

Equality Impact Assessment (EIA)

What: An Equality Impact Assessment (EIA) is a tool to help SFC ensure that its policies, practices and decisions are fair, meet the needs of staff, and don't inadvertently discriminate against any protected group.

Why: Scottish colleges, universities and SFC are covered by the general and specific duties of the Public Sector Equality Duty (PSED) set out in the Equality Act 2010¹. The general PSED requires us to have due regard to the need to:

1. **Eliminate unlawful discrimination, harassment and victimisation**
2. **Advance equality of opportunity between different groups**
3. **Foster good relations between different groups**

The specific duties require us to assess and review new and revised policies and practices against the general PSED, to use evidence, act on the results, and publish the EIA accessibly. EIAs help SFC and the institutions we fund to meet our statutory obligations to advance equality.

How:

1. Identify a policy owner to analyse the new or revised SFC policy, funding allocation, funded project or process to determine whether it might have a differential impact on a particular group in terms of equality, diversity and human rights.
2. Complete the EIA form and send it to the SFC E&D policy lead for internal QA.
3. Seek Director level approval of the EIA after the QA process is complete.
4. Return final, approved EIA to the E&D policy lead for publication on SFC's website.
5. Review and update the policy as required (e.g. annually, or according to conditions of grant).

Title of Policy	SFC Infrastructure Framework
Policy Owner	Martin Kirkwood
SFC Directorate	Corporate Services
EHRIA Commenced	Date 06/03/2018
Version number	2.0
EHRIA Completed	19/04/2018
Policy/practice signed off by Management	December 2017
EHRIA actions due for review on:	April 2019
Quality Assessed	30 May 2018
Publication	27 June 2018

¹ <http://www.ecu.ac.uk/wp-content/uploads/external/equality-act-2010-psed-specific-duties-for-scotland.pdf>

Equality Impact Assessment

Stage 1: Background information

Title of Policy:	SFC Infrastructure Framework		
EHRIA Lead Person:	Deanne Holden		
Who else is involved in the EHRIA?	Relevant HE and FE institutions and related OAMs, Property Support Service (PSS)		
Date EHRIA completed:	19/4/2018	Is this a new or revised policy?	New <input type="checkbox"/>
Date EHRIA published and where:	<u>27 June 2018</u>		Revised <input checked="" type="checkbox"/>
Review date and frequency:	Annually		

Stage 2: Scoping and evidence gathering

Why are you introducing the new policy, or why are you revising an existing policy?	<p>This policy has now been updated further to the updated Infrastructure Framework paper which was taken to Council in September 2017. The original Infrastructure paper was subject to EHRIA 11/01/2017.</p> <p>The updated Strategy will help to shape future policy work in the areas of capital investment including building condition and lifecycle maintenance, digital infrastructure and supporting the sectors' low carbon programmes.</p>
What is the intended outcome(s) and impact of the new policy, or making the changes to an existing policy?	To make a positive impact of SFC Outcomes for Equality and Human Rights in relation to SFC's capital, low carbon and digital infrastructure programmes
What quantitative and/or qualitative evidence as well as case law relating to equality and human rights have you considered when deciding to develop new or revise current policy? i.e need	<p>The infrastructure strategy considers existing policy and legislation, including:</p> <ul style="list-style-type: none"> · Disability Discrimination Act 2005 · The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 · BREEAM · Procurement Reform Scotland Act 2014 <p>When reviewing the impact of the strategy, we will consider above as well as:</p> <ul style="list-style-type: none"> · Relevant Outcome Agreements · Information provided to SFC from Universities /

	<p>Colleges</p> <ul style="list-style-type: none"> · Evidence from involvement, engagement and consultations · Information provided by Property Support Service (PSS)
<p>Who did you consult with?</p>	<ul style="list-style-type: none"> · PSS · SFC's Facilities Team · Universities Scotland · Colleges Scotland <p>We will also engage with relevant Colleges and Universities when any work is due to commence/underway which affects their institutions.</p>
<p>What did you learn?</p>	<p>This EHRIA is conducted on the basis that there is an Equality and Human Rights Impact Assessment requirement for each work stream that is part of the Infrastructure Strategy.</p> <p>The SFC's expectation is that any companies / organisations involved in work streams resulting from the Framework will have Equality & Diversity and Human Rights policies in place.</p> <p>We have confirmed PSS have appropriate policies in place. Work undertaken by PSS will be conducted in accordance with the Strategy.</p> <p>In 2017, our then Property Support Service (PSS) undertook a sector wide condition survey of the college sector and produced a sector wide report of estate condition indicated potential health and safety issues, amongst others. The intention is for this survey to be updated in future.</p> <p>This allowed Colleges to address their own Health & Safety issues.</p> <p>Capital Maintenance Funding will address poor estates across the sector which is to the benefit of everyone.</p>
<p>How did the consultation shape the policy?</p>	<p>This document is drafted on the basis that ensuing projects / programmes of work for each area identified in the Infrastructure Strategy address EDHR requirements.</p>

Stage 3: Identifying outcomes and impact

Delivering on the SFC's Public Sector Equality Duty	
Consider the equality risk assessment within the context of broader staff or student journey which includes recruitment, retention, progression, promotion, training etc.	
1. How does your policy contribute to eliminating discrimination, harassment and victimisation? Please describe.	Positive <input type="checkbox"/>
	Negative <input type="checkbox"/>
	No effect <input checked="" type="checkbox"/>
2. State how your policy advances equality of opportunity between those who share a protected characteristic and those who do not? Please describe. e.g. <ul style="list-style-type: none"> • Remove or minimise disadvantage • Meet the needs of equality groups that are different from the needs of others • Encourage participation in public life 	Positive <input type="checkbox"/>
	Negative <input type="checkbox"/>
	No effect <input checked="" type="checkbox"/>
3. In which ways does this policy fosters good relations between those who share a protected characteristic and those who do not? Please describe. e.g. <ul style="list-style-type: none"> • Tackle prejudice • Promote understanding 	Positive <input type="checkbox"/>
	Negative <input type="checkbox"/>
	No effect <input checked="" type="checkbox"/>
4. Does your policy ensure Human Rights articles compliances? Compliant <input checked="" type="checkbox"/> Breach <input type="checkbox"/>	
5. Please indicate which articles your policy relates to: Consider: Article 1 - Free and equal <input checked="" type="checkbox"/> Article 2 - Right to life <input type="checkbox"/> Article 3 - Prohibition of torture <input type="checkbox"/> Article 4 - Prohibition of slavery & forced labour <input type="checkbox"/> Article 5 - Right to liberty & security <input type="checkbox"/> Article 6 - Right to a fair trial (e.g. disciplinary procedures) <input type="checkbox"/> Article 7 - No punishment without law (e.g. disciplinary procedures) <input type="checkbox"/> Article 8 - Right to respect for private & family life <input type="checkbox"/> Article 9 - Freedom of thought, conscience & religion <input checked="" type="checkbox"/> Article 10 - Freedom of expression <input type="checkbox"/> Article 11 - Freedom of assembly & association (e.g. trade union recognition) <input type="checkbox"/> Article 12 - Right to marry <input type="checkbox"/> (N.B.) Article 13 has been removed Article 14 - Prohibition of discrimination (e.g. people part of protected characteristic groups) <input type="checkbox"/> Protocol 1 Article 1 – Protection of property <input type="checkbox"/> Protocol 1 Article 2 – Right to education <input type="checkbox"/>	

<u>At present, we are unable to quantify impact, but we believe it will be positive in the areas noted below.</u> To note: this EIA relates to the overarching SFC Infrastructure Framework. Separate EIAs will be undertaken for projects that form part of the Infrastructure Strategy in future. It is intended that projects will have due regard for the PSED and that this will be demonstrated in the corresponding EIAs. In the context of this Strategy, there is a commitment to future positive impact in terms of equality and diversity, but no specific examples of those impacts until projects are developed.	
Please select which group(s) will be affected by the positive impact:	
Age (e.g. older people or younger people) (accessibility)	<input checked="" type="checkbox"/>
Race (e.g. people from black or any minority ethnic groups)	<input type="checkbox"/>
Gender (e.g. women or men)	<input type="checkbox"/>
Disability (e.g. people with visible or non-visible disabilities, physical impairments or mental health conditions) (accessibility)	<input checked="" type="checkbox"/>
Gender Identity (e.g. people who will change/have changed/ are changing their gender from that assigned at birth) (gender neutral bathrooms, changing facilities etc)	<input checked="" type="checkbox"/>
Religion or Belief (e.g. belonging to a particular religion, holding a particular belief, or have no affiliation to any particular religion or belief) (provision of space/rooms which can be used for prayer)	<input checked="" type="checkbox"/>
Sexual orientation (e.g. lesbian, gay, bisexual or heterosexual)	<input type="checkbox"/>
Maternity and Pregnancy (e.g. women who are pregnant/on maternity leave/breastfeeding) (i.e. provision of breast feeding areas)	<input checked="" type="checkbox"/>
Marriage and civil partnership	<input type="checkbox"/>
Socio-economic groups	<input type="checkbox"/>
Human rights compliance (e.g. civil, political, economic, social, and cultural rights)	<input type="checkbox"/>

Stop check

If you identify any positive impacts, please move to Stage 4.	In Stage 4 please detail positive impacts
If you identify any negative impacts that require mitigation please complete Stage 4.	In Stage 4 please detail negative impacts
When considering all your responses to Stage 3 if you selected no effect for <u>ALL</u> areas	Please justify your conclusions here and move directly to Stage 5.

Stage 4: Analysis of impact/outcomes

You have indicated that this new or revised policy will have an impact/outcome on one or more of the 3 main duties of the Public Sector Equality Duty and Human Rights articles for staff or students. Use these sections below to indicate whether the impact is positive or negative, and justify your assessment using the data and evidence you have already gathered (via statistics, consultation, etc.)

There are no quantifiable impacts / outcomes to analyse at this stage.

Detail the negative impact here:	
Potential impact:	Mitigating response:
Potential impact:	Mitigating response:
Please select which group(s) will be affected by the negative impact:	
Age (e.g. older people or younger people)	<input type="checkbox"/>
Race (e.g. people from black or any minority ethnic groups)	<input type="checkbox"/>
Gender (e.g. women or men)	<input type="checkbox"/>
Disability (e.g. people with visible or non-visible disabilities, physical impairments or mental health conditions)	<input type="checkbox"/>
Gender Identity (e.g. people who will change/have changed/ are changing their gender from that assigned at birth)	<input type="checkbox"/>
Religion or Belief (e.g. belonging to a particular religion, holding a particular belief, or have no affiliation to any particular religion or belief)	<input type="checkbox"/>
Sexual orientation (e.g. lesbian, gay, bisexual or heterosexual)	<input type="checkbox"/>
Maternity and Pregnancy (e.g. women who are pregnant/on maternity leave/breastfeeding)	<input type="checkbox"/>
Marriage and civil partnership	<input type="checkbox"/>
Socio-economic groups	<input type="checkbox"/>
Human rights compliance (e.g. civil, political, economic, social, and cultural rights)	<input type="checkbox"/>

Stage 5: Identifying options and course of action

Select a recommended course of action:	
Outcome 1: Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.	<input checked="" type="checkbox"/>
Outcome 2: Proceed with adjustments to remove barriers identified for discrimination, advancement of equality of opportunity and fostering good relations or breach of human rights articles.	<input type="checkbox"/>
Outcome 3: Continue despite having identified some potential for adverse impact or missed opportunity to advance equality and human rights (justification to be clearly set out).	<input type="checkbox"/>
Outcome 4: Stop and rethink as actual or potential unlawful discrimination or breach of human rights articles has been identified.	<input type="checkbox"/>

Outline plans to action and review the impact of the new or revised policy

- Note: **any** evidence that raises concern would trigger an **early review** rather than the scheduled date
- Indicate if there is any data which needs to be collected as part of action to be taken and how often it will be analysed
- Indicate how the person responsible will continue to involve relevant groups and communities in the implementation and monitoring of the new or changed policy

WHAT	WHY	WHO	WHEN	REVIEW POINT
Ensuring compliance of projects	To provide assurance that EDHR policies are being adhered to in planning and construction phases	PSS	To be documented in relevant project reports	TBC
	To ensure Institutions are reporting on how they have met EDHR requirements in projects resulting from the Infrastructure Strategy, through Outcome Agreements.	Outcome Agreement Managers (OAMs)		TBC

Summary of results, including the likely impact of the proposed policy advancing equality and human rights

N/A at this stage

Next Steps

To consider possible Equality and Diversity impacts as policies are developed from the strategy. Initially, we will review work streams resulting from the Ten Year Strategy on an annual basis.