



Strategy for Equality Impact Assessments (EQIAs)

1. Background to EQIAs

The requirement to carry out equality impact assessments was first introduced following the Equality Act 2006. A detailed EQIA of the setting up of Education Scotland has been carried out using the approaches adopted by the predecessor organisations. This strategy provides details of how Education Scotland will carry EQIAs in future.

This strategy aims to model good practice in carrying out EQIAs, building on the work of Education Scotland's predecessor organisations, and in line with emerging practice at national level following the publication of the specific equality duties for Scotland published earlier this year.

Education Scotland is committed to ensuring that our EQIAs lead to positive outcomes for our staff, and for children, young people and adult learners in Scotland.

2. Equality Act 2010

[The Equality Act 2010](#) came into force in on 1 October 2010. It provides a UK-wide cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

The Act places a general duty on public bodies to have due regard to the need to: eliminate discrimination, harassment and victimisation that is prohibited under the Act; advance equality of opportunity between people who share a protected characteristic and those who don't; and foster good relations between those who share a protected characteristic and those who don't.

The Act introduced the terminology of 'protected characteristics'. The protected characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. The legislation applies to all the protected characteristics in a consistent way. EQIAs will take account of all the protected characteristics.

New [specific equality duties](#) for public bodies in Scotland came into force in May 2012. The specific duties include the "duty to assess and review policies and practices". This strategy sets out how Education Scotland will carry out EQIAs to ensure the specific duty is met, in line with emerging practice at national level.

3. EQIAs: everyone's responsibility

Every one of us within Education Scotland has an individual, as well as collective, duty to ensure the lack of discrimination and bias and the promotion of equality and diversity in our daily work. We must be aware of our responsibilities and be able to demonstrate how we promote equality through our work. We must assess the impact of our work (policies, procedures, strategies, projects, inspection and review) on those individuals and groups whom our work affects (internally and externally). 'Assessing the impact' means establishing the extent to which our activities ensure the avoidance of discrimination and bias, and the promotion of equality and diversity.

4. Next steps

The [EQIA of the setting up of Education Scotland](#) is available on our website. We have also carried other EQIAs relating to [Estates](#) and [Learning and Teaching Development Strategy](#) since the creation of Education Scotland July 2011. These are also available on our website. Further EQIAs will be carried out as part of our on-going organisational development and review of policies.

An easy-to-use EQIA pro forma has been created, based on the formats previously used by HMIE and LTS. See [Appendix 1](#). This new pro forma aims to ensure that we continue to model good practice in carrying out EQIAs; that the process is not overly bureaucratic; and that it leads to meaningful action points and outcomes.

It is good practice to involve representatives of the 'protected characteristic' groups in the EQIA process.

A collation of equalities-related data on Education Scotland staff and stakeholders has been created to serve as a reference for subsequent EQIAs. Members of the Equality and Diversity EQIA sub-group will provide this collation as part of the work they are doing to support the EQIA process. The data will be improved on an on-going basis.

5. Schedule for carrying out EQIAs

Members of the Equality and Inclusion EQIA sub-group will work with colleagues across the organisation to support them in implementing this strategy. They will monitor its progress and provide regular reports to the Organisational Development Programme Board and/or Corporate Management group. They will review the strategy as appropriate. Completed EQIAs will be published, along with this strategy, on the Education Scotland website and intranet.

Appendix 1: Education Scotland – Equality Impact Assessment

At all stages of the assessment process, colleagues should consider the requirements of the general equality duty for public bodies, as defined in the Equality Act 2010:

- eliminate discrimination, harassment and victimisation that is prohibited under the Act;
- advance equality of opportunity between people who share a protected characteristic and those who don't; and
- foster good relations between those who share a protected characteristic and those who don't.

The following “protected characteristics” should be taken into account: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Title of Policy/Procedure/Task to be assessed:		Person (s) Completing Assessment: Date:	
STEP ONE: Identify aims and scope of the work			
Aims/purpose of the Policy/Procedure/Task:			
Who is affected by the Policy/Procedure/Task?			
What data are available about those affected by the Policy/Procedure/Task, with reference to each of	<i>Please refer to Education Scotland Equalities Data 19-1-12 (available from the EQIA sub-group) for each of the following: race, disability, gender, religion or belief, sexual orientation, age, other protected characteristics.</i>		

<p>the following “protected characteristics”?</p>	
<p>What further information do we require in order to assess the potential impact of this work?</p>	<p>Additional equalities data from ex-LTS staff to be added to e-HR by Scottish Government staff.</p> <p>Equalities data to be gathered for Associate Assessors and Lay Members.</p> <p>We are committed to continuous improvement and regular updating of equalities data for our staff. A new initiative will be launched following publication of the specific duties relating to the Equality Act 2010. This is likely to be April 2012.</p>
<p>How and when shall we obtain this information?</p>	<p>Scottish Government staff are currently adding ex-LTS equalities data on to e-HR. No deadline agreed at this stage.</p> <p>We are committed to continuous improvement and regular updating of equalities data for our staff. A new initiative will be launched following publication of the specific duties relating to the Equality Act 2010. This is likely to be April 2012.</p>

STEP TWO: Assess the impact of the work:

Taking account of the information noted in *Step One*, in what ways might this work impact positively and/or provide opportunities to promote equality?

Consider all the “protected characteristics” groups.

Taking account of the information noted in *Step One*, in what ways might this work impact negatively on the “protected characteristics” groups identified?

STEP THREE: Action arising from this assessment:	
As a result of this assessment, what action shall we now take?	
What is the level of risk with regard to each of the protected characteristics?	
STEP FOUR: Monitor progress with the action:	
When will this work be reviewed and by whom?	

Sign off and publish impact assessment on Education Scotland website	
Procedure:	
Strategic Outcome	Smarter
Directorate or Agency	Learning & Justice
Group	Education Scotland
Division	INSERT NAME OF DIRECTORATE
Name	INSERT NAME OF CHIEF INSPECTOR/DIRECTOR
Signature	
Position	HM Chief Inspector/Director
Sign off date	

Guidelines: Issues to consider

- Equality Impact Assessments should take account of all “protected characteristics” i.e. age (young and old), disability (physical and mental), race (such as white, black, Asian, etc), religion and belief (such as Muslim, Jewish, Christianity etc as well as “no-faith” groups), gender (male, female, transgender) gender reassignment, sexual orientation (heterosexual, gay, lesbian, bisexual), marriage and civil partnership, pregnancy and maternity
- A policy/procedure/task may have a positive impact on particular groups but have an adverse impact on others. Consideration should be given as to how this could be addressed
- Consideration should be given as to the level of consultation required with any particular groups as this will form an important part of the assessment process

When carrying out an EQIA, please refer to the guidance provided below to evaluate the level of concern you have about any potential negative impact on the “protected characteristic” groups.

- **High** – The EQIA has outlined a significant number of changes/improvements that need to be made. There is substantial evidence that people from the group(s) are (or could be) negatively affected by the policy. Failure to address these issues will result in reputational risk.
- **Medium** –The EQIA has outlined a few changes/improvements that need to be made. There is some evidence that people from the group(s) are (or could be) negatively affected. Failure to address these issues may result in reputational risk.
- **Low** – The EQIA has outlined minor or no changes that need to be made. There is little or no evidence that people from the group(s) are (or could be) negatively affected. There is very little reputational risk involved.
- **Neutral** – The EQIA has shown that the group is not affected.