



Equality Impact Assessment: Stage 2

Full Equality Impact Assessment Form

You should have completed the [equality impact screening form](#) to determine whether a full equality impact assessment is required or not.

For the purposes of equality impact assessment, "policy" is used as a generic term meaning a policy, a strategy, a process, a programme, a project, a proposal, a service function etc.

The following legislation is considered in our equality impact assessments, the Equality Act 2010, the Human Rights Act 1998, the Children and Young People (Scotland) Act 2014 and the United Nations Convention on the Rights of the Child (UNCRC).

Equality impact assessments will be published on the Care Inspectorate's website. If you have any queries regarding this equality impact assessment, please contact equalities@careinspectorate.gov.scot

Section 1 – Essential Information

Title of policy: Appropriate Adults Services

Type of policy: New Change to existing policy

Department/ Team responsible for the policy: Strategic Scrutiny and Improvement Support

Lead person(s) for this assessment (name & job title): Jane Brown, Strategic Inspector

List of participants involved in the full equality impact assessment: Jane Kelly/Jane Brown/Lee Kelso

Date assessment started: 20 May 2021

What is the policy (please choose from table below)?

Budget or Other significant Financial Decision	Corporate Policy/Plan	People management policy, HR practice or OD project	Service Delivery / Service Design	Other, please specify
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Legislative duty to assess the quality of Appropriate Adult support – Criminal Justice (Scotland) Act 2016

Who does the policy affect (please choose from table below)?

Employees	Volunteers	People who use care services	Care Service Providers	Children for whom there are corporate parenting responsibilities	Members of the public	Others, please specify
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Local authorities

Section 2 – Policy Information

What is the aim of your policy?

To develop, test and implement a quality assurance framework to support self-evaluation of Appropriate Adult services in Scotland.

Why is the change required? (e.g. legislative, routine review-)

Legislative – new statutory service enabled by Criminal Justice (Scotland) Act 2016, Section 100

What outcomes do you want to achieve?

Routine self-evaluation by local authorities resulting in national consistency and on-going improvement.

What barriers are there to achieving these outcomes?

Current infrastructure for management and oversight of these services.

Who is the policy, going to benefit and how? (and who, therefore, doesn't and why?)

It will benefit local authorities; agencies commissioned to provide Appropriate Adult services; Police Scotland as the main customer; local Appropriate Adult co-ordinators; Appropriate Adults and people who need to use these services. It should also benefit the wider criminal justice system.

It will not benefit anyone in contact with the criminal justice system who does not have a recognised “mental disorder” and/or related communication needs.

When is the change due to be implemented?

The Criminal Justice (Scotland) Act 2016 has been enacted and guidance for local authorities was issued by Scottish Government in January 2020.

Following a Covid-19 related delay, work on developing the self-evaluation began in September 2020.

What other Care Inspectorate policies or projects may be linked to or affected by changes to this policy? e.g. the Corporate Plan, the Equality Outcomes, Directorate Plan, or any other relevant strategies.

The Corporate Plan/Equality Outcomes/Improvement Strategy/Scrutiny Plan.

Section 3 – Potential Impact

Please note you will outline further details of these impacts in section 4

Do you think that the policy impacts on people because of their age?

Age- applies to people of all ages, younger older, children

Age	Positive	Negative	None	Reasons for your decision
1. Eliminating unlawful discrimination, harassment and victimisation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appropriate Adult services are provided for people from the age of 16 and over. Appropriate Adults provide support to individuals who are in police custody and who, owing to a “mental disorder”, may be unable to understand what is happening or to communicate effectively with the police. Introducing a formal self-evaluation process is intended to support national consistency and improvement where required. There is a clear focus on hearing the voices of people with lived experience and ensuring their experiences influence the quality indicators for the self-evaluation framework.
2. Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As above
3. Promoting good relations among and between different age groups	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes to any of the above, please give details on how will the policy be modified to mitigate this?

Do you think that the policy impacts on people living with a disability?

Disability- you have a physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on your ability to do normal daily activities.

Disability	Positive	Negative	None	Reasons for your decision
1. Eliminating unlawful discrimination, harassment & victimisation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appropriate Adult services are provided for people from the age of 16 and over. Appropriate Adults provide support to individuals who are in police custody and who, owing to a “mental disorder”, may be unable to understand what is happening or to communicate effectively with the police. Introducing a formal self-evaluation process is intended to support national consistency and improvement where required. There is a clear focus on hearing the voices of people with lived experience and ensuring their experiences influence the quality indicators for the self-evaluation framework.
2. Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As above.
3. Promoting good relations among & between disabled and non-disabled people	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As above.

If yes to any of the above, please give details on how the policy will be modified to mitigate this?

Do you think that the policy impacts on men and women in different ways?

Sex- applies to men & women

Sex	Positive	Negative	None	Reasons for your decision
1. Eliminating unlawful discrimination, harassment & victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Promoting good relations among & between men and women	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes to any of the above, please give details on how will the policy be modified to mitigate this?

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Do you think that the policy impacts on women because of pregnancy and maternity?

Pregnancy & maternity- protection against maternity discrimination covers 26 weeks after giving birth – this includes treating a woman unfavourably because she is breastfeeding.

Pregnancy & Maternity	Positive	Negative	None	Reasons for your decision
1. Eliminating unlawful discrimination, harassment & victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

3. Promoting good relations between women who are pregnant or on maternity leave	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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If yes to any of the above, please give details on how will the policy be modified to mitigate this?

Do you think the policy impacts on transsexual people?

Gender reassignment- transsexual, when your gender identity is different from the gender assigned to you when you were born.

Gender Reassignment	Positive	Negative	None	Reasons for your decision
1. Eliminating unlawful discrimination, harassment & victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Promoting good relations between people of the trans community and non-trans people	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes to any of the above, please give details on how will the policy be modified to mitigate this?

Do you think the policy impacts people because of their sexual orientation?

Sexual orientation- applies to straight, heterosexual, lesbian, gay, bisexual people

Sexual Orientation	Positive	Negative	None	Reasons for your decision
1. Eliminating unlawful discrimination, harassment & victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Promoting good relations between groups from all different sexual orientations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes to any of the above, please give details on how will the policy be modified to mitigate this?

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Do you think the policy impacts people because of their race?

Race- applies to national or ethnic origin, nationality, colour, Gypsy, Travellers

Race	Positive	Negative	None	Reasons for your decision
1. Eliminating unlawful discrimination, harassment & victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

3. Promoting good relations from all different races.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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If yes to any of the above, please give details on how will the policy be modified to mitigate this?

Do you think the policy impacts people because of their religion or belief?

Religion or belief- applies to people of different faiths or beliefs including people with no religion or beliefs

Religion or Belief	Positive	Negative	None	Reasons for your decision
1. Eliminating unlawful discrimination, harassment & victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Promoting good relations from all different religions, people with no religions, people with different beliefs and people with no beliefs.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes to any of the above, please give details on how will the policy be modified to mitigate this?

Do you think the policy impacts people because of their marriage or civil partnership?

Marriage or civil partnership- married/civil partnership/mixed-sex couple

Marriage or Civil Partnership	Positive	Negative	None	Reasons for your decision
1. Eliminating unlawful discrimination, harassment & victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Promoting good relations people who are married or in civil partnerships	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes to any of the above, please give details on how will the policy be modified to mitigate this?

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Do you think the policy impacts people because they are care experienced?

Care Experienced	Positive	Negative	None	Reasons for your decision
1. Eliminating unlawful discrimination, harassment & victimisation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	It is possible that people who will use Appropriate Adult services may be known to social work and/or the NHS because they have a recognised "mental disorder" and related communication needs.

2. Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The key drivers are: - to ensure national consistency in service provision and therefore avoid different experiences in different geographical locations - to ensure people's human rights are upheld.
3. Promoting good relations people who are care experienced and those who are not.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes to any of the above, please give details on how will the policy be modified to mitigate this?

Do you think the policy impacts people who have caring responsibilities?

Caring Responsibilities	Positive	Negative	None	Reasons for your decision
1. Eliminating unlawful discrimination, harassment & victimisation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	People who use Appropriate Adult services may have caring responsibilities or may have an unpaid carer.
2. Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Promoting good relations people who have caring	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

responsibilities and those who do not.				
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If yes to any of the above, please give details on how will the policy be modified to mitigate this?

Child Rights & Wellbeing Impact Assessment

This section considers the impact of your policy on children and young people, or specific groups of children and young people, in Scotland. **If your policy does not impact on children (a child is defined from birth up to the age of 18 years) you do not need to complete this part of the form, you can move on to section 4.**

1. Which UNCRC Articles are relevant to the policy/measure?

[List all relevant Articles of the UNCRC and Optional Protocols.](#)

All UNCRC rights are underpinned by the four general principles: non-discrimination; the best interests of the child; the right to life, survival and development; and the child's right to have their views given due weight.

Article 4 – The Government should make sure my rights are respected.

Article 40 – I have the right to get legal help and to be treated fairly if I have been accused of breaking the law.

2. What impact will the policy/measure will have on children's rights?

Positive Negative None

3. Will there be different impacts on different groups of children and young people?

Which groups of children will be affected by the policy/measure? Are there competing interests between different groups of children and young people, or between children and young people and other groups?

Only those aged 16 years or over and who have a “mental disorder” and communication needs linked to this will be affected. There are no competing interests.

4. How will the policy/measure contribute to the wellbeing of children and young people in Scotland?

Outline how the implementation of the policy/measure will support public bodies in Scotland to meet their duties to safeguard, support and promote the wellbeing of children in their area, with wellbeing defined by eight wellbeing indicators. The indicators are: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, and Included.

The development and implementation of a self-evaluation framework for Appropriate Adult services will provide local authorities with an evidence base for the quality of these services and therefore identify practice strengths and areas requiring improvement. Apart from the data provided in the Scottish Appropriate Adult Network annual reports, there are currently no nationally recognised quality indicators used to measure and report on the quality of Appropriate Adult services.

5. How will the policy/measure give better or further effect to the implementation of the UNCRC in Scotland?

This will inform Scottish Ministers’ duty to report to Parliament on children’s rights under the Children and Young People (Scotland) Act 2014

Use of the self-evaluation framework and the gathering of evidence around service performance will seek to provide assurance on whether the rights of individuals requiring an Appropriate Adult service are being upheld.

6. Have you involved children and young people in the development of the policy/measure?

Is there enough information on the views of the children and young people who will be affected by the policy/measure that enables you to make an informed assessment of impact?

We will engage and consult with people with lived experience of Appropriate Adult services to develop the self-evaluation framework. On-going canvassing of the views of people using services will be required once the self-evaluation framework is in use by local authorities. This will involve young people age 16+ as appropriate.

Section 4 - considering the available evidence

The information you gather in this section will:

- help you to understand the importance of your policy for different equality groups,
- provide justification and an audit trail behind your decisions

The evidence base may include demographic information, academic research, service monitoring/inspection reports, service evaluation reports, user surveys, etc.

In particular, look at what existing evidence tells you about the relevant equality characteristics views and experiences of the relevant service(s); and/or what it tells you about their views of the policy proposal. Identify any gaps in the evidence base and set out how you will address these.

Equality characteristics	Please include the quantitative evidence and qualitative evidence you must support your EqlA.	Evidence source (e.g. web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy?
Age	<p>Violent crimes involved people from a range of age groups, but only 14% involved any individuals aged 40 or over, suggesting that perpetrators tend to be from younger cohorts.</p> <p>Whilst property crimes were committed by people from a range of age categories, only 21% of incidents were noted as having involved individuals aged 40 or over.</p> <p>Among the population aged 16 to 70 as a whole, there were</p>	<p>http://www.equalityevidence.scot/</p>	<p>Appropriate Adult services are provided for individuals from the age of 16. This data suggests that there is a need to pay particular attention to younger adults when carrying out our people with lived experience survey and when developing the quality indicators.</p>

	<p>70 Criminal Justice Social Work Reports (CJSWRs) per 10,000 population in 2016-17. Reflecting the general age distribution of individuals, CJSWRs were most commonly submitted for young adults, particularly those aged 18 to 20 (148 per 10,000 population).</p> <p>The incidence was also relatively high amongst 21- to 25-year-olds (128 per 10,000 population) and 26 to 30 year olds (122 per 10,000 population).</p>		
Disability			
Race			
Sex			
Gender Reassignment			
Sexual orientation			
Religion or Belief			
Pregnancy or maternity			
Marriage or civil partnership			
Care Experienced			

(Children & Young People (Scotland) Act 2014)			
Children's rights (up to age 18)	<p>Article 4 – The Government should make sure my rights are respected.</p> <p>Article 40 – I have the right to get legal help and to be treated fairly if I have been accused of breaking the law.</p>	UNCRC Articles	When developing the quality indicators, we need to consider the UNCRC Articles.
People with caring responsibilities			

Please identify any gaps in the data and say what steps are required to fill these gaps e.g. through engagement and/or further research.

There is very little data available around the delivery of Appropriate Adult services in Scotland. Annual reports produced by the Scottish Appropriate Adults Network are limited in the information provided. The report of 2018/19 indicated that most individuals who used an Appropriate Adult service were in the main white males with a learning disability. There is currently no quality assurance or performance data published by individual local authorities.

Is further research necessary?

Once the self-evaluation framework for Appropriate Adult services has been developed and implemented, it is likely that more data will be available and reported by individual local authorities as they have the statutory responsibility for the provision of Appropriate Adult services.

If not please state why

Have you used best judgement (officer/practitioner knowledge and experience) in place of data/research/evidence? Yes No

Section 5 - Stakeholder engagement & consultation

Speaking to people who will be affected by your policy can help clarify the impact it will have on different equality groups. This would include public or targeted consultations and can include children and young people and their parents/carers.

Have you engaged and consulted with relevant groups? Yes No

If yes, please state who was engaged/ consulted with. People with lived experience/third sector organisations, people who provide these services, local authorities, NHS.

If no, engagement/ consultation took place, please state why

How was the engagement/ consultation carried out?

Focus group Yes No

Survey Yes No

Public event Yes No

Other please specific consultation meetings

Has the proposal been reviewed/changed because of the engagement/ consultation?

Yes No

What did you learn from the engagement/ consultation? Engagement and consultation with key stakeholders is on-going and will inform the development of the quality indicators within the self-evaluation framework.

Have the results been shared with the people you engaged/consulted with? Yes No

The results will be shared once we have carried out all the surveys we are undertaking and have analysed the findings.

Is further engagement/consultation recommended? Yes No

Engagement and consultation are likely to be on-going.

Section 6- Assessment outcome

Please select one of the following four statements that best matches your assessment.

1. No major change required. Your assessment demonstrates that the policy is robust. The evidence shows no potential for unlawful discrimination and that you have taken all opportunities to advance equality of opportunity and foster good relations, subject to continuing monitoring and review. Yes No
2. The policy must be adjusted to reduce impact on protected characteristic groups. You need to take proportionate steps to remove any barriers, to better advance equality of to foster good relations. You have set actions to address this and have clear ways of monitoring the impact of the policy when implemented. Yes No

3. Continue with the policy but it is not possible to remove all the risk to protected characteristic groups. The policy will continue despite the potential for adverse impact. You have justified this with this assessment and shown how this decision is compatible with our obligations under the public sector equality duty. When you believe any discrimination can be objectively justified you must record in this assessment what this is and how the decision was reached. Yes No

If you select this option you must submit an action plan to make arrangements to monitor any potential adverse impacts.

4. Stop the policy as this is potentially in breach of equality legislation. The policy will not be implemented due to adverse effects that are not justified and cannot be mitigated. Yes No

Section 7- Action Planning

How will you monitor the implementation of the policy?

Via supported self-evaluation.

How will you use the results of the monitoring to develop the policy?

The self-evaluation will support on-going improvement and consistency in the delivery of Appropriate Adult services across Scotland.

When and how will you review the policy? (Please also give details of who is responsible)

The impact of the self-evaluation framework will be reviewed once it has been fully tested and implemented. The timeline will be determined once implementation has been delivered. The officers responsible will be those engaged in the Appropriate Adults workstream at that time.

Please give details of how you will monitor any adverse impact over time, and how you will consider the monitoring information gathered in relation to equality. This ensures that you understand the actual impact of the policy once implemented.

Local authorities hold the statutory responsibility for the provision of Appropriate Adult services. The self-evaluation framework will require local authorities to canvas the views of people with lived experience on an on-going basis to ensure their rights are being upheld and the service is meeting their needs. The Care Inspectorate will periodically analyse the evaluations being undertaken by local authorities to gain an overview of the quality of services and whether improvement is required/being delivered.

Section 8 – Sign off and Approval

Approved by (senior manager or Executive Director):



Date Approved: 25 June 2021

Review date: 25 June 2022

Person responsible for reviewing: Jane Kelly, Service Manager – strategic justice

Please now email a copy of this completed EqIA to equalities@careinspectorate.gov.scot who will arrange for it to be published on the Care Inspectorate website.