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Form 1: Preparation

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| 1. | What are you equality impact assessing? | <p>Hywel Dda University Health Board Chaperone Policy</p> <p>Review July 2019 Review Jan 2020</p> |
| 2. | Brief Aims and Description | <p>The purpose of this policy is to provide guidance and advice on using chaperones during examinations and procedures</p> <p>The objectives of the policy are;</p> <ul style="list-style-type: none"> • To promote that patients' safety, privacy and dignity is protected during intimate examinations • To minimise the risk of the healthcare professionals actions being misinterpreted. <p>To promote the safety of health care professionals whilst carrying out intimate clinical examinations</p> |
| 3. | Who is responsible for the work? | <p>██████████ – Senior Nurse Practice Development</p> <p>Review July 2019 Mrs C Cotterell - Assistant Director Operational Nursing and Quality Acute Services</p> <p>Review Jan 2020 Mrs C Cotterell - Assistant Director Operational Nursing and Quality Acute Services</p> |
| 4. | Who is involved in undertaking this EqIA? | <p>██████████, Clinical Practice Development Nurse ██████████, Senior Nurse Practice Development Jackie Hooper – Equality and Diversity Advisor</p> <p>Review July 2019 Mrs C Cotterell – Assistant Director Operational Nursing and Quality Acute Services Jackie Hooper – Senior Diversity and Inclusion Officer</p> |

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| | | <p>Review Jan 2020 Mrs C Cotterell – Assistant Director Operational Nursing and Quality Acute Services Jackie Hooper – Senior Diversity and Inclusion Officer</p> |
| 5. | Is the Policy related to other policies/areas of work? | <p>Policy for Consent for Examination or Treatment, Guidance on MCA, POVA Child protection Policy Equality and Diversity Staff concern (Whistle Blowing) Policy</p> <p>Review July 2019</p> <p>008 - Consent for Examination or Treatment Policy 811 – Mental Capacity Act Practice Guidelines 133 - Equality and Diversity Policy 182 - Staff Concerns (Whistle Blowing) Policy 295 – Policy and procedures for the Protection of Vulnerable Adults from Abuse All Wales Child Protection Procedures 170 - Lone Worker Policy NHS Wales Good Working Practice Principles for the use of Chaperone During Intimate Examinations for Procedures within NHS Wales (2019)</p> |
| 6. | Stakeholders – who is involved with or affected by this Policy | <p>All health care professionals undertaking physical examination, procedures and imaging and acting in the role of chaperone All service users</p> |
| 7. | What might help/hinder the success of the Policy? | <p>The policy will be available on the HB intranet site for access by staff Education and raising awareness Staff working arrangements</p> |

SCREENING

Form 2: Information Gathering

| | Age | Disability*** | Gender | Gender Reassignment | Pregnancy and Maternity | Race/Ethnicity or Nationality | Religion or Belief | Sexual Orientation | Welsh Language | No Differences Either Position or Negative |
|---|-----|---------------|--------|---------------------|-------------------------|-------------------------------|--------------------|--------------------|----------------|--|
| <p><i>Is the Policy you are considering relevant to the public duties relating to each Protected Characteristic (listed to the right)?</i></p> <p>Place a Tick ✓ or a Cross ✗ as appropriate</p> | | | | | | | | | | |
| <p>In other words, does the Policy:</p> <ul style="list-style-type: none"> eliminate discrimination and eliminate harassment in relation to... | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | |
| <ul style="list-style-type: none"> promote equality of opportunity in relation to... | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | |
| <ul style="list-style-type: none"> promote good relationships and positive attitudes in relation to... | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | |
| <ul style="list-style-type: none"> encourage participation in public life in relation to... | | | | | | | | | | |
| <p>*** In relation to disability only, as part of your assessment you MUST consider whether there is a need to make reasonable adjustment(s). The law requires this even if it involves treating some individuals more favourably in order to meet their needs</p> | | | | | | | | | | |

SCREENING

Form 2: Information Gathering (Human Rights)

Human Rights: The Human Rights Act contains 15 Articles (or rights), all of which NHS organisations have a duty to act compatibly with and to respect, protect and fulfil. The 6 rights that are particularly relevant to healthcare are listed below. For a fuller explanation of these rights and other rights in the Human Rights Act please refer to **Appendix A: The Legislative Framework**.

Depending on the Policy you are considering, you may find the examples below helpful in relation to the Articles.

| Consider, is the Policy relevant to: | Yes | No |
|---|-----|----|
| <p>Article 2 : The right to life</p> <p>Example: The protection and promotion of the safety and welfare of patients and staff; issues of patient restraint and control</p> | √ | |
| <p>Article 3 : The right not be tortured or treated in an inhuman or degrading way</p> <p>Example: Issues of dignity and privacy; the protection and promotion of the safety and welfare of patients and staff; the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers; Issues of patient restraint and control</p> | √ | |
| <p>Article 5 : The right to liberty</p> <p>Example: Issues of patient choice, control, empowerment and independence; issues of patient restraint and control</p> | √ | |
| <p>Article 6 : The right to a fair trial</p> <p>Example: issues of patient choice, control, empowerment and independence</p> | √ | |

SCREENING

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| <p>Article 8 : The right to respect for private and family life, home and correspondence; Issues of patient restraint and control</p> <p>Example: Issues of dignity and privacy; the protection and promotion of the safety and welfare of patients and staff; the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers; the right of a patient or employee to enjoy their family and/or private life</p> | √ | |
| <p>Article 11 : The right to freedom of thought, conscience and religion</p> <p>Example: The protection and promotion of the safety and welfare of patients and staff; the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers</p> | √ | |

SCREENING

| Protected Characteristic | List Information Gathered in relation to different protected characteristics | List Information Gathered in relation to multiple protected characteristics |
|--------------------------|---|--|
| Age | <p>GMC (2006), <i>Maintaining Boundaries</i>. www.gmc-uk.org</p> <p>NMC (2008, updated May 2012). Chaperoning http://www.nmc-uk.org/Nurses-and-midwives/Advice-by-topic/A/Advice/Chaperoning/</p> <p>RCN (2007), <i>Chaperoning – The role of the nurse and the rights of patients: guidance For nurses</i>. London: Royal College of Nursing</p> <p>HD018 - Guidance On The Mental Capacity Act</p> <p>008 - Policy For Consent To Examination And Treatment</p> <p>295 - All Wales Policy And Procedures For The Protection Of Vulnerable Adults From Abuse</p> <p>260 - All Wales Whistleblowing/Righ To Raise Concerns In The</p> | <p>Stonewall Briefings on Experiences of Healthcare, Disability Mental Health, Ethnicity, LGB</p> <p>Welsh Sexual Exploitation Risk Assessment Framework (SERAF) Welsh Government 2011</p> <p>Protocol for chaperoning during a sexual assault medical examination (SARC, 2011)</p> <p>Research of similar policies within other organisations as follows found evidence that there would be no negative impacts or that there would be positive impacts:-</p> <p>EQiA Sheffield Teaching Hospitals NHS Foundation Trusts http://www.sth.nhs.uk/clientfiles/File/chaperone.pdf</p> <p>EQiA North Devon Healthcare http://www.northdevonhealth.nhs.uk/wp-content/eia-screening-chaperone-policy-v10-july-08.pdf</p> <p>NHS Oldham Chaperone Policy http://www.oldham.nhs.uk/LinkClick.aspx?fileticket=6SVR9OdHWiE%3D&tabid=390&language=en-US</p> <p>Newcastle Upon Tyne Hospitals NHS Foundation Trusts, Chaperone Policy http://www.newcastle-hospitals.org.uk/downloads/policies/nursing/chaperonepolicy200909pdf</p> <p>Cardiff and Vale Health Board Chaperone policy – EqIA</p> |

SCREENING

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| | <p>Public Interest Policy</p> <p>133 - Equality and Diversity Policy</p> <p>Welsh Language Scheme 2010 – 2013</p> <p>“More Than Just Words” - Strategic Framework for Welsh Language Services in Health, Social Services and Social Care</p> <p>Welsh Language (Wales) Measure 2011</p> <p>The policy focuses in the role and responsibilities of the health care professional undertaking the examination and the consideration of patients needs and wishes for a chaperone present.</p> | |
| Disability | <p>See as age above. Also Stonewall Health Briefings on Mental Health and Disability</p> <p>The Policy refers to guidance on mental</p> | |

SCREENING

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| | capacity and the Health Board Consent policy | |
| Gender | See as age above The policy considers gender of both the examining healthcare professional and the patient and is highlighted within the choice of chaperone | |
| Gender Reassignment | See as age above | |
| Human Rights | See as age above | |
| Pregnancy and Maternity | n/a | |
| Race/Ethnicity or Nationality | See as age above. Also Stonewall Health Briefing on Ethnicity. Specific consideration is made within the policy in relation to individual needs in relation to religious and cultural beliefs | |
| Religion or Belief | See as age above. Specific consideration is made within the policy in relation to individual needs in relation to religious and cultural beliefs | |

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| Sexual Orientation | See as age above. Also Stonewall Health Briefings on Bisexuality and LGB Experiences of Health Care | |
| Welsh Language | No information | |

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Form 3: Assessment of Relevance and Priority

| Protected Characteristic | Evidence: Existing Information to suggest some groups affected. Gathered from Step 2. (See Scoring Chart A) | Potential Impact: Nature, profile, scale, cost, numbers affected, significance. Insert one overall score (See Scoring Chart B) | Decision: Multiply 'evidence' score by 'potential impact' score. (See Scoring Chart C) |
|-------------------------------|---|---|--|
| Age | 3 | +1 | +3 |
| Disability | 3 | +1 | +3 |
| Gender | 3 | +1 | +3 |
| Gender Reassignment | 3 | +1 | +3 |
| Human Rights | 3 | +1 | +3 |
| Pregnancy and Maternity | n/a | n/a | n/a |
| Race/Ethnicity or Nationality | 3 | +1 | +3 |
| Religion or Belief | 3 | +1 | +3 |
| Sexual Orientation | 3 | +1 | +3 |
| Welsh Language | 3 | +1 | +3 |

Scoring Chart A: Evidence

Scoring Chart B: Potential Impact

Scoring Chart C: Impact

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| Available | |
|------------------|-------------------------------|
| 3 | Existing data/research |
| 2 | Anecdotal/awareness data only |
| 1 | No evidence or suggestion |
| | |
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| | |
|----|-----------------|
| | |
| -3 | High negative |
| -2 | Medium negative |
| -1 | Low negative |
| 0 | No impact |
| +1 | Low positive |
| +2 | Medium positive |
| +3 | High positive |

| | |
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| | |
| -6 to -9 | High Impact (H) |
| -3 to -5 | Medium Impact (M) |
| -1 to -2 | Low Impact (L) |
| 0 | No Impact (N) |
| 1 to 9 | Positive Impact (P) |
| | |
| | |

FULL EQUALITY IMPACT ASSESSMENT

Form 4: Examine the Information Gathered So Far

| | | |
|----|--|------|
| 1. | Do you have adequate information? (Refer to Form 2 : Information Gathering for assistance if necessary) | Yes |
| 2. | Can you proceed with the Policy whilst the EqIA is ongoing? | Yes |
| 3. | Does the information collected relate to all protected characteristics? | Yes |
| 4. | What additional information (if any) is required? | None |
| 5. | How are you going to collect the additional information needed? State which representative bodies you will be liaising with in order to achieve this | |

FULL EQUALITY IMPACT ASSESSMENT

Form 5: Judge/Assess the Potential Impact of the Policy across the Protected Characteristics

| | Information gathered on Forms 2 and 4 | Consider the likely/potential impact of the evidence | Positive | Differential | Negative |
|-----|---------------------------------------|---|----------|--------------|----------|
| Age | | <p>The provision of an appropriate chaperone during examinations and procedures helps to protect the patients' safety, privacy and dignity during intimate examinations and to minimise the risk of the healthcare professionals actions being misinterpreted. It also helps to protect the safety of health care professionals whilst carrying out intimate clinical examinations. This applies across all protected characteristics and will be particularly pertinent for those service users and staff whose protected characteristics may make them particularly sensitive or vulnerable in situations where examinations or</p> | √ | | |

FULL EQUALITY IMPACT ASSESSMENT

| | Information gathered on Forms 2 and 4 | Consider the likely/potential impact of the evidence | Positive | Differential | Negative |
|--------------------------------|---------------------------------------|---|----------|--------------|----------|
| | | procedures are being carried out. | | | |
| Disability | | As above | √ | | |
| Gender | | As above | √ | | |
| Gender Reassignment | | As above | √ | | |
| Human Rights | | As above. Within the policy the service user has the right to accept or decline the offer of a chaperone or to request a chaperone if preferred where one may not have been offered. The service user also has the right to decline a particular chaperone if they do not consider them to be suitable. | √ | | |
| Pregnancy and Maternity | | n/a | √ | | |
| Race | | As above | √ | | |
| Religion/Belief | | As above | √ | | |

FULL EQUALITY IMPACT ASSESSMENT

| | Information gathered on Forms 2 and 4 | Consider the likely/potential impact of the evidence | Positive | Differential | Negative |
|---------------------------|---------------------------------------|--|----------|--------------|----------|
| Sexual Orientation | | As above | √ | | |
| Welsh Language | | Positive in respect of possibly being able to access a Welsh speaking chaperone if the examiner does not speak Welsh | √ | | |

Form 6: Consider Any Alternatives which will Reduce or Eliminate any Negative Impact

| | | |
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| 1. | Describe any mitigating actions taken to reduce negative impact | N/a |
| 2. | Is there a handling strategy for any unavoidable but not unlawful negative impacts that cannot be mitigated? | N/a |

FULL EQUALITY IMPACT ASSESSMENT

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| 3. | Describe any actions taken to maximise the opportunity to promote equality, ie: changes to the Policy, regulation, guidance, communication, monitoring or review | |
| 4. | What changes have been made as a result of conducting this EqIA? | <p>Wording has been changed from "ensure" to " promote " in Point 5 Objective 1 and 3 to avoid misinterpretation of the policy in believing the presence of a chaperone is a guarantee of protection..... "</p> <p>Suggest taking out the following sentence under point 6 Most patients will not take up the offer of a chaperone, especially where a relationship of trust has been built up or where the examiner is the same gender as them. as it seems to contradict the point made under 6.5</p> <p>Issues Specific to Diversity, Religion, Ethnicity or Culture which states that "assumptions should not be made about preferences of particular groups based on age, sex, race etc"</p> <p>Also, having an examiner the same gender as them may be problematic for LGB service users/younger service users questioning their sexuality and LGB staff. Offering a chaperone provides the same protection to everyone equally.</p> |

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Form 7: Outcome Report

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| Organisation: | Hywel Dda University Health Board |
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| Proposal Sponsored by: | Name: | [REDACTED] Review July 2019 Mrs C Cotterell - Assistant Director Operational Nursing and Quality Acute Services Review January 2020 Mrs C Cotterell - Assistant Director Operational Nursing and Quality Acute Services |
| | Title: | Clinical Practice Development Nurse |
| | Department: | Nursing |
| | | |

| | |
|----------------------|------------------|
| Policy Title: | Chaperone Policy |
|----------------------|------------------|

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|---|---|
| Brief Aims and Objectives of Policy: | <p>The aim of this policy is to provide guidance and advice on using chaperones during examination and procedures.</p> <p>The objective of this policy is:</p> <ul style="list-style-type: none">• To promote that patients' safety, privacy and dignity is protected during intimate examinations• To minimise the risk of the healthcare professionals actions being misinterpreted• To promote the safety of healthcare professionals whilst carrying out intimate clinical examinations |
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OUTCOME

| Was the decision reached to proceed to full Equality Impact Assessment?: | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
|---|---|------------------------------------|
| | <p>Record Reasons for Decision: The implementation of the policy will help to protect patient's safety, privacy and dignity and to minimise the risk of healthcare professionals actions being misinterpreted and to ensure their safety. Whilst there is no evidence to suggest that the policy will have a negative impact on any protected group, the policy is considered to have a high relevance to our duties under the Equality Act 2010 and Human Rights Act 1998, therefore a full equality impact assessment was undertaken. The policy is likely to have the most positive impact on those service users whose protected characteristics (single or multiple) make them more sensitive or vulnerable in situations where examinations or procedures are being undertaken.</p> <p>Review Aug 2014 – minimal changes – no full EqIA required</p> <p>Review July 2019</p> <p>No complaints have been received in relation to equality, diversity or human rights in relation to this policy since it was originally developed or following any earlier reviews.</p> <p>Changes made during this review were to update in relation to best practice and guidance and to strengthen the policy in relation to recording of information and meeting patients' individual needs. Changes were assessed as having a positive impact across all protected groups,</p> | |

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therefore a full EqIA was not carried out for this review.

An updated search of similar policies elsewhere indicated a similar result:-

<https://www.bing.com/search?q=Chaperone+Policy+nhs+equality+impact+assessment+&qsn&form=QBLH&sp=-1&pg=chaperone+policy+nhs+equa&sc=0-25&sk=&cvid=570DC7EC52D4443D95BC0349DD165E72>

Review January 2020

This review was in line with the NHS Wales Good Working Practice Principles for the Use of Chaperones (2019). The policy has been strengthened around meeting the needs of people in relation to their religion and culture and for people with learning difficulties in order to afford an equal standard of dignity in comparison with individuals who do not share those protected characteristics. It also assists in facilitating the provision of equitable services.

Additional updates were made to references and other aspects of the document for clarification as outlined in the version control document below.



312 - Version control overview - Jz

A full EqIA has therefore not been undertaken for this review.

If no, are there any

Yes

No

OUTCOME

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| issues to be addressed? | Record Details: Review July 2019 – None | |
| Is the Policy Lawful? | Yes ✓ | <p>The policy was developed with reference to the following:-</p> <p>NHS Wales Good Working Practice Principles for the Use of Chaperones (2019)</p> <p>GMC (2006), <i>Maintaining Boundaries</i>. www.gmc-uk.org</p> <p>NMC (2008, updated May 2012). Chaperoning http://www.nmc-uk.org/Nurses-and-midwives/Advice-by-topic/A/Advice/Chaperoning/</p> <p>RCN (2007), <i>Chaperoning – The role of the nurse and the rights of patients: guidance For nurses</i>. London: Royal College of Nursing</p> <p>HD018 - Guidance On The Mental Capacity Act</p> <p>Review July 2019</p> <p>The review was undertaken and the policy updated with reference to the following:-</p> <p>All Wales Child Protection Procedures (2008) / Wales Interim Policy and Procedures for the Protection of Vulnerable Adult Policy and Procedures for the Protection of Vulnerable Adults from Abuse (2013)</p> <p>Children Act 1989 & Children Act (2004) and Part 7 of the Social Services and Wellbeing (Wales) Act 2014 – duty to report.</p> |

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| | | <p>DoH (2005) <i>Mental Capacity Act</i>. London: Dept of Health.</p> <p>DoH, (2004) Independent Enquiry into how the NHS handled allegations about the conduct of Clifford Ayling</p> <p>Gillick competence and Fraser Guidelines NSPCC December 2018</p> <p>GMC (2013), Intimate Examinations and Chaperones www.gmc-uk.org</p> <p>NHS Wales Good Working Practice principles for the use of Chaperones during Intimate Examinations or Procedures within Wales – (2019)</p> <p>NMC (2008, updated May 2012). Chaperoning http://www.nmc-uk.org/Nurses-and-midwives/Advice-by-topic/A/Advice/Chaperoning/</p> <p>RCN (2007), <i>Chaperoning – The role of the nurse and the rights of patients: guidance For nurses</i>. London: Royal College of Nursing.</p> |
|--|--|---|

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|------------------------------------|--|--|
| Will the Policy be adopted? | Yes ✓ | Review July 2019 – This is a review of an existing policy |
| | If no, please record the reason and any further action required: | |

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| Are monitoring arrangements in | Yes ✓ | |
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| place? | Refer to Action Plan (Form 8) Any complaints received in relation to equality, diversity or human rights issues following implementation of the policy will be addressed on an individual basis and appropriate action taken. |
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| Who is the Lead Officer? | Name: | <div style="background-color: black; width: 100px; height: 15px; margin-bottom: 5px;"></div> Review July 2019 and January 2020 Mandy Rayani – Director of Nursing, Midwifery and Patient Experience |
| | Title: | Senior Nurse Practice Development |
| | Department: | Nursing |
| Review Date of Policy: | The policy will be reviewed after 3 years or sooner if required. | |

| Signature of all parties | Name | Title | Signature |
|--------------------------|--|-------------------------------------|--------------------------|
| | <div style="background-color: black; width: 100px; height: 15px;"></div> | Clinical Practice Development Nurse | 5/2/13 Reviewed 27/08/14 |
| | <div style="background-color: black; width: 100px; height: 15px;"></div> | Senior Nurse Practice Development | 5/2/13 |
| | Jackie Hooper | Equality and Diversity Advisor | 5/2/13 Reviewed 27/08/14 |

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| | Review July 2019 | | |
| | Carol Cotterell | Assistant Director Operational Nursing and Quality Acute Services | 10 July 2019 |
| | Jackie Hooper | Senior Diversity and Inclusion Officer | 10 July 2019 Update 21 January 2020 |
| Please Note: An Action Plan should be attached to this Outcome Report prior to signature Not required, no negative impacts identified. | | | |

OUTCOME

Form 8: Action Plan

You are advised to use the template below to detail any actions that are planned following the completion of EQiA. You should include any remedial changes that have been made to reduce or eliminate the effects of potential or actual negative impact, as well as any arrangements to collect data or undertake further research. **This Action Plan should be completed in combination with the Outcome Report.**

| | Response | Proposed Actions | Lead Officer Identified | Timescale | Progress |
|--|----------|------------------|-------------------------|-----------|----------|
| 1. Will the Policy be adopted? | Yes / No | | | | |
| 2. If No please give reasons and any alternative action(s) agreed: (If the Policy is not to be adopted please proceed to Step 9). | | | | | |
| 3. How will the affects of the Policy be monitored? | | | | | |
| 4. What monitoring data will be collected? | | | | | |

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| | Response | Proposed Actions | Lead Officer Identified | Timescale | Progress |
|--|----------|------------------|-------------------------|-----------|----------|
| 5. How will this data be collected? | | | | | |
| 6. When will the monitoring data be analysed? | | | | | |
| 7. Who will analyse the data? | | | | | |
| 8. What changes have been made as a result of this EqIA? | | | | | |
| 9. Where a Policy may have differential impact on certain groups, state what arrangements are in place or are proposed to mitigate these impacts | | | | | |

OUTCOME

| | Response | Proposed Actions | Lead Officer Identified | Timescale | Progress |
|---|----------|------------------|-------------------------|-----------|----------|
| 10. Justification: for when a policy may have a negative impact on certain groups, but there is good reason not to mitigate, state those reasons here | | | | | |
| 11. Provide details of any actions planned or taken to promote equality | | | | | |
| 12. Describe the arrangements for publishing the EqlA Outcome Report | | | | | |
| 13. When will the EqlA be subject to further Review? | | | | | |