

EQUALITY IMPACT ASSESSMENT RECORD

Title of policy/ practice/ strategy/ legislation etc.	ILF Transition Fund Eligibility Criteria - TF01
Is this a new policy or revision to an existing policy?	New Policy

Screening

Policy Aim

The aim of this policy is to state the criteria for eligibility to apply for a grant from the ILF Transition Fund.

The ILF Transition Fund was developed through an extensive process of co-production which included a range of stakeholders with experience and knowledge of disability from an individual and service provider perspective. The options appraisal exercise provided the opportunity to assess where the use of new funding would have the most impact on addressing under representation and increasing participation. This process was also informed by data drawn from the use of the current ILF award fund. There was consensus that young disabled people, aged 16 to 21 years, who are in transition from child to adulthood are a key group where under representation is a significant barrier on opportunity and participation. This age group have also had little access to the award fund to date. It is intended, therefore, to take positive action permissible within the 2010 Equality Act to use new fund resources to address the under-representation of young people with disability

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aged 16-21 years old, which we consider is a proportionate use of all resources available to ILF Scotland.

Who will it affect?

The Policy will affect disabled young people aged 16 to 21, (although application may be made when a young person is 15), who receive little or no care and support from Health and Social Care Services.

What might prevent the desired outcomes being achieved?

If the eligibility criteria does not take into account the specific needs of younger people, we may not have enough applicants.

Definitions of disability need to be well defined as stakeholder initial feedback indicates a number of young people do not identify themselves as disabled.

Public information will be made available, on request, in a range of accessible formats and languages to ensure there are no barriers to understanding the eligibility criteria.

Applications to the fund can be made in a range of formats, online, in writing, by telephone, by an appointed person on applicants behalf and on request for a home visit.

All staff will be trained in equality and diversity to ensure that the desired outcomes of the policy are achieved.

Stage 1: Framing

Results of framing exercise

A formal co-production group met on six occasions. The group included representatives from: Disabled Peoples Organisations; COSLA; Social Work Scotland; Carers; 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 made available to ILF Scotland should be a broad discretionary fund to support disabled people to live independently particularly at critical life stages. The group preferred that in the first instance the fund would have a narrower focus than this broad general 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 going 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 ILF UK. 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

The existing ILF Scotland Fund is only for disabled people. The Minister decided that a new fund should be created, and asked for a recommendation to be made as to how use of this new fund should be prioritised. The co-production group screened options in the initial stages of developing the new fund, and set the broad parameters for the new fund. On the basis of screening for each protected characteristic against these parameters, only the age condition will require a full EQIA as impacts will be minimal in other areas.

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
AGE	6 meetings of the co-production working group and 12 public consultation meetings around Scotland were held and recorded. A set of options appraisal parameters were produced to inform decision making. A service mapping exercise was completed. This data provided evidence where the funds should be targeted.	Co-production group, and public consultation events.	It has been identified that the support needs of young people who may not meet eligibility thresholds for SDS support are not specifically clear.
DISABILITY	Engagement activity consistently identified young disabled people as a priority for the additional funds. In particular, it was identified that there was a growing group of young disabled people who, although having significant need, received little or no formal support post-school due to ever tightening eligibility criteria for social care.	Co-production group and engagement events.	Clear evidence of the scale of potential demand on the new fund was limited given the complexities of disability identification, including disability benefit eligibility, and application of SDS legislation. This will be monitored as the fund is implemented and corrective action

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			taken if required.
SEX	We have specifically ensured the associated documents are de-gendered and application is not based on sex. Gender is identified in an equalities monitoring section of the application but does not influence the evaluation of applications.	Coproduction group	ILF Scotland will monitor applications to the fund. If this data highlights gender specific issues, we will work jointly with partner organisations to assess how ILF Scotland should take appropriate action to address this.
PREGNANCY AND MATERNITY	Our policies are gender neutral and are flexible to allow for changes in circumstances.	Co-production Group	We will cross reference with gender data collected so that impact on this protected characteristic is fully assessed if identified.
GENDER REASSIGNMENT	Our policies are gender neutral and are flexible to allow for changes in circumstances.	Qualitative data will be captured on a voluntary basis through equality monitoring returns requested	To inform our intelligence on gender reassignment we intend to ask successful applicants to complete an anonymous equality

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		<p>from successful recipients. We will review how we could capture the same information from all applications for future.</p>	<p>monitoring form when application is agreed.</p>
<p>SEXUAL ORIENTATION</p>	<p>Our policies have been screened and do not discriminate in terms of sexual orientation. Eligibility is not based on sexual orientation. This information is identified in an equalities monitoring section of the application but does not influence the evaluation of applications.</p>	<p>Co-production group.</p> <p>Qualitative data will be captured on a voluntary basis through equality monitoring returns requested from successful recipients. We will review how we could capture the same information from all applications</p>	<p>ILF Scotland Policies.</p>

		for future.	
RACE	Our policies have been screened and do not discriminate in terms of race. This is identified in an equalities monitoring section of the application but does not influence the evaluation of applications.	Qualitative data will be captured on a voluntary basis through equality monitoring returns requested from successful recipients. We will review how we could capture the same information from all applications for future.	We are aware that there was a limited ethnic profile in the historical award fund which may be linked to the fact that very few ethnic communities access statutory services. We will ensure our application arrangements are responsive to requests from ethnic minorities, including Asylum Seekers who have Leave to Remain. This will include access to different languages and translation services if required.

<p>RELIGION OR BELIEF</p>	<p>Our policies and guidance allow for circumstances which require support based on cultural or religious belief. This is identified in the equalities monitoring section of the application but does not influence the evaluation of applications.</p>	<p>Qualitative data will be captured on a voluntary basis through equality monitoring returns requested from successful recipients. We will review how we could capture the same information from all applications for future.</p>	
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<p>MARRIAGE AND CIVIL PARTNERSHIP P (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>This policy doesn't base eligibility on marriage or civil partnership.</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.

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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	Yes (16-21 year olds)	Yes (over 21)		<p>This policy does positively discriminate for younger disabled people. The co-production group considered where the funding was needed the most and could be best used at a critical life stage i.e. transition from child to adulthood. The decision was influenced by data collection, stakeholder intelligence and feedback, indicating that large groups of young people in transition may not have access to transition planning mechanisms as they were not eligible for support from statutory agencies - this can compound discrimination at a critical life stage.</p> <p>The fund excludes disabled people over the age of 21. However the group identified other non-age related priorities for disabled people which the fund may support as it develops and additional resource becomes available in due course. These included</p>

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				support to leave the family home, support with being a parent, support to move from the role of a young carer, employability support, further education and training, social inclusion.
Advancing equality of opportunity	Yes			<p>The fund is being targeted at a specific group, who currently receive little or no funding from other agencies to overcome barriers resulting from their disabilities at a time when they are transitioning from child to adulthood. The fund is designed to advance equality opportunity for this group.</p> <p>Definitions of disability need to be well defined as stakeholder initial feedback indicates a number of young people do not identify themselves as disabled.</p>
Promoting good relations among and between different age groups			None	The targeting of support at this age group was agreed by the co-production working group. A number of priorities were identified by the working group and future funding may be targeted at one or more of these alternative priority areas for phased implementation, thereby assisting in promoting good relations among different age groups.

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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 victimisation	Young disabled people within the age group will meet the eligibility criteria	Initially disabled people above 21 years old may feel they are disadvantaged		<p>The co-production recognized that the resources available to the new ILF Transition Fund were insufficient to meet all independent living needs of disabled people in Scotland. Therefore a, 'phased to learn', approach has been adopted, initially prioritizing ages 16-21, but with a view to expanding/amending priority areas over time based on learning from implementation and further co-production work.</p> <p>The fund aims to support young disabled people to be active and participating in their communities, and in turn to reduce the unlawful discrimination, harassment and victimization of disabled people in these communities.</p>

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<p>Advancing equality of opportunity</p>	<p>Yes</p>			<p>This funding will support disabled people who receive little or no funding from other agencies enabling and increasing opportunities to become activate participants in society. Funding will further participation in the community at a critical transition stage from child to adulthood and is therefore designed to advance equality of opportunity for disabled people.</p> <p>Definitions of disability need to be well defined as stakeholder initial feedback indicates a number of young people do not identify themselves as disabled.</p> <p>Public information will be made available, on request, in a range of accessible formats and languages to ensure there are no barriers to understanding the eligibility criteria.</p> <p>Applications to the fund can be made in a range of formats, online, in writing, by telephone, by an appointed person on the applicants behalf and on request for a home visit.</p>
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				All staff will be trained in equality and diversity to ensure that the desired outcomes of the policy are achieved.
Promoting good relations among and between disabled and non-disabled people	Yes			This funding will support disabled people, who receive little or no funding from other agencies, to become activate participants in society, thereby promoting good relations with non-disabled people by reducing exclusion. This will further improve community cohesion.

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

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			None	The policy is gender neutral.
Advancing equality of opportunity			None	The policy is gender neutral. Careful consideration will be given to ensuring public information is widely distributed to agencies supporting young disabled people with this characteristic.
Promoting good relations between men and women			None	The policy is gender neutral.

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

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			None	Pregnancy will not be a barrier to access if age and disability criteria are met.
Advancing equality of opportunity			None	Woman with birth or child care responsibilities will have access to the ILF Transition Fund on the same basis as other eligible applicants. Careful consideration will be given to ensuring public information is widely distributed to agencies supporting young disabled people with this characteristic.
Promoting good relations			None	Individuals with parenting responsibilities will be eligible to access the ILF Transition Fund if other eligibility criteria are met thus promoting equality.

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Do you think your policy impacts on transsexual people?

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			None	Transgender and sexuality are not barriers to eligibility. The ILF Transition Fund will be accessible to individuals irrespective of gender, gender reassignment, sexuality where they qualify within the age and disability requirements. There will be no obligation to reveal this protected characteristic at any point in the application process. Successful applicants will be invited to complete a voluntary, anonymous equality monitoring form post successful application to enable the organisation to monitor the equality impact of the policy for future decision making.

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Advancing equality of opportunity			None	<p>The application process will safeguard against potential discrimination on the basis of gender/sexuality whilst giving access to applicants with dual protected characteristics.</p> <p>Careful consideration will be given to ensuring public information is widely distributed to agencies supporting young disabled people with this characteristic.</p>
Promoting good relations			None	<p>As with other protected groups who may be discriminated against, the ILF Transition Fund will seek to reduce inequality and discrimination which can cause hostilities and perceived unfairness between protected groups.</p>

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

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			None	Transgender and sexuality are not barriers to eligibility. The ILF Transition Fund will be accessible to individuals irrespective of gender, gender reassignment, sexuality where they qualify within the criteria. There will be no requirement to reveal this protected characteristic at any point in the application process. Successful applicants will be invited to complete a voluntary, anonymous equality monitoring form post successful application to enable the organization to monitor the equality impact of the policy for future decision making.
Advancing equality of opportunity			None	The application process will safeguard against potential discrimination on the basis of gender/sexuality whilst giving access to applicants with dual protected characteristics. Careful consideration will be given to ensuring

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				public information is widely distributed to agencies supporting young disabled people with this characteristic.
Promoting good relations			None	As with other protected groups who may be discriminated against, the ILF Transition Fund will seek to reduce inequality and discrimination which can cause hostilities and perceived unfairness between protected groups.

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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			None	The policy does not base eligibility criteria on race.
Advancing equality of opportunity				<p>The application process will safeguard against potential discrimination on the basis of race whilst giving access to applicants with dual protected characteristics.</p> <p>Careful consideration will be given to ensuring public information is widely distributed to agencies supporting young disabled people with this characteristic.</p> <p>Information on the ILF Transition Fund and</p>

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				applications to the fund can be made available, on request, in a range of languages.
Promoting good race relations				As with other protected groups who may be discriminated against, the ILF Transition Fund will seek to reduce inequality and discrimination which can cause hostilities and perceived unfairness between protected groups.

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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				The policy does not base eligibility criteria on religion or belief.
Advancing equality of opportunity				The policy does not base eligibility criteria on religion or belief. The application process will safeguard against potential discrimination on the basis of religion or belief whilst giving access to applicants with dual protected characteristics.
Promoting good relations				The policy does not base eligibility criteria on religion or belief. As with other protected groups who may be discriminated against, the ILF Transition Fund will seek to reduce inequality and discrimination which can cause hostilities and perceived unfairness between protected groups.

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

Marriage and Civil Partnership	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			None	The policy does not base eligibility criteria on marital status or civil partnership. As with other protected groups who may be discriminated against, the ILF Transition Fund will seek to reduce inequality and discrimination which can cause hostilities and perceived unfairness between protected groups.

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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.

<p>Have positive or negative impacts been identified for any of the equality groups?</p>	<p>Positive - AGE/DISABILITY: The fund is targeting resources to support younger disabled people, who receive little or no support from any other agency. Negative - AGE: The co-production group decided to target the funds at 16-21 year old disabled people in the first phase of the ILF Transition Fund.</p>
<p>Is the policy directly or indirectly discriminatory under the Equality Act 2010?</p>	<p>As resources are limited, for the first tranche priority will be given to 16-21 year old disabled people who have reached a critical life stage in moving from child to adulthood in a context where they may not have any support from statutory agencies.</p>
<p>If the policy is indirectly discriminatory, how is it justified under the relevant legislation?</p>	<p>Yes – this is the first phase of implementation following allocation of additional funding from the Scottish Government (SG) to support independent living for disabled people in Scotland. The funding is inadequate to satisfy all unmet need and prioritisation is required. The co-production working</p>

	<p>group considered all options at length in the context of information and data available to inform decision making, in particular the SG consultation undertaken at the point of closure of the UK ILF fund informed decisions, and further analytical data supplied by SG to the co-production group. Additionally, it was acknowledged that historically the UK ILF award fund had targeted support to disabled individuals who from 1988, required to have at least £200.00 per week of statutory support from Local Authorities (LA). In effect this discriminated against individuals who had little or no support on the basis that they did not achieve the eligibility threshold of LAs. Tasked by the Minister with targeting the £5m additional funding, the co-production group considered in the first instance that the eligibility criteria should focus on young disabled people at a critical life stage of transition from child to adulthood where maximum benefit of support could be achieved. The EQIA exercise will inform future consideration of SG funding should it continue. It is acknowledged that the age parameters will at this stage exclude disabled people over 21 years of age. ILF Scotland will hope to address this through the use of future funding if appropriate.</p>
<p>If not justified, what mitigating action will be undertaken?</p>	<p>See above</p>

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 fund will support activity that is enabling disabled people to be active and participating members of their communities, benefiting both 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. The application process will capture quantitative data to support

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this qualitative evaluation and successful recipients will be requested to complete a voluntary, anonymous equality monitoring return.

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 TF01 –Eligibility criteria.

Name: Margaret Wheatley

Position: Head of Policy

Authorisation date: 10th November 2017