

## EQUALITY IMPACT ASSESSMENT RECORD

<b>Title of policy/ practice/ strategy/ legislation etc.</b>	ILF Transition Fund Employment Support – TF09
<b>Is this new policy or revision to an existing policy?</b>	<b>New Policy</b>

### Screening

#### Policy aim

This policy and associated guidance applies only when an ILF Transition Fund grant is used to employ a personal assistant (PA). The policy ensures that any grant recipients who choose to become employers understand and fulfill their obligations to be responsible and lawfully compliant employers.

The policy aims to ensure that all grants made to recipients, who choose to employ PAs, are sufficient to ensure they can lawfully discharge their duties as responsible employers.

#### Who will it affect?

This policy will affect all successful applicants to the ILF Transition Fund who plan to spend their grant on employing Personal Assistants.

#### What might prevent the desired outcomes being achieved?

No barriers to the implementation of this policy has been identified.

## Stage 1: Framing

### Results of framing exercise

A co-production group met on six occasions. The group included representatives from Disabled Peoples Organisations (DPOs), COSLA, Social Work Scotland, Carers, the Voluntary Sector, Scottish Government; and ILF Scotland. This group identified issues for disabled people and the funding of their care and support. The group established consensus that the additional funding to be made available to ILF Scotland should be a broad discretionary fund to support disabled people to live independently, particularly at a critical life stage. The group preferred that in the first instance the fund would have a narrower focus than the broad aim of the fund. They identified that current unmet need was particularly significant for younger disabled people who are in transition, and who may have a level of need below that which would be eligible for statutory support. An additional consideration was the profile of existing ILF Scotland awards being exclusively to individuals over the age of 21 years. The ILF Transition Fund is in some part seen as providing the opportunity to address this imbalance. In their assessment, the group considered available evidence for this policy, including the examination of all submissions received by the Scottish Government in its public consultation exercise on the future of the ILF in Scotland post closure of the UK ILF. ILF Scotland drafted a set of criteria in co-production, so that the needs of this particular group were prioritised for this funding in the first instance, with a view to widening the focus as additional funds become available and/or as priorities change.

### Extent/Level of EQIA required

This policy has been reviewed by the ILF Stakeholder group, COSLA and Social Work Scotland as a consequence it has been updated and consulted upon over the months from May 2017 to October 2017, ensuring it is consistent with all employment legislation and regulations.

For this reason and the fact that this policy supports the overall aims, objectives and implementation of the ILF Transition Fund, developed in co-production with disabled people and Disabled Peoples Organizations (DPO), this policy requires only a light touch EQIA.

## Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Characteristic	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<b>AGE</b>	Qualitative information and experience identified throughout stakeholder consultations and project development. Quantitative data drawn from existing ILF awards where PA support used.	Experience of PA support contributed by DPOs and individuals.	Variation in use of PA support for 16-21 year old young disabled people. We will collect data as the ILF Transition Fund is implemented to enable ILF Scotland to review impact of this policy on the proposed target group.
<b>DISABILITY</b>	Qualitative information and experience identified throughout stakeholder consultations and project development. Quantitative data drawn from existing ILF awards where PA support used.	Experience of PA support contributed by DPOs and individuals	Limited information on the likely up-take of PA support in situations where the young disabled person potentially has a, 'lower level', of needs and no other support.

<p><b>SEX</b></p>	<p>Qualitative information and experience identified throughout stakeholder consultations and project development which included gender considerations. Quantitative data drawn from existing ILF awards where PA support used again covering gender.</p>	<p>Experience of PA support contributed by DPOs and individuals of both sexes.</p>	<p>We will collect data as the ILF Transition Fund is implemented to enable ILF Scotland to review impact of this policy on the proposed target group with regard to gender.</p>
<p><b>PREGNANCY AND MATERNITY</b></p>	<p>Qualitative information and experience identified throughout stakeholder consultations and project development. Quantitative data drawn from existing ILF awards where PA support used.</p>	<p>Experience of PA support contributed by DPOs and individuals.</p>	<p>Examples of pregnancy and maternity considerations did not arise in many instances throughout stakeholder involvement and consultation. However there was a recognition that young disabled people in transition may need support if faced with pregnancy and parenthood. As the ILF Transition Fund is implemented will collect data and case studies to enable us to evaluate the impact of this policy where pregnancy or</p>

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			maternity arise.
<b>GENDER REASSIGNMENT</b>	N/A		
<b>SEXUAL ORIENTATION</b>	N/A		
<b>RACE</b>	N/A		
<b>RELIGION OR BELIEF</b>	N/A		

<p><b>MARRIAGE AND CIVIL PARTNERSHIP</b>          (the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices - refer to Definitions of Protected Characteristics document for details).</p>	<p>As above</p>		
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### Stage 3: Assessing the impacts and identifying opportunities to promote equality

Having considered the data and evidence you have gathered, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

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

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	Positive			This policy will impact on those aged between 16-21 and will support the overall Impact of the ILF Transition Fund by allowing young people to recruit personal assistants to provide support to achieve their outcomes. As such the policy supports the elimination of discrimination, harassment and victimization. The policy will also ensure that successful applicants who decide to recruit PA support will meet employer responsibilities and demonstrate 'good employer' practice which will also benefit any PA recruited.

Advancing equality of opportunity	Yes			<p>Many young disabled people with relatively low needs receive no support from statutory services. The ILF Transition Fund will advance equal opportunities by providing support and this specific policy enhances the opportunities to specify who is best to provide that support by enabling the recruitment of PAs.</p>
Promoting good relations among and between different age groups		No		<p>The targeting of support at this age group was agreed by the co-production working group. Four priorities were identified by the working group and future funding will be targeted at one of the other priority areas for phased implementation which may assist in promoting good relations among different age groups</p> <p>Area 1 – To support discharge from residential, nursing or long stay hospital care back into the local community or local area.          Area 2 – To support the transitions from child to adult supports.          Area 3 – To support an individual to move out of the family home into an independent living setting.          Area 4 – To support a disabled adult who becomes a new parent, or to support with parenting.</p>

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## Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimization	Yes			This policy assists in preventing barriers to employing and matching the best person to provide the specific support required by a disabled young person. Having the right support, may help protect a young person from unlawful discrimination, harassment and victimization or enable them to address it.
Advancing equality of opportunity	Yes			Many young disabled people with relatively low needs receive no support from statutory services. The ILF Transition Fund will advance equal opportunities by providing support and this specific policy enhances the opportunities to specify who is best to provide that support through the recruitment of Personal Assistants.

Promoting good relations among and between disabled and non-disabled people	Yes			This policy contributes to promoting inclusion allowing opportunities for disabled people, to participate, be present and included in communities with a potential positive impact on relationships with non-disabled people.
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**Do you think that the policy impacts on men and women in different ways?**

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			None	This will have no specific impact on the men and women in different ways.
Advancing equality of opportunity			None	This will have no specific impact on the men and women in different ways.
Promoting good relations between men and women			None	This will have no specific impact on the men and women in different ways.

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

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			None	This will have no specific impact on women because of pregnancy and maternity.
Advancing equality of opportunity			None	This will have no specific impact on women because of pregnancy and maternity.
Promoting good relations			None	This will have no specific impact on women because of pregnancy and maternity.

**Do you think your policy impacts on transsexual people?**

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			None	This will have no specific impact on transsexual people
Advancing equality of opportunity			None	This will have no specific impact on transsexual people
Promoting good relations			None	This will have no specific impact on transsexual people

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

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			None	This will have no specific impact on people because of their sexual orientation
Advancing equality of opportunity			None	This will have no specific impact on people because of their sexual orientation
Promoting good relations			None	This will have no specific impact on people because of their sexual orientation

**Do you think the policy impacts on people on the grounds of their race?**

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination	Yes			<p>This policy assists in preventing barriers to employing and matching the best person to provide the specific support required by a disabled young person.</p> <p>This policy will enable those from ethnic minorities who require to recruit someone from a similar ethnic background an increased opportunity to do so</p> <p>Having the right support, which may be someone living in the same household, may help protect a young person from unlawful discrimination, harassment and victimisation or enable them to address issues.</p>
Advancing equality of opportunity	Yes			Having the right support may help advance equality of opportunity.
Promoting good race relations	yes			Having increased opportunity to find the right support may increase opportunities for good race relations.

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

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination	yes			<p>Some disabled people may require someone of the same religion or beliefs to support them in relation to a number of daily activities such as ensuring an appropriate diet and adherence to religious duties.</p> <p>This policy assists in preventing barriers to employing and matching the best person to provide the specific support required by a disabled young person.</p> <p>The policy allows, in an exceptional circumstances clause, a relative or person living in same household to be a paid employee when this will increase the independence of the young person. In those communities where it is difficult to recruit a person from the same religious background this policy would allow for a relative to be employed if it promoted independence.</p> <p>This policy will enable those from religious minorities who require to recruit someone from a similar background an increased opportunity to do so by removing barriers to recruiting family members.</p> <p>Having the right support, which may be someone living in the same</p>

				household, may help protect a young person from unlawful discrimination, harassment and victimisation or enable them to address.
Advancing equality of opportunity	yes			Having the right support, which may be someone living in the same household, may help advance equality of opportunity.
Promoting good relations	yes			Having increased opportunity to find the right support may increase opportunities for good race relations.

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

<b>Marriage and Civil Partnership</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			None	The policy will have no specific impact on people because of their marriage or civil partnership.

## Stage 4: Decision making and monitoring

### *Identifying and establishing any required mitigating action*

If, following the impact analysis, you think you have identified any unlawful discrimination – direct or indirect - you must consider and set out what action will be undertaken to mitigate the negative impact.

Have positive or negative impacts been identified for any of the equality groups?	Yes positive impacts
Is the policy directly or indirectly discriminatory under the Equality Act 2010?	No
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	No
If not justified, what mitigating action will be undertaken?	

## Describing how Equality Impact analysis has shaped the policy making process

This policy has been developed through a genuine process of co-production, which set out to determine how to maximize the impact of available resource to achieve independent living for disabled people. All policy decisions around eligibility were taken within this context. The overall aim of this policy is to state eligibility criteria for a new funding stream for disabled young people. These criteria were determined following careful analysis of options and wide engagement with stakeholders. Following implementation, there will be careful monitoring and evaluation of impact, with a view to developing policy and broadening access beyond the initial target group of 16-21 year old disabled people.

The process followed has resulted in policy decisions being made that are intended to produce better outcomes both for disabled people, and their communities. The ILF Transition Fund will support activity that enables disabled people to be active and participating members of their communities, benefiting both the disabled people and those with whom they will engage as a result of this policy development.

## Monitoring and Review

Strathclyde University Disability Resource Centre has been commissioned to undertake independent review and evaluation of the impact of this policy and of the new ILF Transition Fund generally. This will commence immediately on implementation of the policy in November 2017.

## Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Not applicable

## **Declaration**

**I am satisfied with the equality impact assessment that has been undertaken for **Policy TF09 Employment Support** .**

**Name: Margaret Wheatley**

**Position: Head of Policy**

**Authorisation date: 10<sup>th</sup> November 2017**