



Housing Corporation

Phase Two: Full impact assessment

produced by

RSM Robson Rhodes



The full race equality impact assessment

Our approach to REIA is based on the CRE's best Practice Model

Stage 1

Identify policy aims

Examples of key questions include:

- Purpose of policy.
- Who implements.
- What outcomes are to be achieved and for whom.

Stage 2

Information collection and analysis

Examples of key questions include:

- What information is needed to ensure that all perspectives are taken into account?
- Who should be involved in determining what information is needed.
- Who will be partners in information gathering/provision.

Stage 3

Assess impact

Examples of key questions include:

- Is there differential impact on any group?
- Is the differential impact an adverse one?
- Is the policy directly or indirectly discriminatory?

Stage 4

Consider measures

Examples of key questions include:

- What measures might investigate any adverse impact.
- Are there additional measures which can be adopted which could further equality of opportunity in the context of this policy?

The full race equality impact assessment

Stage 5

Consult formally

Examples of key questions include:

- How do we ensure those affected by the policy are included.
- What measures can be taken to facilitate effective consultation.
- What resources are required/available.

Stage 6

Decide on course of action

Examples of key questions include:

- Who will play a role in the decision making process.
- What authority do the decision-makers hold in the public authority.
- How will the decision making process be structured?

Stage 7

Monitor and review

Examples of key questions include:

- What will be monitored.
- How will monitoring take place.
- Can current monitoring procedures be adapted to include the needs of REIA.

Stage 8

Publicise results of REIA

Examples of key questions include:

- How will the results be made accessible.
- What information should be made available.



The full race equality impact assessment

Introduction

A full-scale Race Equality Impact Assessment is a very detailed and searching analysis of a given policy. Such serious scrutiny is only required when evidence strongly suggests the potential for differential, adverse impact or unwitting disadvantage in terms of race. Only when the policy screening exercise has determined that the policy, strategy or project has the potential for significant adverse impact should a full REIA be undertaken.

A full Race Equality Impact Assessment is a natural progression from screening and/or consultation. It assesses policies to ensure that they do not adversely affect particular racial groups but is **only necessary** where the screening process determines that the policy potentially could have an adverse impact on particular racial groups:

- It is assessed to be of high impact;
- It is not intentional; and
- It is illegal or possibly illegal.

A full impact assessment will enable the Housing Corporation to acquire further information, identify issues, and build on opportunities to promote good relations or mitigate differential, discriminatory and adverse impact. The full impact assessment is similar in nature to the initial screening process. A full REIA requires the identified issues to be revisited and analysed in substantially more detail.

Detailed guidance for the conduct of a full REIA is to be found in the REIA Guidance Notes and is accessible via hyperlink from the Corporate Policy Section of the Housing Corporation.

Identify aims of policy

Stage One

The full REIA process will further clarify and identify the key aims and objectives of the policy. A number of these questions will have been considered during the Policy Screening Phase. It is now a requirement to provide in-depth answers.

Further clarification and identification of policy	In your response consider:
<ul style="list-style-type: none">• What are the Housing Corporation's specific responsibilities in relation to the policy?• Where does responsibility for the policy finally rest?• Who is the policy intended to benefit and how?• To what extent will proposed policy achieve equal opportunities and good relations between different racial groups?• What criteria will you use to measure progress towards these outcomes?	<ul style="list-style-type: none">• How does the proposed policy fit in with other policies, your own as those of other divisions? Is its overall purpose compatible with the Housing Corporation's equality and diversity policy?• Are there any risks associated with the policy, particularly for meeting the race equality duty?

Clearly, it is essential to identify:

- i) the responsibilities that the Housing Corporation holds in relation to this policy; and
- ii) the responsibilities held by key stakeholders.



Collect and analyse information

Stage Two

The Housing Corporation must be clear how it will collect the information required to gauge the impact on race equality. The HC is advised to work with other outside bodies to enable access to information relevant to the task. Gathering data for the REIA can be time consuming and potentially difficult. In all cases lack of data should not be an excuse for inaction. Flexibility is needed and the impact of the policy must continue to be monitored after the completion of the REIA.

Relevant, reliable and up-to-date information is essential as statistics alone do not explain differences. The Housing Corporation must institute a system of information gathering. No single type of data should be considered inherently more valuable than another.

The full REIA requires a thorough audit of available data. It may be tempting to employ a one-off data gathering exercise to address perceived shortfalls in information. It is no substitute for implementing procedures that will allow data to be gathered at regular intervals.

Bearing this in mind start by identifying in-house sources of data, such as existing administrative databases. The sources available may be adapted to include new fields or if this is not practical consider alternative sources. Also review comments gathered during previous consultations such as the recent consultations, the Homelessness Strategy Document, preparation of the Equality and Diversity Policy, the Race Equity Scheme 2005, and the Black and Minority Action Plan.

Collect and analyse information

The evidence	In your response consider:
<ul style="list-style-type: none">• What information does the Housing Corporation need to develop an effective policy that benefits all racial groups equally?• What quantitative and qualitative information is already available in-house (for example from the Good Practice Research Section, human resources) and outside the Housing Corporation such as the BME Advisory group and other stakeholders and people from the communities likely to be affected by the policy?	<ul style="list-style-type: none">• Who will decide what information will be needed, and where to look for it?• Is the available information sufficiently detailed to permit analysis of disparities between small groups?• Will the information need to be supplemented through new research, or specially commissioned qualitative or quantitative surveys, or consultation exercises designed to fill gaps in the information about certain groups?• Who will be responsible for the co-ordination of the evidence in the required form?




Assess impact

Stage Three

This stage of the process is used to gather the information to decide whether there is, or is likely to be, a differential impact on the relevant group(s).

Once an adverse impact has been identified, you will need to assess whether the policy is unlawfully discriminatory, taking into account that some policies are intended to increase equality through positive action. A decision will then have to be made to ensure that the Housing Corporation is acting lawfully.

Even if the policy is not unlawful think about how to address the adverse impact. Is there an alternative measure that would achieve the aim desired without the differential impact?



Collect and analyse information

Evidence of disproportionate impact of policies – key questions to guide assessment of REIA are:

Assessing likely impact	In your response consider:
<ul style="list-style-type: none"> • Could the policy lead to unlawful direct discrimination? • Is there differential impact on any groups. • Is the policy intended to increase equality of opportunity for some groups, for example, by taking advantage of the positive action provisions of the Race Relations Act? Are you confident that the policy is lawful, and that you can justify it? Do you need to take steps to counter any resentment the policy might cause among other racial groups? 	<ul style="list-style-type: none"> • If yes, you must abandon and look for different ways of achieving your policy aims – direct discrimination can never be justified. • If, however, you decide the policy’s potential for indirectly discriminating against some groups is justifiable, you should make sure your reasons have nothing to do with race. At this stage, you may need to seek legal advice. • Could the policy be in breach of other legislation or international obligations? • Do you need to hold an informal consultation exercise, internal or externally, at this stage? • Would further research be useful?

Consideration of additional factors, which may influence disproportionate or adverse impact including the process of Service Delivery:

Additional factors influencing impact	In your response consider:
<ul style="list-style-type: none"> • Will the policy damage relations between the Housing Corporation and a particular racial group (or groups)? • What are the likely impacts of all of these elements on the different equality target groups in the community? 	<ul style="list-style-type: none"> • Have you re-assessed the policy, has this involved substantive changes to the original policy? • Have you discussed the results of the assessment with the REIA advisory group?



Consider measures

Stage Four

What do we do if we find potential adverse impact?

If your policy is likely to have an adverse impact you could adapt it, make changes to the way it is implemented, or consider a different policy altogether.

Before deciding on a course of action to reduce adverse impact on one group check that it does not adversely affect another. If this is unavoidable can you justify this? Seek legal advice as this may be indirectly discriminatory. You must be able to argue credibly that there were no non-discriminatory alternatives that would have achieved the same policy objectives.

Measures to mitigate disproportionate or adverse impact

It is crucial that you consider mitigation and develop different options for delivering the policy outcome. Clear evidence of the mitigation of impacts – lessening the severity of the impact or providing some other remedy – must be apparent in the policy assessments with details of mitigation and its implementation included in the final recommendations.

Consider whether separate implementation strategies are necessary for the policy to be effective for different groups. You may find the following questions useful in considering different policy options:

Consider measures

Consider alternative options	In your response consider:
<ul style="list-style-type: none"> • Does your assessment show that the policy could have an adverse impact on some racial groups? • How does each option further or hinder equality of opportunity? • How will the relevant group be advised of the new or changed policy? • How does each option reinforce or challenge stereotypes, which constitute or influence equality of opportunity? • What are the consequences for the group concerned and for the Housing Corporation not adopting an option more favourable to equality of opportunity? • What are the costs of implementing each option? Will the social and economic costs and benefits to the relevant group of implementing the option outweigh the costs to the Housing Corporation or other stakeholders? An evaluation of net social benefits achieved by adopting each option must be considered. • Are there any alternative measures or mitigation that could be taken which would achieve the desired aim without the identified adverse impact? If so, could the alternative measures or mitigation lead to adverse impact for other racial or other equality groups? • If you do not adopt the option that is better for the race equality duty, what are the consequences for the racial groups affected by each option, and what are the consequences for you? 	<ul style="list-style-type: none"> • Do you need to take a closer look at the purpose of the policy, and the aims you have drawn up for it, to see if you should reconsider your approach? • How far does each option advance or restrict the three strands of the race equality duty? • Can you justify proceeding with an indirectly discriminatory policy i.e. can you argue credibly that the policy aims and objectives were essential and justifiable to the organisation and that the means you employed in achieving them were appropriate and necessary?

Consult formally

Stage Five

Consultation is active **participation** by stakeholders based on **information** that they have received from an institution. It is a mechanism for ensuring open and informed institutional practice. While communication is concerned with the interchange of information and ideas, consultation goes beyond this and involves actively seeking the views of stakeholders and taking them into account before making a decision.

The purpose of consultation

Effective consultation requires an investment of time and resources. But its benefits can be manifold:

- **Improving organisational performance** – by publicising and seeking contributions and feedback on institutional activities. The Housing Corporation can facilitate closer working with stakeholders and minimise resistance to change.
- **Improving performance and decision-making** – allowing stakeholders to express their views can help an institution arrive at sound decisions.

The consultation process on race equality issues should also be seen in the wide remit of the benefits of pursuing an active equality and diversity strategy.

The legal case for effective consultation

An effective consultation process is integral to meeting the duties laid out in the RR (A)A. For example in the area of impact assessment it is imperative that institutions set out their arrangements for consulting anyone who is likely to be affected by their policies. So consultation mechanisms should be built in to each level of policy development, planning and implementation.

The Commission for Racial Equality clearly states that the consultation process must remain genuine and meaningful. Any impression that the consultation is 'token', or that it has been manipulated to win approval for an unpopular policy will damage your credibility enormously and could mean failing to meet your race equality responsibilities.

Consult formally

The need for effective consultation and communication is further increased by the forthcoming positive duty for disability in the draft Disability Discrimination Bill (as at December 2004), which will make consultation a requirement for all public bodies when drawing up their disability schemes. The Housing Corporation should also consider the implications of the ED Regulation on Information and Consultation, which came into force in the UK in March 2005.

Consultation – best practice

You may find the following questions useful when embarking on a consultation:

Formal consultation process	In your response consider:
<ul style="list-style-type: none">• Why are we carrying out the Consultancy?• Have you identified all the racial groups likely to be affected by the policy?• What outcomes do we seek?• Who do we want to communicate with (our target audience/s)?• Who are the key stakeholders?• How and when will we communicate?• What messages are we trying to get across?• How will we apply what we have learned?	<ul style="list-style-type: none">• Have previous attempts to consult particular communities been unsuccessful? If so why, and what can you do to overcome any obstacles?• Have you made resources available to encourage full participation by groups that have proved hard to reach?• Have other divisions or fields within the Housing Corporation held formal consultations on similar policies? Are the results relevant and still up to date?




Decide on course of action


Stage Six

The decision should be made on the following key factors:

- The aims and objectives of the policy.
- The results of the impact assessment.
- The relative merits of other policies.
- The results of your consultation.



Note: The Race Relations Act obliges you to have ‘due regard’ to the need to promote race equality. This involves more than just ticking the correct boxes. Race equality should be given its proper weight, alongside your statutory duties. You should make sure your approach is methodical and logical so that you can keep records of the procedures and justify your decisions at each phase.



You should consider the following questions in making your decision on whether to introduce the policy:

- Is there any adverse impact identified?
- What are the main consultation findings and what influence do they have on the proposed policy?
- Are there any alternative measures or mitigation that could be taken which would achieve the desired aim without the adverse impact?
- Can you justify proceeding with an indirectly discriminatory policy?

If you decide to proceed with an indirectly discriminatory policy **you must satisfy yourself that you can justify this decision.** When deciding on whether to introduce the policy, especially if adverse impact has been identified, consider the following points.



Decide on course of action

If the Equality Impact Assessment shows that the policy:

- **Is directly discriminatory** in any of the areas covered by legislation, the policy is unlawful and should be rejected. Such a discriminatory policy cannot be justified and you should find other ways of achieving your goals.
- **Is indirectly discriminatory** you should also reject it, unless you are satisfied that you can justify the policy under legislation. This means you would probably have to show successfully in court that:
 - The policy was necessary to the authority effectively carrying out its functions.
 - The organisation was unable to find another, less discriminatory way of achieving the policy aims and objectives.
 - The organisation considers that the means it employed to achieve its policy aims were proportionate, necessary and appropriate.
- **May not promote equality of opportunity or good relations**, you should consider alternatives including mitigating measures to lessen negative impact, and increased the likelihood of promotion.

Finally you should ensure that you have recorded your conclusions at each part of the decision-making process. These can then be brought together into an impact assessment report that clearly demonstrates the relative weight given to particular forms of data. You should provide the reasons for your decision and recommend what is needed to ensure an effective and fair implementation of the policy.

Monitor and review

Stage Seven

To meet the requirements of the legislation, you must arrange to regularly monitor policies for any adverse impact. Consider whether your normal monitoring arrangements are adequate and if they are not then look at how they can be revised.

Do not regard the impact assessment as a one-off exercise. As you will only know the actual impact of your proposed policy when you have put it into practice, you are advised to plan a review as soon as possible after implementation to see how the policy is working in practice.

Monitoring arrangements	In your response consider:
<ul style="list-style-type: none">• How will the policy be monitored once it becomes operational?• How will the effects of the policy on equality of opportunity and good relations be monitored?• How often will the policy be reviewed?	<ul style="list-style-type: none">• What sort of data will be collected and how frequently will it be analysed?• What sort of criteria will be used to assess these arrangements and how will the feedback be incorporated?• Who will have responsibility for the review process?



Publicise results of impact assessment

Stage Eight

This part of the REIA process (based on the duties outlined in the RRAA) is about accountability. You have a specific duty to publish a Race Equality Scheme that outlines results of assessments, consultations and monitoring of activities. You must also set out how you intend to publish this scheme and ensure that it is clear and accessible.

What information will be published?

You should publish summaries of your impact assessment reports. They should be distributed widely with more detailed reports available to those who ask for them.

What will be published in an impact assessment report?

You should consider publishing the following:

- A description and explanation of the proposed policy and a brief account of how you assessed its possible effects.
- A summary of the results of your assessment, including the likely impact of the proposed policy on promoting race equality.
- Any available technical reports, and how to get them.
- A review of your proposed policy (or policy options) in the light of your assessment.
- A statement of what you plan to do next.

Template for publishing results of REIA

Standard format to be used to ensure consistency of information collected and reported	
Policy/strategy/project (ie, title of area to which impact assessment relates)	
1.	Executive summary
2.	Data collection eg. equalities profile of area/housing need/need/relevant demographic information which the assessment has used. Data sources (eg. census, local/national housing surveys) Specific research carried out
3.	Consultation (eg. methods used, internal/external; summary of how the information has been used)
4.	Key findings Observations/issues discovered/opportunities
5.	Conclusions
6.	Recommendations/Key Activities/Timescales/Responsibility

Signed (Policy Lead)

Signed (Director)





RSM Robson Rhodes

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Housing Corporation
Maple House
149 Tottenham Court Road
London W1T 7BN
www.housingcorp.gov.uk

