

Equality Impact Assessment Guidance document

1. This document provides guidance when completing an Equality Impact Assessment (EIA).

What is an Equality Impact assessment (EIA) and why do we need to complete one?

2. An EIA is an evidence-based approach designed to help General Osteopathic Council (GOsC) ensure our policies, practices, events and decision-making processes are fair and do not present barriers to participation or disadvantage any protected groups. This covers both strategic and operational activities.
3. The EIA should be an integral part of our decision-making processes as it will assist us in fully understanding the relevance and effect of work and in identifying the most proportionate and effective responses.
4. The term 'policy', as used throughout this document is a blanket-term which covers the full range of functions, activities, practices and decisions for which GOsC undertakes across every part of our business.
5. The EIA will help to ensure that:
 - we understand the potential effects of the policy by assessing the impacts on different groups both external and internal to the GOsC
 - any adverse impacts are identified and actions identified to remove or mitigate them
 - decisions are transparent and based on evidence with clear reasoning.

When might I need to complete an EIA?

6. Whether an EIA is needed or not will depend on the likely impact that the policy may have and relevance of the activity to equality. The EIA should be done when the need for a new policy is identified, or when an existing one is reviewed.
7. Ideally, an EIA should form part of any new policy and be factored in as early as one would for other considerations such as risk, budget or health and safety.

Who is responsible for completing and signing off the EIA?

8. Depending on the nature of the policy, the responsibility of who should complete the assessment, who should be consulted, and who should sign off the EIA will vary.
9. The Senior Management Team lead is the person responsible for deciding whether an EIA is required, and the evaluation decision(s) made after completing the EIA.

What is discrimination?

10. Discrimination is where someone is treated less favourably or put at a disadvantage because of their protected characteristic. The different groups covered by the Equality Act are referred to as protected characteristics: disability, gender reassignment, marriage or civil partnership status, pregnancy and maternity, race, religion or belief, sexual orientation, sex (gender), and age.
11. Discrimination is usually unintended and can often remain undetected until there is a complaint. Improving or promoting equality is when you identify ways to remove barriers and improve participation for people or groups with a protected characteristic.
12. This approach aligns with the GOsC Equality, Diversity and Inclusion Framework 2021-24.

Building the evidence, making a judgement

13. In cases of new policies there may be limited evidence of the potential effect on protected characteristic groups. In such cases you should make a judgement that is as reliable as possible. Consultation will strengthen these value judgements by building a consensus that can avoid prejudices or assumptions.
14. A key point of an impact assessment is that you take account of equality as you develop your policy. Just 'doing it at the end' will not enable you to properly consult. Opportunities for picking up issues and making adjustments as part of the policy development will be missed.

Consultation

15. Consultation can add evidence to the assessment. Consultation is very important and key to demonstrating that organisations are meeting the equality duties, but it also needs to be proportionate and relevant. Considering the degree and range of consultation will safeguard against 'groupthink' by involving a diverse range of consultees. These are the key considerations, to avoid over-consultation on a small policy or practice and under-consultation on a significant policy or an activity that has the potential to create barriers to participation.

16. The GOsC Consultation Principles¹ will aid the decision as to whether or not to consult.

Provisional Assessment

17. At the initial stages, you may not have all the evidence you need so you can conduct a provisional assessment. Where a provisional assessment has been carried out, there must be plans to gather the required data so that a full assessment can be completed after a reasonable time. The scale of these plans should be proportionate to the activity at hand.
18. When there is enough evidence a full impact assessment should be prepared. Only one EIA should be created for each policy, as more evidence becomes available the provisional assessment should be built upon.

Valuing Differences

19. EIAs are about making comparisons between groups of employees, service users or stakeholders to identify differences in their needs and/or requirements. If the difference is disproportionate, then the policy may have a detrimental impact on some and not others.
20. You are looking for bias that can occur when there are significant differences (disproportionate difference) between groups of people in the way a policy or practice has impacted on them, asking the question "Why?" and investigating further.

Evaluation Decision

21. There are four options open to you:
- a. No barriers or impact identified, therefore activity will proceed.
 - b. You can decide to stop the policy or practice at some point because the evidence shows bias towards one or more groups
 - c. You can adapt or change the policy in a way which you think will eliminate the bias.
 - d. Barriers and impact identified, however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in extreme cases or where positive action is taken). Therefore you are going to proceed with caution with this policy or practice knowing that it may favour some people less than others, providing justification for this decision.

¹ The GOsC Consultation Principles are: Formative, Authentic, Accessible, Inclusive, Transparent

22. In most cases, where disproportionate disadvantage is found by carrying out EIAs, policies and practices are usually changed or adapted. In these cases, or when a change has been justified you should consider making a record on the project risk register.

Equality Impact Assessment Template

Step 1 – Scoping the EIA

Prompts: In completing this section think about the policy or activity that is being introduced and what its impact would be if implemented immediately.

Think about the purpose of the policy or activity – how would you briefly describe it to someone outside of the GOsC who did not understand healthcare regulation? Who would be affected by the policy or activity if implemented immediately?

Think about the data that you might need in order to take the policy or activity forward to implementation. Do you know what data you need and where you might find the data? Do you know if there is data which relates to each protected characteristic? If there are gaps in the data, how might this be addressed through consultation?

Title of policy or activity
Guidance about Professional Behaviours and Fitness to Practise for Osteopathic Students and Educational Providers
Is a new or existing policy/activity?
Review of existing guidance originally published in 2016 ² .
What is the main purpose and what are the intended outcomes of the policy/activity?
<p>The main purpose of this activity is to review and update the current student fitness to practice guidance. This currently serves as two separate documents – one aimed at students and one at osteopathic education providers - which are to be merged into one. The intended outcomes are as below:</p> <ul style="list-style-type: none"> • More information/guidance around professional judgment and the implementation of professional standards and behaviours • Address diverse needs and ensure the guidance reflects current expectations as to equality, diversity and inclusion • Plug any identified gaps (At what threshold and what time frame are cases to be reported to GOsC)

² <https://www.osteopathy.org.uk/training-and-registering/becoming-an-osteopath/student-fitness-to-practise/>

<ul style="list-style-type: none"> • Ensure the guide is up to date and reflects current society and is relevant • Review the case examples ensuring they are relevant. 	
Who is most likely to benefit or be affected by the policy/activity	
<p>Key stakeholders:</p> <ul style="list-style-type: none"> • Students • Osteopathic Educational Institutions (OEIs)/educators/lectures & tutors • Clinical staff • Patients & public • Practitioners • Other healthcare professionals 	
Does this policy or activity impact on the Welsh Language?	
Yes. Guidance will be published in English and Welsh	
Dates of the EQIA	
• When did it start?	15/12/2022
• When was it completed?	Project underway
• When should the next review of the policy/activity take place?	Further updates have been to reflect consultation activities

Useful information

What information would be useful to assess the impact of the policy/activity on equality?
<p>Osteopathic educational institutions are required to submit annual reports. Within that they must make a declaration of FTP cases. Numbers are generally low, but there may be differences in the way some issues are managed (for example, under code of conduct, rather than as a fitness to practise issue).</p> <p>Student support and welfare offices would be a good source to obtain information in relation to the impact. The guidance would be important for them to support those who have had FTP notifications and investigations against them.</p>

It would be important to engage with students and leads within institutions during or after the implementation stage. They would in essence be the end users so gaining their feedback on the impact of the changes/updates would be important.

- FTP cases in institutions
- Complaints relating to FTP
- Information from the student welfare office
- Views from focus groups – advantages and disadvantages of potential changes and potential impact

Is there data relating to people with any/each of the protected characteristics and, if relevant, on the Welsh Language?³

We have data about ethnicity, sex and disability for students enrolled at osteopathic educational institutions.

We currently collect data about some protected characteristics of students at enrolment and progression from the osteopathic educational institutions.

Further considerations around requested data for groups that fall within protected characteristics are being considered for annual reporting.

14.09.24: We review data collection in annual reporting each year, and this now includes gender, age (within bandings), country of origin, ethnicity, and health and disability (not details of conditions but whether students have declared one health condition or disability, more than one, whether they have particular educational needs, or whether none have been declared).

Where can we get this information and who can help?

- OEIs
- Annual reports – FTP declarations
- Stakeholder groups
- Our investigation information
- Any other published data

Step 2 – Involvement and consultation

³ The nine protected characteristics in the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Prompts: Thinking about your policy or activity, have you been liaising with any individuals and/or groups to inform the development of the policy or activity? Has there been pre-consultation events which have provided insight into your policy or activity development?

Think about your answer in Step 1 around data. If there were gaps in the data that you needed to inform your policy or activity development, how are you planning to address them through the involvement and consultation phase?

If you have involved stakeholders, briefly describe what was done, with whom, when and where. Please provide a brief summary of the response gained and links to relevant documents, as well as any actions.

In relation the current updating of this guidance, we will be using Stakeholder Reference Groups listed below as part of the consultation process:

Key Stakeholders to be involved:

- Students
- OEIs/educators
- Patients & public

Actions involving key stakeholders:

- **Survey/questionnaire:** In order to inform our initial analysis, we submitted a questionnaire to the stakeholder group listed above. This was our first form of engagement in the process and was conducted in December 2022-Feb 2023 online.
- **External expertise:** We sought an external independent review of guidance. Feedback was provided and recommendations included in the working document.
- **Peer regulator guidance review:** We looked at GMC, NMC & GDC guides to gauge whether we had missed critical subject areas & to understand if current parts of the guidance required further elaboration/clarification.

Actions to be carried out:

- Consultation focus groups
- Direct feedback mechanisms (education inbox)
- One to one interviews (individuals that have been subject to FTP proceedings)
- Expert/stakeholder panels to review changes
- Explore relevant published reports around FTP within the profession.
- Explore concerns raised around the clarity and support within the process

- Gain views around the implementation of the developed guidance
- Identify any additional data that we may want to implement into our annual reporting
- Review FTP data from other sources
- Expert/stakeholder panels to review changes

14.09.24: The consultation took place as planned between 7 February 2024 and 1 May 2024. The outcome and analysis of this was reported to our Policy and Education Committee in [June 2024](#). At this meeting, it was agreed that we should further consider some issues that arose in the consultation feedback, and explore these with stakeholders. This was undertaken, with some further revisions being made, with feedback on these sought from the educational institutions and the Institute of Osteopathy.

Step 3 – Data collection and evidence

Prompts: In completing this section think about the data and evidence that you have already collected and, when completing the EIA at an early stage of the development of the policy or activity, the data that will be collected through consultation. Where possible, try and show this separately and update your EIA as the policy or activity progresses.

Do you need to undertake further research or data collection? But remember, you will never have a perfect set of data in which to make a decision.

What evidence or information do you already have about how this policy might affect equality for people with protected characteristics under the Equality Act 2010 and on the Welsh Language Scheme?

Please cite any quantitative (such as statistical data) and qualitative (such as survey data, complaints, focus groups, meeting notes or interviews) relating to these groups. Describe briefly what evidence you have used.

- **Disability?**
- **Gender reassignment?**
- **Marriage or civil partnership?**
- **Pregnancy or maternity?**
- **Race?**
- **Religion or belief?**
- **Sexual orientation?**
- **Sex (gender)?**
- **Age?**

We have data on ethnicity, sex and disability for students enrolled at osteopathic educational institutions.

We expect this guide to positively impact equality in relation to FTP for groups with protected characteristics. It will ensure that everyone is assessed on meeting the same criteria.

• **Impact on the Welsh Language?**

There is one osteopathic education provider located in Wales, with approximately 170 students across four years of study. Consultation responses in Welsh will be invited. The guidance documents will be available in Welsh.

14.09.24: In the consultation, we sought feedback on impact and ask specifically:

- *Does this guidance cause any negative effects for people with specific protected characteristics?*
- *Are there additional ways that we could promote inclusion and diversity within our guidance?*
- *In our consultation document, we explain how we have considered the possible effects of this guidance on opportunities for students or osteopathy educators in wales to use the welsh language. do you agree with our assessment?*

What additional research or data is required to fill any gaps in your understanding of the potential or known effects of the policy? Have you considered commissioning new data or research?

- New data/information/research to be gained from the consultation activities
- It would be good to speak to those within OEIs that lead FTP issues
- Students that have been subject to FTP cases. We could promote direct feedback mechanisms such as the education inbox as a convenient way to provide feedback. This also provides assurance that feedback is being received by the right team. Documentation can be recorded and tracked systematically helping identify reoccurring themes, concerns and suggestions. This transparent approach contributes to collaborative working giving all stakeholders an open opportunity to engage in the process.

Data collection methods:

- One to one interviews

- Webinars: can be topic focused, questions can be asked by stakeholders on one specific area
- Explore concerns raised around equality, diversity and inclusion in OEIs
- Gain views around the implementation of the developed guidance
- Explore equality, diversity and inclusion issues that have arisen with peer regulators
- Engage with osteopathic students with specific protected characteristics to gain feedback to reflect on our current thinking and ideas and inform potential changes and additions to the guidance going forward. This would be to better understand their current experiences and what impacts they currently face.
- Identify the kind of data we might want to collect that may form part of our Annual reporting process.

Step 4 – assessing impact and strengthening the policy

Prompts: Think about each of the nine protected characteristics and consider the potential positive and negative impacts on each group. If you have identified a negative impact on a particular group, what are the actions that you plan to take to address the negative impact, if at all? Think about what else you might be able to do in order to strengthen equality further in relation to your policy or activity.

What does the data reviewed tell us about the people the policy/activity affects, including the impact or potential impact on people with each/any of the protected characteristics and on the Welsh Language?

- **Disability?**
- **Gender reassignment?**
- **Marriage or civil partnership?**
- **Pregnancy or maternity?**
- **Race?**
- **Religion or belief?**
- **Sexual orientation?**
- **Sex (gender)?**
- **Age?**

There may be times when a student's health or disability might impact on their fitness to practise, and though this is referenced within the guidance, we also cross refer to specific guidance on the management of students with a health

condition or disability. The guidance aims to provide support to both students and education providers, and the emphasis is on professional behaviours.

From the low numbers of cases reported where there has been a sanction, these relate to behaviours rather than health conditions or disabilities.

- **If relevant, on the Welsh Language?**

Guidance will also be available in Welsh

Are there any implications in relation to each/any of the different forms of discrimination defined by the Equality Act and on the Welsh Language?

- **Disability?**
- **Gender reassignment?**
- **Marriage or civil partnership?**
- **Pregnancy or maternity?**
- **Race?**
- **Religion or belief?**
- **Sexual orientation?**
- **Sex (gender)?**
- **Age?**

It might be helpful to understand any correlation between student fitness to practise cases arising and protected characteristics, but cases are low in number.

- **If relevant, on the Welsh Language?**

We are not aware of any. All UK students of osteopathy are required to be able to speak and write English, but guidance will be published in English and Welsh.

What practical changes will help to reduce any adverse impact on particular groups?

- **Disability?**
- **Gender reassignment?**
- **Marriage or civil partnership?**
- **Pregnancy or maternity?**
- **Race?**
- **Religion or belief?**
- **Sexual orientation?**
- **Sex (gender)?**

- **Age?**

It would be helpful to understand any correlation between student fitness to practise cases arising and protected characteristics, but this information is not currently available, and as mentioned above, numbers are very low.

- **If relevant, on the Welsh Language?**

What could be done to improve the promotion of equality within the policy?

- Encourage inclusive and balanced judgments in relation to FTP cases (ensuring no bias occurs)
- Training within unconscious bias (relevant in the investigation process)
- Understanding if there is a correlation between people with protected characteristics and FTP cases.

Step 5 – making a decision

Prompts: In completing this section, consider all of the data you have collected, the potential impact (positive and negative) on all of the protected characteristics. Where do you see your policy or activity now? You have four options:

- a. No barriers or impact were identified, therefore activity will proceed.
- b. You have decided to stop the policy or practice because the evidence shows bias towards one or more groups.
- c. You have adapted or changed the policy in a way which you think will eliminate the bias.
- d. Barriers and impact identified, however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in extreme cases or where positive action is taken). Therefore you are going to proceed with caution with this policy or practice knowing that it may favour some people less than others, providing justification for this decision.

Now summarise your decision and think about how you might explain this to someone outside of the GOsC who has little to no understanding of healthcare regulation.

Summarise your findings and give an overview of whether the policy will meet the GOsC's objectives in relation to equality.

We are looking to make the guidance more accessible, to reduce repetition (by combining two documents into one), ensuring case studies do not reference unnecessary characteristics (eg, gender of students cited unless relevant), and to ensure that the language is appropriate from an EDI perspective. As part of the consultation process, we will seek feedback from key stakeholders and specifically explore any potential EDI impact as a result of the guidance.

External expertise

- Provide more examples of things that bring FTP into question
- More detail around what competent communication is.
- More detail on misconduct – examples would include sexism, racism, homophobia and disablist.
- Some grammatical corrections
- Making case examples gender neutral where relevant
- Potential areas of concern could include sexual harassment
- Unprofessional behaviours in relation to social media posts
- Health concerns – including mental health
- More detail around neurodiverse conditions that can impact FTP

What practical actions do you recommend to reduce, justify or remove any adverse/negative impact?

- Consultation strategy to engage with key stakeholders
- Present changes/findings to the committee & focus groups
- Evaluating feedback

14.09.24: This was all undertaken as part of the consultation process, as reported to our Policy and Education Committee. Taking further time to develop the guidance post-consultation and to give an opportunity for stakeholders to comment further on the updates has been helpful and inclusive, ensuring that the feedback provided was meaningful, and the responses thoroughly thought through.

26.09.04: Case study about removal of student amended to demonstrate additional attempts to engage with student in case there was a health issue.

What practical actions do you recommend to include or increase potential positive impact?

- Consultation strategy to engage with key stakeholders
- Sharing of good practice
- Effective use of feedback provided
- Obtaining diverse perspectives from stakeholder groups.
- Publicising successful pathways in relation to equality
- Notifying stakeholder groups of the updated guidance

14.09.24: Post consultation, we have made several changes to the guidance for consideration by the Policy and Education Committee. Two key examples include:

- The addition of a case scenario where a student fails to engage with the education provider or the fitness to practise process, and is required to leave the programme. This was in response to educator feedback where it was requested that a case was included that exemplified what might happen when a student is unresponsive to any support offered.
- We have clarified the fact that the process element of the guidance which sets out what a student fitness to practise process should typically involve, is there for guidance and is not intended to be overly prescriptive, recognising that each education institution will have its own procedures. We have also introduced a reference to 'disposal by consent', where if the student and the educational provider are in agreement as to the outcome of a fitness to practise process, the case may not have to go to a panel.

Step 6 – monitoring, evaluation and review

Prompts: If the policy or activity is to be introduced, in this section think about how you plan to measure the impact and effectiveness once it has been introduced. How will you do this? How frequently will you monitor the policy or activity? Which individuals or groups will you be asking/collecting data from to inform the monitoring, evaluation and review.

How will you monitor the impact/effectiveness of the policy/activity?

- Gain feedback after the implementation of the new guide
- Monitor if there has been a reduction in complaints/certain type of complaint
- Identify a date for review

What is the impact of the policy/activity over time?

- A clearer understanding within institutions of FTP particularly in relation to protected characteristics and support available.
- A better understanding of the FTP investigation process and what support is available when engaged in one.

Where/how will this EIA be published and updated?

The EIA will be published alongside reporting to our Policy and Education Committee, and will be available via our website.

Step 7 – action planning

Prompts: The final section of the EIA is to detail the actions which have arisen as a result of completing the EIA and who is the person responsible for those actions and the date by which they will be completed.

Please detail any actions that need to be taken as a result of this EIA

Action	Owner	Date
Review EIA post consultation	Steven Bettles	14.09.24
Review EIA against updated guidance	Fiona Browne	26.09.24