

EQUALITY IMPACT ASSESSMENT

Do you need to do an equality impact assessment?

The public sector equality duty requires the Scottish Government to equality impact assess. At the end of most policies, there are people. If your policy affects people you will need to consider undertaking an equality impact assessment. People are not the same and policies should reflect the fact that different people have different needs.

Equality impact assessment (EQIA) is all about considering how your policy (by policy we mean activities, functions, strategies, programmes, and services or processes) may impact, either positively or negatively, on different sectors of the population in different ways.

This EQIA guidance and tool help you to identify **who** these people may be and **what** specific needs they may have that you will need to consider in developing and reviewing your policy. If your policy affects people in any way, you have a responsibility to make sure you know how it affects the different groups.

To find out more about the different needs and experiences of people living in Scotland, please click [here](#).

If your policy does affect people – If your policy affects people, you must consider the impact assessment process which will help you decide if any further assessment is needed.

All of the Government's policies will need to be considered for an equality impact assessment, however, we recognise that this is a process and will take time to deliver. New policies should be impact assessed as a matter of course, but policy areas will need to prioritise which of their existing policies should take precedence for equality impact assessments. Directorates may wish to take an approach which firstly considers their key policy areas before considering remaining policies. There may be a natural point at which to begin the impact assessment of an existing policy, such as a review, or a progress report.

To go through the equality impact assessment process click **here**.

If your policy does not affect people - you will need to proceed to complete the sign off document to show that undertaking an impact assessment has been considered.

Did you say no? Are you sure?

Will individuals have access to, or be denied access to a service or function as a result of your policy or changes you propose to make to existing services or functions?

Will the implementation of your policy result in individuals being employed, a change in staffing levels, or a change in terms and conditions, employer or location, either directly or indirectly?

Is there a change in the size of a budget, how will this change impact on individuals, will a service be withdrawn, changed or expanded?

If you have answered “yes” to any of these questions, your policy **does** affect people and you should undertake an equality impact assessment.

Please remember that equality does not mean treating everybody in the same way. If you think that there is no equality impact because your policy applies to ‘everyone’, then you should reconsider. Just because it applies to everyone, does not mean that everyone will benefit. This is precisely why we need to equality impact assess our work. People have different needs and requirements; this process is designed to help you understand those.

If after reading this:

You think you should undertake an EQIA - click **here** to go through the process.

If after reading this:

You still don’t think your policy will affect people – you will not need to go any further. We understand that some policy areas will genuinely not require equality impact assessment, so if you are absolutely sure that your policy does not need to be equality impact assessed then please note that you are nonetheless required to complete the sign off sheet to show that you have considered the issues and that people are not affected by your policy.

To go to the sign off page – click **here**.

Sign off – No EQIA is required

This form should be completed by the officer who is responsible for the decision. The form should then be authorised at Division or Directorate level.

Policy Title	
Strategic Outcome	
Name of Branch or Division	
Directorate or Agency	
This policy/function will have no impact on people from any of the equality groups and an EQIA is not required.	Name: Position: Date:
Authorisation by Deputy Director or equivalent.	Name: Position: Date:

Some things you will need to know and consider before you start the EQIA process

At what point in the Policy cycle do you need to start the EQIA process?

You should aim to carry out the EQIA at the beginning of the planning of a new policy or review of an existing policy. However, it is recognised that it is not always possible to do this and you should therefore do it as soon as is practicable.

Introduction to the EQIA process

A successful EQIA will look at 4 key areas.

These are:

1. **Policy** – a clear definition of your policy and its aims;
2. **Collecting evidence** and **engagement** with equality groups;
3. **Differential Impact** – reaching an informed decision on whether or not there is a differential impact on equality groups, at what level and what you will do to address any adverse impact;
4. **Measuring outcomes** – stating how you will be monitoring and evaluating the policy to ensure that you are continuing to achieve the expected outcomes for all groups.

An EQIA should be considered for all the full range of the Government's activities, strategies, functions, policies, legislation and processes. When we use the term "policy" throughout this document, we use it as a "catch-all" for strategies, functions, policies, legislation and processes.

To help you do this we have developed the following 10 step process:-

Step 1	Define the aims of your policy
Step 2	What do you already know about the diverse needs and/or experiences of your target audience?
Step 3	What else do you need to know to help you understand the diverse needs and/or experiences of your target audience?
Step 4	What does the information you have tell you about how this policy might impact positively or negatively on the different groups within the target audience?
Step 5	Will you be making any changes to your policy?
Step 6	Does your policy provide the opportunity to promote equality of opportunity or good relations?
Step 7	Based on the work you have done – rate the level of relevance of your policy – HIGH, MEDIUM OR LOW
Step 8	Do you need to carry out a further impact assessment?
Step 9	Please explain how you will monitor and evaluate this policy to measure progress
Step 10	Sign off and publish impact assessment

As you work your way through the EQIA you will be given some guidance at each step and you will be asked to complete the relevant section of the database which has been set up to record this process.

The design of the EQIA allows you to “dip in and out” of the process as and when you are able. Nothing will be published until the completed EQIA has been signed off by the Deputy Director or equivalent. All the fields in the process are mandatory, although there is a mixture of questions that require a yes/no answer and free text fields for you to complete.

When impact assessing your policies, you might find it useful to break it down into smaller parts and subject individual constituent parts to the EQIA process. Whilst we appreciate that you may not welcome the idea of undertaking more than one EQIA, we suggest this because doing so might actually make the process easier.

You may also find that much of your evidence, information and consultation responses will apply across a number of assessments. But it is up to you to decide how you should use this tool in a way that suits your policy best. For example, if you have decided that you will need to undertake two separate assessments, you may either wish to complete two separate templates, or to provide two entries into each section of the template.

However, if there are more than two, or you think the information contained in the assessment is quite lengthy, you may want to complete individual templates for each part. In this case, you should consider the naming convention for each assessment so that it can be easily seen that they are related on the database. E.g. Creation of New Agency – HR function, Creation of New Agency – Customer migration, Creation of New Agency – Relocation of existing work etc.

When you are ready to start the EQIA process please proceed to **Step One**.

Step One

Define the aims of the policy

The first step of the impact assessment process is to clearly identify what the policy is designed to achieve. Being very clear about the aims and objectives of your policy will help you to think about how the needs of different groups of people need to be integrated into the policy's aims and objectives. It helps you think about who is intended to benefit from the policy and how.

When you are defining the aims of your policy, you should also be giving some thought to the resources that will be (or which have been) allocated to deliver that work.

Have the potential costs of this work been set in a way which will help you to achieve the best outcomes for the diverse communities that your policy will engage with?

Please note: it is very important that you are as clear as possible at this stage of the process, because when you move to the subsequent steps which require you to engage with your analytical services colleagues, they will need you to be very clear about the kind(s) of information and support you need from them so that they are able to effectively provide you with the most relevant and helpful advice.

DATABASE PAGE

Define the aims of the policy

Title of policy	
Strategic Outcome	
Name of Branch or Division	
Directorate or Agency	

What is the purpose of the proposed policy (or changes to be made to the policy)?	
Who is affected by the policy or who is intended to benefit from the proposed policy and how?	
How have you, or will you, put the policy into practice, and who is or will be responsible for delivering it?	
How does the policy fit into our wider or related policy initiatives?	
Do you have a set budget for this work?	

Step Two

What do you already know about the diverse needs and/or experiences of your target audience?

The people who will benefit from your policy are not a homogenous group. They will have different needs and experiences which will need to be considered when you formulate or evaluate your policies.

To understand the different needs and experiences of the people you are making policy for, you will need to gather the facts and figures about the target audience for your policy. It is important to know **who** will be affected by your proposed changes and **how**.

The evidence (or information) you require may come from a variety of sources - it may be statistical information, research projects which have collected evidence through discussions, focus groups and interviews with different people, or from recognised equality group organisations. It is also important to identify any information or evidence gaps you may have and which may need to be addressed in order to successfully complete the assessment process.

In the first instance, you should seek the support of your Analytical Services Division (ASD). Each Directorate has access to professional analysts (social researchers, economists and statisticians) who will be able to support you in assessing what evidence/information you may already have available to you and what your additional evidence/information needs may be.

Evidence may include data (facts, figures, research findings, etc) from our own information management systems or research, surveys, consultation exercises, Parliamentary committees and engagement with various representative groups. In the absence of research there may be anecdotal evidence, feedback from service users and affected groups or ongoing experience, which may indicate potential positive or negative impacts.

The quality and robustness of available evidence will need to be considered carefully. Your analytical services colleagues will be able to help you to do this.

Points to remember:

- Evidence may indicate that there **may or may not** be an equality impact associated with a policy.
- The **absence of evidence** or indicators **does not necessarily mean that there is no impact** on equality.
- **Arrangements should be made to obtain the relevant information** to help in the process of deciding whether or not a policy has a differential adverse (or positive) impact or whether the policy requires further, in-depth equality impact assessment.
- That an issue may only impact on small numbers of people from the different equality groups **does not** mean that there is **not** an issue or a problem. For example, it may be necessary to consider the needs of minority ethnic communities in rural areas, or lesbian, gay, bisexual or transgendered people who may choose to not identify as such - due to fear of abuse or discrimination.

Consultation/engagement/involvement is a key part of the process. The public sector equality duties require us to involve, consult and engage with our communities as widely as possible.

Through involvement and consultation, you will also be able to obtain the different views and perspectives from individuals, specific equality groups or interested bodies about your proposals. It is important, however, to develop a co-ordinated and strategic approach to involvement and consultation to ensure different public authorities are engaging with groups on broadly similar questions in concert.

There is a strong existing body of expertise and sources of information on potential impacts in the different communities across Scotland. Devising appropriate means of involvement and engagement is not only part of the public duty, but is also a further means of ensuring effective impact assessment.

There are a variety of ways you can consult with people but it is important that you take account of people's different needs.

Points to consider:

- Who will you consult (this may include individuals, specific equality groups, or interested bodies)?
- Have you already held a consultation exercise on your policy area, can the responses be analysed for any potential equality issues?
- Are you about to hold a consultation exercise, why not use this as an opportunity to explore the equality issues that you need more information on for your equality impact assessment? You could do this by including specific equality questions and/or including a monitoring form to find out who is responding to your consultation which will help you to disaggregate the information by equality strand.
- In addition any initial work (such as an overview of the available, relevant evidence) you have undertaken for your equality impact assessment may be useful to set out in your consultation process.

Please note, people do not fit neatly into “boxes” and interests will overlap, in this regard, we should not just consult disabled people on disability issues, or lesbian, gay or bisexual people on sexual orientation. A disabled person may also have a faith, will have a sexual orientation, may be a woman and may be from a minority ethnic community.

DATABASE PAGE

What do you already know about the diverse needs and/or experiences of your target audience?

Do you have information on				
Age	Yes	*	No	
Disability	Yes	*	No	
Gender (including pregnancy and maternity)	Yes	*	No	
Lesbian, Gay, Bisexual & Transgender	Yes	*	No	
Race	Yes	*	No	
Religion and Belief	Yes	*	No	

Age	Evidence Consultation
Disability	Evidence Consultation/Involvement
Gender (including pregnancy and maternity)	Evidence Consultation
Lesbian, Gay, Bisexual & Transgender	Evidence Consultation
Race	Evidence Consultation
Religion and Belief	Evidence Consultation

Step Three

What else do you need to know about to help you understand the diverse needs and/or experiences of your target audience?

Do you believe that there is a potential issue for an equality group (or strands) that may require further exploration?

To know if your policy will have the intended affect - you need to know how it will affect different groups within your target audience. Having identified at Step Two what evidence you have collected, thought now needs to be given as to where, if any, the gaps in evidence may lie.

- Is there a group of people for whom you have little or no information?
- If so, how do you know how the policy will impact on them?
- Have you spoken to the right people and asked the right questions?
- Would it be more helpful if data was disaggregated by different categories (i.e. age, disability, religion and belief, gender, LGBT (lesbian, gay, bisexual and transgender), race)? It is recognised that there may be issues surrounding the availability and quality of evidence for some equality areas, but please remember that evidence for potential adverse or positive impact can be collected from a number of different sources via different methods.

Things to be considered:

- How are you going to fill the gaps in knowledge?
- Do you need: more data; the data you have to be disaggregated; some research carried out or do you need to consult interested parties?
- Who should/will you ask?
- Who should/will collect the information/data?

You should remember that you will need to record evidence you have collected and how/who you have consulted and involved equality groups.

DATABASE PAGE

Do you have enough information to help you understand the diverse needs and/or experiences of your target audience?

If not, what else do you need to know?

Age	Do you have enough information to proceed?	Yes	No *
Disability	Do you have enough information to proceed?	Yes	No
Gender (including pregnancy and maternity)	Do you have enough information to proceed?	Yes	No
Lesbian, gay, bisexual and transgender	Do you have enough information to proceed?	Yes	No
Race	Do you have enough information to proceed?	Yes	No
Religion and Belief	Do you have enough information to proceed?	Yes	No

- Default to step 7

Step Four

What does the information you have tell you about how this policy might impact positively or negatively on the different groups within the target audience?

In this section you should be looking at the information you have collected to assess what it is telling you about the needs of different groups of people, i.e. whether their needs would be met by your policy (or changes to an existing policy) and whether your policy (or changes to an existing policy) would affect some groups differently?

Some questions to consider whilst assessing the evidence:

- How does relevant current policy affect different groups and sections of those groups?
- Will the impact of the proposed policy/function be the same or different for each group?
- Is there any indication or evidence of higher or lower participation or uptake of services by different groups?
- Are there any groups of people who are excluded from services
- Will the proposed changes be beneficial to some or all groups?
- If the change(s) are going to have an adverse effect on any of the groups - could it amount to unlawful discrimination?

There is no assumption when starting the impact assessment process that there must be something wrong with the policy that you are leading on and that changes will need to be made. We recognise that the policy intention will not necessarily be problematic in itself, but that the delivery mechanisms need to be considered carefully for equality impact if that policy is to deliver successfully for as many people as possible.

It is also recognised that there may be equality issues that require addressing and that the responsibility for action required lies elsewhere.

The EQIA may reveal that although the policy and delivery mechanisms are fine, that there is nonetheless a failure elsewhere that is impeding the successful delivery of this work. For example, there might be issues that need to be addressed by service deliverers such as training or changes to processes, or there might be a need to change a policy that lies elsewhere to alleviate equality issues identified.

It is important that you set these out clearly in your policy or guidance to highlight these issues to those delivering the policy, i.e. if your policy is to be effective, should you specify that robust training on equality issues will be required?

DATABASE PAGE

What does the information you have tell you about how this policy might impact positively or negatively on the different groups within the target audience?

Age	
Disability	
Gender (including pregnancy and maternity)	
Lesbian, Gay, Bisexual & Transgender	
Race	
Religion and Belief	

Step Five

Will you be making any changes to your policy?

If your policy is likely to have an adverse impact on a group of people, the presumption should be that the policy should be changed or amended to lessen or remove this adverse impact. However, when considering making changes to our policies the actions we take should be proportionate. It may not be practical or cost effective to make significant changes that will result in minor effects on outcomes for certain groups of people. However, you will need to be able to justify not taking action if potentially unfair outcomes have been identified through the EQIA process.

It may be possible to make a change that may remove a barrier or have a lasting effect on one or all of the equality groups. It will also be essential to avoid illegal discrimination. The equality impact assessment process is a policy making tool which allows us to identify ways in which we can improve our policies and make them better suited for their purpose. You should also consider if you do make any changes whether it will have any resource implications, i.e. will it cost more or should your resources be focussed on ensuring that your policy delivers effectively across different groups? For example, delivering successfully to both men and to women on the same issue, may require different approaches, different strategies and may require you to consider how to allocate resources effectively so that your policy does not disproportionately benefit one group to the detriment of another.

If changes are going to be made, you should also consider **when and who** needs to make those changes. Immovable timescales and budgets might mean that no action can be taken immediately, but you will need to set out why you have not been able to act immediately, and you should plan to revisit at the earliest opportunity and set out a timetable for taking forward any action that you believe will need to be taken in order to address equality concerns.

If you do not intend to make changes to your policy in spite of the issues raised by the impact assessment process, you will need to **clearly and robustly justify your reasons for that decision**.

DATABASE PAGE

Will you be making any changes to your policy?

Are there any changes?				
Age	Yes		No	
Disability	Yes		No	
Gender (including pregnancy and maternity)	Yes		No	
Lesbian, Gay, Bisexual & Transgender	Yes		No	
Race	Yes		No	
Religion and Belief	Yes		No	

Please identify:

- what action you will take,
- who will take that action, and
- when that action will be taken

Step Six

Does your policy provide the opportunity to promote equality of opportunity or good relations?

Whilst the main purpose of the EQIA is to identify and mitigate any potential adverse impact (though where we impact positively we should also be setting this out clearly), it also offers the opportunity to consider how your work can better promote equality of opportunity and good relations. Good relations are unlikely when there is inequality between different groups.

The promotion of equality of opportunity entails more than the elimination of discrimination - it requires proactive measures to be taken. Equalities legislation should not inhibit action to counter disadvantage among particular sections of society – indeed policies that specifically target disadvantaged groups may be an appropriate response to ensuring equalities of opportunity and/or outcomes (remember, equality is not about treating everybody the same).

The public sector equality duty requires that the Government, in carrying out its functions, has due regard to the need to promote equality of opportunity and foster good relations between people who share a characteristic and those who don't. The characteristics are: age, disability, race, religion or belief, sex, sexual orientation, gender reassignment, pregnancy and maternity.

Promoting equality of opportunity could mean – removing disadvantage, meeting different needs or encouraging participation in public life.

Fostering good relations could include tackling prejudice and promoting understanding.

In some cases, equality of opportunity may be central to your policy, or may be of particular importance. The opportunity to encourage participation in public life, promote positive attitudes towards groups of individuals or promote good relations between different groups of individuals may be clear and obvious. Other policies however, may appear superficially to be devoid of equal opportunities implications. It must not be assumed that areas which have been immune to challenge or question in the past, do not have implications for equality of opportunity. A fresh look must be given to all areas of existing policy.

We appreciate that this step of the EQIA process may be challenging. If you would like to discuss this further with an official from the Equality

and Communities Division, please do contact us and we will do our best to help you work through the key issues that will enable you to set out (if relevant) how your policy promotes equality of opportunity and promotes good relations.

DATABASE PAGE

Does your policy provide the opportunity to promote equality of opportunity or good relations by altering the policy or working with others?

Age	Yes		No	
Disability	Yes		No	
Gender (including pregnancy and maternity)	Yes		No	
Lesbian, Gay, Bisexual & Transgender	Yes		No	
Race	Yes		No	
Religion and Belief	Yes		No	

Age	
Disability	
Gender (including pregnancy and maternity)	
Lesbian, Gay, Bisexual & Transgender	
Race	
Religion and Belief	

Step Seven

Based on the work you have done - rate the level of relevance of your policy

You should now have enough information to decide whether or not there is an impact, for any/all of the equality groups and whether the level of impact is in proportion to the policy. You will now have to decide whether the impact is **high, medium or low** for any of the strands.

A high impact is not necessarily negative. A high impact might refer to a **positive** or **negative** impact on an equality group, or even a mixture of both.

For some policies a high impact is entirely appropriate as that is the intended effect of the policy. For example, the policy to provide free personal care for older people should have a high positive impact on this age group, it would be worrying if it didn't.

It should be remembered that if a policy impacts only on a small number of people from a particular equality group, this does **not** equate automatically to a low impact. It might be that a policy has a highly disproportionate negative impact on people from a particular equality group, who are numerically small in number compared to the wider population. This does not mean that the impact is 'low'.

DATABASE PAGE

Based on the work you have done - rate the level of relevance of your policy

Tick one box for each strand

	Age	Disability	Gender (including pregnancy and maternity)	LGBT	Religion and belief	Race
<p>High</p> <ul style="list-style-type: none"> - There is substantial evidence that people from different groups or communities are (or could be) differently affected by the policy (positively or negatively) - There is substantial public concern about the policy, or concerns have been raised about the policy's potential impact by relevant bodies - The policy is relevant to all or part of the respective general duty, in the case of race, disability and gender. 						
<p>Medium</p> <ul style="list-style-type: none"> - There is some evidence that people from different groups or communities are (or could be) differently affected (positively or negatively). - There is some public concern about the policy. - The policy is relevant to parts of the respective general duty, in the case of race, disability and gender. 						
<p>Low</p> <ul style="list-style-type: none"> - There is little or no evidence that some people from different groups or communities are (or could be) differently affected (positively or negatively). - There is little or no evidence of public concern about the policy. - The policy has little or no relevance to the respective general duty, in the case of race, disability and gender. 						
<p>Unknown</p>						

- No evidence or data has been collected therefore an assessment cannot be made						
---	--	--	--	--	--	--

Step Eight

Do you need to carry out a further Impact Assessment?

A **further** assessment should be undertaken if more detailed investigation and analysis is required. There will be some policies where, as a result of undertaking this equality impact assessment process, that you decide a further impact assessment is necessary, although it may not be necessary for all equality groups, depending, of course, on the nature and focus of the policy in question.

Identifying that a high impact exists for only one equality group does not mean that a further impact assessment is not required, nor does identifying a high impact for one or more groups mean a further impact assessment must be completed.

If you believe that the impact assessment process you have undertaken has not given you the required depth of analysis to make an informed assessment or if you do not think that you have sufficient information to make an informed assessment of the impact of your policy and different equality groups, then you may need to consider further, more detailed work. For example, undertaking this impact assessment process may have highlighted the fact that no information exists for one or more equality groups, or feedback and evidence might reveal that there are some issues for which little or no information exists.

Further impact assessment could include:

- Collecting further data, commissioning research and analysis
- Considering alternative ways to collect information
- Consulting further with people affected by the policy or service

Having undertaken further work, you should then revisit the impact assessment tool as you should now be in a position to complete the impact assessment more fully.

DATABASE PAGE

Is a further impact assessment required?

Age	Yes		No	
Disability	Yes		No	
Gender (including pregnancy and maternity)	Yes		No	
Lesbian, Gay, Bisexual & Transgender	Yes		No	
Race	Yes		No	
Religion and Belief	Yes		No	

If you have answered yes please explain why

If you have answered no please explain why

Step Nine

Please explain how you will monitor and evaluate this policy/function or strategy to measure progress?

At this step of the assessment you should consider how you intend to monitor and evaluate your policy to ensure that your policy intentions have been realised. Good monitoring and evaluation should form part of any policy process, so it is important to ensure that equality is effectively built in to any monitoring and evaluation plans that you have. You will need to consider how you will evaluate whether the positive impact identified has, in fact, occurred, and how you will evaluate whether the action you have taken (or will take) to mitigate adverse impact on equality groups, has been effective. You should liaise with your ASD about monitoring and evaluation as you will need to know well in advance of any reporting cycle, exactly what kind of information and resources may be required.

To ensure that your policy remains focused and is not affected by changing circumstances it is important to keep it under review against the aims and objectives of the policy, function or strategy. You should establish monitoring and evaluation processes to periodically assess if and how it is affecting the diverse needs of the target audience - in case there is any unexpected adverse affect or unintentional discrimination. Any evaluation should also consider whether or not the policy provides value for money.

The key to evaluating policy is good management information. This can be by data collection and/or research but should include engaging with the appropriate people from different groups or communities. This will give you indicators that will enable you to assess how far your policy is achieving the desired outcomes. This information may be collected as part of your ongoing monitoring, or may be a separate qualitative exercise. Policy makers should clearly distinguish between evaluation of the process and evaluation of the policy itself.

DATABASE PAGE

Please explain how you will monitor and evaluate this policy/function or strategy to measure progress?

Please explain how monitoring will be undertaken, when it will take place and who is responsible for undertaking it.

DATABASE PAGE

Sign off and authorisation page

You should have completed the following steps:

Impact Assessment Steps 1-9	Yes	No
1. Defined the aims of your policy		
2. Identified what we already know (i.e. what does the existing evidence base tell us?)		
3. Identified what more we need to know (i.e. what gaps have we identified in our evidence base?)		
4. Analysed the evidence (i.e. what does this all mean in relation to our policies?)		
5. Considered any necessary changes & identified action (i.e. will you be taking action to make any changes? If yes, what, when and who? If not, what are your reasons for not taking any action?)		
6. Identified opportunities to promote equality		
7. Measured differential impact		
8. Assessed whether further impact assessment work is needed		
9. Outlined arrangements for monitoring & evaluation		

This form should be completed by the officer who is responsible for completing the assessment.

The impact assessment should now be authorised by either the Division or Group Head or equivalent.

Policy Title	
Strategic Outcome	
Name of Branch or Division	
Directorate or Agency	
We have completed the equality impact assessment for this policy.	Name: Position: Date:
Authorisation by Deputy Director or equivalent	Name: Position: Date:

On completion of this step, the equality impact assessment will be published on the Scottish Government's website.