

# Equality Impact Assessment Record

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

Transition Fund Policy - TF10 - Living with a Recipient as a Paid Carer

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

New Policy

## Screening

### Policy Aim

This policy applies when an applicant requests that a ILF Scotland Transition Fund grant is to be used to employ a paid carer who lives in the same household as the applicant. The policy describes the two circumstances where this is allowable and outlines the safeguards that should be in place.

### Who will it affect?

The policy will affect disabled young people from 16 to 21 who apply successfully to the ILF Scotland Transition Fund and wish to employ a person living in the same household as paid support.

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

No barriers to the implementation of this policy has been identified.

## **Stage 1: Framing**

### **Results of Framing Exercise**

Co-Production Group met on six occasions. The group included representatives from Disabled Peoples Organisations (DPOS), COSLA, Social Work Scotland, Carers, the 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 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 young 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, which largely benefit individuals over the age of 21 years of age. The Transition Fund is being targeted to address the under-representation and inclusion of young disabled people aged between 16 to 21 years of age. 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 ILF Scotland Stakeholder groups in Northern Ireland and in Scotland reviewed this policy in September 2017 and suggested some

minor updates to the policy. Other than the minor changes to the policy the stakeholder group considers this policy fit for purpose. For this reason, and the fact that this policy supports the overall aims, objectives and implementation of the overall ILF Scotland Transition Fund, developed in co-production with disabled people and Disabled Peoples Organizations (DPO), this policy 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:** Stakeholder consultation events and data analysis of existing award fund allocation by age group. Take-up of requests for exemption for 'carer living at the same address' in the existing ILF award fund. This has been demonstrated to be consistently low, but positive where agreed.

**Source:** Consultation events and data from existing ILF award fund.

**Data gaps identified and action taken:** Likely demand on Transition Fund by young people with disability in the target age group who may request exemption for a carer living in the same address. The application process will capture data, which informs this policy as it impacts on the target age group.

## **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:** This policy assists in preventing barriers to employment, maximising applicants choice in specific circumstances to recruit the best person to provide the specific support required by a disabled young person, regardless of protected characteristics. The policy allows, in an exceptional circumstances clause, a relative or person living in the same household to be a paid employee when this will increase the independence of the young person.

Having the right support, which may be someone living in the same household, may help protect a young person from unlawful discrimination, harassment and victimisation or enable them to address it.

**Age:** Advancing equality of opportunity

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** Many young disabled people with relatively low needs receive no support from statutory services.

The ILF Scotland Transition Fund will advance equal opportunities by providing support and this specific policy enhances the opportunities to specify who is best to provide that support reducing the barriers to family members or those living in the same household to being paid as support workers.

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

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:**

## **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 assists in preventing barriers to employing and matching the best person to provide the specific support required by a disabled young person, regardless of protected characteristics. The policy allows, in an exceptional circumstances clause, a relative or person living in same household to be a paid employee when this will increase the independence of the young person. Having the right support, which may be someone living in the same household, may help protect a young person from unlawful discrimination, harassment and victimisation or enable them to address it.

**Disability:** Advancing equality of opportunity

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** Many young disabled people with relatively low needs receive no support from statutory services. The ILF Scotland

Transition Fund will advance equal opportunities by providing support and this specific policy enhances the opportunities to specify who is best to provide that support reducing the barriers to family members or those living in the same household to being paid as support workers.

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

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** This policy contributes to promoting inclusion for those with more complex support needs. Having the right support and reducing the barriers, under the right circumstances, to this coming from someone in the same household allows opportunities for disabled people to participate, be present and included in communities with a potential positive impact on relationships with 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 impact of this policy will have no specific impact on the men and women in different ways.

**Sex:** Advancing equality of opportunity

**Positive:**

**Negative:**



**None:** ✓

**Reason for your decision:** The impact of this policy will have no specific impact on the men and women in different ways.

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

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** The impact of this policy will have no specific impact on the men and women in different ways.

### **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 will have no specific impact on women because of pregnancy and maternity.

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

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This will have no specific impact on women because of pregnancy and maternity.

**Pregnancy and Maternity:** Promoting good relations

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This will have no specific impact on women because of pregnancy and maternity.

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

**Gender reassignment:** Eliminating unlawful discrimination

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This will have no specific impact on transsexual people, other than increasing choice which may reduce the risk of unlawful discrimination.

**Gender reassignment:** Advancing equality of opportunity

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This will have no specific impact on transsexual people.

**Gender reassignment:** Promoting good relations

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** This will have no specific impact on transsexual people.

## **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 have no specific impact on people because of their sexual orientation.

**Sexual Orientation:** Advancing equality of opportunity

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** The impact of this policy will have no specific impact on people because of their sexual orientation.

**Sexual Orientation:** Promoting good relations

**Positive:**

**Negative:**

**None:** ✓

**Reason for your decision:** The impact of this policy will have no specific impact on people because of their sexual orientation.

## **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:** This policy assists in preventing barriers to employing and matching the best person to provide the specific support required by a disabled young person, regardless of protected characteristics.

The policy allows, in an exceptional circumstances clause, a relative or person living in the same household to be a paid employee when this will increase the independence of the young person. In communities where it is difficult to recruit support from individuals with the same ethnic and cultural background this policy would allow for a relative to be employed if this promoted independence.

This policy, by exception, will enable those from ethnic minorities who need to recruit someone from a similar ethnic background an increased opportunity to do so by removing barriers to recruiting family members. Having the right support, which may be someone living in the same household, may help protect a young person from unlawful discrimination, harassment and victimisation or enable them to address it.

**Race:** Advancing equality of opportunity

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** Having the right support, which may be someone living in the same household, may help advance equality of opportunity.

**Race:** Promoting good race relations

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** Having the right support, which may be someone living in the same household, may help advance equality of opportunity.

## **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:** Some disabled people may require someone of the same religion or beliefs to support them in relation to a number of daily activities, such as ensuring an appropriate diet and adherence to religious duties.

This policy assists in preventing barriers to employing and matching the best person to provide the specific support required by a disabled young person, regardless of protected characteristics.

The policy allows, in an exceptional circumstances clause, a relative or person living in the same household to be a paid employee when this will increase the independence of the young person. In those communities where it is difficult to recruit a person from the same faith / cultural background, this policy would allow for a relative to be employed if it promoted independence.

This policy will enable those from religious minorities who need to recruit someone from a similar background an increased opportunity to do so by removing barriers to recruiting family members.

Having the right support, which may be someone living in the same household, may help protect a young person from unlawful discrimination, harassment and victimisation or enable them to address it.

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

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** Having the right support, which may be someone living in the same household, may help advance equality of opportunity.

**Religion or belief:** Promoting good relations

**Positive:** ✓

**Negative:**

**None:**

**Reason for your decision:** Having the right support, which may be someone living in the same household, may help advance equality of opportunity.

**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:** Not applicable

## **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 impact as individual choice is enhanced for successful applicants who will hold one, dual or multiple protected characteristics.

**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 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 TF10 - Living with a Recipient as a Paid Carer.

**Name:** Margaret Wheatley

**Position:** Head of Policy

**Authorisation Date:** 10 November 2017