



## Equality Impact Assessment

# Online services

### 1. What is an Equality Impact Assessment (EQIA)?

EQIAs are one of the ways in which the Charity Commission ensures that it meets its statutory obligation to provide equality of opportunity. It is a process which enables us to consult on particular issues to assess their impact on our customers. The Commission is committed to the highest standards of customer service, for all our customers, and our services need to evolve with this in mind.

### 2. Consultation

We consulted internally and externally on our plans to move to a position where the bulk of our interactions with customers are done online. This means that some traditional hard copy methods of doing business will be phased out.

We already provide an online option for a number of services and the range and sophistication of our online offer continues to increase. At the moment more traditional methods of using a particular service are still available, for example a paper based form.

A move to online services has a number of benefits for the customer, the Commission, and the environment. However, the increasing use of online options and the withdrawal of some existing methods of operating will have an impact on our customers. The process we followed is in line with the Consultation Criteria in the Code of Practice operated by the Department for Business Innovation and Skills.

The consultation period lasted for 12 weeks and the last date for comments to be raised with us was 29 October 2010.

We received very little feedback, which could be because we had already identified a number of issues in the consultation document itself. The feedback will be used to inform the way in which the Charity Commission implements our online services programme.

### 3. Who was the EQIA aimed at?

The main focus of this EQIA is on charity trustees and employees and their professional advisers who use our services.

## 4. What impacts have been identified?

Our research so far has not identified any negative impacts in terms of, gender, race, religion or belief, sexual orientation, or on carers and we didn't receive any comments or information in respect of these 'protected characteristics' from the external consultation.

However, we have identified some possible issues and impacts with regards to communication, whether this is related to English not being a first language or other communication difficulties relating to disability, culture and age.

There are also some issues around an individual's ownership of or access to technology; an individual trustee or correspondent may not be able to access or use the internet because:

- they do not own a computer
- they can access a computer but they don't know how/have never used the internet - age has been flagged up as a particular issue here with the internet seen as proving more of a challenge for older users

There is also a suggestion in the responses received through the external consultation that age combined with other factors such as poor transport links in rural communities and lack of broadband facilities makes it more difficult for some people to use online services.

While we recognise that these are real issues for some people, the Charity Commission's primary function is to regulate charities and it is trustees that are collectively responsible for administering their charities. We do not provide individual services to people, such as personal payments which would require a specific individual to access services. We also recognise that ownership and access to technology can be related to the protected characteristic of age but this is not always the case and it should be noted that the purpose of this EQIA is to identify possible impacts on groups who share protected characteristics in law and to whom we owe specific duties as a public sector body. This does not mean that we would not seek solutions in terms of help and guidance where we identify issues around lack of equipment at home for accessing online services for example. Our main focus has been to identify impacts and where those impacts are likely to be negative in respect of the identified groups, to look at mitigation where we can, within the reduced resources available to us.

This EQIA sets out impacts identified so far, along with the arrangements that have been applied, or are planned, to mitigate them.

We asked for customers' views, with supporting evidence, on these issues, to establish whether:

- we have identified all the key equality issues, with regard to the provision of online services
- we have successfully addressed and mitigated any equality impacts arising or have plans in place which will do so effectively
- there are any other issues we still need to address, to ensure that as the Commission moves to greater use of online services all our customers remain able to use our services
- there are any positive impacts as a result of an increase in online services

## 5. Online development outside the Charity Commission

An increasing number of public and commercial services are now accessed either all or in part online. This paper does not seek to provide an in depth analysis of this trend, which is well documented, though a brief overview to give some context is relevant.

In the commercial sphere, insurance, banking, hotels/travel agents, and utility companies all operate online and even basic grocery shopping is available from household names alongside smaller niche suppliers. An online option has moved from being at the margins to the centre and is increasingly seen the normal way to carry out many transactions. 58% of UK adults now purchase goods or services online.<sup>1</sup>

There is also an expectation that an online option will confer certain advantages to the customer- cheaper prices, preferential rates of interest, 'internet only' options. A quicker service, available 24/7, is also assumed.

In the public sphere, passports, driving licenses, tax returns, and a whole host of local and national government services can be accessed online. Some options eg the filing of corporation tax returns with HMRC are only available online.

The e-infrastructure in the UK continues to grow. The internet now has 38.8 million users in the UK<sup>2</sup> and 70% of households are on line.<sup>3</sup> Whereas in 2008 a computer was considered essential for households with school age children it is now considered essential for most households.<sup>4</sup> There are however, some 10 million adults who have never accessed the internet.<sup>5</sup>

## 6. History in the Commission

The Charity Commission first made the Register of Charities available online in April 1996 and since then each year has seen an increase in the range of material available to view or download.

Interactive online options have been increasingly offered with popular forms being first of all available to print and then to submit online.

We now have online options for Annual Returns/Accounts, applications for registration as a charity, and a range of commonly used options eg amendments to governing documents and dissolution.

These options are popular and uptake is high. For example, at the time of writing, 85% of annual returns are submitted online and over 90% of applications for registration of a charity are made online; usage is increasing all the time.

## 7. The next stage

The Charity Commission now wishes to make the online option the principal means of doing business with us and to move away from traditional alternatives. The Commission is under severe financial pressure and will soon be a smaller organisation. Moving more work online is the only sustainable way forward.

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1 Manifesto for a Networked Nation

2 UK Online Measurement Company

3 ONS survey 2009

4 See a Minimum Standard for the UK in 2010-Joseph Rowntree Foundation

5 Manifesto for a Networked Nation

For the vast majority of customers, who already use the online option, this change will have no impact. For customers who currently don't use the online option it will require a change of practice. The ability of some groups who share protected characteristics, to make that change may be challenging and this assessment seeks to identify the difficulties and suggest solutions.

## 8. Statutory Obligations

The relevant equality legislation is listed at Annex A of this document.

## 9. Sources of Evidence

In carrying out this EQIA, the Charity Commission has taken into account a range of data and research findings from within the Commission and undertaken by other government departments and research/statistical bodies.

As a result of all this, the main equality issues that have been identified to date are:

- communication / language (which may be related to disability, culture or ethnicity)
- disability
- age

As previously highlighted there are ancillary issues around computer ownership and/or a lack of skills or confidence and location and broadband coverage.

Although we know that there may be groups, who because of their religion or belief, do not embrace technology (which would include computer use), we did not receive any representations from such groups during the consultation exercise. We therefore have no evidence that our plans for moving more services online will adversely affect our service users on the grounds of religion or belief. Should we receive any evidence in the future, we will consider what options might be available in mitigation.

## 10. Charity Commission recent research

In November 2010, the Commission released the results of its survey of users of online services, which was undertaken as part of our review of the web-site. The evidence shows that most people who use the Commission's online services say they are easy to use and that the information is easy to find.

The review shows that the charity information on the online Register of Charities has been viewed 2.7 million times in the last six months and that the biggest users of the Register are charities themselves. The main findings of the survey of more than 4,500 users were:

- the majority (80%) say it is very easy or easy to find information and services on the website
- 84% of people using online services say they are better than paper transactions
- 79% feel that online services are easy or very easy to use
- most people (82%) say they could easily find charity information on the register of charities
- 84% of charities and advisers said they used online guidance and 65% said the process for finding answers to their questions was either very easy or quite easy

Although our survey did not directly ask about barriers to accessing our services associated with equality and diversity we did not receive any adverse comments in relation to this and we have not received representations from people with disabilities during this consultation process.

## 11. General Research

Research such as the 'ONS Statistical Bulletin: Internet Access 2010' provides some useful information across a range of issues, for example:

**Health** – Of those individuals who indicated they had an illness or disability which limited their activities, 39 per cent had never used the internet. This compared with 14 per cent of adults who either had no illness or disability, or were not limited by any illness or disability.

**Age** – The majority (60 per cent) of those aged 65 and over had never used the Internet. This compared with 22 per cent of those aged between 55 and 64 and just one per cent of 16 to 24 year olds. Adults aged 65 and over made up almost two-thirds (64 per cent) of those individuals who had never accessed the Internet.

**Sex** – 21% of women compared to only 16% of men have never used the internet.

**Income** – Gross income is a significant indicator of Internet use. Of those individuals who had an income over £41,600, 98 per cent had used the Internet. The rate of Internet use then decreased in line with income - 69 per cent of adults with an income of less than £10,399 had used the Internet.

One of the solutions we identified quite early on in the impact assessment process to mitigate lack of computer ownership / home access is to use facilities at public libraries. The further evidence we now have suggests that this might not be realistic. The current uptake of library internet use is very low with only 4% of those who currently use the internet doing so via libraries. In addition, we are aware that following government spending cuts some authorities are seeking to reduce the number of libraries available in their area in order to save money. There are still however 6000 UK online centres and a wide range of other specialist support agencies.

## 12. Language

At present, the only legal requirement for language is that the Charity Commission should provide a service in Welsh. The Welsh Language Act requires public bodies to use Welsh as an additional language to English; and a separate EU directive encourages (but does not mandate) use of languages indigenous to individual EU states.

The Charity Commission currently provides Welsh translations of our core guidance and other material which has a broad appeal (the full range of our 'CC' guidance is available in Welsh). Some of our staff are Welsh speakers, our contact centre can take calls in Welsh, and we can correspond in Welsh. We also have a Welsh office based in Newport.

As far as non-UK indigenous languages are concerned, there is no information on the numbers of the Commission's customers whose grasp of English is insufficient for them to engage with us. Our contact centre provides a telephone interpreting service covering 150 languages where translators can be provided very quickly.

There is no evidence to suggest that most people who speak English as a second language, necessarily speak it poorly. Nor that a need to engage with us online will create a problem, where none previously existed – a customer whose difficulties are due to poor spoken or written English is likely to experience the same difficulty with paper based interactions as he/she does with an online option.

There is a range of remedies available for customers whose command of written and/ or spoken English makes it difficult for them eg work with an advocate, colleague, friend or family member which might help to ease communication difficulties, to complete or submit online forms or returns.

There are no plans to make online services available in a variety of languages other than English and Welsh: it would be a disproportionate use of public funds to do so and it would in any event run counter to Government policy (where the focus is on encouraging people to learn and use English as their main language when dealing with public sector responsibilities).

### 13. Disability

The initial EQIA screening raised some significant questions on the impact of the move to online services on our disabled service users. The Equality Act 2010 provides that a person discriminates against a disabled person if he / she treats that person unfavourably because of something arising in consequence of their disability and they cannot show that the treatment is a proportionate means of achieving a legitimate aim. It is not however, discrimination if a person did not know or could not have reasonably known about the disability. Where disabled people are unable to access our services we have a legal duty to make reasonable adjustments.

The duty to provide reasonable adjustments is as follows;

The Equality Act 2010 recognises that bringing about equality for disabled people may mean changing the way in which services are delivered, providing extra equipment and/or the removal of physical barriers.

The duty to make reasonable adjustments aims to make sure that a disabled person can use a service as close as it is reasonably possible to get to the standard usually offered to non-disabled people. When the duty arises, we are under a positive and proactive duty to take steps to remove or prevent these obstacles.

The duty is 'anticipatory', which means we cannot wait until a disabled person wants to use our services, but must think in advance (and on an ongoing basis) about what disabled people with a range of impairments might reasonably need, such as people who have a visual impairment, a hearing impairment, a mobility impairment or a learning disability.

Many of the adjustments we can make will not be particularly expensive, and we are not required to do more than it is reasonable for us to do. What is reasonable depends, among other factors, on the size and nature of the organisation and the nature of the services we provide.

The Equality Act 2010 provides that a person has a disability if he / she has a physical or mental impairment, and the impairment has a substantial and long term adverse effect on their ability to carry out normal day to day activities.

It is difficult to obtain definitive figures as estimates vary but it would appear that somewhere between 15% and 20% of the UK population are disabled.

Some disabilities, depending on their nature and severity, will have little or no impact on the customer's ability to access a service, whether on paper or online. The information that we have received to date suggests that those most likely to have issues accessing our services are individuals with the following disabilities:

- visual Impairment, which could impact on the ability to understand and complete forms accurately and easily
- arthritis, which, if the condition is advanced and affects the upper limbs, could impact the ability to use a pen or a computer
- various forms of learning disability, which could impact on the ability to understand guidelines and use computers
- about 4 -10% of the overall population have dyslexia/ dyspraxia

There are further disabilities which might impact on the value of help we normally provide – for example:

- people who have some degree of hearing loss – which could make it harder for them to receive telephone help and support
- people with a range of physical impairments that make it difficult for them to travel or get into or around buildings, so harder for them to visit an online centre or similar for help

The Charity Commission does have a 'Typetalk' facility which enables access to Commission advisers for hearing and speech impaired callers, and provides a link on our website for users to download 'Browsealoud', a free tool enabling users to speech enable our website. We also provide information in large print and Braille.

Some disabled service users welcome the internet, as their means to independence and, particularly for those with mobility problems, as their lifeline to the outside world. Feedback suggests that the issues are about making the internet as easy for them to use as possible, with the service provided being capable of being adjusted to ensure maximum accessibility and customisation for their specific needs.

Some disabled users, while welcoming the internet, nonetheless have difficulties in using it, despite the accessibility and other functions which providers have made available. The reason is often (not always) due to the user's own equipment, which might be outdated, and therefore creates difficulties for those users when interfacing with specific online services.

Even with all the accessibility features that can be provided by the online service supplier, and up to date equipment at the user's end, there can still be difficulties in using an online service. These arise mainly because of the nature of the disability – for example, arthritis in the hands, wrists or shoulders, which makes operating a mouse or a keyboard painful for the customer. There are products available on the market which can help, but these may not be appropriate for all customers with these disabilities, leaving some who would still struggle.

There is little we can do, from a technical viewpoint, where the primary problem is the disabled user's own outdated equipment. There may however be organisations that may be able to help and the Commission will undertake some research with a view to signposting to those organisations.

The Charity Commission website has been designed to be W3C Double AA compliant. The website is being significantly improved, in a series of tranches, with each new release designed to be W3C Double AA compliant, and written to be easy to use and understand. The Charity Commission has worked with Abilitynet to produce a series of guides about making adjustments to settings on computers and alternative key strokes instead of mouse use and we will look at the feasibility of producing these for an external audience.

We think, based on the evidence received through consultation, that the number of customers, with a disability which will impair their ability to access our services online, will be very low. Their charity will always consist of more than one individual, one of whom might need additional or alternative support, but the rest not. Even so, the arrangements being put in place to make all services W3C Double AA compliant should enable access for most disabled customers.

As with help in the provision of updated equipment, there are also a number of organisations, many of them charities that provide specialist advice and support to disabled users and the Commission can signpost to these.

## 14. Age

The evidence shows that older age groups are less likely to be using the internet, while 10% of 16-24 year olds are offline. The figure rises to 50% for 65-74 year olds<sup>6</sup>. Charity Commission data shows that just over 20% of trustees are over 70.

Some older customers have raised concerns about both access to technology and a lack of computer skills or familiarity with the Internet. Others see the internet as way of increasing their ability to participate.

There are a number of remedies available to the older user who is not online. As with all access issues, the collective nature of trusteeship and charity work helps in that a colleague could be delegated to complete an online form or make an annual return (just as they may be currently asked to complete a paper form).

In addition to the general sources of help available that are highlighted above there are a number of initiatives specifically aimed at older users for example 'silver surfers' week, Age UK runs 'itea and biscuits' weeks and provides hard copy guides like 'How to be a silver surfer'. There are also courses aimed specifically at older users.

## 15. Ancillary Issues Identified

As previously stated, this EQIA is concerned with impacts on people who share protected characteristics, but in undertaking this exercise we have identified some issues that might or might not be related to that protected characteristic. These are computer ownership and lack of skills.

Clearly it is impossible to access an online service without access to a computer that a person knows how to use. However, access does not mean ownership and it is not necessary to purchase equipment. The best remedies for this group are contained in the general sources of help section.

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<sup>6</sup> Manifesto for a Networked Nation

## 16. General sources of help

Before looking at each issue in turn it is worth considering some of the resources that are available to help all individuals that don't have access a computer, or for whatever reason struggle to use the internet. These apply across the range of issues.

Help is available to all UK citizens from a number of sources, for example internet access can often be obtained from:

- local libraries
- community centres
- schools
- UK online centres - there are now 6000 of these
- other organisations including charities that work in social inclusion and education amongst other areas

Many of the above provide advice and support in addition to access which is often free. In addition there are some commercial providers of internet access eg internet cafés plus facilities offered by friends, colleagues or relatives.

The Race Online 2012 initiative aims to get a million more users online by 2012 and is signing up partner organisations to help achieve this. There are toolkits to support organisations helping others get on line and an increasing number of programmes and initiatives like Everybody Online and Get Online week.

The collective nature of charity work is important in understanding how the Charity Commission works with charities. Trustees do not work in isolation, the minimum size for a trustee body is three people and most trustee bodies are larger. It is for the trustees to determine what their individual responsibilities are and while we will make reasonable adjustments for people with disabilities, we cannot offer to make adjustments for all people in all circumstances. This is not affordable and nor is it proportionate. The Commission is facing increased pressures resulting from a 33% budget cut, announced in the 2010 Spending Review.

Many charities are themselves online and most charities that maintain an office or employ staff will already have sufficient internet access.

Telephone support for a person using an online option is widely recognised as being an important part of any online service. The Charity Commission will continue to provide telephone support. This includes the existing translation service for customers who cannot speak English and the Textphone service for hearing and speech impaired callers. All of our advisers have received training in equality, diversity and cultural awareness. Moving forward in the online environment we will be providing advanced training for our support staff in the provision of reasonable adjustments and other issues associated with equality and diversity.

## 17. Conclusions

As a public sector body the Commission has a legal duty to eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and those who do not and foster good relations between people who share a protected characteristic and those who do not. The protected characteristics are:

- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation.
- marriage and civil partnership
- age

While the Commission will ensure compliance with our public sector duties under the Equality Act 2010 we cannot anticipate all situations and we cannot be responsible for the provision or adaptation of computer equipment for people who do not work for us. We will do all that we possibly can to help people in the transition to online services by making reasonable adjustments for people with disabilities and guiding others through the process.

We will also look closely at targeted signposting to other sources of help, including families, friends, libraries, community centres, schools, and UK online centres.

As previously stated the Commission does not have the resources to continue to deal in hard copy transactions as the norm. We are clear about our duties under the Equality Act 2010 and we will make reasonable adjustments for people with disabilities. What is reasonable may differ depending upon the circumstances and so we cannot give assurances that we will be able to make every adjustment requested.

## 18. Issues that might require further consideration

We received a number of individual comments from trustees who said that their charities were very small, they were elderly, had never used computers and would not be able to start now. No suggestions were offered in mitigation as they considered that they just could not do it, either through lack of equipment or skills. Some responses were from very small charities with restricted beneficial classes in the sense that there were only a couple of elderly trustees that were not IT literate - so requiring an elderly trustee to access a computer in these circumstances may be considered to be disproportionate.

For the small number of charities in this position, the Commission may be able to offer by exception an alternative to online transactions but we cannot at this stage give absolute assurances. We will first wish to explore with these charities what alternative support may be available and appropriate to enable them to complete their online returns. We are a small organisation that will need to reduce our headcount by 33% as a result of public sector budget reductions. The reality is that we may not be able to afford to offer any non online alternative except in exceptional circumstances where all other online completion opportunities have been exhausted. We need to be open about this with our service users in order that we do not raise unrealistic expectations.

The information contained in this EQIA is relevant to all business areas involved in online services and will be made available on our intranet and web site.

## ANNEX A . RELEVANT EQUALITY LEGISLATION

The Equality Act 2010 consolidates and harmonises the previous legislation listed below:

- section 71 of the Race Relations Act (Amended) 2000
- Disability Discrimination Act 2005 & the Disability Discrimination Act 1995 (as modified by the Disability Discrimination (Northern Ireland) Order 2006)
- Sex Discrimination Act 1975 as amended by the Equality Act 2006

In addition, this EQIA also helps show the Charity Commission is meeting the provisions of:

- Age Discrimination Regulations 2006 & Employment Equality (Age) Regulations (Northern Ireland) 2006
- Employment Equality (Sexual Orientation) Regulations 2003 & Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Sex Discrimination Act (Gender Reassignment) Regulations 1999
- Employment Equality (Religion or Belief) Regulations 2003, as amended by the Equality Act 2006

On gender, public authorities must, when carrying out their functions, have due regard to the need to:

- promote equality of opportunity between men and women generally
- eliminate unlawful discrimination and harassment of men and women generally (including transgender)

On race, public authorities must, when carrying out their functions, have due regard to the need to:

- promote equality of opportunity between people of different racial groups
- eliminate unlawful discrimination between different racial groups
- promote good relations for people of different racial groups

On disability, public authorities must, when carrying out their functions, have due regard to the requirements of the Disability Discrimination Act (DDA) and our key duties within that act. In particular:

- promote equality of opportunity for disabled people taking steps to take account of disabled people's disabilities even where that requires more favourable treatment
- eliminate unlawful disability discrimination
- encourage participation in public life by disabled people
- promote positive attitudes towards disabled people
- eliminate disability-related harassment

## European Charters

The European Charter for Regional and Minority Languages came into force on 1 July 2001, and is binding on the UK (and other member states). It deals with languages traditionally used within a state's territory by residents of that state who form a smaller group than the rest of that state's population (but not minority ethnic languages arising in consequence of recent migratory movements, dialects of the official language or sign languages). The Charter aims to protect and promote European minority languages, by enabling speakers of such languages to communicate with public authorities 'as far as this is reasonably possible' in their chosen language (for the UK, this means Irish, Scots Gaelic and Welsh). However, the Council of Europe's Explanatory Report on the Charter notes that the Charter does not establish any individual or collective rights for such speakers – in other words, there is nothing in the Charter that gives such individuals the right to insist that public authorities must communicate, or make available official documents, forms or leaflets, or provide online services, or otherwise engage, in such a minority language.