

EQUALITY IMPACT ASSESSMENT RECORD

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| Title of policy/ practice/ strategy/ legislation etc. | Review of Island Communities Impact Assessments Decisions (Scotland) Regulations under Section 9 of the Islands (Scotland) Act 2018 | |
| Minister | Mr Paul Wheelhouse, Minister for Energy Connectivity and the Islands | |
| Lead official | Paul Maxton | |
| Officials involved in the EQIA | name | team |
| | Erica Clarkson Desmond Tinney and Nicola Crook | Rural and Island Communities Team |
| Directorate: Division: Team | Directorate for Agriculture and Rural Economy (D:ARE) Rural Economy and Communities Division. | |
| Is this new policy or revision to an existing policy? | New policy | |

Screening

Policy Aim

The proposal provides a mechanism for the review of decisions by public authorities related to island communities impact assessments.

The policy objective is the empowerment of island communities.

The National Outcomes that the proposal contributes to are:

Communities: We live in communities that are inclusive, empowered, resilient and safe; and

Human Rights: We respect, protect and fulfil

human rights and live free from discrimination.

Who will it affect?

The proposal will affect public authorities in so far as they will be open to greater scrutiny in their decision making relating to island communities. Island residents and island community bodies will be empowered by the proposal which will enable them to challenge decisions that directly affect them and their community.

Thriving island communities are vital to the Scottish economy. Islands face particular challenges around distance, connectivity, sparsity and demography and it is important that public bodies consider these properly when applying strategies, services and policies. Island community impact assessments are about understanding the impacts of policies in island communities. It ensures that island communities receive fair and equitable treatment and that policy outcomes are tailored to their unique circumstances. The proposal provides a review mechanism to empower island communities to challenge island community impact assessments.

What might prevent the desired outcomes being achieved?

Factors that might prevent the desired outcomes being achieved are:

- Lack of awareness of the review process
- Lack of access to information of the review process
- Lack of clarity in decision making. A public authority will require to strike a balance to ensure its approach is not unduly burdensome, but is robust and meaningful. The level of analysis undertaken requires to be proportionate to both the scale of the potential impact and significance to island areas

Stage 1: Framing

Results of framing exercise

Extensive consultation started on 6 April 2019 on the National Islands Plan which included island communities impact assessments.

The Consultation process was twofold. On the one hand, there was a more traditional on line consultation that respondents could access using the Scottish Government's consultation hub, Citizen Space. On the other hand, a less traditional approach was developed when it came to the face-to-face events. A total of 61 consultation events were organised on 40 islands.

Respondents believed that the main objectives of an islands community impact assessment should be to consider the uniqueness of each island, ensure benefit of policies for island communities, and take a transparent approach that improve accountability. Respondents felt that it was crucial that islanders are given a voice, allowing for community feedback and involvement.

There was extensive evidence of disadvantages and impacts on islands. A short summary of impacts owing to geographical remoteness are:

- Higher general cost of living
- Restricted fuel market – no access to cheaper fuel sources like mains gas
- Higher travel and transportation costs
- Distance and remoteness from markets and disruption to vital supply routes for primary producers
- Some of the highest instances of fuel poverty in Scotland
- Higher package delivery charges
- Lack of, or poor, broadband
- Certain medical services not provided on islands.

An Analysis of Responses to policy proposals for the review of Island Communities Impact Assessments Decisions (Scotland) Regulations under Section 9 of the Islands (Scotland) Act 2018 will be published. There was no

evidence gathered to suggest that the proposal would have any negative impact on protected characteristics.

In summary, there was no evidence gathered from both consultations identified of any negative potential impacts on each of the protected characteristics in relation to the proposal. The proposal has positive impacts by empowering each of the protected characteristics to challenge decisions made by public authorities.

There was no evidence of direct or indirect discrimination. In particular, the proposal directly promotes equality for island communities. The proposal will help eliminate discrimination and advance equality of opportunity within island communities. The proposal will also help foster good relations by empowering island communities and allowing them to have a voice. The ICIA process will encourage engagement with island communities and make for better decision making and thus foster better relations between public authorities and island communities.

Extent/Level of EQIA required

Since there was no evidence of any negative potential impacts on each of the protected characteristics, it is not considered that any further assessment is required. The evidence demonstrated that the proposal will have positive impacts throughout.

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 | <p>General</p> <p>Evidence gathered was very general in nature. In general terms, it confirmed that island rurality can exacerbate inequality already experienced on account of protected characteristics.</p> <p>There is very little data about protected characteristics at an islands level.</p> <p>Notwithstanding this, the evidence gathered was sufficient to conclude that the proposal will have a positive impact in addressing inequality in island communities.</p> <p>Evidence gathered</p> <p>Respondents brought forward a number of overarching objectives that could inform the National Island Plan, such as equality and human rights-based approach.</p> | <p>National Islands Plan and Island Communities Impact Assessments Analysis of responses to the public consultation exercise August 2019</p> <p>Analysis of Responses to policy proposals for the review of Island Communities Impact Assessments Decisions (Scotland)</p> | <p>There is very little data about protected characteristics at an islands level.</p> <p>The nearest level of data available is at a local authority level or Health Board level.</p> <p>Action to be taken:</p> <p>Equality monitoring data will be obtained from the National Islands Plan survey,</p> |

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

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| | <p>One organisation stated the need to include impact in relation to gender and how women, children and young people in island communities may be impacted by decisions taken relating to the community as a whole in the ICIA. The organisation further stated that the assessment must also recognise where other protected characteristics such as ethnicity, disability and sexuality intersect.</p> <p>Lack of educational and work opportunities meant that young people were often respondents forced to move to the mainland. The islands were seen as good places to live and raise children.</p> <p>Many of the respondents provided examples of initiatives to engage young people specifically. Examples ranged from childcare to activities for young adults.</p> <p>It was considered that more needed to be done to help and support young people struggling with mental health issues.</p> | Regulations under Section 9 of the Islands (Scotland) Act 2018 | |
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| | <p>Care for the elderly was an issue raised.</p> <p>The expansion of the school service to allow children to complete all of their schooling without leaving home was raised.</p> <p>Concern was expressed regarding the lack of care for the elderly and closure of care homes.</p> | | |
| <p>DISABILITY</p> | <p>General</p> <p>Evidence gathered was very general in nature. In general terms, it confirmed that island rurality can exacerbate inequality already experienced on account of protected characteristics.</p> <p>There is very little data about protected characteristics at an islands level.</p> <p>Notwithstanding this, the evidence gathered was sufficient to conclude that the proposal will have a positive impact in addressing inequality in island communities.</p> | <p>National Islands Plan and Island Communities Impact Assessments Analysis of responses to the public consultation exercise August 2019</p> <p>Analysis of Responses of to policy proposals for the review of Island</p> | <p>There is very little data about protected characteristics at an islands level.</p> <p>The nearest level of data available is at a local authority level or Health Board level.</p> <p>Action to be taken:</p> <p>Equality monitoring data will be obtained from the</p> |

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| | <p>Evidence gathered</p> <p>A project run from Aros was identified where older people and young people with disabilities get together to learn to dance, do art projects and are entertained and involved in the community.</p> | <p>Communities Impact Assessments Decisions (Scotland) Regulations under Section 9 of the Islands (Scotland) Act 2018</p> | <p>National Islands Plan survey,</p> |
| <p>SEX</p> | <p>General</p> <p>Evidence gathered was very general in nature. In general terms, it confirmed that island rurality can exacerbate inequality already experienced on account of protected characteristics.</p> <p>There is very little data about protected characteristics at an islands level.</p> <p>Notwithstanding this, the evidence gathered was sufficient to conclude that the proposal will have a positive impact in addressing inequality in island communities.</p> | <p>National Islands Plan and Island Communities Impact Assessments Analysis of responses to the public consultation exercise August 2019</p> <p>Analysis of Responses to policy proposals for the review of Island Communities</p> | <p>There is very little data about protected characteristics at an islands level.</p> <p>The nearest level of data available is at a local authority level or Health Board level.</p> <p>Action to be taken:</p> <p>Equality monitoring data will be obtained from the National Islands Plan survey,</p> |

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| | <p>Evidence gathered</p> <p>One initiative that was raised was tackling stigma within the area of mental health, focusing specifically on men.</p> <p>Another initiative highlighted was the Men Cancer Club: a support group for those that have been affected by cancer throughout their lifetime.</p> <p>Shetland Women’s Aid and Orkney Women’s Aid and the role of local Multi-Agency Risk Assessment Conferences was noted as ‘something which worked well locally due to effective partnership working and a shared understanding across partners of the support required by women and children experiencing violence.</p> | <p>Impact Assessments Decisions (Scotland) Regulations under Section 9 of the Islands (Scotland) Act 2018</p> | |
| <p>PREGNANCY AND MATERNITY</p> | <p>General</p> <p>Evidence gathered was very general in nature. In general terms, it confirmed that</p> | <p>National Islands Plan and Island Communities Impact Assessments</p> | <p>There is very little data about protected characteristics at an islands level.</p> |

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| | <p>island rurality can exacerbate inequality already experienced on account of protected characteristics.</p> <p>There is very little data about protected characteristics at an islands level.</p> <p>Notwithstanding this, the evidence gathered was sufficient to conclude that the proposal will have a positive impact in addressing inequality in island communities.</p> <p>Evidence gathered</p> <p>Lack of or poor quality of fundamental services, such as healthcare. The Islay bump to birth fund was highlighted as an important initiative.</p> <p>A respondent from Coll highlighted that with no nurse on the island, and the removal of a plane service that brings midwives and health visitors, new parents are dangerously exposed in what is already a very isolating environment.</p> | <p>Analysis of responses to the public consultation exercise August 2019</p> <p>Analysis of Responses to policy proposals for the review of Island Communities Impact Assessments Decisions (Scotland) Regulations under Section 9 of the Islands (Scotland) Act 2018</p> | <p>The nearest level of data available is at a local authority level or Health Board level.</p> <p>Action to be taken:</p> <p>Equality monitoring data will be obtained from the National Islands Plan survey,</p> |
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| <p>GENDER REASSIGNMENT</p> | <p>General</p> <p>Evidence gathered was very general in nature. In general terms, it confirmed that island rurality can exacerbate inequality already experienced on account of protected characteristics.</p> <p>There is very little data about protected characteristics at an islands level.</p> <p>Notwithstanding this, the evidence gathered was sufficient to conclude that the proposal will have a positive impact in addressing inequality in island communities.</p> <p>Evidence gathered</p> <p>There was no evidence forthcoming from either consultation.</p> | <p>National Islands Plan and Island Communities Impact Assessments Analysis of responses to the public consultation exercise August 2019</p> <p>Analysis of Responses to policy proposals for the review of Island Communities Impact Assessments Decisions (Scotland) Regulations under Section 9 of the Islands (Scotland) Act 2018</p> | <p>There is very little data about protected characteristics at an islands level.</p> <p>The nearest level of data available is at a local authority level or Health Board level.</p> <p>Action to be taken:</p> <p>Equality monitoring data will be obtained from the National Islands Plan survey,</p> |

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| <p>SEXUAL ORIENTATION</p> | <p>General</p> <p>Evidence gathered was very general in nature. In general terms, it confirmed that island rurality can exacerbate inequality already experienced on account of protected characteristics.</p> <p>There is very little data about protected characteristics at an islands level.</p> <p>Notwithstanding this, the evidence gathered was sufficient to conclude that the proposal will have a positive impact in addressing inequality in island communities.</p> <p>Evidence gathered</p> <p>Some concern was expressed at the lack of social contacts and inclusivity (notably regarding minority groups).</p> <p>There was a general comment that on one island there were no attractions for diversity or for queer people which hinders people moving there, but also causes “queer” migration to the cities.</p> | <p>National Islands Plan and Island Communities Impact Assessments Analysis of responses to the public consultation exercise August 2019</p> <p>Analysis of Responses to policy proposals for the review of Island Communities Impact Assessments Decisions (Scotland) Regulations under Section 9 of the Islands (Scotland) Act 2018</p> | <p>There is very little data about protected characteristics at an islands level.</p> <p>The nearest level of data available is at a local authority level or Health Board level.</p> <p>Action to be taken:</p> <p>Equality monitoring data will be obtained from the National Islands Plan survey,</p> |
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| <p>RACE</p> | <p>General</p> <p>Evidence gathered was very general in nature. In general terms, it confirmed that island rurality can exacerbate inequality already experienced on account of protected characteristics.</p> <p>There is very little data about protected characteristics at an islands level.</p> <p>Notwithstanding this, the evidence gathered was sufficient to conclude that the proposal will have a positive impact in addressing inequality in island communities.</p> <p>Evidence gathered</p> <p>Some respondents raised the issue of lack of representation within certain governance structures, with the notion that some particular groups (based on faith, sexuality, ethnic background) may be overrepresented to the detriment of minority groups.</p> | <p>National Islands Plan and Island Communities Impact Assessments Analysis of responses to the public consultation exercise August 2019</p> <p>Analysis of Responses to policy proposals for the review of Island Communities Impact Assessments Decisions (Scotland) Regulations under Section 9 of the Islands (Scotland) Act 2018</p> | <p>There is very little data about protected characteristics at an islands level.</p> <p>The nearest level of data available is at a local authority level or Health Board level.</p> <p>Action to be taken:</p> <p>Equality monitoring data will be obtained from the National Islands Plan survey,</p> |
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| <p>RELIGION OR BELIEF</p> | <p>General</p> <p>Evidence gathered was very general in nature. In general terms, it confirmed that island rurality can exacerbate inequality already experienced on account of protected characteristics.</p> <p>There is very little data about protected characteristics at an islands level.</p> <p>Notwithstanding this, the evidence gathered was sufficient to conclude that the proposal will have a positive impact in addressing inequality in island communities.</p> <p>Evidence gathered</p> <p>As indicated, some respondents raised the issue of lack of representation within certain governance structures, with the notion that some particular groups (based on faith, sexuality, ethnic background) may be overrepresented to the detriment of minority groups.</p> | <p>National Islands Plan and Island Communities Impact Assessments Analysis of responses to the public consultation exercise August 2019</p> <p>Analysis of Responses of to policy proposals for the review of Island Communities Impact Assessments Decisions (Scotland) Regulations under Section 9 of the Islands (Scotland) Act 2018</p> | <p>There is very little data about protected characteristics at an islands level.</p> <p>The nearest level of data available is at a local authority level or Health Board level.</p> <p>Action to be taken:</p> <p>Equality monitoring data will be obtained from the National Islands Plan survey,</p> |
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| <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>Not applicable</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 | Yes | | | It will allow residents on islands to apply for a review without any discrimination on age. |
| Advancing equality of opportunity | Yes | | | It will allow residents on islands to apply for a review to challenge a policy which does not advance equality of opportunity on islands. |
| Promoting good relations among and between different age groups | Yes | | | It will empower residents on islands to apply for a review to challenge any policy that might seek to discriminate between different age groups on islands. |

Do you think that the policy impacts disabled people?

| Disability | Positive | Negative | None | Reasons for your decision |
|--------------------------------------|----------|----------|------|---|
| Eliminating unlawful discrimination, | Yes | | | It will allow residents on islands to apply for a review if a policy discriminates against disabled person within island communities. |

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| harassment and victimisation | | | | |
| Advancing equality of opportunity | Yes | | | It will allow residents on islands to apply for a review to challenge a policy which does not advance equality of opportunity on islands for disabled people. |
| Promoting good relations among and between disabled and non-disabled people | Yes | | | It will empower residents on islands to apply for a review to challenge any policy that might seek to discriminate between disabled and non-disabled people. |

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 | Yes | | | It will allow residents on islands to apply for a review if a policy discriminates against men and women within island communities. |
| Advancing equality of opportunity | Yes | | | It will allow residents on islands to apply for a review to challenge a policy which does not advance equality of opportunity on islands between sexes. |
| Promoting good relations between men and women | Yes | | | It will empower residents on islands to apply for a review to challenge any policy that might seek to discriminate against men and women in island communities. |

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 | Yes | | | There is no direct impact. Indirectly, it will empower residents on islands to apply for a review to challenge any policy that might seek to discriminate against women because of pregnancy and maternity in island communities. |
| Advancing equality of opportunity | Yes | | | It will empower residents on islands to apply for a review to challenge any policy that might seek to discriminate against women in island communities. |
| Promoting good relations | Yes | | | It will empower residents on islands to apply for a review to challenge any policy that might seek to discriminate against women in island communities. |

Do you think your policy impacts on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex? (NB: the Equality Act 2010 uses the term ‘transsexual people’ but ‘trans people’ is more commonly used)

| Gender reassignment | Positive | Negative | None | Reasons for your decision |
|-------------------------------------|-----------------|-----------------|-------------|---|
| Eliminating unlawful discrimination | Yes | | | There is no direct impact. Indirectly, it will empower residents on islands to apply for a review to challenge any policy that might seek to discriminate against trans people in island communities. |

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| Advancing equality of opportunity | Yes | | | There is no direct impact. Indirectly, it will allow residents on islands to apply for a review to challenge a policy which does not advance equality of opportunity for trans people within island communities. |
| Promoting good relations | Yes | | | It will allow residents on islands to apply for a review to challenge a policy which discriminates against trans people in islands. |

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 | Yes | | | There is no direct impact. Indirectly, it will allow residents on islands to apply for a review to challenge a policy which discriminates against people because of their sexual orientation within island communities. |
| Advancing equality of opportunity | Yes | | | There is no direct impact. Indirectly, it will allow residents on islands to apply for a review to challenge a policy which does not advance equality of opportunity for people because of their sexual orientation within island communities. |
| Promoting good relations | Yes | | | There is no direct impact. Indirectly, through the engagement and review process, it will help promote good relations. |

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

| Race | Positive | Negative | None | Reasons for your decision |
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| Eliminating unlawful discrimination | Yes | | | There is no direct impact. Indirectly, it will allow residents on islands to apply for a review to challenge a policy which may be discriminatory within island communities. |
| Advancing equality of opportunity | Yes | | | There is no direct impact. Indirectly, it will allow residents on islands to apply for a review to challenge a policy which does not advance equality of opportunity for people because of their race within island communities. |
| Promoting good race relations | Yes | | | There is no direct impact. Indirectly, through the engagement and review process, it will help promote good relations. |

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 | Yes | | | There is no direct impact. Indirectly, it will allow residents on islands to apply for a review to challenge a policy which may be discriminatory within island communities. |
| Advancing equality of opportunity | Yes | | | There is no direct impact. Indirectly, it will allow residents on islands to apply for a review to challenge a policy which does not advance equality of opportunity for people because of their religion or belief within island communities. |
| Promoting good relations | Yes | | | There is no direct impact. Indirectly, through the engagement and review process, it will help promote good relations. |

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

| Marriage and Civil Partnership² | Positive | Negative | None | Reasons for your decision |
|---|-----------------|-----------------|-------------|----------------------------------|
| Eliminating unlawful discrimination | | | | This category is not applicable. |

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

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. You will need to consult your legal team in SGLD at this point if you have not already done so.

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| Have positive or negative impacts been identified for any of the equality groups? | All impacts identified have been positive. |
| Is the policy directly or indirectly discriminatory under the Equality Act 2010 ³ ? | No. |
| If the policy is indirectly discriminatory, how is it justified under the relevant legislation? | Not applicable. |
| If not justified, what mitigating action will be undertaken? | Not applicable. |

Describing how Equality Impact analysis has shaped the policy making process

The equality impact analysis has shaped the proposal in regard to ensuring that the review process, and in particular the application form, is easily accessible for those who might wish to make an application. It has also shaped consideration of the means of publishing ICIA's.

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

- ◆ The only change that has been made to the proposal as a result of the impact analysis has been to allow written applications as well as those in electronic format. It was considered that written applications should be allowed as some groups, particularly the elderly, are not computer literate.
- ◆ As a result of the data and evidence gathered through the EQIA process, no new work is envisaged at this stage in respect of equality impacts. The monitoring and review process will however inform whether any further work is needed should any equality impacts arise.
- ◆ It is not considered that there will be any implications on costs, resources etc. arising from the EQIA analysis.
- ◆ The ICIA review process will help develop better outcomes for people and island communities. The ICIA process has much in common with the EQIA. The EQIA process has helped inform considerations in respect of the ICIA process which is focused on delivering better outcomes for island communities.

Monitoring and Review

The monitoring and evaluation of this proposal will be key to measuring any impacts on equality issues. As indicated, from evidence gathered, only positive impacts have been identified. However, the monitoring and evaluation process of the ICIA review process will include consideration of equality issues should any arise.

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 Review of Island Communities Impact Assessments Decisions (Scotland) Regulations under Section 9 of the Islands (Scotland) Act 2018 and give my authorisation for the results of this assessment to be published on the Scottish Government's website.

Name: Catriona MacLean

Position: Deputy Director
Rural Economy and Communities Division

Authorisation date: 2 October 2020



