

Equality Impact Assessment (EQIA) Template

EQIAs make services better for everyone and support value for money by getting services right first time.

EQIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users¹. They analyse how all our work as a Government might impact differently on different groups². They help us make good decisions **by considering and using robust evidence to inform decisions** instead of making decisions based on assumptions.³

Before proceeding with an EQIA, you should have undertaken an equality screening using the Equality Screening Template. If the outcome of this demonstrates a negative impact on protected groups, only then should you proceed with an EQIA⁴

Guidance notes are provided throughout by hovering your cursor over the footnote (eg: Age¹³)

It is also advisable to carry out EQIAs in a group to ensure that the assessment of the policy is not subjective.

Equality Impact Assessment (EQIA)	
Title of EQIA⁵	Employment (Amendment) Bill 2023
Department/Office/Statutory Board⁶	Department for Enterprise
Division (if applicable)	Strategy and Policy

Focus of EQIA⁷

The Employment (Amendment) Bill 2023 makes a number of amendments to the Employment Act 2006 in order to introduce:

- right to time off work to accompany a partner to antenatal appointments, including powers to specify in secondary legislation whether right to time off is paid or unpaid, maximum number of occasions and maximum time for each occasion;
- right to time off work to attend adoption appointments (for single adopters and for couples adopting), including powers to specify in secondary legislation whether right to time off is paid or unpaid, maximum number of occasions and maximum time for each occasion;
- right to unpaid time off work for dependants (e.g. child, spouse, parents) in order to deal with unforeseen incidents, including powers to specify in secondary legislation maximum length of time;
- right to shared parental leave (including shared adoption leave), including powers to specify in secondary legislation conditions regarding duration, entitlement etc;
- right to parental bereavement leave, including powers to specify in secondary legislation conditions regarding duration, entitlement etc.
 - Introduce provision for “keeping in touch” days (i.e. a certain number of days that an employee on maternity leave can work.

Whistleblowing

- public interest test for protected disclosures;
- vicarious liability to prevent detrimental treatment of whistleblowers by employees etc on behalf of an employer;
- provision to make clear that a protected disclosure has been made;

- power to make regulations to require prescribed persons to report on whistleblowing cases;
- remove requirement that protected disclosures are made in good faith;
- enable Tribunal to reduce award by up to 25% where a protected disclosure has not been made in good faith;
- power for interim relief.

Zero hours contracts

Making a right to written statement of employment terms and conditions a day one right.

Update on previous EQIA and outcomes of previous actions if applicable⁸

What actions did you plan last time? (List them from the previous EQIA)	What improved as a result? What outcomes have these actions achieved?	State briefly what further actions you need to take? (add these to the Action plan below)		
N/A	N/A	N/A		
Review of information, equality analysis and potential actions				
Protected characteristic Groups from the Equality Act 2017	What do you know⁹ about your service users or staff? Summary of data about your service-users or staff	What do people tell you¹⁰? Summary of consultation	What does this mean¹¹? Impacts identified from data and/or consultation	What can you do¹²? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Age¹³	The proposals will directly affect all those of working age who have children or dependents. The 2021 census found that the IOM has an economically active population of 44,875. The proposals are likely to affect a number of different age groups. Rights to time off work to accompany	Responses to DfE's consultation did not focus on any age-related issues in terms of the proposals that are set out above.	It is not anticipated that the proposals will have any discriminatory effects on particular age groups over other age groups.	As far as can be ascertained no action is required.

	<p>partners to ante natal appts/adoption appts will have affect those from a wide age range, as will proposals for family-related leave. The Bill also introduces a new right to time off work to care for dependents, e.g. a child or an elderly parent. The whistleblowing reforms will primarily affect those of working age.</p> <p>However it is not anticipated that the proposals will have a discriminatory effect on those of particular age groups compared with those of a different age group.</p>			
<p>Disability¹⁴</p>	<p>Working people with disabilities will be directly affected by all the proposals, though some non-working disabled people may be affected by the proposal for a new right for time off work for dependants.</p>	<p>Responses to the consultation did not address the effect of the proposals on those with disabilities.</p>	<p>DfE does not consider that the proposals will have an adverse impact on those with disabilities.</p>	

<p>Gender reassignment¹⁵</p>	<p>A number of the proposals relate to family leave rights relating to maternity/paternity/adoption leave. Care will need to be taken to ensure that wording doesn't exclude those who have changed gender.</p>											
<p>Pregnancy and maternity¹⁶</p>	<p>The proposals have a significant impact on this characteristic. Specifically, the following proposals: right to time off work to accompany a partner to antenatal appointments; Shared parental leave; Parental bereavement leave;</p> <p>The numbers of people who are pregnant and have children are indicated by the number of births in the IOM as below:</p> <table border="1" data-bbox="551 1262 808 1497"> <thead> <tr> <th>Year</th> <th>Number of Births</th> </tr> </thead> <tbody> <tr> <td>2011</td> <td>938</td> </tr> <tr> <td>2012</td> <td>890</td> </tr> <tr> <td>2013</td> <td>859</td> </tr> </tbody> </table>	Year	Number of Births	2011	938	2012	890	2013	859	<p>DfE consulted on proposals for new rights for time off to accompany a partner to antenatal appointments; shared parental leave; and parental bereavement leave over summer 2022.</p> <p><u>Right to accompany partner to antenatal appointments</u></p> <p>Though this does not affect those that are pregnant directly, a right for their partners to attend antenatal appointments is seen as helpful in encouraging partners to provide support to those that are pregnant and to be an</p>	<p>DfE considers that the following proposals to be implemented by the Bill will have a positive impact on those who are pregnant or new mothers:</p> <p>Right for partners to accompany to ante natal appointments; Right to time off to care for dependents; Shared parental leave; Parental bereavement leave; Keeping in touch days.</p>	
Year	Number of Births											
2011	938											
2012	890											
2013	859											

	2014	805	<p>engaged and integral part of a child's early years.</p> <p>As far as can be ascertained from the consultation (the views of pregnant mothers or those with young children were not specifically requested), mothers who responded to the consultation were in support of the proposal. For example, one respondent said: "Yes, my husband missed most of our scans/appointments due to not being allowed the time off."</p> <p>Another said: "Having been through a complicated twin pregnancy which involved numerous scans and appointments I couldn't have done this without my husband."</p> <p><u>Shared parental leave</u></p>		
	2015	785			
	2016	758			
	2017	753			
	2018	717			
	2019	710			
	2020	660			
	2021	675			
	2022	499*			
	*2022 figures for up until end of Oct 2022.				

		<p>Again, the shared parental leave proposals will not impact those that are pregnant or who have young children directly – the proposals do not remove the existing right to maternity leave. However the mechanism will enable fathers to take more than the existing 2 weeks’ paternity leave.</p> <p>Not only does this enable fathers and other kinds of partner the ability to more easily take time off from work to bring up their child, but it also also gives mothers and families another option if the mother wishes to return to work in the first 12 months of a child’s life.</p> <p>Examples of responses to consultation:</p> <p>“As a new mother I was quite resentful of the fact that my partner got to go</p>		
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		<p>to work and have his time away from the child. He got to work on his career and I had literally no choice other than to look after the child. It's nice to have the choice and swap the workload. Mentally it was hard not having the option.</p> <p>I was also very much aware of the impact of having time off was on my career, and how hard it was so balance both looking after a child and maintaining a career especially as the main income provider in the household.</p> <p>We cannot even start to think about addressing the wage gap or skills gap unless options like shared parental leave are brought into law. Not to mention the bonding benefits for fathers and children.”</p>		
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	<p><u>Parental bereavement leave</u></p> <p>Parental bereavement leave will enable both parents to take up to two weeks of leave if a child under the age of 18 passes away. This will include cases of stillbirth and miscarriage.</p> <p>This provides a new right which will be beneficial to parents who have lost young children.</p> <p>Example of response from consultation: “Parental bereavement can be devastating, whether a living child, stillborn or miscarriage, so there should be provision for time off.”</p> <p><u>“Keeping in touch days”</u></p> <p>This amendment will allow for explicit provision in the Employment Act 2006 for keeping in touch days,</p>		
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		i.e. a number of days on which a person taking maternity leave may work without bringing the period of maternity leave to an end. It should be noted that employers in the Isle of Man provide for keeping in touch days, so this may be a technical change rather than a practical one.		
Race/ethnicity¹⁷	It is not considered that the proposals will have any disproportionate effect on those of a particular race or ethnicity.	The consultation did not identify any issues related to race or ethnicity.	It is not anticipated that the proposals will have any effects on the protected characteristic of race.	
Religion or belief¹⁸	It is not considered that the proposals will have any disproportionate effect on those of a particular religion or belief.	The consultation did not identify any issues related to religious belief.	It is not anticipated that the proposals will have any effects on the protected characteristic of religion or belief.	
Sex/Gender¹⁹	The proposals impact significantly relating to the protected characteristics of sex and gender.	Arguably the existing situation relating to maternity and paternity leave is discriminatory against men, as fathers are only able to access 2 weeks paternity leave while mothers may access up to 52 weeks.	If anything, it is expected that the proposals have a positive effect in relation to the protected characteristic if sex/gender.	

		<p>Shared parental leave will address this imbalance.</p> <p>Shared parental leave will also make it easier for mothers to return to work while fathers take leave from work to care for young children, and therefore correct for an imbalance in the ability of women to work and progress their careers.</p>		
<p>Sexual orientation²⁰</p>	<p>The proposals are not intended to discriminate on the basis of sexual orientation, however the legislation will require careful wording to ensure that same-sex partners are able to access the same rights as heterosexual partners</p>	<p>A number of the responses stated that same sex parents should also have access to these rights.</p> <p>The legislation will have to be carefully worded to ensure that same sex parents are included.</p>	<p>It is not expected that the proposals will have a negative effect on the protected characteristic of sexual orientation. The way in which the provision for shared parental leave provision is worded will enable same sex couples to take shared parental leave – though care will also need to be taken to ensure that the wording of the Regulations allows for this.</p>	

<p>Marriage and civil partnership²¹</p>	<p>The time off work and family leave proposals, will indirectly have a positive impact on those that are married and in a civil partnership if those people have children. The whistleblowing amendments will have no specific impact on people who are married or in a civil partnership..</p>	<p>There were no responses to the consultation which addressed issues relating to people who are married or in civil partnerships, as opposed to those who are living together and have children.</p>	<p>It is not anticipated that the proposals will have a negative effect relating to marriage or civil partnership.</p>	
<p>Human Rights ²²</p>	<p>No negative impacts on human rights have been identified. The time off work and family leave changes will improve human rights relating to family life. All the whistleblowing changes bar one (“making it clear that a whistleblowing disclosure has been made”)</p>	<p>No specific human rights issues are identified as a result of the consultation. It should be noted that all the proposals are policies that are already in place in the UK (with the exception of the extension of parental bereavement leave to</p>	<p>As stated, no human rights issues have been identified.</p>	
<p>Assessment of overall impacts and any further recommendations²³</p>				
<p><i>DfE considers that the impacts from the proposals implemented by the Employment (Amendment) Bill will have no negative impacts for those with protected characteristics, and the family leave-related changes will in fact have positive impacts on those with some protected characteristics, in particular the protected characteristics of pregnancy/maternity and sex/gender.</i></p>				

Evidence of data and/or consultation that informed your EQIA			
Title (of data, research or consultation – add link or appendices)	Date	Did you identify any gaps in data? State what action you will take²⁴	
Birth figures for IOM: https://www.gov.im/about-the-government/government/open-data/health-and-social-care/	Figures up until Oct 2022	No.	
UK Government Shared Parental Leave Impact Assessment:	2014	No.	
Action Plan²⁵			
Impact identified and group(s) affected	What will you do to reduce or eliminate negative impact?	Expected outcome	Timeframe

EQIA sign-off	
Person responsible for EQIA:	Steven Tallach, Legislation Officer

Guidance end notes can be found below.

Guidance end-notes

¹ The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- **Knowledge:** everyone working for Government must be aware of our equality duties and apply them appropriately in their work.
- **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
- **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and influence the process.
- **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
- **No delegation of Public Sector Equality Duty:** Government is responsible for ensuring that any contracted services which provide services on our behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice. It is a duty that cannot be delegated.
- **Review:** the Public Sector Equality Duty is a continuing duty. Ensure that there is a formal process of monitoring and review.
- **Proper Record Keeping:** to show that we have fulfilled our duties we must keep records of the process and the impacts identified. Retain copies of equality screening documents and EQIA

NB: Filling out this EQIA in itself does not meet the requirements of the equality duty. All the requirements above must be fulfilled or the EQIA (and any decision based on it) may be open to challenge. Properly used, an EQIA can be a tool to help us comply with our equality duty and as a record to demonstrate that we have done so.

² Our duties under the Equality Act 2017

As a public sector organisation, we have a legal duty to show that we have identified and considered the impact and potential impact of our activities on all people with 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policy decisions. Policy is a broad term under the Act and includes policies, practices, services and decisions that affect both our service users and our employees. The level of detail will depend on what you are assessing, who it might affect, those groups' vulnerability, and how serious any potential negative impacts might be. We use this EQIA template to complete this process and evidence our consideration.

The following are the specific duties in the Act. You must give 'due regard' (pay conscious attention) to the need to:

- **Eliminate unlawful** discrimination, victimisation and harassment or other conduct prohibited under the Equality Act.
- **Promote equality of opportunity.** This means the need to:
 - Remove or minimise disadvantages suffered by different protected groups
 - Take steps to meet the needs of different protected groups
 - Encourage protected groups to participate in public life or any other activity where participation is disproportionately low

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- Consider if there is a need to treat disabled people more favourably, as permitted by the Equality Act.
 - **foster good relations between people who share a protected characteristic and those who do not.** This means:
 - Tackle prejudice
 - Promote understanding

³ EQIAs are always proportionate to:

- The size of the service or scope of the policy/strategy
- The resources involved
- The numbers of people affected
- The size of the likely impact
- The vulnerability of the people affected

The **greater** the potential adverse impact of the proposed policy on a protected group (e.g. disabled people), the more vulnerable the group in the context being considered, the more thorough and demanding the process required by the Act will be.

⁴ **When to complete an EQIA:**

- When planning or developing a new service, policy or strategy
- When reviewing an existing service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the city (eg: a change in population), or at a national level (eg: a change of legislation)

Assessment of equality impact can be evidenced as part of the process of reviewing or needs assessment or strategy development or consultation or planning. It does not have to be on this template, but must be documented. Wherever possible, build the EQIA into your usual planning/review processes.

Do you need to complete an EQIA? Consider:

- Is the policy likely to be relevant to any people because of their protected characteristics?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential limited adverse impacts on people but you decide not to complete an EQIA it is usually sensible to document why.

⁵ **Title of EQIA:** This should clearly explain what policy you are assessing

⁶ **Department/Office/Statutory Board:** Area responsible for the policy being assessed

⁷ **Focus of EQIA:** A member of the public should have a good understanding of the policy and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EQIA)'

This section should explain what you are assessing:

- What are the main aims or purpose of the policy?
- Who implements, carries out or delivers the policy? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.
- How does it fit with other services?
- Who is affected by the policy? Who are the external and internal service-users, groups, or communities?
- What outcomes do you want to achieve, why and for whom? (Eg: what do you want to provide, what changes or improvements, and what should the benefits be?)
- What do existing or previous inspections of the policy tell you?
- What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make this clear.

⁸ **Previous actions:** If there is no previous EQIA or this assessment is of a new policy, then simply write 'not applicable'.

⁹ **Data:** Make sure you have enough data to inform your EQIA.

- What data relevant to the impact on protected groups of the policy is available? (Check Sharepoint Equality database in addition to your own sources)
- What further evidence is needed and how can you get it? (Eg: further research or engagement with the affected groups).
- What do you already know about needs, access and outcomes? Focus on each of the protected characteristics in turn. Eg: who uses the service? Who doesn't and why? Are there differences in outcomes? Why?
- Have there been any important demographic changes or trends locally? What might they mean for the policy?
- Does data/monitoring show that any policies create particular problems or difficulties for any groups?
- Is the service having a positive or negative effect on particular people in the community, or particular groups or communities?
- Use local sources of data or national ones where they are relevant. Look to the United Kingdom for data where local data gaps exist but consider developing local data.

¹⁰ **Consultation:** You must engage appropriately with those likely to be affected to fulfil the equality duty.

- What do people tell you about the policy?

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- Are there patterns or differences in what people from different groups tell you?
 - What information or data will you need from communities?
 - How should people be consulted? Consider:
 - (i) Meetings with groups/external organisations/individual who represent the negatively impacted characteristic
 - (ii) Focus Groups
 - (iii) Workshops
 - (iv) Survey questionnaires (ensure different formats available – paper; accessible docs; online)
 - (v) Web based discussion group
 - Make sure you:
 - (a) consult when proposals are still at a formative stage;
 - (b) explain what is proposed and why, to allow intelligent consideration and response;
 - (c) allow enough time for consultation;
 - (d) make sure what people tell you is properly considered in the final decision.
 - Try to consult in ways that ensure all perspectives can be considered, where proportionate.
 - Identify any gaps in who has been consulted and identify ways to address this.

¹¹ Your EQIA must address any actual and potential impacts.

- The equality duty does not stop decisions or changes, but means we must conscientiously and deliberately confront the anticipated impacts on people.
- Be realistic: don't exaggerate speculative risks and negative impacts.
- Be detailed and specific so decision-makers have a concrete sense of potential effects. Instead of "the policy is likely to disadvantage older women", say how many or what percentage are likely to be affected, how, and to what extent.
- Questions to ask when assessing impacts depend on the context. Examples:
 - Are one or more protected groups affected differently and/or disadvantaged? How, and to what extent?
 - Is there evidence of higher/lower uptake among different groups? Which, and to what extent?
 - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
 - If there is negative differential impact, how can you minimise that while taking into account your overall aims

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- Do the effects amount to unlawful discrimination? If so the plan must be modified.
 - Does the proposal advance equality of opportunity and/or foster good relations? If not, could it?

¹² Consider all three aims of the Act: removing barriers, and also identifying positive actions we can take.

- Where you have identified impacts you must state what actions will be taken to remove, reduce or avoid any negative impacts and maximise any positive impacts or advance equality of opportunity.
- Be specific and detailed and explain how far these actions are expected to improve the negative impacts.
- If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
- An EQIA which has attempted to airbrush the facts or carry out a tick box exercise is an EQIA that is **vulnerable to legal challenge and carries both financial and reputational risks to the Government.**

¹³ **Age:** People of all ages

¹⁴ **Disability:** A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The definition includes: sensory impairments, impairments with fluctuating or recurring effects, progressive, organ specific, developmental, learning difficulties, mental health conditions and mental illnesses, produced by injury to the body or brain. Persons with cancer, multiple sclerosis or HIV infection are all now deemed to be disabled persons from the point of diagnosis.

¹⁵ **Gender Reassignment:** In the Act a transgender person is someone who proposes to, starts or has completed a process to change his or her gender. A person does not need to be under medical supervision to be protected.

¹⁶ **Pregnancy and Maternity:** Protection is during pregnancy and any statutory maternity leave to which the woman is entitled.

¹⁷ **Race/Ethnicity:** This includes ethnic or national origins, colour or nationality, and includes refugees and migrants, and Gypsies and Travellers. Refugees and migrants means people whose intention is to stay in the UK for at least twelve months (excluding visitors, short term students or tourists). This definition includes asylum seekers; voluntary and involuntary migrants; people who are undocumented; and the children of migrants, even if they were born in the UK.

¹⁸ **Religion and Belief:** Religion includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief.

¹⁹ **Sex:** Both men and women are covered under the Act.

²⁰ **Sexual Orientation:** The Act protects bisexual, gay, heterosexual and lesbian people

²¹ **Marriage and Civil Partnership:** Only in relation to due regard to the need to eliminate discrimination.

²² **Human Rights:** All staff should be aware of their obligations under the Human Rights Act (2001) and incorporated into law in the European Convention on Human Rights. Section Six of the Human Rights Act makes it unlawful for a public authority to act in a way which is incompatible with a Convention right. The underlying intention of the Act is to create a Human Rights culture in public services. Questions relating to the human rights implications of public sector policies and procedures include:

- will it affect the right to life of an individual?
- will someone be deprived of their liberty or have their security threatened?
- could this result in a person being treated in a degrading or inhuman manner?
- could this result in a person not having a fair, independent and impartial hearing?
- is there a possibility a person will be prevented from exercising their beliefs?
- will private and family life be interfered with?

If the answer is yes to any of these questions, the activity should be reviewed to avoid impacting upon Human Rights.

²³ **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy.
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

²⁴ If you identify a data gap, you can continue with your policy whilst you gather additional data. Once the data is received you should revisit the policy to see if adjustments are required

²⁵ **Action Planning:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.