

OGB 44

# Equality & diversity

(Equality analysis)

A guide for FC staff

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# 1. Foreword

This Guidance Booklet is one of a series covering various subjects in the Forestry Commission (FC). We, in the Diversity Team, have fully revised this one and re-titled it, *'Equality and Diversity (Equality Analysis)* to help you make sure that all that we do, not only meets the legislation on equality and diversity, but also meets our equality strategy and objectives.

In this booklet we will look at:


- the strategy and objectives;
- responsibilities;
- when and how to conduct an equality analysis;
- monitoring and record keeping; and
- publishing your results.

We have designed the booklet to be:

- a reference work;
- a supporting and instructional document; and
- the basis for follow up support visits and audits.

We hope you find it useful. You may also find:

**P** Policy.

 **Mandatory elements.** These are auditable actions necessary to meet legal requirements or to deliver or report on corporate policy.



**Timebound mandatory elements.** As above, but to a deadline.



**Recommendations.** These are auditable actions that you should practise for efficiency and effectiveness. Any variation must be defined and authorised by unit managers.



**Cautions against certain actions, or things to avoid.**

**Examples, Best Practice and Important Reader Information** are shown in light blue boxes like this.

If you have any comments on this booklet, its procedures, or any new ways of presenting this subject please contact [Kate Fielding](#) our Diversity Manager in Silvan House.

We will publish updates on the Operational Support Intranet site in the Operational Guidance folder and tell you in the Connect Bulletin.

## 1.1 Moving around in this booklet

We have designed this document for you to read on screen using Adobe Acrobat Reader. If you need help with the various versions of Adobe Reader, please click on [this link](#).

## 2. Terms explained and some definitions

In equality and diversity, as with many processes, there is a lot of jargon and there are many abbreviations. Here we explain them before you read them.


Term	What does it mean? Or abbreviation in full.
<b>Demography</b>	The study of the structure of human populations using statistics and research on births, deaths, wealth and other factors.
<b>Discrimination Harassment and Victimisation</b>	<p>There are various types of unlawful discrimination towards the Protected Characteristics in the Equality Act 2010, which also includes Harassment and Victimisation.</p> <p>We have given you a full explanation of discrimination, harassment and victimisation in Section 12.</p>
<b>Equality Analysis</b>	A systematic, assessed and recorded method of making sure that our actions fulfil the General Equality Duty for public sector organisations in the Equality Act 2010. Equality Analysis replaces Equality Impact Assessments (EqlAs), which were a legal requirement before the Equality Act 2010.
<b>General Equality Duty (GED)</b>	<p>As a public body, the Forestry Commission must:</p> <ul style="list-style-type: none"> <li>• eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Equality Act 2010;</li> <li>• advance equality of opportunity between people who share a protected characteristic and those who do not; and</li> <li>• foster good relations between people who share a protected characteristic and those who do not.</li> </ul> <p>These are often referred to as the three aims or arms of the General Equality Duty.</p>
<b>Impact on people</b>	<p>Most of what we do affects people in one way or another, but some of what we do will have a more direct impact on people's opportunities to do or achieve or gain access to things.</p> <p>We use the phrase 'impact on people' to help us to understand when our actions should include consideration of equality and diversity issues.</p> <p>We do not need to consider equality and diversity where an action affects people in only an indirect way and will not impact or have the possibility of impacting on their normal lives.</p> <p>So decisions about which tree species to plant, or when to fell, may not affect people directly. However, the consequences of these actions (for example the amenity and recreation impacts) will affect people who are our neighbours and visitors, and you must consider those consequences from an equality and diversity view point.</p>
<b>Proportionate</b>	Being fair and reasonable. This refers to measures that are appropriate and necessary. Whether something is proportionate in the circumstances will involve weighing up the discriminatory impact of the initiative against the reasons for it, and asking if there is any other way of achieving that aim. When looking for evidence, it means making sure that the effort put into information gathering is reasonable when

Term	What does it mean? Or abbreviation in full.
	compared to the potential impact of the initiative on protected groups.
<p><b>Protected Characteristics</b></p> <p>Also referred to as <b>Protected Groups</b></p>	<p><b>Age</b> – A person of any particular age or age range. The law applies except when providing services. However, the Forestry Commission will always consider age in delivering its services, in anticipation of it becoming a legal requirement in 2012.</p> <p><b>Disability</b> – A person who has a physical or mental impairment which has (or is likely to have) a substantial and long-term effect on their ability to carry out normal day-to-day activities.</p> <p><b>Gender (or sex)</b> – Male or Female.</p> <p><b>Gender Reassignment</b> – A person who is proposing to undergo, is undergoing, or has undergone a process (or part of a process) of changing from one gender to another; also referred to as a transsexual person.</p> <p><b>Marriage and Civil Partnership</b> – Marriage is defined as a ‘union between a man and a woman’. Civil partnerships are where same-sex couples have had their relationships legally recognised.</p> <p><b>Pregnancy and Maternity</b> – Pregnancy is the condition of being pregnant (carrying a child in the womb). Maternity is the period after birth, and (outside employment) protection against discrimination lasts for 26 weeks after giving birth, it includes treating a woman unfavourably because she is breastfeeding. The law only protects people in this group from discrimination and harassment. However, the Forestry Commission will always consider pregnancy and maternity when delivering its services.</p> <p><b>Race</b> – A group of people defined by their race, colour, nationality (including citizenship) ethnic or national origins.</p> <p><b>Religion or Belief</b> – Religion means any religion. Belief includes religious and philosophical beliefs, including a lack of belief, such as Atheism. A belief should affect a person’s life choices, or the way they live, for it to be included in the definition.</p> <p><b>Sexual Orientation</b> – A person who is sexually attracted to their own sex (a gay man or a lesbian), the opposite sex (heterosexual) or to both sexes (bisexual).</p>
<b>Quantitative data</b>	Numerical statistical information.
<b>Qualitative data</b>	Information gathered about the experiences of people from their own perspectives, usually with less emphasis on statistical data. Often gathered through meetings or consultation, this information can be valuable in supporting quantitative data, or in providing some relevant information where there is no quantitative data.


### 3. What's mandatory and recommended in OGB 44?


Here we summarise for you all the mandatory elements that are in this booklet, with the relevant section for you to refer to.

#### 3.1 What's timebound and mandatory?

No.	 Requirement	Reference
<b>Regular review</b>		
1.	Both the original author and the person who signed off the Equality Analysis must diary the requirement to review every three years. When staff change duties, you must pass on this resumption to the most appropriate person.	Section 5.14
<b>General equality duties</b>		
2.	All Equality Analyses must be reviewed: <ul style="list-style-type: none"> <li>• at least every three years; or</li> <li>• earlier if there are significant changes to the initiative or the environment in which the initiative is set; or</li> <li>• earlier if evidence suggests that the initiative is not meeting its aims regarding the impact on people from protected groups; or</li> <li>• earlier, when the initiative is complete.</li> </ul>	Section 7

#### 3.2 What's mandatory?

No.	 Requirement	Reference
<b>When do I need to complete an Equality Analysis?</b>		
1.	You must consider all policies, services and functions for their impact on people using the Equality Analysis process.	Section 5
<b>What is Equality Analysis?</b>		
2.	You must complete an Equality Analysis whenever the policy or function or service you are considering has, or could have, an impact on people from the protected characteristics.	Section 5.1
<b>General equality duties</b>		
3.	In the Forestry Commission we must apply the General Equality Duty in everything we do that has, or could have, an impact on people.	Section 5.2

No.	 Requirement	Reference
<b>Who needs to complete an Equality Analysis?</b>		
4.	<p><b>Policy holders and policy creators</b></p> <p>Policy holders and policy creators are responsible for either carrying out or otherwise making sure the Equality Analysis process is completed.</p> <p><b>Service or function providers</b></p> <p>Anyone who has a responsibility for a service or function that may affect people. Unit managers are responsible for assessing the need for an Equality Analysis and completing it, or delegating responsibility to others to complete it.</p> <p><b>Members of the Senior Staff Group</b></p> <p>Members of the senior staff group are responsible for making sure that Equality Analyses are conducted in their areas, and they must make sure that their managers and staff are given the right training and time to do this.</p>	Section 5.6
<b>Monitoring impact and reviewing the initiative</b>		
5.	<p>You must properly monitor the actual impact of an initiative after implementation; not doing so may leave the FC open to legal challenge, as well as enforcement action from the Equality and Human Rights Commission.</p>	Section 5.13
<b>The Equality Analysis process</b>		
6.	<p><b>Completing the Equality Analysis.</b></p> <p>This is required for all policies, functions and services that have, or are likely to have an impact on people. You will gather evidence to understand the impact, or potential impact, on people from the protected characteristics. You will make sure that the General Equality Duties are fulfilled by considering the impact on all protected groups and adjusting your plans as necessary. You will put monitoring processes in place to measure the success of the initiative, inform future amendments to it and report its impact.</p> <p><b>Senior manager approval.</b></p> <p>Every Equality Analysis must be agreed and signed off by the cost centre manager or above. The person who signs off the Equality Analysis can never be the one who prepared it, and must always be higher grade.</p> <p><b>Monitoring the impact of the initiative.</b></p> <p>You must monitor and record the actual impact of the initiative after implementation. If you do not, you may leave the FC open to legal challenge as well as enforcement action from the Equality and Human Rights Commission. Also in Section 5.13.</p>	Section 7

### 3.3 What's recommended?

No.	Recommendation	Reference
<b>Striking a balance</b>		
1	Instead of completing an Equality Analysis on each individual initiative, we recommend that you produce an overall plan or local guidance, for each type of service (either each year or longer) and that you run an Equality Analysis on this plan or guidance.	Section 5.8
<b>Striking a balance</b>		
2.	Understanding your local and wider area populations and your present customer or user profile can help you identify any protected groups that are under-represented in that customer or user profile.	Section 5.9
<b>Engaging protected groups</b>		
3.	We recommend you engage with people and groups that represent the protected characteristics, so you can establish the relevant evidence to help you develop policies, functions and services, and to monitor the success of those initiatives. Qualitative evidence gained in this way can be more relevant than quantitative evidence, and can have a significant influence on the outcome of any initiative.	Section 5.11.2

### 3.4 What's policy?

No.	Policy	Reference
<b>Equality Analysis</b>		
1.	You must consider all proposed policies, functions and services for their actual and potential impact on people from the <b>protected characteristic groups</b> , whether those people are FC employees or the public, or both.	Section 5
<b>Publishing</b>		
2.	The Diversity Team will publish all Equality Analyses (Word Version) on the intranet and will list their titles on the internet, so the public will see what has been done and how to obtain a copy of the full Equality Analysis. Send your completed Equality Analyses to the <a href="#">Diversity Team</a> as soon as they have been signed off.	Section 7
<b>Reviewing the impact of the initiative</b>		
3.	You must diary and review the impact of the initiative at least every three years, or earlier under certain circumstances. Use the information obtained through the monitoring process to tell you whether you need to change the initiative in order to meet, or better meet, the General Equality Duties.	Section 5.14

## 4. Equality and diversity

Equality and diversity are a vital part of our business, not only because they are enshrined in law through the Equality Act 2010, which places particular requirements on public bodies like the Commission, but because it makes sound business sense, and because there is a continuing moral imperative to give everyone equality of opportunity.

This OGB concentrates on the main process that we will use to ensure equality and diversity are considered in everything that we do. That process is the Equality Analysis and is required by the Equality Act 2010.

However, it is important that all staff who have contact with people (whether colleagues, visitors, neighbours, partners or people from other organisations) understand their responsibilities under the Equality Act. It is particularly important that those with responsibility for any element of the Equality Analysis process are comfortable with the equality and diversity agenda and familiar with the General Duties of the Equality Act. You can find more information about equality and diversity in the Commission in Section 11 and on our [Equality and Diversity Intranet](#) pages.

## 5. Equality Analysis

**P** You must consider all proposed policies, functions and services for their actual and potential impact on people from the protected characteristic groups, whether those people are FC employees or the public, or both.

Before you make decisions that could affect people, you must consider whether there is, or there is likely to be an impact, or potential impact, on people from the protected characteristics. If you conclude that there is no actual or potential impact you need do nothing more.

When you have concluded that there is, or is likely to be, an impact on people you must gather evidence to help you understand that impact, or potential impact, on people from the protected characteristics and use that evidence to make sure your initiative meets the General Equality Duties. This is the 'Equality Analysis' process – see Section 5.1.

Before you make decisions that may affect people, you must make sure that you have done everything possible to fulfil the General Equality Duty through the particular initiative you are considering.

### 5.1 What is Equality Analysis?

**Key** You must complete an Equality Analysis whenever the policy or function or service you are considering has, or could have, an impact on people from the protected characteristics.

1. It is the means to gather evidence to help us make decisions and to show the effect that evidence had on those decisions.
2. A systematic way of thoroughly assessing and monitoring whether **proposed policies, functions and services** are likely to, or could have, an impact on individuals or groups of people, or both, who have been identified as being at a disadvantage due to their protected characteristic.
3. A way to monitor and review the progress of that policy, function or service and to show evidence of the impact that the initiative had on people from the protected characteristics.

Equality Analysis must be completed **before** a policy is finished, or a function or service that will, or could, have an impact on people from the protected characteristics is undertaken. In that way, we can be sure that you have considered all the necessary equality and diversity issues, and that what we are delivering is going to fulfil our obligations under the General Equality Duty – see Section 5.2.



Equality Analysis is not a tick box exercise!

If it is done correctly, it will really help us to develop our policies, services and functions to meet the three aims of the General Equality Duty.

### 5.2 Equality Act 2010 – General Equality Duties

**Key** In the Forestry Commission we must apply the General Equality Duty in everything we do that has, or could have, an impact on people. The General Duties are:

1. **eliminate** unlawful discrimination, harassment and victimisation and other conduct prohibited under the Equality Act 2010;
2. **advance** equality of opportunity between people who share a protected characteristic and those who do not; and

3. **foster** good relations between people who share a protected characteristic and those who do not.

**Having due regard for advancing equality** involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and
- encouraging people from protected groups to take part in public life or in other activities where their participation is disproportionately low.

**Having due regard to the need to foster good relations** between people who share a relevant protected characteristic and people who do not share it, involves in particular, the need to:

- tackle prejudice; and
- promote understanding.

To fulfil the General Duties we should:

- consider how we might attract more people from under-represented groups to our forests and employment, so that both our staff and our visitor profiles reflect the society around us;
- do our best to make sure that all elements of our society are included and have a say in the decisions we make and the services we provide; and
- make special provisions to enable everyone to use the services we offer and to reach their potential in their employment with us.

## 5.3 How do I complete an Equality Analysis?

The first step is to read this OGB and the Equality Analysis Guidance and Forms in the following sections. You can also find the guidance and download the forms from the intranet – [click here](#).

If you have not attended Diversity Training at Level 4, you should try to do so. You can also get support from the [Diversity Team](#) at Silvan House or on the phone at 0131 314 6575.

## 5.4 What is a policy, function or service?

We mentioned above the terms Policy, Function and Service. While we have used these terms it doesn't matter which category your initiative belongs in, you must consider its potential to have an impact on people and, where an impact is apparent, undertake an Equality Analysis on it.

Where an initiative does not have an impact on people, there is no requirement to complete an Equality Analysis.

Where you have decided that an initiative does, or could have an impact on people from the protected groups, you must complete an Equality Analysis to understand that impact, and to make sure that we meet the General Equality Duties. The Diversity Team will publish the Equality Analysis on the intranet and show the titles on the internet.

Some Equality Analyses will be done at GB or national level. For instance:

- formal national strategies or policies;
- the People Strategy;
- Operational Guidance Booklets (OGBs);
- UK Forestry Standard and Guidelines;

- internal services such as IT support;
- national communications strategies;
- HR policies (recruitment, PMS, other terms of employment); and
- the administration of grant schemes.

Many Equality Analyses will need to be completed locally. This is generally where there is no national or GB policy, instruction or other written guidance that has been Equality Analysed. It is also for those occasions when the GB or national policy or guidance is not being followed completely; in any area where there is an element of local discretion, you will need to complete an Equality Analysis.

These can include:

- creating a new, or renovating a visitor centre;
- implementing or changing a grant scheme;
- temporary, or permanent closure of facilities that have been designed to meet the needs of people from the protected groups (but see Section 5.8);
- a contract for downhill bike return lift service;
- allocation of funding or part funding to groups;
- recreation initiatives, including events (see Section 5.8 and [OGB 42](#));
- local health initiatives; and
- local business or strategic planning.

## 5.5 What does and does not have an impact on people

Some of the things that obviously do, or could, have an impact on people from the protected groups and therefore will require an Equality Analysis are:

- recreation (including footpaths, visitor centres, bike and horse trails, cafes, toilets and car parks) ([see OGB 42](#));
- events (individual and the overall programme of events) ([see OGB 42](#));
- grant allocation;
- partnership working;
- leaflets and other information documents;
- forest design plans (see [OGB 36](#)); and
- staff recruitment and conditions (Equality Analysis at HR GB level).

Some of the things that in general are unlikely to have this impact and therefore will not require an Equality Analysis are, for example:

- biodiversity action\*;
- harvesting\*;
- technical and scientific instructions and guidance (unless focused on engaging with people);
- buying forestry machinery;
- wildlife management\*;
- forest management\*;

- legal decisions like felling licences;
- choice of fuels and chemicals; and
- research (unless focused on social issues).

\*Unless through an area of public access or close to neighbours.

If you are not sure, ask the [Diversity Team](#).

## 5.6 Who needs to complete an Equality Analysis?

So, who needs to complete an Equality Analysis?

### Policy holders and policy creators

- Policy holders and policy creators are responsible for either carrying out or otherwise making sure the Equality Analysis process is completed.

### Service or function providers

- Anyone who has a responsibility for a service or function that may affect people. Unit managers are responsible for assessing the need for an Equality Analysis and completing it, or delegating responsibility to others to complete it.

### Members of the senior staff group

- Members of the senior staff group are responsible for making sure that Equality Analyses are conducted in their areas, and they must make sure that their managers and staff are given the right training and time to do this.

## 5.7 When do I need to complete an Equality Analysis?

- You must consider all policies, services and functions for their impact on the protected characteristics under the Equality Analysis process.

The process must start at the development of the policy, or the planning of the function or service; this will make sure that equality and diversity issues are taken into consideration from the beginning. **Equality Analysis will only be completed where there is, or is likely to be an impact on people.**

**The Equality Analysis is Not a one-off exercise.** You will need to carry out the process alongside the development of your policy, function or service from the first stage to implementation. You will also be required to plan reviews, to measure and evaluate the success and the continuing relevance and impact of your policy, function or service on people from the protected groups.

## 5.8 Striking a balance



Instead of completing an Equality Analysis on each individual initiative, we recommend that you produce an overall instruction, or local guidance, for each type of service or function that could have an impact on people from the protected characteristics and that you run an Equality Analysis on this instruction or guidance.

Where you do not have this type of plan or guidance, you will have to complete an Equality Analysis on each initiative that does, or could, have an impact on people. It is therefore cost and time effective, as well as creating a standard for the area, to create single guidance or instruction.

However, changes that are likely to have a large impact on people from the protected characteristics must always be subject to their own Equality Analysis.

Where you are following an instruction or guidance that has already been subject to Equality Analysis, you will not need to repeat an Equality Analysis unless:

- you are deviating from the original instruction or guidance;
- the evidence used to support the original Equality Analysis is not relevant to your particular area of interest;
- the evidence used to support the original Equality Analysis has become out of date, or there is new evidence available, or both; and
- the instruction or guidance requires you to.

## 5.9 Business or strategic planning

When you are creating your business plans, it is important that you consider equality and diversity and how you will allocate funds to meet your General Equality Duties – see Section 5.2.



Understanding your local and wider area populations, and your present customer or user profile can help you identify any protected groups that are under-represented in that customer or user profile.

Having this evidence will help you to know where you are most likely to be successful in improving the profile of the protected characteristic groups that use or benefit from your services. This can help you to allocate resources and plan your initiatives to meet the General Equality Duties.

For instance, in recreation:

- if your evidence shows that you are in an area with a high percentage of ethnic minority residents, but your visitor profile is some way below that percentage, you may decide to create initiatives aimed at attracting more people of ethnic minority origin to use the services and functions that you offer. However, if your evidence shows that you have a very low ethnic minority population, or if your user profile is in proportion to the population, you could decide to put a higher percentage of your resources towards encouraging another protected group to your visitor attractions – one that your visitor surveys show to be under-represented as visitors (see Section 5.11).

By focusing your equality initiatives on evidence, you make them appropriate to your location, you create a plan that can stand scrutiny, and you are more likely to be successful in increasing the diversity of people who know about, and benefit from, your services or functions.

Any such business or strategic plans should be the subject of an Equality Analysis.

## 5.10 What is meant by an impact on people?

### 5.10.1 Definition of 'people'

'People' can be divided into four main categories:

1. staff;
2. contractors;
3. customers (including volunteers and grant recipients); and
4. others, for example partners, charities, voluntary groups and community groups.

We are required to consider how what we do will, or could, affect people from the protected characteristics and we must do what we can to consider the impact from their points of view. We must always bear in mind our obligations under the Equality Act and its General Equality Duties – see Section 5.2.

**For staff** – we will complete Equality Analysis at GB or national level for conditions of employment, for IT provision and for all other centrally or nationally defined parts of our internal business that will have an impact on current and future staff. Where you make local provisions that are not covered by central policies, you should complete an Equality Analysis based on your staff profile.

**For contractors** – we must make sure that we are using contractors that comply with equality legislation. Where contractors are delivering services on our behalf, they must take positive steps to allow people from the protected characteristics to take part in that service. Procurement guidance and regulation will make sure that we purchase goods and services from organisations with good equality credentials, see also Section 4 of OGB 3a [Buying goods, works and services](#).

Where we are entering a **commercial agreement** with a supplier, that is not covered by our procurement guidance, we must make sure that all sectors of our society can benefit from that agreement, where it impacts on people. We want those who are supplying a service directly to people to take steps to meet the General Equality Duties, and to be as proactive in doing so as we would be if we ran that service ourselves. Examples are:

- shops;
- bike hire; and
- catering.

All contracts must contain clauses that prohibit discrimination, beyond that, you may wish to build in other specific targets, or conduct, that are designed to make the service or function as attractive and accessible as possible to people from the protected characteristics. The law does not allow us to forego our equality duties just because we have sub-contracted provision of a service or function that can impact on people from the protected groups.

**For customers** – we need to consider the impact of our actions that will or could have a direct impact on customers, and that may have a different affect on people from different protected groups. We need to consider not only present customers, but people from the protected characteristics that live near or in your area, who may not at the moment be regular customers, but who could become so. These are often referred to as 'hard to reach' groups.

**For others** – we need to be sure that we are dealing proportionately with different groups representing the protected characteristics, as they exist in your area. We should make sure that all work in partnership, whether that is formal or informal, takes account of the requirements of people from the protected characteristics and creates opportunities for them to take part or otherwise benefit.

## 5.10.2 Definition of 'impact'

Impact (or affect) is not simple to define. In general, it will include things that have, or could have a more direct than indirect impact on the lives of people from the protected groups. We have given some examples in Section 5.5, however it will always be useful to consider whether:

- the impact could be different on members of one protected group than it is on another;
- we are offering services or facilities, which must be suitable (as far as practicable) for people from all protected characteristics;
- not many people from any of the protected groups use a facility or service, and you have evidence to show that there is scope to increase that use or provide new options;
- there is a possibility that an initiative could exclude people from a protected group, the main example, but not the only one, is people with disabilities;
- there is scope to increase the benefit from an initiative for those from protected groups; and
- there is scope to fulfill our obligations under the General Equality Duty.

## 5.11 Gathering information (evidence)

Good decision making is based on interpreting good information well. In equality and diversity, good information is essential if we are to fulfill our obligations under the Equality Act 2010.

We must use evidence to help us in our final decisions. The evidence must be appropriate to the initiative; so for a GB initiative, we need GB information and for a local initiative, we need local information.

In general, you should start by getting information about the numbers of people with the protected characteristics in the area that will be affected by your initiative. It can also be useful, where the initiative is customer or service focussed, to have information about different representative charitable, religious or volunteer groups that support people in that area.

We also need to talk to people from the protected characteristic groups so we can get evidence directly from them about how to build their needs into our initiatives and so further the aims of the General Equality Duty. This qualitative evidence can be more relevant than quantitative data, and have a more significant influence on the outcome of any initiative.

It is important to understand the extent of the geographic area affected by any initiative. Some woodlands attract people only from the immediate area, others have facilities that attract people from a much wider area. For those initiatives that could impact on people from a wide area, it is important that you look at the demographic in that area, rather than only the local demographic. This wider catchment area may include towns and cities in which there is a much wider representation of people from the protected groups than there is in your immediate area. It is important to identify those groups and try to engage with them.

### 5.11.1 When evidence is not available

When you find that there is no data available for a protected group, it does not mean that you are unable to consider the impact on that group. Where there is no data, or it is patchy or old, you should gather up-to-date information by contacting those protected groups that are represented in the area affected by your initiative. You should also consider joining other local public bodies to see whether there is any means to share the data gathering process and cost.



It is important to consider the time and cost necessary to gather new evidence and compare it to the size and potential impact of the initiative that you are analysing. Where time and cost is disproportionate to the initiative itself you can go ahead, even though gaps remain in your evidence. However, you must not make the effort of gathering information an excuse for not doing so; it is important that you fully justify the reasons for remaining gaps in evidence in the Equality Analysis.

### 5.11.2 Engaging protected groups

Engaging protected groups is an important element of the equality and diversity agenda, and the Government expects us to increase our levels of engagement with people with protected characteristics. The benefits of good engagement are:

- filling 'gaps' in available information – particularly useful for those groups where data is not available, limited or old;
- an understanding of the protected groups in your area of interest;
- direct information about any barriers (experienced or perceived) and ideas to overcome those barriers;
- identify solutions to access that we would not otherwise have thought of and that could save money in the long run;
- ideas to help increase, and maintain, participation;
- early indication that plans might have some negative impact, and early solutions for improvement;
- improving people's knowledge about the facilities available and the benefits of visiting woodland;
- create strong relationships between the FC and people from the protected groups that will be mutually beneficial;
- ultimately improve the profile of people from the protected groups who use our services and who are employed by us, better reflecting the society we live in;
- increased visitor revenue;
- improve our public relations profile; and
- improve our reputation as a leading example of an equality and diversity organisation.

We must communicate with, and learn from, people in the protected characteristic groups and manage our business by making sure that the General Equality Duties are incorporated in to our decision making.



We recommend you engage with people and groups that represent the protected characteristics; this will help you to collect the evidence you need to develop policies, functions and services that meet the requirements of the General Equality Duty, and to monitor the success of those initiatives. Qualitative evidence gained in this way can be more relevant than quantitative evidence, and can have a significant influence on the outcome of any initiative.

The Equality Analysis requires you to document the engagement that you have undertaken with protected groups, and how that engagement influenced your initiative. The Equalities and Human Rights Commission will be looking for evidence of high levels of engagement as they conduct their monitoring and enforcement role.

[OGB 33](#) (in draft) gives you guidance on best means of identifying groups to engage with, and the engagement process.

### 5.11.3 Using the evidence gathered

The evidence you gather should preferably be a mixture of quantitative data from validated sources and qualitative information from engaging directly with protected groups. This combined information should help you to create policies, functions and services that not only eliminate discrimination, but also fulfill our other responsibilities under the General Duties (Section 5.2). Where you have opportunities to improve a plan in order to increase the possibility of people from the protected groups benefiting from it, you must take that opportunity, as long as it is reasonable to do so.

The definition of what is, or is not, reasonable to do (or how far to go) to meet the identified needs of people from the protected groups is hard to define. Many changes can be made cheaply, or at no cost. Building or planning something right in the first place will save the need for potentially costly adjustments later on.



We must guard against the possibility of benefiting one protected group to the detriment of others. You must find a balance that will serve as many of the protected groups as possible, proportionate to your area of interest and you can never continue with a project that is discriminatory towards one or more protected groups, even though it benefits another protected group. However, this does not prevent you from focusing on one protected group, as discussed in Section 5.12.

There will be times when we cannot meet all the expectations of one or more protected groups. The reasons could be due to finances, resources, health and safety, or the natural environment. Health and safety will always take precedence over equality, as long as it is well justified. Where it is not possible to meet all expectations, it is important to state those reasons in your Equality Analysis and, most importantly, to tell the people concerned the reasons why; engagement is a two way process.

Your evidence must be fully displayed in the Equality Analysis, and you must explain the way you have interpreted it and how it has guided your final decision. This will help us to fulfill our obligation for transparency and allow the Equality and Human Rights Commission and other interested parties to understand or to challenge the decisions we make.

## 5.12 Initiatives focused on one or more, but not all protected groups

We need to make sure that those people who are under-represented as visitors and users of our land and other services should be given the chance to take part. This may mean focusing attention on one particular protected characteristic group, where there is evidence that people from that group do not use the services we offer as much as other groups do.

### Some examples

#### Women

Evidence tells us that men are much more likely to use our mountain bike trails than women. As the population of GB is roughly 50% women, it is acceptable that women-only events can be held to attract more women to the sport. Specific advertising to women's groups and providing female instructors will make sure these opportunities are taken up. However, if a man asks to take part in such an event, we cannot legally refuse him.

#### Black and Minority Ethnic Visitors

Anecdotal and survey evidence shows that we do not have many visitors from Black, Asian and Minority Ethnic (BAME) communities. We are required to do what we can to encourage visits from these communities, but only where the local or catchment area demographic shows that there are resident communities. The best way of introducing these communities to the forests is to engage directly with representative groups or individuals, discuss their needs and the barriers that might prevent their visits and provide facilities that respect the community's traditions, faith and culture.

#### Accessible facilities

We have a legal duty to make sure that our buildings and structures are accessible to people with disabilities, but we must also do what we can to make all our services and events as accessible as possible to people with disabilities who live nearby and in the wider catchment area. Anecdotal and survey evidence shows that the numbers of people with disabilities that visit our forests is low compared to the population of people with disability in GB. Engaging with support and charitable groups who are focused on disability is a good way of making contact. It is important to ask what would be most suitable, and to contact people with all types of disability, physical, sensory and mental.

## 5.13 Monitoring impact and reviewing the initiative

We are required to record, and be able to report if challenged, how our initiatives have benefited people from the protected characteristic groups. So it is important not only to ensure that our policies, functions and services comply with the Equality Act and fulfill the General Equality Duties, but also to measure the actual impact on people from the protected groups, once the initiative starts.

Monitoring is the only method of demonstrating that what we did make a difference and met our General Equality Duties.

**Key** You must properly monitor the actual impact of an initiative after implementation; not doing so may leave the FC open to legal challenge, as well as enforcement action from the Equality and Human Rights Commission.

Monitoring will also help us to decide whether we should amend the initiative, and it will help us to learn lessons that could improve our services and performance in the future. Your methods for monitoring must be practical and reasonable for the initiative, and you must do it.

The type of data that you can use for effective monitoring is:

- user numbers;
- feedback, comments and complaints;

- surveys;
- inspection reports and other performance evaluations; and
- involvement in activities.

You should show this data, as far as relevant and possible, for each protected group and it can cover:

- levels of service taken up by different protected groups;
- levels of satisfaction; and
- the outcomes for different protected groups.

## 5.14 Regular review

Using the information you have gathered from monitoring, you must review the initiative to establish whether:

- it is fulfilling its aims and objectives;
- it is meeting the General Equality Duties; or
- there are opportunities for improvement.

Each Equality Analysis must be reviewed:

- at least every three years; or
- earlier if there are significant changes to the initiative or the environment in which the initiative is set; or
- earlier if evidence suggests that the initiative is not meeting its aims regarding the impact on people from protected groups; or
- earlier when the initiative is complete.

The review will tell you of the success of the initiative in meeting the General Equality Duty and will, if evidence suggests change, indicate the changes needed to improve the benefits and access for people from the protected characteristics.

In cases where the initiative has ended, the review will measure and record the outcomes of that initiative and will provide useful information on which to base later, related initiatives. It will also help us to identify and report on best practice.



**Both the original author and the person who signed off the Equality Analysis must diary the requirement to review. When staff change duties, you must pass on this resumption to the most appropriate person.**

## 5.15 Working in partnership and with contractors and suppliers

Where the FC is the lead partner, we take responsibility for the Equality Analysis. Where the FC is a subsidiary partner, we will formally ask the lead partner to fulfil the Equality Analysis requirements only if they are also a public body.

When the partner is not from the public sector, regardless of whether they are the main partner or not, the FC must undertake the Equality Analysis. Under these circumstances the Equality Analysis should focus only on the elements of service the FC will deliver or that will be delivered by another organisation on FC land or under the FC banner.

When the lead partner is not the FC, you must make sure they have a diversity strategy that complies with the law or have signed up to our [Diversity Strategy](#).

In many instances, the work being done in partnership and with contractors and suppliers will not have any direct impact on people (for example, standing sales, timber, construction and deer leases). It will not be necessary to conduct an Equality Analysis on the work being completed, but it will always be necessary to make sure, as far as possible, that those we work with exercise equality and diversity within the law.

Your procedures when working with contractors or suppliers must be correct. If you need more advice please contact [Procurement Services](#) and refer to [OGB3a and OGB3c](#) and Section 5.10.1.

## 5.16 Equality and Human Rights Commission

The [Equality and Human Rights Commission](#) (EHRC) is responsible for monitoring and enforcing the equality duty. We must provide them with the evidence they need to show how we comply with the Equality Act 2010 public sector duties.


## 6. How do Equality Analyses help the Forestry Commission?

Public bodies like the FC cannot know how their policies, services and functions could, and do, affect the protected groups, unless we assess, consult and monitor. Equality Analysis will help us make sure of the following.

- We deliver a high quality service that meets the needs of all our current and potential customers by anticipating issues and making good decisions using the evidence collected for the analysis.
- That we meet the needs of our customers by properly targeting our service initiatives, by engaging with all protected groups, using the right methods, improving our consultation, and listening to, and acting on, the views of those we consult.
- We are aware of, and understand, the communities we serve.
- We increase the numbers of visitors to our estate, better reflecting the demographic of the area and potentially increasing goodwill and revenue.
- That we attract and retain good quality staff by creating and implementing internal policies which are fair and transparent and provide equal opportunities for all.
- The FC is recognised for both its commitment to, and success in, promoting equality and diversity, and it sets high standards for those organisations we work with.
- We identify, develop and use good practice to meet the needs of our customers and staff, to meet our objectives, and satisfy current equality laws.
- We can measure, and therefore report on, our success in attracting the widest range of people to benefit from the services we offer.


## 7. The equality analysis process

### 1. Completing the Equality Analysis.

-  This is required for all policies, functions and services that have, or are likely to have an impact on people. You will gather evidence to understand the impact, or potential impact, on people from the protected characteristics. You will make sure that the General Equality Duties are fulfilled by considering the impact on all protected groups and adjusting your plans as necessary. You will put monitoring processes in place to measure the success of the initiative, inform future amendments to it and report its impact.

Guidance to help you to decide if the initiative does impact on, or has the possibility of impacting on people from the protected characteristics is given in Section 5.


### 2. Senior manager approval.

-  Every Equality Analysis must be agreed and signed off by the cost centre manager or above. The person who signs off the Equality Analysis can never be the one who prepared it, and must always be higher grade.

### 3. Publishing.

-  Send each Equality Analysis to the [Diversity Team](#) as soon as it has been signed off. The Diversity Team will publish each Equality Analysis on the [Equality and Diversity Intranet](#) and the Title on the Internet.

### 4. Monitoring.

-  You must monitor and record the actual impact of the initiative after implementation, if you do not, you may leave the FC open to legal challenge, as well as enforcement action from the Equality and Human Rights Commission.

### 5. Review.



All Equality Analyses must be reviewed:

- at least every three years; or
- earlier if there are significant changes to the initiative or the environment in which the initiative is set; or
- earlier if evidence suggests that the initiative is not meeting its aims regarding the impact on people from protected groups; or
- earlier when the initiative is complete.

Both the original author and the person who signed off the Equality Analysis must diary the requirement to review. Where staff have changed duties, you must pass this resumption to the most appropriate person.

Step-by-step guidance on how to complete an Equality Analysis is given in Section 8.

## 8. Equality Analysis Form with guidance

### 8.1 Establishing impact, or potential impact, on people from the protected groups.

All policies, functions or services that have, or are likely to have an impact on people from the protected characteristics must be analysed for their relevance to equality and diversity.

Guidance to help you to decide if the initiative does impact on, or has the possibility of impacting on people from the protected characteristics is given in Section 5.

<b>1. What is the name of your policy, function or service?</b>
Whether something is a Policy or a Function or a Service is not important; whatever category it belongs in, any initiative that has, or is likely to have, an impact on people <b>MUST</b> be subject to an Equality Analysis.
<b>2. What are the main aims and objectives of the Policy function or service?</b>
<b>3. Briefly describe the impact (or potential impact) on people</b>
<b>4. What are the names and contact details of the initiative's owner and the person who completed the Equality Analysis?</b>

## 8.2 Giving some more background

It is important to show the status of the Equality Analysis.

### 5. Is this a new Equality Analysis, or a review of a previous Equality Analysis?

You must state whether this is a new initiative, a 3-year review, an early review, or a review due to end of initiative. If it is an early review, explain why.

The Government requires us not only to make sure that our work fulfils the General Duties, but to measure the effect it has on people from the protected groups.

All Equality Analyses must be reviewed every three years, if not earlier. Earlier review will be required when the initiative has changed (or needs to change) or where it has ended.

The review will measure the success or otherwise of the initiative in meeting the General Equality Duty and will, if evidence suggests change, indicate the changes that need to be made to enable it to improve its benefits and access for people from the protected characteristics.

In cases where the initiative has ended, the Review will measure the outcomes of that initiative and will provide useful information on which to base later, related initiatives. It will also help us to identify and report on best practice.

### 6. If this is a review, when was the previous Equality Analysis signed off?

### 7. How will this initiative be put into practice?

Details of:

- where this will occur;
- timings and milestones;
- responsibilities;
- partnership and or community working; and
- using volunteers.

## 8.3 Gather existing information and data: the evidence

The information we are seeking is about, and from, the protected groups. An Equality Analysis is not about confirming that the initiative is, in general, a good thing; it is about making sure that it is the best it can be for everyone from all protected groups, and that it meets the General Equality Duties.

Evidence must be used to help your final decisions; you must show how it did. This allows us to be open, transparent and accountable to the public, and meets the Government's requirements for transparency in the public sector.

### 8. What evidence about the protected characteristics have you obtained to analyse this initiative? Quote sources including details of engagement.

Gather relevant 'reliable' information about the protected characteristics in the area that might be affected by the initiative.

Ideally your evidence should be a blend of quantitative data and of qualitative information gained from direct engagement with the protected groups. The Government expects us to increase our levels of engagement with people of the protected characteristics groups. Through discussion we may learn more than we can from quantitative data – see Section 5.10.2.

It is important to reference your data sources, including those protected characteristic groups that you engaged with. However, you must retain an individual's right to privacy and must not quote them as a source unless you have their permission to – remember this document could become available to the public. You can still mention the evidence gained from that source, but explain why you can't identify the person who offered it.

Where you asked a group for information, but they did not reply, you should note this – it will show that you attempted to engage with a wide range of people from the protected characteristics.

Evidence is available from a number of sources, including research bodies, government departments and even non-public organisations. [Mapping and Geodata](#) in Silvan House can help you map demographic data. Your local Planning Authority and Police Force are potential sources of information, the Police may be able to help you locate local groups representing the protected characteristics. Local magazines, newspapers and phone directories are good places to look for representatives of protected groups and an internet search may also help.

Diversity have created a spreadsheet showing some groups representing protected characteristics; you can find it on the intranet [Diversity pages](#), where there will also be a list of external and internal websites that offer useful data. If you discover more groups, please tell the [Diversity Team](#), who will update the spreadsheet accordingly.

It is important to remember that the evidence you gather should cover the wider catchment area that may be affected by your initiative.

The evidence must be appropriate to the initiative; so for a GB initiative, GB information is needed, for a local initiative, local and catchment area information is most appropriate.

As well as quantitative data and evidence from people representing the protected characteristics, your own staff will have observations that could be valuable to the Equality Analysis.

You can get the numbers of people already benefiting from an initiative from visitor surveys, personnel records (for staff focused initiatives) or from observation where hard data is not available.

You may already have information from previous consultations, engagements or customer feedback and monitoring exercises. You can draw on additional information like research, evidence and information from 'experts' and interested parties. Both qualitative and quantitative information will be helpful as these

will tell you about the numbers and proportions of people affected, and about their experience.

**Note:** it is important to check the validity of both internal and external data to make sure that it is assessed correctly and that you can draw reliable conclusions from it.

- Is the available information detailed enough to allow you to analyse the impact?
- Is new data and research needed, and if so, where will it come from? For example, specially commissioned surveys or consultation exercises.
- Are there any data protection and human rights implications in data collection and analysis?
- If there are data protection and implications for human rights, please ask for legal advice at the start of the exercise to identify these.

The type and quantity of data that you require will be different for each initiative and we cannot give you prescriptive guidance. However, you need to be content that the data you have can lead you and the person signing-off the Equality Analysis to a confident conclusion that the initiative is likely to have a positive impact on people from the protected groups and meet the General Equality Duty.

### 8.3.1 Gaps in your evidence

This section is designed to help you consider where there are gaps in your evidence (if any) and to decide how relevant those gaps are to your Equality Analysis. As the Equality Analysis is a working document, this part should help you identify what additional information you need and to gather it, adding it to Part 8 of the Form.

It may be that you cannot find data for some of the protected characteristics. Quantitative data can be difficult to find for some groups, and in those cases you should try to identify those groups locally (or within the catchment area) and talk to them about your initiative.

Speak to experts, employees and community groups to get valuable new information or data.

Where you have done this, you should use the Comments Box to show:

- what information gaps you found;
- how relevant they are to the initiative;
- what steps you took to fill them; and
- that you have added that data or evidence to Part 8.

Where the cost and time needed to gather new information is not in proportion to the initiative itself, you can go ahead, even though gaps remain in your evidence. You must explain this fully in the Equality Analysis and must not use this as an excuse not to gather new information that could be relatively easy to get (see Section 5.11.1).

9. What gaps are there in the available evidence?	
	Describe the gaps and what you have done to fill them, or why you cannot fill them.
Age	
Disability	
Gender	
Gender Reassignment	
Marriage and Civil Partnership	
Pregnancy and Maternity	
Race	
Religion and Belief	
Sexual Orientation	

## 8.4 Evaluating the impact

In furthering the General Equality Duty, we have to consider the significance of an impact on the people concerned.

An issue that may only impact on small numbers of people from the protected groups **does not** mean that it is an unimportant issue for that group. Diversity and equality issues centre on disadvantaged groups and an impact on a small number of people could be significant to that group of people.

An initiative may impact (positively or negatively) on people with disabilities, or on people from ethnic minority communities, both of which may only be present in small numbers in the area that the initiative is likely to affect. However, the actual impact on those people could be of higher significance than the impact on people from other protected groups.

For example, the creation of an all-ability trail, could have a greater impact on people with disabilities, if there are no local alternatives, than it is likely to have on people without disabilities, who are more likely to be able to find alternative suitable trails in the area. Although the number of people with disabilities who could use the trail is likely to be much smaller than the number of people without disabilities, the impact will be proportionately greater to them.

10. What does all the evidence tell you about the actual or likely impact on different groups?				
	Positive Impact	Negative impact	High, Medium or Low	Comments
Age				
Disability				
Gender				
Gender reassignment				
Marriage and Civil Partnership				
Pregnancy and Maternity				
Race				
Religion and Belief				
Sexual Orientation				

## 8.5 Using the evidence you have gathered

You should now look at the information you have collected to assess what it is telling you about the needs of different groups of people.

<b>11. What have you changed in the initiative to reduce or eliminate any negative impact?</b>	
Where the evidence has led you to change some (or all) of your policy, function or service, you should give details. Where you haven't needed to change anything, you should show those conclusions too, for example how the evidence supports the initiative.	
<b>12. Where negative impact cannot be reduced, give the reasons why.</b>	
There will be times when you cannot remove a negative impact on one or more protected groups. The reasons could be due to finances, resources, or the natural environment. If you cannot remove a negative impact, you must make sure: <ul style="list-style-type: none"> <li>• you have a strong argument for not being able to remove it (a financial argument alone may not be enough); and</li> <li>• you are unable to find other ways of achieving your policy aims.</li> </ul> Where it is not possible to remove negative impact you must state the reasons.	
<b>13. Does this initiative fulfil the General Equality Duty?</b>	
	<b>Comment</b>
<b>Eliminate unlawful discrimination, harassment and victimisation</b>	See Section 12.
<b>Advance equality of opportunity</b>	Having due regard for advancing equality involves: <ul style="list-style-type: none"> <li>• removing or minimising disadvantages suffered by people due to their protected characteristics;</li> <li>• taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and</li> <li>• encouraging people from protected groups to take part in public life or in other activities where their participation is disproportionately low.</li> </ul>
<b>Foster good relations</b>	Consider the need to foster good relations between people who share a relevant protected characteristic and people who do not share it, in particular the need to: <ul style="list-style-type: none"> <li>• tackle prejudice; and</li> <li>• promote understanding.</li> </ul>

Compliance with the duties may involve treating some people more favourably than others; but do not take this as allowing conduct that would otherwise be prohibited in law.

Some things to consider:

- Are any of the protected groups excluded from your initiative?
- Are there any other steps that would positively encourage any one or combination of the protected groups to benefit from your initiative?
- Will the proposed changes benefit some or all of the protected groups?
- Is the policy intended to increase equality of opportunity by providing positive action to redress disadvantages? If so, do you have good evidence to prove the disadvantage you want to redress, and is your initiative lawful?
- Are there aspects of your policy, process or service that could be changed to reduce or remove adverse impact on a particular group without affecting the policy's overall aims?



If your analysis leads to potential adverse impact and, or unlawful discrimination, you must investigate. You must consider other legitimate ways to achieve your policy, function or service objectives. You cannot proceed with policies, functions or services that constitute discrimination, harassment or victimisation.

## 8.6 Monitoring impact

It is important to put in place and describe arrangements to monitor the impact of your initiative on the protected characteristics.

Monitoring information will be useful in any future review and any future Equality Analysis of your policy, function or service. It is also necessary for you to be able to demonstrate the impact your work is having in meeting the General Equality Duty.

14. Describe the arrangements to measure and monitor the actual impact of this initiative on people from the protected characteristic groups.	
How will you measure the effects of the initiative?	
What type of information is needed for monitoring and how often will it be analysed?	
How will you engage stakeholders* in implementation, monitoring and review?	
Who will be responsible for the monitoring and review?	

\* A stakeholder is anyone who is or could be affected by the initiative. Stakeholders could be staff, customers, visitors, partners, volunteers or other organisations in any combination – particularly focussing on those people from or representing the protected groups.

You should consider what measuring and monitoring arrangements are already in place and how well these have met your needs for showing how your policy or function achieves its objectives, and how it affects different groups – see Section 5.12.

The key to evaluating any initiative is good management information. This can be by data collection and, or, research, but should include talking to the right people from different groups or communities, including those who have not been participating. This will tell you how likely you are to achieve your desired outcomes. You can collect this information as part of your continual monitoring, or as a separate exercise. You should clearly distinguish between evaluating the impact and evaluating the policy itself.

You must properly monitor the actual impact of an initiative or it may leave us open to legal challenge, as well as enforcement action from the EHRC.

## 8.7 Regular review

To make sure that your policy remains focused, and is not affected by changing circumstances, it is important to keep it under review. Your monitoring and evaluation processes will help you regularly assess if, and how, your initiative is affecting the diverse needs of your target audience – and highlight any unexpected adverse affect or unintentional discrimination.

15. What is the review date for this Equality Analysis?	
Date of next Review(s)	<p>All Equality Analysis must be reviewed:</p> <ul style="list-style-type: none"> <li>• at least every three years; or</li> <li>• earlier if there are significant changes to the initiative or the environment in which the initiative is set; or</li> <li>• if monitoring evidence suggests that the initiative is not meeting its aims regarding the affect on people from protected groups; or</li> <li>• earlier, when the initiative is complete.</li> </ul>
What could trigger an early revision?	

You must diary the three-year review date, or earlier date if that has been agreed.

You are required to complete the Equality Analysis form at each review and follow the process described here.

## 8.8 Senior manager sign off

All Equality Analysis must be signed-off by a person at least at cost centre manager level. The person who signs off the Equality Analysis can never be the one who prepared it, and must always be a higher grade to that person.

In signing off the Equality Analysis, the manager is confirming that there is enough evidence and reasoning in the document to demonstrate that it advances, or will advance, the three aims of the General Equality Duty.

16. Senior manager sign off	
I agree with this Equality Analysis and its supporting evidence relating to this initiative and that it demonstrates that it advances, or will advance, the three aims of the General Equality Duty.	
Name	
Signature	
Job Title	
Date	

## 9. Publishing Equality Analysis

Once the Equality Analysis form has been signed-off, send a Word version to the [Diversity Team](#). The author should keep a signed copy. The Diversity Team will publish the Equality Analysis on the Intranet and list all Equality Analysis titles on the Internet.

## 10. Further help and support

[The Diversity Team](#) can give you advice about how to approach Equality Analysis for your policy, function or service and can guide you through completing the Equality Analysis form.

## 10 Forestry Commission Equality Analysis Form

1. What is the name of your policy, function or service?	
2. What are the main aims and objectives of the Policy function or service?	
3. Briefly describe the impact (or potential impact) on people	
4. What are the names and contact details of the initiative's owner and the person who completed the Equality Analysis?	
5. Is this a new Equality Analysis, or a review of a previous Equality Analysis?	
New.	
3 year review.	
Early review, explain why.	
Review due to end of the initiative.	
6. If this is a review, when was the previous Equality Analysis signed off?	
7. How will this initiative be put into practice?	
8. What evidence regarding the protected characteristics have you obtained to analyse this initiative? Quote sources including details of engagement.	
9. What gaps are there in the available evidence?	
	Describe the gaps and what you have done to fill them, or why you cannot fill them.
Age	
Disability	
Gender	

Gender Reassignment				
Marriage and Civil Partnership				
Pregnancy and Maternity				
Race				
Religion and Belief				
Sexual Orientation				
10. What does all the evidence tell you about the actual or likely impact on different groups?				
	Positive Impact	Negative impact	High, Medium or Low	Comments
Age				
Disability				
Gender				
Gender reassignment				
Marriage and Civil Partnership				
Pregnancy and Maternity				
Race				
Religion and Belief				
Sexual Orientation				
11. What have you changed in the initiative to reduce or eliminate any negative impact?				
12. Where negative impact can not be reduced, give the reasons why.				
13. Does this initiative fulfil the General Equality Duty?				
		Comment		
Eliminate unlawful discrimination, harassment and victimisation.				

Advance equality of opportunity.	
Foster good relations.	
14. Describe the arrangements to measure and monitor the actual impact of this initiative on people from the protected characteristic groups.	
How will you measure the effects of the initiative?	
What type of information is needed for monitoring and how often will it be analysed?	
How will you engage stakeholders* in implementation, monitoring and review?	
Who will be responsible for the monitoring and review?	
15. What is the review date for this Equality Analysis?	
Date of next review(s)	
What could trigger an early revision?	
16. Senior manager sign off	
I agree with this Equality Analysis and its supporting evidence relating to this initiative and that it demonstrates that it advances or will advance, the three aims of the General Equality Duty.	
Name	
Signature	
Job Title	
Date	

# 11. Equality and Diversity in the Forestry Commission

## 11.1 Equality and diversity

Equality and diversity are essential elements of our business, and an integral part of our People Strategy. We must consider equality and diversity in everything we do that can have an impact on people. This includes managing staff, providing customer services, contracting, procurement, grant-aid, managing volunteers and partnership working.

**If we do not recognise, understand and value diversity, we will not have equality.**

**Equality** is creating a fairer society, where everyone can take part and everyone has the chance to fulfil their potential. It is backed by legislation designed to:

- eliminate unfair discrimination;
- advance equality of opportunity; and
- foster good relations between people.

See Section 5.2 for the full detail.

**Diversity** is recognising that people are different and valuing difference in its broadest sense. It recognises that one service does not fit all people and may involve treating some people differently than others, so that everyone can have the same opportunities. It helps us remove prejudice and create a culture that recognises, respects, values and harnesses difference. **It is the principle that no matter where you come from, who you are, or what your background is, you will not be treated unfairly or discriminated against.**

Equality and diversity are not interchangeable; you need to consider them together. If we do not recognise, understand and value diversity, we will not have equality.

## 11.2 What equality and diversity mean for the Commission

### 11.2.1 The business case

As our society becomes increasingly diverse, we must consider how to involve all sectors of our society in what we do, and learn how to attract people from groups that traditionally we have had little or no association with, so they may have access to the benefits of our services and our employment.

If we do this well, we will be able to:

- attract and use the best talent;
- expand our access to the widest pool of experience and knowledge, so increasing and improving our ideas and creativity;
- make sure that all customers and employees are given fair and unbiased treatment;
- develop services that fit the widest range of users;
- make good decisions using robust information, making sure the outcomes are better for everyone;
- increase the number of people that are likely to visit us;
- increase our revenue;
- increase public satisfaction with our services; and
- enhance our public relations.

## 11.2.2 The legal case

The Government requires us, as a public sector organisation, to operate to the highest standards and to demonstrate best practice in equality and diversity. The Equality Act 2010 defines particular duties for public sector organisations and we explain these more in Section 5. Breaking the law, or not demonstrating compliance, will have serious financial consequences to the FC, and will damage our reputation.

## 11.2.3 The moral case

In the FC we believe that our success as an employer and as a provider of first class services to the public depends on our commitment to equality and diversity. We want the Commission to be an organisation where no one will ever feel excluded, and people from all parts of our society will want to work with us and to use our forests and facilities.

**Equality and diversity must be a natural part of all we do** and we must consider equality and diversity in all aspects of our work that has, or is likely to have, an impact on people's lives.

## 12. Discrimination, Harassment and Victimisation – Equality Act 2010

### 12.1 Direct discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have, or are thought to have, (see **Perceptive Discrimination** – Section 12.3) or because they associate with someone who has a protected characteristic (see **Associative Discrimination** Section 12.2). It applies to all protected characteristics.

#### Example

A senior manager turns down an employee's application for promotion to a supervisor position. The employee, who is a lesbian, learns that the senior manager did this because he believes the team that she applied to manage are homophobic. The senior manager thought that the employee's sexual orientation would prevent her from gaining the team's respect and managing them effectively. This is direct sexual orientation discrimination against the employee.

### 12.2 Associative discrimination

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic, whether they themselves share that protected characteristic or not.

Previously applied to race, religion or belief, sexual orientation, pregnancy and maternity; it is now extended to cover age, disability, gender and gender reassignment.

#### Example

An employee, who works as a project manager, is looking forward to a promotion. However, after she tells her manager that her mother, who lives at home, has had a stroke, the promotion is withdrawn because the manager thinks that the employee will not have time to concentrate on her new job due to caring responsibilities for her mother. This is discrimination against the employee because of her association with a disabled person.

### 12.3 Perceptive discrimination

This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

Previously applied to age, race, religion or belief sexual orientation and pregnancy and maternity; now extended to cover disability, gender reassignment and gender.

#### Example

An employee is 45, but looks much younger. Many people assume that he is in his mid 20s. He is not allowed to represent his company at an international meeting because the manager thinks that he is too young. The employee has been discriminated against on the perception of a protected characteristic.

## 12.4 Indirect discrimination

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your company that applies to everyone, but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, i.e. that it is 'a proportionate means of achieving a legitimate aim'. A legitimate aim might be any lawful decision you make in running your business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being **proportionate** really means being fair and reasonable, including showing that you've looked at 'less discriminatory' alternatives to any decision you make.

Previously applied to age, race, religion or belief, gender, sexual orientation, pregnancy and maternity and marriage and civil partnership; it is now extended to cover disability and gender reassignment.

### Examples

A sudden increase in business means that all staff are asked to work on Saturdays. A Jewish employee says that he cannot break the Sabbath and asks to be excused Saturday shifts. The organisation tries unsuccessfully to accommodate the employee's request and finally dismiss him. If the organisation can show that it acted legitimately and fairly, they would be judged not to have discriminated against the employee.

An employee is pregnant. The manager knows the employee is pregnant, but still disciplines her for taking too many toilet breaks, as the manager would for any other employee. This is discrimination because of pregnancy and maternity as this characteristic doesn't require the normal comparison of treatment with other employees.

## 12.5 Discrimination arising from a disability

The Equality Act states that it is discrimination to treat a disabled person unfavourably because of something connected with their disability. This type of discrimination is unlawful where the person knows, or could reasonably be expected to know, that the person has a disability. However, the Act requires us to do all we reasonably can to find out if a person has a disability. This type of discrimination is only justifiable if an employer or service provider can show that it is a fair means of achieving a legitimate aim. Discrimination arising from disability does not require you to make a comparison with another person who is not disabled to establish less favourable treatment.

### Example

An employee has dyslexia and, as a result, a tendency to make spelling mistakes and be slow at writing, reading and absorbing information. We would be required to make reasonable adjustments to help the employee. But it would be discrimination to penalise the employee for those mistakes, even after they had been helped by making reasonable adjustments.

## 12.6 Harassment

Harassment is:

“unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

Employees will be able to complain of behaviour that they find offensive, even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves.

Harassment applies to all protected characteristics except for pregnancy and maternity, and marriage and civil partnership, these protected characteristics being shared with either gender or sexual orientation, or both, and therefore protected from harassment through those characteristics. Employees are also protected from harassment under Discrimination by Perception and Discrimination by Association.

### Examples

A disabled employee is claiming harassment against his line manager after being frequently teased and humiliated about his disability by his line manager. Another employee who shares an office with the disabled employee is also claiming harassment, even though he is not disabled, as the manager’s behaviour has also created an offensive environment for her.

An employee is continually being called gay and other related names by his team members at work. Homophobic comments have been posted on the staff notice-board about him by people from his team. The employee was recently physically pushed to the floor by one member of the group, but is too scared to take action. The employee is not gay, but heterosexual; furthermore his team know he isn’t gay. This is harassment because of sexual orientation.

## 12.7 Third party harassment

The Equality Act makes you potentially liable for harassment of your employees by people (third parties) who are not employees of your organisation, such as customers or clients. You will only be liable when harassment has occurred on at least two previous occasions, you are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.

Previously applied to gender; it is now extended to cover age, disability, gender reassignment, race, religion or belief and sexual orientation.

### Example

A member of staff is gay. He mentions to his manager that he is feeling unhappy after a client made homophobic remarks in his hearing. The manager is concerned and monitors the situation. Within a few days the client makes further offensive remarks. The manager reacts by having a word with the client, pointing out that this behaviour is unacceptable. The manager considers following it up with a letter to the client, pointing out that he will ban him from the office if this happens again. The manager keeps his staff member in the picture with the actions that he is taking and that he is taking reasonable steps to protect him from third party harassment.

## 12.8 Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint. There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act.

### Example

An employee makes a formal complaint against her manager because she feels that she has been discriminated against because of marriage. Although the complaint is resolved through the organisation's grievance procedures, the employee is subsequently ostracised by her colleagues, including her manager. She could claim victimisation.