

Equality Impact Assessment Record

Title of policy / practice / strategy / legislation:

Transition Fund Policy – TF06 - Managing an ILF Scotland Transition Fund Grant

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

New Policy

Screening

Policy Aim

The aim of this policy is to ensure that those applicants / recipients who lack capacity, or who need additional support, are able to apply to the Fund on an equal basis with others

Who will it affect?

The Policy will affect disabled young people from ages 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. The Policy will also affect anyone with the legal authority to act for applicants / recipients, anyone who is a Benefits Appointee for applicants/recipients and anyone who chooses to act as a third party grant manager.

What might prevent the desired outcomes being achieved?

If eligible young people who lack capacity do not receive the assistance of an appropriate grant manager, they may not be able to benefit from the Transition Fund. This policy widens the network of support available to young people including those who lack capacity and mitigates against the risk of exclusion from the Transition Fund.

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.

Extent / Level of EQIA required

The existing ILF 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 fund condition will require a full EQIA as impact 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: Age

Evidence gathered and strength / quality of evidence: Contributions from a number of stakeholder events which included young disabled people, carers and DPOs.

Extent to which financial management support is used and valued within the existing ILF award fund.

Source: Young disabled people, carers and DPO input.

Data gaps identified and action taken: Extent to which young disabled people with or without capacity in the target age group will access this support. Data collected during the implementation of the transition fund will inform policy development.

Characteristic: Disability

Evidence gathered and strength / quality of evidence: As above

Source: As above

Data gaps identified and action taken: As above

Characteristic: Sex

Evidence gathered and strength / quality of evidence: As above

Source: As above

Data gaps identified and action taken: As above

Characteristic: Pregnancy and Maternity

Evidence gathered and strength / quality of evidence: As above

Source: As above

Data gaps identified and action taken: As above

Characteristic: Gender Reassignment

Evidence gathered and strength / quality of evidence: As above

Source: As above

Data gaps identified and action taken: As above

Characteristic: Sexual Orientation

Evidence gathered and strength / quality of evidence: As above

Source: As above

Data gaps identified and action taken: As above

Characteristic: Race

Evidence gathered and strength / quality of evidence: As above

Source: As above

Data gaps identified and action taken: As above

Characteristic: Religion or Belief

Evidence gathered and strength / quality of evidence: As above

Source: As above

Data gaps identified and action taken: As above

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:

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: ✓ (16- to 21-year-olds)

Negative:

None:

Reason for your decision: The Adults with Incapacity Act (Scotland) 2000 states that an adult is anyone who has attained the age of 16. This Policy adopts a principle of the Incapacity Act in that ILF Scotland will always start with the assumption that a recipient or applicant has capacity. This policy then promotes the ability of 16 to 21 year old young people to lead in decision -making in their life. Providing financial management support to individuals who do not have capacity to manage their own finances will increase participation.

Age: Advancing equality of opportunity

Positive: ✓

Negative:

None:

Reason for your decision: The Transition Fund is specifically targeted at young disabled people who are excluded from other supports who may require support to manage grant funds thus insuring their eligibility and inclusion.

Age: Promoting good relations among and between different age groups

Positive: ✓

Negative:

None:

Reason for your decision: 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.

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

This policy enhances the ability of young disabled people to interact and lead on decision making with adults in their life.

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 positively promotes the active involvement of young people who require assistance with communication or who have an impaired capacity and require financial management support.

Disability: Advancing equality of opportunity

Positive: ✓

Negative:

None:

Reason for your decision: This Policy positively promotes the active involvement of young people who require assistance with communication or who have an impaired capacity.

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

Positive: ✓

Negative:

None:

Reason for your decision: This Policy will support disabled people to become activate participants in society, thereby promoting good relations with non-disabled people by reducing exclusion. This will further improve community cohesion.

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

Sex: Advancing equality of opportunity

Positive:

Negative:

None: ✓

Reason for your decision: The policy is gender neutral

Sex: Promoting good relations between men and women

Positive:

Negative:

None: ✓

Reason for your decision: The policy is gender neutral

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 does 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 does not impact on women because of pregnancy or maternity

Pregnancy and Maternity: Promoting good relations

Positive:

Negative:

None: ✓

Reason for your decision: The policy does 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: The policy is gender neutral

Gender reassignment: Advancing equality of opportunity

Positive:

Negative:

None: ✓

Reason for your decision: The policy is gender neutral

Gender reassignment: Promoting good relations

Positive:

Negative:

None: ✓

Reason for your decision: The policy is gender neutral

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: The policy is gender neutral

Sexual Orientation: Advancing equality of opportunity

Positive:

Negative:

None: ✓

Reason for your decision: The policy is gender neutral

Sexual Orientation: Promoting good relations

Positive:

Negative:

None: ✓

Reason for your decision: The policy is gender neutral

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: The policy does not impact on race.

Race: Advancing equality of opportunity

Positive:

Negative:

None: ✓

Reason for your decision: The policy does not impact on race.

Race: Promoting good race relations

Positive:

Negative:

None: ✓

Reason for your decision: The policy does not impact on race.

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: The policy does not impact on religion or belief.

Religion or belief: Advancing equality of opportunity

Positive:

Negative:

None: ✓

Reason for your decision: The policy does not impact on religion or belief.

Religion or belief: Promoting good relations

Positive:

Negative:

None: ✓

Reason for your decision: The policy does not impact on religion or belief.

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:

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?

Positive – age and disability: The fund is targeting resources to support younger disabled people, who receive little or no support from any other agency. This is an enabling policy which removes barriers and promotes

equal access to Transition Fund grant applications by providing support for young disabled who require financial management support.

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 capacity were taken within this context. The overall aim of this policy is to state disabled young people will be assumed to have capacity and will choose how to use a Transition Fund grant. 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 the policy to maintain best practice in areas of assisted decision making.

Monitoring and Review

Strathclyde University Disability Resource Centre has been commissioned to undertake an independent review and evaluation of the impact of this policy and of the ILF Transition Fund generally. This will commence immediately on implementation of the policy in November 2017. The application process will capture quantitative data on the impact of this policy and successful applicants will be requested to complete a voluntary, anonymous, equality monitoring return to inform policy development.

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 TF06 - Managing an ILF Scotland Transition.

Name: Margaret Wheatley

Position: Head of Policy

Authorisation Date: 10 November 2017