both are equally valid and important but the outputs will need to be considered differently. The table below sets out some of the different consultation mechanisms, why you would use each one and how to do so

Consultation Options

Who	Why	How
Independent Disability Advisory Group	To source strategic, independent, confidential expert advice on accessibility issues	Via D&I Team
Valuing People Group	To engage with adults with learning difficulties on transport issues	Via D&I Team
Youth Panel	To engage with young people who know us well on key transport issues	Via National & Regional Partnerships

Accessibility Forum	To engage with organisations who represent the views of older and disabled people	Via National & Regional Partnerships
National, Regional and Local Stakeholder Groups	To engage with national, pan-London and local communities and groups on projects	Via Public Affairs: National & Regional Partnerships or Local Communities and Partnerships
TFL Customer Panel	To engage online with existing passengers	Via Customer Insights Team

For any internally focused projects, we have 6 staff networks who can be engaged with and a number of expert advisory organisations e.g. Women in Science and Engineering, Business in the Community, Stonewall.

Engagement and consultation events should be as accessible and inclusive as possible. Think about location, timing and format of the event, so that you can to gain a wider range of opinions. Once any consultation has taken place, consider how you will inform those consulted about the outcomes. Money and time can be saved by running joint consultations with a similar project or a project in the same area.

Step 5: Informed Decision-Making

Clear aims, a solid evidence base, and a transparent assessment of impact should help you to make, explain and justify your decisions internally and externally. Having your decisions and rationale easily accessible to members of the public should also help to counter any misconceptions and reduce delays caused by legal challenges or complaints.

The duty places the concept of thinking about eliminating discrimination, fostering good relations between different people and advancing equality of opportunity at the centre of decision-making, alongside other issues including financial considerations. The weight given to equality, diversity and inclusion issues should be proportionate to the relevance of the project to the three aims.

Generally, where the work is likely to have an adverse effect on large numbers of people who share a protected characteristic, then greater weight should be given to the aims of the equality duty. That said, even where the number of people affected is small, the weight given to the duty is not necessarily diminished if the effect on the individuals concerned is substantial.

The decision at this point is to:

1) **Continue the project/policy**. Your assessment demonstrates that the work shows no potential for discrimination and that you have taken a proportionate approach to advancing equality of opportunity and fostering good relations between people with different protected characteristics. You should document the reasons for this conclusion and the information you used to make this decision.

2) **Justify and continue the project / policy**. Ultimately, there may be other factors (such as policy aims or financial constraints) which make it reasonable for you to decide to adopt the policy or approach despite its adverse impact on equality, diversity and inclusion. You can choose this option where your project does not unlawfully discriminate, or where any potential discrimination is indirect and can be objectively justified. You need to take into account the possibility that your decision could be legally challenged, and consider whether you would be able to satisfy a court that you had due regard to the aims of the general equality duty when you reached your decision. It is particularly important that you document the reasons for your decision and the evidence that supported these reasons.

3) **Change the project / policy.** This is the most common outcome and involves making changes to the work to ensure it does not adversely affect certain groups of people, or miss opportunities to affect them positively. This can involve taking steps to mitigate negative impacts, or to bolster positive ones. It is lawful under the Act to treat people differently in some circumstances, such as not charging for blue badge parking where there is a need for it. Document the reasons for the steps you are adopting and the information you used to make this decision.

4) **Stop the project / policy.** If analysis of the project shows a high probability of unavoidable discrimination which cannot be objectively justified, consider developing a new approach in order to avoid legal challenges under the Equality Act 2010. Document the reasons for this decision and the information you used to make it. For further guidance see the Equality and Human Rights Commission website.

Step 6: Action Planning

The most important part of the EqIA is to create specific actions that should address the potential negative impacts you have identified at step 3 and build in new opportunities to advance equality of opportunity and foster good relations. This can be part of your existing action plan but they should also be recorded within the EqIA. This action plan should be regularly reviewed. It is vital that it also informs the creation of the procurement strategy where appropriate and be shared with appointed suppliers. It should inform the specification for tendering as well as the evaluation criteria, contract and monitoring of delivery. This ensures that the rationale for any decisions made remains visible and clear as a piece of work moves from planning to delivery – otherwise there is a risk that key mitigations will not be enacted.

Step 7: Sign-Off and Publication

Transport for London has appointed and trained a number of EqIA superusers who are able to sign-off the quality of EqIAs. For details of your local EqIA superuser please contact the Diversity and Inclusion team.

The EqIA should also be signed off by a senior accountable manager. They are signing to say that they have paid due regard to the public sector equality duty and will ensure that mitigating actions are delivered.

Step 8: Monitoring Real Impact

The real impact of your work will only be known once it has been started. In your action plan, it is good practice to include how you will monitor the real impact and set a revision date for the EqIA that takes into account changes in demographics, the availability of alternative services, innovations, planned or unplanned events etc. The experience gained through implementation can then be used to continuously improve similar projects in the future.

Issues to consider are:

a) How and when you will measure the impact of the project

b) When the project will be reviewed and what could trigger an early revision

c) Who will be responsible for monitoring and reviewing

d) What type of information will be needed for monitoring and when it will be analysed

e) How to engage stakeholders in implementation, monitoring and reviewing.

3.5 What to Assess

The completion of an EqIA is mandatory for work governed through the Pathway process or the Business Change Framework. It is also essential for any of our major strategies and EqIAs exist for all Mayoral Strategies – which can be useful source documents.

EqIAs should also be considered for our other plans, projects, programmes and policies. In deciding whether your work needs an EqIA consider its relevance to our role of eliminating discrimination, fostering good relations between different people and advancing equality of opportunity. It is important to think about the relevance of your work to the PSED. For example it will be more relevant where we reducing or altering services to customers, or developing new infrastructure. Or where we procure contingent labour or offer apprenticeships, the relevance to diversity will be much higher than when we buy steel, ballast or office supplies.

The following questions, though not exhaustive can help you to determine relevance:

a) Does the piece of work affect customers, employees or the wider community? NB: The relevance of your work depends not just on the number of those affected, but on the significance of the impact on them.

b) Is it likely to affect people with particular protected characteristics differently?

c) Is it a major project, significantly affecting how services are delivered?

d) Will the work have a significant impact on how our suppliers and delivery partners can operate?

e) Does the work relate to aspects of our service that have been identified as being important to people with particular protected characteristics?

f) Does the project relate to an area with known inequalities?

If you decide that your work has no relevance to eliminating discrimination, fostering good relations between different people and advancing equality of opportunity you

should be confident of your reasons for this. The fact that 'no information is available' is not a justification.

Recording your reasons with the supporting evidence will help you to increase transparency, encourage engagement and may assist in demonstrating compliance with the general equality duty.

3.6 When to Assess

The EqIA should be started as early as possible in the process. As the work develops, you can then revisit and revise the EqIA to ensure that it takes account of changes as they occur. Assessing impact should not be a one-off exercise. The general equality duty is a continuing duty and contexts / circumstances change. Equality, diversity and inclusion considerations should be taken into account both when decisions are made and after policies or projects are in place.

Undertaking assessments late can lead to problems:

a) It is likely to be much more costly to consider accessibility issues late in the design process

b) You will be unlikely to be able to demonstrate that you have had due regard to the aims of the general equality duty when decisions were made. This would leave you open to legal challenge.

c) The project may still lead to potentially discriminatory activity or adverse impacts on particular groups of people.

d) There may be an opportunity to advance equality that is missed, so people with some protected characteristics do not benefit from the work to the same extent that others do.

e) The project is not likely to be effective in achieving its aims if it hasn't taken into account the impact it will have.

3.7 Who should carry out the EqIA?

Assessing the impact of our work on equality, diversity and inclusion should be a core part of how we work, in the same way that consideration of risks, safety and finances are. Those responsible for delivering our functions need to be aware of the general equality duty and consciously take it into account in their work. The duty rests with our decision-makers and what really matters is what they took into account, how they amended and improved their plans and what they knew when making a decision.

If an assessment of a function (or elements of it such as information gathering) is outsourced, it is important to remember that we are still legally accountable for any decisions that are made as a result.

3.8 Why should we EqIA?

We will be able to make better and more informed decisions when we base them on a broader understanding of our customers' needs, a solid evidence-base and consultation with our end users. By improving our appreciation of how different people will be affected by the decisions we make, we will design and deliver a transport network that is more appropriate and accessible to everyone. A more

inclusive and accessible network opens up people's opportunities to access jobs and services, as well as enhances the potential for increased revenue because more people are able to travel.

We know that diversity and inclusion are good for business, from enhancing safety, performance and value to helping us to attract, retain and engage a more innovative and creative workforce.

Not fulfilling the general duty, would mean that we run the risk of legal action by the Equality and Human Rights Commission who can investigate our approach and if found wanting issue a compliance notice. Similarly, a judicial review of our compliance can be requested by an individual or group, which can result in the courts instructing us to repeat our decision-making process, this time making sure we have considered the Public Sector Equality Duty.

More broadly, we would run the risk of designing services that do not meet the needs of our current or future customers, or facilities that cost more when expensive adaptations have to be made later on in a programme or project.

For a more information visit Equality Impact Assessment page on Working @TfL or email the Diversity and Inclusion team.

4 Person accountable for this document

Name	Job title
Frances McAndrew	Equality and Inclusion Lead

5 Abbreviations

Abbreviation	Meaning
EqIA	Equality Impact Assessment
PSED	Public Sector Equality Duty
MTS	Mayor's 2018 Transport Strategy

6 References

Document no.	Title or URL
F1457	Equality Impact Assessment (EqIA) form
	The Understanding Diverse Customers Report
	The GLA's Equality evidence Base
	UK Census
	The Diversity and Inclusion Dashboards
	View point survey results
	Equality and Human Rights Commission website
	Equality Impact Assessment
	Equality Information and the Equality Duty: A Guide for Public Authorities
	Diversity and Inclusion Team

7 Document history

Issue no.	Date	Changes	Author
A1	February 2019	Document and associated form F1457 created as per Change Proposal CR-11172.	Kirsteen Singers