GOVERNMENT OF WESTERN AUSTRALIA

Equal Opportunity Commission

Impact Assessment:

preventing systemic discrimination – needs and impact assessment

4

Substantive Equality in Services

- addressing and preventing systemic discrimination

Abbreviations used through this document

CEO	Chief Executive Officer
EOA	*Equal Opportunity Act 1984*
EOC	Equal Opportunity Commission
M&E	Monitoring and Evaluation
NIA	Needs and Impact Assessment

Key terms

Policy Framework: The five level strategy for organisations to implement substantive equality and prevent systemic discrimination – see the Policy Framework for Substantive Equality.

Specific service area: Specific aspect of service to be examined in the NIA.

Substantive Equality: Substantive equality recognises that policies and practices which on their face maybe non-discriminatory can result in inequalities that can be unlawful. When all people have access to a public service that best meets the different needs of WA's diverse community, then Substantive Equally in the public service can be achieved.

Systemic Discrimination: Discrimination embedded in an organisation's policies, procedures and practices that have, whether by design or impact, the effect of limiting an individual`s or a group`s right to the services generally available. If the barrier is affecting some groups in a disproportionately negative way, it is a signal that the practices that lead to this adverse impact may be discriminatory.

A core challenge of the idea of systemic discrimination is to think beyond the actions of individuals. What needs to be revealed is to see how institutional structures, routine practices and workplace cultures combine to produce inequality. Where decision making is subjective, combined with a tendency toward negative stereotyping, you may end up with systemic discrimination.

Systemic Racism: Systemic racism is the collective failure of an organisation or system to provide an appropriate and professional service to people because of the colour of their skin, their cultural, ethnic background and/or nationality.

When services are designed to meet the needs of the majority, this can disproportionally disadvantage social minority groups. Organisations may think that by treating everyone the same, they are providing the best service to everybody, however in the Australian context, this may more readily affect Aboriginal and Torres Strait Islander peoples, ethnic and other social minority groups who have specific needs and need to be treated differently to have those needs met.

Introduction

A Needs and Impact Assessment (NIA) is a practical way for organisations to ensure their existing services are meeting the needs of the diverse communities in Western Australia.

It is a tool that organisations can use to examine the way a service works, as well as how clients experience the service when they use it.

The NIA process involves several aspects such as reviewing the information and activities related to the service and speaking to clients and colleagues to find any unintended barriers, particularly for Aboriginal and ethnic minority groups. This also involves examining policies and practices and to make recommendations to fix them so the organisation can offer WA's diverse public better service delivery.

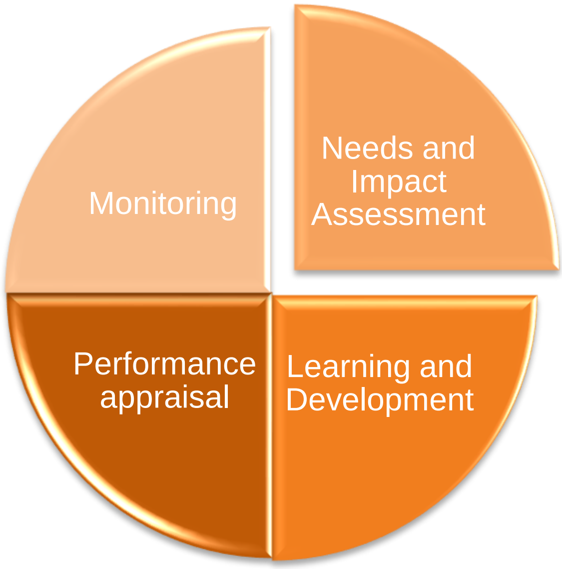
Assessing and correcting policies and procedures that have been in place for some time is not an easy task. So that the NIA can be undertaken successfully, the organisation needs to work as a team, coordinate across work areas where necessary and assist the allocated staff with the necessary time, resources and support needed to complete the task.

An NIA is not undertaken because it is a nice thing to do; it is undertaken because it is a good business practice. Having effective and efficient service delivery that meets the needs of everyone will prevent problems in the future, which will allow organisations to get on with business.

An NIA can:

- Develop services that are equal and appropriate to the needs of different Aboriginal peoples and ethnic minority groups
- Identify issues relating to personnel or specific resources that may have been overlooked
- Improve the quality and cost effectiveness of services by addressing the priorities of distinct client populations
- Encourage greater community involvement in policy development
- Increase public confidence and satisfaction in the services provided
- Improve job satisfaction for staff.

The NIA is one of the steps towards addressing and preventing systemic racism in your organisation. When systemic racism has been addressed, substantive equality has been achieved.



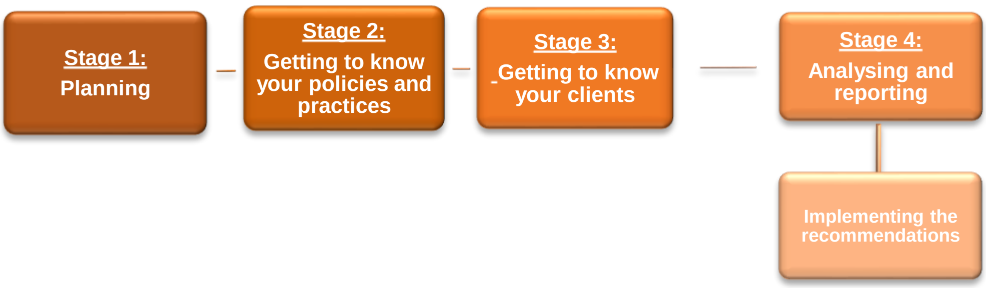
There are four stages involved in an NIA:

Stage 1: Planning the project involves targeting a specific service, working out how you will do it and how long it will take.

Stage 2: Getting to know your policies and practices lets you learn about the services you provide in great detail to help you analyse the barriers.

Stage 3: Getting to know your clients lets you learn about who is using your service and who isn't and why. It is an important part of your NIA because it helps you analyse what your clients need from your service and make recommendations to change your policies and practices to better suit them.

Stage 4: Analysing your findings and reporting on your NIA lets you write up the findings of Stage 2 & Stage 3 so you can clearly see what you need to do to make your policies and practices more efficient and effective for all your clients. This section includes making recommendations that the organisation can continue to implement after the NIA has been signed off and completed.



Once an NIA has been completed the organisation can implement the recommendations made in the NIA report

Stage 1: Planning your NIA

Stage 1: Planning the project involves targeting a specific service, working out how you will do it and how long it will take.

To plan your NIA you will first need to decide what specific service to focus on from your core business.

You should also go through Appendix A so you have a record of what the organisation aims to achieve by undertaking the NIA.

Deciding what to assess

Consider choosing a Business Area within your organisation with the highest impact on Aboriginal and ethnic minority clients. This decision involves weighing up a number of issues, including evidence that:

a) The policy, practice or procedure may have a major adverse impact on some Aboriginal or ethnic minority groups.

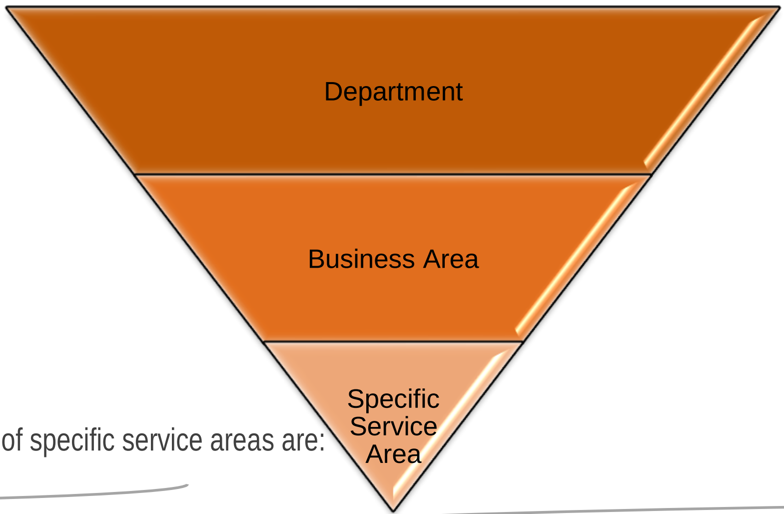
b) Although the policy, practice or procedure is likely to achieve its stated aims, there is evidence some Aboriginal or ethnic minority groups have different expectations of what such a policy, practice or procedure should achieve.

In order for the project to be realistic and manageable, you will often need to identify a specific service within your Business Area.

The first thing to look at is whether it is a service of high impact on Aboriginal and ethnic minority groups.

In addition to ‘race’, remember to consider whether a policy, practice or procedure may impact adversely on clients with other protected characteristics as found under the *Equal Opportunity Act 1984* which include; breastfeeding, family responsibilities, family status, gender history, impairment, marital status, political conviction, pregnancy, sex, religious conviction or sexual orientation .

Given the size of Western Australia, it is also important to consider the regional impact for those living in geographically isolated areas.



Examples of specific service areas are:

1. The Equal Opportunity Commission nominated statutory Complaints of Discrimination under the *Equal Opportunity Act 1984*, which includes investigation and conciliation, as its Business Area and has concentrated on the investigation part of the process as its specific service.
2. Department of Attorney General nominated the Children's Court as its Business Area and the Court concentrated on the Children's Court Drug Court Program as its specific service.

It is important to recognise not all policies, practices and procedures implemented by a organisation are generated by them. An organisation however will usually have some input into the development and may be expected to implement policies and practices as part of its strategic and operational planning. It is often in the implementation that there is flexibility in how it is delivered to meet different needs.

Brainstorm to correctly target your specific service area:

These questions are designed to help you identify the specific service area you will focus on.

1. What is your Organisation's core service?

2. What areas of your Organisation's core service do you know are used effectively by Aboriginal and ethnic minority groups?

3. Why?

4. What areas of your Orgainisation's core service do you know are not used effectively by Aboriginal and ethnic minority groups?

5. Why?

6. What areas may therefore have the largest negative impact on Aboriginal and/or ethnic minority groups?What is your Organisation's core service?

Planning how to do your NIA

Now that you have chosen your specific service area, you can plan how to undertake the NIA and how long it will take you to complete the Stages in your NIA.

Stages 2 and 3 give you the general direction of how to undertake the NIA, but within each stage there will be a number of steps.

For example in Stage 2, you will need to program interviews with officers within the Organisation and plan time for your own reading and research. In Stage 3 where there is consultation with external stakeholders there may be a need to plan pre- consultations as well as the consultations themselves.

How long your project will take?

Keep in mind all stages of the NIA, and whether you can undertake some steps concurrently, or what steps will need to follow others.

Document what steps you plan to take to complete the NIA, as well as what time and resources you have so they can help you plan an appropriate time line to do this. (See Appendix A)

Stage 2: Getting to know your policies and practices

Stage 2: Getting to know your policies and practices lets you learn about the specific service area in great detail to help you analyse the barriers.

This step lets you learn about the services you provide in great detail so you can analyse your policies and practices in Stage Four: Analysing and making recommendations to help you improve your customer service.

The best way to do this is to use the five Ws and the H.

That is:

- Who?
- Where?
- What else?
- Why?
- What?
- How?

If you want to review a policy or practice to better suit your diverse client base, it is best to find out the history of a policy and its purpose through researching it. These questions will help you do that research.

Who?

First of all find out who you need to help you with the research on the policies and practices of your specific service.

This should be the personnel involved in developing the policy or the personnel involved in its implementation.

It may be a policy or research officer, it may be a staff member with specific Aboriginal or ethnic minority experience or it may be an Equity Officer.

As a starting point, try to find one of these staff members in your own business area, but bear in mind that the best person to talk to might be from a different business area or a different organisation.

Remember these people may also be able to complete this section for you. Even though these questions are framed as if you are answering them, it is important to be able to delegate tasks within the NIA. This will not only mean that substantive equality becomes routine core business across the Organisation, it will help you keep to your timeline.

This is also an opportunity to get the substantive equality message to others in the Organisation.

Name of personnel in your business area:

Name of personnel in another business area (if needed):

Name of personnel in another organisation (if needed):

Where?

This often goes hand in hand with the 'Who' section of **Getting to know your policies and practices.**

If the policies and practices for the specific service were generated in a different business area, different organisation or contracted, you need to find this out by asking:

Where did the initiative originate?

When?

This is an important question as it may help by getting to know the policy's historical context and it may help with questions 'What' and 'Why'.

When did the initiative originate?

What?

Firstly and most importantly

What is the purpose of the specific service area?

Once you have found out who developed and/or who implements the policy and where the policy was developed, find out if there was any previous research or consultation done during the development of the policy.

So what consultation and research was done? Through finding this out you may be able to answer the last question 'Why'.

List any research and consultation that was done and when:

Why?

By asking the above questions you may have already discovered **why** the policies and procedures relating to your specific service were put in place.

If not, this is also something that can be discussed with the personnel who generate and/or who implement the policy.

Also consider any legislation, protocols, and administrative procedures etc that govern and form the basis for administering the service.

This question may be good to refer back to as a way of assessing whether the policies have served their purpose.

Give a summary of **why** the policies, legislation and procedures surrounding your specific service area were put in place?

How?

This is an important step in Stage 2: Getting to know your policies and practices.

Now you know a little bit about your policy ask yourself **how** your policy is intended to operate.

This question will help you get to know how your specific service is meant to work in practice. It will also be important to include this in your final report.

Write out the sequence of events that take place when delivering the specific service.

Start with the action that an Aboriginal or ethnic minority client takes to engage this service and number the actions that you and the client go through until the matter is considered resolved by your organisation.

You may not need all these steps and you many need more, this is just a guide to help you see the process more clearly.

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

List the steps in the above sequence of events you think might cause barriers for Aboriginal or ethnic minority groups and write why.

Remember all of these answers will help you to analyse your policies and practices so you can make recommendations in your final report.

Stage 3: Getting to know your clients

Stage 3: Getting to know your clients lets you learn about who is using your service and who isn't and why. It is an important part of your NIA because it helps you analyse what your clients need from your service and make recommendations to change your policies and practices to better suit their needs.

This is the most important part of your NIA because in this step you will find out what Aboriginal and ethnic minority clients' needs are. Without this step you won't be able to conduct your business effectively and efficiently.

Step Three has been divided into two parts:

- Data collection and analysis
- Consultation and analysis

Data collection and analysis

Administrative data is a key part of getting to know your clients. When examining data it is particularly important to think who is benefiting from your services, as well as who should be benefiting from your service but is not.

The following questions are designed to help you clarify your organisation's existing data to start identifying patterns that show who is using your specific service area and who isn't.

Patterns that show Aboriginal and ethnic minority groups are not using your specific service will help you identify the systemic barriers for those clients.

Remember, sometimes your data collection system may be the problem and may need to be assessed in order for you to gather accurate information about the services your organisation is providing.

If there are data fields that don't allow you to focus on Aboriginal and ethnic minority clients you should make a note in your final report **(see Stage 4: Analyse your Findings and Make Recommendations)** that this needs to be addressed.

If there are any questions that you cannot answer because your data systems do not allow it, go back to your policy/research officer to ask if anyone outside your organisation has previously collected and analysed any relevant data.

For now, work with your data collection officer to analyse the data you do have to answer the following questions (for each question it may be helpful to also predict why these patterns are occurring):

Who is the specific service area intended for (you may want to refer to the "What is the purpose of the specific service area" question in Stage 2):

Who is using this specific service area the least (ask yourself whether they are Aboriginal or ethnic minority and if they have any other protected characteristics)? **Appendix B provides an alternate way to record this information.**

List the reasons that this may be the case:

Where do they live in the state (suburb/region)?

List the reasons that this may be the case:

When are they using the specific service (are there some years/time of year when they are using the specific services area more or less?

List the reasons that this may be the case:

Now you have analysed the data you should know the following about your clients encountering barriers to your specific service area:

- Their protected characteristics including 'race';
- Where the clients reside; and
- When they are encountering the barriers

You may also be able to see what the barriers are from analysing the data.

You are up to the consultation section of **Stage 3: Getting to know your clients.**

Consultation and analysis

It is in the **consultation and analysis** section that you ask the 'Why' 'What' and 'How' questions.

There is no better way to find out about your clients' needs than consultation.

Asking your clients directly about how you can improve your service can help you deliver a better quality of service delivery and help shape your policies and practices so you can make your core business more efficient and effective and less costly and time consuming.

Consultation is simply a valuable investment for the future of your business.

However, like a lot of investments, the initial costs of consultation can be substantial. Proper consultation can take time and resources, so you need to make a decision within your organisation as to how you can make that investment for the future[1].

[1] There are a number of guides which you may find useful. The SEU Community Consultation and Participation Guide www.eoc.wa.gov.au which also refers to two other guides: "Consulting Citizens – A Resource Guide" (Dept of Premier and Cabinet 2002) "Consulting Citizens Engaging with Aboriginal Western Australians" (Dept of Premier and Cabinet 2005)

If relevant direct consultation with Aboriginal and ethnic minority communities has been done, we suggest you work with your research/policy contact to find previous consultation reports that may refer to your specific service area and reference them in your analysis.

You should also consult with NGOs, community groups, officers from your organisation who work in the community and officers from other departments or organisations who work with the community.

Sometimes the responses may be quite challenging, but if you want to make changes you need to be open to some negative feedback.

Before asking the questions it is a good idea to find out which NGOs and community groups have a good working relationship with Aboriginal and ethnic minority clients.

When you have found this out, organise to meet with them to discuss the most effective and culturally appropriate way of consulting with the identified clients, including who is best placed to undertake the consultation.

Some of the things you should ask the NGOs and community groups are:

- What is the best means of consultation i.e. by phone, face to face?
- Are there any cultural barriers with consulting individuals in that community?
- Is an interpreter needed for consulting with that community?
- Are there cultural protocols we should be aware of for the community?

You can also pre-prepare your consultation questions and discuss them at your meeting. Here are some suggestions for consultation questions:

- Do you know about the [ENTER SPECIFIC SERVICE AREA NAME] service?
- How often have you used the service?
- What was the most difficult for you in accessing or using the service? Why?
- What part of our service worked well for you? Why?
- How can we improve our service and processes to make it easier for you?

At the end of consultation you should be able to see:

- What people know about and expect of the service
- Who is experiencing barriers in your service delivery
- Where in WA they reside – regional, remote, metro?
- When they are encountering the barriers
- What the barriers are
- Why there are barriers and how to fix them

Stage 4: Analysing and reporting

Stage 4: Analysing your findings and reporting on your NIA lets you write up the findings of Stage 2 & Stage 3 so you can clearly see what you need to do to make your policies and practices more efficient and effective for all your clients. This section includes making recommendations that the organisation can continue to implement after the NIA has been signed off and completed.

Reporting on your NIA

This section is to help you report on your NIA. You may use this as a template or integrate it into your own report.

The final report should bring together all information gathered in the process of undertaking the Needs and Impact Assessment, and often represents the final stage of your work.

Reports should include:

A. Executive Summary

B. Context and Methodology

C. Purpose and Operation

D. Analysis and Recommendations

Section A: Executive Summary

This section provides the reader with an overview of each of the sections of the report and should therefore be a maximum of two pages.

Section B: Context and Methodology

This section describes the reason and the method involved in undertaking the NIA. You can use your brainstorm in Stage 1: Planning to help you with this.

In this section you also need to describe the steps you took to get to know your policies and procedures and the steps you took to get to know your clients.

Section C: Purpose and Operation

A clear and comprehensive understanding of the nature of the service and its purpose is required to accurately review the service for systemic issues. This will include:

- The sequence of events you outlined in the 'What' section of Stage 2.
- The profile of your clients from the Data collection.
- What your clients found most problematic and why.

(The five W and the H questions you answered at each of these steps should help you do this)

Section D: Analysis & Recommendations

This is the critical part of the Report. You have described the service, identified the users, and have heard them explain what they see as the problems.

It is now important that from your findings, you identify what barriers you found in your policies and the process of your practices and examine why they may be occurring. This includes analysis of your consultations.

Systemic issues should be documented and explained in terms of how the relevant policies and practices may not equally benefit Aboriginal and ethnic minority groups, and how the cause of these systemic issues may be because of the way policies and practices were developed.

It is recognised that some causes of negative systemic issues may lie outside the functions and responsibilities of the organisation. In such cases recommendations should be made to raise such issues with the appropriate organisation, body or authority.

Once you have described your findings, you can then list your recommendations.

Remember it is in this section that you can make recommendations for the next specific service which should have an NIA.

Finally …

Please cite all references, reports (internal and external), policies, interviews, consultations, etc. and record all analysis used throughout the Needs and Impact Assessment.

Contact EOC if you have any questions during this process.

Appendix A: Selected service and scope

Before you begin writing your NIA, a significant amount of work will go into:

A. Identifying the specific area of need for this NIA and agreeing on a timeline with officers who will undertake the NIA
B. Conducting an Initial Assessment to identify potential areas of impact to be examined
C. Deciding on a Methodology for researching and consulting with service users
D. The following sections are designed to make the planning process easier.

How will this NIA be undertaken?

Who is responsible for the NIA?

	Name	Position Title
Manager		
Project Officer		
Supporting Officer(s) (if any)		

What resources (personnel, time, authority structures, etc.) have you identified would be needed to complete the NIA?

Describe your Organisation's internal arrangement for reporting on the progress of Substantive Equality.

Are there any internal Substantive Equality reporting structures (i.e. SE Committee) that should be reflected in the project timeline?

Action	Responsibilities	Timeline
Go through Appendix A		
Brainstorm your service area		
Meet with relevant officers such as your policy or research officer to start Stage 2: Getting to know your policies and practices		
Answer the five Ws and the H.		
Write summaries to the five Ws and the H for Stage 2: Getting to know your policies and practices		
Find appropriate data relating to your clients' use of your specific service		
Analyse the data to answer the questions relating to the data collection.		
Research NGOs and community groups and organise to meet with them to discuss consultation		
Meet with NGOs and community groups to discuss consultation		
Start consultation		
Finish consultation		
Analyse your findings and write up a summary of them		
Write up the purpose and executive summary of your report		
Discuss the findings and recommendations of your report		
Write up the findings and recommendations		
Get sign off from your CEO		

Appendix B: Assessing the impact of your service

Group	Positive Impact (i.e. it could benefit, based on the information sources outlined on p.8.)	Adverse Impact (i.e. it could disadvantage, based on the information sources outlined on p.8.)	Other characteristics of group (all 'grounds' in EO Act, e.g. age, gender, religion, impairment; and any regional impact)	Reason
Aboriginal – all (All persons of Aboriginal and / or Torres Strait Islander descent.)				
Aboriginal – specific (Please indicate which specific community / people of Aboriginal and / or Torres Strait Islander descent, e.g. Nyoongah.)				
Ethnic minority – all (All persons from ethnic minority groups.)				
Ethnic minority – specific (Please indicate which specific community / group and create as many categories as appropriate.)				

Education and training

The Commission can also provide education and training. Further information can be made by contacting (08) 9216 3900 or by emailing training@eoc.wa.gov.au

By telephone

General enquiries	08 9216 3900
Training courses	08 9216 3927
Country callers	1800 198 149

Email: eoc@eoc.wa.gov.au

Website: www.eoc.wa.gov.au

The EOC uses the services of accredited and confidential interpreters where needed. An interpreter can be arranged by calling the Translating and Interpreting Service (TIS for migrant languages) on 131450 and ask to be put through to the EOC on 9316 3900 or presenting the Interpreter Card I For Kimberley region Aboriginal language needs contact the EOC on 9216 3900 Email eoc@eoc.wa.gov.au I Website: www.eoc.wa.gov.au

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