

Equality Impact Assessment: Stage 2

Full Equality Impact Assessment Form

You should have completed the <u>equality impact screening form</u> 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

Equality, Div	ersity ar	nd Inclusion Strategy 2021-2025				
New	\boxtimes	Change to existing policy $\ \square$				
am responsi	ble for th	ne policy: Improvement Support				
	ssment ((name & job title): Jacqui Duncan, Organisational				
List of participants involved in the full equality impact assessment: Louise Kelly, Senior Improvement Advisor Heather Edwards, AHP Consultant, LGBT Charter Group and Corporate Equality Group						
Date assessment started: 1.10.20						
What is the policy (please choose from table below)?						
	New eam responsing for this assed dviser eath dvisor Heath ent started:	New Eam responsible for the for this assessment (dviser involved in the ful dvisor Heather Edward that started: 1.10.20				

Budget or Other significant Financial Decision	Corporate Policy/Plan	People management policy, HR practice or OD project	Service Delivery / Service Design	Other, please specify
□ Yes	□ Yes	⊠ Yes	□ Yes	
⊠ No	⊠ No	□ No	⊠ No	

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

Employees	S Volunteers	People who use care services	Care Service Providers	Children for whom there are corporate parenting responsibilities	Members of the public	Others, please specify
⊠ Yes □ No		⊠ Yes □ No	□ Yes ⊠ No	□ Yes ⊠ No	⊠ Yes □ No	

Section 2 – Policy Information

What is the aim of your policy? The Equality, Diversity and Inclusion (EDI) Strategy 2021-2025 expresses our vision, our commitment, priorities for the next four years.

Why is the change required? (e.g. legislative, routine review-) This is our first ever EDI Strategy, the organisation wants to show a visible commitment to this work and be open about how we will measure our progress.

What outcomes do you want to achieve? The outcomes are about equality, diversity and inclusion for everyone and are detailed in our action plan. All the outcomes are aligned to the following:

- Equality outcomes
- Mainstreaming against our legal responsibilities under the Equality Act (2010)
- Mainstreaming equality as a scrutiny and improvement support body
- · Mainstreaming equality as an employer
- Equality work with external partners
- Workforce equality monitoring

What barriers are there to achieving these outcomes? Current external debate about sex-based rights and gender critical beliefs where some people feel that supporting LGBT inclusion and being a Stonewall Diversity Champion is at odds with supporting women's rights. We mention 'We have a zero-tolerance approach to all forms of discrimination and we reference that we have plans to introduce a Trans Inclusion Policy and Transitioning at Work Guidance. Timescales to be confirmed in line with policy review schedule for 2021/22. Some women may have concerns over the word transphobia and some people may have concerns about introducing this policy and guidance. We will consult with women to ensure we remove any barriers surrounding this policy and to ensure the language is inclusive for all and there are no unintended negative consequences for women. We also need to ensure that responsibility for EDI is shared across the organisation to ensure work is progressed.

Who is the policy, going to benefit and how? (and who, therefore, doesn't and why?) It will benefit everyone across all protected characteristics.

When is the change due to be implemented? 30 April 2021

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. Corporate Plan and the Equality Outcomes for 2021-2025.

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				The strategy references discrimination, harassment and victimisation, our legal responsibilities and our commitments. It also talks about multiple discrimination based on the different intersections of identity.
2. Advancing equality of opportunity				The strategy explains the importance of equality of opportunity in terms of equity, meeting different needs and encouraging participation.
3. Promoting good relations among and between different age groups	\boxtimes			The strategy promotes an understanding of difference.

If negative 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				The strategy references discrimination, harassment and victimisation, our legal responsibilities and our commitments. It also talks about multiple discrimination based on the different intersections of identity.
2. Advancing equality of opportunity				The strategy explains the importance of equality of opportunity in terms of equity, meeting different needs and encouraging participation.
3. Promoting good relations among & between disabled and non-disabled people				The strategy promotes an understanding of difference.
If negative to any of mitigate this?	the above, pl	ease give deta	nils on how	the policy will be modified to

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				The strategy references discrimination, harassment and victimisation, our legal responsibilities and our commitments. It also talks about multiple discrimination based on

			the different intersections of identity.
2. Advancing equality of opportunity			The strategy explains the importance of equality of opportunity in terms of equity, meeting different needs and encouraging participation.
3. Promoting good relations among & between men and women	\boxtimes		The strategy promotes an understanding of difference.

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

This is positive, however, we recognise the sensitivities around sex based rights and we will make a conscious effort to ensure that we include women in discussions around any changes to policies that are seeking to become more inclusive to ensure that there are no unintended negative impacts for women. For example, by excluding women or using the word 'gender' when it should be 'sex'. It is important that everyone feels included.

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				The strategy references discrimination, harassment and victimisation, our legal responsibilities and our commitments. It also talks about multiple discrimination based on the different intersections of identity.

2. Advancing equality of opportunity		The strategy explains the importance of equality of opportunity in terms of equity, meeting different needs and encouraging participation.
3. Promoting good relations between women who are pregnant or on maternity leave		The strategy promotes an understanding of difference.

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

This is positive but again we will recognise the sensitivities around sex based rights and make a conscious effort to ensure that we include women in discussions around any changes to policies that are seeking to become more inclusive to ensure that there are no unintended negative impacts for women. For example, we will retain the word 'mother'.

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				The strategy references discrimination, harassment and victimisation, our legal responsibilities and our commitments. It also talks about multiple discrimination based on the different intersections of identity.
2. Advancing equality of opportunity				The strategy explains the importance of equality of opportunity in terms of equity, meeting different needs and encouraging participation.
3. Promoting good relations between				

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people of the trans community and non- trans people				The strategy promotes an understanding of difference.
If negative to any of mitigate this?	the above, pl	ease give deta	ils on how	will the policy be modified to
	subject to a se	eparate Equalit	y Impacť Ass	d Transitioning at Work sessment and consultation. for 2021/22.

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				The strategy references discrimination, harassment and victimisation, our legal responsibilities and our commitments. It also talks about multiple discrimination based on the different intersections of identity.
2. Advancing equality of opportunity				The strategy explains the importance of equality of opportunity in terms of equity, meeting different needs and encouraging participation.
3. Promoting good relations between groups from all different sexual orientations	\boxtimes			The strategy promotes an understanding of difference.

Do you think the p Race- applies to nation		• •		
Race	Positive	Negative	None	Reasons for your decision
1. Eliminating unlawful discrimination, harassment & victimisation				The strategy references discrimination, harassment and victimisation, our legal responsibilities and our commitments. It also talks about multiple discrimination based on the different intersections of identity.
2. Advancing equality of opportunity	×			The strategy explains the importance of equality of opportunity in terms of equity, meeting different needs and encouraging participation.
3. Promoting good relations from all different races.	\boxtimes			The strategy promotes an understanding of difference.
If negative to any of mitigate this?	the above, pl	ease give deta	ails on how	will the policy be modified to

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				The strategy references discrimination, harassment and victimisation, our legal responsibilities and our commitments. It also talks about multiple discrimination based on the different intersections of identity.
2. Advancing equality of opportunity				The strategy explains the importance of equality of opportunity in terms of equity, meeting different needs and encouraging participation.
3. Promoting good relations from all different religions, people with no religions, people with different beliefs and people with no beliefs.				The strategy promotes an understanding of difference.
If negative to any of	the above, pl	ease give deta	ails on how	will the policy be modified to
mitigate this?	,	3 		,

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				The strategy references discrimination, harassment and victimisation, our legal responsibilities and our commitments. It also talks about multiple discrimination based on the different intersections of identity.
2. Advancing equality of opportunity				The strategy explains the importance of equality of opportunity in terms of equity, meeting different needs and encouraging participation.
3. Promoting good relations people who are married or in civil partnerships				The strategy promotes an understanding of difference.
If negative to any of mitigate this?	the above, pl	ease give deta	ails on how	will the policy be modified to

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

Care Experienced	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment & victimisation				The strategy references discrimination, harassment and victimisation, our legal responsibilities and our

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				commitments. It also talks about multiple discrimination based on the different intersections of identity.
2. Advancing equality of opportunity				The strategy explains the importance of equality of opportunity in terms of equity, meeting different needs and encouraging participation.
3. Promoting good relations people who are care experienced and those who are not.				The strategy promotes an understanding of difference.
If negative to any of mitigate this?	the above, pl	ease give deta	ils on how	will the policy be modified to

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

Caring Responsibilities	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment & victimisation				The strategy references discrimination, harassment and victimisation, our legal responsibilities and our commitments. It also talks about multiple discrimination based on the different intersections of identity.
2. Advancing equality of opportunity	\boxtimes			The strategy explains the importance of equality of opportunity in terms of equity,

				meeting different needs and encouraging participation.	
3. Promoting good relations people who have caring responsibilities and those who do not.				The strategy promotes an understanding of difference.	
If negative to any of	the above, pl	ease give deta	ails on how	v will the policy be modified to	
mitigate this?					
Child Rights & W	ellbeing Imp	oact Assess	ment		
of children and young	people, in Scot up to the age	tland. If your p of 18 years) y	olicy does	d young people, or specific groups not impact on children (a child need to complete this part of the	
	of the UNCR nciples: non-di	C and Optional scrimination; the	Protocols. ne best inter	All UNCRC rights are underpinned rests of the child; the right to life,	
2. What impact will Positive Negative			II have o	n children's rights?	
	ferent impa	cts on diffe	ent grou	ps 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 an other groups?					

4. How will the policy/measure contribute to the wellbeing	g 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.

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

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?

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 EqIA.	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	Quantitative	Mid-2018 Population Estimates Scotland (Last updated: April 2019, NRS)	People aged under 16 made up 17% of the population in 2017 and 64% of people were aged 16 to 64
Disability	Quantitative	Care Inspectorate Equalities Mainstreaming Report 2021	14.6% of our employees identify as disabled
	Quantitative	The 2011 Scottish Census	20% of people living in Scotland had a long- term limiting health problem or disability
Race	Quantitative	Care Inspectorate Equalities Mainstreaming Report 2021	81.5% of our employees are white
	Quantitative	Scottish Surveys Core Questions 2018 (Last updated: October 2019)	Minority ethnic adults represented 4.6% of the Scottish population in 2018
Sex	Quantitative	Care Inspectorate Equalities Mainstreaming Report 2021	Almost 80% of our workforce are women it's important that their voice is heard and reflected in our policies
	Quantitative	First Minister's National Advisory Council on Women and Girls 2020 Report and Recommendations	Women accounted for 80% of health and social care worker roles in 2019

Gender Reassignment	Qualitative	Staff feedback in relation to pronoun video (intranet/ via TU rep) that mention the importance in relation to 'non-binary' and 'trans' people	Some women provided feedback that they were uncomfortable with this. Some are worried that they could be disciplined for being 'Transphobic' if they don't want to use pronouns/ agree with their use
	Quantitative	Gender Identity Research and Education Society (GIRES) - The number of Gender Variant People in the UK (update 2011) (Published: 2011, GIRES)	Around 0.6% - 1% of the population are trans
		Care Inspectorate Equalities Mainstreaming Report 2021	0 employees have reported having the protected characteristic of gender reassignment
Sexual Orientation	Quantitative	Scottish Surveys Core Questions 2018 (Last updated: October 2019)	Around 95% of the Scottish population identify as 'straight'. Around 3% of adults self-identified as lesbian, gay, bisexual or other
	Quantitative	Care Inspectorate Equalities Mainstreaming Report 2021	Almost 76% heterosexual. Over 3% self-identified as lesbian, gay, bisexual or other
Religion or Belief	Qualitative	Staff feedback in relation to pronoun video (intranet/ via TU rep) that mention the importance in relation to 'non-binary' and 'trans' people	A female employee believes that gender critical beliefs are protected in law (Maya Forstater case is due for appeal). EHRC intervention in this case supports this claim
	Quantitative	Care Inspectorate Equalities Mainstreaming Report 2021	Most employees report to have no religion (almost 37%) or identify as belonging to the

			Church of Scotland (20.5%)
	Quantitative	Scottish Surveys Core Questions 2018 (Last updated: October 2019)	In 2018, Christian (Church of Scotland, Roman Catholic and Other Christian) represented 46% of the adult population. Over the past decade there has been an increase in the proportion of adults reporting that they do not belong to a religion, this has increased from 40% in 2009 to just over a half of adults (50%) in 2018
Pregnancy or maternity	Quantitative	Care Inspectorate Equalities Mainstreaming Report 2021	2 employees were pregnant and returned to work in 2020/21
Marriage or civil partnership	Quantitative	Care Inspectorate Equalities Mainstreaming Report 2021	The marital status of most of our workforce is either unknown (almost 80%) or married (around 14%)
Care Experienced (Children & Young People (Scotland) Act 2014)			
Children's rights (up to age 18)			
People with caring responsibilities	Quantitative	Care Inspectorate Equalities Mainstreaming Report 2021	We employed 8 people with caring responsibilities in 2020

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. Children's Right Wellbeing Impact Assessment not required. Care experienced children will benefit from our workforce/ approach being more inclusive.

Is further research necessary?

If not please state why Satisfied with evidence review/ research undertaken

No

Have you used best judgement (officer/practitioner knowledge and experience) in place of data/research/evidence? Yes \boxtimes No \square
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 \boxtimes No \square
If yes, please state who was engaged/ consulted with. Corporate Equality Group Corporate Parenting Group Partnership Forum Operational Leadership Team Strategic Leadership Team Board member External equality groups and partners Managers from care services All staff via staff survey
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 Emails, Microsoft Teams Meetings, SWOT analysis due to pandemic.
Has the proposal been reviewed/changed because of the engagement/ consultation? Yes \boxtimes No \square
What did you learn from the engagement/ consultation? Language is important when talking about inclusion, we want to include everyone and it's wider than the nine protected characteristics there are other inequalities that we encounter in our work (e.g. mental health, homelessness, drug abuse, asylum seekers etc). We also need to be clear about the differences between the Equality

Act and Human Rights legislation and approaches.

Ha	we the results been shared with the people you engaged/consulted with? Yes $oxtimes$ No $oxtimes$
ls i	further engagement/consultation recommended? Yes $oxtimes$ No \odots
S	ection 6- Assessment outcome
PΙ	ease 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 \boxtimes No \square
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 \Box No \Box
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 \square No \square
	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 $\ \square$ No $\ \square$

Section 7- Action Planning

How will you monitor the implementation of the policy? Against the Equality, Diversity and Inclusion Strategy action plan.

How will you use the results of the monitoring to develop the policy? Monitoring will be used to make changes as required/ check progress.

When and how will you review the policy? (Please also give details of who is responsible) Jacqui Duncan, Equalities Professional Adviser, will review the Equality, Diversity and Inclusion Strategy annually in line with the reporting cycle. We will measure our progress against this strategy in the following ways:

- Continue to gather and analyse data about our workforce profile and HR processes, and compare this against our current baseline
- Develop metrics that measure inclusion and include them in our employee engagement surveys
- Gather and analyse qualitative feedback through our employee engagement channels (for example, the Corporate Equality Group, LGBT Champion Charter Group, learning events, Yammer, emails and meetings etc.)

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. Any negatives to the above

Section 8 – Sign off and Approval

Approved by (senior manager or Executive Director): Craig Morris – Head of Improvement Support

Date Approved: April 2021

Review date: April 2022

Person responsible for reviewing: Jacqui Duncan

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