

# **An Everyone Guide to Diversity Impact Assessments**



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## 1. Introduction

From September 2014, reclassification means that Network Rail needs to respond positively to the Public Sector Equality Duty. This part of the Equality Act 2010 requires public bodies and organisations that carry out public functions<sup>1</sup> to consider everyone's needs when doing so. For instance, we need to consider how best to ensure that our stations and footbridges are accessible for older and disabled passengers and that our policies help all our employees to perform well.

A Diversity Impact Assessment (DIAs) is the method we have chosen to demonstrate that we have met our duties within the Equality Act 2010. Like a risk assessment process, a DIA is a tool that helps us to make sure that our programmes, policies, projects and the way we design, build and operate services works well for our staff and our customers.

A DIA anticipates the likely effects of our 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. Once any potential negative impacts have been identified, the DIA can be used to plan ways to remove or mitigate these, wherever possible.

## 2. Background: The Public Sector Equality Duty

The Public Sector Equality Duty requires us to consciously think about the need to:

1. "Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act.
2. Tackle prejudice and promote understanding, between people who share a 'protected characteristic' and people who don't (known as fostering good relations).
3. 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

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<sup>1</sup> 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.

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 to the aims of the general equality duty 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.

Case law has clarified that decision-makers need to:

- 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.
- Understand that the duty falls on them personally. What they know and what they take into account is what matters.
- 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.
- 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'.
- 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.
- Review policies or decisions if circumstances change e.g. if the location of a project changes. This is vital as the duty is a continuing one.
- 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.
- 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.

We have already developed [Everyone](#), our diversity and inclusion strategy, setting out the reasons why diversity and inclusion is important to our business, how we will adopt best practice and implement legislation. Now we need to be able to clearly demonstrate how we fulfil our legal obligations and a diversity impact assessment gives as a straight forward way of doing so.

### 3. What is a Diversity Impact Assessment?

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, 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.

A Diversity Impact Assessment is an 8-step information-gathering and consultation tool similar to a risk assessment (see template at Appendix 1). A DIA 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, relates 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 cross the railway', rather than 'to build a footbridge', as the latter assumes a 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.

**Example** — In developing a new corporate property strategy, a department head identifies a number of different elements as being most relevant to diversity and inclusion. She decides to focus on the following areas when assessing the potential impact

- Multi-faith provision
- Parking

- Access to public transport
- Crime and security
- Accessibility of training facilities

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 DIA understand your work.

## **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.

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:

- Comparisons with similar projects although local demographics often differ.
- Information about the local community, including census findings to help you establish the diversity of the population.
- Local authority local plans, both quantitative and qualitative information.
- Local data on demographics, amenity and development plans as well as data from the UK Census
- Analysis of enquiries or complaints from the public to help you understand the needs or experiences of different groups of people.
- Recommendations from inspections or audits to help you identify any concerns about diversity and inclusion matters from regulators.
- Recent research from national, regional and local sources that includes information on relevant equality issues.
- 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.
- Are any of these groups under or over represented, or are their barriers to their access?

If you do not have good evidence about the diversity of people, consider whether you need 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 Built Environment Accessibility Panel 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 here](#).

### **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:

- 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.
- What are the key findings of any engagement you have undertaken?
- If there is a greater impact on one group, is that consistent with the policy aims?
- Could some groups or communities be excluded from the benefits of your work?
- If the project has negative impacts on people sharing particular characteristics, what steps can be taken to mitigate these effects?
- Will the piece of work deliver practical benefits for certain groups?
- Does the project miss opportunities to advance our diversity and inclusion objectives as set out in the [Everyone Strategy](#)?
- Do other standards or policies need to change to enable this work to be effective?
- 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 station 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 a diversity 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.

## Step 4: Consultation

Getting answers to many of the questions above will be easier if you consult those affected by your work. For any internally focused projects, we have 6 staff networks who can be consulted and a number of expert advisory organisations. Also consider how best to consult experts on particular diversity and inclusion issues, eg our own Built Environment Access Panel.

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 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 it 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 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 likely 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 our [FAQ](#) and the [Equality and Human Rights Commission website](#).

## **Step 6: Action Planning**

Where you have decided to change the work, create an action plan to map out the steps you will take. The actions in this plan 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.

## **Step 7: Sign-Off and Publication**

Over the next 12-18 months we will be training a number of local experts who are able to sign-off DIAs. In the interim completed documents should be signed-off by your line manager and then sent to [Network Rail's Access and Inclusion Manager](#).

Every 6 months we will collate a summary of the DIAs that have been completed and publish these to share good practice and meet our commitment to being transparent.

## **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

DIA 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:

- How and when you will measure the impact of the project
- When the project will be reviewed and what could trigger an early revision
- Who will be responsible for monitoring and reviewing
- What type of information will be needed for monitoring and when it will be analysed
- How to engage stakeholders in implementation, monitoring and reviewing.

## 4. What to Assess

It is useful to review your strategies, plans, projects, programmes and policies to establish what aspects of your work are most relevant to eliminating discrimination, fostering good relations between different people and advancing equality of opportunity. Some of our work will be more relevant, particularly where we reduce or alter access to stations, across tracks, modify services, or change the use or layouts of our buildings. For example, 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:

1. Does the piece of work affect passengers, 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.
2. Is it likely to affect people with particular protected characteristics differently?
3. Is it a major project, significantly affecting how services are delivered?
4. Will the work have a significant impact on how our TOCS or partners can operate?
5. Does the work relate to aspects of our service that have been identified as being important to people with particular protected characteristics?
6. Does the project relate to an area with known inequalities?
7. Does the piece of work relate any of the 10 objectives published in the [Everyone Strategy](#)?

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.

## 5. When to Assess

The DIA should be started as early as possible in the process. For example, for our engineering projects this would be at Grip Stage 0/1. As the project develops, you can then revisit and revise the DIA to ensure that is practical and useful and 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 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:

- 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.
- The project may still lead to potentially discriminatory activity or adverse impacts on particular groups of people.
- 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.
- The project is not likely to be effective in achieving its aims if it hasn't taken into account the impact it will have.

## 6. Who should Assess?

Assessing the impact of our work on 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 matters is what they took into account 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.

## 7. Why should we Assess?

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 rail infrastructure that is more appropriate and accessible to

everyone. A more inclusive and accessible rail 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.

[The Everyone Strategy](#) spells out how being open, diverse and inclusive is good for business, from enhancing safety, performance and value to helping us to attract, retain and keep engaged 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.

By exceeding the Public Sector Equality Duty, we will provide high quality, inclusive services for everyone. The diversity impact assessment is a way to clearly demonstrate not only how we have considered the range of people who are effected by why we do, or the services we provide, but also shows the steps we have taken to integrate such thinking into our business.

For a more information about Diversity and Inclusion visit [Connect](#) or email the team on [diversityandinclusion@networkrail.co.uk](mailto:diversityandinclusion@networkrail.co.uk)

## Appendix 1 – Diversity Impact Assessment Template

Name of policy, programme or project:

Your Name:

Your Position:

Department:

Date:

### Step 1: Clarifying Aims

Q1. What are the aims of this project/piece of work?

Q2. Could this work impact on people? If yes, explain how.

## Step 2: The Evidence Base

Q3. Summarise what data we have about the diversity of the people potentially impacted by this work and any research on the issues effecting their inclusion.

Consider evidence in relation to;

- Disability (including evidence relating to access and inclusive design)
- Age
- Pregnancy/maternity
- Race
- Religion or belief
- Gender
- Sexual orientation
- Marriage/Civil Partnership
- Gender reassignment

### Step 3: Impact

Q4. Given the evidence listed at step 2, what potentially negative impact could this work have on people who share protected characteristics.		
Protected Characteristic		Explain the potential negative impact
Disability	Y/N	
Age	Y/N	
Pregnancy /maternity	Y/N	
Race	Y/N	
Religion or belief	Y/N	
Gender	Y/N	
Sexual orientation	Y/N	
Marriage/Civil Partnership	Y/N	
Gender reassignment	Y/N	

Q5.What extra could you do to have a positive impact on diversity and inclusion?

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**Step 4: Consultation**

Q6. How has consultation with those who share a protected characteristic informed your work?

Who was consulted? <sup>2</sup>	Changes made as a result of consultation

<sup>2</sup> This could include our staff networks, local users, the BEAP (re disability), local faith leaders etc.

**Step 5: Informed Decision-Making**

Q7. In light of the assessment above, what is your decision? Please tick and provide a rationale	
1. Continue the work	
2. Justify and continue the work	
3. Change the work	
4. Stop the work	

**Step 6: Action Planning**

Q8. What actions will be taken to address any potential negative impacts and deliver positive impacts?		
Action	By when	By who

**Step 7: Sign off**

Name	Position	Signed	Date

**Step 8:** Add an action to your plan setting out how you will monitor this DIA

**Revision Date:**