

# Equality Impact Assessment Record

**Title of policy / practice / strategy / legislation:**

Transition Fund Policy - TF03 - Residence and Presence

**Is this a new policy or revision to an existing policy?**

New Policy

**Screening****Policy Aim**

The Policy TF03 - Residence and Presence outlines how an applicant to, or recipient of the ILF Scotland Transition Fund must satisfy a residence and presence test which in summary states that an applicant / recipient must be permanently resident in Scotland and must have resided in Scotland for 26 of the previous 52 weeks.

**Who will it affect?**

The Policy will affect disabled young people aged 16 to 21 who apply unsuccessfully or successfully to the ILF Scotland Transition Fund.

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

There should be no barriers to the policy being implemented.

## **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; 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 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 Scotland 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 supports the overall aims, objectives and the implementation of the ILF Scotland Transition Fund, developed in co-production with disabled people and Disabled Peoples Organisations (DPO). The

implementation of this particular policy has only minimal relevance to equality groups and therefore requires only a light touch EQIA.

This policy will have no specific impact on the protected characteristics of the population of young people applying to the ILF Scotland Transition Fund. There are no circumstances where the Residence and Presence policy will not be fully adhered to when instigated by any person using the ILF Scotland Transition Fund. No concerns have been raised by any individual or group involved in the co-production of the ILF Scotland Transition Fund.

## **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: Age**

**Evidence gathered and strength / quality of evidence:** Six 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.

**Source:** Co-Production Group and public consultation events.

**Data gaps identified and action taken:** It has been identified that the support needs of young people who may not meet eligibility thresholds for SDS support are not specifically clear.

### **Characteristic: Disability**

**Evidence gathered and strength / quality of evidence:** As above

**Source:**

**Data gaps identified and action taken:**

### **Characteristic: Sex**

**Evidence gathered and strength / quality of evidence:** As above

**Source:**

**Data gaps identified and action taken:**

### **Characteristic: Pregnancy and Maternity**

**Evidence gathered and strength / quality of evidence:** As above

**Source:**

**Data gaps identified and action taken:**

### **Characteristic: Gender Reassignment**

**Evidence gathered and strength / quality of evidence:** As above

**Source:**

**Data gaps identified and action taken:**

### **Characteristic: Sexual Orientation**

**Evidence gathered and strength / quality of evidence:** As above

**Source:**

**Data gaps identified and action taken:**

### **Characteristic: Race**

**Evidence gathered and strength / quality of evidence:** As above

**Source:**

**Data gaps identified and action taken:**

### **Characteristic: Religion or Belief**

**Evidence gathered and strength / quality of evidence:** As above

**Source:**

**Data gaps identified and action taken:**

### **Characteristic: Marriage and Civil Partnership**

(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).

**Evidence gathered and strength / quality of evidence:** As above

**Source:**

**Data gaps identified and action taken:**

## 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:** Eliminating unlawful discrimination, harassment and victimisation

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This policy will have no specific impact on the protected characteristics of the population of young people applying to the ILF Scotland Transition Fund.

**Age:** Advancing equality of opportunity

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This policy will have no specific impact on the protected characteristics of the population of young people applying to the ILF Scotland Transition Fund.

**Age:** Promoting good relations among and between different age groups

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This policy will have no specific impact on the protected characteristics of the population of young people applying to the ILF Scotland Transition Fund.

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

**Disability:** Eliminating unlawful discrimination, harassment and victimisation

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This policy will have no specific impact on the protected characteristics of the population of young people applying to the ILF Scotland Transition Fund.

**Disability:** Advancing equality of opportunity

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This policy will have no specific impact on the protected characteristics of the population of young people applying to the ILF Scotland Transition Fund.

**Disability:** Promoting good relations among and between disabled and non-disabled people

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This policy will have no specific impact on the protected characteristics of the population of young people applying to the ILF Scotland Transition Fund.

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

**Sex:** Eliminating unlawful discrimination

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This policy will have no specific impact on the protected characteristics of the population of young people applying to the ILF Scotland Transition Fund.

**Sex:** Advancing equality of opportunity

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This policy will have no specific impact on the protected characteristics of the population of young people applying to the ILF Scotland Transition Fund.

**Sex:** Promoting good relations between men and women

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This policy will have no specific impact on the protected characteristics of the population of young people applying to the ILF Scotland Transition Fund.



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

**Pregnancy and Maternity:** Eliminating unlawful discrimination

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This policy will have no specific impact on the protected characteristics of the population of young people applying to the ILF Scotland Transition Fund.

**Pregnancy and Maternity:** Advancing equality of opportunity

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This policy will have no specific impact on the protected characteristics of the population of young people applying to the ILF Scotland Transition Fund.

**Pregnancy and Maternity:** Promoting good relations

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This policy will have no specific impact on the protected characteristics of the population of young people applying to the ILF Scotland Transition Fund.

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

**Gender reassignment:** Eliminating unlawful discrimination

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This policy will have no specific impact on the protected characteristics of the population of young people applying to the ILF Scotland Transition Fund.

**Gender reassignment:** Advancing equality of opportunity

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This policy will have no specific impact on the protected characteristics of the population of young people applying to the ILF Scotland Transition Fund.

**Gender reassignment:** Promoting good relations

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This policy will have no specific impact on the protected characteristics of the population of young people applying to the ILF Scotland Transition Fund.

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

**Sexual Orientation:** Eliminating unlawful discrimination

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This policy will have no specific impact on the protected characteristics of the population of young people applying to the ILF Scotland Transition Fund.

**Sexual Orientation:** Advancing equality of opportunity

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This policy will have no specific impact on the protected characteristics of the population of young people applying to the ILF Scotland Transition Fund.

**Sexual Orientation:** Promoting good relations

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This policy will have no specific impact on the protected characteristics of the population of young people applying to the ILF Scotland Transition Fund.

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

**Race:** Eliminating unlawful discrimination

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** Refugees who have leave to remain in the UK are eligible to apply on an equal basis to others.

**Race:** Advancing equality of opportunity

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** As above

**Race:** Promoting good race relations

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** As above

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

**Religion or belief:** Eliminating unlawful discrimination

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This policy will have no specific impact on the protected characteristics of the population of young people applying to the ILF Scotland Transition Fund.

**Religion or belief:** Advancing equality of opportunity

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This policy will have no specific impact on the protected characteristics of the population of young people applying to the ILF Scotland Transition Fund.

**Religion or belief:** Promoting good relations

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This policy will have no specific impact on the protected characteristics of the population of young people applying to the ILF Scotland Transition Fund.

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

**Marriage and Civil Partnership:** Eliminating unlawful discrimination

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This policy will have no specific impact on the protected characteristics of the population of young people applying to the ILF Scotland Transition Fund.

## **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 – this will enhance opportunity and equal access for all protected characteristic groups provided other eligibility criteria are met.

**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 residence were taken within this context. The overall aim of this policy is to state residence criteria for a new funding stream for disabled young people in Scotland. These criteria were determined following careful analysis of options and wide engagement with stakeholders. The criteria mirror the previous criteria of the, now defunct, UK ILF residence policy which is based on original DWP benefit entitlement. The working group retained this policy as it is necessary and supportive of young disabled people who move to Scotland. 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- to 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 across Scotland, benefiting both the disabled people and those with whom they will engage as a result of this policy development.

## **Monitoring and Review**

Strathclyde University Resource Centre has been commissioned to undertake independent review and evaluation of the impact of this policy and of the new ILF Scotland 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 the revision to Policy TF03 - Residence and Presence.

**Name:** Margaret Wheatley

**Position:** Head of Policy

**Authorisation Date:** 12 November 2017