

# Equality Impact Assessment Record

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

Transition Fund Policy - TF05 - Protection of Children and Adults

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

New Policy

## **Screening**

### **Policy Aim**

This Policy, Protection of Children and Adults, outlines the actions taken by ILF Scotland to comply with current Scottish Government guidance which confirms our legal and professional obligations to contribute to the protection of disabled children and adults.

### **Who will it affect?**

The Policy will affect disabled children and adults aged 16 to 21 years, who may also hold other protected characteristics, who apply unsuccessfully or successfully to the ILF Transition Fund or are recipients of the existing award fund) and any child or adult that ILF may have contact with during any intervention.

### **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 being exclusively to individuals over the age of 21 years. The 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.

In addition, the protection policy was peer reviewed by the lead Protection Officer for West Lothian Council, South Lanarkshire Council and Children in Scotland approved Child Protection Training Officers.

## **Extent / Level of EQIA Required**

This policy supports the overall aims, objectives and the implementation of the ILF Transition fund, developed in coproduction with disabled people and Disabled Peoples Organizations (DPO).

The implementation of this policy will have no specific impact on the protected characteristics of the population of young disabled people applying to the ILF Transition Fund and will also support individuals with dual or multiple protected characteristic status where age eligibility criteria is met. There are no circumstances where this policy will not be applied equally to all, regardless of protected characteristics. This policy therefore contributes to increasing choice and support to those successful applicants who require support. No concerns have been raised by any individual or group involved in the coproduction of the ILF Transition Fund. This policy therefore 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: Age**

**Evidence gathered and strength / quality of evidence:** 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. Data was also considered with regard to the current ILF award fund – this confirmed the under-representation and access to ILF resources for young people with disabilities aged between 16 to 21 years.

**Source:** Co-Production Group, and public consultation events. Data extracted on the current ILF award fund with regard to age and the need for protective interventions.

**Data gaps identified and action taken:** Quantitative data which confirms the extent to which the proposed target group require safeguarding / protective interventions is limited. This will be monitored as the transition fund is implemented. Evaluation and equality monitoring will be undertaken to inform the impact and effectiveness of this policy and to contribute to future policy development.

### **Characteristic: Disability**

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

**Source:** Co-Production Group and engagement events. Data from existing award fund with regard to disability and age profile of current recipients.

**Data gaps identified and action taken:** Although historical data was drawn from the existing ILF award fund and can be used to assess the need for protective or safeguarding measures for adults, young disabled people aged 16 to 21 years are under-represented in current award profile. This information is required to inform the impact of this safeguarding policy on young disabled people aged 16 to 21 years. This will be monitored as the fund is implemented and will inform future policy development.

## **Characteristic: Sex**

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

**Source:** As above

**Data gaps identified and action taken:** ILF Scotland will monitor instances whereby successful or unsuccessful applicants require safeguarding or protective interventions including those where discrimination, abuse and victimisation based on sex are a contributory factor. If this data highlights gender specific issues, we will work co-jointly with partner organisations to assess how ILF should take appropriate action to address this which will contribute to policy development.

## **Characteristic: Pregnancy and Maternity**

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

**Source:** As above

**Data gaps identified and action taken:** We will cross reference with gender data collected so that impact on this protected characteristic is fully assessed if identified. This will include situations which require safeguarding or protective interventions including, discrimination, abuse, exploitation and victimisation based on this protected characteristic.

## **Characteristic: Gender Reassignment**

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

**Source:** As above

**Data gaps identified and action taken:** Safeguarding and protective interventions set out in this policy will not be based on gender reassignment but where identified, we will capture information which identifies discrimination, abuse, exploitation or victimisation predicated

on gender reassignment. We will work with representative organisations and Community Health Partnerships to ensure appropriate support is provided and to inform policy development.

We intend to ask successful applicants to complete an anonymous, equality monitoring form when applications are agreed to inform our understanding of all policies, processes and procedures covering all protected characteristic groups.

### **Characteristic: Sexual Orientation**

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

**Source:** As above

**Data gaps identified and action taken:** Where safeguarding interventions are required, we will capture data that identifies discrimination, abuse, exploitation and victimisation which is based on sexual orientation. This will inform future policy development. We will work co-jointly with appropriate organisations and Community Health and Social Care Partnerships to ensure if required support is available to individuals with this protected characteristic.

### **Characteristic: Race**

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

**Source:** As above

**Data gaps identified and action taken:** We are aware that there was a limited minority ethnic profile in the historical award fund and therefore little information about protective and safeguarding interventions within minority communities. We will monitor the impact of this policy on this group when the transition fund is implemented.

## **Characteristic: Religion or Belief**

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

**Source:** As above

**Data gaps identified and action taken:** We are aware that there is limited data available to confirm where protective measures are required resulting from abuse, discrimination or victimisation related to this characteristic. We will monitor and capture data when the transition fund is implemented.

## **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:** Not applicable

**Source:** Not applicable

**Data gaps identified and action taken:** Not applicable

## **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:** The policy reproduces Scottish Government guidance for public bodies around the protection of young people and adults including older adults. ILF Scotland will primarily have contact with disabled children and adults. Consequently any disabled child or adult of any age that ILF Scotland believes may be at risk of harm will be better protected by reporting any concerns of harm to the appropriate local authority.

**Age:** Advancing equality of opportunity

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** The policy states that ILF Scotland promotes appropriate positive risk taking by our fund recipients in line with guidance from the Care Inspectorate in Scotland.

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

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** ILF Scotland Funds combine to actively promote the rights of disabled children and adults to safely be active involved citizens in their community which requires increased interaction and understanding between different age groups.



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

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

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** The policy reproduces Scottish Government guidance for public bodies around the protection of young people and adults including older adults. ILF Scotland will primarily have contact with disabled children and adults. Consequently, any disabled child or adult that ILF Scotland believes may be at risk of harm will be better protected by reporting any concerns of harm to the appropriate local authority.

**Disability:** Advancing equality of opportunity

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** The policy states that ILF Scotland promotes appropriate positive risk taking by our fund recipients in line with guidance from the Care Inspectorate in Scotland.

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

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** ILF Scotland Funds combine to actively promote the rights of disabled children and adults to safely be active

involved citizens in their community which requires increased interaction and understanding between disabled and non-disabled people.

## **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:** The policy is gender neutral and applies equally irrespective of gender.

**Sex:** Advancing equality of opportunity

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** The policy is gender neutral and applies equally irrespective of gender.

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

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** The policy is gender neutral and applies equally irrespective of gender.

## **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:** The policy will not impact on women because of pregnancy or maternity.

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

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** The policy will not impact on women because of pregnancy or maternity.

**Pregnancy and Maternity:** Promoting good relations

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** The policy will not impact on women because of pregnancy or maternity.

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

**Gender reassignment:** Eliminating unlawful discrimination

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** By identifying and reporting abuse, victimisation, discrimination and exploitation if experienced by this protected characteristic.

**Gender reassignment:** Advancing equality of opportunity

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** As above

**Gender reassignment:** Promoting good relations

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** As above

## **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:** Yes - by identifying and reporting discrimination, exploitation, abuse and harassment, victimisation where it relates to this protected characteristic.

**Sexual Orientation:** Advancing equality of opportunity

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** Yes - by identifying and reporting discrimination, exploitation, abuse and harassment, victimisation where it relates to this protected characteristic.

**Sexual Orientation:** Promoting good relations

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** Yes - by identifying and reporting discrimination, exploitation, abuse and harassment, victimisation where it relates to this protected characteristic.

## **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:** By identifying and reporting discrimination, abuse, exploitation or victimisation where it affects this protected characteristic.

**Race:** Advancing equality of opportunity

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** By identifying and reporting discrimination, abuse, exploitation or victimisation where it affects this protected characteristic.

**Race:** Promoting good race relations

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** By identifying and reporting discrimination, abuse, exploitation or victimisation where it affects this protected characteristic.

## **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:** By identifying and reporting discrimination, abuse, exploitation or victimisation where it affects this protected characteristic.

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

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** By identifying and reporting discrimination, abuse, exploitation or victimisation where it affects this protected characteristic.

**Religion or belief:** Promoting good relations

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** By identifying and reporting discrimination, abuse, exploitation or victimisation where it affects this protected characteristic.

### **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:** The policy does not 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 – by identifying and reporting unlawful discrimination, exploitation, abuse or victimization and contributing to safeguarding rights.

**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?**

**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 protection were taken within this context. The overall aim of this policy is to state that the health, safety and welfare of all persons who use ILF Scotland services are of paramount importance. 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 safely 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 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 TF05 - Protection of Children and Adults.

**Name:** Margaret Wheatley

**Position:** Head of Policy

**Authorisation Date:** 10 November 2017