

EQUALITY IMPACT ASSESSMENT RECORD

Title of policy/ practice/ strategy/ legislation etc.	ILF Scotland (2015 Fund) Available Income – Policy 4
Is this new policy or revision to an existing policy?	Revision to an existing policy

Screening

Policy Aim

The proposed policy changes are designed to modernise ILF Scotland’s approach to charging, to remove the current impact of disproportionate charging and provide regard for those recipients who are terminally ill or suffering exceptional financial hardship. Specifically the change to Policy 4 will:

- Reduce ILF recipient contributions from £103 to £83; and
- Provide ILF Scotland with the power to waive the charge in full on terminal illness and in part or in full on financial hardship.

Who will it affect?

Disabled ILF fund recipients. By reducing the current impact of disproportionate charging, ILF Scotland will ensure better compliance with:

- The UNCRPD, specifically Article 19, which states that disabled people have the right to live in the community with the support they need; and
- The Equality Act 2010, specifically by removing the barrier ILF Scotland charges can create to advancing equality of opportunity for disabled people.

It will also allow for closer alignment with:

- COSLA'S Charging guidance, endorsed by SG; and
- The implications of the ongoing rollout of DWP reforms.

Providing ILF Scotland with the power / discretion to waive or reduce charges will directly and positively impact on those fund recipients who are terminally ill or who are experiencing exceptional financial hardship.

What might prevent the desired outcomes being achieved?

There is a potential risk of some local authorities introducing / increasing charges to ILF Scotland recipients following implementation of this revised policy 4. This would offset any intended benefit to ILFS recipients. There is a safeguard in place however, in that local authorities cannot fall below the Minimum Threshold Sum without loss of award. There will also be discussion with COSLA on obtaining its support for this revision.

Stage 1

Framing

Results of framing exercise

The negative impact of the existing policy 4 has been discussed extensively with fund recipients, ILFS Stakeholder group, ILF Board, senior staff, assessors and caseworkers. A significant number of ILF recipients report financial hardship as a consequence of the current policy. It is frequently reported to assessors at ILF reviews that many adults who transition from home to an independent living setting remain financially dependent on their family to sustain adequate independent living outcomes. The proposed policy changes are supported by all concerned as a way of reducing the negative effect of disproportionate charging on disabled people in receipt of an ILF award.

Extent/Level of EQIA required

Having reviewed the data and considered the impact, we concluded that we need to analyse the impact of our policy fully on the Age and Disability characteristics as the policy does not impact on any of the others. ILF

Scotland will continue to engage externally and gather evidence on the impact of the revised policy 4 in furtherance of our equality duty of eliminating discrimination, promoting equality of opportunity and fostering good relations.

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 ¹	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
AGE	Under 65 = 2144 89% Over 65 = 269 11%	ILFS data	
DISABILITY	100%	ILFS data	
SEX	Male = 1324 55% Female = 1089 45%	ILFS data	
PREGNANCY AND MATERNITY	No evidence		
GENDER REASSIGNMENT	No evidence		
SEXUAL ORIENTATION	No evidence		
RACE	Just under 35 of those responding are from different ethnic / national origins < 3%		
RELIGION OR BELIEF	No evidence		

¹ Refer to Definitions of Protected Characteristics document for information on the characteristics

<p>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)</p>	<p>n/a</p>		
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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	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	X			The revised policy will impact positively to reduce discrimination in relation to financial hardship for older disabled people.
Advancing equality of opportunity	X			The revised policy will impact positively in relation to advancing equality of opportunity for older disabled people.
Promoting good relations among and between different age groups	X			The revised policy intentions should make additional income available to older disabled people, which may allow greater involvement in mixed local communities.

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	X			The current policy acts as a barrier to participating in society, as no allowance is made for disability related expenditure nor any allowance for financial hardship. The revised policy will help to positively address this with the power to introduce a waiver for terminal illness and exceptional financial hardship, allowing people to be better supported in difficult times.
Advancing equality of opportunity	X			This proposed amendment will support the achievement of the general equality duty to advance equality of opportunity between disabled people and the general population.
Promoting good relations among and between disabled and non-disabled people	X			The current policy acts as a barrier to participating in society. This proposed amendment will help advance equality of opportunity between disabled people and the general population.

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

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	The gender split between male and female ILFS recipients is almost equal.
Advancing equality of opportunity			X	The gender split between male and female ILFS recipients is almost equal.
Promoting good relations between men and women			X	The gender split between male and female ILFS recipients is almost equal.

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

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	ILF Scotland does not routinely gather this information and was not available at the time of transfer from ILF UK.
Advancing equality of opportunity			X	As above
Promoting good relations			X	As above

Do you think your policy impacts on transsexual people?

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	ILF Scotland does not routinely gather this information and was not available at the time of transfer from ILF UK.
Advancing equality of opportunity			X	As above
Promoting good relations			X	As above

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

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	ILF Scotland does not routinely gather this information and was not available at the time of transfer from ILF UK.
Advancing equality of opportunity			X	As above
Promoting good relations			X	As above

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

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	ILFS fund recipients residing in Scotland from ethnic or national origins make up just under 3% of the number of recipients who provided this information. The revised policy will not, therefore, impact in significant numbers.
Advancing equality of opportunity			X	ILFS fund recipients residing in Scotland from ethnic or national origins make up just under 3% of the number of recipients who provided this information. The revised policy will not, therefore, impact in significant numbers.
Promoting good race relations			X	ILFS fund recipients residing in Scotland from ethnic or national origins make up just under 3% of the number of recipients who provided this information. The revised policy will not, therefore, impact in significant numbers.

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

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	ILF Scotland does not routinely gather this information and was not available at the time of transfer from ILF UK.
Advancing equality of opportunity			X	As above
Promoting good relations			X	As above

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

Marriage and Civil Partnership ²	Positive	Negative	None	Reasons for your decision

² In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

Stage 4: Decision making and monitoring

Identifying and establishing any required mitigating action

Have positive or negative impacts been identified for any of the equality groups?	Positive impact for disabled people
Is the policy directly or indirectly discriminatory under the Equality Act 2010³?	This policy is intended as a first step in a series of proposed reductions designed to make the charging policy of the fund more equitable
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	n/a
If not justified, what mitigating action will be undertaken?	n/a

Describing how Equality Impact analysis has shaped the policy making process

Our Equality Impact assessment has helped shape our revised policy 4. The changes of reducing the level of contribution and introducing the waiver for those who are terminally ill or experiencing exceptional financial hardship will impact directly in a positive way on ILF recipients. Our data and evidence gathering through the EQIA process will ensure that we continue to work directly with disabled people, representative bodies and our partners to ensure that all concerned fully understand the equality impacts of our policy intentions. Understanding our analysis and implementing the subsequent policy changes will help us to achieve better outcomes for people and communities.

³ See EQIA – Setting the Scene for further information on the legislation.

Monitoring and Review

ILF Scotland, Head of Policy, will ensure that this revised policy is reviewed in line with ILF Scotland's standard policy review schedule and will specifically monitor and measure the impact on disabled people.

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 Available Income – Policy 4

Name: Linda Scott

Position: Head of Policy

Authorisation date: 21 September 2018