

## **Item: 18**

**Policy and Resources Committee: 25 September 2018.**

**Fairer Scotland Duty.**

**Report by Executive Director of Corporate Services.**

### **1. Purpose of Report**

To consider implementation of the new Fairer Scotland Duty based on interim guidance from the Scottish Government.

### **2. Recommendations**

The Committee is invited to note:

#### **2.1.**

That the Fairer Scotland Duty, contained in Part 1 of the Equality Act 2010, came into force in Scotland on 1 April 2018 and places an overarching requirement on the Council to have due regard to the need to reduce inequalities of outcome caused by socio-economic disadvantage.

#### **2.2.**

That the Scottish Government has produced interim guidance for public bodies that are covered by the Fairer Scotland Duty to assist with implementation of the duty over a three-year period.

#### **2.3.**

That, whilst the Fairer Scotland Duty does not impose the same requirement as the Public Sector Equality Duty to publish equality impact assessments, adopting an integrated approach would allow the Council to demonstrate that due regard has been given to this duty.

**It is recommended:**

#### **2.4.**

That the interim approach for an integrated Equality Impact Assessment template and associated guidance, attached as Appendices 1 and 2 respectively to this report, be approved.

## **3. Background**

### **3.1.**

The socio-economic duty was included as a provision in the UK Government's Equality Act (2010) but was not commenced along with the other provisions in the Act. In Scotland, the power to commence the duty was included in the Scotland Act 2016. The Fairer Scotland Action Plan published in 2016 set out the Scottish Government's plan to introduce the duty, with time for consultation and associated guidance.

### **3.2.**

The socio-economic duty is one of a number of complementary duties which are placed on the public sector to tackle socio-economic disadvantage, child poverty, inequality of opportunity and inequality of outcome.

### **3.3.**

There is limited data or analysis at a local authority level on poverty and deprivation and it is widely accepted that the Index of Multiple Deprivation is less suited to rural areas such as Orkney which sees deprivation much more distributed throughout the community.

### **3.4.**

The median gross weekly pay in Orkney in 2017 was £520.30, which compares to £547.30 in Scotland. When looking at male full-time workers in isolation the difference is much closer; £575.40 in Orkney compared with £579.90 in Scotland. Whilst the equivalent figure is not available for full-time female workers, it would be reasonable to conclude that the gap between median wages for women in Orkney will be significantly below the level in Scotland. It is important to consider in-work poverty, housing affordability and fuel poverty as factors which can impact socio-economic disadvantage in an Orkney context.

## **4. The Fairer Scotland Duty**

### **4.1.**

The Fairer Scotland Duty, contained in Part 1 of the Equality Act 2010, came into force in Scotland on 1 April 2018 and places an overarching requirement on the Council to have due regard to the need to reduce inequalities of outcome caused by socio-economic disadvantage. The aims of this duty include improvements to key strategic decision-making in the context of inequality that will lead to better outcomes for those experiencing socio-economic disadvantage.

### **4.2.**

The duty sets out an approach for public bodies to meet the requirements and states that there is an expectation that public bodies will:

- Actively consider what more they can do to reduce inequalities of income in any major strategic decision they make.
- Publish a written assessment showing how they have done this.

### **4.3.**

The Fairer Scotland duty is set in the context of wider public sector reform in Scotland. Additional legislative provisions with a socio-economic focus are contained in:

- Child Poverty (Scotland) Act 2017.
- Children and Young People (Scotland) Act 2014.
- Education (Scotland) Act 2016.
- Community Empowerment (Scotland) Act 2015.
- Human Rights Act 1998.

### **4.4.**

Socio-economic disadvantage is defined in the “Fairer Scotland Duty Interim Guidance for Public Bodies”, published by the Scottish Government, as living on a low income compared to others in Scotland, with little or no accumulated wealth, leading to greater material deprivation, restricting the ability to access basic goods and services. Socio-economic disadvantage can be experienced in both places and communities of interest, leading to further negative outcomes such as social exclusion.

### **4.5.**

The Scottish Government expects public authorities to focus on communities within particular disadvantaged areas, but also within particular disadvantaged communities of interest, defined to include groups of people who share an experience or an identity. These can include young people leaving care or people with disabilities. Further, the specific nature of socio-economic disadvantage for people living in rural, remote and island areas is to be taken into account.

### **4.6.**

The Fairer Scotland Duty is narrower in coverage and scope than the public sector equality duty in that it falls on a smaller number of public authorities and only applies to decisions of a strategic nature. However, there will be some overlap because people who share particular protected characteristics are often at higher risk of socio-economic disadvantage. Strategic decisions likely to fall within the scope of the Fairer Scotland Duty include, but are not limited to the following:

- Preparation of the Local Development Plan.
- City deals or other major investment plans.
- Preparing legislation.
- Development of new strategic frameworks.
- Development of significant new policies or proposals.

- Preparation of an annual budget.
- Major procurement exercises.
- Decisions about the shape, size and location of the estate.
- Preparing a Local Outcomes Improvement Plan as part of a Community Planning Partnership.
- Preparing locality plans.
- Preparation of a Corporate Plan.
- Commissioning of service.

#### 4.7.

An individual would not be able to present a legal claim of discrimination on grounds of socio-economic disadvantage, although the duty will remain a statutory requirement and the Equality and Human Rights Commission and individuals may still present an application for judicial review if they consider that there has been a breach of the duty in any particular case.

## 5. Summary of interim guidance

### 5.1.

The Scottish Government has produced interim guidance for public bodies that are covered by the duty which can be found via the following link: <https://www.gov.scot/Publications/2018/03/6918/downloads>. The Fairer Scotland Duty will be subject to a three-year implementation phase designed to allow time for public bodies to develop best practice and become fully compliant with the duty.

### 5.2.

The interim guidance explains the key terms of the duty, including:

- **Socio-economic disadvantage** – in broad terms this means living in a low income compared to others in Scotland, with little or no accumulated wealth, leading to greater material deprivation and restricting the ability to access basic goods and services. As well as considering areas of deprivation, the guidance also identifies communities of place and communities of interest;
  - Communities of place describe people who are bound together because of where they live or work.
  - Communities of interest refer to groups who share an experience such as homelessness, or those who share one or more protected characteristics as listed in the Equality Act 2010.
- **Inequalities of outcome** – this means measurable difference between those who have experienced socio-economic disadvantage and the rest of the population. E.g. life expectancy and educational attainment.

- **Strategic level** – these are key high-level decisions that affect how the public body fulfils its intended purpose, over a significant period of time. These would normally include strategy documents and decisions about setting priorities, allocating resources and commissioning services.

### **5.3.**

The interim guidance further identifies that local authorities have new responsibilities in relation to child poverty and highlights that there are also opportunities to focus on reducing child and family poverty when considering how to meet the new duty.

### **5.4.**

The interim guidance has been taken into account in the preparation of the revised Equality Impact Assessment template and Equality Impact Assessment Guidance and, attached as Appendices 1 and 2 respectively to this report.

## **6. Meeting the requirements**

### **6.1.**

The Council already undertakes a number of the requirements outlined in the guidance. For instance, through helping to address the inequalities set out in the Local Outcomes Improvement Plan and the Community Planning Partnership Locality Plan. However, introduction of the duty will be an opportunity to reinforce and refine procedures, in particular:

- Identifying which strategic decisions the Council takes.
- Identifying inequalities of outcome caused by socio-economic disadvantage in Orkney.
- Exercising the duty during decision making.

### **6.2.**

With regard to the first bullet point above, the interim guidance suggests that strategic decisions relating to priority and target setting, allocating resources and commissioning services are those to which the duty applies.

#### **6.2.1.**

For the Council, these decisions are likely to include:

- The Corporate Plan.
- The Local Development Plan.
- Local Improvement Plans.
- Housing Strategies.
- The budget setting process.
- Major investment plans.

### **6.2.2.**

Giving due regard to such decisions will require the Council to consider the issues in the context of socio-economic disadvantage proportionate to their relevance in Orkney.

### **6.3.**

With regard to the second bullet point at section 6.1 above, the Council already considers socio-economic disadvantage in some areas including annual budget setting activities and the Housing Needs and Demands Assessment. The Fairer Scotland duty does not impose the same requirement as the Public Sector Equality Duty to publish equality impact assessments, however adopting this integrated approach would allow the Council to demonstrate that due regard has been given to this duty. There will need to be a greater consistency in undertaking and publishing equality impact assessments which account for socio-economic disadvantage where relevant.

### **6.4.**

With regard to the third bullet point at section 6.1 above, the Council will need to ensure that the above approach is implemented during decision making by both staff during the formation of the strategic plans and by elected members when considering their approval.

## **7. Corporate Governance**

This report relates to the Council complying with its statutory duties and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

## **8. Financial Implications**

There are no significant financial implications arising from the report recommendations.

## **9. Legal Aspects**

The legal aspects are contained in section 4 of this report.

## **10. Contact Officers**

Gillian Morrison, Executive Director of Corporate Services, extension 2103, Email [gillian.morrison@orkney.gov.uk](mailto:gillian.morrison@orkney.gov.uk).

Andrew Groundwater, Head of HR and Performance, extension 2253, Email [andrew.groundwater@orkney.gov.uk](mailto:andrew.groundwater@orkney.gov.uk).

Emma Chattington, Equalities Officer, extension 2155, Email [emma.chattington@orkney.gov.uk](mailto:emma.chattington@orkney.gov.uk).

## **11. Appendices**

Appendix 1: Equality Impact Assessment Template.

Appendix 2: Equality Impact Assessment Guidance.



## Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

<b>1. Identification of Function, Policy or Plan</b>	
Name of function / policy / plan to be assessed.	
Service / service area responsible.	
Name of person carrying out the assessment and contact details.	
Date of assessment.	
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	

<b>2. Initial Screening</b>	
What are the intended outcomes of the function / policy / plan?	
Is the function / policy / plan strategically important?	(Strategic plans include major investment plans, new strategic frameworks or plans such as annual budgets, locality plans or corporate plans).
State who is, or may be affected by this function / policy / plan, and how.	
How have stakeholders been involved in the development of this function / policy / plan?	
Is there any existing data and / or research relating to equalities issues in	



<p>this policy area? Please summarise. E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).</p>	
<p>Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise. E.g. For people living in poverty or for people of low income. See The Fairer Scotland Duty Interim Guidance for Public Bodies for further information.</p>	<p>(Please complete this section for proposals relating to strategic decisions).</p>
<p>Could the function / policy have a differential impact on any of the following equality areas?</p>	<p>(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).</p>
<p>1. Race: this includes ethnic or national groups, colour and nationality.</p>	
<p>2. Sex: a man or a woman.</p>	
<p>3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.</p>	
<p>4. Gender Reassignment: the process of transitioning from one gender to another.</p>	
<p>5. Pregnancy and maternity.</p>	
<p>6. Age: people of different ages.</p>	
<p>7. Religion or beliefs or none (atheists).</p>	
<p>8. Caring responsibilities.</p>	
<p>9. Marriage and Civil Partnerships.</p>	
<p>10. Disability: people with disabilities (whether registered or not).</p>	<p>(Includes physical impairment, sensory impairment, cognitive impairment, mental health)</p>
<p>11. Socio-economic disadvantage.</p>	

<b>3. Impact Assessment</b>	
Does the analysis above identify any differential impacts which need to be addressed?	
How could you minimise or remove any potential negative impacts?	
Do you have enough information to make a judgement? If no, what information do you require?	

<b>4. Conclusions and Planned Action</b>	
Is further work required?	Yes/No.
What action is to be taken?	
Who will undertake it?	
When will it be done?	
How will it be monitored? (e.g. through service plans).	

Signature:

Date:

Name:

(BLOCK CAPITALS).

Please sign and date this form, keep one copy and send a copy to HR and Performance. A Word version should also be emailed to HR and Performance at [hrsupport@orkney.gov.uk](mailto:hrsupport@orkney.gov.uk)

# Equality Impact Assessment Guidance

Orkney Islands Council

# Equality Impact Assessment guidance

## Contents

1. Purpose of the guidance .....	2
1.1 What is an Equality Impact Assessment .....	2
1.2 Why is an Equality Impact Assessment Required .....	2
1.3 When is an Equality Impact Assessment Required .....	2
1.4 Who is responsible for completing an Equality Impact Assessment .....	3
2. Legal context .....	4
2.1 Public Sector Equality Duty (PSED) .....	4
2.1. Protected Characteristics .....	4
2.2. Human Rights .....	4
2.3. Fairer Scotland Duty (Socio-economic disadvantage) .....	5
3. Undertaking an impact assessment .....	7
3.1. How do I complete an Equality Impact Assessment? .....	7
3.2. Equality Impact Assessment Template .....	7
4. Further support and information .....	11

## **1. Purpose of the guidance**

This guidance document has been designed to provide you with supporting information that supports the completion of the Equality Impact Assessment (EqIA). Please note that employees involved in the EqIA process must have completed the mandatory corporate Equality and Diversity training, as a general understanding of equality and in particular the protected characteristics is required to ensure an EqIA is conducted effectively and appropriately.

### **1.1 What is an Equality Impact Assessment**

The purpose of an Equality Impact Assessment (EqIA) is to ensure we comply with the law, taking account of equality, human rights and socioeconomic disadvantage (poverty) implications when making decisions. It also ensures decision makers are fully informed, at a formative stage in the decision making process.

This process will allow us to critically assess whether a policy has wider impacts beyond its intended outcomes and if it impacts differentially on different groups in our communities.

The term policy is used throughout this guidance note and applies to policies, strategies, provisions, criteria, functions, practices, budget savings and activities, including the delivery of services.

### **1.2 Why is an Equality Impact Assessment Required**

Assessing impact is an important part of the public sector's decision making process. It is important in developing any proposal to understand how the needs of different groups and the potential barriers they may face may differ. An EqIA is a mechanism which enables you to consider the needs/barriers and identify any adverse impacts of different groups. It enables us to:

- Develop better policies and practices based on evidence.
- Prevent or mitigate negative impacts.
- Meet our legal requirements in terms of equality, Human Rights, Socioeconomic disadvantage and child poverty.
- Be more transparent and accountable.

We have a legal requirement to assess our policies for impact to ensure we do not discriminate and to reduce inequality of outcome caused by socioeconomic disadvantage, it ensures statutory compliance and also can avoid legal action. This process also gives us the opportunity to identify and highlight positive impacts.

### **1.3 When is an Equality Impact Assessment Required**

Assessing the impact is not an end in itself and should be an integral part of any policy development/change/revision/implementation etc. The regulations emphasise that it is the impact of applying a new or revised policy that must be impact assessed and equally we must actively consider how we could reduce inequality of outcome.

The assessment process must happen before a policy is finalised and as early in the development process as possible. The policy should be developed enough to enable an objective, reasonable and clear assessment to be undertaken. The assessment cannot be retrospective, or undertaken only near the end of the process, but instead should be seen as integral to the development process and able to inform the consultation process.

Assessing impact does not end with the introduction of the new or revised policy; it is important to monitor the actual impact of the policy as it is implemented, and revisit the assessment as part of any review. Therefore, assessment of impact should be considered as an ongoing, end-to-end process, from early discussions right through to the final decision about whether to go ahead with a policy or service change and beyond, to monitor the actual impact of the implementation.

In order to fulfil our general duty it is critical that all services conduct an EqIA in the following circumstances;

- All significant policies, strategies, projects, service reforms/changes should have an Equality Impact Assessment built into the planning process.
- All budget options for each financial year will require an Equality Impact Assessment unless assessed not relevant.
- All reports to Committee require impacts relating to equality, human rights and socioeconomic disadvantage to be referenced, this should be a detailed summary included in the report and a copy of the EqIA included in the background papers.

All changes to council policy or resources must be assessed for relevance and should be undertaken before any changes are agreed – this is a legal requirement.

It is also important to consider cumulative impacts; this is especially relevant when you are making changes to a number of services across one or more service areas for example - making changes to policies for funding and delivering social care, day care, respite for carers and community transport.

Small changes in each of these policies may have a relatively minor effect on disabled and older people, but the cumulative effect of changes to these areas could have a significant effect on the participation in public life of these groups.

## **1.4 Who is responsible for completing an Equality Impact Assessment**

The person or persons responsible for developing the policy, or delivering a service are responsible for undertaking the assessment. The duty to complete the assessment cannot be delegated, therefore the person with the ultimate responsibility for the policy and its implementation must be aware that the EqIA is being undertaken and must sign off the final document. The Equalities Officer may also have input in this process.

## 2. Legal context

### 2.1 Public Sector Equality Duty (PSED)

The Public Sector Equality Duty (PSED) (often referred to as the general duty) requires public bodies in the exercise of their functions, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct.
- Advance equality of opportunity between those who share a protected characteristic and those who do not; and,
- Foster good relations between those who share a protected characteristic and those who do not.

Supplementary legislation (the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012), requires the council to be proactive in meeting the general duty of eliminating unlawful discrimination, advancing equality and fostering good relations.

Further information relating to Assessment of Impact can be found here:

<https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities>

### 2.1. Protected Characteristics

The legislation requires that people are not discriminated against, harassed or victimised on the grounds of their protected characteristic. The protected characteristics are;

- age,
- disability,
- gender reassignment,
- marriage and civil partnership,
- pregnancy and maternity,
- race – this includes ethnic or national origin, nationality and also includes Gypsy/Travellers,
- religion or belief including lack of belief,
- sex (gender),
- sexual orientation.

Every person has one or more protected characteristic; therefore the Act protects all individuals against unfair treatment.

### 2.2. Human Rights

Taking a human rights based approach is about making sure that people's rights are put at the very centre of policies and practices. This approach should be an embedded consideration when conducting an EqIA.

The PANEL principles (detailed below) are one way of breaking down what this means in practice.

In summary we need to consider, where applicable to what (if any) extent a policy impacts on the key PANEL principles of Human Rights. These are as follows:

- **Participation** – people should be involved in decisions that affect their rights. Participation must be active, free, meaningful and give attention to issues of accessibility, including access to information in a form and a language which can be understood.
- **Accountability** – there should be monitoring of how people’s rights are being affected, as well as remedies when things go wrong.
- **Non Discrimination** – All forms of discrimination must be prohibited, prevented and eliminated. People who face the biggest barriers to realising their rights should be prioritise.
- **Empowerment** – Everyone should understand their rights, and be fully supported to take part in developing policy and practices which affect their lives.
- **Legality** – requires the recognition of rights as legally enforceable entitlements and is linked in to national and international human rights law.

Human rights include civil and political rights, such as:

- Freedom of expression.
- Freedom of religion or conscience.
- Freedom of assembly.
- The right to a fair trial.
- The right to privacy.
- The right to vote.

Human rights also include economic, social and cultural rights, such as:

- The right an adequate standard of living.
- The right to adequate food, housing, sanitation and water.
- The right to education.
- Rights at work.

As with all impact identification; it is important to note, that the process of consideration is not limited to identifying those impacts we wish to improve or mitigate, but also where applicable, those positive impacts that may enhance the human rights of an individual(s).

Further information relating to Human Rights can be found here:

<http://www.scottishhumanrights.com/rights-in-practice/>

### **2.3. Fairer Scotland Duty (socio-economic disadvantage)**

The Fairer Scotland Duty, part 1 of the Equality Act 2010 places a legal responsibility on the council to actively consider (pay due regard to) how they can reduce



inequalities of outcome caused by socioeconomic disadvantage, when making strategic decisions.

This duty gives us an opportunity to do things differently and put tackling inequality genuinely at the heart of key decision making.

In broad terms, socio-economic disadvantage means living on a low income compared to others in Scotland, with little or no accumulated wealth, leading to greater material deprivation, restricting the ability to access basic goods and services. Socio-economic disadvantage can be experienced in both places and communities of interest, leading to further negative outcomes such as social exclusion. Disadvantage can also arise depending on your social class; this is more difficult to measure and will require further consideration.

In summary, socio-economic disadvantage is focused on:

- **low income** - cannot afford to maintain regular payments such as bills, food, clothing.
- **low wealth** - enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future.
- **material deprivation** - being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure and hobbies.
- **area deprivation** (including communities of interest and communities of place) - where you live, where you work, visit or spend a continuous amount of time can all have an impact i.e. rural areas, accessibility of transport, education and employment impact, people who have experienced homelessness and / or the asylum system, those who share an identity and / or a Protected Characteristic.
- **Socio-economic background** – disadvantage that can arise from parents' education, employment and income – social class in other words.

The council is covered by the Public Sector Equality Duty (PSED) and the Human Rights Act and we also have responsibilities in relation to child poverty as stipulated in the Child Poverty (Scotland) Act 2017. This means we can use an integrated approach to focus on equality, human rights, socio-economic disadvantage and child and family poverty.

Although the Fairer Scotland Duty is derived from the Equality Act 2010, it is separate from the public sector equality Duty (PSED), but there are clear links between the aims of both duties as those who share particular protected characteristics are often at higher risk of socio-economic disadvantage.

Further information relating to the Fairer Scotland Duty can be found here:

<https://www.gov.scot/Publications/2018/03/6918/downloads>

## **3. Undertaking an impact assessment**

### **3.1. How do I complete an Equality Impact Assessment?**

You should first of all screen the policy for relevance to equality using all of the following questions:

- Which aspects of the General Duties does it link to?
- Is there potential for different impact on different groups? Which groups?
- Is there or could there be public concern about potential discriminatory practice?

These questions will enable you to identify key issues, as well as determine how relevant the policy is. The template for completing an equality impact assessment is attached in Appendix 1.

You should also consider what priority to give the policy. This will depend on a number of factors which may include relevance to any equality strand, risk for the organisation, whether or not there is a significant impact (i.e. it affects a lot of people or a high proportion of people in particular groups), if it is a key organisational objective or affects the way the organisation works, or a review or major consultation is already planned. This may be particularly relevant when considering changes in budget proposals.

### **3.2. Equality Impact Assessment Template**

The EqIA template enables you to record the relevance and priority given to the policy or function as well as to take into account any planned consultation and other people who should be involved in the process. It will help plan for the process and record the expected date for review.

The full Equality Impact Assessment has 4 key stages. These are not linear – you may have to go back to previous stages and do further work to complete some steps.

#### **3.2.1. Initial Screening**

Completing this section will tell you what the policy or function is intended to achieve, and who is intended to benefit from it. You should also consider who else is affected. You may decide at this stage that it would be useful to involve some of the people likely to be affected by the policy or function or who are involved in delivering or managing the process (e.g. partners or contractors).

You may already have evidence from consultation or customer feedback and monitoring exercises. You may also draw on additional information such as national surveys, service user feedback, academic/consultants' reports, benchmarking (see equalities resources on OIC information portal). You should consider what the evidence tells you about the impact and whether this is different for different groups. You should also consider if there are any gaps in information and how these should be filled. Do you need this information before you can carry out an impact assessment or is gathering information to be one of your recommendations?

### **3.2.2 Consultation**

You must set out your arrangements for involving and consulting with people who are affected or likely to be affected by the policy. This is one way of getting different perspectives about the policy or function and your proposals. You should aim to make it easy for people from different groups to give their views (e.g. using meetings as well as written consultations, ensuring material is in different formats such as large print or in appropriate languages).

In addition, you should consider how to ensure that communities are not over-stretched by too many consultation exercises. This may involve a consultation programme or diary and involving partners in joint exercises to avoid people being consulted repeatedly about the same issues.

Once you have carried out the consultation, you should set out the results or outcomes of the consultation taking special care to set out comments about your findings and proposals, and any alternative proposals.

### **3.2.3 Impact Assessment**

You should consider the actual or likely effect of the policy for each protected characteristic. A policy's effect could be neutral, beneficial or adverse. A policy or function is said to have an adverse impact if it disadvantages one or more groups of people. It might be helpful to think about the following:

- Does the evidence show different circumstances or different expectations or needs, or different experiences or outcomes (such as different levels of satisfaction of different rates of participation)?
  - Consider this for people in different groups in terms of race, gender, age, disability, sexual orientation or faith/belief?
  - What are the effects in relation to multiple identities e.g. young people with disabilities?
- Do the differences amount to adverse impact?
  - If so, which groups are affected?
- Could the adverse impacts amount to unlawful discrimination against any group of people?

There are various types of unlawful discrimination. The main ones are:

- Direct Discrimination.
- Indirect Discrimination.
- Victimisation.
- Harassment.

### **3.2.4 Mitigating any adverse impact**

If your assessment shows that your policy or function does (or is likely to) have an adverse impact on some groups of people, you need to think of ways to deal with this. In particular, you must take steps to eliminate unlawful discrimination and

reduce any adverse effects. Therefore, you should consider the reasons for the adverse impact.

In any case, you should consider if you can make changes that would increase or promote equality.

You should check that by making changes you are not creating an adverse impact on another group of people, and say what you will do to minimise any new adverse effects.

### **3.2.5 Decisions on what to do about the policy or function**

Once you have completed your consultation, you will have a range of evidence from this as well as the evidence and information you gathered earlier. You can now draw some conclusions and make recommendations about what you will do based on this information.

You should decide if you are rejecting the policy or function, modifying it or adopting it as proposed. If you have been unable to take steps to reduce any perceived discrimination, you will need to think about other ways of achieving the objectives or whether you can justify the adverse impact in law. You may need to get legal advice about this if you identified any unlawful discrimination.

You may wish to pilot the policy or function or some of the mitigations to assess whether you can achieve your policy objectives without adverse effect.

### **3.2.6. Monitoring arrangements**

You should consider what monitoring arrangements are already in place and how well these have met your needs of showing how the policy or function achieves its objectives and how it affects other groups.

Now set out your proposed recommendations for arrangements to monitor the actual impact of the policy or function. You should also set out how this is to be followed up to make sure that monitoring is carried out. Monitoring information will be useful in any future review and any future impact assessment of this policy or function.

#### **Summary of the assessment:**

- What you did.
- What evidence you used.
- What you found.
- What consultation you undertook.
- What changes you made.
- What will happen next.
- When (date) the policy is due to be reviewed.

#### **What should I do when I have completed the Equality Impact Assessment?**

Sign and date the form; keep one copy and send a copy to HR and Performance.

## **What happens if I do not carry out an Equality Impact Assessment?**

The council is required by law to consider the effects of its policies and functions on different groups of people. If we do not do this, we will be at risk of being found non-compliant with the law and being taken to court.

Failure to carry out an equality impact assessment could also mean that any discriminatory practices would continue.

## 4. Further support and information

You can contact the Equalities Officer on 01856 873535 ext, 2155.

You may also find some helpful data sources when gathering evidence during the assessment process on the following:

ACAS: <http://www.acas.org.uk>

Action on Hearing Loss Scotland: <https://www.actiononhearingloss.org.uk/about-us/our-work-across-the-uk/scotland/>

Census Scotland: <http://www.scotlandscensus.gov.uk/>

Chartered Institute of Personnel and Development: <https://www.cipd.co.uk/>

Deaf Action: <http://www.deafaction.org.uk/>

Enable Scotland: <https://www.enable.org.uk/>

Equality and Human Rights Commission: <https://www.equalityhumanrights.com/en>

Equality Network: <https://www.equality-network.org/>

Guide Dogs: <https://www.guidedogs.org.uk/>

Inclusion Scotland: <http://inclusionScotland.org/>

Joseph Rowntree Foundation: <https://www.jrf.org.uk/>

LGBT Youth Scotland: <https://www.lgbtyouth.org.uk/>

Office for National Statistics: <https://www.ons.gov.uk/>

RNIB: <https://www.rnib.org.uk/>

Scottish Association for Mental Health: <https://www.samh.org.uk/>

Scottish Government Equality Evidence Finder:  
<https://www.gov.scot/Topics/People/Equality/Equalities/DataGrid>

Scottish Government: <https://www.gov.scot/>

Scottish Human Rights Commission: <http://www.scottishhumanrights.com/>

Scottish Transgender Alliance: <https://www.scottishtrans.org/>

See Me Scotland: <https://www.seemescotland.org/>

Stonewall Scotland: <https://www.stonewallscotland.org.uk/>

The Poverty Alliance: <https://www.povertyalliance.org/>