# Equality impact assessment (EqIA)

This impact assessment should be completed for all human resources (HR) and corporate policies, projects or functions that apply to colleagues at NHS Humber and North Yorkshire Integrated Care Board (ICB).

There are five sections of this assessment, and all should be completed:

1. [HR / corporate impact analysis](#_HR_/_corporate)
2. [Equality data](#_Equality_data)
3. [Impact assessment](#_Impact_assessment)
4. [Action planning](#_Action_planning)
5. [Sign-off](#_Sign-off)

## HR / corporate policy impact analysis

| **Key questions** | **Information provided** |
| --- | --- |
| Policy / project / function: | Artificial Intelligence Policy |
| Date of analysis: | 17 August 2023 |
| Completed by: (name, department, place) | Hayley Gillingwater  Senior Information Governance Manager  NHS Humber & North Yorkshire Integrated Care Board |
| Aims and intended effects of this policy, project or function: | The purpose of this policy is to set out the HNY ICB’s commitment to the appropriate use of artificial intelligence software and compliance with the Data Protection legislation when using such software. |
| Details of any significant changes to previous policy likely to have an impact on colleagues / other groups: | N/A – new policy |
| List of any other policies that are related to or referred to as part of this analysis: | * Information Governance Framework & Strategy * Data Protection Impact Assessment Procedure * Privacy by Design * Information Governance Staff Handbook * Incident Policy * IT & Information Security policies |
| Who the policy, project or function will affect: | HNYICB employees and must be followed by all those who work for the Integrated Care Board, Health, and Care Partnership, those on temporary or honorary contracts, secondments, pool staff, contractors, and students. |
| Engagement / consultation that has been done or is planned for this policy and this EqIA: | All stakeholders such as ICB SIRO/DPO, ICB IG Group, Research and Development Team within the Innovation, Research and Improvement System (IRIS), Procurement Team, Business Intelligence and IT involved in developing, implementing, managing, and monitoring artificial intelligence have been engaged in the development of this policy. |

## Equality data

Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share one or more of the nine protected characteristics as detailed in the [Equality Act (2010)](https://www.gov.uk/guidance/equality-act-2010-guidance).

Examples of equality date could include:

* recruitment data (e.g., number of applications compared to our population profile, number of appointments)
* complaints made by groups who share / represent one or more protected characteristic
* grievances, decisions upheld or dismissals by protected group
* findings of the NHS Staff Survey
* data from the Workforce Race Equality Standard (WRES) and Workforce Disability Equality Standard (WDES) reports

This list is not exhaustive.

| **Key questions** | **Information provided** |
| --- | --- |
| Is any equality data available relating to the use of this policy / project / function: | No |
| **If yes**  List the equality used to assess the impact of this policy / project / function: |  |
| **If no**  List the data you will use to assess the impact of this policy / project / function: | Application of the policy is fair and consistent and does not have an impact this protected characteristic.  All employees working in the NHS are bound by a legal duty of confidence to protect personal confidential information. |

## Impact assessment

Details of any potential impact of this policy / project or function on people from different protected characteristic groups should be included below.

This should be based on analysis of:

* the [equality data](#_Equality_data) listed
* insights gathered through engagement
* your knowledge of the substance of this policy

| **Protected characteristic** | **No  impact?** | **Positive impact?** | **Negative impact?** | **Evidence of impact and, if applicable, justification where are ‘genuine determining reason’ exists (see footnote)** |
| --- | --- | --- | --- | --- |
| **Age**  This refers to people of all ages. |  |  |  | Application of the policy is fair and consistent regardless of age and therefore has no impact on this protected characteristic.  The Policy applies to all staff regardless of protected characteristics, however, AI systems have been criticised for exhibiting racial or gender bias and therefore when assessing new technology the ICB must build in inclusion and diversity into AI design by ensuring the right data is used to train AI systems and that outputs are 'sense checked' by a human. |
| **Disability**  People who have physical disabilities and / or impairments, learning disabilities, learning differences (for example, someone who is neurodiverse), people with mental health conditions, sensory loss and long-term chronic conditions (such as diabetes, HIV) or hidden, invisible or variable conditions |  |  |  | Application of the policy is fair and consistent regardless of disability and therefore does not have an impact on this protected characteristic.  The Policy applies to all staff regardless of protected characteristics, however, AI systems have been criticised for exhibiting racial or gender bias and therefore when assessing new technology the ICB must build in inclusion and diversity into AI design by ensuring the right data is used to train AI systems and that outputs are 'sense checked' by a human. |
| **Gender reassignment**  Refers to someone who is proposing to, is going through or has gone through a process to live in a gender that is different to the one assigned at birth.  For example, Trans (transgender) people, non-binary people or gender fluid / gender queer people. |  |  |  | Workforce data shows a higher proportion of female workers. However, application of the policy is fair and consistent and does not have an impact this protected characteristic.  The Policy applies to all staff regardless of protected characteristics, however, AI systems have been criticised for exhibiting bias and therefore when assessing new technology the ICB must build in inclusion and diversity into AI design by ensuring the right data is used to train AI systems and that outputs are 'sense checked' by a human. |
| **Marriage or civil partnership** Refers to legally recognised partnerships (applies to employment only). |  |  |  | Application of the policy is fair and consistent regardless of marital status and therefore has no impact on this protected characteristic.  The Policy applies to all staff regardless of protected characteristics, however, AI systems have been criticised for exhibiting bias and therefore when assessing new technology the ICB must build in inclusion and diversity into AI design by ensuring the right data is used to train AI systems and that outputs are 'sense checked' by a human. |
| **Pregnancy and maternity**  Refers to the pregnancy period and the first year after birth. |  |  |  | Application of the policy is fair and consistent regardless of pregnancy or maternity and therefore has no impact on this protected characteristic.  The Policy applies to all staff regardless of protected characteristics, however, AI systems have been criticised for exhibiting bias and therefore when assessing new technology the ICB must build in inclusion and diversity into AI design by ensuring the right data is used to train AI systems and that outputs are 'sense checked' by a human. |
| **Race**  Refers to people of different races which can include colour, nationality, ethnic or national origins and different ethnic backgrounds, for example, Gypsy Romany and Traveller peoples. |  |  |  | It is recognised that this policy is written in England and there is a risk to any member of staff whose first language is not English, and support will be offered to ensure the policy is translated to the required language.  The Policy applies to all staff regardless of protected characteristics, however, AI systems have been criticised for exhibiting bias and therefore when assessing new technology the ICB must build in inclusion and diversity into AI design by ensuring the right data is used to train AI systems and that outputs are 'sense checked' by a human. |
| **Religion or belief**  Includes all religious and philosophical beliefs including having no religious belief, |  |  |  | Application of the policy is fair and consistent regardless of Religion or belief and therefore does not have an impact on this protected characteristic.  The Policy applies to all staff regardless of protected characteristics, however, AI systems have been criticised for exhibiting bias and therefore when assessing new technology the ICB must build in inclusion and diversity into AI design by ensuring the right data is used to train AI systems and that outputs are 'sense checked' by a human. |
| **Sex**  This refers to biological sex eg male / female / intersex. |  |  |  | Application of the policy is fair and consistent regardless of sex and therefore does not have an impact on this protected characteristic.  The Policy applies to all staff regardless of protected characteristics, however, AI systems have been criticised for exhibiting racial or gender bias and therefore when assessing new technology the ICB must build in inclusion and diversity into AI design by ensuring the right data is used to train AI systems and that outputs are 'sense checked' by a human. |
| **Sexual orientation**  Refers to who a person is attracted to, for example gay, lesbian, bisexual, asexual and heterosexual (straight). |  |  |  | Application of the policy is fair and consistent regardless of sexual orientation and therefore does not have an impact on this protected characteristic.  The Policy applies to all staff regardless of protected characteristics, however, AI systems have been criticised for exhibiting racial or gender bias and therefore when assessing new technology the ICB must build in inclusion and diversity into AI design by ensuring the right data is used to train AI systems and that outputs are 'sense checked' by a human. |
| **Socio-economic deprivation** Refers to the different financial situations people may be experiencing, for example, working poverty and cost of living impacts for people from different backgrounds (not Band exclusive) |  |  |  | Deprivation data is not routinely collected for employees and therefore no analysis of this is used for policy development. However, there is no anticipated impact.  The Policy applies to all staff regardless of protected characteristics, however, AI systems have been criticised for exhibiting racial or gender bias and therefore when assessing new technology the ICB must build in inclusion and diversity into AI design by ensuring the right data is used to train AI systems and that outputs are 'sense checked' by a human. |
| **Working carers** Refers to anyone who cares, unpaid, for a friend or family member who due to their illness, disability, mental health condition or an addiction cannot cope without their support.  Working carers can be considered protected under the Equality Act (2010) by association. |  |  |  | Working Carers data is not routinely collected for employees and therefore no analysis of this is used for policy development. However, there is no anticipated impact.  The Policy applies to all staff regardless of protected characteristics, however, AI systems have been criticised for exhibiting racial or gender bias and therefore when assessing new technology the ICB must build in inclusion and diversity into AI design by ensuring the right data is used to train AI systems and that outputs are 'sense checked' by a human. |

‘Genuine determining reason’ means an action is proportionate to the legitimate aims of the organisation (please seek further advice).

## Action planning

As a result of the analysis of the impact of this policy / project or function on people from different protected characteristic groups, this section should detail the mitigating actions to be taken to reduce any identified impacts and those responsible for ensuring these actions are taken.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Identified risk** | **Recommended actions** | **Responsible lead** | **Completion date** | **Review  date** |
| AI systems have been criticised for exhibiting bias. Data may learn, historical patterns of discrimination against women, people of colour, vulnerable populations or bias against any other protected characteristic. If biases in AI systems are not identified and mitigated before deploying and using them, those deployed systems may inherit social biases and cause unintended consequences at scale. | When assessing new technology the ICB must build in inclusion and diversity into AI design by ensuring the right data is used to train AI systems and that outputs are 'sense checked' by a human. | Karina Ellis | Ongoing |  |

## Sign-off

All EqIAs for HR and corporate policies, projects or functions that apply to ICB colleagues must be signed-off by the corporate affairs team - send a copy of the relevant policy and EqIA to: [hnyicb-hull.hnypolicyenquiries@nhs.net](mailto:hnyicb-hull.hnypolicyenquiries@nhs.net)

|  |  |
| --- | --- |
| **Key questions** | **Sign-off responses** |
| I agree / disagree with this assessment and action plan | Yes |
| **If no (you disagree)**  Reasons for not approving and actions that should be taken (including timelines and those responsible): |  |
| Signed: | Gemma Mazingham |
| Date: | 14/09/2023 |

ENDS