

Equality Impact Assessment Record

Title of policy / practice / strategy / legislation:

Transition Fund Policy – TF08 – Agency Care

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

New Policy

Screening

Policy Aim

TF08 - Agency Care outlines that ILF Scotland will only provide funding to engage a care agency that is providing support or other regulated services, if that agency is appropriately registered.

Who will it affect?

The Policy will affect disabled young people aged 16 to 21 who apply 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 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 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 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

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 Organizations (DPO), this policy therefore requires only a light touch EQIA.

The impact of 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 Agency Care policy will not be fully adhered to. 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: Consultation events which included participants as direct service users and DPOs. Data drawn from existing ILF award Fund; Care Commission, Audit Scotland, Mental Welfare Commission reports. Published serious case review findings.

Source: Contributions including case studies from consultation events. Data drawn from existing ILF award fund. National reports produced by the Care Inspectorate, Audit Scotland, Mental Welfare Commission Published serious case reviews.

Data gaps identified and action taken: Detailed experience of care provision as it affects young disabled people in the target age group who may have no statutory provision or other formal support. This data will be gathered as the transition fund is implemented.

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: As above

Source: As above

Data gaps identified and action taken: As above

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 impact of this policy will be to protect young people by ensuring that, when care agencies are used, only registered and regulated agencies are eligible to be paid for using an ILF Scotland Transition Fund grant. The regulation process will ensure protection for all protected characteristic groups through the implementation of appropriate service standards.

Age: Advancing equality of opportunity

Positive: ✓

Negative:

None:

Reason for your decision: As above

Age: Promoting good relations among and between different age groups

Positive: ✓

Negative:

None:

Reason for your decision: As above

Do you think that the policy impacts disabled people?

Disability: Eliminating unlawful discrimination, harassment and victimisation

Positive: ✓

Negative:

None:

Reason for your decision: The impact of this policy will be to protect young people by ensuring that, when care agencies are used, only registered and regulated agencies are eligible to be paid for using an ILF Scotland Transition Fund grant. The regulation process will ensure protection for all protected characteristic groups through the implementation of appropriate service standards.

Disability: Advancing equality of opportunity

Positive: ✓

Negative:

None:

Reason for your decision: As above

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

Positive: ✓

Negative:

None:

Reason for your decision: As above

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 impact of this policy will be to protect young people by ensuring that, when care agencies are used, only registered and regulated agencies are eligible to be paid for using an ILF Scotland Transition Fund grant. The regulation process will ensure protection for all protected characteristic groups through the implementation of appropriate service standards.

Sex: Advancing equality of opportunity

Positive: ✓

Negative:

None:

Reason for your decision: As above

Sex: Promoting good relations between men and women

Positive: ✓

Negative:

None:

Reason for your decision: As above

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 impact of this policy will be to protect young people by ensuring that, when care agencies are used, only registered and regulated agencies are eligible to be paid for using an ILF Scotland Transition Fund grant. The regulation process will ensure protection for all protected characteristic groups through the implementation of appropriate service standards.

Pregnancy and Maternity: Advancing equality of opportunity

Positive: ✓

Negative:

None:

Reason for your decision: As above

Pregnancy and Maternity: Promoting good relations

Positive: ✓

Negative:

None:

Reason for your decision: As above

Do you think your policy impacts on transsexual people?

Gender reassignment: Eliminating unlawful discrimination

Positive: ✓

Negative:

None:

Reason for your decision: The impact of this policy will be to protect young people by ensuring that, when care agencies are used, only registered and regulated agencies are eligible to be paid for using an ILF Scotland Transition Fund grant. The regulation process will ensure protection for all protected characteristic groups through the implementation of appropriate service standards.

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: The impact of this policy will be to protect young people by ensuring that, when care agencies are used, only registered and regulated agencies are eligible to be paid for using an ILF

Scotland Transition Fund grant. The regulation process will ensure protection for all protected characteristic groups through the implementation of appropriate service standards.

Sexual Orientation: Advancing equality of opportunity

Positive: ✓

Negative:

None:

Reason for your decision: As above

Sexual Orientation: Promoting good relations

Positive: ✓

Negative:

None:

Reason for your decision: As above

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 impact of this policy will be to protect young people by ensuring that, when care agencies are used, only registered and regulated agencies are eligible to be paid for using an ILF Scotland Transition Fund grant. The regulation process will ensure protection for all protected characteristic groups through the implementation of appropriate service standards.

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: The impact of this policy will be to protect young people by ensuring that, when care agencies are used, only registered and regulated agencies are eligible to be paid for using an ILF Scotland Transition Fund grant. The regulation process will ensure protection for all protected characteristic groups through the implementation of appropriate service standards.

Religion or belief: Advancing equality of opportunity

Positive: ✓

Negative:

None:

Reason for your decision: As above

Religion or belief: Promoting good relations

Positive: ✓

Negative:

None:

Reason for your decision: As above

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 impact of this policy will be to protect young people by ensuring that, when care agencies are used, only registered and regulated agencies are eligible to be paid for using an ILF Scotland Transition Fund grant. The regulation process will ensure protection for all protected characteristic groups through the implementation of appropriate service standards.

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. Regulated support will safeguard and protect all protected characteristic groups.

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 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 communities, and their communities. The fund will support activity that is enabling 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 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.

Yes

Declaration

I am satisfied with the equality impact assessment that has been undertaken for the revision to Policy TF08 - Agency Care.

Name: Margaret Wheatley

Position: Head of Policy

Authorisation Date: 10 November 2017