



## Equality Impact Assessment

# Online services consultation

### 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. Why are we consulting?

The Charity Commission already provides an online option for a number of its 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.

In line with the Government's published policy position<sup>1</sup> and alongside other government departments the Commission is now seeking 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.

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.

### 3. Who is this 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 preliminary screening has identified no negative impacts in terms of, gender, race, religion or belief, sexual orientation, or on carers.

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, and age.

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1 eg Digital Britain Report and Putting the Front Line First

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.

It should be noted however that this EQIA is primarily concerned with possible impacts on groups who share protected characteristics in law and to whom we owe specific duties as a public sector service provider. 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. But our main focus is 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.

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

We would welcome 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; and
- there are any positive impacts as a result of an increase in online services.

See section 18 for some key questions.

## 5. How does the consultation process work?

The consultation process we are following is in line with the Consultation Criteria in the Code of Practice operated by the Department for Business Innovation and Skills. If you wish to access the full version of the Code, you can obtain it at:

<http://www.bis.gov.uk/policies/better-regulation/consultation-guidance>

Section 19 of this document contains more details on how to register your views. Please note that information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes. Further details are provided in section 20.

The consultation period will last for 12 weeks. The last date for comments to be raised with the Charity Commission is 29th October. At the end of the consultation period we will publish a summary of the comments received.

The feedback will be used to inform the way in which the Charity Commission implements our online services programme.

## 6. About the Charity Commission

The Charity Commission registers and regulates charities in England and Wales. We offer them advice and provide a wide range of services and guidance to help them meet their legal obligations and run as effectively as possible. We also keep the online Register of charities which provides information about each of the thousands of registered charities in England and Wales.

There are over 180,000 charities in England and Wales and they range from small local groups to very large charities operating on an international scale. Very small charities with an income of less than £5k per annum are not required to register and there is a sliding scale of accounting and reporting requirements with more being expected of larger charities.

## 7. 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>2</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>3</sup> and 70% of households are on line<sup>4</sup>. Whereas in 2008 a computer was considered essential for households with school age children it is now considered essential for most households.<sup>5</sup> There are however, some 10 million adults who have never accessed the internet <sup>6</sup>.

## 8. 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.

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2 Manifesto for a Networked Nation

3 UK Online Measurement Company

4 ONS survey 2009

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

6 Manifesto for a Networked Nation

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 80% of annual returns are submitted online and 68% of applications for registration of a charity are made online; usage is increasing all the time.

## 9. 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.

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 hampered and this assessment seeks to identify the difficulties and suggest solutions.

## 10. Statutory obligations

The relevant Equality legislation is listed at Annex A of this document

## 11. EQIA process

Shortly after deciding to move more of the Charity Commission's services online an initial EQIA screening was carried out. This screening indicated the need to consult more widely.

## 12. Evidence considered, initial findings, key questions

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 or ethnicity)
- Disability
- Age

There are also ancillary issues around computer ownership and/or a lack of skills or confidence.

## 13. 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
- UKOnline centres - there are now 6000 of these.

Many of the above provide advice and support in addition to access which is often free.

There are some commercial providers of internet access, eg internet cafés.

The RaceOnline 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 also important. Trustees do not work in isolation, the minimum size for a trustee body is three people and most trustee bodies are larger. If one or more trustees have difficulties then other trustees can be asked to make online submissions on their collective behalf. All trustees act as a body and just as once an individual trustee may have been delegated the task of writing to the Commission on behalf of the others then he/she can now be asked to access an online service.

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 run a contact centre and 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.

## 14. 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. Note that 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 a colleague, friend or family member with a better understanding of English, 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 case run against Government policy (where the focus is on encouraging recent migrants to learn and use English as their main language when dealing with public sector responsibilities).

## 15. Disability

The initial EQIA screening raised some significant questions on the impact of the move to online services on our disabled customers. The Disability Discrimination legislation makes it unlawful to discriminate against a disabled person in the provision of services, where the effect is to make it impossible or unreasonably difficult for the disabled person to make use of that service. In such cases, there is a duty to take reasonable steps to change policy, practice or procedure so that it no longer has that effect. There is also a duty to make contingency arrangements, in the event of our services for disabled customers being unavailable. And it is also illegal to discriminate against those with, or without, a disability.

The DDA defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse affect on his/her ability to carry out usual day-to-day activities.

It is difficult to obtain definitive figures as estimates vary but it would appear that some where 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. Those most likely to be affected by a move to online 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 and use computers.
- And 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.

Some disabled customers 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 is sometimes 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. These customers would probably experience similar problems in using a pen to complete a paper return.

There is little we can do, from a technical viewpoint, where the primary problem is the disabled user’s own outdated equipment. Here, the solution may be one of making alternative arrangements for the disabled customer to file online – either through a friend or family member’s computer (with the friend or family member inputting the details, if their computer is not configured for the disabled customer’s use). The same range of solutions outlined in Para 13 could apply to disabled customers who have no computer and no ready access to one.

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 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.

There are also a number of organisations, many of them charities that provide specialist advice and support to disabled users.

## 16. Age

Older age groups are less likely to be using the internet: while 10% of 16-24 year olds are off line the figure rises to 50% for 65-74 year olds<sup>7</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.

## 17. 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 confidence.

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.

Another trustee, friend, or family, may be able to provide access. Libraries, community centres, schools, and UKOnline centres can provide alternative sources of access; help or training is also often available.

## 18.Key questions

We welcome any comments on our proposals for online services but there are five questions in the document where we would really value your input.

- Have we accurately identified the impacts, either positive or negative of online working on our customers?
- Are there any additional impacts which arise specifically as a result of services being online, which would make it difficult or impossible for those customers affected to access services
- What evidence is there to help us assess the extent or significance of the impact on these groups of people?
- How can the risks relating to these impacts be reduced?
- Are there other mitigating factors we have not identified?

## 19. How, where and when to send comments

Everyone is welcome to respond to this consultation and we would be grateful if you could email your response with the subject, 'Online Services Consultation'.

It would also be helpful if you could provide us with the following standard information in the order requested as part of the introduction to your response. This will allow us to manage the responses and use the information more effectively, as well as helping us to keep you up to date with any progress:

- Organisation / Charity name (if applicable)
- Charity number (if applicable)
- Contact name
- Position within organisation (if applicable)
- Contact number
- Contact address
- Contact e-mail
- Confidentiality Statement (if applicable - see following sections)
- Consultation response / answers to consultation questions

The consultation period is 12 weeks. We will accept responses up to 29th October.

Where appropriate, we encourage you to provide evidence in support of your response. If you are a representative group, please provide a summary of the people and organisations you represent as part of your response.

## 20. How we will treat the information provided

All information contained within the responses (including personal information) may be published or disclosed in accordance with the access to information regimes, primarily set out in the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004.

If you want information given in response to the consultation to be kept confidential it will only be possible to do so if it is consistent with our legal obligations. There is a statutory Code of Practice under the Freedom of Information Act 2000 which public authorities must comply with. This sets out how confidential information must be dealt with. We cannot give assurances that all information will be kept confidential but we will take into account any representations made by you.

If you object to any of the information (including your personal details) which you are giving in response to the consultation being published, please say so. It would be helpful for any such objections to be supported with an explanation of why you regard the information to be confidential so that a decision can be made as to whether there are grounds for not publishing such information.

## 21. What will happen at the end of the consultation period?

Following the formal consultation period, the Charity Commission will consider the responses and reach a decision in terms of how best to apply the findings to improve our online offer. A summary of the responses to the consultation will be available on the Charity Commission's website and intranet, and in different formats on request. Your comments are important to us because of our increased focus on our external customers.

## 22. Further information

If you have any further queries about this consultation, please email us

## ANNEX A. RELEVANT EQUALITY LEGISLATION

The purpose of this EQIA is to ensure that the implementation of the recommendations made in Lord Carter's Review of HMRC Online Services meets the statutory obligations placed on UK public bodies to promote equality of opportunity. The relevant Equality Legislation is:

- Section 71 of the Race Relations Act (Amended) 2000
- The Disability Discrimination Act 2005 & the Disability Discrimination Act 1995 (as modified by the Disability Discrimination (Northern Ireland) Order 2006)
- The 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; and
- 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; and
- 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, and
- 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.